

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Lead Development Management Planner (Interim) - BBC & SHDC

To: Planning Committee - 22 July 2026

(Author: Jess Hill - Senior Planning Consultant)

Purpose: To consider Planning Application H16-0433-25

Application Number: H16-0433-25

Date Received: 06 May 2025

Application Type: FULL

Description: Implementation of a drive through coffee shop, vehicle and cycle parking (including EV Charging) landscaping and car wash unit

Location: Land off King's Road Spalding

Applicant: Steelframe Building Systems

Agent: Architect Ltd

Ward: Spalding Castle

Ward Councillors: Cllr G J Taylor

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H16-0433-25>

1.0 REASON FOR COMMITTEE CONSIDERATION

- 1.1 The site is owned by South Holland District Council and as such, in the interests of transparency, it is considered necessary for the application to be considered by the Planning Committee.

2.0 PROPOSAL

- 2.1 The application seeks full planning permission for the erection of a drive through coffee shop, vehicle and cycle parking (including EV Charging), landscaping and a car wash unit.
- 2.2 The vehicular access to the site is proposed to be taken from the northern edge of the site where there is an existing access that connects to Kings Road. The proposed access is located slightly further to the east than the existing access.

3.0 SITE DESCRIPTION

- 3.1 The site comprises a vacant parcel of land to the east of Kings Road within Spalding. There is a storage container business located to the north of the site, a railway line to the west, a roundabout and petrol station to the south-west and various dwellings on the opposite side of Kings Road to the east and north-east of the site.
- 3.2 The site is within the settlement boundary of Spalding, as identified by the South East Lincolnshire Local Plan 2011-2036 and accompanying policies map. The site is not allocated for any specific use within the Local Plan; however, there is a cycle route that runs along the western edge of the site as identified by Policy 33 of the Local Plan. This route is also a Public Right of Way (PROW) and there is another PROW to the north of the site along Kings Road.

3.3 The site is within Flood Zone 3, as identified by the Environment Agency's flood risk maps.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

4.2 South East Lincolnshire Local Plan, March 2019

4.3 If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

4.4 The following policies from the Local Plan are relevant to the determination of the application:

4.5 Policy 01 - Spatial Strategy
Policy 02 - Development Management
Policy 03 - Design of New Development
Policy 04 - Approach to Flood Risk
Policy 07 - Improving South East Lincolnshire's Employment Land Portfolio
Policy 24 - The Retail Hierarchy
Policy 25 - Supporting the Vitality & Viability of Spalding Town Centre
Policy 27 - Additional Retail Provision
Policy 28 - The Natural Environment
Policy 30 - Pollution
Policy 33 - Delivering a More Sustainable Transport Network
Policy 36 - Vehicle and Cycle Parking
APPENDIX 6 - Parking Standards

4.6 National Guidance

4.7 National Planning Policy Framework (NPPF), 2024

Section 7 - Ensuring the vitality of town centres
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places

4.8 Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 H16-1154-92: (Outline Application) Retail superstore, warehouse, commercial & residential dev., relocate bus station, car parking, road improvements - approved 21 May 1993

6.0 REPRESENTATIONS

6.1 Consultation Responses

6.2 Responses have been received from the below referenced consultees. The responses are summarised below; however, the responses can be viewed in their entirety on South Holland District Council's website. Three periods of consultation were undertaken as explained further below. As such, the responses are summarised according to which period of consultation they were received during.

6.3 The first stage of consultation took place from 08 August 2025 to 03 September 2025 based on the initial information that was received.

- 6.4 Welland and Deepings Internal Drainage Board:
- 6.5 It should be proven to the Board where the existing surface water run-off discharges to.
- 6.6 Spalding & District Civic Society:
- 6.7 We have no objection to this proposal as it seems a suitable commercial use, subject to Lincolnshire highways being happy with it. This site has been vacant for a long time with no previous applications to my knowledge.
- 6.8 Lincolnshire County Council - Historic Environment:
- 6.9 The proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application.
- 6.10 Lincolnshire Police - Crime Prevention Design Advisor:
- 6.11 No objections. Various measures are recommended such as CCTV, appropriate glazing, lighting and security fencing. The EV charging facility should benefit from good natural surveillance, lighting and be covered by effective and 24/7 monitored CCTV.
- 6.12 Environmental Protection:
- 6.13 No comments regarding land contamination or environmental protection.
- 6.14 Ecology Officer:
- 6.15 Having looked at their BNG documentation we are confident that 10% biodiversity net gain can be achieved on site with a 44.12% increase in habitat area units (increase of 0.05 units) and 11.35% increase of hedgerow linear units (increase of 0.01 units). We will require a BNG plan to be provided pre-commencement but we believe a HMMP will not be required due to the relatively low level of habitat creation for this site.
- 6.16 Network Rail:
- 6.17 No objections.
- 6.18 Network Rail Assets: The proposed scheme must not obstruct or restrict access to adjacent railway facilities in any way either during construction or subsequent site use. Access is required on a 24/7 basis for inspection, maintenance and emergency purposes. Due to the proximity of the proposed development to the operational railway boundary, it will be imperative that the developer liaise with our Asset Protection Team (contact details below) prior to any work taking place on site to ensure that the development can be undertaken safely and without impact to operational railway safety. Details to be discussed and agreed may include construction methodology, earthworks and excavations, use of crane, plant and machinery, drainage and boundary treatments. It may be necessary for the developer to enter into a Basic Asset Protection Agreement (BAPA) with Network Rail to ensure the safety of the operational railway during these works. The application must be supported by a site-specific Construction Methodology should it not be possible to satisfy Network Rail's requirements recommended in the attached. The council should satisfy itself, without consulting Network Rail, that there are good reasons why the recommended requirements cannot be adhered to. It is imperative that drainage associated with the site does not impact on or cause damage to adjacent railway assets.
- 6.19 Drainage: Surface water must flow away from the railway, there must be no ponding of water adjacent to the boundary and any attenuation scheme within 30m of the railway boundary must be approved by Network Rail in advance. There must be no connection to existing railway drainage assets without prior agreement with Network Rail.

