

APPLEGREEN NORTHWAY, A1

PLANNING STATEMENT

01 SEPTEMBER 2025



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1.0 INTRODUCTION

- 1.1 This Planning Statement has been prepared by Montagu Evans LLP on behalf of PGUK TRSA 1 Limited (“the Applicant”) in relation to Applegreen Northway, A1, Stotfold, Baldock, SG7 5EX (“the Site”).
- 1.2 The Site is owned and operated by the Applicant as a roadside services within a direct access to the A1 serving southbound traffic.
- 1.3 The application proposals are temporary in nature and comprise the part retrospective erection of a food-to-go unit to be occupied by Greggs and associated development (“Proposed Development”). The description of development comprises:
- “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 (part retrospective).”*
- 1.4 The existing facility is tired in nature. It does not provide the level of facilities that could be expected from a modern roadside services. The proposals will enable a broadening of the food and beverage offer at the Site, making use of existing hardstanding and not resulting in the loss of greenfield land.
- 1.5 The proposed development will facilitate the occupation of the Site by Greggs. It will enable the creation of approximately 5 FTE jobs, as well as providing significant improvement to the services.
- 1.6 The application relates to the provision of facilities at the Site in isolation. No existing Greggs outlet within the District Council area will be closed in the event that planning permission is approved for the proposed development.
- 1.7 The purpose of this Planning and Retail Statement is to provide information to allow the necessary consideration of the proposal. It sets out how the planning policies and all other material considerations relevant to the determination of the application have been considered in the evolution of the scheme and that the application is compliant with all such considerations, the help inform the overall planning balance judgement.
- 1.8 The remainder of the Report is structured as follows:

Section 2: The Application Site and Relevant Planning History – This section explores the application site in some detail, including its history and links to the wider area.

Section 3: The Proposed Development – The section provides an overview of the development proposals in terms of use and amount.

Section 4: Relevant Planning Policy – This section identifies all of the relevant planning policy, both at a national and local level which will need to be addressed by the application. At a national level, this includes the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG). At a local level, this includes the North Hertfordshire Local Plan 2011 – 2031 (adopted 2022).

Section 5: Planning Considerations – This section will consider material planning considerations linked to the proposed development.

Section 6: Summary and Conclusions – Here we provide a summary of the key planning issues and will provide the conclusions of the assessment. We conclude that the proposed development is fully in line with national and local planning policy and should therefore be considered positively by the Local Planning Authority.

2.0 SITE AND SURROUNDING AREA

- 2.1 The Site is located immediately east of the A1 with direct access taken from it. It measures approximately 0.29 ha in extent.
- 2.2 Development on Site comprises Northway Services consisting of a petrol filling station (PFS), linked kiosk store, pumps, canopy and hardstanding to the east of the PFS and forecourt. Specifically, the proposal relates to existing hardstanding to the east of the Site.
- 2.3 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.
- 2.4 A review of the the North Hertfordshire Local Plan 2011 – 2031 confirms that the Site is located beyond the Settlement Boundary and within a rural area beyond the Green Belt.
- 2.5 The Site is bounded to the west by the A1 which comprises significant highway infrastructure. To the north is vacant land and to the south is a residential property. Vacant land is to the east.
- 2.6 The nearest bus stops are located at Old Rectory some 1.3 KM west of the Site. The W3, W3S, W6A, W10 services run from it to a variety of locations.
- 2.7 A review of the Environment Agency's Flood Mapping reveals that elements of the Site are within Flood Zones 2 and 3 for the purposes of achieving a planning permission.

