

<b>APPLICATION NO</b>	<b>PA/2017/889</b>
<b>APPLICANT</b>	Barnetby Service Station
<b>DEVELOPMENT</b>	Planning permission to erect new service station comprising new shop building and associated car and HGV parking (including demolition of existing service station and redundant restaurant building)
<b>LOCATION</b>	Barnetby Top Service Station, C121 between Barnetby Top and Elsham, Elsham, DN20 0PA
<b>PARISH</b>	Elsham
<b>WARD</b>	Brigg and Wolds
<b>CASE OFFICER</b>	Andrew Law
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Elsham Parish Council

## **POLICIES**

### **National Planning Policy Framework:**

Paragraph 19 – The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 32 – All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 56 – The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 60 – Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

Paragraph 64 – Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 111 – Planning policies and decisions should encourage the effective use of land by using land that has been previously developed (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land.

Paragraph 120 – To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Paragraph 121 – Planning policies and decisions should also ensure that:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;
- after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- adequate site investigation information, prepared by a competent person, is presented.

#### **North Lincolnshire Local Plan:**

Policy S10 (Petrol Filling Stations)

Policy S8 (Out-of-centre Retail and Leisure Development)

Policy T2 (Access to Development)

Policy T19 (Car Parking Provision and Standards)

Policy RD2 (Development in the Open Countryside)

Policy LC4 (Development Affecting Sites of Local Nature Conservation Importance)

Policy DS1 (General Requirements)

#### **North Lincolnshire Core Strategy:**

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS14 (Retail Development)

Policy CS22 (Community Facilities)

## **CONSULTATIONS**

**Highways:** No objection subject to conditions.

**Environmental Health:** Recommend that the conditions suggested by the Environment Agency be attached to any permission granted.

**Ecology:** No objection subject to conditions.

**Archaeology:** No objection.

**Tree Officer:** No details have been provided of the condition of trees to be removed or of the stated replacement landscaping. Recommend that an arboricultural report should be submitted prior to determination along with full information with regard to new landscaping and planting.

**Environment Agency:** No objection subject to conditions.

## **PARISH COUNCIL**

Elsham Parish Council objects to the proposal as they have repeatedly requested safety measures be put in place at the entrance/exit to the service station, including white lining and signage to ensure that vehicles stop and look prior to exiting the site.

The application shows no change to the entrance/exit to the site which is currently unsafe and a safety hazard, and the increase in traffic will increase safety concerns.

There are daily near misses and with this sizeable development this will only increase. There are regularly lorries backed up onto the roundabout and M180 slip road trying to enter the site and daily near misses due to vehicles pulling out of the site without observing traffic coming from both ways.

## **PUBLICITY**

This application has been advertised by site notice posted near to the site in accordance with the standard publicity procedure. No comments or objections have been received.

## **ASSESSMENT**

### **Site**

The application site comprises Barnetby Service Station and the adjacent former restaurant. The site is located adjacent to Barnetby Top roundabout and is accessed via the C121 which runs between Barnetby Top and the village of Elsham. The site is bounded

by the M180 slip road to the south, by the C121 to the east and by farmland and woodland to the north and west. A paintballing site lies a short distance to the west of the application site.

The site is currently laid out with the service station forecourt to the front, directly ahead when entering the site, and contains four fuel pumps laid out in a square arrangement with a small sales building on the southern edge of the forecourt. The offset fills are located to the eastern side of the forecourt, as are the HGV fuel pumps. To the west of the forecourt and shop building lies the unused 'Little Chef' restaurant building and associated parking, which has been derelict for some time.

The site is located outside of any defined development boundary and as such is in the open countryside for the purpose of planning. Furthermore, the site is located within a large area defined as being of local nature conservation importance; this relates to the areas of woodland around the site.

## **Proposal**

This application seeks full planning permission for the redevelopment of the service station. The proposed redevelopment comprises the following elements:

- (1) demolition of the forecourt, shop building and restaurant building
- (2) redesigning and re-orientating the forecourt area, including removal of the old underground fuel storage tanks, installation of new underground fuel storage tanks and associated pipework, together with new pumps and new forecourt canopies for both car and HGV refuelling
- (3) construction of a new, dedicated, single-storey forecourt sales building to the side of the forecourt pump area situated roughly in the centre of the site
- (4) introduction of marked customer parking spaces (both for cars and HGVs).

