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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2021/0018/MAF	ITEM 1	
Proposal:	Proposed roadside services and recharge centre, comprising eight pump petrol filling station including supporting retail unit (330m2) and canopy, six electric charging stations, drive thru coffee shop (165m2), new vehicular access, drainage, parking and landscaping.		
Address:	Land North Of A47, Duddington Way, Uppingham, Rutland		
Applicant:	Recharge Roadside Services	Parish	Ayston
Agent:	Mark Bassett, Freeths LLP	Ward	Braunston & Martinsthorpe
Reason for presenting to Committee:	Major development with objections		
Date of Committee:	19 October 2021		

EXECUTIVE SUMMARY

The scheme is for a high quality 24 hour roadside service in open countryside, including electric vehicle charging and provision for expanded electric and hydrogen fuelling in the future. Whilst there have been objections to the scheme it is compliant with Policy SP7, will not be prominent in the countryside, will not impact adversely on Uppingham Town Centre and will make a valuable longer term contribution towards helping combat climate change.

RECOMMENDATION

APPROVAL, subject to the following conditions:

Commencement of Development

The development shall be begun before the expiration of three years from the date of this permission.

Reason – To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

Approved Plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:

- Site Location Plan (190244-109)
- Existing Site Layout (190244-101-D)
- Existing Site Elevations (190244-102)
- Proposed Block Plan (190244-103F)
- Proposed Site Layout (190244-104I)
- Proposed Site Elevations (190244-105D)
- Proposed Building Elevations Petrol Filling Station (“PFS”) (190244-106E)
- Proposed Building Elevations Coffee Shop (190244-107)
- Proposed Ancillary Details (190244-108A)
- Canopy and Tank Layout (190244-110)
- Tank Installation Detail (190244-111)
- Footpath Site sections (1900244-112)
- Indicative Future Proof Site Layout (190244-113).
- 3 x CGIs received 26th April 2021

Reason - For the avoidance of doubt and in the interests of proper planning.

Highway Conditions

Parking and Turning

Car parking and turning shall be provided in accordance with the approved layout plans prior to the operation. It shall thereafter be retained and not used for any other purpose other than the parking and turning of vehicles.

Reason: In order to ensure that sufficient car parking and turning remains available on site.

Cycle Parking

Cycle parking shall be provided in accordance with the approved layout plans and cycle stand details prior to first operational use of the building hereby approved. The cycle parking shall thereafter be retained in perpetuity.

Reason: In order to ensure that sufficient and suitable cycle parking is available.

Off-site Highway Works

Prior to first occupation of the development, the scheme of off-site highway works as shown on the approved layout plans will be implemented in full.

Reason: In the interest of highway safety.

Lighting affecting the highway

Prior to the first use of any external lighting / floodlighting within the development site, the light source shall be so positioned and shielded, in perpetuity, to ensure that users of the highway are not affected by dazzle and/or glare.

Reason: To ensure that users of the highway are not subjected to glare and dazzle from lighting within the development in the interest of highway safety.

Tree Root Protection

Any new trees located within 5m of the public highway must be planted with root-protection, details of which must be approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

Surface Water Drainage

All vehicular and pedestrian accesses will be designed to prevent the discharge of surface water from the development onto the public highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

Construction Management Plan Condition

No development shall take place, including any demolition work, until a Construction Management Plan has been submitted and approved in writing by the Local Planning Authority, which will include the following:-

- a) A scheme for monitoring, reporting and control of construction noise and vibration including hours of working and scope for remedial action.
- b) A scheme for the control of dust and scope for remedial action in the event that dust is identified as an issue or any complaints are received.
- c) A scheme of chassis and wheel cleaning for all construction vehicles to include the details of location and specification of a fully working jetted drive-thru bath type wheel wash system together with hard surfacing laid

between the apparatus and public highway in either concrete or tarmacadam, to be maintained free of mud, slurry and any other form of contamination during the period of construction with all exiting vehicles passing through. A contingency plan including, if necessary, the temporary cessation of all construction operations and movements to be implemented and any affected public highway thoroughly cleaned immediately with mechanical sweepers in the event that the approved vehicle cleaning scheme fails to be effective for any reason.

- d) Haul routes to the site and hours of delivery
- e) Measures to ensure that vehicles can access the site immediately upon arrival to ensure there is no park, waiting, loading/unloading or queuing on the public highway.
- f) Details of site compounds, storage area and contractor/visitor parking/turning.
- g) Details of the site enclosure or part thereof and gated site security.
- h) Confirmation of any tree protection measures.
- i) Confirmation that any demolition will be carried out in accordance with the ecological assessment.
- j) Details of site notice with contact details and a scheme for dealing with complaints.
- k) Details of any temporary lighting which must not directly light the public highway.
- l) Phasing plans where necessary.
- m) A scheme for recycling/disposing of waste resulting from the demolition and construction works.
- n) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.

The development shall thereafter be carried out in accordance with the approved Construction Management Plan.

Reason: In the interests of residential amenity and highway safety.

Temporary Facilities

Temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the construction period.

Reason: In the interests of highway safety.

Wheel wash

Development shall not commence until a fully operational jetted drive-thru bath type wheel cleaning apparatus has been installed within the site at the exit and the area between this and the public highway is hard surfaced in either concrete or tarmacadam and maintained free of mud, slurry and any other form of contamination whilst in use. All vehicles leaving the site shall pass through the wheel cleaning apparatus which shall be sited to ensure that vehicles are able to leave the site and enter the public highway in a clean condition and free of debris which could fall onto

the public highway. The wheel cleaning apparatus shall be retained on site in full working order for the duration of the development. In the event the wheel wash unit becomes ineffective all vehicles will cease leaving the site until the wheel wash unit is fully working and the contractor will arrange a street cleanse of the affected streets.
Reason: In the interest of highway safety.

Removal of Redundant Accesses

The redundant existing field access on the A47 shown on the approved layout plans shall be closed to vehicular traffic prior to commencement of development and shall be physically removed prior to operation in accordance with details that shall have been submitted to and approved by the local planning authority. Details of the means of closure will include removal of all hard surfacing and replacement with grassed verge.

Reason: In the interests of highway safety.

Access

The area to be offered for adoption as public highway including the proposed vehicular access and pedestrian crossing points shall be constructed up to surface course prior to first operation of the site.

Reason: To ensure that the junction is available for all users at the outset in the interests of highway safety.

Completion of roads and footways

No part of the development will become operational until all private access roads and footways are completed to surface course.

Reason: In the interests of highway safety.

