

Application for Determination

Parish	Acle
Reference	BA/2014/0098/JOINT Target date 7 May 2014
Location	Acle Service Station, New Road, Acle
Proposal	Redevelopment of existing petrol filling station
Applicant	BP (Oil) UK Ltd.
Recommendation	Approve subject to conditions
Reason for referral to Committee	Objections received

1 Description of Site and Proposals

- 1.1 The application site is an existing petrol filling station located to the east of the village of Acle at the junction between New Road and the A47 roundabout. The boundary of the Broads Authority Executive Area bisects the site and identical applications have been submitted to the Broads Authority and Broadland District Council. As the larger part of the development lies in the Broads area, Broadland District Council, at their Planning Committee meeting of 2 April 2014, agreed to delegate authority to the Broads Authority to determine the whole application.
- 1.2 The site consists of a modest single storey retail shop (with a floor area of 104 square metres), six petrol pump 'islands' under a 540 square metre canopy, a car wash, air and vacuum services, a cash machine, storage areas and parking and circulation space. The whole site is hard surfaced and the boundaries to the east and north have intermittent planting and large advertising signs also exist on these two boundaries. Eight single skin fuel storage tanks exist under the forecourt.
- 1.3 Access is from New Road and is shared with the Little Chef restaurant to the south and Travelodge hotel to the west. Residential development lies to the north, across New Road. Within the Broads area, the Halvergate Marshes Conservation Area lies to the east of the A47 roundabout and a further 300 metres to the east are Ramsar, Special Area of Conservation and Site of Special Scientific Interest designations.
- 1.4 The application proposes replacing the existing shop building with a larger unit, sited further to the east of the site. This would have a floor area of 310

square metres under a flat roof at a height of 4.2 metres above ground level. The west elevation facing the forecourt would largely be glazed in aluminium frames, with pearl coloured aluminium cladding to the walls over a black base. Internally, a large sales area would be complemented with coffee sales, customer toilets, storage and staff facilities. 10 parking spaces, including one disabled space, would extend across the shop frontage.

- 1.5 A replacement canopy is proposed which would cover an area of 234 square metres and have a clearance of 5.4 metres, 0.45 metres taller than the existing. Beneath this, a revised layout of four petrol pump islands would be provided.
- 1.6 The existing automated car wash on the southern site boundary is proposed to be removed and a further nine car parking spaces would be provided along this boundary, adjacent to renewed air and vacuum facilities. A fenced enclosure for storage of waste and delivery trollies is proposed, partially adjoining the south elevation of the shop.
- 1.7 The existing underground fuel tanks are to be removed and two new double skinned tanks are proposed. Replacement signage is proposed to be the subject of a separate application.

2 Site History

Planning permission was granted for a petrol filling station on this site in 1989 and 1990 (882874 and 900319).

In May 1998, planning permission was granted for a store to the existing sales building (BA/1998/4341/HISTAP).

Subsequently, in June 1998 an application for various advertising signs was refused (BA/1998/5113/HISTAP).

In 2000, permission was granted for a freestanding ATM module (BA/2000/4093/HISTAP).

3 Consultation

Broads Society – No objections.

Parish Council – The parish council had no objections to the plans, in principle. The councillors had concerns that the new, improved shop might attract more residents and that there is only a partial footway along New Road. They would like the applicants to pay for the footway to be continued to the service station, to ensure pedestrian safety. There is also a problem with litter blowing away from the service station.

District Member – No response.

Highways Agency – No objections, recommended condition on siting of advertising signs.

Highways Authority (Norfolk County Council) - This proposal repositions the existing shop building to the south-east of the site and removes the existing car wash facility. It results in a larger sales area and amended parking/drive-through arrangement which I would find it very difficult to pass adverse comment upon. The fact that this proposal increases the sales area of the site may well increase the frequency of visits by pedestrians. I therefore believe it to be reasonable to require a condition to improve existing pedestrian facilities by provision of a short linking section of footway from the site to the existing section of public footway to the north-west on New Road. Recommended conditions.

