

Committee Report

Item No: 7B

Reference: DC/22/00416

Case Officer: Alex Scott

Ward: Palgrave.

Ward Member/s: Cllr David Burn.

RECOMMENDATION – GRANT OUTLINE PLANNING PERMISSION WITH CONDITIONS

Description of Development

Application for Outline Planning Permission (All matters reserved) - Erection of petrol and electric charging facility with associated shop; roadside restaurant with drive through facility; E(g) (formerly B1) and B8 starter units; HGV lorry parking facility for rest area and drivers' facilities as a phased development.

Location

Land Adjacent North Roundabout , A140 Ipswich Road, Brome, Part In The Parish Of Thrandeston IP23 8AW

Expiry Date: 02/09/2022

Application Type: OUT - Outline Planning Application

Development Type: Major Small Scale – Services/Retail/Offices/Storage/Distribution/Light Industrial

Applicant: R H Developments (East Anglia Ltd)

Agent: Mr Clive Tanner

Parish: Brome And Oakley Thrandeston

Site Area: 6.163 ha

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 - DC/21/03069 - Dated: 12th July 2021.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

The proposal is for the erection of industrial buildings with a gross floor space exceeding 3,750 square metres.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

National Policies and Guidance

NPPF - National Planning Policy Framework
NPPG - National Planning Policy Guidance

Mid Suffolk Core Strategy Focused Review (2012)

FC1 - Presumption in favour of sustainable development
FC1.1 - Mid Suffolk approach to delivering Sustainable Development
FC3 - Provision and distribution of Employment related Development

Mid Suffolk Core Strategy (2008)

CS1 - Settlement Hierarchy
CS2 - Development in the Countryside and Countryside Villages
CS3 - Reduce contributions to Climate Change
CS4 - Adapting to Climate Change
CS5 - Mid Suffolk's Environment
CS6 - Services and Infrastructure

Mid Suffolk Local Plan (1998) and Proposals Maps

GP1 - Design and layout of development
HB1 - Protection of Historic Buildings
HB14 - Ensuring archaeological remains are not destroyed
H16 - Protecting existing residential amenity
CL6 - Tree Preservation Orders
CL8 - Protecting wildlife habitats
E2 - Industrial and Commercial Development on Allocated Sites
E4 - Protecting existing industrial/commercial areas
E5 - Change of use within existing industrial/commercial areas
E10 - New industrial and commercial development in the countryside
E12 - General principles for location, design and layout of Industrial or Commercial premises
S12 - Retailing on Industrial Estates and Commercial Sites
T6 - Petrol Filling Stations and Other Road Side Services
T9 - Parking Standards
T10 - Highway considerations in development
RT12 - Footpaths and Bridleways
SC4 - Protection of Groundwater Supplies

Eye Airfield Development Framework (and Appendices) (2013)

Eye Airfield (Planning) Position Statement (2013)

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

Town/Parish Council (Appendix 3)

Brome and Oakley Parish Council - 18th February 2022

Support the application - However concerns raised with regards the accuracy of plans submitted and request consideration is given to the residents of Four Oaks Caravan Park in determination, adding any conditions which may mitigate impacts to residential amenity.

Thrandeston Parish Council - 9th and 18th March 2022

Objects to this application:

- Question if landowners have been consulted;
- Surface Water runoff and impact on neighbouring land;
- Suggestion is that drainage data is inaccurate and existing drains are of insufficient capacity to cope with increased surface water runoff from the Airfield;
- Photographic and Video evidence provided in relation to existing flooding of adjacent farmland, following heavy rain;
- Request that existing surface water runoff issues are addressed before the area to be used for this application is developed;
- The proposal would increase water flow into Thrandeston Beck, increasing flood risk in the area;
- Concern that proposal would result in increased surface water runoff and flood risk to land and property;
- Concern with regards increased traffic noise affecting nearby properties.

Eye Town Council - 18th February 2022

Concern with regards additional light pollution emanating from the development - Request that lighting levels and time in operation be considered as part of the MSDC evaluation.

