Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000 (as amended)

Appeal by Monte Blackburn Ltd and Pigeon against the refusal by Broadland District Council to grant full planning permission for a proposed road side development

Land south of Broadland Gate / adjacent to Postwick Interchange, Postwick, NR13 5NP

STATEMENT OF CASE

June 2018
PWA_16-276_SOC01 Rev A
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1) Copy of decision notice for full planning application 20170095 dated 22nd February 2018; copy of the Council’s Committee Report of 31st January 2018; and a copy of the Council’s Committee Meeting Minutes;

2) Copy of PWA Planning’s Planning Statement that accompanied application 20170095;

3) Copy of PWA Planning’s Sequential Assessment, EPS’ Fuel Storage Feasibility Assessment (Issue 1) and PFS Method Statement (Issue 5);

4) Copy of the appeal decision associated with PINS 3151655;

5) Copy of Anglian Water’s (AW) formal responses to application 20170095;
6) Copy of the Environment Agency’s (EA) formal responses to application 20170095.
1 INTRODUCTION

1.1 Monte Blackburn Ltd and Pigeon (the appellant) have appealed against Broadland District Council’s refusal of a full planning application (application reference 20170095) for a proposed road side services development on land south of Broadland Gate / adjacent to Postwick Interchange, Postwick, NR13 5NP.

1.2 The proposed development is described in the decision notice and associated application documentation as:

‘Development of 1 no. petrol filing station, 2 no. drive through restaurants & 24 space HGV parking, together with various infrastructure and landscaping works’

1.3 The application was received by Broadland District Council as a valid application on 19th January 2017 and was determined on 22nd February 2018 having been taken to Planning Committee on 31st January 2018 with an officer recommendation for approval. In spite of the positive recommendation the Council rejected the planning application and refused to grant full planning permission. The reasons for refusal are set out in the Council’s decision notice, a copy of which is provided at Appendix 1 together with the officer’s report to Committee and a copy of the Committee meeting minutes.

1.4 This statement represents the full statement of case on behalf of the appellant in support of the appeal against the refusal.
2 APPEAL SITE

Description

2.1 The appeal site sits adjacent to the recently constructed Postwick Interchange road network, lying some 6 kilometres to the east of Norwich City centre and extends to approximately 2 hectares in size.

2.2 The site comprises a mix of cleared land and vacant grassland, for which the former was until recently used as a compound for construction vehicles (this ceased at the end of November 2016).

2.3 For an aerial image of the site showing its relationship with the wider area please see Figure 1 below and for the exact location of the site within the immediate setting please refer to the submitted Location Plan.

2.4 The site is contained by the A1042 to the south and the A47 to the north and sits adjacent to the recently constructed Postwick Interchange. A small area of undeveloped grassland bounds the site to the east.

2.5 The wider, surrounding area comprises a mix of commercial type uses, agricultural land, strategic road networks, employment land and pockets of residential development. Postwick Park and Ride sits to the south-west which provides frequent and direct bus services to the centre of Norwich.

2.6 Vehicular access to the site is currently taken from an existing point off the A1042 from the south, via a recently constructed roundabout.
Planning History

A number of applications exist locally, namely those relating to the recently constructed Postwick Interchange road network, the large, mixed-use development at Broadland Gate Farm to the north (reference 2008/1773) and an extension to the Park and Ride facility to the south of the site (reference Y/5/2009/5019), there are no other applications evident from the planning register which would preclude the grant of planning permission for the current proposals.
3 PROPOSED DEVELOPMENT

3.1 The application proposals are for the erection of 1 no. petrol filling station inclusive of ancillary retail store, 2 no. drive through restaurants and a 24 HGV parking area, together with access, parking, landscaping and other various infrastructure works on land south of Broadland Gate, adjacent to the Postwick Interchange. The proposed development components have been summarised in the table below, which sets out the details for each individual element.

<table>
<thead>
<tr>
<th>Component</th>
<th>Description</th>
<th>Gross internal floor space (sqm)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Infrastructure</td>
<td>New internal spine road leading from the existing roundabout on the A1042</td>
<td>n/a</td>
</tr>
<tr>
<td>Sui Generis</td>
<td>6-pump petrol filling station with ancillary retail sales</td>
<td>689</td>
</tr>
<tr>
<td>Use Class A3 / A5</td>
<td>1 no. hot-food, drive-through restaurant</td>
<td>245</td>
</tr>
<tr>
<td>Use Class A3 / A5</td>
<td>1 no. drive-through, coffee shop</td>
<td>245</td>
</tr>
<tr>
<td>Vehicle Parking</td>
<td>Parking for 119 cars, 24 HGVs, 6 no. cycle stands</td>
<td>n/a</td>
</tr>
<tr>
<td>Infrastructure</td>
<td>Landscaping, drainage and associated infrastructure works</td>
<td>n/a</td>
</tr>
</tbody>
</table>

3.2 Vehicular access into the site is proposed via a new arm off the A1042, which represents a safe and convenient means of access and egress. An internal access road is also to be created, so as to serve the new units and associated car parking areas.

3.3 For a full description of the proposed development please refer to the Planning Statement that accompanied the planning application, a copy of which is provided at Appendix 2, and the Council’s Committee report (Appendix 1).
4 PLANNING POLICY CONTEXT & OTHER GUIDANCE

4.1 This section sets out the development plan documents and other material considerations which are directly relevant to the determination of this appeal.

4.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

4.3 The statutory development plan for the application site comprises Broadland District Council’s Joint Core Strategy Development Management Document (DPD) (2014), the Development Management DPD (2015) and Site Allocations DPD (2016), whilst government guidance as set out in the National Planning Policy Framework (NPPF) (2012) is a material consideration to be weighed in the balance of this application’s determination.

4.4 The Joint Core Strategy DPD sets out a strategic vision for future growth and development within the Greater Norwich Area between the period 2008 – 2026 and has been prepared between Broadland, Norwich and South Norfolk Councils. The Development Management DPD provides specific policies which seek to deliver the objectives as set out in the Joint Core Strategy and the Site Allocation DPD allocates specific areas of land for a range of different uses, namely housing, employment and leisure.

4.5 The Council’s Committee Report (Appendix 1) lists those policies as contained within the adopted development plan and guidance which were considered relevant to the proposals.

4.6 The following policies and guidance are considered to be of most relevance to the determination of this appeal:

1) Joint Core Strategy DPD
   - Policy 1 ‘Addressing climate change and protecting environmental assets’
   - Policy 5 ‘The economy’
   - Policy 9 ‘Strategy for growth in the Norwich Policy Area’

2) Development Management DPD
   - Policy GC1 ‘Presumption in favour of sustainable development’
   - Policy GC2 ‘Location of new development’
   - Policy EN4 ‘Pollution’
   - Policy TS1 ‘Protection of land for transport improvements’
3) National Planning Policy Framework
   - Paragraph 14 ‘The presumption in favour of sustainable development’
   - Paragraph 31, Section 4 ‘Promoting sustainable transport’
   - Paragraphs 109 and 120, Section 11 ‘Conserving and enhancing the natural environment’

4) Department for Transport Circular 02/2013 ‘THE STRATEGIC ROAD NETWORK AND THE DELIVERY OF SUSTAINABLE DEVELOPMENT’

4.7 It is considered that the proposed development demonstrates broad compliance with all those remaining policies as listed in the officer’s Committee Report (Appendix 1) and it is envisaged that such compliance will be agreed with the LPA as part of a ‘Statement of Common Ground’.
5 TECHNICAL CONSIDERATIONS

5.1 This appeal essential supporting documents include the suite of technical reports which accompanied application reference 20170095 (some of which were updated / amended during the course of the application), all of which demonstrate that the proposed development can be implemented without significant adverse impacts. Of these, the following technical reports are of particular relevance to the matters in dispute and as such which are provided at Appendix 4 of this statement:

a) Sequential Assessment;

b) EPS’ Fuel Storage Feasibility Assessment (Issue 1) and PFS Method Statement (Issue 5).
6 REASONS FOR REFUSAL AND CASE FOR THE APPELLANT

Council’s Reasons for Refusal

6.1 The decision notice for application 20170095, which refused full planning permission for the roadside development on land south of Broadland Gate on 22nd February 2018 (see Appendix 1 for a copy of the decision notice), cited two reasons for refusal as follows:

“... The site is located outside of a defined settlement limit and the only land use allocation that relates to the site is the protection of land for transport improvements, specifically the Postwick Hub as shown in the Site Allocations DPD and referenced under Policy TS1 of the DM DPD. The works associated with the Postwick Hub Scheme have now been completed. Therefore the site has no specific allocation. The proposal therefore conflicts with Policy GC2 of the DM DPD as well as the Site Allocations DPD ... [REASON 1]

The site is recognised by the Environment Agency as a Source Protection Zone 1 (SPZ1) due to its close proximity to a public water supply borehole. SPZ1’s are designated to inform the planning process as to where the highest level of protection to groundwater quality is required. The environmental sensitivity at the site is therefore considered to be very high. Anglian Water have strongly objected to the application as they have stated that insufficient information has been provided to demonstrate that the development would not have an adverse effect on the nearby water supply borehole. It is considered that if there was to be any leak from the proposed underground fuel tanks then the proposal could result in contamination to the borehole which would have a detrimental impact on water quality and risk to public health. Should contamination to the public water supply borehole occur, Anglian Water would need to seek alternative sources of supply to customers until such a time as the groundwater is fully remediated or suitable complex and high cost treatment processes can be built and commissioned. It is considered that the engineering design, as submitted with the application, fails to provide long-term safeguards to adequately protect the groundwater source operated by Anglian Water. The application is therefore considered to conflict with Policy EN4 of the Development Management DPD, Policy 1 of the Joint Core Strategy and Paragraphs 109 and 120 of the National Planning Policy Framework. [REASON 2]

It is recognised that the proposal could result in some modest benefits. However it is considered that the benefits related to the development are outweighed by the harm caused and the substantial conflicts with development plan policy noted above. It is concluded that the proposal would conflict with the development plan and that this conflict is not outweighed by other material considerations ... “ [SUMMARY OF REASONS]
Case for the Appellant

6.2 In respect of the appeal proposals, where it is not possible to reach agreement with the LPA through a Statement of Common Ground, the following assertions will be evidenced and substantiated.

Reason 1 – Conflict with the Development Plan

6.3 In terms of the alleged conflict with Policy GC2 of the Development Management DPD, this is disputed on the basis that, whilst the policy aims to confine new development within existing settlement limits, it explicitly allows for developments outside of settlement limits where no significant adverse impacts would result and where it accords with a specific allocation and/or policy of the plan. In this instance, the site has a specific land use allocation and is protected for ‘Transport Improvements for the Proposed Postwick Hub Scheme’ under Policy TS1 of the DM DPD.

6.4 It is the appellant’s opinion that the proposed development of road side services would accord with this land use allocation, as it would provide a further enhancement to the recently upgraded local and strategic highway network. Neither the policy nor its supporting text expand on the precise nature of ‘transport network improvements’, therefore it has to be a matter of planning judgement when deciding whether the provision of a petrol station, road side food and drink facilities and dedicated HGV parking spaces, constitute said improvements. It is the opinion of the appellant, backed up by national guidance, that they can be considered as transport improvements as they will encourage drivers to stop and take a rest on their journeys, thus increasing road safety and in line with government planning guidance as outlined in Paragraph 31 of the NPPF which states that:

‘Local authorities should work with neighbouring authorities and transport providers to develop strategies for the provision of viable infrastructure necessary to support sustainable development, including large scale facilities such as rail freight interchanges, roadside facilities for motorists or transport investment necessary to support strategies for the growth of ports, airports or other major generators of travel demand in their areas. The primary function of roadside facilities for motorists should be to support the safety and welfare of the road user.’ [The appellant’s emphasis]

6.5 The A47 is the main arterial route between Lowestoft via Great Yarmouth to the east and Norwich to the west (and beyond – it terminates at Leicester). The A1042 / the Norwich outer ring road leads off from the A47 to the east of the site and runs along the site’s southern boundary in a north-westerly direction. In addition, the Norwich Northern Distributor Road (A1270) has recently opened (April 2018) which connects both the A1042 and A47 at Postwick, adjacent to the site, to northern
outer fringes of Norwich, which is to alleviate long distance journeys between the south and north of Norwich as well as accommodating new housing and commercial developments.

6.6 The Department for Transport Circular 02/2013 identifies a functional need for a range of services on major transport routes. At Appendix B ‘ROADSIDE FACILITIES FOR ROAD USERS ON MOTORWAYS AND ALL-PURPOSE TRUNK ROADS IN ENGLAND’ of the Circular, which seeks to ensure sufficient roadside facilities are provided in order to improve road safety and to promote drivers to stop and take a break during their journey.

6.7 The A47 is a trunk road whilst the A1042 and A1270, are both major, strategic roads and popular commuter routes for workers travelling to / from Norwich and other destinations beyond. These three major road networks all converge at the Postwick Interchange and whilst the appellant is not required to demonstrate a need for the developed, it is considered that the Postwick Interchange is an optimum location for key road side facilities such as the ones proposed, in particular for those people travelling north to south (and vice versa) along the A1270 where there are currently no road side facilities.

6.8 It is therefore considered the proposals will help improve road safety and the welfare of drivers in the area, particularly for those travelling north to south of Norwich, so that they are consistent with the guidance outlined within the 02/13 Transport Circular.

6.9 Whilst other sites were considered as part of PWA Planning’s retail Sequential Assessment (a copy of which is provided at Appendix 3), within an area that had first been scoped and agreed with the LPA, no sites were found that could accommodate the development. In any event, even if there were an alternative available site within or on the edge of a local centre, the fact remains that the appellant has identified a market need for the development in this location and Circular 02/2013.

6.10 Notwithstanding that the appellant volunteered a sequential assessment in this case, it has been confirmed at several appeals across the country that road side services such as petrol stations with drive through units have particular locational requirements and generally should not be subjected to sequential testing. In particular the appeal decision at Baynards Green PINS 3151655 is a case in point, whereby the Inspector remarked “Given the purpose of this development is to provide roadside service facilities for motorists which by definition is unlikely to be within a town centre, I consider the sequential test to be of little relevance to this appeal”. A Copy of the appeal decision associated with these two appeals are provided at Appendix 4.

6.11 It is therefore the appellant’s opinion that the proposed development :-
would not give rise to significant adverse impacts;

- would accord with a specific land use allocation in the development plan (Policy TS1); and

- would then be consistent with Policy GC2 of the development plan.

6.12 If however it is concluded that Policy TS1 is ‘spent’ as a result of the works identified under this policy having been completed, or it is not considered the proposed development accords with the policy, due to the works not constituting ‘transport improvements’, the development plan would then seem to be absent / silent with specific regard to the provision of ‘roadside facilities’. In this respect there is no specific policy which assists in the consideration of suitable sites and no alternative allocations for such facilities identified within the development plan for the area. As such it is the appellant’s opinion that the presumption in favour of sustainable development (Paragraph 14 of the Framework) is engaged, meaning that the development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF.

6.13 It is the appellant’s view that the approach to be taken, in circumstances where paragraph 14 of the Framework is engaged, is to consider the weight to be accorded to potentially relevant policies, alongside other material considerations but within the so called ‘tilted balance’ set by paragraph 14. In this case it is only the potential conflict with Policy GC2 which is relevant, with no other policy conflict alleged or apparent. Aside from policy conflict and leaving aside issues related to the second reason for refusal, it is clear that the development proposals do not give rise to any other adverse impacts.

6.14 On the contrary the proposed development would result in obvious benefits, which were acknowledged and were not disputed by the LPA. These include the fact that the proposals will:

- result in the redevelopment of a vacant and unused area of land to provide a sustainable form of development;

- provide new employment opportunities for local people

- bring significant benefits to the local economy both during the construction phase and once the development is operational;

- provide key road side facilities for passing traffic on the adjacent strategic road network, enhancing the safety and welfare of passing motorists;

6.15 The fact that planning application 20170095 had received a positive recommendation from officers of the Council, who had worked closely and proactively with the appellant during the lengthy
determination period to overcome technical issues, is testament to the anticipated benefits of the scheme.

6.16 Given the lack of any other demonstrable harm, it is considered that the harm resulting from conflict with Policy GC2 would be extremely limited and would not demonstrably and significantly outweigh the benefits resulting from the grant of planning permission. Taking this into account, it is the appellant’s view that the Council were wrong to have refused planning permission based on this reason for refusal.

Reason 2 – Risk to Ground Water and Human Health

6.17 The second reason for refusal is technical; it relates to the risk arising from the potential for the underground fuel storage tanks to leak, causing pollution of ground water and subsequently harm to human health, which is then presumed to conflict with Policy EN4 of the Development Management DPD, Policy 1 of the Joint Core Strategy and Paragraphs 109 and 120 of the NPPF.

6.18 The reason results from an objection dated 18th December 2017 from Anglian Water, which was current at the time when planning application 20170095 was presented to the 31st January 2018 Planning Committee (see Appendix 5). No evidence was provided by Anglian Water to justify its objection and similarly there has been no evidence supplied by the LPA which would contradict the appellant’s position and hence substantiate this particular reason for refusal. The lack of evidence in respect of this matter forms part of the appellant’s request for costs against the Council as part of this appeal.

6.19 With regards this second reason for refusal, the chronology of this matter is relevant.

6.20 On 20th February 2017 the Environment Agency (EA) in its role as statutory consultee for provided a detailed response to the application, which included a ‘holding’ objection (see Appendix 6) due to the potential risk of pollution to groundwater. In order to overcome this objection, the EA requested the following :-

“A comprehensive and balanced options appraisal, fairly comparing above and below ground storage, with appropriate mitigation measures to demonstrate best available technique, including above the normal practice measures described in the Association for Petroleum and Explosives Administration document: Guidance for Design, Construction, Modification, Maintenance and Decommissioning of Filling Stations (Revised June 2011) where necessary. The requirements of our GP3 position statements D1 to D4 need to be met. Due to the Source Protection Zone 1 location, it is considered that the only way forward we would possibly accept is that above ground fuel tanks are
proposed, with appropriate pollution prevention measures. This is because position statement D2 prohibits below ground storage of hazardous substances in a Source Protection Zone 1.

An in-depth surface water drainage strategy which considers the risk to groundwater, particularly if infiltration devices are proposed, and provides appropriate pollution prevention measures give the sources of contamination and the water receptors. Recommended additional information to support any assessment include:

An in-depth assessment of the peak seasonal depth to groundwater and groundwater flow direction

More detailed intrusive investigation of the ground conditions at the location of the proposed underground tanks, to include permeability testing”

6.21 On 6th April 2017 the appellant submitted additional information, including EPS’ Fuel Storage Feasibility Assessment (FSFA) (Appendix 3) which sought to address the points raised in the EA’s holding objection, as noted above.

6.22 On 8th May 2017 the EA provided a further response to application 20170095 which confirmed its objection was withdrawn, subject to a number of planning conditions, one of which required a detailed scheme for the design, installation, monitoring and maintenance of the fuel tanks (see Appendix 6). These conditions were discussed and agreed with the appellant and subsequently listed in the officer’s report to Planning Committee dated 31st January 2018.