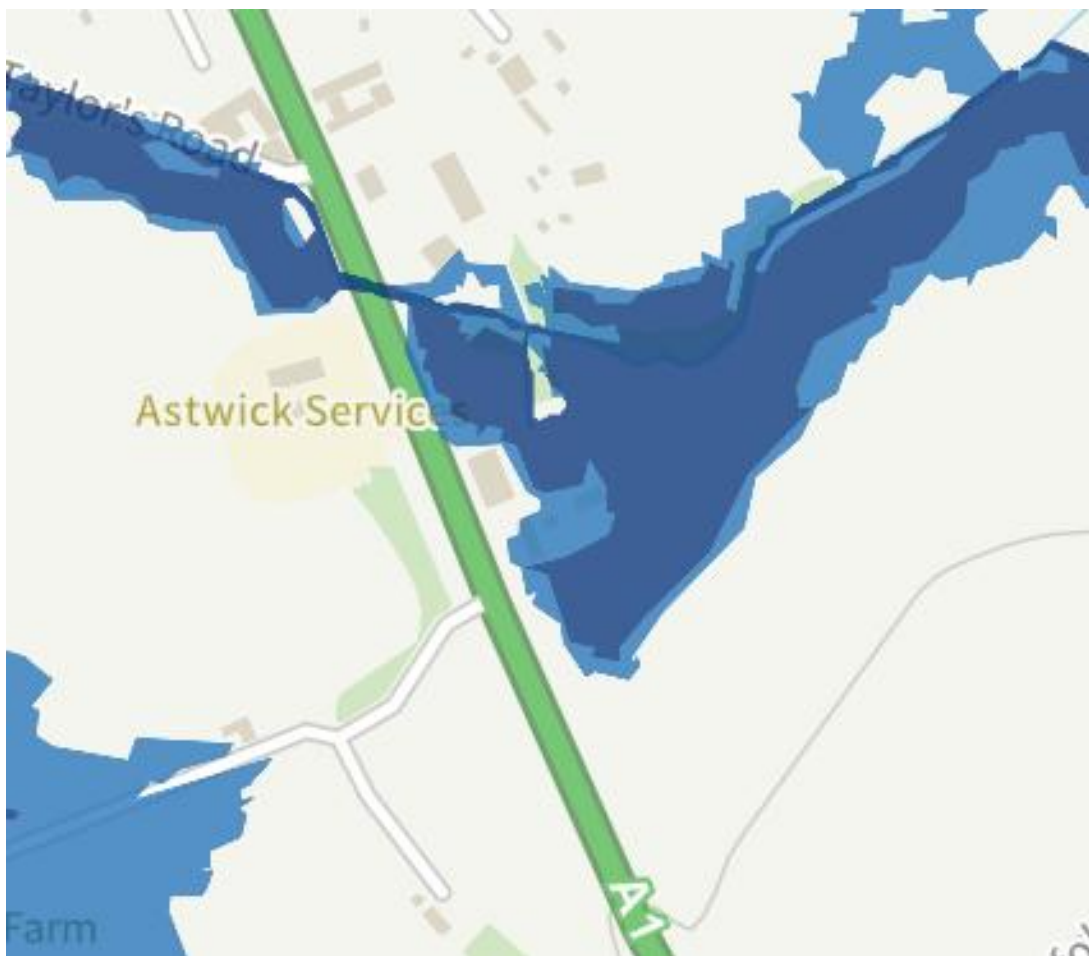


Figure 1 – EA Flood Mapping Extract.

- 2.8 No element of the Site is subject of a statutory listing, nor identified as a locally listed building. The Site is not within a Conservation Area. There are no TPOs within it. There is a Grade II listed building (Tudor Oaks Motel) located approximately 300 metres north of the Site.
- 2.9 In light of the above, the Site comprises brownfield land consisting of a roadside services. It surrounded by undeveloped land on the eastern side of the A1 save for a residential dwelling to the south, tired in appearance and lacking in facilities compared to the services opposite it which serves northbound traffic on the A1.

Application Site Planning History

- 2.10 The Site has an extensive planning history as summarised in the table below:

Application Number	Description of Development	Decision	Date
80/01574/1	Redevelopment of existing petrol filling station following demolition of café and sales kiosk by the rection of a new sales building with ancillary office and storage, new canopy over petrol pump forecourt and relocation of septic tank	Approved	27/10/1980
85/00724/1	erection of single storey building for restaurant with 38 parking spaces and ancillary works	Approved	27/06/1985
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'	Approved	29/08/1985
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	15/10/2024

- 2.11 The most recent application at the Site comprised LPA Ref. 24/00444/FP proposed the comprehensive redevelopment of the Site as part of an upgrade to the existing services. The application was withdrawn in October 2024.
- 2.12 Given the small scale and temporary nature of the proposal subject of this Statement it comprises a fresh chapter in the planning history of the Site and should be determined in accordance with national and local policy.

3.0 THE PROPOSED DEVELOPMENT

- 3.1 The proposed development comprises an application for temporary planning permission comprising the erection of a detached food-to-go building and other associated minor site alterations at Northway Services. The application is part retrospective in nature with the Greggs unit having largely been constructed but works to provide car parking not yet undertaken.
- 3.2 The unit is to be occupied by Greggs. It will be temporary in nature for a 2-year period.
- 3.3 The specifics of the proposed development are set out below.

Layout

- 3.4 The proposal relates to land to the east of the Site which comprises hardstanding and not utilised in the operation of the services other than in an informal nature for vehicle parking. Physical development comprises a detached unit to be occupied by Greggs. Minor alterations to the car park are proposed linked to the creation of 11 spaces including DDA provision.
- 3.5 No alteration to the remainder of the Site is proposed.

Character

- 3.6 The proposal intends to improve facilities for motorists using the Site. Amplified by the dated nature of the existing kiosk store, the food and beverage offer within the services are not in accordance with contemporary expectations of motorists or the Appellant, a leading provider of roadside services.
- 3.7 The proposed development will mesh seamlessly with the existing character of Site in addition to be largely screened from the A1 and surrounding land given it will be sunk into the eastern periphery of the Site.
- 3.8 The scale of the proposed unit comprises 73.5 (GEA) Sq. m.
- 3.9 The Site is immediately accessible via the A1. It comprises highway infrastructure in the form of a roadside facility. The prevailing use or function of the Site will not be altered by the proposal.
- 3.10 In accordance with the trading characteristics of the existing roadside facility, it is the intention for the unit to be operated 24hr daily.

Appearance

- 3.11 The Site as existing comprises hardstanding to the east of the site is therefore brownfield in nature. It provides no service to users of the services nor a beneficial quality to the operator / Applicant.
- 3.12 The proposed building will be of a high-quality appearance. It will be a single storey in nature and mesh seamlessly within its surrounds complimenting the development as existing.

Access

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

Parking

- 3.14 The proposed development will result in the formalisation of parking areas in the eastern element of the Site. It will result in the creation of 11 spaces including DDA provision.

Movement

- 3.15 The proposed development comprises an improvement to an existing roadside services. No alteration is proposed to the access or egress from the Site nor the movement of vehicles within it.

Landscaping and Biodiversity

- 3.16 The application Site comprises hardstanding. The development will not result in the removal of existing landscaping, nor does the proposal provide an opportunity to enhance landscaping within the roadside facility. Accordingly, it falls below the threshold for a Biodiversity Net Gain Assessment as no existing habitats will be impacted upon by the proposal.

Sustainability

- 3.17 The proposed building will incorporate a sustainable design through a series of measures:
- Waste and use of recycled material in construction to be selected for robustness, reducing embodied energy through a longer life span.
 - The waste hierarchy will be applied – design, reduce, reuse, recycle, dispose.
 - Waste segregation and recycling put in place to minimise waste to landfill.
 - Temperature control assisted by using automatic entrance doors to retain heat and achieving the required air tightness levels.
 - Green technology within fit-out utilising low energy efficient lighting; low energy kitchen appliances used; half-hourly energy metering employed.

