

| | |
|-------------------|--|
| <u>Location:</u> | Northway Filling Station Great North Road Hinworth Baldock Hertfordshire SG7 5EX |
| <u>Applicant:</u> | . |
| <u>Proposal:</u> | Temporary consent allowing for the erection of a detached food-to-go building (Greggs Pod) and other associated minor site alterations including the formation of vehicle parking for a period of two years (development already commenced) |
| <u>Ref. No:</u> | 25/02260/FP |
| <u>Officer:</u> | Melissa Tyler |

Date of expiry of statutory period: 8th April 2026

Extension of statutory period: No. A revised ownership certificate was completed as a possible owner of part of the site was not originally notified by the applicant. However, this was addressed and notice served by the applicant. Consequently, the statutory period re-commenced. However, the application site and the proposal remain unchanged and therefore re-consultation was unnecessary.

Reason for Delay: The submission of the revised ownership certificate restarted the statutory period and therefore there is no delay.

Reason for Referral to Committee: Following Parish Council Objections and neighbour objection Cllr Tom Tyson has called this in.

1.0 Policies

National Planning Policy Framework

Section 2: Achieving sustainable development

Section 4: Decision making

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 15: Conserving and enhancing the natural environment

Supplementary Planning Document.

Design SPD 2011

Sustainability SPD 2024

Vehicle Parking Provision at New Development SPD

North Herts Local Plan 2011-2031 Local Plan and Proposals Map

Policy SP1: Sustainable Development in North Hertfordshire
Policy SP2 Settlement Hierarchy and Spatial Distribution
Policy SP4 Town Centres, Local Centres and Community Shops
Policy SP5 Countryside and Green Belt
Policy SP6: Sustainable Transport
Policy SP9: Design and Sustainability
Policy SP12 Green infrastructure, landscape and biodiversity
CGB1 Rural Areas beyond the Green Belt
CGB2b Community Facilities, Services and affordable housing in the Rural Areas
ETC3 New Retail, leisure and other main town centre development
Policy T1: Assessment of Transport Matters
Policy T2: Parking
Policy D1: Sustainable Design
Policy D3: Protecting Living Conditions
NE 7 Reducing Flood Risk

2.0 Site History

2.1 **24/00444/FP** 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. **WITHDRAWN**

2.2 **25/00142/1ENF** Temporary Stop Notice for works commenced on site

3.0 Representations

Statutory Consultees

3.1 **Caldecote and Newnham Parish Council** - Parish Council would like to object to the Northways Filling Station Planning Application on the grounds of highway safety and harm to the amenity of the neighbours

3.2 **Herts Highways** – The Highway Authority previously provided comments on a similar application, and these remain applicable. As the site does not have access via a highway maintainable at public expense, we are unable to offer any further observations or recommendations. The responsibility for internal access and associated arrangements rests with National Highways and the applicant.

3.3 National Highways – First comment

recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons)

The submitted Transport Statement (TS) states that the proposed development will not see a material change in trips compared to the existing site. However, it is noted that provision for 11 parking spaces is being made, implying an additional need. A trip generation exercise should be undertaken and submitted for approval. There is also concern regarding the layout of the proposed development. The layout as shown does not allow any user to use both the car park for the food pod, and the filling station in the same visit. The restricted widths and road markings only allow for one way movement and could lead to dangerous manoeuvres within the site, including reversing out of the filling

station to travel up to the car park to the detriment those trying to come off the A1. The layout should be modified to address this safety concern.

Second Comment following additional information and layout plan amended – offer no objection (see reasons at Annex A).

We are satisfied that the proposal would not materially affect the safety, reliability and/ or operation of the strategic road network.

3.4 **Environment Agency** - *we have reviewed the information submitted and have no objection to the proposals nor any conditions to request*

3.5 **LLFA – First Comment**

We have concerns that the submitted information does not meet with NPPF, PPG or the LLFA Flood Risk Management Strategy policies and the proposal will either increase the risk of flooding elsewhere or to the proposed development. We provide the following technical review for your consideration. As this is a retrospective application, it remains unclear whether the applicant has constructed over an ordinary watercourse. The site is located within an area identified as being affected by surface water flooding; however, it is not evident whether this represents a defined flow path or static ponding which the drainage scheme would have to account for. While fluvial flood modelling and mitigation measures may be sufficient, no supporting information has been provided to confirm this from the Environment Agency. Additionally, there is no evidence of attenuation features, watercourse treatment, or the inclusion of Sustainable Drainage Systems (SuDS) within the design. The submission also lacks details regarding the drainage system's capacity. Detailed drainage network calculation and its potential for multifunctional use.