6.23 An objection was received from Anglian Water (AW) on 1st June 2017, two weeks before the application was due to be presented at 14th June 2017 Planning Committee (see Appendix 5). This was despite the fact that AW had already responded to the application on 7th April 2017 raising no specific concerns. On 1st June 2017 AW provided email comments to the planning case officer commenting on the FSFA. AW sought to prevent determination of the application pending receipt of further information.

6.24 A detailed response to each of the points raised by AW was provided to the LPA and to AW and discussions continued between EPS and AW in the interim. On 6th June 2017 a further response was received from AW maintaining its objection, on the basis that the evidence submitted in EPS’ report was insufficient and confirming that AW had queried the position adopted by the EA. AW did not provide details of what further evidence would be required to overcome its objection, or provide any evidence to counter the case made by EPS. AW simply assert :-
“We are of the opinion that the supporting information set out in the applicant’s Fuel Storage Feasibility Statement does not provide the sufficient level of detail to ensure that the proposal can be delivered without causing a detrimental impact on water quality, which could lead to restrictions to the public water supply, implications on public health and the local economy”.

6.25 On 9th June 2017 EPS contacted AW to discuss its latest response and ascertain what information would be required from the appellant in order to overcome the objection. It became clear that AW expected a higher-level design detail on the fuel infrastructure and a clear understanding on EG Group’s procedures in the event of a tank or line failure. EPS began collating the detailed design drawings for the tanks, details on how they will be installed and an outline management strategy, all details which were covered by the draft conditions put forward by the EA in its response dated 8th May 2017.

6.26 On 12th June 2017 the LPA confirmed that, “due to the outstanding and ‘strong’ objection” from AW, the application had been withdrawn from the 14th June Committee agenda and proposed a meeting between AW, the EA, the appellant and the Council in order to agree outstanding issues and a way forward; on 22nd June 2017 such a meeting took place.

6.27 Following this meeting, in July 2017 EPS produced a ‘Design, Implementation & Operational Method Statement (Issue 1)’ which was sent to both AW and the EA and sought to address the various points raised by AW. Numerous discussions took place following the production of this report, both via email and verbally and on 21st July 2017 a further meeting took place between EPS and AW to discuss the report and what further was required. A further four iterations of the report were produced whilst discussions were ongoing with AW and the EA. AW maintained their objection throughout this time and on 18th December 2017 provided a final response to the application (included at Appendix 5) which was based on the ‘Design, Implementation & Operational Method Statement (Issue 4)’. The EA had responded to this report on 15th December 2017, stating that “we accept this document and much of the detail provided so far” (Appendix 6). The EA raised a number of minor outstanding items that needed clarification, in response to which a further iteration of EPS’ Design, Implementation & Operational Method Statement (Issue 5) was submitted to the Council and in turn the EA and AW (Appendix 3).

6.28 On 22nd December 2017, the LPA emailed PWA confirming that application 20170095 would be considered at 31st January 2018 Planning Committee and that it would have a recommendation for approval. This was in spite of the AW objection, on the basis that the EA (being the statutory
consultee on matters relating to ground water) had no objection and that the final details on the tank design and their management would be controlled by pre-commencement planning conditions.

6.29 Given the level of detailed evidence already provided and the list of suggested planning conditions, the appellant remains confident that there should be no technical issues associated with the proposed development and as such, there can be no conflict with Policy EN4 of the Development Management DPD, Policy 1 of the Core Strategy and Paragraphs 109 and 120 of the NPPF.

6.30 During the course of the LPA’s determination of application 20170095, the appellant was able to robustly demonstrate, through specialist and highly technical information produced by EPS, that there will be no risk to ground water and human health from the proposed underground fuel tanks and crucially, this conclusion was accepted by the statutory body on ground water, the EA. Whilst further details pertaining to the tank’s design and EG Group’s future monitoring of them was to be agreed by condition, the principle of underground tanks was considered to be acceptable. In an effort to respond positively to AW, the appellant went over and above what was reasonably required of them and incurred significant delays in the determination of the planning application as a result.

6.31 Taking the above into account, it is the appellant’s view that the Council were wrong to have refused planning permission based on this reason for refusal.

**Responses to Third Party Objections**

6.32 Anglian Water aside, LPA received a total of 19 third party objections, as is detailed in the Committee Report (Pages 53-59, see Appendix 1), including one from Postwick with Witton Parish Council and one from Leader of the Council, Councillor Andrew Proctor.

6.33 A summary of the objections raised and the appellant’s response is provided below:

<table>
<thead>
<tr>
<th>Objection</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>The proposals will cause litter.</td>
<td>The site will be operated by EG Group and they will manage all three units within the site. Waste management is very important to EG Group who will maintain a high-quality environment for their customers to enjoy. As</td>
</tr>
<tr>
<td>Issue</td>
<td>Analysis and Conclusion</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Increased traffic from the development, added to the already congested highway network will create safety issues and further congestion.</td>
<td>A Transport Assessment was submitted with the application which demonstrated that the development can be delivered safely without causing an impact on the existing highway network. Norfolk County Council Highways agreed with the conclusions of this assessment and raised no objections to the application.</td>
</tr>
<tr>
<td>The roundabout is too small to accommodate HGVs.</td>
<td>A swept path analysis demonstrating how HGVs could manoeuvre the roundabout was provided during the course of the application which was considered accepted by County Highways.</td>
</tr>
<tr>
<td>The proposals will increase the risk of flooding.</td>
<td>The application was accompanied by a Flood Risk Assessment which concluded that the development would not give rise to any flooding issues. The conclusions were accepted by the Lead Local Flood Authority who raised no objection to the proposals.</td>
</tr>
<tr>
<td>The proposals will have a severe impact on local wildlife and the site should be returned to farmland.</td>
<td>An Ecological Assessment was provided with the application which concluded that the site was of low ecological value and that the development would certainly not cause harm to any protected species. The assessment was reviewed by both Natural England and the Council’s Senior Green Infrastructure Officer who raised no objections.</td>
</tr>
<tr>
<td>The development will result in an increase in both noise, air and light pollution.</td>
<td>The development will have negligible impacts with respect to noise, air and lighting. The proposed uses are only expected to create low</td>
</tr>
</tbody>
</table>
levels of noise, namely via car / HGVs but such noise creation must be considered in the context of the busy A47 which sits immediately to the north and which generates its own levels of noise. The proposed development will certainly not add to the current noise levels associated by the adjacent road network in a manner that would have any detrimental impact on nearby residential amenity. On this point, it is worth noting that the nearest residential property is located some distance from the application site, with the immediate surrounding area largely consisting of the Postwick Interchange, fields and the Postwick Park and Ride. That said, the proposed lighting scheme has been designed in a considered manner which reduces the potential for light pollution to the surrounding area.

No objections were raised by the Council’s Environmental Health Officer or Pollution Officer.

<p>| Not enough employment opportunities will be created. | The development stands to deliver a total of 80 new jobs (20 full time and 60 part time) which would have significant social and economic benefits. This number is greater than some more traditional employment generating uses, namely B8, and should be welcomed. |
| Have other alternative sites been considered away from ‘village life’. | The site is some considerable distance from Postwick village (being the nearest village) and sits within a major road network, notwithstanding this a sequential assessment had been undertaken for the application which concluded no other sites were available. |</p>
<table>
<thead>
<tr>
<th>Postwick has medieval roots and has suffered from recent developments in the area.</th>
<th>It is not considered the development will impact on the area’s historic past and there were no objections from Historic England or the Council’s Historic Environment Service.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signage is requested so as to prevent traffic going into Postwick accidentally.</td>
<td>Signage will be included within a subsequent application for advertisement consent.</td>
</tr>
<tr>
<td>Signage will cause distractions to drivers thus impacting road safety.</td>
<td>This has not been the case at other similar sites across the country.</td>
</tr>
<tr>
<td>There is little social and economic benefit resulting from the proposals.</td>
<td>No evidence to substantiate this claim and on the contrary major social and economic benefits will be created. See the Planning Statement at Appendix 2 for full details.</td>
</tr>
<tr>
<td>Environmental risk from chemical spillage (petrol / diesel) and impact on nearby aquifer.</td>
<td>No evidence to substantiate this issue.</td>
</tr>
<tr>
<td>The site remains protected for transport improvements under the Postwick Hub scheme.</td>
<td>Contrary to LPA’s conclusions in the Committee Report which states that the Postwick Hub scheme is complete.</td>
</tr>
<tr>
<td>The retail sequential assessment misleading.</td>
<td>No explanation as to how the assessment is misleading. The assessment was considered acceptable by the LPA.</td>
</tr>
<tr>
<td>There is no existing infrastructure to accommodate the development.</td>
<td>Not relevant. There does not need to be existing infrastructure in order for a development to go ahead.</td>
</tr>
<tr>
<td>There is no need for the petrol station due to others in close proximity and also due to the future reduction in fuel cars.</td>
<td>Need is not a material consideration in the determination of this appeal but notwithstanding this, justification for the location of the development is provided within the preceding section of this statement.</td>
</tr>
<tr>
<td>There is no need for the drive through units as there are already existing food and drink facilities in the surrounding area.</td>
<td>As above.</td>
</tr>
</tbody>
</table>
No need for lorry parking area. | As above.
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There is inadequate landscaping and screening. | A detailed landscape scheme was submitted and subsequently amended during the course of the application and was considered acceptable by the LPA.

| The development is within the open countryside and is not earmarked for development and sits opposite a strategic allocated mixed use. | The site is not identified as open countryside in the development plan. A case for the principle of the proposed development on the application site is covered within the preceding section of this statement.
---|---
No retail impact assessment has been undertaken. | No requirement for the appellant to undertake such an assessment.

| The development should be located within the western half of the wider site (the area in the blue edge). | Not relevant.

6.34 With the exception of the issue of potential chemical spillage and the implications of this to the nearby aquifer, none of the issues listed in the above table formed part of the Council’s reason for refusal.

6.35 As has already been noted, those reports and plans referred to in the above table are all provided within the appeal submissions.

6.36 It is worth noting here that at when application 20170095 was presented to the 31st January 2018 Planning Committee, there was an ‘Advise Against’ response on the application from the Health and Safety Executive (HSE). The response, which is automated and cannot be amended / reissued in light of additional information that may be supplied by an applicant, is a precautionary for the LPA, to highlight the high-pressure gas pipeline and associated easement which runs beneath the eastern part of the site, where the HGV parking area is proposed.

6.37 National Grid (who own and operate the pipeline) had initially placed a holding objection to the application and following discussions between the appellant, the LPA and National Grid, it became apparent that it was not the principle of the HGV parking area over the pipeline which was the issue but rather the means in which this area would be constructed and how the pressure from large
vehicles parking and crossing over it would be mitigated. It was agreed, through consultation with National Grid, that an appropriately worded pre-commencement planning condition which required the submission of details relating to the construction of the HGV parking area, would enable National Grid’s withdrawal of their objection (draft condition 16 in the Committee Report provided at Appendix 1).
7 REQUEST FOR PUBLIC INQUIRY


7.2 It is considered that a Public Inquiry is the most appropriate procedure in this particular instance as the issues at play, namely those surrounding the LPA’s second reason for refusal of application 20170095, are highly technical and will require the Planning Inspectorate’s examination of some extremely detailed and in parts, scientific information.

7.3 Annex K of the Procedural Guide “Planning appeals – England” (26th January 2018) sets out the circumstances where a Public Inquiry would be appropriate. Each of these circumstances are addressed below.

7.4 There is a clearly explained need for the evidence to be tested through formal questioning by an advocate. As is noted above, a suite of highly technical documentation relating to the proposed underground fuel tanks, including information that has already been produced by the appellant for planning application, formal responses from statutory consultees and national guidance that needs to be examined as part of the appellant’s dispute over the Council’s second reason for refusal of application 20170095. Given the highly technical nature of the evidence in respect of the second reason for refusal, it is essential that such evidence both for the appellant and on behalf of the LPA can be fully tested under cross-examination in order to ensure that the Inspector has a balanced and clear understanding of the issues.

7.5 The issues are complex. The issues, primarily those surrounding the Council’s second reason for refusal, are both complex and highly technical and require a level of specialist knowledge and expertise. In the case of the appellant, evidence will be presented by an expert witness with extensive knowledge of the technical matters and relevant to the construction of petrol filling stations and the safety implications of underground fuel tanks. Such matters can only properly be fully explored through a public inquiry.

7.6 The appeal has generated substantial local interest to warrant an inquiry as opposed to dealing with the case by a hearing. Whilst application 20170095 had only received 19 stakeholder
objections, the planning application had attracted a lot of public interest both prior to submission and during the determination period. The Leader of the Council spoke against the application at 31st January 2018 Planning Committee and it is expected that there will be a number of third parties who would wish to be heard at the appeal. Accordingly a public inquiry is the appropriate forum for this debate.
8 PLANNING CONDITIONS

8.1 The Chief officer’s report to Committee (Appendix 1) identified a list of suggested conditions, should planning permission have been granted. The appellants are content that this list contains appropriate conditions which would meet the tests set out in the NPPF and to this end this list is included within the draft ‘Statement of Common Ground’.

8.2 There were no other requirements that the LPA deemed necessary to make the development acceptable in planning terms: there were no requests for contributions or other obligations which would necessitate an appropriately worded planning condition or legal agreement.
9 REQUEST FOR AWARD OF COSTS

9.1 The appellant seeks a full award of costs against Broadland District Council in respect of unreasonable behaviour, causing the need for this appeal.

9.2 National Planning Practice Guidance (NPPG) advises that costs awards can be made against a Local Planning Authority on the basis of unreasonable behaviour which may be either procedural or substantive in nature. The grounds of this costs application are set out below.

Grounds

9.3 Paragraph 49 of the NPPG (Reference ID: 16-049-20140306) is directly relevant to this application for costs; the paragraph states that LPAs are at risk of an award of costs, if they behave unreasonably with respect to the substance of the matter under appeal, for example, for unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals. The NPPG provides examples of unreasonable behaviour, some of which are considered to apply in this particular case:

9.4 Preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.

9.5 Members of the Planning Committee were advised of the merits of the scheme and were recommended to grant planning permission, subject to conditions. Accordingly, the decision to refuse planning permission was contrary to the recommendation and professional opinion of officers and the reasons for refusal are contrary to both the planning case made by officers and the technical information supplied with the application and advice from those bodies (namely the Environment Agency) whose role it is to advise on such matters. It is clear that this amounts to unreasonable behaviour and an award of costs is justified.

9.6 Vague, generalised or inaccurate assertions about a proposal’s impact, which are unsupported by any objective analysis. In terms of the second reason for refusal, it is the appellant’s view that the Council relied upon vague and general assertions from AW on the potential for the proposed underground fuel tanks to leak into the surrounding ground water and the impacts such a leak would have on human health. Such assertions were not backed up by any empirical or other evidence and were clearly contradicted by detailed evidence from the appellant’s advisors and the advice from the statutory body responsible for such matters. It is clear that this amounts to unreasonable behaviour, causing the need for this appeal, and that an award of costs is justified.
9.7 Refusing planning permission on a planning ground capable of being dealt with by conditions risks an award of costs, where it is concluded that suitable conditions would enable the proposed development to go ahead. It is clear that the use of planning conditions to control details of the final solution for the provision of underground fuel tanks was appropriate and was recommended by the technical advisors and the Council’s Head of Planning. It is clear from the evidence that this would enable the proposed development to go ahead. Despite this the Council refused the application and were not prepared to support the use of appropriate planning conditions. It is considered that this amounts to unreasonable behaviour for which an award of costs is justified.
The Council in pursuance of powers under this Act REFUSES PLANNING PERMISSION for the development referred to above for the following reasons:-

This application has been considered against the Development Plan whilst taking into account all of the relevant material considerations. The Development Plan includes the Joint Core Strategy (JCS) for Broadland, Norwich and South Norfolk 2011 (amendments adopted 2014), the Development Management DPD 2015 (DM DPD), The Site Allocations DPD (2016) and the Growth Triangle Area Action Plan (2016). The material considerations include The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG).

The application seeks full planning permission for the proposed development of a petrol filling station, two drive-through restaurants and a 24 space HGV parking area on a parcel of land in Postwick.

The site is located outside of a defined settlement limit and the only land use allocation that relates to the site is the protection of land for transport improvements, specifically the Postwick Hub as shown in the Site Allocations DPD and referenced under Policy TS1 of the DM DPD. The works associated with the Postwick Hub Scheme have now been completed. Therefore the site has no specific allocation. The proposal therefore conflicts with Policy GC2 of the DM DPD as well as the Site Allocations DPD.

The site is recognised by the Environment Agency as a Source Protection Zone 1 (SPZ1) due to its close proximity to a public water supply borehole. SPZ1's are designated to inform the planning process as to where the highest level of protection to groundwater quality is required. The environmental sensitivity at the site is therefore considered to be very high. Anglian Water have strongly objected to the application as they have stated that insufficient information has been provided to demonstrate that the development would not have an adverse effect on the nearby water supply borehole. It is considered that if
there was to be any leak from the proposed underground fuel tanks then the proposal could result in contamination to the borehole which would have a detrimental impact on water quality and risk to public health. Should contamination to the public water supply borehole occur, Anglian Water would need to seek alternative sources of supply to customers until such a time as the groundwater is fully remediated or suitable complex and high cost treatment processes can be built and commissioned. It is considered that the engineering design, as submitted with the application, fails to provide long-term safeguards to adequately protect the groundwater source operated by Anglian Water. The application is therefore considered to conflict with Policy EN4 of the Development Management DPD, Policy 1 of the Joint Core Strategy and Paragraphs 109 and 120 of the National Planning Policy Framework.

It is recognised that the proposal could result in some modest benefits. However it is considered that the benefits related to the development are outweighed by the harm caused and the substantial conflicts with development plan policy noted above. It is concluded that the proposal would conflict with the development plan and that this conflict is not outweighed by other material considerations.

The Local Planning Authority has taken a proactive and positive approach to decision taking in accordance with the requirements of paragraphs 186 - 187 of the National Planning Policy Framework however it has not been possible to overcome the issues set out above and therefore the application has been refused.

Signed

Mr P Courtier
Head of Planning
Broadland District Council, Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich, NR7 0DU
Information relating to appeals against the decision of the Local Planning Authority.

If you are aggrieved by this decision to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be made within **6 months** of the date of this notice unless the proposed development is for minor commercial development (shop fronts and similar) in which case any appeal must be made within **12 weeks** of the date of this notice.