National Consultee (Appendix 4)

Natural England - 21st February 2022

The proposal site lies within the Impact Risk Zone of: Gypsy Camp Meadows, Thrandeston Site of Special Scientific Interest (SSSI) - Advisory note, with regards discharge of surface water, ground water, and foul water provided.

The Environment Agency - 18th February; 8th April; 30th August; and 15th September 2022

- The site is underlain by secondary and principle aquifers;
- The site is located within a Groundwater Source Protection Zone (SPZ);
- The location of the site is considered to be of medium environmental sensitivity.

Holding objection on pollution of controlled water grounds:

- Insufficient information has been provided to demonstrate that risk of pollution to controlled waters is acceptable;
- The level of risk posed by the current proposal is unacceptable;
- The application fails to provide assurance that the risks of pollution are understood;
- There is no indication given as to whether tanks for the development would be below or above the ground;
- Any spills or leaks have the potential to derogate the nearby licenced abstractions;

Advice in overcoming current holding objection provided:

- A comprehensive and balanced opinions appraisal, comparing above and below ground storage, with appropriate mitigation measures to demonstrate the best available technique should be provided;
- EA Groundwater Protection Position Statements D1 to D4 need to be met;
- Underlying sensitive groundwater bodies, nearby abstractions and associated source protection zone, and peak seasonal depth to ground water at the site, need to be considered;
- Detailed assessment of groundwater levels required, including seasonal fluctuations and different strata;
- Groundwater should be significantly deeper than any underground tanks proposed - above ground tanks are, however, preferred;
- Unlined lagoons taking runoff, including runoff from the forecourt, would not be considered acceptable;
- List of reference documents provided, for the attention of the applicant.

Officer Note: The holding objection remains in place - please see paragraph 13.5 and recommendation.

Anglian Water - 28th March 2022

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

Historic England - 3rd February 2022

Do not wish to offer any comments - Suggest the LPA seek the views of their specialist conservation and archaeological advisers, as relevant.

National Highways - 3rd February 2022

Offer no objection - The site is some way from the Strategic Road Network, given its scale and location it is unlikely to have a severe impact upon the Strategic Road Network. Suffolk County Council should be consulted as local highway authority.

County Council Responses (Appendix 5)

SCC - Highways - 31st March and 5th July 2022

- Accept that the level of impact and scale of the proposal does not warrant improvement to the roundabout, in order to make the proposal acceptable to the Highway Authority;
- A Section 106 contribution is required towards pedestrian and cycle improvements between the site location and Eye, in order to encourage sustainable travel to the site and reduce the impact upon the highway network;
- It is noted that information regarding the extinguishment of Footpath 8 (that was previously potentially obstructed by the proposal) has since been provided by SCC Public Rights Of Way team;
- Conditions relating to: Access details; Turning and parking (including cycle and EV) details; Means to prevent surface water discharge on to the highway; Refuse and recycle bin areas; provision carriageways and footways serving buildings to be provided prior to occupation; Lighting levels not to exceed 1 Lux at ground level at highway boundary; Construction Management Plan.

SCC - Travel Plan Officer - 2nd February 2022

No comment to make as the development does not meet the threshold of requiring a Travel Plan in accordance with the Suffolk Travel Plan Guidance.

SCC - Public Rights of Way - 17th February and 3rd March 2022

No objection to this application with regard to Brome Public Footpath 8 - Standing advice provided.

SCC - Lead Local Flood Authority - 13th April 2022

Recommend approval of this application, subject to conditions.

SCC - Archaeology - 9th February 2022

There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with NPPF Paragraph 205, any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

SCC - Fire and Rescue - 9th February 2022

Recommend that fire hydrants be installed within this development on a suitable route for laying hose, i.e. avoiding obstructions. However, it is not possible, at this time, to determine the number of fire hydrants required for fire fighting purposes. The requirement will be determined at the water planning stage when site plans have been submitted by the water companies - Recommend that proper consideration be given to the potential life safety, economic, environmental and social benefits derived from the provision of an automatic fire sprinkler system.

SCC - Developer Contributions - 8th February 2022

S106 contribution requirements - As required by SCC-Highways.

