

# Development Management Delegated Decision Report

B/22/0095



SUMMARY OF APPLICATION				
<b>Application Reference</b>	B/22/0095			
<b>Application Type</b>	Approval of Reserved Matters			
<b>Proposal</b>	Approval of reserved matters (appearance, landscaping, layout and scale) following outline approval B/14/0165 for development of a petrol filling station and kiosk (Revision of planning application B/19/0349)			
<b>Location</b>	Land South of Wallace Way/West of A16, Wyberton, Boston, PE21 7NW			
<b>Applicant</b>	Sejpal, J Bros Investments Ltd			
<b>Agent</b>	Ms Racheal Bamford, ADS Design			
<b>Received Date:</b>	04-Mar-2022	<b>Consultation Expiry Date:</b>	22-Apr-2022	
<b>Valid Date:</b>	14-Mar-2022	<b>Statutory Expiry Date:</b>	09-May-2022	
<b>Date of Site Visit:</b>	17-Mar-2022	<b>Extension of Time Date:</b>	20-May-2022	
<b>Objections received?</b>	None.			
<b>5 day notification record:</b>				
N/A	<b>Councillors notified</b>	<b>Date</b>	<b>Response received – date</b>	<b>Ok to continue</b>
<b>Recommendation</b>	Approved with Conditions			
<b>Report by:</b>	Lauren Birkwood			
<b>Date:</b>	16-May-2022			



## **OFFICER REPORT**

### **SITE AND SURROUNDINGS:**

The proposal site is located adjacent to the A16 roundabout and to the south of Wallace Way which forms part of the new distribution road. The site is currently vacant and forms part of the Quadrant development. Many of the plots surrounding the site have now been developed including Burger King and Greggs to the east and on the opposite side of the A16, and Starbucks and Travelodge to the north.

### **DETAILS OF PROPOSAL:**

The application is for approval of reserved matters following outline approval B/14/0165 for the development of a petrol filling station and kiosk on land at Wallace Way in Boston. This is also a revision of planning application B/19/0349. The proposed buildings cover approximately 450sqm and includes a fuel service station and staff facilities. The site would also include an area for car washing including three jet wash bays and a 'roll over' car wash. There will also be an area for EV car parking and a HGV canopy.

Condition 28 attached to permission B/14/0165 requires the Quadrant development to generally accord with the 'masterplan' that forms part of that application.

### **RELEVANT HISTORY:**

B/14/0165 - Hybrid planning application (part outline, part full) for a single composite development of:

1. A new community stadium for Boston United Football Club including education, community and sports facilities (stadium capacity approximately 5,000) and 3G All Weather floodlit pitch with all details submitted in full including all of the reserved matters and a roundabout junction on the A16.
2. A new distributor road connecting the A16 with London Road, all details submitted in full and including the demolition of no's 262 and 264 London Road.
3. Re-alignment of the Towns Drain and extension to Wyberton Sports Ground.
4. Erection of up to 500 dwellings in outline with all matters except access reserved.
5. Erection of a food store (Class A1) gross floor area approximately 7,000sqm and petrol filling station in outline with all matters except access reserved.
6. Erection of commercial and leisure uses (Classes A3, A4 and A5 - restaurant, public house and hot food takeaway) with gross floor area approximately 2,200sqm, in outline with all matters except access reserved.

7. Erection of a 60 bed (approximate) hotel, in outline with all matters except access reserved.

This is an Environmental Impact Assessment application and is accompanied by an Environmental Statement in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

B/19/0349 - Approval of reserved matters (appearance, landscaping, layout and scale) following outline approval B/14/0165 for development of a petrol filling station and kiosk.

### **RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:**

#### **South East Lincolnshire Local Plan (2011-2036)**

The following policies contained within the South East Lincolnshire Local Plan (2011-2036) (i.e. SELLP) are relevant to this application:

- Policy 2: Development Management
- Policy 3: Design of new development
- Policy 4: Approach to Flood Risk
- Policy 5: Meeting Physical Infrastructure and Service Needs
- Policy 30: Pollution
- Policy 31: Climate Change and Renewable and Low Carbon Energy
- Policy 32: Community, Health and Well-being
- Policy 36: Vehicle and Cycle Parking

### **OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:**

#### **National Planning Policy Framework (2021)**

At the heart of the 2021 Framework is a presumption in favour of sustainable development. The following sections are relevant to this scheme:

- Section 4: Decision-making
- Section 9: Promoting sustainable transport
- Section 11: Making effective use of land
- Section 12: Achieving well-designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal change

#### **National Planning Practice Guidance (PPG)**

### **CONSULTATION RESPONSES:**

Environmental Health Officer – No objections. Informative recommended.