Need for the Proposed Facility

- 3.18 Based on their market leading experience, the Applicant has identified a need for an upgrade to the existing facility to provide a greater range of food and beverage options for passing motorists using the Site.
- 3.19 As existing, the facilities are limited to fuel and the PFS kiosk store which is of relatively small scale in the context of such facilities. The proposal will provide a dedicated food and beverage offer and increased choice and value for customers.
- 3.20 Contemporary roadside services / PFS typically provide 1 / 2 separate food and beverage facilities beyond those within the PFS kiosk store – often in the form of food to go / drive thru units. The proposed development will therefore represent an improvement to the wider facility and result in benefits for the users of it. This is evidenced by the facility opposite the Site serving northbound traffic on the A1 and includes a PFS, kiosk store of larger scale than that at the Site in addition to a drive thru coffee unit, EV charging and dedicated HGV refuelling facilities.
- 3.21 The proposed unit is to be occupied by Greggs. The application is therefore not speculative. The pre-signed operator provides evidence of a requirement on their behalf and commitment to the ongoing delivery of the proposed development upon receipt of a satisfactory planning permission.
- 3.22 It is therefore concluded that there is a need for a more modern, comprehensive roadside offer to serve the A1. This is best achieved by way of an improvement to an existing facility such as the Site.

4.0 PLANNING POLICY AND GUIDANCE

4.1 We consider national policy contained in the National Planning Policy Framework (2024 and updated 2025) (NPPF), the accompanying guidance contained in the Planning Practice Guidance (PPG) and DfT Circular 01/2022. At a local level, we consider the statutory Development Plan to include the North Hertfordshire Local Plan 2011 – 2031 (adopted November 2022).

4.2 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development – performing economic, social and environmental roles. The three roles are independent and need to be mutually supported.

4.3 **Paragraphs 8 – 11** confirm that at the heart of the NPPF is a presumption in favour of sustainable development. The planning system should therefore promote sustainable development solutions.

4.4 Paragraph 20 identifies:

“Strategic policies should set out an overall strategy for the pattern, scale and design quality of places and make sufficient provision for:

- a) homes (including affordable housing), employment, retail, leisure and other commercial development; b) **infrastructure for transport**, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);*
- c) community facilities (such as health, education and cultural infrastructure); and*
- d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.”*

4.5 Paragraph 87 states:

“Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for:

- a) clusters or networks of knowledge and data-driven, creative or high technology industries; and for new, expanded or upgraded facilities and infrastructure that are needed to support the growth of these industries (including data centres and grid connections);*
- b) storage and distribution operations at a variety of scales and in suitably accessible locations that allow for the efficient and reliable handling of goods, especially where this is needed to support the supply chain, transport innovation and decarbonisation; and*
- c) **the expansion or modernisation of other industries of local, regional or national importance to support economic growth and resilience.**”*

Economic Growth

4.6 **Paragraphs 90-95** 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, taking into account both local business needs and wider opportunities for development. Planning decisions should also recognise the specific locational requirement of different sectors.

Town Centres

4.7 The NPPF seek to ensure the vitality of town centres and requires that planning policy should provide a framework to assess proposals for main town centre uses, such as restaurants, which cannot be accommodated in or adjacent to town centres.

- 4.8 LPAs should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. That is to say that main town centre uses should be located in town centres, then in edge of centre locations and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, and the sequential test should be considered in light of the latest NPPF policy, which confirms that when considering availability, it is necessary to consider sites which may become available within a reasonable period.
- 4.9 Details of how this policy should be applied are contained in the NPPF Planning Practice Guidance 2019 as well as relevant Secretary of State decisions, which are explored in more detail later in this Statement.
- 4.10 The application of the sequential test should be proportionate and appropriate for the given proposal. The following considerations should be taken into account in determining whether a proposal complies with the sequential test (Paragraph 011 of Planning Practice Guidance):

With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. It is important to set out any associated reasoning clearly.

Is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.

If there are no suitable sequentially preferable locations, the sequential test is passed.

- 4.11 Paragraph 012 of the PPG guidance further states that the implementation of the sequential test should reflect the specific characteristics of the development proposals:

Use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations.

- 4.12 With regards to retail impact, the PPG confirms:

The impact test only applies to proposals exceeding 2,500 square metres gross of floorspace unless a different locally appropriate threshold is set by the local planning authority. In setting a locally appropriate threshold it will be important to consider:

- *The scale of proposals relative to town centres;*
- *The existing viability and vitality of town centres;*
- *Cumulative effects of recent developments;*
- *Whether local town centres are vulnerable;*
- *Likely effects of development on any town centre strategy; and*
- *Impact on any other planned investment.*

As a guiding principal impact should be assessed on a like-for-like basis in respect of that particular sector (e.g. it may not be appropriate to compare the impact of an out of centre DIY store with small scale town centre stores as they would normally not compete directly). Retail uses tend to compete with their most comparable competitive facilities. Conditions may be attached to appropriately control the impact of a particular use.

Transport

- 4.13 Transport issues should be considered from the earliest stages of development proposals. In assessing specific applications for development, it should be ensured that:

- 4.14 Appropriate opportunities to promote sustainable transport modes can be taken up, given the type of development and its location;
- Safe and suitable access to the site can be achieved for all users; and
 - Any significant impacts from the development on the transport network or on highway safety can be cost effectively mitigated and acceptable to a degree.

4.15 **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.

4.16 All developments that will generate significant amounts of movement should be required to provide a Travel Plan and the application should be supported by a transport statement or transport assessment to enable the likely impacts of the proposal to be assessed.

4.17 Paragraph 104(e) states that planning policies should:

provide for any large scale transport facilities that need to be located in the area, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy. In doing so they should take into account whether such development is likely to be a nationally significant infrastructure project and any relevant national policy statements.

4.18 Further, footnote 42 identifies:

Policies for large scale facilities should, where necessary, be developed through collaboration between strategic policymaking authorities and other relevant bodies. Examples of such facilities include ports, airports, interchanges for rail freight, public transport projects and roadside services. The primary function of roadside services should be to support the safety and welfare of the road user (and most such proposals are unlikely to be nationally significant infrastructure projects).