Public Right of Way

Prior to commencement of development, after formal approval including the agreed route, the public right of way running across the site will be re-routed and made safe from construction vehicles, then returned to the existing route upon completion of construction.

Reason: In the interests of public safety.

Drainage Conditions

No building hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To prevent the uncontrolled run-off of surface water from the site, to prevent flooding in the local area.

The development hereby permitted shall not commence until Land Drainage Consent has been granted for the outfall into the adjacent ordinary water course.

Reason: The proposed drainage scheme has been designed to have a 40 year life span. The drainage scheme will therefore need to be reviewed before 40 years, to 40% climate change. This will ensure the drainage scheme is still suitable and will be included in a Land Drainage Consent.

Landscaping

No development above ground level shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping

works for the site, which shall include any proposed changes in ground levels, boundary treatments, treatment for the retaining structures and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in Relation to Construction."

REASON: To ensure that the landscaping is designed in a manner appropriate to the locality and to enhance the appearance of the development.

All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To ensure that the landscaping is carried out at the appropriate time and is properly maintained.

The hedges around the site, other than for the construction of the approved new access, shall be retained and allowed to grow to and be maintained at a height of not less than 2 metres above the level of the respective adjacent carriageways.

Reason: To ensure that the appearance of the site is adequately softened in this rural location in the interests of visual amenity.

Ecology

The development shall be carried out in accordance with the recommendations in the Ecological Appraisal (FPCR, December 2020). These specifically relate to

- Para 4.23 - An updated badger survey to be submitted and approved prior to commencement of works
- Reptiles - site clearance as per section 4.15 (Reptiles) on Page 21 of the Ecological Appraisal.

Reason: In the interests of ensuring that any protected species on site are dealt with.

Facilities

The six electric charging points shown on the approved plan shall be installed and ready for operation before the development is first brought into use.

Reason: This permission is granted in open countryside as a qualitative roadside facility and the provision of current and future electric vehicle charging is part of the justification for allowing the development in this location in the interests of providing renewable energy and combatting climate change.

The space shown for future hydrogen storage shall be retained and kept available for a period of not less than 10 years from the date the site first comes into operation.

Reason: Hydrogen is potentially a renewable fuel of the future and the qualitative merits of the scheme are meant to allow for that facility to be introduced as the technology emerges, in the interests of providing renewable energy and combatting climate change.

Informatives

As per highway comments above; and

The proposed development includes the unloading of petrol from tankers to underground tanks and subsequent refuelling of vehicles. As such the operator of the site will need to make an application for an Environmental Permit for Stage 1b and Stage 2 petrol vapour

recovery, please contact environmentalhealth@rutlandgov.uk regarding this.

As it's very likely that Licensable activities will take place at the site the operator of the site should contact Licensing@rutland.gov.uk.

As the proposal includes potential food businesses, they should note it's a legal requirement that future operators should contact foodandsafety@peterborough.gov.uk to register the business at least 28 days before they become operational.

Site & Surroundings

1. The site comprises approximately 1.12ha of land to the immediate north east of the roundabout junction of the A47 and A6003, to the north of the town of Uppingham and in the Parish of Ayston. The site forms the west portion of a larger agricultural field used for grazing and which is broadly linear in shape, running parallel with the A47. The site sits lower than the A47 and the site slopes gradually and eventually steeper towards the northern boundary.
2. There is a mature hedgerow on the A47 (southern) boundary with the site which screens it from view and extends to the south west corner. The boundary with the A6003 is marked with a mix of tall mature trees and hedgerow and this road rises in height in comparison to the site. The northern boundary is again marked by field hedgerow, whilst the eastern boundary of the site is open as part of the wider field.
3. There is an existing vehicular access from the A47 at the eastern point of the site (which will be closed off). The A47/A6003 roundabout gives access to the A47 (west and east) and the A6003 (north and south). There is a Public Right of Way (PROW) which runs through the site and crosses the A47 via Uppingham Gate to the south.
4. The accompanying Ecological appraisal states that the site is made up of poor semi-improved grassland with a species composition and low levels of regular management suggesting a sown seed mix. This grassland is considered to be of limited biodiversity value due to its limited extent. Poor semi-improved grassland is also not a Habitat of Principal Importance and appears well represented elsewhere in the local area. Consequently, any loss of this habitat is not considered a statutory ecological constraint to the development.
5. The site sits to the immediate north of Uppingham which is identified as a 'small town' in the adopted Core Strategy, second only in the hierarchy to Oakham.
6. Opposite the site, on the southern side of the A47 is the northern boundary of the settlement. There is existing employment development and a Local Plan allocation for further development to the east.
7. The section of the A47 relevant to the proposed development is from Leicester to Peterborough, comprising a total distance of approximately 39 miles. The site is approximately 17 miles from Leicester and 22 miles from Peterborough. The A47 connects directly to the A1 at the junction to the north of Wansford, approximately 14 miles east of Uppingham and 8 miles west of Peterborough. The A47 only becomes a trunk road east of its junction with the A1. The section of the A47 from Leicester to the A1 was 'detrunked' (removed as a trunk road) in 2004.

Proposal

8. The proposal comprises the construction of a roadside services and recharge centre.
9. The proposal would comprise the following elements:
10. Six electric vehicle charging points. The development will however have the infrastructure to enable the ability to expand the number of vehicle charging points as demand increases and demand for fossil fuel decreases.
11. Petrol Filling Station comprising 8 pumps for cars, a canopy, and an ancillary convenience store extending to 330m² (gross internal area), including ATM machine; the proposed roadside services and recharge centre will comprise the following elements:
12. A drive thru coffee shop at 165m² (gross internal area) with solar panels covering most of the roof;
13. Car parking area extending to a total of 40 spaces, broken down as 19 for the PFS and 21 for the coffee shop
14. The scheme also safeguards an area of land for a future Hydrogen installation. No tanks are proposed to be installed as part of the initial development as the current number of Hydrogen powered vehicles is minimal. However, this is likely to change over the next 5-10 years and the proposal safeguards land so the offer of the proposed roadside services and recharge centre can evolve and adapt to future alternative fuel provision.
15. The site is proposed to be accessed through the creation of an additional arm off the existing A47/A6003 roundabout. The scheme has been subject to detailed pre-application advice discussions with the Highway Authority.
16. Materials would be contemporary, including a mix of glazing, timber and metal cladding but including an element of local stone on the west elevation of the PFS shop, facing the entrance to the site.
17. Surface water drainage would be dealt with by a sustainable drainage system that filters harmful elements from the forecourt through commonly used forecourt interceptors and a series of swales that would allow infiltration to the ground, with any excess running into the watercourse at the northern side of the site.
18. The applicants sets out the following in their submission:

The key reasons why this site is considered appropriate for roadside services development are:

 - Located on the A47 with junction of A6003, with immediate access available
 - Adjacent to a main settlement
 - There is a deficiency in road services along the A47 corridor, particularly quality 24 hour provision and electric charging facilities
 - The site is appropriately located to address this deficiency
 - The site's characteristics and surrounding topography provide good potential to accommodate development without significant harm to rural edge setting.
19. A block plan is shown at Appendix 1.

