

FORMER MARKFIELD SERVICES, LITTLE SHAW LN, MARKFIELD

PLANNING STATEMENT

EG ON THE MOVE LIMITED

JUNE 2026

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1.0 INTRODUCTION

- 1.1 This Planning Statement (the '**Statement**') forms part of a planning application, submitted on behalf of EG On The Move Limited (the '**Applicant**'), to Hinckley & Bosworth Borough Council ('the '**Council**'), in relation to a Proposed Development at the former Markfield Services, Little Shaw Lane, Markfield, LE67 9PP (the '**Site**').
- 1.2 The application proposes the demolition of existing PFS, ancillary kiosk, car wash and sales building, and erection of petrol filling station, drive thru coffee unit, drive thru restaurant, EV charging area, domestic vehicular parking, HGV parking area, jet wash bays and associated development.
- 1.3 The description of development is as follows:
- "Enhancements to the roadside facility comprising demolition of existing PFS, ancillary kiosk, car wash and sales building, and erection of petrol filling station and ancillary kiosk, drive thru coffee unit, drive thru restaurant, EV charging area, domestic vehicular parking, HGV parking area, jet wash bays and associated development (Sui Generis)"*
- 1.4 The Site measures approximately 5.92 acres. It is prominent, comprising a former Services operated by Moto. It includes multiple buildings, including a vacant PFS and ancillary kiosk, vacant car wash, vacant retail building (former Burger King and other sales). An operational Travelodge Hotel is also located within it. The Site is in a very tired, derelict state which detracts from the wider area, does not contribute economically or visually to Markfield and the surrounding area nor providing comprehensive roadside facilities for passing motorists.
- 1.5 The development will comprise roadside infrastructure, immediately accessible from the A511 and M1 Motorway. Given the Site's location immediately adjacent to a prominent A-road and Motorway, and as evidenced by its lawful use, it is in the optimum location to provide such a facility for which the operator, a leading provider in the sector, has identified a requirement.
- 1.6 The Proposed Development will comprise modern roadside infrastructure and will generate approximately 80 new jobs. The economic benefits arising from the proposal comprise a material consideration in the determination of the application.
- 1.7 As part of a modernisation of the Site, the Proposed Development will allow for the provision of additional high powered (150KW+) EV charging points, for which there is an evidencable need. The design is future proofed with the ability to expand the EV offer over time.
- 1.8 A pre-application with Hinckley & Bosworth Borough Council was also undertaken for the proposals, with feedback received 20 February 2026 (Ref. 25/0190/PREHMO), within which the principle of development was regarded as broadly acceptable. Further details can be found in Section 3.0 of this statement.
- 1.9 This Statement sets out the scope of the planning application, identifies material planning considerations relating to the development, and provides an assessment against these key issues. It will focus on the acceptability of the development in land use terms, having regards to the relevant policies of the National Planning Policy Framework (NPPF) and Local Development Plan Policy.
- 1.10 The application should be read in conjunction with the other supporting application documents as set out in the accompanying covering letter. The remainder of the Statement is structured as follows:
- **The Application Site and Relevant Planning History (Section 2)** – This Section provides an overview of the Site and summarises the relevant planning history;

- **The Proposed Development (Section 3)** – This Section provides details of the specific works proposed, and details of pre-application feedback;
- **Relevant Planning Policy (Section 4)** – This Section identifies the relevant planning policy at a national and local level which the development proposals will be assessed against. At a local level, this comprises the Hinckley & Bosworth Borough Core Strategy (2009), the Site Allocations and Development Management Policies DPD (2016) and the Markfield Neighbourhood Plan (2021). At a national level, this includes the National Planning Policy Framework (February 2025) (NPPF), the accompanying guidance contained in the Planning Practice Guidance (PPG) and the Department for Transport (DFT) Circular 01/2022 – Strategic Road Network and the Delivery of Sustainable Development.
- **Other Planning Considerations (Section 6)** – Here we consider the other material issues relevant to the consideration of the application; and
- **Summary and Conclusions (Section 7)** – In this Section, we provide a summary of the key planning issues and provide the conclusions of the assessment. We conclude that the Proposed Development is fully in line with national and local policy and should therefore be considered favourably.

1.11 This Statement demonstrates that the development proposals fully comply with both national and local planning policy. It will have an overall positive effect on road users by way the provision of facilities for which there is a need, including EV charging, in addition to the improving the aesthetic quality of the Site which is prominent in nature. We therefore consider that planning permission should be granted.