Internal Consultee Responses (Appendix 6)

MSDC - Heritage Team - 3rd February 2022

The Heritage Team does not intend to provide comments on the application.

MSDC - Ecology Consultants - Place Services - 9th and 23rd March 2022

No objection subject to securing biodiversity mitigation and enhancement measures.

MSDC - Environmental Protection - Land Contamination - 15th February 2022

No objection to the proposed development from the perspective of land contamination - Request that the LPA are contacted in the event of unexpected ground conditions being encountered during construction and that the advised minimum precautions are undertaken until such time as the LPA responds to the notification - Advise that the developer is made aware that the responsibility for the safe development of the site lies with them.

MSDC - Environmental Protection - Air Quality - 9th February 2022

No objections with regard to air quality - Recommend the applicant contacts the Environmental Protection Team to discuss applying for an Environmental Permit for the petrol filling station.

MSDC - Environmental Protection - Sustainability - 23rd February 2022

No objection subject to imposition of a condition requiring a scheme for the provision and implementation of water, energy and resource efficiency measures for the lifetime of the development.

MSDC - Environmental Protection - Noise, Light, Odour, Smoke (Other) - 25th March 2022

No objection subject to imposition of: Noise assessment; Lighting Scheme; Construction Hours; Prohibition of burning; Dust control; Acoustic Screening; Construction Management Plan, Conditions.

Other Consultee Responses (Appendix 7)

Ramblers - Bury Group - 3rd February 2022

We have no objection to this planning application as construction of new footpaths has already been provided.

B: Representations

At the time of writing this report at least 20 letters/emails/online comments have been received. It is the officer opinion that this represents 19 objections, 1 support and 0 general comment. A verbal update shall be provided as necessary.

Views are summarised below:-

Objections

- Proposal is not in the right location - it is in rural Suffolk;

- Proposal could negatively affect local businesses;
- Concerns that proposed plans are inaccurate - Proposed plans do not show nearby residential homes at Four Oaks Park Caravan Site;
- Proposal will impact neighbouring amenity: Noise; Light; Disturbance; Vibration; Odour; Fumes;
- Concerns with regards Shipping Containers stored on part of the site;
- Proposal will affect traffic flow;
- Proposal will be detrimental to the Environment;
- Proposal will increase anti-social behaviour;
- Proposal will increase light pollution;
- The proposal would increase flooding to nearby Farmland and rivers - There are reportedly existing problems.

Support

- Proposed Lorry Park would benefit the area and would reduce HGVs currently parked in lay-bys on a nightly basis;
- Proposed food outlets would also benefit the area, where there are none existing;
- Support proposed EV charging as this will be in more demand in the future;
- Site is already an industrial area;
- Should noise, light and air pollution matters be addressed - Support proposed development.

(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

<p>MSDC DC/19/00074 & SCC REF: SCC/0110/18MS</p>	<p>REF: Regulation 3 Planning Application (Application on behalf of Suffolk County Council) – Eye Airfield junction improvements incorporating a link road into the A140 and B1077. Including 2 new roundabouts, road improvement measures and associated works.</p>	<p>DECISION: Planning Permission Granted: 30.04.2019</p>
<p>REF: 3856/11</p>	<p>Use of land for siting storage container</p>	<p>DECISION: GTD 16.12.2011</p>
<p>REF: 0810/11</p>	<p>Erection of 1 electricity substation, 2 electrical enclosures and temporary construction compound. Construction of access track.</p>	<p>DECISION: GTD 27.05.2011</p>
<p>REF: 0852/10</p>	<p>Use of land for the display of motor vehicles for sale, erection of vehicle retail showroom, construction of raised display platforms and parking areas.</p>	<p>DECISION: REF 02.07.2010</p>
<p>REF: 0881/09</p>	<p>Erection of 70m high anemometry mast for temporary period of 2 years.</p>	<p>DECISION: GTD 08.05.2009</p>
<p>REF: 2193/09/EQ</p>	<p>PRE-APP : LORRY PARKING, FILLING STATION, CAFE, CAR SHOWROOM</p>	<p>DECISION: REC 2009</p>

