

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

1 August 2012

AUTHOR/S: Planning and New Communities Director

**S/0059/12/FL – CAXTON AND ELSWORTH
ERECTION OF TWO DRIVE THRU RESTAURANTS (A3/A5), ASSOCIATED PARKING
AND LANDSCAPING AND ALTERATION TO EXISTING ACCESS FOLLOWING
DEMOLITION OF EXISTING RESTAURANT AND TAKEAWAY, LAND AT CAXTON
GIBBET, ST NEOTS ROAD**

Recommendation: Delegated Approval

Date for Determination: 7 March 2012

Notes:

This Application has been reported to the Planning Committee for determination because the officer recommendation of delegated approval is contrary to the recommendation of refusal from Elsworth and Papworth Everard Parish Councils.

Members will visit this site on Tuesday 31 July 2012

To be presented to the Committee by Paul Sexton

Site and Proposal

1. This full application, as amended, seeks the redevelopment of the former Yim Wah Site, at the Caxton Gibbet roundabout. The site is part within the parish of Caxton and part within the parish of Elsworth.
2. The application seeks demolition of the remains of the existing two storey building and the erection of two new single storey buildings for A3/A5 use (Restaurant and Take-Away).
3. One building is to be sited towards the western end of the site, although set further back from the both the A1198 and A428 than the existing building, for use as a McDonalds restaurant with drive-thru facility. It measures 34m x 14m, with a height of 5.5m, and is described as having a mansard style roof. An outdoor seating area is proposed on the west side of the building. Applications S/0240/12/AD and S/0244/12/AD, which are considered as separate items, deal with the proposed advertisements for this building and immediate area of the site
4. The second smaller building is to be set behind the McDonalds building towards the eastern end of the site, and is for Costa. Again it includes a drive through facility, with an outside seating area at the front, to the west of the building. The proposed building measures 16m x 11m. with a curved roof which reaches a maximum height of 5.6m. Applications S/0049/12/AD and S/0048/12/AD, which are considered as separate items below, deal with the proposed advertisements for this building and immediate area of the site.

5. The existing access from the A1198 is to be improved and re-used to serve the new development. A former access to the site, closer to the A1198 roundabout, will be removed completely and the land included as part of the proposed frontage landscaping. A car parking area for 84 cars (including 6 disabled spaces) is provided to the south side of the site. 6m high lighting columns are proposed throughout the car park, drive thru function and the approach to the buildings.
6. It is indicated that this application will create 40 full-time jobs and 45 part-time jobs (63 full-time equivalent)
7. Immediately to the south of the site is a significant area of new planting carried out by the Highways Agency as part of the scheme for the duelling of the A428, which involved a new road to the south of the site to serve properties to the east of the site, which were previously access direct from the old single carriageway A428 road.
8. On the south west side of the Caxton Gibbet roundabout is a filling station.
9. The layout drawing submitted with the application includes a proposed third building, which is the subject of a separate outline application ref. S/0060/12, which is considered in the next item.
10. The application is accompanied by a Design and Access Statement and a Transport Statement

Planning Policy

11. National Planning Policy Framework 2012

Local Development Framework Development Control Policies 2007:

DP/1 Sustainable Development
 DP/2 Design of New Development
 DP/3 Development Criteria
 DP/7 Development Frameworks
 ET/10 Tourist Facilities and Visitor Accommodation
 SF/6 Public Art and New Development
 NE/1 Energy Efficiency
 NE/3 Renewable Energy Technologies in New Development
 NE/6 Biodiversity
 NE/14 Lighting Pollution
 TR/1 Planning for More Sustainable Travel
 TR/2 Car and Cycle Parking Standards

South Cambridgeshire LDF Supplementary Planning Documents
 Biodiversity SPD – adopted July 2009
 District Design Guide SPD – adopted March 2010
 Landscape in New Developments SPD – adopted March 2010
 Public Art SPD – adopted January 2009

Consultation by South Cambridgeshire District Council as Local Planning Authority

12. **Caxton Parish Council** recommends approval of the application as originally submitted, subject to conditions.

“Caxton Parish Council recommends approval for the following reasons:

The redevelopment will remove the existing and clear up the currently derelict site.

