

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H14-0343-21 **Applicant:** KBeverage Ltd.

Proposal: Proposed clearance bar, order point canopy and HVAC condensers to the exterior of approved drive thru unit

Location: Starbucks Wardentree Lane Pinchbeck

Terminal Date: 26th May 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
30 Pollution

National Guidance

National Planning Policy Framework 2019

Section 12 - Achieving well-designed places
Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for a proposed clearance bar, order point canopy and HVAC

condensers to the exterior of approved drive thru unit (Starbucks) at Wardentree Lane, Pinchbeck.

Site Description

Development of the drive thru unit, as well as other units on the wider scheme, has commenced.

There are a range of existing uses in the surrounding area. Morrisons supermarket and petrol station is diagonally opposite on other side of the roundabout and there are industrial premises to the west on the other side of Wardentree Park. A car servicing centre is located to the east. In the wider area there are trade counters, a car dealership and health uses (such as gyms and therapy centres).

History

H14-0344-21 - Proposed Signage (approved May 2021)

H14-0011-21 - Details of precautions to prevent mud deposit on highway, external materials, landscaping, on-site foul water drainage works, bicycle storage/parking and a Flood Warning & Evacuation Plan (Conditions 3, 4, 5, 6, 8 & 10 of H14-0077-20) (approved February 2021)

H14-0077-20 - S73 modification - Proposed mixed use development comprising of drive thro' coffee shop A3 use, cafe/hot food takeaway A3 use, A3 & A5 restaurants and D2 assembly and leisure (fitness centre) and/or B1, B2, B8 (trade counter) use - Approved under H14-1252-18. Removal of condition 8 relating to CCTV System (approved April 2020)

H14-0225-20 - Details of mud prevention on public highway, external materials, on-site foul water drainage and bicycle storage/parking (Conditions 3, 4, 6 and 9 of H14-1252-18) (approved April 2020)

H14-0092-20 - Proposed mixed use development comprising of drive thro' coffee shop A3 use, cafe/hot food takeaway A3 use, A3 & A5 restaurants and D2 assembly and leisure (fitness centre) and/or B1, B2, B8 (trade counter) use - Approved under H14-1252-18. Minor amendments to floor plans, elevations, roof plans & site plan (approved March 2020)

H14-1252-18 - Full application - Proposed mixed use development comprising of drive thro' coffee shop A3 use, cafe/hot food takeaway A3 use, A3 & A5 restaurants and D2 assembly and leisure (fitness centre) and/or B1, B2, B8 (trade counter) use (approved July 2019)

Consultation Responses

Pinchbeck Parish Council - East Pinchbeck Planning Committee approve of this planning consultation.

SHDC Environmental Protection - No objection.

LCC Highways/SUDS - Does not wish to restrict the grant of permission.

Planning Considerations

Principle

The proposal is for a clearance bar, order point canopy and HVAC condensers to the exterior of a 'drive thru' unit that already benefits from an extant and implemented planning permission. It is therefore considered acceptable in principle.

Visual impact

The condensing units would be located at ground level on the southern facing elevation. Such units are utilitarian in appearance and would be publicly visible wherever they are sited on the building. However, they are to be housed within a green protective cage which would minimise visual impact.

Clearance bars are a typical feature of an entrance to a drive thru lane and there is no reasonable alternative position for this. Similarly, order point canopies are common to drive thru units and their position is dictated by the the orientation of the building. The design/colour scheme is in keeping

with the Starbucks branding and the unit is located within an area that already consists of less visually attractive development by virtue of its industrial nature.

In light of the above, it is not considered that the proposal will have a material adverse visual impact and is therefore in accordance with Policies 2 and 3 of the Local Plan in this regard.

Planning Balance

The 'drive thru' unit already benefits from an extant and implemented planning permission and it is not considered that the proposed additions would have a material adverse visual impact.

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.

Conclusion

The proposal is considered to be in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019, as well as Sections 12 and 15 of the National Planning Policy Framework, 2019.

The recommendation is therefore for a delegated approval.