

<b>ITEM:</b>		<b>RECOMMENDATION:</b>	APPROVAL
<b>REF NO:</b>	3PL/2019/0099/VAR	<b>CASE OFFICER</b>	Fiona Hunter
<b>LOCATION:</b>	SNETTERTON Snetterton Park Heath Road Snetterton	<b>APPNTYPE:</b>	Variation of Cond's
<b>APPLICANT:</b>	EG Group C/o Agent	<b>POLICY:</b>	Out Settlemnt Bndry
<b>AGENT:</b>	PWA Planning 2 Lockside Office Park Lockside Road	<b>ALLOCATION:</b>	N
<b>PROPOSAL:</b>	Variation of condition 2 on pp 3PL/2018/0279/F - (petrol filling station, drive through coffee shop & restaurant) -	<b>CONS AREA:</b>	N
		<b>LB GRADE:</b>	N
		<b>TPO:</b>	N

#### **REASON FOR COMMITTEE CONSIDERATION**

The application is a variation to a major as defined by the Council's scheme of delegation.

#### **KEY ISSUES**

Whether the variations are acceptable and any material changes in circumstances.

#### **DESCRIPTION OF DEVELOPMENT**

Variation of condition 2 on planning permission 3PL/2018/0279/F for "proposed construction of a petrol filling station, one drive through coffee shop and one drive through hot food restaurant, together with access, parking, landscaping and other various infrastructure works."

The variation seeks to amend the approved plans for the drive through restaurant including floor plans and elevations and also affects the site plan around the unit. 3 standard car parking spaces are sought to be removed, and two standard car parking spaces replaced with electric charging spaces.

#### **SITE AND LOCATION**

The application site comprises an irregular shaped site extending to approximately 1 ha located immediately to the south of the A11 dual carriageway and to the north of the Snetterton race circuit. The site borders Heath Road to the northeast and southeast. The wider Snetterton employment area surrounds the site to the north and south. The site currently comprises an open area of rough grassland and cleared un-grassed land.

The construction works are currently being undertaken on site.

#### **EIA REQUIRED**

No

**RELEVANT SITE HISTORY**

3DC/2018/0203/DOC

Discharge of Conditions 6,8,13,16,19,20 on 3PL/2018/0279/F

3DC/2018/0221/DOC      DOC - COMPLETE      18-12-18

Discharge of Conditions No 7,9,10,12,on 3PL/2018/0279/F

3DC/2019/0033/DOC      DOC - COMPLETE      05-03-19

Discharge of Conditions 11, on 3PL/2018/0279/F

3PL/2007/1820/O      Permission      02-11-10

Demol of extng bldgs, erection of 4 B1 Units, car parking, laying out of access & servicing roads, landscape etc

3PL/2017/0055/F      Permission      23-06-17

Erect petrol filling station & amenity building, with access, parking, landscaping & other various infrastructure works

3PL/2018/0279/F      Permission      19-09-18

Proposed construction of a petrol filling station, one drive through coffee shop and one drive through hot food restaurant, together with access, parking, landscaping and other various infrastructure works.

3PL/2018/1234/A      Permission      28-01-19

Installation of 1 x 12m multi branded totem sign internally illuminated d/sided & 1 x 8m Esso Mid Totem sign internally illuminated Esso & Multi Branded Double sided signage Digital LED Fuel Price Signage

**POLICY CONSIDERATIONS**

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate

DC.06      General Employment Areas

DC.16      Design

DC.19      Parking Provision

NPPF      National Planning Policy Framework

NPPG      National Planning Practice Guidance

**OBLIGATIONS/CIL**

Not Applicable

**CONSULTATIONS**

**AIR QUALITY OFFICER**

No objection.

**NORFOLK COUNTY COUNCIL HIGHWAYS**

No objection subject to conditions.

**FLOOD & WATER MANAGEMENT TEAM**

No comment.

**TREE AND COUNTRYSIDE CONSULTANT**

No comment.

**ENVIRONMENT AGENCY**

No comment.

**HIGHWAYS ENGLAND**

No objection.

