DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H05-0460-23**	**Applicant:**	**Anglia Motel**
Proposal:	Erection of 2 fuelling stations along with 4 underground storage tanks		
Location:	Anglia Motel Washway Road Fleet		
Terminal Date:	25th August 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
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 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	0	0	0	1

SUPPORT				
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	4
RESIDENTS	4	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for 2 fuelling stations, plus 4 no. 30,000 litre underground fuel storage tanks.

All pumps would be unmanned and payment would be taken via card readers installed in the pumps. There would be no kiosk or pump operatives.

Site Description

The area of land to which this application relates forms part of the Anglia Motel complex and is currently used for parking, etc. An existing HGV parking area is located to the south-west. The Anglia Motel and associated holiday accommodation are located to the east served by two existing vehicular accesses off the A17. An associated garden centre is situated immediately to the south and a caravan site to the south-west.

A farm shop, cafe, etc are situated to the north 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 unassociated with the site are located approximately 180 metres to the east on the opposite side of Washway Road, plus The Limes some 160 metres to the south off Fleet Road. Residential properties (nos. 1-7 Washway Road) are located approximately 340 metres to the north-west off the A17.

Recent Planning History

H05-0458-23 - Full - Change of use of paddock area to extend HGV lorry parking - Approved 20 July 2023.

Consultation Responses

Fleet Parish Council

No response.

LCC Highways/SUDs

No objections.

South Holland Internal Drainage Board

No consent currently required.

Environmental Protection

Request a standard contaminated land condition be applied at this location. Also, to make the applicant aware that they would need to apply for an environmental permit for this operation.

Environment Agency

Although the development lies within flood zone 3 it falls under the "less vulnerable" category, and therefore we have no objection to the development, provided there are no further additions such as a service kiosk, weather canopy or similar.

Anglian Water

No comments since no connection to Anglian Water sewers.

Lincolnshire Fire and Rescue

Requirements as follows:
- Health, safety and environmental risk assessments should be carried out.
- Water supplies - A hydrant will be required no more than 90 metres away from an entry to the site.
- There should be no overhead cables/conductors.
- Access to comply with Approved Document B.
- Lincolnshire Fire and Rescue also requires a minimum carrying capacity for hard standing for pumping appliances of 18 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2010 part B5.
- EVSE points should be installed in accordance with IET code of practice for Electrical Vehicle Charging Installations at Filling Stations.
- The requirements of current petroleum regulations should be complied with in respect of the provision of information and details of the proposed installation to Lincolnshire Fire and Rescue (Petroleum Enforcement Authority) before work is to commence on site.

Lincolnshire Police

No objections.

LCC Archaeology

No archaeological input.

Public

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement.

Objections have been received and can be summarised as follows:

- Increased traffic entering and leaving site on a fast and busy section of the A17. Already been two serious accidents this year.
- Traffic hold-ups by vehicles turning in to fill up.
- Already enough HGV fuelling stations in locality.
- Winslow gate is only a single track road, but is used to gain access to the Anglia Motel complex and the A17 despite being sign posted as "No Through Road". Would result in large increase in traffic along Winslow Gate if petrol station/associated shop permitted.
- Additional noise and disturbance.
- Light pollution from forecourt.
- Risk of explosions and leakage of from hazardous substances, which could also impact upon wildlife.

Information from applicant

All pumps would be unmanned and payment would be taken via card readers installed in the

pumps. This would also take HGV fuel cards. There would be no kiosk or pump operatives. The pumps would be used by all members of the public, however it is obviously aimed at the existing customers of the HGV parking facility and customers of the motel and restaurant.

The fuel station has been positioned as far away in the existing yard as practically possible to allow for the existing access and egress to be maintained and used as it is now. The existing one way system will remain in force and be used in association with the fuel pumps.

Key Considerations

The main issues and considerations in this case are (but are not limited to):
- Principle of Development and Sustainability.
- Layout, Design and Impact on the Character of the Area.
- Impact on Neighbouring Residents/Land Users.
- Highway Safety and Parking.
- Flooding Risk Considerations.
- Pollution.

Evaluation

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan (SELLP) 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (updated 2021) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development and Sustainability

The site is located outside a defined settlement limit. Policy 1 (Spatial Strategy) of the SELLP 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.

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. It 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.

