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WALSINGHAM PLANNING

SPECIALIST PLANNING & DEVELOPMENT CONSULTANTS

Planning Statement

Land at A151/A16, Spalding, PE12 6EP

OCTOBER 2018

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CONTENTS

1 INTRODUCTION 2

2 SITE & SURROUNDINGS 3

3 THE PROPOSED DEVELOPMENT 4

4 PLANNING POLICY 6

5 PLANNING ASSESSMENT 16

6 CONCLUSION 21

1 INTRODUCTION

1.1 Walsingham Planning has been instructed by the SME Group Plc to submit a planning application for the erection of a drive thru KFC restaurant on land at the junction of A151 and A16 in Spalding. The drive thru would be a Class A3/A5 KFC drive thru.

1.2 In addition to this Planning Statement (including Sequential Assessment and Retail Impact Assessment), the application is supported by the following documents:

- Site Location Plan – drawing no. 2005595/2018/G000 – Rev A
- Site Plan - drawing no. 2005733-2018-G121- Rev D
- Proposed Elevations C and D - drawing no.2005733/2018/G212 – Rev A
- Proposed Elevations A and B - drawing no. 2005733/2018/G211 – Rev A
- Proposed Ground Floor Plan - drawing no. 2005733/2018/G100 – Rev A
- Proposed Roof Plan - drawing no. 2005733/2018/G210
- Proposed Landscaping Plan - drawing no. 2005733-2018-G123
- Design and Access Statement
- Geo-Environmental Report – Enzygo
- Flood Risk Assessment – Simpson Consulting Engineers
- Transport Assessment – RGP
- Flooding Sequential Test – Walsingham Planning

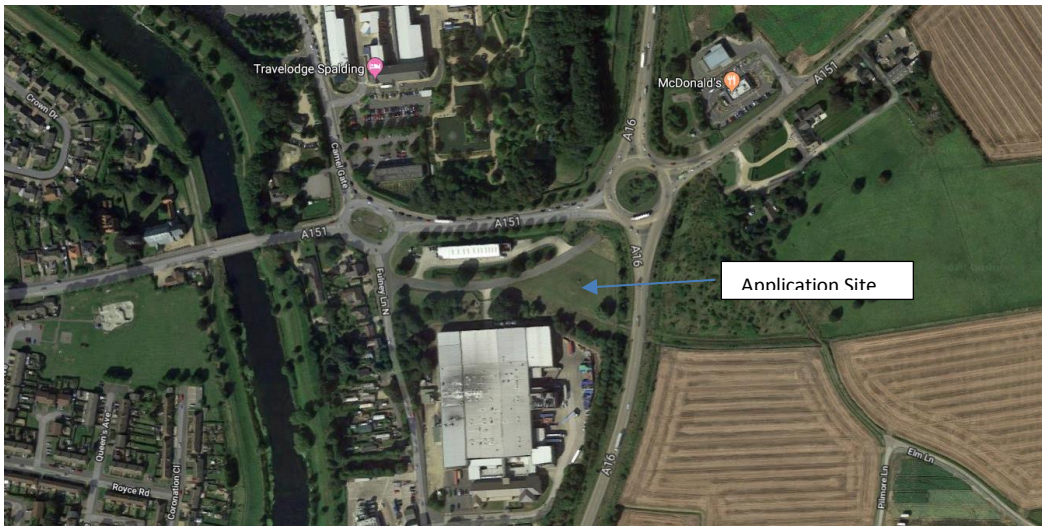
1.3 This statement will describe the site and surroundings, document the site's planning history and assess the proposals against relevant development plan policies and any other material considerations. It is concluded that the proposals would accord with the Development Plan such that a recommendation for approval of planning permission is appropriate.

2 SITE & SURROUNDINGS

Site Description

2.1 The application site has an area of 0.37 ha and lies on the south side of A151 at the roundabout junction with A16 on the north-eastern edge of Spalding. It consists an area of open land which is undeveloped land with mature trees to the southern bounday.

