

Development Control Committee 1 September 2021

Planning Application DC/19/2155/FUL – Storage Tank, Station Yard, Station Road, Barnham

Date registered:	29 October 2019	Expiry date:	24 December 2019 EOT to 03 September 2021
Case officer:	Britta Heidecke	Recommendation:	Approve application
Parish:	Barnham	Ward:	Bardwell
Proposal:	Planning Application - Continued use of heating fuel storage and distribution business (Class B8), retention of 4 storage tanks, 1 storage container, 2 fuel distribution points, 1 office portacabin, associated hard standing, underground interceptor tank, lighting and installation of 5th storage tank		
Site:	Storage Tank, Station Yard, Station Road, Barnham		
Applicant:	Mr Peter Kitchen - Oil NRG Ltd		

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and associated matters.

Recommendation:

It is recommended that the committee determine the attached application and associated matters.

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Background:

1. The application was considered at the Council's Delegation Panel meeting on 14 January 2020. Additional noise information was requested and the application was referred to Committee.
2. This report combines the details provided within the August report and associated late paper (note: the item was withdrawn from the agenda and not considered at the August meeting).
3. The original proposal description stated '*Continued use of heating fuel storage and distribution business (Class B8)*'. The description has subsequently been amended reflect the structures already installed and a fifth tank which is proposed. A 14 day re-consultation on the change in description was undertaken.

Proposal:

4. The application proposes the retention of 4 fuel tanks, installation of a fifth tank and the continued use of the site as a heating fuel storage and distribution business (Class B8), a portacabin office, storage container, interceptor tank and associated plant and lighting.

Site details:

5. The application site is outside any settlement boundary and as such is in the countryside in planning policy terms. It forms part of Gorse Industrial Estate Rural Employment Area (site reference E under policy RV4 of the Rural Vision) off Station Road and comprises of approx. 0.46ha hardstanding served by an existing vehicular access off Station Road. Four fuel storage tanks, with space allocated for a fifth, and an office container are located along the western side boundary with parking and turning space to the front. The site is enclosed by existing palisade fencing. A row of mature trees subject to a recent TPO lines the eastern side boundary. A large utilitarian building with pitched corrugated roofs abuts the site to the south-west. The surrounding land is predominantly agricultural, used for arable and grazing, with a few dwellings interspersed opposite and east of the site. The Gorse Industrial Estate lies some 1.2km south-west off Elveden Road on the opposite site of the C633. In the vicinity are also North Farm (approx. 300m south-west) and a waste recycling storage plant some 1.5km south of the application site which are accessed via a separate access just west of Station Yard, some 124m west of the application site access. The village of Barham is some 0.5km to the east.

Planning history:

6. There is extensive history in relation to the wider Station Yard employment site going back to the 1970s for distribution and industrial uses. The more recent and relevant applications on the wider site and off the adjacent access are listed below:
7. E/92/2427/H: Hazardous Substances - Deemed Consent - Industrial gas filling and the distribution of both industrial, special and cryogenic gases. Grant, 30.09.1992
8. DC/17/1487/FUL: Planning Application - 1no. industrial storage building (B8). Grant, 06.02.2018
9. DC/20/0571/CR3: Application (application on behalf of Suffolk County Council) - Continued use of the site for a recycled glass bulking facility,

including storage facilities, haulage depot and ancillary parking. No objection.
20.04.2020

10.DC/21/0907/CR3: Regulation 3 planning application (application on behalf of Suffolk County Council) - Variation of condition 11 (Waste Types) of permission SCC/0014/20SE to allow storage of paper onsite. No objections, 07.05.2021

11.DC/21/0017/FUL: Planning application - Installation of two ambient vaporiser units, silencer skid, concrete plinth and ancillary infrastructure: Grant 30.03.2021

Consultations:

12.Natural England (NE)

No objection. Advise that a Habitats Regulations Assessment (HRA) is required and refer to advice provided previously in relation to 1 new industrial building (DC/17/1487/FUL) in 2017.

'In advising your authority on the requirements relating to Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based on the information provided, Natural England offers the following advice:

- the proposal is not necessary for the management of the European site
- that the proposal is unlikely to have a significant effect on any European site providing mitigation is included to address potential disturbance during the construction period. If this is included, we consider that the application can be screened out from any requirement for further assessment.'