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. The site extends to approximately 6.163 hectares and is located at the far north-west corner of the Eye Airfield site, to the north-east of the existing access to the A140, and to the south of the new northern A140 roundabout and B1077 link road.
- 1.2. The existing distributor road runs down the approximate centre of the site, from north-east to south-west. The southeast portion of the site comprises an existing area of hardstanding observed to presently being used for the storage of hardcore, aggregate, rubble and timber. The northwest portion of the site is currently undeveloped grassland, comprising 5 no. significant trees, believed to be protected by a Tree Preservation Order, to the south-west, adjacent to the Airfield's existing junction access to the A140.
- 1.3. The site has the benefit of potential direct access via the new Eye Airfield A140 northern roundabout, via a junction arm already constructed but not yet in use.
- 1.4. The site affects the setting of a public right of way (Brome Public Footpath 8), to the north of the site, which runs adjacent to the B1077, and which crosses the A140, to the north-west.
- 1.5. The site lies in proximity to a major Gas Compressor installation and associated High Pressure Gas Mains, the closest proximity of which lie approximately 700 metres to the south-east of the site.
- 1.6. The site affects the setting of 3 no. Grade II listed buildings: Stone Cottage; 30 and 32 Eye Road; and Mill House, all of which front the B1077 'Eye Road', the closest of which lies approximately 250 metres to the north-east of the site.
- 1.7. The site is considered to have archaeological potential, with Iron Age, Roman and Medieval finds being recorded within the vicinity.

2. The Proposal

- 2.1. The proposal seeks outline planning permission, with all matters reserved, for the erection of: a petrol station and electric charging facility, with associated shop; a roadside restaurant with drive through facility; approximately 24 no. business starter units (land use classes: E(g) (formerly B1) and B8); and provision of an HGV lorry parking facility and rest area for HGV drivers. The proposal is to deliver the development in 4 no. phases.
- 2.2. Whilst matters relating to access are presently reserved, indicative information provided shows the individual aspects accessing onto the existing distributor road, and then to the A140 highway via the existing roundabout junction arm, to the west of the site.

3. The Principle of Development

Development Plan

- 3.1. The current development plan identifies Eye Airfield as an allocated Employment Site, with potential for delivery of approximately 80 no. new jobs within the plan period. Development Plan Policy FC3 identifies that B1 (now Class E(g)), B2 and B8 land uses will be prioritised at Eye Airfield generally. The policy also provides that other commercial uses may be permitted where there is no sequentially preferable site available.
- 3.2. Development Plan Policy CS2 provides that in the countryside new-build employment generating proposals, where there is a strategic, environmental or operational justification, will generally be accepted.
- 3.3. Saved development plan policy T6 provides the Council's current policy with regards Petrol Filling Stations and other Road Side Services and provides the following criteria:
 - Filling Stations should be well related to existing built up areas and the primary route network;
 - Other roadside services such as restaurants, motels, or parking areas (including provision for HGVs) should be sited adjacent to petrol filling stations;
 - There should be no significant loss of residential or environmental amenity;
 - There should be no adverse effect on the surrounding landscape and wildlife features;
 - There should be no adverse effect on potable water supply sources;
 - Landscaping schemes should retain existing landscape features such as trees and hedgerows and if necessary include screening or mounding;
 - Such schemes will not be permitted in open countryside.

Eye Neighbourhood Plan

- 3.4. It should be noted that the site does not lie within the Eye Neighbourhood Development Plan Area. This plan and the policies therein are not, therefore, directly relevant to the proposal site and proposed development.

Eye Airfield Development Framework

- 3.5. The Eye Airfield Development Framework SPD (2013) indicative masterplan identifies the site of the proposed Lorry Park and Business Starter Units within indicative business zones, however the site of the proposed Petrol Station, Associated Shop and the Restaurant are within a zone indicated as a buffer to the A140 and new enhanced structural landscaping. It is worth noting, however, that the dynamic of the indicative masterplan has changed significantly in the area of the proposed site since its inception due to the amended location of the proposed link road between the A140 and B1077 and the inclusion of a roundabout on part of the land indicated for structural landscaping on the Masterplan. Further deviation to the indicative plan in this location is not, therefore, considered, to be significant should the proposed development be structurally landscaped sufficiently, be deemed sustainably beneficial, and accord with the policies of the development plan, having had regard to the NPPF as a material consideration.

