

**AGENDA ITEM NO: 8/2(d)**

<b>Parish:</b>	<b>Downham Market Ryston</b>	
<b>Proposal:</b>	<b>Erection of Starbucks coffee shop and drive thru (class A3 use) and freestanding McDonald's restaurant with drive-thru (class A3/A5). Includes car parking, landscaping and associated works including the installation of 2 no. customer order displays, goal post height restrictor and child's play frame. Works for enclosure for gas and electricity</b>	
<b>Location:</b>	<b>Land At 161 Bexwell Road Downham Market Norfolk</b>	
<b>Applicant:</b>	<b>Starbucks And McDonald's Restaurants Ltd</b>	
<b>Case No:</b>	<b>19/02216/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Mrs C Dorgan</b>	<b>Date for Determination: 24 February 2020 Extension of Time Expiry Date: 3 April 2020</b>

**Reason for Referral to Planning Committee** – Called in by Councillor Ratcliffe

**Neighbourhood Plan:** No

**Case Summary**

The site lies on the north-western quadrant of the roundabout junction of Bexwell Road/A10/A1122, on the eastern fringe of the town. It covers an area of approx. 0.8ha and was historically used as a playing field for British Sugar and has been redundant for approximately 40 years. It is contained by mature landscaping in the form of poplar trees to the north and east, with mixed hedging along the Bexwell Road frontage. It is presently served by a private maintenance access track, which leads to land to the north - including a reservoir and telecom' masts. To the west is the urban area of Downham Market, agricultural fields opposite to the south and south-east, with a mix of residential and commercial to the north-eastern quadrant of the roundabout (historically an aerodrome).

The site lies in an area classed as 'countryside' in the adopted Local Plan and in Flood Zone 1 of the Council-adopted Strategic Flood Risk Assessment.

Full permission is sought for the erection of a Starbucks coffee shop and drive-thru (class A3), and McDonalds restaurant and drive-thru (class A3/A5) and includes car parking, landscaping and associated works. Access off Bexwell Road is shown in the south-western corner of the site with highway improvements within the highway creating a right turning lane. The site layout plan shows the Starbucks building located to the northwest of the site and the McDonalds restaurant to the southeast. The McDonalds restaurant includes an outdoor eating area and play space, cycle parking is provided to the north and there is car parking for approximately 90 spaces.

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**Key Issues**

- \* Principle of development
- \* Impact on town centre and the Sequential test
- \* Access and highway matters
- \* Form and Character
- \* Neighbour Amenity
- \* Health impacts
- \* Other material considerations

**Recommendation:****APPROVAL****THE APPLICATION**

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The application submitted includes-

- Full Drainage Layout Plan and Levels, and Report
- Landscape Plan
- Acoustic Report
- Archaeological Assessment
- Lighting Plan and Report
- Odour control Assessment
- Transport Assessment
- Road Safety Audit Stage 1.
- Tree Survey, Arboriculture Impact Assessment, Arboriculture Method Statement and Tree Protection Plan.
- Environmental Quality screening assessment form

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## **SUPPORTING CASE**

Outline Planning Permission was granted for a restaurant with takeaway on the site in 2015. The site is therefore considered appropriate for proposed scheme, which seeks permission for a coffee shop and restaurant, both with drive-thru facilities.

Careful consideration has been given to the design and layout of the scheme, suitable mitigation is proposed where appropriate, predominantly along the western boundary of the Starbucks drive-thru lane in the form of an acoustic screen, to the satisfaction of the local Environmental Health Officer.

The scheme has been widely consulted upon and we are pleased with the officer's final recommendation of approval. We are pleased with the public response to the application which has seen an active show of support of over 60% from the local community. The scheme will bring inward investment into Downham Market and provide over 80 jobs for the community.

Across the East of England McDonald's contributed £341m to the economy and supported 15, 983 jobs in 2017.

McDonald's always seek to make a positive impact to the local community with 90% of restaurants Franchised to local business people. Through this McDonald's support local schemes such as football sponsorship and staff training. Over 18,500 members of staff have completed the McDonald's apprenticeship scheme.

