DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-0518-24**	**Applicant:**	**Motor Fuel Group**
Proposal:	Removal of existing jet wash bays & proposed extension to existing petrol filling station sales building and the creation of charging zone, erection of EV chargers, erection of canopy, jet wash bays, sub-station enclosure, LV panel, meter cabinet and associated works.		
Location:	Morrisons Wardentree Lane Pinchbeck		
Terminal Date:	8th November 2024		

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
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 2023

12 Achieving well designed and Beautiful places
14 Meeting the challenge of Climate Change, Flooding and Coastal Change
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	2	0
OTHER STATUTORY BODIES	0	0	0	5

CASE OFFICER ASSESSMENT

Proposal

Removal of existing jet wash bays & proposed extension to existing petrol filling station sales building and the creation of charging zone, erection of EV chargers, erection of canopy, jet wash bays, sub-station enclosure, LV panel, meter cabinet and associated works.

The proposals relate to the removal of 2 existing jet wash bays and recycling point, and the provision of:

-erection of 3 electrical vehicle charging points,
-installation of 6 electrical vehicle charging bays
-erection of canopy
-erection of 3 jet wash bays,
-erection of 1 air/water and vacuum unit and bay
-one parking space
-Extension to the existing petrol filling station sales building.

The gross external area of the sales building is from 70 square metres to 143 square metres, which is s 73 square metre increase.

Site Description

The application site is an existing petrol filling station belonging to Morrisons bound by Wardentree Lane to the North, Benner Road to the east and commercial developments to the south and west.

The area comprises mixed uses with warehouse and industrial, The site is within a commercial area within the settlement boundary, inside an existing Morrisons store.

Ground levels are shown to be 2.65m above Ordnance Datum to 3.5m A0D. Ground levels are between 2.75m AOD and 3.25m AOD at the location of the proposed charging bays.

History

H14-0344-06 - Replace ATM Cash point machine in existing location. Approved 21.04.06

H14-0588-06 - Replacement of existing advertising consent (reference H14/0373/01). Approved 09.06.06

H14-1114-17 - Installation of new Timpson's Retail Pod. Approved 5.1.2018

H14-0491-19 - Proposed garden centre structure. Approved 4.7.2019

H14-0608-19- Works to car park entrance to include extra entrance land to ease congestion and improve traffic flow, new/altered traffic islands and new pedestrian crossing. Approved 08.08.2019

H14-0610-19 - Installation of new refrigeration units and supporting condensers. Equipment to sit on a new concrete plinth situated at the rear of the existing store adjacent to the service yard and on a new platform on the roof to the rear of the store. Approved 23.07.2019

H14-0884-19- Proposed signage. Approved 25.10.2019

Consultation Responses

Environment Agency

No objection.

Applicants encouraged to register for Floodline.
Recommend using flood resistance and resilience measures.
Trade effluent discharge agreement with Anglian Water recommended.
Pollution prevention measures to prevent polluting matter from entering surface water drains recommended.

Anglian Water

No comments.

Check for Anglian Water Assets.

SHDC Environmental Protection

No observations

Police

No objections

LCC Historic Environment

Having reviewed the application documents and the updated available Historic Environment information for this application, the proposal is unlikely to have an impact on significant archaeological remains.

Welland & Deepings IDB

No comments.

Highway and Lead Local Flood Authority

No objections.

Lincolnshire Fire and Rescue

Please ensure the following criteria is adhered to in the process:

The current guidance (4th Edition APEA Book) in relation to electric vehicle charging at petrol stations is that applications suitable for use at those for fast charging which currently requires 400 V d.c. connection and power demand in the region of 50Kw for each vehicle.

The installation of the EV charging equipment at filling stations shall comply with the following criteria:
- The charger and vehicle when charging at the full extent of the charging cable must be outside of any hazardous areas
- When calculating capacity of the supply required (whether from the filling station or the separate utility company supply) the full load of all chargers (if more than one) must be allowed
- no diversity may be applied - BS 7671 requires each charge-point to be individually protected by a

30mA RCD.

Therefore if more than one charge-point is supplied, RCD protection must be provide to achieve selectivity

Planning Considerations

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, 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 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 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.
Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment. As at 31 March 2024 the 5 Year Housing Land Supply demonstrates a 6.4 years supply.

Principle of Development and Sustainability

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order.

The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The application site in this instance is within Spalding, and lies within the defined settlement boundary as detailed by Policy 1. In context of this, the principle of residential development within this location is considered to be appropriate, comprising an appropriate form of development for the location and would be in accordance with the overall principles of the spatial strategy.

As such, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, impact on highway safety and flood risk, which are discussed in turn as follows.