Gas Compressor and National High Pressure Gas Main

- 3.6. The gas compressor site, at the centre of the former Eye Airfield, and the associated high pressure gas pipelines, which extend away to the south-west and north-east of the compressor, represent hazards to development, and with limits imposed by the Health and Safety Executive

(HSE). It is also advised that an intermediate gas main runs from the south of the existing A140 access to land just north of the gas compressor station.

- 3.7. There is a constraint to the amount of people who can use sites located on parts of the Airfield due to the gas compressor station and the HSE imposes zones within defined distances from the compressor station and high pressure gas pipelines across the Airfield. The HSE zones are set out at appendix 2 of the Eye Airfield Development Framework and identify that the proposal site lies within the area which the HSE do not advise against any workplace development or any residential developments.
- 3.8. Whilst such issues are outside of the planning remit it is advised that putting fuel storage near a gas pipeline could result in an increased safety risk for the area. It is considered that this issue is a matter that the HSE would provide final comment on, when such details become available, at a reserved matters stage. There is no indication given by consultees that the application is unacceptable in principle, on the basis of information currently received, in the absence of such detailed information.

Environment Agency Considerations

- 3.9. The Environment Agency (EA) have been consulted on the application and have advised that the site is located within a Groundwater Source Protection Zone (SPZ) and is underlain by secondary and principle aquifers. Consequently the EA advise that the location of the site is considered to be of medium environmental sensitivity.
- 3.10. The EA have raised a holding objection to the application, as currently submitted on pollution of controlled water grounds. The EA raise concern that any spills or leaks have the potential to derogate the nearby licenced abstractions.
- 3.11. The EA consider insufficient information has been provided to demonstrate that risk of pollution to controlled waters is acceptable and that the applicant has failed to provide assurance that the risks of pollution are understood. The EA have requested information as to whether tanks for the development would be below or above the ground.
- 3.12. Overall the EA consider the level of risk posed by the current proposal is unacceptable.
- 3.13. The EA have advised that the following, in overcoming their current holding objection:
 - A comprehensive and balanced opinions appraisal, comparing above and below ground storage, with appropriate mitigation measures to demonstrate the best available technique should be provided;
 - EA Groundwater Protection Position Statements D1 to D4 need to be met;
 - Underlying sensitive groundwater bodies, nearby abstractions and associated source protection zone, and peak seasonal depth to ground water at the site, need to be considered;
 - Detailed assessment of groundwater levels required, including seasonal fluctuations and different strata;
 - Groundwater should be significantly deeper than any underground tanks proposed - above ground tanks are, however, preferred;

- Unlined lagoons taking runoff, including runoff from the forecourt, would not be considered acceptable;
- 3.14. The EA have also provided a list of reference documents, for the attention of the applicant, in consideration of provision of the further information requested.
- 3.15. Whilst the EA maintain a holding objection on the basis of the information currently provided by the applicant, your officers do not consider this to represent an in principle reason for refusal and further negotiation with the applicant, in accordance with the advice given by the EA, is considered have the potential to overcome the current holding objection, subject to receipt of further information, as advised. Your officers' recommendation, therefore, includes to delegate to the Chief Planning Officer to address the issues raised by the EA prior to the issue of a formal decision notice.

