FREETHS

PLANNING STATEMENT

PLOT 3 LINCOLNSHIRE GATEWAY BUSINESS PARK

ERECTION OF TWO SINGLE STOREY RESTAURANT/CAFÉ UNITS WITH ASSOCIATED DRIVE THRU'S (SUI GENERIS), AND ONE SINGLE STOREY RESTAURANT/CAFÉ UNIT (USE CLASS E), 42 CAR PARKING SPACES, ACCESS AND LANDSCAPING

ON BEHALF OF

DUKESMEAD INDUSTRIES LIMITED

APRIL 2023

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APPENDICES

1. HYBRID APPLICATION APPROVED PARAMETERS PLAN

SCHEDULE OF PLANNING APPLICATION DOCUMENTS

Application Document	Author	Date/Reference
Planning Application Forms and Ownership Certificates	-	April 2023
Planning Statement	Freeths LLP	April 2023
Sustainable Drainage Statement	BWB	March 2023
Transport Statement	Connect	April 2023
Ventilation Statement	Barry Wyeth Projects	March 2023

SCHEDULE OF PLANS

Drawing Title	Scale	Drawing Reference
Site Location and Block Plan	1:1250/1:500 at A1	WPS-WEN-003-P-01 Rev D
Existing Site Plan	1:200 at A1	WPS-WEN-003-P-02
Proposed Site Plan	1:200 at A1	WPS-WEN-003-P-03 Rev D
Proposed Site Elevations (sheet 1 of 2)	1:100 at A1	WPS-WEN-003-P-04A Rev A
Proposed Site Elevations (sheet 2 of 2)	1:100 at A1	WPS-WEN-003-P-05A Rev A
Proposed Building 2 Plans	1:50 at A1	WPS-WEN-003-P-06C Rev C
Proposed Building 2 Elevations (sheet 1 of 2)	1:50 at A1	WPS-WEN-003-P-07B
Proposed Building 2 Elevations (sheet 2 of 2)	1:50 at A1	WPS-WEN-003-P-08B
Proposed Building 1 Plans	1:50 at A1	WPS-WEN-003-P-09A Rev A
Proposed Building 1 Elevations	1:50 at A1	WPS-WEN-003-P-10A Rev A
Proposed Building 3 Plan	1:50 at A1	WPS-WEN-003-P-011
Proposed Building 3 Elevations	1:50 at A1	WPS-WEN-003-P-12
CGI Images	-	BBANK-WPS-WEN-003-P-13A

1. INTRODUCTION & BACKGROUND

1.1. Freeths LLP is instructed by Dukesmead Industries Ltd ("the Applicant"), to submit an application for the "Erection of two single storey restaurant/café units with associated drive thru's (Sui Generis), and one single storey restaurant/café unit (Use Class E), 42 car parking spaces, access and landscaping" at Plot 3 Lincolnshire Gateway Business Park, Spalding.

1.2. The principle of development of this site has been established through the granting of planning permission in 2014, for a 'Proposed business park, hotel, public house/restaurant, conference and function centre, petrol filling station, restaurant/café with ancillary retail together with associated landscaping, access, highways, parking, drainage utilities and service and infrastructure works' ("the business park application") (permission reference H16-0009-14) .

1.3. Land which formed the subject of the 2014 hybrid application comprised 23.4ha of land which was divided into two parcels of land, a larger parcel located to the north of Barrier Bank Road (the B1173) covering an area of approximately 18 hectares and a smaller parcel south of Barrier Bank Road covering an area of approximately 4 hectares. The difference in areas is made up by the intervening highway land.

1.4. The hybrid application was for a business park, primarily for B1(a) (offices), B1(b) (research/development), B1(c) light industrial), B2 (general industrial) and B8 (storage) uses. The southern parcel of land also included for a petrol filling station, two kiosks, a pub/restaurant and hotel, along with a conference/community function centre and small commercial units and other business uses.

1.5. The approved development consented under H16-0009-14 has been constructed in part, including access off the A1175. The service station (which contains a Greggs, Subway and Costa) and petrol filling station, pub/restaurant and hotel on the southern parcel of land have been delivered as envisaged by the hybrid planning permission.