## **PLANNING HISTORY**

14/01031/OM: Application Permitted: 09/02/15 - OUTLINE APPLICATION SOME MATTERS RESERVED: Development of A3/A5 - restaurant and takeaway - Land North Side of Bexwell Road, Downham Market

## **RESPONSE TO CONSULTATION**

### **Town Council: OBJECTION**

At the Full Council meeting of Downham Market Town Council held last night, Tuesday 04th February 2020, members recommended refusal making the following observations:

- Not in harmony with the locality
- Inappropriate form of development which fails to reflect the special characteristics of the locality and is not in harmony with locality
- Detrimental to the existing street scene and the amenity of the area
- Out of keeping
- The landscaping and layout is not acceptable
- Incompatible use of land
- Noise and disturbance for residents
- Odour
- Trees will be lost
- Development not suitable or compatible with the natural conservation area
- Environmentally incompatible with the Town Council's "green" policies
- Fails to respect the character of the entrance to Downham Market
- Detrimental effect on conservation areas.
- Loss of amenity land

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**Highways Authority: NO OBJECTION** subject to conditions to address:

- Vehicular access
- Visibility splays
- Off-site highway improvement works

Site Access - It is proposed that the site will be served via a single point of access from Bexwell Road with a Right Hand Turn Lane (RH TL) provided as per the previously approved arrangement. Although it should be noted that the access point is slightly further from the A10 roundabout than previously proposed.

This arrangement is acceptable to the Highway Authority, however the applicant will also be required to enhance the existing entry signs to the existing 30 mph speed limit on Bexwell Road from the A10.

As per our response to pp 14/01031/OM, given the proximity of the site access is to the A10 roundabout it is important that the access and right hand turn lane proposed are constructed before works start on construction of any development on the site to provide adequate access for construction traffic and to protect highway safety.

It should be noted that these off-site works will be delivered by a Section 278 Agreement and the precise delivery mechanism will be determined as the works are brought forward.

The applicant should be aware that there may be additional costs relating to the off-site works which will include a commuted maintenance amount as well as various fees including administration and supervision. The completed works will be subject to a Safety Audit and additional works may be required.

Site Layout - The proposals include 90 parking spaces to cater for both customers and staff, with cycle parking also proposed. Vehicle track runs have been submitted to demonstrate that the site layout can for delivery / servicing requirements. The layout, parking provision and turning / servicing arrangements are acceptable.

**Community Safety and Neighbourhood Nuisance (CSNN): NO OBJECTION** subject to conditions to address:

- \* Drainage
- \* Lighting
- \* Odour control
- \* Construction Management Plan
- \* Site hours
- \* Hours of delivery
- \* Fixed Plant and machinery
- \* Acoustic fencing

Concerns are raised regarding peak night time noise levels, that there is a significant difference between the peak levels and the lowest recorded background noise levels and as a result there is likely to be an adverse impact on residents. The Officer suggests additional acoustic fencing, in addition to that shown on the plans, could be a solution. However the developer has demonstrated that they have taken appropriate measures to ensure that the noise created at the site complies with the requirements of relevant legislation and guidance and therefore we cannot object on these grounds.

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**Environmental Health & Housing – Environmental Quality: NO OBJECTION.**

Contaminated Land - The applicant has provided a screening assessment form to allow consideration for the proposed new use and have no objections to the proposal on the grounds of land contamination.

Air Quality - Based on the evidence and information submitted therefore have no objection to the development on the grounds of air quality. However, would welcome the addition of EV charging infrastructure within the development in line with NPPF para. 110(e), and measure 19 of the Borough Council of King's Lynn and West Norfolk's Air Quality Action Plan.

Groundwater - We have assessed this application with regard to potential impacts on human health as required by National Planning Policy Framework paragraph 170. Groundwater protection and potential pollution of controlled waters is the responsibility of the Environment Agency and their advice should be sought on this.

**Highways England: NO OBJECTION:** The following application is unlikely to have a severe impact on the strategic road network.

**Anglian Water: NO OBJECTION:** No objection subject to informative notes being included within the planning consent addressing- affected assets; wastewater treatment; used water network; and trade effluent.

**Lead Local Flood Authority (NCC): NO COMMENTS:** The application would be classed as minor development.

**Public Rights of Way (NCC): NO OBJECTION:** Pleased to note that the plans include measures to safeguard users of the adjacent Public Bridleway (Wimbotsham BR14) as advised by us previously. If these measures are implemented then NCC does not object to this proposal on Public Rights of Way grounds.