2.0 THE APPLICATION SITE & PLANNING HISTORY

The Application Site

- 2.1 The Site, which measures approximately 2.4 Ha, is located adjacent to the M1 / A511 / A50 Roundabout at Junction 22 of the M1 Motorway. It is bound by this junction to the north and east and immediately adjacent to both the Motorway and A-road. The Site is located within the boundaries of Hinckley & Bosworth Borough Council.
- 2.2 It comprises a former Services, containing multiple vacant buildings of poor aesthetic quality and an operational Travelodge, alongside associated car parking and soft landscaping.
- 2.3 The full extent of the Site is outlined in red on the Site Location Plan at **Figure 2.1** below:

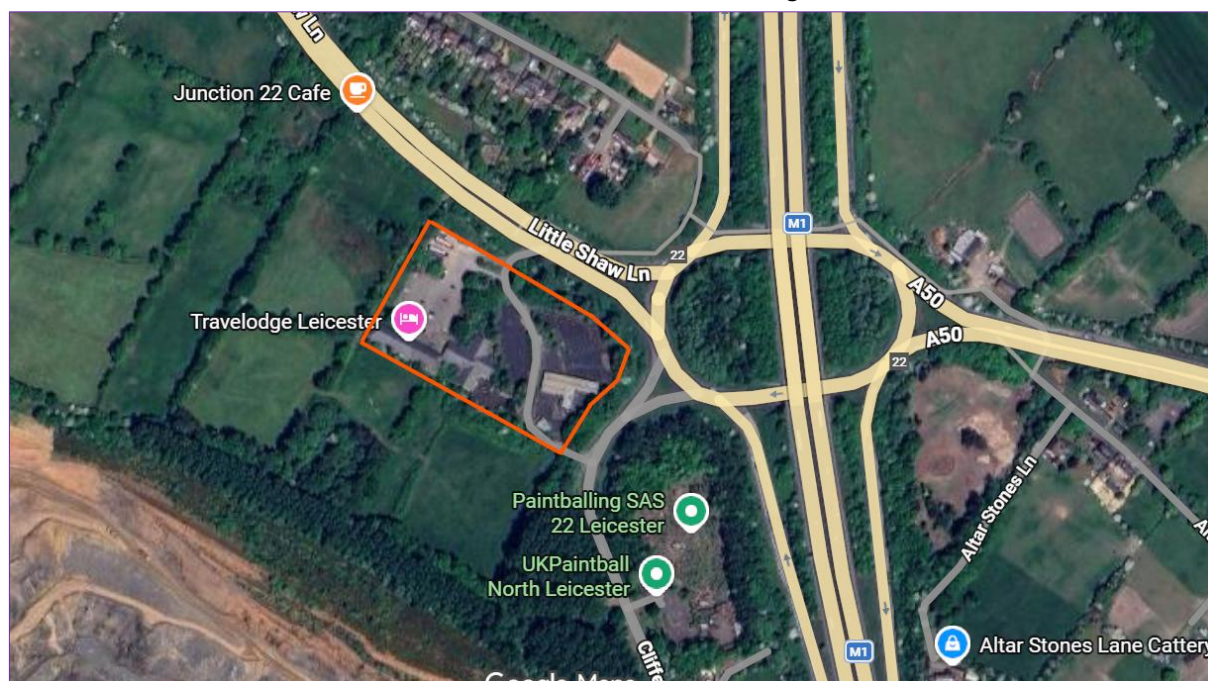


Figure 2.1 – Ariel View of Site with Indicative Red Line Boundary

- 2.4 Excluding the hotel, existing structures at the Site comprise a former twelve-filling bay PFS and vacant ancillary kiosk measuring approximately, a vacant car wash and vacant retail building (including a former Burger King and other sales) totalling approximately 1,130 sq. m. An operational 60 bed Travelodge Hotel is also located within the western portion of the Site. With the exception of the hotel, built development on Site is in a tired state. It does not provide comprehensive facilities to passing motorists, contribute visually to Markfield nor not contribute economically (with the exception of the Travelodge).
- 2.5 The Site is in a prominent location adjacent to the M1 / A511 / A50 Roundabout at Junction 22 of the M1 Motorway. The M1 is a 193.5 mile motorway, running from Junction 1 at Staples Corner in London to Junction 47 near Hook Motor in West Yorkshire, where it connects with the A1(M) close to Leeds. The A511 is also an important east-west corridor, carrying significant traffic and providing a key link between Leicestershire and South Derbyshire. The route extends approximately 21 miles, from Junction 22 of the M1, where the Site is located, and terminating at its junction with the A50 near Foston.
- 2.6 Hinckley Town Centre boundary is over 15km south of the Site, which provides a range of amenities. Given the distance from Hinckley Town Centre, as well as being c. 1.8km west of Main Street Local Centre, which is the closest designated centre to the Site, it is 'out-of-centre' in retail planning policy terms.

