

Committee Report

Item No: 7A

Reference: DC/21/06333

Case Officer: Alex Scott

Ward: Elmswell & Woolpit.

Ward Member/s: Cllr Helen Geake. Cllr Sarah Mansel.

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Full Planning Application - Development of a petrol filling station, a drive-thru restaurant and coffee shop, together with various infrastructure and landscaping works.

Location

Land Off A14, Elmswell, Suffolk,

Expiry Date: 30/09/2022

Application Type: FUL - Full Planning Application

Development Type: Minor Retail distribution & servicing

Applicant: Euro Garages Ltd.

Agent: Mr James Bailey

Parish: Elmswell

Site Area: 1.03 hectares (ha)

Density of Development:

Gross Density (Total Site): Na.

Net Density (Developed Site, excluding open space and SuDs): Na. (620 square metres of planted amenity and screening areas proposed - 6% of the site area)

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): No

Has the application been subject to Pre-Application Advice: Yes - Reference: DC/21/04292 - 13th September 2021.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

Your officers consider the application of a controversial nature and in the interest of openness and transparency request the proposal to be presented at committee.

CLASSIFICATION: Official

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework
NPPG - National Planning Policy Guidance
FC1 - Presumption In Favour Of Sustainable Development
FC1.1 - Mid Suffolk Approach To Delivering Sustainable Development
FC3 - Supply Of Employment Land
CS1 - Settlement Hierarchy
CS2 - Development in the Countryside & Countryside Villages
CS3 - Reduce Contributions to Climate Change
CS4 - Adapting to Climate Change
CS5 - Mid Suffolk's Environment
CS6 - Services and Infrastructure
CS12 - Retail Provision
GP1 - Design and layout of development
HB1 - Protection of historic buildings
HB14 - Ensuring archaeological remains are not destroyed
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
E9 - Location of new businesses
E10 - New Industrial and commercial development in the countryside
New Industrial and commercial development in the countryside
S7 - Provision of local shops
CL8 - Protecting wildlife habitats
T0 - Minor Highway improvements
T6 - Petrol filling stations and other road side services
T9 - Parking Standards
T10 - Highway Considerations in Development

Neighbourhood Plan Status

This application site is within a Neighbourhood Plan Area.

The Neighbourhood Plan is currently at:-

Stage 1: Designated neighbourhood area
Stage 2: Preparing a draft neighbourhood plan
Stage 3: Pre-submission publicity and consultation
Stage 4: Submission of a neighbourhood plan
Stage 5: Independent Examination
Stage 6: Referendum
Stage 7: Adoption by LPA

Accordingly, the Neighbourhood Plan has Little weight.

Relevant policies of the current draft Neighbourhood Plan are as follows:

- ELM 1 - Planning Strategy
- ELM 5 - Employment Sites

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

Town/Parish Council (Appendix 3)

Elmswell Parish Council - 18th January 2021:

Urges rejection:

- Highway safety - including likelihood of right turns into the site from the A1088;
- Highway safety - The Transport Assessment does not address the shortcomings previously expressed by SCC-Highways;
- The potential for vehicles queueing on the A14 eastbound and westbound slip roads has been ignored - This is a very real possibility at peak times;
- The application fails to satisfy the requirements of NPPF Paragraph 112;
- The application relies on future provision of the Elmswell-Woolpit footway/cycle link - It has no relevance in mitigating the harm that this application proposes;
- Concerns with regards the capacity of the roundabout during peak times;
- New developments at Woolpit and Elmswell will result in impediments to traffic flows and need to be taken into account when assessing this proposal;
- Concerns that HGVs will still use the site for refreshment and comfort breaks, despite no provision proposed.

Woolpit Parish Council - 14th December 2021 and 23rd March 2022:

Strongly object to the proposals:

- The exit from the site is extremely hazardous;
- The slip and roundabout from the A14 are not of a sufficient standard to accommodate the increase in traffic;
- There will be potential queueing on the A14 and also blocking the roundabout;
- No changes proposed mitigation highway safety issues for which the previous application was refused;
- Developments in Elmswell, Woolpit and surrounding villages will double local traffic volume, exacerbating current concerns regarding road safety;
- Litter will result - detrimental to the environment;
- Light pollution;
- Proposal will result in contamination of the site;
- Pedestrian and cyclist safety concerns;
- Harm to the land and surrounding area outweighs gains;
- Concerns with regards comments made by National Highways;

- Consider proposal is contrary to policies E9, E10, T6, T10, NPPF 108 & 109.

Norton Parish Council - 18th January 2022 and 8th March 2022:

Strongly reject this application:

- Area in question is too small for the proposed development;
- Access and egress present a grave concern and surrounding roads are not of a sufficient standard;
- Likely to be queuing on the A14 and hindrance of users of the roundabout;
- Traffic volume raised road safety concerns;
- Affect on local services and facilities of surrounding villages;
- Impact of litter on the surrounding area and local environment.

