

PARISH Tibshelf

APPLICATION LOCATION Construction of a drive thru kiosk and associated roadworks.
Roadchef, Tibshelf Services, M1 Southbound, Newtonwood Lane, Tibshelf

APPLICANT Dr Ian McKay, Roadchef Motorways Services Limited, Roadchef House, Betty's Lane, Norton Canes, Cannock, WS11 9UX, UK

APPLICATION NO. 17/00041/FUL **FILE NO.** PP-05791098

CASE OFFICER Rory Hillman

DATE RECEIVED 30.1.2017

Delegated application referred to committee by: Councillor Watson

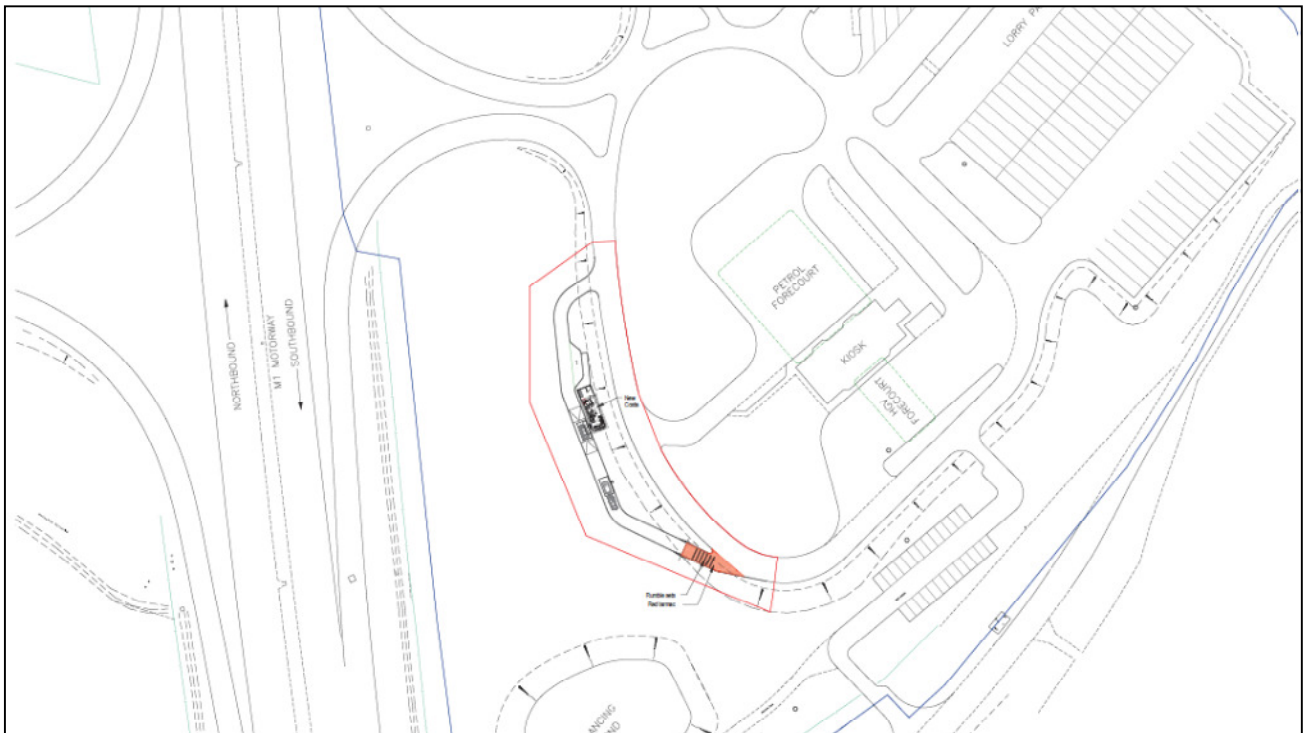
Reason: The proposals could give rise to unacceptable risk of hazards to highway users and potentially compromise the safety of other drivers and passengers on the M1.

Site

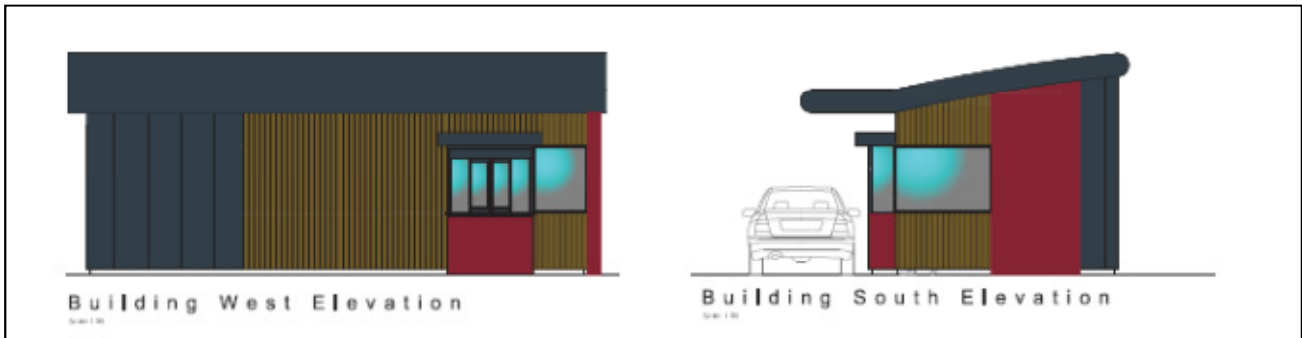
The application relates to Tibshelf motorway services to the east of the M1 motorway, which serves the southbound carriageway. The development is proposed to occupy a grassed strip of land to the south-west of the main motorway services, to the east of the main carriageway and immediately to the west of the circulation road which carries traffic from service area to the main carriageway of the motorway.

