DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0172-21**	**Applicant:**	**Erindale Ltd.**
Proposal:	Construction of a KFC and Taco Bell restaurant / drive-thru (Use Class E / Sui-Generis) with associated vehicular access and drive thru lane, car parking, landscaping and other infrastructure works		
Location:	Lincs Gateway Business Park Goodison Road Spalding		
Terminal Date:	11th July 2021		

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
07	Improving South East Lincolnshire's Employment Land Portfolio
08	Prestige Employment Sites
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 6, 7 and 12 of the National Planning Policy Framework (2021)

6 - Building a strong, competitive economy
12 - Achieving well-designed places
14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN, HISTORIC	0	0	0	1

ENVIRONMENT OFFICER				
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	1	1	0
OTHER STATUTORY BODIES	0	0	0	3
RESIDENTS	0	5	1	2

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full planning application for Construction of a KFC and Taco Bell restaurant / drive-thru (Use Class E / Sui-Generis) with associated vehicular access and drive thru lane, car parking, landscaping and other infrastructure works at Lincs Gateway Business Park, Goodison Road, Spalding.

The proposal seeks to provide a Kentucky Fried Chicken restaurant and drive thru that is 281.7 square metres in size, provides 102 covers, has a disabled toilet and a shared toilet area with two male stalls and two female stalls.

The Taco Bell restaurant and drive thru is connected to the east of the KFC building and is 193.8 square metres in size, provides 53 covers, has a disabled toilet and a unisex toilet.

There are 45 car parking spaces, which includes 4 disabled parking bays and 4 large order bays. Three cycle spaces are provided. Both restaurants would have opening hours of 10:00 to 23:00 Monday to Sunday.

SITE DESCRIPTION

The proposal site is outside of defined settlement limits and is within the Main Employment Area of Lincs Gateway, allocated under reference SP002 on the South East Lincolnshire Local Plan. To the immediate north of the site is available development land with the Spalding Voice/Ashwood Homes offices and Applegreen service station beyond. To the east of the site is the Marston Inn Hotel with The Tulip Queen public house and restaurant beyond. To the south of the site is the A1175 and arable fields, and the main vehicular access to the site is located to the west with arable fields beyond.

The site is in Environment Agency Flood Zone 1. A very small amount of the site to the east is in a "Low Hazard" or "Danger to Some" hazard area, with a maximum predicted flood depth of 1 metre, also to the eastern extent. None of this land is the near the footprint of the buildings, and is used for a drive thru road, parking and landscaping.

HISTORY

H16-0457-95

Outline - Truckstop with overnight parking, fuel sales and restaurant facilities - Approved - 04 August 1995.

H16-0290-98

Outline Truckstop with overnight parking, fuel sales and restaurant facilities. (Renewal of H16/0457/95) - Approved - 07 May 1998.

H16-1061-00

Outline - Truckstop with overnight parking, fuel sales & restaurant facilities. Renewal of H16/0290/98 - Approved - 26 October 2000.

H16-0280-03

Outline - Truckstop with overnight parking, fuel sales and restaurant facilities (Renewal of H16/1061/00) - Approved - 04 September 2003.

H16-1225-06

Reserved Matters - Truck stop with overnight parking, fuel sales and restaurant facilities (Outline H16/0280/03) - Approved - 15 March 2007.

H16-0009-14

Outline - Proposed business park, hotel, public house/restaurant, conference and function centre, petrol filling station, restaurant/cafe with ancillary retail together with associated landscaping, access, highways, parking, drainage, utilities and services and infrastructure works - Approved - 10 October 2014.

H16-0874-15

Full - Proposed service station (Amended layout) - Approved - 16 December 2015.

H16-0951-17

Reserved Matters - Details of landscaping for Parcel 4 - outline application H16-0009-14 - Approved - 12 December 2017.

H16-0952-17

Reserved Matters - Details of landscaping for Parcel 4 - outline application H16-0025-15 - Approved - 12 December 2017.

H16-0966-17

Section 73 - Proposed business park, hotel, public house/restaurant, conference and function centre, petrol filling station, restaurant/cafe with ancillary retail together with associated landscaping, access, highways, parking, drainage, utilities and services and infrastructure works - approved under H16-0009-14. Modification of Condition 2 to allow amendments to previously approved plans - Withdrawn application - 03 November 2017.

H16-0967-17

Section 73 - Proposed business park, hotel, public house/restaurant, conference and function centre, petrol filling station, restaurant/cafe with ancillary retail together with associated landscaping, access, highways, parking, drainage, utilities and services and infrastructure works - approved under H16-0025-15. Modification of Condition 2 to allow amendments to previously approved plans - Withdrawn application - 03 November 2017.

