

Location: **Northway Filling Station
Great North Road
Hinworth
Baldock
Hertfordshire
SG7 5EX**

Applicant: **Welcome Break Group Ltd**

Proposal: **Redevelopment of the existing service station, including replacement of the existing filling station (use Class sui generis), construction of a drive thru coffee shop (use Class E), electric vehicle charging hub, car parking, and landscaping arrangements.**

Ref. No: 24/00444/FP

Officer: **Ben Glover**

Date of expiry of statutory period: 14/06/2024

Extension of statutory period: 31/10/2024

Reason for Delay: Awaiting a committee date and following negotiations to overcome objections.

Reason for Referral to Committee: Paragraph 8.4.5 (b) of the Councils constitution - The site area for this application is greater than 1 hectare.

1.0 **Site History**

1.1 Extensive site history on file. Relevant history set out below:

85/00996/1 - Redevelopment of petrol filling station, including erection of single storey building for shop and toilets, petrol pump islands, underground storage tanks and ancillary works following demolition of existing buildings – Granted Conditional Permission on 29/08/1985.

85/00724/1 - Erection of single storey building for restaurant with 38 parking spaces and ancillary works – Granted Conditional Permission on 27/06/1985.

80/01574/1 - Redevelopment of existing petrol filling station following demolition of cafe and sales kiosk by the erection of a new sales building with ancillary office and storage, new canopy over petrol pump forecourt and relocation of septic tank – Granted Conditional Permission on 27/11/1980.

80/01573/1 - Site and layout for restaurant and ancillary car parking area, installation of septic tank. Approval of details of restaurant and ancillary car parking area – Granted Conditional Permission on 27/11/1980.

2.0 **Policies**

2.1 **North Hertfordshire District Local Plan 2011 – 2031**

Spatial Strategy and Strategic Policies

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP3: Employment

Policy SP5: Countryside and Green Belt

Policy SP6: Sustainable transport

Policy SP9: Design and sustainability

Policy SP10: Healthy communities

Policy SP11: Natural resources and sustainability

Policy SP12: Green infrastructure, biodiversity and landscape

Development Management Policies

Policy CGB1: Rural Areas beyond the Green Belt

Policy T1: Assessment of transport matters

Policy T2: Parking

Policy D1: Sustainable design

Policy D3: Protecting living conditions

Policy D4: Air quality

Policy NE2: Landscape

Policy NE4: Biodiversity and geological sites

Policy NE7: Reducing flood risk

Policy NE8: Sustainable drainage systems

Policy NE9: Water quality and environment

Policy NE10: Water conservation and wastewater infrastructure

Policy NE12: Renewable and low carbon energy developments

2.2 **Supplementary Planning Documents**

Design SPD

Vehicle Parking Provision at New Development SPD (2011)

Sustainability DPF (2024)

2.3 **National Planning Policy Framework (2023)**

Section 2: Achieving sustainable development

Section 6: Building a strong competitive economy

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable transport

Section 11: Making effective use of land

Section 12: Achieving well-designed places

Section 14: Meeting the challenge of climate change, flooding and coastal change

Section 16: Conserving and enhancing the historic environment

3.0 **Representations**

3.1 **Site Notice:**

Start Date: 04/04/2024

Expiry Date: 27/04/2024

3.2 **Press Notice:**

Start Date: 28/03/2024

Expiry Date: 19/04/2024

3.3 **Neighbouring Notifications:**

One representation objecting to the proposal has been received from Northway House. The objection is summarised below and is available in full on the NHC website:

- The slip road existing onto the A1 is not shown.
- Northway House has not been shown on any of the plans submitted.
- The plans submitted will have a huge effect on the access in and out of Northway House, which is directly on the slip road out of the Northway Service Station.
- The amount of traffic generated would lead to disruption and likely to cause an accident.
- Many accidents have occurred to the BP service station opposite on the north bound side of the A1.
- Risk of vehicles running into pumps.
- Increase to the volume of noise to the rear garden of Northway House.
- More litter and more vermin.

3.4 **Parish Council / Statutory Consultees:**

National Highways England – Objection.

HCC Highways – Unable to provide comments as the site location sits beyond HCC's highways jurisdiction.

Lead Local Flood Authority – Objection.

Environment Agency – Objection.