**Arboricultural Officer: NO OBJECTION.**

**Norfolk Fire and Rescue: NO OBJECTION:** I acknowledge receipt of the above application and I do not propose to raise any objections providing the proposal meets the necessary requirements of the current Building Regulations 2010 – Approved Document B (volume 2 – 2019 edition) as administered by the Building Control Authority.

**Architectural Liaison and Crime Prevention Officer: NO OBJECTION:** Initially queries raised by the Traffic Management Officer but following a meeting held with the applicant, there are no further comments.

**Natural England: NO COMMENTS.**

**Historic Environment Service NCC): NO OBJECTION** subject to conditions.

The proposed development site lies within the boundary of the Second World War Downham Market airfield adjacent to the perimeter track and the end of one of the runways. Consequently there is potential that heritage assets with archaeological interest relating to the use of the airfield will be present at the site and that their significance would be affected by the proposed development. The heritage assets present could include a range of artefactual material within the topsoil which may include debris from crashed aircraft. If planning permission is granted, we therefore ask that this be subject to a programme of archaeological mitigatory work in accordance with National Planning Policy Framework para. 199 and conditions are attached accordingly.

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**REPRESENTATIONS 155** representations received in **SUPPORT** and **115** representations **OBJECT** to the scheme, with 1 NEUTRAL comment. The issues raised are summarised below-

Support –

- Bring permanent new jobs
- Allow for affordable food and drinks
- Downham Market will become modern and provide more choice to people, especially those who cannot get out of town.
- Allow passing traffic somewhere to stop and bring more custom to town
- Will not affect local business as it is out of town.
- Convenient to young families who do not want to drive 12 miles to get an affordable meal for their family or can't afford surrounding restaurants (Arbuckles) or somewhere to go without being surrounded by drunks (Weatherspoons)
- Convenient for lorry drivers to sleep overnight in their lorry and buy food/drinks.
- Modernise Downham Market
- Somewhere for the youth to sit and eat affordable meals without clogging the centre of town where there is limited parking
- If housing is increasing, amenities should also increase
- Provide a rest stop between Ely, Swaffham, King's Lynn and Cambridge
- Downham Market needs these businesses
- Variety of food types for members of public
- Correct place on the outskirts, meaning traffic would not be an issue.
- Coffee.
- Generate income for Downham Market
- Permission granted a few years ago to redevelop – which was not acted upon.
- Bexwell Road is not particularly busy, apart from during peak hours (school opening and closing times)
- Bexwell Road can be used for motorists, cyclist and running.
- Development is not near residential estates, just one house adjacent, separated by track/road.
- Children would not leave to go to McDonalds – one is a primary school and secondary school children are not allowed to leave school gates during school hours unless they have a valid reason.
- Secondary school children – most of them get to Downham by Bus, so purchase of unhealthy food would be minimal.
- Generate more interest from companies and organisations to invest in Downham Market.
- Excellent position/location.
- Gives younger generation somewhere to go and meet friends and toddlers a playing area.
- Starbucks has a great policy of employing people with different needs.
- Lot of negativity about Weatherspoons but since opened its packed and given town a night life
- Brilliant way of bringing diverse community together
- Provide variety in Downham Market as there is insufficient options for commuters