- 6.20 Lighting: A condition is recommended requiring details of lighting to ensure any lighting does not affect the railway in an adverse way.
- 6.21 Anglian Water:
- 6.22 Wastewater Treatment: A condition is recommended requiring confirmation from Anglian Water to be obtained prior to the occupation of the development that there is sufficient headroom at the relevant water recycling centre to accommodate the foul flows from the development site.
- 6.23 Used Water Network: The sewerage system at present has available capacity for the anticipated foul flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection. No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water.
- 6.24 Surface Water Disposal: The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Anglian Water object to this application. The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable due to the proposed connection to a public surface water sewer, without evidence of the surface water hierarchy being exhausted. Further assessment is required to establish whether network reinforcement is required, please note that this assessment and any necessary reinforcement work will be at the developers cost. The purpose of the planning system is to achieve sustainable development. This includes the most sustainable approach to surface water disposal in accordance with the surface water hierarchy. It is appreciated that surface water disposal can be dealt with, in part, via Part H of the Building Regulations, it is felt that it is too late at this stage to manage any potential adverse effect. Drainage systems are an early activity in the construction process and it is in the interest of all that this is dealt with early on in the development process.
- 6.25 Trade Effluent: The planning application includes employment/commercial use. To discharge trade effluent from trade premises to a public sewer vested in Anglian Water requires our consent. An informative is recommended.
- 6.26 Lincolnshire County Council (LCC) - Highways and SUDS:
- 6.27 Bocca Coffee is an AI powered drive thru - how does it work? A Servicing plan is required. No staff details have been provided, where will they park? There are two Public Right of Ways in the vicinity- they need to be detailed on the proposed site plan. One goes through the site access and the build so Lincolnshire County Council Countryside object to the proposal - details have been sent to the Planner in respect of this. The access, parking spaces, roadway dimensions are to be added to the proposed site plan. Parking justification is required. There is no pedestrian walkway at the access - pedestrians will walk their easiest route, when accessing from the east they will use the vehicular access. Nothing has been submitted in terms of vehicles movements - a Transport Statement is required. It shall detail the existing vehicle movements associated with the site and those movements envisaged with the proposal. The different types/sizes of vehicles should be detailed.
- 6.28 John Hayes MP:
- 6.29 I have been contacted by a number of constituents regarding the planning application. I share my constituent's safety concerns regarding vehicles entering and exiting the site which is located close to traffic lights and a roundabout, along with the safety of pedestrians using the same access to the footbridge over the railway line. Neighbouring residents are extremely concerned about the increase in traffic movements with the consequent increase in noise this will bring, along with further light pollution in this area. I question the need for an additional car wash, with Sainsbury's supermarket offering this facility next door to the site. In addition, there are already a number of outlets offering takeaway drinks in and around the town. I would like to see more detail with regard to hours of trading and security. To this end, I would be grateful if you could treat this letter as an objection to this proposal.
- 6.30 Conservation Officer: No response received.

- 6.31 Lincolnshire Fire and Rescue Service: No response received.
- 6.32 SHDC Inward Investment: No response received.
- 6.33 Lincolnshire Wildlife Trust: No response received.
- 6.34 Lincolnshire Bat Group: No response received.
- 6.35 Cllr G J Taylor: No response received.
- 6.36 National Grid: No response received.
- 6.37 A second period of consultation took place from 19 November 2025 to 10 December 2025 as further information was provided including an amended site plan and an amended landscaping plan with further details of the proposals, a Transport Statement and a SUDS Drainage Statement.
- 6.38 Welland and Deepings Internal Drainage Board: (second response received dated 12 December 2025):
- 6.39 No comments.
- 6.40 Anglian Water (second response received dated 09 December 2025):
- 6.41 A similar response was submitted as Anglian Water's initial response and as such this has not been repeated.
- 6.42 LCC - Highways and SUDS: (Second response received dated 30 December 2025):
- 6.43 No further objections.
- 6.44 (Third Response received dated 19 January 2026):
- 6.45 I think the site encroaches onto public highway land. The applicant needs to provide connectivity to the existing footway network for pedestrians travelling from the east, inclusive of a tactile crossing point. This would be in highway land so would require a Minor Works S278 Agreement with LCC. Given the bend in the road the applicant needs to carefully consider where it would be safe to install a footway/crossing point, or it can be decided at later date and conditioned.
- 6.46 LCC - Highways and Public Rights of Way: (Response received 06 January 2026):
- 6.47 The developer has suggested that 'the alignment of the PROW is not affected by the development proposals' (Transport Statement - para 2.71) and the amended plans now include a footway on either side of the junction. We are still concerned that the safety of path users will potentially be compromised by vehicles accessing the proposed development. Whilst the provision of the two sections of footway is welcomed, this is effectively duplicating the provision of pedestrian facilities and users of the public footpath will continue to share the access road with motor vehicles. I also note there are two pedestrian crossings on site but there is no crossing in the vicinity of the junction on the northern boundary of the site. Actions required:
- 6.48 - The public footpath will require formally diverting onto an alternative alignment using the proposed footways. Further discussion will be required.
- A pedestrian crossing will be required to enable users to safely cross the main access road.
- 6.49 A third period of consultation took place from 11 June 2026 to 25 June 2026 as further

information was provided. The changes that were made were summarised in a 'Summary of Changes' document. Some of the key changes included reducing the red line boundary area to exclude the public footpath which runs to the west of the site as this area did not need to be within the site, altering the site layout to remove development from land that is maintained by the highways authority, moving the substation closet to the eastern boundary of the site.

