

AGENDA ITEM NO. 9/2(b)

Parish:	Heacham	
Proposal:	Full Planning Application for the improvements to the existing access and an extension to the existing car park to provide additional 29 car parking spaces including electric vehicle (EV) charging spaces and other associated works	
Location:	Lidl 43 Lynn Road Heacham KINGS LYNN PE31 7JF	
Applicant:	Lidl Great Britain Limited	
Case No:	23/00760/F (Full Application)	
Case Officer:	Mrs N Osler	Date for Determination: 28 August 2023 Extension of Time Expiry Date: 8 December 2023

Reason for Referral to Planning Committee – Called in by Cllr Parish and Officer
Recommendation is Contrary to Parish Council Recommendation

Neighbourhood Plan: Yes

Case Summary

Full planning permission is sought for an extension to the exiting car park to provide an additional 29 car parking spaces of which 26 would be electric vehicle charging spaces and other associated works including improvements to the existing access from the A149 and landscaping at Lidl, Heacham.

The site lies opposite the North Norfolk Area of Outstanding Natural Beauty in land designated as countryside. The site is greenfield as defined in the NPPF, has a groundwater risk ranking of medium and is Flood Zone 1.

The application site measures 1.03ha which includes the existing Lidl site (0.84ha) and the car park extension (0.19ha.) The application site was increased to include the whole site because the original submission did not include all land where development was sought.

Key Issues

Principle of Development
Form and Character and Impact on the Countryside and Setting of the AONB
Neighbour Amenities
Highway Safety
Drainage
Ecology and Biodiversity
Crime and Disorder
Other Material Considerations

Recommendation**APPROVE**

THE APPLICATION

Full planning permission is sought for an extension to the existing car park to provide an additional 29 car parking spaces of which 26 would be electric vehicle charging spaces (of which 2 would be 'rapid', 11 'fast' (active), 11 'fast' (passive) and 2 accessible), other associated works including improvements to the existing access (to provide a two lane exit) from the A149 and landscaping at Lidl, Heacham.

The site lies opposite the North Norfolk Area of Outstanding Natural Beauty in land designated as countryside. The site is greenfield as defined in the NPPF, has a groundwater risk ranking of medium and is Flood Zone 1.

The application site measures 1.03ha which includes the existing Lidl site (0.84ha) and the car park extension (0.19ha.) The application site was increased to include the whole site because the original submission did not include all land where development was sought.

SUPPORTING CASE

The proposals will provide an additional 29no. car parking spaces including electric vehicle (EV) charging spaces and other associated works at Lidl's existing store.

The development consists of improvements to the existing access through the delivery of a two-lane exit, in addition to an extension of the existing car park on the land to the south of the site.

The proposed amended access will improve the access and egress arrangements for the store, providing a more efficient access, whilst enabling customers and staff as well as delivery vehicles to move safely in, out and around the site.

In regard to the car park extension, the principal reason for this stems from the existing car park being busy at certain periods (especially during the summer months). Due to the area being popular with tourists, the car park is often busy with caravans, campervans and holidaymakers, who can sometimes take up multiple car parking spaces.

The car park extension proposes an additional 11no. fast EVC active bays, 11no. fast EVC passive bays and 2no. disabled EVC bays, helping to promote sustainable travel to the store and to ensure the existing store is accessible for all.

New soft landscaping is proposed to the south of the site, incorporating ornamental shrub ground cover planting, native hedge shrubs and 9no. new trees. This landscaping allows the development to assimilate the car park extension into the surrounding area whilst enhancing and protecting the wider environment of the site.

This proposal demonstrates commitment by Lidl in Heacham, with investment in the local area to ensure residents of Heacham have an improved and satisfying shopping experience when using the store. The extra car parking spaces allows for more customers to visit the store at any one time, whilst ensuring that the car park remains in line with the County Council's Parking Provision requirements. Additionally, the proposal will help to minimise the risk of off-spill parking on the local highway network surrounding the store.

To summarise:

- The proposal is for an extension to the existing Lidl car park and amendments to the site access to improve the overall operation of the existing car park
- There will be no adverse impacts on the surrounding amenity as a result of the development
- The design of the extension is in keeping with the commercial nature of the site and will be sympathetic to its surroundings
- The proposal will include a high-quality landscape plan to assimilate the car park extension into the surrounding area
- The proposal will provide improved parking facilities, including EVC provision and 2no. accessible spaces and
- The proposed extension is wholly in accordance with the national and local planning policy.

It is therefore considered that the Council can properly support the proposal on this basis.

PLANNING HISTORY

22/00817/F: Application Withdrawn: 09/08/22 - Extension to the existing car park.

21/00143/PREAPP: INFORMAL - Likely to refuse: 15/11/21 - PRE-APPLICATION ENQUIRY WITH CONSULTATIONS: Full: Electric charging station, filling points and restaurant.

19/00157/PREAPP: INFORMAL - Likely to refuse: 17/01/20 - Pre-application enquiry (Full with consultations, no meeting): Proposed road-side services (A1/A3/A5 uses) including the construction of 3 no. single storey buildings with associated car parking (89 spaces) and drive thru lanes and extension to existing Lidl food retail store carpark (38 spaces)

16/01712/FM: Application Permitted: 12/01/17 - Demolition of existing building and construction of a Class A1 (retail) food store together with access, car parking, landscaping, and associated engineering works.