Central Bedfordshire Council – No objection.

East Herts District Council – No comments received.

National Grid – No objection.

NHC Ecology – No comments received.

Environmental Health (Noise) – Objection.

Environmental Health (Air Quality) – No objection.

Environmental Health (Contaminated Land) – Objection.

Caldecote and Newnham Parish Council – No comments received.

Waste and Recycling – No comments received.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 Northway Filling Station is a motorway service station with existing petrol pumps, lorry pumps, and convenience store which forms part of the use of the site. The site features a large area of hardstanding and a large area of maintained grassland. To the south of the site is Northway House, a residential dwelling. There is also a fuel filling station on the opposite side of the A1 to the west. A brook runs along the northern boundary beyond which there is a hotel and restaurant. The northern and eastern edges of the site are bounded by trees, and there is an agricultural field to the east.
- 4.1.2 The application site is situated within the Rural Area beyond the Green Belt. The site is also situated within Flood Zone 3 (high risk area).

4.2 **Proposal**

- 4.2.1 Planning permission is sought for the redevelopment of the existing service station, construction of a drive-thru, EV charging, car parking, and landscaping.

4.3 **Key Issues**

- 4.3.1 The key issues for consideration include:
- The principle of development.
 - The economic benefits
 - The design and appearance of the proposal and the impact on the character and appearance of the area.
 - The impact of the development on the amenity of adjoining properties.
 - The impact of the development upon local highways, access, and parking.
 - Flood risk and drainage.
 - Ecological, landscape and greenspace considerations.
 - Environmental health considerations.

Principal of the Development within the Rural Area beyond the Green Belt

- 4.3.2 The application site is situated within the Rural Area beyond the Green Belt in which Policies SP5, CGB1, and CGB4 of the North Herts Local Plan (NHLP) are relevant in this case.
- 4.3.3 Policy SP5 sets out that the Council will operate a general policy of restraint in Rural Areas beyond the Green Belt through the application of detailed policies.
- 4.3.4 Policy CGB1 sets out several reasons that development could accord with to be granted. The applicant has set out within their planning statement that the development may comply with e) which states "*is a modest proposal for rural economic development or diversification*".
- 4.3.5 The proposed development would consist of the redevelopment of the existing service station. This would include the replacement of the existing filling station with a new filling station set further back within the site, the construction of a drive through coffee shop, and the provision of car parking, including 24 electric vehicle charging points.

- 4.3.6 The proposed development would result in a significant expansion upon the existing site. The area of hardstanding, whilst already large, would expand into much of the northern part of the site. In addition, the replacement petrol filling station would be significantly larger than the existing filling station. With the development also proposing the erection of a drive through coffee shop to the northern part of the site, the proposed development would not be a modest expansion of the site and would therefore fail to comply with Policy CGB1 of the NHLP.
- 4.3.7 Policy CGB4 of the NHLP sets out that replacement buildings should not have a materially greater impact on the openness or purposes of the Rural Area beyond the Green Belt.
- 4.3.8 As above, the proposed redevelopment of the site would result in a materially greater impact upon the Rural Area beyond the Green Belt.

Economic Benefits

- 4.3.9 Paragraph 85 of the NPPF sets out that planning decisions should help create the conditions in which businesses can invest, expand, and adapt. Paragraph 85 goes on to state “*significant weight should be placed on the need to support economic growth and productivity*”.
- 4.3.10 Paragraph 88 of the NPPF sets out that planning policy and decisions should enable the sustainable growth and expansion of all types of business in rural areas.
- 4.3.11 Policy ETC2 of the NHLP sets out that planning permission will be granted provided that the proposal is for small employment development and is appropriate to the location in terms of size, sale, function, catchment area, and / or historic and architectural character.
- 4.3.12 Policy ETC3 sets out that planning permission will be granted for new retail, leisure and other main town centre uses provided the proposal complies with the policy criteria.
- 4.3.13 The proposed development would result in the growth of the site allowing the business to expand. The development of the site would result in the creation of employment opportunities within the site. This includes up to 50 full time jobs, which would be a net increase of 40 compared to the existing site. Furthermore, additional jobs would also be created through the construction of the site and the development could contribute to job creation throughout the supply chain.
- 4.3.14 The economic benefits of the scheme, through the creation of jobs on site and throughout the supply chain, are considered significant in this case. The applicant also cites tourism benefits to the district through the provision of improved facilities to motorists. However, the benefits to tourism within the district are likely to be very limited given that the site would be a temporary stop for users likely travelling through the authority. Nevertheless, rest and refreshment facilities, along with the means to re-fuel vehicles, including electric vehicles on the strategic highway network are important for the users of that network.
- 4.3.15 In conclusion on this matter the proposal would deliver significant economic benefits to which significant weight is attributed in the planning balance.

