DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0630-19**	**Applicant:**	**SME Corporation (2) Ltd.**
Proposal:	Erection of a single-storey drive thru restaurant for coffee shop with associated car parking, cycle parking, landscaping and access		
Location:	Land To South East Of Bush Tyres Off Holbeach Road Spalding		
Terminal Date:	23rd August 2019		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
07	Improving South East Lincolnshire's Employment Land Portfolio
24	The Retail Hierarchy
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Section 6 - Building a strong, competitive economy
Section 7 - Ensuring the vitality of town centres
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for the erection of a single storey drive thru restaurant for coffee shop with associated car parking, cycle parking, landscaping and access on land to the south east of Bush Tyres, off Holbeach Road, Spalding.

It is proposed that the existing access road off Fulney Lane North would be utilised, which is currently used by Bush Tyres and for deliveries to Spalding Bakery.

The building would be of a steel portal frame construction, clad with a combination of white rendered block walls, stained T&G timber board, Cotswold stone signage feature with a central entrance highlighted by green composite panels.

Although a landscaping plan has not been submitted, the Design and Access Statement indicates that the existing tree lined boundary to the south would remain and that new low level soft landscaping would be introduced along the northern and eastern boundaries. Some trees would also be introduced along the eastern boundary.

The proposed opening hours are 8am to 8pm, 7 days a week, and the proposal would generate employment for 20 full-time staff.

Deliveries would take place between 8am and 6pm. Exact times would be dependent upon the route taken by the delivery lorry and other stores being delivered to. Frequency would be most days due to milk holding shelf lives and sandwich expiry dates.

21 vehicle parking spaces (including 2 disabled spaces) and 4 cycle parking spaces would be provided in total within the site.

Site Description

The site is located to the south-west of the A16/A151 roundabout, with Bush Tyres to the north-west and Spalding Bakery to the south. There are residential properties to the west on the western side of Fulney Lane North. Springfields Shopping Outlet and Festival Gardens is located to the north of the A151. McDonald's and a petrol filling station are located on the opposite corner of the roundabout. There are open fields to the east of the A16. The site is a grassed area of land which lies within the perimeter fencing of the commercial premises to the south.

The site is located outside of the settlement boundary for Spalding in the South East Lincolnshire Local Plan (2019), but is within an area identified as an 'Established Employment Site' which covers the Spalding Bakery premises.

History

H16-1185-18 - Erection of a single storey drive thru restaurant for KFC with associated car parking, cycle parking, landscaping and access (approved January 2019)

Consultation Responses

SHDC Environmental Protection - No objection on noise/odour grounds. Requests that parts of the standard contaminated land condition are applied.

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

LCC Historic Environment Officer - Requests an archaeological evaluation as the proposed development is situated in an area of archaeological interest where previous developments have revealed remains of Roman and Early Medieval activity. Prior to the construction of the factory to the south scatters of Saxon material were recovered during field walking. To the north of the site at Springfields evidence for Saxon and early medieval settlement and other activity has been revealed, whilst to the East of the A16 excavations associated with development on either side of the roundabout have revealed Roman remains, including evidence for salt making.

Environment Agency - No objection subject to conditions requiring finished floor levels to be in accordance with that set out in the FRA. Suggests confirmation is sought from an Emergency Planner that the submitted Flood Response Plan is adequate.

South Holland Drainage Board - Standard comments re discharging surface water to a watercourse and highlights the presence of a Board Adopted watercourse in close proximity.

Public (1 objection) -
- Concern about highway safety
- Will lead to more parking on Fulney Lane North
- Impact on residential amenity/anti-social behaviour (shouting, reving engines, loud radios)
- Too many existing takeaways in this area (impact on health and obesity)
- Old A151 used as a 'truckstop'

Planning Considerations
- Principle
- Residential amenity
- Impact upon character and appearance of the area
- Highways/parking
- Other considerations

Principle

The site is located outside of the settlement boundary for Spalding as defined in the South East Lincolnshire Local Plan (2019) but is within an area identified as an 'Established Employment Site' which covers the Spalding Bakery premises. Policy 7 states that Established Employment Sites should be protected for new B1, B2 or B8 development/re-development because of their important role in the economy. Any non-B development, such as that proposed, will only be supported where it is ancillary to the effective functioning of the Established Employment Site. The proposed development would be small in scale compared to the existing employment premises and could be used by employees. It would also generate employment for 20 full-time staff. It is therefore not considered that there is significant conflict with the policy position on employment set out in the Local Plan.