Sustainability

4.19 **Paragraph 161** confirms that the planning system should support the transition to a low carbon future in a changing climate, including encouraging the re-use of existing resources, such as the conversion of existing buildings.

Local Planning Policy

4.20 Section 70(2) of the Town and Country Planning Act 1990 and 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.

4.21 The statutory Development Plan for the Site consists of the following:

- North Hertfordshire Local Plan 2011 – 2031 (2022)

North Hertfordshire Local Plan 2011 – 2031

4.22 The North Hertfordshire Local Plan 2011 – 2031 (2022) was adopted by the Council in November 2022 and comprises the principal document against which applications within the Council area are assessed.

4.23 As per the below extract, the Site is beyond the Settlement Boundary in land beyond the Green Belt as per the adopted Proposals Map:

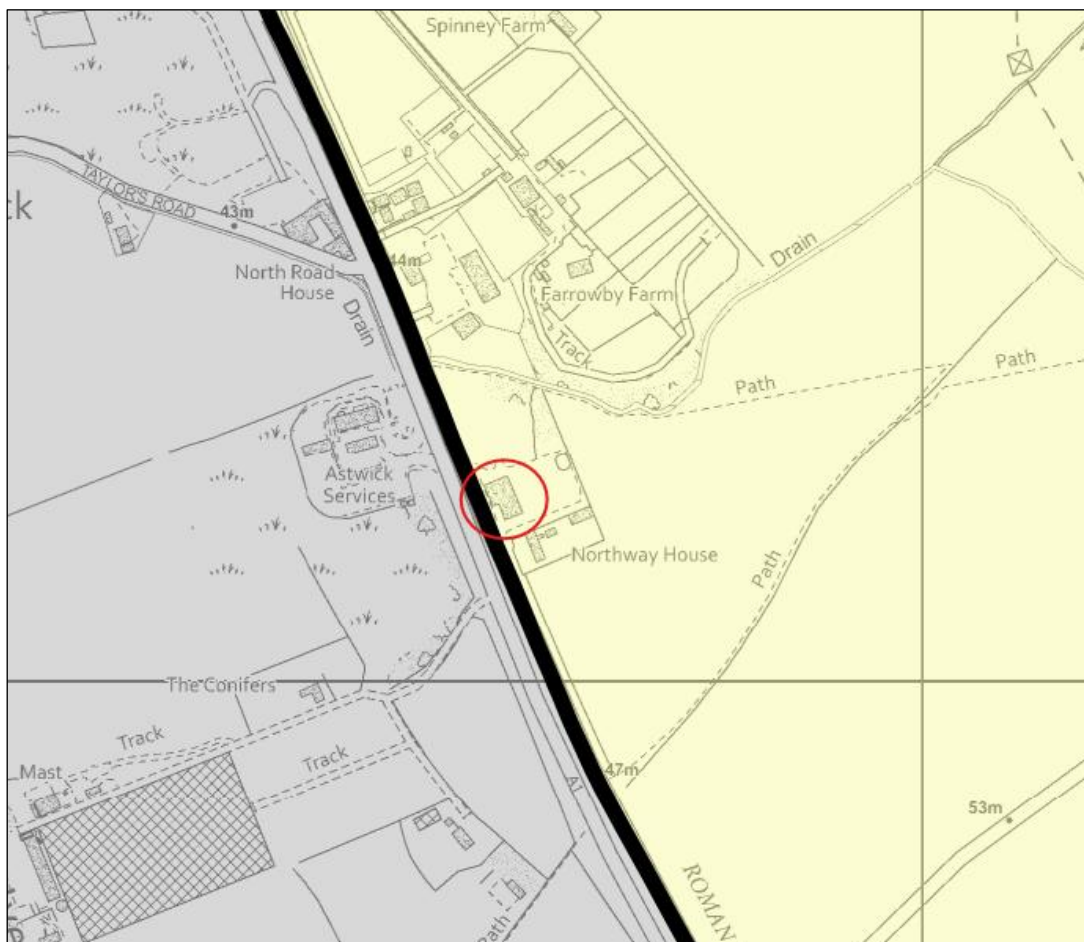


Figure 2 – Proposals Map extract

4.24 The following Policies are considered relevant in respect of the proposed development:

- | | |
|------------------------------------|---|
| • Strategic Objective ENV1 | Direct development towards the most sustainable locations |
| • Strategic Objective ENV4 | Mitigate the effects of climate change |
| • Strategic Objective ECON1 | Support a vibrant, diverse and competitive local economy |
| • 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 |
| • Policy ETC3 | New retail, leisure and other main town centre development |
| • Policy CGB1 | Rural Areas beyond the Green Belt |
| • Policy CGB2b | Community facilities, services and affordable housing in the Rural Area Beyond the Green Belt |
| • Policy T1 | Assessment of transport matters |
| • Policy T2 | Parking |
| • Policy D1 | Sustainable design |
| • Policy NE7 | Reducing flood risk |

4.25 In respect of the proposal to which this Statement relates Policies CGB1, CGB2(B), SP5 key. They state:

Policy CGB1 (Rural Areas Beyond the Green Belt) states that development will be supported provided that it is:

- a. *Infilling development that doesn't extend the build core of Category B villages;*
- b. *Meets a proven local need for services in an appropriate location;*

- c. *Strictly necessary for needs of agri or forestry;*
- d. *Relates to an existing rural building;*
- e. *Modest proposal for rural economic development or diversification; OR*
- f. *Would provide land for outdoor sports, recreation and cemeteries.*

Policy CGB2b (community facilities, services and affordable housing in the Rural Areas Beyond the Green Belt) further states that there should no reasonable alternate, suitable and available sites:

- i. *within the defined boundaries of the relevant Category A settlement or the built core of the relevant Category B village; or*
- ii. *otherwise within a reasonable travelling distance (by various modes) of the location where the need has been identified*

Policy SP5 (Countryside and Green Belt) states that the council “*will operate a general policy of restraint in Rural Areas beyond the Green Belt through the application of our detailed policies*”.