The redesigned forecourt is more formalised than the existing arrangement and is intended to be more efficient in terms of throughput. It is also intended to prevent vehicles backing up onto the highway at busy times by simplifying manoeuvring on site and providing a dedicated HGV lane and refuelling area separate from the main forecourt.

The new sales building will provide improved staff facilities, customer toilets and a layout capable of offering goods and services typical of other modern service stations. None of these features are provided by the existing sales building and are prohibited by the existing forecourt building configuration.

**The main issues in the determination of this planning application are the principle of development, the design of the proposal, the impact on highway safety and the potential for contamination.**

## **Principle**

The application site is located in the open countryside where policy RD2 is relevant. This policy sets out the council's approach to development proposals outside of defined development boundaries. Policy RD2 seeks to strictly control development in the open countryside and restricts the types of development in these locations to specific types. The

proposed development is considered to generally accord with this policy insofar as principle is concerned, as the provision of roadside services is identified as an appropriate form of development in the open countryside.

Policy S10 of the North Lincolnshire Local Plan is also relevant to establishing the principle of development in this instance as this policy relates specifically to petrol filling stations. Policy S10 is unsupportive of new petrol filling stations in residential areas or the open countryside unless it can be demonstrated there are no viable alternative sites in non-residential areas, or within a settlement boundary. The application site is an existing service station and the proposed development is for the redevelopment, expansion and improvement of facilities on site. As the proposal is for the re-development of an existing site, there are considered to be no alternative sites for development. Furthermore, the site is not located within, or in close proximity to, a residential area.

For these reasons it is considered that the redevelopment of the existing service station is acceptable in principle.

In addition to the above, whilst the proposal results in an increase in retail floor space, the larger retail area will be directly linked to, and support, the existing service station business. This development will not compete with, nor impact upon, the viability of any existing town or district shopping centres (which are considerable distances from the site) and as such there is considered to be no conflict with policy S8 of the North Lincolnshire Local Plan, which seeks to protect existing town centres.

## **Design**

The existing service station is of traditional design, with a small brick-built sales building and large forecourt covered by a canopy. The forecourt area is laid out relatively informally, without marked parking spaces and lanes. The site also comprises the small, brick-built former restaurant building and associated car parking area to the west of the forecourt. The site is visible in the landscape, but benefits from some screening from existing landscaping.

The major visual difference with the proposed scheme is the new sales building which is much larger than the existing building and is sited in a different location and orientation on the site. This building has a panelled sheeting façade which uses architectural panels. The building will have a concealed flat roof, but will have the appearance of having a sloping mono-pitched roof. The new building will be approximately 4.8 metres high at its highest point and will measure approximately 30 metres in length by 16 metres in depth, with a small fenced-off plant area adjoining the southern elevation. The proposed layout includes new canopies over both the forecourt petrol pumps and the HGV pumps to the side of the sales building. It should also be noted that the applicant intends to introduce additional landscaping in order to mitigate the visual impact of the development.

The design of the new sales building and forecourt area are considered to be acceptable given the context of the site. This development will modernise the site and will enhance its appearance by replacing the existing, dated, structures. The re-siting and re-orientation of the sales building, combined with its relatively low height will ensure that the building will not have an unacceptable impact on the character and appearance of the area, despite its larger size. The visual impact of the development will be further mitigated by a suitable landscaping scheme, which can be secured by condition and by the removal of the existing buildings and structures.

## **Highway safety**

Concerns have been received from Elsham Parish Council with regard to highway safety. These concerns relate specifically to the design of the access point with the C121 and concerns that vehicles currently back up onto the highway at busy times which could be exacerbated by additional traffic generated by the development.

The council's Highways department has been consulted on the application and has raised no objection to the proposed re-development of the existing service station. They have, however, suggested that a condition be attached to any approval which requires the access point with the C121 to be improved in accordance with details to be submitted to and agreed with the local planning authority. These improvements would essentially constitute the introduction of clear road markings and/or signage. This condition will improve the existing situation at the access point and address the concern raised by the parish council in this regard.

