

## **Committee Report**

**Item No: 2**

**Reference:** DC/17/03027

**Case Officer:** Alex Scott

**Ward:** Palgrave

**Ward Member/s:** Cllr David Burn

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## **RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS**

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### **Description of Development**

Erection of petrol filling station and associated sales building, restaurant and drive-thru takeaway and associated works; construction of new vehicular access from A140 and exit to A143.

### **Location**

Land At Scole Roundabout (Junction Between A143 and A140)

**Parish:** Stuston

**Expiry Date:** 16/08/17

**Application Type:** FUL - Full Planning Application

**Development Type:** Major Commercial

**Applicant:** Mr West

**Agent:** Mr Nigel Ozier, Aitchison Raffety

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## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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The application is referred to committee for the following reason/s:

The Head of Economy considers the application to be of a controversial nature having regard to the planning reasoning expressed by the Parish Council and / or the extent and planning substance of comments received from third parties and / or the location, scale and / or nature of the application.

### **Details of Previous Committee / Resolutions and any member site visit**

None

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## **PART TWO – POLICIES AND CONSULTATION SUMMARY**

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### **Summary of Policies**

#### **Mid Suffolk Core Strategy Focused Review – Adopted December 2012**

- Policy FC1 Presumption in favour of sustainable development
- Policy FC1.1 Mid Suffolk approach to delivering sustainable development
- Policy FC3 Employment
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## Mid Suffolk Core Strategy – Adopted September 2008

- Policy CS2 Development in the countryside and countryside villages
- Policy CS3 Reduce contributions to climate change
- Policy CS5 Mid Suffolk's environment
- Policy CS6 Services and infrastructure
- Policy CS12 Retail provision

## Mid Suffolk District Local Plan (Saved Policies) – Adopted 1998

- Policy GP1 Design and layout of development
- Policy H16 Protecting existing residential amenity
- Policy CL2 Development within Special Landscape Areas
- Policy CL11 Retain high quality agricultural land
- Policy E12 General principles for location, design and layout of industrial and commercial development
- Policy S10 Convenience goods stores
- Policy S13 Ancillary retail uses
- Policy T6 Petrol filling stations and other roadside services
- Policy T10 Highway considerations in development

## Other Relevant Documents

- Department for Transport Circular 02/2013: The Strategic Road Network and the Delivery of Sustainable Development sets out in Annex B details for the provision of roadside facilities on motorways and all-purpose trunk roads in England.

## Consultations and Representations

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

### A: Summary of Consultations

**Palgrave Parish Council** – considered this application at a meeting on 14 September 2017. The Council were in agreement to support the comments submitted by the Diss and District Neighbourhood Plan Group and in addition would like to make the following comments:

The application cannot be supported due to the lack of any visibility splays on A143 and the danger this poses to traffic in the vicinity.

The application cannot be support due to the severe loss of amenity to neighbouring properties through noise and light pollution and the environmental impact on the Waveney Valley as a whole.

**Scole Parish Council** – *First Response*, objects to the planning application. Whilst this development is immediately outside the Scole Parish, South Norfolk Council and Norfolk County Council boundary it is referred to as the Scole McDonalds/BP. The population of Scole is geographically closer than any other settlement and therefore most affected.

The Council has the following environmental/economical concerns:

The siting of the fuel tanks

Chemical pollution of the River Waveney

Litter at the nearby Scole Pocket Park and surrounding lay-bys

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The effect on the resident wildlife; water voles, Nathusius, Pipistrelle and Leisler's bats, otters and birds  
The adverse impact on local business – a loss of 20% to turnover for current businesses will result in closure

Size of site – the site is too small, there is no provision for parking for the HGV's that need a fuel filling station to rest, eat and use the hygiene facilities, forcing them to use the Pocket Park and surrounding laybys leaving waste of both a food and human nature.

The Council's greatest concerns are Highways issues:

Local knowledge is invaluable. The Council are aware of 3 accidents at this roundabout in the last 8 weeks, this is an accident hotspot.

The exit from the proposed site onto the A143 is considered a hazard, with a bend restricting vision for both the vehicles exiting the site and those approaching the roundabout from Stuston.

The exit design allows for drivers to make an illegal right turn.

HGV's exiting the site will potentially swing into the path of oncoming traffic leaving the roundabout heading to Stuston.

This facility will undoubtedly attract a large number of young (age 10-16) residents from Scole Parish and Diss either on foot or bicycle at all hours of the day. This stretch of dual carriageway is unsafe for pedestrians to cross, a fatality being inevitable if they try. An alternative pedestrian/cycle route needs to be considered either by way of a foot bridge over the A140 or an underpass. Pedestrians/cyclists on this stretch of highway are a hazard to both themselves and the vehicles driving at speed on this dual carriageway.

*Second Response*, Further to our objection Scole Parish Council would like to further comment on this application. Scole Parish Council believes the proposals for this site are premature, prejudicial to strategic and local planning objectives and detrimental to highway safety.

Greater Norwich Local Plan and Babergh Mid Suffolk Joint Local Plan – GNLP is currently out for Regulation 18 consultation and MSJLP has now completed that procedure and progressing towards Regulation 19 final consultation. Both plans offer alternatives for the spatial distribution of growth, including it being sited along major transport routes.

Further it is likely that both will now have to comply with an updated version of the NPPF by preparing a Statement of Common Ground, where matters affecting both Local Planning authority Areas will be set out.

Scole Parish Council considers this application to be Premature in that it does not take account of potential for substantial growth in the vicinity that will require improvements to the highway network and to the A140 in particular.

Diss & District Neighbourhood Plan – A public consultation on the Draft Vision and Themes (scope and objectives) is underway. It assumes a certain amount (yet to be quantified) of business development as well as housing growth and provision of the associated infrastructure including road links.