Relevant Planning History

None

Planning Guidance and Policy

National Planning Policy Framework (NPPF) 2021

Chapter 2 - Achieving Sustainable Development
Chapter 6 – Building a Strong & Competitive Economy
Chapter 7 – Ensuring the vitality of town centres Chapter 9 – Promoting sustainable transport
Chapter 12 - Achieving well designed places
Chapter 14 – Meeting the challenge of climate change..etc

Site Allocations and Policies DPD (2014)

SP7 – Non-residential development in the countryside
SP15 - Design and Amenity
SP23 - Landscape Character in the Countryside

Core Strategy DPD (2011)

CS04 - The Location of Development
CS16 – The Rural Economy
CS17 – Town Centres and retailing
CS19 - Promoting Good Design

Uppingham Neighbourhood Plan

The site is just outside the boundary of the Neighbourhood Plan, and is not therefore part of the development plan. The NP does allocate land for a garage with fuel and a small shop on the Uppingham Gate land opposite but this issue is discussed later in the report.

Other Policies

Department for Transport (DfT) Circular 02/2013

This DfT Circular 02/2013 (published 10 September 2013) sets out how the Highways Agency (now Highways England) will deliver sustainable development whilst safeguarding the primary function and purpose of the strategic road network. As the relevant section of the A47 subject to this proposal is no longer part of the strategic road network (i.e. not a trunk road), then the Circular is not strictly applicable. However, it is a reasonable place to base any assessment on, in particular Annex B. This sets out policy on the provision, standards and eligibility for signing of existing and proposed roadside facilities on the network.

Consultations

RCC Highways

20. Further to the receipt of revised plans and documents, the Local Highway Authority are now in a position to support the planning application, subject to the following conditions and informatives being appended to the decision notice :-

CONDITIONS

Parking and Turning

Car parking and turning shall be provided in accordance with the approved layout plans prior to the operation. It shall thereafter be retained and not used for any other purpose other than the parking and turning of vehicles.

Reason: In order to ensure that sufficient car parking and turning remains available on site.

Cycle Parking

Cycle parking shall be provided in accordance with the approved layout plans and cycle stand details prior to first operational use of the building hereby approved. The cycle parking shall thereafter be retained in perpetuity.

Reason: In order to ensure that sufficient and suitable cycle parking is available.

Off-site Highway Works

Prior to commencement of development, the scheme of off-site highway works as shown on the approved layout plans will be implemented in full.

Reason: In the interest of highway safety.

Lighting affecting the highway

Prior to the first use of any external lighting / floodlighting within the development site, the light source shall be so positioned and shielded, in perpetuity, to ensure that users of the highway are not affected by dazzle and/or glare.

Reason: To ensure that users of the highway are not subjected to glare and dazzle from lighting within the development in the interest of highway safety.

Tree Root Protection

Any new trees located within 5m of the public highway must be planted with root-protection, details of which must be approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

Surface Water Drainage

All vehicular and pedestrian accesses will be designed to prevent the discharge of surface water from the development onto the public highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

Construction Management Plan Condition

No development shall take place, including any demolition work, until a Construction Management Plan has been submitted and approved in writing by the Local Planning Authority, which will include the following:-

- a) A scheme for monitoring, reporting and control of construction noise and vibration including hours of working and scope for remedial action.
- b) A scheme for the control of dust and scope for remedial action in the event that dust is identified as an issue or any complaints are received.
- c) A scheme of chassis and wheel cleaning for all construction vehicles to include the details of location and specification of a fully working jetted drive-thru bath type wheel wash system together with hard surfacing laid between the apparatus and public highway in either concrete or tarmac, to be maintained free of mud, slurry and any other form of contamination during the period of construction with all exiting vehicles passing through. A contingency plan including, if necessary, the temporary cessation of all construction operations and movements to be implemented and any affected public highway thoroughly cleaned immediately with mechanical sweepers in the event that the approved vehicle cleaning scheme fails to be effective for any reason.
- d) Haul routes to the site and hours of delivery
- e) Measures to ensure that vehicles can access the site immediately upon arrival to ensure there is no park, waiting, loading/unloading or queuing on the public highway.

- f) Details of site compounds, storage area and contractor/visitor parking/turning.
- g) Details of the site enclosure or part thereof and gated site security.
- h) Confirmation of any tree protection measures.
- i) Confirmation that any demolition will be carried out in accordance with the ecological assessment.
- j) Details of site notice with contact details and a scheme for dealing with complaints.
- k) Details of any temporary lighting which must not directly light the public highway.
- l) Phasing plans where necessary.
- m) A scheme for recycling/disposing of waste resulting from the demolition and construction works.
- n) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.

The development shall thereafter be carried out in accordance with the approved Construction Management Plan.

Reason: In the interests of residential amenity and highway safety.

Temporary Facilities

Temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the construction period.

Reason: In the interests of highway safety.

Wheel wash

Development shall not commence until a fully operational jetted drive-thru bath type wheel cleaning apparatus has been installed within the site at the exit and the area between this and the public highway is hard surfaced in either concrete or tarmac and maintained free of mud, slurry and any other form of contamination whilst in use. All vehicles leaving the site shall pass through the wheel cleaning apparatus which shall be sited to ensure that vehicles are able to leave the site and enter the public highway in a clean condition and free of debris which could fall onto the public highway. The wheel cleaning apparatus shall be retained on site in full working order for the duration of the development. In the event the wheel wash unit becomes ineffective all vehicles will cease leaving the site until the wheel wash unit is fully working and the contractor will arrange a street cleanse of the affected streets.

Reason: In the interest of highway safety.

Removal of Redundant Accesses

The redundant existing field access on the A47 shown on the approved layout plans shall be closed to vehicular traffic prior to commencement of development and will be physically removed prior to operation. Details of the means of closure will include removal of all hard surfacing and replacement with grassed verge.

Reason: In the interests of highway safety.

Access

The area to be offered for adoption as public highway including the proposed vehicular access and pedestrian crossing points shall be constructed up to surface course prior to first operation of the site.

Reason: To ensure that the junction is available for all users at the outset in the interests of highway safety.