Environment Agency – Holding objection in respect of the protection of the water environment until details of tertiary containment have been provided and agreed. Recommended conditions regarding remediation if approval granted and provided advice on flood risk.

Broadland District Council Environmental Health Officer – No objections to the lighting scheme.

Broadland District Council Pollution Control Officer – Negotiations ongoing.

4 Representations

- 4.1 One objection received from a neighbouring resident via Broadland District Council concerned about landscaping around new building, lighting and disturbance from construction. One representation received regarding safety concerns arising from parking outside the site on New Road. The Highways Authority are investigating this matter separately as it is not directly connected to the proposed development.

5 Policies

- 5.1 The following Policies have been assessed for consistency with the National Planning Policy Framework (NPPF) and have been found to be consistent and can therefore be afforded full weight in the consideration and determination of this application.

Adopted Core Strategy (2007) larger than average plot, measuring approximately 15 metres wide and 13 metres deep.

[Core Strategy Adopted September 2007 pdf](#)

CS1 – Landscape Protection and Enhancement

CS16 – Access and Transportation

Adopted Development Management Policies (2011)

[DevelopmentManagementPoliciesDPD2011](#)

DP1 – Natural Environment

DP2 – Landscape and Trees

DP3 – Water Quality and Resources

DP4 – Design

DP11 – Access on Land

DP29 – Development on Sites with a High Probability of Flooding

- 5.2 The following Policies have been assessed for consistency with the NPPF and have found to lack full consistency with the NPPF and therefore those aspects of the NPPF may need to be given some weight in the consideration and determination of this application.

Adopted Core Strategy (2007)

CS7 – Environmental protection

CS18 - Rural Sustainability

CS20 - Rural Sustainability

Adopted Development Management Policies (2011)

DP28 – Amenity

- 5.3 Broadland District Council consider their following policies relevant to the development so far as it is within their area:

Joint Core Strategy for Broadland, Norwich and South Norfolk

Policy 1 – Addressing climate change and protecting environmental assets

Policy 2 – Promoting good design

Policy 5 – The economy

Policy 14 – Key Service Centres

Policy 18 – The Broads

Broadland District Local Plan (Replacement)

Policy GS1 – Restriction of development outside settlement limits

Policy GS3 – General considerations

Policy ENV2 – Layout and design of development

Policy TRA8 – Parking guidelines

Policy TRA14 – Highway safety

Policy CS12 – Pollution prevention

Parking Standards Supplementary Planning Document

- 5.4 The emerging Acle Neighbourhood Plan is also a material consideration.

6 Assessment

- 6.1 In terms of assessment, it is necessary to consider the principle of the redevelopment of this site. If this is found to be acceptable, the design of the proposals should be considered as well as the impacts on landscape, ecology, water quality, flood risk, highways, amenity and the wider impacts on the village.

- 6.2 The site lies at an important location within the Broads road infrastructure with the adjacent roundabout on the A47 giving access to Acle and other villages on the southern side of the River Bure to the west, villages along the Rivers Thurne and Bure to the north and routes towards Great Yarmouth and the coast to the east. The existing petrol filling station and ancillary facilities serve passing motorists using these routes, as well as providing a more local service to Acle and surrounding villages.
- 6.3 With the removal of the car wash, rationalisation of the forecourt and a significant increase in retail floor area, the proposal appears to represent a change in emphasis on the site from motoring services to retail. The agent has, however, advised that the forecourt and sales building would still rely on the trade of passing motorists and they do not anticipate this would detract from the retail offer in the village centre. A reordering of the built development on the site is welcomed in principle and the impact on the village centre is considered below.

