

**DECISION DELEGATED TO HEAD OF PLANNING**

**Application No:** H16-1166-25                      **Applicant:** Moonbeam Enterprises Limited

**Proposal:** Installation of 2 no. Jet Wash Bays - Part Retrospective

**Location:** Kfc, Lincs Gateway Business Park 8 Goodison Road Spalding

**Terminal Date:** 13th February 2026

**Planning Policies**

**South East Lincolnshire Local Plan - Adopted: March 2019**

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
07	Improving South East Lincolnshire's Employment Land Portfolio
08	Prestige Employment Sites
31	Climate Change and Renewable and Low Carbon Energy
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

**National Guidance**

**National Planning Policy Framework December 2024**

Section 9 - Promoting sustainable transport  
 Section 12 - Achieving well-designed places  
 Section 14 - Meeting the challenge of climate change, flooding and coastal change

**Representations:**

	<b>Object</b>	<b>Support</b>	<b>No Obj.</b>	<b>Comments</b>
WARD MEMBER	0	1	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0

OTHER STATUTORY BODIES	0	0	0	1
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## CASE OFFICER ASSESSMENT

### **Description of Proposal**

This is a full planning application for the installation of two jet wash bays within the carpark of KFC/Taco Bell at Lincs Gateway Business Park. This application is made part retrospectively. The submitted plans show four stations in two bays, giving a total width and depth of 12.98m and 6.4m respectively. The glass boxes which enclose the bays have a height of 1.95m, although the booms which support the structure are set at 3.36m in height.

### **Site Description**

The site is located outside of the settlement boundaries of Spalding outlined within the South East Lincolnshire Local Plan, 2019, but within allocated employment site SP002. The site is part of the car park for a pair of fast food units, within a wider employment site. The site is primarily occupied by food units currently.

### **Relevant History**

H16-0009-14 - Outline - Proposed business park, hotel, public house/restaurant, conference and function centre, petrol filling station, restaurant/cafe with ancillary retail together with associated landscaping, access, highways, parking, drainage, utilities and services and infrastructure works - Approved - 10/10/14.

H16-0874-15 - Full - Proposed service station (Amended layout) - Approved - 16/12/15.

H16-0951-17 - Reserved Matters - Details of landscaping for Parcel 4 - outline application H16-0009-14 - Approved - 12/12/17.

H16-0952-17 - Reserved Matters - Details of landscaping for Parcel 4 - outline application H16-0025-15 - Approved - 12/12/17.

H16-0966-17 - Section 73 - Proposed business park, hotel, public house/restaurant, conference and function centre, petrol filling station, restaurant/cafe with ancillary retail together with associated landscaping, access, highways, parking, drainage, utilities and services and infrastructure works - approved under H16-0009-14. Modification of Condition 2 to allow amendments to previously approved plans - Withdrawn application - 03/11/17.

H16-0967-17 - Section 73 - Proposed business park, hotel, public house/restaurant, conference and function centre, petrol filling station, restaurant/cafe with ancillary retail together with associated landscaping, access, highways, parking, drainage, utilities and services and infrastructure works - approved under H16-0025-15. Modification of Condition 2 to allow amendments to previously approved plans - Withdrawn application - 03 /11/17

H16-0172-21 - Full. 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. Approved 27/07/21.

### **Consultation Responses**

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Cllr Ashby

Support - no problem with this

#### South Holland Internal Drainage Board

Outline the circumstances whereby consent from the Board may be required.

#### Highway and Lead Local Flood Authority

"The proposal will not have an unacceptable impact on the public highway. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application"

#### Environmental Protection

No observations.

#### Anglian Water

##### 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. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. Surface water runoff from the proposed jet wash bays will be classed as Trade Effluent, please see wording in Section 5.

##### 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. It is an offence under section 118 of the Water Industry Act 1991 to discharge trade effluent to sewer without consent. Anglian Water would ask that the following text be included within your Notice should permission be granted. An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer. Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence. Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991

##### Non-domestic supply

We have reviewed the submitted documents, and the applicant does not provide details of the non-domestic water demand for the proposed development site and does not provide details on the number of the occupants for the development units. Non-domestic demand refers to water use of industrial processes (e.g. agri-food production or car washes), and there is no legal requirement for us to supply this type of water usage where it might put at risk our ability to supply water for domestic purposes. Although Anglian Water does not have a statutory obligation to supply for non-domestic purposes, in these circumstances we factor into our Water Resources Management Plan and we do everything we can to support business in the region, with the help of the water retail market.