1.6. On the southern parcel of land an office block, occupied by Ashwood Homes, is situated north of the application site and a unit occupied by KFC and Taco Bell which was consented in 2021 is situated south of the application site. To date no development has taken place on the northern parcel of land.

1.7. The application site for this proposal comprises 0.4ha of land in the northwest corner of the southern parcel of land, identified as parcel B5 in the hybrid application. This comprises a vacant plot of undeveloped land.

1.8. The proposal is for the erection of three restaurant/cafe units, two of which will have drive-thru's as ancillary uses to the wider employment site/allocation and to support the existing roadside facilities provided on land to the west of the site.

1.9. This Statement is set out into the following sections:

- Section 2 – Application Site and Surroundings
- Section 3 – Planning History
- Section 4 - The Proposal
- Section 5 – Planning Policy
- Section 6 – Planning Issues
- Section 7 - Conclusion

2. APPLICATION SITE AND SURROUNDING AREA

2.1. The application site comprises approximately 0.4 hectares of land to the south of Spalding. The site comprises a vacant plot of undeveloped land.

2.2. The site was included within the wider Lincolnshire Gateway Business Park site granted outline planning permission in 2014 under permission reference H16-0009-14 and is situated to the west of the existing Applegreen petrol filling station and services built out under that permission.

2.3. The site itself is bound to the north and west by Barrier Bank Road, to the east by the access road (Goodison Road) into the wider Business Park site and to the south by undeveloped land. Immediately adjacent to this is two new restaurant and takeaway units (KFC and Taco Bell) developed out under permission reference H16-0172-21.

2.4. In terms of the wider context, Spalding and its town centre lies to the northeast of the application site, with access from the site to Spalding via the B1173. The site is located to the west of the roundabout where the A16 and A1175 meet. As such the site is located in a prime position on the strategic highway network and on the routes between Boston, Peterborough and Stamford.

2.5. The new access road taken off the A1175 and delivered under the outline planning permission, provides vehicular access into the site. That access road also serves the office building to the north of the application site and the existing petrol filling station, pub and other takeaway units to the south.

2.6. The site is located within Flood Zone 1 is not within a Conservation Area and there are no listed buildings in close proximity to the site.

3. PLANNING HISTORY

3.1. In the period between 1995-2007 numerous applications were approved for the creation of a Truckstop with overnight parking, fuel sales and restaurant facilities. These permissions covered the application site and wider land which forms the parcel of land south of the B1173 now allocated for mixed use employment development. The most recent of the Truckstop applications was approved in outline in 2003 (permission reference H16-0280-03) with reserved matters being granted in 2007 (permission reference H16-1225-06) for the restaurant facility and petrol station.

3.2. A hybrid planning permission was granted in 2014 for the wider Lincolnshire Gateway site (permission reference H16-0009-14) for 'Proposed business park, hotel, public house/restaurant, conference and function centre, petrol filling station, restaurant/café with ancillary retail together with associated landscaping, access, highways, parking, drainage utilities and service and infrastructure works'. The approved parameters plan (drawing reference 1219/07 Rev A) is attached at **Appendix 1.**

3.3. Land which formed the subject of the 2014 hybrid application comprised 23.4ha of land which was divided into two main parcels of land, a larger parcel located to the north of Barrier Bank Road (the B1173) covering an area of approximately 18 hectares (entitled Parcel 'A' on the approved parameters plan)) and a smaller parcel south of Barrier Bank Road covering an area of approximately 4 hectares (entitled Parcel B). The difference in areas is made up by the intervening highway land. Within these main parcels, were further parcels subdivided and entitled A1, A2, A3, B1, B2 etc. Each of these parcels were subject to varying levels of detail/or reserved further consideration.

3.4. The application was for a business park, primarily for B1(a) (offices), B1(b) (research/development), B1(c) light industrial), B2 (general industrial) and B8 (storage) uses. The southern parcel of land also included for a petrol filling station, two kiosks, a pub/restaurant and hotel, along with a conference/community function centre and small commercial units and other business uses. Effectively therefore the southern parcel of land comprised a mix of ancillary commercial facilities alongside the business use.