National Consultee (Appendix 4)

Anglian Water - 26th November 2021:

Have no comments - There is no connection to the Anglian Water sewers.

Environment Agency - Initial Response - 22nd December 2021:

Holding Objection - Insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable - Guidance on overcoming objection given.

Environment Agency - Final Response - 18th February 2022:

Recommend lifting previous objection - Have reviewed the Fuel Storage Feasibility Assessment and overall agree with the conclusion of this report - No further comments provided measures suggested are implemented as approved.

Historic England - Initial Response - 15th December 2021:

Concerns regarding the application on heritage grounds - Advise the LPA seek amendments, safeguards or further information as set out.

Historic England - Subsequent Response - 7th March 2022:

Do not offer further advice - Suggest the LPA seek the views of their specialist conservation and archaeological advisers.

National Highways - 2nd February, 17th March, and 5th August 2022:

Offer no objection - Subject to condition requiring delivery of the roundabout prior to opening for trading.

County Council Responses (Appendix 5)

SCC - Highways - Initial Response - 6th January 2022:

Do not consider this proposal acceptable, with the A14 J47 westbound off-slip junction in its current form, and the significant increase in queue lengths that would result, and consider that it would result in an unacceptable impact upon highway safety, contrary to NPPF paragraph 111 - Also: Maintain concerns with regards the proposed type of layout accommodating significantly increased vehicular movements - Do not accept the significant increase in queue lengths on the A14 J47 westbound off-slip as a result on the proposal.

SCC - Highways - Subsequent Response - 14th March 2022:

Further to the latest submitted documents and discussions: SCC-Highways are now in a position to remove their previous objection, subject to the imposition of planning conditions to ensure: Access improvements; Egress improvements; Upgrade to existing A1088/A14 westbound slip-road junction to a roundabout; Provision and retention of proposed visibility splays; Manoeuvring and parking; EV Charging; PTW parking and secure cycle storage; Construction management plan; Bin storage and collection points - S106 contribution also required towards provision of a pedestrian crossing refuge and paved connections, in a suitable location.

SCC - Lead Local Flood Authority - Initial Responses - 25th November 2021 and 26th January, and 20th June 2022:

Holding Objection - Advice given regarding actions required in order to overcome holding objection.

SCC - Lead Local Flood Authority - Final Response - 29th June 2022:

Recommend Approval - Subject to suggested conditions: Surface Water Disposal Strategy; Surface water drainage verification report; and Construction surface water management plan (CSWMP).

SCC - Archaeology - 23rd December 2021:

No objection to development on the site - Do not believe that any mitigation is required.

SCC - Fire and Rescue - 25th November 2021:

Recommend that fire hydrants be installed within this development on a suitable route for laying hose - Not possible, at this time, to determine the number of fire hydrants required.

Recommend that consideration be given to the benefits derived from the provision of an automatic fire sprinkler system.

SCC - Travel Plan Officer - 24th November 2021:

No comment to make - The development does not meet the threshold that requires a Travel Plan.

Suffolk Police - 28th January 2022:

In view of the historical and current evidence of the rise in crime at similar locations, Suffolk Police regrettably cannot support this application - Areas of concern raised:

- Good security required due to location around an arterial road network to reduce risk of crime and assist in identifying offenders;
- Risk of antisocial behaviour likely should major disruption and queuing result in the area, for reasons such as fuel shortages;
- Staff should have clear view of all pumps, backed up with CCTV;
- The petrol station should have a NACOSS gold monitored alarm, with a panic button, with remote operated secure main entrance door;
- The counter area should be at a higher level on the staff side to provide protection for staff, safes should be provided, as well as a retreat room for staff;
- Strong brick walls should be proposed;
- Security glazing should be proposed;

- Security bollards should be proposed around the ATM;
- Service pipes and fittings should be fully enclosed to prevent vandalism;
- Whole area should be well lit.

Would be pleased to work with the agent and/or the developer to ensure the proposed development incorporates preferred crime reduction elements.

Officer Note: Suffolk Police were formally re-consulted on 2nd March 2022, following further information submitted by the applicant on 25th February 2022, in response to the above comments - Suffolk Police have not responded to this re-consultation request at the time of writing.

Internal Consultee Responses (Appendix 6)

MSDC - Heritage - 17th December 2021 and 16th March 2022:

Proposal would result in a very low to low level of less than substantial harm to the identified designated heritage assets, due to the proposal's noticeable, unsympathetic intrusion into their setting - Conditions recommended should the LPA be minded to approve.

MSDC - Ecology Consultants (Place Services) - 5th January and 1st April 2022:

No objection subject to ecological mitigation and enhancement measures.

MSDC - Landscape Consultants (Place Services) - Initial Response - 21st December 2021:

Planning and landscape plans submitted provide sufficient information - Recommend tree planting is amended to northern boundary to include a mix of species - Flowering lawn mix should also be proposed in amenity areas.

