

Committee Report

Item No: 4

Reference: DC/18/03188

Case Officer: Alex Scott

Ward: Palgrave

Ward Member/s: Cllr David Burn

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Planning Application - Temporary use of existing access to allow construction of petrol filling station approved under DC/17/03027.

Location

Land at Scole Roundabout, North of A143 and to West of A140, Stuston

Parish: Stuston

Expiry Date: 17/09/18

Application Type: FUW - Full App Without Compliance of Condition

Development Type: Minor Application

Applicant: Mr West

Agent: Mr Nigel Ozier, Aitchison Raffety

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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 the extent and planning substance of comments received from third parties, the case history, and the location, scale and nature of the application.

Details of Previous Committee / Resolutions and any member site visit

DC/17/03027 - Full Planning Application - 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 – Granted by Committee on 06.06.2018

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

National Planning Policy Framework (NPPF) – Adopted July 2018

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

Mid Suffolk Core Strategy – Adopted September 2008

- 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 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

Stuston Parish Meeting – No response received

Scole Parish Council – Strongly objects to this application on the grounds of road safety and environmental concerns:

1. - Have several concerns regarding the accuracy with which the tick boxes have been completed on the planning application form. For example:

Does the proposed development require any materials to be used in the build? This has been answered no even though the entrance will require a complete reconstruction to allow large HGVs access to the site.

Also, the questions regarding Trees and Hedges have both been answered no even though a considerable amount of hedging and trees would need to be removed to gain the required visibility splays.

Again, the question on Biodiversity and Geological Conservation has been answered no. How is this possible to say without doing a full survey of the area that will need to be cleared. It is well known that several rare species of flora and fauna exist in the Scole environs.

2. - Taking into account the points made in 1. above, cannot see how the required 160m visibility splay to the West of the proposed entrance can be achieved bearing in mind that the majority of the proposed splays are currently covered with mature and dense hedgerows and small trees. The current visibility splay is approximately 25m.

Is it the applicants and case officer's proposal that this environmentally important margin is scrubbed out and removed?

3. - Would also have concerns about the effects that the removal of this hedgerow/coppice would have on the quality of life of the residents that live in the properties behind it.

4. - Have serious road safety concerns regarding the effect of slow moving HGV traffic turning right across the eastbound lane of the A143. This is bound to have a detrimental effect to the safety of vehicles exiting the roundabout westbound on the A143? Do not forget that there is often a queue of traffic on the eastbound carriageway queuing to enter the busy A143/A140 roundabout, thus blocking the proposed entrance to the site.

SCC Highways – No objection subject to construction management being agreed.

B: Representations

4 representations raising concern or objection have been received. Comments are summarised as follows: have been received.

- The application appears to use a consultant who has not had a site visit. As can be seen from Google maps and from other consultee comments, there are mature shrubs and trees in age of approximately 15 years old or older. These are also looked after by the residents on the adjacent sides. The trees and mature shrubs have been planted there to ensure that noise is kept to a minimum for passing traffic that may affect the residential properties. The visibility is not that of what the proposed view would provide as the majority if not all trees and shrubs would need to be cut down. This is in contradiction to conversations previously had between MSDC and an objector.
 - There is no safe entrance from the west side for slow moving traffic as the roads are 60 mph. A variety of accidents have already occurred due to speed and the fact a roundabout comes up very quickly on a long bend with queuing traffic.
 - It is noted that this application is in contradiction to the Committee decision where conditions were already placed.
 - Assume the initial application would again be reviewed due to conditions being revised.
 - Concern with regards technical note 3 in the applicant's case and that it is considered that the 160m splay to the West of the proposed entrance can be easily achieved. At present the whole of the area of the proposed western splay is covered by mature hedge embedded with many large trees.
 - Question if this environmentally important margin is scrubbed out and removed.
 - Consider that the hedgerow/coppice creates considerable sound deadening from the noise of the road making the housing behind it a much quieter place to live.
 - Question whether the drawing on the southern side of the A143, opposite the proposed entrance is proposed for a passing place, created to avoid slow moving traffic entering the site blocking the busy A road.
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- There is usually a queue of traffic along the A143 past the proposed entrance , attempting to negotiate the busy A143/A140 roundabout. This would therefore block the entrance to the site from the East.
- I feel that this application appears to understate the impact of what is such an important change. The speed of the site development should not be taken into account (although the developer appears to consider this the key consideration).
- Consider it should be safety, daily lifestyle disruption, ecology, noise, lighting, effect on local residents etc. that should be the prime planning considerations.
- The application does not stipulate how long “temporary” will actually be. Is this being put forward so that the correct entrances and exits can be implemented as stated on the original application or is it to circumnavigate condition 5?
- If it is the case, as sated in the application that the proposal does not require any materials to be used in the build, and the access is not re-surfaced, mud and dirt will be dragged onto the A143 and then the roundabout itself.
- Consider the current access is not wide enough for large HGVs to safely negotiate, (the drawings show a Class 1 with tri-axle trailer and six wheel tractor unit).
- Question where vehicles are going to park – no parking proposal is submitted as part of the application.
- Concern with regards the loss of vegetation that may result and request a full tree survey is provided.
- As the site entrance is already a field entrance it should be suitable of lorries to enter consider that restrictions should be imposed so that lorries leaving the site turn only left towards the roundabout to the east. Lorries should also only enter from the west so that traffic is not held up so much. Priority should also be given to lorries entering the site again to restrict inconveniencing other road users. Restrictions should also be in place during rush hour periods so there are no deliveries to the site at those times.