3.5. The permission included a new vehicular access taken off the B1175 which the serviced the site (Parcel B1) and that access has been built out. The conference centre on parcel B2 and the petrol filling station, kiosks, pub and hotel on parcels B3a and B4 have also been delivered under that permission.

3.6. The application site forms the northern part of parcel B5 of the outline application, as shown on the enclosed parameters plan.

3.7. Planning permission was granted for a drive thru restaurant café alongside the PFS (H16-0482-15) on parcel B3b. That permission wasn't ultimately built out.

3.8. Planning permission was granted in 2021 for land to the south of the application site for the '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' (permission reference H16-0172-21). This is the southern part of parcel B5 and has been built out.

3.9. The larger parcel of land located to the north of Barrier Bank Road (the B1173) covers an area of approximately 18 hectares. To date this parcel has not been developed and the ability to submit reserved matters under the outline approval has expired. However, consultation undertaken in March 2023 by Alcan Properties Limited on the future development for this site identified a proposal for storage and distribution development delivering 750,000 sq ft of development. It is understood that a planning application is due to be submitted for this shortly.

4. THE PROPOSAL

4.1. The application proposes the erection of two single storey buildings as restaurants/cafés with drive-thru's (building 1 and 2) (Sui Generis) and a further cafe unit (building 3) (Class E(b)) alongside 42 car parking spaces.

4.2. The overall development will create circa 550 sq m of floorspace, 397 sq m of which will be Sui Generis and 153 Class E (b). The size of the proposed units are set out below:

- Building 1 – 248 sqm
- Building 2 – 149 sqm
- Building 3 – 153 sqm

4.3. Vehicular access is proposed off the existing internal access road, via a simple priority junction. The application site will then operate a one-way system, as shown on the 'Proposed Site Layout Plan ' (Drawing Ref. WPS-WEN-003-P-03 Rev C).

4.4. The scheme proposes two separate drive thru lanes for buildings 1 and 2 which circumnavigate the edge of the site . The drive thru for building 2 comprises a 'C' shaped lane which is taken straight off the access into the site and around the rear of building 3, where the ordering point is located. The drive thru lane for building 1 is accessed from within the car park and travels around the rear of the building.

4.5. The layout of the site means that if there is any queuing for the drive thru this will take place within the application site and will not affect vehicle movements on the wider access road.

4.6. The scheme provides 42 parking spaces, of which 3 will be designated disabled spaces, alongside 2 waiting bays for the drive thru and 14 cycle spaces.

4.7. There are two delivery spaces for the three units and enables servicing of the units from within the application site. Each delivery space is accessed through two car parking spaces, and these will need to be managed by each unit when a delivery is known to be arriving. Deliveries will take place outside of opening hours and staff will be on site to manage these.

4.8. The buildings have been designed to reflect the style of development that has taken place on the wider site. The buildings will comprise a mixture of metal and wooden cladding with aluminium windows and doors.

4.9. The units all face into the application site and the main entrances to the units will be located from within the car park. Each unit has a paved outdoor seating area.

4.10. Surface water drainage will be undertaken in accordance with the principles of drainage strategy in the 2014 permission. Water will discharge at an unrestricted rated into the existing drainage basin on the east of the site where it will then be restricted to greenfield rates and discharge to the Unnamed watercourse to the north of the site. The infrastructure for that to take place is already on site.

4.11. The scheme will create between 22 and 30 full time equivalent (FTE) jobs.

4.12. This application is accompanied with a suite of supporting documents, which are as follows:

- Drainage Strategy
- Transport Statement
- Ventilation Statement

5. PLANNING POLICY

5.1. Section 38 (6) of the Planning and Compulsory Purchase Act 2004, states that all planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Development Plan

5.2. The Development Plan for South Holland District Council comprises the South East Lincolnshire Local Plan 2011-2036 (adopted 2019), a joint local plan with Boston Borough Council.

5.3. The key policies for the determination of the application are listed below and appraised in detail against the proposal in 'Planning Issues' section of this Statement.

South East Lincolnshire Local Plan 2011-2036 (2019).

5.4. **Policy 1: Spatial Strategy** identifies that Spalding is a sub-regional centre for South-East Lincolnshire. As such it is the most sustainable location for development.