Emerging Policy

- 4.26 In January 2024, the Council approved a full review and update of the Local Plan for the period 2024 – 2045.
- 4.27 The latest Local Development Scheme, adopted January 2025, establishes the timeline for development of the new Local Plan. This has Regulation 19 draft submission targeted for October – November 2026, and final adoption around December 2027. The Plan is therefore not at an advanced enough stage to comprise a material consideration in the determination of the application to which this Statement relates.

Summary of Planning Policy

- 4.28 In the context of the scale and type of development proposed, it is our opinion that the proposals should be considered against the following:
 - **Are the proposals for a scale of retail development appropriate?** The proposed development is located within redundant land within Northway Services. The Applicant has identified a requirement to diversify their offer and make use of underutilised land within their operation. The proposed development is small in scale and will be ancillary to the use of the wider Site as a roadside services. We therefore conclude the proposal is of an appropriate scale;
 - **Is the proposed development appropriate to the character and appearance of the site and the surrounding built environment?** The Site is tired in appearance and in need of regeneration. Its offer is poor when compared to comparable facilities such as that opposite serving northbound traffic on the A1. The proposed development will complement existing development at the Site as part of a modernisation of it and the facilities it provides;
 - **Is the proposed development easily accessible, or capable of being made easily accessible, by a choice of means of transport, including by public transport, walking and cycling?** The Site forms part of an existing destination that is accessible by train, bus, walking and cycling as well as by private vehicles. The proposed development will provide facilities which the operator has an identified need. Therefore, we conclude that the proposals are fully compliant in this regard;
 - **Will the proposals comprise sustainable economic development?** The proposed development will meet the requirements of the intended tenants and therefore contribute positively to the overall economic wellbeing of the area. It will make use of redundant land within the Applicant's operation and result in the creation of 5no. jobs. Accordingly, we conclude that the proposals are compliant in this regard;
 - **Are there any sequentially preferable sites?** A sequential assessment has been undertaken and is set out within Section 5 of this Planning Statement. The assessment has been undertaken on the basis of the specific occupier-led floorspace and business model requirements; and
 - **Will the proposals have a significant detrimental impact on the vitality and viability of any allocated centres?** The development proposed by way of this application comprises a unit of 73.5 (GEA) sqm. It is therefore just 2.9% of the national threshold for impact assessments of 2,500 sq. m as set by PPW. Policy ETC3 states that a Retail Impact Assessment will be required for retail development outside of over 500 sqm. Accordingly, there is therefore no requirement to undertake an impact assessment either at national or local policy level. As

evidenced in the Transport Statement, it will overwhelmingly be used by passing motorists rather than via dedicated trips.

5.0 RETAIL CONSIDERATIONS

The Sequential Test

- 5.1 This section of the Statement assesses the proposed development against the provisions of Paragraphs 91-92 of the NPPF, namely whether there are sequentially preferable sites that have the potential of accommodating the floorspace associated with the application.
- 5.2 The following observations set the context for the assessment:
- The Site comprises an existing roadside facility and there is no change of use proposed to its prevailing use, function or operation;
 - The existing facility does not provide the level of facilities when compared to comparable roadside services;
 - It is tired in appearance and in need of modification;
 - The proposals comprise a temporary pod unit to be occupied by Greggs. It will be ancillary in nature to the wider use of the Site and of benefit to users of it;
 - A net increase of 73.5 sq. m floor space is proposed – the increase is di minims in scale; and
 - The Applicant is not seeking an alternative location to provide a Greggs pod. The proposals and their business plan are based on improving the existing premises. Accordingly, in this particular case, the sequential test is an entirely theoretical exercise. Refusal of the application will not result in the Applicant seeking to provide a separate facility elsewhere.
- 5.3 The sequential test means wherever possible seeking to focus new development within, or failing that, on well-located sites on the edge of existing centres. Only if in-centre or edge-of-centre sites are not available will out-of-centre locations be appropriate, provided they are acceptable in other respects.
- 5.4 Applying the sequential approach should have regard to the need, both consumer and operator, that will be met by the development. It is not an academic exercise divorced from the commercial realities of what it is that developers and landlords are seeking to supply in response to market demand. For it to have meaning, the sequential approach must be applied in a way that allows the identified need to be fully met. Applicants and local planning authorities are to demonstrate flexibility in terms of format and scale of the developments.
- 5.5 The Planning Practice Guide (PPG) advises that applicants and planning authorities should consider what contribution more central sites are able to make individually to accommodate the proposal. This should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. Local planning authorities need to be realistic and flexible in terms of their expectations.
- 5.6 There have been a series of court and appeal decisions which provide the binding authority and guidance on the correct application of national policy relating to the sequential approach. The Supreme Court in *Tesco Stores v Dundee City Council* [2012] UKSC 13, 21 March 2012, considered how the sequential test should be applied. It concluded that:
- “...it is the proposal for which the developer seeks permission that has to be considered when the question is asked whether no suitable site is available within or on the edge of the town centre.”*
- 5.7 The Supreme Court was clear that a developer or retailer should not be required to materially change a development to operate in an artificial world. At Paragraph 38 of the transcript, Lord Reed states:
- “The whole exercise is directed to what the developer is proposing, not some other proposal which the planning authority might seek to substitute for which is something less than that sought by the developer...”*
- “But these (sequential assessment) criteria are designed for use in the real world in which developers wish to operate, not some artificial world in which they have no interest in doing so”.*

