

AGENDA ITEM NO: 9/1(a)

Parish:	Heacham	
Proposal:	Demolition of existing buildings and construction of Class A1 (Retail) food store together with access, car parking and landscaping and associated engineering works	
Location:	Former Petrol Station and R J Stainsby & Son Site 45 Lynn Road Heacham Norfolk	
Applicant:	Lidl UK Gmbh	
Case No:	15/02004/FM (Full Application - Major Development)	
Case Officer:	Mrs N Osler	Date for Determination: 16 March 2016 Extension of Time Expiry Date: 10 June 2016

Reason for Referral to Planning Committee – Deferred from May Committee

Case Summary

Full planning permission is sought for the construction of a Lidl store with access, car-parking, landscaping and associated engineering works following the demolition of existing buildings, including a bungalow, at the former petrol filling station and R J Stainsby & Son site, Heacham.

Approximately half of the site (53%) lies within the existing and proposed development boundary with the remaining (47%) in land designated as countryside.

The site is accessed from the A149 (a Primary Corridor of Movement), on the opposite side of which is an Area of Outstanding Natural Beauty (AONB).

The site lies within Flood Zone 1 as depicted on the Local Authority's Strategic Flood Risk Assessment maps.

Members will recall that this application was deferred from the previous committee meeting primarily to enable a representative from Norfolk County Council Highway's department to be present to answer questions. There was also some discussion regarding design and that it could better draw on local characteristics. The applicant has submitted some clarification in relation to highway issues and an amended indicative southern elevation.

This report remains the same as the previous report although under 'Supporting Case' the additional information mentioned above has been added – it is emboldened for ease of identification.

Key Issues

Principle of Development
Highway Safety
Impact on Residential Development
Drainage / Pollution
Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

Full planning permission is sought for the construction of a Lidl store with access, car-parking, landscaping and associated engineering works following the demolition of existing buildings at the former petrol filling station and R J Stainsby & Son site, Heacham.

The proposed store is shown to cover c.2,240m² (GIA) with a sales area of c.1,425m² (net) containing 80% (1,140m²) convenience floorspace and 20% (285m²) comparison floorspace. The gross external area (GEA) of the store is c.2,515m².

The building is shown to measure c.69.5m x 32.7m (excluding the loading bay) and is 5.1m in height at the northern end and 8.1m high at the southern end. The building is to be constructed with white rendered walls, grey render piers, and metallic silver cladding under a slate-grey aluminium roof with extensive glazing on the eastern elevation and south-eastern entrance foyer. The store would occupy the northern part of the site, with the southern area laid to parking (129 car parking spaces (including 6 disabled bays and 3 parent and child bays) and 8 cycle stands). A single-storey loading bay (contained within the building) is proposed to the west of the site.

Access would be from the south-eastern corner of the site from the A149 (a Primary Corridor of Movement). Highway improvement works are proposed in the form of the provision of a right hand turning lane and footpaths across the frontage as far as The Broadway.

Landscaping buffers are proposed to the north, west and south.

It is anticipated that the store would employ six to eight full-time staff and between 20-25 part-time staff working shift patterns. The opening hours of the store are proposed to be 08.00-22.00 Monday to Saturday and 10.00-16.00 on Sundays and Bank Holidays, with deliveries preferred to be outside of these hours.

Approximately half of the site (53%) lies within the existing and proposed development boundary for Heacham with the remaining (47%) in land designated as countryside. The site is opposite an Area of Outstanding Natural Beauty (AONB).

The site lies within Flood Zone 1 as depicted on the Local Authority's Strategic Flood Risk Assessment maps.

SUPPORTING CASE

Committee noted the County had suggested that an alternative access "may help reduce the impact of summer congestion on the store users but the developer is reluctant to alter the layout"

We would emphasise that:-

1. the County's comment relates to users of the store; and

2. the alternative access arrangement would comprise separate ingress and egress. Lidl is indeed reluctant to provide this for the following reasons:

- First, it would result in vehicular traffic having to exit the site very close to the pedestrian access from Lynn Road and very close to the customer entrance to the store. This would cause undesirable and unnecessary conflict between pedestrians and customers and would represent a less safe option than the access as proposed.
- Second, a benefit of the submitted proposal is that it rationalises the existing ad hoc arrangement of access/egress to the site. The alternative would revert to multiple crossings and break up the footway along the frontage making it less friendly to pedestrians.
- Third, the right turn lane into the site would need to be shortened to avoid confusion for those making the right turn into the site from the north (otherwise, there would be a risk that right turners may mistake the egress for the ingress). Retaining a longer right turn lane is desirable (as noted by Members at committee on 9 May).
- Fourth, the consequent alterations to site layout, including due to changes in levels at the location of the egress, would result in a compromised car park layout with poor circulation. It would also lead to the loss of at least 11 spaces. This could result in customers being unable to park during peak hours which, in turn, could lead to vehicles waiting in the car park for a space or, potentially, waiting on the A149.