6.50 LCC - Highways and SUDS: Fourth Response (02 July 2026):

6.51 Unfortunately, there are some items that need addressing that have been missed off the amended site plan and were requested previously:

6.52 -Dimensions of parking spaces/clearances for reversing to be included.

6.53 The link footway is still required as detailed below and it should link up to the proposed footway within the site boundary.

6.54 An additional response was also received from John Hayes MP in a letter dated 27 June 2026 which is summarised below:

6.55 Further to my letter objection to this planning application, I have been contacted by nearby residents who have raised concerns about the opening hours of the proposal and the possible noise implications for them. I note it is anticipated that it will trade from 6am to 9pm, but, of course, employees will be on site outside of these hours and deliveries could well be made before and after these times. To this end, I am seeking your assurance that the impact of this proposal on its neighbours will be given full consideration.

6.56 Public Representations

6.57 This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, during the initial consultation period 4 representations from members of the public were received.

6.58 As set out previously, an additional period of consultation took place from 19 November to 10 December and as a result 4 additional representations were received, 3 of which were from the same households as the respondents during the first consultation period.

6.59 During the third period of consultation that took place from 11 June 2026 to 25 June 2026, 4 additional representations were received which were from the same households as the respondents during the previous consultation periods.

6.60 The responses that have been received are summarised as follows:

6.61

- There has been insufficient advertisement of the proposals.
- There is a beautiful Victorian house on/adjacent to the site, which looks like a former railway house. This has boarded-up windows and, according to my relatives, has been in this state for years.
- The site would be better used for housing, particularly affordable housing, rather than another car wash and coffee shop.
- There is no need for the proposals as there are already cafes and car washes in the area.
- There are enough EV charging points within the town already.
- The proposal would result in a loss of privacy.
- The proposal would result in an increase in noise disturbance, light pollution and anti-social behaviour such as playing loud music.
- Fencing in public footpaths could cause safety problems.
- No operating hours are proposed.
- The proposal would result in an increase in traffic.
- The proposal would likely increase litter in the area.
- Spalding United use the site on match days when the bus station is full.
- The proposals could cause access constraints for Network Rail and Spalding Storage.
- The proposed entrance trees will impede views of Spalding Storage and will add to the already

- overloaded amount of leaves within the area.
- The proposal would devalue nearby properties.
 - The trading hours have not been clarified.

7.0 CONSIDERATIONS

7.1 Planning Considerations

7.2 Development Plan

- 7.3 Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.
- 7.4 The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.
- 7.5 The policies and provisions set out in the National Planning Policy Framework, December 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.
- 7.6 There are no adopted Neighbourhood Plans for the area within which the site is located.
- 7.7 The main issues and considerations in this case include the following:
- 7.8
- Principle of Development;
 - Design and Visual Impact;
 - Impact on Amenity;
 - Highway Safety and Parking;
 - Public Rights of Way;
 - Flood Risk; and
 - Biodiversity Net Gain.
- 7.9 These matters are assessed in turn below.

7.10 Principle of Development

- 7.11 Policy 1 of the Local Plan sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.
- 7.12 Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.
- 7.13 The site is within the settlement limit of Spalding; however, the site is not allocated for any specific use within the Local Plan policies map. Notwithstanding this, the site is vacant and comprises previously developed land. The NPPF encourages the re-use of previously developed land, particularly within sustainable locations such as the application site. For example, Paragraph 125 of the NPPF sets out that planning decisions should:

- 7.14 "c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land"
- 7.15 Policy 7 of the Local Plan also sets out that new employment development / businesses outside the allocated employment sites will be supported provided that the proposal involves the re-use of previously developed land or the conversion / re-use of redundant buildings. According to the submitted Transport Statement, it is expected that the site will have 8 members of staff employed from the site, working on a shift / rota basis. Therefore, as the proposals would create employment on a vacant site where there is currently no employment or homes it is considered that the proposed development accords with the aims of Policy 7.
- 7.16 The NPPF identifies drive-through restaurants as a main town centre use (Annex 2). Policy 24 (The Retail Hierarchy) sets out main town centre uses should be located in accordance with the policy hierarchy, which includes the following:
- 7.17 -Subregional centres (Boston and Spalding);
-The District Centre of Holbeach and Local Centres such as Crowland, Donington, Kirton, Long Sutton and Sutton Bridge;
-Outside the Retail Hierarchy; and
-New Local Centres within Sustainable Urban Extensions.
- 7.18 Part C of the policy sets out that the vitality and viability of centres in the retail hierarchy will be maintained and enhanced. Proposals for main town centre uses outside the town centre boundaries and where not provided for under Policy 27, will be required to demonstrate their suitability through a sequential test in line with the NPPF.
- 7.19 According to the submitted Transport Statement, due to the nature of the proposals, it is considered that most of the anticipated vehicle trips to the site would not be new to the road network and would comprise passers-by or diverted trips (paragraph 2.50). Therefore, it is unlikely that the proposed drive-through unit would draw visitors away from Spalding Town Centre. Whilst the submission is not accompanied by the results of a sequential test assessment, it is considered that the proposals are unlikely to be able to be accommodated on an alternative site within Spalding Town Centre. Furthermore, the town centre boundary is located close to the site, on the opposite side of Kings Road to the south. As such, the site is not located a significant distance from the town centre and it is not considered that the re-development of the site would undermine the vitality or viability of the town centre.
- 7.20 Therefore, the principle of the development is acceptable. This is subject to a consideration as to whether the proposed development accords with the development plan and national policy in terms of other material considerations.
- 7.21 Impact on character and Appearance of the area, Design and Visual Impact
- 7.22 Section 12 of the National Planning Policy Framework (December 2024) specifically relates to 'Achieving well-designed places' and details that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.
- 7.23 Paragraph 135 of the NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping.
- 7.24 Policy 2 of the Local Plan outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals.
- 7.25 Policy 3 of the Local Plan requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and