With regard to vehicles backing up onto the highway, it should be noted that by incorporating the former restaurant building and its parking area into the service station there will be additional space to accommodate vehicles within the site. It should also be noted that the forecourt redesign formalises the parking arrangements on site with clearly marked bays and incorporates a separate lane, parking and fuelling areas for HGVs. The formalisation of the site layout, combined with the additional site area serving the service station, will prevent vehicles backing up onto the public highway.

For these reasons it is considered that the proposed development will improve the existing situation on site and will have no unacceptable impact on highway safety.

## **Contamination**

The previous use of the development site as a service station including a petrol filling station presents a high risk of contamination that could be mobilised during construction, resulting in pollution of controlled waters. The Environment Agency (EA) has confirmed that controlled waters are particularly sensitive in this location because the site is located upon a principal aquifer.

The applicant has provided an Environmental Site Assessment in support of the planning application. The EA has confirmed that this document provides them with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. Further detailed information will, however, be required before built development is undertaken. On this basis, the EA has confirmed that the proposed development will be acceptable if planning conditions are included requiring the submission of a remediation strategy prior to development commencing and a verification report demonstrating completion of remediation works, both of which must be carried out by a competent person.

The council's Environmental Health department has raised no objection to the proposed development provided that the conditions recommended by the EA are attached to any permission granted.

For these reasons it is considered that, subject to the recommended conditions, the proposed development will not pose an unacceptable risk of contamination to land or controlled waters.

## **Other issues**

The proposal seeks to redevelop an existing service station. There are no residential properties adjacent to the site and the development will not materially alter how the site operates. The proposal will therefore have no unacceptable impact on residential amenity in the area.

The council's Tree officer has raised concerns that there is no information presented as part of the application with regard to the trees to be lost as part of the development and proposed new landscaping and planting. Some trees will necessarily be lost as part of this development. The applicant has stated that these trees are generally in poor condition; however this has not been evidenced in any way. It should be noted that none of the trees on the site are covered by a Tree Preservation Order and as such they could be removed at any time without the need for consent. The applicant proposes to introduce new landscaping to mitigate the loss of existing trees and soften the appearance of the site. It is considered that a standard landscaping condition will provide sufficient clarification on the trees to be removed and ensure that an acceptable landscaping scheme is secured, which will mitigate the impacts of the development on the landscape.

Consultation responses have been received from both the council's ecologist and archaeologist. These consultees confirm that they have no objections to the proposed development.

## **Conclusion**

The proposed development will support and improve an existing service station business, resulting in the creation of an additional four jobs. The development will have no unacceptable impact on the character of the area or highway safety, and will not pose unacceptable risk of contamination. For these reasons the proposal is considered to be acceptable and this application is recommended for approval subject to conditions.

## **RECOMMENDATION      Grant permission subject to the following conditions:**

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: WPSL-MRH-351-EX01, WPSL-MRH-351-PL01, WPSL-MRH-351-PL02, WPSL-MRH-351-PL03 and WPSL-MRH-351-PL04.

Reason

For the avoidance of doubt and in the interests of proper planning.

3.

No development shall take place until details of the method of improving the existing access with the highway have been submitted to and approved in writing by the local planning authority.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

4.

The proposed new unit shall not be brought into use until the vehicle access to it and the vehicle parking, turning and servicing areas serving it have been completed in accordance with the approved details. Once complete the vehicle parking, turning and servicing areas shall be retained.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

5.

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

- (1) a preliminary risk assessment which has identified:
  - all previous uses;
  - potential contaminants associated with those uses;
  - a conceptual model of the site indicating sources, pathways and receptors;
  - potentially unacceptable risks arising from contamination at the site
- (2) a site investigation scheme, based on (1), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site
- (3) the results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken
- (4) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from, unacceptable levels of water pollution, in line with paragraph 109 of the National Planning Policy Framework.



6.

Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason

To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 109 of the National Planning Policy Framework.

7.

No development shall take place until proposals for landscaping have been submitted to and approved by the local planning authority. The proposals shall include indications of all existing trees and hedgerows on the site, and details of any to be retained, together with measures for their protection during the course of development.