Conclusion - Principle of proposed development

- 3.16. The current development plan is considered to support the principle of such proposals on the site.
- 3.17. In applying the sequential approach, required by plan policy FC3 it is considered that there is no sequentially preferable site available for the proposed development in the area, being located at an existing industrial area, adjacent to the principle highway in the area, and adjacent to an existing highway node (the roundabout) with existing access/egress available to that node (the existing access/egress junction 'arm' off the roundabout).
- 3.18. Furthermore, for the above reasons, it is considered there is strategic, environmental and operational justification for the proposed new build employment generating proposals, in the countryside, in accordance with the requirements of plan policy CS2.
- 3.19. The Eye Airfield Development Framework SPD is also in support of the Lorry Park and Business Starter Units element of the application, within indicative business zones business zones.
- 3.20. The proposed Petrol Filling, and Electric Charging, Station and Drive Through Restaurant element of the application, although located outside of the business zones, as identified by the Eye Airfield Development Framework SPD is considered to be in conformity with development plan policies FC3, CS2 and T6 together. Significant deviations from the indicative SPD masterplan have also already been carried out, by way of the amended location of the new B1077 link road and introduction of a new roundabout. Further deviation from this indicative masterplan is not, therefore, considered unacceptable in principle, should the site be appropriately structurally landscaped, as is currently indicated in the masterplan.
- 3.21. The site also lies a sufficient distance from the existing Gas Compressor Site and High Pressure Gas Mains, in a location where the HSE do not advise against any workplace development. Whilst the HSE have been formally consulted on the application they have declined to comment on the overall principle. Notwithstanding this, there is nothing to suggest, at this outline stage that the proposed development would be considered unacceptable in principle, by reason of its proximity to these existing safety hazards.

3.22. Overall your officers do not raise objection to the proposed development on a point of principle, subject to acceptability in terms of other material planning considerations. Those considered most relevant to the proposal are set out below:

4. Design, Layout, Access and Landscape

- 4.1. Whilst no significant objection is raised with regards the indicative layout provided and the general location of the various aspects of the development, the proposals will ultimately need to be of an appropriate siting, scale, form and design so as to appropriately blend with the character of existing adjacent development and respect the character and quality of the existing landscape.
- 4.2. The final approved layout would be expected to be acceptable in term of SCC Highways access, highway visibility and on-site parking and manoeuvring requirements, and should not create significant distraction to highway users.
- 4.3. Furthermore, the final approved layout would be expected to include sufficient surface water treatment and drainage infrastructure, as required by the Lead Local Flood Authority, at Suffolk County Council.
- 4.4. The final development will also be expected to be appropriately structurally landscaped and should afford suitable protection for the existing landscape features, most importantly the 5 no. significant trees on the site.
- 4.5. Further consideration of these matters of detail would be required at a reserved matters stage, when such matters are available.

5. Heritage Assets

- 5.1. The site affects the landscape setting of 3 no. listed buildings within the vicinity of the site at: Stone Cottage; 30 and 32 Eye Road; and Mill House, all fronting the B1077 'Eye Road', to the north-east of the proposal site.
- 5.2. A Heritage Statement has been provided with the application, providing an understanding of the Heritage Assets affected and setting out how the proposal would conserve their setting and significance.
- 5.4. Historic England and your Heritage officers have been consulted on the application, however, both have declined to comment.
- 5.5. It is the consideration of your planning officers that, should the application site be appropriately landscaped and screened, and should lighting of the site be suitably controlled by way of condition, then the proposal would not likely result in a significant negative impact on the setting and significance of the heritage assets identified.

6. Archaeology

- 6.1. SCC Archaeology have been consulted on the application proposal and have advised that the site lies in an area of archaeological potential recorded on the County Historic Environment Record (HER).

- 6.2. SCC Archaeology advise that an archaeological investigation on the roundabout adjacent the proposal identified an early Roman rectilinear enclosure (HER ref no. BRM 134) which extended towards the A140 which follows the line of a Roman road (BRM 011). As a result, they advise there is high potential for the discovery of below-ground heritage assets of archaeological importance within the area, and groundworks associated with the proposed development have the potential to damage or destroy any archaeological remains which exist.
- 6.3. SCC Archaeology advise that there are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with NPPF paragraph 205, they advise that any permission granted should be subject to planning condition(s) to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