2.2 The site is within flood zone 3 as is much of Spalding.



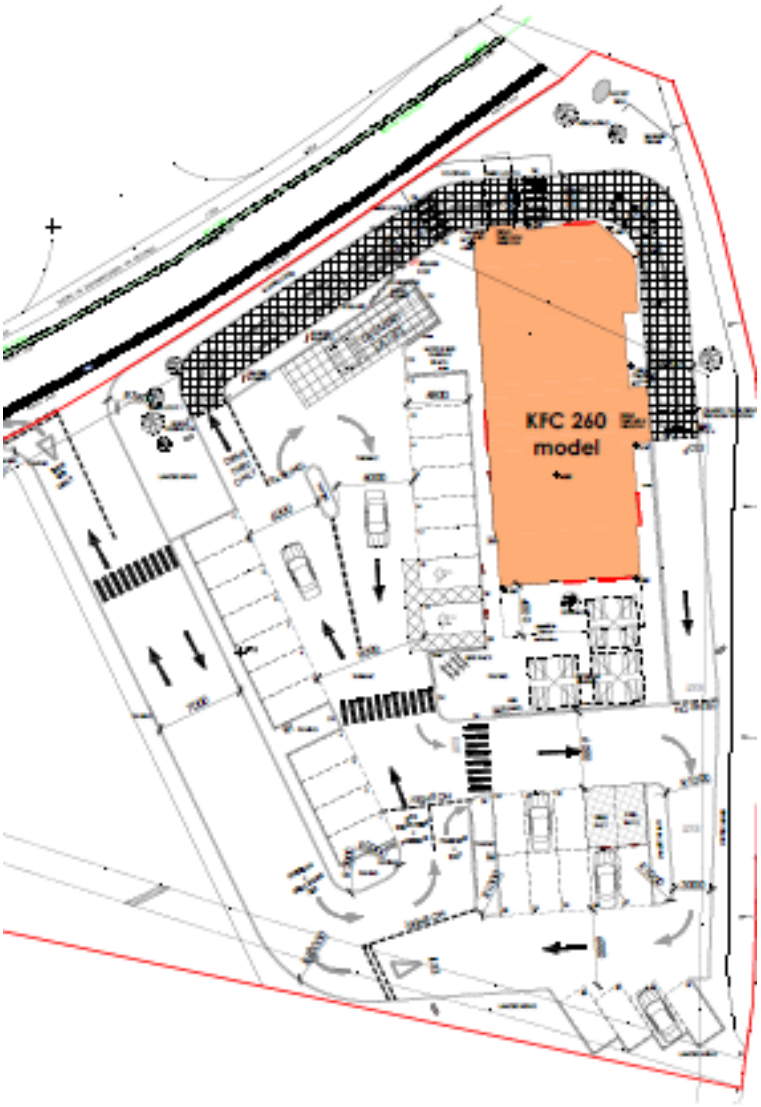
Application Site

2.3 To the South of the site is the Spalding Bakery. To the North East of the site, the access road is a single storey building that houses "Bush Tyres". On the opposite corner of the roundabout (intersection of A16 and A151) is a petrol filling station and a 24 hour McDonalds.

3 THE PROPOSED DEVELOPMENT

3.1 The proposal is for the erection of a single storey drive thru restaurant/takeaway (Class A3/A5 KFC), with associated car parking, cycle parking, landscaping and access.

3.2 The access to the new KFC will be from an existing access road that is off Fulney Road North. 33 car parking spaces will be provided, including 2 disabled spaces and 2 grill spaces.



Proposed Site Plan

3.3 The KFC restaurant/takeaway will be positioned in the eastern part of the site, parallel to the A16. The single storey building will provide 247.8 m^2 floorspace and have an enclosed yard to the rear. It will incorporate a flat roof and use a palette of materials including timber effect panels for the walls with large areas of glazing to the customer areas. The entrance will be in KFC red. Customer toilets will be provided, including a disabled toilet. Double doors will be provided on the rear elevation for servicing. There will be an external customer seating area provided outside KFC.

3.4 Signage will be dealt with as a separate advertisement consent application.

3.5 The developed part of the site will be landscaped to ensure a soft boundary to the A16, the A151 and to the neighbouring sites to the south.

4 PLANNING POLICY

Development Plan

4.1 The Development Plan consists of the Adopted South Holland Local Plan 2006 which was formally adopted on 18 July 2006.

4.2 The South East Lincolnshire Local Plan is the emerging plan (Publication Version March 2017) is a material consideration and should be given some weight in determining this application.

4.3 The assessment below demonstrates how the scheme meets the provisions of the Development Plan and for completeness the emerging Local Plan. A detailed assessment of the relevant issues are set out in Section 5.

SOUTH HOLLAND LOCAL PLAN 2006		
Policy SG1- General Sustainable Development		
POLICY	**RESPONSE**	**EVIDENTIAL JUSTIFICATION**
"Planning permission for development will be granted where the Council is satisfied that the proposal is consistent with the principles of sustainable development, and where: 1) the quality of life for residents is unimpaired or enhanced; 2) reasonable measures have been taken to conserve energy and natural resources; and 3) South Holland's essential character and main environmental assets are not damaged."	Achieved	The proposal would be consistent with principles of sustainable development. It would not result in any harm to either the quality of life of residents, would conserve energy and natural resources and would not harm Spalding's essential character.

