

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H14-0265-20	Applicant:	Applegreen
Proposal:	Proposed re-fuelling facility for HGV's incorporating over ground storage vessel to include fuel and AdBlue and including associated new drainage.		
Location:	Stephenson Avenue Pinchbeck Spalding		
Terminal Date:	31st August 2020		

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

National Guidance

National Planning Policy Framework 2019

Section 6 - Building a strong, competitive economy
 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
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1

SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	3

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for a proposed re-fuelling facility for HGV's incorporating over ground storage vessel to include fuel and AdBlue and including associated new drainage on land off Stephenson Avenue, Pinchbeck.

The submitted plans show the proposed re-fuelling facility sited towards the southern end of the site. It would be capable of accommodating two HGV's and is utilitarian in appearance. The tank itself would be around 3m in height and width, with a length of approx. 7.7m.

Site Description

The site is used for the parking of lorry trailers belonging to a haulage company. The Vernatts Drain (and LWS) is located to the south and an existing haulage company (Midas Transport) is located to the north. Planning permission has recently been granted for 6 industrial units and lorry storage/parking to the east. Further grassland is to the west and this has the benefit of planning permission for an extension to the existing haulage depot to the north (H14-0999-17).

The site is within the settlement boundary for Pinchbeck as set out in the South East Lincolnshire Local Plan (2019) as well as within the Wardentree Lane 'Main Employment Area'.

History

H14-1053-19 - Details of Ecological Survey (Condition 3 of H14-0872-19) (approved March 2020)

H14-0872-19 - Proposed workshop building (re-submission of H14-0588-19) (approved October 2019)

H14-0588-19 - Proposed workshop building and offices (approved August 2019)

H14-0163-19 - Siting of 3 portable buildings (approved April 2019)

Consultation Responses

Welland and Deepings IDB - No buildings, structures or landscaping will be permitted within 9m of the toe of the flood embankment (where one is present) or 9m from the top edge of the drain (where one isn't present). The fuelling facility appears to be outside this area but this should be confirmed to the board. A connection to the mains sewer is proposed. This would require the permission of Anglian water as I believe they are the sewerage undertaker in this area. If this connection is to the surface water system then the Board's written consent would also be required in advance.

Anglian Water - No objection. Requests condition re agreed surface water strategy.

Environment Agency - No objections but provides informative comments for the applicant.

SHDC Environmental Protection - No objection.

Lincolnshire Police - No objections to the principle of development.

LCC Highways/SUDS - Does not wish to restrict the grant of permission.

Lincolnshire Wildlife Trust - I note that the application is for a limited sized (33m²) hard standing area within a site currently used as an HGV parking facility. As the site is already in use, the development of the refuelling facility should have a limited impact on the Vernatts Drain Local Wildlife Site. Lincolnshire Wildlife Trust recommend that additional lighting for the refuelling facility should avoid any overspill from the site. Lighting should be functional, directional and in line with the current guidance document 'Bats and artificial lighting in the UK' written by the Institution of Lighting Professionals and the Bat Conservation Trust. On this basis, and with the information provided, Lincolnshire Wildlife Trust are satisfied that the development will not have a detrimental impact on the Vernatts Drain Local Wildlife Site.

Planning Considerations

- Principle
- Design and impact on appearance of area
- Ecology

Principle

The site is located within the settlement boundary for Pinchbeck as set out in the South East Lincolnshire Local Plan (2019) (SELLP) as well as a 'Main Employment Area' as identified in Policy 7 of the SELLP.

In the context of the above, the site is currently used for the parking of lorry trailers as well as accommodating associated office and welfare facilities for the haulage business. Furthermore, permission has recently been granted for a workshop building in the south-eastern corner of the site (H14-0872-19).

The proposed re-fuelling facility is ancillary in nature and, as such, is considered appropriate in this location.

Design and impact on appearance of area

The proposed re-fuelling facility is utilitarian in appearance, however the application site is located within an industrial area which is dominated by buildings that are not particularly characterful.

Furthermore, the site is located away from the main thoroughfare through Enterprise Park meaning that it is not visible to the general public unless intentionally passed.

Overall, it is not considered that the proposal would have a material adverse impact on the visual amenity of the area.

Taking the above into account, the proposal is considered to be in accordance with Policies 2 and 3 of the Local Plan with regard to design.

Ecology

The site adjoins the Vernatts Drain (to the south/south-west) which is designated as a Local Wildlife Site.

Lincolnshire Wildlife Trust (LWT) originally advised that they were not in a position to support the application on the basis that ecological interests had not been given due regard. In response to this, the agent has submitted further details about the proposal and LWT have now confirmed that they are satisfied that the development will not have a detrimental impact on the Local Wildlife Site. This is subject to appropriate lighting being installed. A note can be added to the decision notice to remind the applicant of this requirement.

Taking the above into account, it is considered that there would be no conflict with Policy 28 of the Local Plan in terms of impact on ecological interests.

Pollution

SHDC's Environmental Protection team and the Environment Agency have no objections to the

proposal.

Anglian Water are content to accept surface water flows into their foul system on the basis that it cannot be discharged into a surface water sewer due to contaminants and that the discharge rate be restricted to 3l/s. A condition can be added to this effect.

Given the above, it is considered that the proposed drainage scheme accord with Policies 2, 3 and 4 of the Local Plan which require proposals to provide appropriate means of drainage.

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 into account the considerations above, the proposal is considered to be in accordance with Policies 1, 2, 3, 4, 7, 28 and 30 of the South East Lincolnshire Local Plan (2019), as well as Sections 6 and 15 of the National Planning Policy Framework (2019).

The recommendation is therefore for a delegated approval.