

## SOUTH HOLLAND DISTRICT COUNCIL

**Report of:** Development Manager

**To:** Planning Committee - 01 September 2021

**(Author:** Polly Harris-Gorf - Principal Planning Officer)

**Purpose:** To consider Planning Application H02-0095-21

**Application Number:** H02-0095-21

**Date Received:** 01 February 2021

**Application Type:** FULL

**Description:** Proposed roadside services and recharge centre comprising eight pump petrol filling station and six HGV pumps with canopies, retail (Class E(a), sandwich servery (Class E(a), drive thru coffee shop (Class E (b), restaurant/cafe (Class E(b), toilets and shower facilities, two electric charging points, HGV parking area (61 spaces), new vehicular access/egress, security fencing, parking and landscaping.

**Location:** Land to the South of James Road North of A16 Crowland

**Applicant:** Recharge Roadside Services Ltd      **Agent:** Freeths LLP

**Ward:** Crowland and Deeping      **Ward Councillors:** Cllr B Alcock  
Cllr J R Astill  
Cllr N H Pepper

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H02-0095-21>

### **1.0 REASON FOR COMMITTEE CONSIDERATION**

1.1 As a result of policy matters and the level of public objection to the proposal, the planning issues warrant consideration by the Planning Committee.

### **2.0 PROPOSAL**

2.1 Full application for a roadside services and recharge centre comprising eight pump petrol filling station and six HGV pumps with canopies, retail (Class E(a), sandwich servery (Class E(a), drive thru coffee shop (Class E (b), restaurant/cafe (Class E(b), toilets and shower facilities, two electric charging points, HGV parking area (61 spaces), new vehicular access/egress, security fencing, parking and landscaping.

2.2 Specifically, the proposal consists of the following:

- Petrol Filling Station (PFS) comprising 8 pumps for cars, 6 pumps for HGVs, a canopy, and an ancillary convenience store extending to 118m<sup>2</sup> (gross internal area);
- Two electric vehicle charging points, with the infrastructure to enable the ability to expand the number of vehicle charging points as demand increases.
- A drive thru coffee shop at 169m<sup>2</sup> (gross internal area);
- A restaurant area 120m<sup>2</sup> (gross internal area);
- A sandwich servery 58m<sup>2</sup> (gross internal area)
- Showers/toilets
- HGV Lorry Park (61 spaces)

- 31 car parking spaces

- 2.3 The main building would be a max of 8.589m in height, with a ground floor eaves height of 4.389m. The building would be 25.884m by 27.018m and externally faced with silver-grey composite cladding and cedar (wood appearance, fibre cement) wall cladding in pewter, under an anthracite grey aluminium roof form.
- 2.4 The proposed development would be managed and operated by an established Petrol Filling Station operator.
- 2.5 It is estimated that circa 15-20 FTE jobs would be created by the scheme.
- 2.6 The applicant describes the development site as having been identified to meet specific needs:
- (i) the day to day needs of Crowland.
  - (ii) to provide services for all drivers travelling along the A16 which connects Boston, Spalding, Peterborough and the A1.
  - (iii) to provide overnight parking and welfare facilities to HGV drivers.
- 2.7 The application is supported by a Sequential Test, Design and Access Statement, Flood Risk and Sustainable Drainage Strategy, Transport Assessment, Noise Assessments and an Ecological Appraisal.
- 2.8 Since submission the application has been amended to redesign the lorry bay layout, clarify that the lorry parking bays would not provide for refrigerated lorries, demonstrate the extent of the landscaping and acoustic fencing on the James Road frontage by the provision of section drawings, variation to the internal road layout, adjustments to the kerbs in and out of the drive thru' lane and removal of the canopy above the payment window. Also the addition of tracking for a caravan through the forecourt.
- 2.9 The acoustic report has been revisited in the light of the amendments made.
- 2.10 In addition, in respect of caravan/motorhome parking, the applicant is aware of a scheme at Sutterton whereby such vehicles are able to park in the HGV park for free for a limited time period. The applicant would be willing to provide a similar service on this site.

### **3.0 SITE DESCRIPTION**

- 3.1 The site consists of approx. 1.37ha of agricultural land to the south of James Road and immediate north of the A16, to the south of Crowland. Crowland is a Main Service Centre as defined in the SELLP.
- 3.2 The site is relatively flat, sitting at a lower level than James Road and the A16. The site consists of an agricultural field and sits to the east of a small group of trees, which are to the immediate west of the A16/James Road/Peterborough Road roundabout.
- 3.3 A drainage ditch marks the eastern boundary. The northern boundary with James Road is open. The site is within Flood Zone 3 and can be described as being within the countryside, for the purposes of the South East Lincolnshire Local Plan (SELLP).
- 3.4 The site sits to the immediate south of Crowland, just outside the settlement boundary. The surrounding area is characterised by mainly residential development to the north, but also with what appears to be a coach depot opposite the site on the west side of James Road and a scrap yard to the north of the site, accessed via Carrington Drove.
- 3.5 A recent housing development known as The Roostings Estate is located to the west of the site, and has vehicular and pedestrian access from James Road. There are 12 dwellings within Goldcrest Road with rear and/or side gardens on to James Road, that has a degree of separation as a result of landscaping. Of these, 3 would have an immediately rear or side facing

dwelling and garden. There is another dwelling, Alderlands, that faces on to James Road.

## **4.0 RELEVANT PLANNING POLICIES**

### **4.1 The Development Plan**

South East Lincolnshire Local Plan, March 2019

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Policies:

1: Spatial Strategy  
2: Development Management  
3: Design of New Development  
4: Approach to Flood Risk  
5: Meeting Physical Infrastructure and Service Needs  
7: Improving S E Lincolnshire's Employment Land Portfolio  
9: Promoting a Stronger Visitor Economy  
23: Reuse of Buildings in the Countryside for Residential Use  
24: The Retail Hierarchy  
27: Additional Retail Provision  
28: The Natural Environment  
29: The Historic Environment  
30: Pollution  
31: Climate Change and Renewable and Low Carbon Energy  
32: Community, Health and Well-being  
33: Delivering a More Sustainable Transport Network  
36: Vehicle and Cycle Parking  
APPENDIX 6 Parking Standards

### **National Guidance**

National Planning Policy Framework (NPPF), 2021

Sections:

2. Achieving sustainable development  
4. Decision-making  
6. Building a strong, competitive economy  
7. Ensuring the vitality of town centres  
8. Promoting healthy and safe communities  
9. Promoting sustainable transport  
11. Making effective use of land  
12. Achieving well-designed places  
14. Meeting the challenge of climate change, flooding and coastal change  
15. Conserving and enhancing the natural environment  
16. Conserving and enhancing the historic environment

Planning Practice Guidance (PPG)

## **5.0 RELEVANT PLANNING HISTORY**

5.1 There is no planning history relating to this site, however mention has been made by objectors to the following:

5.2 H22-0507-13. 37 Moulton Chapel Road, Cowbit. FULL. Change of use of land to provide lorry park and to include construction of building to accommodate shop (A1 use), toilet facilities and cafe (A3 use) - (re-submission of H22-0983-11). REFUSED. 29-10-13. APPEAL DISMISSED 05-06-14.

## 6.0 REPRESENTATIONS

### 6.1 Crowland Parish Council

#### 6.2 Comments regarding first submission:

Crowland Parish Council does not object, in principle, to the proposed development. In reaching this conclusion the Parish Council has considered the benefits that the development would bring to the parish against the real concerns of adjacent householders.

There are benefits in having a filling station nearby, as currently the nearest facility, in Eye Green, is a 10 mile round trip. The rapid expansion of dwellings in the southern side of Crowland has not been accompanied by basic retail or hospitality facilities, so the proposed development is likely to be an attractive alternative to taking a car trip for people living within walking distance of the site. Overnight lorry parking has become a concern in the area. All A16 laybys near the town are overwhelmed by unhygienic rest stops, and overnight LGV street parking is endemic in our southern estates, so we welcome the proposed improvement in welfare provided. New employment opportunities in Crowland have not kept pace with the rapid expansion of the population, so the community is dependent on travel outside of the immediate area to seek employment. The jobs offered by the proposal should be attractive to our parishioners.