adds positively to, its historically designated or undesignated townscape or landscape surroundings.

- 7.26 The site comprises a vacant parcel of land located to the east of Kings Road. As set out previously, there is a mixture of uses around the site including commercial businesses and dwellings. The nearest dwellings are located on the opposite side of Kings Road, to the south-east of the site and also to the north-east of the site. There is a depot and a storage container business located to the north, a railway line to the west and Chatterton Tower to the south, which is substantially taller than the surrounding buildings. Further to the south, there is a retail park.
- 7.27 The proposed vehicular access would be in a similar location to the existing access on the northern boundary of the site; however, it would be slightly further to the east. The drive-through coffee shop is proposed within the south-western area of the site, with an internal access road curved around the drive-through unit. The car wash facility is proposed in the north-western area of the site. Elsewhere within the site there are 10 standard car parking spaces, 2 disabled spaces and 6 EV charging spaces. Some soft landscaping is proposed throughout the site including some tree planting.
- 7.28 The drive-through unit is proposed to measure 14m in length and 6m in width. There is a small extension on the western side of the building that would measure 1.4m by 2.2m which is proposed as a 'driver window' area according to the submitted site plan. A yard area is proposed to the south which would measure 3m by 6m. This area is proposed to be enclosed with fencing that would 2.4m in height and appears to match the materials of the main building. The drive-through unit is proposed to feature a flat roof form measuring 3.6m in height. A taller projection is proposed on the western side of the building that would measure 4.6m in height.
- 7.29 The proposed external materials include a mixture of wood effective composite board in teak and mahogany colours, a black aluminium window canopy, and black aluminium doors and windows. Although the plans show the general appearance of the building, it would be considered appropriate to secure further details via a condition to ensure they are of an appropriate quality and finish.
- 7.30 Areas of soft landscaping are proposed throughout the site to break up the car parking areas. 5 trees and some hedgerow planting is proposed around the edges of the site. Therefore, the proposals would provide soft landscaping to help soften the impact of the introduction of new buildings and hard surfacing within the site. Given the lack of planting that is currently within the site, the proposed planting is considered to represent an improvement.
- 7.31 A substation is proposed near the eastern boundary of the site. Initially, this was proposed near the western boundary of the site; however, its position has been revised in the latest set of plans that have been received due to the overall changes to the site layout. The substation would measure 3.1m by 2.8m, with a maximum height of 2.2m. The substation would feature a relatively utilitarian appearance it would be relatively visible due to its proposed location near to Kings Road. Notwithstanding this, it is recognised that there are limited alternative locations where the substation could be located instead due to the small size of the site and the site is visible from all sides due to the location of Kings Road and public footpaths to the west and north. Hedgerow planting is proposed next to the substation which would provide a degree of screening once established. On balance, it is considered that the proposed siting of the substation is acceptable in this instance due to the relevant factors that have been taken into account.
- 7.32 As set out previously there is a mixture of commercial and residential buildings within the surrounding area, including a petrol filling station to the south-west of the site. Some soft landscaping is proposed which would help break up some of the built form within the site. Therefore, it is considered that the appearance of the proposed drive-through unit and car wash facility would be in keeping with the character and appearance of the area.
- 7.33 Taking account of the design, scale, and nature of the development, as detailed above, the proposal is acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and in accordance with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