Committee noted that the A149 is congested, especially during holiday periods

Whilst this may be true SCP concludes that (i) the situation will not be materially affected by Lidl's proposals; and (ii) this does not make the proposal unsafe in terms of access. Moreover, the use of September survey data (which shows flows materially higher than the average flows) is robust. In addition a comparison between the trips generated by the site's lawful and proposed uses confirms that peak hour traffic movements will not materially increase. The TA confirms that:-

- A petrol filling station could generate 165 vehicles per hour (vph) two way on a weekday PM peak and 200 vph during a Saturday peak hour. Much of this would be pass-by traffic (i.e. already on the network) but it would access the site via an informal access/egress arrangement. This ignores traffic associated with the vehicles sales and workshops on the site.
- The proposed Lidl could generate 200 vph two way on a weekday PM peak and 300 vph on a Saturday. Again, a significant proportion will be pass-by but they will use a single point of access / egress to a design recommended by the Design Manual for Roads and Bridges.

Committee asked if the right turn lane is long enough to accommodate peak hour trips to the site

In this regard the right turn lane is approximately 50m long and can hold 8 vehicles (assuming 6m per queuing vehicle). The junction capacity analysis of the proposed site access contained in the TA confirms that there would be minimal queuing (and much less than 8 vehicles) in the right turn lane during peak hours of operation. On this basis SCP and the County conclude that the right turn lane can accommodate traffic without that extending back into the southbound carriageway.

Committee queried whether the Lavender Farm junction should be improved

SCP and the County have discussed potential improvements at the Lavender Farm junction. However, SCP and the County agree that the proposals would have no material impact on the operation of the junction so that its operation is not a matter for consideration this application. Any suggestion that Lidl might fund improvements that are not required as a consequence of the development that is proposed would conflict with the statutory tests set out in the CIL Regulations.

Committee questioned whether the development would increase 'rat running' in Heacham

Any rat running that takes place at present is clearly not as a consequence of Lidl's proposals. In any event this issue had not been raised by the County in scoping the TA and it is SCP's judgment that the impact of Lidl's proposals would be negligible both in terms of the capacity of nearby junctions and on any potential for rat-running. We understand that Liz Poole is attending committee to answer these and any other questions that Members may have. Jim Budd of SCP and I will also be attending to speak in support of the application and I have advised the Chair of Committee that we are happy to answer any questions direct.

Design Issues

Committee also commented on the design of the proposed store. In this regard, Section 2.0 of the Planning & Retail Statement explains the principles of Lidl's business model and how those relate to the design and layout of Lidl's foodstores and sites. Similarly, the Design & Access Statement explains the design rationale adopted including:-

- the attention paid to providing customers with a modern and attractive store layout;
- the quality of the materials that are used;
- the efficient methods of construction utilised in the construction of Lidl's foodstores;
- the energy efficient management systems that are integral to Lidl's foodstores.

Moreover, the landscape proposals have been designed to be consistent with the pattern of enclosures and boundary treatments that are typical of the locality and along Lynn Road through Heacham, including the use of locally native species. In response to comments from the Parish Council and Committee, Lidl has also considered the scope to add locally distinctive materials to the elevations. Accordingly I have attached an alternative version of the elevations which introduces a Carrstone plinth and columns on the southern elevation which also provides vertical emphasis to the elevation. This is provided as an indicative drawing; however, should the LPA support the revised elevations Lidl would be content with a condition that required that development proceed on this basis, and that materials be agreed.

Please note that Lidl has commissioned a CGI of the proposals which will show the landscape proposals at maturity, and the introduction of Carrstone detailing. This will be provided as soon as possible'.

The application was accompanied by a Planning and Retail Statement, Design and Access Statement, Transport Assessment, Travel Plan, Ecological Assessment and Flood Risk / Drainage Assessment. Supplementary drainage, transport and landscape impact information was submitted during the application process to address issues raised.

The conclusion of these reports is:

- The proposal will replace a disparate group of buildings, areas of hardstanding and vehicle storage / sales and associated paraphernalia with a single, well-designed and well managed building and parking area,
- The impact on the landscape will change, although it will be no more visible from or across the AONB than the existing development with views limited to glimpses from the north and east. From the south the development will be viewed in the context of the existing built form on the edge of Heacham,
- The store is located in the most appropriate part of the site on land currently occupied by workshops, thus minimising its impact on the open land adjacent to the site and orientated so that its quiet elevation is adjacent to housing,
- The pedestrian access from the Broadway will remain open for use by those residents who use it to access the rear of their properties, but will be closed at the site boundary to avoid access to the site and disturbance to those residents,
- The proposed access is inherently safer than the existing ad hoc movements that can occur into and out of the site,
- The footway will be widened along the site frontage to 3m as far north as The Broadway,
- Hunstanton has a more extensive retail and service provision than Heacham (in line with its position in the settlement hierarchy) yet Hunstanton has a population of 521 fewer than Heacham. In this context delivering a food store in Heacham is consistent with the objective of ensuring that new investment is directed to the most sustainable places and that locally appropriate levels of growth take place in KRSCs,
- The site is well located in terms of the opportunities to access the site by sustainable modes of transport including on foot, by bicycle and by bus,
- Parking provision (for vehicles and bicycles) is in accordance with current parking standards,
- The proposed junction could easily accommodate the traffic movements associated with the proposed development and is technically acceptable to the Local Highway Authority who raise no objection to the proposed development,
- The suggested SuDS system will provide both a reduction in flow and reduction in volume into the existing watercourse.