5.5. **Policy 2: Development Management** sets out general Development Management principles and states that 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; and

9. impact on the potential loss of sand and gravel mineral resources

5.6. **Policy 3: Design of New Development** sets out a number of defining principles for development, requiring it to 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. Of relevance to the application proposal the policy states that the development should have regard for:

- creating a sense of place by respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area;
- distinguishing between private and public space;
- the landscape character of the location;
- accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways;
- the provision of facilities for the storage of refuse/recycling bins, storage and/or parking of bicycles and layout of car parking;
- the lighting of public places;
- ensuring public spaces are accessible to all;
- crime prevention and community safety;
- 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;
- 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;
- the mitigation of flood risk through flood-resistant and flood-resilient design and sustainable drainage systems (SuDS);
- 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;

5.7. **Policy 5: Meeting Physical Infrastructure and Service Needs** notes that planning permission will be granted for new development provided that developers can demonstrate that there is or will be sufficient physical infrastructure and service needs

capacity to support and meet the needs of the proposed development. A planning condition and/or legal agreement may be required to help secure the arising needs.

5.8. **Policy 7: Improving South East Lincolnshire's Employment Land Portfolio** states that the South East Lincolnshire authorities will, in principle, support proposals which assist in the delivery of economic prosperity and the delivery of 13,800 jobs in South Holland. It identifies Main Employment Areas, identified on the policies map which are reserved for main employment in Classes B1, B2 and B8.

5.9. 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.

5.10. The application site is identified on the Local Plan Policies Map as an 'Existing Mixed Use Employment Site' which falls within the wider 'Proposed Mixed Use Employment Site' allocation of Lincs Gateway, Spalding (Allocation Reference SP002). The Lincs Gateway Mixed Use Employment Allocation is identified as providing B1, B2, B8, A3, A4 and C1 uses.

5.11. **Policy 8: Prestige Employment Sites** sets out that those general principles and key parameters for sites identified in Policy 7 as prestige employment sites, which includes the Lincs Gateway, Spalding site. Of most relevance, and in accordance with Policy 7, it states that the development will comprise B1, B2 and B8 uses with some ancillary A3 and A4 uses permitted.

5.12. **Policy 28: The Natural Environment** identifies that all development proposals should provide an overall net gain in biodiversity.

5.13. **Policy 31: Climate Change and Renewable and Low Carbon Energy** identifies that all development proposals will be required to demonstrate that the consequences of current climate change has been addressed, minimised and mitigated by:

1. employing a high-quality design;
2. the adoption of the sequential approach and Exception Test to flood-risk and the incorporation of flood-mitigation measures in design and construction to reduce the effects of flooding, including SuDS schemes for all 'major' applications;

3. the protection of the quality, quantity and availability of water resources, including for residential developments, complying with the Building Regulation water efficiency standard of 110 litres per person per day;
4. reducing the need to travel through locational decisions and, where appropriate, providing a mix of uses;
5. incorporating measures which promote and enhance green infrastructure and provide an overall net gain in biodiversity as required by Policy 28 to improve the resilience of ecosystems within and beyond the site.

5.14. **Policy 36: Vehicle and Cycle Parking** requires all new developments to provide vehicle and cycle parking, in accordance with the minimum Parking Standards adopted by the Local Planning Authorities. For major non-residential development this includes:

- secure, covered, convenient storage for bicycles for employees should be provided close to an entrance to the building. Changing and shower facilities should be provided where possible;
- secure, covered bicycle storage for visitors are located close to the main entrance to the building;
- where more than 50 parking spaces are provided, at least one double electric vehicle charge point will be required (2 spaces). For each additional 50 parking spaces, one double charging point should be provided up to a maximum of three (6 spaces)

Revised National Planning Policy Framework (NPPF, July 2021)

Introduction

5.15. The revised National Planning Policy Framework (NPPF) was published in July 2021 and sets out the government's planning policies for England and how these are expected to be applied.

5.16. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Achieving Sustainable Development

5.17. Chapter 2 of the NPPF sets out how the Government aims to achieve sustainable development. Paragraph 7 of the NPPF advises that, 'The purpose of the planning system is to contribute to the achievement of sustainable development.'

