

## **Committee Report**

**Item 6B**

**Reference:** DC/19/02798

**Case Officer:** Jasmine Whyard

**Ward:** Orwell.

**Ward Member/s:** Cllr Jane Gould.

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

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### **Description of Development**

Planning Application. Development of roadside services, including 1no. petrol filling station (Sui Generis) 1no. drive through restaurant (Class A3 / A5) associated infrastructure and landscaping works.

### **Location**

Land to The North and East Of, Bobbits Lane, Wherstead, Suffolk

**Expiry Date:** 04/08/2020

**Application Type:** FUL – Full Planning Application

**Development Type:** Major Large Scale – Roadside services

**Applicant:** Euro Garages and Pigeon (Wherstead) Ltd c/o Pigeon Investment Management Ltd

**Agent:** PWA Planning

**Parish:** Wherstead

**Site Area:** 2.43 hectares

**Details of Previous Committee / Resolutions and any member site visit:** None

**Has a Committee Call In request been received from a Council Member (Appendix 1):** Yes

**Has the application been subject to Pre-Application Advice:** Yes

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

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The application is referred to committee for the following reasons:

- i. It has been subject to a Committee Call In request by Cllr Busby due to the cumulative impact of surrounding developments, traffic impact and dominating the edge of Ipswich.

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

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### **Summary of Policies**

#### **The Development Plan**

The following policies are considered the most pertinent to the determination of this proposal. The policies are all contained within the adopted development plan for Babergh District which is comprised of: Babergh Core Strategy (2014) and Babergh Local Plan Alteration No.2 (2006), specifically the live list of 'saved policies' (2016). All Policies, save for CS2, are afforded full weight in the determination process as they are considered wholly consistent with the aims of the NPPF under paragraph 213 of that document.

- Babergh Core Strategy (2014)

CS01 – Applying the presumption in Favour of Sustainable Development in Babergh

CS02- Settlement Pattern Policy

CS03 – Strategy for Growth and Development

CS07- Babergh Ipswich Fringe

CS09- Wherstead Strategic Employment Site Allocation

CS15 – Implementing Sustainable Development

CS16- Town, Village and Local Centres

CS17- The Rural Economy

CS21 – Infrastructure Provision

- 'Saved policies' (2016) of Babergh Local Plan Alteration No.2 (2006)

CN01 – Design Standards

CN04 – Design & Crime Prevention

EN22 – Light Pollution – Outdoor Lighting

CR07 – Landscaping Schemes

CR08 – Hedgerows

TP08 – Proposed Park and Ride- Wherstead

TP15 – Parking Standards – New Development

TP16 – Green Travel Plans

#### **Emerging Joint Local Plan Policies**

SP03- Settlement Hierarchy

SP05- Employment Land

SP08- Infrastructure Provision

#### **The National Planning Policy Framework**

The National Planning Policy Framework (NPPF) 2019 contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues

to require that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-taking purposes.

Particularly relevant elements of the NPPF include:

Section 2: Achieving Sustainable Development

Section 4: Decision Making

Section 6: Building a Strong, Competitive Economy

Section 9: Promoting Sustainable Transport

Section 12: Achieving Well-Designed Places

Section 15: Conserving and Enhancing the Natural Environment

### Other Considerations

- Suffolk County Council- Suffolk's Guidance for Parking (2014 most recently updated in 2019)
- Suffolk's Local Transport Plan (2011-2031)

The National Planning Practice Guidance (NPPG) provides guidance and advice on procedure rather than explicit policy; however, it has been taken into account in reaching the recommendation made on this application.

### **Neighbourhood Plan Status**

This application site is not within a Neighbourhood Plan Area.

### **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**

##### **Parish Council**

- **Wherstead Parish Council:**

Response dated 16<sup>th</sup> July 2019: No objection but wish to raise several points and concerns for further consideration:

- Pumping foul water and sewage to pumping station at bottom of Klondyke Field may take it above capacity

- Not clear how the roundabout improvements will increase capacity
- Roundabout works should be completed prior to any works on the site
- Pedestrian access points are unclear
- Bobbits Lane is noted as one access, this bridleway requires a management plan for overgrown vegetation
- Condition should be imposed for security on site to mitigate against existing illegal motor bike use of Bobbits Lane
- Refuelling provision made for 4 electric vehicle charging points and 8 fuelling pumps- electric vehicles points should be increased
- Concerns over air pollution from vehicles
- Light and noise pollution and increased littering- planning conditions should be used to mitigate this issue
- Restrict 24/7 use of the site as it is out of keeping with the area
- The proposed access into Wherstead Park as part of roundabout improvements would be desirable to reduce use of The Street

Response dated 10<sup>th</sup> June 2020: No objection and the reduction in speed limit to 40mph along A137 is welcomed. However, several outstanding concerns must be addressed:

- Illegal motor biking could increase with the development
- Speed limit within the site should be reduced to 20mph not 30mph as proposed
- Bus stop should be moved from A137 to stop impeded traffic flows
- No details provided for the 'upgraded bus stop'
- HGVs leaving the site would need to straddle both lanes
- 'Third lane by others' included on the access drawing should be removed as it is not part of this application
- All splitter islands are to be planted but no detail is given of this, planting should respect the locality
- Police recommendations should be implemented in full.

- **Pinewood Parish Council:**

Response dated 11<sup>th</sup> June 2020: No objection but wish to raise significant concerns:

- Development could provide meeting place for anti-social behaviour
- Agree and recommend measures that Suffolk Constabulary have provided in their response
- Illegal motor bike use along Bobbits Lane affecting public safety of others using the bridleway
- Particularly support the change of gate to the bridleway
- Security gates/ bollards should be installed on the access to the development when it is closed

### **National Consultee**

- **Environment Agency:** No objection, subject to conditions on petrol filling station tank design, land contamination and surface water drainage
- **Historic England:** No comment.

- **Natural England:** No objection.
- **Highways England:** No objection, subject to conditions on access and highway improvements being completed prior to use.