Design

- 6.4 The scale of the proposed replacement shop is significantly larger in footprint, however this would be lower in height, with a simple, contemporary form and design and sited so as to allow for more screening to the Broads side of the building. It is considered the lower form and uncomplicated contemporary design will minimise the visual impact on the wider landscape and the detailed design and materials are appropriate to the commercial character of the site. Air conditioning units and other plant are proposed on the east elevation (facing the roundabout) and it is considered that additional landscaping here is necessary to ensure this is appropriately screened.
- 6.5 The canopy, which currently casts a shadow across the majority of the site and beyond, would be significantly reduced in scale and it is considered this would improve the appearance of the site, as would the removal of the car wash and rationalisation of ancillary structures. Overall, the design of the proposals is considered appropriate to the site in accordance with Development Management Policy DP4.

Landscape

- 6.6 As above, the proposed changes to the built development are not considered to adversely affect the wider landscape, including the Halvergate Marshes Conservation Area. A landscaping scheme for the boundaries of the site is being prepared and it is considered necessary to secure its implementation by condition to ensure this commercial site on the edge of the Broads is appropriately screened and softened. Subject to appropriate conditions, the proposal can be considered acceptable in accordance with Development Management Policy DP2.

Amenity

Residential development lies to the north of the site across New Road and many dwellings face towards the site. It is considered that the reduction in

the size of the canopy may benefit the visual amenity of the occupiers of these dwellings, as would enhanced landscaping. The increase in the scale of the retail operations is considered to be balanced by the rationalisation of the forecourt and no significant additional impacts on amenity are considered to result. There are not known to be any existing planning conditions limiting the hours of operation of the site and it would be unreasonable to impose such limitations on any permission given for this proposal.

- 6.8 A lighting scheme for the site has been submitted and the Environmental Health Officer is satisfied this is appropriate. The concerns regarding lighting are appreciated, however the smaller canopy will reduce the illuminated area and any illuminated signs would require consent. Furthermore, the adjacent roundabout is well lit and this is not an isolated, rural area where external lighting would be unacceptably obtrusive.
- 6.9 It is not considered the proposal would result in any unacceptable impacts on the amenity of adjoining occupiers and it is considered to be in accordance with Development Management Policy DP28. The concerns regarding disruption from construction are appreciated, however the duration of construction cannot be managed by planning condition.

Ecology

- 6.10 An Ecology Survey of the site has found nesting birds in the existing canopy and it is considered necessary to manage the timing of the work by condition and secure the provision of nesting boxes on site. No other protected species were recorded and it is not considered the development would affect the nearby designated sites. Subject to conditions, the proposal can be considered acceptable in accordance with Development Management Policy DP1.

Water Quality

- 6.11 In 1995 there was a fuel leak on the site and subsequent monitoring has found neat fuel and elevated concentrations of hydrocarbons in the soil and groundwater. The Environment Agency recognise that replacement of the fuel tanks is an improvement and will reduce the risk of further leaks long term, however they consider there should be a method of tertiary containment as well as the double bunded tanks and will maintain a holding objection until an appropriate method has been submitted and agreed. The applicant has indicating a willingness to provide this promptly and it is anticipated this can be satisfactorily resolved and the Agency's objection lifted.
- 6.12 Given the history of contamination, if approval is granted the Environment Agency have recommended pre-commencement and pre-occupation conditions regarding investigation, remediation and monitoring and these are considered necessary and reasonable. Subject to satisfactory resolution of the tertiary containment method, lifting of the Environment Agency objection and subject to the recommended conditions, the

proposal is considered acceptable in accordance with Development Management Policy DP3.

Flood Risk

- 6.13 The site is within flood risk zone 3 and in accordance with the Environment Agency's standing advice, the floor level of the shop is proposed to remain approximately the same as existing and flood resilience measures are proposed. A preliminary flood response plan has been submitted and subject to agreeing a more detailed plan by condition and securing flood resilience measures, the proposal is considered acceptable in respect of flood risk in accordance with Development Management Policy DP29.