PLANNING HISTORY

2/03/0564/F: Application Permitted: 24/06/03 - Construction of storage building

2/97/0799/F: Application Permitted: 10/07/97 - Provision of roof on existing car wash bay

2/93/1807/A: Application Permitted: 07/02/94 - Non-illuminated projecting sign

RESPONSE TO CONSULTATION

Heacham Parish Council: Following a meeting between representatives of Lidl and Heacham Parish Council, the Parish Council still has concerns. The Parish Council will reconsider its objection if:

- The access to the A149 is revisited by both Lidl and Highways and suitable improvements made to the Lavender junction (as already discussed between Lidl and Highways but not fully agreed), and includes box junction markings (not discussed by Highways but considered sensible by HPC and the highways consultant used by Lidl);

- The appearance of the store satisfies the North Norfolk Coast Partnership and can be identified with Heacham. Also, landscaping on the south side, at least, is effective in merging the car park into the countryside;
- The Internal Drainage Board is fully satisfied with the new drainage arrangements; and
- The retail impact assessment commissioned by BCKLWN is satisfactory.

Hunstanton Town Council: SUPPORTS in principle, but takes on board Heacham Parish Council's concerns

Highways Authority: NO OBJECTION - The site is to be accessed via a Right Hand Turn Lane (RHTL). The RHTL will be designed by the Highway Authority and either delivered by the Highway Authority or delivered by the developer.

The Highway Authority accepts that for the majority of the year, the site layout as proposed should operate satisfactorily. However the developer should be aware that during summer months, the site may not operate satisfactorily and that customers of the development may suffer queuing within the site which may affect how the store operates.

The Highway Authority has requested a different layout which may help reduce the impact of the summer congestion on the store users but the developer is reluctant to alter the layout. That said, the assessment of the operation of the access has been undertaken based on September flows which are 12% above the annual average daily traffic flows and the access has been shown to operate satisfactorily. Whilst the impact of the peak summer months is a consideration, it is not an appropriate reason to recommend objection to the application.

In light of the above, the Highway Authority recommends no objection subject to conditions.

Internal Drainage Board NO OBJECTION to the principle of the drainage strategy. However any permission granted should be conditioned to provide full details following further investigations.

Environment Agency NO OBJECTION subject to conditions relating to pollution prevention

Lead Local Flood Authority: NO OBJECTION

Historic Environment Service: NO OBJECTION subject to conditions

Environmental Health & Housing – Environmental Quality NO OBJECTION subject to conditions

Environmental Health & Housing – CSNN NO OBJECTION subject to conditions

Norfolk Coast Partnership: NO OBJECTION - Although visibility of the site from the AONB would be limited, possibly to the adjacent, currently arable, field the impact on the setting of the AONB is a valid consideration (as provided in paras 113, 115 of the National Planning Policy Framework). The current petrol station does not contribute positively to the setting of the AONB, but the proposed store would represent a significant intensification of development on the site both in area and height, and would expand into the open countryside to the south with the loss of part of a hedgerow.

There is a potential opportunity to enhance the setting of the AONB relative to the current situation but the proposed design and landscaping, consisting essentially of planting of low ornamental shrubs, would not integrate effectively into the existing landscape setting.

I suggest that the applicants should be requested to reconsider the landscape setting and possible design improvements, particularly on the eastern elevation, but also improved landscaping proposals to achieve more effective integration of the building and car parking area.

CPRE: OBJECTS based upon impact on the AONB / damage to landscape and damage to potential rural businesses.

Natural England: NO OBJECTION - Careful consideration should be given to any direct and indirect effects upon the AONB.

Arboricultural / Landscape Officer: NO OBJECTION – the landscaping scheme is entirely appropriate for the surroundings

REPRESENTATIONS

TWENTY letters of **OBJECTION** have been received. The issues include:

- Impact on adjacent properties in terms of boundary treatments and noise and dust,
- Road safety and traffic flow concerns,
- Unacceptable impact on shops in Heacham,
- Impact on AONB,
- Design and materials (mostly glazing) are not in keeping with character of the locality,
- Will set a precedent for housing development along the A149 adjacent to the store,
- The granting of permission could turn out to be criminal negligence,
- Nuisance associated with abandoned trolleys,
- Site is too far from the centre of the village,
- Too close to residential development,
- Drainage and flooding – poor drainage in the locality will contribute to flooding
- The on-site congestion mentioned in the Highways comments will lead people to park on the Broadway which will lead to unacceptable impact on residents of the Broadway,
- There should be no activity (deliveries etc.) outside of the proposed hours of opening (8am to 10pm),
- Lights should be extinguished by 9pm and not relit until 7am,
- The proposal will have a negative impact on tourism as tourists will be put off coming because of the slow moving traffic,
- Emergency vehicles will get caught in even heavier traffic,
- The building should be orientated north to south with car parking on all sides to lessen the impact on existing residents,
- Impact on wider road network of Heacham,
- The northern end of the track from Broadway should be gated (to enable access only) to prevent rubbish dumping, dog fouling and other nuisance behaviour,
- The A149 is already incapable of dealing with the volume of traffic that now uses it, and this is only going to get worse because of the number of residential developments being approved / proposed in the Heacham / Hunstanton area and the closure of the recycling site in Docking going to the Heacham recycling units which is opposite the site,
- Norfolk County Highways is not sufficiently resourced to offer reliable and transparent assessments of the impacts of this (and other) developments,