- 5.8 It is not the intention of the policy to require a developer or operator to materially alter the proposal to it can be accommodated by an alternative site. The sequential approach is not an academic exercise divorced from the commercial realities of what it is that developers and landlords are seeking to supply in response to market demand.
- 5.9 The High Court supported the principles established in the Supreme Court and confirmed that its decision was binding in England. The Court provided further analysis in *Zurich Assurance Limited (t/a Threadneedle Property Investments) V North Lincolnshire Council and Simons Developments*. In the judgement, Justice Hickinbottom concluded that:
- ‘It is also important to mark that developers, and planning authorities, work in the real world. Working in the real world, the [planning] committee were entitled (and, indeed, bound) to take into account the evidence... Marks and Spencer would not locate to Scunthorpe town centre in the event that this application for the site was refused.’*
- 5.10 The Judgement is explicit in that it requires decision makers to take into consideration the commercial requirements and objectives of operators, developers and the wider commercial sector. Of particular relevance from the Zurich case was the acceptance that, should planning permission not be granted for the proposed development, the tenant would not occupy any of the sites that had been identified as alternatives. This accords with the principal objective of the sequential approach which is to direct development to defined centres in the first instance.
- 5.11 In *Aldergate Properties Ltd v Mansfield District Council*, the application of the policies in respect of suitability and availability, and the requirements for applicants to demonstrate ‘flexibility’ were considered. The Judgement states:
- “In my judgement, “suitable” and “available” generally mean “suitable” and “available” for the broad type of development which is proposed in the application by approximate size, type and range of goods. This incorporates the requirement for flexibility in [24] NPPF, and excludes, generally, the identity or personal or corporate attitudes of an individual retailers”.*
- 5.12 The NPPF requires applicants to consider sequential sites that are ‘available’ which is defined as including sites due to become available within a ‘reasonable period’. A ‘reasonable period’ is not defined by the NPPF or PPG but is considered to be ‘reasonable’ having regard for the requirement the development is intended to meet and the relevant local context.
- 5.13 In the Scotch Corner Secretary of State Decision in December 2016 (APP/V2723/V/15/3132873 & APP/V2723/V/16/3143690) the Inspector found:
- “In carrying out the sequential test it is acknowledged that whilst Framework paragraph 24 indicates that applicants should demonstrate flexibility on issues such as format and scale, it does not require the applicant to disaggregate the scheme. The sequential test seeks to see if the application, i.e. what is proposed, can be accommodated on a town centre site or on sequentially preferable sites...” (IR paragraph 11.7)*
- 5.14 More recently, the Secretary of State has issued his decision in respect of development at Cribbs Causeway. In that decision, the requirement for ‘disaggregation’ is specifically considered within the context that an explicit requirement was not re-introduced in the revised NPPF:
- “In the Tollgate Village case the Inspector did consider that there was scope for disaggregating the proposals and spreading them onto different sites, even though ultimately such sites were found not to be available. However, the findings here were case specific and it is noted that they were not specifically endorsed by the Secretary of State in his decision”*
- 5.15 In December 2014, the Communities and Local Government Committee assessed the operation of the NPPF and considered whether disaggregation should be re-introduced into the application of the sequential approach. This was rejected by the Government and not seen necessary, given the established policy and requirement to demonstrate ‘flexibility’. The requirement to disaggregate a specific development was seen to go beyond the requirements of this policy.
- 5.16 It is therefore clear that there is no requirement to disaggregate proposals into its smaller constituent parts when applying the sequential test, and when considering sequential sites, these need to be able to be suitable for the development proposed as a whole, and not an alternative hypothetical smaller version of the proposal.

- 5.17 The interpretation of the NPPF and its role in decision making was explored in *Asda Stores Limited v Leeds City Council Respondents and Commercial Development Projects Limited* ('The Leeds Case'). The decision is clear in that:
- "The words "should be refused" have a clear meaning, which requires no elaboration by the court. They do not mean "must be refused". The policy is not imperative. It does not dictate a refusal of planning permission whenever the development proposed is likely to have a "significant adverse impact" on the "vitality or viability" of a town centre".*
- 5.18 Instead, it allows for planning balance. In the Leeds Case, it was acknowledged that the sequential test had not been passed, and that the development would be a significant adverse impact on a town centre. However, in reaching their decision to approve the application, Members determined that, this was outweighed in the planning balance by socio-economic factors and other considerations. The High Court concluded that:
- "That balance, conducted within the statutory parameters, depended on an exercise of planning judgment. The panel exercised its planning judgment lawfully".*
- 5.19 Given the application proposes a betterment to an existing roadside facility with no alteration to its prevailing use, we do not consider a sequential assessment is strictly required. Notwithstanding, a proportionate assessment is provided below.
- 5.20 The proposed development is based on a clear understanding of the form and size that is required for the Applicant. Any compromises to the business model would result in the occupier not being able to fully implement the proposed improvements to the existing roadside facility.
- 5.21 The proposals seek to upgrade an existing facility, via the introduction of an additional food and beverage offer with only a minor level of additional floorspace totalling 73.5 sq. m proposed. No change of use to the wider roadside facility is proposed by this application.
- 5.22 It is important to stress that in the event the Council do not approve the proposals, it will not result in the Applicant seeking planning permission for the Greggs unit in the surrounding area, including within any defined centre within the Council or adjoining Authority areas. Further, the existing dated facility would remain including the lack of appropriate offer for users of the highway. Therefore, in this particular case, the sequential test is an entirely theoretical exercise. Notwithstanding, we provide a proportionate assessment below.
- 5.23 For a site to be a suitable alternative to accommodate the proposed development, it will be necessary to consider the ability of sites to accommodate the critical requirements for a modern, comprehensive roadside facility of the type proposed. These include the following:
- Sufficient level of customer car parking to provide opportunities for rest and respite;
 - Ideally a frontage onto an 'A' Road on the Strategic Road Network / otherwise a heavily trafficked road;
 - Ability to provide food and beverage sales for consumption on and off the premises by motorists;
 - Areas for rest and respite for motorists;
 - Provision of EV Charging points; and
 - Sufficient servicing and access.
- 5.24 The application Site comprises an existing roadside services facility, which can accommodate all of the above requirements. We do not consider that there are any defined elements to the proposed development which could be reasonably or successfully disaggregated for the purposes of the sequential test, given the unacceptable impact that such disaggregation would have on the operation of the wider Site for the Applicant and their intention to improve Northway Services.
- 5.25 There is no presumption within the NPPF in favour of disaggregation, rather that the applicant should provide evidence that the scope for reasonable disaggregation has been explored. The proposed development cannot be expected to disaggregate into smaller sites, removing the critical mass necessary for a commercially viable roadside facility, as set out within the above consideration of relevant appeal decisions and judgements.