Addressing the above, the Anglia Motel complex already provides roadside services in the form of accommodation, food and drink and HGV parking for those travelling along this part of the A17, which is a principal highway within South Lincolnshire. The provision of an additional highway related facility would improve the existing facilities on site and meet the sustainable needs of the area in terms of community and economic benefits on what is currently brownfield land.

The proposal therefore satisfactorily complies with Policies 1 and 7 of the SELLP in this respect.

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 essentially two fuel stations, with underground fuel tanks, on a site that forms part of the existing Anglia Motel complex. No kiosk or canopy is proposed. The development would be

viewed as part of the existing complex, which includes other elements such as HGV parking area, garden centre, plus the Anglia Motel itself. It would constitute 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.

A farm shop, cafe, etc are situated to the north 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 unassociated with the site are located approximately 180 metres to the east on the opposite side of Washway Road, plus The Limes some 160 metres to the south off Fleet Road. Residential properties (nos. 1-7 Washway Road) are located approximately 340 metres to the north-west off the A17.

Concern has been raised over possible noise/disturbance to neighbouring residents, plus light pollution. However, the complex is already well used, plus ambient noise levels are relatively high in the vicinity due to traffic noise from vehicles using the A17. Moreover, the proposal is some distance from the nearest residential properties unassociated with the site. Also, bunding presently exists along the western boundary. Taking these factors into account it is considered that the amenity of residents within the locality would not be affected to a significantly greater degree than at present in terms of overlooking, lack of privacy, 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.

Concerns have been raised on highway safety grounds. However, LCC Highways have been consulted and have indicated that the facility has good quality access and egress arrangements for vehicles to get safely off and back onto the highway, including ghost island right-turn central reservations on the A17. No changes are to be made to those existing arrangements.

The presence of this facility is well-known and is prominently visible when approaching from either direction. Drivers are therefore generally alert to the possibility that there may be slowing, waiting and turning vehicles ahead and make suitable adjustments. County Highways therefore consider that the proposed fuelling stations would make a useful contribution to the facilities already available on the site without unacceptably impacting upon highway safety or severely impacting upon the capacity of the local highway network. The above ground infrastructure itself would be located where there would be negligible impact upon the movement of vehicles within the site and away from where refuelling vehicles could have the potential to hinder the safe movement of vehicles turning onto or off the adjacent A17. In view of the above, the highway authority does not wish to object on highway safety grounds.

Concerns have been raised on grounds that the proposal, if permitted, would intensify the use of Winslow Gate, despite being sign posted as "No Through Road". This matter will need to be taken up with the Highway Authority.

The proposal therefore satisfactorily complies with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan in terms of highway safety/parking.

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 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 it is an extension to an existing highway network facility and is necessary in this location.

The proposal is categorised as "less vulnerable", so no mitigation measures are required. No service kiosk or weather canopy is proposed. The Environment Agency has raised no objections to the development.

Health and Safety/Pollution

Policy 30 of the SELLP indicates that development proposals will not be permitted where, taking into account 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.

Noise issues have already been addressed. The installation of lighting can be addressed by means of a condition.

Environmental Protection have requested that a contaminated land condition be imposed. Lincs Fire and Rescue have also raised matters which should be brought to the attention of the applicant, including installation of a fire hydrant.

Concerns have been raised concerning possible risk of explosions and leakage from hazardous substances, plus its impact upon wildlife. In respect of this matter, a separate environmental permit will be required which controls such matters.

The proposal satisfactorily complies with Policy 30, subject to mitigating conditions.

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.

The site is currently hard surfaced and has no ecological features. No landscaping or biodiversity enhancements have been included within the scheme. This should therefore be made the subject of a condition.

Planning Balance

As detailed above, Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal is sustainable and would bring community and economic benefits. It would not materially harm the character or appearance of the locality, or amenity of nearby residents, subject to mitigating conditions. LCC Highways have raised no objections on highway safety grounds. The proposal passes the sequential test in terms of flood risk and is classified as a less vulnerable use. Contamination can be addressed by means of conditions.

The proposal therefore conforms with the South East Lincolnshire Local Plan and the provisions of the National Planning Policy Framework when viewed as a whole.

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

Taking the above considerations into account, the proposal is considered to be in accordance with Policies 1, 2, 3, 4, 7, 30 and 36 (including Appendix 6) of the South East Lincolnshire Local Plan (SELLP) (2019), along with the identified sections contained within the National Planning Policy Framework (NPFF) (2021). The are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

That the application be approved under delegated powers, subject to conditions.