- In the long term the proposed development would result in job losses not job gains because local stores would eventually close,
- Heacham is a village not a town, and the proposed supermarket belongs in a town and that's where it should be,
- The argument that that placing a supermarket in Heacham will reduce traffic by reducing necessary journeys to surrounding town is – the development will only increase traffic,
- More traffic surveys are required – in the summer months and in peak times,
- It should not be forgotten that turning right out of the village was very dangerous, and the reason for the installation of traffic lights at the nearby junction,
- Do we need another LIDL? Is one in King's Lynn and one in Fakenham not enough?
- The existing use of the site is irrelevant to the current application,

ELEVEN letters of **SUPPORT** have been received. The reasons are:

- Will no longer have to travel to Fakenham or King's Lynn in order to shop at Lidl,
- This is a good, properly researched, proposal,
- Heacham residents will be able to pay fair prices for groceries in the future rather than the inflated prices currently set for the holiday makers,
- In support, but suggests that the access should be protected with traffic lights,
- Several cash machines should be installed,
- The proposal will mean that the residents of Heacham can shop on their own doorstep without having to travel to King's Lynn or Hunstanton,
- Will offer much needed jobs that aren't seasonal,
- In support, but does have reservations about traffic generation,
- Questions whether vehicles wishing to travel south travel via Broadway, Nourse Drive, Lynn Road and back to the rights to turn right? If so this will cause problems – wouldn't a roundabout be a more sensible option?
- Fully support, the produce and prices are better than Tesco and Co-op,
- The issues of drainage and traffic currently exist – perhaps this will be the push needed to get them fixed,
- Holiday home owners will find this very useful and be able to drop in on the way through – the sooner the better,
- It is getting increasingly difficult to find a parking space in Sainsbury (or the surrounding streets) or Tesco in Hunstanton; this application will alleviate the pressure on both these stores,
- More choice,
- A business has operated from the site in excess of 80 years without comment or incident,
- This makes good use of a brownfield site.

NATIONAL GUIDANCE

National Planning Policy Framework – sets out the Government's planning policies for England and how these are expected to be applied.

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

PLANNING POLICIES

The King's Lynn and West Norfolk Local Plan (1998) contains the following saved policies that are relevant to the proposal:

4/21 - indicates that in built-up areas of towns or villages identified on the Proposals Map as Built Environment Type C or D development will be permitted where it is in character with the locality.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS10 - The Economy

CS11 - Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PRE-SUBMISSION DOCUMENT

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM10 – Retail Development Outside Town Centres

DM12 - Strategic Road Network

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

PLANNING CONSIDERATIONS

The main issues for consideration in the determination of this application are:

- Principle of Development (including the impact on the viability and vitality of Heacham and Hunstanton)
- Highway Safety
- Impact on the AONB
- Impact on Residential Amenity
- Drainage / Pollution
- Other Material Considerations

Principle of Development

The site is in Heacham, a Key Rural Service Centre (KRSC). KRSCs are centres that seek to provide a range of services to meet the day-to-day needs of residents as well as those of surrounding Rural Villages.

Paragraph 6.1.12 of the Core Strategy states that *'Local scale development will be concentrated in identified Key Rural Service Centres. This will include new housing, employment and retail development'*.

Part of the site lies within the existing and proposed development boundary for Heacham. The part that is inside the development boundary is previously developed land, whilst the part outside is designated as countryside. Core Strategy Policy CS06 and emerging Development Management Policy DM2 seek to restrict development outside of these boundaries; although both make provision for employment uses adjacent.

In relation to employment provision, paragraph 28 of the NPPF states that *'planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development... [LPAs should] support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings'*. Core Strategy Policy CS10 expands on this and seeks to retain existing employment land and suggests that permission may be granted on land which would not otherwise be appropriate for an employment generating business as long as the following criteria are met:

- It should be appropriate in size and scale to the local area;
- It should be adjacent to the settlement;
- The development and use should not be of detriment to the local environment or local residents.

However, both national and local policies also seek to protect the viability and vitality of town centres by ensuring that careful consideration is given to retail development outside of town centres. Paragraphs 25 and 26 of the NPPF require LPAs to apply a sequential test and require an impact assessment (the latter applies only to retail development exceeding 2,500m²) to such proposals. Applications that fail one or both should be refused (para. 27).