7.34 Impact on Residential Amenity/Land Users

- 7.35 Paragraph 135 of the NPPF states that development should 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.
- 7.36 Policies 2 and 3 of the Local Plan set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.
- 7.37 The site is not adjacent to any dwellings. The nearest residential dwellings to the site are located approximately 20m to the south-east of the site, on the opposite side of Kings Road. These dwellings include 13 Kings Road to 16 Kings Road. The other nearest dwellings are located approximately 40m to the north-east of the site, along Kings Road.
- 7.38 Concerns have been raised within the public representations regarding various issues that could negatively impact on the amenity of nearby residents. Residents are concerned that the proposals would result in an increase in noise, disturbance, litter and anti-social behaviour. As the site is currently vacant land and the proposals seeks to install a drive-through unit and a car wash facility, there would inevitably be an increase in the number of people visiting the site and the intensity of its use.
- 7.39 According to the submitted Transport Statement, a significant proportion of the anticipated vehicle trips to the site would not be new to the road network and would comprise passers-by or diverted trips. LCC's highways team have not set out objections to the proposed number of vehicular trips to and from the site and as such, it is not considered that the increase in traffic would be adverse.
- 7.40 In terms of noise generation, there could be a degree of noise generated from people visiting the site both in cars and as pedestrians. The car wash facility would also generate noise from high-pressure water pumps and overhead air dryers. The council's environmental protection team have not set out any specific concerns in terms of noise generation as a result of the proposals.
- 7.41 Notwithstanding this, it would be considered necessary to control the hours of operation of the drive-through unit and the car wash facility. The proposed opening hours are 6:30am to 7pm Monday to Saturday, and 8am to 7pm on Sundays. However, given that the proposed would introduce an intensification, and given that some noise is likely to be generated by the proposal, with the car wash likely to be the greater of the two in this regard it is considered reasonable to control the operating hours beyond those proposed.
- 7.42 Although it seems unlikely that customers would seek to wash their vehicles earlier in the morning, it would be considered appropriate to restrict the operating hours of the car wash facility to 8am to 6pm during weekdays, with a further reduction of 9am to 5pm on weekends, in the interests of protecting the amenity of nearby residents. Likewise, it would be considered appropriate to restrict the operating hours of the drive-thru unit to 08am to 7pm during weekdays, and 9am to 5pm during weekends. The opening hours can be controlled via planning condition as can the delivery hours. With the inclusion of such conditions, it is not considered that the development would have an acceptable impact on the amenity of the nearest dwellings.
- 7.43 Some of the public representations have set out concerns with the potential for anti-social behaviour within the site as a result of the proposals; however, it is not considered that the proposed use of the land would specifically encourage anti-social behaviour. According to the submitted Design and Access Statement, CCTV will be used both internally and externally to discourage crime and vandalism and there will be a maintenance regime in place to keep the fittings in full working order. The statement further sets out that CCTV monitors will be constantly in view of the staff and staff will be provided with the correct procedures to follow in the event of any incidents, so that these can be easily and efficiently dealt with in the correct manner. Litter bins are also proposed throughout the site. The proposed measures can be secured via planning conditions.

- 7.44 Some of the public representations have raised concerns with potential light pollution from the development. It is considered appropriate to include a condition requiring the submission of a revised lighting scheme that reduces the illumination levels., a matter that has to an extent also been addressed within the comments raised by Network Rail.
- 7.45 Therefore, relevant conditions can be imposed to control the impact of the proposals on the amenity of nearby residents. Overall, the proposed development would accord with the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in amenity terms.
- 7.46 Highway Safety, Parking and Public Rights of Way
- 7.47 Paragraph 105 of the NPPF sets out that planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.
- 7.48 Paragraph 116 of the NPPF sets out that 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, following mitigation.
- 7.49 Policy 2 of the Local Plan sets out that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation.
- 7.50 Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal. Policy 3 also sets out that development proposals will demonstrate how accessibility by a choice of travel modes including through public rights of way will be secured (part 4).
- 7.51 Policy 32 sets out that development will not be permitted unless it protects and enhances existing public rights of way, creating new links to the rights of way network (part 1).
- 7.52 Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport. Policy 36 of the Local Plan, in conjunction with Appendix 6, sets out minimum vehicle parking standards.
- 7.53 Vehicular access to the site is proposed from the northern edge of the site, slightly to the east of the existing vehicular access. The site plan shows 10 standard car parking spaces, 2 disabled spaces and 6 EV charging spaces.
- 7.54 LCC's Highways Team requested additional information which has been provided, including a Transport Statement. The updated information sought to address the points raised by the Highways Team as summarised below:
- 7.55 -The proposed AI coffee system works by allowing customers to place orders without the need for human interaction. The proposed automated system can make up to 360 coffee drinks per hour with 98% accuracy.
- 7.56 -The facility will be serviced by a small rigid vehicle and typically the vehicle will need to visit the site every other day to undertake deliveries. A dedicated service vehicle area will be provided, that can be accessed at any time of the day or night. Servicing for the tunnel car wash and EV charging area will be minimal and limited to maintenance only. Dedicated maintenance parking spaces shown adjacent to the tunnel car wash for these visits when required.
- 7.57 -Based on the parking standards of the Local Plan, it is considered that 12 parking spaces are required. 8 cycle parking spaces are also proposed. The site layout plan shows 22 parking spaces in total.
- 7.58 -The EV charging spaces and the car wash facility do not require any staff members to be on

site. For the drive-through facility, it is expected that there will be 8 members of staff employed at the site working on a shift / rota basis. Staff will be expected to travel sustainably to and from the site and as such no on-site staff parking is provided. Staff could park in short and longer stay car parks within the area or they could park on site as the number of spaces exceeds the required number of spaces based on the requirements of the Local Plan.