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## Objections-

- Can't understand why the proposal is on the edge of a housing development rather than on a brownfield site or opposite Arbuckles along A10 to keep the eateries together
- Bexwell Road is too small and unable to cope with volume of traffic
- Speed of vehicles driving on the A10
- Location of McDonalds would result in an increase in young people walking along Bexwell Road
- McDonalds undermines the Government's health strategy. This project would highlight irresponsible attitude to the obesity and poverty that children and parents have to tackle in Downham Market
- Negative outcomes such as odour, noise, light, litter, rats and anti-social behaviour cannot be controlled
- Housing prices would be affected. Previous history of housing close to McDonalds showed property value can decrease as much as 21-24%
- Reduced quality of life
- McDonalds sign spoiling the entrance of Downham Market
- Increased litter
- Two Mcdonalds within 10 miles of Downham Market.
- Downham Market should pride itself by not having a McDonalds like other towns do.
- Environmental impact
- Near residential units and will reduce their quality of life
- Too close to King's Lynn to be a drive's rest stop.
- Amenities such as toilets, snacks and coffee in BP garage near Arbuckles
- Sufficient food outlet in town - Downham Market is full of fast food outlets and coffee shops. Eg Baytree, Downham Market Garden Centre Arbuckles, Rare Breeds Farm Café, Hare Arms
- Noise on surrounding residents
- Walking distance and near primary and secondary schools
- Extra vehicles will make busy junction even busier and dangerous
- Anti-social behaviour near residential area
- Climate change – energy and resources use to build 2 buildings. Plan states they expect 25% more journeys to occur from the development
- Biodiversity – will kill almost all wildlife on site.
- Job opportunities are not jobs people should aspire to with no career path.
- Object to Starbucks because of their tax liabilities. Local Authority should not permit companies that show little regard to contributing society through tax.
- McDonalds drive through will lead to car engines running and staff will be exposed to toxic fumes from exhausts – should not be allowed on Health and Safety grounds.
- Meat based foods which is one of the major contributors to climate emergency.
- Distance between the exit of the roundabout and proposed entry of the site is too short.
- Proposal is not compliant to National Policy Framework on climate change as it will increase vehicle movement by attracting local use as well as engine stopping and starting, carbon emissions will increase.
- Site is outside permitted development boundary
- Explanation for sequential test is unconvincing. Eg supporting statement of the proposal indicating the applicants are mindful of the negative impact of the proposal and assertion that there are no other suitable sites.
- Not in keep with the stylistic context of the local area. Immediate local area is residential and rural with no businesses, no commercial traffic flows and no 24/7 business activity.

- Approval would mean it would be difficult to object to similar proposals as precedent is set
- Insufficient landscaping. Landscaping is minimal and small.
- Development will damage natural environment and result in significant loss of trees.
- Increased criminal activity. 24/7 food outlets become magnets for late night group related anti-social behaviour and worse in the vicinity
- Scale of the development is not appropriate for the land area.
- Destructive from the PoV of siting and proximity of vulnerable people to the site
- Royal College of Paediatrician and Child Health advocates for ban of fast food outlets within 400m of a school
- Light pollution – street lights go off overnight. A lit McDonald's sign is unwelcoming
- Anglia Water said it does not have the capacity to treat the flow of the development site.
- Drive through is not an appropriate distance from the nearest neighbour because of the car fumes
- Location of Starbucks is immediately in front of a line of trees adjacent to the land which backs on to the objector's property. Would make more sense to locate the building on the roadside near the bypass
- Development is not targeting improvement of local own, but trade from passing motorists.
- Outline permission granted in 2014 has now expired.
- Opening times of McDonalds and Starbucks.
- Increase load of infrastructure/electricity supply/sewage treatment

Neutral -

- Good idea for local jobs
- Shame this could not be incorporated in the town (Old Barclays Bank and Building Society vacant buildings.)

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS04** - Downham Market

**CS08** - Sustainable Development

**CS10** - The Economy

**CS11** – Transport

**CS12** - Environmental Assets

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM1** – Presumption in Favour of Sustainable Development

**DM2** – Development Boundaries

**DM15** – Environment, Design and Amenity

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## **DM17 - Parking Provision in New Development**

### **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)  
National Design Guide 2019

### **PLANNING CONSIDERATIONS**

The key considerations are as follows:

#### **Principle of development**

The application site lies within an area classed as 'countryside' in the adopted Local Plan, outside of, but adjacent to the development boundary for Downham Market.

The NPPF states that to help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business. It furthers that planning policies 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. These provisions are broadly repeated in Policy CS10 of the Core Strategy (2011).

CS06 Development in Rural Areas states inter alia that:

"The strategy for rural areas is to:

promote sustainable communities and sustainable patterns of development to ensure strong, diverse, economic activity...

ensure employment, housing (including affordable housing), services and other facilities are provided in close proximity."

CS10 The Economy states inter alia that:

"The local economy will be developed sustainably:

to facilitate job growth in the local economy, delivering the RSS target of 5,000 additional jobs by 2021. Job growth will be achieved through the provision of employment land as well as policies for tourism, leisure, retail and the rural economy;

to increase the proportion of higher skilled jobs while ensuring that opportunities are available for the development of all sectors of the economy and workforce..."

Permission may be granted on land which would not otherwise be appropriate for development for an employment generating use which meets a local business need. Any development must satisfy the following criteria:

It should be appropriate in size and scale to the local area;

It should be adjacent to the settlement;

The proposed development and use will not be detrimental to the local environment or local residents."