15/02004/FM: Application Refused: 09/06/16 - Demolition of existing buildings and construction of Class A1 (Retail) food store together with access, car parking and landscaping, and associated engineering works.

RESPONSE TO CONSULTATION

Parish Council: OBJECT We have a number of concerns that need to be addressed before this proposal can realistically be considered for approval.

1. **Incorrect Plans and Road Markings:** The submitted plans appear to be inaccurate and require updating before being presented to the Committee. Moreover, the road markings on the A149 leading to the car park direct traffic into the path of exiting vehicles. This situation poses a safety hazard and must be amended to ensure the smooth flow of traffic and prevent potential accidents.
2. This extended design will change the car park into one where vehicles will come from all directions mixing with pedestrians including children, it is a confused layout with no clear rules and needs a one-way system in and out.
3. **Inadequate space for Articulated Vehicles:** The existing roadway facing the store is too narrow to accommodate articulated vehicles safely, especially those wishing to reverse

- onto the loading bay. This limitation can only be overcome if the store is closed and no cars are parked. Furthermore, the road layout depicted on the plan seems to be intended for left-hand drive HGV vehicles, which is inappropriate for our right-hand driving country.
4. **Pedestrian Safety Concerns:** The pedestrian crossing markings in the car park are insufficient and tend to be obstructed by parked vehicles. I urge the planning authority to extend these markings across the car park and enhance their visibility to ensure the safety of pedestrians.
 5. **Hazardous Extension of Footpath:** The proposed extension of the footpath from the south into the site creates a hazardous situation for pedestrians as it lacks a safe crossing route for pedestrians due to incoming and outgoing traffic. The footpath drops pedestrians into the car park well away from the pedestrian crossing.
 6. **Confusing Entrance Design:** The entrance by the 'viewing strip' requires clear one-way signage to prevent confusion among drivers from the extended car park area attempting to exit through that route.
 7. The current design will allow queuing exit traffic to block the entrance as traffic from the extended area will try and merge with traffic from the current site at the exit, causing a risk to traffic on the A149.
 8. **Outdated Crash Map:** The Transport assessment crash map is outdated, as it only covers data up to 2021. An updated and comprehensive crash map should be included in the proposal to provide a complete picture of traffic-related incidents in the area.
 9. **Lack of Local Bus Service Access:** Considering there is no local bus service that directly serves the A149, the proposed development may lead to an increase in car usage, exacerbating traffic congestion and carbon emissions. The absence of a local bus service near the A149 further emphasizes the need for thorough traffic impact assessments.
 10. Large vehicles such as car caravan combination or motorhomes could cause an issue in the narrow car spaces or even block the car park. This area has large amounts of holiday traffic, so specific space should be provided for this demographic ideally in the extended area.
 11. We would ask that a condition is put that no overnight parking is allowed on this site to prevent camping and HGV parking and that it is enforced with CCTV
 12. Due to the risk to pedestrians and users we would ask that a restriction is put in place preventing deliveries between 07.00 and 22.00. Furthermore, for the benefit of residents we would ask that it is conditioned that lorries waiting should not leave their engines running, to reduce noise and prevent build-up of toxic emissions.
 13. Landscaping was condition on the original planning application but was not implemented. We would ask that a specific timescale is conditioned to ensure that it cannot be ignored for years leaving this facility looking bare and poorly designed.

Highways Authority (NCC): NO OBJECTION The proposal is for a car park extension with minor off-site alterations to the site access arrangements, which is accompanied by a stage 1 safety audit, as previously requested.

In relation to highways issues only, Norfolk County Council does not wish to resist the grant of consent but recommends conditions relating to: parking provision to be provided in accordance with the plans, and detailed drawings of off-site works to be submitted, agreed and implemented.

Historic Environment Service (NCC): NO OBJECTION 'The proposed carpark extension is located in an area where cropmarks of archaeological features have been recorded from aerial photographs. These features consist of consists of rectilinear enclosures, field systems and trackways, of possibly Iron Age and Roman date. There is potential for previously unidentified heritage assets with archaeological interest (buried archaeological remains) to be present within the current application site and that their significance would be affected by the proposed development.

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, that should be secured by condition.

NCC Ecology Landscape (NCC): NO COMMENTS RECEIVED None received at time of writing report.

Lead Local Flood Authority (NCC): DOES NOT WISH TO COMMENT The development falls below our threshold for comment.

Internal Drainage Board: DOES NOT WISH TO COMMENT Having screened the application, the site in question lies outside the Internal Drainage District of the King's Lynn Internal Drainage Board and as per our Planning and Byelaw Strategy, the proposed application is classed as a minor development and does not meet our threshold for commenting. Therefore, the Board has no comments to make.

Environmental Health & Housing – Environmental Quality (BCKLWN): NO OBJECTION

Air Quality: The new revised planning application seeks a reduced number of parking spaces (29) than the previous application (45) but with increased electric vehicle charging infrastructure as shown in the revised plan.

The reason for the extension to the carpark is given by the Applicant in a covering letter, that during summer months the demand for parking spaces can go beyond the capacity provided by the existing carpark including caravan parking. Norfolk CC parking guidelines suggests the car parking should be even greater with up to 171 spaces when based on the GIA of the site in comparison to current (123) capacity.