Policy EC3 - Existing Employment Areas/Premises		
POLICY	**RESPONSE**	**EVIDENTIAL JUSTIFICATION**
Proposals for new development, redevelopment and changes of use for employment uses within existing employment curtilages and / or proposals for the expansion of existing employment undertakings will be permitted provided they are acceptable in terms of environmental impact, the level of traffic movement and intrusion into the open countryside. Exceptionally, the redevelopment and/or change of use to non employment uses will be permitted where the existing use is unsatisfactory or where the benefit of the proposed use outweighs the need to retain the existing use	Achieved	The assessment against policy EC3 is set out in section 5 below.

Policy EC7 - Retail Development Outside Defined Retail Centres		
POLICY	**RESPONSE**	**EVIDENTIAL JUSTIFICATION**
"Retail development outside defined retail centres will be permitted only where there is an identified need for the development, and: 1) the proposal is consistent with the sequential approach to site selection; 2) the development would not adversely affect the vitality and viability of any nearby retail town, district or local centre; 3) the development would be conveniently accessible to its catchment population by a choice of means of transport; and 4) there would be no significant adverse environmental impact"	Achieved	As the site has only 119.6 m2 of sales area this policy does not apply to this proposal. .

Policy SG9 - Development and Flood Risk		
POLICY In areas of flood risk planning permission will only be granted where a flood risk assessment has been carried out and submitted to the Council. Proposals shall, where necessary, include details of measures designed to reduce the risk and consequences of flooding. For permission to be granted the Strategic Flood Risk Assessment and site specific assessment will need to demonstrate how the proposed development will be defended from flooding for its proposed life, taking into account proposed mitigation measures. Built development that would be at high risk of flooding, or which may be subject to rapid inundation, will not normally be permitted unless exceptionally required for operational reasons	**RESPONSE** Achieved	**EVIDENTIAL JUSTIFICATION** This is considered in detail in section 5 below.
Policy SG14 - Design and Layout of New Development		
POLICY New development should be designed to ensure that it makes a positive contribution to the architectural and visual quality of its surroundings…… In assessing the design and layout of new development the following matters will be taken into consideration:- 1) local distinctiveness; 2) the choice of materials; 3) the historic pattern of development in the locality; 4) the relationship of the development to the character, form and scale of existing buildings nearby; 5) the scale, form and height of the proposed development; 6) architectural detailing;	**RESPONSE** Achieved	**EVIDENTIAL JUSTIFICATION** This is considered in detail in section 5 below.

7) the effect of the development on the amenity of nearby residents in terms of noise, smell, general disturbance, overlooking and loss of light; 8) planting and measures to promote biodiversity; 9) the layout of vehicular access, parking and manoeuvring facilities and the provision of facilities for cyclists and pedestrians; 10) the needs of disabled persons; 11) the use of sustainable materials and methods of construction; 12) measures to reduce the potential for crime and disorder		

South East Lincolnshire Local Plan (Publication Version March 2017)		
Policy 8: Improving South East Lincolnshire's Employment Land Portfolio		
POLICY	**RESPONSE**	**EVIDENTIAL JUSTIFICATION**
"Any non-B development will only be supported where the applicant can show that it is ancillary to the effective functioning of the Established Employment Site."	Achieved	This is considered in detail in section 5 below.
Policy 21: The Retail Hierarchy		
POLICY	**RESPONSE**	**EVIDENTIAL JUSTIFICATION**
"The town centres of Boston and Spalding will be the locational focus for the development of town centre uses; planning permission will be granted for retail, food and drink outlets, financial and professional services, leisure and tourist-related uses (Classes A1-A5, B1, D1 and D2) and residential development."	Achieved	As the site has only 119.6 m2 of sales area this policy does not apply to this proposal.

Policy 3: Development Management		
POLICY Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to: 1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses; 2. quality of design and orientation; 3. maximising the use of sustainable materials and resources; 4. access and vehicle generation levels; 5. the capacity of existing community services and infrastructure; 6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion; 7. sustainable drainage and flood risk; and 8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets	**RESPONSE** Achieved	**EVIDENTIAL JUSTIFICATION** This is considered in detail in section 5 below.
Policy 4: Design of New Development		
POLICY "All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. Design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable."	**RESPONSE** Achieved	**EVIDENTIAL JUSTIFICATION** This is considered in detail in section 5 below.