Policies DM1, DM12, DM15 and DM17 contained in the Site Allocations and Development Management Policies Plan (SADMP)(2016) have also been taken into consideration.

The application seeks permission for the development of an A3 coffee shop and A3/A5 restaurant and takeaway. Given the location of the site adjacent to the A10 it is aimed at passing trade as indicated by the site layout showing a typical 'drive-through' facility.

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It is accepted that there are already two eateries on the A10 to the south of the site on the eastern side of the A10 - Arbuckles and Downham Country Garden Store & Café, however these are considered to be destinations offering a different dining experience and catering for a different clientele.

The proposal is considered to be an economic proposal, with some employment potential, that is situated in a sustainable position adjoining the development boundary for the town. Its location in close proximity to the A10 provides a roadside service facility – the nearest drive-through restaurants on this primary route being at Hardwick (King's Lynn) some 15km to the north and Burger King on the Ely by-pass approx. 30km to the south. In policy terms very little has changed since the previous planning consent (14/01031/OM) was granted outline consent for this use. In terms of the principle of development the scheme proposed is in line with the NPPF and the adopted Local Plan.

### **Impact on town centre and the Sequential test**

There are a number of existing food outlets in the town which are mostly within the town centre and within comfortable walking distance from Downham Market Academy (Secondary School). There appears to be an adequate customer base to enable these outlets to co-exist. The proposed coffee shop and restaurant would not necessarily impact upon the business of those existing units within the town centre. Indeed the Town Council has not cited this as a reason for objection in their response.

It is recognised that with the existence of the railway station, there is limited parking provision within the town (which serves a wide rural catchment area) and leads to congestion. This facility would arguably retain passing trade and prevent incursion into the town which would exacerbate the current problem. Conversely it may produce some combined trips which would benefit the other facilities on offer in the town.

The scheme would also serve the commercial/employment site to the eastern side of the A10 on Bexwell Road (A1122), which would be within walking/cycling distance and negates the need to enter the town. The linkages with the bridleway to the north and east of the site would also improve accessibility.

The applicant has considered the sequential test as set out in the NPPF and has stated there are no suitable alternative sites within the town centre for this type of development. The applicant also refers to relevant case law to clarify the approach to sequential testing. Notwithstanding this, the development proposed is to provide roadside services for users of the A10, as well residents of the town and surrounding area, and therefore the site proposed is well positioned in this regard.

### **Access and highway matters**

The plans show that the site will be accessed off Bexwell Road and a transport statement has been produced in accordance with the requirements of the Local Highway Authority (LHA). The access proposed involves a right turning lane created off the B1512/Bexwell Road for vehicles exiting the roundabout and heading towards the town. There is adequate space within the highway to accommodate this junction formation, and the LHA are content that this may be implemented prior to the occupation of the site, thus enabling minimal impact upon the A10.

The applicant is planning to provide 90 car park spaces with 4 disabled, 6 staff and 3 reserve bays, and also cycle parking is provided. This is a sufficient number to meet the required

LHA Parking Standards. There is also an existing continuous footpath along Bexwell Road into the town centre.

Objections include concerns about the level of traffic to be created, that Bexwell Road is not of sufficient size to cope with the increased traffic, speed of vehicles on A10 will make junction busier and more dangerous. There is not sufficient distance between the roundabout and junction into the restaurant and that the location will encourage children to walk along Bexwell Road which would be dangerous.

However the LHA has not raised objections to the scheme and are satisfied based on the information and plans submitted, that the scheme can be delivered without detriment to highway safety. Therefore in transport terms the scheme accords with the NPPF and policy CS11 of the Core Strategy (2011) and Policy DM15 of the SADMP Plan (2016).

### **Form and Character**

Objections to the application include that the development proposed does not reflect the form and character of the immediate locality, or the wider town. Downham Market is a historic market town and objectors state that a McDonalds and Starbucks at the entrance to the town would be detrimental. The Town Council support this view, that the proposed scheme would have a negative impact on the conservation area and doesn't respect the locality.

The application site is situated between modern residential development to the west and the A10 and agricultural land to the east, with an employment area beyond this on Bexwell Road. The site is not in or adjacent to the historic part of town or the Conservation Area, but over 750m from the Conservation Area. The edge of town location alongside a strategic route is typical for this type of development and therefore it would not appear alien in this location. That said, the site is contained by established tree belts and hedging which will afford a natural backdrop and setting to any new buildings on the site, when seen from the main public areas along Bexwell Road and the A10. Furthermore the applicant has included an enhanced tree belt and area of planting to the west of the site, and soft landscaping around the perimeter of the development. It is considered that the development proposed, in its current form, would not be of sufficient detriment to the form and character of the locality to warrant refusal of the application in accordance with policy DM15 of the adopted SADMP.