**HEALTH & SAFETY EXECUTIVE**

Do not advise against increase in floor area.

**ENVIRONMENTAL HEALTH OFFICERS**

No objection.

**NATIONAL GRID**

No Comments Received

**ANGLIAN WATER SERVICE**

No Comments Received

**ECONOMIC DEVELOPMENT**

No Comments Received

**ENVIRONMENTAL PLANNING**

No Comments Received

**ECONOMIC DEVELOPMENT**

No Comments Received

**CRIME REDUCTION & ARCHITECTURAL LIAISON OFFICER**

No Comments Received

**CHIEF FIRE OFFICER**

No Comments Received

**SHROPHAM P C**

No Comments Received

**NATIONAL GRID**

No Comments Received

**REPRESENTATIONS**

A site notice was erected on 19/02/2019. No local representation were received.

**ASSESSMENT NOTES**

**1.0 Whether the changes are acceptable**

1.1 Application reference 3PL/2018/0279/F was approved on 19th September 2018. Since this time there

has been no relevant change to the adopted development plan or national planning guidance.

1.2 The restaurant is proposed from a 5.2m high single storey building to a 7.1m two storey building, plus 1.6m set back covering the roof equipment. The building will appear larger and less elegant, however, overall the design approach is still considered acceptable and would meet the end users requirements. The site is adjacent to the A11, however, the restaurant is set back within the site which will considerably reduce its visual impact and prominence from this important road.

1.3 The variation would result in an increase of floor space from 230sqm to 607sqm, a considerable increase. However, it would be a more efficient use of the land and there are no planning obligations we need to re-calculate due to this increase.

1.4 The application also seeks to amend the layout with the restaurant drive through road now providing a connection southwards past the coffee shop. The changes would create more direct vehicle routes through the site for the drive through restaurant customers and enables the provision of an external eating space with tables. Other changes include the creation and demarcation of pedestrian routes through the restaurant car park. The re-configuration has resulted in the increase of 1 car parking spaces which is considered beneficial as the more car parking spaces there are (within reason), the less pedestrian conflict there will be. Two standard spaces are proposed to be changed to electric charging spaces. Overall, the revised site layout is considered an improvement, which will reduce car emissions, improve pedestrian safety and facilitate the smoother running of the entire site.

1.5 Highways have not objected to the application following the re-introduction of staff car parking.

1.6 HSE have advised they do not advise against the variations. National Grid/ Cadent Gas have been consulted and have not responded, the consultation period expired on 1st March 2019 and they have been emailed to enquire if they will be responding.

## **2.0 Re-Application of Planning Conditions**

2.1 The applicant has submitted a number of discharge of condition applications with some conditions having been approved and the conditions for this variation application being updated to reflect these in accordance with best practice.

2.2 The applicant has submitted revised details to reflect the layout change for drainage. The EA has been consulted on the submitted drainage proposals and their response is awaited. If they do not object, then we recommend that a compliance only drainage condition is applied to the decision notice. If they do object, then a further condition application would be necessary.

2.3 Details have been submitted for Full Planning Permission condition 8, fuel storage tanks, and the EA have advised the details are acceptable. We therefore recommend this condition is updated to reflect the submitted details under 3DC/2018/0203/DOC.

2.4 Details have been submitted under application 3DC/2018/0203/DOC for Full Planning Permission condition 20, wheel cleaning facilities, and NCC Highways have agreed the latest details. Whilst the application has not yet been determined, it is recommended the condition is changed to compliance only with the approved Highways scheme as works are already taking place on site and therefore, this would make the wheel washing scheme come into immediate effect.

2.5 NCC Highways have agreed that the Traffic Regulation Order condition (number 19) can be amended to

a prior to occupation requirement so that the developer is not in breach as soon as the decision is issued which may be considered unreasonable and fail the NPPF conditions tests.

### **3.0 Conclusion/ Planning Balance**

3.1 The changes are considered acceptable and therefore approval is recommended subject to conditions.

<b>RECOMMENDATION</b>
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Approval subject to conditions.