The NPPF in Section 174(e) requires development to contribute and enhance and local environment by preventing unacceptable risks and wherever possible to improve the air quality. Contributing and enhancing the environment and improving air quality is line with the IAQM guidance for best practice at the outset. So, whilst the development proposal appears car centric it does propose to address the electric vehicle infrastructure for the store with Rapid (2), Fast (11), Accessible (2) plus passive cabling for 11 other spaces. The NPPF advises under Section 112(e) that in terms of electric vehicle infrastructure it should be designed to be safe, accessible and convenient for all future users.

We would not therefore object in terms of air quality and any changes to emissions in the area.

Contaminated Land: The application is for a car park extension.

The applicant has provided a site plan showing the proposed extension.

We have reviewed our files and the site is on land not seen developed for the duration of our records. The surrounding landscape is largely agricultural.

No potential sources of contamination are identified in our records, or in the information provided by the applicant.

We have no objection regarding contaminated land.

Community Safety and Neighbourhood Nuisance (BCKLWN): NO OBJECTION subject to conditions relating to Surface Water Drainage, Construction Management including Construction Hours, Noise Attenuation and Lighting.

Arboricultural Officer (BCKLWN): NO OBJECTION This application is for a car park extension to include landscape proposals to the new southern boundary. Because the south boundary of the site will be onto open countryside, and architecturally the building is not visually attractive in views from the south, special attention needs to be paid to this edge.

The application for the original development ref 16/01712/FM made much of the need for site landscaping, including visualisations to demonstrate successful tree and hedge planting to the northern boundary and native hedgerows and tree planting to the southern boundary to soften views from the A149, described at the time by the applicant to reflect typical means of enclosure along the A149 corridor. It is disappointing to see no trees within the car park itself, which was a wasted opportunity. Heavily shaded car parks reduce the need to whack up the air conditioning (both in the car and around buildings). They also filter the air, reducing car emissions. The right tree, in good condition, can capture and store up to 100 gallons of water a day, reducing storm water runoff as well as filtering pollutants. This car park is a black top desert.

The applicant advised at the time that new landscape planting would include native trees and hedges. They suggested that native trees would attain height greater than the proposed building and will help to assimilate it into the surrounding landscape.

This original landscaping has failed completely. There is no integration into the existing landscape and the new store is more prominent than the old garage and car wash. Of the 9 trees planted along the southern boundary only two have survived, both oak trees, still tied to their stakes, and growing with much reduced vitality. The hedging has grown, it is gappy, and because it has been maintained at a low height much of the car park is visible and cars are equally prominent as the landscaping to help screen the car park in views from the A149. No one wants to sit in traffic and gaze at a car park.

This application provides an opportunity to put things right.

The southern edge of this car park extension needs to be treated positively in landscape terms, the real space required for landscape features to establish and grow both above and below ground needs to be recognised.

In principle a broad hedgerow with trees should be an appropriate solution, but this scheme if anything is a lesser form of the original, and that has failed completely, it seems that a different approach is now required.

Drawing 21-152-P-02 does not provide for the basic physiological requirements for healthy tree establishment. There are no soil volume or tree planting pit/trench details. Inadequate soil volumes will be available for the healthy growth and successful establishment of trees. To achieve the necessary soil volumes on this site an underground cellular system or structural soils system will be required beneath the car parking, with thoughtful irrigation, this could be part of a surface water drainage strategy for this part of the car park surface.

Underground load bearing root zone technology falls into two Categories: – Structural soils and Crate systems/cell systems e.g., SilvaCells, Root Space, Stratacells etc, both of which allow tree pits to be extended beneath hard surfacing, and to be incorporated with surface water drainage. For more information these techniques are extensively reviewed in the free download document *Trees in Hard Landscape: A Guide for Delivery* by Trees in Hard Landscapes: A Guide for Delivery - Trees and Design Action Group (tdag.org.uk). I know

there are other Lidl stores where such structural cells have been used. Why it has not been recommended here is a mystery, especially in recognition of the previous landscape failure.

The landscape proposals as detailed in Drawing 21-152-P-02 include a narrow native mixed hedge around the perimeter of the site with trees. In principle a broad hedgerow with trees should be an appropriate solution. Between this and the car parking a typical bed of shrubs is proposed, which could be from any generic shrub bed for any type of development in the UK, with zero local distinctiveness in species selection or design. Using only one tree species for the boundary tree planting onto the open countryside with *Acer campestre* (Field maple) is preferred and will better reflect the existing landscape character. Birch and cherry would not.

In its present form the landscaping proposals are inadequate, both in design and detail, and it will not successfully integrate this building and car park into the surrounding countryside.

I'm suggesting conditions for detailed hard and soft landscaping to include specifications for planting, landscape establishment as we don't want the hedge and trees to die because they are not watered. It would be our intention to place a Tree Preservation Order on any newly planted trees here to ensure their long-term survival and when necessary, replacement.

Senior Ecologist (BCKLWN): NO OBJECTION I have reviewed the Ecological Appraisal (EA) and landscaping proposals submitted in support of this application.

Habitats: The EA identifies the habitats on site as poor, semi-improved grassland, species poor defunct hedge, building and hardstanding, the latter two forming the dominant habitats on site. No priority habitats were noted on site.

The defunct hedgerow is highlighted by the Arboriculture Officer as likely to have been established as part of the original application. The hedge is described within the EA as a narrow, low-level hedge of native and non-native species including the presence of three immature oak trees and has effectively failed. This must be remedied as part of this application to provide any meaningful value to biodiversity.

