

**NORTH BOUND KEELE MOTORWAY SERVICE AREA**  
**WELCOME BREAK**

**18/00537/FUL**

The application is full planning permission for change of use of agricultural land to create 100 HGV parking spaces, including access, landscaping and drainage and associated works. An amenity area is also proposed for users of the Motorway Services Area (MSA)

The application site lies within the Green Belt and as Area of Landscape Maintenance, as indicated on the Local Development Framework Proposals Map. The site extends to approximately 4.24 hectares in total, with approximately 3 hectares of that area outside the existing boundary of the MSA.

**The 13 week period for the determination of this application expired on the 9th October 2018, but the applicant has agreed an extension of time to the statutory determination period to the 1st February 2019.**

**RECOMMENDATION**

- 1) Should Highways England not withdraw their holding objection within 1 month of the date of Committee and as such there remains a Direction requiring the Local Planning Authority if it is minded to approve the application to consult with the Secretary of State for Transport, that consultation is then undertaken, and a Direction under Article 31 of the Development Management Procedure Order is not then served directing the Council to refuse the application, and
- 2) The appropriate procedure under the Town and Country Planning Consultation Direction having been undertaken

**PERMIT** the application subject to conditions relating to the following:

- i. Standard time limit
- ii. Approved plans
- iii. Submission, approval and implementation of a detailed surface water drainage scheme
- iv. Submission, approval and implementation of the details of the pedestrian route from the HGV parking area and amenity area to the MSA services building and the associated signage.
- v. Construction Management Plan
- vi. Submission, approval and implementation of an Arboricultural Impact Assessment
- vii. Retention of all trees that are shown to be retained on the Landscape Concept Plan.
- viii. Submission, approval and implementation of tree protection measures.
- ix. Submission, approval and implementation of a Tree Protection Plan
- x. Submission, approval and implementation of details of the boundary treatment of the area and other security measures including CCTV.
- xi. Submission, approval and implementation of a detailed landscape scheme, which address recommendations of the Ecological Appraisal regarding increasing connectivity and foraging opportunities for bats.
- xii. Implement the recommendations within the Ecological Appraisal/Reptile Survey regarding biodiversity enhancements
- xiii. Submission, approval and implementation of a detailed lighting scheme

**Reason for Recommendation**

It is concluded that the proposal represents inappropriate development in the Green Belt and should not be approved except in very special circumstances. However, it is considered that very special circumstances exist as the development will provide much needed HGV parking spaces to ensure, in the interests of highway safety, that drivers can stop at a crucial point on the network to take their statutory break. Whilst the pedestrian crossings through the MSA to and from the HGV parking area and amenity area haven't yet been finalised, this could be dealt with by condition. No other harm other than to the interests of the Green Belt has been identified. As such it is considered that planning permission can be granted although this can only be done following consultation with the Secretary of State for Transport unless Highways England withdraws their objection, and the

Secretary of State for Housing, Communities and Local Government will also need to be notified that the Council is minded to grant planning permission.

### **Statement as to how the Local Planning Authority has worked in a positive and proactive manner in dealing with the planning application**

The proposed development is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

#### **Key Issues**

1.1 The proposal involves the formation of a hard-surfaced area on the field to the south of the northbound Motorway Service Area (MSA) that will be set out to accommodate 100 HGV parking spaces. Landscaping and surface water attenuation is proposed. Access to the parking area is provided from the existing MSA spine road, with a dedicated turning lane into the application site.

1.2 The application site includes part of the existing MSA, which is in use in connection with the collection of pallets, and part of an adjacent field to the south east. Landscape bunds are proposed between the site and the wider open countryside with screen planting largely surrounding the proposed additional parking area.

1.3 The application site lies within the Green Belt and an Area of Landscape Maintenance, as indicated on the Local Development Framework Proposals Map. The site extends to approximately 4.24 hectares.

1.4 The application site is supported by a Preliminary Ecological Appraisal that identified no habitats or species of particular value on the site. As recommended within that Appraisal a reptile survey has also been undertaken which recorded no evidence of reptiles on the site. In light of such supporting information it can be concluded that there are no significant ecological constraints to the development.

1.5 The Environmental Health Division advise that it is unlikely that the use of the proposed parking area will have an adverse impact on nearby residential units and it will not adversely affect air quality given that any additional HGV movements associated with the proposed use will not be on the local roads. Concerns that have been expressed regarding security, which are valid material planning considerations, can be dealt with by condition.