MSDC - Landscape Consultants (Place Services) - Subsequent response - 22nd March 2022:

Agree with findings of landscape assessment submitted - Revised planting plan also takes into consideration recommendations stated in previous consultation response.

MSDC - Environmental Protection - Air Quality Issues - 7th December 2021 and 3rd March 2022:

No objections with regard to air quality.

MSDC - Environmental Protection - Land Contamination Issues - 3rd December 2021 and 11th March 2022:

No objection - Subject to Land Contamination investigation and any remediation necessary being undertaken prior to commencement.

MSDC - Environmental Protection - Sustainability Issues - 11th February and 18th March 2022:

Water, energy and resource efficiency measures, for the lifetime of the development, should be agreed prior to commencement and implemented as approved.

MSDC - Environmental Protection - Noise/Odour/Light/Smoke Issues - 7th December 2021 and 3rd March 2022:

No objection - Subject to lighting and fumes and odour treatment conditions.

MSDC - Waste Manager - 26th November 2021:

Waste Services would not have any involvement in the construction phase of the project, as we do not collect construction waste and therefore have no comments about this aspect.

B: Representations

At the time of writing this report at least 68 letters/emails/online comments have been received. It is the officer opinion that this represents 66 objections, 2 support and 0 general comments. A verbal update shall be provided as necessary.

Views are summarised below:-

Objections

Character

- Impact on the green character of the entrance to Elmswell;
- Impact to the setting of the Norman Church (Church of St John);
- Impact on the peace and tranquility of the Church Cemetery;
- Proposal would impact character of Elmswell and Woolpit villages, making them more urbanised and less rural;
- Elmswell would become akin to a motorway services;
- Consider other disused filling station and fast food services in the vicinity should be utilised before consideration is given to such new-build locations;
- The proposal would result in unwanted urbanisation.

Social

- The proposal would congest the existing road junction, bridge and roundabout linking Elmswell and Woolpit to the detriment of residents;
- Increase traffic will impact those needing to access Woolpit Health Centre and Elmswell Train Station;
- Funding for the Woolpit / Elmswell cycle/pedestrian path needs to be resolved;
- The applicant states that local consultation has been carried out but no consultation has been carried out with Woolpit residents;
- Local resident's needs are for a new school and a cycle/footpath route to the surgery, not for another petrol station;
- The proposed services and facilities are not wanted/needed by local residents and there would be no local benefits.

Economic

- The proposal would impact local business and existing retail, cafes, takeaways, and the existing service stations in the area, which may result in them closing - Should the proposed businesses then fail, the villages will then be left with no such services and facilities;
- Existing facilities in the villages are accessible by those without a car, the proposed facilities are not;
- The proposed petrol filling station is not needed as there is plenty of existing provision in the area;
- The proposal contravenes sustainable communities policy as the resultant loss of Woolpit and Norton service stations and attached shops would be detrimental to the sustainability of these villages.

Environmental

- The proposal would have a detrimental impact on the environment and would result in increased global warming;
- Increased petrol and diesel sales are in conflict with the government's policy to reduce carbon;
- A climate emergency has been declared locally and nationally - Proposals such as these should, therefore, be rejected;
- Consider people should be thinking and living greener;
- Petrol stations are becoming anachronistic and, therefore, no new provision should be considered/permitted;
- Increased fast food sales are in conflict with the government's policy to reduce obesity;
- Impact on priority species, most notably Hedgehogs;
- Increased litter on and surrounding the site;
- Increased vermin;
- Increased light pollution.

Highways

- Consider no difference to prior application DC/17/02349, for a similar development, refused on highway safety grounds in November 2019 - Traffic will access and egress from the site in the same way;
- Consider proposal will result in drivers exiting the site whilst consuming food and beverages, which would be detrimental to highway safety;
- Consider the site will still attract HGVs, even with no provision on officer, resulting in confusion and increased highway safety impacts;
- Consider the existing slip roads, road junctions and roundabout required to access the site are unsuitable for such a proposal, would result in cars queuing on the A14, and would be detrimental to highway safety;
- Additional traffic from proposed new housing in Elmswell and Woolpit, and that resulting from the existing Driver and Vehicle Standards Agency site, should also be considered when assessing the suitability/safety of the existing junction slip roads and roundabout;
- Note that positive weight has been given by SCC-Highways to the proposed new roundabout, adjacent to Woolpit, in considering the proposal – This is, however, irrelevant as the current applicant has no control over the provision of this roundabout, which may never be delivered/constructed/provided;
- The applicant's reference only to the westbound slip road exit from the A14 is entirely misleading;
- Congestion will inevitably be result both on the roundabout and roads leading to;
- The eastbound A14 junction is short and has a blind 90 degree bend prior to merging almost immediately with the proposed exit/egress from the site - Significant highway safety concerns raised;
- Do not consider the Stage 1 Road Safety Audit produced by the applicant has any value;
- Recent petrol shortages have produced long queues at filling stations - Even a short queue to get on to the site would create danger and possibly block access to Woolpit via the bridge;
- Concern that increased traffic would use Kiln Lane, Elmswell as a 'rat run', especially as it is national speed limit, which should be reduced to 30mph;
- The proposal would impact the safety of pedestrians and cyclists, with no proposals to cater for their needs;

- Consider the proposal would result in vehicle queuing on the A14, disrupting traffic flows and freight needing to reach Felixtowe container port;
- Question whether SCC-Highways officers have visited the site and/or properly considered the proposal - Also general distrust of SCC-Highways Officers.