Completion of roads and footways

No part of the development will become operational until all private access roads and footways are completed to surface course.

Reason: In the interests of highway safety.

Public Right of Way

Prior to commencement of development, after formal approval including the agreed route, the public right of way running across the site will be re-routed and made safe from construction vehicles, then returned to the existing route upon completion of construction.

Reason: In the interests of public safety.

INFORMATIVES

Utility Services - Section 50 NRSWA 1991

The development is likely to involve works within the public highway in order to provide services to the site or which will affect existing services. Such works must be licenced under the New Roads and Street Works Act 1991. It is essential that, prior to the commencement of such works, adequate time be allowed in the development programme for; the issue of the appropriate licence, approval of temporary traffic management and booking of road space. Further details can be obtained from our website and any queries can be emailed to highways@rutland.gov.uk.

Off-site Highway Works – Section 278 Highways Act 1980

The development involves extensive works within the public highway. Such works must be the subject of a legal agreement under Section 278 of the Highways Act 1980. It is essential that prior to the commencement of the highway works, adequate time is allowed in the development programme for; approval by the council of the design, contractors, technical vetting, safety audits, approval of temporary traffic management, booking of road space for off-site highway and service works and the completion of the legal agreement. Works must not commence until the legal agreement is in place and road space booked. Please email highways@rutland.gov.uk for further details.

Penalty for Depositing on the Highway - Section 148, Sub-Sec C Highways Act 1980

It is an offence to deposit anything including building materials or debris on a highway which may cause interruption to any user of the highway (including footways and verges). In the event that a person is found guilty of this offence, a penalty may be imposed in the form of a fine. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.

Removal of Deposits on the Highway – Section 149 Highways Act 1980

If anything is so deposited on a highway as to constitute a nuisance, the Local Highway Authority may by notice require the person who deposited it there to remove it forthwith and if he fails to comply the Local Highway Authority may make a complaint to a Magistrates Court for a Removal and Disposal Order. In the event that the deposit is considered to constitute a danger, the Local Highway Authority may remove the deposit forthwith and recover reasonable expenses from the person who made the deposit. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.

Temporary Diversion of the public right of way

The development involves a temporary diversion of a public right of way. Please email highways@rutland.gov.uk for advice and to process the request.

Lead Local Flood Authority

21. No Objections subject to the following conditions;

- The development hereby permitted shall not commence until Land Drainage Consent has been granted for the outfall into the adjacent ordinary water course
- The proposed drainage scheme has been designed to have a 40 year life span. The drainage scheme will therefore need to be reviewed before 40 years, to 40% climate change. This will ensure the drainage scheme is still suitable

Lyddington Parish Council

22. Lyddington Parish Council would like to make a representation concerning the proposal to build a filling station with a fast food drive-through facility, sited near the Uppingham A47 roundabout.
23. Parish councillors were concerned that such a scheme would create further litter problems in Lyddington as residents often find discarded drink cartons and food wrappers in the village that were purchased from McDonald's in either Oakham or Corby. Could a stipulation be considered where the operators fund an occasional litter pick in surrounding villages and town?

Uppingham Town Council

24. The Town Council, having heard much local opinion on this application, now withdraws any previous support for it. In particular, the access arrangement sought by Highways is considered unacceptable, and the visual/landscape aspects when approaching from the north are felt not to be within acceptable criteria.

Public Rights of Way

25. The proposed development appears to require the diversion of public footpath E268 (based on proposed site layout) but there is no mention of this in any of the supporting documents. Furthermore, there is insufficient detail provided in the supporting documents to properly assess the impacts on the footpath. Additional cross sections, particularly for the section enclosed between a carriageway and 2m high railway sleeper fence would be useful, as would existing and proposed profiles for the footpath.

Archaeology

26. Following appraisal of the above development scheme, we recommend that you advise the applicant of the following archaeological requirements.
27. The Leicestershire and Rutland Historic Environment Record (HER) notes that the site lies in an area of archaeological interest and is rich in finds dating from the prehistoric period and later. In the field to the north and adjacent to the site, fieldwalking was undertaken and a large amount of material was recorded dating from the Palaeolithic to the present day. This included 5 possible Palaeolithic/Early Mesolithic flints, c.60 Late Mesolithic/Early Neolithic flints, c.330 Late Neolithic/Early Bronze Age flints, 10 Iron Age pottery sherds, over 600 Roman sherds, 105 Saxon sherds, c.200 Saxo-Norman sherds, as well as medieval and post-medieval. Several beads, 3 coins and a copper fragment was also recovered.

28. A thin spread of iron tap slag covered the field. We welcome the geophysical report, which suggests an area for the WWII spotlight and shows remains of ridge and furrow agriculture. However the application area lies within a larger area of interest with archaeological remains in close proximity to the site. Many of earlier archaeological remains often do not show on a geophysical survey and could extend into this area.
29. The preservation of archaeological remains is, of course, a "material consideration" in the determination of planning applications. The proposals include operations that may destroy any buried archaeological remains that are present, but the archaeological implications cannot be adequately assessed on the basis of the currently available information. Since it is possible that archaeological remains may be adversely affected by this proposal, we recommend that the planning authority defer determination of the application and request that the applicant complete an Archaeological Impact Assessment of the proposals.
30. This will require provision by the applicant for:
 - A field evaluation, by appropriate techniques including trial trenching, to identify and locate any archaeological remains of significance, and propose suitable treatment to avoid or minimise damage by the development. Further design, civil engineering or archaeological work may then be necessary to achieve this. This information should be submitted to the planning authority before any decision on the planning application is taken, so that an informed decision can be made, and the application refused or modified in the light of the results as appropriate.
31. Without the information that such an Assessment would provide, it would be difficult in our view for the planning authority to assess the archaeological impact of the proposals.
32. Should the applicant be unwilling to supply this information as part of the application, it may be appropriate to consider directing the applicant to supply the information under Regulation 4 of the Town and Country Planning (Applications) Regulations 1988, or to refuse the application. These recommendations conform to the advice provided in DCLG National Planning Policy Framework (NPPF) Section 16, paras. 189 & 190).
33. Should you be minded to refuse this application on other grounds, the lack of archaeological information should be an additional reason for refusal, to ensure the archaeological potential is given future consideration.
34. The Historic & Natural Environment Team (HNET), Leicestershire County Council, as advisors to the planning authority, will provide a formal Brief for the work and approve a Specification for the Assessment at the request of the applicant. This will ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority, in a cost-effective manner and with minimum disturbance to the archaeological resource. The Specification should comply with relevant Chartered Institute for Archaeologists "Standards" and "Code of Practice", and should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable.
35. Further response following Archaeology Report submitted in June 2021:
 - Thank you for the email, I have reviewed the report and can confirm that it is satisfactory and includes provision for the archive. It's conclusion that no archaeological remains other than furrows were found is accurate and therefore no further archaeological work is needed.