### **County Council Responses**

- **Highways and Travel Plan:** Object on the basis that a Traffic Regulation Order (TRO) to reduce speed limit has not been ratified prior to decision. However, the Highway Authority recognises that Babergh District Council may opt to grant approval subject to the TRO being ratified *prior to commencement of the development* and it has accordingly recommended conditions which would assist with this.
- **Archaeology:** No objection.
- **Development Contributions:** No comments.
- **Public Rights of Way:** No objection but note the existing gate and any change in gate serving the bridleway cannot legally be done by the developer and would be up to Suffolk County Council.
- **Floods and Water:** No objection, subject to conditions on surface water drainage, SUDS, flood flow exceedance rates and a construction surface water management plan.
- **Fire and Rescue:** No objection, subject to condition for the provision of fire hydrants on site.

### **Internal Consultee Responses**

- **Environmental Health- Light, Noise, Odour and Smoke:** No objection, subject to conditions on vertical luminance levels, litter management strategy, no burning on site, construction management plan, extract ventilation. Informatives on environmental permit and registering of food premises.
- **Environmental Health- Air Quality:** No objection. Informative on environmental permit.
- **Environmental Health- Land Contamination:** No objection. Informative on unexpected ground conditions.
- **Economic Development:** No objection.
- **Communities:** No comments.
- **Environmental Sustainability:** No objection, subject to condition for the submission of a sustainability strategy.
- **Planning Policy:** No objection.

- **Public Realm:** No objection.
- **Heritage:** No comments.
- **Arboricultural Officer:** No objection, subject to condition for the implementation of proposed measures contained in Arboricultural report.

### **Other Consultees**

- **Place Services Ecology:** No objection, subject to conditions on ecological mitigation and enhancement measures.
- **Place Services Landscape:** No objection, subject to landscaping amendments and condition for provision of a landscape management plan.
- **AONB Planning Officer:** No objection, recommend increased landscaping along northern boundary and support lighting reductions previously secured.
- **Suffolk Constabulary Design out Crime:** Made comments regarding- increasing lighting, erecting gates, installing CCTV, proposed fencing at 1.1m is appropriate, waste compound is not clear on plans but there should be one provided on site, unclear whether ATM will be installed but it is discouraged, parking area could increase anti-social behaviour, encourage use of automated number plate readers, makes several recommendations for internal requirements within the petrol filling station, signage to discourage anti-social behaviour.
- **Anglian Water:** No objection, there is available capacity. Informatives on assets affected and trade effluent.
- **Ipswich Borough Council:** No objection to the removal of the park and ride allocation but note that the site is set between several designated landscapes therefore request a landscaping condition. Future development could urbanise Ipswich Fringe. Specific attention needs to be paid to drainage, highways, ecology and parking.

### **B: Representations**

At the time of writing this report at least 13 letters/emails/online comments have been received. It is the officer opinion that this represents 10 objections and two supporting comments and one neutral. A verbal update shall be provided as necessary.

Views are summarised below:-

#### **Objections**

- Increased traffic and congestion causing further highways issues (7)
- Unnecessary roadside services in this location (6)
- Landscape impact close to AONB (6)
- Increased pollution (noise, light and odour) (6)

- Increased littering from inadequate refuse facilities on site (4)
- Dangerous junction for cars, pedestrians and cyclists (3)
- Inadequate access (3)
- Other local business will be detrimentally affected by competition (3)
- Increase in anti-social behaviour and crime (3)
- Affects ecology (3)
- Loss of open space (3)
- Creation of jobs unlikely to be as many as stated (2)
- Inappropriate in conservation area (2)
- Dominating/ overbearing (2)
- Strain on community facilities (2)
- Out of character (2)
- Unsustainable growth (2)
- Importance of cycling route up Bourne Hill to access safer routes elsewhere
- Jobs unlikely to be attractive to local people
- Proposed petrol station and drive thru restaurant would struggle to stay in business
- Inappropriate global corporation on site
- Inadequate parking provision
- Inadequate public transport
- Application lacks information
- Concerns over informal highway crossings
- Insufficient to upgrade existing footways should be made shared routes
- Drainage
- Access to Wherstead Park should not be included
- Conflicts with local plan
- Loss of privacy
- Only benefit landowners and corporations

### Supporting Comments

- Highway safety improvements- reduce vehicle speeds and near misses from uncancelled indications at roundabout (2)
- Wider highway benefits to improve linkages and unlock development to other sites- e.g. Wherstead Park (2)
- Well located to major strategic road network
- Mitigate against intensified traffic issues along The Street that could arise from future sites
- Increase road capacity
- Address inadequate provision of roadside services along this part of the A14
- Community benefits
- Opportunity to stop existing illegal motor bike riding along Bobbits Lane
- Wherstead Park is an allocated site and within the emerging JLP within the strategic employment area and its extension should be supported
- Welcome bicycle stands within service area

### Neutral Comments

- Concerns of capacity of foul water and sewage drainage to Anglian Water pumping station at bottom of Klondyke field
- Unclear how pedestrians can access site
- Possible controls for illegal motor bike riding along Bobbits Lane
- Increased traffic and development may increase pollution which should be considered
- Potential litter nuisance
- Operating hours should be restricted

(Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

### **Planning History**

In 1991 there was a large-scale development refused on the site under B/90/00602, however this is not deemed relevant given the time that has passed and the vast changes in planning policy that have occurred since.

There have been no recent development applications on site.

|                           |   |                                    |
|---------------------------|---|------------------------------------|
| <b>REF:</b> DC/19/05093   | Outline planning application (some matters reserved - access to be considered) - Commercial development for flexible employment use [to enable changes in accordance with Part 3 Class V of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)] within use classes B1c (Business- light Industry appropriate in a residential area), B2 (General Industry) and B8 (Storage and Distribution) of the Town and Country Planning (Use Classes) Order 1987 as amended. | <b>DECISION:</b> PCO               |
| <b>REF:</b> B/0486/80/FUL | Extraction of Sand and Gravel.  | <b>DECISION:</b> GRA<br>06.05.1980 |
| <b>REF:</b> B//85/00904   | TO CARRY OUT THE EXTRACTION OF SAND AND GRAVEL PERMITTED BY PERMISSION B/486/80 WITHOUT COMPLIANCE WITH CONDITION NO. 1 (DESTINATION OF MATERIALS)  | <b>DECISION:</b> REF<br>16.12.1985 |
| <b>REF:</b> B//85/00915   | IMPROVEMENT OF EXISTING ACCESS TO BOBBITSHOLE LANE  | <b>DECISION:</b> REF<br>27.01.1986 |
| <b>REF:</b> B/90/00602    | OUTLINE - ERECTION OF HOTEL/CONFERENCE CENTRE,  | <b>DECISION:</b> REF<br>29.07.1991 |