However, the proposal does potentially adversely affect the residents living in the immediate vicinity, particularly the new Roostings development, plus those commuting to the south. Valid concerns have been expressed regarding the 24 hr noise emissions both from the site and from traffic emerging onto James Road, excessive light pollution, vehicle emissions including parked-up "reefer" units, and increased litter. The junction of Peterborough Road, James Road and onward to the A16 roundabout is a continual cause for concern locally, as is the condition and capacity of the roundabout, and the Parish Council will be writing to Highways again regarding minor improvements that could be made to benefit the wider community, and soften the traffic impact of the proposed development. Traffic flow improvements in the vicinity would likely reduce ongoing objections to the development. To ameliorate these issues, the Parish Council would like to see the developer re-consider some aspects of the layout. The security fence shown facing James Road needs to be a substantial noise abating barrier, and be moved back onto the site to increase the separation of the parked vehicle noise source from the housing opposite. Staff parking could be moved to the west of the LGV parking to also reduce the impact. The site should have an additional LGV exit directly onto the A16 northbound, which could reduce the impact on James Road by around 50%. All food outlets on the site, especially take-aways, should provide degradable packaging and adequate litter collection facilities both on-site and in the surrounding area.

The Parish Council considers that the proposal does need to address the concerns of the local community, and with changes such as suggested, the development, if approved, would be substantially less detrimental to the parish. Residents from the Roostings are submitting their concerns separately; these have been discussed with Parish Council, and should be taken into account alongside our comments.

The Parish Council is open to approaches from the applicant to discuss these and other improvement opportunities.

#### 6.3 Comments regarding second submission

Although there have been some minor amendments, most of the Parish Council's recommendations have not been incorporated, in particular the rejection of the suggestion that there should be an exit on to the A16 North and the Parish Council will be raising this issue directly with LCC Highways. In addition, the issue of noise was not addressed,

#### 6.4 Objections regarding third submission

The noise abatement proposals do not go far enough, and the "close windows" proposal is not a realistic solution. The proposed close boarded fence is not an effective alternative to an acoustic screen that was suggested. The relocation of staff parking, to move trucks further away from housing has not been adopted.

Disappointed that the suggestion for an additional exit directly onto the A16 northbound, to

potentially halve the additional traffic on James Road at the roundabout, has also not been adopted. A slip road on the site feeding into the roundabout northbound exit, would be possible and achieve the same result, plus by creating a third lane, existing traffic congestion would be eased. The site exit onto James Road should not have a right-turn option.

In summary, the Parish Council is concerned that the application is proceeding without most of the suggested ameliorations incorporated. Also query the viability of a truck stop in this area with no refrigerated vehicles able to use it.

#### 6.5 SHDC Environmental Protection

No comments with respect to land contamination.

With regard to Benzine and other pollutants:

The proposed facility will require a Permit to operate under the Environmental Permitting Regime, to address on site Petrol Vapour Recovery (PVR). Whether it is a Stage 1 or Stage 2 PVR will depend on the throughput of fuel at the facility.

The Permit is to ensure that controls are in place to recover petrol vapour that can be lost/escape into the atmosphere during the following activities:

1. The unloading of petrol into stationary storage tanks from a road tanker (Stage 1), and
2. The refuelling of motor vehicle petrol tanks (Stage 2).

A new service station facility will require a permit covering Stage 1 and Stage 2 vapour recovery if the annual throughput of petrol is, or is likely to be, 500m<sup>3</sup> or more per annum.

Historically, it has been widely acknowledged that an increase in emissions of benzene on a petrol forecourt could occur hence, legislation and controls as detailed above has been brought in to reduce such emissions.

In respect of this specific site it is:

- A non-urban location, (background levels/ambient concentrations of air pollutants are lower in none urban locations.)
- The site is 'open' to the surrounding land and the terrain is flat providing good dispersion for any air pollutants.
- The concentration of air pollutants decreases with distance from the source.

With regard to noise impacts, the following responses were received from the Lead Environmental Protection Officer :

#### 6.6 Comment regarding original submission

No objection but would ask that the recommendations made in the acoustic report by Acoustic Associates be added as conditions should permission be granted.

#### 6.7 Objection to second submission

Serious concerns about the potential impact of noise from HGV's on the nearest residential properties to the proposed site.

In section 2.2 of the acoustic assessment prepared by Acoustic Associates it states that :

"Providing recommendations contained within this report are followed an acceptable daytime and night-time noise situation in accordance with the WHO guidelines and BS 8233 should occur within living rooms and bedrooms of the nearest residential properties under conditions where windows are in the closed position and trickle vents are open to provide background ventilation."

This clearly means that residents within the nearest properties will have to change their behaviour and the way that they occupy their properties (and gardens) to ensure that they are not affected adversely by noise from the proposed site.

In the circumstances, object to the application as submitted.

If the application were to be re-submitted without the lorry park element it could potentially reduce the amount of noise generated by the site significantly.

#### 6.8 Objection to current submission

A new acoustic assessment (dated July 2021) has been submitted and revised to take into account the current proposal that refrigerated HGVs will not be using the lorry park.

This report has been studied in detail by members of the Environmental Protection Team.

It is unclear whether noise from HGV's manoeuvring on site and the use of reversing beepers have been modelled as part of the assessment.

The assessment shows that if there are no refrigerated HGVs on site, the predicted noise levels at the nearest residential properties will reduce compared with the original proposal. However the assessment concludes (Section 2.1) that WHO and BS 8233 guidelines for internal daytime and night time noise levels can only be met with windows closed in living rooms and bedrooms in the nearest residential properties and goes on to make the assumption that these residents currently need to keep windows closed due to the existing background noise level (predominantly from traffic noise from the A16 and St James Road).

As this part of the conclusion remains unchanged from the initial acoustic assessment submitted in January 2021, concerns and grounds for objection still remain.

#### 6.9 SHDC Conservation Assistant (Tree Preservation)

The copse which appears to be off site (south western side) is shown to have two trees which overhang the 'drive through'. Ideally the 'drive through' could have been designed to avoid encroachment on Root Protection Areas/canopies, with a verge between the copse and the roadway. The majority of the two aforementioned trees are located off site, so should hopefully survive.

Some ditches/drains appear bordering the site; there may be pollution issues with regard to oil/fuel residue runoff from the high volume of traffic using and parked on the site.

Protected Species could use areas adjoining the site, such as badgers in the copse or great crested newts or water voles in the ditches. Similarly bats feeding overhead. Officer has no evidence of this without a survey being taken of the immediate environs of the site. Obviously increased traffic is likely to result in road casualties.

The proposed site is not immediately adjacent to nearby preserved woodland, Crowland Tree Preservation Order No 4 1985 (to the south west of); but due to the increased volume of traffic may indirectly affect inhabitants of the woodland.

Ideally grassland landscape areas could be planted with a suitable native meadowland mix and managed with insect conservation in mind. Some tree /shrub planting may also help to make the site blend in to its surroundings, all will require maintenance until fully established.

#### 6.10 SHDC Inward Investment

The Economic Development Team are supportive of this application as it will be an asset to the wider road network in South Lincolnshire, providing a range of much needed facilities for the many vehicles using the A16. Whilst these facilities are to be welcomed, we would however, like to make the point that this development in Crowland is unlikely to address, to any great extent, the ongoing problem of overnight HGV parking that blights the layby's and side roads in and around Spalding itself, particularly the Wardentree Lane Industrial Estate area.

#### 6.11 LCC Highways & SUDS Support

Requests that any permission given by the Local Planning Authority shall include conditions to deal with highway improvement works to the A16 north of the A16/James Road/Peterborough Road roundabout and to James Road, the submission of a Construction Management Plan and Method Statement and the submission of a surface water drainage plan.

Subject to compliance with the conditions requested, Lincolnshire County Council, as the Highway Authority and the Lead Local Flood Authority, is satisfied that the development proposed in this Application could be constructed and operated without having an unacceptable impact upon highway safety, without having a severe residual cumulative impact upon the local highway network and without increasing surface water flood risk to the site, to those using the proposed facility or to neighbouring land and property.