Natural England further advice that 'it is possible that stone curlew will be disturbed during construction and therefore we advise that works should not take place within the stone curlew breeding season (March to the end of August). If it is proposed to carry out works during this period, we would expect the applicant to carry out a search of the RSPB nest records up to 500m from the site to assess whether birds are likely to be nesting within the distance where they may be disturbed.'

A condition in this respect can be attached to any consent granted.

13.Environment Team

No objection but suggest the Environment Agency is consulted due to the risk of land contamination through fuel spillages or leakages.

In the interest of air quality an electric vehicle charge point should be secured by condition.

14.Suffolk County Council - Highways

1st September 2019: Raised a number of queries with regards to:

- visibility splays following the installation of the acoustic fence,
- damage to the highway surface at eastern section and potential need for improvements to the access
- requirement to meet industrial access specifications
- Transport statement
- pedestrian/cycle route into the site

Subsequently a Highways Statement was submitted on 05 Mar 2021 to address the points raised. An amended visibility Splay Plan with realigned acoustic fence was submitted on 08 April 2021

24 May 2021 Re-consultation: The information submitted demonstrates that a safe access onto and off the highway can be achieved. The realigned acoustic fence and subsequent improved visibility splays in both directions are acceptable.

The Highway Authority notes that this is an existing access that was being used for the purposes of fuel distribution before the planning application was submitted. It is noted that the access gate is 6.3 metres wide at its narrowest and that the entrance gate is now at least 14.6 metres back from the highway edge. No intensification of use of the access is proposed and there is no accident history in the vicinity of the site in the last five years (2016 to 2020).

Sufficient manoeuvring space is available for all vehicles to be able to complete on-plot turns and return to the carriageway in forward gear. It is acknowledged that the drivers operating at the site will be experienced tanker drivers and that no visits by the public are required. Also acknowledged is that there are no highway footways in the vicinity of the site so the absence of a dedicated pedestrian access into this site is acceptable.

Overall, the proposal would not have any severe impact on the highway network in terms of vehicle volume or highway safety. Therefore, Suffolk County Council does not wish to restrict the grant of permission.

15. Ecology and Landscape Officer

HRA conclusion: Likely significant effect on Breckland SAC can be screened out and taking into account the imposition of a planning condition, adverse effects on integrity of Breckland SPA can be ruled out alone and in-combination with other plans and projects.

Landscape: The planting details in the landscaping plan are not adequate to provide additional screening along the eastern boundary of the site. It is recommended that the density of plants is significantly increased in the areas where there are gaps in the trees.

16. Environment Agency (EA)

25 Feb 2020 - Holding objection: ‘...because the risks to groundwater from the development are unacceptable. The applicant has not supplied adequate information to demonstrate that the risks posed to groundwater can be satisfactorily managed. (...) No details regarding the tank construction details, their capacity, the wider fuel storage and distribution system, or assessment of the potential risks associated with the development, have been provided. The storage of fuel must comply with The Control of Pollution (Oil Storage) (England) Regulations 2001 (as amended).’

07 April 2021 Re-consultation response:

Additional documents reviewed:

- Phase I & II Geo-Environmental Assessment, EPS ref: UK21.5251 Issue 1, 19 February 2021; and

- Fuel Storage Feasibility Assessment, EPS ref: UK21.5251b Issue 1, 19 February 2021.

The EA withdrew their holding objection to the proposed development as submitted subject to 1) details to be submitted for a scheme to dispose of surface water and install oil separators and 2) a scheme to improve the existing and proposed fuels storage. These can be secured by condition.

17. Public Health And Housing

29 November 2019 - Holding objection:

Consider the noise report and proposed mitigation acceptable and suggest a condition to secure implementation in accordance with the specifications.

However, consider the proposed operation hours excessive. Although the noise barrier will mitigate noise from the vehicles while they are unloading, there is still the issue of noise generated from vehicles arriving and leaving the site. It is therefore suggested that more reasonable operating hours are negotiated with the applicant.