Anglian Water

36. The applicant should check for any Anglian Water assets which cross or are within close proximity to the site. Any encroachment zones should be reflected in site layout. They can do this by accessing our infrastructure maps on Digdat. Please see our website for further information: <https://www.anglianwater.co.uk/developers/development-services/locating-ourassets/>
37. Please note that if diverting or crossing over any of our assets permission will be required. Please see our website for further information: <https://www.anglianwater.co.uk/developers/drainage-services/building-over-or-near-our-assets/>

Ecology

38. My colleague commented previously on pre-application 2019/1038/PRE:

This application will need to be supported by an ecological survey. This should cover:

 - A Phase 1 habitat survey of the site
 - A badger survey of the site
 - A survey of the site for any additional protected species as considered necessary during the Phase 1 survey.
39. The results of these surveys should be used to inform the layout and design of this development. All existing boundary habitats should be retained and buffered from the development, including hedgerows and tree-lines. Hedgerows should be buffered by a minimum of a 5m buffer and the watercourse to the north should be buffered by a minimum of a 10m buffer.
40. Opportunities for biodiversity enhancements should be taken.
41. The Ecological Appraisal (FPCR, December 2020) is satisfactory.
42. Recommendations in the report must be followed and made a condition of any planning permission should it be granted. More specifically:
 - An updated badger survey is required immediately prior to commencement of works
 - Reptiles - site clearance as per section 4.15 (Reptiles) of the Ecological Appraisal:
43. The site layout plan shows that the recommended buffers have been provided. It isn't clear from the plans what size/depth the buffers are; please can these be clarified by marking on the plans? All existing boundary habitats should be retained, this includes the semi-natural broadleaved woodland and hedgerows. Hedgerows and trees should be retained and maintained with biodiversity and wildlife in mind. Hedgerows should be gapped-up with native hedgerow species. The NPPF (2019) requires development to achieve biodiversity net gain. There are opportunities for biodiversity enhancements on the site, these should be demonstrated on a LEMP (Landscape and Ecology Management Plan).
44. I have a holding objection to this planning application pending clarification/submission of the above information.
45. Further comment on revised plans:
 - The revised plan is acceptable in terms of distances from hedgerow boundaries.

Environmental Protection

46. I have considered this application. Given the significant distance from residential dwellings and its proximity to the A47 there is a low likelihood of any significant impacts from the proposal on residents that would be of concern to Environmental Health. I therefore have no objection to make, but the following comment is intended for your consideration in the determination process.
47. Developments such as this require artificial lighting. I'd advise requiring the applicant to demonstrate that such a scheme won't exceed the criteria set out for Zone E2 'Rural' in the Institute of Lighting Professionals (ILP) Guidance Note 01/20 'Guidance notes for the reduction of obtrusive light'. Please note that providing 'Polar Diagrams' for luminaries and maps of horizontal illuminance (lux) for the site and surroundings doesn't indicate whether the above (ILP) guideline values are met or not, as the guidance includes criteria for assessment of sky glow, glare, light trespass and other criteria. If it hasn't already considered you may also wish to consult on the issue of lighting potentially causing glare to drivers passing the site, although again this isn't an Environmental Health issue.
48. Notes for applicant
- The proposed development includes the unloading of petrol from tankers to underground tanks and subsequent refuelling of vehicles. As such the operator of the site will need to make an application for an Environmental Permit for Stage 1b and Stage 2 petrol vapour recovery, please contact environmentalhealth@rutlandgov.uk regarding this.
 - As it's very likely that Licensable activities will take place at the site the operator of the site should contact Licensing@rutland.gov.uk.
 - As the proposal includes potential food businesses, they should note it's a legal requirement that future operators should contact foodandsafety@peterborough.gov.uk to register the business at least 28 days before they become operational.

CPRE Rutland

49. CPRE Rutland is opposed to this application on several grounds.
- The proposed site is located outside the planned limits of development of Uppingham and is, thus, on Greenfield land and in open countryside.
 - Development in such locations is only acceptable in exceptional circumstances.
 - Land within the A47 bypass provided the town with space for controlled expansion as indicated in the Rutland Local Plan and reflected in the Uppingham Neighbourhood Plan.
 - Uppingham is a small market town. Development outside the limits would represent urban sprawl and detract from the integrity of the town. Moreover, it would set a precedent for further development.
 - The appearance of the proposed development, together with increased light pollution would detract from the rural aspect of the town, especially on the approach from the north and east. The materials proposed for the construction do not suit the rural context.
 - The site slopes away steeply to the north. It is not clear how much earth movement would be required to level the site with consequent impact on existing trees and hedgerows.
 - A Public Right of Way passes through the application site. Walkers would be required to cross the internal roadway and be subject to changes in slope. Currently, the footpath takes a smooth downward trajectory.
 - The access onto the roundabout is very close to an established hedgerow which is shown as being retained but would likely impinge on visibility and have to be removed.
 - Additional roadside rubbish pollution is likely to ensue from having drive-through refreshment facilities.

- The application relies on demand for electric charging and 24-hour opening. If such demand exists, surely this could and would be met by already existing facilities.
 - There are alternative sites on the A47 within 2-3 miles (Morcott to the east and the Belton lay-by to the west) which would be better suited, and have the space needed for electric charging points.
50. To summarise, CPRE Rutland is opposed to the proposal because of the cumulative effect of such development on an intrinsically rural landscape. The design is unexceptional and would detract from the visual amenity of the area on an important approach to the town.