National Planning Policy Framework (2018)

Introduction

4.4 The National Planning Policy Framework was published on 24 July 2018. This document sets out the Government's objectives for the planning system placing "sustainability" at the forefront of national planning policy. Paragraph 8 explains that " Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives)."

4.6 Paragraph 8 explains that there are three overarching objectives to sustainable development: economic, social and environmental, as follows:

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

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

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

4.7 The three components need to be pursued in an integrated way looking for solutions which deliver multiple goals. It is therefore clear that what the National

Planning Policy Framework wishes to see is balanced decision making with all factors considered rather than "development control" decisions made in isolation of the three overriding principles.

4.8 Paragraph 11 continues by stating that:

> *"For decision-taking this means:*
>
> c) approving development proposals that accord with an up-to-date development plan without delay; and
> d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date7, granting permission unless:
>
> > i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or
> > ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

Building a strong, competitive economy

4.9 The document identifies that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Paragraph 80 states :

> *"Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation40, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential".*

4.10 Paragraph 82 of the Framework states: "Planning policies and decisions should recognise and address the specific locational requirements of different sectors."

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Retail and Town Centres

4.11 Section 7 of the Framework sets out the Government's policy in relation to maintaining the vitality of town centres. Paragraph 86 of the document explains that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre. Paragraph 89 then describes the impact assessment, which should be undertaken for edge and out-of-centre retail developments that are over 2,500sq.m in size, or where the locally defined impact threshold indicates otherwise.

Promoting sustainable transport

4.12 Section 9 of the Framework relates to the promotion of sustainable transport. Paragraph 111 states that: "All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed". A Transport Assessment has been prepared and submitted as part of the planning application.

4.13 Paragraph 110 highlights the need to facilitate sustainable modes of travel. It states that applications for development should:

> a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
>
> b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Design

4.14 In terms of design the NPPF states that: " Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.." (paragraph 124)

4.15 The Government requirement is for 'good design' and the following paragraph 127 states that decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and

where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Flooding

4.16 Paragraph 155 of the NPPF states that inappropriate development in areas at risk from flooding should be avoided by directing development away from areas at highest risk but, where development is necessary, making it safe without increasing flood risk elsewhere.

4.17 Paragraph 158 goes on to state that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding and development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

4.18 Paragraph 163 sets out clearly the assessment process for determining applications in areas liable to flood. "Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;

b) the development is appropriately flood resistant and resilient;

c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;

d) any residual risk can be safely managed; and

e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan."

"

5 PLANNING ASSESSMENT

Principle of Development

5.1 The review of national planning policy in Section 4 shows that there is a real focus on the need for sustainable economic development. Government policy is clear that there should be a presumption in favour of sustainable development, that economic growth is a high priority and that planning should encourage and not act as an impediment to sustainable growth.

5.2 The application site is located part of a wider employment site that is called Fulney Lane North in the emerging South East Lincolnshire Local Plan. The application site is a landscaped area to the North of the Spalding Bakery and currently has no employment function.

5.3 The adopted Local Plan in policy EC3 seeks to protect existing employment areas and premises. It allows the redevelopment where the existing use is unsatisfactory. This is defined in the supporting text (paragraph 5.23) as whether the loss would have an impact on the supply of employment land and whether the existing use has a significant environmental impact.

5.4 The emerging Local Plan Policy for established employment sites is set on in Policy 8. This allows non employment uses where it can be shown that the proposed use would be ancillary to the effective functioning of the Established Employment Site

5.5 As the proposed site has no employment function and the use is of a small scale in terms of building size and traffic movements, it would be clearly ancillary to the wider function of the Fulney Lane North employment site. Furthermore, the proposed use would generate employment for approximately 35 people.

5.6 The existing site is unsatisfactory in that it provides no employment function. The proposed use would deliver significant employment on the site. It would be

ancillary to the wider employment site. On this basis, the principle of development can be accepted as the proposal would be in accordance with both EC3 of the adopted Local Plan and Policy 8 of the emerging Local Plan.

Sustainable Development

5.7 In relation to the three objectives of sustainable development set out in the NPPF, the following is noted:

- *An economic objective* – the application scheme will make efficient use of this partly brownfield site. The proposal will generate nearly 35 new jobs, in addition to employment created during the construction phase. It will also build on business for local retailers through linked trips.

- *A social objective*– the proposal will provide a food and drink facilities close to an identified local need and consumer base. New jobs will increase local spending power.

- *An environmental objective* – the application proposal involves the redevelopment of a vacant site within the existing employment area which will improve its physical environment. A comprehensive landscaping scheme will be incorporated into the proposals.