Design and Appearance and impacts upon the character and appearance of the area

- 4.3.16 The NPPF sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 131 of the NPPF goes on to set out that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 4.3.17 Paragraph 135 of the NPPF sets out that planning decisions should ensure that development will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, be sympathetic to local character and history, establish or maintain a strong sense of place, optimise the site to accommodate and sustain an appropriate amount and mix of development, and to create places that are safe, inclusive and accessible and which promote health and well-being with a high standard of amenity for existing and future users.
- 4.3.18 Policy SP9 of the Local Plan sets out that the Council will '*support new development where it is well design and located and responds positively to its local context*'. This is repeated in Policy D1 of the Local Plan. Both Policy SP9 and D1 reflect the principles set out within the NPPF.
- 4.3.19 The proposed development would consist of a replacement petrol filling station and pumps, EV charging points, the erection of a drive-thru coffee shop, and additional hardstanding that includes parking provision.
- 4.3.20 Approximately half of the existing site is used for both car and lorry fuel filling. There is also a small convenience store on site associated with the petrol filling use.
- 4.3.21 The proposed development would be of a design appropriate to the use of the site. Directly across the A1 from the application site is a recently redeveloped petrol filling station. Given the siting of the development off the A1 and existing development nearby, the proposed redevelopment of the site would be of appropriate design and appearance in the context of the site.
- 4.3.22 Given the above, the proposed development would comply with both local and national planning policies. No objection is raised to the design and appearance of the proposed development and its impact upon the locality. The proposal would not have a significant visual impact upon the wider landscape.

Impact on Neighbouring Amenity

- 4.3.23 Policy D3 of the Local Plan sets out that planning permission will be granted for development proposal which do not cause unacceptable harm to living conditions.
- 4.3.24 The application site is neighboured by two properties. To the south is Northway House, a residential dwelling, and to the north is Brookside Lodge, a hotel. Also, further to the north of the site is Farrowby Farm. Finally, to the west of the site is Astwick Services (BP Filling Station).

- 4.3.25 Northway House, a detached residential property facing west toward the A1, is closest to the application site. There is a mature boundary of trees that run along the entire boundary with the neighbouring property obscuring any view of the application site. Therefore, whilst the replacement filling station would be larger and further set back, any additional overbearing impact compared to the existing situation would be very limited.
- 4.3.26 The northern part of the site is also separated from existing development to the north by mature vegetation and the Cat Ditch River, a brook that runs across the northern boundary of the site.
- 4.3.27 Given the above, it is considered that the impact the proposed buildings would have on the light and privacy, or nearby neighbouring properties would be acceptable.
- 4.3.28 The proposed development would likely result in a substantial increase in the use of the site. Increased use would give rise to additional traffic within the site and therefore more noise. The planning statement submitted alongside the application sets out that due to the ambient noise from the number of vehicles on the A1, the increased noise produced by the development would be mitigated by the ambient noise arising from the A1.
- 4.3.29 Following consultation with NHC Environmental Health, concerns have been raised in relation to the noise impact of the development. The Environmental Health comments are as follows:
- “The proposal represents an intensification of the land use alongside a re-configuration of the existing fuel filling station and the traffic using both sites has been re-routed. Notwithstanding that the site is adjacent to a very busy (and noisy) A1 carriageway, the changes may impact negatively on the adjacent residential premises, specifically towards the relatively sheltered rear. It would be prudent to undertake a noise survey to quantify any change in the noise environment before approving this application.”*
- 4.3.30 Given the lack of a noise survey to accompany the application, it is considered that there is insufficient information to identify whether the increased use of the site would result in a rise to the noise experienced by the adjoining neighbouring property, particularly within the rear garden and to assess the extent of any harm to the amenities of the neighbouring occupiers.
- 4.3.31 Therefore, the proposed development would fail to comply with Policy D3 of the Local Plan by reason of the likely increase in noise arising from the application site and its impact to the amenity of the neighbouring residential occupiers. Given the existing noise environment moderate weight is attributed to this harm.