Proposal

Permission is sought for the erection of a drive-through retail kiosk to be operated by the coffee chain Costa in the location shown on the site layout plan, below.



The site layout plan shows that to access the kiosk, vehicles would leave the main service area as if heading for the motorway, leave the circulation road onto a dedicated access which would serve the kiosk. Vehicles would then rejoin the circulation road and either continue to the main service area or rejoin the motorway. There would also be a layby immediately to the north of the kiosk building.



The kiosk itself (shown above) would have a rectangular footprint of 36.8m². It would have a monopitched roof metal roof with an eaves height of 3.2 metres rising to 4 metres at its apex. The walls would be finished in black metal and composite cladding. The building would accommodate a kitchen/preparation area, service window, storage area and toilet. A bin store would stand adjacent to the building's southern elevation.

Amendments

None.

History

The application is associated with a concurrent application which relates to a similar proposal on the opposite side of the motorway at Tibshelf Services northbound under reference 17/00040/FUL. However, this application has been determined because the Costa kiosk would be at the entrance to the northbound services rather than at the exit from the services as proposed in this application for the southbound services.

Consultations

DCC Highway Authority – No objections, one condition recommended, see Informative Note, below.

Tibshelf Parish Council – No response to date.

Highways England – No objection.

Environmental Health Officer – No objection.

Publicity

Site notice displayed. No representations have been received.

Policy

Bolsover District Local Plan (BDLP)

GEN1 Minimum Requirements for Development
GEN2 Impact of Development on the Environment
TRA 10 Traffic Management
SAC 13 Retail Development Outside Defined Town And Local Centres

NPPF

Paragraph 31 supports the development of roadside facilities.

ASSESSMENT

Amenity

The building proposed would be visible from Newtonwood Lane to the south and Saw Pitt Lane to the north as they cross the motorway as well as from a variety of points within the main service area. The proposal would be clearly contained within the service area and would be appropriate in this context in terms of its location and design. Therefore, the impacts of the proposed development on the visual amenity of the local area would be negligible. There are no nearby residential dwellings that would otherwise be affected by these proposals.

Highway Safety

In this particular case, traffic using the proposed kiosk would be moving directly from the services to the motorway in most instances. It is therefore likely that motorists using the kiosk will then rejoin the motorway immediately after buying hot beverages giving rise to the risk of a hot drink spilling on a driver and the driver losing control of the vehicle or the driver making dangerous manoeuvres. Therefore, the application is to be decided by committee because the proposals could give rise to unacceptable risk of hazards to highway users and potentially compromise the safety of other drivers and passengers on the M1.

Although, officers agree that this is a concern, one of the reasons that officers do not consider this constitutes a reason for refusal of the current application is because this scenario would not be significantly more or less likely as a result of this proposal. Officers have taken this view because motorists are currently able to buy food and drink elsewhere on the site and still join the motorway with a hot beverage. Furthermore, there is some opportunity for a motorist leaving the proposed kiosk to rejoin the main parking area via a service road at the exit from the Costa kiosk, which helps to mitigate the potential risks. Finally, neither Highways England nor Derbyshire County Council Highway Authority have raised any objection to the current proposals, which supports an officer view that any approval for the current application would not result in unacceptable risk in highway safety terms.

Implications for Local Centres

Policy SAC13 the Bolsover District Local Plan sets the threshold for requiring an impact assessment for retail development at 2,500 square metres and the proposal falls significantly below this. Given the site's distance from local centres and the proposed kiosk's ancillary relationship to the main service area, it seems unlikely that the kiosk would have any significant implication for the vitality and viability of nearby centres.

Conclusions

It is therefore concluded that approval of the current application would not give rise to any significant impacts on local centres or highway safety beyond those associated with the existing food and drink retail uses already established within the motorway service area. In all other respects, the proposed development would have little visual impact beyond the confines of the service area and the design of the kiosk is considered to be appropriate in the context of its setting. Therefore, the proposals are considered to comply with policies in the Development Plan and the current application is recommended for approval.

Other Matters

Listed Building:	n/a
Conservation Area:	n/a
Crime and Disorder:	no known issues
Equalities:	no known issues
Access for Disabled:	no known issues
Trees (Preservation and Planting):	no significant issues
SSSI Impacts:	n/a
Biodiversity:	no significant issues
Human Rights:	no known issues

RECOMMENDATION

Approve subject to the following conditions:

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

Reason:

- 1) To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

Statement of the Decision Process

The proposal complies with the policies and guidelines adopted by the Council and the decision has been taken in accordance with these guidelines and those of the National Planning Policy Framework

Informative Note

- 1) Construction traffic should access the site from the M1 motorway where possible and avoid Newtonwood Lane.

Site Location Plan

**Roadchef Motorways Ltd, retail Units, Motorway Services Area,
Tibshelf, Newtonwood Ln, Newton, Alfreton DE55 5TZ**