- 7.59 -The alignment of the public rights of way are shown in pink on the submitted site plan. The public footpath running along the western boundary of the site will be retained in its current form. 2 pedestrian links are proposed to connect to this path from the site. This is considered to be acceptable as this would increase the permeability of the site. Public rights of way run to the north of the site along the cul-de-sac section of road from Kings Road, and along Kings Road itself. The proposals would not affect these public right of way alignments. A new footpath is proposed along the northern boundary of the site, and this is considered to be appropriate to improve the connectivity of the site. It is considered appropriate to require the footpath links to be installed prior to the first use of the site to ensure the site is appropriately connected to adjoining land.
- 7.60 -Due to the nature of the proposals, it is it is expected that most visits to the site will be passersby or diverted trips. The proposals are predicted to generate 13 vehicle movements in the traditional AM and PM network peak periods. This is not expected to have a severe impact on the local highway.
- 7.61 The Highways Team provided a response on 30 December 2025 setting out that there were no additional concerns or objections. The Highways Team did not set out concerns with the anticipated number of vehicular trips to and from the site resulting from the proposals.
- 7.62 A response has subsequently been provided by the Highways Team and LCC's Public Rights of Way officer in January setting out that the public right of way will need to be diverted and that the applicant needs to provide connectivity to the existing footway network for pedestrians travelling from the east, including a tactile crossing point. This would require a Minor Works S278 Agreement which is separate from the planning process.
- 7.63 As set out previously, amended plans were received and consulted upon from 11 June 2026 to 25 June 2026. The amended plans included a revised site plan and a reduced red line boundary. The red line boundary no longer includes the public footpath to the west of the site and the red line boundary does not include the public footpath alignment that runs to the north of the site on Kings Road. This is shown by a pale pink line on the submitted site plan. The amended plans also reduced the overall number of parking spaces from 23 down to 18 spaces.
- 7.64 Appendix 6 of the Local Plan does not specify parking standards for drive-through units; however, it is recommended that 1 space is provided per 3sqm of drinking areas, and 1 space is provided for 5sqm of public dining areas. In this case, the drive-through unit comprises approximately 77sqm; however, a proportion of this (17sqm) would be used for drink and food production, reducing the floor area to 60sqm. Based on this reduced floor area, the required parking provision is for 12 parking spaces. The proposed number of spaces exceeds this requirement. 8 cycle parking spaces are also proposed within the site.
- 7.65 The amended plans show a tactile crossing point to connect the footpath along the northern side of the site. Currently, there is no footpath to the north of the site connecting Kings Road with the public footpath to the west of the site. Although LCC's highways team have requested a crossing point over Kings Road, it is not considered that this would be necessary in this case. A footpath is proposed within the site with a tactile crossing point and this provides an opportunity for pedestrians to walk to the site. Likewise, there is an island and crossing area to further along Kings Road. The comments have not set out justification, or an extent of impact that would arise, should the crossing not be provided.
- 7.66 The highways team requested that the dimensions of parking spaces and clearances for reversing are marked up on the site plan. Some dimensions are included on the site plan; however, it is not considered reasonable to expect the applicant to include the dimensions of every parking space. The parking spaces are suitably sized, measuring 5m in length and 2.5m in width. There are also suitable distances between the spaces to allow vehicles to reverse.

- 7.67 The existing public right of way along the western edge of the site would be unchanged as this is outside the red line boundary; however, two footpath connections are proposed to this public right of way within the site. This, to an extent, would provide a more distinct and defined route for users to utilise.
- 7.68 Therefore, it is considered that the proposal would have an acceptable impact in terms of highway safety in accordance with Policies 2, 3, 33 and 36 of the Local Plan, as well as Section 9 of the NPPF. Furthermore, the proposals would have an acceptable impact on the public rights of way within and around the site. As such, the proposals accord with Paragraph 105 of the NPPF and Policies 3 and 32 of the Local Plan.
- 7.69 Flood Risk and Drainage
- 7.70 Section 14 of the NPPF sets out guidance relating to how local authorities should assess and determine applications which are subject to flood risk concerns.
- 7.71 The site is within Flood Zone 3, as identified by the Environment Agency's flood risk maps. Policy 4 of the Local Plan allows for certain types of development within Flood Zones 2 and 3 in instances where specific criteria are met.
- 7.72 The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Within the SFRA, areas across South Holland have been identified according to the level of hazard that is posed in terms of flood risk. Appendix C of the SFRA sets out guidance in terms of the minimum measures that are required according to what hazard category areas fall under. The site is not within an identified hazard area. As such, the SFRA does not recommend any specific flood risk mitigation for the development in this instance.
- 7.73 Notwithstanding this, the application is accompanied by a Flood Risk Assessment (FRA), which concludes that the proposed minimum finished floor level of 4.00m ODN is appropriate for the site's flood risk conditions. It is considered appropriate to secure the finished floor level through a planning condition.
- 7.74 The application is accompanied by Surface Water Drainage Strategy document. The document sets out that surface level SUDS features are not considered appropriate for the development due to spatial constraints. Whilst some areas of soft landscaping are proposed, this is not sufficient to accommodate the drainage attenuation needs of the site. According to the document, infiltration features are not considered to be feasible as a desktop study indicates the site is underlain by an impermeable mudstone. As such, a tanked permeable block paving system is proposed to accommodate the surface water runoff from the site. According to the document (Tables 1 and 2) this would result in a reduced discharge rate compared to the existing site.
- 7.75 Notwithstanding this, Anglian Water have raised an objection to the proposals as they do not consider that the surface water hierarchy has been fully explored. As such, Anglian Water consider that the proposed drainage strategy is unacceptable due to the proposed connection to a public surface water sewer, without evidence of the surface water hierarchy being exhausted. Anglian Water consider that further assessment is required to establish whether network reinforcement is required. Whilst Anglian Water's objection is noted, it is considered that further drainage information could be secured through a planning condition. For example, infiltration testing could be undertaken to fully explore whether soakaways are feasible. As such, a planning condition could obtain the necessary information to further explore the surface water hierarchy.
- 7.76 Anglian Water also set out the following within their consultation response:
- "A condition is recommended requiring confirmation from Anglian Water to be obtained prior to the occupation of the development that there is sufficient headroom at the relevant water recycling centre to accommodate the foul flows from the development site."

