DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H11-0299-22**	**Applicant:**	**Motor Fuel Group Ltd.**
Proposal:	Installation of 8 EV bays and associated infrastructure		
Location:	Main Road Filling Station Wisbech Road Long Sutton		
Terminal Date:	13th May 2022		

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
30	Pollution

National Guidance

National Planning Policy Framework 2021

Section 12. Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

The application seeks planning permission for the installation of 8 EV bays and associated infrastructure.

Site Description

The site is located on the corner of B1359 and the A17. It comprises a petrol filling station within the north-western quadrant off the A17/Wisbech roundabout. A Travelodge motel is situated to the north and a cafe (Benny's Diner) to the west. The A17 is located to the south.

Relevant Planning History

H11-0897-19 - Re-location of existing BP PID sign and erection of new Starbucks totem sign - Approved

H11-0354-19 - Erection of a coffee shop with drive-thru and associated works - Approved

H11-0536-13 - Proposed extension to shop, new kerbing to form HGV lane and parking and new refuse compound - Approved

H11-0053-14 - Installation of above ground fuel storage tank - Approved

H11-1073-13 - Installation of an above ground fuel storage tank - Withdrawn

Consultation Responses

LCC Highways/SUDs

Does not wish to restrict the grant of permission.

South Holland Internal Drainage Board

No objections subject to works in line with the boards bylaws.

Resident

One letter of objection has been received siting the following concerns:

·The siting of the EV charging points will obstruct the view of traffic entering/exiting the site as well as adjacent sites
·The proposals would build over existing water pipes so there are concerns of how repairs would be carried out

Planning Considerations

Principle of development

The site is outside any defined settlement boundary, however, the proposed works would be associated with the existing filling station therefore the scheme is acceptable in 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. The key material considerations are addressed below.

Layout, Design, Size and Scale

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high

standard of amenity for existing and future users, among other considerations. Likewise, Policy 2 of the SELLP states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

The proposed works are associated with the existing filling station and are considered fairly minor in nature. The proposed EV bays would be viewed against the existing filling station building/equipment. As such it is considered that the proposed works would not result in any detrimental impact on the surrounding area.

As such the proposed development is considered to comply with the aforementioned policies on design, layout and impact upon the character of the local area.

Residential Amenity

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

The proposed works relate to an existing petrol filling station therefore there are no additional noise concerns. The works would be sited well within the site and a significant distance from neighbouring residential properties therefore there are no neighbouring amenity concerns.

As such the proposal would accord with Paragraph 130 of National Planning Policy Framework (2021) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

Highway/Public Safety

One letter of objection has been received siting concerns of highway safety and the proposed development potentially obstructing the view of traffic entering/exiting the site as well as adjacent sites. The concerns are noted, however, the Local Highway Authority has not raised any objections to the proposal with regards to impact on the safety of the adjacent highway users.

Other matters

One letter of objection has been received siting concerns that the proposals would build over existing water pipes so there are concerns of how repairs would be carried out. The concerns are noted, however, this is not a planning consideration and the applicant is advised to liaise with Anglian Water if they proposed to build over existing water pipes.

Planning Balance

The proposal will not materially harm the character or appearance of the locality, amenity of nearby residents or result in highway implications. The planning balance is therefore considered to be in favour of the proposal.

CONCLUSION

In light of the considerations above, the proposal is considered to be in accordance with Policies 1, 2, 3, 4 and 30 of the South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (2021).

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.

RECOMMENDATION

The application can be approved under delegated powers.