20 December 2019:

Subsequently, taking into account hours agreed on the adjacent site, the following was suggested:

- HGV movements to and from the site will only take place between 7am - 7pm daily
- Operation hours between 6am to 9pm weekdays and 6am to 5pm Saturdays.

No objection. PHH confirmed that these hours are more acceptable and are in line with what they would normally suggest.

18. Tree Officer

Concerns were raised verbally about the potential impact of the proposed development, particularly the acoustic fence, within the root protection areas of the line of mature trees along the eastern boundary. Subsequently a Tree Preservation Order was served, and an Arboricultural Impact Assessment requested.

Following the submission of the Arboricultural Impact Assessment on 05 March 2021, the Tree Officer confirmed that 'the 'Tree Survey Report' dated Jan 2021 sufficiently demonstrates that the proposal can be achieved without resulting in a significant detrimental impact on the line of trees along the eastern boundary. There is construction proposed within the Root Protection Areas (RPA) of these trees, however, the recommended construction methodology should provide adequate mitigation to minimise harm to an acceptable level. The details of which are broad and preliminary in nature and a pre-commencement condition for a detailed arboricultural method statement should be applied to safeguard the affected trees.'

A condition to secure an Arboricultural Method Statement prior to any works in relation to the acoustic fence and within the RPA of the TPO trees has been included below.

19. **Ward Councillor**

No formal comments received however the application was referred by Delegation Panel for consideration at Committee.

20. **Ramblers Association**

No comments received.

21. **Parish Council**

The Parish Council (PC) object to the application for the following summarised reasons (19.11.2019):

Noise: The PC are of the opinion that the noise mitigation measures will not adequately mitigate the noise levels for residential properties on Station Road as the noise assessment has not captured the 'noisier' operations.

Light pollution: Overhead flood lights and vehicle headlights are causing considerable light pollution to adjacent residents.

Operating hours:

Operating hours for this site should be restricted to be from 0700 to 1900 Mon to Fri and 0700 to 1300 Sat. No operations on a Sun. Request that there should be no exceptions to these hours irrespective of any commercial justification.

Highways:

'The C633 has a Traffic Regulating Order, introduced in 1999 which restricts vehicles over 7.5T to travelling in an easterly direction only. It does not make exception for access. This restriction was imposed to facilitate a temporary diversion for HGVs around Thetford until the link route was built. This link was never constructed and the re- routing of vehicles along the C633 has continued to this day. The C633 is not suitable for the demands of the high volume of traffic that now use the road and there has been a marked increase in the number of HGVs using this road from the sites adjacent to C633. These HGVs are using the road to travel in a westerly direction. Due to the narrowness of the road, opposing HGVs must leave the road in order to pass one another and this is causing damage to the verges and highway edges. The verges from Elveden Road to the Junction at Elveden are Roadside Conservation Areas which are being destroyed by these westbound vehicles. This situation was recognised during the consideration of the planning application for the site neighbouring the NRG site. The result was a restriction on the number of daily movements allowed from this site. If the movement restriction imposed on this neighbouring site is relevant, then any increase in HGV traffic onto this road from the NRG site must be questionable. In any case, because SCC Highways Authority have stated that the TRO is not enforceable for vehicles using sites adjacent to C633, if this application is approved then a condition of this approval must be a restriction to HGV traffic to an easterly direction only.'

18.08.2021 re-consultation response:

The PC re-submitted their previous comments and add that the parish council is very concerned about the additional traffic/movement/stress on the C633 that a fifth storage tank would incur. (Officer note: the fifth tank was shown on the original submission and the proposal was considered by consultees on this basis, the only amendment that occurred was a change to the proposal description)

Representations:

22. Two objections have been received from properties opposite the application site, raising the following summarised concerns:
- Inappropriate use in residential area
 - Noise from oil pumps, often late at night
 - Noise from lorry idling in the early hours and from leaving the site
 - Floodlighting throughout the night causing a nuisance
 - Lorry headlights
 - Highways / Traffic volume: the C633 can't cope with the large volume of HGV's
 - Existing residential properties along the C633, a 40mph zone, proves difficult
 - Walking is not safe
 - Noise from passing HGVs
 - Reference to the adjacent speculative warehouse approved under DC/17/1487/FUL, which has a restrictive condition to limit HGV movements to 42 per day from the approved development
 - HGVs cause broadband issues
 - Damage to carriage way and roadside nature reserve from passing HGVs overriding
 - Detrimental impact on visual amenity from acoustic fence
 - Reduced visibility from acoustic fence

Policy:

23. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by regulation. The development plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies Document (which had been adopted by both councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.