Wyberton Parish Council – No objections.

Environment Agency – No objections. Development to accord with Flood Risk Assessment.

Lincolnshire County Council – No objections. Condition recommended including Construction Management Plan and Method Statement and informatives.

### **THIRD PARTY REPRESENTATIONS RECEIVED:**

No representations received.

### **EVALUATION:**

The key material considerations in regards to this application are:

- 1) Principle of Development
- 2) Design, Layout and Impact on Character of the Area
- 3) Impact on Residential Amenity
- 4) Highways Safety
- 5) Flood Risk and Surface Water Disposal

- 1) Principle of Development

The proposal is for consideration of reserved matters in relation to a development which has been approved at outline stage. The principle of development is considered acceptable. All matters were reserved during the outline stage, therefore access, layout, design, appearance and landscaping require considering and addressing as part of this reserved matters application.

- 2) Design, Layout and Impact on Character of the Area

The proposed single storey building would be sited to the north-west of the site, adjacent to Wallace Way. It would occupy about 450sqm and would have a mono-pitched roof with a maximum height of approximately 5.1 metres. The proposed external materials would include black brickwork, black steelwork and aluminium glazing frames.

The proposed development also includes a car washing area including three jet wash bays and a 'roll over' car wash. There will also be an area for EV car parking and a HGV canopy. The canopy and car washing facility would also be constructed in modern materials including glazing panels, and would be minor in scale.

The buildings would be contemporary in appearance and would be similar in character to other retail buildings in the area. On this basis, and given the retail nature of the area, the development would not detrimentally impact on the character and appearance of the immediate or wider area.

The proposed layout also includes three jet wash bays, a 'roll over' car wash and an area for EV car parking. This layout is typical of a petrol station. It is intended to provide landscaping within the site and along the site's perimeter which would help soften the appearance of the site. No details of landscaping have been provided and this matter has been conditioned.

It is considered that the layout and design broadly accords with Condition 28 of B/14/0165 and accords with the 'masterplan' that forms part of that application. On this

basis, the development accord with the policies set out in the South East Lincolnshire Local Plan (2011-2036).

### 3) Impact on Residential Amenity

Surrounding the site immediately are retail and industrial premises. There are residential properties on Wallace Way (to the west) and Scott Drive (to the north). However, these are a significant distance away and therefore residential amenity issues would be negligible. On this basis, the development would accord with policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

### 4) Highways Safety

The distributor road (Wallace Way) lies along the sites northern boundary and the A16 runs along the sites eastern boundary. A road will run along the sites western boundary and will serve the proposed development. This road formed part of the outline permission and therefore has been approved.

The proposal is intended to provide 18 car parking bays including 2 disabled bays, 2 EV bays and 7 staff bays to serve the development. There will also be two cycle facilities. The development also includes adequate space for deliveries and HGV's. Policy 36 of the South East Lincolnshire Local Plan (2011-2036) indicates the parking requirement for retail premises, and the development accords with this requirement.

The submitted Transport Technical Note includes a proposed servicing schedule. It indicates that tankers will deliver 2-3 times per week, 16.5m articulated vehicles will visit 3 times per week and vans 'daily'.

The Lincolnshire County Council have reviewed these details and have no objections to the scheme. On this basis, the proposal accords with policies 2, 3, 5, 30 and 36 of the South East Lincolnshire Local Plan (2011-2036).

### 5) Flood Risk and Surface Water Disposal

The applicant has confirmed "It is intended to discharge the surface water drainage from the proposed development to the site wide drainage network which in turn discharges to the existing Internal Drainage Board drainage network, as per the wider drainage strategy for the development area". This has been approved by the Internal Drainage Board as part of the previous wider proposal.

Condition 46 attached to B/14/0165 requires the submission of a Flood Risk Assessment for each phase of the development. A Flood Risk Assessment has been submitted which concludes that:

- The Fuel Filling Station building finished floor level and above ground storage tank valves will be set to 4.05mAOD.
- That a Flood Warning and Evacuation Plan (FWEP) be set up in case of flood emergencies.

The Environment Agency have reviewed this information and have no objections. The development therefore accords with policy 4 of the South East Lincolnshire Local Plan (2011-2036).

### **CONCLUSION:**

The proposal is for consideration of reserved matters in relation to a petrol filling station development which has been approved at outline stage (B/14/1065). The principle of development is considered acceptable, including the means of access to the site.