5.18. Paragraph 8 continues, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways:

a. an **economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b. a **social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c. an **environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

5.19. Paragraph 11 identifies that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

d. approving development proposals that accord with an up-to-date development plan without delay; or

e. where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'

Decision-making

5.20. Chapter 4 of the NPPF provides key guidance for decision making. Paragraph 38 states that Local Planning Authorities should approach decisions on proposed development in a positive and creative way. They should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Building a strong, competitive economy.

5.21. Chapter 6 of the NPPF addresses economic growth. Paragraph 81 identifies that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Ensuring the vitality of town centres

5.22. Chapter 7 of the NPPF seeks to ensure the vitality of town centres. Paragraph 87 states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

5.23. Paragraph 90 notes that when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m2 of gross floorspace). This should include assessment of:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and

- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

5.24. Paragraph 90 notes that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 90, it should be refused.

Promoting Sustainable Transport

5.25. Chapter 9 of the NPPF provides guidance on the promotion of sustainable transport.

5.26. Paragraph 104 states that transport issues should be considered from the earliest stage of plan-making and development proposals, so that opportunities from existing or proposed transport infrastructure and changing transport technology and usage, are realised.

5.27. Paragraph 106 states that planning policies should provide for any large-scale 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. Footnote 44 identifies that the primary function of roadside services should be to support the safety and welfare of the road user.

5.28. Paragraph 110 recommends that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

a. appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
b. safe and suitable access to the site can be achieved for all users; and
c. any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'

5.29. Paragraph 111 states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Making Effective Use of Land

5.30. Paragraph 119 advises that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Achieving Appropriate Densities

5.31. Paragraph 122 states that planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan: a) it should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.

Achieving Well-Designed Places

5.32. Paragraph 126 states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this.

5.33. Paragraph 130 states that planning policies and decisions should ensure that developments:

a. will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
b. are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
c. are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or

discouraging appropriate innovation or change (such as increased densities);

d. establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
e. optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
f. create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

6. PLANNING ISSUES

6.1. Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Principle of Development

6.2. The site is located outside the settlement boundary for Spalding within the countryside, however the site is allocated for development in the South East Lincolnshire Local Plan as a main employment area (Allocation Reference SP-002).

6.3. The application site, which is land to the south of the B1173, is identified on the Local Plan Policies Map as an 'Existing Mixed Use Employment Site' which falls within the wider 'Proposed Mixed Use Employment Site' allocation of Lincs Gateway, Spalding (Allocation Reference SP-002). The remainder of land to the north of the B1173 is identified as Prestige Employment Site and Proposed Mixed Use Employment site.

6.4. The Lincs Gateway Mixed Use Employment Allocation is identified in Policy 7 as providing for a mix of employment uses. The policy states that mixed-use development, which incorporates main employment uses together with other identified appropriate employment generating uses will be supported in mixed-use areas. For the Lincs gateway site those uses are identified as being B1, B2, B8, A3, A4 and C1 uses. It is also noted that policy 7 states that the area of the Lincs Gateway site is 22.2ha with 16.2ha being identified for B class employment provision.

6.5. The principle of mixed-use development at the application site has been accepted following the granting of planning permission in 2014 for a mixed-use employment development and part of the site has been developed out under this permission.

6.6. Policy 7 states that 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.

6.7. To date B class uses have been delivered on the Lincolnshire Gateway site by virtue of the office development on Parcel B2 of the planning permission (originally

envisaged as a conference and community centre under the outline planning approval).

6.8. The larger parcel of land located to the north of Barrier Bank Road (the B1173) covers an area of approximately 18 hectares. To date this parcel has not been developed and the ability to submit reserved matters under the outline approval has expired. However, consultation undertaken in March 2023 by Alcan Properties Limited on the future development for this site identified a proposal for storage and distribution development delivering 750,000 sq ft of development. It is understood that a planning application is due to be submitted for this shortly.

6.9. In accordance with Policy 7 of the Local Plan, the proposed restaurants and drive thru are ancillary uses to the wider employment use of the site. Although the larger northern parcel hasn't yet come forward for employment development, it is understood that an application is expected shortly which would deliver a significant quantum of employment use on this site.

