

Delegated Report

Planning Ref: 23/00613/FUL
Applicant: CNG Fuels Ltd
Ward: Hinckley Clarendon



Hinckley & Bosworth
Borough Council

Site: Land South Of A5 Watling Street & West Of Petrol Filling Station, Hinckley

Proposal: Proposed Bio-CNG vehicle fuelling station comprising fuel dispenser islands, plant compound, landscaping, access, associated highway works and associated development.

1. Recommendations

- 1.1. **Grant planning permission** subject to:
- Planning conditions outlined at the end of this report

2. Planning Application Description

- 2.1. This is an application for a proposed Bio-Compressed Natural Gas (Bio-CNG) vehicle fuelling facility at land south of A5, Watling Street, Hinckley. Bio-CNG is a sustainable and renewable gas produced from food, animal and water waste.
- 2.2. The site will operate 24 hours a day, seven days a week. It will be unmanned, monitored remotely by CCTV, and restricted to use by CNG Fuels customers only. To dispense the Bio-CNG, there are 12 fuel pump islands positioned in two rows of six islands at the centre of the application site.
- 2.3. To the east of the application site there is also a plant compound to, bounded by 2.4m high security fencing. Immediately to the north west of the plant compound will be a proposed substation.

3. Description of the Site and Surrounding Area

- 3.1. The 0.92ha site lies immediately on the south side of the A5. It is bounded to the east by a petrol filling station and open fields to the south and west. The settlement boundary runs along the north of the A5, so the site is considered to be within the countryside.
- 3.2. It is partially situated in Flood Zone 2, with the majority of the site located within Flood Zone 1.

4. Relevant Planning History

- 4.1 07/00092/FUL – Erection of free standing ATM and bollards. Approved.

5. Publicity

- 5.1. Letters were sent out to neighbouring/nearby properties and site notice put up in the vicinity. No objections have been received.

6. Consultation

- HBBC Drainage – no comment.
- LCC Drainage – no comment.
- HBBC Environmental Health – no objection with conditions.

- HBBC Waste – no objection.
- LCC Ecology – no objection.
- LCC Highways – no objection with conditions.
- WCC Highways – no objection.
- Environment Agency – no objection.
- National Highways – no objection with conditions.

6.1. No response has been received from:

- Severn Trent Water Limited
- HBBC Arboricultural Officer
- Hinckley Area Committee
- HBBC Regeneration
- HBBC Planning Policy

7. Policy

7.1. Core Strategy (2009)

Policy 1: Development in Hinckley

7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM2 Delivering Renewable Energy and Low Carbon Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (Dec 2023)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

8. Appraisal

8.1. Key Issues

- Principle of development
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Preventing pollution and flood risk

Principle of development

8.2. There is a presumption in favour of sustainable development under Policies DM1 and DM2 of the SADMP and the wider policies of the NPPF, so long as proposals are in accordance with the relevant policies of the SADMP.

8.3. Policy DM2 states that the Council is committed to reducing its environmental impact through carbon reduction measures and through the support of appropriately designed and sited renewable energy and low carbon developments. The policy goes on to state that applications for the development of renewable energy and low carbon development installations at the domestic, community and commercial

scales will be supported where adverse impacts are avoided and the proposal accords with the Council's heritage policies.

- 8.4. In July 2019 HBBC declared a 'climate emergency' whereby Councillors pledged to take local action to contribute to national carbon neutral targets through the development of practices and policies, with an aim to being carbon neutral in the borough of Hinckley and Bosworth by 2030.
- 8.5. The proposal site is outside of a settlement boundary, and is therefore identified as open countryside. Policy DM4 states development in the countryside will be considered sustainable where it relates to the provision of stand-alone renewable energy developments in line with Policy DM2.
- 8.6. The proposal is not considered to be stand-alone renewable energy, but is a low carbon development. As such, the proposal is not a stand-alone renewable energy development in line with Policy DM2 and technically not supported by Policy DM4 albeit that the proposal is considered to be supported by Policy DM2, which is considered significant.