Any application for non-domestic proposals requiring heavy water usage will need to demonstrate that sufficient water capacity is available through a Water Resources Strategy in consultation with us. Anglian Water currently has a restriction for non-domestic water supply of 20m<sup>3</sup> per day. The development site is for two jet wash bays. The applicant does not state if the proposed building will be occupied by different tenants/occupiers. We must advise that when a development site is occupied by multiple occupants, Anglian Water's non-domestic water supply limitation of 20m<sup>3</sup> per day is per occupant.

We therefore need to ensure the approved development does not exceed this and require a water resources statement which confirms demand will not exceed this. For further information on the

non-domestic process please go to: <https://www.anglianwater.co.uk/siteassets/developers/new-content/p--c/aws-non-domestic-demand-policy-smv2.pdf>

Condition: No development shall commence until a strategic water resources strategy has been submitted to and approved in writing by the Local Planning Authority, in consultation with Anglian Water. The strategy will confirm non-domestic water is available to serve the development and should explore innovative solutions which may help reduce overall water demand

Reason: To ensure domestic water supply is not jeopardised and to protect water resources and ensure sustainable development"

### Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

### **Key Planning Considerations**

#### Evaluation

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.

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.

The policies and provisions set out in the National Planning Policy Framework, 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

#### Principle of Development

#### Policy Context

Policy 1 of the SELLP 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.

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.

The site is located outside of any identified settlement limits, and can therefore be considered to be within the countryside from a planning perspective. In this context, Policy 1 states: "In the Countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits."

Despite being within the countryside, the proposal is located within the allocated prestige employment site, SP002. As such, the provisions of Policies 7 and 8 are relevant.

Policy 7 identifies the site as a "main employment area" with a mixed use. In this context, Policy 7 states:

"Main employment areas are reserved for main employment in Classes B1, B2 and B8. On Mixed-use development sites, which incorporate main employment uses under Class B as specified for each site, together with other identified appropriate employment-generating uses, non-Class-B uses will only be supported where the applicant can demonstrate they are ancillary to the effective

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

The site is also identified as a prestige employment site for the purposes of Policy 8. Policy 8 outlines broad principles for development in these sites. For the Lincs Gateway this includes a promotion of B1 (now class E), B2 and B8 uses with some ancillary A3 and A4 (now class E) uses.

### Assessment

No additional employment space is proposed, with the application form showing there would be no additional employees or hours of opening. The documents provided are explicit that permission is sought just for the wash bays and ancillary development, rather than the creation of employment space. It can be assumed therefore that the arrangement is not a conventional car wash, but instead a self-service arrangement. On this basis, the proposal is not for the creation of employment space, but for ancillary development within a wider employment site. The proposal would therefore fall under a Sui Generis use, rather than a conventional car wash which would be Class E or B2 depending upon the exact nuances of the proposal. On the basis of the novelty of this arrangement, not all of the provisions of Policies 1, 7 and 8 can be directly applied here.

As outlined above, for the purposes of Policy 1, the site is within the countryside and must therefore either necessitate the chosen location or contribute to the sustainable development of the area. Whilst the proposal would not contribute to the sustainable needs of the area in any meaningful capacity, nor would the development be considered to necessitate this location, as an ancillary development to an establishment employment site, the proposal is considered suitable. It would not result in additional intrusion into the open countryside, thereby complying with the intentions of Policy 1 in this regard.

Turning to the provisions of Policies 7 and 8, the proposal represents an ancillary development to the wider site. The arrangement is typical in these sorts of roadside establishments where parking courts are multifunctional. The proposal would not create additional employment space, merely supporting existing and established uses.

Therefore, on the basis that the proposal would not result in additional employment space and instead simply aid with the function of an established employment site, the proposal is considered acceptable in principle.

### Layout, Design, Scale and Consideration of the Character of the Area

Section 12 of the NPPF, "Achieving well-designed places", states 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.

Paragraph 135, contained within Section 12 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. This goes on to establish that it is important that new development should be of the highest quality, to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Developments 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, among other considerations.

Likewise, Policy 2 of the SELLP 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. Furthermore, Policy 3 of the SELLP 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.

These policies accord with the provisions of the NPPF and require that 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. Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design, and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The proposed development is of no aesthetic merit. That being said, the units are small enough to only have a negligible visual impact. It would appear subservient to the host restaurant businesses visually, due to the differential in scale. Moreover, the use of glass reduces the visual impact of the development.

The arrangement proposed is not atypical, being seen in comparable service stations throughout the wider area. This typicality reduces the visual impact of the development and helps to naturalise it in its setting.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

### Impacts Upon Resident Amenity

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.

Policies 2 and 3 of SELLP sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Due to the location of the development, there would be no impact on residential amenity.

As detailed above, the scale and design of the proposal is considered to have no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

### Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 116 advises 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, following mitigation, would be severe, taking into account all reasonable future scenarios".