APPROX 6936m2 FLOOR SPACE FOR LEISURE FACILITIES, GARDEN CENTRE, RESIDENTIAL DEVELOPMENT, NURSING HOME, AND THE LAYING OUT OF APPROX 111 ACRES OF COUNTRY PARK, ASSOCIATED DRAINAGE WORKS INCLUDING FOUL PUMPING STATIONS AND OFF SITE SEWERS AND CONSTRUCTION OF NEW ACCESS TO THE STRAND AND NEW ROUNDABOUT AT JUNCTION OF A137 & SLIPROAD TO A45

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

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### **1.0. The Site and Surroundings**

- 1.1. The site extends 2.43 hectares and is located wholly within the parish of Wherstead, within the Ipswich Fringe area. The site is located immediately off of Junction 56 of the A14, the southern boundary runs parallel to with the A14. The site's western boundary runs adjacent to the A137.
- 1.2. Junction 56 is currently served by teardrop-shaped roundabouts which form part of the application site, the northern teardrop-shaped roundabout is closest to the proposed roadside services.
- 1.3. In response to Pinewood and Wherstead Parish Council's comments, the site is grade 3 (good to moderate quality) and not grade 2 agricultural land. There is further agricultural land located to the north and a sandpit culvert located to the west beyond a wooded area.
- 1.4. Whilst this portion of the existing field is in an elevated position in comparison with the northern area of the A137, the site is located on level land.
- 1.5. The site is not within or adjacent to a conservation area and there are no designated heritage assets within the application site. There are, however, several listed buildings concentrated along The Street and Vicarage Lane, located approximately 320 metres south of the site, to the south of the A14. They are all Grade II listed buildings and include: No.1-2 Blacksmiths Cottage, No.1-2 School House, Birchtree Cottage, Garden Cottage, No.1-2 Corner Cottage, Wherstead Park and Park Farm House.
- 1.6. The site is not located within any designated landscape area including any Area of Outstanding Natural Beauty (AONB), Site of Special Scientific Interest (SSSI), Air Quality Management Area, Local Green Space, or Area of Visual/Recreational Amenity. However, it is important to note that the site is located 200 metres west of the Suffolk Coasts and Heath AONB, from which it is separated by the A14/A137. To the north west

of the site, approximately 740 metres away, are the Bobbits Lane and Millennium Wood Local Nature Reserves.

- 1.7. The heavily wooded area west, adjacent to the site, forms a natural boundary. This woodland is not protected by any designation or tree protection orders.
- 1.8. The site falls wholly within Flood Zone 1, where there is a very low probability (less than 1 in 1000 annually) of river or sea (fluvial) flooding. The agricultural use and elevated position of the site means that presently it is considered to be at low risk of surface water (pluvial) flooding.
- 1.9. There is a Public Right of Way (Bobbits Lane Bridleway) fronting the southern boundary of the site. Bobbits Lane Bridleway starts within Pinewood, accessed from Ellenbrook Road, and finishes at the south-eastern corner of the site by the A137. Another bridleway is located north-east of the site, on the opposite side of the A137 to the site, and runs along Bourne Hill, south of the Suffolk Leisure Park.
- 1.10. The nearest dwellings are located 320 metres away, along The Street, on the southern side of the teardrop-shaped roundabouts and A137. These dwellings are sporadically located along the Street and into Vicarage Lane. The nearest higher concentration of dwellings is located along Bourne Hill around 860 metres away from the site.
- 1.11. The Suffolk Leisure Park, Blue Cross Rehoming Centre and Best Behaviour Dog Training are located directly east and north-east of the site, on the opposite side of the A137.
- 1.12. This application seeks to develop a small southern portion of the wider field. The remainder of the field, and partially into a field north, is proposed for development of commercial space under associated application DC/19/05093.

## **2.0. The Proposal**

- 2.1. The application seeks full planning permission for a mixture of uses on site to provide a roadside service station. Application DC/19/05093 is also presented to members for consideration at this committee as it shares the same access and includes the same upgrades to Junction 56. A further application DC/19/05624 is located in close proximity, but to the southern side of the A14. Whilst DC/19/05624, it is not associated with this scheme, it is presented at this committee for the purposes of understanding cumulative impacts and use of Junction 56.
- 2.2. The site extends 2.43 hectares, the total proposed net floor space is 1001 square metres.
- 2.3. A drive-thru restaurant (use classes A3/A5) is proposed to the south eastern corner of the site.
- 2.4. The petrol filling station (use class Sui Generis) is proposed to the western side of the site and will consist of: kiosk, ancillary office and storage space, ancillary retail store, ancillary food-to-go, seating area and public toilets. There would be two free-standing canopied

fuelling areas on site which would include space for eight vehicles to refuel at the same time and another would provide pumps for HGVs.

- 2.6. Associated hard and soft landscaping is proposed around the site.
- 2.7. This application proposes the same highway improvement works around Junction 56 as those proposed under application DC/19/05093. These works consist of upgrades to Junction 56 through replacing both teardrop-shaped roundabouts with new, standard, larger roundabouts, provision of new and widened cycleways and footways, a new toucan crossing on the A137 and bus stops. The highway works would be carried out under a Section 278 (S278) agreement of The Highways Act 1980, which is granted outside of the planning process by the SCC Highway Authority or Highways England, enabling developers to carry out works on the highway to the satisfaction of the Highway Authority to ensure they are adoptable. This will be discussed further under Section 4 of this report.