1.7 The main issues to address are as follows:

- Is this appropriate or inappropriate development in the Green Belt?
- Is the loss of agricultural land acceptable?
- Highway safety
- Landscape impact
- If not appropriate development in the Green Belt, do the required very special circumstances exist that would outweigh the harm caused by inappropriate development or any other harm?

#### **2.0 Is the development an appropriate form of development within the Green Belt?**

2.1 Paragraph 143 of the current NPPF indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

2.2 At paragraph 145 the NPPF states that other than in the case of a number of specified exceptions the construction of new buildings should be regarded as inappropriate in the Green Belt. At paragraph 146 it indicates that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.

2.3 The application proposal does not, however, involve the construction of a building. It involves a material change of use of land and an engineering operation, both of which are forms of development listed at paragraph 146 and as such could potentially be appropriate in Green Belt policy terms.

2.4 A further exception identified at paragraph 146 is local transport infrastructure which can demonstrate a requirement for a Green Belt location. In this regard the applicant has submitted a recent appeal decision at Cobham services on the M25 for a similar HGV park extension which found that the geographic need identified in the location of the application site meant that the development should be regarded as not inappropriate. The submission in support of this application argues that the geographic need for additional HGV spaces is local to Keele and as such requires a Green Belt location. Therefore in addition to the other possible exceptions set out in the paragraph 2.3 of this report, it could fall within this exception. In all cases, however, the development could only be considered to be appropriate under the exceptions identified in paragraph 146 if it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

2.5 According to paragraph 134 of the NPPF Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

2.6 The proposed development would conflict with purpose c), as encroachment into the countryside would arise given that the proposals involve the development of land that is not currently within the MSA.

2.7 With regard to the impact upon openness it could be said the engineering works themselves do not affect openness. However the intended use of the site for the parking of HGVs and bearing in mind that it will be occupied by a number of vehicles at all times a loss of openness would arise from the development proposed.

2.8 In conclusion it is considered that the proposed development is inappropriate in the Green Belt.

### 3.0 Is the loss of agricultural land acceptable?

3.1 Paragraph 112 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by, amongst other things, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystems including the economic and other benefits of the best and most versatile agricultural land. As a footnote it states that where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

3.2 The best and most versatile land is defined as that which lies within Grades 1, 2 and 3a. Information produced by the Department of the Environment, Food and Rural Affairs indicates that the site, in part, comprises Grade 3 agricultural land (good to moderate quality). Such information is, however, dated and does not specify whether it is Grade 3a or 3b. In the absence of a site survey it is not known whether it is best and most versatile agricultural land.

3.3 Consideration as to whether the loss of agricultural land would be acceptable is addressed in section 6 below.

### 4.0 Highway safety

4.1 The NPPF indicates at paragraph 108 that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safety and suitable access to the site can be achieved for all users; and

- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

4.2 At paragraph 109 it indicates that development should only be prevented or refused on highway safety grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

4.3 At paragraph 110 it states that applications for development should:

- give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas and second, as far as possible, to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other transport services, and appropriate facilities that encourage public transport use;
- address the needs of people with disabilities and reduced mobility in relation to all modes of transport,
- create places that are safe, secure and attractive.
- allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

4.4 Policy SP3 of the Core Spatial Strategy relating to spatial principles of movement and access includes, amongst other things, the requirement to where necessary allocate land for the provision of essential infrastructure.

4.5 Saved Policy T12 of the Local Plan states that the Borough Council recognises the vital importance of good transport communications to the local business community. When formulating its views on any future proposals for the M6 corridor it is indicated that the Borough Council will consider the following:

- i. Their benefits to the local economy
- ii. The environmental and social impact
- iii. Their impact on the local transport network
- iv. Their potential to increase the use of sustainable transport modes.

4.6 Highways England (HE) have, within their latest response, identified where amendment and further information is required relating to a number of matters. Some of the concerns identified are land ownership issues that aren't material to the determination of the planning application. That this might result in difficulties for the developer getting approval from HE of the works under the necessary license/agreement is not the basis upon which to withhold or delay the granting of planning permission.

4.7 The provision of safe pedestrian routes/crossings within the MSA is, however, a material consideration and the concerns of HE are noted in this respect. The route from the proposed HGV parking and amenity area to the services buildings as shown on the submitted plans appears to be logical although it does result in crossing movements over the main through roads and petrol filling station egress. Whilst adjustments may be required to ensure that the precise position is appropriate such adjustments and the details of the associated signage, could be addressed through the imposition of suitable conditions. Noting that HE welcome the development in principle and do not, in their comments, state that the HGV parking area is not in the right location, it is considered that the imposition of a condition would be appropriate.