It will provide a landmark at the "end of the village".

It will bring a significant amount of potential employment to the area.

However the approval is caveated with a number of concerns that must be addressed before approval is granted.

Access

- Highways need to ensure that the proposed access is safe and adequate considering that it is so close to the main A428 roundabout.
- Provision and consideration is made of the potential use by HGV's - how will this be managed in a safe and considerate way?
- The presence of two right-hand turns off the A1198 in close proximity - the first to Swansley Lane and the second to the proposed development.
- Adequate provision and transport arrangements for staff. There is no public transport and this needs to be considered given the number of people employed.
- Screening of the site
- Potential conflict with Swansley Lane which is being proposed as the main haul route during construction of the Cambourne School

Name - the roundabout is known nationally as the Caxton Gibbet and any identification of the site should reflect this.

The Gibbet MUST remain in place and must be maintained.

Signage should be in place to minimise traffic using Caxton as a shortcut.

Litter in the surrounding area must be addressed and provision put in place to ensure that the wider area is not blighted by rubbish from cars. Attention must also be paid to litter in the vicinity of the site and along Swansley Wood Lane.

Any comments on the revised scheme will be reported at the meeting.

13. **Elsworth Parish Council** recommends refusal.

It states that it "unanimously objects to the above applications which should be rejected on the following grounds:

Introduction. The applications promote only the subjective and self-serving interests of the applicant and the two multi-national giants that it represents. Collectively, the applications are a blatant example of seeking to justify retrospectively a pre-determined solution. No or no proper attempt has been made to apply a rigorous process of evaluation and design for this site or to explain how the development will support local character and distinctiveness. No or no proper consideration has been

given to the social and economic characteristic of the proposed development and its impact on the surrounding area. In short, the development does not comply with the criteria for good sustainable development laid down by Planning Policy Statement 1:

'Design which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area should not be accepted'.

Lack of consultation. As far as we are aware, there have been no consultations whatsoever with the local community, contrary to best planning practice guidelines.

Employment. The Applicant claims that the development is likely to generate "over 100 full and part-time jobs". As is well known, the vast majority (80%) of employees at McDonalds' outlets are 'part-time' (averaging about 20 hours per week). If a total of 100 staff are recruited, this amounts in practice to the creation of only 20 full time jobs. While any new employment opportunity is welcomed, how can this be deemed significant and what type of jobs are these for our young people? No account is taken of redundancies that might occur at other local food outlets, notably the adjacent Little Venice restaurant and other outlets along this stretch of the A428.

Policy. It is claimed that the principle of this development has been established by reference to the former Yim Wah restaurant. The Yim Wah restaurant was indeed a destination in its own right. It primarily served the needs of local residents rather than the travelling public. It was a true restaurant - albeit with a 'takeaway' facility - not a drive through fast food outlet. It occupied a building which was traditional in appearance and blended in to the surrounding rural location.

What is now proposed is wholly different in character and purpose. It does not, as the applicant contends, improve the local environment or create sustainable development. On the contrary, it seeks to import into a countryside rural location a garish over illuminated piece of post-modern urban architecture. The applicant acknowledges that the main design considerations are its 'corporate image' and 'surrounding urban form' and it seeks to support its case by reference to Government guidance for motorway service areas. Such considerations are totally inappropriate for this site and demonstrate how inconsistent the proposed development is with national and SCDC planning policies (See South Cambs DPD 2007 - DP/c & d; DP1/o & p; DP/3 2k,m % n; DP/1 1 & 2).

