

To consider and determine the attached Schedule of Planning Applications submitted by the Executive Director.

**Minutes:**

The Committee considered schedules of applications for planning permission submitted by the Executive Director, Geoff Hall (copies of the schedules are published with the agenda). Any changes to the schedules are recorded in the minutes.

**RESOLVED:** That the applications be determined as set out at (i) – (xvii) below, subject where appropriate to the conditions and reasons or grounds of refusal set out in the schedules signed by the Chairman.

**(i) 15/02004/FM**

**Heacham: Former Petrol Station and R J Stainsby & Son Site, 45 Lynn Road: Demolition of existing buildings and construction of Class A1 (Retail) food store together with access, car parking and landscaping and associated engineering works: Lidl UK GmbH**

The Principal Planner introduced the report and explained that the application had been deferred from the meeting held on 9 May 2016. The applicant had submitted some clarification in relation to highway issues and an amended southern elevation.

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

Approximately half of the site was located within the existing and proposed development boundary with the remaining in land designated as countryside.

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

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

The application had been referred to the Committee for determination as it had been deferred from the previous meeting.

The Committee noted the key issues for consideration when determining the application, namely:

- Principle of development;
- Highway safety;
- Impact on residential development;
- Drainage/Pollution;
- Other material considerations.

In accordance with the adopted public speaking protocol, Mr P Curtis (objecting), Mr T Parish (objecting on behalf of Heacham Parish Council), Catherine Saunders (supporting) and Mr Jim Budd/Mr N Hardy (supporting who shared the 5 minutes between them) addressed the Committee in relation to the application.

Councillor Storey arrived at 9.55 am and following advice did not take part in the debate for this particular application.

In response to comments made by the public speakers, the Principal Planner explained that the applicant did refer to the Heacham Inquiry but this application needed to be considered on its own merits. In relation to the views made by the Norfolk Coast Partnership and Natural England he explained that these had been accurately reported. The Norfolk Coast Partnership had stated that they wanted to see something better that would preserve the character of the countryside but did not raise an objection to the application. He advised the Committee that they needed to make a decision on the merits of this particular application. He also advised that the land on the opposite side of the A149 was in the AONB.

The Chairman, Councillor Mrs Spikings then introduced Liz Poole, Acting Principal Engineer to explain the highways comments. The Acting Principal Engineer advised the Committee that she had been in discussions with the applicant's traffic consultants from the start of the application process. Various options for access onto the A149 had been considered including the provision of a roundabout, but it was considered that a right-hand turn lane was the best access for the site.

County Highways did raise an issue in relation to the layout of the car park but Lidl carried out further work and it was concluded that the proposed access arrangement was appropriate and would work within the layout. Any queuing would be within the car park and would not impact the A149.

If the Committee felt it necessary, the applicants would be willing to provide a yellow box on the exit and had indicated that if required they would also provide a yellow box at the Lavender junction.

The Acting Principal Engineer concluded that there was an acceptable technical solution.

Councillor Colvin stated that he disagreed with the comment that a separate access in/out access would conflict with pedestrians as there were very few people who walked along the A149. He also referred to page 27 of the agenda where it made reference to conflicting with the statutory tests set out in the CIL regulations. He added that the Council was not yet operating CIL.

The Assistant Director explained that the CIL Regulations covered Section 106 obligations and came into force in 2010. He stated that there were 3 tests that had to be passed. It was confirmed that the Council's CIL levy was not in place and any development approved would not pay CIL contributions.

Councillor Mrs Wright expressed concern in relation to the right-hand turn land into the store. She added that the Committee had been assured that it would work but the solution would not be demonstrated until the store was built and up and running. She added that the A149 did get congested at holiday time. She asked that if the proposal went ahead, what would happen if the right hand turn lane did not work.

The Principal Planner advised that there would be nothing that could be done through the planning process it would be the responsibility of County Highways.

Councillor Mrs Wright also made reference to the design of the building and considered that it could be improved.

The Principal Planner advised that the mass and size of the building remained the same.

Councillor Bubb asked why it was not acceptable to have a right-hand turn into Broadway but it was acceptable to have one as part of the proposal.