CONSULTATION RESPONSES

LCC - County Highways & SUDS Officer

Does not wish to restrict the grant of permission.

LCC - Historic Environment Officer

No archaeological impact.

SHDC - Inward Investment Officer

Support - The Economic Development team support this application and welcome the creation of up to 60 new jobs, in particular the offer of training up to degree level where appropriate.

SHDC - Environmental Protection Officer

No objections.

SHDC - Environmental Health

No objections.

Environment Agency

"We have no objection to the application as all built development will be located within flood zone 1. Whilst a portion of the site falls into an area of hazard mapping, these areas are being utilised for parking and roads."

Lincolnshire Police - Designing Out Crime Officer

No objections.

Anglian Water

"The Planning & Capacity Team provide comments on planning applications for major proposals of 10 dwellings or
more, or if an industrial or commercial development, 500sqm or greater. However, if there are specific drainage
issues you would like us to respond to, please contact us outlining the details. The applicant should check for any Anglian Water assets which cross or are within close proximity to the site. Any encroachment zones should be reflected in site layout."

South Holland Internal Drainage Board

The applicant should seek the approval of the Board prior to the Local Planning Authority determining the application as the Board response may impact the ability to complete the proposal.

Members of the public - 8

- It will increase the range of foods on offer in the area.
- The community have been demanding KFC for a long time.
- It will bring money to the area.
- Will provide local jobs.
- People will not be travelling elsewhere for these food options.
- Can electric charging points be included on site? The location encourages transport solely by car.
- This is not a matter of material planning weight. This is not a major planning application and 50 or more parking spaces are not provided. This assessment is in accordance with guidance within Policy 36 of the South East Lincolnshire Local Plan, 2019, titled Vehicle and Cycle Parking.

PLANNING CONSIDERATIONS

Assessment against SELLP Policy 1 - Spatial Strategy

This proposal is assessed against SELLP Policy 1 titled - Spatial Strategy. The relevant section in this policy is titled Countryside. This section of the policy states:

The rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside.

In the Countryside development will 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.

When assessed against the above criteria the following can be observed:

The site is outside of the defined settlement limits of Spalding, however, it is with the main employment area of Lincs Gateway. As the site is within an allocated area for development, the application is considered to meet the requisite economic, community and environmental benefits.

The proposal accords with SELLP Policy 1.

Assessment against SELLP Policy 2 - Development Management

This proposal is assessed against SELLP Policy 2 titled - Development Management. This policy states:

"Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:
1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses;
2. quality of design and orientation;
3. maximising the use of sustainable materials and resources;
4. access and vehicle generation levels;
5. the capacity of existing community services and infrastructure;
6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;
7. sustainable drainage and flood risk;
8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets;
9. impact on the potential loss of sand and gravel mineral resources."

When assessed against the above relevant criteria the following can be observed:

1. The size, scale and layout is considered to be acceptable for the site and whilst in a prominent location adjacent to the site entrance from the A1175 does not materially impact the character and appearance of the surrounding area. This is due to the land being lower in height than the adjacent highway and other prominent buildings nearby such as the Marstons Inn Hotel and the Tulip Queen public house and restaurant.

2. The design and orientation is considered to be appropriate and allows for the parking and movement of vehicles without materially impacting the functionality of the existing businesses on site.

3. The Taco Bell building will be constructed from Merlin Grey cladding panels, white cladding panels with a white laminated membrane roof and high glazed windows. The KFC building will have high glazed windows, cream vertical timber cladding, anthracite vertical timber cladding, horizontal timber cladding with a black powder coated aluminium sloping roof. Both buildings are to be lighted by internally illuminated signage and downlighters attached to the soffits.

4. The proposed access is considered to be appropriate and facilitates the parking and movement of vehicles without materially impacting the functionality of the existing businesses on site. There are 45 car parking spaces, which includes 4 disabled parking bays and 4 large order bays. This is considered to be an appropriate level of parking provision, and the County Highways & SUDS Officer has no objections to the submitted details. Although there is no cycle parking standard in the SELLP for this type of development, three cycle parking bays are also provided.

5. There is not considered to be a material impact on community services and infrastructure as a result of this proposal. There are no KFC or Taco Bell restaurants in the South Holland District Council area.

