DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-1185-18**	**Applicant:**	**SME Corporation (2) Ltd**
Proposal:	Erection of a single storey drive thru restaurant for KFC with associated car parking, cycle parking, landscaping and access		
Location:	Land At Corner Of A16 And A151 And South East Of Bush Tyres Off Holbeach Road		
Terminal Date:	24th January 2019		

Planning Policies

Local Plan July 2016:

EC3	Existing Employment Areas/Premises
EC10	Hot Food Take-Aways
SG1	General Sustainable Development
SG2	Distribution of Development
SG3	Settlement Hierarchy
SG14	Design and Layout of New Development
SG15	New Development: Facilities for Road Users, Pedestrians and Cyclists
SG17	Protection of Residential Amenity
SG18	Landscaping of New Development

National Guidance

National Planning Policy Framework 2018

Section 6 - Building a strong, competitive economy
Section 7 - Ensuring the vitality of town centres
Section 12 - Requiring good design

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	1	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND	0	0	0	1

INTERNAL DRAINAGE BOARD				
SHDC INTERNAL	0	0	0	3
OTHER STATUTORY BODIES	0	0	1	1
RESIDENTS	4	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for the erection of a single storey drive thru restaurant for KFC with associated car parking, cycle parking, landscaping and access on land adjacent to the A16 and A151 and south east of Bush Tyres, 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. A footway would be provided along the southern side of the shared access road to link the site and Fulney Lane North.

The exterior of the restaurant would be a standard KFC design, being of a steel portal frame construction with a combination of Kingspan insulated cladding panels and horizontally fixed composite wall panels (timber in appearance).

The existing tree lined boundary to the south would remain. New soft landscaping would be introduced along the north and western boundaries.

The proposed opening hours are 10am to 11pm, 7 days a week, and the proposal would generate employment for 30 full-time staff.

Deliveries would take place during opening hours, with the exception being no deliveries between 12:00 - 14:00 and 17:00 and 19:00. Typically, 3 deliveries per week are undertaken at KFC restaurants. 6 weekly deliveries can be undertaken at particularly busy sites.

33 customer car parking spaces (including 2 disabled spaces) would be provided in total surrounding the restaurant. 12 staff parking spaces would be provided further away at the side of the access road.

Site Description

The site is located in a prominent position to the south-west of the A16/A151 roundabout. The premises of Bush Tyres is located to the north-west and Spalding Bakery is located 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 within the defined settlement limit for Spalding as set out in the South Holland Local Plan (2006). The site is located outside of the settlement boundary for Spalding in the South East Lincolnshire Local Plan (Publication Version, March 2017), but is within an area identified as an 'Established Employment Site' which covers the Spalding Bakery premises.

Representations

Cllr Ashby - Fully support this application.

Historic England - No comments. Suggest seeking views of SHDC's specialist conservation and archaeology advisors.

SHDC Environmental Protection - No objections. Requests that parts ii-iv of the standard contaminated land condition be applied.

SHDC Conservation Officer - The proposals appear to be fairly standard for roadside services and are not out of place with the surrounding modern units and McDonalds opposite. I do not consider there to be any material harm arising to heritage assets. No objection.

LCC Highways/SUDS - Does not wish to restrict the grant of permission. Highlights that the road from which the proposed development would take its access is not a public highways, having been 'stopped-up' under the Side Roads Orders for the A16 Spalding By-pass.

LCC Historic Environment Officer - Recommends that an archaeological evaluation is undertaken.

South Holland Drainage Board - No objections.

Public -
- Concern about vehicle and pedestrian safety
- Will lead to more parking on Fulney Lane North
- Impact upon residential amenity (noise, light pollution, odour from restaurant and vehicles)
- Increase in anti-social behaviour (shouting, revving engines, loud radios)
- Increase in litter (attracting vermin and impacting nearby residents)
- Fulney Lane North floods due to the amount of existing hard surface
- Too many existing takeaways in this area (impact on health and obesity)

Material Considerations
- Principle
- Residential amenity
- Impact upon character and appearance of the area
- Highway safety
- Other considerations

Principle

The site is located within the defined settlement limit for Spalding as set out in the South Holland Local Plan (2006) and so development in this located would, in principle, be acceptable.