Environment. There are a number of good environmental reasons why this development should be refused.

a. The fast-food industry uses huge volumes of needles and wasteless packaging. This is thrown away after less than 5 minutes use. In addition to the waste and pollution caused, the production and use of this disposable packaging causes litter. McDonalds is in the top 1 or 2% of all companies whose products end up as litter. To grant this planning application will add significantly to the local litter problem. While the applicant may offer to perform 'litter patrols', such efforts have negligible effects on the huge quantity of litter that is generated.

b. Not only is litter an eyesore, it can be damaging to the environment. For example packaging, including polystyrene, can be swallowed by animals in mistake for food, causing injury or death to domestic animals and wildlife alike.

c. Even if the packaging is properly disposed of, the development creates waste disposal environmental problems caused by landfill and incineration of polystyrene and coated paper materials.

d. Fast food outlets are notorious for causing increased traffic, noise and cooking smells.

e. McDonald's promote their food as nutritious, but the reality is that it is junk food - high in fat, sugar and salt, and low in fibre and vitamins. A diet of this type is linked with a greater risk of heart disease, cancer, diabetes and other diseases. Their food also contains many chemical additives, some of which may cause ill-health, and hyperactivity in children.

f. The outlet will presumably be open on a 24/7 basis and thus create significant levels of continuous noise and light pollution.

Traffic & Roadside Facilities. The application claims that the proposed development *'will serve only one purpose and that is to support the safety and welfare of the road user'*. This pompous statement - taken from Government guidance for motorway service areas and for which absolutely no supporting evidence is provided - fails to address the real transport issues of this location.

First, since the dual carriageway towards Cambridge was opened in 2007, the Caxton Gibbet roundabout has become notorious for severe traffic congestion which, in turn, has led to an enormous increase in traffic through villages such as Elsworth by 'rat-running' drivers. The proposed development will inevitably exacerbate this problem.

The application ignores the fact that both the immediately adjacent garage and Little Venice restaurant provide for and drink facilities on this very roundabout. There is a McDonalds within 10 miles to the West (Wyboston Service Station) and another (Bedford Interchange) within a further 10 miles beyond that. At an average speed of 50mph, these locations are only 12 and 24 minutes away respectively.

In addition, there are numerous other roadside facilities along this stretch of the A428.

14. **Papworth Everard Parish Council** recommends refusal

"While the Parish Council does not disagree with developing this site for restaurants, it strongly objects to the current proposals on the following grounds:

The location is unusual for two relatively large drive-through restaurants. It is not on a major through route served by dual carriageway roads. Only one arm of the roundabout at Caxton Gibbet is formed of a dual carriageway, the other roads are essentially local roads that have relatively low traffic flows outside the peak morning and evening periods. McDonalds and Costa cannot rely on 'passing trade' but will draw in an unacceptable quantity of traffic from a much wider area. (Compare this site with the 'Cambridge Services' site against the A14, near Swavesey).

The design of the buildings is far too starkly modern for the setting of this sensitive site. Aesthetically they are poorly designed and are not unlike some industrial buildings. Although both buildings are contemporary in design they are discordant and have no relationship to each other in terms of design.

The SCDC Design Guide recommends which traditional materials are appropriate to use in this context. None of the materials are used in the proposed buildings. Such modern buildings do not form an appropriate setting for the (reconstructed) gibbet that stands on the A1198 adjacent to application area and which is a very important

local landmark. In contrast, the former public house that currently stands at the western end of the site is appropriate in scale and character to the location. It has stood on the site probably since the 1930's. Any new buildings on the site should reflect this building in their design - or even incorporate and reuse it in their development in order to maintain local character.

The loss of a large number of trees on the proposed development site is unacceptable. Any redevelopment should seek to incorporate existing trees, to soften the impact of new buildings and help the proposals to be incorporated into the present landscape.

The presence of two new restaurants may have a deleterious effect on established restaurants and coffee shops in neighbouring villages that are still developing - particularly Papworth Everard and Cambourne. While the proposal will provide additional employment, this may be offset by a reduction in the number of employment places offered by nearby catering businesses.

The developments of new drive-through restaurants at Caxton Gibbet has potential road safety implications. There is no footpath or cycleway between Papworth Everard and Caxton Gibbet. Our council is extremely concerned that young people from Papworth Everard will be attracted to the new drive-through restaurants as either customers or potential employees and will attempt to cycle or walk along this section of the A1198. In recent years there have been several accidents and fatalities involving those walking and cycling on this road. If the applications receive approval, planning conditions must require the businesses running the restaurants to consider ways of reducing the risk of traffic accidents affecting young people, including the provision of a safe cycle/walking route from Papworth Everard.