Highway Impacts

- 4.3.32 Paragraph 115 of the NPPF states *“that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*
- 4.3.33 Policy T1 of the NHLP sets out the criteria for which development will be granted, including development that would not lead to highway safety problems or cause unacceptable impacts upon the highway network.

4.3.34 National Highways have been consulted as they are the highways authority in this case. National Highways have recommended the application not be approved until further information be submitted. National Highways require the submission of a Stage 1 Road Safety Audit due to the works proposed being immediately adjacent to a Strategic Road Network (SRN). Time has been given for the applicant to produce a Road Safety Audit (SRA), but this has not been submitted. This is not a matter that can be adequately addressed by a planning condition because the SRA relates to the acceptability of the proposal in terms of highway safety risk. Therefore, the proposal is currently non-complaint with both local and national planning policies and this is a matter to which significant weight is attached.

Parking

4.3.35 Policy T2 of the Local Plan sets out that planning permission will be granted provided parking for non-residential development has regard to the standards set out in the supplementary planning document.

4.3.36 The proposed development would have two parking areas with one servicing the drive thru element and the other serving the petrol station kiosk. The first would provide a total of 58 spaces including 4 disabled bays, 24 electric charging bays. The second parking area for the kiosk would provide a further 18 spaces, including 4 disabled bays.

4.3.37 The Council's parking standards does not provide a specific requirement for roadside service areas. The development is however considered to provide enough parking spaces for users of the site.

4.3.38 Whilst no cycle parking is provided for, it is considered unnecessary in this case in the given the nature of the proposal and its location and access off the A1.

4.3.39 In conclusion on this matter, no objection is raised to the number of parking spaces to be provided on site, and neutral weight is attached to this matter in the planning balance.

Flood Risk and drainage.

4.3.40 A Flood Risk Assessment (FRA) and Drainage Strategy accompanies the application, and these can be viewed on the Council's website. The FRA confirms that the only significant potential sources of flooding to the application site are fluvial flooding from the adjacent Cat's Ditch, which is an Internal Drainage Board maintained water course, and surface water flooding and that the existing service station is classed as less vulnerable. As the proposal is for the redevelopment and enlargement of an existing facility the FRA indicates that it is not feasible to consider alternative development sites outside Flood Risk Zones 2 and 3. A sustainable surface water strategy has been prepared for the development.

Paragraph 165 of the NPPF sets out that inappropriate development in areas at risk of flooding should be avoided and where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

4.3.41 Paragraph 180 of the NPPF sets out that planning decisions should prevent new and existing development from contributing to soil, air, water, or noise pollution.

4.3.42 Policy NE7 of the Local Plan sets out that planning permission will be granted provided that development be located outside of medium and high-risk flood areas.

- 4.3.43 The application site is in Flood Zone 3, the zone with the highest probability of flooding. The Environment Agency has been consulted and have objected to the proposed development. The objection relates to both flood risk and groundwater protection.
- 4.3.44 Planning Practice Guidance Table 2 provides guidance on which developments are incompatible with certain Flood Zones. Table 2 makes it clear that this type of development is not compatible within the Flood Zone and therefore should not be permitted.
- 4.3.45 The Environment Agency have also raised concerns that the type of development could potentially be contaminative to the principal and secondary aquifer on which the site is located.
- 4.3.46 Given the above, it is considered that the proposed development would fail to comply with both local and national planning policies. The proposal is situated within Flood Zone 3b and risks contributing to water pollution. This matter is attributed significant weight in the planning balance.

Ecology and Biodiversity

- 4.3.47 Policy NE4 of the Local Plan sets out that planning permission will only be granted for development proposals that appropriately protect, enhance, and manage biodiversity. The policy also sets out that all development should deliver measurable net gains in biodiversity and geodiversity, contribute to ecological networks and the water environment.
- 4.3.48 The application has been accompanied by a Biodiversity Net Gain (BNG) calculation which states that there would be a 52.47% net gain in area units and a 2828.48% net gain in hedgerow units however, there would be no change or gain in watercourse units.
- 4.3.49 Whilst the proposed development would provide a net gain in area units, the proposal would fail to provide any net gain watercourse units. Nevertheless, the BNG that would arise from the proposal is given significant weight in the planning balance.