Key highways and traffic related issues already identified include:

Diversion of through traffic away from the A1066 traversing Diss;

Reduction/elimination of rat-running traffic through urban housing areas and the settlements;

Improved lorry routing, away from the settlement.

These will substantially increase the volumes of traffic traversing the A140/A143 junction and lead to a need to increase its capacity.

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A140 Route Strategy – <https://newanglia.co.uk/wp-content/uploads/2017/11/A140-Study-and-Major-Road-Network-Report.pdf>

Sets out the future strategic development of the A140 and includes details of successful bids for funding improvements at Hempnall crossroads in Norfolk and nearby Eye Airfield link in Suffolk. The document identifies further junction studies to be undertaken at 10 locations, 5 in each county, to provide for further economic growth along the route. As the A140/A143 crossing Scole is a major junction it is inconceivable it would be omitted from these studies.

With the proposed bypass around Long Stratton funded by substantial housing growth draws nearer together with commercial development and housing growth at Eye Airfield, traffic volumes are going to increase. It is therefore essential that appropriate provision be made to protect the land around the junction of the A140/A143 at Scole.

Approval of this application would prevent widening of the A143 eastbound approach to the roundabout and it presumes appropriation of part of the A140 northbound to form the entry slip to the site.

Scole Parish Council therefore considers this application to be Prejudicial to the public interest.

Given traffic volumes and speeds there are no safe routes for pedestrians crossing at this point without introducing some form of light-controlled crossing or a footbridge. The McDonalds in particular will prove a local attraction to young people who may not have motor vehicles.

Accordingly, South Norfolk Council should be re-consulted and Norfolk County Council as Highway Authority for the section of A140 affected.

Summary – Scole Parish Council accepts that there is a demand for a service station with full transport facilities located in the area. However, it feels that this location is not ideal and is much too small, with unsafe ingress and egress for all users of the facility.

Scole Parish Council feels that other locations should be investigated, preferably outside of the nascent Diss and District Neighbourhood Plan area, that are larger, safer and with more HGV facilities and that would not have such a prejudicial effect on any possible future improvements to the local strategic roads network.

**Diss Town Council** – Diss Town Council has resolved to the principle of the proposal for a BP garage and drive-thru McDonalds on the A140/A143 roundabout subject to highways, flooding and other relevant impacts being properly mitigated.

**Brome & Oakley Parish Council** – Brome and Oakley Parish Council considered this application at a meeting on 14 August. It was unanimously agreed to recommend refusal of the application. There was much public objection expressed to the Parish Council and the Parish Council were in agreement that the application would have an adverse impact on the local economy with fuel and food already available in the local area, would change the current rural visual amenity and create both environmental hazards and impacts. The proximity of the proposed development to the River Waveney and the pollution the development may create was also a concern.

**Anglian Water** – Records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

**BMSDC Economic Development** – No objection. This is a good location for a new petrol station and associated facilities, as it is on the junction of two busy 'A' roads. It will provide 65 new jobs and boost the local economy.

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**BMSDC Environmental Health** – The tannoy system should be as detailed in paragraph 5.25 of the submitted noise assessment to minimise detriment to nearby residential amenity.

No objection in principle, to the proposed development, have concerns that the likely amount of activity from the normal running of a proposal such as in this application could lead to a detriment to the nearby residential amenity. Recommend conditions for during construction and operation.

**BMSDC Environmental Health Contamination** – No objection to the development from the perspective of land contamination.

**BMSDC Environment Protection** – Main concerns are the possible disturbances to the nearest noise sensitive properties from the following sources.

Noise from vehicles, especially HGVs both on site and leaving it.

Noise from early morning/late night deliveries from engine noise, reversing alarms, refrigeration plant and manoeuvring.

Noise from the use of a voice amplifying equipment to communicate with customers using the fuel pumps during the late night/early morning period.

It should also detail any noise attenuation scheme to protect the amenity of nearby residents; without this minded to recommend refusal.

Noted that although the lighting plan suggests illumination would not directly impact on the neighbouring properties the amount of lighting proposed would be very likely to be noticeable.

**Diss & District Neighbourhood Plan Steering Group** – The Steering Group recognises the demand for a full facility service station located midway between the A14 and Norwich and Bury St Edmunds and Beccles. However it questions whether this particular location is the most appropriate for these facilities. It is a cramped site with the multiple uses being forced into an inadequate space with no provision for HGV drivers being considered a missed opportunity. There are also concerns about safe entry and exit so close to this very strategic roundabout, constrictions to traffic flows at a time when development is proposed along the A140 corridor, and likely impacts of this development on the very sensitive river valley, water meadow and its rare species.

It recommends that alternative locations be investigated that will not have such adverse consequences and constraints to improving the strategic road network that this proposed site so clearly does.

**ECC Place Services** – Recommendations – in terms of the likely visual effect on the surrounding landscape, the proposals will change the character of the existing landscape and its main constraint will be to keep the visual impact to the minimum through careful building design, building materials and planting mitigation strategy.

**Environment Agency** – 9 November 2017 - Remove our objection to this application provided that the conditions are included should permission be granted. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would maintain our objection to the application.

10 August 2017 – Object to the proposed development because there is insufficient information to demonstrate the risk of pollution to controlled waters is acceptable.

**Highways England** – Ensure due diligence is exercised by council when deciding when to consult us on applications. Offer no objection.

**SCC Archaeological** – There are no grounds to consider refusal of permission to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy

Framework (paragraph 141) any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

**SCC Fire & Rescue** – Suffolk Fire & Rescue recommends that proper consideration be given to the potential life safety, economic, environmental and social benefits derived from the provision of an automatic fire sprinkler system. If the Planning Authority is minded to grant approval, the Fire Authority will request that adequate provision is made for fire hydrants, by the imposition of a suitable planning condition at the planning application stage.

**SCC Flood & Water** – 13 November 2017 - Recommend approval subject to conditions at this time.

8 August 2017 – recommend a holding objection at this time. The reason why we are recommending a holding objection is because the applicant has failed to demonstrate that the proposed surface water drainage strategy meets with local and national policy/guidance.