### **3.0 The Principle Of Development**

- 3.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, then that determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 3.2. Core Strategy policy CS1 and paragraph 11 of the NPPF state that the decision-making process should be done in accordance with the most relevant policies of the Local Development Plan where they are considered up to date in relation to their consistency with the NPPF. All policies identified in this report, except CS2, hold full weight in the determination process as they are considered compliant with the aims of the NPPF as distinguished under paragraph 213 of that document. Policy CS2 is afforded limited weight given its prescriptive blanket approach to development, it nonetheless provides direction and distinguishes the most suitable areas for development.
- 3.3. Core Strategy policies CS2 and CS7 distinguish settlements across Babergh, specifically in identifying areas suitable for growth, including employment growth. Whilst the southern part of Wherstead could be considered a hinterland village, by way of its detachment from Ipswich in location and functionality, the northern area of the built up area boundary of Wherstead, north of the A14, is 50 metres from the edge of Ipswich Borough. Under policy CS2, the site would strictly be considered in the countryside, however, as Figure 1 (Page 12) shows, in wider context the site is adjacent to the northern portion of Wherstead and is considered to form part of the Babergh Ipswich Fringe. Furthermore, whilst policy CS7 allocates a different area for development within the Babergh Ipswich Fringe, Wherstead's close functional and locational relationship with Ipswich means it is grouped within the wider Babergh Ipswich Fringe area on proposal maps. Whilst Policy CS2 is afforded limited weight, it identifies the Babergh Ipswich Fringe as a town/ urban area, which is highly sustainable, and an area where, sequentially, development should be directed towards in the first instance. Through this understanding of the site in the Babergh Ipswich Fringe, Core Strategy policy CS11, for considering development in core and hinterland villages is therefore not triggered. Moreover Paragraph 84 of the NPPF acknowledges that within rural districts employment related development may be necessary outside of existing settlements. This policy approach of identifying Babergh

Ipswich Fringe at the top of the settlement hierarchy, as the most sustainable location, is proposed to continue under the emerging Joint Local Plan policy SP03.



**Figure 1: Aerial view of the site within the wider area**

- 3.4. As seen on Figure 2 (Page 13), there are also areas within close proximity to the site, which either have planning applications currently under consideration or are allocated within the existing Local Plan and emerging Joint Local Plan. Alongside Wherstead Park as the allocated employment area under Core Strategy policy CS9, as discussed further at point 3.9, there are several other sites that are worth noting as outlined below.

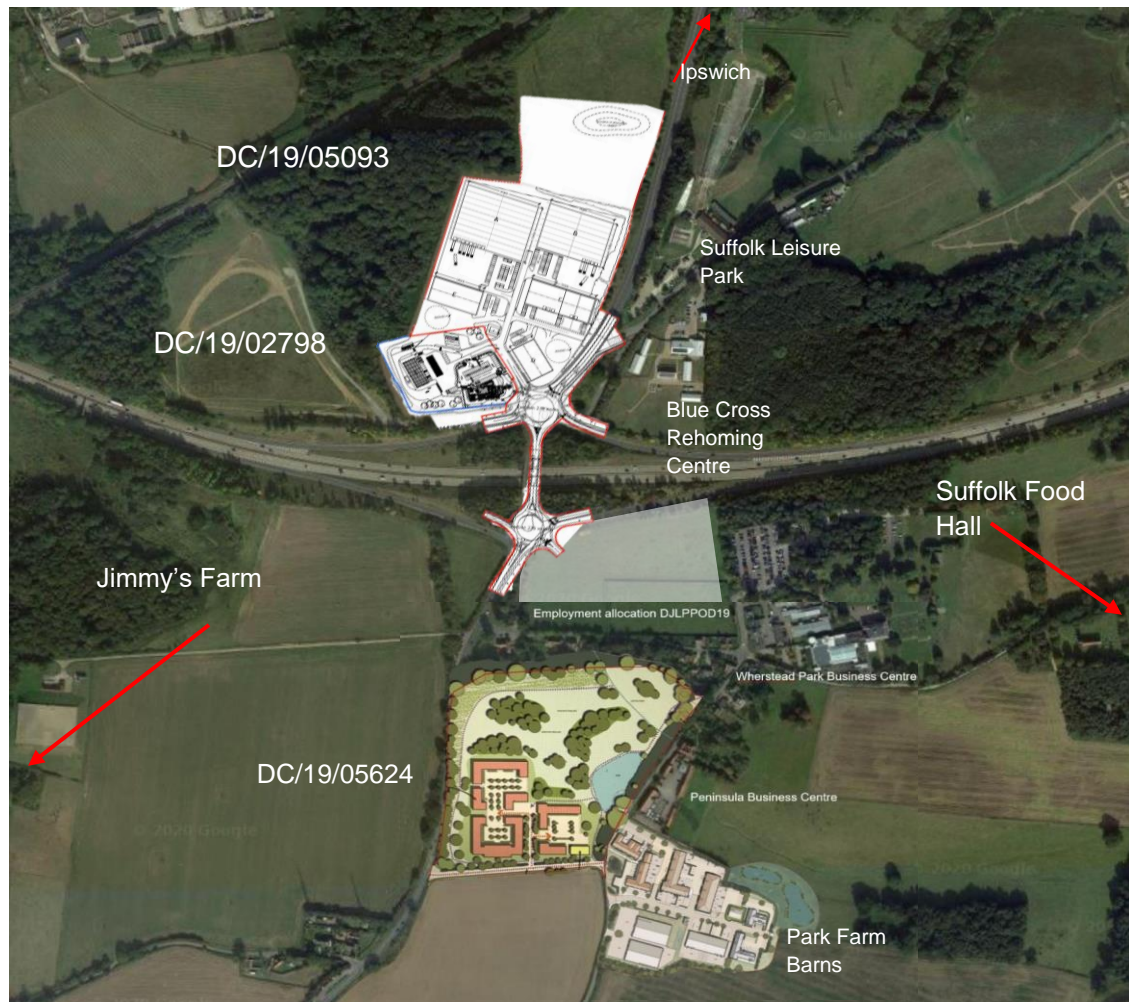
The sites with planning permission recently granted in close proximity to the site principally include:

- **DC/18/00706**- Outline permission for 75 dwellings at Klondyke Field adjacent to Bourne Hill, the reserved matters for this outline permission is currently under consideration under DC/20/00701.
- **DC/18/002200**- Full permission for the erection of seven commercial buildings (use classes B1, B2 and B8) and agricultural building at Park Farm Barns along Vicarage Lane.

The sites with planning applications submitted currently under consideration principally include:

- **DC/19/05093**- Outline planning permission sought for buildings for B1(c), B2 and B8 use adjacent to the site at Land North and East of Bobbits Lane- for consideration here today.

- **DC/19/05624**- Outline planning permission sought for B1/B2 and A1/A3 employment space at Land West of Vicarage Lane- also for consideration here today.