- 7.77 Anglian Water have issued an update in March 2026 regarding its waste water capacity across various districts. Within Spalding, Anglian Water maintain that pre-occupation conditions are necessary to establish if there is sufficient capacity within their network.
- 7.78 In this case, rather than including the planning condition as suggested by Anglian Water, it is considered necessary to include a condition requiring details of the foul drainage strategy via a planning condition. The proposed condition would secure the necessary level of detail for the method of foul drainage disposal. Anglian Water could be consulted on the application to discharge the condition to confirm if the proposed foul drainage strategy is acceptable. Furthermore, if the foul drainage strategy remains connecting to the mains sewer, then the developer would be required to apply separately to Anglian Water for consent to connect to their foul drainage network. The proposed condition is considered to represent an appropriate compromise and a suitable alternative.
- 7.79 Therefore, in flood risk and drainage terms, considered that the proposed development accords with Policy 4 of the Local Plan and section 14 of the NPPF.
- 7.80 Biodiversity Net Gain
- 7.81 Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain (BNG) using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.
- 7.82 "Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits".
- 7.83 The biodiversity gain condition is a pre-commencement condition. This relates to a condition that seeks, once planning permission has been granted, a Biodiversity Gain Plan that must be submitted and approved by the planning authority before commencement of the development, alongside the need to submit a Habitat Management and Monitoring Plan.
- 7.84 The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition".
- 7.85 The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:
(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan, or
(c) the development is exempt from the biodiversity gain condition.
- 7.86 The application is accompanied by a BNG Assessment and an associated BNG metric calculation which proposes 44.12% increase in habitat units (increase of 0.05 units) and an 11.35% increase of hedgerow linear units (increase of 0.01 units). The LPA's ecology officer considers that the submitted BNG calculation is acceptable. The officer has recommended a standard BNG condition which has been agreed with the applicant's agent.
- 7.87 **Planning Balance**
- 7.88 As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.
- 7.89 The proposed development is appropriate and would not materially harm the character or appearance of the locality, or the amenity of nearby residents. The development is acceptable

in terms of highway safety and flood risk management. Appropriate conditions are recommended to secure further details and measures such as the provision of biodiversity net gain. Overall, the proposed development accords with the Local Plan and the NPPF.

7.90 **Additional Considerations**

7.91 Public Sector Equality Duty

7.92 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:

7.93 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

7.94 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).

7.95 C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

7.96 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.97 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.

7.98 It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

7.99 Human Rights

7.100 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).

7.101 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.

7.102 **Conclusion**

7.103 Taking these factors into consideration, the proposal accords with Policies 1, 2, 3, 4, 7, 24, 28, 30 and 36 of the Local Plan, as well as Sections 6, 7, 9, 11, 12, 14 and 15 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

8.0 RECOMMENDATIONS

- 8.1 The recommendation is to grant approval for the application, subject to conditions set out within this report.

9.0 CONDITIONS

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and/or documents:

24-0106-A-DR-PL-10-120 Rev A - OS Location Plan and Block Plan
24-0106-A-DR-PL-20-120 Rev F - Proposed Site Plan, Bocca Felice / Inteljet
24-0106-A-DR-PL-20-121 Rev A - Proposed Site Plan, Bocca Felice / Inteljet, Hard and Soft Landscape Plan
24-0106-A-DR-PL-20-251 Rev A - Proposed External Elevations A - D
24-0106-A-DR-PL-20-252 Rev B - Proposed Plan and External Elevations Inteljet
24-0106-A-DR-PL-20-254 Rev A - Proposed GA Plan, Bocca Felice Model
224.0106 Bocca Felice, Spalding - Sub Station Details
Flood Risk Assessment

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The development hereby permitted shall not commence until a biodiversity gain plan has been submitted to and approved in writing, by the Local Planning Authority. The development shall then be carried out in accordance with the details as approved.

Reason: To comply with Schedule 7A of the Town and Country Planning Act (1990, as amended).

This Condition is imposed in accordance with Schedule 7A of the Town and Country Planning Act (1990, as amended) and Policy 28 of the South East Lincolnshire Local Plan, 2019.

4. Prior to the commencement of development hereby permitted, a detailed scheme of construction management to minimise disturbance during the construction process through noise, dust, vibration and smoke, shall be submitted to and approved in writing by the Local Planning Authority.

The construction process shall be carried out in accordance with the scheme so approved. It shall also include a method statement, detailing how construction traffic, site personnel vehicles, materials deliveries and site accommodation will be managed to safeguard highway safety, free passage along Kings Road and residential amenity.

Reason: In the interests of the amenity of local residents. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works. This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

5. The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment forming part of this planning application. In particular, the following measure shall be fully implemented before the property is first occupied:

- The finished floor level of the building within the site shall be set at 4m ODN.

Reason: To ensure that the development does not increase the risk of flooding or be at risk of flooding.

This Condition is imposed in accordance with Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019 and Section 14 of the National Planning Policy Framework, December 2024.

6. Before any development beyond oversight is commenced, full details of the means of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and Section 14 of the National Planning Policy Framework, December 2024.

7. The drive-through unit hereby permitted shall not be open to customers except between the hours of 8am to 7pm Monday to Friday, and 9am to 6pm on Saturdays and Sundays.