24. The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy 2010 & Vision 2031 have been taken into account in the consideration of this application:

Vision Policy RV1 - Presumption in favour of Sustainable Development

Vision Policy RV4 - Rural Employment Areas
(site ref E – Gorse Industrial Estate (Barnham))

Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy

Core Strategy Policy CS2 - Sustainable Development

Core Strategy Policy CS3 - Design and Local Distinctiveness

Core Strategy Policy CS4 - Settlement Hierarchy and Identity

Core Strategy Policy CS9 - Employment and the Local Economy

Core Strategy Policy CS13 - Rural Areas

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM5 Development in the Countryside

Policy DM6 Flooding and Sustainable Drainage

Policy DM10 Impact of Development on Sites of Biodiversity and Geodiversity Importance

Policy DM11 Protected Species

Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity

Policy DM13 Landscape Features

Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

Policy DM30 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses

Policy DM45 Transport Assessments and Travel Plans

Policy DM46 Parking Standards

Other planning policy:

25. National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF) was revised in July 2021 and is a material consideration in decision making from the day of its publication. Paragraph 219 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provision of the 2021 NPPF that full weight can be attached to them in the decision-making process.

Officer comment:

Principle of development

26. The application site lies outside of the defined settlement and is thus in the countryside from a land use perspective. However, the site is specifically

allocated under policy RV4(e) as an area of general employment where the LPA will, subject to other relevant planning considerations, support proposals for B1, B2 and B8 use classes.

27. In this instance, the proposed use for a fuel storage and distribution business falls within the B8 use Class of the Town and Country Planning (Use Classes) Order 1987 (as amended).

28. Accordingly, the principle of development is acceptable, subject to relevant planning considerations as set out below.

Design, form and scale

29. The storage tanks are set back from the road and the site seen against a backdrop of existing larger scale development along the western boundary and mature Oak trees along the eastern side boundary. Based on the details as submitted in the supporting plans and as evidenced during the site visit the scale and form of the development is considered appropriate for the site and would not appear intrusive, dominating or unduly large. The application requires the installation of a 2.5m high acoustic fence to the front and sides, the frontage being the shortest of the boundaries. This being an existing rural employment site the siting of utilitarian and commercially designed equipment behind a close boarded acoustic fence is something which is to be expected in such a locality. On this basis the proposal is not considered to conflict with policy CS3 and DM2 in this respect.

Amenity impacts

30. Policy DM2 of the Joint Development Management Policies Document and paragraph 130 of the NPPF provide that the LPA must, when considering proposals, seek to ensure existing amenity is not unduly threatened.

31. In this instance, whilst the site is allocated for employment purposes, there are some residential properties in close proximity to the site and complaints have been received by the LPA since the operations started.

32. The noise survey submitted in support of the application was undertaken over 2 days unattended and the unattended noise monitoring data was supplemented with attended noise measurements at several positions taken on 27/09/19. The survey included roadside attended measurements and other measurements were taken of specific sources at the respective source locations.

33. The report also sets out the measures to mitigate the noise impacts. In this case a 2.5m acoustic fence is proposed along the front and side boundaries. This screen must be constructed from a material with a minimum surface mass of 10kg/m².

34. Concerns from the Parish Council with regards to the noise assessment not having been undertaken during the noisiest operations are noted. However, the noise consultant has confirmed and provided evidence on 12.02.2020 that the noise report has captured the 'noisier deliveries of one of the lorries with on-board pump'.

35. The ambient noise captured was between 42 and 81dB and the noise level at the receiver without screening was between 44 and 51 dB. The acoustic fence would reduce this noise level to 33 and 42dB. The noise report explains that

'the only site-related source that will exceed the recommended rating level at the receiver location is noise from trucks pulling out of the site. However, this is still lower than the measurement of ambient noise around the site, i.e. non-site-related road traffic (45 dB(A) due to a truck pulling away compared to 49 dB(A) as the ambient noise level) and within the context of the noise environment (HGVs on the main road).'