However if an enforcement notice has been served for the same or substantially the same development within the period of two years before this application was made, or subsequently, then the period within which an appeal can be lodged is reduced to **28 days** from the date of this decision or 28 days from the serving of the enforcement notice, whichever is the later.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN, Tel: 0303 444 00 00 or via the Planning Portal at https://www.gov.uk/appeal-planning-inspectorate

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

**Purchase Notices**

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
Planning Committee

Agenda

Date
Wednesday 31 January 2018

Time
9.30am

Place
Council Chamber
Thorpe Lodge
1 Yarmouth Road
Thorpe St Andrew
Norwich

Contact
Sara Utting tel (01603) 430428
Broadland District Council
Thorpe Lodge
1 Yarmouth Road
Thorpe St Andrew
Norwich NR7 0DU
E-mail: sara.utting@broadland.gov.uk

Members of the Planning Committee
Mr I N Moncur (Chairman)
Mr A D Adams
Mr P H Carrick
Mr G Everett
Mr I G Graham
Mrs L H Hempsall
Miss S Lawn (Vice Chairman)
Mr R J Knowles
Mr A M Mallett
Mrs B H Rix
Mr J M Ward

Substitutes
Conservative
Mrs C H Bannock
Mr R R Foulger
Mr R F Grady
Mr K G Leggett MBE
Mrs T M Mancini-Boyle*
Mr G K Nurden
Mr M D Snowling MBE
Mrs K A Vincent
Mr S A Vincent
Mr D C Ward
Mrs B Willmott
Liberal Democrat
Mr D G Harrison*
Mr S Riley

*not met training requirement so ineligible to serve

If any Member wishes to clarify details relating to any matter on the agenda they are requested to contact the relevant Area Planning Manager, Head of Planning or the Head of Democratic Services & Monitoring Officer prior to the meeting.

The Openness of Local Government Bodies Regulations 2014
Under the above Regulations, any person may take photographs, film and audio-record the proceedings and report on all public meetings. If you do not wish to be filmed / recorded, please notify an officer prior to the start of the meeting. The Council has a protocol, a copy of which will be displayed outside of each meeting room and is available on request.
The Chairman will ask if anyone wishes to film / record this meeting

**AGENDA**

1. To receive declarations of interest under Procedural Rule no 8
2. Apologies for absence
3. Minutes of meeting held on 29 November 2017
4. Matters arising therefrom (if any)
5. Applications for planning permission to be considered by the Committee in the following order:
   - Schedule of Applications
   - Planning Applications
6. Application No: 20170764 – residential development (outline) at the Equestrian Centre, Lower Street, Salhouse

   Further to Minute no: 59 of the meeting held on 1 November 2017, to consider an update report since the Committee’s resolution to defer consideration of the application.

Please Note: In the event that the Committee has not completed its business by 1.00pm, at the discretion of the Chairman the meeting will adjourn for 30 minutes.

P C Kirby
Chief Executive

Copies of the applications and any supporting documents, third party representations and views of consultees are available for inspection in the planning control section.
Minutes of a meeting of the **Planning Committee** held at Thorpe Lodge, 
1 Yarmouth Road, Thorpe St Andrew, Norwich on **Wednesday 13 December 2017** at **9.30am** when there were present:

Mr I N Moncur – Chairman

Mr A D Adams  
Mr P H Carrick  
Mr G Everett  
Mr K G Leggett

Mrs L H Hempsall  
Mr R J Knowles  
Miss S Lawn  
Mr A M Mallett  
Mrs B H Rix  
Mr J M Ward

The following Members attended the meeting and spoke with the Chairman's concurrence on the items shown:

Mr Peck and Mr Willmott - Minute no: 79 (Plot 15, Crown Meadow, Reepham)

Also in attendance were the Head of Planning, Area Planning Managers and the Senior Committee Officer.

### 74 DECLARATIONS OF INTEREST UNDER PROCEDURAL RULE NO 8

<table>
<thead>
<tr>
<th>Member</th>
<th>Minute No &amp; Heading</th>
<th>Nature of Interest</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr Moncur on behalf of all Members present</td>
<td>77 (land at Yarmouth Road, Postwick and Brundall) and 79 (Plot 15, Crown Meadow, Reepham)</td>
<td>Advised the meeting that correspondence had been received from various parties about the applications but had not expressed an opinion on either application.</td>
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<tr>
<td>Mr Knowles</td>
<td>80 (8 Roundtree Close, Sprowston)</td>
<td>Sprowston Town Council. Non disclosable, local choice interest.</td>
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### 75 APOLOGIES FOR ABSENCE

An apology for absence was received from Mr Graham.

### 76 MINUTES

The Minutes of the meeting held on 29 November 2017 were confirmed as a correct record and signed by the Chairman.
<table>
<thead>
<tr>
<th>Plan No</th>
<th>App'n No</th>
<th>Location</th>
<th>Contact Officer</th>
<th>Officer Recommendation</th>
<th>Page Nos</th>
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<tr>
<td>1</td>
<td>20170095</td>
<td>Land South of Broadland Gate, Postwick</td>
<td>CR</td>
<td>APPROVE subject to conditions</td>
<td>36 – 82</td>
</tr>
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<td>2</td>
<td>20170212</td>
<td>Land off Drayton High Road, Drayton</td>
<td>MR</td>
<td>Delegate authority to the HoP to APPROVE subject to conditions and the satisfactory completion of a S106 agreement relating to the Heads of Terms</td>
<td>83 – 129</td>
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<td>20171782</td>
<td>Taverham Garden Centre, Fir Covert Road, Taverham</td>
<td>AB</td>
<td>APPROVE subject to conditions</td>
<td>130 – 157</td>
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<td>4</td>
<td>20172032</td>
<td>Land at Dawsons Lane, Blofield</td>
<td>CP</td>
<td>Delegate authority to the HoP to APPROVE subject to conditions and the satisfactory completion of a S106 Agreement relating to the Heads of Terms</td>
<td>158 – 178</td>
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<td>5</td>
<td>20171008</td>
<td>Land at Little Plumstead Hospital West, Hospital Road, Gt &amp; Lt Plumstead</td>
<td>NH</td>
<td>Delegate authority to the HoP to APPROVE subject to conditions, the satisfactory resolution of surface water drainage, no new material issues being raised during the re-consultation period and a Section 106 Agreement / Deed of Variation</td>
<td>170 – 200</td>
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<td>CR</td>
<td>APPROVE subject to conditions</td>
<td>201 – 216</td>
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<td>Christopher Rickman</td>
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<td>MR</td>
<td>Matthew Rooke</td>
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<td>AB</td>
<td>Adam Banham</td>
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<td>Cheryl Peel</td>
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<tr>
<td>EY</td>
<td>Ellie Yarham</td>
<td>01603 430136</td>
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HoP = Head of Planning
Planning Committee

AREA          East
PARISH        Postwick

1

APPLICATION NO: 20170095   TG REF: 629208 / 308473

LOCATION OF SITE   Land South of Broadland Gate, adjacent to Postwick Interchange, Postwick, NR13 5NP

DESCRIPTION OF DEVELOPMENT   Full planning application for the proposed development of 1 no: petrol filling station, 2 no: drive-through restaurants and 24 space HGV parking, together with various infrastructure and landscaping works

APPLICANT     Monte Blackburn Ltd & Pigeon Investments Ltd, c/o Agent

AGENT          PWA Planning, FAO: Emily Robinson, Ribble Saw Mill, Paley Road, Preston, PR1 8LT

Date Received: 18 January 2017
13 Week Expiry Date: 20 April 2017

Reason at Committee: (1) At the request of Councillor Proctor for the reasons stated in paragraph 3.6 and (2) as the proposal is contrary to policies set out in the Development Management DPD.

Recommendation (summary): APPROVE subject to conditions.

1 THE PROPOSAL

1.1 The application seeks full planning permission for the proposed development of a petrol filling station, two drive-through restaurants and a 24 space HGV parking area on a vacant parcel of land to the south of Broadland Gate and the A47 trunk road and adjacent to the Postwick Interchange.

1.2 The proposal seeks permission for a 6-pump petrol filling station which also includes two electric charging points, an ancillary retail shop element and a small food-to-go counter. The petrol filling station is comprised of a rectangular kiosk building measuring 689m² with four main pumps located to the front (west) of the kiosk building and two further pumps to the east of the building which are to serve large HGV vehicles. Thirty three car parking spaces are to be provided to serve the petrol filling station whilst 24 HGV parking spaces are proposed to the west of the site.
1.3 The drive-through restaurants will have an A3/A5 use and will provide a hot food drive-through (KFC) and a coffee shop drive-through (Starbucks). Both buildings are predominantly rectangular in shape and each measure 245m² in floor area. A total of 86 car parking spaces are proposed to be provided for the two drive-through restaurants.

1.4 Vehicular access to the site will be from an existing point off the A1042 from the south, via a recently constructed roundabout.

1.5 The proposal incorporates various infrastructure works including a new internal spine road leading from the access. The proposal will also include landscaping works which are predominantly located along the site’s boundaries.

2 KEY CONSIDERATIONS

- Location and planning policy
- Economic growth
- The impact of the development upon nearby town centres
- The design, landscaping and impact of the development on the character and appearance of the area
- The impact of the development upon the amenity of nearby residents
- The impact of the development upon the safe functioning of the highway network
- Drainage and flood risk
- Contamination and pollution prevention
- Proximity of development to gas pipeline
- Other matters

3 CONSULTATIONS (Summarised)

3.1 Blofield Parish Council:

The Council would like to raise three concerns about this proposal:

- Concerns about the capacity of the existing Postwick Hub interchange due to queuing traffic at peak times and the added congestion the attraction of a Petrol Filling Station and two drive-through outlets.
• Concerns about the Oaks Lane roundabout being able to handle HGVs approaching the development from the A47 slip road due to the camber of the roundabout and on-going traffic flows to the Postwick Hub, especially as the Petrol Filling Station is being promoted as a lorry park for up to 24 HGVs.

• Concerns about the proposed footpath connections from the Park & Ride site to the development. What pedestrian friendly measures would be put in place either at the development or at the interchange to enable safe pedestrian access?

3.2 Brundall Parish Council:

Brundall Parish Council voted to support this application as it is felt that the general area lacks provision for HGVs to refuel and to park up and have amenities to properly stop to rest.

3.3 Norwich City Council:

In terms of impacts on Norwich City Centre, regard is had to the particular drive-thru nature of the proposed restaurants and the justification that is provided within the Sequential Assessment in terms of type of development and the target catchment area. On the assumption that the information in terms of a lack of alternative sites is correct, I would not wish to raise an objection on the grounds of impact on the City Centre.

In addition I note the proposal is a sufficient distance away to not cause amenity impacts on residents within the City Council area.

The Council's transport officer has provided the following comments which might be considered in your assessment:

• Opportunities to carry out bus stop enhancement and walking routes to and from nearby bus stops would be encouraged.

• Cycle / motorcycle parking for staff is encouraged for all the business premises.

• The provision of a HGV layover area is particularly welcome as there is under-provision for such a facility in the Greater Norwich area.

On the basis of the above assessment it is concluded that no objections are raised in term of the impacts of the City Council authority area.
3.4 Postwick with Witton Parish Council:

Postwick with Witton Parish Council objects on the following grounds:

(1) The site is outside the permitted development area per the Local Plan. There hardly seems a need for further fast-food outlets, given the proximity of others on Broadland Business Park. The same applies to the petrol filling station, given the proximity of other sites at Brundall, Sainsbury's and Thickthorn roundabout.

**Note:** This has been addressed in paragraph 9.34.

(2) The Northern Distributor Road (NDR) is due for completion at the end of this year and it is not clear how the Postwick junction will cope with the very significant increase in traffic. The junction has already been altered once at considerable cost, which is an admission that the design was unsuitable for the volume of traffic. This application is therefore at the very least premature and should not be consider until the NDR has been operating for a period.

**Note:** This has been addressed in paragraph 9.34.

(3) We have serious concerns about the effect on traffic flows around the Postwick junction, particularly in peak times.

(a) The estimated traffic number quoted in the traffic assessment will cause problems at the Postwick junction. At times, traffic already backs up eastward on the A1042 towards the A47. This is very dangerous given the speed of traffic on the A47 dual carriageway.

(b) To enter the site, traffic from the west on the A47 will join traffic from the NDR at the roundabout on the northern side of the A47. Combined traffic will use the signalled junction at the Park & Ride. Again this is likely to cause backing up and delays.

**Note:** These points have been addressed in paragraphs 9.15 to 9.20.

(4) The screening on the southern boundary of the site, adjacent to the A1042, is insufficient. There appears to be much more screening provided on the northern side for some reason. The lorry park should be completely screened from the road and the village using much taller trees and shrubs etc, the hedging along the remainder of that boundary should be higher than is provided in the plan. We suggest that solid fencing should be used sited behind the tree and shrubs, along the southern boundary.
Note: This has been addressed in paragraph 9.34.

(5) We are concerned that light pollution will be significant, given that the very brief lighting report indicates more than 50 lights on the site. The lighting generally, but particularly at the petrol filling station and lorry park, should be at a low level luminosity. Restrictions should be in place at night on that part of the site which is not in use.

Note: This has been addressed in paragraph 9.13.

(6) We are concerned that proposals for the surface water drainage are vague and the testing on site will be required later. There is already flooding in the A1042 near the Park and Ride. This larger surfaced area will result in significant run-off and should be properly dealt with at the planning stage, not, to be left until later.

Note: This has been addressed in paragraphs 9.21 and 9.22.

(7) There will be significant pollution with both fumes and noise from the 24 lorries on the HGV lorry park, given the engines will be running all night, for refrigerated lorries. This parking place is close to the edge of the village and therefore residents are seriously concerned about this situation. The village is already suffering significant pollution form the type of engines used on the railway, the proximity of the A1042 and the Postwick Junction.

Note: This has been addressed in paragraph 9.34.

(8) Clearly significant noise will be generated by traffic using the site, both off the road and on the site. Please ensure that this is looked at very carefully and dealt with appropriately.

Note: This has been addressed in paragraphs 9.13 and 9.14.

(9) Given the experience with the other fast food outlets nearby, we are seriously concerned about litter produced and there must be a condition that this will be dealt with properly by the various operators of the units, otherwise there will be problems of litter being carried by the wind onto the road system, fields and village.

Note: This has been addressed in paragraph 9.35.

3.5 Thorpe St Andrew Town Council:

Resolved to submit the following comments:
Planning Committee

- That a more comprehensive proposal for retention and replacement of landscaping and screening was needed which would help to reduce the visual impact of the proposal.

- There is concern about the potential for pollution from contaminated surface water draining into the existing nearby lagoon and that this needs to be contained within the site.

- The existing access arrangements were not adequate to service the proposal.

3.6 Councillor Andrew Proctor:

In the event that this application would be proposed for approval I would like the decision to be made by the Planning Committee.

The key reason, whatever may be said by Norfolk County Council and Highways England, is the impact on and the adequacy of the local road network to cope with a significant increase in traffic in particular moving on to and away from a small roundabout. In addition, there is no policy justification for such a proposal.

3.7 Anglian Water:

The development is within an Environment Agency Source Protection Zone 1 (SPZ1) for an Anglian Water public water supply source. SPZ1s are designated to inform the planning process as to where constraints and measures would be required to provide the highest level of protection to groundwater quality. It is essential to protect the public water supply sources from contamination from any activities that might cause pollution, both during construction and when operational.

Anglian Water considers that the risk posed by the development of the proposed petrol filling station, with associated underground fuel storage tanks and pipework, within the SPZ1 of the Postwick abstraction is unacceptable.

Based upon all previous correspondence and information to date Anglian Water strongly objects to the proposed development on the grounds of potential implications for public health and the local economy. There is a lack of up-front design, control and monitoring information, the submitted documentation does not provide the sufficient level of detail needed to ensure that the proposal can be delivered without causing a detrimental impact on water quality, which could lead to restrictions to the public water supply, implications on public health and the local economy.
Note: This objection is considered within paragraphs 9.23 to 9.28 of this report.

Note: To view all of Anglian Water’s comments on the application please see the working application file.

3.8 The Broads Authority:

The Broads Authority does not object to the proposal but would like the following comments to be taken into consideration in the determination of the application.

Landscape – The site sits adjacent to the Broads Authority boundary area Landscape Character Area – Yare Valley Cary’s Meadow, Thorpe Island and Marshes, Postwick Grove and Whithlingham Marshes, with arable areas outside the Broads Character Areas between the Broads Authority area and the site.

Site levels drop towards the south, which means development will potentially be visible from the Broads Authority area and the train line, however as single storey buildings are proposed it is unlikely that development will be prominent. Due to existing vegetation, tree cover and topography in the wider setting it is unlikely that the development would be visible from the River Yare.

Planting proposed along the south and west boundaries will assist in partially screening the development from the wider setting. The use of a more generous buffer of native mix planting and additional trees around the south and west boundaries could help to better integrate the proposals into the setting. Impacts of the development on the Broads Authority area will be in the context of recent development and changes to land uses and topography, which are visually intrusive and detract from the amenity value of the area.

Ecology – The Protected Species Survey submitted in support of the planning application confirms that the site has low biodiversity value in terms of habitat provision. It also recommends appropriate avoidance, mitigation and compensation measures which would ensure that the proposals would be unlikely to result in significant harm to biodiversity. The Broads Authority supports the mitigation and compensation measures proposed which would help to enhance the biodiversity of the site.

3.9 Conservation Officer (Arboriculture & Landscape):

Having studied the Preliminary Arboriculture Survey I have the following comments:
• The survey has produced a Tree Constraints Plan (TCP) following the guidance within BS5837, which illustrated the existing trees Root Protection Areas (RPA’S) and associated category ratings.

• I have no objections to the proposals as long as the majority of the category ‘A’ & ‘B’ trees are retained.

• The younger highway plantings G1 & G3; adjacent to the A47 have been grade as category ‘C’ trees; whilst this category is not necessarily retained, I think they have value acting as an established landscape buffer to the trunk road and should be incorporated within the proposed layout.

• As highlighted within the report conclusions, as Arboriculture Impact Assessment (AIA) will be required, once the proposed layout has been agreed, this should include a Tree Protection Plan (TPP) and also an Arboriculture Method Statement (AMS).

• Although the proposed layout requires the removal of two Category ‘B’ trees within the centre of the site, the replacement planting schedule is extensive; with one hundred and 52 new trees, and would mitigate the loss of the seven trees shown for removal, on Landscape Layout drawing No. CL Chkd CP.

• The six planting pits shown within the parking area are an important element of the landscape design, as they will soften the hardstanding and provide an element of shade and cooling within the car park area.

• It will be important to ensure that the planting pits are design to provide sufficient rooting areas for tree to thrive and mature, as too often planting within this hostile type of environment, thrives with the first few years of planting and then declines as the resources within the tree pit become insufficient to maintain the growing tree.

• If there is insufficient square meterage of rooting volume with the individual pit design it would be possible to design the pits using a modular soil cell system, such as RootSpace which link the planting pits together or to include a SUDS crate system, such as Arborflow to incorporate drainage into the tree pit design.

• It appears from the Landscape Layout drawing that the existing highway planting adjacent to the A47 will be retained, and additional native shrub planting is proposed to strengthen the landscape buffering to the north, which is welcomed.

• If additional instant screening is considered necessary to the southern boundary, the use of larger specimens for the individuals tree planting
should be considered, such as 20-25cm girth which would give a tree height of approximately of 6m.