PART THREE – ASSESSMENT OF APPLICATION

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 follows planning permission ref: DC/17/03027, which granted full planning permission for: the erection of petrol filling station and associated sales building; a drive through restaurant takeaway and associated works; and construction of new vehicular access from A140 and exit to A143, in June 2018.

- 2.2. Planning permission ref: DC/17/03027 included a restrictive condition (Condition 5) with regards provision of the proposed access and egress prior to any other works commencing and reads as follows:

“The new estate road junction(s) to the existing highway, inclusive of cleared land within the sight splays to the junction(s) must be formed prior to any other works commencing hereby approved and there shall be no deliveries of materials to the site, other than those associated with the development of the access, until such time as the approved junction is formed and available for use.”

- 2.3. In order to avoid any potential delays to the onsite construction works, it is proposed that the existing gated access from the A143 is used to provide site access for construction traffic.
- 2.4. The applicant has submitted evidence (including drawing numbers 16025-01-110 and 16025-01-113) which presents the case that appropriate visibility can be achieved from the existing point of access and that suitable widths and radius can be provided to accommodate large articulated vehicles.
- 2.5. The applicant’s highways consultants consider that the proposed alternative access arrangement accord with the reasoning for the original condition which is to ensure a safe access to the site is provided before other works and to facilitate off street parking for site workers in the interests of highway safety.
- 2.5. The supporting statement provided by the applicant states that the management of all construction vehicle access to the site would continue to be controlled via a Construction Traffic Management Plan.

3. Site Access, Parking And Highway Safety Considerations

- 3.1. 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.
- 3.2. Paragraph 108 of the National Planning Policy Framework (NPPF) (2018) states, inter alia, that in assessing specific applications for development it should be ensured that: safe and suitable access to the site can be achieved for all users; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 3.3. Furthermore, paragraph 109 of the NPPF (2018) provides that development should only be prevented or refused on highway safety grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 3.4. Policy T10 of the Mid Suffolk Local Plan (1998) provides, inter alia, that when considering planning applications for development, the district planning authority will have regard to the following:- The provision of safe access to and egress from the site; The suitability of existing

roads giving access to the development, in terms of the safe and free flow of traffic and pedestrian safety; Whether the amount and type of traffic generated by the proposal will be acceptable in relation to the capacity of the road network in the locality of the site; and The provision of adequate space for the parking and turning of cars and service vehicles within the curtilage of the site.

- 3.5. The application proposes temporary use of existing access to allow construction of petrol filling station approved under planning permission ref: DC/17/03027. Access to and egress from the site during the construction phase of the development would, therefore, be via the existing site access via the A143, to the south of the site.
- 3.6. Should the application be approved it would result in the short term use of the existing access by construction vehicles, during the construction phase of development only. Variation of condition 5 of host planning permission ref: DC/17/03027 is proposed by way of a separate application (Ref: DC/18/02970). The proposed amended condition would still require completion of the approved means of access to and egress from the site, prior to first use/operation.
- 3.7. The existing access to the site is already in place and could potentially be used by agricultural and other vehicles wishing to access. The existing access, therefore, already has an impact in this regard and is considered to be a material consideration in determination of this application.
- 3.8. Should the proposed use of the existing access during the construction phase of development be appropriately mitigated as part of an acceptable construction management plan (which shall include measures for construction traffic management and operating hours, and measures to prevent mud from vehicles leaving the site during construction) then the proposal is not considered to result in an unacceptable or severe impact on existing highway safety, as per the requirements of the aforementioned planning policy.

4. Other Issues

- 4.1. The current proposal is not considered to alter your officers' assessment of the other material planning considerations, considered as part of the original approval (planning permission ref: DC/17/03027).

PART FOUR – CONCLUSION

5. Planning Balance and Conclusion

- 5.1. The proposal is considered to have limited short term economic benefits in the construction phase of development in the employment of contractors and the ability to work collectively on all aspects of the development.
- 5.2. The proposal is considered to have limited social benefit during the construction phase of development, enabling the simultaneous construction of both the access and egress and the remainder of the site, resulting in swifter construction and less disruption and inconvenience to highway users.
- 5.3. Should the construction phase of development be appropriately managed by way of an agreed construction management plan then the proposal is considered to have a neutral environmental impact when compared to the existing approval, most specifically in relation to the issue of highway safety.

5.4. 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 approved.

RECOMMENDATION

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

- Temporary permission to expire prior to first use/operation of the development approved under planning permission ref: DC/17/03027.
- Approval of a construction management plan prior to commencement of permission, and implementation of said plan during construction.