

**BOSTON BOROUGH COUNCIL**

**Planning Committee 3 April 2018**

Reference No: B/17/0508

Expiry Date: 26-Jan-2018

Application Type: Approval of Reserved Matters  
Proposal: Application for approval of reserved matters for the construction of a drive-thru restaurant (mixed use comprising class A1 and class A3) plus internal roadway, parking area and associated development

Site: Plot A, The Quadrant, Land off A16, Boston PE21 7TD

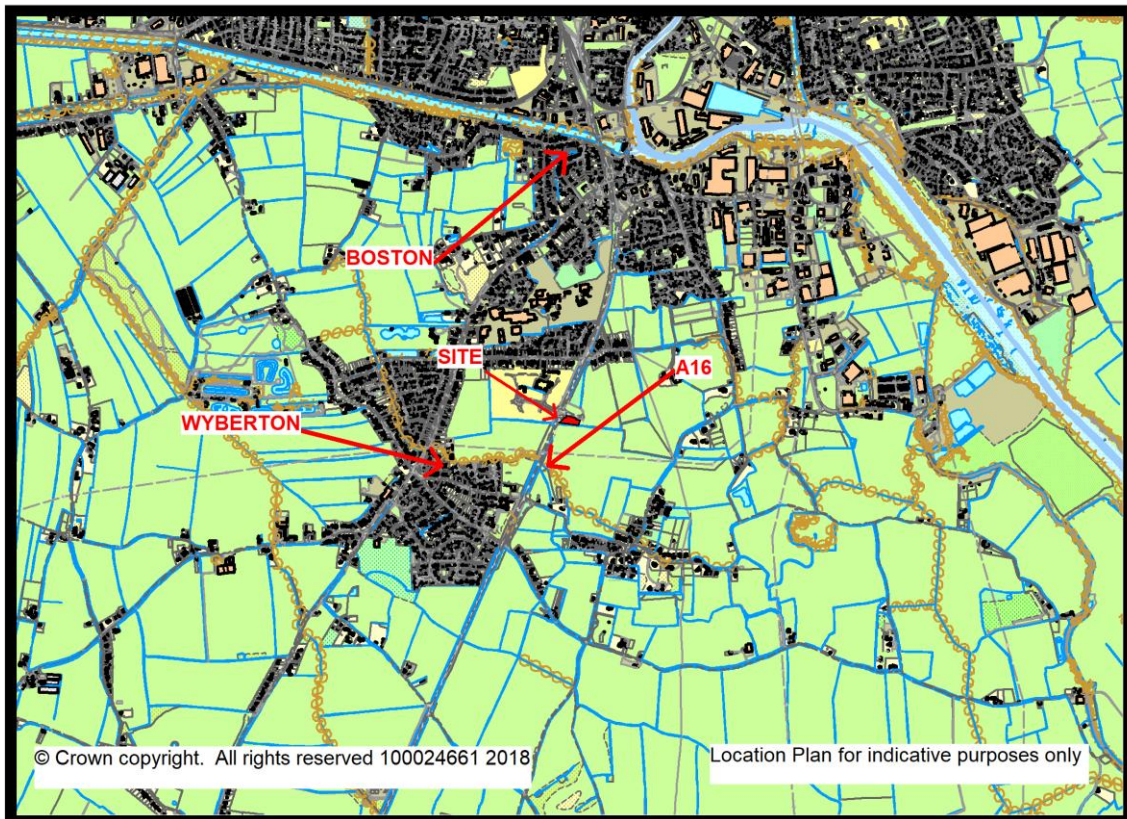
Applicant: Mr Burney

Ward: Wyberton  
Parish: Wyberton Parish Council

Case Officer: Trevor Thompson

Third Party Reps: 1

**Recommendation: Grant approval of reserved matters**



## **1.0 Reason for report**

- 1.1 This application has been presented to the Planning Committee given the history of the site, the scale of the on-going/planned development and because objections have been raised by the Wyberton Parish Council.