- 2.7 No element of the Site is Listed, within a Conservation Area or within an ecologically sensitive area. It is free from the following constraints - Listed Buildings, Conservation Areas, Development Frameworks, Parishes, Green Belt and Article 4 directions. It should be noted that there are multiple Tree Preservation Order (TPO) designations within and surrounding the Site.
- 2.8 Based on the EA Flood Map for Planning, the Site is located within Flood Zone 1 and therefore at the lowest level of flooding risk for the purposes of achieving a planning permission. However, elements of the northern portion of the Site is at risk of surface water flooding (extract below at **Figure 2.2** and **Figure 2.3**).

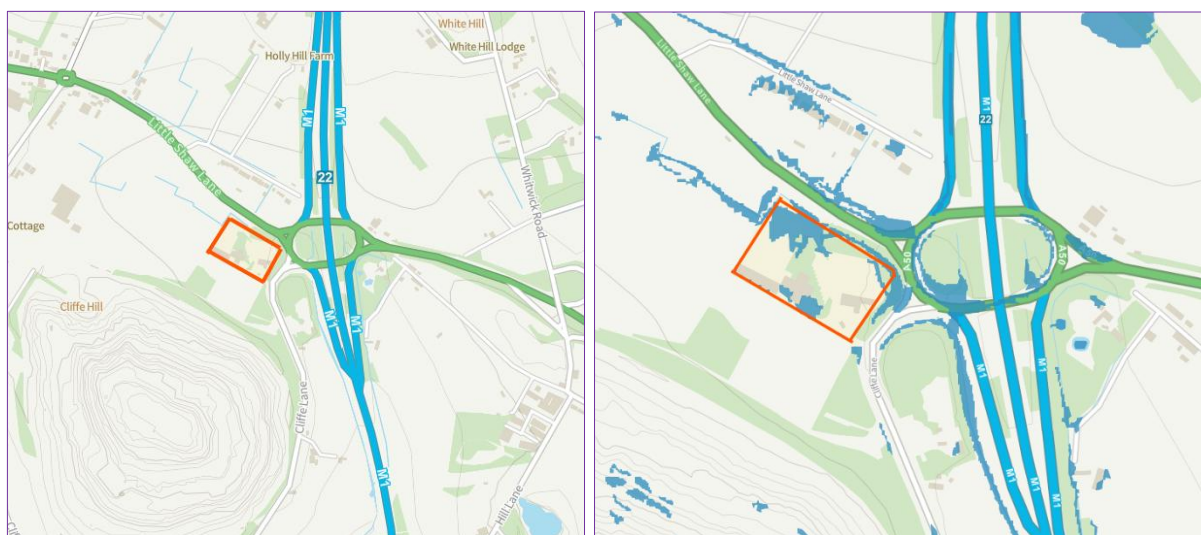


Figure 2.2 and 2.3 – Extracts from EA Flood Map

- 2.9 Access to the Site is taken off the westbound carriageway of the A511, and egress is made to Cliffe Lane, with vehicles routing back towards to the M1 Junction 22 roundabout.
- 2.10 Surrounding uses are limited. To the south and west of the Site is greenfield land, which has recent Outline Planning approval (November 2025) allowing for over 10,000 sq. m. of employment floorspace (LPA Permission Reference 23/01090/OUT). Further south, approximately 220 metres from the Site, is a large quarry. A paintball site is located southeast of the Site, separated by tree planting and Cliffe Lane. Highway is located to the north and east comprising the A511 and M1 respectively.

Relevant Planning History

- 2.11 A planning history search has been undertaken using the Councils online explorer. The Site benefits from a lawful use as a Trunk Road Service Area and was formally operated by Moto. It has a detailed planning history which identified its suitability for a roadside facility.
- 2.12 The first planning permission for the Site was approved 8 May 1987, which allowed for the erection of a drive thru restaurant, petrol filling station and hotel type complex (Reference 86/01145/4).
- 2.13 Following this, on 20 May 1988, permission was granted for the following development under Permission Reference 87/01164/4:

“Trunk Road Service Area comprising 34 bedroom hotel, catering building, petrol filling station and associated parking area”

- 2.14 An extension to the hotel building was approved 24 April 1990 (Reference 90/00183/4).