36. Public Health and Housing confirmed in their subsequent comments that the proposed mitigation screen would provide adequate noise mitigation against this level of noise. Subject to the installation and maintenance of the noise screen, which can be secured by condition, the proposal is not considered to unacceptably impact on residential amenities by reason of noise, in accordance with policy DM2 and DM14.
37. Lighting from the site also raises concerns with regards to adverse impacts on residential amenity from glare from the sites flood lights and HGV headlights. It is reasonable to assume that the disturbance from headlights from trucks would be reduced by the installation of a 2.5m solid acoustic fence. However, a detailed light assessment and lighting scheme can be secured by condition, to be submitted to the LPA for approval within 1 month of any permission, to ensure a lighting environment of low district brightness at residential properties. Any lighting not approved within 3 months, or within a period agreed otherwise, shall not be operated. It is considered that lighting issues can be adequately dealt with by condition.
38. In relation to HGV movements, in order to maintain operations (allowing for movements between fleets and reserve vehicles for example), the applicant has advised that 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 originally proposed hours of 07:00 – 19:00 (as imposed on the adjacent site) would unduly restrict operations, noting in particular the unrestricted proximity of HGV's utilising the A134 and eastbound Station Road (the C633). Following further 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 so unreasonable to justify refusal. On this basis, the requested condition times are considered acceptable.
39. On the basis of the above and subject to conditions to secure operating hours, implementation in accordance with the details submitted in the noise report and subject to the submission of details of a lighting scheme to ensure appropriate light levels at residential properties, the proposal is considered to comply with policy DM2 and DM14 with regards to amenity and minimising pollution.

Highways considerations

40. The proposal is for the continued use of the site for a fuel storage and distribution business. The business has been operating from the site for almost 4 years since at least October 2017.
41. Vehicular access to the application site is off the C633 Station Road which runs east/west between Elveden and Euston. The road is subject to a 40mph speed restriction and a Traffic Regulation Order (TRO) restricting the HGV

movements along this road to eastward movements other than to access sites along Station Road.

42. Therefore, any HGV movements at this site must be in accordance with this TRO. However, whilst the road is a rural C class road and only suitable for HGVs in one direction, it is principally a road accepted for use by HGVs.
43. Policy DM45 requires the submission of a Transport Assessment for major developments appropriate to the scale of development and the likely extent of transport implications. The footnote in the policy refers for thresholds to Appendix B, Department for Transport Guidance March 2007, Guidance on Transport Assessment. Whilst this Guidance has now been withdrawn the advice was that for B8 development no assessment is required for a floor area under 3000sqm. Between 3000-5000sqm floor area would require a Transport Statement and over 5000sqm a Transport Assessment. A Transport Assessment was therefore not reasonably required.
44. The site operates with a permit (outside of the planning regime) for a fleet of 9 tankers, but only currently operates 8 tankers. In addition, deliveries occur from 2 further third-party tankers. 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. Given the above and the constraints of the site it is considered reasonable to include a condition to restrict the fleet to 9 tankers (in line with the permit).
45. To reflect the additional licenced tanker and fluctuations in seasonal demand; where HGVs might be making two return trips (going out and coming back twice) in a working day, the total HGV movements per day is also requested by the applicant to be no less than 30. They consider this to be wholly appropriate given the 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'. Restricting the operation to 30 HGV movements per day (for example, 15 movements out of the site and 15 returning) will ensure the LPA retains control over any significant intensification of the use of the site. The Highways Authority raised no concerns in this regard and have no objections to the proposed restrictions.
46. The site has been used in association with the wider employment site before and has been in its current use for almost 4 years. No accidents have been recorded in the last 5 years in the vicinity of the site and there would be no intensification of the use of the access as a result of the grant of permission.
47. The operation and delivery hours will be restricted in the interest of residential amenity as set out above. On this basis it is not considered that the residual cumulative impacts on the road network would be severe to justify refusal in line with paragraph 111 of the NPPF.
48. Concerns were raised by the Highways Authority about the acoustic fence potentiality effecting visibility upon leaving the site. The highway statement subsequently submitted demonstrates on plan and in photos that visibility in accordance with current standards would be achieved. To further improve

visibility the required acoustic fence has subsequently been moved back from the line of the existing fence by an additional 0.5m. This will increase the verge and visibly along Station Road. On this basis the proposal is considered to comply with policies CS2, DM2 and DM46 in this respect.