4.8 In light of the response of HE the local planning authority are currently prevented from granting planning permission for a time limited period which could be extended. At present, therefore, and unless HE withdraw their holding objection the local planning authority, if it were minded to grant the application, would have to first consult the Secretary of State for Transport and await the decision as to whether to serve a direction under Article 31 of the Development Management Procedure Order or not.

## 5.0 Landscape Impact

5.1 Saved policy N17 of the Local Plan indicates that development should be informed by and be sympathetic to landscape character and quality and should contribute, as appropriate, to the regeneration, restoration, enhancement, maintenance or active conservation of landscape likely to be affected. Policy N19 indicates that the Council will seek to maintain the high quality and characteristic landscapes in Landscape Maintenance Areas. Where development can be permitted, it will be expected to contribute to this aim. Within these areas it will be necessary to demonstrate that development will not erode the character or harm the quality of the landscape.

5.2 Core Spatial Strategy CSP1 indicates that new development should be well designed to respect the character, identity and context of Newcastle's unique townscape and landscape and in particular, the built heritage, its historic environment, its rural setting and the settlement pattern created by the hierarchy of centres. CSP4 states that the quality and quantity of the plan area's natural assets will be protected, maintained and enhanced through identified measures. Such measures includes ensuring that the location, scale and nature of all development planned and delivered avoids and mitigates adverse impacts, and wherever possible enhances, the plan area's distinctive natural assets, landscape character etc.

5.3 The application is supported by a Landscape and Visual Impact Appraisal (LVIA) which identifies that the site sits within a context of fields. The topography is undulating with a number of blocks of woodland and tree cover. The LVIA identifies the main effects of the proposed development as follows:

- General site clearance of vegetation and grassland.
- Creation of new hardstandings, lighting, signage and boundary fencing to accommodate additional parking and circulation areas.
- Creation of an attenuation basis with the proposed boundary landscape to assist with sustainable drainage and provide amenity
- The creation of low profile bunding between 1-1.5m in height.
- The planting of areas of native woodland, thicket, hedgerow and trees with emphasis on future screening, integration with surrounding landscape and ecological enhancement.
- Creation of an informal amenity space within the proposed landscaping for the enjoyment of visitors taking a break from their journey.
- The movement of HGVs.

5.4 The LVIA identifies a number of locations (landscape receptors) in order to appraise the effect of the proposed development and establish whether it would have an adverse landscape or visual impact. The identified locations are Keele Village Conservation Area; Keele Campus and Parkland; and Keele Redlands (a landscape character area within which the application site is located). Within these locations a number of viewpoints have been identified

5.5 The choice of such locations and viewpoints are accepted as appropriate by your Officer and no additional locations/viewpoints have been identified.

5.6 Keele Village is situated on high ground to the north of the application site. The distance, topography and intervening vegetation, and development within the Keele Campus and Parkland provide physical and visual separation from the proposed development. For these reasons it is concluded within the LVIA that the visual importance and effect of the development is "negligible adverse". Parts of Keele Campus and Parklands are closer to the application site but the physical and visual separation that exist leads to the same conclusions. Such conclusions are accepted.

5.7 The LVIA assesses the effect of the proposal on the landscape receptor within which it sits, Keele Redlands, the visual importance and effect of the development to be "minor adverse". Again this conclusion is accepted.

5.8 The LVIA sets out that the visual effects of development on the certain viewpoints, which are listed below, vary but considers that subject to the implementation of the proposal landscape mitigation, involving the retention of boundary vegetation, where possible, and its management and the introduction of screening belts of native woodland etc. the visual effect is limited. This is accepted. The identified viewpoints are:

- Approach to the Clock House in the grounds of Keele Hall
- Lymes Road public footpath.
- Highway Lane public footpath
- Footpath on Three Mile Lane, near Racecourse Farm
- Dab Green public footpath

5.9 Overall whilst the proposal will have some impact on the landscape it will not be harmful subject to the implementation of the landscaping scheme and a condition requiring approval of the lighting scheme to minimise its impact.

6.0 If not appropriate development in the Green Belt, do the required very special circumstances exist that would outweigh the harm caused by inappropriate development or any other harm?

6.1 The NPPF, at paragraph 144, indicates that very special circumstances (to justify inappropriate development) will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

6.2 The applicant considers that this is appropriate development in the Green Belt, but acknowledging that the local planning authority might reach a different conclusion has set out that there is an identified need for the additional parking spaces and that the proposal will improve highway safety amounting to the very special circumstances that justify the granting of planning permission.