6.10. The delivery of employment generating uses in Class E (formerly A3) and Class E/Sui Generis (drive thru units) on this site will therefore remain ancillary to the wider employment use of the whole employment allocation site and specifically the creation of a prestige employment site on the northern land parcel. It is evident that the land south of the B1173 has taken the role of supporting uses to the wider employment allocation. These are employment generating uses but sufficient land remains for employment development under Class B uses to protect the wider function of the employment allocation.

6.11. Moreover, in a period of 9 years since the 2014 planning permission was issued there has been no market demand for the use of the application site for Class B uses. Paragraphs 119 and 122 of the NPPF seek to make effective use of land and for planning decisions to reflect changes in demand for land.

6.12. Taking into account the surrounding context of the petrol filling station, pub, hotel and restaurant/takeaway units, the development of this site for further restaurant/café and takeaway units will not be harmful to the wider delivery of employment uses across the whole allocation site and will make effective use of an undeveloped plot of land in accordance with the NPPF.

6.13. The site is also located in a prominent position on the highway where the A1175 and A16 meet. This development will supplement the existing service offering and assist in providing choice and a high quality road side facility for existing road users.

Sequential and Impact test

6.14. Paragraph 86 of the NPPF advises that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Annex 2 of the NPPF provides a definition of 'main town centre uses' which includes drive-thru restaurants and cafes.

6.15. The objective of the sequential test is to locate appropriate, town centre uses within central locations. It is accepted that at a local level, it is priority of the Council to promote retail uses within the various existing centres throughout their area.

6.16. However Planning Practice Guidance is clear that the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations [Paragraph 012 Reference ID: 2b-012-20190722].

6.17. The application site although located beyond Spalding settlement boundary and within an 'out of centre' location it sits within an 'Existing Mixed Use Employment Site' as defined on the South East Lincolnshire Local Plan Polices Map adopted in February 2019 and which supports a wider 'Mixed Use Employment Allocation (Reference SP002).

6.18. The use as proposed is ancillary to the employment allocation, and therefore cannot be disaggregated from that use. The specific locational requirements of this use, to support not only the employment use, but also road users on the A16, means that in accordance with Planning Practice Guidance it is would not be appropriate to apply the sequential test to this application.

6.19. In terms of retail impact the supporting text in the Local Plan identifies that for retail development impact assessments may be required for proposals over 250 sq m (net) sales floor space where they are not in Spalding or the District and Local Centres. As the proposal is not for retail development, an impact assessment is not required.

Design and Amenity

6.20. The proposed development has given careful consideration to the design principles set out within Policies 2 and 3 of the Local Plan, including the location of the proposed units, drive thru lanes and parking.

6.21. The layout of the site has also been carefully considered from an operational and servicing perspective. The site layout ensures that the units can be serviced, and the drive thru's operate effectively with no impact on the service provided to customers or wider users of the petrol station site.

6.22. The mass, scale and design of the scheme is in keeping with what already exists on site. The units are single storey and will sit comfortably within the surrounding context provided by existing built development.

6.23. The site is reasonably well contained and the provision of additional single storey units on this site should not give rise to any unacceptable landscape or visual harm as it will be viewed in the context of existing development on the site.

6.24. The units will be constructed from a mixture of metal and wooden cladding with aluminium windows and doors. This will assist in creating a high quality development.

6.25. Overall the development has had regard to Local Plan Policies 2 and 3 and complies with their requirements to create sustainable development which incorporates high quality and inclusive design.

Highways and Parking

6.26. The application is supported by a Transport Statement (TS) compiled by Connect Consultants. The report considers parking, servicing and traffic generation and effect of the proposed development.

6.27. The site principally focuses on custom generated by passing traffic or existing trips within the wider Gateway Business Park.

6.28. The proposal site will be served by a priority-controlled access junction on the west side of Goodison Road, which is a single carriageway road built to serve the units of

the Gateway site. Gateway Business Park is in turn accessed via the Barrier Bank north arm of the A1175 / Barrier Bank Roundabout, a four-arm priority-controlled roundabout situated southwest of the site.

6.29. Although there is limited pedestrian connectivity to a wider area, the internal roads comprising Gateway Business Park are flanked by continuous footways with a number of crossing facilities, including dropped kerbs and tactile paving adjacent to the eastern boundary of the site, which facilitates pedestrian accessibility across Gateway Business Park.

