

Development Control Committee

4 August 2021

Late Paper

Item 7 - Planning Application - Continued use of heating fuel storage and distribution business (Class B8), retention of 4no. oil storage tanks, installation of 5th oil storage tank, office portacabin and lighting

Case Officer – Britta Heidecke

The agent has advised that the Oil NRG site is operationally licensed for 9 HGV vehicles and 1 articulated vehicle (which is not run at present). The applicant considers it essential that the operational license figures are maintained. The applicant supplies private residences, nursing homes and rural businesses. These premises rely on a secure supply, especially in the colder months given the corresponding increase in demand serviced by the applicant. They therefore wish to amend condition 7 as follows:

The site shall operate a maximum fleet of **9** HGV tankers.

Reason: In the interest of highway safety, residential amenities and amenities of the area, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

This is not considered unreasonable. The site currently only operates with 8 tankers, so this would allow for a slight increase in intensification of the use should they wish to increase their fleet to 9 tankers in the future, but this would be in line with the licence which they already have.

To reflect the additional licenced tanker and fluctuations in seasonal demand – where HGVs might be making two trips (going out and coming back twice) in a working day, the total HGV movements per day is also requested to be increased from 20 to 30. They consider this to be wholly appropriate given the legal requirement of the applicant to ensure deliveries to customers, the lack of any reported highways impacts associated with the Oil NRG site and the NPPF being clear at paragraph 111; *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be **severe**'*.

They therefore wish to amend condition 8 as follows:

The total number of HGV movements to and from the site shall not exceed **30** per day.

Reason: In the interest of highway safety, residential amenity and the amenities of the area, in accordance with policy DM2 of the West Suffolk Joint

Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

This is also not considered to be unreasonable given the amendment to condition 7 above which could allow up to 9 tankers operating from the site. Officers agree that the operation (which is existing) would not have severe impacts on the road network.

In relation to HGV movements, in order to maintain operations (allowing for movements between fleets and reserve vehicles for example), tankers may need to arrive to commence filling ahead of 07:00 or arrive back at the depot past 19:00. The applicant considers the proposed hours of 07:00 – 19:00 would unduly restrict operations, noting in particular the unrestricted proximity of HGV's utilising the A134 and eastbound Station Road (the C633).

They therefore wish to amend condition 9 as follows:

HGV movements to and from the site shall only take place between **6am - 8pm** daily.

Reason: To protect the amenities of occupiers of properties in the locality, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

Following consultation with Public Health and Housing, they recognise the operational constraints that a 7am start time could bring. The installation of the acoustic fencing will also significantly improve noise impacts at the site. On balance they do not consider a 6am start time for HGV movements to be unreasonable to justify refusal. On this basis, the amended condition times are considered acceptable.

In addition to the above, to ensure the existing metal palisade fence along the front is removed (to improve visibility), condition 6 is amended as follows:

Within three months of the date of this permission a noise screen must be installed around the northern end of the site at a height of 2.5m in accordance with the details set out in the SRL Noise Report (Ref. 42908A-SRL-RP-YA-01-S2-P01 P01, dated 25.10.2019) and shown in Figure 3 of the report, unless agreed otherwise in writing with the Local Planning Authority. **Within 1 month of the noise screen being installed the existing metal palisade fence along the site front shall be removed.** All noise mitigation measures shall be maintained thereafter in accordance with the approved details.

Reason: To ensure adequate visibility and to protect the amenities of occupiers of properties in the locality, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.