Protected Sites: No impacts are identified from the proposal on protected sites.

Protected Species: No impacts are predicted on any protected species or group. A Preliminary Bat Roost Assessment (PRA) was undertaken of the building on site which resulted in an assessment of negligible potential for roosting bats. No evidence of badger, amphibians, bats, reptiles, breeding birds or hedgehog were recorded during the site visit and habitat was assessed as suboptimal for many of these species.

However, mitigation measures for breeding birds, reptiles, and hedgehogs to avoid residual risk of impact to these species/ groups should be controlled by condition. These include:

- Any vegetation clearance to be cleared outside of breeding bird season or a survey required prior to clearance but a suitably qualified ecologist
- Precautionary reptile method statement
- Precautionary methods for hedgehog

Biodiversity enhancement: All developments must provide a measurable net gain in biodiversity. Habitat enhancements have been recommended within the EA which include:

- The planting of native tree and shrub species within landscaped areas and particularly along the site boundaries.
- Native species hedging along the site boundaries.

- Boundary treatments should be left open where feasible to allow passage for small mammals including hedgehog.

The current landscaping plans require some work to provide any benefit to biodiversity. The Arboricultural Officer's response outlines detailed landscaping requirements which are sympathetic to, and will aid provision of, a net gain in biodiversity.

I have no objection to the proposed development, but the landscaping issues must be remedied, and boundary treatment must facilitate passage to hedgehogs.

Norfolk Constabulary: NO OBJECTION This proposed layout does show that Crime Prevention through environmental design features have mostly been carefully considered and incorporated into this proposal. I would be pleased to work with the agent or developer to ensure that this approach continues. This is by far the most efficient way in which to proceed with commercial developments and is a partnership approach to reduce criminal opportunity. However, I do have some matters that require consideration. These can be summarised as:

- The main entrance should create a symbolic barrier
- Boundary treatments should meet BS1722 standards, with a boundary that provides a Perimeter Detection System which may be provided by formal surveillance
- Any boundary hedging should be planting at the earliest opportunity and should include sharp thorns to dissuade intruders
- Vehicle owners should be provided with a view of their vehicle to offer the best protection
- Internal (non-boundary) hedges and shrubs should have a maximum grown height of one metre
- Lighting should cover all vulnerable areas and should be more than bollard lighting that is purely for wayfinding and can be easily obscured. Additionally, research has proven that a constant level of illumination is more effective at controlling the night environment
- The provision of CCTV is most effective when it forms part of an overall security plan
- The refurbishment and extension of the car parking provision would be an ideal opportunity to improve the provision for cycle security at this venue. I would also advocate that the venue considers promoting both cycle security and cycle marking / registration for employees and customers.

REPRESENTATIONS

FIVE letters of **OBJECTION** have been received. The reasons for objection can be summarised as:

- The additional car parking spaces are not necessary because the car park has only once been full to capacity during the summer period, this does not justify concreting over land
- Improvements to the entrance and exit would have been welcome as part of the application
- Loss of scrubland that is natural habitat
- Increased light pollution
- Increased rubbish
- Increased noise
- Environmental damage
- Lidl have no regard whatsoever for neighbouring properties or wildlife and nature
- The installation of EV charging points is confusing. What would one do whilst waiting for their vehicle to charge? There's no cafeteria, the store isn't large enough to spend any

amount of time there, so I assume one would wait in their vehicle whilst it charged, apparently taking up a parking space that Lidl feel is so desperately needed

- There is no security on the carpark and vehicles, including HGVs sue this at unsociable hours including weekends and bank holidays
- How will drainage be dealt with?
- Pollution is of concern from oil etc from vehicles
- Barn owls use the site to nest and feed

THREE letters of **SUPPORT** have been received from third parties. The reasons for support can be summarised as:

- The entrance / exit arrangements are an improvement over existing
- Electric car charging points are welcomed; however, I'm unconvinced that additional parking is required as there's never a problem finding a parking space. The site is good habitat for wildlife
- Without the additional spaces, if the car park were ever full, where would people park? Not being able to park would discourage people from using the store.

LDF CORE STRATEGY POLICIES

CS13 - Community and Culture

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 PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

NEIGHBOURHOOD PLAN POLICIES

Policy 11: Green Infrastructure

Policy 5: Design Principles

Policy 12: Provision of Electric Vehicle Charging

Policy 13: Dark Skies

Policy 15: Settlement Breaks

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
National Design Guide 2021

PLANNING CONSIDERATIONS

The main considerations in the determination of this application are:

Key Issues

Principle of Development
Form and Character and Impact on the Countryside and Setting of the AONB
Neighbour Amenities
Highway Safety
Drainage
Ecology and Biodiversity
Crime and Disorder
Other Material Considerations

Principle of Development:

The site lies outside of the Development Boundary for Heacham, and therefore in land classed as countryside. However, the site lies immediately adjacent to the development boundary and immediately adjacent to the existing Lidl car park.

Support for the rural economy is a key consideration of both the NPPF and Development Plan.