- An AIA, TPP & AMS will be required.

3.10 Economic Development Officer:

I can confirm that I have no objections to the proposal which will provide a range of employment opportunities on the eastern edge of the city, beneficial to both the eastern suburbs and to the surrounding villages that fall within the District. The site also benefits from easy access from the A47 and from its proximity to the southern end of the NDR, providing a wider choice of facilities and services in this particular location.

3.11 Environment Agency:

We have inspected the Fuel Storage Feasibility Assessment and Drainage Strategy reports. We consider that our previous objection may be removed and planning permission could be granted to the proposed development as submitted if the following planning conditions are included as set out below. *(All 5 conditions suggested by Environment Agency are proposed to be added as suggested.)* Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would maintain our objecting to the application.

We ask to be consulted on the detailed submitted for approval to your Authority to discharge these conditions and on any subsequent amendments / alterations.

**Note:** To view all of the Environment Agency’s comments on the application please see the working application file.

3.12 Environmental Contracts Officer:

Given the commercial nature of this development, I have no specific comments to give.

3.13 Environmental Health Officer:

Concerns raised with regards to the underground fuel tanks and their impact upon public safety, drainage at the site and the possibility of contamination of Anglian Water drinking borehole.

**Note:** These concerns are considered within paragraphs 9.21 to 9.28 of this report.
3.14 Environmental Health Officer (Nuisance):

Due to the distances away from the nearest residential properties, I do not foresee any nuisance problems arising from this site. I therefore have no comments to make on this.

3.15 Health and Safety Executive (HSE):

Advise against. The assessment indicates that the risk of harm to people at the proposed development site is such that HSE’s advice is that there are sufficient reasons on safety grounds for advising against the granting of planning permission in this case.

Major hazard sites / pipelines are subject to the requirements of the Health and Safety at Work etc Act 1974, which specifically includes provisions for the protection of the public. However, the possibility remains that a major accident could occur at an installation and that this could have serious consequences for people in the vicinity. Although the likelihood of a major accident occurring is small, it is felt prudent for planning purposes to consider the risks to people in the vicinity of the hazardous installation.

3.16 The Highway Authority:

The overall site plan (1404/5) appears to demonstrate that a number of HGVs have to overrun the adjacent verge in order to access the site. A drawing needs to be provided which shows that all vehicles can access the site whilst remaining within the confines of the carriageway. Please could such a drawing be provided?

Comments following further consultation:

The Highway Authority has been in discussion with the applicants’ transport consultants and as well as a revised drawing showing access into the development for HGVs, there will now also be a crossing facility and a footway / cycleway link from the site to the Postwick junction which will tie in with existing pedestrian/cycle facilities. The Highway Authority is now in a position to recommend no objection subject to a number of conditions.

3.17 Highways England:

Offer no objection.

3.18 Historic Environment Service:

The proposed development site lies within a landscape in which cropmarks of multi-period trackways, enclosures and funerary monuments have previously
been recorded through archaeological excavation and as cropmarks through aerial photography. Cropmarks of features of unknown date, but of probable archaeological origin, have previously been recorded within the eastern part of the proposed development area. Consequently there is potential that heritage assets with archaeological interest (buried archaeological remains) will be present at the site and that their significance will be adversely affected by the proposed development.

If planning permission is granted, we therefore ask that this be subject to a programme of archaeological mitigatory work in accordance with the National Planning Policy Framework paragraph 141. We suggest that that following conditions are imposed. (Conditions are proposed to be added as suggested.)

In this case the programme of archaeological mitigatory work will commence with informative trail trenching to determine the scope and extent of any further mitigatory work that may be required (e.g. an archaeological excavation or monitoring of groundworks during construction). A brief for the archaeological work can be obtained from Norfolk County Council Historic Environment Service.

We note that the western part of the application site has recently been used as a construction site compound. In view of this trail trenching would initially be confined to the eastern (undisturbed) part of the site. However, if significant heritage assets are identified in the eastern area of the site, and it is considered likely that they continue further west, requirement for trenching (and subsequent phases of mitigation works) may be extended into the western area.

3.19 The Lead Local Flood Authority (LLFA) (Latest comments):

The information received includes evidence to show that Anglian Water is willing to accept both surface and foul water at a combined rate of 11 l/s. The revised information also includes a revised strategy whereby clean roof water for two of the three buildings will infiltrate via individual soakaways, in line with the SuDS discharge location hierarchy. An exceedance flow route plan and maintenance schedule have also been supplied.

Discharge to a foul water network is the lowest option on the SuDS discharge hierarchy, however we note that the proposal has the support of Anglian Water, that infiltration has not been deemed suitable across the site due to the future designation of the area as a Source Protection Zone (Zone 1), and that there is no mapped watercourse to discharge to.

We appreciate that the applicants propose to discharge clean roof water to soakaways. While ground conditions in the exact locations of the proposed features have not been investigated, testing elsewhere on the site has shown
favourable infiltration rates. Should on-site infiltration testing in the locations of these soakaways show that the ground conditions are not favourable, this could be resolved by incorporating this impermeable area within the proposed off-site connection to the Anglian Water system. Therefore we consider that this can be resolved at a later date using appropriate conditions.

We also note that the applicants have increased the proposed surface water discharge rate from 7.2 l/s to 8.5 l/s to utilise the rate of 11 l/s agreed by Anglian Water. It remains our preference that offsite discharge is restricted to as close to greenfield runoff rates as is possible.

We remove our objection subject to conditions being attached to any consent if this application is approved (LLFA Condition to be added to as requested).

Note: To view all of the Lead Local Flood Authority’s comments on the application please see the working application file.

3.20 National Grid:

National Grid has no objection to the above proposal which is in close proximity to a high-pressure gas pipeline.

No works shall commence within the area identified within the yellow area on drawing no:12a until a scheme for the construction of the HGV parking area has been submitted to and approved in writing by the Local Planning Authority in consultation with National Grid.

Note: To view all of National Grid’s comments on the application please see the working application file.

3.21 Natural England:

- Statutory nature conservation sites – no objection. Natural England has assessed this application using the Impact Risk Zones data (IRZs). Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which the Broadlands Special Protection Area (SPA) and Ramsar and The Broads Special Area of Conservation (SAC) have been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the sites’ conservation objectives.

- In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the
Yare Broads and Marshes SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

- Protected landscapes – The proposed development is for a site within or close to a national designated landscape namely The Broads National Park. Natural England advises that the planning authority uses national and local polices, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 115 of the National Planning Policy Framework which gives the highest status of protection for the ‘landscape and scenic beauty’ of AONBs and national Parks. For major development proposals paragraph 116 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape. Alongside national policy you should also apply landscape polices set out in your Development Plan, or appropriate saved polices.

The landscape advisor / planner for the National Park will be best placed to provide you with detailed advice about this development proposal. Their knowledge of the site and its wider landscape setting, together with aims and objectives of the Park’s management plan, will be a valuable contribution to the planning decisions. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purposes of the National park are to conserve and enhance the natural beauty, wildlife and cultural heritage of the park; and to promote opportunities for the understanding and enjoyment of the special qualities of the park by the public. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm those statutory purposes. Relevant to this is the duty of public bodies to ‘have regard’ for those statutory purposes in carrying out their functions (section 11 A (2) of the nationals parks and access to the Countryside Act 1949 (as amended). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

- Protected species – We have not assessed this applications and associate documents for impacts on protected species. Natural England has published Standing Advice on protected species. You should apply Standing Advise to this application as it is a material consideration in the determination of application in the same way as any individual response received from Natural England following consultation.
Local sites – If the proposal site is on or adjacent to a local site, eg Local Wildlife Site, Regionally Important Geological / Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impacts of the proposal on the local site before it determines the application.

Site of Special Scientific Interest Impact Risk Zones – The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on “development in or likely to affect a Site of Special Scientific Interest” (schedule 4, W). Our SSSI impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI.

3.22 Norfolk Fire & Rescue Service:

I confirm as the Enforcing Authority for Petroleum, in principle that we have no objections subject to the installation complying with the APEA guidance, design, construction, modification, maintenance and decommissioning of filling stations.

The Environment Agency and its implementation of storing and dispensing of petrol fuel in high risk areas such as SPZI areas, where water extractions takes place, or where the fuel is situated in groundwater, would prefer above ground storage tanks. We believe there are genuine and overriding reasons why the storage tanks should be below ground.

We support a groundwater policy and the reasons for such a policy have been brought about by the history of problems in the industry over many years from leaking single wall and unprotected steel pipes, much of the pollution was caught by unregulated tanks such as diesel storage where there was no control and petroleum officers had no input.

3.23 Pollution Control Officer:

I note from the Phase 1 Desk Study that the consultants have carried out the risk assessment based on the site being in a Zone 3 source protection zone (SPZ) for the potable water abstractions. I think that this need to be rechecked as there is a new potable water abstraction close to the site which may cause the site to be within the Zone 1 SPZ. If this is the case I feel that they need to review the risk assessment. In addition the consultants have stated that there was a large tank on the site that may be for water.

Having been to the site I can see a number of water pipes across the site. It is possible that mains water was present on the site and I would therefore be
grateful if they can determine if there was mains water onto the site and what
the tank was used for.

As you know I am keen to ensure that the Postwick hub and any associated
development does not become a source of contamination for the Anglian
Water (AW) public water supply borehole situated close by. The surface
water drainage scheme for the road system relies on a series of settlement
ponds and it appears that this proposed work relies on soakaways. I have
attached an email trail between myself and Rachel Storr from the
Environment Agency (EA). This gives some background. You will see that
Rachel Stated:

"We are currently unable to model any new source protection zones,
however this site should have been given a default SPZ1 around the
abstraction point of 750m. This won’t take into account any local
hydrogeology, but will cover the area most at risk. I will follow up as to
why the default zone is not showing up on the mapping system, in the
meanwhile I attach a copy of the map showing the radius."

It would seem that the default SPZ1 has still not been uploaded on the EA
mapping systems but I am assuming it is still AW’s intention to abstract from
the boreholes on the site opposite the new water treatment works?

The presence of a car and HGV access together with a petrol station adds to
the potential risk to the AW borehole and I should welcome confirmation that
both Anglian Water and the Environment Agency will be consulted. The
application seems silent about the presence of the abstraction point and does
not include any details of the extent of risk and whether mitigation is
envisaged. Any modelling risk assessment should take account of the Mott
MacDonald, Postwick Hub groundwater risk assessment and its
recommendations for validation.

**Comments following further consultation:**

No objections.

3.24 Senior Green Infrastructure Officer:

The planning application is supported by an ecological report. The report is fit
for purpose. It states that the site generally offers limited opportunities for
protected species and no evidence of any such species was recorded during
the survey work. It further concludes that the majority of habitats on site were
of negligible to low ecological value.

We broadly accept these conclusions. Our one minor concern is the sunken
track which bisects the site in a north-south direction and which has an
adjacent hedgerow on one side for most of its length, together with the remnants of a former hedge on the other side which appears to be developing into scrub. This track/road appears on the First Edition OS map and the Tithe map and was still used by traffic until the stopping up of the road when the A47 was constructed in 1992. Given its age, it has both historical value and ecological value, albeit somewhat reduced by the truncation by the A47. The Ecological Appraisal describes this feature as having 'slightly elevated ecological value' (paragraph 7.3). Our view is that may downplay the potential ecological value of this historic feature.

Mitigation: We would assume that proper consideration has been given to the retention of this track and associated habitat features within the proposed development. However, assuming retention is not possible we would expect mitigation for the loss of this ecological feature. The Ecological Appraisal indicates that landscaping included in the proposal will off-set the loss of the track / hedgerow/scrub feature although, in my opinion, this is at the limit of what could be considered realistic. Any landscaping plan should include the proposed native planting and wildflower grassland creation which is described in the Ecological Appraisal (section 6.2).

Enhancements: The Ecological Appraisal recommends several enhancements for biodiversity in section 6.2 and we would support these. We agree that the provision of swift boxes should be conditioned. An appropriate number would be 8, with the location to be approved in writing by the Broadland Council. A similar number of either tree-mounted or building-mounted bat boxes could also be provided.

4 PUBLICITY

4.1 Site Notice:

Date displayed: 31 January 2017

Expiry date: 21 February 2017

4.2 Press Notice:

Date displayed: 7 February 2017

Expiry date: 28 February 2017

4.3 Neighbour Notification:

Letters sent: 27 January 2017

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5 REPRESENTATIONS

5.1 When the application was submitted 189 consultation letters were sent to neighbouring residents. The consultation resulted in 17 letters of representation being received. The objections are summarised as follows:

- The proposal will cause an endless amount of litter.

- The summary of traffic report gives an unfair conclusion to the data previously quoted in that report. The summary suggests that increase traffic movement could be 2/3 per hour. In the body of the report it suggests that increased traffic movement will be 2/3 per minute. Assuming this to be more accurate, attempting to exit form Oaks Lane will be more difficult. Oaks Lane is the main exit from Postwick to the road network.

- The A1042 running down to the Oaks Lane roundabout is already very congested at peak times. At these times traffic backs up on this roundabout and up the A1042 towards the slip road. With further traffic encouraged to come off the A47 in order to use the filling station, it is in danger of backing all the way up on to the A47 itself. With cars and HGVs, in particular, also choosing to use the A1042, with the intention of re-joining the A47, this problem will only be exacerbated.

- Local residents will have even more difficulty than they already have in getting into the city or onto the A47. At peak times this is already an issue and a considerable frustration since there is no possible alternative route.

- There is already an issue with flooding beyond the Oaks Lane roundabout on the A1042. With greatly increased hardstanding, the problem of flooding will only be increased.

- The construction of a 24/7 development on this site will impact severely on the wildlife in the area. This area was a popular hunting ground for barn owls and it was promised that the site would be returned to farmland after the construction of the Postwick Hub. Other wildlife in the area will also suffer.

- The creation of a filling station and parking area for heavy good vehicles will mean a considerable increase in both noise and air pollution in the area, with vehicles stopping and starting, revving and pulling away etc. This is the very edge of the Broads National Park.
This development is expected to provide work for only 20 full-time employees and 60 part-time.

There are serious traffic issues to be considered, especially in the main light of this appalling designed junction which I have witnessed many accidents and an equal number of 'near misses'. Additional traffic movements entering and leaving the site will only serve to compound the danger and confusion of what I understand has now become nationally known as yet another example of dreadful traffic planning and design.

One would have hoped that Broadland District Council had some form of Planning Policy concerning air quality and pollution caused by traffic fumes?

The Council must be aware that these vehicles run their engines all night to provide heating and to power all manner of electrical devices for the drivers’ comfort. Have the applicants provided detailed figures to indicate the amount of pollution that this will generate? It does not appear from the submitted application that they have; I suggest that this application should not be determined without this information.

I believe that it was always understood, following completion of these endless roadworks that local residents have been forced to tolerate for years, that this site would be landscaped and as such help to ameliorate the traffic noises and pollution by the insertion of a ‘green lung’ into this atrocious piece of 1960s road planning.

Although we understand this site may be used for some building, we feel the proposed build is really excessive for this site.

The main access in and out of Postwick would certainly be badly affected, as would the whole country feel, the views of the surrounding area, the safety, wildlife, environment, etc.

Are there other sites possible, further away from village life?

Postwick is a medieval farming community with a medieval infrastructure. It has suffered enormous upheaval with the introduction of The Broadland Business Park, the Hub alternations and the start of the NDR.

If the planning application was minded to be approved, conditions should be applied for the wellbeing and benefit of the residents.

(1) There should be adequate landscaping and screening between Postwick residents and the development to minimise the noise
pollution. Postwick Parish Council should be involved in and approve any scheme before implementation.

(2) Any planning gain in funds (particularly by local authorises) should be applied to improving the road infrastructure in Postwick, and the blind bends. Medieval single lane roads are being used by 21st century farm machinery and HGVs. There are no kerbs or pavement in Postwick and as a result the verges are eroded, mud falls on the road when it rains, the roads are filthy they flood and are badly eroded.

(3) There should be safe pedestrian and cycle access from Postwick to the development via Oaks Lane.

(4) The new footpath to the P&R should be lit during the hours of darkness this is potentially dangerous. I cannot imagine any woman using it.

- Whilst the flood risk assessment indicates that the risk is low this not presently apparent by the constant presence of a flooded area to the park and ride extension site and also by the flooding of the A47 west lane following only moderate rainfall. With the proposed site being sloped and opposite the sloped access road to Postwick village I am concerned that the development will not have adequate provisions for surface water drainage and run off.

- As the site will bring additional traffic to the area, increased signage is required to stop traffic accidentally entering the village as is the case at present, the entry to the Park and Ride site seems to cause confusion with cars often entering Postwick and then turning at the junction of Leeder Hill and Oaks Lane.

- The applicants may argue economic benefit for large retail chains, but there is little social and environmental benefit as required by the NPPF.

- It was certainly not part of or implied by the original planning consent for the Broadland Gate Business Park and indeed directly challenges aspects of the viability of that possible development.

- It will generate multiple, increased distraction, advertising signs along the highways. Drive by food and coffee add to driver safety distraction risks.

- The Postwick Hub slip road itself is already struggling with the peak traffic flows at the traffic light controlled junction and that is before the NNDR opens. This impact has already been noted with increased vehicle movements through the Plumstead Parish and Salhouse Roads as traffic
diverts to avoid the Hub. To encourage further vehicle movements into the area, including multiple HGV parking facilities, appears unsound.

- How does this impact upon further carbon emissions and climate change? The application does not discuss accurately anticipated customer numbers and vehicle movements, but this must be part of the business plans for the companies. Why are anticipated figures not provided? This absence is again contrary the GTAAP policy.

- Environmentally, there appears to be no plan to deal with surface water contamination to the yare aquifer in the event of a large vehicle chemical spillage of petrol / diesel problems. The whole design requires emergency interceptors and not as proposed direct soakaway links from parking areas and building via the gravel to the Yare Valley. The service station with below ground tank fuel storage is a further risk.

- The area was not designed as being development land but under the DMDPD was, and still is, protected for transport improvements namely the Postwick Hub scheme.

- The sequential test submitted is misleading as it does not take into account identified commercial land to the north of Postwick Hub which also provided direct access to and from NDR.

- The roundabout mentioned above is already too small to accommodate articulated HGVs getting round without (a) taking up all vehicles lanes and (b) mounting the roundabout edges itself – as can be seen by the tyre marks. This is with the majority of articulated vehicles going 'straight through' let alone trying to get to the proposed entry / exit of the development which would require them to take a wider sweep.

- Until the NDR / Postwick Hub were built development seemed to be restricted by Broadland Planners to the north of the A47, protecting Postwick and other southern rural villages. Why is this now being totally disregarded when there are plenty of development areas north of the A47?

- The users of takeaway fast food / coffee outlets will seek to find a place away from the sire to consume the food in peace with a vista and drive into Postwick and the surrounding areas. An example of this can be seen around the drive through food facility that was introduced at the Brundall roundabout. This not only creates litter problems, potential issues with farm animals that graze the adjacent fields, but the vehicles would block the passing places in Oaks Lane creating more road verge damage and blocking access to and from Postwick village itself.
The land has no utilities infrastructure which means more roadworks and traffic disruption to install sewerage, surface drainage, electricity etc.