**Figure 2: Map showing both existing and proposed (plans superimposed on map) surrounding developments**

3.5. The site is allocated for development of a park and ride facility under Local Plan policy TP08, previously allocated to reflect the SCC Transport Plan of the time, thus establishing the principle of development on site and loss of agricultural land. Whilst the proposed development is not a park and ride facility, this is neither opposed by Babergh District Council, Suffolk County Council nor Ipswich Borough Council, and is not identified as a requirement in the current SCC Transport Plan. The principle of development within this location has however been accepted subject to adequate landscaping and safe access. Whilst the emerging Joint Local Plan is currently afforded limited weight it importantly no longer includes this existing allocation, reiterating that there is no continued identified need for development of the site as a park and ride facility, nonetheless the principle of development of the site has been accepted under the existing adopted Local Plan.



- 3.6. Under Core Strategy policies CS15 and CS21 and paragraph 8 of the NPPF development should be assessed against its sustainability in relation to the three core objectives: social, environmental and economic.

Underpinned by criteria iii and iv of policy CS15, there would be an ongoing economic benefit, in addition to the jobs generated from the short-term construction of the development. The Council's Open for Business Strategy (2018) aims to create 10,000 jobs by 2036, this proposal would not only create 60 jobs once the site is occupied (20 full time and 40 part time), but these jobs are not being relocated from elsewhere in the district and are instead an expansion of existing businesses. The site would serve to further consolidate the locality's strategic location by improving and increasing capacity at Junction 56.

In accordance with point iv of CS15, socially, the proposal would provide another service for the locality, whilst also easing high levels of congestion and increasing accessibility in and out of Wherstead and Ipswich, especially beneficial for commuters during peak hours of the day.

Environmentally, in accordance with criteria iv, xviii and xix of policy CS15, whilst society is undoubtedly moving towards becoming more sustainable, including encouraging greener methods of travel, it cannot be ignored that there remains a high reliance on car usage. This is especially true in rural districts where existing public transport provision is limited, this is acknowledged under paragraph 103 of the NPPF. When considering the site's location, adjacent to Junction 56 of the A14 trunk road, linking areas between the Port of Felixstowe and the Catthorpe Interchange, the site is in a wholly ideal location for a roadside service station. However, notwithstanding the strategic road location, the petrol station, drive-thru and junction improvements would incorporate electric vehicle charging points, solar panels on the proposed petrol station, cycle spaces, upgraded footways and cycleways and crossing points, to further link the site to other locations and integrate it with existing bridleways. A sustainability strategy would be conditioned to ensure the development actively reduces environmental impact and includes sustainable measures both during the construction period and for the lifetime of the development.

- 3.7. It is noted that representations were made which objected on the grounds that a petrol station and drive-thru restaurant are wholly unnecessary within the locality as there are others within close proximity to the site. The nearest petrol station is located 0.8 miles away (Harvest Energy) along Wherstead Road in the built-up area boundary of Ipswich. The nearest petrol stations which are more accessible and adjacent to the A14 are located 5.0 miles eastwards over the Orwell Bridge (Shell) and 3.6 miles westwards at Junction 55 off of the A1214 (Tesco), which also has the nearest A14 drive-thru restaurant to the site (Burger King). The services at Junction 55 do not comprise a formalised roadside service station and are within an existing retail park, separated from the A14 by several sets of traffic lights and roundabouts, making it less accessible. This application seeks to provide roadside services, which are efficient, easily accessible and have a complete offering in one place directly accessed off of Junction 56. Having considered the offering of other petrol filling stations close to the site, it is not held that this proposal will directly compete with others. Amongst other road users the proposal would serve, the size and layout of the site would provide HGV drivers with a safe

stopping point en route to or from the Port of Felixstowe, in accordance with paragraph 107 of the NPPF. This part of the A14 corridor has a recognised under-provision of such facilities.

- 3.8. The retail aspect of the petrol filling station is minor and ancillary in nature and as such remains encompassed within the wider sui generis use class of the petrol filling station. The retail aspect of the proposal does not trigger the requirement for a sequential test approach or require a retail impact assessment as identified under paragraph 89 of the NPPF. In consideration of Core Strategy policy CS16, whilst a retail aspect is proposed, this may provide a small-scale retail service to local people it would be minimal in nature and would not undermine the viability of retail services within the immediate locality or within Ipswich. Furthermore, as it is less accessible from residential areas than other local convenience shops nearby, and by way of its service station form, it is not considered to prejudice any small local shops within the locality.
- 3.9. To the south east of the site is Wherstead Park, the closest existing (policies EM05 and CS9) and emerging (policy SP05) allocated site. Wherstead Park has been identified as having several constraints to development, including infrastructure issues around access and Junction 56. The proposed highway improvements under this application seek to provide a direct access route into Wherstead Park, potentially unlocking development within an allocated site. Whilst unlocking development should not be seen as a reason to approve this application, it nonetheless demonstrates the wider benefits that significant junction improvements delivered under this application, would bring in the form of improved access, connectivity, congestion and highway safety around the area.
- 3.11. In summary, the site's existing allocated status for a park and ride facility establishing the principle of development, a petrol filling station and drive thru are therefore considered acceptable given the need for a park and ride is no longer there and the site is strategically well connected to the A14 trunk road, make it a sustainable location for this form of development.

#### **4.0 Site Access, Parking and Highway Safety Considerations**

- 4.1. The site would be accessed directly from an upgraded and enlarged north roundabout at Junction 56 and would share the same access point as the associated application for the employment site (DC/19/05093). The main access would then split into separate entrances, one serving the roadside services and another serving the employment site.
- 4.2. The petrol filling station incorporates parking provision for: 22 cars (including three disabled spaces), two electric vehicle charging points, 10 motorcycle spaces, three sheffield cycle rings, five HGV spaces plus one coach space. The drive-thru incorporates parking provision for 49 car spaces (including three disabled spaces), two electric vehicle charging points and four Sheffield cycle rings. This would be in accordance with Suffolk Guidance for Parking (2019).
- 4.3. In summary the proposed S278 works to be carried out by the applicant are comprised of:

- Replacing both single lane teardrop-shaped roundabouts either side of the A14 with double-lane standard roundabouts
- Widening the approach roads to the roundabouts
- Upgrading and widening the footpaths and cycleways approaching the bridge over the A14 to a width of 3m
- Upgrading Bobbitts Lane PROW
- Provision of a new toucan crossing on the A137
- Provision of an additional lane to the northbound A137 between the junction and toucan crossing
- Reduction in the speed limit along part of the A137 from 60mph to 40mph

4.4. The Bobbitts Lane Bridleway currently runs south of the site extending between Pinewood and Junction 56, another Bridleway is then accessed east of the site along Bourne Hill. There are also existing bus services (routes 94 and 615) with bus stops along Junction 56 which would be improved. Bobbitts Lane Bridleway (unmade track) between the site and the Pinewood estate would be upgraded. The proposed toucan crossing, and Bridleway upgrades would better link Bobbitts Lane and Bourne Hill for pedestrians, cyclists and horse riders who currently face dangerous crossings over the A137. The application also includes the widening and upgrading of the approach footpaths and cycleways either side of the bridge over the A14 to a width of 3m improving connectivity for pedestrians and cyclists between Ipswich and the Shotley Peninsula.