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed and beautiful places' and details that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and

development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2023), states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Development proposals should also ensure that developments 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 South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the National Planning Policy Framework and require 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.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The proposals relate to the removal of 2 existing jet wash bays and recycling point, and the provision of:

-erection of 3 electrical vehicle charging points,
-installation of 6 electrical vehicle charging bays
-erection of canopy
-erection of 3 jet wash bays,
-erection of 1 air/water and vacuum unit and bay
-one parking space
-Extension to the existing petrol filling station sales building.

The gross external area of the sales building is from 70 square metres to 143 square metres, which is s 73 square metre increase. Materials are to match the existing and are considered acceptable,

The proposed changes are within the area surrounding the store, and represent minor changes to the external area of the filling station and car parking areas. There is no significant adverse effect on the street scene. Whilst there will be a change to the layout, that change is not out of character or out of keeping. The proposals are framed by a small amount of existing landscaping which is considered acceptable. The associated infrastructure of the substation enclosure, the LV enclosure, meter cabinet, and the Air/Water & Vac information are considered acceptable in design and layout terms and are appropriate in terms of elevations. The Jet Wash Plan and elevations are acceptable in position, design and layout terms.

The proposals modernise this part of the site and are beneficial in terms of helping to achieve net zero so are positive in terms of providing infrastructure for ultra low emission vehicles. The proposals will be appropriately lit and do not raise anti social behaviour concerns.. Sequential and impact tests are not required for this type of proposal as the kiosk, even after extended, is ancillary to the main use as a petrol filling station which is not a main town centre use as it is a sui generis use. The kiosk is intended to provide an improved offer to customers. The layout integrates with the existing site operation, the charging facilities are of a modern design.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or

appearance of the area and would therefore be in accordance with policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework (December 2023).

Impact on Residential Amenity/Land Users

Paragraph 135 of the National Planning Policy Framework (December 2023) states that development should 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

There are no neighbouring properties that would be adversely affected by the proposals as this is a commercial area within an existing petrol filling station which itself is ancillary to a supermarket.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2023), and Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 2023) advises 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".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

The proposals improve the offer for electric vehicle charging and do not result in the loss of car parking spaces.

The Local Highway Authority has not objected to the proposals.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework (December 2023).

Flooding Considerations

Section 14 of the National Planning policy Framework (December 2023) requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 168 details "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The site lies within Flood Zone 3 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The closest watercourses are Vernatts drain and the River Welland.

The existing site is 'less vulnerable' in accordance with NPPF Annex 3. There will be no change to the site's vulnerability to flood risk as a result of the proposals.

The Environment Agency Historic Flood Map shows the site outside of any historic flood events in the area of Pinchbeck, with the nearest recorded floodplains located 4km upstream and 5km downstream of the site. The actual risk of tidal and fluvial flooding is low due to the presence of flood defences and the operation of the IDB pumping stations.

The proposals do not involve residential, so the proposals do not need to be fully flood resistant. The proposed development will result in no increase in the number of people potentially at risk of flooding at the site.

A flood management plan should be put in place so that electrical supply can be shut down to protect infrastructure and site evacuated as required in the event of surface water flooding. Following the event, prior to being put back into operation, the infrastructure should be inspected.

Site operators should be aware of any MET office weather warnings related to high intensity rainfall, as this can be a precursor for surface water flooding.

No flood risk design response is required for the proposed extension to the sales building, as it is not shown to be at risk of flooding.

Mitigation measures are proposed to minimise damage and increase the speed of recovery after a flood event.

The proposed development changes to the existing petrol station site will not result in an increase in drained runoff surface area and therefore no increase in rainfall runoff from the developed site.

Overall, when considering the development on balance, it is considered that given the mitigation measures detailed and recommended by condition, it is considered that the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan and the intentions of the National Planning policy Framework in this regard.

Impacts of Climate Change

In respect of the climate emergency, section 14 of the National Planning Policy Framework (December 2023) states that new development should be planned for in ways that: 'avoid increased vulnerability to the range of impacts arising from climate change' with care taken to manage and adapt where development is brought forward in areas which are vulnerable; and that 'can help to reduce greenhouse gas emissions, such as through its location, orientation and design'.

The proposals are beneficial for climate change because they promote electric vehicle charging.

Taking the above into account it is considered that given the details submitted and those required by suitably worded condition, the proposal is acceptable in this regard. The proposal would therefore be in accordance with Policy 31 of the South East Lincolnshire Local Plan and Section 14 of the National Planning Policy Framework (December 2023).

Other matters

It is noted that the Lincolnshire Fire and Rescue required technical criteria to be adhered to. This information was shared with the agent and he confirmed that the installation would conform with the required specifications.

Conclusion

The proposal would not have a significant impact on the street scene, external elevation of the area or neighbouring properties. As such the proposals are considered acceptable.

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.