## **2.0 Proposal and background**

- 2.1 The application site is known as Plot A which located to the east of the new A16 roundabout at Wyberton. The site forms a parcel of land which occupies about 0.3 hectares and is currently vacant. Plot A is located to the south of the road that runs, in part, from the A16 roundabout to the proposed football stadium which has not yet been built. This stretch of road is partly built and currently extends about 90m from the roundabout. It is currently closed off by traffic bollards. Plot B lies on the northern side which is subject to a separate planning application for the erection of a drive thru coffee shop. The report relating to this application is also on this agenda.
- 2.2 This application is for approval of all reserved matters for the construction of a fast food restaurant with drive-thru facility (mixed use comprising class A1 and class A3) plus internal roadway, parking area and associated development. It follows the outline/hybrid permission which was granted for the 'Quadrant' development in March 2015. (see below- ref B/14/0165). It is proposed that vehicular access to the site will be off this partly constructed link road and about 50m east from the A16 roundabout. It is not intended to construct a new vehicular access onto the A16. The application is accompanied by a transport statement, the contents of which are discussed below. There is a pedestrian 'toucan' crossing across the A16 close to the new roundabout which although currently provides a pedestrian crossing over the A16, it is 'hooded' and not yet operational. It is understood that the toucan crossing will become fully operational when footfall increases.
- 2.3 The proposed building will be about 21m long by 11m wide, with a varying height between 4.5m and 5m. The floor area of the proposed building will cover approximately 235 sqm. The external face of the proposed building includes light and dark grey microrib composite wall cladding, composite timber effect weather boarding with extensive glazing, particularly on the end (west) elevation. The proposed roof will essentially be flat with a slight incline with one part being 0.5 m or so higher than the other to allow for run-off. It will be clad with a white roofing membrane enclosed by a parapet. The intended user of the building will be KFC.

### **3.0 Planning history**

- 3.1 As indicated above, in March 2015 permission was approved for a hybrid planning application (part outline, part full) for a single composite development of:
- A new community stadium for Boston United Football Club, 3G All Weather floodlit pitch and a roundabout junction on the A16.
  - A new distributor road connecting the A16 with London Road,
  - Re-Alignment of the Town's Drain and extension to Wyberton Sports Ground
  - Erection of up to 500 dwellings
  - Erection of a food store (Class A1) and petrol filling station
  - Erection of commercial and leisure uses (Classes A3, A4 and A5 – restaurant, public house and hot food takeaway)
  - Erection of a 60 bed (approximate) hotel, in outline with all matters except access reserved.

at land known as The Quadrant, Wyberton. (Ref B/14/0165)

- 3.2 The outline consent was granted with 50 planning conditions attached to it and was subject to a s106 agreement. This agreement included, in part the following obligations on the owners/developers:
- to, as soon as practicable after the receipt of Community Stadium Funding (£7.6m) and occupation of the 100<sup>th</sup> house and 50% of the commercial floorspace, to let the Stadium Construction Contract
  - to construct the link road between London Rd and A16 before the occupation of the 200<sup>th</sup> house and install a Toucan crossing across it
  - before the Stadium is first used to install the new Toucan on the A16 N of the roundabout and the bus lay-by
  - to pay the Education Contribution and health contributions at certain points during the development period.
- 3.3 In 2017, an application for the approval of reserved matters for residential development including 91 dwellings (phase 1) and 56 dwellings (phase 2) was approved. This application also included discharge of various conditions attached to permission B/14/0165 which related to drainage, protected species, archaeology, bio-diversity and flood risk mitigation.
- 3.5 As Members are aware, various road works, including the new roundabout on the A16 and residential development to the west of the roundabout has commenced on this site. The football stadium has not yet been commenced. This is not in breach of any planning condition or the terms of the s106 agreement.
- 3.6 Condition 28 attached to the outline permission requires that all reserved matters relating this scheme shall not exceed the amounts stated in the approved master plan in terms of dwelling numbers, gross supermarket floor space or commercial leisure floor space and the development shall follow as far as practicable the indicative master plan drawing. A copy of the Masterplan is attached as Appendix 1.

3.7 Condition 42 attached to the outline approval restricts the gross floor-space of the combined class A3, A4 and A5 uses to 2,200 sqm. The proposed use is a mix of both A1 and A3 uses. Whilst an A1 use does not accord with the above condition it is considered that the A3 element of the use is the dominant use and is sufficient to ensure that this current application meets the objectives of this condition. This type of operation also includes an element of A5 use i.e. hot food takeaways.

3.8 Other relevant applications

B/17/0506

Application for approval of reserved matters for the construction of a drive-thru coffee shop (mixed use comprising class A1 and class A3) plus internal roadway, parking area and associated development at plot B. This application has not been determined.