Ecology, Habitats Regulation Assessment (HRA) and Landscape Impacts

49. The site is 250m from Breckland Special Protection Area (SPA) at its closest point and within the 1500m buffer around component parts of the SPA designated for Stone Curlew. The site is approximately 400m from Breckland Special Area of Conservation (SAC) and 500m from the Roadside Nature Reserve which runs along Elveden Road.

50. The local planning authority, as the competent authority, is responsible for the Habitats Regulation Assessment (HRA) as required by The Conservation of Habitats and Species Regulations 2017 (as amended). The regulations require a competent authority, before deciding to give any consent to a project which is likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of that site, to make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives. The applicant has not submitted any information to inform the HRA.

51. The project is not directly connected with or necessary to the management of Breckland SPA or Breckland SAC.

52. Natural England commented in relation to this proposal most recently on 18 December 2019 and previous to that on 3 November 2017. In the most recent consultation response NE states that there is no objection to the continued use of the site. They go on to require that if any works need to be undertaken then the previous advice is followed namely that construction works should not be carried out within the bird breeding season. A condition is required as follows:

'Construction works must not take place within the stone curlew breeding season (March to the end of August). If it is proposed to carry out works during this period, an assessment of the impact on stone curlew should be undertaken and submitted to the LPA for approval prior to commencement of works. This should include a search of the RSPB nest records up to 500m from the site to assess whether birds are likely to be nesting within the distance where they may be disturbed.'

53. The Council's Ecology officer has assessed the proposal and noted the following:

'The continued operation of the site is unlikely to have a significant effect on any European site. This is because there are similar industrial buildings and hardstanding present in this location, and the level of traffic proposed is unlikely to create significant disturbance to stone curlew, or to lead to significant air quality impacts on Breckland SPA or Breckland SAC.'

'Projects that are likely to act in-combination will be those located around or adjacent to this part of the SPA, in particular those within the SPA itself where there is likely to be construction or operational noise or that are likely to

increase avoidance on otherwise suitable habitat within the SPA. There are few other extant planning permissions and current planning applications in the vicinity. Those that are registered are either so minor or are remote from this location that they would be unlikely to have an in-combination effect.'

54. 'Based on the above, likely significant effect on Breckland SAC can be screened out and taking into account the imposition of a planning condition, adverse effects on integrity of Breckland SPA can be ruled out alone and in-combination with other plans and projects.'
55. The Local Planning Authority also has to have regard to conserving biodiversity as part of policy or decision making under Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC). The site is part of an established employment site with similar commercial uses in the vicinity. Moreover, the site is mostly hard standing with limited biodiversity value or habitat for protected species. No works are proposed to the trees along the eastern boundary which would have the potential to support roosting bats. On this basis the proposal is not likely to have an adverse impact on protected species in accordance with policy DM11.
56. The trees along the eastern boundary are of high amenity and screening value. Subsequently a Tree Preservation Order was served to ensure the long-term retention of these trees. Due to concerns about the potential impact from the erection of an acoustic fence within the root protection areas of the trees a tree survey and Arboricultural Impact Assessment was requested from the applicant.
57. Following the submission of the Arboricultural Impact Assessment the Tree Officer confirmed the information 'sufficiently demonstrates that the proposal can be achieved without resulting in a significant detrimental impact on the line of trees along the eastern boundary. There is construction proposed within the Root Protection Areas of these trees, however, the recommended construction methodology should provide adequate mitigation to minimise harm to an acceptable level. The details of which are broad and preliminary in nature and a pre-commencement condition for a detailed arboricultural method statement should be applied to safeguard the affected trees.'
58. A condition to secure an Arboricultural Method Statement prior to any works in relation to the acoustic fence and within the RPA of the TPO trees has been included below.
59. The Councils Landscape and Ecology Officer considers the planting details in the landscaping plan are not adequate to provide additional screening along the eastern boundary of the site. It is therefore recommended that the density of plants is significantly increased in the areas where there are gaps in the trees. Additional native planting would serve as an enhanced screen and would also provide biodiversity enhancements in accordance with policy DM12. This can be secured by condition.