### **Neighbour Amenity**

Many of the objections raised refer to the detrimental impact of the proposed scheme on neighbouring residential areas. These argue that the scheme would reduce the quality of life for residents nearby due to issues such as noise, odour, lighting, traffic fumes, litter and will act as an attractor for anti-social behaviour. Careful consideration has been given to these points, however it is important to state that there are no objections from statutory consultees.

CSNN have assessed this proposal and raise no objections subject to the imposition of specific conditions relating to drainage, lighting, odour control, provision of a Construction Management Plan, site hours, hours of delivery, fixed plant and machinery, and the landscaping plan including acoustic fencing. The CSNN officer does raise a concern that residents are likely to experience an increased level of noise at night as a result of the development. However the applicant has demonstrated that they have taken appropriate measures to ensure that the noise created at the site complies with the requirements of relevant legislation and guidance. This is a substantial site area and there is land to accommodate mitigation measures in the form of acoustic fencing and landscaping belts. An acoustic fence is proposed to minimise noise impacts to residential neighbours as specified on the landscaping plan.

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Environmental Quality are satisfied that traffic fumes generated as a result of the development would not be such a significant issue as to warrant any amendments or restrictions to the scheme, or any conditions to be attached to the consent.

In terms of litter, the applicant has set out their approach to waste management and litter within their supporting statement submitted with the application which is considered to be acceptable. Beyond the site littering is covered under separate legislation and street cleaning is the Council's responsibility.

Anti-social behaviour is also addressed within the submission statement, and the Architectural Liaison and Crime Prevention Officer has liaised with the applicant and has satisfied any queries around the management of anti-social behaviour of this site.

### **Health impacts**

Objectors have raised concerns about the health implications of the opening a fast food restaurant in this location. This Council judges each application on its own merits in consultation with relevant bodies. In policy terms the Government has placed an increased emphasis on achieving healthy and inclusive communities, creating environments that support and encourage healthier lifestyles. Stating that local planning authorities can support opportunities for communities to access a wide range of healthier food production and consumption choices and may seek to restrict the proliferation of particular uses. McDonalds has, in their supporting statement, pointed out the range of food choices they offering a range of healthier food options.

The impact upon the primary school (situated some 550m away) is considered to be less of an issue in that the children would have to be accompanied by adults in order to visit the establishment. The same would apply to the majority of the pupils attending DM Academy, if the facility was a pub/restaurant. Whilst the application site is approx. 650m away from DM Academy, pupils already have access to the town centre which offers a greater variety of facilities just 750m away. It is considered that the impact upon 'healthy eating' would not be so significant as to warrant a refusal on those grounds, when taken into consideration with other factors.

### **Other material considerations**

The effect of development on the value of adjoining property (be it increased or decreased) is not a material planning consideration.

The site was historically part of the WW2 airfield and there could be heritage assets under the land. Historic Environment Service requests archaeological conditions to be imposed on any permission.

In terms of drainage arrangements for the site, Anglian Water has requested that a number of informative notes are attached to the planning consent. They do raise the issue that the foul drainage is in the catchment of the Downham Market Water Recycling Centre which currently does not have the capacity to treat the flows created by the development site. However Anglian Water is obligated to accept the foul flows and would therefore take the necessary steps to ensure there is sufficient treatment capacity. To discharge trade effluent to a public sewer requires consent, and the applicant will be reminded of this via an informative note. Anglia Water confirms that the sewerage system has capacity for these flows. CSNN considered the disposal of surface water and is satisfied with the arrangements indicated on the plans.

Concerns have been raised relating to the potential harm to wildlife. The site is primarily grassed there are not however known to be any protected species affected by this proposed development.

There are existing trees and vegetation to the northern boundary of the application site, which is shown to be retained on the site plans. Objections were received to the 'loss of trees' on the site. However while there is one tree proposed for removal and some of the vegetation to the northern boundary will be cut back, the applicant is planning to plant a tree belt to the west and in total plant 18 new trees within the site, as well as shrubs and areas of soft landscaping. The Arboricultural Officer is satisfied with the scheme as submitted.