B/17/0509

Advertisement consent for the erection of 2 no. internally illuminated fascia signs and 1 no. 8m high internally illuminated totem sign at plot A, The Quadrant, Wyberton. This application was recently approved for the proposed signage to serve the future user of this site.

#### **4.0 Relevant Policy background**

4.1 The principle of commercial development on this site is established with the outline permission dated March 2015. Conditions on that outline permission also required that the phased development should follow the principles established in the approved Masterplan which was considered as part of the outline application and as part of the Environmental Impact Assessment of the proposals. The Masterplan included commercial development to the east and west of the new A16 roundabout.

#### **Boston Borough Local Plan**

4.2 The development plan consists of the saved policies of the Boston Borough Local Plan (Adopted 1999). S.38 (6) of the 2004 Act requires that determination must be made in accordance with the plan unless material considerations indicate otherwise.

4.3 The saved Local Plan Policies of relevance to this application for the approval of reserved matters are as follows:

- G1 – Amenity
- G2- Wildlife and landscape resources
- G3 – Foul and surface water disposal
- G6 – Vehicular & Pedestrian Access
- G10 –External lighting schemes
- C01- Development in the countryside.

## **NPPF**

- 4.4 The outline permission relating to the whole of this development, including the commercial elements of the scheme was granted having regard to the sustainability objectives of the NPPF. However, the core planning principles in the Framework with regard to the design, to provide a good standard of amenity, to proactively drive and support sustainable economic development and to actively manage patterns of growth to make fullest possible use of public transport, walking and cycling remain relevant to this application.

## **5.0 Representations**

- 5.1 At the time of writing this report, one letter of objection has been received from the resident of 93 Tytton Lane East, Boston. The neighbour has raised objections on the following grounds:
- Concerns about the new A16 roundabout/pedestrian crossing/bus stop/large delivery vehicles/rubbish collection points plus additional traffic which will be generated when the Quadrant is complete is a 'recipe for disaster'. There is only one turning from the A16 to the two proposed outlets, which will both be entrance and exit. Concerns about tail backs onto the A16, especially given this stretch of the road is subject to a 60mph speed limit
  - Development will not be of benefit to Boston or Wyberton - the approach to Boston will not be enhanced, concerns over rubbish /litter.
  - No economic value to the area- application should be rejected until stadium has been built.

## **6.0 Relevant consultations**

- 6.1 Wyberton Parish Council has raised objections to this application on the grounds of the site, bearing in mind the traffic problems caused with McDonalds and Aldi. It is suggested by the Parish Council that the site is re-designed with the kiosk at the rear of the site, therefore traffic waiting to be served will be off the highway. The Parish Council also ask what hours will the site be open.

Officer note: The intended business hours are 7am to 2am on Mondays to Saturdays, 11am to 12 midnight on Sundays and Bank Holidays and delivery times being 6am – 5pm (Monday to Friday) and 6am – 1pm on Saturdays.

- 6.2 County Highways Authority has no objections.
- 6.3 Black Sluice Internal Drainage Board has no objections subject to one condition relating to surface water disposal. (Note: Surface water disposal is subject to a condition attached to the outline permission).
- 6.4 Environment Agency has not responded.
- 6.5 Anglian Water Services has no comments.
- 6.6 Environmental Health has no objections.

## **7.0 Planning issues and discussion**

- 7.1 The principle of an A3, A4 or A5 use on this site has been established by the outline approval as indicated above and in particular condition 28 attached to this approval which requires the development to follow as far as practicable the indicative master plan drawing which is attached as Appendix 1.
- 7.2 The main issues in the determination of the application will therefore be the design and layout of the development and its impact on the character and appearance of the area and secondly, impact on highway safety.

