DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0429-24**	**Applicant:**	**Osprey Charging Network Ltd.**
Proposal:	Erection of substation, 4 ultra-rapid electric vehicle charge points and associated electrical infrastructure		
Location:	The Tulip Queen Inn Lincs Gateway Business Park 5 Goodison Road		
Terminal Date:	16th September 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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

National Guidance

National Planning Policy Framework 2023

Section 2 - Achieving sustainable development
Section 4 - Decision-Making
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed and beautiful 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
WARD MEMBER	0	1	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	2	0
RESIDENTS				

	0	1	0	0

CASE OFFICER ASSESSMENT

Proposal

The proposal is for the erection of substation, 4 ultra-rapid electric vehicle charge points(EVCPs) and associated electrical infrastructure.

The proposal will result in the loss of three parking spaces and in its place would see the erection of the EVCPs f Feeder Pillar, Power unit, and Substation.

Site Description

The application site is located within the rear car park of the Tulip Queen Inn and part of the wider Lincs Gateway service. The services contain a petrol garage (and service station with eateries and shop) as well as a hotel, car park and two drive thru restaurants.

The service are accessed from the B1173 and egress is on to the A1175.

History

Relevant Site History:

H16-1225-06 - Truck stop with overnight parking, fuel sales and restaurant facilities (Outline H16/0280/03). Approved 15-03-07
H16-0009-14 - Proposed business park, hotel, public house/restaurant, conference and function centre, petrol filling station, restaurant/cafe with ancillary retail together with associated landscaping, access, highways, parking, drainage, utilities and services and infrastructure works. Approved.
H16-0952-17 - Details of landscaping for Parcel 4 - outline application H16-0025-15. Approved 12-12-17
H16-0951-17 - Details of landscaping for Parcel 4 - outline application H16-0009-14. Approved 12-12-17
H16-0874-15 - Proposed service station (Amended layout). Approved 16-12-15

Consultation Responses

Environment Agency

We have reviewed the submitted flood risk assessment (FRA) dated 25 June 2024, ref: 'B06551-CLK-XX-XX-RP-FH-1001', prepared by Clarkebond (UK) Limited and the other supporting documents.

We note that the submitted FRA classifies the development as 'essential infrastructure' in terms of flood risk vulnerability; however, it is our view that the proposal comprises 'less vulnerable' development. We therefore do not wish to object to this application.

Highways and Suds Support

The proposal is for the erection of substation, 4 ultra-rapid electric vehicle charge points and associated electrical infrastructure. The location is away from the public highway. The proposal will result in the loss of three parking spaces but this will not represent any issues in terms of parking as the parking is adequate. The proposal will not have an adverse impact on the public highway. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning

application.

Environmental Protection

No comments to make

Ward Member

The ward member has stated the following in support *The more of these the better*

Representations

A letter of support has been received for the application. It states that:
The Apple Green service station, and surrounding establishments have always been missing an EV charging solution. The next services to provide EV charging along the A16 is the McDonalds, which does not have the level of facilities as this services does. EV rapid charging would be very much appreciated, and the placement of these chargers as shown in the plans would not negatively impact any of the establishments in this services area. I am all for this development

Planning Considerations

The proposal is for ancillary development, that would support the experience of the end user of the hotel facility. In this instance by providing electrical vehicle chagrining points. On this basis it is considered that there is no requirement to visit matter of principle. The main issues for consideration in relation to this assessment are:

- Amenity and Environmental Issues
- Character and Design
- Climate Change & Sustainable Transport

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 (December 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.

Amenity and Environmental Issues

SELLP Policy 2 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.

SELLP Policy 30 is concerned with pollution and places impacts in relation to noise, disturbance and air quality as important considerations when considering proposals for planning.

NPPF Paragraph 135f 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.

The proposed infrastructure is located within an existing car part to the rear of the Tulip Queen Inn and sufficient away from all properties including the hotel itself not to give rise to unacceptable issues that would impinge amenity. Furthermore, the infrastructure is likely to have limited effect by way of noise once operational.

The proposal would also contribute to better air quality by promoting the use of zero and low emission vehicles, (which are described by the NPPF as being a sustainable transport mode) and therefore contribute in improving the districts air quality.

On this basis it is considered that the proposal would accord with SELLP Policies 2 and 30 as well as NPPF paragraph 135f.

Character and Design

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. Policy 2 point 1 states that proposals should meet with sustainable development considerations specifically in relation to 'size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses'.

Policy 3 sets out the 'Design of new development' in part it 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 apparatus is limited in amount and scale and would not have a wider character effect upon the environment. Furthermore, the application site is located opposite a service station with fuel pumps and associated apparatus and therefore would not be wholly out of keeping; especially given it is proposed to be located within an existing car park.

Therefore, and on this basis the impact in relation to character and design is acceptable and the proposals would accord with SELLP policies 2 and 3.

Climate Change & Sustainable Transport

SELLP Policy 32 is concerned with Climate Change and Renewable and Low Carbon Energy point 'B' is concerned with renewable energy (including the integration of decentralised technologies on existing or proposed structures). It sets out the following criteria that must be considered/mitigated as part of any development proposal, they include:

1. visual amenity, landscape character or quality, or skyscape considerations;
2. residential amenity in respect of: noise, fumes, odour, vibration, shadow flicker, sunlight reflection, broadcast interference, traffic;
3. highway safety (including public rights of way);
4. agricultural land take;
5. aviation and radar safety;
6. heritage assets including their setting; and
7. the natural environment.

Section 9 of the NPPF (December, 2023) is concerned with sustainable transport and is considered relevant.

Character and amenity consideration have been discussed in previous section of this report and considered acceptable. In terms of Highway Safety, LCC have been consulted and have no objection despite the loss of 3 number parking spaces. The Highway Authority state that the hotel already has sufficient capacity. The infrastructure is also located in a position that would not give rise to unacceptable highway safety impacts. Furthermore the proposal relates to the provision of infrastructure that would support more sustainable transport modes (zero emission vehicles) and so would accord with the aims of section 9 of the NPPF (December, 2023).

There is no heritage, or aviation concerns given the location in an already built up car park. Furthermore, the impact upon the natural environment is acceptable given the relatively small scale of the proposal.

Flood Risk

SELLP Policy 4 is concerned with flood risk and is relevant. The application is is located within Flood Zone 3 in accordance with EA Maps for Planning. Notwithstanding this the proposal relates to ancillary development to an already functioning hotel. The works would complement the existing function of the planning unit and therefore a principle in flooding terms is already established.

The EA have been consulted and have stated that they have no objections to the proposal whilst teh LLFA consider the scale of the proposal to be minor in nature and therefore not trigger a response. The EA have recommended an informative which will be attached to any permission.

On this basis it is considered that the proposal would accord with SELLP Policy 4.

BNG Exempt

The proposal is exempt from BNG as it will have less that 25 square meters impact on the existing habitat.

Planning Balance

As detailed above, 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.

The proposal represents appropriate ancillary development. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and retains adequate parking, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.

In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

Conclusion

Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2, 3, 4, 28, 30, 31 and 36, along with Appendix 6, of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections contained within the National Planning Policy Framework (NPFF) (December 2023). Notwithstanding the aforementioned minor conflicts, there are no significant factors in this case that would outweigh the benefits of the proposal; therefore, in considering all the matters raised above the planning balance is in favour of the proposal and the policies referred to above.

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.