It would be sensible to leave this parcel of land until the effectiveness of the Postwick Hub interfacing with the NDR is seen to actually work before losing what could be a key parcel of land that may be required to overcome any road enhancements needed in the future and keep it as identified in the DMDPD.

Postwick Lane is not built for such vehicles so if there is a genuine need for a large lorry park could it not be located on an industrial estate with better access?

The development will cause substantial additional light pollution.

The additional traffic encouraged by the proposed scheme will add to the carbon dioxide and NOX emissions in the area in conflict with climate change commitments.

The proposed development will have noise and light impact in the Broads National Park.

There is already a petrol station on the A47 at Brundall approximately one mile away so an additional petrol station cannot be justified on the grounds of need. In addition in close proximity there are filling stations at the A140 junction on the A47 and at the Hethersett services at the A11 junction. The country is littered with closed filling stations so an additional one in this location seems difficult to understand in particular as fuel efficiency, self-driving and electric cars will diminish requirements for petrol / diesel rapidly over the next few years.

There is already a drive through coffee facility, Costa Coffee, at Broadland Business Park a few hundred yards away along with a series of similar coffee and eating facilities at the Premier Inn, Brewers Fayre, Hungry House and Ritazza coffee shop all at the same location. In addition there is a drive through McDonalds’ restaurant (which also serves coffee) at the Brundall roundabout about 1 mile away, so additional coffee / restaurant facilities cannot be justified on the grounds of need.

Whilst lorry traffic may need parking facilities it is counter intuitive for such facilities to be located on the west bound slip road at Postwick. Lorries travelling west on the A47 can only have come from Great Yarmouth or its environs some 19 miles away. Surely any lorry embarking on a journey form Great Yarmouth should do so in circumstance where the driver does not need to make an overnight stop a mere 19 miles later? Great Yarmouth already has lorry parking facilities. Lorries travelling east
should continue to their final destination rather than stopping a few miles short of it.

- Sainsbury’s already have a supermarket little more than a mile away.

- The routes to the site off the A47 are unacceptable. Traffic from the west to join the north roundabout, which is where the NDR links with the new bridge and on to the Park and Ride junction. To continue to the east the reverse route will have to be followed. Traffic from the east will have to leave the A47 onto the A1042 to the site and onward will access the A47 via the Park and Ride junction. This route already causes confusion, is circuitous, incorporates a small roundabout and adds greatly to distance.

- There are many other applications to be completed that will add substantial to the traffic congestion. The volume of traffic from the NDR is unknown and cannot be accurately estimated because it is a new route. The adjacent Broadland Gate Business Park is still to be developed with access onto the North Roundabout. The Broadland Business Park is still not yet fully let. Several hundred houses are still to be built at Green Lane North, in and around Blofield and in and around Brundall Village, the pastures site is being extended and the Broome Boats application behind the McDonalds site for housing and supermarket. The Park and Ride extension is also due to be substantially increased in the future.

- There is inadequate landscaping and screening.

- The proposal site sits outside any local development boundary on land that is “open country side”. It does not fall within land earmarked for development under the Join Core Strategy DPD, it is outside the Growth Trainable AAP adopted only last year, it is outside the Postwick Hub Scheme Land, it is outside land designated as the protected corridor for the proposed NNDR.

- The site sits opposite land that has been designated for development under the Growth Triangle AAP, sites GT10 Employment Use and GT11 Mixed Use which could accommodate the proposed use and provide a suitable site for this proposal.

- Given that no retail impact assessment has been undertaken, how can the argument be made that the proposed use is sustainable.

- Signage will be unsightly.

- Surely if any scheme was to go ahead it makes far more sense for the entire development to be located on the left side – which is an almost ‘ready to build on’ state rather than leave it half empty as your drawing
indicates? And so be able to leave the natural shrubland in place and untouched.

- Anglian Water has recently built a fresh water processing plant on Brundall Low Road. Surely a petrol filing station should not be built in such close proximity to fresh water being sucked up from the ground?

6 RELEVANT POLICY GUIDANCE

National Planning Policy Framework (NPPF) 2012:

6.1 This document sets out that the purpose of the planning system is to contribute towards achieving sustainable development and that at the heart of the NPPF is a presumption in favour of sustainable development. It also reinforces the position that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration and should be read as a whole but paragraphs 14, 17, 18, 19, 24, 26, 27, 29, 32, 34, 35, 56, 61, 109, 115, 120, 121, 122, 123, 125, 186, 187 are particularly relevant to the determination of this application.

National Planning Practice Guidance (NPPG):

6.2 This guidance is relevant to the determination of this application, specifically the sections relating to the Community Infrastructure Levy, Design, Ensuring the Vitality of Town Centres, Flood Risk, Landscape, Transport Assessments and Use of Planning Conditions.

Joint Core Strategy for Broadland, Norwich and South Norfolk 2011/2014:

6.3 The Joint Core Strategy, adopted in 2011, is the development plan for the Greater Norwich Development Partnership (GN DP) area including Broadland, Norwich and South Norfolk. As discussed below, parts of the JCS have been remitted following a legal challenge and revised policies to replace the remitted parts were recently subject to examination in public. The remainder of the JCS, including general policies such as those on design and water efficiency remain adopted and apply to Broadland, as does the settlement hierarchy which indicates the general role of particular settlements in the overall strategy.

6.4 Policy 1: Addressing climate change and protecting environmental assets

This policy sets down a number of standards that new development should achieve in its attempts to address climate change and promote sustainability;
including giving careful consideration to the location of development and the impact it would have ecosystems of an area.

6.5 Policy 2: Promoting good design

Seeks to ensure that all development is designed to the highest possible standard, whilst creating a strong sense of place. It also states that developments will respect local distinctiveness.

6.6 Policy 3: Energy and water

Amongst other things seeks to ensure that the highest levels of energy and water efficiencies are met through the planning submission and conditions if necessary.

6.7 Policy 5: The economy

Sets out the Policy for developing the local economy and facilitating job growth. It states that the local economy will be developed in a sustainable way to support jobs and economic growth both in urban and rural locations.

6.8 Policy 6: Access and transportation

Relates to access and transportation. Particularly it seeks to ensure that the transport system will be enhanced to develop the role of Norwich as a Regional Transport Node, particularly through the implementation of the Norwich Area Transport Strategy (NATS).

6.9 Policy 21: Implementation of proposals in the Broadland part of the Norwich Policy Area:

When considering development proposals in their part of the Norwich Policy Area Broadland District Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Development Management Development Plan DPD (2015) relevant policies:

6.10 The policies set out within the Development Management DPD do not repeat but seek to further the aims and objectives set out within the National Planning Policy Framework and the Joint Core Strategy. It therefore includes more detailed local policies for the management of development.
6.11 Policy GC1: Presumption in favour of sustainable development

When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

6.12 Policy GC2: Location of new development

New development will be accommodated within the settlement limits defined on the proposals map. Outside these limits development which does not result in any significant adverse impact will be permitted where it accords with a specific allocation and/or policy of the Development Plan.

6.13 Policy GC4: Design

Development will be expected to achieve a high standard of design and avoid any significant detrimental impact.

6.14 Policy EN1: Biodiversity and habitats

Development proposals will be expected to protect and enhance the biodiversity of the district, avoid fragmentation of habitats and support the delivery of a co-ordinated green infrastructure network.

6.15 Policy EN2: Landscape

In order to protect the character of the area, development proposals should have regard to the Landscape Character Assessment SPS and, in particular consider impact upon a range of issues.

6.16 Policy EN4: Pollution

Development proposals will be expected to include an assessment of potential pollution. Where pollution may be an issue, adequate mitigation measures will be required. Development will only be permitted where there will be no significant adverse impact upon amenity, human health or the natural environment.

6.17 Policy TS1: Protection of land for transport improvements

States that land required for the improvement of the transport network will be safeguarded.
6.18 Policy TS2: Travel plans and transport assessments

In the case of major development a Transport Assessment and / or Travel Plan will be required.

6.19 Policy TS3 – Highway safety

Development will not be permitted where it would result in significant adverse impact upon the satisfactory functioning or safety of the highway network.

6.20 Policy TS4 – Parking guidelines

Within new developments appropriate parking and manoeuvring space should be provided to reflect the use and location as well as its accessibility by non-car modes.

6.21 Policy CSU5 – Surface water drainage

Mitigation measures to deal with water arising from development proposals should be incorporated to minimise the risk.

Growth Triangle Area Action Plan 2016:

6.22 The site is not within but is adjacent to the Growth Triangle Area Action Plan. Therefore there are no specific relevant policies within this plan.

Broadland Landscape Character Assessment SPD 2013:

6.23 F3: Reedham to Thorpe

The following Landscape Planning Guidelines apply to Reedham to Thorpe Marshes Fringe Landscape Character Area:

- Seek to conserve the diverse and interesting landscape pattern and character.

- Seek to conserve the wildlife habitats characteristic of the Marshes Fringe and adjacent Broads landscape including watercourses and broads, fens, carr woodland and grazing marshes.

- Seek to conserve distinctive, historic architectural and landscape features including historic halls and their setting, which contribute to the area's rich historic character and strong sense of place.
Planning Committee

- Ensure that any new development responds to historic settlement pattern and is well integrated into the surrounding landscape.

- Seek to ensure the sensitive location of development involving further tall structures (such as factories, steel pylons and telecommunication masts) in relation to prominent skyline locations both within the character area and within adjacent character areas.

- Seek to ensure that potential new small-scale development within villages is consistent with the existing settlement pattern, density and traditional built form.

- Conserve the landscape setting of small villages (such as Limpenhoe).

- Seek to conserve the landscape setting of market towns and villages, and seek to screen (where possible) harsh settlement edges and existing visual detractors.

- Seek to conserve the landscape setting of historic houses, halls and churches.

- Seek to promote use of local vernacular buildings materials, including red brick and pantiles.

- Seek to ensure new development does not reduce the vertical significance of important historical and architectural features within the landscape, such as church towers.

- Seek to conserve small pits and extraction sites.

7 LOCATION AND DESCRIPTION OF SITE

7.1 The application site is located approximately 6 km to the east of Norwich and is a short distance to the north of the village of Postwick. The site is adjacent to the recently constructed Postwick Interchange road network and sits to the south of Broadland Gate and immediately to the south of the A47 trunk road.

7.2 The site measures approximately 2 ha in size and is formed of two fields separated by a linear group of trees and one native species hedgerow. The western side of the site is comprised of hardstanding and was used as a compound for construction vehicles until the end of November 2016 but is currently vacant. The eastern side of the site comprises of unmaintained grassland with dense scrub around its boarders. The site is also currently bounded by some mature trees to the north of the site and a mixture of fencing to the southern boundary.
7.3 The site is bounded by the A1042 road to the south and the A47 to the north. There is a small area of undeveloped grassland to the east of the site and immediately to the west of the application site is a parcel of vacant land which is also under the ownership of the applicants.

7.4 Vehicular access to the site is currently taken from an existing point off the A1042 from the south, via a recently constructed roundabout.

7.5 There is a general fall in levels across the site from north to south and west to east.

8 PLANNING HISTORY

8.1 There have been a number of applications in recent years for highway improvement works within close proximity to the site however there is no specific relevant planning history on the site.

9 APPRAISAL

Location and planning policy:

9.1 The application site is located within the Norwich Policy Area (NPA) but lies outside of a defined settlement boundary. Policy GC2 of the Development Management Development Plan Document (DM DPD) states that new development will be accommodated within the settlement limits defined on the policies map. It goes on to state that outside of these limits, development which does not result in any significant adverse impact will be permitted where it accords with a specific allocation and / or policy of the development plan. The only land use allocation that relates to the site is the protection of land for transport improvements, specifically the Postwick Hub, under Policy TS1 of the DM DPD. The application therefore is contrary to the development plan in regards to the location of new development.

9.2 It should be noted, however, that much of the works associated with the Postwick Hub Scheme have now taken place which would leave this vacant site with no specific future allocation. Furthermore due to the nature of the application, the proposal, which includes three road-side uses, clearly requires a road side location such as the application site in order to successfully operate. The site has easy access to the local highway network whilst several highway improvement works have been approved in recent years including the NNDR, which is due to be completed in spring 2018.
9.3 Policy GC1 of the DM DPD and paragraph 14 of the National Planning Policy Framework (NPPF) both detail sustainable development principles. Policy GC1 seeks to secure development that improves the economic, social and environmental conditions in the area. Policy 5 of the Joint Core Strategy (JCS) focuses on the desire to boost employment-generating uses across a range of sectors, whilst Policy 9 of the JCS sets out a strategy for securing economic growth within the NPA.

9.4 Whilst the proposals are not for traditional employment generating uses, as outlined in Policies 5 and 9 of the JCS, it is estimated that the development would employ around 80 people, of which 15-20 would be employed on a full-time basis. Together with the jobs that would be created during the construction phase this is considered to be a significant material social and economic benefit and is consistent with the aims of Policies 5 and 9 of the JCS.

9.5 Taking the above policies as a whole, whilst the application site does not fall within the defined settlement limit, the proposals are located within an area designated for substantial road improvement works. The site is well connected to the highway network, is respectful to the environment and will serve as a significant boost to the local economy and the application is therefore considered to constitute a sustainable form of development.

The impact of the development upon nearby town centres:

9.6 Policy R1 of the DM DPD along with paragraph 23 of the NPPF seek to ensure the vitality of existing town centres. The application proposes a drive-through restaurant, a drive-through coffee shop and a retail element (within the kiosk building at the petrol filling station), which are all described as town centre uses but the proposal would see these sited in an out-of-centre location. With regards to the retail element the scale of the development falls below the threshold required to require a Retail Impact Assessment. As in line with paragraph 24 of the NPPF a sequential test has however been submitted with the application. The sequential test found that there were no alternative sites suitable, available and viable either within or on the edge of the town centres which were capable of accommodating the proposed development.

9.7 Concerns have been raised regarding the overall scale of the A1 retail use and its potential impact upon identified district, local and village centres. It is acknowledged that there is some potential for the retail use to have an effect on existing convenience offerings in the local catchment area however it should be stressed that the retail element proposed is ancillary to the petrol filling station use. Overall it is considered that the proposal will result in a very modest diversion of trade from existing retailers within local town centres.
(namely Thorpe St Andrew) and would not give rise to any significant adverse ‘town centre’ impacts.

9.8 Paragraph 27 of the NPPF states that “where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused”. Whilst the retail element is considered to be large in terms of its footprint it is not considered that the proposal will give rise to significant adverse impacts and therefore it is considered that the proposal should not be refused for retailing reasons. Furthermore, none of Norwich City Council, Blofield Parish Council, Brundall Parish Council and Thorpe St Andrew Town Council, who represent the four main retail centres within close proximity to the site, has raised any objection to the application with regards to its impact upon their own centres.

The design, landscaping and impact of the development on the character and appearance of the area:

9.9 Policy 2 of the JCS promotes the highest possible design standards through seeking to ensure that development proposals respect local distinctiveness through a number of key measures. Policy GC4 of the DM DPD reiterates that development will be expected to achieve a high standard of design and goes on to state that proposals should pay adequate regard to the environment, character and appearance of the area. The site is located adjacent to the Broads Authority area, which is a nationally designated landscape. The application site sits on lower ground than both the Broads Authority area and the village of Postwick which means that the development is likely to be visible from these areas.

9.10 The scale, massing and siting of the development is considered to be appropriate when compared to other developments in the area. All of the buildings on the site are single storey and are considered to be of an acceptable size and scale which should ensure that the built development is not overly prominent. The materials proposed on the buildings are also considered to be acceptable.

9.11 Policy EN2 of the DM DPD states that in order to protect the character of the area, development proposals should have regard to the Landscape Character Assessment SPD and therefore section F3 of the Landscape Character Assessment SPD is relevant. A detailed Landscape Scheme has been submitted with the application which proposes landscaping measures which will help to ensure compliance with both Policy EN2 and section F3 of the Landscape Character Assessment SPD. Planting has been proposed along the south and west boundaries of the site to soften the impact of the development. Furthermore during the course of the application further planting has been added to these boundaries, by request, which will assist in partially screening the development from the wider setting.
9.12 Overall the proposal is not considered to represent an incursion into the countryside and the scale of the development will not be to a degree that would cause harm to the general character and appearance of the surrounding area, including Postwick village or The Broads. Whilst the development will be visible in places, the impact on the character and appearance of the area is not considered to be significant or sufficient to warrant objection to the development on landscape grounds. The proposal therefore complies with Policies GC4 and EN2 of the DM DPD, Policy 2 of the JCS and section F3 of the Landscape Character Assessment SPD.

The impact of the development upon the amenity of nearby residents:

9.13 Policy GC4 of the DM DPD states that proposals should pay adequate regard to considering the impact upon the amenity of existing properties. There is a good degree of separation between the site and any neighbouring residential properties, with the closest residential dwellings located to the south of the site, along Oaks Lane in Postwick. Given the distance that these properties are from the site and the fact that the A1042 road runs between the site and the village of Postwick it is not considered that the development will appear dominant or result in any significant noise pollution. The proposal will also not result in any overlooking issues. No detailed information has been provided with regards to the external lighting proposed on the site, however a condition is proposed to be added which will require such details to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development.

9.14 The Council's Environmental Health Officer has not objected to the application and concluded that due to the distances of the nearest residential properties he doesn't foresee any nuisance problems arising from the site with regards to noise. Overall it is not considered that the proposed development would result in any significant adverse impact to the amenity of any adjacent residents given the degree of separation from the majority of properties and application is considered to therefore accord with Policy GC4 of the DM DPD.

The impact of the development upon the safe functioning of the highway network:

9.15 One of the major concerns raised by local residents in their representations has been the impact that the development will have on the highway network. Policy 6 of the JCS and Policies TS3 and TS4 of the DM DPD all set out the Council's requirements that new developments are expected to adhere to with regards to traffic and transportation.

9.16 The site will be accessed off a recently built roundabout at the A1042 / Oaks Lane junction. Significant concerns have been raised by Postwick Parish Council, local residents and elected representatives regarding the impact that the development will have on the traffic flows around the Postwick junction.
Specifically there are concerns that the development will lead to traffic congestion and backing up on to the A47. A Transport Assessment has been submitted in support of the application which states that junction capacity modelling has been undertaken on the Oaks Lane roundabout adjacent to the site. The assessment concludes that the results clearly indicate that the site access will have suitable spare capacity to accommodate the development traffic in an efficient manner.

9.17 Concerns have also been raised with regards to the HGV vehicles accessing the site via the recently built roundabout. A swept path analysis has been undertaken to ensure that vehicles can access / egress the site and also manoeuvre safely within the site and the Transport Assessment demonstrates that the HGV vehicles can be accommodated safely.