Support

- With a growing population the proposal would create local jobs;
- The proposal would place Elmswell 'on the map' for tourism;
- The Driver and Vehicle Standards Agency site went through planning and was approved and so should this proposal;
- The proposal cleverly uses a small area of land for a useful services facility, which is directly accessible from the A14;
- The proposal would be obvious and accessible from the A14 - other existing services in the area are not so and require turning off the A14 and searching;
- Local people can choose whether or not to support this type of facility but it is not imagined that they will be its primary users.

(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

REF: DC/17/02349	Planning Application - Proposed development of 1 no. petrol filling station and 2 no. drive through restaurants, together with various infrastructure and landscaping works	DECISION: REF 05.11.2019
REF: 1347/13	Provision of Road Side Enforcement Site with inspection Building, 2-Storey Office and Associated Landscaping	DECISION: GTD 17.01.2014
REF: 3512/10	Change of use of agricultural land to vehicle enforcement site, erection of office building, construction of weighbridge, hardstanding parking and inspection areas, vehicle access and egress and attenuation pond.	DECISION: GTD 05.08.2011

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. The proposal site extends to approximately 1.03 hectares (ha) and lies to the north-east of the A14 Trunk Road, at Junction 47. The existing Driver and Vehicle Standards Agency development lies adjacent to the site to the north-east. The A1088 Elmswell to Woolpit Road, and associated road bridge over the A14, lies to the north-west.
- 1.2. The villages of Elmswell and Woolpit lie to the north and south respectively. The site is currently undeveloped grassland. The surrounding area predominantly comprises a mix of strategic road networks, commercial / industrial premises, residential development and agricultural land.
- 1.3. The means of access to the site is to the north, via the existing A1088 roundabout. The means of egress is adjacent to the existing A14 Junction 47 slip road, before the A1088 roundabout. Both the site's access and egress are in the approximate locations of those used by the existing Driver and Vehicle Standards Agency development.
- 1.4. The proposal site directly affects the setting of 3 no. listed buildings in the vicinity of the proposal site: The Church of St John, Elmswell, a Grade II* Listed medieval parish church, restored in the 19th Century, to the north; The Church of St Mary, Woolpit, a Grade I Listed medieval parish church, to the south; and Crossways, a Grade II Listed early 19th Century farmhouse, including associated potentially curtilage listed structures, to the east.
- 1.5. The site lies completely within Environment Agency Flood Zone 1, where there is a very low probability (less than 1 in 1000 annually) of flooding. The nearest EA Flood Zone 2 or 3 lies approximately 85 metres to the north of the site, within the adjacent agricultural field, on the opposite side of the A1088. As such the proposal site is not considered to be at significant risk of flooding.

2. The Proposal

- 2.1. The application seeks full planning permission for the erection of 1 no. petrol filling station, inclusive of ancillary retail store, and 2 no. drive through restaurants, together with access, parking, landscaping, and associated infrastructure works.
- 2.2. The proposed development comprises the following:
 - Erection of 1 no. 4 pump petrol station, including canopy structure and ancillary retail sales building - 484.83 square metres (sqm) of floorspace;
 - 1 no. drive through restaurant building - 262 sqm of floorspace;
 - 1 no. drive through coffee shop building - 148.31 sqm of floorspace;
 - Construction of a new internal spine road, leading from the existing access point (to the west of the existing A1088 roundabout) to the existing egress point (to the south of the A1088 roundabout);
 - Vehicle parking for 51 cars (including 6 no. disabled spaces) and 9 no. cycle stands;
 - 8 no. Electric Vehicle Charging points/parking bays;
 - Hard and Soft Landscaping, Surface Water Drainage and Infrastructure works; and
 - Off-site highways improvements.