In respect of highway matters, Policy 2 details 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. 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 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the SELLP, in conjunction with Appendix 6, sets out minimum vehicle parking standards and requires at least one space per 5sqm of dining area for an A3 (now class E) use. A5 takeaway uses (now Sui Generis) have no fixed parking requirements. No fixed parking limits are provided for a car wash/ jet wash.

The proposal would result in the loss of 9 parking places, reducing the spaces for Taco Bell/ KFC to 36 from 45. The dining area for the two units combined would total approximately 220sqm, which therefore would necessitate 44 parking spaces under Appendix 6. Therefore, the proposed arrangements would be significantly below the required levels, particularly so given the potential increased demand for spaces that the jet wash bays may create. However, this is only applicable when the unit is considered in isolation of the wider site, which provides an abundance of parking. As such, the loss in spaces could be accounted for elsewhere in the wider site. On this basis, the proposal would not result in harm to local highway networks despite the apparent under delivery of

immediately adjacent to the site.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 9 of the NPPF.

### Flooding Considerations

Section 14 of the NPPF requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: (...) applying the sequential test and then, if necessary, the exception test as set out below".

The site lies within Flood Zone 1 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

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. Policy 4 of the SELLP is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the SFRA as a basis to apply the sequential test.

Within the SFRA the site is outside of any identified hazard area.

As the site is within Flood Zone 1 and outside of any hazard area, the development is considered sequentially preferable.

That being said, Policy 4 and Section 14 of the NPPF also concern on site drainage. A drain runs along the west of the site, carrying wastewater to a Klargestor to separate debris before entering below ground drainage infrastructure. The Klargestor can hold 2000l and will help to ensure proper disposal rates. Given the scale of the proposed use, the details provided are considered appropriate.

Turning to the comments of Anglian Water with relation to trade effluent, this is a separate consenting process. On this basis, the informative condition requested by Anglian Water is considered appropriate.

Overall, when considering the development on balance, it is considered, given the mitigation measures detailed and recommended by condition, that the proposal accords with Policies 2, 3 and 4 of the SELLP and the intentions of the NPPF with regards to flood risk.

### Biodiversity Net Gain

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 using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

"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".

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.

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". 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 proposal would impact less than 25sqm of habitat or 5m of linear habitat; and would therefore be exempt from the standard net gain condition under Regulation 4 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

### Water Supply

Within the SELLP, Policy 31 acknowledges that South Holland is a Water Stressed Area. There is a clear need, particularly in light of the climate emergency, to ensure a sustainable water supply and appropriate use of available resources.

The comments of Anglian Water requiring a condition limiting the use of water on the site therefore broadly align with the sustainability principles which underpin the planning system. However, in this instance, the condition requested by Anglian Water is considered inappropriate.

Regardless of the fact that Anglian Water have requested a pre-commencement condition for a development which has already been commenced and is already in active use, it is considered that the condition fails to pass the "six tests" outlined in the PPG. Paragraph 005 of the Use of Planning Conditions sections of the PPG states:

"Conditions requiring compliance with other regulatory regimes will not meet the test of necessity and may not be relevant to planning. Use of informatives to remind the applicant to obtain further planning approvals and other consents may be more appropriate."

Anglian Water require separate consents to connect into their water supply and as stated in "Anglian Water's Non-Domestic Water Requests Policy" they are under no obligation to meet non-domestic needs. On this basis, it is considered that appropriate regimes are currently in place to enable Anglian Water, as the responsible body, to police their own consenting regimes without the need for repetition within the planning regime. As such, the condition would fail to meet the requirements of the PPG and should not be applied.

In any event, the submitted "outline water/ drainage strategy" uses an average of 48l average use for each wash. There is nothing before the Council to refute that this is a sensible estimate. Anglian Water's restriction on supply is 20,000l per day. On this basis, the unit would have to be used over 400 times a day to meet the Anglian Water supply limit. Seeing as the expectation is for 10 vehicles per day, as stated in the aforementioned strategy document, the expected water usage would be entirely below Anglian Water's threshold; and therefore, the request for additional documentation would be overly onerous and excessive.

### **Planning Balance**

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.

The proposal represents appropriate development within a defined employment site. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the SELLP and the provisions of the NPPF when viewed as a whole.

### **Additional Considerations**

## Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

- A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
- C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

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

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

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

## Human Rights

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

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

## **Conclusion**

Taking these factors into consideration, the proposal is considered to comply with Policies 1, 2, 3, 4, 7, 33 and 36 of the SELLP, as well as Sections 9, 12 and 14 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.

## **Recommendation**

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.