6.3 Circular 02/2013, a Department for Transport policy document, should be read by local authorities and others involved in any development proposals which may result in any traffic or other impact on the strategic road network as in this case. It requires MSAs to fulfil a very specific highway safety purpose. This includes offering drivers the opportunity to stop and rest and to ensure that there is sufficient parking provision for this it sets out traffic-flow formulas for the calculation of the number of HGV parking spaces that should be provided. It is understood that the application of the formula identifies that an additional 56 spaces are required.

6.4 The National Survey of Lorry Parking carried out in 2017 and released in May 2018 explains that Keele Northbound has the most significant over-capacity issues of any HGV parking site in the West Midlands and nation-wide is amongst the most severely oversubscribed too. The survey identifies an utilisation rate of 85% and above as being 'critical' due to the need for drivers to search carefully for spaces at capacity levels beyond this. Keele has an utilisation rate of 221% - with HGVs being parked outside of the designated parking spots, on the kerb side or straddling parking spaces.. The application proposal seeks to address this issue.

6.5 The application is supported by a survey which indicates that there is justification for 143 additional bays, due to a large number of HGVs circulating and then leaving due to there being no available space to park and others parking inappropriately within the MSA. The proposed 100 parking spaces is therefore at a level somewhere between the 56 derived from the application of the formula within the Circular and the level identified in the supporting survey which appears to be consistent with the National Survey of Lorry Parking referred to above.

6.6 The representation from the Road Haulage Association, reported in the Appendix below, indicates that the M6 is a vital strategic route with this stretch offering a logical stopping point for any driver who is traveling from the south west and south east to the north west and beyond. The maximum permitted driving time of four and a half hours on such a journey is commonly reached, apparently, in and around Keele making it a crucial point on the network for HGV drivers to take their statutory break.

6.7 It is accepted that the additional lorry parking spaces could not be accommodated within the existing MSA through a redesign of the existing layout. In addition it is accepted, given the representation from the Road Haulage Association, that there is justification for the parking area to be provided at Keele. It is also accepted that alternative provision outside of the Green Belt would not best meet the needs of the drivers and the legal requirement to take appropriate breaks as it would not be on the M6 and would not provide the required facilities. Diverting off the M6 onto the A500 (part of the Strategic Highway Network), to alternative provision, which does not currently exist, would

involve a 6 mile detour with additional fuel costs, increased pollution and congestion on that route and generally lengthen journey times unacceptably.

6.8 Taking into account that no other harm has been identified and that there is justification for the proposed development in this Green Belt location from a highway safety perspective, it is concluded that very special circumstances exist that justify the granting of planning permission. For the same reasons the loss of agricultural land is also justified.

## APPENDIX

### **Policies and proposals in the approved development plan relevant to this decision:-**

#### [Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy \(CSS\) 2006-2026](#)

Policy SP1: Spatial Principles of Targeted Regeneration  
Policy SP2: Spatial Principles of Economic Development  
Policy SP3: Spatial Principles of Movement and Access  
Policy ASP6: Rural Area Spatial Policy  
Policy CSP1: Design Quality  
Policy CSP3: Sustainability and Climate Change  
Policy CSP4: Natural Assets

#### [Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy S3: Development in the Green Belt  
Policy T12: M6 Corridor  
Policy N17 Landscape Character – General Considerations  
Policy N19 Areas of Landscape Maintenance

### **Other Material Considerations include:**

#### [National Planning Policy Framework](#) (July 2018)

#### [Planning Practice Guidance](#) (PPG) (2014)

Department for Transport [Circular 02/2013 Strategic road network and the delivery of sustainable development](#)

AECOM and Department for Transport [National Survey of Lorry Parking 2017](#)

[Freight Strategy for the County of Staffordshire](#) (November 2018)

#### Supplementary Planning Guidance/Documents

[Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document](#) (2010)

#### Relevant Planning History

In 2000 planning permission was granted for on the northbound sider redevelopment of the maintenance depot (which lies within part of the land affected by the current application to provide 42 bedroom hotel (reference 98/00528/FUL). This permission was subsequently renewed in 2005 under reference 05/00330/FUL. It has not been implemented and the permission has lapsed

#### Views of Consultees

In their latest response **Highways England** recommend that planning permission not be granted for a three month period from 28<sup>th</sup> January. They indicate that the proposal to increase the number of HGV spaces by 100 to a total of 132 HGV spaces is welcomed in principle. However at present, and as previously expressed, the proposed development gives rise to significant concerns in terms of pedestrian safety, both for HGV drivers accessing the main Motorway Service Area (MSA) buildings and non-HGV visitors accessing the proposed amenity area. This will give rise to an increase in pedestrian crossing movements of the main MSA through roads and petrol filling station egress which currently lack safe pedestrian routes and crossing points. They have previously set out the following four matters which are likely to require a degree of redesign by the applicant and although a further design was received, these matters have not yet been sufficiently addressed and are still considered to require review and amendment. As such they remain outstanding at this time:

- Safe pedestrian routes and crossing points are required to enable HGV drivers to access the main MSA services building from the proposed HGV parking area.
- Safe pedestrian routes and crossing points are required to enable non-HGV drivers to visit the proposed amenity area from the existing car parking areas
- A review of existing signing and road markings is necessary along with details of new vehicle and pedestrian signs and road markings for the HGV parking and amenity areas.
- These details need to be supported by a Road Safety Audit.
- A Construction Management Plan will need to be submitted and approved that controls the aspects of earthworks and construction activities in order to safeguard the MSA traffic flows and access to facilities in order to safeguard the MSA traffic flows and access to facilities. They consider that this could be dealt with by planning condition, however.

The **Lead Local Flood Authority** recommends a condition requiring submission and approval of a detailed surface water drainage scheme.

The **Environmental Health Division** has no objections subject to approval of the lighting scheme.

The **Highway Authority** has no objection as the proposal would not have an unacceptable impact on highway safety and the residual cumulative impacts on the road network are not considered severe.

The **Landscape Development Section** has no objection in principle to the proposed development and it does not appear that any significant existing trees are likely to be affected, however no detailed tree information has been provided and it is requested that an arboricultural impact assessment is submitted. The existing trees adjacent to the filling station are shown to be retained on the Landscape Concept Plan but have been omitted from the levels drawings. These are important trees and should be retained.

Permission should be subject to a Tree Protection Plan and detailed landscape proposals.

The **Crime Prevention Design Advisor** indicates that the current HGV parking arrangements are inadequate in many respects and the proposals appear to address this issue. Capacity will be vastly increased encouraging much greater use of Keele Services for driver breaks. The area will be lit with lighting columns placed around the edge of the parking area and pointing inwards. There will also be a single way in and out of the parking area which is ideal and should go some way to reducing criminal opportunity towards the HGVs.

Action 15 of the (previous) Staffordshire Freight Strategy identifies the need to improve security standards of HGV parking areas. Security would be improved with additional lighting in the middle of the parking area. In addition further security measures are required to address crime directed at parked-up HGVs that are experienced at Keele MSA. There have also been incidents involving illegal immigrants and HGVs. CCTV provision is therefore required.

**Keele Parish Council** has concerns regarding security given past incidents of people trafficking. Whitmore Parish Council need to be consulted as some of the land is in their Parish. In addition the configuration does not seem to be fit for purpose.

The views of **Whitmore Parish Council** have been sought but as they have not responded it is assumed that they have no comment.

### Representations

The Road Haulage Association has written in support of the proposal for the following reasons;

- Keele northbound has a recognised shortage of HGV parking spaces which is not helped by the nearest alternatives being Stafford and Sandbach which are relatively small facilities. The M6 is used as a vital strategic route with this stretch offering a logical stopping point for any driver travelling between Bristol to the North West and beyond. The maximum permitted driving time of 4 ½ hours on such a journey is commonly reached in and around Keele, making it a crucial point on the network for statutory breaks.

- The additional spaces would provide drivers with peace of mind when parking up. They are becoming more concerned about their own safety and security of their vehicles.
- Lorry drivers need a variety of refreshments as well as well-maintained facilities such as showers and bathroom facilities at their stops, all of which would be available with this development. Alternative locations off the Strategic Road Network are unlikely to have this supporting infrastructure in place and would increase the pressure on local roads.
- The fuel costs and inconvenience to drivers of finding alternative facilities off of the motorway means that even if there were realistic alternatives to MSAs they would not be a first choice preference.
- Almost ¾ of goods movements are carried by road.
- Provision of safe and secure off-road parking facilities for HGVs on key transport corridors alongside the provision of hygienic catering and bathroom facilities is a major issue within the industry.
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#### Applicant's/Agent's submission

The application is accompanied by the following documents:

- Planning Statement
- Additional information concerning need
- Landscape and Visual Appraisal
- Preliminary Ecological Appraisal
- Reptile Report
- Flood Risk Assessment Sustainable Drainage Statement
- Sustainable Drainage Statement
- Transport Assessment
- Stage 1 Road Safety Audit and Design Team Response

All of these documents are available for inspection at the Castle House or online via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00537/FUL>

#### Background papers

Planning files referred to  
 Planning Documents referred to

Date report prepared  
 4<sup>th</sup> February 2019