LLFA – Second comment – OUTSTANDING FOLLOWING DISCUSSIONS BETWEEN AGENT AND LLFA – see Recommendation 5.1A for resolution to grant subject to LLFA response.

Other Consultees

3.6 **North Herts Ecologist** - No comments to make on the above

3.7 **Neighbour Representations**

Representations received from Neighbours – (All representations are available on the website in full)

Northway House - (Planning Consultant representation)

Summary: first representation

This application represents an intensification of use of this site. The existing conflicting access arrangements at the exit of this site pose a highways safety concern and this has not been adequately addressed with this application. Without any additional information and road safety analysis this application should be refused on the basis of a lack of information. We trust that Highways England will share our concerns with this application and that they have been consulted on this proposal.

Summary: second representation

In summary to our position, we believe that an intensification of the use of the exit from the service station will occur, the National Highways response to the previous application is still valid. A safety audit of the exit arrangements needs to be carried out in order to assess whether there is a danger to the existing users of the site and that of the residential property. To enable any intensification of use of this site, now or in the future, the existing exit arrangements need to be addressed. Also have queried land ownership.

Summary: third representation

The revised ownership certificate is a change in circumstance, and no increase or new planning applications should be permitted without a change of arrangement to the slip road. The significant risk of an accident should be taken as a priority and permission refused. The advice of Highways England that a neighbour access their property via the forecourt to the filling station shows the conflict that has arisen.

Cotey's Restaurant, A1 South, Hinxworth, SG7 5EX,

1. **Loss of Business Viability:** The proposed development is likely to divert traffic away from my business which has been there for 6 years currently, reduce customer accessibility, or create direct competition that could threaten the sustainability of my operations. This would result in a significant loss of revenue and could jeopardize the livelihoods of my employees.

2. **Reduced Customer Accessibility:** Changes to site layout and increased traffic may make it harder for customers to access local businesses, discouraging repeat visits.

3. **Traffic and Accessibility Issues:** Increased traffic and confusing site entrances could create dangerous situations, making it less appealing for customers to visit nearby businesses. As this is Greggs is a popular food chain, this will increase traffic to this site, more than what currently do i.e. just use this for fuel, which is further compounding the negative impact.

Previously development has been withdrawn after the Highways department requested a traffic survey be conducted, to my knowledge this has not been completed therefore without this how can the site accommodate the additional traffic that Greggs will increase, therefore raising additional safety concerns.

4. **Economic Impact:** Threats to business viability could result in job losses and negatively affect the livelihoods of employees.

5. **Disruption During Construction:** Construction activities have already caused temporary power outages, which can disrupt business operations.

6. **Unnecessary Competition:** The presence of another Greggs nearby (at Baldock service station) makes the new development redundant and intensifies competition for local independent food outlets.

7. **Planning permission:** The subject planning application was applied after the commencement of building work without the relevant permission, note previously applications were denied or withdrawn for the same site.

4.0 Planning Considerations

4.1 Site and Surroundings

4.1.1 The application site is Northway Services consisting of a petrol filling station (PFS), linked kiosk store, pumps, canopy and hardstanding to the east of the PFS and forecourt. The proposal relates to existing hardstanding to the east of the Site.

4.1.2 The services serve southbound traffic on the A1. Informal parking areas are located at the northern and eastern elements of the Site. Separate vehicular and pedestrian access/exists are located to the north and south of the Site.

4.1.3 Neighbouring property Northway House is accessed via the current slip road out of the Northway Service Station.

4.2 **Proposal**

4.2.1 Planning permission is sought for the temporary permission allowing for the siting of a single storey detached food-to-go building (E(a) - Display/Sale of goods other than hot food - Greggs Pod) with an gross internal floor space of approximately 66 sqm and other associated minor site alterations including the formation of vehicle parking for a period of two years.