Paragraph 84 and 85 of the NPPF state *Planning policies and decisions should enable:*

- a) *the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings,*
- b) *the development and diversification of agricultural and other land-based rural businesses,*
- c) *sustainable rural tourism and leisure developments which respect the character of the countryside, and*
- d) *the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.*

Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are

physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

Core Strategy Policy CS10 relates to The Economy and has a specific section that relates to Rural Employment whereby it states that *The Council will support the rural economy and diversification through a rural exception approach to new development within the countryside...*

It continues by stating *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, and*
- *The proposed development and use will not be detrimental to the local environment or local residents.*

This is reiterated in Site Allocations and Development Management Policies Plan Policy DM2.

The applicant suggests that the need for the application is that the car park is often 'overflowed' with caravans and holidaymakers in the summer months. The applicant is therefore suggesting there is a legitimate local business need for the proposed development. However, the majority of third-party comments, including those in favour of the proposed development, suggest that the car park is never full.

Notwithstanding these opposing opinions, which are covered in more detail later in this report, it is considered that the principle of the proposed development is acceptable subject to compliance with other relevant planning policy and guidance.

In relation to the principle of development it is considered that the development accords with the NPPF in general and specifically to paragraphs 84 and 85 of the NPPF and Development Plan Policies CS10 and DM2.

Form and Character and Impact on the Countryside and Setting of the AONB:

Paragraph 174b) of the NPPF states *Planning policies and decisions should contribute to and enhance the natural and local environment by: recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland*

Paragraph 176 of the NPPF states *Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues...The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.*

The protection of the countryside and the AONB is reiterated in the Development Plan including Heacham Neighbourhood Plan.

Development Plan Policy CS06 seeks to resist development of greenfield sites in the countryside unless essential for agricultural or forestry. However, as previously referenced,

Development Plan Policy CS10 allows for development in the countryside to support the rural economy where it *it will not be detrimental to the local environment*.

Neighbourhood Plan Policy 8 requires development to ensure *there is no unacceptable impact (visual or otherwise) on the area's landscape and proposals for development will be expected to demonstrate how they have minimised landscape impacts on the open countryside and coastline*.

The extended car park is a low-level development that does not include tall structures or buildings and would therefore not be afforded long views. Once the car park came into view it would be read in relation to the existing car park and retail store to which it relates. It would not therefore appear incongruous or out of place in that regard.

Whilst there would be some visual impact from the proposed development, it would be difficult to suggest this relatively small encroachment into the countryside opposite the AONB would be of such harm to these designations that that harm would outweigh the benefit to the existing business.

Furthermore, and notwithstanding the landscaping proposals that accompanied the application which are not considered acceptable, a robust landscaping plan will be conditioned to ensure appropriate screening of the site. Lighting will also be conditioned. These conditions should further ensure that the development appropriately integrates with its setting and has minimal impact on the visual amenity of the locality. Such conditions would also address Heacham Neighbourhood Plan Policies 5 and 13.

It should be noted that Norfolk Coast Partnership have not commented on the proposed development. It is considered that if they were concerned with the impact of the development on the AONB they would have made representation.

In relation to the impact of the proposed development on the countryside and AONB it is considered that the development accords with the NPPF in general and specifically to paragraphs 174b) and 176 of the NPPF, Development Plan Policy CS10 and Heacham Neighbourhood Plan Policies 5, 8 and 13.

Neighbour Amenity:

Paragraph 130f) of the NPPF requires development to offer a high standard of amenity for existing and future users. This is reiterated in Development Plan Policy DM15 and Heacham Neighbourhood Plan Policy 5.

The proposed car parking area is further away from residential properties than the existing car park. It is therefore considered that it is unlikely there would be any material impact on the amenity of occupiers of neighbouring dwellings.

Notwithstanding this, the Community Safety and Neighbourhood Nuisance Team has suggested that a 2m high acoustic barrier should be provided along the western boundary of the site to prevent any disamenity that may be caused by noise from the electric vehicle charging bays, primarily the Fast Charge bays to nearby residential properties. However, given the location of the development, opposite the AONB, and the uncertainty that such attenuation is needed (no noise assessment has been undertaken) it is considered that such a measure may not only be visually intrusive, but also unnecessary. It is therefore considered that a noise assessment should be conditioned and that if noise attenuation measures are necessary a suitable solution can be agreed (one that mitigates noise impacts whilst taking account of the sensitive location of the site.)

In relation to the impact of the proposed development on the of neighbouring dwellings it is considered that the development accords with the NPPF in general and specifically to paragraph 130f) of the NPPF, Development Plan Policy DM15 and Heacham Neighbourhood Plan Policy 5.

Highway Safety:

Paragraph 110b) of the NPPF seeks to ensure *safe and suitable access to the site can be achieved for all users...* with Paragraph 112e) requiring development to *be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations* and paragraph 130f) ensuring development is *inclusive and accessible...*

This is reiterated in Development Plan Policies CS11 and DM15 and Heacham Neighbourhood Plan Policies 5 and 12.

The application proposes changes to the existing access by providing a two lane exit and extension of the existing car park on land to the south of the existing site. In total there would be an increase of 29 parking spaces throughout the site 26 of which would be electric vehicle charging bays.

Development Plan Policy DM17 requires all developments other than residential development to provide parking in accordance with Norfolk County Council Parking Standards. In this regard the parking requirements for a supermarket of this size, 2471.5m² (gross external area), is for 177 spaces (1 space per 14m²). Currently the site provides 123 spaces (including 6no. accessible bays and 8no. parent and child spaces), if the additional 29 car parking spaces are approved this would result in a total of 152 car parking spaces including 26 electric vehicle bays, 8no parent and child spaces (same as existing) and 8no accessible spaces (an additional 2no. both of which would be immediately adjacent to the store.) This is still 25no. below NCC Parking Standards.