Reason

To enhance the appearance of the development in the interests of amenity.

8.

All the approved landscaping shall be carried out within twelve months of development being commenced (unless a longer period is agreed in writing by the local planning authority). Any trees or plants which die, are removed or become seriously damaged or diseased within five years from the date of planting shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority agrees in writing to any variation.

Reason

To enhance the appearance of the development in the interests of amenity.

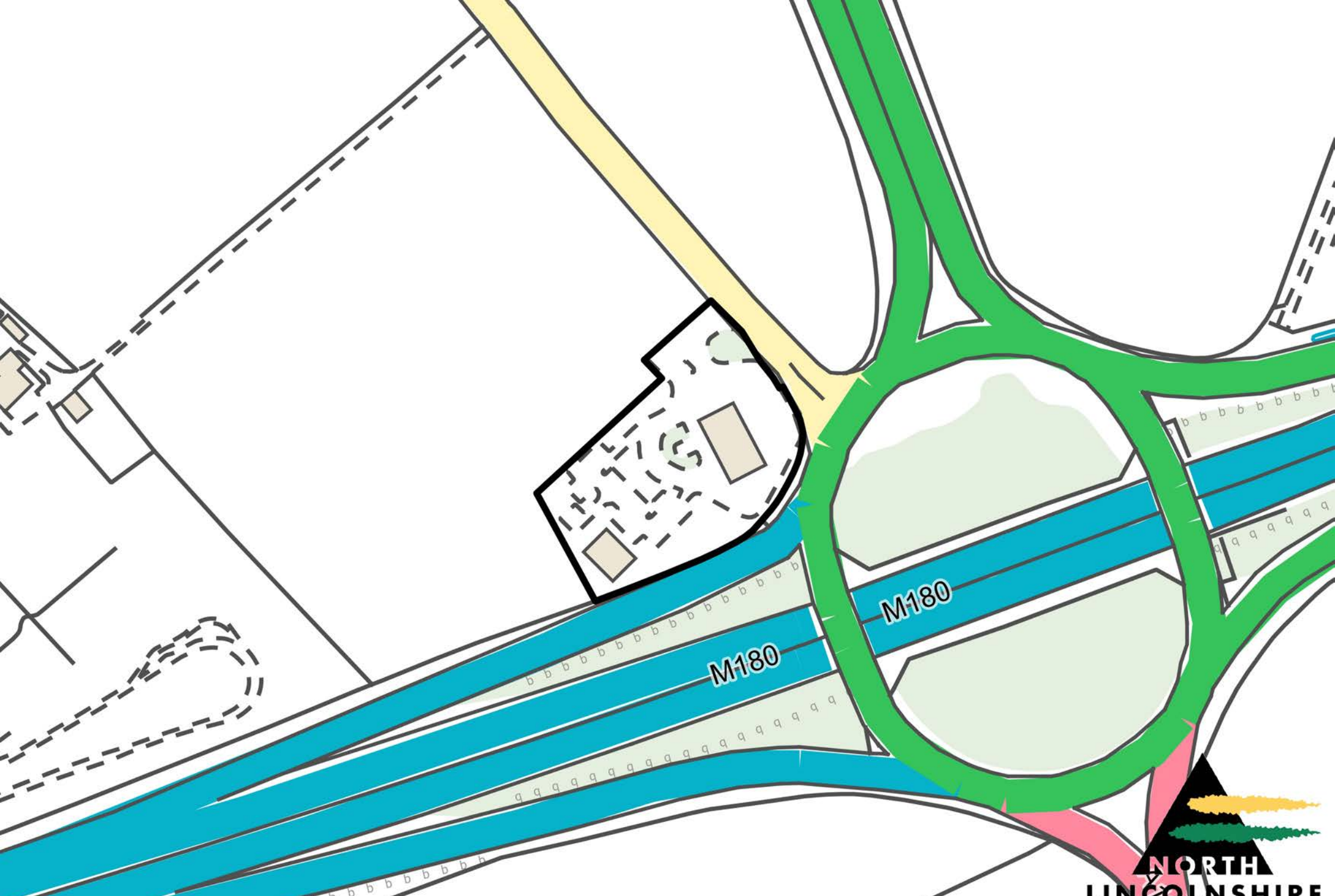
### **Informative 1**

The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

### **Informative 2**

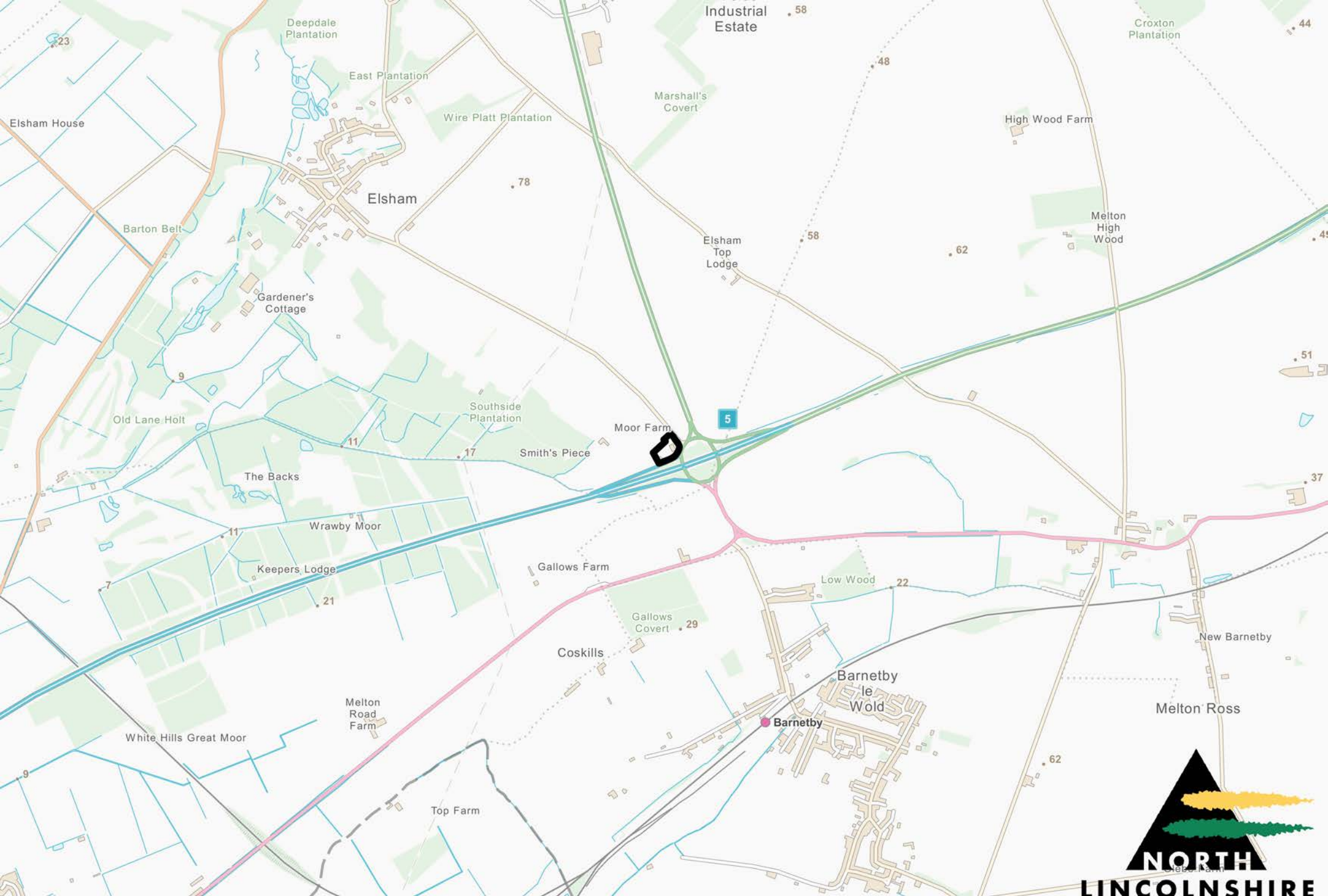
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



**PA/2017/889**

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**PA/2017/889**

**Overview**

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NOT TO SCALE



M180 SLIP ROAD