The proposed layout, including parking provision and the design and appearance of the proposed building are acceptable, subject to conditions regarding landscaping. The development would satisfactorily assimilate within the evolving Quadrant development. The application therefore accords with the policy requirements set out in the South East Lincolnshire Local Plan (2011-2036) and the National Planning Policy Framework 2021.

### **RECOMMENDATION:**

Approved with conditions.

<b>CONDITIONS / REASONS</b>	
Pre-commencement conditions?	<b>Yes</b> Agreed with applicant/agent - Date: 11 <sup>th</sup> and 17 <sup>th</sup> May 2022
1	<p>The development hereby approved shall be carried out in accordance with the associated plans referenced:</p> <ul style="list-style-type: none"> <li>- 1938-1 Site Location Plan</li> <li>- 1938-10 Car Wash Elevations</li> <li>- 1938-11 Substation Details</li> <li>- 1938-13 Site Elevations</li> <li>- 1938-6 Planning</li> <li>- 1938-7 Planning in Context</li> <li>- 1938-8a PFS Plans &amp; Elevations</li> <li>- 1938-9 Petrol &amp; HGV Canopies and Wash Bay - Plans &amp; Elevations</li> </ul> <p><b>Reason:</b> To ensure the development is undertaken in accordance with the approved details and to accord with policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).</p>
2	<p>The development shall be carried out in accordance with the submitted Flood Risk Assessment and Drainage Strategy Report (undertaken by Diamond Wood &amp; Shaw Limited, dated March 2022) and the following mitigation measures it details:</p> <ul style="list-style-type: none"> <li>- finished floor levels are to be set above the 2115 0.5% Tidal Breach flood depth at 4.05mAOD; and</li> <li>- The development building will be provided with a template Flood Warning and Evacuation Plan.</li> </ul> <p>These mitigation measures shall be fully implemented prior to occupation and</p>

	<p>subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.</p> <p><b>Reason:</b> To reduce the risk of flooding to the proposed development and future occupants in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2011-2036).</p>
3	<p>No development shall take place until a Construction Management Plan and Method Statement has been submitted to and approved in writing by the Local Planning Authority which shall indicate measures to mitigate against traffic generation and drainage of the site during the construction stage of the proposed development. The Construction Management Plan and Method Statement shall include:</p> <ul style="list-style-type: none"> <li>- phasing of the development to include access construction;</li> <li>- the parking of vehicles of site operatives and visitors;</li> <li>- loading and unloading of plant and materials;</li> <li>- storage of plant and materials used in constructing the development;</li> <li>- wheel washing facilities;</li> <li>- the routes of construction traffic to and from the site including any off site routes for the disposal of excavated material and;</li> <li>- strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (permanent or temporary) connect to an outfall (temporary or permanent) during construction.</li> </ul> <p>The Construction Management Plan and Method Statement shall be strictly adhered to throughout the construction period.</p> <p><b>Reason:</b> To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction and to ensure that suitable traffic routes are agreed.</p>
4	<p>No development shall take place above ground level until full details of hard and soft landscaping works have been submitted to and approved in writing by the local planning authority. The scheme shall include</p> <ul style="list-style-type: none"> <li>- boundary treatment</li> <li>- hard surface materials</li> <li>- planting schedules (species, sizes densities)</li> <li>- existing trees to be retained/removed</li> </ul> <p>All landscape works shall be carried out in accordance with the approved details within 6 months of the date of the first occupation of any building or completion of development whichever is the sooner. Any trees, plants, grassed areas which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the first available planting season with others of similar size species or quality.</p>

	<b>Reason:</b> In the interests of visual amenity and design quality in accordance with policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).
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<b>INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE</b>	
<p><b><u>STATEMENT OF PROACTIVE WORKING:</u></b></p> <p>In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2021 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.</p>	
<p>In accordance with Section 59 of the Highways Act 1980, please be considerate of causing damage to the existing highway during construction and implement mitigation measures as necessary. Should extraordinary expenses be incurred by the Highway Authority in maintaining the highway by reason of damage caused by construction traffic, the Highway Authority may seek to recover these expenses from the developer.</p>	
<p>Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit our website via the following links:</p> <p>Traffic Management - <a href="https://www.lincolnshire.gov.uk/traffic-management">https://www.lincolnshire.gov.uk/traffic-management</a>  Licences and Permits - <a href="https://www.lincolnshire.gov.uk/licences-permits">https://www.lincolnshire.gov.uk/licences-permits</a></p>	