- 5.26 In regard to availability, given that the proposals relate to a Site which is owned by the Applicant, and operated as a roadside facility, for an alternative to be considered genuinely available, it needs to be currently vacant or be available in the short term. Sites which are not available in the short term cannot be considered genuinely available in the context of the sequential assessment for the application to which this Statement relates.
- 5.27 Given the Applicant owns the Site, its dated nature and the purpose of the proposal (i.e. seeking to improve the offer of the existing roadside services facility), the works comprise an operational requirement. As such, the land at the Site is the only suitable and practicable option to accommodate the proposed development. In our view, it is therefore located in an entirely appropriate location for the proposed development, particularly in light of the existing use of the Site, and its prominent location fronting the A1.
- 5.28 The closest defined centres to the Site comprises:
- Stotfold within Central Bedfordshire (circa 2KM south west of the Site);
 - Ashwell Local Centre (circa 4.1km east of the Site)
 - Baldock Town Centre (circa 4.5km south of the Site)
 - Letchworth within Central Bedfordshire (Circa 4.5Km south of the Site); and
- 5.29 None of the primary frontages of Stotfold, Baldock Town Centre nor Ashwell Local centre benefit from a frontage onto the A1. It is therefore clear that irrespective of vacant units or development opportunities within either, none would comprise a suitable alternative to the application Site in the context of the sequential test.
- 5.30 Any separate site with a direct frontage onto the A1 would also not be sequentially preferable in comparison to the application Site given they would also be located out of centre and therefore not sequentially preferable.
- 5.31 In light of the above, we conclude that the Site is the most sequentially preferable site to accommodate the proposed development, and the proposals therefore accord with Paragraph 91 of the NPPF and Policy ETC3 of the Development Plan.

Retail Impact

- 5.32 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.
- 5.33 Policy ETC3 of the Development Plan sets a local level threshold of 500 sq. m for an assessment of retail impact.
- 5.34 At just 73.5 Sq.m, the proposed development will reach just circa 2.9% of the threshold. Accordingly, an assessment of matters relating to retail impact is not required in support of the application.
- 5.35 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.

6.0 PLANNING CONSIDERATIONS

6.1 In this section we consider the proposed development against material planning considerations and relevant national and local planning policy. The following material considerations are assessed in the following Section:

- The Need for an Upgrade to the Existing Facility;
- Sustainable Economic Development and Socio-Economic Benefits;
- Highways;
- Design;
- Flood Risk;
- Ecology & Landscaping; and
- Noise

The Need for an Upgrade to The Existing Facility

6.2 The proposed development comprises an improvement to the dated and substandard facilities at Northway Services. It does not include any alteration to its prevailing use as a roadside services facility. The proposals will provide users of the highway network with a betterment in facilities to take a rest and enjoy food and beverage refreshments as part of their ongoing journey.

6.3 As discussed in Section 2 of this Statement, the existing sales kiosk building is tired and of poor aesthetic quality. It does not provide the level of facilities which could be reasonably expected within a modern roadside facility. The proposed development will comprise a broadening of the food and beverage offer at the Site for which the Applicant, a leading provider of roadside services has identified a need.

6.4 Additionally, it should be noted that the existing car parking at the Site is informal in nature. The proposed development includes the rationalisation of parking. This is a clear betterment when compared to the existing parking provision at the Site which is informal in nature and of benefit to users of the facility.

6.5 The BP Pulse facility serving northbound traffic on the A1 opposite the Site provides an example of a modern roadside facility. It includes:

- A petrol station kiosk store including a Subway concession,
- Domestic vehicle refuelling option;
- HGV refuelling option;
- EV charging;
- Domestic vehicle and HGV parking; and
- A Costa Coffee drive thru,

6.6 It is clear that the BP Pulse facility is far more comprehensive in its facilities than the application Site in addition to more modern in appearance. The proposed development comprises one for which there is a clear need.

6.7 In accordance with the above, the proposed development will comprise a betterment of the existing roadside services facility. It will provide a dedicated food and beverage outlet for which there is a clear need. It will result in aesthetic and economic benefits (see below). It is therefore concluded that the proposed development is fully compliant with the aims of the Development Plan and will result in an improvement to Northway Services.

6.8 Given the level of need for the proposed development and the brownfield nature of the redundant land within the operation of the Site as existing, the proposals accord with the requirements of Policies CGB1 and CGB2(b).

Sustainable Economic Development and Socio-Economic Benefits

- 6.9 Sustainable development is the cornerstone of the planning system under the NPPF. The application proposals seek full planning permission to upgrade and enhance the existing roadside services facility at Northfield Services.
- 6.10 Owing to its existing role and function as a roadside services facility, the Site is highly accessible private vehicle. It benefits from a frontage onto the A1, and as such, it is well placed to meet the needs of users of the highway given its sustainable credentials in this regard.
- 6.11 The proposed development also constitutes sustainable economic development, as it will make use of a previously developed land and will not require an alteration to the role or function of the Site as existing. It will enable a betterment to the existing facility to be achieved.
- 6.12 The proposed development will also adopt the use of sustainable construction methods and materials, and will deliver high quality design, improving the design and environmental quality.
- 6.13 We therefore conclude that the proposed development represents sustainable economic development and will secure sustainable economic growth by way of 5no additional jobs in addition to investment in the facility. The proposals are therefore sustainable in nature in accordance with Policy SP1 and SP2 of the Development Plan.