- 2.3. The proposed petrol filling station (PFS) would be located to the west of the site, adjacent to the site access, and specifically comprises the main 4 pump island (to be accessed from either side) which will be covered by a rectangular flat roof, free standing canopy, at a maximum height of 6.6 metres, and sits directly in front of the rectangular shaped kiosk sales building, and with 2 no. electric vehicle charging points/parking bays in between.
- 2.4. The kiosk building incorporates a shopping area, back of house office space, storage facilities and also accommodates space for public toilets, as well capacity for a modest sized, ancillary retail area and a food-to-go outlet. Secure ATMs are also proposed, accessed from the exterior. 7 no. rows of solar photovoltaic panels are proposed to be affixed to the roof of the kiosk building. Proposed materials to the walls of the kiosk building predominantly comprise of a combination of full height glazing with sliding doors, composite wall panels (colour grey), with vertical boarded sections. The proposed PFS kiosk building would have a maximum height of 5.3 metres.
- 2.5. The proposed drive through restaurant building would be located at the centre of the site, surrounded by a drive through access road. The restaurant building would comprise an internal service and customer dining area, with customer toilets and back of house staff facilities, office space and food preparation areas. An enclosed service yard area is also proposed to the rear of the building. 11 no. rows of solar photovoltaic panels are proposed to be affixed to the roof of the restaurant building. Proposed materials to the walls of the restaurant building predominantly comprise of a combination of full height glazing with sliding doors and composite wall panels in varying styles and shades of grey colour. The proposed restaurant building would have a maximum height of 5.3 metres.
- 2.6. The proposed drive through coffee shop building would be located to the east of the site, adjacent to the site's egress, again surrounded by a drive through access road. The coffee shop building would comprise an internal service and customer seating area, with customer toilets and back of house staff facilities and preparation areas. An enclosed service yard area is also proposed to the east of the building. 5 no. rows of solar photovoltaic panels are proposed to be affixed to the roof of the coffee shop building. Proposed materials to the walls of the coffee shop building predominantly comprise of a combination of full height glazing with sliding doors and vertical boarding, with composite wall panels (colour light brown). The proposed coffee shop building would have height of 3.9 metres, with central tower feature, of a maximum height of 6.9 metres.
- 2.7. 8 no. Electric Vehicle Charging Points/Parking Bays are proposed across the whole site, 2 no. adjacent to the PFS kiosk building, and 6 no. to the north of the central car park, in between the proposed restaurant and coffee shop buildings.
- 2.8. 51 no. car parking spaces (in addition to those described above, for the parking of electric vehicles) are proposed across the site, in the areas described below:
- 12 no. spaces (including 2 no. disabled spaces) adjacent to PFS kiosk building;
 - 3 no. spaces adjacent to Air/Water service bay, to the south-east of the PFS pumps canopy;
 - 5 no. spaces (including 2 no. disabled spaces) adjacent to the drive through restaurant Order Bay space, to the east of the drive through restaurant;
 - 16 no. spaces between the drive through restaurant and coffee shop buildings;
 - 5 no. spaces (including 2 no. disabled spaces) adjacent to the south/frontage of the drive through coffee shop building; and
 - 10 no. spaces to the south of the drive through coffee shop building, adjacent to the Order Bay space.

2.9. 9 no. bicycle stands/parking spaces are also proposed across the site: 3 no. adjacent to the PFS kiosk building; 3 no. adjacent to the restaurant building and 3 no. adjacent to the coffee shop building.

2.10. The current proposal follows prior planning application ref: DC/17/02349, which was refused planning permission in May 2019 for the following reasons:

“The proposed development, by reason of the design and layout of the proposed vehicle egress onto the A1088 and resulting increase in uncontrolled traffic levels, and the resultant conflicts between vehicles exiting the site and those using the existing A14 egress slip road, would result in severe detrimental impact on existing highway safety. On this basis the development would be contrary to the provisions of saved Policy T10 of the Development Plan and paragraphs 108 and 109 of the National Planning Policy Framework.”

2.11. Planning decision DC/17/02349 is material in consideration of the current application.

3. The Principle of Development

3.1. The proposal is considered to be suitably located for such a development, adjacent to an existing Truck Road Junction and established vehicle testing site, with the principle highway network bounding on all sides.

3.2. The proposal is considered to deliver significant economic benefits, in terms of expected job creation, and social benefits, in terms of providing additional services and facilities for local persons, as well as the wider national populous.

3.3. The principle of the development proposal is, therefore, considered broadly acceptable in accordance with the provisions of development plan policies CS2 and T6, subject to acceptability when assessed against all other material planning considerations, assessed as matters of detail below:

4. Landscape

4.1. The application is supported by a landscape assessment, which has been reviewed by Council Landscape Consultants and revised following their initial assessment and comments. Council Landscape Consultants have raised no objection to the latest landscape proposals submitted by the applicant.

4.2. Your heritage officers have advised additional tree planting is provided, in the interest of affording better screening of heritage assets in the landscape, to be secured by way of condition.

5. Heritage Assets

5.1. Given the separation distance and intervening buildings combined with topography, you officers advise that the development would likely have a negligible impact on the Woolpit Conservation Area, to the south of the proposal site. The impact on the setting of the Grade II listed farmhouse at Crossways, to the south-east of the site, is also considered to be limited given the presence of

the existing Driver and Vehicle Standards Agency site, and existing buildings and structures associated with the farmhouse site.

5.2. It is noted that Historic England do not raise objection to the latest layout and design proposed, subject to the assessment of your heritage officers. Whilst your heritage officers have identified a low level of less than substantial harm to the significance of heritage assets, due mainly to the increased prominence of modern development within the setting of the historic parish churches at Woolpit and Elmswell, it is considered that conditions requiring increased tree planting/screening and control of external illumination could do much to mitigate this identified harm.