9.18 The Transport Assessment looked into the accessibility of the site by walking, cycling, public transport and car. The site is located within close proximity to the surrounding highway network and the adjacent Postwick Park and Ride facility. Notwithstanding the primary function of the development elements, walking and cycling trips are considered to be achievable. Furthermore during the course of the application a crossing facility and a footway / cycleway link from the site to the Postwick junction has been proposed which will tie in with existing pedestrian / cycle facilities.

9.19 Policy TS4 of the DM DPD states that within new developments appropriate parking and manoeuvring space should be provided to reflect the use and location as well as its accessibility by non-car modes. A total of 119 car parking spaces, 24 HGV spaces and 6 cycle spaces are proposed within the development and it is considered that the scheme provides sufficient parking for the development consistent with the aims of Policy TS4.

9.20 Both Highways England and The Highway Authority were consulted on the application and neither have raised objection. The Highway Authority has raised no objection subject to the addition of a number of conditions which are all to be added. In light of the above information it is considered that the proposal accords with the relevant policies with regards to traffic and transport.

Drainage and flood risk

9.21 The NPPF sets out the Government’s national policies on different aspects of land use planning in England in relation to flood risk. The Planning Practice Guidance encourages development to be located in areas of lower flood risk where possible, and stresses the importance of preventing increases in flood risk off site to the wider catchment area. A Flood Risk Assessment has been submitted with the application. Within the assessment it details that the site is entirely within Flood Zone 1 (low probability) of the Flood Zone Map, prepared
by the Environment Agency. Flood Zone 1 is defined as land assessed as having less than a 0.1% annual probability of flooding.

9.22 The Lead Local Flood Authority (LLFA) originally objected to the application however during the course of the application they have removed their objection subject to conditions being attached to any consent notice. If approved condition 15, as set out in the conditions section below, will be added as suggested by the LLFA. This condition requires information to be submitted prior to the commencement of development and for the Local Planning Authority to agree it in consultation with the Lead Local Flood Authority.

Contamination and pollution prevention:

9.23 The site lies within close proximity to a public water supply groundwater abstraction. The site is also in an EU Water Framework Directive Drinking Water Protected Area. The environmental sensitivity at the site is therefore considered to be very high. The application proposes below ground fuel tanks for the petrol filling station, which is something that is supported within the consultation response received from Norfolk Fire and Rescue Service (paragraph 3.22). The below ground fuel tanks were, however, something that the Environment Agency (EA) originally objected to on pollution protection grounds due to the sites proximity to the nearby public water supply groundwater abstraction.

9.24 During the course of the application an amended Drainage Strategy, a Percolation Test Report and a Fuel Storage Feasibility Assessment were all submitted. The EA has since removed its previous objection and has stated that planning permission could be granted subject to certain conditions being added (which are all proposed to be appended to any decision notice. See conditions 10 – 14 in conditions section below).

9.25 Anglian Water has objected to the application as it considers that insufficient information has been provided to demonstrate that this development would not have an adverse effect on the existing borehole for potable water. The applicants and their agents have been in detailed discussions with Anglian Water in a bid to overcome their objections however Anglian Water has maintained its objection to the application.

9.26 It should be noted however that as stated above, despite initial concerns and after much consideration the EA, which is the statutory consultee on this application, is not objecting. It is considered that the five detailed conditions which would be added to the decision notice, at the request of the EA, would ensure the prevention of any contamination or pollution arising from the development.
9.27 For example, Anglian Water has stated that there is a lack of up-front design, control and monitoring information and have commented that the submitted documentation does not provide the sufficient level of detail needed to ensure that the proposal can be delivered without causing a detrimental impact on water quality. One of the conditions requested by the EA, which is proposed to be appended to any decision notice issued, states:

'The development hereby permitted shall not be commenced until such time as a scheme to install, monitor and maintain the underground tanks has been submitted to, and approved in writing by, the local planning authority.

The scheme shall include the full structural details of the installation, including details of excavation, the tank(s), tank surround, tertiary containment, associated pipework, monitoring system and maintenance, monitoring & sampling schedule. The scheme shall be fully implemented and the tanks and associated infrastructure subsequently maintained and monitored, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the local planning authority.'

9.28 This condition is therefore considered to require the submission and approval of all of the main issues which Anglian Water has requested to be submitted at an up-front stage. It is considered that the applicants have gone above and beyond in their efforts to supply the required information in order to overcome Anglian Water’s objections during the course of the application. The EA is still clearly stating that they also wish for this information to be submitted and approved prior to the commencement of the development, but by way of conditions rather than requesting the information at an up-front stage. The Local Planning Authority are content that this information can be dealt with by conditions, as ultimately if the information submitted at a later stage is considered unacceptable then the development will not be able to commence.

Proximity of development to gas pipeline:

9.29 There is a high-pressure gas pipeline and easement which runs underneath the site. The pipeline sits to the west of the site underneath a section of the area designated for the proposed HGV parking.

9.30 National Grid originally placed a holding objection on the application, since when however the applicants and their agents have been in discussions with National Grid in a bid to overcome their concerns. National Grid suggested that it was not the principle of the proposed HGV parking over the pipeline which was the issue, but rather how the car park could be constructed and what measures would be in place to prevent large vehicles putting pressure onto the pipeline as they cross and park over it.
9.31 Following these discussions and as can be seen in paragraph 3.20 of this report National Grid has now removed its objection subject to a suitably worded condition being added to the decision notice. The condition will state that no works shall commence within the HGV parking area until a scheme for the construction of the HGV parking area has been submitted to and approved in writing by the Local Planning Authority in consultation with National Grid. National Grid will need to be fully satisfied with the scheme for construction before any development can take place within close proximity to the gas pipeline.

9.32 The Health and Safety Executive (HSE) has stated within its consultation response that the risk of harm to people at the proposed development site is such that there is sufficient reason on safety grounds, for advising against the granting of planning permission in this case. The HSE advice states that: ‘Major hazard sites / pipelines are subject to the requirements of the Health and Safety at Work etc Act 1974, which specifically includes provisions for the protection of the public. However, the possibility remains that a major accident could occur at an installation and that this could have serious consequences for people in the vicinity’. They have stated that ‘although the likelihood of a major accident occurring is small, it is felt prudent for planning purposes to consider the risks to people in the vicinity of the hazardous installation’.

9.33 It should be stressed that the response provided by the HSE is an automated response and therefore there is no opportunity to provide any additional information or negotiate in a bid to overcome their objection in any way. It is also considered that the condition which has been requested by National Grid should also address the ‘advise against’ response that was received from the HSE. Furthermore it should also be noted that if planning permission was to be granted against the advice provided by HSE then the Local Planning Authority would need to advise the HSE and allow them 21 days to consider whether to request that the Secretary of State for Communities and Local Government, call-in the application for their own determination.

Other matters:

9.34 Postwick Parish Council has raised a number of objections to the proposed development as set out in paragraph 3.4 of the report. Amongst their concerns they have questioned the need for the proposed development and have suggested that the application should only be considered once the NNDR has been operating for a period of time. In response to both of these points the Local Planning Authority is only able to assess the proposal that has been set out within the application and at the time of the submission. Furthermore, as has been stated in paragraphs 9.3 to 9.5 the proposals on the site will serve as a significant boost to the local economy so there is clear merit in the development which is being proposed on the site. With regards to the impact that the NNDR may have on the development, the Transport Assessment has made reference to the NNDR and as stated in paragraph
9.20 neither Highways England nor the Highway Authority have objected to the application. Concerns were also raised regarding the lack of screening on the southern side of the site. During the course of the application additional planting has been added, by request, to both the southern and western boundaries of the site and overall it is considered that a good amount of screening is proposed. Postwick Parish Council also raised concerns that the development would result in significant pollution, particularly with regards to fumes and noise. Given the degree of separation from the nearest dwellings it has been considered in paragraphs 9.13 and 9.14 that there should not be any detrimental impact with regards to noise pollution. Whilst the development is likely to result in some additional traffic in the area it is not considered that it will result in any significant adverse impact in terms of pollution and it should be noted that neither the Council's Pollution Control Officer nor the Environmental Health Officer have raised any objection to the application in this regard. The other points raised by Postwick Parish Council are all considered to have been addressed elsewhere within this appraisal section as identified in paragraph 3.4 of the report.

9.35 Several concerns have been raised that the proposed development will result in an increase in the amount of litter which is left in and around the site. During the course of the application the plans have been amended to show the position of ample refuse bins around the site. It is considered that this will help to ensure that the proposal does not result in a large amount of litter being dropped in the area.

9.36 With regards to the impact of the development on the biodiversity on the site an Ecological Appraisal was submitted with the application. The report states that the site generally offers limited opportunities for protected species and no evidence of any such species was recorded during the survey work. The report also concluded that the majority of habitats on site were of a negligible to low ecological value. These conclusions were accepted by the Senior Green Infrastructure Officer at Norfolk County Council, subject to the addition of relevantly worded ecological conditions. The application is therefore not considered to have any significant detrimental impact upon biodiversity on the site and is therefore considered to be in accordance with Policy EN1 of the DM DPD.

9.37 Although the application proposes to remove seven trees, including two category ‘B’ trees within the centre of the site, the replacement planting schedule is extensive, with one hundred and fifty two new trees proposed to be planted. This is considered to mitigate the loss of the seven trees and the proposal is considered to be acceptable from an arboricultural and landscape perspective subject to the acceptable submission of an Arboricultural Impact Assessment (AIA), Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS), which are proposed to be conditioned.

9.38 The Historic Environment Service has stated that there is potential that heritage assets with archaeological interest will be present at the site and that
their significance will be adversely affected by the proposed development. They have therefore asked for conditions to be added to ensure that a programme of archaeological mitigatory work is carried out prior to the commencement of development. (The conditions suggested by the Historic Environment Service are proposed to be added.)

9.39 Broadland District Council implemented the Community Infrastructure Levy (CIL) on 1 July 2013. Therefore should this development be approved it will be considered as being CIL liable. The development would attract a CIL contribution of £40,758.82 (this figure will need to be finally confirmed before issuing a CIL liability notice).

Conclusion:

9.40 In conclusion, whilst there is a degree of conflict with the Development Plan with the site being outside of the settlement limit, any harm is considered to be outweighed by the benefits that the development will bring. Namely the redevelopment of a strategically located, disused site into a sustainable development which will bring significant benefits to the local economy is considered to justify approval of the application. There are clearly contentions around the development of this site, most notably the perceived impact on the highways and traffic congestion, the impact upon the character of the area and the impact of the development on the nearby gas pipeline and borehole for potable water. These matters are considered in detail in this report and on balance it is considered that they are not matters that would warrant the refusal of this application. It is therefore recommended that the application is approved subject to conditions.

RECOMMENDATION: APPROVE subject to the following conditions:

(1) The development to which this permission relates must be begun not later than THREE years beginning with the date on which this permission is granted.

(2) The development hereby permitted shall not be carried out otherwise than in accordance with the approved plans and documents.

(3) No works or development shall take place until a scheme for the protection of the retained trees to comply with the relevant sections of BS5837:2012 - Trees in relation to design, demolition and construction - Recommendations (section 5.5 the Tree Protection Plan) has been agreed in writing with the LPA. This scheme shall include:
(a) A plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (paragraph 4.6.1) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.

(b) The details of each retained tree as required at paragraph 4.4.2.5 in a separate schedule.

(c) A schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 2010, Tree Work - Recommendations.

(d) The details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 6.2).

(e) The details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 6.2 paragraph 6.2.2 and Figure 2), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.

(f) The details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 6.2).

(g) The details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 7.7).

(h) The details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (paragraph 4.6.1) of any retained tree, including those on neighbouring or nearby ground.

(i) The details of any special engineering required to accommodate the protection of retained trees (Annex A General advice for other interested parties), (eg in connection with foundations, bridging, water features, surfacing).

(j) The details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the RPAs of retained trees.
(k) The details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of ‘No-Dig’ construction.

(l) The details of the proposed planting pit soil structure system to be used for the trees proposed within the hardsurfaced areas (such as GreenBlue Urbans ‘Rootspace’ system).

In the event that any tree(s) become damaged during construction, the Local Planning Authority shall be notified and remedial action agreed and implemented. In the event that any tree(s) dies or is removed without the prior approval of the Local Planning Authority, it shall be replaced within the first available planting season, in accordance with details to be agreed with the Local Planning Authority.

(4) Prior to the commencement of the use hereby permitted the proposed access / on-site car and cycle parking / servicing / loading, unloading / turning / waiting area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan (1944AK-SK001) and retained thereafter available for that specific use.

(5) Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

(6) No works shall commence on site until the details of wheel cleaning facilities for construction vehicles have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

(7) For the duration of the construction period all traffic associated with the construction of the development permitted will use the Approved Wheel Cleaning facilities provided referred to in condition 6.

(8) Notwithstanding the details indicated on the submitted drawings no works shall commence on site, unless otherwise agreed in writing, until a detailed scheme for the off-site highway improvement works as indicated on drawing number 19944AK-SK002 have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

(9) Prior to the commencement of the use hereby permitted the off-site highway improvement works referred to in Part A of this condition shall be completed to the written satisfaction of the Local Planning Authority in consultation with the Highway Authority.
(10) The development hereby permitted shall not be commenced until such time as a scheme to install, monitor and maintain the underground tanks has been submitted to, and approved in writing by, the local planning authority.

The scheme shall include the full structural details of the installation, including details of excavation, the tank(s), tank surround, tertiary containment, associated pipework, monitoring system and maintenance, monitoring & sampling schedule. The scheme shall be fully implemented and the tanks and associated infrastructure subsequently maintained and monitored, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the local planning authority.

(11) The development hereby permitted shall not be occupied until such time as a validation report has been completed, which includes evidence that the tanks and associated infrastructure have been completed in accordance with the scheme approved under condition 10. The validation report should be submitted to, and approved in writing by, the local planning authority.

(12) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

(13) Notwithstanding the approved plans and documents full details of the surface water drainage shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The development shall then be carried out in accordance with these approved details.

(14) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details. [http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf](http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf)

(15) Prior to commencement of development, in accordance with the submitted drainage strategy (drawing 16325, C-55 Rev B), detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority in consultation with the Lead Local Flood Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:
I. Detailed infiltration testing in accordance with BRE Digest 365 representative of the location and depth of the proposed soakaways.

II. Combined surface and foul water runoff rates will be attenuated to no more than 11 l/s, as approved by Anglian Water.

III. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 1 in 100 year return period, including allowances for climate change, flood event.

IV. Detailed designs, modelling calculations and plans of the drainage conveyance network in the:
   - 1 in 30 year critical rainfall event to show no above ground flooding on any part of the site.
   - 1 in 100 year critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any above ground flooding from the drainage network ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.

V. Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding.

VI. Details of how all surface water management features to be designed in accordance with The SuDs Manual (CIRIA C697, 2007), or the updated The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.

VII. A maintenance and management plan detailing the activities required and details of who will adopt and maintain all the surface water drainage features for the lifetime of the development.

(16) Notwithstanding the approved development, no works shall commence within the area identified within the yellow area on drawing no:12a until a scheme for the construction of the HGV parking area has been submitted to and approved in writing by the Local Planning Authority in consultation with National Grid.

(17) Prior to the first occupation of the site a scheme detailing the provision of fire hydrants within the development shall be submitted to and approved in writing by the Local Planning Authority in consultation with Norfolk Fire and Rescue Service.
No development shall take place until an archaeological written scheme of investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation and
6. Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation.

No development shall take place other than in accordance with the written scheme of investigation approved under part (A).

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under part (A) of the condition and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Prior to the first occupation of the development a detailed scheme showing all of the outdoor lighting for the development shall be submitted to and approved in writing by the Local Planning Authority.

Prior to the first occupation of the development details shall be submitted to and approved in writing for the provision and location of bird boxes and bat boxes to be erected within the application site.

Reasons:

1. The time limit is imposed in compliance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
(2) For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the specified approved plans and documents.

(3) To ensure that the trees to be retained are adequately protected from damage to health and stability throughout the construction period and in the interests of visual amenity and to conserve the contribution of trees to the character of the area in accordance with Policies GC4 and EN2 of the Development Management DPD 2015.

(4) To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety and in accordance with policy TS3 of the Development Management DPD 2015.

(5) To ensure adequate off-street parking during construction in the interests of highway safety in accordance with policy TS3 of the Development Management DPD 2015.

(6) To prevent extraneous material being deposited on the highway in accordance with policies GC4 and TS3 of the Development Management DPD 2015.

(7) To prevent extraneous material being deposited on the highway in accordance with policies GC4 and TS3 of the Development Management DPD 2015.

(8) To ensure that the highway improvement works are designed to an appropriate standard in the interests of highway safety and to protect the environment of the local highway corridor in accordance with policy TS3 of the Development Management DPD 2015.

(9) To ensure that the highway network is adequate to cater for the development proposed in the interests of highway safety in accordance with policy TS3 of the Development Management DPD 2015.

(10) To protect and prevent the pollution of the water environment (particularly the Secondary (undifferentiated) and Principal aquifers, Source Protection Zone 3 and future Source Protection Zone 1, nearby water features and EU Water Framework Directive Drinking Water Protected Area) from potential pollutants associated with current and previous land uses in accordance with paragraphs 109, 120 and 121 of the National Planning Policy Framework and Policy EN4 of the Development Management DPD 2015.

(11) To protect and prevent the pollution of the water environment (particularly the Secondary (undifferentiated) and Principal aquifers, Source Protection Zone 3 and future Source Protection Zone 1, nearby water features and EU Water Framework Directive Drinking Water Protected Area) from potential pollutants
associated with current and previous land uses in accordance with paragraphs 109, 120 and 121 of the National Planning Policy Framework and Policy EN4 of the Development Management DPD 2015.

(12) To protect and prevent the pollution of the water environment (particularly the Secondary (undiñerëntiated) and Principal aquifers, Source Protection Zone 3 and future Source Protection Zone 1, nearby water features and EU Water Framework Directive Drinking Water Protected Area) from potential pollutants associated with current and previous land uses in accordance with paragraphs 109 and 121 of the National Planning Policy Framework and Policy EN4 of the Development Management DPD 2015.

(13) To protect and prevent the pollution of the water environment (particularly the Secondary (undiñerëntiated) and Principal aquifers, Source Protection Zone 3 and future Source Protection Zone 1, nearby water features and EU Water Framework Directive Drinking Water Protected Area) in accordance with paragraphs 109 and 121 of the National Planning Policy Framework and Policy EN4 of the Development Management DPD 2015.

(14) To ensure the process does not cause, or create preferential pathways for, the movement of contamination into the underlying aquifer, or impacting surface water quality in accordance with Policy EN4 of the Development Management DPD 2015.

(15) To prevent flooding by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the surface water drainage system operates as designed for the lifetime of the development. This is in accordance with National Planning Policy Framework paragraph 103 and 109, Policy 1 of the Joint Core Strategy and Policy CSU5 of the Development Management DPD 2015.

(16) To ensure the satisfactory construction of the HGV parking area and to ensure that there is no harm caused to the gas pipeline in accordance with Policies GC4 and EN4 of the Development Management DPD 2015.