In terms of specific policy, Policy EC3 of the adopted Local Plan seeks to protect existing employment areas and premises but allows for redevelopment to non-employment uses where the existing use is unsatisfactory or where the benefit of the proposed use outweighs the need to retain the existing use. The supporting text to the policy is clear that the starting point for considering proposals for the loss of any employment site is to assess it in terms of the quantitative and qualitative effect the proposed loss would have on the supply of employment land. Given that the application site is not strategic in scale, the loss of employment land in this location would not have a significant adverse impact on the ability to meet the future need for employment opportunities identified within the evidence base for the soon to be adopted South East Lincolnshire Local Plan (SELLP) (Employment Land Technical Paper (March 2017).

Policy EC7 relating to retail development outside defined retail centres does not apply in this instance given that the total front of house/sales area (120m2) would be less than the 200m2 threshold set out in the policy.

Policy EC10 relates specifically to hot food takeaways. This states that proposals for such uses will be permitted where the use would not harm residential amenity, would not lead to a concentration of such uses within a particular area which would harm residential amenity or the character/function of the shopping area and satisfactory extract ventilation can be achieved without the need for externally mounted equipment which would harm the character and appearance of the host building and of the area in which it is set. In terms of the first point, this shall be considered in further detail

later in this report (section on residential amenity). With regard to the second point, it is not considered that the proposal would result in an unacceptable concentration of hot food takeaways in the area that would harm the amenity of local residents by reason of noise and general disturbance or anti-social behaviour. McDonald's is the closest takeaway being diagonally opposite on the other side of the roundabout (and there are few residential properties in close proximity), but other food outlets with takeaway elements are situated within Springfields Shopping Outlet (e.g. Subway, Cafe Nero, Costa) which is a destination in itself and visits to such food outlets would generally be expected to be in conjunction with a planned shopping trip. Other hot food outlets are 500m or more away from the application site and so it is not considered that the proposed development would have a cumulative adverse impact on residential amenity. The impact on the character and appearance of the area would be acceptable.

In terms of the soon to be adopted South East Lincolnshire Local Plan (SELLP), the site is outside the settlement boundary for Spalding but is within an area identified as an 'Established Employment Site' which covers the Spalding Bakery premises. The intention is 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, would 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 30 full-time staff. It is therefore not considered that there is significant conflict with emerging policy.

Overall, the proposal is considered to be acceptable in local planning policy terms.

A retail impact assessment is not required because the proposed gross internal floorspace (248m2) is considerably lower than the 2,500m2 threshold set out in the NPPF, and there is no locally adopted threshold at present. A 250m2 threshold is set out in the SELLP for proposals outside of Spalding Town Centre but the proposed use would still fall below this. Furthermore, given the nature of the proposal and its likely source of custom, it is not considered that it would be reasonable to request a retail impact assessment or sequential test. The Transport Assessment submitted with the application indicates that 70-72% of the KFC customers would represent 'pass-by' trade that would tend to form part of an onward journey. 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.

Residential amenity

Concerns have been raised by nearby residents about the potential for noise pollution, light pollution (car lights flashing into windows and lighting in restaurant) and odour from the proposed restaurant and vehicles accessing it. This concern is noted however, SHDC Environmental Protection have not objected to the proposal and with a development of this nature issues such as car lights at night are an inevitable occurrence. 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.

In terms of the potential for an increase in litter (thereby attracting vermin and impacting nearby residents), a number of litter bins will be provided around this site and the site itself will be maintained with frequent litter collections. As previously mentioned, 70-72% of the KFC customers would represent 'pass-by' trade and so, although it cannot be guaranteed, this should reduce the littering of the surrounding area with customers taking their food, and therefore rubbish, away with them.

Impact upon character and appearance of the area

The site is currently grassed at present and is in a 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 diagonally opposite on the other side of the boundary. 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.

Highway safety

Concerns have been raised regarding vehicle and pedestrian safety in the vicinity and that the proposal would lead to more parking on Fulney Lane North. LCC have not objected to the application on highway or parking grounds, and so it would be unreasonable to refuse the application on this basis.

Other considerations

In addition to the above concerns, drainage was also raised as an issue by an objector who stated that Fulney Lane North floods due to the amount of existing hard surface. A surface water drainage strategy was submitted as part of the Flood Risk Assessment and LCC as Lead Local Flood Authority have not objected to the application. It is therefore considered that surface water can be disposed of adequately.

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 which restricts hot food takeaways near schools.

Conclusion

Taking the above into account, the proposal is considered to be in accordance with Policies EC3, EC7, EC10, SG1, SG14 and SG17 of the South Holland Local Plan (2006), as well as Section 12 of the National Planning Policy Framework (2018).

The recommendation is therefore for a delegated approval.