<b>CONDITIONS</b>
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- 1 Time Limit**

This permission seeks a material amendment to planning permission 3PL/2018/0279/F. The development must commence in accordance with the time scale set out in the original permission.

Reason for condition:-  
To comply with section 92 of the Town & Country Planning Act 1999 (as amended).
- 2 In accordance with submitted plans NEW 2017**

The development must be carried out in strict accordance with the application form, and approved documents and drawings as set out in the table at the end of this notice.

Reason for condition:-  
To ensure the satisfactory development of the site.
- 3 Non-standard condition**

Notwithstanding development permitted within Class A of Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order (England) 2015 or any subsequent re-enactments and amendments of, the drive through restaurant and drive through coffee shop hereby permitted shall only be used for a purpose or purposes falling within use class A3 and A5 of the Town and Country Planning (Use Classes) Order 1987 (as amended), unless planning permission has otherwise been granted by the Local Planning Authority.

Reason for condition:- In the interests of highway safety, the provision of sufficient vehicle parking, and to prevent the use of the buildings for main town centre uses in the interest of the vitality and viability of Attleborough town centre.
- 4 External materials as approved**

The development hereby permitted shall be constructed using the materials specified on the planning application form and approved drawings unless otherwise agreed in writing with the Local Planning Authority.

Reason for condition:-  
To enable the Local Planning Authority to ensure the satisfactory appearance of the development, as required by policies DC 1 & DC 16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

**5 Implementation of submitted/approved landscaping scheme**

All hard and soft landscaping works shall be carried out in accordance with the approved details and thereafter retained. The works shall be carried out either within the first planting season November/March following the commencement of work on site, or prior to the occupation of any part of the development, whichever is the sooner, or otherwise in accordance with a planting programme agreed in writing with the Local Planning Authority prior to the commencement of development. If within a period of FIVE YEARS from the date of planting, any tree or plant, or any tree or plant planted in replacement for it, is removed, uprooted or is destroyed or dies, or becomes in the opinion of the local planning authority, seriously damaged or defective another tree or plant of the same species and size as that originally planted shall be planted at the same place.

Reason for condition:-

In the interests of the satisfactory appearance of the development in accordance policy DC12 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

**This condition will require to be discharged**

**6 Fire Hydrants**

Within 6 months from the date of this decision notice a scheme shall be submitted to the Local Planning Authority for the provision of fire hydrants (served by mains water supply) serving the development. The development shall not be brought into use until the hydrant(s) have been provided in accordance with the scheme as approved to the satisfaction of the Local Planning Authority in consultation with the Norfolk Fire Service.

Reason for condition:-

To ensure that adequate water infrastructure is provided on site for the local fire service to tackle any property fire in the development or beyond.

**This condition will require to be discharged**

**7 Full details of external lighting**

External lighting shall be installed on site prior to first occupation in accordance with the details approved by permission reference 3DC/2018/0221/DOC.

Details of any other external lighting for the site shall first be submitted to and be approved in writing by the Local Planning Authority. Only lighting so agreed shall be installed on the site. Such lighting shall be kept to a minimum for the purposes of security and site safety, and shall prevent upward and outward light radiation.

Reason for condition:-

In the interests of amenity and the character and appearance of the surrounding area.

**This condition will require to be discharged**

**8 Details of storage tanks**

The underground fuel storage tanks to be provided on site shall be in complete accordance with the details shown on drawing number 31 - Below Ground Fuel Tanks Encased in Pea Shingle dated 29.06.2018 and drawing number 32 - Full Services dated 12.09.2018 and provided in full prior to first occupation of the petrol pumps. The fuel storage tanks will thereafter be retained in perpetuity unless otherwise first agreed in writing with the Local

Planning Authority.

Reason for condition:-

To ensure that the interests of public safety have been fully considered and to protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3).

**9**

**Foul water scheme**

Foul water disposal shall be installed on site prior to first occupation in accordance with the scheme approved by permission reference 3DC/2018/0221/DOC. The development shall not be brought into use until the scheme has been completed in full accordance with the approved details.

Reason for condition:-

In order to protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3).

