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Our reference: CSC1159

Hinckley & Bosworth Borough Council
Hinckley Hub
Rugby Road
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Planning Portal Ref: PP-15056550

Dear Sir/Madam,

**APPLICATION ON BEHALF OF MOTOR FUEL GROUP
MORRISONS PETROL FILLING STATION, NORMANDY WAY, HINCKLEY, LE10 1YA**

On behalf of our client, Motor Fuel Group (MFG), please find enclosed a planning application in respect of the Petrol Filling Station at the Morrisons store at Normandy Way, Hinckley, LE10 1YA. The application seeks consent for the following development:

Removal of the existing jet wash and air and vacuum units, and extension to the existing petrol filling station's sales building to facilitate a hot food takeaway (ancillary to the Sui Generis petrol filling station), installation of kitchen extraction equipment, provision of lockers, new air and vacuum units, bin store and associated forecourt works.

Proposed Development

The application specifically seeks consent for an extension to the existing PFS sales kiosk to provide additional 'back of house' storage and a new hot food offer, that will be operated by Burger King. It is anticipated that the Burger King will cater predominantly for motorists who wish to purchase food 'on-the-go' (FTG) but it will also include a small indoor seating area giving customers the opportunity to consume their purchased goods on the premises.

The schedule of areas (sqm) of the sales building are shown in the table below.

	Existing	Proposed Extension	Total
Gross External Area	95 sqm	115 sqm	210 sqm
Gross Internal Area	77 sqm	106 sqm	183 sqm

The proposals also include new lockers, air and vacuum units, a bin store, the removal of existing trees and replacement planting, associated soft landscaping works, and the installation of bird boxes at the petrol filling station.

Planning Policy Context

The Hinckley & Bosworth Borough Council Core Strategy (December 2009) forms part of the adopted development plan for the borough. The Local Plan is the primary document guiding the development of the Borough over a 20-year period (2006 to 2026). It seeks to ensure that appropriate facilities and infrastructure are provided to support local communities, economic growth and tourism, while setting out a vision and framework to address the area's future needs and opportunities. The Site Allocations and Development Management Policies Document Plan Document (DPD) (July 2016) forms part of the local plan and outlines the council's policies for development and carries full statutory weight for making decisions on planning applications. The adopted Hinckley and Burbage policies map identifies the application site as being located within the settlement boundary of Hinckley and within the Stoke Road and Northern Perimeter Road Local Centre, allocated/designated in the Site Allocations and Development Management Policies DPD under reference HIN190L.

The following policies are most relevance to this proposal:

Core Strategy (2009)

- Policy 1: Development in Hinckley

Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM22: Vitalising District, Local and Neighbourhood Centres

Rational for the Proposal

MFG is the UK's largest independent forecourt operator with over 900 sites offering a dual-fuel strategy, convenient retail and 'food to go'. As part of MFG's proposals to improve facilities across their portfolio of Morrison petrol filling stations they are also taking the opportunity to extend the existing kiosk/shop, to provide an improved offer i.e. food to go services to visiting motorists.

Key Considerations

The retail policy tests (ie impact and sequential) do not apply as:

- i) the proposed retail extension offer is ancillary to the main use as a petrol filling station, which is not a 'main town centre use' (as defined in the National Planning Policy Framework) – petrol filling stations do not fall within the Class E(a) shop use, being listed in the Use Classes Order 1987 (as amended) as a *sui generis* use. There should therefore be no mandatory requirement to assess the impact of the extension to the kiosk.
- ii) Even if the proposed FTG facility is considered to be a Class E use, the site is within a designated Local Centre so the sequential and impact tests are satisfied.

