DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H05-0458-23**	**Applicant:**	**Anglia Motel**
Proposal:	Change of use of paddock area to extend HGV lorry parking		
Location:	Anglia Motel Washway Road Fleet		
Terminal Date:	21st July 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
07	Improving South East Lincolnshire's Employment Land Portfolio
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
Section 4. Decision making.
Section 6. Building a strong competitive economy.
Section 9. Promoting sustainable transport.
Section 11. Making effective use of land.
Section 12. Achieving well designed places.
Section 14. Meeting the challenge of climate change, flooding and coastal change.
Section 15. Conserving and enhancing the natural environment.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
ENVIRONMENT AGENCY	0	0	0	1

HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	2
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for use of a former paddock area as an extension to the existing HGV lorry parking area. It would consist of tarmacadam road planings on compacted hardcore.

It should be noted that the existing HGV parking area was partially designated as a parking area(s) as part of previous consents and in any case has been in existence for a period of 10 years so is lawful.

Site Description

The area of land to which this application relates (36.4m x 52) forms part of the Anglia Motel complex and is a former paddock area to the west of the existing HGV parking area beyond an existing bund and Leylandii. The Anglia Motel itself is located to the east served by two existing vehicular accesses off the A17. An associated caravan site is situated to the south.

A farm shop, cafe, etc are situated to the north-east and a flower distribution company (Super Flora/JZ Flowers) to the north-west, both on the opposite side of the A17. The nearest residential properties are located approximately 200 metres to the east off Washway Road and The Limes some 160 metres to the south-east off Fleet Road.

Relevant Planning History

H05-0431-92 - Full - Erection of agricultural store - Approved 2 January 1998

H05-0196-99 - Full - Change of use to pallet depot - Approved 2 September 1999.

H05-1143-99 - Cond Comp - Details of mound (Condition 4 of H05/0196/99) - Approved 5 January 2000.

Consultation Responses

Fleet Parish Council

No response

LCC Highways/SUDs

No objections.

Environmental Protection (Noise)

No objections received.

Environment Agency

No objections. Request informative.

Lincolnshire Police

No objections.

LCC Archaeology

No archaeological input.

Public

Objection received (summarised0:

- Noise/disturbance from refrigerated units and reversing bleepers.
- Increased accident risk at Anglia Motel access onto A17. Already well known for accidents. Requires improvements and perhaps a roundabout.
- Devaluation of property.

Material Considerations

Principle

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.

Policy 1 (Spatial Strategy) of the of the South East Lincolnshire Local Plan (SELLP), 2019 states that development in the countryside will only 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. In this case the proposal is an extension to an existing HGV parking area. It would therefore be unreasonable to locate such development elsewhere.

Policy 7 of the SELLP indicates that the extension of an existing business outside an allocated employment site will be supported provided that the proposal involves the re-use of previously developed land or the conversion/re-use of redundant buildings. In this case, the site is part of the Anglia Motel complex and is not agricultural. It falls within the category of previously developed land.

Policy 7 is in accordance with the general thrust and aims of the National Planning Policy Framework, 2021 which supports sustainable economic development and growth. Paragraph 83 indicates that LPAs should support the sustainable growth and expansion of all types of business in rural areas. No objections are therefore raised in principle to the proposed development.

Character/appearance

Policy 2 of the South East Lincolnshire Local Plan, 2019 indicates that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met in relation to, inter alia, size, scale and impact on the amenity, character and appearance of the area. Policy 3 indicates that it should create a sense of space and respect the character of the area within which it is situated.

The proposal is to extend the existing HGV parking area on site, the dimensions of which are (36.4m x 52). It forms part of the existing Anglia Motel complex the existing complex and would be viewed alongside the existing HGV parking area. It would not be significantly visible from the A17

due to bunding along its frontage/western boundary and also tree planting. It constitutes a neutral development that would not materially harm the character or appearance of the countryside.

The proposal therefore satisfactorily complies with Policies 2 and 3 of the South East Lincolnshire Local Plan in this respect.

Residential amenity

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

Policy 30 of the SELLP indicates that development proposals will not be permitted where, taking into account of any mitigation measures, they would lead to unacceptable adverse impacts upon the health and safety of the public, the amenities of the area, or the natural, historic or built environment by way of such factors as air quality, noise, light levels and land quality and condition.