4.5. Suffolk Transport Plan (2011) identifies key highways issues that require attention within the district, “severance issues also exist within Babergh due to the proximity of heavily trafficked roads to local communities, with the A12, A1071 and A137 particularly impacting on communities by the difficulty with which they can be crossed to reach services”. The proposed Junction 56 infrastructure improvements would ease congestion, increase capacity and connectivity, whilst encouraging greener forms of travel within the immediate locality. The scale of these improvements goes beyond what is required of a development of this size. These works are wholly supported by Core Strategy policy CS21 providing significant public benefit. This approach to the provision of infrastructure is proposed to continue under the emerging Joint Local Plan policy SP08.

4.6. The Babergh and Mid Suffolk Infrastructure Delivery Plan (2019) prepared for the emerging Joint Local Plan identifies the need to upgrade Junction 56 of the A14 as ‘critical’. Junction 56 already operates at capacity, with long queue lengths experienced north bound in the morning peak and southbound in the afternoon peak. This is largely a function of the design of both roundabouts, which are of single lane width, with narrow approaches and irregular shape, and which restrict the free flow of traffic at peak times. The proposed upgrades include wider approach roads and doubling the lane width to two lanes, which will significantly improve capacity and flow of traffic during peak times. Furthermore, the Delivery Plan identifies that the SCC Highway Authority has submitted a package of potential options to Highways England as part of a Road Investment Strategy, this includes allocating £6.7 million to Junction 56 improvements. This application’s improvements would not only accommodate the traffic generated by the development but would further ease congestion around the immediate locality. Greener travel options also



feature within the Delivery Plan, which further identifies that Wherstead to Ipswich cycle improvements would help maximise sustainable transport options, cycleway improvements are also included under this application. Not only will these improvements be wholly funded as part of this development, but they will also be delivered by the applicant. This means that the process of securing and constructing the improvements is more efficient than awaiting grants or contribution monies and delivery by SCC Highways.

- 4.7. With regard to cumulative impact, the highway modelling for the junction improvements under this application has taken traffic into account arising from DC/19/05093, this application, existing conditions and an appropriate buffer for future background traffic increases within the locality. The increased traffic around the locality resulting from already approved residential and commercial developments will be further alleviated from an increased capacity and functionality at Junction 56 as proposed under this application. However, as the application along Vicarage Lane (DC/19/05624) for B1/B2 and A1/A3 employment space was submitted after this application and has a different applicant, the traffic generated by this application has not been modelled under this application. It is important to note, specifically in the context of this application, that the proposed drive-thru and petrol station in isolation would not require the extent of these highways works and they are instead being provided to improve capacity and ease congestion at Junction 56 taking into consideration the cumulative impact of wider development within the locality.
- 4.8. Highways England has analysed the impact of altering Junction 56 on traffic along the A14, specifically the possibility of traffic backing up along the slip roads. It raised no objection, subject to conditions on constructing the access and fully constructing the highway improvements prior to use, these conditions are in line with those proposed by the SCC Highway Authority.
- 4.9. The proposal includes a “toucan crossing” element which cannot be delivered until such time as the current 60 mph speed limit is appropriately reduced to 40mph along the highway. In order to manage road speed, a TRO will be required, and the Highway Authority has accordingly objected on the basis that this is not already in place. The making of such an Order would be subject to Highways Act processes and cannot be pre-determined under the planning process. On the balance of probability our officers consider that such a TRO would be likely to be ratified and that this would not, in due course, be a bar to the delivery of the development. Mindful that there is a reasonable prospect that this formal hurdle may be overcome it is appropriate to consider the imposition of a negatively worded planning condition to ensure that no work is undertaken until such time as that TRO is in place. This “Grampian” style approach to a condition on the permission is considered appropriate to enable the determination of the application and the resolution of this outstanding obstacle which can be pursued at commercial risk. This pragmatic way forward would assist with supporting the local economy at a time when this is a matter of considerable weight. On this basis a pragmatic approach would be consistent with Core Strategy policies CS2, points iv and xviii of CS15 and CS21 and Paragraph 84 of the NPPF.
- 4.10. Furthermore, in Wherstead Parish Council’s most recent comments, it is indicated that it supports a reduction in speed limit from 60mph to 40mph along part of the A137. This

suggests that during the public consultation process of ratifying a TRO, there is an existing body of support, rather than contention, which could indicate that a TRO is more likely to be favoured and thus ratified.

- 4.11. Alongside a 'Grampian' condition, other conditions require submission of details/ implementation of: access laid out, highways works completed prior to use, access on the east side of the access road to be omitted from drawings, bridleway improvements, bus stop improvements, cycle storage, electric vehicle charging points, preventing headlights dazzling drivers, external lighting, construction management plan and travel information pack provided to employees.
- 4.12. In summary, the proposed S278 works are of critical importance to the wider locality and would not just serve the proposed developments but also carry a wider public benefit. The proposal is, therefore, in accordance with Core Strategy policies CS2, CS15 and CS21 and paragraphs 103, 109, 110 and 111 of the NPPF.