Highways

- 6.14 The site is adjacent to the A47 trunk road and it is noted the Highways Agency have no objection, subject to a condition regarding the position of any signs outside the highway. With regard to the access from New Road, Norfolk County Council as Highway Authority have no objection to the proposal and are separately investigating a report of dangerous parking. Pedestrian access to the site is impaired by a length of approximately 20 metres on the southern side of New Road where there is no footway and, as recommended by the Parish Council, it is considered appropriate for the applicant to provide this. Although this is not a specific policy of the emerging Neighbourhood Plan, there is an overarching objective in the plan to improve pedestrian links. The land to link the existing footways is not within the applicant's ownership and a Grampian condition can be used to secure provision of the footway, providing there is a reasonable prospect it will be complied with. The land to provide the footway is public highway but is owned by a third party and the applicant has indicated a willingness to provide the footway subject to being comfortable with the legal position with regard to land ownership and this is currently being resolved. Subject to the applicant satisfying the Local Planning Authority that the condition requiring the provision of an off-site footway can be implemented, the proposal is considered acceptable in this respect.
- 6.15 It is noted the proposed parking provision is in excess of Broadland District Council's parking standards.

Wider impacts on village

- 6.16 The application proposes the redevelopment of an existing commercial site and integral to that is the replacement of the existing retail shop on a larger scale. The scale is still considered ancillary to the petrol filling services but it is acknowledged a larger shop with an improved range of goods may also attract local trade. The site is on the periphery of the village, approximately 400 metres from the village centre where grocery and independent shops exist. As the replacement of an existing shop, rather than a new shop and as it is of a scale which would remain ancillary to the petrol filling services, it is not considered the proposal would detrimentally affect the vitality or viability of the existing retail operations in Acle.

- 6.17 It is noted there is an existing issue with litter from the site and the applicant has undertaken to ensure litter is controlled within the site and it is not considered necessary to require anything further by condition.

7 Conclusion

- 7.1 The issues regarding the provision of the footway and agreement on appropriate tertiary containment for the new fuel tanks need to be resolved prior to determination. If these can be satisfactorily resolved, it is considered that the proposal represents an improvement to the visual appearance of the site that would not unacceptably impact on amenity, landscape, flood risk, ecology, water quality or the existing retail offer in Acle, subject to appropriate conditions. As well as the development within the Broads Authority part of the site being considered acceptable with regard to the Authority's Development Plan, that part within Broadland District Council's area is considered acceptable with regard to the relevant policies (at 4.3 above) of the Joint Core Strategy and Broadland District Local Plan.

8 Recommendation

- 8.1 Approve subject to conditions:
- (i) Standard time limit
 - (ii) In accordance with submitted plans
 - (iii) Detailed scheme for footway extension to be submitted
 - (iv) Footway to be completed prior to first occupation of development
 - (v) Access, parking, servicing and loading areas to be completed prior to first occupation
 - (vi) Contamination remediation strategy based on risk assessment and site investigation to be submitted
 - (vii) Long term monitoring and maintenance of contamination
 - (viii) Verification report to be submitted on effectiveness of remediation strategy
 - (ix) No further development if previously unidentified contamination found during construction
 - (x) Flood response plan
 - (xi) Flood resilience measures
 - (xii) Landscaping scheme
 - (xiii) Breeding bird precautions
 - (xiv) Bird boxes
 - (xv) Any signs outside highway boundary

9 Reason for Recommendation

- 9.1 The proposal is considered acceptable in accordance with Policies DP1, DP2, DP3, DP4, DP11, DP28 and DP29 of the adopted Broads Authority Development Management Policies (2011), Policies CS1, CS7, CS16, CS18 and CS20 of the adopted Broads Authority Core Strategy (2007), Policies 1, 2, 5, 14, and 18 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2014) and saved Policies GS1, GS3, ENV2, TRA8 TRA14 and CS12 of the Broadland District Local Plan (Replacement) (2006). The proposal is also considered acceptable in accordance with Broadland District Council's Parking Standards Supplementary Planning Document, the National Planning Policy Framework (2012) and emerging Acle Neighbourhood Plan which are also material planning considerations in the determination of this application.

Background papers: Application File BA/2014/0098/JOINT

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List of Appendices: Appendix 1 – Location Plan

APPENDIX 1

BA/2014/0098/JOINT – Acle Service Station, New Road, Acle
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