7. Highways, Access and Parking

- 7.1. SCC Highways have been formally consulted on the application proposal and, following receipt of further technical information from the applicant, accept that the level of impact and scale of the proposal does not warrant improvement to the existing roundabout, in order to make the proposal acceptable to the local highway authority.
- 7.2. SCC Highways advise that any approval should be subject to a Section 106 contribution towards pedestrian and cycle improvements between the site location and Eye, in order to encourage sustainable travel to the site and reduce the impact upon the highway network.
- 7.3. SCC Highways and SCC Public Rights of Way note information provided regarding the prior extinguishment of Brome Public Footpath 8, which is not considered to be a significant constraint on the current development proposal.
- 7.4. SCC Highways recommend that any approval is subject to conditions relating to: Access details; Turning and parking (including cycle and EV) details; Means to prevent surface water discharge on to the highway; Refuse and recycle bin areas; Provision carriageways and footways serving buildings to be provided prior to occupation; Lighting levels not to exceed 1 Lux at ground level at highway boundary; and Construction Management Plan.
- 7.5. In terms of assessment against current planning policy, your officers advise that the development would provide opportunities for access via the existing adjacent roundabout off the main A140 highway, would not likely result in an unacceptable impact on highway safety and has the potential to provide safe and suitable access to the site for all users, subject to further details, to be agreed by way of conditions. It is also considered that any significant effects on the transport network can be cost effectively mitigated to an acceptable degree and that the development would also ensure that opportunities are taken to promote sustainable transport modes.

8. Ecology

- 8.1. Natural England have been consulted on the application proposal and have advised that the proposed development triggers the Impact Risk Zone of Gypsy Camp Meadows, Thrandeston Site of Special Scientific Interest (SSSI).
- 8.2. The applicant has provided ecology reports in support of the application, relating to the likely impacts of development on designated sites, protected and priority species & habitats.

- 8.3. Both the comments raised by Natural England and the ecology reports provided by the application have been assessed by the Council's Ecology consultants at Place Services, who have advised that they are satisfied that there is sufficient ecological information available for determination of the application.
- 8.4. Your consultants advise that the information submitted by the applicant provides 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.
- 8.5. Your consultants advise that the mitigation measures identified in the Preliminary Ecological Appraisal (Liz Lord Ecology Ltd, February 2022), should still be secured and implemented in full, by way of condition(s), being necessary to conserve protected and priority species.
- 8.6. In addition, it is highlighted that your consultants do not consider that adverse impacts will be caused on any of the lowland meadows associated with the Gypsy Camp Meadows, Thrandeston SSSI. This is because your consultants agree that the proposed development does not contain any impact pathways to this site via local topography or drainage. In addition, the proposed surface water lagoon will be situated over 2km from the designated site. As a result, your consultants are satisfied the proposals will not affect the favourable conservation status of this statutory designated site and that no additional measures are required.
- 8.7. Furthermore, your consultants recommend that the reasonable biodiversity enhancements should be implemented into the finalised design to secure measurable net gains for biodiversity, as outlined under Paragraph 174[d] of the National Planning Policy Framework 2021. The reasonable biodiversity enhancement measures outlined within the Ecological Impact Assessment should be implemented via a Biodiversity Enhancement Strategy and should be secured as a condition of any permission granted.
- 8.8. Your consultants advise that the imposition of such planning conditions will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006, and will minimise impacts such that the proposal would be acceptable based on BS42020:2013.

9. Flood Risk and Surface Water Disposal

- 9.1. The current application is supported by a site specific flood risk assessment and surface water drainage strategy, carried out by a suitably qualified company (Plandescil Consultant Engineers).
- 9.2. 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.
- 9.3. 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.
- 9.4. 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.

10. Land Contamination

- 10.1. The application site is considered to comprise potentially contaminated land, that of a former Airfield, with existing industrial land uses.
- 10.2. In addition elements of the proposed development, namely the proposed Petrol Station and Car Parks, and the proposed HGV Lorry Park, are considered to relate to potentially contaminating land uses.
- 10.3. As such a detailed geoenvironmental study and land contamination assessment been submitted in support of the application proposal.
- 10.4. 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.
- 10.5. The Environment Agency have reviewed the potential impacts relating to the proposed land uses and have commented, as addressed at paragraphs 3.9 to 3.15, above.