(17) To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire and to ensure the satisfactory development of the site in accordance with Policy GC4 of the Development Management DPD 2015.

(18) To enable the County Archaeologist to keep a watching brief on the site in accordance with Policy EN2 of the Development Management DPD 2015 and paragraph 141 of the National Planning Policy Framework.
(19) To prevent any light pollution and to ensure the satisfactory development of the site in accordance with Policies GC4 and EN2 of the Development Management DPD 2015.

(20) To enhance the biodiversity within the site in accordance with Policy EN1 of the Development Management DPD 2015.

Informatives:

(1) The Local Planning Authority has taken a proactive and positive approach to decision making in accordance with the requirements of paragraphs 186-187 of the National Planning Policy Framework.

(2) If this development involves any works of a building or engineering nature, please note that before any such works are commenced it is the applicants' responsibility to ensure that, in addition to planning permission, any necessary consent under the Building Regulations is also obtained. Advice in respect of Buildings Regulations can be obtained from CNC Building Control Consultancy who provide the Building Control service to Broadland District Council. Their contact details are telephone 0808 168 5041 or enquiries@cncbuildingcontrol.gov.uk and the website www.cncbuildingcontrol.gov.uk.

(3) It is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. This development involves work to the public highway that can only be undertaken within the scope of a legal agreement between the applicants and the County Council. Please note that it is the applicants' responsibility to ensure that, in addition to planning permission, any necessary Agreements under the Highways Act 1980 are also obtained. Advice on this matter can be obtained from the County Council's Highways Development Control Group based at County Hall in Norwich. Please contact (Liz Poole on 01603 638009).

Public utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, which have to be carried out at the expense of the developer.

If required, street furniture will need to be repositioned at the applicants' own expense.

(4) This development involves works within the Public Highway that can only be carried out by Norfolk County Council as Highway Authority unless otherwise agreed in writing.
(5) With reference to Condition 17, the developer will be expected to meet the costs of supplying and installing the fire hydrant.

(6) The applicants need to be aware that the Community Infrastructure Levy (CIL) will be applied to development on this site. Further information about CIL can be found at www.broadland.gov.uk/housing_and_planning/4734.asp

(7) The programme of archaeological mitigatory work as required by condition 18 should commence with informative trial trenching to determine the scope and extent of any further mitigatory work that may be required (eg an archaeological excavation or monitoring of groundworks during construction). A brief for the archaeological work can be obtained from The Historic Environment Service, Norfolk County Council, Union House, Gressenhall, Dereham, Norfolk, NR20 4DR, who can be contacted on 01362 860528.

(8) Further guidance on the information required by the Lead Local Flood Authority in condition 15 can be found at https://www.norfolk.gov.uk/rubbish-recycling-and-planning/flood-and-water-management/information-for-developers.

(9) National Grid has a Deed of Easement for each pipeline which prevents change to existing ground levels and storage of materials. It also prevents the erection of permanent / temporary buildings, or structures. If necessary National Grid will take action to legally enforce the terms of the easement. No demolition shall be allowed within 150 metres of a pipeline without an assessment of the vibration levels at the pipeline. Expert advice may need to be sought which can be arranged through the National Grid. The applicants’ attention should be drawn to the advice notes within National Grid’s comments dated 20/07/2017.

(10) The Drainage Strategy which has been submitted states that a Septic Tank may be required. The Environment Agency (EA) have stated that this is not a preferred option and will require an environmental permit, which has no guarantees of being granted based on the risk of the site. The applicants’ attention should be drawn to the EA website where further details can be found: https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-the-ground#rules-for-discharges-in-a-groundwater-source-protection-zone-1-spz1.
MINUTES

The Minutes of the meeting held on 29 November 2017 were confirmed as a correct record and signed by the Chairman.

APPLICATION NUMBER 20170095 – LAND SOUTH OF BROADLAND GATE, ADJACENT TO POSTWICK INTERCHANGE, POSTWICK

The Committee considered an application for a petrol filling station, two drive-through restaurants and a 24 space HGV parking area together with various infrastructure and landscaping works on land south of Broadland Gate adjacent to Postwick Interchange, Postwick. Thirty-three car parking spaces would be provided to serve the petrol filling station, which would also include an ancillary retail shop element and a small food-to-go counter. Vehicular access to the site would be from an existing point off the A1042 from the south, via a recently constructed roundabout.

The application was reported to committee (1) at the request of Mr Proctor and (2) as it was contrary to policies in the Development Management DPD.

The Committee received the further comments of Mr Eley of 18 Church Road, Postwick, together with the officer’s response, both as reported in the Supplementary Schedule. In addition, the Committee received the verbal views of Alan Woods, Chairman of Postwick Parish Council, Nick Walters of Anglian Water and Andrew Cawdron of 8 The Boulevard, Thorpe End, all objecting to the application and Emily Robinson of PWA Planning (agent), Marcus Bell of EPS Strategies and Antonio Caparelli ((both representing the applicant) in support. Mr Proctor, one of the Ward Members, expressed his concerns on the application.

The application site was located within the Norwich Policy Area but outside of a defined settlement limit. As the proposal did not accord with a specific allocation and/or policy of the development plan, it was therefore contrary to policy.

The Committee noted that the site was within close proximity to a public water supply groundwater abstraction and also an EU Water Framework Directive Drinking Water Protected Area. Therefore, the environmental sensitivity at the site was considered to be very high. The application proposed below ground fuel tanks for the petrol filling station and it was acknowledged that the Environment Agency (EA) was not objecting to the application (having previously objected) following amended reports, tests and assessments being undertaken and the imposition of certain conditions. However, Members were cognisant of the objection from Anglian Water and, in particular, the fact that it maintained its objection, despite having detailed discussions with the applicants and their agents. Notwithstanding that the EA was the statutory
consultee on this application, Members took the view that greater weight should be given to the views of Anglian Water.

The applicant's representative presented detailed information on the composition and design of the storage tanks, together with the systems which would come into effect if a leak occurred. He stressed that any leaks would be detected very early on and contained within either the first or, if necessary, the second of the two skins within each tank, thereby preventing any leak into the drinking water system.

Notwithstanding the assurances given the applicant's representatives, Members remained of the view that the concerns of Anglian Water should be addressed before considering granting planning permission and therefore, until such time as these matters were resolved to the satisfaction of Anglian Water, the application was contrary to paragraph 120 of the NPPF and Policy ENV3 of the DM DPD.

In conclusion it was considered that the development was contrary to the development plan and insufficient information had been provided to demonstrate there would be no pollution into the drinking water should the underground petrol storage leak. Therefore, contrary to the officer recommendation, it was

RESOLVED:

to refuse application number 20170095 for the following reasons (summary):

The development is contrary to the provisions of the development plan and insufficient information has been provided to demonstrate that there will be no pollution into the drinking water should the underground petrol storage leak.

The Committee adjourned at 11.10am and reconvened at 11.25am when all of the Members listed above were present.

86 APPLICATION NUMBER 20170212 – LAND OF DRAYTON HIGH ROAD, DRAYTON

The Committee considered a full application for the erection of 71 dwellings with garages, open space, vehicular access and ancillary works on land off Drayton High Road in Drayton. The proposed vehicular access would be created from Drayton High Road to the north east corner of the site in the position of the current bus layby. The bus stop would be relocated approximately 50m to the east in a position where the footpath was to be widened. There would also be cycle and footpath access from the site linked to the existing footpaths on Fairview Close and to Lodge Breck. In addition to
APPENDIX 2
Land south of Broadland Gate, adjacent to Postwick Interchange, Norwich

Full planning application for the proposed development of 1 no. petrol filling station and 2 no. drive through restaurants.

PLANNING, DESIGN AND ACCESS STATEMENT

January 2017

PWA_16-276_PS01
# Report Control

**Document:** Planning Statement  
**Project:** Land south of Broadland Gate, Norwich  
**Client:** Monte Blackburn Ltd and Pigeon Investments Ltd  
**Job No.:** 16-276  
**File storage:** PWA_Planning\PWA Planning\Client files\16-190 to 16-300\16-276 Postwick Interchange, Norwich

## Document Checking

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<td>Emily Robinson</td>
</tr>
<tr>
<td>Contributor</td>
<td>Initialled:</td>
</tr>
<tr>
<td>Reviewer</td>
<td>Paul Walton</td>
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## Revision Status

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1 INTRODUCTION

1.1 PWA Planning is retained by Monte Blackburn Ltd and Pigeon Investments Ltd to prepare and submit a full planning application for the proposed development of 1 no. petrol filling station and 2 no. drive-through restaurants on land south of Broadland Gate, adjacent to Postwick Interchange, Norwich.

1.2 The planning application is made to Broadland District Council (the local planning authority) as a full application and it is relevant to note at this point that formal pre-application discussions have been undertaken regarding the proposals and comments received from officers, as well feedback received during the community consultation exercise, have been taken into consideration in finalising the proposals, which are now the subject of this application.

1.3 The application specifically seeks detailed permission for:

- The erection of a 6-pump petrol filling station including an ancillary retail shop (sui generis);
- The erection of 2 no. drive through restaurants (Use Class A3/A5);
- Access and a new internal spine road, including parking areas for cars, HGVs and cycles;
- Landscaping, drainage and associated infrastructure works.

1.4 Moreover, this planning statement, alongside a review of the site history and relevant policies at both a local and national level, provides an overview of the proposals together with an appraisal of the planning merits of the scheme as a whole and should be read in conjunction with the following suite of supporting documents

- 1APP Form and Ownership Certificates;
- Archaeology Statement;
- Drainage Scheme;
- Drawn Information:
  - Proposed Site Layout (drawing no. 1404 5);
  - Proposed KFC Plans and Elevations (drawing no. 1404 7);
  - Proposed Starbucks Plans and Elevations (drawing no. 1404 6);
  - Proposed PFS Plans and Elevations (drawing no. 1404 8);
  - Proposed Site Elevations / Sections (drawing no. 1404 11);
  - Planning Sheet 1 (drawing no. 1404 9);
  - Planning Sheet 2 (drawing no. 1404 10);
• Location Plan (drawing no. 1404 1);
• Topographical Survey Sheet 1 of 2 (drawing no. EG106/T00)
• Topographical Survey Sheet 2 of 2 (drawing no. EG106/T00);
• Landscape Scheme (drawing nos. 3531_01 Rev A & 3531_02 Rev A).
  - Extended Phase 1 Habitat Assessment;
  - Flood Risk Assessment;
  - Lighting Scheme;
  - Phase 1 Land Contamination Assessment;
  - Sequential Assessment;
  - Site Waste Management Plan;
  - Transport Assessment;
  - Tree Survey and Arboricultural Implications.

1.5 The aforementioned documents were agreed with officers at Broadland District Council as those necessary to ensure the application’s validation.

**Environmental Impact Assessment**

1.6 A screening request was submitted to Broadland District Council in accordance with Regulation 5(1) of the Town and Country Planning (Environmental Impact Assessment) (EIA) Regulations 2011 to determine whether the proposed development either individually or cumulatively would qualify under Schedule 2 (as amended 2015) as development requiring an Environmental Impact Assessment.

1.7 Broadland District Council issued a screening opinion on 14th November 2016 and confirmed that EIA was not required. A copy of the screening opinion can be found on the planning register as required by the regulations but for the sake of completeness a copy is provided at Appendix 1 of this Statement.

1.8 In summary, for reasons identified in this Statement it is considered that the proposed development is entirely appropriate and consistent with national and local planning policy. It will be demonstrated that the scheme represents sustainable development and that full planning permission ought to be granted.
2 EXISTING SITE

2.1 The application site sits adjacent to the recently constructed Postwick Interchange road network, lying some 6 kilometres to the east of Norwich and extends to approximately 2 hectares in size.

2.2 The site comprises a mix of cleared land and vacant grassland, for which the former was until recently used as a compound for construction vehicles (this ceased at the end of November 2016). For an aerial image of the site showing its relationship with the wider area please see Figure 1 below and for the exact location of the site within the immediate setting please refer to the submitted Location Plan.

![Figure 1: Aerial Image of site (not to scale)]

2.4 The site is contained by the A1042 to the south and the A47 to the north, and sits adjacent to the recently constructed Postwick Interchange. A small area of undeveloped grassland bounds the site to the east. The wider, surrounding area comprises a mix of commercial type uses, agricultural land, strategic road networks, employment land and pockets of residential development. Postwick Park and Ride sits to the south-west which provides frequent and direct bus services to the centre of Norwich.

2.5 Vehicular access to the site is currently taken from an existing point off the A1042 from the south, via a recently constructed roundabout.
3 PLANNING HISTORY

3.4 A search of Broadland District Council’s planning register has been carried out to understand the site’s planning history.

3.5 Whilst a number of applications exist locally, namely those relating to the recently constructed Postwick Interchange road network and the large, mixed-use development at Broadland Gate Farm to the north (reference 2008/1773), there are no other applications evident from the planning register which are deemed relevant to the current proposals to which this planning application relates.

3.6 Moreover, it is considered that the planning history associated with the site does not raise any matters which would preclude the grant of planning permission.
4 PROPOSALS

4.4 The application proposals are 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 other various infrastructure works on land south of Broadland Gate, adjacent to the Postwick Interchange.

The proposed development components have been summarised in the table below, which sets out the details for each individual element.

<table>
<thead>
<tr>
<th>Component</th>
<th>Description</th>
<th>Gross internal floor space (in sqm)</th>
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<tr>
<td>Infrastructure</td>
<td>New internal spine road leading from the existing roundabout on the A1042</td>
<td>n/a</td>
</tr>
<tr>
<td>Sui Generis</td>
<td>6-pump petrol filling station with ancillary retail sales</td>
<td>689</td>
</tr>
<tr>
<td>Use Class A3 / A5</td>
<td>1 no. hot-food, drive-through restaurant</td>
<td>245</td>
</tr>
<tr>
<td>Use Class A3 / A5</td>
<td>1 no. drive-through, coffee shop</td>
<td>245</td>
</tr>
<tr>
<td>Vehicle Parking</td>
<td>Parking for 119 cars, 24 HGVS, 6 no. cycle stands</td>
<td>n/a</td>
</tr>
<tr>
<td>Infrastructure</td>
<td>Landscaping, drainage and associated infrastructure works</td>
<td>n/a</td>
</tr>
</tbody>
</table>

4.5 The PFS specifically comprises the main 4 pump island which will be covered by a rectangular flat roof, free standing canopy and sits directly in front of the rectangular shaped kiosk sales building and a further 2 pump island to the east of the kiosk building which will serve larger HGV vehicles.

The kiosk building incorporates office, storage facilities and also accommodates space for public toilets, as well capacity for a modest sized, ancillary retail area (Sainsbury’s Local) and a food-to-go outlet. Proposed materials to the walls of the kiosk building predominantly comprise of a combination of full height glazing with sliding doors, cementitious boarding in antelope and composite wall panels in colour ‘honesty’. The overall design, layout and choice of materials for the PFS and ancillary uses are synonymous with Euro Garages’ branding, which is of a high quality and clean aesthetic.
4.6 The proposed drive through units are to be fairly rectangular in shape and both maintain fairly flat roofs. Vehicles entering the drive through restaurant to the south will do so from the north-east and will follow a clockwise direction around the periphery of the building, whilst vehicles using the restaurant to the north will enter the drive through from the south-west and will also follow a clockwise direction. The internal areas of both units comprise seating areas, kitchen and sales area, and ancillary storage / office space.

4.7 The proposed design and choice of materials for both drive-through restaurants is of a high quality: the KFC building will be clad with flat metal panels predominantly in white but with some small areas of red and areas of vertically aligned cedar planking, whilst the shop front (the eastern elevation) will be mixture of glazing and metal panels. Similarly, with the Starbucks building, the proposed design and materials palette reflects the franchise’s most up-to-date branding: walls are to comprise a mix of grey panels and glazed screens whilst the roof is to be similar to that of the PFS kiosk building.

4.8 Vehicular access into the site is proposed via a new arm off the A1042, which represents a safe and convenient means of access and egress. An internal access road is also to be created, so as to serve the new units and associated car parking areas.

4.9 The proposals include a significant amount of landscaping which is predominantly located along the site’s boundaries and which will in turn help soften the impact of built development on the site to its surroundings. In this respect please refer to the submitted Landscape Scheme (drawing nos. 3531_01 Rev A & 3531_02 Rev A.

4.10 The proposed development will be undertaken in accordance with the advice provided in the various technical reports submitted in support of the application, namely those concerning ecology, transport, ground conditions, flood risk, drainage and trees. Such details and the recommendations contained therein can be found by reference to the individual reports.

4.11 The scheme has evolved through a thoughtful process of design refinement as a direct response to professional expert advice, as well as stakeholder and community input (the latter of which is discussed further in the submitted Statement of Community Involvement).

Pre-application Advice

4.12 Detailed pre-application discussions, both verbally and written, have taken place with officers at Broadland District Council. Two meetings have taken place, the first on 18th October 2016 to discuss
the principle of the proposed development (which also included a hotel and pub/restaurant which have subsequently been removed) and the second on 15th November 2016 where PWA Planning and the client team discussed with officers and Leader of the Council an appropriate community consultation strategy for the site. Following said meetings, PWA Planning received a formal, written pre-application response via email and a copy of this is provided at Appendix 2.

4.13 In summary, both the verbal and written advice was largely encouraging, and save the need to justify the need for a hotel on the site and why the proposed retail uses should be allowed via a sequential test, it was clear that the scheme should receive the Council’s support.

4.14 Furthermore, the scheme and submitted supporting information responds as fully as possible to the comments received at pre-application stage and consequently it is hoped that the scheme will be well received by officers and other consultees.
5 PLANNING ASSESSMENT

5.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

5.5 The statutory development plan for the application site comprises Broadland District Council’s Joint Core Strategy Development Management Document (2014), the Development Management DPD (2015) and Site Allocations DPD (2016), whilst government guidance as set out in the National Planning Policy Framework (NPPF) (2012) is a material consideration to be weighed in the balance of this application’s determination.

5.6 The Joint Core Strategy DPD sets out a strategic vision for future growth and development within the Greater Norwich Area between the period 2008 – 2026 and has been prepared between Broadland, Norwich and South Norfolk Councils. The Development Management DPD provides specific policies which seek to deliver the objectives as set out in the Joint Core Strategy and the Site Allocation DPD allocates specific areas of land for a range of different uses, namely housing, employment and leisure.

5.7 An assessment of the policies listed below will now be given and will be broken down into those principal planning issues considered most relevant to the proposals, which include the principle of the proposed development including the retail element of the proposals, design and highways.

