

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

3 October 2012

**AUTHOR/S:** Planning and New Communities Director

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**S/1723/12/OL – CAXTON AND ELSWORTH  
OUTLINE APPLICATION FOR ERECTION OF RESTAURANT/TAKEAWAY BUILDINGS  
(CLASS A3/A5) (INCLUDING APPROVAL OF ACCESS, LAYOUT AND SCALE). LAND  
AT CAXTON GIBBET, ST NEOTS ROAD  
For the Abbey Group**

**Recommendation: Delegated Approval**

**Date for Determination: 2 October 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 Parish Council.**

**To be presented to the Committee by Paul Sexton**

**Site and Proposal**

1. This outline application, as amended 14 September 2012, 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. The application seeks approval of access, layout and scale at this stage, however appearance and landscaping are reserved matters.
2. The application proposes demolition of the remains of the existing two storey building and the erection of two new 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 restaurant with drive-thru facility. It measures 34m x 14m. An outdoor seating area is proposed on the west side of the building.
4. The second smaller building is to be set towards the eastern end of the site. 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.
5. The application states that the buildings are both single storey with a height range of 4.5-6m, including and roof mounted extraction units, or if a building with a pitched roof is proposed, a maximum height of 7m is sought.
6. 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. Two areas are provided for cycle parking. 6m high lighting columns are proposed throughout the car park, drive thru function and the approach to the buildings.

7. It is indicated that this application will create 40 full-time jobs and 45 part-time jobs (63 full-time equivalent)
8. 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.
9. On the south west side of the Caxton Gibbet roundabout is a filling station.
10. 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, for which Members will recall granting delegated powers of approval at the August meeting (Item 15).
11. The application is accompanied by a Design and Access Statement and a Transport Statement.

### **History**

Members will recall refusing a full planning application for the redevelopment of the site with two buildings at the August meeting (Ref **S/0059/12/FL**) (Item 14), on the grounds that the design of the proposed buildings was not appropriate for the area, and the lack of cycle parking facilities.

At the same meeting Members gave officers delegated powers to grant outline consent for a third building on the site (**S/0060/12/O**) (Item 15).

A series of applications for advertisement consents were deferred (**S/0048/12/AD**, **S/0049/12/AD**, **S/0050/12/AD**, **S/0240/12/AD** and **S/0244/12/AD**). A planning application for a 25m high (to tip) wind turbine at the eastern end of the site is currently undetermined (**S/0050/12/FL**)

### **Planning Policy**

12. 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**

13. **Caxton Parish Council** recommends approval.
14. **Elsworth Parish Council** recommends refusal.

“The above application is the latest in a series made in respect of the Yim Wah site at Caxton Gibbet. Elsworth Parish Council has previously objected strongly to the proposed development: see our paper dated 22 February 2012 (‘Our Objections’) of which a copy is attached for ease of reference.

The present application appears to be substantially identical to the previous application S/0060/12/OL. The supporting Planning Statement is colourably similar to that filed with the previous applications. Once again, it is stated that:

*‘The provision of the new outlets alongside the existing petrol filling station opposite will serve only one purpose and that is to support the safety and welfare of the road user.’ (para 3.9).*

The references in the previous Planning Statement to MacDonald’s/Costa’s corporate architecture and the entire section on ‘Sustainability’ have been omitted.

For all the reasons set out in Our Objections, Elsworth Parish Council maintains its objections to this development in its revised form. In particular, we share the view of Planning Committee that the design and appearance of the proposed buildings – in the commercial corporate architecture of these two multinational food chains – are inappropriate to this rural location.

Traffic hazards. It seems inevitable that these two food outlets will increase the traffic at the Caxton Gibbet roundabout, which has become a notorious bottleneck during the morning and evening rush hours. Vehicles leaving and entering the site could cause problems regarding traffic flow and possibly increase the risk of accidents. The A428 is not a major trunk road – it is not fully dualled, nor linked to the M11, unlike the nearby A14. There are already other MacDonalds restaurants in the vicinity. Is it really necessary to have so many outlets so close together.

Children and young people. Although it is claimed that the proposed restaurants will not be destinations in their own right, we think it is inevitable that they will be highly attractive to children and young people. The site is only a mile or so from Papworth Everard along a busy and unlit road. It is similarly close to Cambourne, where a new secondary school for some 750 pupils is being built. It would seem inevitable that the proposed development would attract scores of children and young people from these two neighbouring villages, whose only access route will be along dangerous high speed main roads. This would be thoroughly undesirable from a road safety point of view.

Finally, we note that the application makes no mention of the historic gibbet standing on the site. What steps will the Applicant take to protect and preserve this piece of local history? A condition should be attached to any planning consent granted to secure the position.”