The applicant suggests that an increase in parking spaces is required due to capacity issues; third parties suggest the car park is never full.

Pragmatically, when one considers that the pressure on the car park is only going to increase by virtue of permissions in the immediate and wider locality (the population is only going to increase and most people going grocery shopping will use their car) as well as parking standards of which the current site falls short, it would be difficult to suggest that the proposed extension is not acceptable.

Cycle provision for a store of this size should be 24no. spaces (2no. spaces per 200m²) and accessible bays should be 6% of the total provision (9no.)

Cycle provision is currently 16 spaces (as conditioned on the original permission), this application does not seek to increase this provision. The total number of accessible bays following development would be 8no.

The parish council raise a number of objections in relation to the proposed access and internal movement within the car park including the location of pedestrian crossings.

However, the Local Highway Authority raise no objection on these grounds finding these aspects technically acceptable in terms of safety. It should be noted that the new access arrangements passed the Stage 1 Safety Audit.

In relation to the impact of the proposed development on highway safety it is considered that the development accords with the NPPF in general and specifically to paragraphs 110b), 112e) and 130f) of the NPPF, Development Plan Policies CS11, DM15 and DM17 and Heacham Neighbourhood Plan Policies 5 and 12.

Drainage:

Paragraph 167 of the NPPF seeks to ensure that new development *incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate...*

This is reiterated in Development Plan Policy CS08.

The drainage strategy that accompanied the application states that the proposed drainage strategy for the car park extension will follow the same discharge methodology from the current development site and discharge via infiltration. The drainage strategy proposes that all surface water flows arising from the proposed car park extension are to recharge to the existing ground. This will be achieved by ensuring that the areas of impermeable surfacing will fall towards the new area of permeable parking bays where infiltration will take place whilst attenuating the larger rainfall events.

However, the drainage strategy concludes that further discussions with the appropriate approving bodies are required to agree the proposed drainage strategy. Therefore, surface water drainage will be conditioned if permission is granted in line with the recommendations of the Community Safety and Neighbourhood Nuisance Team.

In relation to drainage, it is considered that the development accords with the NPPF in general and specifically to paragraph 167 of the NPPF and Development Plan Policy CS08.

Ecology and Biodiversity:

Paragraph 174d) states that *Planning policies and decisions should contribute to and enhance the natural and local environment by: minimising impacts on and providing net gains in biodiversity...* Paragraph 180a) states that *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigate, or, as a last resort, compensate for, then planning permission should be refused.*

This is reiterated in Development Plan Policy CS01 and CS12 and Heacham Neighbourhood Plan Policy 11.

The Local Authority's Senior Ecologist (LASE) reviewed the Ecological Appraisal that accompanied the application and has made a considered representation covered in the relevant section of this report.

The Senior Ecologist concludes:

- no priority habitats were noted on site
- the failed non-native species hedgerow previously planted should be remedied by appropriate landscaping plans
- no impacts are identified from the proposal on protected sites
- no impacts are predicted on any protected species or group
- mitigation measures for breeding birds, reptiles, and hedgehogs should be conditioned in line with the Ecological Appraisal
- biodiversity enhancements should be incorporated into the landscape proposals.

In relation to biodiversity, it is considered that the development accords with the NPPF in general and specifically to paragraphs 174d) and 180a) of the NPPF, Development Plan Policy CS01 and CS12 and Heacham Neighbourhood Plan Policy 11.

Crime and Disorder:

Paragraph 92b) states that *Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas...* This is reiterated in Paragraph 130f) that requires developments to be *safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

This is reiterated in Development Plan Policy CS13.

The Police Architectural Liaison Officer (PALO) has made some recommendations in relation to reducing crime and the fear of crime. However, some recommendations result in conflict with other policy considerations e.g., lighting which in terms of the impact on the AONB and countryside should be kept to a minimum; some could not be enforced, e.g., the provision of CCTV; and some seem easily achievable e.g., boundary planting to include sharp thorns although in relation to this aspect it is not considered necessary given the change in levels between the site and neighbouring land and a substantial landscaping buffer that is to be secured by condition.

Notwithstanding this, there is nothing overly concerning within the PALO's comments, and it is considered that the development would not result in any material crime and disorder impacts.

In relation to crime and the fear of crime, it is considered that the development accords with the NPPF in general and specifically to paragraphs 92b) and 130f) of the NPPF and Development Plan Policy CS13.

Other Material Considerations:

There are no other material considerations.