Neighbour Representations

51. Objections have been received from residents in the surrounding areas. One has been received on behalf of the operator of Central Garage in Uppingham and one on behalf of Adams garage in Morcott.
52. The main issues raised are as follows:
- Outside the Uppingham planning boundary – greenfield site
 - Conflict with relevant policies
 - Safety concerns for the A47/A6003 roundabout
 - Impact on Uppingham businesses and adjacent Fuel stations
 - Impact on viability of Central garage
 - Light pollution caused by 24/7 operation
 - Noise pollution in operation
 - Potential for litter
 - Detrimental to bio-diversity
 - Sets a precedent for further development north of the A47
 - Unsightly and does not create a sense of place
 - Unsustainable to promote sale of fossil fuels
 - Is it 'green' enough?
 - Limited Police force to deal with anti-social behaviour
 - Already a PFS and coffee facility in Uppingham
 - Already supermarkets in Uppingham
 - Height of retaining wall is unsuitable
 - Already PFS facilities on the A47 at Morcott and Houghton on the Hill.
 - Most electric vehicles will be charged at home
 - Won't necessarily benefit Uppingham
 - 'Roadside safety' is not adequately demonstrated
 - No easy pedestrian access from Uppingham over the A47
 - Impact on Archaeology
 - Uppingham Neighbourhood Plan allocates land for a PFS at Uppingham Gate
 - Would fail the sequential test in SP7 even if it fulfilled the essential need test of CS4 and the safety tests of SP7
 - Gross floorspace exceeds 500m² so should be subject to a retail impact assessment.
 - Adams garage in Morcott is already undergoing improvements.
53. Letters of support have been received stating:
- Uppingham is in desperate need of a safe easily accessible garage
 - Support but only concern is access?
 - Site is lower than the road
 - Uppingham central garage has poor access and experienced road rage there
 - Delighted to see EV charging but why only 4? (Lincs & Rutland EV Owners Group)

- I think this is an excellent idea.
- At the moment the current petrol station can be a nightmare especially at peak times trying to reverse out onto a crossroads with traffic lights isn't fun neither is getting stuck after filling up with fuel because the cars in front or behind you are shopping in the Budgens shop.
- The fast charging facilities are a boon to the area for those of us who want electric vehicles but cannot charge from home due to not having a drive or a dedicated parking space nearby.
- I think this is an ideal location for a new petrol station.
- It's on the outskirts of Uppingham so won't affect trade in the town and the charging points are good for those who use electric vehicles.
- I would like to see a better petrol station where there's better ease of coming and going, currently you can get caught out in all directions, stuck in between cars or even then at the traffic lights
- People won't use a garage supermarket to do general weekly shops but it will be handy and useful to pick up bits every now and again especially if out on journeys or on the way back home after work pick up a quick tea
- The petrol station on the bypass in Oakham has a shop and coffee shop and that hasn't effected anything into its town so why should it with Uppingham

Planning Assessment

Background

54. The Government has announced a ban on the sale of new fossil fuelled vehicles by 2030 with new hybrids allowed until 2035.
55. Jaguar plans to sell only electric cars from 2025, Volvo from 2030 and Lotus recently said it would follow suit, selling only electric models from 2028. General Motors says it will make only electric vehicles by 2035, Ford says all vehicles sold in Europe will be electric by 2030 and VW says 70% of its sales will be electric by 2030.
56. Experts are likening the rise of electric vehicles sales to that of the internet in the 1990's. Growth will be exponential once the product becomes more efficient to make, especially the battery. The first battery to be capable of moving a vehicle for a million miles over its lifetime was unveiled last year.
57. Global sales of electric cars raced forward in 2020, rising by 43% to a total of 3.2 million, despite overall car sales slumping by a fifth during the coronavirus pandemic.
58. By 2025 20% of all new cars sold globally will be electric, according to the latest forecast by the investment bank UBS. That will leap to 40% by 2030, and by 2040 virtually every new car sold globally will be electric, says UBS.
59. This is going to rely on a huge network of charging facilities, especially in public places as the provision of fast home charging facilities is expensive.¹
60. The Government Transport Committee recommended on 28 July 2021 that charging an electric vehicle should be convenient, straightforward, and inexpensive; owners should not face a postcode lottery. The Chairman of the Committee said: 'Putting guarantees in place on infrastructure is crucial but one report after another flags concerns to Government about the provision of electric car charging infrastructure. Let ours be the last: it's time that ministers set out the route map to delivering a network of services for everyone across the UK'.

¹ <https://www.bbc.co.uk/news/business-57253947>

61. The technology around hydrogen fuel cells is also evolving such that there is a train of thought that this will eventually become more popular than electric vehicles.

Assessment

62. The main issues are, planning policy, highway safety, visual impact, ecology and archaeology.

Policy

63. The strategy under CS1 is to minimise the impact on climate change and include measures to take account of future changes in climate.
64. The site is located adjacent to but outside of the settlement of Uppingham and is therefore classed as countryside. Policy SP7 (non-residential development in the countryside) states that sustainable development in the countryside will be supported where it falls where it is (inter alia)
65. Essential investment in infrastructure including utilities, renewable energy and roadside services required for public safety purposes - provided that:
- i. the development cannot reasonably be accommodated within the Planned Limits of Development of towns and villages;
 - ii. the amount of new build or alteration is kept to a minimum and the local planning authority is satisfied that existing buildings are not available or suitable for the purpose;
 - iii. the development itself, or cumulatively with other development, would not adversely affect any nature conservation sites or be detrimental to the character and appearance of the landscape, visual amenity and the setting of towns and villages;
 - iv. the development would not adversely affect the character of, or reduce the intervening open land between settlements so that their individual identity or distinctiveness is undermined; and
 - v. the development would be in an accessible location and not generate an unacceptable increase in the amount of traffic movements including car travel.
66. The proposal would comply with the above criteria.
67. Public safety is not well defined but Circular 02/2013 states:
- *Motorway service areas and other roadside facilities perform an important road safety function by providing opportunities for the travelling public to stop and take a break in the course of their journey. Government advice is that motorists should stop and take a break of at least 15 minutes every two hours. Drivers of many commercial and public service vehicles are subject to a regime of statutory breaks and other working time restrictions and these facilities assist in compliance with such requirements.*
 - *The network of service areas on the strategic road network has been developed on the premise that opportunities to stop are provided at intervals of approximately half an hour. However the timing is not prescriptive as at peak hours, on congested parts of the network, travel between service areas may take longer.*
68. The footnote to Para 106(e) of the NPPF (policies should provide for large scale transport facilities) states that 'large scale transport facilities' includes roadside services, the primary purpose of which is to support the safety and welfare of road users. The applicant suggests in support of the application that there is insufficient provision of 24 hours facilities between Leicester and Peterborough. There does appear to be a shortage of high quality facilities such as this with 24 hour opening facilities to cater for road users between Leicester and Peterborough. The proposal is thereby justified on a qualitative basis.

69. The principle of roadside services is therefore acceptable subject to design and access issues in particular.

Highway Safety

70. Pre-application discussion took place with Highways and the applicants were advised that a separate access into the site so close to the roundabout was not acceptable. An additional arm off the roundabout was suggested and that is what has been submitted. Highways have had the access independently assessed by AECOM and minor adjustments have been made. The access is now acceptable from a highway Safety point of view.
71. Pedestrian access in the form of crossover points will be provided all around the A47 roundabout to facilitate accessibility.
72. Additional information has been submitted following the consultation response of the Public Rights of Way Officer above.