The applicants and their agents engaged with the Highway Authority, prior to the submission of any formal Application, to agree the optimum achievable access/egress strategy for the proposed development, having regard to its situation, adjacent to the A16 roundabout junction with James Road and Peterborough Road. The access arrangement shown on the submitted layout drawing - with access to the site being solely in from the north-bound lane of the A16, including an extension of the existing roundabout splitter island northwards as a central reservation to physically prevent south-bound vehicles from being able to turn right into the site and egress being solely out onto James Road with drivers being able to turn both left (towards the A16 roundabout) and right (towards the centre of Crowland) - is what was agreed would be safest and most effective.

Drivers travelling northwards on the A16 and wishing to visit the proposed facility would turn left into the site by means of a deceleration lane which would begin at the exit from the roundabout (very similar to the arrangement at the recently completed roadside services at the A16/A17 roundabout at Sutterton). Drivers travelling southwards along the A16 (from the Spalding direction) and wishing to visit the proposed facility would have to circulate all the way around the A16 roundabout to reach the A16 north-bound exit from the roundabout and turn left into the site by means of the deceleration lane. Whilst this will add marginally to vehicle movements through the A16 roundabout, there is sufficient capacity at the roundabout to do so and, more importantly, this is a significantly safer manoeuvre than vehicles turning right across on-coming traffic that is also accelerating away from the roundabout.

The provision of an egress from the facility, onto the north-bound lane of the A16 via slip road/acceleration lane would require traffic to merge with traffic accelerating away from the A16 roundabout, on the inside of a bend. The proposed arrangement of all departing vehicles emerging into slower moving traffic on James Road, where the prescribed junction visibility is afforded, is considered to be the safer option.

Consideration was given to whether it would be necessary to require all vehicles leaving the site to turn left out of the site (towards the A16 roundabout) with those drivers wishing to travel northwards along James Road (towards the centre of Crowland) then having to complete a full circumnavigation of the A16 roundabout. It was however decided that as James Road carries far less traffic than the A16 and that that traffic is subject to a speed limit of (presently) 50 mph, it would be safe to allow drivers to turn both left and right out of the facility. This would also benefit residents of Crowland, who may have visited the facility just to refuel or make a purchase at the ancillary retail outlet.

Providing an access into the site from James Road would require traffic approaching from the roundabout direction to turn right across traffic traveling southwards along James Road towards the A16 roundabout and any vehicle queuing here could then tail back towards the roundabout.

Because the junction onto James Road is proposed to be out only, clear signing will be required on both approaches to this junction, to indicate to drivers that entry at this point is prohibited. This detail will need to be included within the highway improvement works required by condition.

Pedestrian access to the site is proposed to be provided by means of an extension of the existing footway in Goldcrest Road, a central island refuge in James Road and a new footway along the verge on the east side of James Road. These provisions can also be covered by the condition below. The addition of the central refuge and the associated road markings would provide a secondary benefit, as a traffic calming measure on this approach to Crowland.

The Transport Assessment, submitted in support of this Application, has been undertaken by a Consultant with a proven record of competency in preparing such reports and is in accordance with accepted industry practices. The highway authority accepts the conclusions of the consultants in the Transport Assessment, with particular reference to the guidance within the National Planning Policy Framework document, that proposed development should not have a severe residual cumulative impact upon the highway network.

Mention is understood to have been made in some of the consultation responses to the poor safety record of parts of the A16 between Spalding and Peterborough. Whilst those concerns

are noted, it has to be remembered that the principal function of the proposed development is to service those who are already travelling on the highway network. Whilst there would be some additional movements on the network, from people who are making a specific journey to the site, either to refuel, to shop or to work, those numbers will represent only a small overall increase in movements on the network and there is not sufficient justification for withholding the grant of consent on the grounds that the proposed development would further increase the risk of collisions on the A16 or generally give rise to unacceptable impacts upon highway safety.

The highway authority is aware of the practice of some drivers travelling towards Peterborough on the A16, to turn off the road at one of the junctions to the north of Crowland and to enter the A16/James Road/Peterborough Road roundabout at the James Road entry, thereby avoiding the queuing that frequently occurs on the A16 south-bound approach to this roundabout in the a.m. peak period. However, the effects of that practice would not, in the opinion of the highway authority, be sufficient grounds to restrict or withhold the grant of consent for the proposed development.

The highway authority positively welcomes the inclusion of the HGV parking and drivers' welfare facilities that are proposed within the application. This would provide not only safe and secure longer term, off road parking but will allow drivers to refresh themselves using hygienic welfare facilities that are not available at the many locations within the District where informal overnight stopping is taking place. This will free-up the limited space within official lay-bys provided along the local highway network for shorter-term rest breaks as well as reducing the use of local industrial estates and residential areas as unofficial overnight stops.

#### 6.12 LCC Historic Environment Officer

The proposed development is situated in an area beyond the edge of the higher ground on which the historic settlement of Crowland is situated. Prior to the drainage of the fens it would likely have been too low for permanent settlement. Therefore it is unlikely that any archaeological remains may exist here.

Recommendation: No archaeological input required.

#### 6.13 Anglian Water

Assets Affected - Records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

Wastewater Treatment - The foul drainage from this development is in the catchment of Crowland Water Recycling Centre that will have available capacity for these flows.

Used Water Network - The sewerage system at present has available capacity for these flows.

Surface Water Disposal - The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments in the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be reconsulted to ensure that an effective surface water drainage strategy is prepared and implemented.

#### 6.14 Environment Agency

No objection, subject to a condition that the development shall be carried out in accordance with the submitted flood risk assessment (FRA) (ref: P20081) dated November 2020 and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 0.9 metres above Ordnance Datum (AOD) -

which is 600mm above average site levels  
- The petrol filling station building shall have at least two storeys

6.15 North Level Internal Drainage Board

No objection in principle. Clarify that a formal application for drainage consent together with a development levy would be required.

6.16 Police Crime Prevention Design Advisor

Lincolnshire Police has no formal objections to this planning application.

6.17 Lincolnshire Fire & Rescue

No response received.

6.18 Peterborough City Council

No objections.

The proposed development lies within the County of Lincolnshire, the Peterborough Unitary Authority boundary lies approximately 500m to the south of the site crossing Peterborough Road and the A16.

Notwithstanding that there appear to be some deficiencies in the Transport Statement and modelling, as outlined in the appended comments from the Local Highways Authority, the nature of the development is unlikely to have a significant impact on PCC's network.

6.19 Rt Hon Sir John Hayes CBE MP

Letter of objection dated 19 May bringing attention to constituent concerns regarding potential for traffic congestion on the A16 and roundabout, noise disruption from traffic joining the A16 and refrigerated units, light pollution, destruction of woodland habitat. Agrees with constituents that this type of development would be better located away from residential properties.

