

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H11-0354-19 **Applicant:** Motor Fuel Ltd
Proposal: Erection of a coffee shop with drive-thru and associated works
Location: Main Road Filling Station Wisbech Road Long Sutton
Terminal Date: 27th May 2019

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
24	The Retail Hierarchy
27	Additional Retail Provision
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework 2019

Sections 2, 3, 4, 6, 7, 8, 9, 12 and 14.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for the erection of a coffee shop with drive-thru and associated works. It would include an indoor seating area for customers and would create approximately 18 full/part time jobs with flexible shifts, which is typically the equivalent of 11 full time jobs.

Site Description

The site is currently a grassed area within the curtilage of the filling station located on the north western quadrant of the A17/Wisbech Road roundabout. A motel (Travelodge) is located to the north-west and a cafe (Benny's Diner) to the west.

Representations

LCC Highways/SUDs - No objections.

Environmental Protection - Request contaminated land condition.

LCC Archaeology - No impact.

Planning Considerations

The main issues in this case are:

- Principle/whether the site is a suitable location on policy grounds;;
- Character/appearance;
- Amenity;
- Highway considerations;
- Other Material Considerations such as flooding.

Principle

As indicated in paragraph 47 of the National Planning Policy Framework, 2018, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The appeal site is located outside Long Sutton Settlement Boundary as defined in the recently adopted South East Lincolnshire Local Plan (SELLP), 2019. For the purposes of the SELLP, the site lies within the countryside.

SELLP Policy 1 directs developments within settlement boundaries and states that development in the Countryside will only be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

Retail policies within the South East Lincolnshire Local Plan, 2019 indicate that Sub-Regional Centres and District and Local Centres such as Long Sutton should be the focus for new retail uses. Outside the retail hierarchy individual local shops should be promoted if there is an identified need in that location and it is of a scale to meet day to day needs. It should not adversely affect the vitality and viability of the any nearby town centre.

Paragraph 104 confirms that planning policies should provide for any transport facilities that need to be located in the area, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy.

The above policies are consistent with Section 7 of the National Planning Policy Framework, 2019.

In addition, Paragraph 83 of the Framework indicates that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas.

Addressing the above, the planning statement accompanying the application indicates that the proposal represents new inward investment into the district and that would provide important new roadside infrastructure for rest and refreshment. It would also provide additional consumer choice for users of the A17 as part of an established existing roadside facility and would provide additional diversification on site to meet an existing customer demand. Moreover, it would create approximately 11 new jobs.

The supporting statement also goes on to stress that the qualitative demands on petrol filling stations are increasing. In particular, existing petrol filling stations have to accommodate a greater variety of facilities and provide a high-quality offer to customers and users who are becoming increasingly demanding for enhanced facilities. In this respect enhanced on-site food and beverage facilities and 'coffee to go' is a major trend within the roadside market which has evolved in response to accommodate and meet the changing needs and aspirations of consumers.

The above are significant factors in favour of the proposal. It is small scale and is catered primarily to serve the needs of motorists using the major road network (A17) through the district. It offers additional choice over and above existing facilities upon the site and would not significantly harm the viability/vitality of Long Sutton town centre. No objections are therefore raised in principle.

Character/Appearance

The supporting statement indicates that the coffee shop building is "modern in design and includes a glazed front elevation, providing a light and spacious seating area. Internally, there will be washroom facilities, including changing and disabled facilities, a servery and the required back of house space. The fabric of the building includes cladding panels and various feature elements including distinctive signage blade."

Existing development within the immediate vicinity is commercial in nature, including the petrol filling station and Travelodge. The proposed building would fit in and would not materially harm the character or appearance of the locality.

Amenity

The nearest residential properties are situated to the north and also opposite the site's entrance (Grangefields). The applicant has indicated that the coffee shop would be open 24 hours a day. However, the locality is already characterised by motorists' roadside facilities with no restriction on operating hours. The nearest residential properties to the north are beyond the Travelodge hotel and are effectively screened by the latter. Concerning the property opposite, it is some distance from the proposed coffee shop itself. The existing access is already constantly used throughout the day to access existing roadside facilities. No resident objections have been received.

Taking into consideration the above, it is considered that the amenity of neighbouring residents would not be harmed to a significantly greater degree than at present in terms of noise and disturbance, flashing headlights, etc taking this into consideration high background noise from vehicles using the busy A17 and traffic accessing existing facilities on site.

In respect of litter the applicant has indicated that regular daily litter patrols would be carried out. Litter bins would be provided for the proposed sales building and packaging carries anti-littering symbols to encourage customers to dispose of litter responsibly. In addition, anti-littering signage would be displayed.

Highway Safety

The proposal would utilise the existing access point from Wisbech Road into the petrol filling station and roadside facilities site with access and egress into the drive-thru site from the road leading to the Travelodge and Benny's Diner. The Transport Statement accompanying the application indicates that The proposed development is expected to generate a negligible number of new vehicle trips. It stresses that the traffic impact of the proposed development would be negligible, as the majority of the trips generated would be primarily diverted off the A17. The proposed development would have a total of 12 car parking spaces, 1 of which would be an accessible space for drivers with reduced mobility. Five cycle stands are to be provided along with dedicated

parking space for two motorcycles. The applicant has agreed to re-paint the faded lines at the site's entrance. The County Highways Authority has raised no objections to the proposal on highway safety grounds.

Other Material Considerations

Flooding

The site lies within Flood Zone 3 defined by the Environment Agency Flood Map. The latter 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. Also, large parts of the South Holland District 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 hazard mapping within the SFRA shows the site to be unaffected if a breach of the flood defence were to occur. The site is therefore sequentially preferable in flood risk terms.

Concerning the exceptions test, the Flood Risk Assessment prepared by Evans Rivers and Coastal demonstrates that the building will be of the appropriate construction and a warning and evacuation strategy has been devised. A Flood Sequential Assessment Report also accompanies the application. There is nothing in terms of flooding to prevent development occurring on the site subject to the conditions of the FRA being followed.

Drainage

Foul and surface water would be disposed of to the mains sewer.

Conclusion

The proposal represents new inward investment into the district and that would provide important new roadside infrastructure for rest and refreshment. It would also provide additional consumer choice for users of the A17 as part of an established existing roadside facility and would provide additional diversification on site to meet an existing customer demand. Moreover, it would create approximately 11 new jobs. It would not significantly harm the viability/vitality of Long Sutton town centre.

The building is considered to be appropriate to the locality in terms of design and would not materially harm the character/appearance of the area. The amenity of nearby residents would not be affected to a significantly greater degree than at present in terms of noise/disturbance taking into consideration existing traffic flow to/from the site and background traffic noise from the A17.

LCC Highways raises no objection on highway safety grounds and the proposal passes the sequential test in terms of flood risk.

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 to grant permission 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 to grant permission 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 to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.