Environmental Health:

- 4.3.50 Following consultation with Environmental Health, objections have been raised to noise and land contamination arising from the development due to insufficient information being provided for consideration.
- 4.3.51 The proposed development would represent an intensification in the use of the land. The changes could negatively impact the adjacent residential premises, specifically towards the sheltered rear garden of the neighbouring property. A noise survey has therefore been requested by Environmental Health. This matter has already been considered in the planning balance in terms of impact upon residential amenity.
- 4.3.52 Further information has also been requested in relation to land contamination. Whilst this matter could be addressed by an appropriately worded pre-commencement condition, the Environment Agency has indicated that a preliminary risk assessment must accompany the application to better understand the risks to ground water at the application stage. Such an assessment has not been submitted.

4.3.53 No objections have been raised to the proposed lighting scheme provided as part of the application.

4.4 Conclusion

4.4.1 The proposed development would result in a large increase to the scale of development within the site. The proposal would therefore not be considered a modest proposal for rural economic development in this case and would therefore fail to comply with Policy CGB1 of the Local Plan.

4.4.2 The development would however provide significant economic benefits in terms of the development of the site, job creation both on site and throughout the supply chain, and allowing the business to expand.

4.3.3 Given that the site features an established use similar to that proposed which would be of an acceptable design in the context of the locality, the harm to the Rural Area beyond the Green Belt would be outweighed by the economic benefits of the development proposed.

4.4.4 However there are objections from the Environment Agency and Highways England. The Environment Agency have raised two concerns. One relating to the risk of flooding with the site being within Flood Zone 3b. The second concern relates to the risk of water pollution from the use of the site. The development would fail to comply with Policy NE7 and NE11 of the Local Plan.

4.4.5 The Highways England objection relates to a lack of information being provided to ensure that the development would not result in a risk to highways safety. The proposal would therefore fail to comply with Policy T1 of the Local Plan.

4.4.6 Furthermore, objections have been raised to the impact the development would have to neighbouring amenity in terms of noise. In the absence of information to show that the intensification in the use of the site would not give rise to unacceptable noise to the living conditions of neighbouring residential occupiers it is considered that this weighs against the proposal and that the development would fail to comply with Policy D3 of the Local Plan.

4.4.7 Therefore, on balance, in the absence of information necessary to make a positive recommendation, it is considered that the economic benefits that would arise from the development would not outweigh the harm identified and the proposed development would fail to comply with the provisions set out within both the North Hertfordshire Local Plan and the National Planning Policy Framework.

5.0 Alternative Options

5.1 None applicable.

6.0 Pre-Commencement Conditions

6.1 None applicable.

7.0 **Legal Implications**

7.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

8.0 **Recommendation**

That planning permission be **REFUSED** for the following reasons:

1. Insufficient information has been provided to show that the proposed development, by reason of its siting and intensification of use, would not result in unacceptable harm to the amenities of the neighbouring residential occupiers. Therefore, the proposed development would be contrary to the provisions of Policy D3 of the North Hertfordshire Local Plan 2011-2031 and the National Planning Policy Framework (December 2023).
2. Insufficient information has been provided with the application to show that the proposed development would not result in a risk to highway safety. Therefore, the proposed development would fail to comply with Policy T1 of the North Hertfordshire Local Plan 2011-2031 and the National Planning Policy Framework (December 2023).
3. The proposed development, by reason of its siting in Flood Zone 3, is not a compatible development within this flood zone as set out in Table 2 of the Planning Practice Guidance (Reference ID: 7-079-20220825). The proposed development would therefore fail to comply with Policy NE7 of the North Hertfordshire Local Plan 2011-2031 and the National Planning Policy Framework (2023).
4. The proposed development is located upon a principal and secondary aquifer. Insufficient information has been provided with the application to show that the proposal would not result in contamination of the aquifer and in the absence of information to indicate otherwise the proposal would fail to comply with Policy NE11 of the North Hertfordshire Local Plan 2011-2031 and the National Planning Policy Framework (2023).

Proactive Statement

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.