6.20 Public

6.21 100 objections and three petitions (did not contain signatures, but listed individuals), 17 expressions of support and 7 comments were received to the first consultation exercise, raising the following matters:

6.22 Objections to first submission

Objection to the development in principle  
Contrary to SG4 of the South Holland Local Plan  
Does not meet the sustainable development needs of the area in terms of economic, community or environmental benefits.  
Should be located elsewhere  
Loss of agricultural land  
Dual carriageway required from Peterborough to Spalding  
Other lorry parks are they appear to be isolated locations, not next to small towns  
No objection to filling station in Crowland but object to lorry park  
Over development of Crowland  
Does not respect local context, in particular, the scale and proportions of surrounding buildings  
Out of the character and appearance of the historic Town of Crowland and to the detriment of the local environment  
Site in Cowbit was too close to residential and this is closer (H22-0507-13 refers)  
No need for so many HGV spaces  
No need for extra shops or a garage  
Service stations nearby in Spalding and Eye Green  
Highway safety and capacity of the access to the Roostings estate  
Highway safety and capacity of James Road and/or the A16 roundabout  
Needs to be a dual carriageway to accommodate this development

Pedestrian route across the road not safe  
 Entrance/exit should be from A16  
 Location of new access opposite existing access to residential estate  
 Development would encourage travellers and HGVs to drive through Crowland and/or along James Road to "Radar Corner" junction  
 No collision studies have been conducted on these junctions  
 Loss of privacy to and overlooking of gardens of adjacent dwellings  
 Noise impact to adjacent dwellings  
 Increase in noise 24/7  
 Increase night noise from HGVs overnight running  
 Concerned that site would not be effectively managed for refrigerated vehicles  
 Impact of lighting  
 Visual impact of the development  
 Detrimental to the appearance of the area  
 Pollution impacts to the adjoining residents and to the town  
 Pollution and damage to the green space/agricultural land  
 Noise, vibration and air pollution  
 Transport Assessment does not seem to take into account the expected increase in traffic due to housing development  
 Air quality and impact of Benzene  
 Disturbance to mourners at nearby cemetery  
 Surface water drainage impact of wider North Level Drainage Board system has not been considered; localised flooding of surrounding agricultural land will occur  
 Will bring lorries to an area which will not be near to where their destination ultimately will be  
 Increase anti social behaviour from local car youths  
 Fear of increase in crime and disrespect  
 Increase rubbish pollution  
 Potential for increase in litter impacting open space controlled by management company on Roostings estate  
 Negative effect on local businesses, shops and services  
 Removal of trees and wild life  
 Noise assessment not undertaken at peak times - further assessment could push this from 'Significant' to 'Unacceptable'.  
 Assumptions in Noise assessment not correct - impact of not being able to have windows open would have detrimental effect, not addressed by the assessment  
 Management of HGV parking rules and the setting of fridge units to minimum  
 Bus stops for potential staff access are outside the IHT recommended walk distance  
 Layout of the HGV area too tight  
 Lorry services should be free in the UK, as in most European countries  
 Assessment does not consider the noise of the three proposed jet washers  
 HGV vehicles that may reroute from other journeys in order to use the facility, increasing traffic  
 Impact on mental health of residents  
 Numerous laybys already cater for overnight haulage stops  
 Risk of transmission of disease  
 Impact on visitor economy  
 Wear and tear of the existing roundabout infrastructure and road is already excessive  
 Potential traveller communities setting up sites  
 Risk of contamination to the ground water from diesel runoff  
 Will not accommodate all vehicles likely to visit  
 Provision to be made for cars towing caravans or trailers, motorhomes, larger commercial vans  
 Food collection point blocks vehicle exit  
 Inappropriate to mix caravans and motor caravans with HGV parking and manoeuvring  
 Fuel would be more expensive than supermarkets  
 Devaluation of existing properties  
 Contingents in the developers' budget to provide adequate monetary recompense to the owners in the close vicinity.  
 Impact on local housing market  
 Impact on policing of the area and then indirectly cause a rise in council tax for Crowland Parish  
 Long term increase the cost of household insurance policies  
 Inadequate consultation and advertisement of the application

## 6.23

### Comments on first submission

Could be located elsewhere on A16 or in local area  
 Could James road have a speed limit of 30mph  
 Not enough electric vehicle points  
 Safe and SECURE lorry parking is badly needed but not £30+ a night without security

Modify the exit to feed the traffic to the left only with no right turn allowed  
 Delete the sandwich serverly area (or combine with the cafeteria/drive though.) and extend the retail area into a larger mini-mart to service the Crowland residents living south of the town  
 Provide a footpath alongside James Road from Peterborough Road to facilitate pedestrians to access the minimart  
 Impact of noise abatement regulations on refrigeration lorries (after 11pm in a residential area)  
 Size of roundabout inadequate  
 A farm shop type service station could be developed

#### 6.24 Support of first submission

Those objecting should have considered Crowland as a growing town prior to purchasing their property. Cannot purchase a property on the edge of a growing town and expect it to cease growing because you like your view over the fields  
 Crowland needs more amenities  
 Currently travel 5 miles in either direction to get fuel  
 Will create jobs and revenue for the town  
 Support a new truck stop at the location as they are in short supply; need secure parking and facilities for overnight parking  
 More secure HGV parking is needed in the UK  
 Support to HGV drivers to park safely and get food and showers  
 This will alleviate congestion and litter in laybys around the area  
 Reduce lorries parking in laybys and using the verge as a toilet  
 Chronic shortage of HGV parking that direction of South Lincs  
 Support but HGV bays should be drive in-drive out  
 Plans need fine tuning for abnormal load bays, electric hook ups for fridge trucks, parking layouts, secure fencing, CCTV, Exit and entry barrier system  
 Need to consider size of existing roundabout on A16  
 Will need good signage within the site to control cars and HGVs  
 Security of loads on lorries is a priority  
 Concern that 61 spaces will not be enough  
 Ideal location  
 We rely so much on the haulage industry to deliver all our products

6.25 42 objections, 4 expressions of support and 1 comment were received to the second consultation exercise, raising the following matters:

#### 6.26 Objections to second submission

6.27 Reiteration of objections above:

Also,  
 Amendment to the application to have the refrigerated lorries park towards the A16 and be limited in number to be insufficient to address the problems of noise and is unenforceable  
 The changes for the noise barriers will make little to no difference.  
 Noise from jet washes  
 The changes put forward will not lessen the impact to nearby residents on the Roostings estate.  
 The amendments have not addressed issues of noise pollution and traffic  
 "Observed Adverse Effect". Noise emission from the proposed site will be audible outside the nearest residential properties. Will not be able to open windows without adverse effect  
 Won't be able to have windows open in summer  
 Management of arrivals and overspill of lorry park is full  
 Landscaping would not be able to take away the low hum of a refrigerated lorry or the lights from the services  
 Objection until private discussions of a third party with the North Level IDB are concluded  
 Parish Council supported on grounds of traffic exit being one way. The new submitted plans show exit two way  
 Insist on an egress back onto the A16  
 Exit onto the A16 would also reduce noise and diesel pollution to residential areas  
 Insist on an acoustic fence and electric hook up points for the 20 refrigeration units to greatly reduce noise and air pollution.  
 Tesco distribution centre at Parnwell had to install an acoustic fence and electric hook ups for their 30ish refrigeration trailers that faced towards Eye and that is 0.9 miles away in a straight line.  
 Will pedestrians be directed through Goldcrest Road as there would be associated costs

James Road already floods  
James Road substrate is inadequate to cope with the weight of big lorries  
None of the reports contain any specific details as to how air quality will be affected for those living on the Roostings estate.  
Woodland would be cleared for the development

6.28 Comments on second submission

Could bring significant problems to an already congested and accident prone stretch of road.  
Exit to James Road in both directions  
Suggestion would be that the development include significant improvements to the roundabout, allowing both entrance and exit direct to an enlarged roundabout.

6.29 Support of second submission

Plans look fantastic  
Concern is the speed that people travel down James Road and the potential for accidents when drivers pull out of the exit. It might be worth looking at a merger lane rather than a straight exit on the road  
Jobs for locals and bringing more prosperity and visitors to this historic town

6.30 Revised proposals were received in July 2021, and the following third party representations were made.

6.31 32 objections and 2 expressions of support were received to the third and most recent consultation exercise, raising the following matters:

6.32 Objections to third submission - current scheme

Reiteration of objections above:

Also,  
Would be catalyst for further development  
The majority of the HGVs that use the A16 route will be refrigerated  
Noise in general  
Noise of lorries parking overnight  
Refrigeration lorry noise  
Smells  
Visual appearance  
Acoustic fence would be inadequate  
Visual impact of acoustic fence  
Impact on dwellings. Would not be able to have windows open throughout the night  
Security of the surrounding properties  
Would have an impact on living in Crowland  
Crowland needs a petrol station but that should not come with the expense of a Lorry park and generic chain coffee and sandwich outlets.  
Hard to police as would be 24 hour HGV parking  
No indication in the Suds report that a proper risk assessment has been conducted in relation to additional delays for Crowland resident traffic egressing via James Road onto the A16 at morning rush hour  
Roads will be potholed as a result of the extra traffic  
Noise survey done at wrong time, due to Covid.  
Monitoring cables were in the wrong place; should have been next to the roundabout  
Light pollution  
Should be able to sleep with windows open for health reasons  
Expect windows to be permanently closed  
Amendment of application in principle  
On line booking impractical  
Expense of an on-site manager  
Site would have larger capacity than Sutterton facility  
Excessive number of HGV pumps

