

<b>Application Number:</b>	2020/0903/FUL
<b>Site Address:</b>	238 Nettleham Road, Lincoln
<b>Target Date:</b>	1st March 2021
<b>Agent Name:</b>	Globe Consultants Ltd
<b>Applicant Name:</b>	Taylor Lindsey Limited
<b>Proposal:</b>	Change of use from existing restaurant (Class E) to drive-thru restaurant (Class E and Sui Generis) and external modifications to building to include provision of drive-thru lane.

### **Background - Site Location and Description**

The application proposes the change of use from an existing restaurant (Use Class E) to drive-thru restaurant (Mixed Use Class E and Sui Generis) with external modifications to building to include provision of drive-thru lane, a minor reconfiguration of the car park, new condenser compound, and associated hard and soft landscaping improvement works.

The application property is 238 Nettleham Road the former (now closed) Pizza Hut restaurant. The site is located on land to the south-east of Nettleham Road and included within the Nettleham Road District Centre as designated by the Central Lincolnshire Local Plan. Nettleham Road is to the north west, Nettleham Road Shopping Centre is to the east, existing housing served via Browning Drive to the south west and residential apartments to the south which are accessed from Nettleham Road.

### **Site History**

No relevant site history.

### **Case Officer Site Visit**

Undertaken on 14th February 2021.

### **Policies Referred to**

- Policy LP1 A Presumption in Favour of Sustainable Development
- Policy LP13 Accessibility and Transport
- Policy LP26 Design and Amenity
- Policy LP34 Lincoln's District and Local Shopping Centres
- National Planning Policy Framework

### **Issues**

- Policy context and principle
- Effect on visual amenity
- Impact on residential amenity and neighbouring uses
- Access, parking and highways

## **Consultations**

Consultations were carried out in accordance with the Statement of Community Involvement, adopted January 2018.

## **Statutory Consultation Responses**

Consultee	Comment
Highways & Planning	Comments Received
Environmental Health	Comments Received
Lincolnshire Police	Comments Received

## **Public Consultation Responses**

Name	Address
Mr Tomasz Gawlik	8 Nettleham View Nettleham Road LINCOLN LN2 4GT
Miss Kayley Pitchford	49 Lupin Road Lincoln Lincolnshire LN2 4GB
Mrs Christina Graves	171 Browning Drive ST Giles Lincoln Ln2 4hb
Mr Christopher Spurr	169 Browning Drive Lincoln Lincolnshire LN2 4HB

## **Consideration**

### **Policy Context and Principle**

Policy LP1 of the Central Lincolnshire Local Plan (CLLP) advises that the authority will take a positive approach to development that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). Planning applications that accord with the policies in this Local Plan will be approved without delay.

Policy LP34 states that any proposals for retail, leisure and/or office development in or on the edge of a District and Local Centre are required to:

- a) Contribute to the vitality and mix of uses in the Centre, and meet a need within the immediate locality;
- b) Be appropriate in scale and nature to their location;
- c) Prioritise and promote access by walking, cycling and public transport; and
- d) Complement but not compete with the City Centre.

The District Centres identified in Policy LP34 (which includes Nettleham Road) should perform the following role and function: "Centres serving particular areas within the main settlements, typically including a range of services such as banks, building societies, restaurants, library, and usually with at least one supermarket". The Nettleham Road District Centre includes a diverse range and mix of uses that complement the city centre but also serve a growing local catchment. Accordingly, it is considered that the proposed drive-thru restaurant will contribute to the existing mix of uses found within the wider District Centre but, also, will generate additional footfall and opportunity for custom for the existing businesses which operate in the immediately adjacent units. The proposed development accords with the level of service provision required by Policy LP34 and therefore in this respect the proposal would be in accordance with Policy LP34.

The end user has confirmed this development would lead to the creation of 25 full-time and 30 part-time job opportunities.

### Representations

4 letters of representation have been received which express concern about noise and light pollution and the potential impact another drive-thru would have on Nettleham Road. Representations also include concerns about security and the boundary treatment between the residential properties and the site.

### Impact on Residential Amenity and Neighbouring Uses

Policy LP26 refers to the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy and suggests that these must not be unduly harmed by, or as a result of, the development. The second half of the policy sets out nine criteria which are relevant considerations in terms of amenity and expects, where applicable, each application to ensure that each criterion can be satisfied.

The proposed development has the potential to give rise to elevated levels of noise at neighbouring residential properties, due to onsite vehicle movements, deliveries, plant noise etc. The agent has submitted a noise report that assesses the level of impact on the surrounding residential properties.

