

APPLICATION NO	PA/2019/416
APPLICANT	Motor Fuel Limited
DEVELOPMENT	Planning permission to demolish existing café and erect replacement coffee shop and drive thru facility, including parking
LOCATION	Motorway Services, C121 Between Barnetby Top And Elsham, Elsham, DN20 0PA
PARISH	Elsham
WARD	Brigg and Wolds
CASE OFFICER	Leanne Pogson-Wray
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Elsham Parish Council

POLICIES

National Planning Policy Framework: Paragraph 11 states that at the heart of the National Planning Policy Framework there is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

Paragraph 80 states that significant weight should be placed on the need to support economic growth and productivity and take into account local business needs and wider opportunities for development.

Paragraph 83 supports a prosperous rural economy and planning should enable the sustainable growth and expansion of all types of businesses in rural areas, both through the conversion of existing buildings and well-designed new buildings.

Paragraph 84 states that planning decisions should recognise that sites to meet local business and community needs in rural areas may be adjacent or beyond existing settlements, in which case it is important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunity to make a location more sustainable (for example by improving scope of access by sustainable means).

Paragraph 124 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

North Lincolnshire Local Plan:

LC4 (Development Affecting Sites of Local Nature Conservation Importance)

RD2 (Development in the Open Countryside)

T2 (Access to Development)

S8 (Out of Centre Retail and Leisure Development)

DS1 (General Requirements)

DS7 (Contaminated Land)

North Lincolnshire Core Strategy:

CS1 (Spatial Strategy for North Lincolnshire)

CS2 (Delivering More Sustainable Development)

CS3 (Development Limits)

CS5 (Delivering Quality Design in North Lincolnshire)

CS14 (Retail Development)

CS22 (Community Facilities)

CONSULTATIONS

Highways: 2017 planning permission has not been implemented. Permission recently granted for extension to existing kiosk. Presume that 2017 permission will be replaced by this permission. This is disappointing as this would have built in some more capacity which would help to alleviate issues with vehicles accessing the site. However, given that the old restaurant building still exists and could be brought back into use without permission being needed, would not be able to object. Therefore advise conditions.

Highways England: Requested further information regarding the proposal. Following the submission of further information, no objections.

Drainage: Advise a condition regarding a surface water drainage scheme.

Ecology: Advise a biodiversity enhancement condition.

Environmental Health: As the site is located on an active service station and redevelopment of the site has the potential to mobilise any contaminants on the site, which may pose a risk to the development and the underlying principle aquifer, advise a condition regarding a Phase 1 assessment.

PARISH COUNCIL

Object to the proposal with the following comments:

- past issue with drainage from the Little Chef, causing flooding problems on Woodland Drive
- litter

- also reiterate comments from previous application regarding highway safety.

PUBLICITY

A site notice has been posted close to the application site. One letter of objection has been received raising the following issues:

- huge increase in traffic/traffic flow issues
- highway safety
- litter
- sewage issues within the village from when the Little Chef was in operation.

ASSESSMENT

The application site is the former Little Chef restaurant which forms part of Barnetby Service Station. 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, the C121 to the east and farmland and woodland to the north and west.

The site lies outside of any defined development boundary and is therefore, in planning terms, in the open countryside. The site is also located within an area defined as being of local nature conservation appearance; this relates to the areas of woodland around the site.

This proposal seeks to demolish the existing Little Chef building and erect a purpose-built coffee shop with drive-thru facility. The proposal will also incorporate a re-design of the parking and access to the unit.

The main issue in determining this application is whether the proposal would have any adverse impact with regard to highway safety and traffic generation.

Planning permission has previously been approved on the site for the following:

PA/2017/889: Planning permission to erect a new service station comprising new shop building and associated car and HGV parking (including demolition of existing service station and redundant restaurant building)

PA/2019/218: Planning permission for the erection of a single-storey extension to the rear of the existing forecourt sales building and associated works.

Due to this application being submitted and the application earlier this year, it is not considered that the 2017 approval will be implemented.

This application would see a purpose-built structure being erected on a similar footprint to the vacant Little Chef Building, which has been vacant for a number of years. The parking for the previous use was sporadic and poorly laid out. The proposal would re-design this layout to a looped access, in and out of the main service station site. The road would loop around splitting off to the drive-thru and customer parking; which would increase from 20

spaces to 39 spaces. Existing grassed areas and existing trees would be retained and further shrub planting is proposed.

It is important to note that the existing building could be renovated and re-used for a coffee shop without planning permission. This application should be considered on its merits to build a purpose-built building and reconfigure the site to meet the current requirements.

Due to the authorised uses on the site, it would be difficult to resist a purpose-built building on the same site on highway grounds. The existing redundant access, which is from the main access to the site, would be reopened with in/out lanes. Whilst there may be an increase in traffic generation from the proposal, it is considered that the proposal would give some control to the development, over what would be achieved if the existing building were to be re-used. As there are no objections to the proposal from the Highways team or Highways England, it would be difficult to substantiate an objection on these grounds.

Concerns have been raised regarding drainage from the site (foul and surface water). As connections are already in place for the existing building, which could be operated again without permission, it would be difficult to substantiate any objections or conditions on these grounds. Surface water remains to be drained regardless of occupancy and as there will not be any significant increase in hard-standing, it is not considered that surface water would be increased or require additional information for planning. Foul water will be as existing via Anglian Water sewers. Anglian Water have raised no comments on the application and they must allow for connections. As this is not a new connection, any upgrades or issues are dealt with direct with Anglian Water and not through the planning process. Building Regulations will also ensure that adequate drainage is achieved on the site.