Discussions with the Local Development Framework Team suggest that there are no suitable sites in Hunstanton Town Centre (or the centre of Heacham) or in edge of centre locations. It is therefore concluded that the sequential test is passed.

The LPA procured the services of Carter Jonas (CJ) to review and appraise the Retail Impact Assessment that accompanied the application in relation to the impact on both of these centres specifically in relation to the convenience element of the proposal [as CJ considers that the 285m² comparison floorspace would have a negligible impact on the vitality and viability of the centres]. CJ concludes that:

- The Limited Assortment Discounter (LAD) model (as categorised by the Competition Commission) operates differently to other traditional convenience retailers both in terms of its customer profile and operational requirements (some key LAD characteristics include: concentration of own brands (about 80% of its product range) which avoids passing on the cost of brand name marketing to the consumer, much more limited produce range c.1,600 lines compared to c.10,000 lines of stores such as Tesco, Sainsbury, Morrison and Asda), and simple product display and stock handling procedures). This in turn influences how trade is diverted to the proposal and the level of impact the proposal will have on the existing centres;

- The Catchment Area adopted by the applicant is sound (Hunstanton, Heacham, Snettisham and Dersingham);
- The timeframe for assessing the impact (2015 as the base year and 2020 as the forecast period) is appropriate and in accordance with para 26 of the NPPF;
- Whilst the convenience data is an estimate only and should be treated with caution, JC considers it is sufficient to undertake an appraisal. The data submitted by the applicant suggests (in relation to Hunstanton):
- 40% of Lidl's turnover would come from Tesco, Hunstanton,
- 26.8% would come from outside of the catchment area (most likely from Lidl and Aldi in King's Lynn),
- 14.97% from Sainsbury, Hunstanton,
- 8.9% from other shops in Hunstanton (although JC consider this is likely to be closer to 10%)
- Even with the slightly higher impact level in relation to the last bullet point, JC concludes that the resultant impact on the vitality and viability of the centre is unlikely to be considered as 'significantly adverse',
- In relation to Heacham (where the key shopping areas were concluded to be: a small parade on Station Road (which includes the Co-op), the High Street, and Tesco Express on Lynn Road) the data submitted suggests:
- 2.6% of Lidl's turnover would come from Tesco Express with 2% from the Co-op.
- Whilst JC suggests that it is possible that the impact on these stores could be higher, they conclude, on balance, that the development would not result in the closure of any single store or have a significantly adverse impact on the 'centre' of Heacham as a whole.

In summary Carter Jonas concludes that the scale and type of out of centre retail floorspace proposed by the current application is unlikely to have a 'significant adverse impact' on the vitality and viability of either Hunstanton town centre or the centre of Heacham.

It is important to note that this conclusion is drawn on the basis that the applicant is a LAD (and not for example a 'normal' food-store (e.g. Tesco, Morrison, Sainsbury, Asda) which operates a different business model). Your officers therefore consider that it is necessary and reasonable to condition any permission to be used only by a Limited Assortment Discounter (as categorised by the Competition Commission) and for the net sales area not to exceed 1,425m².

Taking all of the above into account it is considered that the proposed development is in general accordance with national and local policy, and that the principle of the development is acceptable.

Highway Safety

Paragraph 32 of the NPPF requires all developments that generate significant amounts of movement to be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Core Strategy Policy CS11 *Dealing with transport issues in new Development* states that 'Development proposals should demonstrate that they have been designed to:

- Reduce the need to travel.
- Promote sustainable forms of transport appropriate to their particular location and related to the uses and users of the development. In order of preference this should consider:
 - Walking
 - Cycling
 - Public transport
- Private car (development proposals which are likely to have significant transport implications will need to be accompanied by a transport assessment and travel plan to show how car based travel can be minimised)
- Provide for safe and convenient access for all modes.
- The Transport Assessment that accompanied the application suggests that:
 - The site is well located in terms of the opportunities to access the site by sustainable modes of transport including on foot, by bicycle and by bus,
 - Parking provision (for vehicles and bicycles) is in accordance with current parking standards,
 - The proposed development would result in a net increase of 51 and 94 vehicle trips turning in / out of the site from the A149 during the weekday and Saturday peak hours respectively (compared to the consented use of the site (if fully operational)),
 - The proposed junction could easily accommodate the traffic movements associated with the proposed development,
 - The development could increase overall queuing at the Lavender Farm Junction (LFJ) by 2 – 3 vehicles (5-6%) compared to the consented use during peak hours of operation,
 - Any queuing from the LFJ at peak times would not extend to, and therefore not impact on, the site's access.

The applicant has worked with the Local Highway Authority (LHA) to achieve a scheme that is technically acceptable. The final scheme includes off-site highway improvement works in the form of footpath provision and a right hand turn lane.

The LHA has no objection to the proposed development, although they do suggest that the internal layout of the site 'may not operate satisfactorily and that customers of the development may suffer queuing within the site which may affect how the store operates'. As this issue does not directly impact on highway safety, and clearly it is in the best interest of the applicant that the internal layout of the site works, the proposed scheme is considered acceptable.