Visual Impact

73. The main visual impact of the site would be approaching from the north on the A6003 because the road is at a higher level when approaching the A47 at that point. However, the site is not completely open to view, being shielded by hedges and trees of varying height. When reaching the level of the A47 the site is very well screened. Some trees would need to be removed for the actual access into the site at this point.
74. The buildings would be slightly below the level of the A47 so not prominent from the south or east either. The hedge fronting the site would be retained and could be conditioned to be maintained at a minimum height. The retaining wall at the north side would be designed to be planted and hence minimise its visual impact. Proposed additional tree screening to the north will also assist screening.
75. The proposal whilst being visible from outside the site is not so prominent as to justify refusal on visual amenity grounds. No policy ever demands that a development is invisible. The agent has supplied CGI's and the one below illustrates the impact from the north during winter and before the new northern boundary trees have grown.



Ecology

76. The latest site layout plan shows the distances to the boundaries as requested by Ecology. A condition is attached as above as recommended by the Ecologist.

Archaeology

77. The Archaeology Consultant requested that some investigative work was done at pre-application stage. Trial trenching was carried out on site and a report submitted to Leics CC Archaeology for comments. The report concludes that Archaeological trenching has clarified the presence of ridge and furrow. No other features were identified, and the site is considered to have limited potential for further study.

Other Issues

78. Impact on viability of local businesses
79. The applicant has commissioned a Retail Planning Technical Note, particularly with regard to the impact on the garage in central Uppingham. This addresses a specific objection from a Consultant on behalf of Central garage. The Note is attached at Appendix 2. The conclusions of this report is accepted by the Planning Policy Manager and as such the proposal complies with CS17 and para 90 of the NPPF.
80. Members are aware that competition in itself is not a planning consideration but it is considered in this case that there will be minimal impact on the viability of Uppingham town centre as a result of this proposal.

81. Uppingham Gate petrol Station Neighbourhood Plan allocation
82. Policy 6 of the Uppingham Neighbourhood Plan states as follows:
83. This Plan supports the approval of Site D as an extension of the employment offer at Uppingham Gate. Development meeting use classes B1, B2 & B8 and waste related uses with these characteristics would be supported:
- A Data Centre, Techno Hub or other high tech employer(s)
 - Light industry start up units
 - A garage with fuel and a small shop
 - Office units
 - Light electrical
 - Health Care Product related employment
 - Environment friendly start ups
 - Transport/coach interchange with public car parking
84. The applicant has looked into that side of the A47 and there are several issues that they consider are unlikely to bring a proposal for a petrol station for approval. These include especially that the highway authority will not permit a direct access of the A47 at this point, thus cars will have to leave the A47, along Ayston Road and access the site via Uppingham Gate which is deemed unviable for a main road service.
85. Secondly the land is apparently in fragmented ownership which also presents difficulties in land assembly to bring a site forward.

Conclusion

86. The scheme would provide a high quality roadside service on the A47 between Leicester and Peterborough, providing electric charging facilities which are currently limited in Rutland, together with future proofing to allow fossil fuel pumps to be replaced by electric chargers and retaining space for hydrogen storage which could become at least as popular as electric as a vehicle fuel in the future. Whilst the site is in open countryside it should be considered as a wider public benefit roadside facility in accordance with SP7 rather than a development solely in or for Uppingham.

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UPPINGHAM - LAND NORTH OF A47

PROPOSED ROADSIDE SERVICES AND RECHARGE CENTRE, COMPRISING EIGHT PUMP PETROL FILLING STATION INCLUDING SUPPORTING RETAIL UNIT (330m²) AND CANOPY, FOUR ELECTRIC CHARGING STATIONS, DRIVE THRU COFFEE SHOP (165m²), NEW VEHICULAR ACCESS, DRAINAGE, PARKING AND LANDSCAPING

PLANNING APPLICATION REFERENCE 2021/0018/MAF

RETAIL PLANNING TECHNICAL NOTE

1. This Retail Planning Technical Note (TN) has been prepared to address comments on retail planning matters set out in a letter of objection from Mike Sibthorpe Planning (MSP) – acting on behalf of Uppingham Central Garage – dated 22 February 2021.
2. The issues raised in the MSP letter – specifically in respect of the sequential approach and the impact test – are addressed in turn below by reference to relevant planning policy and guidance as necessary.

The Sequential Approach

3. MSP assert at page nos. 3 and 4 of their letter that because the proposal as a whole includes elements that are town centre uses, such as the forecourt shop/retail unit and the drive thru coffee shop, the sequential approach to site selection for new town centre uses (with a preference for town centre sites followed by edge of centre sites and lastly out of centre sites) should be applied to each individual component of the proposal.
4. The above is known as disaggregation (i.e. breaking up a proposal into its component parts) however there is no requirement in either the National Planning Policy Framework (the Framework) or the Planning Practice Guidance (the Guidance) to consider this issue as part of the sequential approach.
5. The Guidance makes it clear that *‘the application of the test will need to be proportionate and appropriate for the given proposal’*. In determining whether a proposal complies with the sequential test considerations should include *‘is there scope for flexibility in the format and/or scale of the proposal?’* In that context *‘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’*. [Paragraph: 011 Reference ID: 2b-011-20190722].
6. To be completely clear the Secretary of State decisions from 2016 in respect of the Scotch Corner retail proposal confirmed that disaggregation is not required to demonstrate flexibility (Appeal Decision references: 3132873 and 3143678). The point is well settled and needs no further consideration here.
7. In the case of the current application proposal the petrol filling station, forecourt shop/retail unit and drive thru coffee shop are all integral to meeting the needs of the motorist travelling on the A47 and wider network as is set out in the Planning Statement prepared by Freeths

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LLP and dated 5 January 2021. Accordingly, if a site of circa. 1.12 hectares was available in the centre or on the edge of the centre it would not adequately serve the needs of the passing motorist on the A47.

8. All of the above is entirely consistent with the Guidance which is clear that 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 [Paragraph 012 Reference ID: 2b-012-20190722].
9. In any event there is no sequentially preferable site (identified by the applicant, MSP or the local planning authority) that is both suitable and available, and which could accommodate the proposed development.