5.3. It is also noted that the level of harm to the significance of heritage assets is given as less than substantial by your heritage officers, as delegated to by Historic England in their latest response. NPPF paragraph 202 is, therefore, relevant and states the following:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

5.4. It is the consideration of your officers that the public benefits associated with the delivery of the proposed businesses and services and facilities, which would include significance economic benefits in terms of expected job creation, and provision of services and facilities which would have more than local benefits, significantly outweigh the low level of less than substantial harm to the significance of the heritage assets identified by your heritage advisors.

5.5. The proposal is, therefore, considered acceptable in heritage terms, on this basis.

6. Site Access, Parking and Highway Safety Considerations

6.1. The Local Highway Authority has been consulted on the application proposal and has provided the following advice, in relation to the latest proposals received from the applicant:

Site Egress

6.2. Since the Local Highway Authority objected to the previous application at this location over concerns regarding the site egress layout, the applicant has provided a stage 1 road safety audit, evidence of vehicle speeds in this location, made amendments to the proposed layout and provided satisfactory justification regarding any departures from standards. Subsequently, the Highway Authority, although not generally supportive of the means of site egress, are no longer in a position to object on this basis in accordance with para. 111 of the NPPF.

Site Access

6.3. Local Highway Authority concerns regarding right turns into the site from the A1088 have been addressed by the proposal to provide physical measures on the A1088 to prevent this movement.

Queuing on the A14 westbound slip-road

6.4. LHA concerns about this potential issue (that is dependent on the delivery of the proposed new roundabout at this location) have been proposed to be addressed by way of the following planning condition:

“The development hereby permitted shall not be brought into use until works to upgrade the existing A1088/ A14 westbound slip-road priority-controlled junction to a roundabout have been substantially completed and brought into use (as part of the highway improvements secured for planning application reference DC/18/04247)”.

- 6.5. However, your planning officers have subsequently raised their concerns to the LHA regarding the imposition of such a condition, which involves a planning permission and land not within the applicant’s control, for which there is no absolute guarantee of such provision coming forward in the future. The proposed condition is, therefore, considered unreasonable and restrictive to the point that the imposition of such a condition could ultimately prevent the development proposal from ever being delivered. Your officers, therefore, advise that the suggested condition does not meet the provisions of NPPF paragraph 57, for imposing planning conditions.
- 6.6. Upon receiving the concerns of your planning officers, the LHA have indicated that it may be difficult to defend a highways objection on this matter alone (non provision of the roundabout required in the above suggested condition) and so confirm that the LHA would then have to accept this risk, which is considered low and short term, as the S278 Agreement for provision of the roundabout in question is currently progressing.
- 6.7. As such, the imposition of the above condition, as also advised in SCC-Highways formal response of 14th March 2022, does not form part of your officers recommendation.

Pedestrian access from future footway route

- 6.8. The proposed development funded Elmswell - Woolpit pedestrian and cycle link will pass the location of this site on the opposite side of the A1088.
- 6.9. The LHA raise concern regarding pedestrians using this proposed route to access the proposed development and subsequently needing to cross the busy A1088.
- 6.10. The LHA advise that such risk could be successfully mitigated by the provision of a pedestrian refuge and associated pedestrian connections from the route, to the site, secured by way of a Section 106 contribution. The LHA advise that proposed works to the site access will also need to be conditioned, as advised, as part of the overall risk mitigation measures in this respect.

Parking

- 6.11. The application proposes 45 no. standard parking spaces, and 6 no. disabled parking spaces, available to staff and customers, across the site.
- 6.12. An additional 8 no. parking spaces are proposed, available to electric vehicle users.
- 6.13. A total of 59 parking spaces are, therefore, proposed to serve the proposed development, which is considered adequate, in order to meet its demands, having considered current advisory parking standards, provided by the LHA.
- 6.14. It is noted that the proposal does not include for HGV parking, save for deliveries. This is because the proposal has not been designed to cater for HGVs.
- 6.15. Overall the amount of on-site parking and manoeuvring proposed is considered sufficient for the type of development proposed (PFS, with restaurant and café, with drive through/takeaway

aspects). The Local Highway Authority has assessed the proposal and has raised no objection with regards the proposed amount and design and layout of on-site parking. The proposal is, therefore, considered to be in accordance with the provisions of plan policies H9 and H10 in this regard.

HGVs

- 6.16. There is no proposed signage on the A14, to the proposed services, as the services are unsuitable for HGVs. It is understood that no signage is the standard method to infer the services are not suitable for HGVs and any signage to highlight the services are not suitable to HGVs would be likely result in confusion for HGV drivers being directed to the Driver and Vehicle Standards Agency facility, adjacent to the north of the site.
- 6.17. Site access and egress, and the proposed internal spine road, have, however, been designed with HGVs in mind as the network will be required to allow access to HGV Petrol Tankers and other HGV delivery vehicles. Any other HGV vehicle which accidentally arrives at the site will, therefore, be able to travel through the site and exit safely, as if it were a delivery vehicle.