There are serious potential road safety issues at the point of access and egress from the A1198. This will be a very busy junction - used by both customers and staff. The roundabout at Caxton Gibbet is already very busy at peak travel times and traffic travelling north is often at a standstill on the A1198 adjacent to this site. Therefore it will be impossible for traffic using the restaurants to turn right onto the A1198 to join the roundabout. All vehicles leaving the site should be required to turn left (south) and to use the northern roundabout on the Caxton by-pass if they wish to travel north.

There is text on the application maps that indicate that some land will be set aside for which planning permission will be sought at a later date. Our council objects to any suggestion that there will be another planning application. What is currently proposed is already too intense a development for this site. If the LPA is minded to approve the two restaurants, further development, drawing in more activity would be inappropriate and unacceptable to our council.

No landscaping details have been provided, therefore the application is incomplete.

No litter control is identified. There must be a planning condition that requires the drive-through restaurants to regularly collect and remove the litter they are responsible for."

15. **Cambourne Parish Council** recommends approval subject to the following conditions:

Both buildings should have automatic opening doors for ease of disabled access.

Concern was raised about the size of McDonalds delivery vehicles and the amount of car parking area that large vehicles would take up.

Concern was also expressed about the accessibility of disabled parking while deliveries are made.

Delivery vehicles should also stick to the arterial roads

Costa and third parties should have van deliveries only

Concern was raised over width of the drive thrus as it felt these are quite narrow

Concerns were raised about the prospect of litter becoming a problem. David Mead reported that McDonalds will send out staff to clear any specific McDonalds rubbish issues. It was felt that a rubbish collection strategy should be approved and published prior to recommendation.

It was requested that the illuminated signs would be turned off when the outlets are closed.

16. The **Highways Agency** comments that the proposals will not have a material impact on the Strategic Road Network and therefore it has no objection to the application.

17. The **Local Highway Authority** originally requested that the application was refused until a drawing was provided showing appropriate inter-vehicle visibility splays was submitted. A revised drawing has been submitted and its comments will be reported at the meeting.

If permission were to be granted it requests a condition which prohibits service deliveries to the site between the hours of 07.30 – 09.30hrs and 16.30 – 18.30hrs, which are the times of peak traffic flows and therefore the risks of conflict between highway users are at their greatest.

The Transport Assessment, submitted as part of the application, has been considered by the Local Highway Authority's Growth and Economy Team. It concludes that there is no objection to the proposed development, subject to the implementation of a travel plan being secured via a Section 106 legal agreement. It recognises that the travel plan is likely to target staff only, and that in light of the limited walking and cycling access, the focus of the plan should be on the use of public transport and car sharing.

18. The **Economic Development Panel** supported the proposal in principle, subject to the satisfactory resolution of detailed planning matters, and welcomed the number of jobs that would be created.

19. The **Environment Agency** states if approved conditions requiring the submission of schemes for surface water drainage, foul water drainage, contamination and pollution control should be included in the consent, as the site is within an area of limited drainage capacity and application does not currently adequately address these issues.

20. The **Trees and Landscapes Officer** states that no significant trees are affected but that landscaping of the site will be important given the prominent location.

21. The **Landscapes Officer** has commented that appropriate landscaping will be important to ensure that any development can be adequately assimilated in the area and as advised on revisions to the submitted scheme.
22. **Cambridgeshire Archaeology** requests that the site be subject to a programme of archaeological investigation and historic building recording, which can be secured through a negative condition.

Representations by members of the public

23. Letters have been received from the occupiers of Swansley Wood Farm, St Neots Road, Kenyon, St Peters Street, Caxton and 22 Caxton End, Eltisley putting forward the following comments.
 - I. The full observations of the Highways Agency are vital. The access and vehicles entering or leaving the site may cause traffic flow problems on the A1198.
 - II. What is happening to the old road parallel to the A428 but not within the site?
 - III. Concern that the access road to the south, which serves Swansley Wood Farm, will become a race track for youngsters who will use the drive thru facility.
 - IV. Is there enough parking for staff and visitors?
 - V. Will traffic at the roundabout be adversely affected
 - VI. No cycle parking is provided.
 - VII. Increase in litter in the area as there are no wind breaks
 - VIII. Large illuminated signs are a distraction.
 - IX. It is clearly uneconomic to repair and restore the old building which should be demolished.
 - X. Is the proposed use too intensive?
 - XI. It is hoped that the site will be developed for the future benefit of the community.