However, some third party representatives suggest that people will get frustrated, because it will be difficult to turn right out of the site, and will therefore turn left into the Broadway, travelling through Heacham before coming out at the Norfolk Lavender traffic lights. They express concern that the narrower residential streets could not cope with this. It is the responsibility of the LHA to consider the impacts on the wider road network (not just the A149), and as previously stated, the LHA raises no objection to the proposed development.

One of the main concerns of third parties is not only highway safety, but also congestion. However, the TA suggests that the proposed development would not materially affect the current congestion that is more apparent during the summer months.

In summary there is no technical objection to the proposed development on the grounds of highway safety and it is therefore considered that the proposed development accords with the overarching policy objectives relating to sustainable transport.

A Travel Plan, the main aim of which is to reduce the number of vehicular trips generated by the development and identifies key measures which will be developed – largely in relation to employees (because it is difficult to influence the general public) accompanied the application. It is generally difficult to monitor and enforce recommendations in a travel plan, and members will need to consider whether they believe in this instance it is necessary.

Impact on the AONB

The site lies adjacent to, but outside of the AONB. Paragraph 115 of the NPPF states that *'Great weight should be given to conserving landscape and scenic beauty in... AONBs, which have the highest status of protection in relation to landscape and scenic beauty.* The need to conserve such areas is reiterated in Core Strategy Policy CS12.

Whilst there are no objections from statutory consultees in relation to the impact on the AONB, concerns were initially expressed by Natural England and The Norfolk Coast Partnership. Additionally the CPRE, as well as a number of third party representatives, object on a number of grounds including the impact on the AONB. The applicant sought to allay these concerns by improving and increasing soft landscaping on the southern, western and northern boundaries of the site. In terms of the amended landscaping scheme the Arboricultural / Landscape Officer has no objection and considers the scheme to be entirely appropriate for the surroundings.

In this instance the site is separated from the AONB by the A149 and the buildings that currently occupy the site make no contribution to the setting of the AONB (although it is acknowledged that they are not as high as the proposed store and do not have the same mass), and the site lies adjacent to existing built-form (albeit again generally of a smaller, primarily residential nature).

Whilst the site extends outside of the development boundary and into countryside, the actual building does not encroach any further into the countryside in a southerly direction than the existing. Indeed the only area that encroaches into countryside in a southerly direction is the southern boundary (planting) and the access. The building does however encroach westerly into countryside, and is taller and has a greater mass than the existing buildings that occupy the site. Your officers therefore consider, contrary to the applicant's view, that the proposed development will be more prominent than existing. However, this does not necessarily mean that the proposal is unacceptable. The existing buildings are utilitarian in nature not characteristic of buildings in the wider AONB.

In relation to the impact on the AONB, the elevation with the most glazing (and therefore likely to have the greatest impact) is the eastern elevation. Whilst this is the elevation that faces the AONB the two will only be glimpsed together. The southern elevation is the elevation that is likely to have the greatest impact on the AONB when one approaches Heacham from the south. This elevation, other than the glazing at the diagonal entrance foyer, will largely consist of greys and whites – colours that tend to blend into the skyline.

In summary a group of utilitarian buildings that are not characteristic of the AONB or wider landscape will be replaced by a single, larger modern utilitarian building on an edge of village location against a back drop of existing development.

Whilst additional comments have not been received from NCP, NE or CPRE at the time of writing the report (in relation to the updated landscaping scheme), your officers believe that the applicant has given due regard to the impact on the AONB, and that the impact is acceptable. If additional comments are received from the aforementioned bodies, they will be forwarded as late correspondence.

It is important to note that the advertisements are indicative only and separate advertisement consent will be required for these – that is to say that if permission is granted for the current application it does not grant consent for the advertisements.

Impact on Residential Amenity

The properties that would be most affected by the proposed development are No.39 Lynn Road to the immediate north of the site, and No.45a The Broadway, to the immediate west of the site. The main amenity issues are in the form of overbearing and overshadowing (due to the proximity of the store to these dwellings), and noise and light associated with the operation of the store.

The building is shown to be approximately 10 metres from the southern elevation of No.39. The height of the northern elevation of the building is 5.1m – the average eaves height of a two-storey dwelling. Currently the largest of the existing buildings is closer to No.39 than the proposed and, other than the parapet wall that faces eastwards (which is much higher), is of a similar height. The existing bungalow that occupies the site (No.41) is again closer to No.39 than the bulk of the proposed building will be. It is therefore considered that the relationship with No.39 will be comparable to existing.

In relation to No.45a The Broadway, the proposed building is shown to be approximately 16 metres from the south-eastern corner of No.45a. The single storey loading bay is the closest part of the proposed building to this dwelling (with a height of 4.1m). The greatest impact to No.45a is therefore likely to be from noise associated with deliveries (one of which is expected per day). However, in relation to operational disamenity, CSNN are satisfied that no statutory nuisance would occur and that noise along with lighting, smells, and hours of operation / delivery can all be suitably conditioned.

It is therefore concluded that the proposed development would not result in disamenity of a level to warrant refusal.