**SCC Highways** – does not object to the proposal subject to the imposition of the conditions shared on any permission to be granted and the completion of a S106 planning obligation to its satisfaction.

**South Norfolk District Council** – This Council make no comments on this proposal except that, given the proximity to the strategic highway network, the views of Norfolk County Council should also be sought.

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## **B: Representations**

37 representations have been received.

- Excellent location, perfect for the families with children.
  - Will alleviate a lot of the traffic that goes into Diss just to fuel up.
  - Lorry drivers, know where they can and cannot go and it's not going to cause a huge influx from all over the 2 counties just because another petrol station has opened.
  - Pedestrian safety needs to be addressed. Maybe a footbridge, but that's an issue, even if the application gets refused.
  - Jobs this development will create are needed in the area.
  - Can see no merits in the proposed development. There are petrol stations in Diss, another on the A140, less than a mile to the south and others only 15 minutes away in both directions on the A143.
  - The McDonalds will only be accessible by car and there are already drive-thrus as you approach Norwich, Ipswich and Beccles, as well as others in Thetford and Bury.
  - Potential job creation will be cancelled out by loss of custom at other local, independent businesses.
  - It is not sympathetic to the rural environment in which it will be sited and will be probably the only negative development that has been allowed throughout the Waveney's entire length. A similar development at Gillingham, at the junction of the A143 and A146, is almost a mile from the banks of the river. Significantly greater than the distance of the proposed development at Stuston which at its nearest point, can be little over 100 yards from the river bank.
  - It isn't worth harming the local environment from an aesthetic and ecological point of view, especially as the site is adjacent to the river Waveney. Any impacts from litter and pollution here will be seen all the way downstream, through what is one of East Anglia's few remaining stretches of unspoilt, undeveloped wild countryside.
  - Any spillage from this site, whether from a vehicle or the fuel tanks would not only pollute the immediate area, but potentially many miles downstream as well.
  - Light pollution is also an issue.
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- Concern regarding access to and exit from the site and the extra traffic that the development will generate.
  - The only reason for choosing the proposed site is to maximise the profit margins of the companies involved.
  - Unnecessary to locate this development at this site when a more suitable location exists only 2 miles to the south. Locating the filling station and restaurant on the former Eye Airfield would allow much easier and safer access as well as cater for a much greater number of customers. There would also be space for employee and HGV parking. All that would be required is a roundabout for access to and from the A140, which is needed in any case.
  - The population of Scole is geographically closer than any other settlement and therefore most affected.
  - Concerns regarding litter at the nearby Scole Pocket Park and surrounding lay-bys.
  - Effect on the resident wildlife; water voles, nathusius, pipistrelle and leisler's bats, otters and birds.
  - Size of site – the site is too small, there is no provision for parking for the HGV's that need a fuel filling station to rest, eat and use the hygiene facilities, forcing them to use the Pocket Park and surrounding laybys leaving waste of both a food and human nature.
  - The Council are aware of 3 accidents at this roundabout in the last 8 weeks, this is an accident hotspot.
  - This facility will undoubtedly attract a large number of young (age 10-16) residents from Scole Parish and Diss either on foot or bicycle at all hours of the day. The stretch of dual carriageway is unsafe for pedestrians to cross, a fatality being inevitable if they try.
  - It is far too near to residential areas, Scole is rural, if wanted lots of amenities on doorstep would live in a town or city. This would have a huge impact on village life, it is a quaint quiet village.
  - It will encourage more unwanted anti-social behaviour.
  - This field is a flood meadow and the edges frequently flood. Any development will cause flooding to worsen on the north side of the river, affecting properties in Clements Close, Beech Close and Karen Close. These properties do not flood at the moment but with nowhere for excess flood water to go they will. The watertable will be higher than the petrol storage tanks and sewage system which will inevitably lead to the river being polluted.
  - This development would erode the green belt separation between villages and further spoil the landscape of the Waveney valley. The Waveney valley was part of the Broads Environmentally Sensitive Area chosen by government agencies and environmental organisations on landscape and wildlife grounds.
  - Accept there is a lack of roadside petrol stations on the A143 but the need to leave the road to seek fuel is not a reason to place such development in the countryside.
  - With the government set to ban all new petrol and diesel vehicle sales by 2040, there's never been a time such as now where existing vehicles have ever increasing fuel efficiency and electric vehicles are increasing in numbers, such that the proposed garage is least needed.
  - Disheartening to read that saving a few minutes travelling to existing garages at Brome and Diss should be taken as acceptable reasoning to grant this application.
  - This is a greenfield site and planning policy favours brownfield locations. The site is within a Special Landscape Area and the proposal by its nature cannot support its requirements.
  - Granting of the application is certainly going to require the nearby Scole Bridge Picnic and parking area to require extra litter picks and collections to mitigate the side effects.
  - Object to the application with reference to but not limited to the Mid-Suffolk District Council Local Plan policies T10, H16, GP1, E9, CL2 and National Planning Policy Framework paragraph 111.
  - The financial beneficiary will not be the local economy of Diss, Scole and surrounding areas.
  - Proposed site is near a site of Roman remains.
  - Scole Parish Council have recently brought land around the village for use as a conservation area. These areas along with the Pocket Park could become a dumping ground for discarded fast food cartons, cans and bags.
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- A recent bat survey has shown a colony of a rare and endangered species very close to the proposed development. Bats are by law protected and this development could affect this colony drastically.