The City Council's Pollution Control (PC) Officer has considered the noise report and concluded with specified mitigation in the form of a 2 metre high acoustic barrier for the delivery area conditions to control the hours of opening, delivery hours and waste collection times and a further assessment of external plant noise the proposed use should not give rise to unreasonable levels of disturbance. The agent has no objection to the suggested conditions. Hours of construction will also be conditioned to ensure the development does not give rise to undue disturbance during the construction phase of the development.

To further protect the amenities of neighbours the PC Officer has requested that details of any external lighting be conditioned for approval to ensure that this is appropriately

designed to avoid any off-site impacts.

Finally, the PC Officer has noted that commercial kitchen extract systems can cause significant disturbance when located close to other sensitive development due to both emissions of odour and noise. Therefore a condition is recommended to require details of any systems prior to their installation.

Officers are therefore satisfied that subject to the recommended conditions neighbouring residents and uses will be appropriately protected from potential noise associated with the construction and also the operation of the development. In accordance with CLLP Policy LP26, it is therefore considered that the amenities which neighbouring occupants and uses may reasonably expect to enjoy would not be unduly harmed by or as a result of the development.

### Effect on Visual Amenity

The existing building is constructed from structural steel frames with a brickwork cavity wall construction, powder coated aluminium shopfront windows and doors, and powder coated metal fascias below a curved profiled steel cladded roof. The drive-thru lane is proposed to follow the eastern and southern perimeter of the building, with a portion of the southern part of the existing building demolished in order to accommodate the covered drive-thru lane which includes the 'collection' window, no increase in roof height is proposed. The existing section of brickwork to the north-western elevation (fronting Nettleham Road) will be covered with a corten steel cladding, with all existing cladding being updated to a matt anthracite finish.

Although included on the elevation plans the advertisements would be the subject of a separate application for advertisement consent.

Officers are satisfied that the proposed external alterations would relate well to the site and their surroundings in accordance with CLLP Policy LP26.

### Access, Parking and Highways

The site is accessed from Nettleham Road, although it is possible to exit via the adjacent Nettleham Road Shopping Centre car park, which facilitates traffic wishing to travel south. Pedestrian access is gained via Nettleham Road.

The Site accommodates customer car parking spaces, which are shared between the two units. A total of 31 car parking spaces are provided including a total of 4 disabled spaces; users also benefit from a considerable number of parking spaces on offer at Nettleham Road Shopping Centre. Four 'Sheffield' cycle stands are located adjacent to the KFC drive thru accommodating 8 parked cycles. Segregated service areas are provided to the rear of the two existing units, to accommodate deliveries and refuse collection, both are clearly marked with yellow hatching.

Lincolnshire County Council (LCC) in their capacity as Local Highway Authority (HA) has considered the application along with the accompanying Transport Statement.

The LCC advises that 'The proposal is for a new drive thru facility, following receipt of further information it has been concluded that the proposals incorporate adequate parking provision within the limits of the site. A detailed queuing capacity assessment concludes

that the internal arrangements will not impact on the local highway network. It is a recommendation that the access is improved including the widening of the existing access to enable vehicles to enter and exit the site without incorporating the whole junction to carry out the manoeuvre.'

Officers are therefore satisfied that the application and the objections relating to highway safety and highway capacity have been thoroughly assessed by the LCC in their professional capacity as Local Highway Authority. On this basis officers would raise no objection to the application in this respect.

#### Design and Crime

Lincolnshire Police has raised no objections to the application, although have suggested a document for reference. This has been forwarded onto the agent for his information.

#### **Application Negotiated either at Pre-Application or during process of Application**

Yes.

#### **Financial Implications**

None.

#### **Legal Implications**

None

#### **Equality Implications**

None

#### **Conclusion**

The principle of the use on this site is considered to be acceptable and the application has demonstrated that it has met the policy requirements. The design of the development is acceptable, complementing the architectural style of the local surroundings. It is not considered that the amenities of neighbouring residential properties or neighbouring uses would be unduly harmed by the proposal.

Technical matters relating to highways have been appropriately considered by the relevant statutory consultee and can be dealt with as necessary by condition. The proposal would therefore be in accordance with the requirements of Central Lincolnshire Local Plan Policies LP1, LP34, LP13 and LP26 as well as guidance within the National Planning Policy Framework.

#### **Application Determined within Target Date**

Yes.

#### **Recommendation**

That the application is Granted Conditionally subject to the following conditions:

- 3 Year time limit of the permission
- Development in accordance with approved plans
- Details of vehicular access
- Details of external plant
- Implementation of acoustic barrier
- Details of any extraction/filtration systems
- Assessment of off-site impact of lighting
- Restriction on opening hours
- Restriction on hours for commercial deliveries
- Restriction on hours for waste collections
- Hours of construction