Drainage / Pollution

A revised Flood Risk / Drainage Assessment was submitted with the application. The Assessment suggests that run-off from the impermeable surface area of the building will be less than the current development (because the run-off will be restricted to a maximum flow rate of 5 litres per second whereas the current development has unattenuated discharge). The proposed parking and hardstanding areas are now planned to be permeable paving with the intention that flows will infiltrate into the ground.

Neither the IDB nor Environment Agency (EA) objects to this high level strategy (with the EA's remit relating to groundwater pollution). However, the IDB suggest that further investigations will be required before it is known if this precise strategy will work. Notwithstanding this the IDB is satisfied that a solution can be achieved. Both the IDB and EA recommend conditions be appended to any permission granted.

Other Material Considerations

Contamination and archaeology (the site lies at the northern edge of a complex of cropmarks and trackways where previous Roman, Anglo-Saxon and medieval artefacts have been recorded) can be dealt with by condition.

A Preliminary Ecology Appraisal accompanied the application. The Appraisal concludes that no further studies are required in relation to: Great Crested Newts, reptiles, bats, nesting birds or badgers.

Some replacement planting is recommended to replace potential foraging and nesting habitat for bats and birds, and that any site clearance works take place outside of the bird nesting season (March to September inclusive). These recommendations can be suitably conditioned.

There are no specific crime and disorder issues relating to the proposed development.

CONCLUSION

A number of objections have been received from third party representatives although it should be noted not an exceptional number. The main reasons for objection relate to highway safety and congestion, the impact on the vitality and viability of existing retail provision in the locality, and the impact the development would have on the appearance of the area and specifically the AONB. Likewise a number of letters of support have also been achieved (and likewise not an exceptional number). The main reasons for support are: choice, convenience, less distance to travel and job creation.

No objections have been received from statutory consultees and it is considered that safe access, drainage, the type of store that can operate from the site (LAD) and contamination can all be suitably conditioned. Furthermore the appraisal of the Retail Impact Assessment undertaken by Carter Jonas, on behalf of the LPA, has concluded that there would be no 'significant adverse impact' on the vitality and viability of either Hunstanton or Heacham retail centres. There are therefore no 'technical' reasons for refusing the application.

It is considered on balance that the proposed development accords with the overarching aims of national and local policy and should be approved subject to the following conditions.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition The development hereby permitted shall be carried out in accordance with the following approved plans drawing nos: PL-03 Rev.E, PL-04, PL-05A, SCP/15846/D03 Rev.B and SCP/15846/D05.
- 2 Reason For the avoidance of doubt and in the interests of proper planning.
- 3 Condition Prior to the commencement of the use hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved plan. The splay shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.
- 3 Reason In the interests of highway safety in accordance with the NPPF and Development Plan.

- 4 Condition Prior to the commencement of the use hereby permitted the proposed access / on-site car and cycle parking / servicing / loading, unloading / turning / waiting area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 4 Reason To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety in accordance with the NPPF and Development Plan.
- 5 Condition Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.
- 5 Reason To ensure adequate off-street parking during construction in the interests of highway safety in accordance with the NPPF and Development Plan.
- 6 Condition No works shall commence on site until the details of wheel cleaning facilities for construction vehicles have been submitted to and approved in writing by the Local Planning Authority. For the duration of the construction period all traffic associated with the construction of the development permitted will use the approved wheel cleaning facilities.
- 6 Reason To prevent extraneous material being deposited on the highway in the interests of highway safety in accordance with the NPPF and Development Plan.
- 7 Condition Notwithstanding the details indicated on the submitted drawings no works shall commence on site unless otherwise agreed in writing until a detailed scheme for the off-site highway improvement works as indicated on drawing(s) number(ed) SCP_15846D03_RevB_3m_shared_cycle_footway, SCP_15846D05_proposed_site_access_against_topo_survey and SCP_15846_SK01 have been submitted to and approved in writing by the Local Planning Authority.
- 7 Reason To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor in accordance with the NPPF and Development Plan.
- 8 Condition Prior to the commencement of the use hereby permitted the off-site highway improvement works referred to in condition 7 shall be completed to the written satisfaction of the Local Planning Authority.
- 8 Reason To ensure that the highway network is adequate to cater for the development proposed in the interests of highway safety in accordance with the NPPF and Development Plan.
- 9 Condition The gradient of the vehicular access shall not exceed 1:12 for the first 10 metres into the site as measured from the near channel edge of the adjacent carriageway.
- 9 Reason In the interests of the safety of persons using the access and users of the highway in accordance with the NPPF and Development Plan.