11. Impact on Residential Amenity

- 11.1. The nearest residential properties, at Four Oaks Mobile Home Park, are located approximately 70 metres to the north-east of the site. As such, the proposed development has potential to result in a significant impact on the amenities currently enjoyed by occupants of these properties, principally in relation to additional noise impact, artificial light spillage, and impact on existing air quality.
- 11.2. Your environmental protection officers have been consulted on the application proposal and have raised no objection to the principle of the proposed development with regards potential impact on residential amenity, subject to: Noise assessment; Lighting Scheme; Construction Hours; Prohibition of burning; Dust control; Acoustic Screening and Construction Management conditions being imposed by way of condition.
- 11.3. Subject to approved mitigation measures, therefore, the proposal is not considered to result in significant additional impacts on the amenities of nearby properties, to the extent that refusal of permission should be considered, for these reasons.

12. Parish Council Comments

- 12.1. It is considered that the matters raised by the Parish Councils and Town Council have been addressed in the above report.

PART FOUR – CONCLUSION

13. Planning Balance and Conclusion

- 13.1 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, within a former industrial area, adjacent to existing industrial land uses and the existing highway network.
- 13.2. The proposed development is not considered to result in a significant impact on the existing landscape character and quality of the locality, having had regard to the existing site location, within and adjacent to an established industrial area, adjacent to a principle highway and node, subject to agreed matters of layout and landscaping, to be secured by way of conditions
- 13.3. Having considered the Transport Assessment provided by the applicant, and the advice provided by the local highway authority, the proposal 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 from a point of principle. No objection to the current outline application is, therefore, raised with regards highway safety and the site is considered to have potential to provide safe and suitable access, and an acceptable amount of on-site turning and parking, subject to approval of details to be secured by way of condition.
- 13.4. 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.
- 13.5. The proposal site is not considered to result in a significant risk to future users of the development with regards land contamination and, subject to agreed details, as required by the Environment Agency, the proposed potentially contaminating land use (Petrol Filling Station, Car Parks and HGV Lorry Park) would not result in a significant impact on the existing land and water environment in the locality.
- 13.6. 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.
- 13.7. 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 as suggested by your environmental protection officers, the proposed development is not considered to result in a significant additional impact on the amenities currently enjoyed by occupants of nearby residential properties, to the extent that refusal of permission should be considered on a point of principle.
- 13.8. 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 and employees, as well as the wider 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 resultant level of harm is considered to be outweighed by the economic and social benefits of the proposal, in planning terms.

- 13.9. 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 (of £75,000) towards pedestrian and cycle improvements between the site location and Eye, in order to encourage sustainable travel to the site and reduce the impact upon the highway network.

(2) That authority be delegated to the Chief Planning Officer to APPROVE Outline Planning Permission, subject to satisfactory resolution of pollution of controlled waters issues, as raised by the Environment Agency, upon completion of the legal agreement and subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer:

- Standard time limit for submission of reserved matters and commencement (3yrs for submission of reserved matters application and commencement within 2 years of approval of reserved matters);
- Reserved Matters to be approved prior to commencement;
- Approved Plans and Documents (Plans and Documents submitted that form this application);
- Those required by SCC- Archaeology;
- Those required by SCC-Lead Local Flood Authority (LLFA);
- Those required by the Environment Agency (EA);
- Those required by Place Services - Ecology;
- Sustainability Measures to be approved prior to commencement;
- Highways - Access details;
- Highways - Manoeuvring and Parking (including Cycle Storage and EV charging);
- Highways - Surface water discharge prevention details;
- Highways - Bin storage and collection areas;
- Highways - Carriageways and footways to be provided;
- Highways - Lighting levels adjacent to highway boundary;
- Noise assessment;
- Lighting scheme and proposed hours of Illumination;
- Construction management plan;
- Construction hours;

- Prohibition of burning;
- ; Dust control;
- Acoustic screening;
- Fire hydrants.

(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), and/or the resolution of pollution of controlled waters issues referred to in Resolution (2), 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).