The Acting Principal Engineer explained that the priority junction at Broadway had a history of accidents. There was not enough land to provide a right turn lane at the Broadway junction so the right turn movement in to and out of the junction had been prevented by constructing a central island.

She added that turning right out of the site would be more difficult and there would have to be an element of give and take and users of the car park and store would have to have due care and attention.

The only alternative to the proposed access would be the provision of a roundabout but this would not fit in.

The transport assessment had demonstrated that the site would work at peak times and as a Highway Authority this had to be accepted. They had to take a decision on the evidence put in front of them.

She added that she understood the concerns of the Committee but considered that most people would not turn into the site with caravans.

Councillor Bubb disagreed with the last comment that people with caravans were unlikely to use the store.

It was confirmed that there would be one delivery lorry every day.

Councillor Wareham proposed that a condition be imposed to ensure that a yellow box be provided. The Principal Planner advised that condition 7 could be amended to include the provision of a yellow box.

Councillor Crofts asked if there would be enough space for the car parking spaces next to the A149. The Acting Principal Engineer confirmed that there would be 24 m which would be enough space.

Councillor Morrison stated that he was not in favour of the proposal in this location although he was in favour of Lidl's. He added that first impressions did mean a lot as you would be entering the AONB and he considered that the proposal would be a blot on the landscape. He highlighted that CPRE had objected in relation to the impact on the AONB and landscape. He added that there was Lavender Hill, Co-op and ancillary shops in Hunstanton and Heacham, Lidl's was not just a food-store and could impact on the other businesses. He asked why on pages 25, 26 and 27 some parts were in bold text.

The Assistant Director explained that the text in bold was to highlight the changes within the report to the Committee.

Councillor Morrison then proposed that the application be refused on the grounds of the impact on the AONB, damage to the landscape and local businesses.

The Principal Planner pointed out that the site wasn't in the AONB but adjacent to it. The Assistant Director highlighted that in relation to the impact on rural businesses, that on page 33 of the agenda, it had been agreed that no harm would be caused.

The Assistant Director reminded the Committee that evidence would need to be provided at any appeal.

The proposal to refuse the application was seconded by Councillor Wing-Pentelow, who also felt that there were highway objections to the proposal.

The Assistant Director advised that the site was outside the AONB but could affect the setting of the AONB.

Councillor Crofts stated that he would like to hear what local people had to say. He considered the proposal to be a bog standard design and asked whether it fitted in with the area. He added that other companies built their buildings to fit in with the local area and asked if the applicant could look at an alternative design.

The Principal Planner advised that the Committee had to determine the application in front of them.

Councillor Mrs Wright stated that when new buildings were constructed it did not mean that the Committee had to accept sub-standard design.

Councillor Mrs Fraser stated that she believed that the facility was needed but the building needed to blend in and be more sympathetic.

The Chairman, Councillor Mrs Spikings asked whether the design of the building could be included in the reasons for refusal.

The Executive Director explained that design and impact on the AONB could be reasons for refusal. In addition, Members could be called to the Inquiry to give evidence. He also advised that if the Committee had any other concerns then these needed to be raised now so that the applicant was aware. He explained that significant effort was required into defending any decision and that Norfolk County Council was saying that this was the best highway solution for the site. Without sufficient evidence the Council would be at risk of costs at appeal.

In relation to the impact on the AONB the test was to preserve not enhance the AONB and the Committee needed to consider whether what was proposed was worse than what was there now.

The Committee then voted on the proposal to refuse the application for the reasons impact on AONB, design and landscape and highway impact, which was carried.

Councillors White, Tyler and Peake asked for their vote to be recorded against the following resolution.

**RESOLVED:** That the application be refused, contrary to recommendation for the following reasons:

1. *The proposed development would intensify the vehicular activity of the site which would lead to conflict and interference with the passage of through traffic which would be of detriment to highway safety and to the efficient operation of the highway network.*
2. *The proposed development, due to its poor design, would have an adverse impact on the landscape and the setting of the North Coast Area of Outstanding Natural Beauty.*

*The Committee adjourned at 10.50 am and reconvened at 11.00 am*