Conclusion:

60. The continued use is an appropriate use in accordance with policy RV4 on this rural employment site. The level of traffic proposed is unlikely to create significant disturbance to European protected sites (DM10) or have a severe impact on the local highway network (DM2; NPPF para 111) to justify refusal.

Subject to conditions to secure improvements to the existing and proposed oil storage as requested by the EA in accordance with policies DM6 and DM14, appropriate noise mitigation in the form of a 2.5m tall acoustic fence as set out in the noise report, conditions to secure on site operational hours and HGV movement hours, a lighting scheme to ensure low district brightness at residential properties in accordance with policies DM2 and DM14 and enhancement to biodiversity and soft landscaping in accordance with policies DM2, DM12 and DM13, the proposal is considered to be acceptable and in compliance with the relevant development plan policies and the National Planning Policy Framework.

Recommendation:

61. It is recommended that planning permission be **APPROVED** subject to the following conditions:

- 1 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents, unless otherwise stated below:

Reference number	Plan type	Date received
1534/LP1	Location plan	29 October 2019
30-002 A	Block Plan	5 August 2021
1534/VP3	Visibility splays	8 April 2021
tank elevation	Elevations	5 August 2021

Reason: To define the scope and extent of this permission.

- 2 Within 3 months of the date of this permission a scheme to improve the existing oil storage and proposed new oil storage shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved, within 6 months of the planning permission being granted, or prior to the additional tank (tank number 5) being installed, whichever is sooner.

The details shall demonstrate that the tanks meet the standards equivalent to those laid out in 'The control of Pollution (Oil Storage) (England) Regulations 2001' and include but not be limited to evidence that:

- The existing tanks and proposed tank have secondary containment that is impermeable to both the fuel and water, with no opening used to drain the system.
- There is a minimum volume of secondary containment at least equivalent to the capacity of the tank plus 10%.
- All fill points, vents and gauges are located within the secondary containment.
- All fill points and tank vent pipe outlets are designed to discharge downwards into the bund.
- Associated above ground pipework is protected from accidental damage.
- Impact protection is provided around the tanks and pipework, to prevent accidental impact from moving vehicles on the site.
- Overfill protection mechanism and alarms are in place.
- Leak detection and an alarm system is in place with a mechanism to

- alert the operator remotely if a spill occurs when the site is unmanned.
- Timeframe for implementation of the approved scheme.

Reason(s): To protect and prevent the pollution of controlled waters from potential pollutants associated with the current and proposed land use in line with National Planning Policy Framework (NPPF) and Environment Agency's Groundwater Protection Position Statements, in accordance with policy DM6 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 14 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 3 Within 6 months of planning permission being granted, or prior to the additional tank (tank number 5) being installed, whichever is sooner, a scheme to dispose of surface water and install oil separators, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved within the agreed timescales. The scheme shall include the following details:

- A surface water drainage and oil separator plan;
- Oil separator specifications including details of how the interceptor can be shut off to prevent discharges in the event of a pollution incident;
- Information to show that the loading/unloading areas and the existing and proposed oil storage tank are/will be situated on an impermeable surface that drains to the separator;
- Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. Infiltration through contaminated land has the potential to impact on groundwater quality; and
- Timeframe for implementation of the approved surface water disposal and oil separators scheme.

Reason(s): To protect and prevent the pollution of controlled waters from potential pollutants associated with the current and proposed land use in line with National Planning Policy Framework (NPPF) and Environment Agency's Groundwater Protection Position Statements, in accordance with policy DM6 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 14 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 4 Prior to any works in relation to the installation of the acoustic fence or works within the RPA of the trees shown to be retained an Arboricultural Method Statement (including any demolition, groundworks and site clearance) shall be submitted to and approved in writing by the Local Planning Authority. The Statement should include details of the following:

- a. Measures for the protection of those trees and hedges on the application site that are to be retained,
- b. Details of all construction measures within the 'Root Protection Area' (defined by a radius of $dbh \times 12$ where dbh is the diameter of the trunk measured at a height of 1.5m above ground level) of those trees on the application site which are to be retained specifying the position, depth, and method of construction/installation/excavation of service trenches, building foundations, hardstandings, roads and footpaths,
- c. A schedule of proposed surgery works to be undertaken to those trees and hedges on the application site which are to be retained.