  - Support this planning application. It will relieve traffic on Victoria Road as the public will be able to get fuel without having to drive into town. With so many new houses being built in Diss and with most houses having 2 cars this will help with traffic congestion. McDonalds is just a bonus. It's about time Diss had something from the 21<sup>st</sup> Century.
  - River Waveney Trust has serious reservations about this proposal in terms of surface water and contaminant management, and the impact on the River Waveney. The site overlies Secondary and Principal Aquifers and is within a total catchment groundwater Source Protection Zone 3 and a Surface Water Drinking Water Safeguard Zone. The applicants' own Phase I Environmental Impact report concludes that the site is in an area of 'moderate to high environmental sensitivity'. Therefore, disturbing that the information about drainage issues submitted with the application is conflicting or incomplete and that there is as yet no comment from the Environment Agency.
  - Strongly recommends use of sustainable drainage systems (SuDS) but this does not appear to have been taken up; the drainage scheme drawing shows only a series of 'Hydro Stormwater Crates' but does not explain what happens to the stored water.
  - The Trust remains concerned about the potential for pollution in the event of groundwater flooding, of which the applicants' consultant concludes there is a 'significant' risk, and of contaminated run-off reaching the River Waveney during significant storm events.
  - Lack of environmental impact assessment is noticeable.
  - As the owner and representative of Scole Village Stores, I object and should there be consent to the building of this project I can say without any doubt that the village shop will close with the loss of all three jobs. The loss of this amenity to the older residents, to those who can't drive and particularly to mothers with young children without transport who rely on the shop for their daily needs would be catastrophic for the community. No doubt that this enterprise will pry customers away continually and permanently with no hope of ever recovering them. Urge you to consider the ramifications of this future development and to refuse the application as it stands.
  - Believe this application has merit. A service area along the A140 and A143 is long overdue. Can't see why the McDonald's should be an issue and also a BP petrol station with Marks and Spencer shop. It's everyone's duty to ensure the environment around the site isn't compromised by litter and pollution from contaminating the area split fuel oils etc. McDonald's take litter issues seriously but once left the site cannot be held responsible for their customers actions as can no other retail outlet. Jobs lead to more employment. Will relieve traffic heading into Diss for fuel and food. Stop families having to travel longer distances. McDonald's tend to donate to local projects and seem keen to get involved, this can only be good for our local communities.
  - This planning application does not comply with national or local planning policy with regard to biodiversity. A thorough desk and field based survey are required to enable an adequate assessment of impacts for the scheme.
  - Disappointed that Scole Parish Council were not informed of this via the official channels. As both Scole and Stuston parishes have signed up to be part of the Diss & District Neighbourhood Plan and as such Scole should have been given the courtesy of being kept in the loop. Whether this was just an oversight or deliberate ploy by Babergh & Mid Suffolk District Councils I feel that the date for this to go to planning should be adjourned to allow a full discussion to take place.
  - As a Scole resident I feel this can be a great benefit to the community and surrounding areas, it will offer jobs to many people and be a benefit to traffic by allowing people who live outside of Diss to fuel their vehicles without the need to go into Diss itself. It will also be of benefit to travellers on both the A143 and A140 as at the moment there isn't enough rest areas on these roads. I'm behind this all the way and I hope it does happen.
  - Swapping the proposed petrol station location on the site with the McDonalds would potentially provide sufficient screening between the residential properties and the petrol station itself. Acting as a barrier in this way, potential adverse impacts over noise and odours may be sufficiently mitigated.
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- Broadly support this application as the proposed petrol station and restaurant, together with the pedestrian footpath proposed into the village area useful benefits for local people. Cannot support the application as it currently stands, however, due to the design of the site layout and in particular the positioning of the petrol station with the road that loops around the site, encouraging many vehicular movements including large lorries to drive far too close to residential properties, creating unnecessary odours, pollution and noise.
- Development will de-value homes. Various properties in the immediate location will be seriously reduced in value and some may be even blighted.
- A 24 hour station is not suited to an area in close proximity to a number of residential properties.
- The actual plans submitted create confusion as the plans in the environmental and transport studies relate to different plans. One has proposed parking for up to 12 HGV parking spaces and a larger number of car spaces in excess of 50.
- Proposals for the site have been previously refused and the reasons for this were the potential for pollution of the river Waveney and the direct impact on 2 Warren Cottage. Irrespective of the safety of the equipment used, this would not stop overspills from HGV and car users into the soil whether concrete or not.
- Should not be within 50 metres of residential property, due to pollutants in the air from vehicles being filled up.
- Proposed site is of natural beauty. The field has been labelled as a parcel of unused land. This is contradictory to the previous years where sweetcorn and parsley were grown. The owners of the property adjacent to the land were provided access to part of the field as a vegetable growing area which was removed 4 or so years ago. The scrap metal and tyres were used as part of the vegetable plot and are not actually scrap.
- Residents have recovered from instances of cancer. Petrol stations have a negative effect on the health of residents around the stations. Specifically the research recently carried out shows that the after effects of close proximity to a petrol station could cause cancer (benzene is a carcinogen), leukaemia or liver damage. It is noted that the petrol station is within 50 metres of two neighbouring properties.
- Whilst the development would be deemed safe, the effect that could create the station to explode or a fire would have severe impacts on the associated surroundings and residential property in the vicinity. The effect of a major pollution and environmental spill would irrevocably spoil the natural surroundings and the wildlife in the area.