Litter has been raised as a concern regarding both the existing use on the site and the proposed development. The nature of the proposal as a coffee shop and drive-thru would unlikely cause any increase in litter close to the site. Litter would likely be disposed of within the unit or further away from the site (if the patrons were not to dispose of it in an effective manner).

The proposed rebuilding of an existing use, and reconfiguration of the layout and car park, are considered to be acceptable in principle and would not have any adverse impact on amenity, highways, litter or drainage over and above the current permitted use/building on the site. The building is well designed, with a sloping roof, black cladding with some grey brickwork, and some timber cladding. The building would be visible from the M180 slip road, however as it is of a lower profile than the existing building, it is not considered that it would have any adverse impact on the character or appearance of the area. The proposal is considered to be acceptable and would be able to be adequately controlled by planning 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: WPS-MFG-174-PL01, WPS-MFG-174-PL04 rev A ,WPS-MFG-174-PL05 rev B, WPS-MFG-174-PL07 and WPS-MFG-174-PL08.

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 policies T2 and 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.

Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

Part 1: Site Characteristics

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health;

- property (existing or proposed), including buildings, crops, livestock, pets, woodland and service lines and pipes;
- adjoining land;
- groundwaters and surface waters;
- ecological systems;
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and a proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Part 2: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part 3: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks' written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

Part 4: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

6.

Within six months of the commencement of the development, proposals for landscaping shall be 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. The approved scheme shall be carried out in its entirety within a period of twelve months beginning with the date on which development is first occupied. Any trees, shrubs or bushes removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees, shrubs or bushes of similar size and species to those originally required to be planted unless the local planning authority have given written consent to any variation.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the Core Strategy.

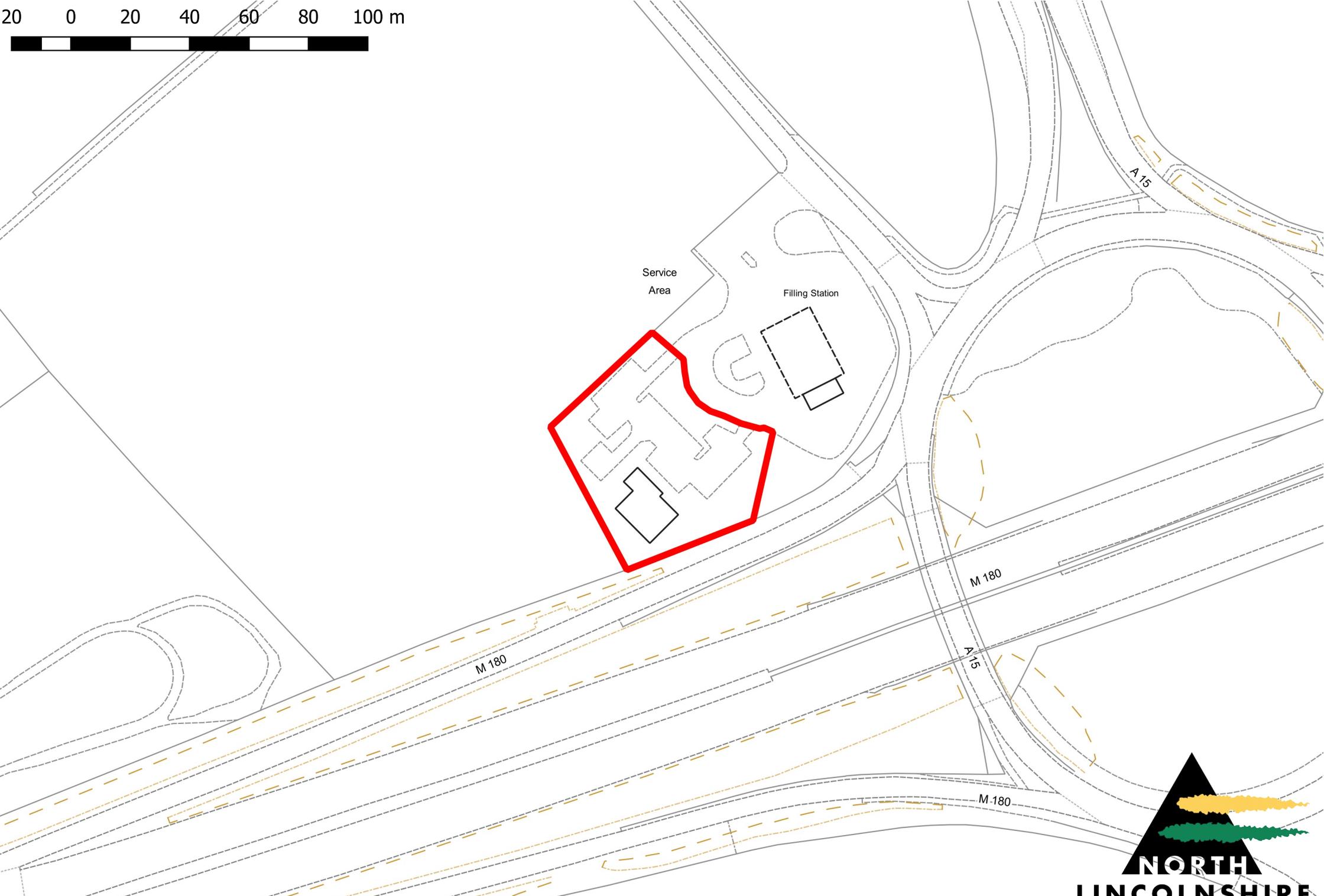
Informative 1

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 paragraph 38 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.



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