Specific comments and issues:

In relation to the parish council's comments the LPA comments as follows:

1. Incorrect Plans and Road Markings: *The Local Highway Authority has confirmed that the proposed works plan shows turning arrows in the correct position.*
2. Confused layout with no clear rules and needs a one-way system in and out: *The Local Highway Authority has confirmed that the layout allows drivers to find spaces easily and follows the usual 'rules of the road.'*
3. Inadequate space for Articulated Vehicles: *This remains unchanged, and the car park extension does not affect this.*
4. Pedestrian Safety Concerns: *Lidl could take this opportunity to refresh existing markings.*
5. Hazardous Extension of Footpath: *The Local Highway Authority has stated this remains relatively unchanged and has passed the safety audit.*

6. Confusing Entrance Design: *The Local Highway Authority has stated that the layout follows the usual rules of the road.*
7. The current design will allow queuing exit traffic to block the entrance as traffic from the extended area will try and merge with traffic from the current site at the exit, causing a risk to traffic on the A149: *The Local Highway Authority has stated that the layout follows the usual rules of the road.*
8. Outdated Crash Map: *The Local Highway Authority has stated that there have been no recent PIA's (the last one being September 2021.) A PIA is an accident involving personal injury to road users.*
9. Lack of Local Bus Service Access and need for Traffic Impact Assessment: *The application does not represent an increase in the size of the store and the car park it to cater for existing requirements. A traffic impact assessment is therefore not required.*
10. Large vehicles such as car caravan combination or motorhomes could cause an issue in the narrow car spaces or even block the car park. This area has large amounts of holiday traffic, so specific space should be provided for this demographic ideally in the extended area: *There are no policies that require such provision.*
11. We would ask that a condition is put that no overnight parking is allowed on this site to prevent camping and HGV parking and that it is enforced with CCTV: *It is not reasonable or necessary to require this given the scale of the proposed development.*
12. Delivery hours should be restricted to between 07.00 and 22.00 and it should be conditioned that lorries waiting should not leave their engines running, to reduce noise and prevent build-up of toxic emissions: *It is not reasonable or necessary to change the operation of the store by virtue of this application to extend the car park.*
13. Landscaping: *Will be suitably conditioned.*

In relation to third-party comments, the LPA comments as follows:

- The additional car parking spaces are not necessary because the car park has only once been full to capacity during the summer period, this does not justify concreting over land: *covered in report.*
- Improvements to the entrance and exit would have been welcome as part of the application: *improvements are proposed.*
- Increased light pollution: *covered in report.*
- Increased rubbish: *it is not considered that extending the car park will result in additional litter.*
- Increased noise: *covered in report.*
- Environmental damage, including loss of countryside and impact on protected species: *covered in report.*
- The installation of EV charging points is confusing. What would one do whilst waiting for their vehicle to charge? *the provision of EV charging is a welcome addition, accords with policy and is an environmental benefit.*
- How will drainage be dealt with? *covered in report.*

CONCLUSION:

The development proposals a relatively small extension to the car park serving the Lidl store in Heacham. However, the extension encroaches into the countryside and is opposite an Area of Outstanding Natural Beauty (AONB).

The applicant suggests that the development is required to address circumstances when the car park has been full. Such occurrences have not been seen by third parties commenting on the application. Notwithstanding this, parking provision is below current parking standards, and it is likely that pressures on the car park will only increase over time as the

population increases. It is therefore considered that it would be difficult to suggest that the proposed development is not acceptable.

No objections have been received on technical grounds although it is acknowledged that the Parish Council has raised concerns relating to the access arrangements and internal layout in terms of highway / pedestrian safety. The Local Highway Authority do not share the Parish Council's concerns finding the arrangements technical sound. Additionally, the off-site works have passed a stage 1 safety audit.

It is not considered that the development would have a detrimental impact on the countryside or AONB that would outweigh the balance of supporting an existing business.

It is acknowledged that the previous landscape scheme was poor and that the planting that did take place was equally disappointing. However, landscaping will be conditioned to ensure a robust scheme with a supplementary establishment condition that should ensure the plants and trees are firmly established and do not die.

Lighting, drainage, archaeology, construction management and construction hours will all be suitably conditioned.

It is therefore considered, on balance, that the proposed development accords with the NPPF in general and specifically to paragraphs 84, 85, 92b), 110b), 112e), 130f), 167, 174b), 174d), 176 and 180a) of the NPPF, Development Plan Policies CS01, CS08, CS10, CS11, CS12, CS13, DM2, DM15 and DM17 and Heacham Neighbourhood Plan Policies 5, 8, 11, 12 and 13 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 plan drawing no: 210030 SK-01 Rev.L Proposed Site Plan.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Prior to commencement of development a detailed construction management scheme for the development hereby permitted must be submitted to and approved in writing by the Local Planning Authority; this must include proposed timescales and hours of the construction phase, deliveries/collections, and any piling which, in relation to construction hours and deliveries shall only take place between 0800 and 1800 hours weekdays and 0900 and 1300 Saturdays with none taking place on Sundays, Bank and Public Holidays and in relation to piling, if required, shall only be carried out between 0900 and 1700 weekdays only and should only be auger technique. The scheme shall also provide the location of any fixed machinery, their sound power levels, the location and layout of the contractor compounds, the location of contractor parking, the location and layout of the materials storage areas, machinery storage areas and waste & recycling storage areas, detailed 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. If piling is required, full assessment of noise and vibration impacts should be included. The scheme shall be implemented as approved.