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## **PART THREE – ASSESSMENT OF APPLICATION**

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### **1. The Site and Surroundings**

- 1.1. The application site incorporates 1.45 hectares of land adjacent to the roundabout marking the intersection of the A143 and A140. These roads form key transport links between Ipswich and Norfolk in a north/south direction and Lowestoft and Bury St Edmunds/Thetford (via the A1066) in an east/west direction.
- 1.2. The site is located to the north-west of this roundabout and is approximately 350 metres south of Scole, a village located within Norfolk. It forms part of a cluster of development along the A143, which includes residential properties, holiday chalets and a golf complex to the west. The site is an arable parcel of land which is largely enclosed by boundary hedges and trees, most which appear to be self-seeded. It is roughly level and is served by a field access onto the A143 to the south.

## **2. The Proposal**

- 2.1. The application proposes a new roadside service area providing a petrol filling station with ancillary retail unit, a restaurant and drive-thru. The proposal also includes incidental access, parking, lighting and landscaping. All advertisements will be dealt with by a separate application, but are shown for clarity on the layout and elevation plans.
- 2.2. The roadside service area will be accessed from a new slip road off the A140 northbound carriageway. Internal access provides links to both the restaurant and petrol filling station, with egress from the whole site onto the eastbound carriageway of the A413.
- 2.3. The drive-thru restaurant is located on the eastern part of the site adjacent to the A413/A140 roundabout. This provides a building with a footprint of 452 square metres, creating 100 covers across the internal and external seating areas. It is designed to provide a split lane drive-thru around the eastern side of the building, with parking for 50 cars and 4 bicycles to the west. Two disabled spaces and two collection spaces are also incorporated. The building is 32.4 by 12.5 metres in scale, with a supporting connected storage area 8.8 by 5.2 metres. The building is single storey, but with parapet sections concealing the unit's plant which is located on the flat roof. The storage aspect is 2.495 metres high, with the parapet over the main building element projecting a maximum of 5.8 metres. The building will be clad with a variety of materials, including stone tiles, wood effect cladding and vertical battens. The roof structure is formed from angled solid and louvre panels, with integrated signage.
- 2.4. The western part of the site will accommodate the petrol filling station and associated retail unit. The retail unit is located in the central part of this facility, with a compound yard enclosed by fencing to the south. Staff parking is provided to the rear (south) of the building and the petrol station forecourt and parking is to the north. A four island fuelling forecourt and two lane heavy goods vehicle fuelling island is proposed. A canopy with 5.2 metres clearance will be sited over the islands. The station will be serviced by three 80,000 litre underground storage tanks. Sixteen parking spaces are provided around the edge of the forecourt, along with an air and water bay and cycle stands for 4 bicycles. Additional parking for 4 bicycles and 12 vehicles is also provided for staff use.
- 2.5. The proposed retail building is 27 by 12 metres, with a height of 4.4 metres. Designed as a mono-pitch roof that slopes down away from the forecourt, parapet walls conceal this providing curved and flat wall sections. The unit will be a portal frame structure with steel cladding panels finished white, with a black panel plinth. The retail unit faces northwards, providing large glazing panels and double door access. Space is accommodated above the windows for the fascia sign (design to be agreed through a separate application), whilst two ATMs are integrated into the front elevation. A compound yard is integrated into the rear elevation, enclosed by a 2.2 metre high close-board fence.
- 2.6. Supporting the development, a 7.0 metre high MID-sign is indicated at the entrance to the site. This will form part of a separate planning application but is shown for clarity purposes on the submitted plans.
- 2.7. The site will operate 24 hours each day, seven days a week. It is identified to create 65 jobs (45 FTEs).

## **3. The Principle Of Development**

- 3.1. Saved policy T6 of the Mid Suffolk Local Plan dates back to 1998 and seeks to restrict proposals for petrol filling stations and other roadside services in the open countryside recognising that (at that time, the existing roadside service provision met government requirements.
- 3.2. The Planning Statement submitted with the application identifies that *“this aged policy has been created based upon the assessment of need set out in the accompanying paragraph 2.7.21, which concludes that no additional service stations are required along the A14 and A140. The A143 has not been considered. In terms of the provision of roadside services, the A143, like most major roads, has been diverted around towns and villages. The opportunity to provide service areas within existing towns and villages is therefore unrealistic. The best option available is to place new facilities close to existing settlements to minimise the visual impact and the distance for any destination journeys to the services by local residents. The application site represents one such site, with the land located less than 350 metres away from Scole. It also lies adjacent to scattered development along the northern side of the A143, with houses, holiday lets and a golf complex. The site therefore represents an opportunity to provide a new facility in a logical location where it will be seen as part of an existing cluster of development. It should therefore be considered in principle an acceptable proposition, subject to more detailed assessment of the scale/function of the elements proposed and its visual impact upon the countryside”*.
- 3.3. It is apparent, therefore, that the proposal is, as a matter of principle, contrary to saved policy T6. As such, the principle of this development would, on the face of it, appear to be unacceptable. However, planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration for the purposes of decision taking and, therefore, it is necessary to consider the extent to which the proposal would comply with other development plan policies and the NPPF before reaching a conclusion on the acceptability of the proposal.
- 3.4. Paragraph 31 of the NPPF identifies that local authorities should work with neighbouring authorities and transport providers to develop strategies for the provision of viable infrastructure necessary to support sustainable development, including large scale facilities such as rail freight interchanges, roadside facilities for motorists or transport investment necessary to support strategies for the growth of ports, airports or other major generators of travel demand in their areas. It notes that the primary function of roadside facilities for motorists should be to support the safety and welfare of the road user.
- 3.5. The Department for Communities and Local Government (DCLG) and Department of Transport (DfT) have both published guidance seeking to support the provision of roadside facilities to meet the needs of motorists, in order to ensure the safety and welfare of road users. Specific guidelines on the provision of such facilities specifically reference motorways and trunk roads, but appeal decisions for other roadside facilities have indicated that such guidance can be equally applicable to other key highway routes.
- 3.6. The applicant identifies that the A140 and A143 are not identified as trunk roads but perform important roles in linking settlements in an east/west and north/south direction. The A143 runs between Bury St Edmunds and Great Yarmouth/Lowestoft, whilst also connecting into the A14 for travel further westwards. The A140 runs between Ipswich and Norwich, the two key settlements in Suffolk/Norfolk. Although neither currently form trunk roads (the A140 was de-trunked in the 1990s), both form busy connecting routes which operate in a similar manner to trunk roads. The application of the trunk road guidance can therefore be appropriately used in consideration of service areas along these highway routes, a situation supported by appeal decisions that the applicant has included within their submitted documents. Your Officers have assessed these decisions and consider that the applicant’s appraisal of the relevant points is correct and, therefore, their assessment can be relied upon in reaching a decision on this proposal.