**10**

**Surface water scheme**

Surface water disposal shall be installed on site prior to first occupation in accordance with drawing 72001 Rev P06 - Proposed Drainage General Arrangement. The development shall not be brought into use until the scheme has been completed in full accordance with the approved details.

Reason for condition:-

To ensure that there would be no increased risk of flooding elsewhere and to protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3).

**OR - Subject to EA Response**

Within 2 months from the date of this decision notice, a scheme for surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details for the on going management and maintenance of the surface water drainage system. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The development shall thereafter be carried out in accordance with the approval details and not be brought into use until the approved scheme has been completed.

Reason for condition:-

The details are required prior to the commencement of development in order to ensure that there would be no increased risk of flooding elsewhere and to protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3).

- 11 Ventilation and extraction details**
- No extractor or ventilation system or any associated flues, ducts or vents shall be installed at the site, unless a scheme for noise and odour control has first been submitted to and approved in writing by the Local Planning Authority, otherwise than those approved by permission reference DC/2019/0033/DOC. The system shall be installed and thereafter maintained in full accordance with the approved details to the satisfaction of the Local Planning Authority.
- Reason for condition:-  
In the interest of the amenities of nearby residents in accordance with policy DC1 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.
- 12 Non-standard condition**
- The waste management system shall be installed and made available on site prior to first occupation in accordance with the scheme approved by permission reference 3DC/2018/0221/DOC.
- Reason for condition:-  
In the interest of the character and appearance of the surrounding area and amenities of nearby residents in accordance with policy DC1 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.
- 13 Piling**
- Piling or any other foundation designs and investigation of boreholes using penetrative methods shall not be undertaken on site other than in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Permission for such methods will only be granted within those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall thereafter be carried out in accordance with the approved details.
- Reason for condition: -  
The details are required prior to any piling or boreholes in order to protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3).
- 14 Site Investigation/ remediation**
- The development including construction works will take place in full accordance with the Phase I/II Environmental Assessment dated October 2017.
- Reason for condition:-  
This condition is imposed in accordance with CP 9 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009 and Planning Policy Statement No 23.
- This condition will require to be discharged**
- 15 Unexpected Contamination**
- In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in



accordance with details to be agreed in writing with the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason for condition:-

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This condition is imposed in accordance with CP 9 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009 and Planning Policy Statement No 23.

**16 Access, parking arrangement as approved**

Prior to the commencement of the use hereby permitted the vehicular access shall be upgraded and widened in accordance with the Norfolk County Council industrial access construction specification. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason:-

In the interest of highway safety and traffic movement.

**17 Scheme of highway improvement works**

Prior to commencement of the use hereby permitted any access barrier, or other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 10 metres from the near channel edge of the adjacent carriageway. Any fences adjacent to the access shall be splayed at an angle of 45 degrees from each of the (outside) gateposts to the front boundary of the site.

Reason:-

To enable vehicles to safely draw off the highway before the barrier is opened.

**18 Highway condition**

Prior to the first occupation of the development hereby permitted the proposed on-site car and cycle parking / servicing / loading, unloading / turning / waiting areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use. Unless otherwise agreed in writing with the Local Planning Authority the staff parking spaces shall be retained for that specific use only.

Reason:-

To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.

**19 Non-standard condition**

No occupation of the hereby approved development will take place whatsoever until the Traffic Regulation Order for waiting restrictions has been promoted by the Highway Authority.

Reason:-

In the interests of highway safety.

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**Wheel washing facilities- temporary for construction vehicle**

The wheel washing proposals for the development will take place in full accordance with the approved Construction Management Plan dated 07/12/2018 for the duration of the construction works.

Reason:-

To prevent extraneous material being deposited on the highway.

**This condition will require to be discharged**

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**Note non standard re: Asbestos**

Based on information provided with this application it has become apparent that asbestos containing material may be present within the site. The removal of asbestos materials must be carried out in accordance with appropriate guidance and legislation including compliance with waste management requirements. Accordingly any works should be managed to avoid damage to any asbestos containing material such as to prevent the release or spreading of asbestos within the site or on to any neighbouring land.