Applicant's Representations

24. In response to the comments received the applicant's agent has made the following comments.
25. The Highways Agency and the Local Highway Authority have not objected to the application.
26. The design of the units has been dealt with in the design and access statement. The site is not within a conservation area nor are there any listed buildings or other protected areas nearby.

27. The development will create jobs, a mixture of full-time and part-time. The site at present creates no jobs.
28. The former Yim Wah restaurant was a destination in its own right. The previous use existed and its replacement with uses to serve the travelling public would improve the site in terms of sustainability as those visiting would already be passing the site rather than making a special journey to the site.
29. Litter patrols will be used. Both McDonalds and Costa would like to see the site and the surrounding area as litter free as possible. A copy of the companies recycling policies will be provided. The type of food and its nutritional values are not planning considerations. The outlet could be open 24 hours a day if popular. The nearest residential property is 400m away
30. Landscaping has been dealt with.
31. The 'gibbet' will remain in place.
32. Signage can be dealt with by condition.
33. It is felt that the name Caxton Gibbet will be retained, however this is not a planning matter.
34. Pre-application consultation is not a requirement for this scale of application.

Material Planning Considerations

35. The main issues for Members to consider in the determination of this application are the principle of development (including employment generation), highway safety, visual impact in the countryside, and neighbour amenity.

Principle of Development

36. The site is outside the framework of any settlement, however Policy ET/10 allows for the appropriate replacement of existing buildings, not requiring large extensions, for restaurant use. Although there is no specific policy in the Local Development Framework which deals with roadside services officers are of the view that the provisions of Policy ET/10 would apply in this case.
37. The floor area of the existing building on the site is 826 sqm, which comprised commercial use on the ground floor (restaurant with take-away facility), with residential accommodation above. The proposed McDonalds building has a floor area of 418 sq m and the Costa building 180 sqm.
38. The proposed redevelopment of the site seeks to re-use the existing floorspace in the form of the two buildings the subject of this application, with the remainder of the existing floorspace being utilised in a third building the subject of the following item.
39. Officers accept the principle of the redevelopment proposed by this application and the potential for job creation that it brings with it, however the proposed scheme will represent a significant change to the character and appearance of the site and it is therefore important to ensure that the scheme is appropriate having regard to other material planning consideration.

Highway Safety

40. The application is accompanied by a detailed Transport Assessment. The existing entrance from the A1198 is to be remodelled, with the provision of a right-turn facility. The former entrance to the site, closer to the roundabout, is to be permanently closed and the land reinstated as verge.
41. The Assessment concludes that overall the scheme will be an positive contribution to highway safety in providing a convenient and comprehensive facility for the travelling public and that the level of new trips generated by the development is small in comparison to the overall demand for the facilities and insignificant in comparison to the level of existing traffic passing through the adjacent Caxton Gibbet junction. It states a comparison of the operational capability of the roundabout has indicated that the junction will operate no worse off, overall, than without development traffic demand.
42. The Highways Agency and Local Highway Authority have considered the information submitted with the application and neither has objected, although the Local Highway Authority requires the applicant to demonstrate the provision of appropriate visibility splays. The required splays can be provided and can be secured by condition.
43. Although the proposed redevelopment will result in an increase in traffic entering and existing the site officer are of the view the proposal has been properly assessed by both the Highways Agency and Local Highway Authority and that there are no reasons to object to the application on grounds of highway safety.
44. The Local Highway Authority is aware of the proposed use of the roadway to the south of the site by construction traffic for the secondary school at Cambourne.
45. A Travel Plan can be required by condition. I note the concerns expressed by Papworth Everard Parish Council about the lack of a footway and cycleway to the site and the potential impact on safety of young persons traveling to the site to work from local villages and this can be considered in the Travel Plan