Design and impact upon the character of the area

- 8.7. Policy DM10 indicates that development will be permitted providing it meets good standards of design including that it would complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.8. Development within the countryside would be considered sustainable under Policy DM4 if it does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside.
- 8.9. Although the application site is classified as open countryside, it is bound on two sides by the A5 and a petrol filling station. The proposed development will fit in the existing building line along the A5 and is of a similar nature to the surrounding commercial development.
- 8.10. The proposed development will not contain any tall buildings or the canopy typically associated with refuelling stations. The tallest element will be a gas flue vent stack at 7.1m and where possible, soft landscaping and planting have been incorporated into the design.
- 8.11. Taking into account the above, although the proposed development does not fall within any of the five types of development that are considered to be sustainable within the countryside it is not considered to have any significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside.
- 8.12. It is considered that the proposal accords with Policy DM10 of the SADMP and is acceptable in terms of its design and its impact upon the character of the area.

Impact upon neighbouring residential amenity

- 8.13. Policy DM10 (a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters

of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.

- 8.14. The nearest residential properties are to the north of the A5. There would be no overlooking or shadowing caused as a result of the proposed development. Taking into account the above, the proposed development complies with Policy DM10 with regard to its impact on neighbours.

Impact upon highway safety

- 8.15. Following several rounds of consultation and design changes in order to address detailed concerns, National Highways, LCC Highways and WCC Highways have no objections to the amended proposals. Suitable conditions have been agreed.
- 8.16. It is considered that the proposal is acceptable in highway terms and satisfies Policy DM17 and DM18.

Flood Risk and Drainage

- 8.17. HBBC Drainage have no objections and following the implementation of conditions, the proposals comply with Policy DM7.

Conclusion

- 8.18. The proposal is considered to comply with Policies DM1, DM7, DM10, DM17 and DM18 of the SADMP. It is also considered to be offered support by Policy DM2 of the SADMP. This compliance, together with wider support from the NPPF and the climate emergency, outweigh the non-compliance with Policy DM4.

9. Equality implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application.
- 9.3. There are no known equality implications arising directly from this development.
- 9.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Recommendation

Grant planning permission subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted relates to the following approved plans only:
 - Site Location Plan 042-01-CNG-101 REV G, received on 01/03/24.
 - Existing Site Plan 042-01-CNG-102 REV G, received on 01/03/24.
 - Site Block Plan 042-01-CNG- 103 REV J, received on 01/03/24.
 - Proposed Site Layout 042-01-CNG-104 REV J, received on 01/03/24.
 - Proposed Site Elevations 042-01-CNG-105 REV E, received on 01/03/24.
 - Site Lighting Plan 042-01-CNG-106 REV I, received on 01/03/24.
 - PROPOSED LEFT IN / RIGHT OUT ACCESS ON A5 WATLING STREET drawing number 22-240-007 Rev H, received on 01/03/24.
 - Arboricultural Impact Assessment (March 2024, 87785.545092/22-1826), received on 12/03/24.
 - Air Quality Assessment (Ref: 6333r1, 4th May 2023), received on 20/06/23.
 - Construction Traffic Management Plan (May 2024), received on 17/05/24.
 - Designers Response to Stage 1 Road Safety Audit – signed version, received on 21/05/24.
 - Construction Environment Management Plan (March 2024, BEK-23005-2-RevB) received on 12/03/24.
 - Ecological Impact Assessment (March 2024, 22-1826.01/87785.545091), received on 12/03/24.
 - Flood Risk Assessment and Drainage Strategy (Issue 07, 08/03/24), received on 12/03/24.
 - Sustainable Urban Drainage System, Management & Maintenance Plan (TC/M&M/P9298/23/02), received on 21/07/23.
 - External Lighting Proposal (Issue 05, 11/03/24), received on 12/03/24.
 - Proposed External Lighting Layout (with calculated illumination levels) LTG-001 REV P4, received on 12/03/24.
 - Landscape and Visual Impact Appraisal (D333/V5/JF/March 2024), received on 12/03/24.
 - Landscape Proposals (D333.L.001 REV D), received on 12/03/24.
 - Noise Impact Assessment (Issue Date: 6 March 2024, EEC/EC19348-5), received on 12/03/24.
 - Preliminary Risk Assessment (TC/PRA/P9299/22/01, Issue 01 REV D), received on 12/03/24.
 - Site Investigation & Ground Assessment (Report Ref: BEK-23005-1 Rev D), received on 12/03/24.
 - Planning Statement (June 2023), received on 20/06/23.
 - Planning Statement Addendum (01 March 2024), received on 01/03/24.
 - Transport Statement (May 2023), received on 20/06/23.
 - Transport Statement Addendum (March 2024 REV A), received on 01/03/24.