Reason: In the interests of the amenity of local residents.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

8. The car wash facility hereby permitted shall not be open to customers except between the hours of 8am to 6pm Monday to Friday, and 9am to 5pm on Saturdays and Sundays.

Reason: In the interests of the amenity of local residents.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

9. No deliveries shall be taken at or despatched from the site outside the hours of 6:30am to 7pm Monday to Saturday, and 8am to 7pm on Sundays.

Reason: In the interests of the amenity of local residents.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

10. Before the commencement of the development hereby permitted beyond oversight, a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and Section 12 of the National Planning Policy Framework, December 2024.

11. The scheme of landscaping and tree planting shown on approved plan 24-0106-A-DR-PL-20-121 Rev A shall be carried out and completed in its entirety during the first planting season following practical completion of the development. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses, in the opinion of the Local Planning Authority, shall be made good in the first planting season following any such loss with a specimen of the same size and species as was approved under drawing 24-0106-A-DR-PL-20-121 Rev A.

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

12. Prior to the first occupation of the development hereby permitted, a scheme for the provision and operation of external close circuit television (CCTV) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of:
- a) specification of all cameras;
 - b) location of all cameras;
 - c) the combined coverage of all cameras;
 - d) the method of recording;
 - e) the location of the recording equipment; and
 - f) the times of operation of the cameras and recording equipment.

No use of the premises shall take place unless the CCTV system is in full working order and is operating in accordance with the details as agreed.

Reason: In the interests of the amenity of nearby residents and to ensure a safe and secure environment for future occupiers and visitors, and to assist in the prevention and detection of crime and anti-social behaviour.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

13. No part of the development hereby permitted shall be brought into use until details of the external illumination of all buildings and areas of the site, including details of luminance and fields of illumination, have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be carried out in accordance with the details so approved, and there shall be no external illumination other than that so approved.

Reason: To ensure that the Local Planning Authority retains control over these matters, in the interests of the visual amenity of the overall development, to prevent light pollution and to ensure that the development is adequately lit. It is also necessary to control the impact of any lighting within the site on the safety, operational needs and integrity of the railway line to the west of the site.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

14. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority (LPA). An investigation and risk assessment must be undertaken in accordance with details to be agreed with the LPA. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the LPA. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved by the LPA. No deviation shall be made from this scheme without the express written agreement of the LPA. If during redevelopment contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and agreed in writing by the LPA.

Reason: To assess whether the site is polluted and to address any pollution to ensure a satisfactory development.

This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

15. Prior to the first use of the development hereby permitted, the proposed litter bins within the site shall be installed as shown within approved plan 24-0106-A-DR-PL-20-120 Rev F. The litter bins shall thereafter be retained.

Reason: In the interests of ensuring satisfactory waste storage arrangements.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

16. Prior to the first use of the development hereby permitted, the footpaths along the northern edge of the site as shown on approved plan 24-0106-A-DR-PL-20-120 Rev F shall be installed and thereafter retained.

Reason: To ensure the provision of safe and adequate means of access to the permitted development.

This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019.

17. Before any development beyond oversite is commenced, details of the means of foul water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use.

Reason: To ensure that the site is adequately drained and to avoid pollution.

This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

18. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

19. The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application.

For application guidance, approval and specification details, please visit:

<https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb>
or contact vehiclecrossings@lincolnshire.gov.uk

20. The highway improvement works referred to in Condition 16 are required to be carried out by means of a legal agreement between the landowner and the County Council, as the Local Highway Authority.

21. Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

For further guidance please visit:

Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>
Licences and Permits - <https://www.lincolnshire.gov.uk/licences-permits>

22. **Biodiversity Net Gain**

The applicant's attention is drawn to the following Biodiversity Net Gain requirement.

The effect of Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition". The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan, or
- (c) the development is exempt from the biodiversity gain condition.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be South Holland District Council.

This permission will require the submission and approval of a Biodiversity Gain Plan and Habitat Management and Monitoring Plan (HMMP before development is begun). This is over and above the information submitted and considered as part of this application, and will be required before development is begun, because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

For guidance on the contents, in respect of the details that must be submitted and agreed by the Local Planning Authority, prior to the commencement of the consented development, please see the GOV.uk website and Planning Practice Guidance.

Statutory exemptions and transitional arrangements

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at <https://www.gov.uk/guidance/biodiversity-net-gain>.

For clarity, the Local Planning Authority do not consider that any of the exemptions apply in this case. As such, the development hereby permitted will be subject to the biodiversity gain condition.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

For clarity the LPA do not consider that irreplaceable habitats are present at this site.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

Effect of Section 73(2D) of the 1990 Act

Under Section 73(2D) of the Town and Country Planning Act 1990 (as amended) where

- (a) a biodiversity gain plan was approved in relation to the previous planning permission ("the earlier biodiversity gain plan"), and
- (b) the conditions subject to which the planning permission is granted:
 - (i) do not affect the post-development value of the onsite habitat as specified in the earlier biodiversity gain plan, and

(ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat within the meaning of regulations made under paragraph 18 of Schedule 7A, do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier biodiversity gain plan.

- the earlier biodiversity gain plan is regarded as approved for the purposes of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) in relation to the planning permission.

Background papers:- Planning Application Working File

Lead Contact Officer

Name and Post: Nick Atkinson , Lead Development Management Planner (Interim) - BBC & SHDC

Telephone Number:

Email nick.atkinson@sholland.gov.uk

Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title