6. There is not considered to be a material impact from noise, odour, disturbance or visual intrusion as a result of this proposal. The opening hours of the businesses are 10:00 to 23:00 Monday to Sunday. These are considered to be standard operational hours for such restaurant / takeaways. There are no residential properties in the vicinity and the hotel rooms of the Marston Inn are approximately 87 metres away at the nearest point. Odour will be addressed by extraction fans,

noise should not be any greater for the Marston Inn guests than that of the immediately adjacent Tulip Queen public house to the east of the Inn. Any disturbance is not likely to affect nearby buildings as the site has a dedicated access point. Visually the site is below the height of adjacent A1175 to the south, so lighting should not materially impact highway safety. The County Highways & SUDS Officer has no objections to the submitted details.

7. The site is in Environment Agency Flood Zone 1. A very small amount of the site to the east is in a "Low Hazard" or "Danger to Some" hazard area, with a maximum predicted flood depth of 1 metre, also to the eastern extent. None of this land is the near the footprint of the buildings, and is used for a drive thru road, parking and landscaping. As the restaurant are not habitable rooms in dwellings there is not a need to raise finished floor levels. A drainage strategy as been submitted to support the application and the Environment Agency, Anglian Water and the County Highways & SUDS Officer have no objections to the submitted documents.

The proposal accords with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

This proposal is assessed against SELLP Policy 3 titled - Design of New Development. This policy states:

All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. Design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.
Development proposals will demonstrate how the following issues, where they are relevant to the proposal, will be secured:
1. creating a sense of place by complementing and enhancing designated and non designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area;
2. distinguishing between private and public space;
3. the landscape character of the location;
4. accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways;
5. the provision of facilities for the storage of refuse/recycling bins, storage and/or parking of bicycles and layout of car parking;
6. the lighting of public places;
7. ensuring public spaces are accessible to all;
8. crime prevention and community safety;
9. the orientation of buildings on the site to enable the best use of decentralised and renewable low-carbon energy technologies for the lifetime of the development;
10. the appropriate treatment of facades to public places, including shop frontages to avoid visual intrusion by advertising, other signage, security shutters, meter boxes and other service and communication infrastructure;
11. residential amenity;
12. the mitigation of flood risk through flood-resistant and flood-resilient design and sustainable drainage systems (SuDS);
13. the use of locally sourced building materials, minimising the use of water and minimising land take, to protect best and most versatile soils;
14. the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity, green infrastructure, flood risk mitigation and urban cooling;
15. the appropriate use or reuse of historic buildings.

When assessed against the above relevant criteria the following can be observed:

1. A sense of place is not considered to be impacted by this proposal. The proposed restaurants and drive thrus compliment the neighbouring land uses.

4. The site is not easily accessible by public transport or bicycles. However the site is an allocated main employment area where development is supported in the South East Lincolnshire Local Plan.

5. The is ample space for refuse bins, and three bicycle parking spaces are provided. The proposed access is considered to be appropriate and facilitates the parking and movement of vehicles without materially impacting the functionality of the existing businesses on site. There are 45 car parking

spaces, which includes 4 disabled parking bays and 4 large order bays. This is considered to be an appropriate level of parking provision, and the County Highways & SUDS Officer has no objections to the submitted details.

6. The lighting is considered to be appropriate for the site and is not considered to impact the nearby buildings or the A1175 to the south as the site is below the level of the highway.

7. The site is considered to be accessible to all, with entrances level with the external ground level.

10. Due to the remote location of the site, there is not considered to be a material impact from signage or advertising.

11. There is not considered to be a material impact from noise, odour, disturbance or visual intrusion as a result of this proposal. The opening hours of the businesses are 10:00 to 23:00 Monday to Sunday. These are considered to be standard operational hours for such restaurant / takeaways. There are no residential properties in the vicinity and the hotel rooms of the Marston Inn are approximately 87 metres away at the nearest point. Odour will be addressed by extraction fans, noise should not be any greater for the Marston Inn guests than that of the immediately adjacent Tulip Queen public house to the east of the Inn. Any disturbance is not likely to affect nearby buildings as the site has a dedicated access point. Visually the site is below the height of adjacent A1175 to the south, so lighting should not materially impact highway safety. The County Highways & SUDS Officer has no objections to the submitted details.

12. The site is in Environment Agency Flood Zone 1. A very small amount of the site to the east is in a "Low Hazard" or "Danger to Some" hazard area, with a maximum predicted flood depth of 1 metre, also to the eastern extent. None of this land is the near the footprint of the buildings, and is used for a drive thru road, parking and landscaping. As the restaurant are not habitable rooms in dwellings there is not a need to raise finished floor levels. A drainage strategy as been submitted to support the application and the Environment Agency, Anglian Water and the County Highways & SUDS Officer have no objections to the submitted documents.