- 3 Reason: In the interests of the amenity of occupiers of nearby properties in accordance with the NPPF, Development Plan Policy DM15 and Heacham Neighbourhood Plan Policy 5. This needs to be a precommencement condition as the issues raised are fundamental to the construction phases of the development.
- 4 Condition: Notwithstanding the details submitted with the application, including the 'Drainage Strategy' document, prior to commencement of development a site-specific designed surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a design for a 1 in 100-year storm event plus 40% climate change, full details of how the new drainage will connect to the existing drainage for the car park, the results of a detailed site connectivity survey to establish the exact drainage routes and their condition for reuse, and detailed discharge flow rates as agreed with the IDB. The development shall be carried out in accordance with the approved details.
- 4 Reason: To ensure that there is a satisfactory means of drainage in accordance with the NPPF. This needs to be a pre-commencement condition as drainage is a fundamental issue that needs to be planned for and agreed at the start of the development.
- 5 Condition: No development shall take place until an archaeological written scheme of investigation (WSI) 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:
 - a) The programme and methodology of site investigation and recording
 - b) The programme for post investigation assessment
 - c) Provision to be made for analysis of the site investigation and recording
 - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - e) Provision to be made for archive deposition of the analysis and records of the site investigation and
 - f) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation.
- 5 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.
- 6 Condition: No development shall take place other than in accordance with the written scheme of investigation approved under condition 5 and any addenda to that WSI covering subsequent phases of mitigation.
- 6 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.
- 7 Condition: The development shall not be put into first use 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 5 and the provision to be made for analysis publication and dissemination of results and archive deposition has been secured.

7 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.

8 Condition: Notwithstanding the plans that accompanied the application, prior to the first use of the extended car park hereby permitted, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority.

I) Hard landscape works, to include but not be limited to, finished levels or contours, hard surface materials, refuse or other storage units, street furniture, structures and other minor artefacts, boundary types, and any paved surfaces (including manufacturer, type, colour and size) underground modular systems, and sustainable urban drainage integration (see detailed design proposals for street trees planting pits/trenches at II)

II) Soft landscape works, to include planting plans (which show the relationship to all underground services overhead lighting and the drainage layout), written specifications (including cultivation and other operations associated with plan and grass establishment), schedules of plants noting species, plant sizes, proposed numbers and densities, tree planting details including method of staking, and irrigations, detailed design proposals for tree planting pits/trenches including, but not limited to, locations, soil volumes in cubic metres, proprietary soil cell structures if required for soil volumes, cross sections and dimensions, drainage, and 3 year irrigation programme (BS 8545-2014). The landscape scheme shall provide boundary treatments that incorporate biodiversity enhancements contained within the Preliminary Ecological Appraisal that accompanied the application.

All hard and soft landscape works shall be carried out in accordance with the approved details prior to the first use of the extended car park hereby permitted 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.

8 Reason: To protect the amenity of the locality in accordance with the NPPF, Development Plan Policies CS08 and DM15 and Heacham Neighbourhood Plan Policy 5.

9 Condition: Prior to the first use of the development hereby permitted a landscape establishment and maintenance scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the initial establishment and maintenance of all landscaped areas for a minimum period of 5 years and specify the maintenance responsibilities and arrangements for its implementation. The landscape maintenance scheme shall be carried out as approved.

9 Reason: To protect the amenity of the locality in accordance with the NPPF, Development Plan Policies CS08 and DM15 and Heacham Neighbourhood Plan Policy 5.

10 Condition: The development hereby permitted shall be carried out in accordance with the mitigation contained within Chapter 6 of the Preliminary Ecological Appraisal

(PEA) Survey Report that accompanied the application (Ref: SQ-831, dated 17th February 2023, produced by EstradaEcology.)

- 10 Reason: In the interests of biodiversity in accordance with the NPPF, Development Plan Policy CS12 and Heacham Neighbourhood Plan Policy 11.
- 11 Condition: Notwithstanding the approved plans or information that accompanied the application, prior to the first use of the extended car park 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 prior to the first use of the extended car park hereby approved and thereafter maintained and retained as agreed.
- 11 Reason: In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF, Development Plan Policies CS08 and DM15 and Heacham Neighbourhood Plan Policies 5 and 13.
- 12 Condition: Notwithstanding the details indicated on the submitted drawings for the off-site highway improvement works as indicated on Drawing No. 16-1149 101 Rev.A prior to the first use of the development hereby permitted off-site highway improvement works (including Public Rights of Way works), the details of which shall be submitted to and agreed in writing by the Local Planning Authority, shall be completed to the written satisfaction of the Local Planning Authority.
- 12 Reason: To ensure that the highway improvement works are designed to an appropriate standard and delivered in an appropriate timescale in the interests of highway safety and to protect the environment of the local highway corridor in accordance with the NPPF, Development Plan Policies CS11 and DM15 and Heacham Neighbourhood Plan Policy 5.
- 13 Condition: Prior to the first use of the development hereby permitted the proposed on-site access, car parking, turning, and waiting areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 13 Reason: To ensure the permanent availability of the parking / manoeuvring areas, in the interests of satisfactory development and highway safety in accordance with the NPPF, Development Plan Policies DM15 and DM17.
- 14 Condition: Prior to the first use of the development hereby permitted a noise assessment shall be submitted to and agreed in writing by the Local Planning Authority to assess the impacts from the electric vehicle charging bays on nearby residential properties. If the noise assessment concludes that there will be an unacceptable impact on occupiers of nearby residential dwellings suitable noise attenuation measures shall be submitted to and agreed in writing by the Local Planning Authority. The mitigation shall be installed / erected / provided prior to the first use of the development hereby permitted and shall thereafter be retained and maintained in accordance with the agreed details.
- 14 Reason: In the interests of the amenity of occupiers of nearby properties in accordance with the NPPF, Development Plan Policy DM15 and Heacham Neighbourhood Plan Policy 5.