### Design and layout

- 7.3 The design and the proposed building and proposed palette of materials to be used in the construction of this building are indicated above. The proposed building will be set about 6m from the northern boundary of the site fronting onto the partly completed road that will lead to the proposed football stadium. It will also be about 20m from the site's western boundary which fronts onto the A16. Access will be some 50m from the new A16 roundabout and about 12m from the proposed access which will serve the new building at plot B on the opposite side of the road. It is not intended to construct a new vehicular access onto the A16.
- 7.4 It is proposed to construct an internal road which will serve a car park which will provide 42 car spaces and the proposed drive thru facility. There will also be an external patio facility next to the proposed building. Entrance to and exit from this facility will be off the same vehicular access. It is proposed to plant trees and shrubs within the site and around the boundaries of the site as part of a comprehensive landscaping scheme.
- 7.5 The design of the proposed building is contemporary and will not appear out of place given its roadside location. This type of facility is now commonplace along many main roads elsewhere in the county and will appear significantly different to the proposed facility at Plot B. The proposed roof will be covered with a white roofing membrane which may appear a little stark at first but over time will weather and blend in with the rest of the scheme. This roof covering will also be partly obscured by a parapet roof.
- 7.6 The site is within countryside and along a busy and important artery into the town. The proposed development will therefore be very prominent when approaching the town from the south and when leaving the town from the north. It will have an impact on the open characteristics of the area. However, given the design of the scheme, the proposed landscaping and that this development accords with the development principles established at outline stage, it is not considered that this development will adversely affect visual amenity of the character of the area.

## Highway safety

- 7.7 Given the concerns expressed by the Wyberton Parish Council and one neighbour regarding highway safety and the possibility of vehicles queuing back onto the highway, the applicant has submitted an additional plan which shows that the site can accommodate 10 queuing vehicles within the drive thru lane and a further 14 vehicles queued through the car park before entering the highway. Taking into account the 42 car parking spaces to be provided as part of this scheme, this development can therefore accommodate 66 vehicles before any overspill onto the highway.
- 7.8 As indicated above, there is a toucan pedestrian crossing over the A16 to the north of the roundabout which provides pedestrian access from the housing development to the west of the A16 (i.e. phase 1 and 2 in particular) to the proposed restaurant/drive thru facility and the drive thru facility on plot B.
- 7.9 There is also a pedestrian/cycle crossing over the partly built road next to this site about 55m east from the A16 roundabout and about 5m from the proposed vehicular access that will serve this development. This will allow safe pedestrian/cycle crossing to/from the existing footpath network on the eastern side of the A16.
- 7.10 The submitted Transport Statement indicates that it is likely that the vast majority of trips arriving and departing the proposed restaurant will be made as part of an overall journey with the trips already being part of the local highway network traffic flows, visiting the site as part of a linked trip. It also says that a total of 42 car parking spaces is to be provided which is adequate for the size and operational needs of the proposed KFC restaurant with drive-thru. It concludes that 'it is expected that the overall impact on highways capacity or safety will be minimal due to the nature of the vehicle movements accessing and egressing the proposed development'.
- 7.11 The County Highway Authority considers that the information supplied by the applicant demonstrates that queuing on the highway is unlikely to occur and has no objection.

## Other matters

- 7.13 There are no residential properties within the immediate proximity of the site and it is unlikely that residential amenity will be affected by this development. It is considered that there is no planning reason to impose a condition which restricts business hours though a condition has been imposed on the advertisement consent for signs relating to this facility which prevents illumination of the signs except during the hours of opening of the premises. This condition will minimise impact on the area and reduce light pollution.
- 7.14 It is therefore recommended that this application is approved granted subject to the conditions set out below.

## **8.0 RECOMMENDATION: GRANT RESERVED MATTERS**

1 The development hereby permitted shall be begun before the expiration of two years from the date of this approval.

**Reason:** Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

2 The development hereby permitted shall be carried out in accordance with the following approved plans:

- Location plan ref 3606\_L01 (1/5)
- Proposed site plan ref 3606\_PL500 (2/5)
- Proposed ground floor plan ref 3606\_PL501 (3/5)
- Proposed elevations ref 3606\_PL502 (4/5)
- Landscaping plan ref 3606\_PL504 (5/5)

**Reason:** To ensure the development is undertaken in accordance with the approved details and to accord with Adopted Local Plan Policy G1.

3 All landscape works shall be carried out in accordance with the approved details within 6 months of the date of the first occupation of any building or completion of development whichever is the sooner. Any trees, plants, grassed areas which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the first available planting season with others of similar size species or quality, unless the local planning authority gives written consent to any variation.

**Reason:** In the interests of visual amenity and in accordance with Section 197 of the 1990 Act which requires Local Planning Authorities to ensure, where appropriate, adequate provision is made for the preservation or planting of trees, and to ensure that the approved scheme is implemented satisfactorily. The condition accords with Adopted Local Plan Policy G1.

In determining this application the authority has taken account of the guidance in paras 186 – 187 of the NPPF (2012) in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

**Simon Rowberry**  
**Interim Development Manager**