6.30. It is likely that the units will be serviced by vehicles no greater in size than a 10m rigid vehicle. Servicing for unit 3 will take place at the delivery bay located between units 2 and 3, and for units 1 and 2 from the delivery bay at the northern end of the site. Service vehicle will drive forwards into the site car park via the main access, reverse into their respective delivery bay, and then drive out forwards to exit the site.

6.31. On-site staff will be present during deliveries to ensure that the areas needed to accommodate service vehicle manoeuvres are not occupied.

6.32. The proposed site layout has been assessed for delivery vehicle manoeuvres based on the 10m rigid goods vehicle and details of the swept path assessment are provided at Appendix 2 of the Transport Statement. The track plots show that the service route through the car park is satisfactory and that service vehicles would be able to manoeuvre within the site, enabling service vehicles to arrive and depart to / from the site in forward gear.

6.33. The local parking standards pertinent to the proposed development are set out in Policy 36 and Appendix 6 of the South East Lincolnshire Local Plan 2011-2036 (March 2019). Appendix 6 of the Local Plan requires one space per 5 sq m gross floor area (GFA) of dining area for restaurants/cafes/drinking establishments. It s does not have standards for fast food takeaways. It suggests that all other types of development should be assessed on a site-by-site basis.

6.34. In this manner, the car park has been designed commensurate to the end operators' requirements and the expected parking demand of the site. This was an acceptable justification for the KFC / Taco Bell scheme, which is similar to the proposed development in terms of land use, operational requirements, and parking to GFA ratios (1:10.5 for the KFC / Taco Bell unit and 1:11.8 for the proposed development). Therefore, the proposed parking provision of 42 spaces is appropriate.

6.35. Furthermore, the total dining space across all three units is approximately 280 sq.m. Applying the maximum standard of 1 space per 5 sq.m. of dining area results in a maximum parking provision of 46 spaces (230 / 5 = 56), therefore the proposed parking provision accords with these standards.

6.36. The Local Plan does not include a standard for disabled parking, instead stating that "Appropriate provision for visitors and disabled people close to the entrance to a building will be required". The proposed development includes three disabled spaces, each located close to their respective unit's entrance, which have been proposed commensurate to the expected disabled demand of the site.

6.37. In respect of traffic generation, as the permitted KFC / Taco Bell unit is similar to the proposed development, the same principles employed in the traffic assessment methodology of its TS have been adopted for this assessment.

6.38. The potential increase to traffic due to the proposed development has been calculated based on data from the TRICS database and is set out in the Transport Statement. The assessment shows that the potential increase to traffic is unlikely to have a material effect on the operation and safety of the local highway network, and that the AM / PM trips are lower or broadly similar to the trips consented as part of the equivalent parcel of land in the outline scheme.

6.39. The results of this assessment therefore demonstrate that the proposed development is acceptable from a transport perspective and in accordance with Policy 2 and Policy 36 of the Local Plan.

Flood Risk/Drainage

6.40. The site is in Environment Agency Flood Zone 1 and therefore has a low probability of flooding. As the site is only 0.4ha in size there is no requirement to undertake a flood risk assessment.

6.41. The application is accompanied by a Drainage Strategy undertaken by BWB. That includes an indicative drainage strategy plan which is included as Appendix 3 to their report.

6.42. The site sits within the Lincolnshire Gateway Business Park (LGBP) site. Previous works as part of the LGBP outline application have demonstrated infiltration techniques to not be viable at the site. An Unnamed Ordinary Watercourse (UOW) is present in the north of LGBP which is where the existing outfall for the existing development is located.

6.43. The LGBP drainage strategy is shown to provide both surface water and foul water stubs for future development to connect into. It is therefore proposed to connect to the existing surface water stubs provided from the LGBP permission to ultimately discharge into the UOW.

6.44. As part of LGBP drainage strategy the surface water runoff from the current site will be attenuated within a single existing detention basin to the east of the application before discharging to the UOW in the north at the restricted greenfield runoff rate for LGBP.