Notwithstanding the above, if an impact assessment was required by policy, then the Government's Planning Practice Guidance (PPG) is clear that impacts should be assessed on a like-for-like basis in respect of the particular retail sector (PPG ref. 2b-015-20190722), which here, would mean the impact of the larger forecourt kiosk on the turnover of other petrol filling stations. However, retail policies in both the National Planning Policy Framework (NPPF) and Local Plan are concerned with protecting the vitality and viability of defined town centres, so given that the food to go kiosks are purely ancillary to the petrol filling station use and cater to passing motorists and is not a retail destination in its own right, a retail impact assessment is clearly not warranted. The proposal is also significantly below the threshold of 2,500 sq m gross for when a retail impact assessment will be required, which is set out in Polich DM21 of the Site Allocations and Development Management Policies DPD. In any event, as already noted the proposed extension

will be ancillary to the existing *sui generis* petrol station so any small uplift in turnover the development will bring will not be spending that would otherwise be spent in the town centre. In summary, the proposal is not considered to give rise to significant impacts on the vitality or viability of the Hinckley town centre given the context and scale of development.

The proposed development accords with the economic objectives of the NPPF (2026), particularly Policy E1, by supporting investment in an existing business and responding positively to local business needs and opportunities for economic growth. The extension will enhance the existing offer at the site without compromising the efficient operation of the petrol filling station. In addition, the development is anticipated to create approximately 10 new jobs, delivering economic benefits and supporting the local economy. Policy HC5 in the NPPF relates to hot food take-aways, but only says that these should be refused: i) if the site is within a reasonable walking distance (defined as 400m) of schools or other places where children and young people congregate (unless the site is within a town centre); or ii) in locations where there is evidence that a concentration of such uses is having an adverse impact on local health, pollution or anti-social behaviour. Whilst the proposal includes the sale of hot food, there is no evidence to indicate that an existing concentration of hot food takeaways in the area is having an adverse impact on local health, pollution or anti-social behaviour, and in any event the application site is located within the Stoke Road and Northern Perimeter Road Local Centre, which forms part of the Borough's retail hierarchy. The NPPF states that references to town centres apply to city centres, town centres, district centres and local centres as defined in the development plan. As such, the proposal benefits from the town centre exception under criterion (i). In any event the closest school is the Dorothy Goodman Primary School on Stoke Road, which is over 400m walking distance from the location of the proposed Burger King, on a circuitous route that runs around the Morrisons and through the store car park. Accordingly, the proposal is considered to comply with Policy HC5.

The proposed development would be located within an existing petrol filling station and it forms part of a wider Morrisons Supermarket development in Hinckley. The proposed area will be well-lit and does not raise any concerns from anti-social behaviour / natural surveillance perspective.

The site is accessed via a private road which connects to Clover Field, which in turn links to Normandy Way, an A classified road subject to a 40-mph speed limit. No changes are proposed to the existing site access arrangements. It is not expected that the proposed development will cause any increase in traffic on the surrounding highway network, due to the ancillary nature of the retail offering and expected use of the site by the passing motorist. Existing car parking spaces within the Morrisons car park are expected to be sufficient to meet the needs of the proposed development.

Submission Documents

The following documents are submitted in support of this application:

- Completed Application Form
- Planning Supporting Letter (this document)
- Arboricultural Impact Assessment & Method Statement (epd & Glendale Countryside)
 - Tree Constraints Plan
 - Tree Removal Plan
 - Tree Protection Plan
- Application drawings comprising:
 - 14314-2233 - BP - Block Plan
 - 14314-2233 - LP - Location Plan
 - 14314-2233 - 200 - Existing Site Layout
 - 14314-2233 - 201 B - Proposed Site Layout
 - 14314-2233 - 202 - Existing Sales Building
 - 14314-2233 - 203 - Existing Sales Building Elevations
 - 14314-2233 - 204 A - Proposed Sales Building
 - 14314-2233 - 204-1 A Proposed Sales Building HVAC Layout



- 14314-2233 - 205 A - Proposed Sales Building Elevations
- 14314-2233 - 206 - Air and Vac Elevations
- 14314-2233 - 207 - Locker Details

We trust that the application is in order and that it can be processed accordingly. Should you have any queries or wish to discuss the above please don't hesitate to contact us.

Yours faithfully,

Rahma Dwimunali
Planner
CarneySweeney

Encl.