The development shall be carried out in accordance with the approved Method Statement unless agreed in writing by the Local Planning Authority.

Reason: To ensure that the trees and hedges on site are adequately protected, to safeguard the character and visual amenity of the area, in accordance with policies DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to installation of the fence to ensure that existing trees are adequately protected prior to any ground disturbance.

- 5 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 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.

- 6 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.

- 7 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.

- 8 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.

- 9 No loading or unloading shall take place and no plant or machinery shall

be used on the site except between the hours of 6am on 9pm Monday to Friday and 6am to 5pm Saturdays and at no time on Sundays, Bank or Public Holidays.

Reason: To ensure the appropriate use of the site 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, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 10 From two weeks after the date of this permission the owners/operators of the site shall commence and keep an up-to-date log of all HGVs movements associated with the site which shall include the times and registration of the vehicles entering/leaving the site each day. The Register shall be made available for inspection by the Local Planning Authority within 24 hours of request.

Reason: To ensure that the Local Planning Authority retains control of the HGV movements associated with the site hereby approved due to the constraints of the local road network and the potential impact on residential amenity from significant increase in HGV movements from the development hereby approved.

- 11 Within one month of the date of this permission lighting details shall be submitted to and approved in writing by the Local Planning Authority to ensure a lighting environment of low district brightness at residential properties. Any lighting not approved within 3 months of this permission, or within a period agreed otherwise, shall not be operated at any time.

Reason: To safeguard the amenity of the area, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 12 Visibility splays shall be provided as shown on Drawing No. 1534 VP3 with an X dimension of 2.4 metres and a Y dimension of 120 metres and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: To ensure vehicles exiting the access have sufficient visibility to enter the public highway safely and vehicles on the public highway have sufficient warning of a vehicle emerging, 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.

- 13 Construction works including the installation of the acoustic fence must not take place within the stone curlew breeding season (March to the end of August). If it is proposed to carry out works during this period, an assessment of the effects of the proposals which must include review of RSPB nest records up to 500m from the site to assess

whether birds are likely to be nesting within the distance where they may be disturbed. The assessment should be submitted and agreed in writing prior to commencement of development and any mitigation measures implemented in full.

Reason: To avoid the potential to disturbance of Stone Curlew during construction, in accordance with policies DM11 and DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 14 Within 3 month of this permission details of biodiversity enhancement measures to be installed at the site, including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in accordance with the agreed timescales within 12 months of the date of this permission and thereafter retained as so installed.

Reason: To secure biodiversity enhancements commensurate with the scale of the development, in accordance with policies DM11 and DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 15 Within three months of the date of the permission a scheme of soft landscaping for the site drawn to a scale of not less than 1:200 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include accurate indications of the position, species, girth, canopy spread and height of all existing trees and hedgerows on and adjacent to the site and details of any to be retained, together with measures for their protection during the course of development. The works shall be completed in accordance with the approved plans and in accordance with a timetable to be agreed with the Local Planning Authority.

Reason: To enhance the appearance of the development and to ensure that the most vulnerable trees are adequately protected during the periods of construction, in accordance with policies DM2, DM12 and DM13 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.

- 16 Within 6 months of the date of this permission, at least 1 electric vehicle charge point shall be provided at reasonably and practicably accessible locations within the site. One additional parking space shall be provided with the infrastructure in place for future connectivity. The Electric Vehicle Charge Points shall be retained thereafter and maintained in an operational condition. Charge points shall be Fast (7-22KW) or Rapid (43KW) chargers.

Reason: To promote and facilitate the uptake of electric vehicles on the site in order to minimise emissions and ensure no deterioration to the local air quality, in accordance with Policy DM14 of the Joint Development Management Policies Document, paragraphs 105 and 110 of the National Planning Policy Framework paragraphs 105 and 110 and the Suffolk

Parking Standards.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/19/2155/FUL](#)

Case officer: Britta Heidecke Phone: 07812 509938