4.2.2 No alteration to the existing vehicular and pedestrian access is proposed by way of the proposal.

4.2.3 The proposed building has already been commenced on site and is substantially in its finished form. It has a flat roof design. It is constructed from timber cladding to the side elevations, and grey coloured render to the front and rear elevations. Windows and a door proposed within the front elevation. External condenser units are also proposed to the rear elevation.

4.2.4 None of the landscaping or parking arrangements have been commenced on site. The application therefore considers the proposed addition of 11 parking spaces including DDA provision are to be provided (see Layout plan) including 2 EV charging points.

4.2.5 The application form has stated that additional 5 full time employees and the opening hours have been confirmed by the agent. The PFS is 24 hrs but the Greggs pod will be open from 05:30 until 20:00.

4.3 **Key Issues**

4.3.1 The key issues are:

- Principle of development and Policy compliance
- Design and layout, visual impact on the character of the area
- Impact on neighbouring properties
- Highway access and car parking
- Biodiversity net gain, Landscape and Ecology
- Planning Balance

Introduction to principle of development and Policy compliance

4.3.2 The North Hertfordshire Local Plan was adopted in November 2022 and is now part of the development plan, where full weight shall be given to relevant policies. The National Planning Policy Framework (NPPF) is a material consideration attracting significant weight.

The Rural Area beyond the Green Belt

- 4.3.3 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 4.3.4 Policy SP5: Countryside and Green Belt of the Local Plan operate a general policy of restraint in rural areas beyond the green belt through more detailed policies such as CGB1. The planning application for a temporary Greggs retail pod at a service station on the A1 as the site lies within the Rural Area Beyond the Green Belt. That designation carries a presumption against new development unless very specific criteria are met.
- 4.3.5 Development in the Rural Area Beyond the Green Belt is not ruled out entirely but is strictly controlled and only permitted where it clearly fits into one of these limited categories.
- 4.3.6 The proposed Greggs retail pod at the Northway service station is a commercial retail use. In planning terms, it would be assessed as:
- A new retail/food service, not agricultural or forestry.
 - Not inherently related to an existing rural building other than the petrol station
 - Not infilling a village centre.
 - Not providing outdoor recreation, sport or community facilities
- 4.3.7 Even if CGB1 is engaged, the Planning authority must look at other parts of the Local Plan and national planning policies and guidance:
- Retail and economic policies (e.g., how proposals outside town/village centres impact retail hierarchy and town centres).
 - Transport and access standards given the A1 context.
 - Design and landscape impact,
 - Flooding and sustainable development
 - Temporary permissions: Local authorities can grant temporary consent where an otherwise unacceptable proposal is justified for a limited period on specific planning grounds.
- 4.3.8 As above the development doesn't meet CGB1, however, material considerations to be taken into account are as follows:

Economic Growth

- 4.3.9 The proposed retail pod will generate jobs, be a convenience for drivers given the existing use of the site and enhance the offer of the existing Filling Station for increase in local economic activity. Paragraphs 90-95 of the NPPF state that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider opportunities for development. Planning decisions should also recognise the specific locational requirement of different sectors.

Retail Impact

- 4.3.10 Paragraph 94 of the NPPF states that an assessment of retail impact is necessary for proposals above 2,500 sq. m, that are not located within a Town Centre location, unless a locally set floorspace threshold indicates otherwise. Policy ETC3 of the Development Plan sets a local level threshold of 500 sq. m for an assessment of retail impact. The proposed unit is approximately 73.5 Sqm. Accordingly, an assessment of matters relating to retail impact is not required in support of the application.
- 4.3.11 The proposed development is therefore acceptable from a retail impact perspective and complies with Paragraph 94 of the NPPF, and Policy ETC3 of the Local Plan.

Access and Highway Safety

- 4.3.12 The Filling service station is located on the A1 and the proposal would utilise the existing access and egress. This is discussed further in the report.