Reason: To ensure the development accords with the approved details.

3. The approved details within the Construction Environment Management Plan (March 2024, BEK-23005-2-RevB) received by the LPA on 12/03/2024 shall be implemented throughout the course of the development.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Construction of the development hereby approved shall be undertaken in accordance with the approved Construction Traffic Management Plan, May 2024 prepared by Odyssey.

Reason: To mitigate any adverse impact from the development on the A5 Trunk Road in accordance with DfT Circular 01/2022.

5. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on PROPOSED LEFT IN / RIGHT OUT ACCESS ON A5 WATLING STREET drawing number 22-240-007 Rev H have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (December 2023).

6. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with drawing titled "PROPOSED LEFT IN / RIGHT OUT ACCESS ON A5 WATLING STREET" (drawing number 22-240-007 Rev H dated 28 February 2024). Thereafter the onsite parking and turning provision shall be kept available for such use(s) in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (December 2023).

7. The development shall be undertaken in strict accordance with the approved drainage details prior to the first occupation of the development hereby permitted and retained in accordance with the agreed specification. No surface water shall be permitted to run off from the development hereby permitted on to the Strategic Road Network or into any drainage system connected to the Strategic Road Network. No drainage connections from any part of development hereby permitted may be made to any Strategic Road Network drainage systems.

Reason: In the interest of the safe and efficient operation of the Strategic Road Network, and to protect the integrity of the Trunk Road drainage asset in accordance with DfT Circular 01/2022.

8. Prior to the occupation of the development hereby permitted, the proposed external lighting, as shown in the lighting plan, shall be constructed and be maintained in perpetuity in accordance with the plan.

Reason: To mitigate any adverse impact from the development on the A5 Trunk Road and to satisfy the reasonable requirements of road safety.

9. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted in writing to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the first dwelling being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. The rating level of the noise emitted from any plant located at the site should not exceed the representative background level by more than 3dB at any premises used for residential purposes surrounding the site when assessed in accordance with BS4142:2014+A1(2019).

Reason: To ensure that the proposed use does not become a source of annoyance to nearby residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11. The CNG fuelling station hereby approved shall not be used for the refuelling of private motor cars. Details of signage or other methods of control to ensure that the refuelling of private cars is prohibited shall be submitted to and approved in writing by the Local Planning Authority prior to the CNG fuelling station being brought into use. The site shall operate in accordance with the approved details thereafter.

Reason: To control future use of the site to mitigate any adverse impact from the development on the A5 Trunk Road and to satisfy the reasonable requirements of road safety.

INFORMATIVES

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Sketchley Brook is a sensitive receptor, and whilst it is accepted that mitigation during the construction phase in terms of flood risk is not required, there is a potential risk for silt pollution from surface water runoff arising from construction activities. The principal source of risk to the surface water receptor will be from onsite material disturbance and movement, stockpiles and excavation of the attenuation tank and therefore some positive mitigation will be required to protect Sketchley Brook from silt pollution.
3. In dealing with the application, through ongoing negotiation the local planning authority have worked with the applicant in a positive and proactive manner by offering a pre-application advice service and by seeking solutions to problems arising in relation to dealing with the planning application and this has resulted in the approval of the application. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of

the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).