- 10 Condition Notwithstanding the information that accompanied the application, no development shall begin until a scheme for surface water disposal has been submitted to and approved in writing by the Local Planning Authority. Drainage infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The development shall be carried out in accordance with the approval details.
- 10 Reason To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3).
- 11 Condition Prior to the commencement of any works on the foundations of the development hereby approved full details of the design of the foundations shall be submitted to and be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 11 Reason To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3).
- 12 Condition No development shall take place until an archaeological written scheme of investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and
- 1) The programme and methodology of site investigation and recording,
 - 2) The programme for post investigation assessment,
 - 3) Provision to be made for analysis of the site investigation and recording,
 - 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation,
 - 5) Provision to be made for archive deposition of the analysis and records of the site investigation and
 - 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation.
- 12 Reason To safeguard archaeological interests in accordance with the principles of the NPPF. This needs to be a pre-commencement condition given the potential impact upon archaeological assets during groundworks/construction.
- 13 Condition No development shall take place other than in accordance with the written scheme of investigation approved under condition 12.
- 13 Reason To safeguard archaeological interests in accordance with the principles of the NPPF.
- 14 Condition The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition 12 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 14 Reason To safeguard archaeological interests in accordance with the principles of the NPPF.

- 15 Condition Prior to the first occupation of the development hereby approved, a detailed outdoor lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type of lights, the orientation/angle of the luminaries, the spacing and height of the lighting columns, the extent/levels of illumination over the site and on adjacent land and the measures to contain light within the curtilage of the site. The scheme shall be implemented in accordance with approved scheme and thereafter maintained and retained as agreed.
- 15 Reason In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF.
- 16 Condition Prior to commencement of development a detailed construction management plan, must be submitted to and approved by the Local Planning Authority; this must include proposed timescales and hours of construction phase. The scheme shall also specify the sound power levels of the equipment, their location, and proposed mitigation methods to protect residents from noise and dust. The scheme shall be implemented as approved.
- 16 Reason To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.
- 17 Condition The use hereby permitted shall not commence until a detailed scheme for the ventilation and extraction of fumes/cooking smells has been submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the precise details of the flue extraction equipment to be used, including: the stack height; the design and position of all ductwork; the noise/power levels of the fan(s); the number, type and attenuation characteristics of any silencers; details of anti-vibration mounts and jointing arrangements in the ductwork; the number of air changes per hour, and the efflux velocity. The scheme shall be implemented as approved prior to the commencement of the use and thereafter maintained as such.
- 17 Reason In the interests of the amenities of the locality in accordance with the principles of the NPPF.
- 18 Condition Prior to the installation of any refrigeration plant a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the noise/power levels of the equipment and provide details of anti-vibration mounts. The scheme shall be implemented as approved and thereafter maintained as such.
- 18 Reason In the interests of the amenities of the locality in accordance with the principles of the NPPF.
- 19 Condition No deliveries shall be taken at or despatched from the site outside the hours of 6am to 11pm on weekdays and Saturdays and 9am to 6pm on Sundays or Bank / Public Holidays.
- 19 Reason In the interests of the amenities of the locality in accordance with the principles of the NPPF.
- 20 Condition The premises shall only be used between the hours of 7am and 10pm Monday to Saturday and 10am to 5pm on Sundays and Bank / Public Holidays.

20 Reason In order that the Local Planning Authority may retain control over the development in the interests of the amenities of the locality in accordance with the NPPF.

21 Condition Prior to the commencement of groundworks, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets,
- woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

21 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.

22 Condition Prior to the commencement of groundworks, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

22 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.

- 23 Condition The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of groundworks, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

- 23 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 24 Condition In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 21, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 22, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 23.

- 24 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 25 Condition Prior to the commencement of the development hereby approved, a survey specifying the location and nature of asbestos containing materials and an action plan detailing treatment or safe removal and disposal of asbestos containing materials shall be submitted to and approved by the local planning authority. The details in the approved action plan shall be fully implemented and evidence shall be kept and made available for inspection at the local planning authority's request.

- 25 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of land after remediation.

This also needs to be a pre-commencement condition given the fundamental details linked to asbestos containing materials which need to be planned for at the earliest stage in the development.

- 26 Condition Prior to first occupation of the development hereby approved evidence of the treatment or safe removal and disposal of the asbestos containing materials at a suitably licensed waste disposal site shall be submitted to and approved by the local planning authority.

- 26 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of land after remediation.
- 27 Condition All hard and soft landscape works shall be carried out in accordance with the details shown on drawing number 15/84/01 revision D. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.
- 27 Reason To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 28 Condition The development hereby permitted shall be carried out in accordance with the recommendations of the Preliminary Ecological Appraisal (Ref CLE20296/005/01 dated November 2015) that accompanied the application.
- 28 Reason To ensure that the impact of the development upon protected species is minimised in accordance with the NPPF and NPPG.
- 29 Condition The development hereby permitted shall be used only for A1 retail use and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 2015 or in any provision equivalent to that Class revoking or enacting that Order). The net sales area shall not exceed 1,325sq m and no more than 20% (245sq m) of this net sales area shall be used for the sale of comparison goods. The number of lines that shall be for sale in the store at any one time shall be limited to a maximum of 1,600; and the store shall not include any post office, pharmacy or butchers. For the purposes of this conditions, comparison goods are items not obtained on a frequent basis, including clothing, footwear, household and recreational goods.
- 29 Reason For the avoidance of doubt and to ensure that the permitted development does not have a negative impact on the vitality and viability of other centres in the locality in accordance with the NPPF and Development Plan.