6.33 Three objections to the removal of refrigerated HGVs -

No logic in this discrimination other than to pander to residents that have no idea about HGVs. Yet they want the shelves stocked with refrigerated foods  
 This should be accepted but find very difficult to understand how this site can operate a no fridge policy here when the vast majority of road haulage in this district is chilled/frozen freight  
 Are the developers proposing to have electric hook up points for refrigerated freight? This is done at many other truck parks around the country so should be part of the conditions here  
 The terms that the HGV park are planning to operate are complex; Very few places book in advance, to turn away trucks that have a running fridge is morally wrong, where are those drivers supposed to park? These rules that are proposed do not make truck parking any better than they are now  
 The majority of laybys between Peterborough and Spalding are full nightly with fridge trucks  
 This is a very poor planning application and should be stopped until fridge trucks are permitted

6.34 Comments on third submission - current scheme

None

6.35 Support of third submission - current scheme

Lorry drivers have no toilet or shower facilities from the other side of Peterborough and I'm not sure from Spalding where the next one is.  
 Drivers weekended at Crowland through running out of driving hrs should have facilities this day and age  
 France have the most wonderful service areas and why shouldn't we  
 These drivers deserve some dignity after all without these we would be left without food in our cupboards  
 The job opportunities are going to be good for local people and it's just what Crowland needs  
 I have lived here for 54 years. People need to stop complaining about blaming roads ,noise and junctions it's about people driving better and not like some idiots driving on the roads and at high speeds  
 Still fully support this application even if there where fridge vehicles  
 Currently local the fly tipping is disgusting  
 Local car lot is an eyesore  
 With the ever increasing new builds the proposed facilities will be well used, not only by the lorry drivers but by local folk, also providing jobs, if the location is aesthetically planned, support it.

**7.0 CONSIDERATIONS**

**7.1 Planning Considerations**

The main issues in this case are:

Principle of Development and the Sequential Tests  
 Sustainability  
 Employment and Economic Development  
 Layout and Design  
 Highway safety and parking  
 Lighting/Hours of Use  
 Impact on neighbouring Residents/land users  
 Flooding considerations, Foul and Surface Water Drainage  
 Landscape Impact  
 Impact on trees  
 Contaminated Land and Air Pollutants  
 Heritage and Archaeology  
 Biodiversity gain

7.2 Principle of Development and the Sequential Tests

7.3 The principle of this proposal is considered in the light of the National Planning Policy Framework 2021 (NPPF) and the South East Lincolnshire Local Plan 2019 (SELLP).

7.4 The relevant sections of these documents are set out above. The NPPF is clear at paragraph

11 that plans and decisions should apply a presumption in favour of sustainable development. When looking at decision making the planning authority is to look to approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 7.5 A starting point is the advice set out in Section 9 of the NPPF 2021, and consideration of paragraph 109 of the NPPF 2021 (which is a reiteration of paragraph 107 of the NPPF 2019), that states:

*Planning policies and decisions should recognise the importance of providing adequate overnight lorry parking facilities, taking into account any local shortages, to reduce the risk of parking in locations that lack proper facilities or could cause a nuisance. Proposals for new or expanded distribution centres should make provision for sufficient lorry parking to cater for their anticipated use.*

- 7.6 Paragraph 90 of the NPPF sets out that when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date 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 2,500m<sup>2</sup> of gross floorspace). This should include assessment of:

a) 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

b) 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).

- 7.7 Policy 24 of the SELLP also has this requirement.

- 7.8 A sequential test assessment was submitted to support the application, that concluded that that the proposed development could not be accommodated within the settlement boundary of Crowland (ie: the development cannot be delivered elsewhere which would bring about the benefits to Crowland).

- 7.9 The forecourt shop, sandwich servery, coffee shop/drive thru and restaurant could generally be considered to be Town Centre uses. However the shop would be part and parcel of the road services offer, which, if located within a Town Centre, would not meet the needs of motorists travelling on the A16. The coffee shop/drive thru, sandwich servery and restaurant would be complementary uses to the PFS forecourt, which should not be disaggregated from the wider development.

- 7.10 Officers agree with the applicant that the strict application of the sequential approach here would be neither proportionate nor appropriate as is required by the Practice Guidance, but do consider that the format and form of the retail and food outlet uses proposed within this development are intended as ancillary to the wider use of the site and would not be in a format that would be of specific benefit to Crowland per se. Officers consider that these facilities would gain greater usage from passing motorists than from residents within Crowland.

- 7.11 The sequential test exercise undertaken by the applicant to demonstrate that the site is suitable from a flooding perspective and to demonstrate that the benefits of the proposal could not be delivered within the settlement, also show that the main town centre uses could not be accommodated either within or on the edge of Crowland's shopping facilities.

- 7.12 The NPPF advises that, when assessing applications for retail development outside town centres, local planning authorities should require an Impact Assessment if the development is

over a proportionate, locally set floorspace threshold. Policy 27 of the SELLP states that a robust assessment of impact on nearby town centres should be provided for schemes with a retail floor space of 250sqm (net) or more outside Spalding town centre boundary and the District and Local Centres. Crowland is classed as a Local Centre.

- 7.13 The applicant advises that from their perspective that there are no credible alternatives in terms of sites accessible from suitable junctions and have a common boundary with the highway that can deliver the type of facility that is proposed. The site is in a preferable location as it shares a common boundary with the highway at a junction with a strategic north/south route (the A16) and is adjacent to a Main Service Centre.
- 7.14 The retail floor space proposed with this development totals 176m<sup>2</sup> (forecourt shop + sandwich servery outlet) and so is under the threshold for impact assessment on town centres in any event. Notwithstanding this, the proposed development would not primarily be a shopping destination in its own right, or a generator of new trips, as expressed above. It would serve traffic along the A16 and any impact as a result of trade diversion would be dispersed over a wide geographical area.
- 7.15 Taking into account the above, the development would be acceptable in respect of Town Centre impact and in accordance with Policy 24 of the SELLP and the relevant provisions of the NPPF.
- 7.16 With regard to the SELLP, Policy 1 of the SELLP states:
- In the Countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.*
- 7.17 Crowland is a Main Service Centre and has many day to day services and facilities but not a petrol filling station/recharge centre, the addition of which could enhance the sustainability of the settlement. The closest current facilities are located at Eye Green approximately 4 miles to the south of Crowland or along the A16 the next services are Applegreen, approximately 9 miles away from Crowland.
- 7.18 The applicant has submitted evidence relating to a Department for Transport (DfT) published report from 2018; the 'National Survey of Lorry Parking'; the aim of which was to assess capacity and demand for overnight lorry parking nationally, and compared findings to a DfT 2010 study. The evidence is then broken in to regions. For the purpose of this DfT report the site is classed as being within the East Midlands, albeit it is near the border with East of England.
- 7.19 Some of the key findings of the DfT report, which was based upon a survey undertaken during March 2017, were that lorry park use has increased nationally from 58% in 2010 to 76% in 2017. In the East Midlands this rose from 56% to 72%. The study also showed that 39% of all vehicles recorded were parked off-site in laybys or on industrial estates; in the East Midlands that was 865 vehicles.
- 7.20 This demonstrates the extent of excess vehicles that the study noted for which there is no parking capacity. This is supported by the anecdotal and observational experience of parking within the District on undesignated roadside areas, within laybys and on industrial estates.
- 7.21 The applicant observes that the absence of appropriate facilities leads to HGV's parking in undesignated roadside areas which can compromise highway safety and the safety and well-being of the drivers.
- 7.22 With regard to the loss of agricultural land that has been raised as an objection, a development of this nature and size, which can be justified from a strategic point of view, within the locale of the A16 is likely to involve some form of take up of agricultural land, as the A16 is largely bounded by undeveloped agricultural land. This would not hold put to national or local policy scrutiny as a reason for refusal.
- 7.23 Sustainability