## **5.0. Design and Layout**

- 5.1. The petrol station building would have a floor space of 483sqm. The frontage of the petrol main filling station building would face eastwards addressing the site and A137. It would have a flat gently sloping roof, measuring a maximum of 5.251 metres and minimum of 4.092 metres in height. The filling pump canopy for cars would measure 6.472 metres in total and 6.772 metres for HGVs.
- 5.2. The petrol station would have a modern appearance, constructed from clad 'timber grained'-effect vertical boarding elevations with contrasting dark grey trims and aluminium window frames and slate grey composite roof panels. The roof further incorporates roof-mounted solar PV panels, generating a minimum of 10% of the electric power usage of the building. The insulation and air tightness has been calculated using the Simplified Building Energy Model and will perform above current building regulation standards.
- 5.3. The drive-thru restaurant would have a floor space of 553.5sqm. The building would have a range of stages with varying heights, breaking down the overall bulk and massing of the building, measuring a maximum of 8.095 metres and minimum of 3 metres in height. The building would measure 31.14. metres in length and 14.175 metres in depth.
- 5.4. The drive-thru restaurant has been amended following discussions with The Council to reposition the glazed corner of the building to face into the south eastern corner of the site to address the road and soften the visual impact. The extraction system on the drive-thru restaurant is located in an enclosed roof area and would not be visible from the street-scene. The drive-thru would have vertical 'grained' timber cladding elevations, dark grey engineering brick aluminium windows and dark grey roof panels. The signage, advertising and associated works on and around the drive-thru building are being decided under separate applications.
- 5.5. The building heights respect the surroundings and do not climb any higher than the adjacent woodland trees. The frontages address the wider locality and street-scene rather than look inwards on the site. As previously identified, the site is in a visible location in the

Babergh Ipswich Fringe which serves as 'gateway' between Babergh and Ipswich. This development would provide a well-designed service, suitable in its gateway location.

- 5.6. All buildings would be accessible through level thresholds and have accessible amenities for wholly inclusive development, catering for all needs.
- 5.7. Furthermore, whilst complete details are not confirmed of the design, the overall built form could potentially be an improvement from the allocated monotonous hard standing that would arise with a park and ride facility, as already agreed in principle on site.
- 5.8. In consideration of Local Plan policy CN04, development should be designed as such to ensure public safety alongside deterring crime and vandalism. In consideration of Suffolk Constabulary's consultation response there are concerns that this type of development can increase anti-social behaviour if not designed correctly. There were specific concerns with an existing problem in the locality of illegal motorbiking along Bobbits Lane Bridleway noted by Suffolk Constabulary, Pinewood and Wherstead Parish Councils. The recommendations made by Suffolk Constabulary would of course assist in attempting to reduce and deter the illegal use of the bridleway. However, these measures are outside of the remit of planning and are not material considerations. Notwithstanding this, the applicant has agreed in writing to include all of the recommended measures as recommended by Suffolk Constabulary, which is further secured via condition. These measures include CCTV and ANPR, 1.1 metre close-boarded fencing, a waste compound on site, an alarm system installed, a high counter in the petrol station kiosk, a drop safe, a protected retreat zone, security glazing, roller shutter doors, cigarettes behind lockable cabinets, security barriers, requested signage and not solely bollard lighting.

The only recommendation made by Suffolk Constabulary that cannot be incorporated is an alteration to the existing bridleway gate, this has been confirmed by SCC Public Rights of Way. The applicant cannot alter the existing gate as it is currently unauthorised as it obstructs a bridleway which has to be open to cyclists, pedestrians, and horses. Furthermore, no third party, including the landowner, has the power to legally erect a gate and it would need to be done by SCC. Many of the gates suggested are also not appropriate for use along bridleway accesses.

- 5.9. In summary, the proposed petrol filling station and drive-thru are well designed for the 'gateway' location of the site and could provide a valuable opportunity to deter existing problems of anti-social behaviour. The development would therefore accord with Local Plan policies CN01 and CN04 and paragraph 127 of the NPPF.

## **6.0. Landscape Impact, Trees, Ecology, Biodiversity and Protected Species**

- 6.1. In accordance with Local Plan policies CR07 and CR08 and paragraph 170 of the NPPF, appropriate landscape mitigation measures will be required in rural areas to soften any visual intrusion into the countryside. The site is located within a visible position along the A137, specifically when approaching the site from the north, as the land level climbs. When approaching from the south however, the land is level and the development would sit comfortably within its surroundings. It is acknowledged that development of this site would result in the loss of agricultural land, however as previously stated, the loss of

agricultural land been accepted under policy TP08 for development of a park and ride facility, as part of this policy the acceptability of development is contingent upon planting along the A137. Significant planting is proposed alongside this development concentrated along the eastern boundary of the site along the A137 to accord with this aspect of the policy.

- 6.2. The proposed landscaping consists of: 1.1 metre-high close-boarded fence along the southern boundary of the drive-thru and 0.6 metre-high timber knee fencing to the eastern and northern frontages and western boundaries of the drive-thru and planting along the boundaries and within the site. Whilst a large proportion of the site is covered in tarmac, the remainder of the soft landscaping works are around the boundary perimeters of the site, encompassing the development to help soften the visual impact. As identified below, there are several amendments required to the submitted landscaping scheme. However, these are of a minor nature and can be dealt with via condition.
- 6.3. Place Services Landscaping raised no objection but recommended that landscaping around the site should be increased and amended to further soften the development. These changes specifically include increased planting along the eastern boundary and south east corner, native hedgerow along the south-eastern boundary, change in tree species and native hedgerow along 600 mm timber knee-rail fence and increased planting within the vicinity of the drive-thru. The applicant has agreed to implement these recommendations. The requested amendments can be dealt with via a condition for a revised landscaping scheme. A condition for a landscape management plan would also be included.
- 6.4. The Council's Arboricultural Officer assessed the Arboricultural impact Assessment (AIA) submitted and raised no objection to the impact of the development on existing trees adjacent to the site, but the recommendations made within the AIA should be conditioned to be implemented. Therefore, the adjacent woodland would be protected from any adverse indirect impact from the development.
- 6.5. In accordance with paragraph 170 d) of the NPPF, Places Services Ecology raised no objection to the proposal following the submission of ecological and lighting information. Conditions are recommended for the submission of a Construction Environmental Management Plan and a Biodiversity Enhancement Strategy. The LPA can, therefore, discharge its duties under Section 40 of the Natural Environment and Rural Communities Act 2006, as the development would not cause adverse impact on protected or priority species.
- 6.6. Whilst the site is located in close proximity to the Suffolk Coasts and Heath AONB, the AONB Officer raised no objection but supported both Ecology and Landscaping conditions to increase landscaping and mitigate against light spillage into the AONB.