Design and layout, visual impact on the character of the area

- 4.3.13 Policy D1 of the Local Plan states that planning permission will be granted provided that development responds positively to the site's local context in addition to other criteria. Policy SP9 of the Local Plan further considers that new development will be supported where it is well designed and located and responds positively to its local context. These considerations are echoed in Section 12 of the NPPF.
- 4.3.14 The development is located at the eastern side of the site and located on existing hardstanding. Views of the pod are generally limited to passing vehicles on the A1. The building has a flat roof design, and materials include timber cladding to the side elevations, and grey coloured render to the front and rear elevations. Windows and a door are to the front elevation. External condenser units are also proposed to the rear elevation. These materials and design are like the existing PFS and canopy which have a flat roof design and finished in modern materials. The unit to be occupied by Greggs assimilates well within its immediate context.
- 4.3.15 The proposed layout shows the existing entrance to the site is to be used by the PFS and the retail pod. A customer would enter the site and initially choose the PFS or drive onto the entrance to the rear of the site. Nine parking spaces and two EV charging spaces are provided. The EV and DDA spaces located at the front of the pod. There is sufficient turning area for the cars to reverse out of spaces and leave the site from the existing exit. Customers who use the PFS first would turn left to gain access to the pod parking area. New planting areas and retained trees and hedgerows are shown on the layout plan (23C). This plan also highlights signage to direct and inform customers of forecourt restrictions.
- 4.3.16 The development is therefore in accordance with Policies SP9 and D1 of the Local Plan and Section 12 of the NPPF.

Impact on neighbouring properties

- 4.3.17 Policy D3 of the Local Plan states that planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions.
- 4.3.18 Given the distances between the scheme and the nearby dwelling house, the existing boundary treatment, flat topography, and the scale and layout, it is considered that this proposal would not give rise to any materially adverse harm upon the reasonable living conditions and well-being of occupiers of neighbouring dwelling.
- 4.3.19 The proposed additional retail use of this site would not result in any materially adverse impacts upon the reasonable living conditions and well-being of occupiers of neighbouring properties and the living conditions of future occupiers would be acceptable. This is in accordance with Section 12 of the NPPF and Policy D3 of the Local Plan.

Highway access and car parking

- 4.3.20 Paragraph 116 of the NPPF confirms that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.3.21 Local Plan Policy T1 requires that the development should not result in highway safety problems or to cause unacceptable impacts on the highway network, whilst Policy T2 requires that new development meet the car parking requirements.
- 4.3.22 The proposal seeks to create a new internal layout and car parking area to facilitate the use of the pod. The proposed new road layout would direct vehicles to either the filling station or to the pod whilst allowing vehicles to move through the site to access the pod after using the filling station. It is proposed to increase the number of parking spaces on site with an additional 11 spaces including disabled spaces and Electric Charging points.
- 4.3.23 The National Highways Authority have been consulted on this application and offer the following comments

“We are satisfied that the proposal would not materially affect the safety, reliability and/or operation of the strategic road network. As such, National Highways would offer no objection.”

- 4.3.24 As such, the proposal is considered acceptable in highway safety and parking terms, in line with Policy T1 of the Local Plan.

Flooding, Landscape and Ecology

LLFA – Flooding

- 4.3.25 Following consultation under this application, the LLFA sought additional information. The applicant has provided feedback relating to details of drainage measures that the LLFA have been consulted on, but they have not yet responded. It is considered that any outstanding matters relating to these new plans are technical and can be dealt

with by condition as necessary. This matter is addressed in the recommendation at 5.1 a) of this report.

Landscape

- 4.3.26 The Site comprises of existing hardstanding. It does not include any landscaping or any element of ecological quality. A landscaping plan has been submitted as part of the application. The plan shows planting which will result in an improvement in the visual amenity of the site in this regard when compared with the existing arrangements. I have recommended a landscaping condition to safeguard any vegetation or trees to be maintained.

Ecology

- 4.3.27 North Herts Ecologist was consulted and given the existing site context and proposed site of the development no comments were made.

Other Issues

- 4.3.28 The objections and concerns raised by objectors have been given careful consideration. Concerns relating to traffic and highway safety have been addressed in the report above.
- 4.3.29 Following consultation with National Highways, no objections have been received to the proposed development and officers consider that refusal on highway safety grounds would not be justified.