- 7.24 The NPPF 2021 sets out the The presumption in favour of sustainable development. Para 8 of the NPPF sets out the 3 overarching objectives, which are interdependent and need to be pursued in mutually supportive ways, of
- a) an economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) a social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
- c) an environmental objective - to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*
- 7.25 Para 9 of the NPPF 2021 clarifies however, that
- These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.*
- 7.26 It is considered that the proposals would have some sustainable credentials, such as the creation of employment, the support of the welfare of drivers; HGV parking and welfare facilities for drivers is a consideration, and this development would provide such facilities; and the provision of Electric Vehicle Charging. The proposed development would widen the provision of facilities for Crowland as a settlement through providing a petrol filling station and recharge centre for its residents. This would be a community benefit. The development also has to be weighed against other national and local planning policies, which this report discusses.
- 7.27 Employment and Economic Development
- 7.28 The creation of circa 15-20 full time equivalent jobs. This would be an economic benefit, that may be of benefit to local job seekers within Crowland and the surrounding area.
- 7.29 The response of the SHDC Economic Development Team is set out above. The service is supportive of this application as it will be an asset to the wider road network in South Lincolnshire, providing a range of much needed facilities for the many vehicles using the A16.
- 7.30 Whilst these facilities are to be welcomed in terms of economic development, the Economic Development Service raises the opinion that this development in Crowland is unlikely to address, to any great extent, the ongoing problem of overnight HGV parking that laybys and side roads in and around Spalding itself, particularly the Wardentree Lane Industrial Estate area, which are located further to the North.
- 7.31 Layout and Design
- 7.32 This proposal could be looked at in two parts, from the point of view of layout and design.
- 7.33 The layout of the proposal as a whole has been based around access from the A16, and endeavours to take in to account this rural site by use of landscaping and low level buildings.
- 7.34 The Petrol Filling Station element of the scheme would be located to the south of the site, and views of this part of the site would be softened when viewed from the south by the copse of trees on the adjoining land. The form of the PFS would be of a modern, standard design for this type of facility, setting out facilities for the intake of fuel and an ancillary building for the

associated shop, eating and drink purchase areas, as well as and toilets/shower facilities on a first floor. The total floorspace provided within the roadside services building and is 637m<sup>2</sup> gross internal area.

- 7.35 The main building to the site would have a maximum height of 8.589m, and the car PFS canopy would be 5.2m in height, with the HGV canopy being 6.m in height.
- 7.36 A total of 19 customer car parking spaces including 2 disabled spaces and two electric vehicle charging spaces. 12 staff parking spaces are also provided along with 61 HGV parking spaces.
- 7.37 The lorry park area to provide 61 HGV spaces would be more open in nature than the PFS, covering a significant part of the site for the parking of HGVs. Ancillary uses are also proposed. Access to the lorry park is via an access through the PFS, on the western side of the site, adjacent to James Road, and to a degree softened by view from James Road by landscaping and acoustic fencing.
- 7.38 It is considered that the development would read as related to the A16 and the wider road network, than as part of Crowland, and as such is of a standard design for such facilities. It is not considered that the siting of this development, nor the form of the buildings would have an impact on the character or appearance of the historic core of Crowland, nor upon the listed buildings of Crowland.

The built form of the proposal would not result in a discordant feature when viewed from the A16. When viewed from James Road, the development would be viewed through the new access/exit road, and would be shielded to a degree by landscaping along most of the boundary.

- 7.39 The dwellings that have side and/or rear elevations and gardens facing on to James Road would be able to view this development, however it is considered that the views would be within the context of the wider development of the site.

7.40 Highway safety and parking

- 7.41 As can be seen from the LCC comments above, the applicants and their agents engaged with the Highway Authority, prior to the submission of any formal application, to agree the optimum achievable access/egress strategy for the proposed development, having regard to its location, adjacent to the A16 roundabout junction with James Road and Peterborough Road. This exercise was undertaken in conjunction with officers from SHDC, and matters of the possibility of access and exit to the site being solely from the A16, was mooted and discussed. This was not taken up by the applicant, as a result of the discussions with LCC.
- 7.42 The access arrangement proposes **access** to the site being solely in from the north-bound lane of the A16, including an extension of the existing roundabout splitter island northwards as a central reservation to physically prevent south-bound vehicles from being able to turn right into the site and **exit** being solely out onto James Road with drivers being able to turn both left (towards the A16 roundabout) and right (towards the centre of Crowland). This is what was agreed would be safest and most effective.
- 7.43 Drivers traveling northwards on the A16 and wishing to visit the proposed facility would turn left into the site by means of a deceleration lane which would begin at the exit from the roundabout (very similar to the arrangement at the recently completed roadside services at the A16/A17 roundabout at Sutterton). Drivers travelling southwards along the A16 (from the Spalding direction) and wishing to visit the proposed facility would have to go around the A16 roundabout and turn left into the site from the A16 by means of the deceleration lane. Whilst this will add marginally to vehicle movements through the A16 roundabout, LCC considers that there is sufficient capacity at the roundabout to do so and, more importantly, this is a significantly safer manoeuvre than vehicles turning right across on-coming traffic that is also accelerating away from the roundabout.
- 7.44 The provision of an exit from the facility onto the north-bound lane of the A16 via slip road/acceleration lane would require traffic to merge with traffic accelerating away from the A16

roundabout, on the inside of a bend. The proposed arrangement of all departing vehicles emerging into slower moving traffic on James Road, where the prescribed junction visibility is afforded, is considered to be the safer option by LCC.

- 7.45 Consideration was given to whether it would be necessary to require all vehicles leaving the site to turn left out of the site (towards the A16 roundabout) with those drivers wishing to travel northwards along James Road (towards the centre of Crowland) then having to complete a full circumnavigation of the A16 roundabout. It was however decided that as James Road carries less traffic than the A16 and that that traffic is subject to a speed limit of (presently) 50 mph, it would be safe to allow drivers to turn both left and right out of the facility. This would also benefit residents of Crowland, who may have visited the facility just to refuel or make a purchase at the ancillary retail outlet.
- 7.46 Providing an access into the site from James Road would require traffic approaching from the roundabout direction to turn right across traffic traveling southwards along James Road towards the A16 roundabout and any vehicle queuing here could then tail back towards the roundabout.
- 7.47 As the junction onto James Road is proposed to be out only, clear signing would be required on both approaches to this junction, to indicate to drivers that entry at this point is prohibited. This detail would need to be included within the highway improvement works required by condition.
- 7.48 Pedestrian access to the site is proposed to be provided by means of an extension of the existing footway in Goldcrest Road, a central island refuge in James Road and a new footway along the verge on the east side of James Road. These provisions could also be covered by condition. The addition of the central refuge and the associated road markings would provide a secondary benefit, as a traffic calming measure on this approach to Crowland.
- 7.49 Linking the site for pedestrians to the wider settlement would be of benefit to local people using the facilities and retail/food offers, and would minimise footfall along James Road, which is at present a 50mph road.
- 7.50 LCC advises that the Transport Assessment, submitted in support of this Application, has been undertaken by a Consultant with a proven record of competency in preparing such reports and is in accordance with accepted industry practices. The highway authority accepts the conclusions of the Consultants in the Transport Assessment, with particular reference to the guidance within the National Planning Policy Framework document, that proposed development should not have a severe residual cumulative impact upon the highway network.
- 7.51 Mention has been made in some of the consultation responses to the poor safety record of parts of the A16 between Spalding and Peterborough. Whilst those concerns are noted, it has to be remembered that the principal function of the proposed development is to service those who are already travelling on the highway network. Whilst there would be some additional movements on the network, from people who are making a specific journey to the site, either to refuel, to shop or to work, those numbers will represent only a small overall increase in movements on the network and there is not sufficient justification for withholding the grant of consent on the grounds that the proposed development would further increase the risk of collisions on the A16 or generally give rise to unacceptable impacts upon highway safety.
- 7.52 The highway authority is aware of the practice of some drivers travelling towards Peterborough on the A16, to turn off the road at one of the junctions to the north of Crowland and to enter the A16/James Road/Peterborough Road roundabout at the James Road entry, thereby avoiding the queuing that frequently occurs on the A16 south-bound approach to this roundabout in the a.m. peak period. However, the effects of that practice would not, in the opinion of the highway authority, be sufficient grounds to restrict or withhold the grant of Consent for the proposed development.
- 7.53 The highway authority positively welcomes the inclusion of the HGV parking and drivers' welfare facilities that are proposed within the application. This would provide not only safe and secure longer term, off road parking but will allow drivers to refresh themselves using hygienic welfare facilities that are not available at the many locations within the District where informal overnight stopping is taking place. This will free-up the limited space within official lay-bys provided along the local highway network for shorter-term rest breaks as well as reducing the use of local

industrial estates and residential areas as unofficial overnight stops.