Retail Impact

10. MSP assert at page nos. 4 and 5 of their letter that the forecourt shop/retail unit and drive thru coffee shop have a gross external floor area (GEA) of 541.75 sq m and that, as a result, it is necessary to assess the retail impact of the application proposal.
11. Paragraph 89 of the Framework states that when assessing applications for retail and leisure development outside of town centres, which are not in accordance with an up to date development plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold the default threshold is 2,500 sq m of gross floorspace). This should include an assessment of:
 - i. The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
 - ii. The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).
12. In this instance there is a locally set floorspace threshold of 500 sq m gross set out in Policy CS17 – Town Centres and Retailing of the adopted Core Strategy (2011)
13. As per the submitted Town Planning Statement (5 January 2021) the proposed gross internal area (GIA) of the forecourt shop/retail unit and drive thru coffee shop is 330 sq m and 165 sq m respectively. A total of 495 sq m GIA and under the 500 sq m threshold.
14. If it is accepted that MSP are correct and the trigger for retail impact analysis is 500 sq m GEA then the application forecourt shop/retail unit is 355 sq m GEA and the drive thru coffee shop is 180 sq m GEA. That is a total of 535 sq m GEA.
15. Given that the forecourt shop/retail unit also contains toilets serving the wider site and site management office (none of which are town centre uses) it is a logical and pragmatic conclusion to reach that the floorspace threshold for undertaking the impact test is neither reached nor exceeded.
16. For completeness however the impact test is considered below in broad terms.

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- i. Importantly, the application proposal will have no impact on existing, committed or planned public and private investment in a centre or centres in the catchment area of the proposal. No such proposals are identified or impact alleged by MSP or the local planning authority.
- ii. In so far as the impact of the proposal on the vitality and viability of the town centre is concerned MSP alleges that the application proposal will result in a loss of linked trips i.e. that customers who use the town centre petrol filling station also use other shops and services in the centre as part of the same trip and if they switch to the application proposal to buy petrol they will no longer use other shops and services in the town centre. This is nonsensical and suggests that the principal reason for visiting Uppingham is to visit the petrol filling station. In reality the Rutland Retail Capacity Assessment (2016 Update) identifies in the Household Survey Results (Question 13b at Appendix 3) that in the whole study area only 0.3% of respondents identified that their main reason for visiting a particular centre was to buy petrol. In Zone 6 (within which Uppingham is located) 74.6% of respondents (Question 13 at Appendix 3) identified Uppingham as the main centre visited and no respondents identified that the main reason for the visit was to buy petrol. Rather, the main reasons to visit a particular centre as expressed by Zone 6 residents were food shopping (42.3%), non food shopping (18.7%), day time eating and drinking (7.3%), night time eating and drinking (3.3%), financial services (6.6%) and work (4.9%).
- iii. It is clear from the household survey results that the main reason for visiting Uppingham is not to buy petrol. In fact only 3.3% respondents in Zone 6 (Question 13c at Appendix 3) stated that they purchased petrol as part of their trip at all and then secondary to the main reason for the trip. Accordingly, it is clear that the transfer of trips to buy petrol from the existing petrol filling station to the application proposal will have no material impact on existing shopping patterns.
- iv. Whilst the primary function of the application proposal is to meet the needs of the passing motorist on the A47 and wider network it is conceivable that some trade may be diverted from town centre shops with shoppers using the forecourt shop/retail unit to purchase food or non food goods that they would ordinarily purchase in the town centre. This can be quantified as follows.
 - a. Assuming a net to gross floorspace ratio of 80% then the net sales area of the forecourt shop/retail unit would be 264 sq m. That is the area devoted to the sale of goods and excluding back of house etc. Based on the indicative layout submitted with the application the net to gross ratio is much lower but 80% is adopted here for the purposes of robust analysis.
 - b. In order to establish a turnover for the forecourt shop/retail unit then a sales density expressed as £ per sq m can be applied to the proposed floorspace. For simplicity figures have been extracted from the Rutland Retail Capacity Assessment (2016 Update) and a mid point has been adopted between that of the company average turnover for the One Stop , High Street West, Uppingham (£2,500 sq m) and for the Co-Op, North Street East, Uppingham (£7,713 sq m). That mid point is £5,106.50 sq m. Again this figure is adopted for robust analysis because it is predicated entirely on convenience turnover when in reality the store

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will stock non food goods at a lower sales density which would reduce the overall turnover. Notwithstanding the 2015 price base of the figures extracted from the Rutland Retail Capacity Assessment (2016 Update) it is a proportionate level of analysis.

- c. Applying the above turnover to the forecourt shop/retail unit would equate to a turnover of £1,348,116 (2015 prices).
 - d. Given that the primary function of the application proposal is to meet the needs of the passing motorist on the A47 and wider network the proposal will act as an interceptor of trips from a wide geographical catchment i.e. only a small proportion of trade will be diverted from the town centre. That being principally any Zone 6 residents who switch a shopping trip from the town centre to the application proposal which is likely to be a small number of top up shopping trips. Again for the purposes of robust analysis it is assumed here that 20% of the turnover of the forecourt shop/retail unit could be diverted from town centre stores. In monetary terms that would equate to £269,623.20.
 - e. For comparative purposes the Rutland Retail Capacity Assessment (2016 Update) identifies that the total turnover of Uppingham town centre at 2015 was £11.6 million (comprising £5.6 million convenience goods turnover and £6.0 million comparison goods turnover derived from Table 6 Convenience Modelling and Table 5a Comparison Goods Modelling at Appendix 2).
 - f. The impact of the potential trade diversion (d) expressed as a percentage of town centre turnover (e) is 2% and therefore negligible.
 - g. By way of a sensitivity test even if 50% of the turnover of the proposal was diverted from the town centre then the impact would only be 6%. Again that is not material.
 - h. The fact that the assessed levels of impact are not material is further supported by the Rutland Retail Capacity Assessment (2016 Update) page nos. 19, 20 and 21 which conclude that Uppingham is both a vital and viable centre with no cause for concern. As such it would be robust against any impact arising from trade diversion.
 - v. Against the background of the above the application proposal would not result in a level of trade diversion from the town centre that would have a significant adverse impact on Uppingham town centre, even on the basis of the extreme sensitivity test at point g above. To be clear a significant adverse impact is the magnitude of impact required in order to justify any refusal of planning permission as per paragraph 90 of the Framework. The impact of the application proposal is well short of this.
17. Whilst it could be said that the drive thru coffee shop could also divert footfall from the town centre it is again a facility for the passing motorist whilst waiting for EV recharging amongst other things and any modest diversion would not be material.
18. MSP assert in their letter that it is reasonable to conclude that in the absence of any assessment of impact the proposal would result in unacceptable town centre impacts. This

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TN demonstrates that conclusion is wholly without merit and exhibits a lack of understanding of both the function of road side services proposals and associated retail planning matters.

19. It is hoped that this TN is useful in addressing retail planning matters to the satisfaction of the local planning authority however if there are further queries we will be pleased to discuss and provide any additional clarification as necessary.

14 May 2021

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