Joint Core Strategy DPD
- Policy 1 ‘Addressing climate change and protecting environmental assets’
- Policy 2 ‘Promoting good design’
- Policy 5 ‘The economy’
- Policy 6 ‘Access and transportation’
- Policy 9 ‘Strategy for growth in the Norwich Policy Area’
- Policy 19 ‘The hierarchy of centres’

Development Management DPD:
- Policy GC1 ‘Presumption in favour of sustainable development’
- Policy GC2 ‘Location of new development’
- Policy GC4 ‘Design’
- Policy R1 ‘District, Commercial and Local centres’
- Policy TS2 ‘Travel Plans and Transport Assessments’
- Policy TS3 ‘Highway Safety’
- Policy TS4 ‘Parking Guidelines’

**Principle**

5.8 The application site is identified within the Development Management DPD Proposals Map Part 1, which is further reiterated by the Site Allocations DPD Thorpe St Andrew Proposals Map, as an area for the ‘Protection of Land for Transport Improvements – for the Proposed Postwick Hub Scheme’. An extract from the Development Management DPD Proposals Map is provided below at Figure 2.

![Figure 2: Extract from the Site Allocations DPD Proposals Map](image)


5.10 When these policies are taken together, they confirm the Authority’s commitment to enabling employment generating businesses and economic growth in the District. DM Policy GC1 looks to mirror Paragraph 14 of the NPPF which details the sustainable development principles that are to guide both authorities and developers in the decision-taking process. Further to that it places emphasis on the Council to develop proactive relationships with applicants to ensure that where possible applications are approved unless material considerations indicate otherwise. DM Policy GC2 sets out the LPA’s preferred locations for new developments and states that new developments across the plan period will be confined to the settlement boundaries as defined on the policies maps and states that ‘outside of these limits development which does not result in any significant adverse impact will be permitted where it accords with a specific allocation and / or policy of the development"
plan.’ CS Policy 5 focuses on the LPA’s desire to boost employment generating uses across a range of different sectors and for the purposes of this application should be read in conjunction with CS Policy 9 which sets out a strategy for securing economic growth within the defined limits of the Norwich Policy Area, within which the application site falls.

5.11 Taking the above policies as a whole, whilst the application site does not fall within a defined settlement boundary as required under DM Policy GC2, the proposals are located within an area designated for substantial road improvement works under the Postwick Hub scheme as outlined in Paragraph 5.8 above. Much of the works associated with this scheme have now taken place and there are no obvious policy constraints which would prevent a redevelopment of the application site in the manner proposed, which includes the erection of 3 no. road-side uses which require strategic, road-side locations in order to operate their businesses successfully.

5.12 Admittedly whilst the proposals are not for traditional, employment generating uses as outlined in CS Policies 5 and 9, the actual scale of employment (number of jobs) which will be generated by the proposed development is significant and is a significant material social and economic benefit to the proposals. Indeed, the proposed units will directly employ a significant number of people (approximately 80 of which 15-20 would be full time) and will help to ensure a mixed, balanced and sustainable economy for the area, which will weather well against existing and future economic trends.

5.13 Moreover, the proposals at hand are both well considered, are respectful to the environment and will serve as a significant boost to the local economy both during the construction phase and once the development is operational. Based on this and the more extensive guidance outlined in the NPPF it is concluded the proposals constitute sustainable development and therefore adhere to the Policies 5 ‘The economy’, 9 ‘Strategy for growth in the Norwich Policy Area’ and Development Management DPD Policies GC1 ‘Presumption in favour of sustainable development’, GC2 ‘Location of new development’ as outlined above.

5.14 Policy R1 of the Development Management DPD indicates that proposals for new or extended convenience retail provision should be considered in light of Paragraphs 23-27 of the NPPF as well as Joint Core Strategy Policy 19 ‘The hierarchy of centres’. Policy R1 specifically encourages new main town centre uses within defined District, Commercial and Tourist Centres and whilst the proposals, which include the provision of 1 no. drive-through hot-food restaurant and 1 no. drive-through coffee shop, which are classified as main town centre uses as per Annex 2 of the Framework, are not in a defined centre, the proposals should be accepted in this out-of-centre location as they
are capable of delivering significant, material planning benefits which outweigh the potential impact on existing community facilities, such as significant economic ‘benefits’ to the locality, both directly and indirectly, as well as the delivery of much needed jobs for the District.

5.15 When retail developments are proposed outside of defined settlements, Chapter 2 of the NPPF becomes relevant, in particular Paragraph 24 which states that:

“Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.’

5.16 As required by the NPPF, a Sequential Assessment has been undertaken in support of this application which has assessed the availability of alternative sites capable of accommodating the proposed development and the results of which are provided in a separate statement, which is submitted with this application. The scope of the test was confirmed during pre-application discussions as being confined to the following main centres:

- Norwich City Centre;
- Blofield local centre;
- Brundall local centre;
- Pound Lane, Thorpe St Andrew district centre.

5.17 In brief, the Sequential Assessment confirms that whilst a thorough search of potential, alternative sites in the District has been undertaken in line with local and national requirements, none were found which met our client’s requirements for the proposed development.

5.18 A Retail Impact Assessment has not been undertaken due to the fact that the proposed uses which constitute main town centre uses and their associated floor spaces falls significantly below the nationally set threshold of 2500 sqm, whereby an assessment would normally be required. That said, for the reasons set out in the supporting Sequential Assessment document, the proposals are not considered likely to impact existing uses in the settlements noted above, partly by virtue of the site’s strategic location off the A47 and A1042, and due to the fact that they will be used primarily by passing motorists along these routes, as well as local residents and workers.
5.19 With regards to the proposed PFS and the retail space proposed therein (including the food-to-go outlet), it is worth emphasising that this retail area will play an ancillary role to the PFS (being the primary user) and as such will not function as a retail (A1 Use) unit in its own right / a stand-alone destination. That said, whilst this is considered integral and ancillary to the petrol filling station use, there is at least some potential for the convenience retail use to have some effect on existing convenience retail offerings in the local catchment area. It must however be acknowledged that the primary role of a PFS is to serve passing motorists, with a largely insignificant secondary role serving local residents as top up / basket shopping. In this respect, a large proportion of the PFS trade will originate outside the local area. The proposed PFS is located on a strategic highway where motorists travel to and from the A47 from various parts of Norfolk which results in the strong likelihood that a high proportion of the PFS’s turnover will be derived from a wide catchment area, with a very limited secondary role of servicing local residents of the surrounding residential area, rather than seeking to draw trade from local town centres.

5.20 The rationale behind the size of the proposed retail area is due to recent changes in the use of PFS sites in order to better serve the needs of the customers. Indeed, it is clear from PFSs nationwide that customers are now seeking a wider range of goods to be sold at service stations, often to avoid the need for additional shopping trips. The enhanced service station facility proposed by this planning application aims to serve the increase in this form of complementary trade. It is also well known that with the competition to keep prices down, PFSs on their own rarely constitute viable businesses. It is the ancillary retail operations that augment the sale of fuel so that the whole site can be profitable. It is therefore important that the ancillary operations can perform as effectively as possible to support the petrol sales, hence the current format for retail and ancillary sales which has been proven to work successfully at many other Euro Garages sites across the UK. The constituent parts of a PFS facility are inextricably linked and the forecourt and forecourt sales building are used in conjunction, principally by the motoring public.

5.21 Moreover, for the reasons set above, the proposed development is thought to constitute sustainable development which would result in major economic benefits to a vacant wasted resource of strategically located land, and draws support from those policies relating to economic growth, employment and the Postwick Hub as contained within the Development Management DPD and Joint Core Strategy.

**Design**

5.22 Core Strategy Policy 2 ‘Promoting Good Design’ and Development Management DPD Policy GC4 ‘Design’ mirror the sentiments of Section 7 ‘Requiring Good Design’ of the NPPF and when taken
together all confirm that good design is a key component of achieving sustainable development.
Core Strategy Policy 2 indicates that development should be designed to the highest possible
standards and should create a sense of place, respecting local distinctiveness, landscape, character
and setting of settlements including the urban/rural transition.

5.23 With regards to these policies, it is considered that the proposals achieve all of the relevant
requirements set out in each. The proposed scale, massing and siting of the development is
considered to be commensurate to other developments in the area and is and is appropriate to the
site’s location off a strategic highway network. The scheme avoids unacceptable impacts on local
amenity and highways and in this respect reports covering lighting impacts and all highways related
issues are submitted with this application which all confirm the same.

5.24 The layout has been well considered and generally makes the most efficient use of the land;
appropriate levels of parking are proposed both for customer car parking to the three units and an
additional area of parking for HGVs; sufficient space for the manoeuvring of vehicles has been
accommodated; and significant areas of landscaping are proposed along the site’s boundaries so as
to soften the impact of built development onto the site’s semi-rural location and to generally help
create a visually attractive scheme. On this latter point, the proposals are also thought to comply
with Development Management DPD Policy EN2 which requires new developments to have regard
to the Landscape Character Assessment SPD. A detailed Landscape Scheme (drawing nos.
3531_01 Rev A & 3531_02 Rev A) is submitted with the application which demonstrates that the
proposed landscaping measures help to ensure compliance with this Policy and the relevant SPD.

5.25 The design of the new buildings together with the choice of materials represent a high-quality,
modern and clean aesthetic, which helps to create something which is architecturally interesting
and visually appealing, which is critical given the site’s prominent location off the A47.

5.26 As is identified in the submitted plans, the proposed development includes appropriate provision
for the concealed storage and collection of waste and recycling, in line with local level requirements
as defined in Policies 2 and GC4. With regards site waste which will be generated during the
construction phase of the development a Site Waste Management Plan has been submitted which
confirms a commitment to delivering a development which is in accordance with the Duty of Care
in Section 34 of the Environmental Protection Act 1990 and the Environmental protection (Duty of
Care) Regulations 1991.
Highways

5.27 Core Strategy Policy 6 ‘Access and Transportation’ and Development Management DPD Policies TS1 ‘Travel Plans and Transport Assessments’, TS3 ‘Highway safety’ and TS4 ‘Parking guidelines’ all set out Broadland District Council’s requirements that new developments are expected to adhere to with regard to traffic and transportation, and it is clear from reading these policies as a whole that the LPA are committed to ensuring that new developments are capable of being served by safe access to the local highway network without causing harm to existing amenity or character of the surrounding area. Due consideration also needs to be given to Section 4 of the NPPF when considering proposed development in highways terms, which promotes the use of sustainable modes of transport in all new developments.

5.28 A Transport Assessment is submitted in support of this application which has been prepared by Merebrook Idom, who held scoping discussions with Norfolk County Council and Highways England in respect of the scope of the assessment required. The Assessment provides an independent and comprehensive review of all transport issues relating to the proposed development including an assessment of accessibility to the site by walking, cycling, public transport and car. The adjacent Postwick Park and Ride facility goes some way to facilitate this. It also assesses existing levels of traffic surrounding the site in light of the development proposals and the level of trips the proposed uses are likely to create. In summary, the local highway network has been concluded as being able to cope with the expected levels of traffic associated with the development and highlights the fact that the prosed uses will derive most of their trade from existing, passing motorists along the A47 / A1042.

5.29 DM Policy TS4 states that ‘within new developments appropriate parking and manoeuvring space should be provided to reflect the use and location as well as its accessibility by non-car modes’. The submitted scheme provides sufficient car parking numbers and the car parking areas represent an efficient use of space. A total of 119 no. car parking, 24 no. of HGV spaces and 6 no. of cycle standards are provided for within the development which is considered an appropriate level of parking for the scale and nature of the uses proposed.

Summary

5.30 Taking into account all of the above, it is considered that the site is located within an area where development will be supported in principle and is of a type of use which will support Broadland District Council’s aspirations for achieving economic growth within the Norwich Policy Area, within which the site falls.
5.31 The proposals comply with relevant Core Strategy and Development Management Policies as listed above, and have satisfied the national requirement for a sequential test which is submitted separately with the application. Moreover, the proposals involve the redevelopment of a strategically located, disused site into a sustainable, long term and active use, which will result in major economic benefits that should be welcomed.
6 MATERIAL CONSIDERATIONS

National Planning Policy Framework (NPPF)

6.4 The NPPF was adopted in March 2012 and sets out the Government’s planning policies for England and how these are expected to be applied. As per Chapter 2 of the Framework and Section 38(6) of the Planning and Compulsory Purchase Act 2004, it is to form a material consideration in planning decisions.

6.5 Sustainable development is broadly defined in Paragraph 7 of the Framework as having three dimensions; namely economic, social and environmental. The golden thread running throughout the NPPF is the Government’s presumption in favour of sustainable development (Paragraph 14) whereby proposed developments which correctly balance the requirements of economic, social and environmental issues should be granted permission unless there are overriding reasons that would suggest that permission should be withheld. Paragraph 14 states that:

“For decision-taking this means:

• approving development proposals that accord with the development plan without delay; and
• where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted.”

6.6 It is our opinion that the application comprises sustainable development when considered against the criteria set out in the NPPF. The proposed redevelopment of this disused site in the manner proposed, offers the opportunity to deliver much needed employment opportunities to the District whilst serving a boost to the local economy. The proposed development represents a compatible land use to the surrounding area, will not result in any adverse impacts on the amenity of existing residents, nor or any natural or built features, and can be accessed in a safe and convenient manner without the need for any significant disturbances.

6.7 As per the requirement of Paragraph 24 of the Framework and as stated in the previous section of this Statement, this application has been subject to a sequential test in respect to the retail uses and the results are provided within a separate statement. In summary however, no other sites were
considered available or suitable for the needs of the development and as such this out of centre site should be accepted for its intended use.

6.8 It is considered that the scheme would be consistent with the thrust of NPPF policy, and indeed that being in conformity with the development plan, NPPF would indicate that the application should be approved without delay.
7 TECHNICAL CONSIDERATIONS

7.4 It is not considered that the proposed development raises any other material considerations which would have any adverse impacts on interests of acknowledged importance and would therefore influence the determination of the application.

7.5 The site is not covered by any statutory designations: there are no listed buildings within the site and nor does the site fall within a conservation area, and by reference to the Environment Agency’s flood risk map, does not fall within an area subject to flooding.

7.6 Moreover, a suite of technical reports with respect to ecology, trees, land contamination, flood risk, highways and drainage are all submitted with this application which when read together all confirm that the development can be delivered safely in a manner that enhances, rather than detracts from the site’s existing environmental value, and will not cause undue harm to nearby residential amenity.
8 CONCLUSION

8.4 It has been demonstrated that the proposed development of a petrol filling station and 2 no. drive through units, together with various infrastructure and landscaping works represents an entirely appropriate form of development within the application site and should be welcomed and supported.

8.5 The works would result in the active re-use of a vacant, strategically located site which will bring significant benefits to the local economy which should be considered a major, material gain in the overall planning balance.

8.6 This Planning Statement has reviewed the scheme against relevant Development Plan policy as well as other planning guidance, including the National Planning Policy Framework and has been able to demonstrate full compliance.

8.7 The scheme is supported by a suite of technical reports and other evidence which clearly demonstrate that there would be no harmful impacts resulting from the proposed development or to the proposed development and hence no reason that planning permission ought not to be granted.

8.8 For all these reasons, it is considered that full planning permission for the proposed development should be granted and the application is commended to the Authority.
APPENDIX 1
The proposed development falls within the description contained within Schedule 2, 10 (b) (Urban Development Projects) of the above Regulations on the basis that the area of development exceeds the 0.5 hectare threshold specified in column 2. However, the Local Planning Authority, having taken into account the criteria set out in Schedule 3 of the Regulations, is of the opinion that the development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location. Further details of the Screening Opinion are below.

Accordingly, the Local Planning Authority has adopted the opinion that the development referred to above is not EIA development as defined in the Regulations.

Informatives:-

Guidance on identification of Schedule 2 development requiring Environmental Impact Assessment suggests that 'the likelihood of significant effects will generally depend upon the characteristics of the development (e.g. size, use of natural resources, quantities of pollution and waste generated); the environment sensitivity of the location; and the characteristics of the potential impact (e.g. its magnitude and duration)'. The possible cumulative effects should also be considered.

Having taken into account the criteria set out in Schedule 3 of the Regulations, the Local Planning Authority is of the opinion that it is unlikely the proposed development in isolation or in combination would result in significant effects on the environment by virtue of factors such as its nature, size or location. The proposed development is not of more than local importance in terms of its environmental effects that cannot be assessed within the normal validation requirements of the planning application.

Accordingly, the Local Planning Authority has adopted the opinion that the proposed
development referred to above is not EIA development as set out in the Regulations.

It is therefore considered unlikely that the development would result in significant environmental effects within the meaning of the EIA Regulations.

Signed

Mr P Courtier
Head of Planning
Broadland District Council, Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich, NR7 0DU
Hi Emily,

Apologies (again) for the delay in replying to you. Monday got away from me and I spent all of yesterday interviewing.

As discussed you have seen our validation checklist and that is the key starting point from which you will need to work from in preparation of your application. Therefore I would expect the following documents to be submitted with your planning application:

- D&A Statement
- Planning Statement
- Statement of Community Statement (although this could be included in the planning statement)
- Transport Assessment (cumulatively)
- Travel Plan (I would suggest speaking to Liz Poole about what she would want to see in relation to this)
- Flood Risk Assessment
- Sustainable Drainage details
- Archaeological Statement (Although I doubt there is much to say given part of the site is dug up anyway)
- Landscaping details for the detailed part of the site
- A tree survey (if required)
- Site Waste Management Plan (if you are over the threshold)
- Contaminated Land Assessment
- Lighting details

Further to the above I would also ask that you provide me with the information I will need to undertake a sequential test of the town centre uses within your development in line with paragraph 24 of the NPPF. You stated in your meeting that you considered that the retail uses proposed will be under the NPPF threshold for a Retail Impact Assessment to be undertaken. If this is the case (and as we do not have our own set threshold that has been adopted as part of the local plan) then I agree that one will not be required. The only thing I would question is whether a hotel would come under the definition of leisure? I’m not sure it would do, but perhaps it is worth looking into it. If it does then as per paragraph 26 of the NPPF then the hotel would take you over the 2,500sqm threshold for a RIA. Either way my colleague in Policy is looking for some strong justification for the hotel use in particular on the site, given that we have already approved a site on the Broadland Gate scheme.

It is good to hear that the application will be a hybrid one as it gives me, and my members, more certainty of what will be forthcoming on the site. I will be contacting the Parish Council and local members today to inform them of the application. Are you happy for me to share the plan that you brought to the meeting with them?

Regards,

Ben.
Please be aware that Broadland District Council applies a Community Infrastructure Levy (CIL). Depending upon the size/type of application and subsequent decision any development that you submit for planning permission may be liable to pay CIL.

Click here to find out information regarding CIL on our website

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From: Emily Robinson_PWA Planning [mailto:emily.robinson@pwaplanning.co.uk]
Sent: 25 October 2016 09:48
To: Ben Burgess
Subject: Postwick Interchange, Norwich - Pre-application Request

Dear Ben,

Not wanting to pester but further to our recent meeting and telephone conversation regarding the above site, I would be very grateful if you could confirm validation requirements and any key issues as my client is very keen to press on with the application, which for your information is most likely going to be a hybrid application (the PFS and two drive through units will be applied for in full whilst the hotel and pub / restaurant will be made in outline).

Happy to discuss if you have any queries, I am in the office all day and contactable on the numbers below.

Kind regards,

Emily

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