A farm shop, cafe, etc are situated to the north-east and a flower distribution company (Super Flora/JZ Flowers) to the north-west, both on the opposite side of the A17. An associated caravan site is situated to the south. The nearest residential properties unassociated with the site are located approximately 200 metres to the east off Washway Road and The Limes some 160 metres to the south-east off Fleet Road. The nearest dwellings to the east are some 300 metres from the site.

Concern has been raised over possible noise/disturbance to neighbouring residents, including the use of refrigeration units and bleepers. However, the proposal is a relatively small extension to the existing HGV parking area and is some distance from the nearest residential properties to the west, south-east and east. Ambient noise levels are already relatively high within the vicinity due to traffic noise from vehicles using the A17. Also, existing bunding along the western boundary would be retained. Environmental Protection has raised no objections. It is considered that residents in the locality would not be affected to a significantly greater degree than at present in terms of overlooking, lack of privacy, overbearing effect, overshadowing, dust, noise and disturbance, etc.

Devaluation of property is not a material planning consideration so carries no weight in the decision making process.

The proposal therefore satisfactorily complies with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan in terms of amenity.

Highways

Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class. Paragraph 111 indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The proposal is to increase the extent of the existing HGV parking area within the established Anglia Motel complex lying alongside part of the Principal National Highway Network. The proposed development does not involve altering the existing access strategy for the Anglia Motel, which is considered to operate safely and satisfactorily. The main entrance to the complex off the A17 would remain unaltered and the layout is such that HGVs are able to enter and leave in forward gear. The opportunity for more HGV drivers to be able to park-up/rest in a safe designated area, rather than in one of the lay-bys along the A17 or at the side of one of the adjoining minor roads, is welcomed by the Highway Authority, who raise no objection on highway safety grounds.

Whilst highway safety concerns have been raised by third parties due to increased use of the access onto the A17 no evidence has been submitted to support this. The views of the Highway Authority therefore carry greater weight.

The proposal therefore satisfactorily complies with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan in this respect.

Other Material Planning Considerations

Ecology

Policy 2 of the South East Lincolnshire Local Plan (SELLP), 2019 states that sustainable development considerations should be met in relation to such matters as impact or enhancement for areas of natural habitats. Policy 3 indicates that development proposals should, where relevant to the proposal, include the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity.

Policy 28 indicates that all development should provide an overall gain in biodiversity. The explanatory text sets out that development can incorporate a number of simple, low-cost measures to deliver biodiversity benefits and enhance priority habitats and species, such as, the use of bat roost boxes, green roofs or walls, and integrating nesting opportunities into buildings and green infrastructure.

Paragraph 174 of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

No landscaping or biodiversity enhancements have been included within the scheme. This should be made the subject of a condition.

Flood Risk

Policy 4 of the SELLP is concerned with flood risk management and states, inter alia, that new development within Flood Zones 2 and 3 should pass the sequential test and be accompanied by a site specific flood risk assessment which should propose appropriate flood resistance and resilience measures to ensure the development maintains an appropriate level of safety for its lifetime. The development should also incorporate the use of Sustainable Drainage Systems (SuDS).

The site occupies an area at risk of inundation in the event of a breach of tidal defences, and is within flood zone 3 of the Environment Agency's flood map for planning. It is within an area of "danger for some" within the South Holland Strategic Flood Risk Assessment (2017). However, the proposal satisfies the sequential test because due to its nature and scale and because it is solely an extension to an existing HGV parking area.

The proposal is categorised as "less vulnerable", so no mitigation measures are required. The surface would be permeable, so there would be no significant surface water drainage issues. The Environment Agency has raised no objections.

Planning Balance

The proposal would provide a useful facility in association with the arterial road network and would assist in promoting economic growth in a rural area. It would be neutral in terms of appearance and not material harm the character of the countryside. Nor would it harm the amenity of neighbouring residents to a significantly greater degree than at present in terms of noise and disturbance, etc.

LCC Highways has raised no objections on highway safety grounds and support the provision of additional HGV parking facilities alongside the Principal Highway Network.

The proposal satisfactorily complies with Policies, 1, 2, 3, 4, 7, 30 and 36 of the South East Lincolnshire Local Plan, 2019.

Additional Considerations

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.

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.

Conclusion

The proposal generally accords with the aims and objectives of the development plan. There are no material considerations in this case which outweigh factors in favour of the scheme.

Recommendation

That permission be approved under delegated powers.