Visual Impact in the Countryside

46. The site is prominently located, particularly when approaching from the south and west. The existing building is located close to the north and west boundaries of the site. The design approach adopted for the proposed buildings is very different to that of the existing building. The layout of the site is to a great extent dictated by the requirements of the new operations.
47. The McDonalds building is single storey and reflects a new corporate design, with modern materials although the colours to be used are neutral and natural. Whilst the design does not reflect any surrounding form officers are of the view that the building is not without its individual merits and with appropriate landscaping will be acceptable on this site. It is set further to the east and south than the existing building. It will be important to control the details and lighting of the proposed outdoor seating area to the west of the building, as this will be prominent when viewed from both the A428 and A1198.
48. The proposed Costa building is set a significant distance from the A1198 and is in a part of the site that is well screened from the north by existing planting between the site and the A428. The design approach is modern, with the use of aluminium cladding, and different to that of the McDonalds building. Whilst it does not reflect the

character of existing buildings officers are of the view that given the scale of the building it will have limited visual impact on the wider countryside and that it is acceptable.

49. The proposed increase in the area of car parking and access roadways within the site associated with the drive thru elements of the scheme, and the lighting of these areas by 6m high columns needs to be carefully assessed to ensure that the impact on the adjacent countryside can be adequately controlled. Officers have expressed concern at the current levels of lighting proposed and a revised lighting scheme is to be submitted for consideration. Such lighting should be kept to the minimum required and designed in such a way to limit light spillage outside of the site. Officers will comment further of any revised lighting scheme at the meeting, but this can be dealt with by condition.
50. A revised landscape scheme has been proposed following discussions with the Landscapes Officer. There is a large area of young planting to the south of the site, carried out by the Highways Agency as part of the dualling works to the A428. Although this is outside of the applicant's control, once mature it will provide a substantial screen to the development from the south. Within the site a hedgerow with tree planting is proposed on the south boundary.
51. On the north boundary a hedgerow and grass planting is proposed, with new trees, which will replace in part existing conifer planting on this boundary. The proposed buildings will be in excess of 35m from the carriageway of the A428 and at the current time views into the site from this direction are limited. It is important that any new planting scheme retains and enhances this degree of screening, to ensure that the impact of the proposed buildings, and associated paraphernalia is satisfactory mitigated. The front boundary of the site to the A1198 will be formed by a hedgerow with 1.3m high fence behind and two new trees in front of the outside seating area. The area around the access to the site will remain more open.
52. The impact of the various advertisement signs proposed for the site is considered separately and can be controlled under the individual advertisement applications.

Neighbour Amenity

53. The closest residential properties to the site are 500m to the east of the site and are will screened from the proposed development

Other matters

54. A condition can be attached to any consent requiring the approval of a scheme for dealing with litter
55. The conditions required by the Environment Agency to deal with foul and surface water drainage, contamination investigation and pollution control can be included in any consent.
56. The Trees and Landscapes Officer has not objected to the removal of existing trees and the scheme provides adequate opportunity for replacement planting.
57. An archaeological investigation can be secured by condition.

58. In terms of the use of renewable energy the applicant is proposing the erection of a wind turbine at the east end of the site, which is the subject of a separate application, which will be considered at a later date.

Conclusion

59. The principle of redevelopment of the site is acceptable and officers are of the view that the proposed uses are acceptable, and the floor area of the proposed buildings do not exceed that of the existing building on the site. The potential local employment that will be generated is to be welcomed.
60. The nature of the proposed development will result in a significant change to the character of the site and it is important to ensure that these can be accommodated without detracting from the rural character of the area. In this respect officers are of the view that further discussions may need to take place regarding proposed landscaping on the north boundary in particular to ensure that the proposed development is not visually intrusive

Recommendation

61. It is recommended that the Planning Committee gives officers delegated powers to approve the application, subject to further discussion on the proposed landscaping of the site and assessment of the revised lighting details.

Conditions

Conditions to include

Time limit – 3 years
Landscaping
Surface water drainage
Foul water drainage
Pollution control
Contamination
Archaeology
Lighting
Renewable Energy
Highways
Litter Control
Travel Plan

Background Papers: the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
- Planning File Ref: S/0059/12/FL

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