Highway Conclusions

- 6.18. The proposal is, therefore: not considered to result in a severe impact on existing highway safety and the existing highway network; is considered to propose safe and suitable access to the site and egress from the site; and is considered to propose an appropriate number and location of parking spaces, in accordance with the provision of development plan policies T9 and T10, having had regard to the provision of the NPPF, as a Material planning consideration.

7. Ecology, Biodiversity and Protected Species

- 7.1. Council Ecology consultants have reviewed the Extended Phase 1 Habitat Survey (Rachel Hacking Ltd, October 2021), provided by the applicant, relating to the likely impacts of development on designated sites, protected and priority species and habitats. In addition, your consultants have assessed the Planting Plan (DEP Landscape Architecture LTD, October 2021), the Planting Plan (DEP Landscape Architecture LTD, October 2021) and the external lighting plan (Kingfisher Lighting Ltd, October 2021), also provided by the applicant.
- 7.2. Your consultants are satisfied that there is sufficient ecological information available for determination. Information provided by the applicant is considered to provide certainty for the LPA of the likely impacts on designated sites, protected and priority species/ habitats and, with appropriate mitigation measures secured, the development can be made acceptable.
- 7.3. Your consultants advise that the mitigation measures identified in the Extended Phase 1 Habitat Survey (Rachel Hacking Ltd, October 2021) should be secured and implemented in full. It is advised that this is necessary to conserve protected and Priority Species. In addition, your consultants note that the external lighting plan will result in relatively high lux levels on the boundary habitat for this development. However, given that the location of the development and that the habitats on site have relatively low foraging and commuting value for bats, it is indicated that your consultants also support the proposed external lighting scheme for this application.

- 7.4. Furthermore, your consultants approve the details contained within the proposed planting plan as this is considered to outline suitable planting for native species hedgerows, scrub and wildflower meadows, as well as appropriate aftercare and management for these features.
- 7.5. Your consultants note that additional reasonable biodiversity enhancements have been recommended within the Extended Phase 1 Habitat Survey (Rachel Hacking Ltd, October 2021) to secure net gains for biodiversity, as outlined under Paragraph 174 (d) of the NPPF. Therefore, it is advised that these additional enhancements should be outlined within a Biodiversity Enhancement Strategy to be secured by way of planning condition. This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.
- 7.6. Your Ecology consultants conclude that impacts as a result of the proposed development would be minimised such that the proposal is considered acceptable in Ecology terms, subject to the imposition of conditions requiring the development to be carried out in accordance with Ecological Appraisal Recommendations and requiring the submission and approval of a Biodiversity Enhancement Strategy prior to commencement of development above slab level.

8. Land Contamination

- 8.1. The application site is considered to comprise potentially contaminated land, due to its location adjacent to an existing vehicle assessment and maintenance site and adjacent to the principle highway network.
- 8.2. In addition elements of the proposed development, namely the proposed Petrol Station and Car Parks, are considered to relate to potentially contaminating land uses.
- 8.4. As such a detailed land contamination assessment and Fuel Storage Feasibility Assessment have been submitted in support of the application proposal.
- 8.5. Your environmental protection officers have assessed the land contamination assessment provided and are accepting of the principle of the proposed development on the site, subject to further intrusive land contamination investigation, and remediation, where necessary, being carried out prior to commencement. Such further investigation and remediation is recommended to be secured by way of condition.
- 8.6. The Environment Agency have reviewed the Fuel Storage Feasibility Assessment, provided by the applicant. Overall the EA agree with the conclusion of this report and raise no objection, subject to the measures suggested being implemented as approved.

9. Impact on Residential Amenity

- 9.1. The separation distance to the nearest residential properties at Kiln Lane, Church Road and Church Lane, Elmswell are such that the impact resulting from the proposed development with regards increased noise and disturbance, odour and light spillage impacts would not likely be considered significantly harmful, particularly when one considers the existing impacts associated with the adjacent A14 Truck Road and existing principal highway network.

- 9.2. It is noted that your Environmental Protection Officers raise no objection to the proposed development in relation to potential noise, odour, light and dust impacts, subject to lighting, fumes and odour treatment to be secured by way of conditions.
- 9.3. The potential impact of the proposed development on the amenities currently enjoyed by nearby land-users is not, therefore, considered to be significantly adverse. The proposal is, therefore, considered to be consistent with local and national policy (particularly development plan policy H16 and NPPF paragraph 130) in regard to safeguarding residential amenity.