There is a Public Bridleway adjacent to the application site, and the Public Rights of Way Team are satisfied that the plans include measures to safeguard users of this.

There have been a few objections raised to the scheme on climate change grounds. The applicant has in their supporting statement, submitted with the application, addressed the issue of climate change within the construction of the site and the operations of the business.

## **CONCLUSION**

The proposal is considered to be an economic/ employment proposal situated in a sustainable position adjoining the defined town and within an area indicated for urban expansion in the Core Strategy. Its location in close proximity to the A10 provides a roadside service facility for users of that primary route.

There are no objections to the scheme from statutory consultees. However the Town Council has objected to the application and there are 155 representations in support of the scheme and 115 objections. The objections include neighbour amenity issues, whether the development respects the form and character of the locality, highways concerns as well as references to health implications all of which have been discussed above.

It is considered that the economic benefits of the proposed development outweigh the concerns raised by objectors to the scheme; mitigation measures relating to matters of planning concern are proposed to be controlled via condition.

The proposed development accords with the provisions of the development plan and the application is recommended for approval subject to the conditions listed below.

## **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-

DWG 00 Rev 3 Lias Design Notes & Luminaire Schedule received 18 Mar 2020

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DWG 01 Rev 3 Proposed Lighting Layout received 18 Mar 2020  
V1971-MCD-L01 Rev E Landscape Plan received 18 Mar 2020  
7561-SA-8743- P104 E Site Layout Plan Proposed received 28 February 2020

Goal Post Height Restrictor and COD/ Canopy Digital Drive Thru Lane  
E09-00-V01-M E09-004 Outdoor Climb 3x3 Playland Details  
4180596-1000 REV 1 Proposed Drainage Levels  
4180596-1200 REV 1 Proposed Drainage Layout  
7561-SA-8743-AL101A Site Location Plan  
7561-SA-8743-P040A Starbucks Ground Floor  
7561-SA-8743-P041B Starbucks Proposed Elevations and Section  
7561-SA-8743-P105A Proposed Elevations and Sections Plan  
7561-SA-8743-P106A Proposed Ground Floor and Roof Plan  
received 24 Dec 2019

- 2 Reason For the avoidance of doubt and in the interests of proper planning.
- 3 Condition Prior to occupation of the development hereby permitted the permanent vehicular access shall be constructed and thereafter retained at the position shown on the approved plan in accordance with NCC highways specification. Arrangement shall be made for surface water drainage to be intercepted and disposal of separately so that it does not discharge from or onto the highway.
- 3 Reason To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety.
- 4 Condition Prior to commencement of the development hereby permitted visibility splays measuring 2.4 meters x 59 metres shall be provided to each side of the access where it meets the highway. The splays shall thereafter be maintained at all times free from any structure or obstruction exceeding 0.225 above the level of the adjacent highway carriageway.
- 4 Reason In the interests of highway safety in accordance with the principles of the NPPF.
- 5 Condition Notwithstanding the details indicated on the submitted drawings no work shall commence on the site unless otherwise agreed in writing, until detailed drawings for the off-site highway improvement works (including right hand turning lane, temporary & vehicular access and gateway signage enhancement) as indicated on approved plans have been submitted to and approved in writing by the Local Planning Authority.
- 5 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.
- 6 Condition Prior to the commencement of the development hereby permitted the off-site highway improvement works referred to in Condition 5 of this consent shall be completed to the written satisfaction of the Local Planning Authority.
- 6 Reason To ensure that the highway network is adequate to cater for the development proposed.

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- 7 Condition The gradient of the vehicular access shall not exceed 1:12 for the first 15 meters into the site as measured from the near channel edge of the adjacent carriageway.
- 7 Reason In the interests of the safety of persons using the access and users of the highway.
- 8 Condition Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order (2015), (or any Order revoking, amending or re-enacting that Order) no gates/bollard/chain/other means of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.
- 8 Reason In the interests of highway safety.
- 9 Condition Prior to the first use of the development 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.
- 9 Reason To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety.
- 10 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.
- 10 Reason To ensure adequate off-street parking during construction in the interests of highway safety.
- 11 Condition Prior to the commencement of any works a Construction Traffic Management Plan and Access Route which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway together with wheel cleaning facilities shall be submitted to and approved in writing by the Local Planning Authority together with proposals to control and manage construction traffic using the 'Construction Traffic Access Route' and to ensure no other local roads are used by construction traffic.
- 11 Reason In the interests of maintaining highway efficiency and safety. This needs to be a pre-commencement condition as it deals with safeguards associated with the construction period of the development.
- 12 Condition For the duration of the construction period all traffic associated with (the construction of) the development will comply with the Construction Traffic Management Plan and use only the 'Construction Traffic Access Route' and no other local roads unless approved in writing with the Local Planning Authority.
- 12 Reason In the interests of maintaining highway efficiency and safety.