Highways

- 6.14 The application is accompanied by a Transport Note prepared by DTP. The submitted TS concludes the following:
- The part-retrospective proposals at the site are for the construction of a food-to-go pod, located to the east of the existing service area. Given the location and nature of the existing site it is anticipated that the proposed development would cater for users of the local road network.
 - The existing access arrangements which already cater for the service site are being retained. As part of the proposals a formal parking provision will be provided to serve the food-to-go unit, with a total of 11 spaces, including two mobility impaired accessible bays.
 - The trip generation associated with similar roadside facilities is associated with the passing flows on the mainline, where 'turn-in-rates' are based on driver necessity for rest, food, refuelling and other amenities provided at service areas. Therefore, motorists passing the site will stop if they have such a requirement and as such there would be no material change to the trip generation associated with the Site.
- 6.15 In accordance with the above, it is concluded that the proposed development is acceptable in respect of highways matters and in compliance with Policy SP6 of the Development Plan.

Design and Visual Impact

- 6.16 The proposed development will be located at the eastern periphery of the Site and located on hardstanding. Views of it are generally limited to passing vehicles on the A1.
- 6.17 The proposed building is of a flat roof design. It is constructed from timber cladding to the side elevations, and grey coloured render to the front and rear elevations. A number of openings are proposed within the front elevation including windows and a door. External condenser units are also proposed to the rear elevation.
- 6.18 The PFS and canopy are a flat roof design and finished in modern materials. The unit to be occupied by Greggs will therefore complement existing development at the Site.
- 6.19 In accordance with the above, it is considered that the proposals will result in a significant enhancement to the Site and its appearance. The proposed development therefore accords with Policy SP9 of the Local Plan.

Ecology & Landscaping

- 6.20 The Site comprises hardstanding. It does not include any landscaping or any element of ecological quality. Accordingly, the development area will not impact upon a habitat of 25 sq. m or above, nor will it result in any detrimental impact in respect of ecology or disturb existing habitats.
- 6.21 A landscaping plan prepared by DEP forms part of the application package. The plan shows planting which will result in a betterment in this regard when compared with the existing arrangements.
- 6.22 In accordance with the above, it is considered that the proposals accord with Policy SP12 of the Development Plan.

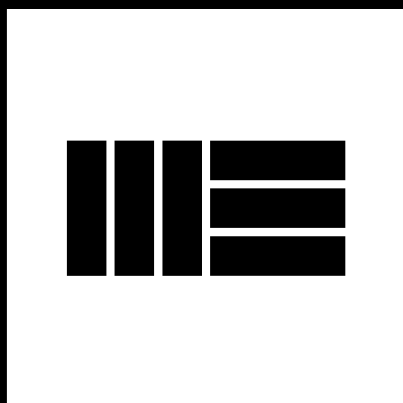
Flood Risk and Drainage

- 6.23 The application is supported by a Flood Risk Assessment prepared by Nicola Sugg Limited. The assessment identifies:
- The FRA reviews all potential sources of flooding and concludes the only significant potential sources of flood risk identified within the site are fluvial flooding from Cat's Ditch (an IDB maintained watercourse) and surface water flooding. In the absence of detailed flood model data for Cat's Ditch, a bespoke hydraulic model was developed by Gondolin Land & Water.
 - The model results confirm the application site is not predicted to flood during the design event, equivalent to the 1.0% annual probability plus climate change event. The site is however predicted to flood during the extreme 0.1% annual probability event and is also at residual risk of flooding in the event of partial blockage of the Cat's Ditch culvert beneath the A1.
 - A Flood Warning and Evacuation Plan is recommended for the development. The Flood Warning and Evacuation Plan would set out appropriate actions to be taken in the event of a flood alert being issued by the Environment Agency, flooding being forecast in the area, or a severe 'red' weather warning for rain being issued by the Met Office.
- 6.24 In respect of Drainage, Goodson Associates have prepared a Drainage Strategy which identifies the development will include a septic tank and therefore a connection to existing drainage systems is not required to serve the development.
- 6.25 In accordance with the supporting information, the application is acceptable in respect of flood risk and drainage in accordance with Policy NE7 of the Development Plan.

7.0 CONCLUSION

- 7.1 This Planning and Retail Statement has been prepared by Montagu Evans LLP to accompany an application for planning permission submitted on behalf of PGUK TRSA 1 Limited in relation to a part retrospective application seeking a temporary planning permission for a period of two years to allow for the erection of a unit to be occupied by Greggs and associated development.
- 7.2 This Planning and Retail Statement has considered the acceptability of the proposal against the relevant policies contained in the NPPF and in local Development Plan policy, and concludes the following:
- Northway Services is dated and does not include the breadth of facilities to meet modern expectations in roadside services. The facilities compare unfavourably with the A1 northbound services located opposite the application Site;
 - The proposed development will provide dedicated food and beverage facilities which are not currently provided at the Site;
 - The application relates to underutilised hardstanding within the Site as existing. The development does not require the development of non previously developed land;
 - The proposed development will deliver new employment opportunities, as well as investment into the local economy;
 - A sequential assessment has been undertaken showing there are no suitable, available and viable alternatives within nearby centres;
 - The proposal is not of a scale where it could lead to a significantly adverse impact on the performance and vitality and viability of the surrounding Centres;
 - The development presents sustainable development, resulting in delivery of a facility for which there is an identified need by the operators, in an appropriate location; and
 - The proposed development is acceptable in all material considerations linked to the determination of the application.
- 7.3 Accordingly, we conclude that the application fully is in compliance with both national and local planning policy and should therefore be considered favourably by the Council.

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WE CONSIDER OUR CREDENTIALS, HOW WE HAVE STRUCTURED OUR BID AND OUR PROPOSED CHARGING RATES TO BE COMMERCIALY SENSITIVE INFORMATION.
WE REQUEST THAT THESE BE TREATED AS CONFIDENTIAL.