10. Flood Risk and Surface Water Disposal

- 10.1. The current application is supported by a site specific flood risk assessment and surface water drainage strategy, carried out by a suitably qualified Company (Nicola Sugg - Consultant Hydrogeologist and Hydrologist).
- 10.2. The final report and recommendations are considered to satisfactorily demonstrate that the proposed development is classified as 'less vulnerable' in flood risk terms, and is appropriate and sustainable with regards to flood risk.
- 10.3. SCC - Lead Local Flood Authority (LLFA) have been consulted on the application proposal and, following negotiation and receipt of revised and further information from the applicant, resolved to recommend approval of this application on basis of the most recent proposals submitted, subject to conditions.
- 10.4. In assessing the proposal, your officers consider the surface water drainage scheme, as currently proposed would suitably manage surface water runoff from the proposed development and would not demonstrably result in significant increased flood risk on the site or elsewhere.

11. Parish Council Comments

- 11.1 It is considered that the matters raised by Elmswell, Woolpit and Norton Parish Councils have been addressed in the above report.
- 11.2. Further elaboration can be provided at the committee meeting, as necessary.

PART FOUR – CONCLUSION

12. Planning Balance and Conclusion

- 12.1 The broad principle of the proposed development is considered to be consistent with the provisions of development plan policies CS2 and T6, having had regard to the proposed location of development, adjacent to the existing principal highway network.
- 12.2. Subject to compliance with conditions as recommended by your heritage officers and landscape consultants, the proposal is not considered to result in a significant impact on the existing

landscape character and quality of the locality and is not considered to result in significant harm to the setting and significance of any heritage asset(s).

- 12.3. Having considered the Transport Assessment and Safety Audit provided by the applicant, the application is considered to propose safe and suitable access, is considered to propose an acceptable amount of on-site turning and parking, is not considered to result in a significantly detrimental impact on the existing highway network, and is not considered to result in a severe impact on existing highway safety.
- 12.4. The proposal site is not considered to be at significant risk of flooding and the application is considered to propose suitable sustainable surface water drainage that would not significantly increase flood risk on the site or elsewhere, consistent with the requirements of development plan and section 14 of the NPPF.
- 12.5. The proposal site is not considered to result in a significant risk to future users of the development with regards land contamination and, should proposed mitigation measures be implemented, the proposed potentially contaminating land use (Petrol Filling Station) would not result in a significant impact on the existing land and water environment in the locality.
- 12.6. Should mitigation and enhancement measures be implemented, as proposed and secured by way of condition, the development proposal would not result in a significant impact on protected and priority species and their habitats.
- 12.7. Having considered the proposed siting and scale of the development in relation to existing neighbouring residential properties in the site vicinity, the existing impacts of adjacent developments, and subject to conditions to control fumes, odour and light spillage, the proposed development is not considered to result in a significant impact on the amenities currently enjoyed by occupants of nearby residential properties.
- 12.8. The proposal is considered to deliver significant economic benefits, in terms of expected job creation, and social benefits, in terms of providing additional services and facilities for local persons, as well as the wider national population. Whilst the proposal would result in a level of environmental harm in landscape, heritage asset setting, and highway convenience terms, it is considered that such impacts can be successfully mitigated to acceptable levels, by way of design and the imposition of planning conditions. As such the overall low resultant level of harm is considered to be outweighed by the economic and social benefits of the proposal, in planning terms.
- 12.9. Overall the proposal is considered to represent sustainable development, having had regard to the provisions of the current adopted development plan and the provisions of the NPPF, taken as a whole.

RECOMMENDATION

(1) Subject to the prior agreement of a Section 106 Planning Obligation on appropriate terms to the satisfaction of the Chief Planning Officer as summarised below, and those as may be deemed necessary by the Chief Planning Officer, to secure:

- A financial contribution towards off-site Highways works.

(2) That the Chief Planning Officer be authorised to GRANT Planning Permission upon completion of the legal agreement subject to conditions as summarised below and/or those as may be deemed necessary by the Chief Planning Officer:

- Standard time limit (3yrs for implementation);
- Approved Plans and Documents (Plans and Documents submitted that form this application);
- Ecological mitigation and enhancement measures;
- Biodiversity Enhancement Strategy;
- Land Contamination - Investigation and remediation;
- EA - Protection of Controlled Waters;
- LLFA - Surface Water Disposal Strategy;
- LLFA - Surface Water Drainage Verification Report;
- LLFA - Construction surface water management plan (CSWMP);
- Construction management plan;
- Sustainability measures;
- Highways - Access improvements;
- Highways - Egress improvements;
- Highways - Visibility Splays;
- Highways - Manoeuvring and Parking;
- Highways - EV Charging;
- Highways - PTW parking and Secure Cycle Storage;
- Highways - Bin storage and collection areas;
- Lighting scheme and proposed hours of Illumination;
- Fumes and odour treatment to be agreed;
- Additional tree planting (as required by Heritage);
- Landscaping - Time of commencement and aftercare.

(3) And the following informative notes as summarised and those as may be deemed necessary:

- Pro active working statement
- SCC Highways notes
- Land Contamination note
- Protected Species note
- LLFA notes

(4) That in the event of the Planning obligations or requirements referred to in Resolution (1) above not being secured and/or not secured within 6 months that the Chief Planning Officer be authorised to refuse the application on appropriate ground(s).