The proposal accords with SELLP Policy 3.

Assessment against SELLP Policy 7 - Improving South East Lincolnshire's Employment Land Portfolio

This proposal is assessed against SELLP Policy 7 - Improving South East Lincolnshire's Employment Land Portfolio. The relevant section of Policy 7 is titled Main Employment Areas and this section states:

"The Policies Map identifies Main Employment Areas, as listed below, which are reserved for main employment in Classes B1, B2 and B8. On Mixed-use development sites, which incorporate main employment uses under Class B as specified for each site, together with other identified appropriate employment-generating uses, non-Class-B uses will only be supported where the applicant can demonstrate they are ancillary to the effective functioning of the Mixed-Use Area identified. A master plan will be required for prestige sites identified."

"Mixed-use developments, which incorporate main employment uses together with other identified appropriate employment-generating uses, will be supported in Mixed-Use Areas identified."

When assessed against the above relevant criteria the following can be observed:

Lincs Gateway is identified as a Main Employment Area under site reference SP002 on the South East Lincolnshire Local Plan. It is considered that the proposed restaurant businesses will be ancillary to the effective functioning of the Mixed-Use Area and do not form a large part of the site as whole.

The proposal accords with SELLP Policy 7.

Assessment against SELLP Policy 8 - Improving South East Lincolnshire's Employment Land Portfolio

The Prestige Sites identified in Policy 7 and on the Policies Map will each require a masterplan. The following general principles will apply to the Prestige Sites:

1. Delivery of a mix of employment opportunities that include the target sectors of agri-food, logistics, education, research and development, and the visitor economy as appropriate to each site;
2. Well-designed schemes that deliver high quality development;
3. Good access to the strategic highway network;
4. Good connections into the local public transport, pedestrian and cycle network;
5. The incorporation of landscaping schemes that contribute to a high quality development and where appropriate, mitigate the impacts of the Prestige Site with neighbouring developments and the open countryside;
6. Ensure any flood risk issues are considered in line with Policy 4.

The specific assessment criteria for Lincs Gateway states:
- Development will comprise B1, B2 and B8 uses with some ancillary A3 and A4 uses permitted.
- Access to be provided at two points off the B1173 and Barrier Bank from the A16/ A1175.
- Additional internal road infrastructure is required to service new development off the two access points to the site.
- Provide a scheme that delivers utilities, water & foul water, surface water drainage & flood mitigation upgrades.
- Deliver a landscaping scheme that ensures the site respects the character of the open countryside that is adjacent to the site.

When assessed against the above relevant criteria the following can be observed:

1. The proposal will help contribute to a mix of employment opportunities available on the site. The restaurants will add to the visitor economy as the proposal will lead to the first branches of KFC and Taco Bell within the district. With the nearest KFC branches in Eye and Boston, and the nearest Taco Bell branches in Nottingham and Leicester.

2. The restaurants are considered to constitute good quality, modern design that facilitate the easy movement and parking of vehicles without materially impacting existing businesses on site.

3. The restaurants are well located for quick and easy access to the A1175, A16 and Cowbit Road to access Spalding town centre.

4. The Lincs Gateway site is not well served by public transport and is predominately designed for private transport. Although there is no cycle parking standard in the SELLP for this type of development, three cycle parking bays are also provided.

5. The proposed landscaping, plants and hedging is considered to be appropriate for the site. The proposed scheme is to be secured for a minimum of 5 years by a planning condition.

6. The site is in Environment Agency Flood Zone 1. A very small amount of the site to the east is in a "Low Hazard" or "Danger to Some" hazard area, with a maximum predicted flood depth of 1 metre, also to the eastern extent. None of this land is the near the footprint of the buildings, and is used for a drive thru road, parking and landscaping. As the restaurant are not habitable rooms in dwellings there is not a need to raise finished floor levels. A drainage strategy as been submitted to support the application and the Environment Agency, Anglian Water and the County Highways & SUDS Officer have no objections to the submitted documents.

The proposal accords with SELLP Policy 8.

PLANNING BALANCE

It is considered that the proposed restaurants can be incorporated onto the Lincs Gateway site without materially impacting the amenity and character of the surrounding area, or delivery of the wider employment site. The proposal accords with Policies 1, 2, 3, 4, 7, 8 and 36 of the South East Lincolnshire Local Plan, 2019, as well as Sections 6, 12 and 14 of the National Planning Policy Framework, 2021.

Conclusion

This application is recommendation for approval.

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.