Planning Balance

- 4.3.30 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the site includes the North Hertfordshire Local Plan 2011–2031, within which the application site lies in the Rural Area beyond the Green Belt and is therefore subject to Policy CGB1.
- 4.3.31 The proposal comprises the erection of a retail pod within the curtilage of an existing service station adjacent to the A1. The development does not fall within any of the categories of development identified as acceptable in principle under Policy CGB1. The proposal is therefore contrary to that policy. However, failure to strictly comply with policy CGB1 with no associated harm to the rural character of the countryside would attract limited weight in the planning balance. The countryside is not protected for its own sake with the NPPF confirming at paragraph 187 that decisions should recognise the character and beauty of the countryside.
- 4.3.32 The site forms part of an established roadside service station located immediately adjacent to the A1 and is previously developed land. The proposed retail pod would be contained entirely within the existing developed envelope of the site and would not result in the extension of built development into the open countryside. The scale, siting and function of the proposal would be read in the context of the existing commercial use of the site and the adjacent strategic road infrastructure.
- 4.3.33 The proposal would not result in harm to the character or appearance of the rural area. There would be no adverse impact on landscape character, openness, or visual amenity, and the development would not undermine the overall objectives of Policy CGB1, which seek to protect the countryside from inappropriate and sporadic development.

- 4.3.34 Significant weight is afforded to the efficient reuse of previously developed land in a sustainable location, in accordance with national planning policy which supports development that makes effective use of land and existing infrastructure. The proposal would also provide modest economic benefits through job creation and enhanced facilities for road users, which attract positive weight.
- 4.3.35 There are no identified adverse impacts in respect of highway safety, residential amenity, ecology, flooding, or other material planning considerations, and the proposal is capable of being appropriately controlled through conditions. Neutral weight is attributed to the absence of harm.
- 4.3.36 On balance, while the proposal is not fully in accordance with Policy CGB1 of the Local Plan, the absence of harm to the character and appearance of the rural area tempers this policy conflict. The development uses previously developed land, and the associated economic benefits, albeit moderate, are considered to constitute material considerations that outweigh the identified policy conflict. Accordingly, having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004, it is concluded that planning permission should be granted, subject to conditions.

4.4 Conclusion

- 4.4.1 It is concluded that the proposal would be sustainable development, and that planning permission should be granted subject to the recommended conditions.

4.5 Alternative Options

None applicable

4.6 Pre-Commencement Conditions

- 4.6.1 The agent has confirmed agreement to the pre-commencement conditions.

4.7 Climate Change

- 4.7.1 The NPPF supports the transition to a low carbon future and the increased use of renewable energy sources. North Hertfordshire District Council has declared itself a Climate Emergency authority and its recently adopted Council Plan (2020 – 2025) seeks to achieve a Council target of net zero carbon emissions by 2030 and protect the natural and built environment through its planning policies. Local Plan Policy D1 seeks to reduce energy consumption and waste. The development includes two charging points for EV cars.

5.0 Recommendation

- 5.1 That planning permission is resolved to be **GRANTED** subject to the following:
- A) The resolution of the LLFA matters to the satisfaction of the Local Planning Authority with the imposition of planning conditions or amendment of planning conditions as necessary with any actions required pursuant to LLFA response being devolved to the Development and Conservation Manager and Chair of the Planning Control Committee; and

B) Further Extensions of Time to the statutory determination date as may be required;
and

C) Conditions and Informatives as set out below:

This development is not subject to the statutory Biodiversity Gain Plan condition because it is considered exempt under the statutory exemptions (<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>) or transitional arrangements in respect of the biodiversity gain condition.

1. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

2. The 'Greggs' pod hereby permitted shall be discontinued and removed on or before 2 years from the date of this approval, unless planning permission is sought to formalise the development in perpetuity.

Reason: Permission has been granted for a temporary period solely to monitor the use and the appropriateness of the development in regard to amenity.

3. The use hereby permitted shall not be open to customers outside the following times:

05:30hrs to 20.00hrs Monday to Sundays.

Reason: To protect the amenity of existing residents and in accordance with Policy D3 of the North Hertfordshire Local Plan 2011-2031.

4. The premises hereby permitted shall be used for E(a) - Display/Sale of goods other than hot food

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission

5. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

Proactive Statement

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.