- 7.54 The views of the LCC Highway Service are supported by the SHDC Planning Service and it is considered that the development would accord in respect to highway matters to Policies 1, 2, 3, 33 and 36 of the SELLP and the provisions of the NPPF 2021.
- 7.55 Lighting/Hours of Use
- 7.56 The site would be a facility open 24/7, and a lighting scheme could be provided via condition to minimise light spill towards adjoining users and residents, as well as still providing the appropriate level of highway safety measures.
- 7.57 Any advertisement scheme would require a formal application for consent, and matters of visual and highway impact would be considered at that time in greater detail. It is not to be assumed that tall pole and/or internally illuminated signs facing towards the Roostings Estate would be acceptable or approved.
- 7.58 It is considered that a conditioned development would accord in respect to lighting and related amenity matters to Policies 2, 3, 30 and 36 of the SELLP and the provisions of the NPPF 2021.
- 7.59 Impact on neighbouring Residents/land users
- 7.60 The application site is on the eastern side of James Road, which bounds a relatively recent residential development, the Roostings Estate, on the opposite side of the road. In addition there is another dwelling, Alderlands, that faces on to James Road.
- 7.61 The development would be viewed from the access of the estate and from the upper windows of the dwellings backing on to James Road, immediately opposite the site. This view would be across James Road, and would be seen in the context of the whole development, including areas of landscaping and an acoustic fence.
- 7.62 Although this development would be visible, it is not considered that it would be such a discordant feature in the context of the road network that it would have a detrimental visual impact on those residents. The site is also viewed from Alderlands, and this is similarly considered.
- 7.63 There is no right to a view within planning law, and although the views across this site have been to the A16, across agricultural and fallow land, this is not a right afforded by law.
- 7.64 Given the separation distances and landscaping between the proposal and the dwellings to the west of James Road, it is not considered that overlooking or loss of privacy would be caused by this development.
- 7.65 The business properties to the west, on Carrington Drove are separated from this development by an agricultural field.
- 7.66 With regard to noise impacts, as a result of objections raised by SHDC officers, the application scheme has been revised to include an acoustic screen and then to preclude refrigerated lorries from using the lorry park facilities. As a result these changes a new acoustic assessment (dated July 2021) has been submitted and revised to take into account the current proposal that refrigerated HGVs will not be using the lorry park.
- 7.67 This report has been studied in detail by members of the Environmental Protection Team.
- 7.68 It is unclear whether noise from HGV's manoeuvring on site and the use of reversing beepers have been modelled as part of the assessment.
- 7.69 This assessment has as a starting point the assumption that as the site and the nearby

dwellings are situated in close proximity to James Road and to the A16, the noise emissions from these roads are currently the dominant contributors to the existing ambient noise in the area during the day and night. The report goes on to posit that the noise emissions that would be associated with the proposals in terms of vehicles moving on and off the site are unlikely to be significantly out of character with the current position.

- 7.70 The assessment shows that if there were no refrigerated HGVs on site, the predicted noise levels at the nearest residential properties would reduce compared with the originally proposal. However the assessment concludes (Section 2.1) that WHO and BS 8233 guidelines for internal daytime and night time noise levels can only be met with windows closed in living rooms and bedrooms in the nearest residential properties and goes on to make the assumption that these residents currently need to keep windows closed due to the existing background noise level (predominantly from traffic noise from the A16 and St James Road).
- 7.71 The assumption that residents currently keep living and bedroom windows closed due to the noise of the A16 is unproven, and anecdotally officers have been advised that this is not the case.
- 7.72 Even with the exclusion of the use of the site by refrigerated HGVs for overnight use, the applicant's noise assessment still concludes that in order to achieve guidelines for internal daytime and night time noise levels can only be met with windows closed in living rooms and bedrooms in the nearest residential properties. This would not be an acceptable solution and would be of detriment to the living amenities that the residents of these dwellings should reasonably expect. Thus the development as currently proposed would be contrary to Policies 2, 3 and 30 of the SELLP and the guidance of the NPPF 2021.
- 7.73 The use of the garden areas of the nearest dwellings would also be impacted, particular in those months when rest and relaxation is taken in gardens. Again, this is considered to be contrary to the policies above.
- The use of the cemetery has been raised as point of objection. It is considered that the cemetery would be of sufficient distance from the proposal that the use of the cemetery for interments and for quiet contemplation would not be impacted.
- 7.74 Flooding considerations, Foul and Surface Water Drainage
- 7.75 The site is located within Flood Zone 3. The application is accompanied by a Sequential Test and a Flood Risk Assessment and Drainage Statement.
- 7.76 Policy 4 of the SELLP sets out the approach to flood risk and management of development. It states that "Development proposed within an area at risk of flooding will be permitted, where:
1. It can be demonstrated that there are no other sites available at a lower risk of flooding (i.e. that the sequential test is passed). The sequential test will be based on a Borough or District wide search area of alternative sites within the defined settlement boundaries, unless local circumstances relating to the catchment area for the development justify a reduced search area, i.e. there is a specific need for the development in that location. The sequential test is not required for sites allocated in the Local Plan, minor development or change of use (except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site).
  2. It can be demonstrated that essential infrastructure in FZ3a & FZ3b, highly vulnerable development in FZ2 and more vulnerable development in FZ3 provide wider sustainability benefits to the community that outweigh flood risk.
  3. The application is supported with a site-specific flood risk assessment, covering risk from all sources of flooding including the impacts of climate change and meet the development measures set out in "a" to "h" of the policy.
- 7.77 The sequential test is discussed above. The submitted test does consider the area around Crowland, and the A16 highway links and network. It concludes that from the applicants perspective that there are no credible alternatives in terms of sites accessible from suitable junctions and have a common boundary with the highway that can deliver the type of facility that

is proposed. The site is in a preferable location as it shares a common boundary with the highway at a junction with a strategic north/south route (the A16) and is adjacent to a Main Service Centre.

- 7.78 The application is supported by a Flood Risk and Sustainable Drainage Strategy, as the site is located within Flood Zone 3, and is designated as "very low" risk on the surface water flood risk maps.
- 7.79 The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) and the 2016 Update of South Holland Flood Risk Assessment show the site as 'Danger for most' when looking at the Residual Flood Hazard Crowland - Year 2115 map.
- 7.80 To ensure that the proposed development does not increase the risk of flooding elsewhere in the catchment, the submitted strategy sets out a proposal that sustainable drainage system is to be provided. The surface water scheme for this development would keep water on site during the critical 1 in 100 plus 20% climate change year storm. The scheme also takes in to account The River Welland Catchment Flood Management Plan.
- 7.81 The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) guidance matrix requires finished floor levels (FFL) to be a minimum of 300mm above the existing ground level. It is proposed to have a minimum FFL of 0.9mAOD for the Petrol Filling Station and Starbucks restaurant, 600mm above average existing ground levels, and a Flood Evacuation Plan for the site has been submitted.
- 7.82 Due to the nature of the site being flat and the attenuation required, which falls below the discharge point due to levels, as well as to eliminate the need for additional flow control devices, a pump will be utilised within the drainage network. It will also be used to reduce the flow to 5l/s prior to discharging surface water from the site via gravity. An outfall is proposed into the existing drainage ditch at the southern end of the site.
- 7.83 The strategy for domestic foul drainage will be to provide an on-site package treatment plant to serve the new building. Treated wastewater from the package plant will discharge into the onsite system before discharging to the adjacent IDB watercourse. According to Anglian Water's asset records, the nearest mains foul system is some 200m away from the site.
- 7.84 The responses of LCC Highways & SUDS Support, Anglian Water, Environment Agency and North Level Internal Drainage Board are set out above. It is considered that the scheme could be controlled via standard conditions and would accord with Policies 1, 2, 3, and 4 of the SELLP and the provisions of the NPPF 2021.
- 7.85 Landscape Impact
- The application site is flat and in common with much land in this area is viewed from long distances. Views of the proposal would be softened from view from the south by the landscaping copse outside the site, and by landscaping to parts of the James Road frontage. Even without the copse to the south, the development would read in conjunction with the A16 as part of the surface infrastructure for the road. There would be wider views to the development that would read in a similar way.
- 7.86 Impact on trees
- 7.87 The views of the SHDC Conservation Assistant (Tree Preservation) are set out above. There are trees to the south and two overhanging the site that could be accommodated by conditions. If any trees were considered to be at a considerable risk, then a TPO could be served to cover these.
- 7.88 Contaminated Land and Air Pollutants
- 7.89 Due to the current nature of the site the SHDC Environmental Protection Officer raises no comments with respect to land contamination.