5.8 The NPPF makes clear that there should be a presumption in favour of sustainable development and that "development which is sustainable can be approved without delay" (paragraph 11). The proposals are considered to constitute sustainable development and should therefore be approved.

Design

5.9 Policies SG14 from the adopted Local Plan and policy 4 of the emerging Local Plan set a number of criteria for assessing whether the proposed design of a proposal would harm the character and appearance of the wider area and locality.

5.10 The proposed development is located on an industrial estate where there is no particular local distinctiveness. Therefore, the proposed building has been designed to be only single storey with a flat roof. The scale, form and height of the proposed building is such that the building would not have a significant impact on the street scene or character of the area.

5.11 The proposed architectural detailing and materials have been proposed so that the use of wooden panels reflects the landscaping to the south and east of the site but also the landscaping that is proposed as part of the proposal.

5.12 Refuse/recycling storage will be provided for the development. In terms of sustainability high insulations standards will be achieved with air source heat pumps.

5.13 The proposed building has been designed so that it would be flood resistant. This is set out in the Flood Risk Assessment submitted with this application.

5.14 Overall, the proposed development would be of an appropriate scale for the site with materials and landscaping that would ensure that the building does not harm the character and appearance of the area. Furthermore, the proposed building would be sustainable, mitigate any flood risk and would have sufficient refuse and recycling facilities. The proposed building would therefore be in accordance with Policies SG14 from the adopted Local Plan and policy 4 of the emerging Local Plan.

Transport and Parking

5.15 The vehicular layout of the proposed development provides for 33 car parking spaces will be provided, including 2 disabled spaces and 2 grill spaces. Cycle parking will be provided to the front of the new KFC.

5.16 The site is well positioned close to its target market of passing vehicular trade but it will also serve the surrounding business areas and link well with the Springfields retail park.

5.17 A Transport Assessment submitted with the application concludes:

> "Extensive survey information has been consulted to determine the existing and post-development operation of the site in terms of trip generation and parking demand. The results show that the trips generated by the site would not be detrimental to the current functioning of the local highway network and the parking provision, as proposed, would be sufficient to accommodate demand."

5.18 The Transport Assessment accompanies the application also confirms that the parking provision is at an acceptable level. Given the conclusions, the proposed development therefore complies with adopted policies SG15 and SG16 and emerging policy 29.

Flooding and Drainage

5.19 As the Development Plan policy SG9 is not in accordance with the NPPF and NPPG, it is considered to be out of date and should be accorded very little weight. Therefore, the NPPF and NPPG should be accorded significant weight. Given this, the proposal has been assessed against the NPPF and NPPG tests which are also reflected in emerging policy 27 of the South East Lincolnshire Local Plan.

5.20 Paragraph 158 of the NPPF indicates that inappropriate development in areas at risk of flooding should be avoided by directing it away from areas at highest risk by the

application of the Sequential Test (ST). The aim is to ensure that development only takes place in areas at risk from flooding if there are no reasonably available alternative sites at locations where the risk is less.

5.21 In support of this application a sequential test has been prepared. This adopts a search area for the whole of the Spalding. The conclusion from the search is that of 39 sites examined in detail, there is no suitable and available site for this development. The sequential test is therefore passed. Overall, it therefore can be concluded that there are no reasonably available alternative sites and that the proposal would not increase the flood risk elsewhere.

6 CONCLUSION

6.1 The application proposes the erection of adrive thrus on land at the junction of the A16 and A151. The drive thru would be within use Class A3/A5.

6.2 The following conclusions can be drawn:

- The redevelopment would represent a more efficient use of a site within the established urban area.
- The site is in a good location to attract passing trade to enhance food and drink provision local employees.
- There will be a positive economic impact as a result of the development through the creation of nearly 30 jobs and increased earnings in the local area.
- There are no sequentially preferable alternative sites for the development. The proposals would not increase the flood risk elsewhere as there are no other alternative sites.
- The proposals represent a bespoke design and will create a high quality, modern development that makes efficient use of the land. The accompanying landscaping scheme will ensure the development sits comfortably in its surroundings.

6.3 In light of the above, it is concluded that:

1. The proposal accords with national and local planning policy, as set out in the National Planning Policy Framework and the Development Plan;
2. There are no other material considerations, that outweigh the presumption in favour of sustainable development as set out in the National Planning Policy Framework; and
3. The site is considered suitable and appropriate for the proposed development.

6.4 The overall conclusion therefore is that the application should be treated favourably and planning permission should be granted in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004.