- 3.7. The applicant has also provided an assessment of existing facilities along the A140 and A143. These identify that there is appropriate spacing of facilities along the A140 to meet the requirements set out in national guidance. However, along the A143, there is an absence of facilities located directly on this highway between Stanton and Beccles. This provides a distance of 32.7 miles (53.4 kilometres) between facilities, which equates to a minimum travel time of 43 minutes. This is almost 50% greater than the recommended maximum travel time between on-line service stations, illustrating a need for an additional facility along this route. For HGVs, the distance and travel time between filling stations is even longer.
- 3.8. The intersection of the A140 and A143 has been identified as an appropriate juncture to provide a service station at an appropriate distance between the existing services. It would be located 17 minutes drive (12.7 miles/20.4 kilometres) east of Stanton Services and 26 minutes drive (20.5 miles/33.0 kilometres) west of Beccles. Service provision along this section of the A140 then complies with the maximum travel times between facilities noted in the DfT Circular.
- 3.9. The appeal decisions reflect the content of the DfT Circular 02/2013 that each planning application needs to be considered on its merits, rather than considering a sequential approach to sites along these highways. The applicant identifies that the provision of a facility where it has the potential to serve more than one key highway route should be seen as a benefit and sequentially preferable to the provision of two potential sites.
- 3.10. Your Officers have considered these details and are in agreement that this also enables greater scope for viability of any new facility. Provision of a facility in this location represents the only opportunity to provide roadside services which will serve traffic movements along both A-roads. It is therefore considered that this is sequentially preferable to other locations along the A140.
- 3.11. These are important material considerations which must be weighed in the decision on this proposal which, notwithstanding the recognised conflict with policy T6, comply with the provisions of paragraph 31 of the NPPF and would address the shortfall in provision between existing facilities along this route.

#### **4. Site Access, Parking And Highway Safety Considerations**

- 4.1. Given that this proposal relates to the provision of roadside service facilities, the issue of highway safety (both from the resultant benefits of service provision along the network and the physical access arrangements to the site) is clearly an important factor.
- 4.2. This balance is demonstrated by the NPPF which, at paragraph 31, recognises that the primary function of roadside facilities for motorists should be to support the safety and welfare of the road user, whereas paragraph 32 identifies that decisions should take account of whether safe and suitable access can be achieved for all.
- 4.3. The applicant recognises through their Planning Statement that any service area requires a coherent and legible layout which protects highway safety. There are a number of local concerns as to the highway safety implications of the proposal, focussed primarily on the physical access arrangements to the site, the need for a footbridge or crossing (particularly for people wishing to access the McDonalds facility on foot) and a wider concern as to this proposal prejudicing the alteration of the road network around this area following likely growth development in this area. This latter matter is considered in more detail in the section on prematurity later in this report.
- 4.4. Turning to the need for this facility, many of the respondents recognise that there is a demand for such a facility in this area, albeit they question this particular site as being the most appropriate. The applicant has provided a case that your officers consider to be well evidenced (in terms of the position of the site relative to other facilities on these roads, the proximity of the floodplain which

makes this site sequentially more preferable than many others and the fact that this is the only location that offers services to road users of both main routes). As such, officers consider that the need for such a facility has been demonstrated adequately and, irrespective of any conflict with saved policy T6, the location is one which is not unacceptable as a matter of principle.

- 4.5. Many of the objections to this scheme focus on the access arrangements, and these will be considered further here. The applicant's case states that

*“Access for all traffic is taken from the northern arm of the A140, with traffic egress onto the eastbound carriageway. Distances for these new access points to the existing roundabout have been provided to ensure no conflict or confusion for users of these highways. Traffic modelling, as included in the Transport Assessment, illustrates that the highway network, and in particular the adjacent roundabout, can accommodate these additional movements.*

*Within the site, the land is roughly split into two parts: the eastern section for the restaurant and drive-thru; and the western section for the petrol filling station and retail unit. Signage will assist users in reaching these facilities without issue. Internal link roads are also incorporated allowing the services to be accessed in any order by customers without the need to re-enter the public highway. Footpath links are also provided between the facilities negating the need to move vehicles should users prefer to walk around the site. Cycle parking is also provided in convenient locations adjacent to both uses.*

*The arrangement of the facilities offers scope for all queuing vehicles to be safely accommodated within the site itself. This ensures that no impact upon the movement of traffic along the public highways will occur. It will also keep the access road through the site flowing, allowing users to re-join the public highway without delay to onward journeys.*

*The buildings themselves have been spread out across the site, with parking areas between them so that the development does not appear clustered or dominating. The arrangement also allows the parking areas to be conveniently located adjacent to each use, whilst the whole development is screened to a high degree by the retained highway tree belt. This can be augmented as appropriate with additional landscaping given the offset of the proposed development from the highway. The layout also enables retention of other trees along the northern and western edges of the site, with space for incidental landscaping within the parking and circulation areas. The level of parking, including cycle spaces, is commensurate to the needs of the scheme, ensuring compliance with policy.*

*The application site also incorporates an open area of land which will remain undeveloped to the west of the filling station. It will incorporate underground storage crates for surface water collection, with scope for planting and habitat creation and enhancement”.*

- 4.6. This view is not one which is shared by a number of the objectors, who identify the lack of any visibility splays on the A143 as posing a danger to traffic in the vicinity, that this location is much too small with unsafe access and egress for all users of the facility, and that alternative locations should be investigated that are larger, safer and with more HGV facilities, and which would not have such a prejudicial effect on any possible future improvements to the local strategic road network.
- 4.7. In light of these competing views, the views of the statutory consultees are important in the determination of this proposal. Consultations have been undertaken with Highways England, the local highway authority (Suffolk County Council) and Norfolk County Council. Their responses have not highlighted specific highway safety issues (albeit that Norfolk CC have not yet responded) which would weigh against the proposal, with Highways England offering no objection and the LHA recommending the imposition of conditions.