## **7.0. Land Contamination, Flood Risk, Drainage and Waste**

- 7.1. Paragraph 170 e) of the NPPF requires that development does not pollute soil and water. The proposed site is located wholly within flood zone 1, there are also no known existing

issues with surface water on site. Foul sewage is proposed to be disposed of via main sewer.

- 7.2. Following submission of a Flood Risk Assessment and Drainage Strategy, Fuel Storage Feasibility Assessment and Surface Water Management and Maintenance Plan, the Local Lead Flood Authority raised no objection subject to conditions to provide further details on surface water drainage, SUDS, flood flow exceedance rates and a construction surface water management plan.
- 7.3. From the perspective of groundwater protection, the proposal includes potentially contaminating processes on site. The Environment Agency confirmed it has no objection subject to conditions on land contamination, groundwater, and surface water drainage.
- 7.4. It was noted that representations were made relating to drainage capacity around Klondyke Field. Anglian Water has confirmed there is capacity for foul drainage to be discharged to the Chantry Water Recycling Centre. Moreover, it is within Anglian Water's remit to accommodate these flows.
- 7.5. The Council's Environmental Health Team raised no objection from the perspective of Land Contamination on site following the submission of Phase I and Phase II Geoenvironmental Reports.

## **8.0. Heritage Issues**

- 8.1. The nearest listed buildings are located 400 metres from the site on the southern side of the A14, therefore the Heritage Team did not wish to provide comments on this application from the perspective of the impact on the setting and significance of listed buildings.
- 8.2. SCC Archaeology initially raised concerns relating to the archaeological potential of the site, stating that an archaeological evaluation of the site was required. Following the submission of a pre-determination archaeological evaluation, nothing was discovered to warrant further investigative works and the site is therefore acceptable in this regard.

## **9.0. Impact On Residential Amenity**

- 9.1. Policy EN22 and paragraphs 127 f) and 170 e) of the NPPF require that development should not result in detrimental levels of light, noise and air pollution, which can adversely affect both the environment and residential amenity.
- 9.2. The Council's Environmental Health Team identified that, whilst the proposal would generate some noise, the noise generated by the A14 is likely to remain the dominant noise source. There are potential issues arising from the proposal around the immediate locality in the form of littering, extraction system noise and odour control, lighting levels, burning on site and construction management. These would all be conditioned should permission be granted.

- 9.3. Air quality was also raised as a concern within the received representations. The Council's Environmental Protection Team raised no objection to this aspect as generated emissions from this development are dealt with by environmental permitting, which is granted outside of any planning permission.
- 9.4. Whilst several representations expressed concerns with the 24/7 nature of the service station. The proposed hours are characteristic of many roadside service stations. There are no dwellings located within close proximity to the site, as identified in Section 1 of this report, therefore there would be no impact on residential amenity to warrant restricting these operating hours.
- 9.5. A core concern within the representations related to existing illegal motor biking activity. By way of natural surveillance created through increased activity and presence on the site, the existing problem of illegal motor-biking and anti-social behaviour along Bobbits Lane would likely be reduced and the CCTV agreed on site could further assist the Police in enforcement as discussed at point 5.8.

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## **PART FOUR – CONCLUSION**

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### **10.0. Planning Balance and Conclusion**

- 10.1. The proposed petrol filling station and drive-thru restaurant would provide a valuable and necessary service along the A14 trunk road. The proposed highway improvement works would carry great public benefit, within the immediate locality and for wider road users. The works would increase road capacity, improve highway safety, ease congestion and increase connectivity and opportunities for greener travel options, through incorporating and linking cycleways, footways, bus stops and crossings across the junction.
- 10.2. There are no policies within the Local Development Plan which are wholly specific to petrol filling stations. In consideration of the most relevant Local Development Plan policies, which include Core Strategy policies CS2, CS3 and CS7, and the NPPF paragraphs, 8, 84 and 103, 107, 109, 110, 127 and 170 the proposed location alongside the A14 corridor is considered wholly sustainable and the roadside services is an appropriate alternative form of development to the park and ride facility previously accepted in principle on the site. Under Core Strategy policy CS1 and paragraph 11 of the NPPF, the presumption in favour of sustainable development is supportive of the roadside service station as there are no adverse conflicts with the most relevant policies for assessing the proposal.
- 10.3. Members are therefore presented with a positive recommendation to grant the application subject to conditions as outlined below.

### **RECOMMENDATION**

That the application is GRANTED full planning permission for development of roadside services, including 1no. petrol filling station (Sui Generis) 1no. drive through restaurant (Class A3 / A5) associated infrastructure and landscaping works and include the following conditions-

#### Standard Conditions

- Commencement time limit of 3 years
- Development in accordance with approved plans

#### Sustainability

- Sustainability strategy for construction phase and the finished development

#### Highways

- No development shall commence until the TRO is ratified
- Access road constructed prior to development of roadside services
- Highways works completed prior to first occupation
- Amended plan to omit the east access off of the access road
- Improvements to bridleways
- Bus stop improvements
- Cycle storage
- Electric vehicle charging points
- Headlight dazzling prevention
- External lighting
- Construction management plan
- Travel information pack

#### Landscaping

- Landscape management plan for minimum of five years
- Revised landscaping scheme
- Timescale for landscaping planting and retention
- Tree protection measures

#### Ecology

- Construction environmental management plan
- Biodiversity enhancement strategy

#### Fire and Rescue

- Provision of fire hydrants

#### Crime

- Crime prevention measures

### Environmental Health

- Validation report for new tank installation
- Measures for unexpected land contamination
- No burning of waste on site
- Details of filtration and ventilation equipment on drive-thru restaurant
- Litter management strategy
- External lighting

### Flooding and Drainage

- Surface water management scheme
- SUDs details
- Construction surface water management plan
- Flood flow exceedance routing

The following informatives are also recommended to be attached to any permission granted-

- Environmental Health- Land Contamination recommended informatives.
- Environmental Health- Noise, Odour, Light and Smoke recommended informatives.
- Anglian Water recommended informatives
- SCC Highways recommended informatives
- Highways England recommended informatives
- Notwithstanding the submitted site layout plan, the paraphernalia indicated in the shaded areas on the drive-thru are not approved and are subject to separate applications.