6.45. As part of the drainage regime for the current site it is proposed to discharge surface water runoff into the 375mm stub at an unrestricted rate. The surface water runoff ultimately discharges into an UOW in the north of the LGBP at a restricted greenfield runoff rate of 6.4l/s.

6.46. A MicroDrainage network model has been simulated using a 111l/s restriction to demonstrate the theoretical capacity of the existing 375mm stub. In the critical storm durations there is shown to be nominal flooding of 17.7m3 in the 1 in 100-year +40% climate change storm. Any flooding within the 1 in 100-year +40% climate change event will be retained within low lying parking areas away from built development until volume becomes available within the downstream network.

6.47. It is envisaged that the drainage principles of Application H16-0172-21 can be retained for the current site. As such further SuDS opportunities that could be explored at the site include:

i. Permeable paving in parking areas, to collect flows whilst providing attenuation at source and providing benefits to water quality.
ii. Rain gardens in proposed landscaped area to drain hardstanding and providing at source attenuation, water quality and amenity benefits

6.48. It is anticipated that the volume of flooding, as set out above, can be reduced through the implementation of SuDs features such as permeable paving and rain gardens. The final drainage strategy will be determined during the detailed design stage as the development layout is finalised.

6.49. In line with the principles of Application H16-0172-21 it is proposed to discharge foul water from the development via the existing 150mm foul water stubs provided as part of LGBP drainage regime. It has been assumed that the foul water infrastructure has been constructed to accommodate foul flows from the current application site. The foul flows from LGBP ultimately discharges to a public foul sewer within Fen End Lane via a foul water rising main.

6.50. The site will therefore utilise the drainage strategy put together for the wider Lincoln Gateway Business Park site, discharging into the drainage basin on the east of the wider business park site and then being restricted to greenfield rates to discharge to the UOW to the north.

Ventilation strategy

6.51. At this stage it is envisaged that the only unit which will be undertaking cooking, and therefore require ventilation, is unit 1. A kitchen extract specification for that unit is provided alongside this application.

6.52. The equipment required to service the unit is set out in section 8 of the extract specification document.

6.53. As this site is not within a sensitive location and there are no residential properties in close proximity, it is not considered that noise or odour from this unit or ventilation will cause any amenity impacts.

6.54. A condition requiring the details of ventilation and extraction for the units could be conditioned on any approval if this was deemed necessary.

7. CONCLUSION

7.1. Freeths LLP is instructed by Dukesmead Industries Ltd ("the Applicant"), to submit an application for the "Erection of two single storey restaurant/café units with associated drive thru's (Sui Generis), and one single storey restaurant/café unit (Use Class E), 42 car parking spaces, access and landscaping" at Plot 3 Lincolnshire Gateway Business Park, Spalding.

7.2. The principle of development of this site is secured through its allocation in the Local Plan for mixed-use employment generation development alongside the mixed-use planning permission which was granted in 2014. The site will provide ancillary uses which will ultimately support the wider employment use of the site and is therefore in accordance with Policies 7 and 8 of the Local Plan.

7.3. The site is also situated in a strategic and prominent position on the local highway network and will provide enhanced facilities to drivers and support the existing service station located to the east of the application site.

7.4. The mass, scale and design of the scheme is in keeping with what already exists on site. The provision of additional high quality single storey units on this site should not give rise to any unacceptable landscape or visual harm as they will be viewed in the context of existing development on the site.

7.5. The suite of technical documents presented with the application demonstrate that there are no other technical constraints to the development of this site, subject to any mitigation which is set out in this report.

7.6. The potential increase to traffic due to the proposed development has been calculated and the assessment shows that the potential increase to traffic is unlikely to have a material effect on the operation and safety of the local highway network, and that the AM / PM trips are lower or broadly similar to the trips consented as part of the equivalent parcel of land in the outline scheme. As such there is no adverse highway impact as a result of the development.

7.7. The wider business park drainage strategy approved under application H16-0172-21 is shown to provide both surface water and foul water stubs for future development to connect into. It is therefore proposed to connect to the existing surface water stubs

provided by that development permission to connect into the existing drainage basin and ultimately discharge into the watercourse to the north of the site.

7.8. The proposed development is therefore in accordance with an up-to date Local Plan and should be approved without delay in line with the provisions of the NPPF (Paragraph 11).