- 4.8. In these circumstances, decision takers are faced with balancing the competing issues (in terms of the differing views of the applicant and their advisors to those of the local community) and reaching a conclusion. The NPPF requires safe and suitable access to be available for all users, and highlights that *“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”*. As there is no definition of ‘severe’ provided by the NPPF, it should be given its ordinary meaning. In this case, your officers do not consider that the impacts of this development can be considered to be severe in highways terms. The proposal has received no objection from the statutory consultees and whilst the local concerns in respect of highway terms are recognised and acknowledged, it is not considered that these would be severe impacts that would warrant refusal of this proposal. The proposal brings about economic and highway safety benefits, in terms of addressing a need for motorists in this location, which would, in any event, outweigh any harm caused.
- 4.9. For these reasons, the proposal is considered to accord with the NPPF and the relevant development plan policies in respect of the highway safety aspects of the development

## **5. Design And Layout [Impact On Street Scene]**

- 5.1. The design of the buildings is practical in nature and unsurprisingly uninspiring, being typical of a service station and associated fast food restaurant.
- 5.2. Notwithstanding this, the buildings are of relatively low scale, being of single-storey scale (the fast food restaurant being 5.8 metres high and the retail area of the petrol station being 4.4 metres high). A canopy would exist over the fuel pumps which would have 5.2 metres clearance.
- 5.3. There is some criticism of the layout within the objections to the proposal, particularly with regards to the impact on residential amenity and the access arrangements (both of which have already been covered previously in this report). However, it is noted that the access arrangement would not be dissimilar to the services at the southern end of the A140 (Beacon Hill), where the services are accessed off the A140 and then returned back onto the A14 slip road at the southern end of the site. This arrangement works well at this location and would appear to be likely to have a similar potential here.
- 5.4. Accessibility through the site is reasonably good and tracking plans showing HGV routes through the site have been submitted with the application. These have been approved by the LHA.
- 5.5. Therefore, whilst the design and layout is functional rather than exceptional, it is not such that would give rise to particular concerns and would be typical of many such area adjacent to main road. As such, the proposal is considered to be acceptable from a design and layout viewpoint.

## **6. Landscape Impact, Trees, Ecology, Biodiversity And Protected Species**

- 6.1. The site lies within a Special Landscape Area and the applicant recognises *that “The site will develop greenfield land that forms part of a Special Landscape Area. This will remove the ecological value of this grassland and any potential agricultural benefit. However, this harm is significantly tempered by the land representing a fragmented land parcel, with low soil quality and little likelihood of it being used for active agriculture. The retention of all the mature vegetation around the perimeter of the site, coupled with the opportunity for additional vegetation planting and the provision of an ecological area to mitigate the loss of the grassland, means that overall an ecological benefit can be achieved for the site”*.

- 6.2. It is clear that the proposal will significantly alter the character of the site, though the site is seen against the backdrop of mature trees and the roads abutting the site. The land has been identified as poor quality agricultural land, and the proposal has sought to accommodate an area of land to the rear of the existing dwellings for ecological mitigation. The open area of land to the west of the filling station will incorporate underground storage crates for surface water collection. There is scope for planting and habitat creation and enhancement here which can be conditioned as part of a landscaping management plan.
- 6.3. Furthermore, the site already benefits from existing vegetation around most of its boundaries. There are opportunities to increase tree planting within the development area and tree and hedgerow planting along the site boundaries to mitigate the visual impact of the proposals and create a suitable green infrastructure.
- 6.4. Additional planting is required to fill in gaps around the site boundaries. The north-east corner of the site shall be strengthened by increasing the number of trees and hedgerow planting to match the existing tree species on this boundary, and the proposed species shown on submitted landscape plan appear to be more ornamental. However, this is a matter that can be dealt with through a suitably worded condition. The western boundary requires tree and hedgerow planting to screen the proposals from the existing settlements to the west of the site. Native species are recommended for the proposed planting on site boundaries
- 6.5. In light of all of the above, the proposal would result in an impact on the SLA but this would not be such that would cause particular harm to the character of the sites environs or the wider SLA. As such, the proposal is considered to comply with saved policy CL2 and Core Strategy Policy CS5 subject to the imposition of conditions to deliver landscaping and ecological mitigation.

## **7. Prematurity**

- 7.1. The site lies within an area that forms part of the Diss & District Neighbourhood Plan area. The Neighbourhood Plan Steering Group has provided detailed comments on the proposal and, whilst recognising the demand for a full facility service station located midway between the A14 and Norwich and Bury St Edmunds and Beccles, questions whether this particular location is the most appropriate for these facilities. It recommends that alternative locations be investigated that will not have such adverse consequences and constraints to improving the strategic road network that this proposed site so clearly does.
  - 7.2. One of the main elements of their objection is that this proposal is premature in that it does not take account of potential for substantial growth in the vicinity that will require improvements to the highway network and the A140 in particular. They identify that this is prejudicial to the public interest by reducing the capacity of a strategic route and preventing future junction improvements to it.
  - 7.3. It is noted that this application was submitted in June 2017, ahead of the neighbourhood plan area being designated. However, as it remains undetermined at this time, it is necessary to consider the planning policy position at the time of making the decision and to consider whether this proposal would prejudice the delivery of the development plan, including any neighbourhood plans that are emerging.
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- 7.4. Paragraph 216 of the NPPF identifies that;

*“From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:*

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)".