- 7.90 With regard to air pollutants, specifically benzene, which has been raised by objectors, the EHO response is set out above.
- 7.91 The proposed facility would require a permit to operate under the Environmental Permitting Regime, to address on site Petrol Vapour Recovery (PVR). Whether it is a Stage 1 or Stage 2 PVR will depend on the throughput of fuel at the facility. A new service station facility will require a permit covering Stage 1 and Stage 2 vapour recovery if the annual throughput of petrol is, or is likely to be, 500m<sup>3</sup> or more per annum.
- 7.92 Historically, it has been widely acknowledged that an increase in emissions of benzene on a petrol forecourt could occur hence, legislation and controls as detailed above has been brought in to reduce such emissions.
- 7.93 In respect of this specific site it is not an urban location, (background levels/ambient concentrations of air pollutants are lower in non-urban locations.). The site is 'open' to the surrounding land and the terrain is flat providing good dispersion for any air pollutants. The concentration of air pollutants decreases with distance from the source.
- 7.94 Thus the EHO raises no objections with regard to contaminated land and air pollutants.
- 7.95 Heritage and Archaeology
- 7.96 The proposed development is situated in an area beyond the edge of the higher ground on which the historic settlement of Crowland is situated. Prior to the drainage of the fens it would likely have been too low for permanent settlement. Therefore it is unlikely that any archaeological remains may exist here. No conditions are suggested by the LCC Archaeology Team. An informative would be added in the usual way to advise the developer of action to take in the event that remains were found during construction.
- 7.97 Biodiversity gain
- 7.98 An Ecological Appraisal was submitted to support this application. The appraisal confirms that no statutory or non-statutory designated sites for nature conservation are located on-site or within a 10km radius of the site boundary.
- 7.99 The appraisal identifies that the majority of the site is cultivated arable land and has negligible intrinsic ecological value. The report also confirmed that the very limited loss of tall self-seeded and bred habitat and poor semi-improved grassland does not pose a constraint to development.
- 7.100 The appraisal assessed the potential for the site to support a range of protected species and in each instance does not consider that any further surveys are necessary pre-determination of the planning application. The scheme complies with the requirements of the NPPF.
- 7.101 The appraisal however does not cover the drainage ditches that would require a degree of cleaning and dredging to accommodate this development, and officers would suggest that pre-commencement conditions would be required to ensure consideration of margin and aquatic flora and fauna.
- 7.102 Other matters
- 7.103 Objections have been received making mention of a planning appeal decision at Cowbit (H22-0507-13 refers).
- 7.104 That proposal was considered in the light of the prevailing planning policies and guidance of that time. This current application is to be considered in the light of the current planning policy framework, and in its own right. The 2014 appeal decision elsewhere in the District cannot be seen to set a precedent for the consideration of this application.

7.105 Objections have been received regarding the consultation and advertisement of the application. The application was advertised in the local press, site notices were displayed and immediately adjoining occupiers, as well as the usual statutory and non-statutory consultees were initially consulted. Subsequently all third parties who submitted representations have been re-consulted. This level of consultation is in accordance with the SHDC procedures and Statement of Community involvement.

7.106 Objection has been received to the LPA entering in to discussions with the applicant. Since 2012, Local Planning Authorities have been required to demonstrate how, in dealing with a planning application, they have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application. Failure to demonstrate this would be grounds for a claim for costs at an appeal. This is why, a number of amendments have been made to this planning application. Local residents, interested third parties and statutory consultees have all been consulted on the amendments, thus giving them a number of opportunities to comment on the application.

7.107 Issues of the price and value of housing, private insurance and other private management issues have been raised. Such matters are not planning considerations and no weight can be given.

7.108 The objections raised regarding anti social behaviour on and off the site would be respectively managed by the on-site management arrangements and the police if criminal behaviour were to result. The response of the Police Crime Prevention Design Advisor set out above is to be noted.

7.109 The objections regarding the spread of disease are unclear as to meaning, and public health regulations and controls would apply to this site as they would to any other.

#### 7.110 Planning Balance and Conclusion

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

7.111 It is considered that the application could be seen to accord with certain elements of the national and local policies set out above, however on this occasion officers consider that greater weight is to be given to the impact of the development in terms of noise, as set out above. As this is the case, the development is considered to be contrary to Policies 2, 3 and 30 of the SELLP and the guidance of the NPPF 2021 in terms of noise impact to nearby residents, which should be given great weight.

#### 7.112 **Additional Considerations**

#### 7.113 Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose

a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

#### 7.114 Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

## 8.0 RECOMMENDATIONS

### 8.1 Refuse permission for the reason set out in Section 9.0 of this report.

## 9.0 REASONS FOR REFUSAL

1. The applicant's submitted noise assessment concludes that guidelines for internal daytime and night time noise levels can only be met with windows closed in living rooms and bedrooms in nearby residential properties. This would unacceptably impact upon living conditions for these residents by virtue of noise and disturbance and would be of detriment to the amenity that the residents of these dwellings should reasonably expect to enjoy. The use of the garden areas of the nearest dwellings would also be impacted, particularly in those months when rest and relaxation is taken in gardens.

Thus the development, as currently proposed, would be contrary to Policies 2, 3 and 30 of the South East Lincolnshire Local Plan (March 2019) and the guidance of the NPPF 2021, which seek to protect amenity against unacceptable adverse impacts from neighbouring land uses.

2. The determined plans and documents are:

Application Form  
Planning statement. MBA/2003/2162079/1/MB. 27 January 2021  
Transport Assessment. January 2021  
Design and Access Statement. JANUARY 2021  
Flood Risk Assessment & Sustainable Drainage Strategy. P20081. November 2020  
Ecological Appraisal. February 2021. Rev A  
Updated Environmental Noise Assessment. SEM/J3545/18028. July 2021  
WPS-PPL-005-P-01 A  
WPS-PPL-005-P-02 D  
WPS-PPL-005-P-03 B  
WPS-PPL-005-P-04 F  
WPS-PPL-005-P-05 E  
WPS-PPL-005-P-06 E  
WPS-PPL-005-P-07 C  
WPS-PPL-005-P-08 D  
WPS-PPL-005-P-09 C  
WPS-PPL-005-P-10 C  
WPS-PPL-005-P-11 C  
WPS-PPL-005-P-12 A  
WPS-PPL-005-P-13 A  
WPS-PPL-005-P-14 A  
WPS-PPL-005-P-15 B  
WPS-PPL-005-P-09-D (Annotated plan)

3. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise. Furthermore, matters of concern with the application have been identified and discussed with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory solution and due to the harm, which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

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Background papers:- Planning Application Working File

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**Lead Contact Officer**

|                   |                                                                      |
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**Appendices attached to this report:**

Appendix A Plan A

# MapThat Scale Print Title