Policy 24 (The Retail Hierarchy) of the Local Plan sets out that a retail impact assessment is required for any retail proposal that provides a floorspace of 250m2 (net) outside of the Spalding town centre boundary and the District (Holbeach) and Local (Donington, Long Sutton and Sutton Bridge) Centres. As the proposed net floorspace is 180m2, a retail impact assessment is not required.

Furthermore, given the nature of the proposal and its likely source of custom, it is not considered necessary for the proposal to have passed a sequential test. The Transport Assessment submitted with the application indicates that 98% of customers would represent 'pass-by' trade that would form part of an onward journey, rather than it being a destination in itself. It is therefore not considered that the proposed development would have the effect of drawing people away from the town centre as a significant number of the visits to the premises would form part of a journey that would already take place along the A16 or A151. The nature of the proposed development means that it is important that it is located in a prominent position such as the application site.

Overall, the proposal is considered to be acceptable in principle.

Residential amenity

Concerns have been raised by an objector about the potential for noise pollution from the proposed restaurant and vehicles accessing it. This concern is noted, however SHDC Environmental Protection have not objected to the proposal. Furthermore, deliveries would take place during working hours and there are already late night traffic movements to/from the employment uses to the south. On balance, given that Environmental Protection colleagues have not objected to the application, it is not considered that impact on residential amenity would be a defendable reason for refusing the application.

The potential for an increase in anti-social behaviour (shouting, revving engines, loud radios) was another concern raised. The possibility of this occurring can never entirely be ruled out with any form of development and is not considered to be a reasonable reason for refusal in this instance. Anti-social behaviour should be dealt with by the Police if it does occur.

Impact upon character and appearance of the area

The site is currently grassed at present and is in a fairly prominent location on the roundabout of the A16 and A151. There is a large employment site to the south, Springfields Shopping Outlet is on the opposite side of the A151 and McDonald's is on the other side of the roundabout. Taking this into account, it is not considered that the proposed development would have a significant adverse impact on the character and appearance of the area.

Highways/parking

Concern has been raised regarding highway safety, however the Highway Authority have not objected to the application on highway grounds so it would be unreasonable to refuse the application on this basis.

In terms of parking provision, 21 vehicle parking spaces (including 2 disabled spaces) and 4 cycle parking spaces are proposed in total within the site. Appendix 6 of the Local Plan sets out parking standards for residential and non-residential developments. For A3 and A4 uses it states that 1 space per 3m2 drinking area and 1 space per 5m2 public dining area is required. Based on the floorspace of the drinking/dining area of the proposed drive thru restaurant (approx. 79m2), in the range of 16 to 27 vehicle parking spaces would be required. Given the nature of the proposed use (a drive thru), 21 parking spaces are considered to be acceptable. No cycle parking standards are set out for A3 and A4 uses in Appendix 6.

Other considerations

Concern has been raised that there are too many existing takeaways in the area and that a further takeaway would have an impact on health and obesity. This concern is noted, however the Local Planning Authority has no policy relating to the concentration of takeaways in a particular area or one which restricts hot food takeaways near schools.

The Environment Agency have recommended that confirmation is sought from an Emergency Planner that the submitted Flood Response Plan is adequate. SHDC's Emergency Planner has reviewed the document and is content, highlighting that they consider the risk of potential flooding to be extremely low in the area of this development.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the

special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

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

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

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

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

Taking the above into account, the proposal is considered to be in accordance with Policies 2, 3, 7, 30 and 36 of the South East Lincolnshire Local Plan (2019), as well as policy set out within the National Planning Policy Framework (2019).

The recommendation is therefore for a delegated approval.