A copy of the comments from Elsworth Parish Council in respect of the previous application is attached at Appendix 1.

15. **Cambourne Parish Council** recommends approval subject to the provision of a safe cycle access and covered cycle parking.
16. **Papworth Everard Parish Council** recommended refusal of the previous application. Comments in respect of the current application will be included in the update report
17. The **Highways Agency** commented in respect of the previous application that the proposals will not have a material impact on the Strategic Road Network and therefore it had no objection to the application. Comments on the current application will be reported.
18. 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.

19. The **Economic Development Panel** supported the original application proposal in principle, subject to the satisfactory resolution of detailed planning matters, and welcomed the number of jobs that would be created. The outline application has not been taken back to the Panel for further comment.
20. 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.
21. The **Trees and Landscapes Officer** has no objection but comments that landscaping of the site will be important given the prominent location.
22. The **Landscapes Officer** commented in respect of the previous application that appropriate landscaping will be important to ensure that any development can be adequately assimilated in the area and advised on revisions to the submitted scheme

at that time. Any comments will be reported however detail of landscaping do not form part of the current submission

23. **Cambridgeshire Archaeology** requested for the previous application 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**

24. One letter has been received from the occupier 2 Playcross Close, Cambourne supporting the redevelopment of the site and welcoming the proposed development and the jobs it will create.
25. A number of letters were received in respect of the original application objecting on the grounds of highway safety, parking, impact of advertisements, use is too intensive.

#### **Material Planning Considerations**

26. 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*

27. 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.
28. 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 building at the west end has a floor area of 418 sq m and the smaller one at the east end 180 sqm.
29. 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 the third building for which Members gave officers delegated powers of approval at the August meeting.
30. Officers accept the principle of the redevelopment proposed by this application and the potential for job creation that it brings with it.

##### *Highway Safety*

31. 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.
32. 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.

33. The Highways Agency and Local Highway Authority having considered the information submitted with the previous application raised no objection, although the Local Highway Authority required the applicant to demonstrate the provision of appropriate visibility splays. The required splays can be provided and can be secured by condition. Given that the highway aspects of the proposal are unchanged, officers anticipate a similar response to the current application.
34. Although the proposed redevelopment will result in an increase in traffic entering and existing the site officers are of the view the proposal was properly assessed previously 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.
35. 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.
36. 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*

37. 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 considerations.
38. 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 proposed layout of the site is to a great extent dictated by the requirements of the new operations.
39. Both buildings area to be single storey and whilst layout and scale are included for approval at outline stage, appearance is not included and will be dealt with at reserved matters stage. A meeting has been held between officers, local members and representatives of the applicant to discuss Members previous concerns relating to design. Appropriate landscaping will be important. Again this is not included for approval at this stage but officers are of the view that there is adequate space around the site to develop a suitable scheme 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.
40. 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. Given the scale of the building it will have limited visual impact on the wider countryside and is acceptable, subject to Members previous concerns that a design approach was adopted that incorporated all buildings.
41. 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. This can be dealt with by condition.

42. Landscape is a reserved matter, however 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.
43. On the north boundary a hedgerow and grass planting was previously 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.
44. The impact of the various advertisement signs proposed for the site will be considered separately and can be controlled under the individual advertisement applications.
45. In essence, officers consider that there is no inherent reason why the appearance of the proposed buildings together with a detailed landscaping scheme should not bring forward an acceptable development that reflects the prevailing landscape character of the surrounding area.

#### *Neighbour Amenity*

46. 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*

47. A condition can be attached to any consent requiring the approval of a scheme for dealing with litter.
48. 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.
49. The Trees and Landscapes Officer has not objected to the removal of existing trees and the scheme provides adequate opportunity for replacement planting.
50. An archaeological investigation can be secured by condition.
51. 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.

52. The Gibbet is not within the ownership of the applicant so cannot be controlled through condition.  
*Conclusion*
53. 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 does not exceed that of the existing building on the site. The potential local employment that will be generated is to be welcomed.
54. 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 will need to take place regarding proposed appearance of the buildings and landscaping on the north boundary in particular to ensure that the proposed development is not visually intrusive, prior to the submission of a reserved matters application.

### **Recommendation**

55. It is recommended that the Planning Committee gives officers delegated powers to approve the application.

### **Conditions**

Conditions to include

Outline only  
Reserved Matters – Appearance and Landscaping  
Surface water drainage  
Foul water drainage  
Pollution control  
Contamination  
Archaeology  
Lighting  
Renewable Energy  
Highways – cycle access and parking, visibility splays, restriction on service delivery times  
Travel Plan  
Litter Control

**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/1723/12/FL and S/0059/12/FL

**Case Officer:** Paul Sexton – Principal Planning Officer  
Telephone: (01954) 713255