- 13 Condition The foul and surface water drainage arrangements for the site shall be constructed in accordance with the approved plans Drawing Nos 4180596-1000 Rev 1 and 4180596/1200 Rev1, and thereafter maintained as such.
- 13 Reason To ensure that there is a satisfactory means of drainage in accordance with the NPPF.
- 14 Condition The lighting scheme for the site shall be installed in accordance with the approved plans Drawing Nos Project Number 0 – 140078 DWG00 and DWG 01 and thereafter maintained as such.
- 14 Reason In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF.
- 15 Condition The kitchen extract and odour control measures shall be installed and maintained in accordance with details given in CDM Partnerships Odour Control specifications document and CDM Partnership Odour Control Assessment Rev 00 received on 24 Dec 2019, and maintained as such thereafter.
- 15 Reason To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.
- 16 Condition No deliveries shall be taken at or despatched from the site outside the hours of 08.00 to 18.00 Monday to Saturday and 09.00 to 17.00 on Sundays, Bank or Public Holidays.
- 16 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.
- 17 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, deliveries/collections and any piling. The scheme shall also provide the location of any fixed machinery, their sound power levels, the location and layout of the contractor compound, the location of contractor parking, proposed attenuation and mitigation methods to protect residents from noise, dust and litter, and communication methods to the wider community regarding the construction phases and likely disruptions. The scheme shall be implemented as approved.
- 17 Reason To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.
- 18 Condition Construction or development work on site, along with collections and deliveries of waste products, material and equipment, shall only be carried out between the hours of 0800 and 1800 weekdays, and 0900-1300 on Saturdays, with no work allowed on Sundays and Bank/Public Holidays.
- 18 Reason To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.

- 19 Condition No fixed plant and/or machinery shall come into operation until details of the fixed plant and machinery serving the development hereby permitted, and any mitigation measures to achieve this condition, are submitted to and approved in writing by the local planning authority. The rating level of the sound emitted from the site shall not exceed 50 dBA between 0700 and 2300 hours and 39 dBA at all other times. The sound levels shall be determined by measurement or calculation at a point to be agreed in writing by the Local Planning Authority. The measurements and assessment shall be made according to BS 4142:2014.
- 19 Reason To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.
- 20 Condition The development hereby approved shall be constructed in strict accordance with the recommendations of the Tree Survey, Arboricultural Impact Assessment Arboricultural Method Statement & Tree Protection Plan Rev B produced by Hayden's Arboricultural Consultants dated 13/12/2019 and received on 24 Dec 2019.
- 20 Reason To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF.
- 21 Condition All hard and soft landscape works shall be carried out in accordance with the approved details on Drawing No. V15971-MCD-L01E. 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.
- 21 Reason In the interests of protecting the environment and the future occupants of the development in accordance with the NPPF.
- 22 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, 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation and 7) any further project designs as addenda to the approved WSI covering subsequent phases of mitigation as required.
- 22 Reason To safeguard archaeological interests in accordance with the principles of the NPPF.
- 23 Condition No development shall take place other than in accordance with the written scheme of investigation approved under condition 16 and any addenda to that WSI covering subsequent phases of mitigation.
- 23 Reason To safeguard archaeological interests in accordance with the principles of the NPPF.

- 24 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 16 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 24 Reason To safeguard archaeological interests in accordance with the principles of the NPPF.
- 25 Condition Notwithstanding the details shown on the approved plans, Drawing No.s 7561-SA-8743-P104E and V1971-MCD-L01 Rev E, prior to occupation of the site full details of the specifications and locations of the acoustic fencing shall be submitted to and agreed in writing by the local planning authority. Development should be in accordance with the details agreed and retained as such thereafter.
- 25 Reason In the interests of the amenities of the locality in accordance with the principles of the NPPF.