7.5. The Planning Practice Guidance identifies that

*"Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process".*

7.6. In this instance, therefore, your officers consider that the emerging neighbourhood plan would carry little weight, it being at a very early stage and there being no draft plan currently formed (consultation having been undertaken on the Vision and Themes only recently). With regard to the BMSDC Joint Local Plan, the proposal is not considered to be so significant that granting permission in this instance would undermine the plan making process. The Joint Local Plan has not been submitted for examination and is still at a consultation stage. The points raised by the Diss and District Neighbourhood Plan Steering Group have not been supported by South Norfolk DC (no objection) or Highways England (no objection) and no response has currently been received for Norfolk County Council.

7.7 In this regard, it is considered that refusal of this application on prematurity grounds would not be justified, in accordance with paragraph 216 of the NPPF and the PPG.

## **8. Impact on Residential Amenity**

8.1. The issue of the impact of the proposal on residential amenity was one of the main factors raised as being of concern when the applicant engaged in pre-application discussions with the Council. As such, care needs to be taken to ensure that the proposal would not give rise to a detrimental impact on amenity and, if permission is to be granted, that the relevant controls are in place to manage any impacts to reduce any potential for detrimental impacts.

8.2. The application is supported by a noise assessment prepared by Sharps Redmore and a proposed lighting layout. These documents, along with the supporting plans and documents, have been considered by the Council's Environmental Protection team.

8.3 The EP team have recognised that the area is already subject to high volumes of traffic and that it is not envisaged that much commercial traffic will make a detour to visit the site. This is, in general terms, supported by the case made by objectors who consider that there is insufficient HGV provision on the site. With respect to those people who would travel these roads regularly in HGVs, they tend to be well-versed in which facilities do and do not accommodate their needs such that they tailor their routes (and the regularity of their stops) such as to stop at the sites which they need to. In this regard, it is considered that this site will obviously attract some road users (as it's intended purpose) but that it is not of such a scale that would attract many people to stop unnecessarily, simply due to the nature of the services that are offered there.

8.4 In this respect, the EPO recognises the potential for a site of this nature to give rise to amenity impacts, but highlights a series of conditions (such as hours of work, lighting, acoustic fencing,

emission levels etc) which would offer appropriate controls to ensure that no detriment to amenity would occur.

- 8.5 As such, it can be concluded that the proposal would not give rise to an unacceptable impact on residential amenity.

## **9. Drainage/Flooding**

- 9.1. The applicant has responded to comments made by the Environment Agency and the LLFA and have resolved the concerns of both of those authorities such that they have now removed their initial holding objections.
- 9.2 The proposal drainage scheme would be required by conditions, in line with both the EA and LLFA recommendations.
- 9.3 In this regard, the proposal is considered to have adequately addressed drainage and flooding matters.

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## **PART FOUR – CONCLUSION**

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### **10. Planning Balance and Conclusion**

- 10.1. The application proposes the construction of a new roadside facility, incorporating a petrol filling station and retail unit, plus a restaurant and drive-thru. Associated parking, landscaping and other paraphernalia is also proposed as part of this application.
- 10.2 Saved Policy T6 of the Local Plan seeks to resist new roadside facilities in the open countryside. As the development plan provides the starting point for the determination of planning applications, the proposal is contrary to policy T6 and therefore contrary to the development plan as a matter of principle.
- 10.3. However, in accordance with the NPPF, the LPA is required to consider whether there are material considerations that would outweigh the conflict with the development plan. National policy supports the provision of roadside facilities, and assessment of the local situation recognises that there is an absence of suitable services along the A143 which development at this juncture could address. The applicant has made a justified case that development at this location represents the most appropriate location for such a facility, being able to serve traffic travelling along both key highway routes (A140 and A143). It also allows for the facility to be located close to the settlement of Scole and viewed as part of development along the A143.
- 10.4. Despite the principle non-compliance with policy T6, this policy supports the clustering of facilities together in roadside services, minimising their land take and visual impact. The retail unit is necessary to support the filling station and will fulfil an important role in offering goods and services to road users, as well as local residents. The restaurant and drive-thru expands the facilities on offer and generates a new service for local residents which would otherwise not be viable. Between them, they give rise to job creation and economic generation which is in accordance with the aims of the NPPF as a whole.
- 10.5. The applicant has also provided evidence of recent appeal decisions which highlight the fact that traditional sequential assessments are irrelevant where the primary use is to serve road users. The provision of a new roadside facility incorporating A1 and A3/A5 uses could, therefore, be considered to be acceptable in principle.

- 10.6. The scheme has been designed to ensure legibility to users and maintain highway safety. It also offers protection to nearby residential properties through its layout. The scale of development also ensures that all buildings and structures are below the established tree canopy adjoining the site, so that its visual impact is minimised.
- 10.7. In carrying out a balancing of the benefits and harm resulting from the scheme, and recognising that the scheme has not given rise to objections from the Council's Environmental Protection Team, the relevant highway authorities, the Environment Agency nor the Lead Local Flood Authority, it is considered that any harm arising from the conflict with policy T6 does not demonstrably and significantly outweigh the benefits of the proposal.
- 10.8. Furthermore, the proposal would not give rise to prejudice to the plan-making process of the BMSDC Joint Local Plan or the emerging neighbourhood plan such that would weigh heavily against the development.
- 10.9. For these reasons, it is considered that the proposal meets the aims of the development plan and the NPPF as a whole and should therefore be supported.

## **RECOMMENDATION**

That authority be delegated to Corporate Manager - Growth & Sustainable Planning to grant full planning permission subject to conditions including:

- Standard time limit
- Approved Plans
- As requested by SCC Highways (visibility splays, access roads, parking)
- Submission of detailed landscaping scheme, including supplemental planting to existing hedgerows
- Landscape Management Plan
- Details of Underground Tanks
- Land Contamination (as per EA recommendation)
- Foundation Details (as per EA recommendation)
- Surface Water Drainage (as per SCC Flood and Water recommendations)
- Archaeological Investigation
- Provision of fire hydrants
- As requested by EPO during construction (construction hours, dust, smoke, light)
- As requested by EPO relating to operation (noise, plant, deliveries, lighting, acoustic fencing, tannoy system)