- 2.15 A further permission granted 25 July 1997 allowed for a two storey extension to the motorist lodge, alongside associated alterations to areas of hard standing (Reference 96/00822/FUL).
- 2.16 The most recent application comprises Reference 08/00878/FUL, which was approved 23 October 2008 and allowed for extensions and alterations to the existing sales building on Site.
- 2.17 In accordance with the above, the Site benefits from a lawful use as a Trunk Road Service Area and hotel. The Council have adopted a positive approach to various applications seeking to improve the facility and the offer it provides to passing motorists.

Nearby Applications

- 2.18 Permission was granted 21 November 2025 for “*Outline application for the construction of employment units (Use Classes E(g)(i), E(g)(ii), B2 and B8) (all matters reserved except for access).*”
- 2.19 The permission reference is 23/01090/OUIT, and allows for the development of 10,532 sq. m. of employment floorspace. This application site borders the former Markfield Services (the Site) to the east and south.

3.0 THE PROPOSED DEVELOPMENT & EG ON THE MOVE LTD

- 3.1 EG On the Move Limited has agreed terms to purchase the Site and facilitate it's reopening as a roadside services subject to receipt of a satisfactory planning permission allowing for its modernisation. They are committed to significant investment to provide a facility servicing passing traffic. The Applicant, extensively experienced in providing such facilities throughout the UK and Ireland, has identified need for such a facility.
- 3.2 This application seeks full planning permission for the demolition of existing buildings (excluding the retention of the existing hotel building), and the rection of a roadside services facility, comprising a petrol filling station ('PFS'), a kiosk unit (Sui Generis), a Coffee Drive Thru unit (Class E / Sui Generis), a Restaurant Drive Thru unit (Class E / Sui Generis), EV charging spaces, car parking, jet wash bays, landscaping works and various infrastructure at the Site.
- 3.3 In the interests of clarity, the Proposed Development is not seeking signed status from any element of the Strategic Road Network and is therefore not subject to consideration in accordance with the requirements as set out within Annexe A of Department for transport Circular 01/2022.
- 3.4 The facility will largely sit within the boundaries of existing development at the Site. The proposals seek the retention of the existing hotel building on the southwest corner of the Site, currently operated by Travelodge.
- 3.5 The Proposed Development can be broken down into the following components:
- Vehicular and pedestrian access from the M1 / A511;
 - Petrol Filling Station for domestic vehicles;
 - HGV Filling Station;
 - Main PFS / Services building of 737 sq. m (GIA);
 - Drive Thru coffee unit of 172 sq. m. (GIA);
 - Drive Thru restaurant unit of 290 sq. m. (GIA);
 - Retention of existing Travelodge;
 - 194 Parking Spaces, including 12 EV Charging spaces, 9 DDA spaces; 12 HGV bays, staff parking, and shared parking;
 - 2 Jet wash bays;
 - Landscaping; and
 - Electric substations.
- 3.6 The Proposed Development will comprise a new comprehensive roadside facility for which there is an identified need in the context of a shortfall of such services in the wider Hinckley & Bosworth area. It will include 12 no. high powered (150KW+) EV charging points on the M1 and A511, both key routes, for which there is an evidencable need with the development 'future proofed' in design enabling the expansion of the offer over time.
- 3.7 The Proposed Development will enable the development of a prominent Site which is in disrepair and improve its active economic use. It will result in significant economic benefits by way of the creation of circa 80 jobs. The job creation comprises a material consideration in the determination of the application.
- 3.8 The Applicant, EG On The Move Limited, will operate all elements of the Proposed Development. This includes all management, employment, staff training, delivery of service and litter / refuse arrangements for all proposed operations.

3.9 Below we break down the elements of the Proposed Development in greater detail.

Layout

- 3.10 The Site comprises the existing vacant PFS and vacant ancillary kiosk, a vacant car wash and vacant retail building (including a former Burger King and other sales). An operational 60 bed Travelodge Hotel is also located within the western portion of the Site.
- 3.11 The Proposed Development includes the retention of the hotel building, demolition of all other buildings and structures on Site, and construction of a new PFS for domestic vehicles and HGVs, with a PFS sales kiosk measuring 737 sq. m (GIA.) This PFS will occupy the southeast area of the Site, in a similar position to the existing former PFS.
- 3.12 A restaurant drive thru unit of 290 sq. m (GIA) is proposed for the northwest portion of the Site, which currently comprises car parking. A coffee drive thru unit of 172 sq. m is proposed within the central southern area of the Site, in place of the existing retail sales building currently on Site.
- 3.13 12 no. high powered EV charging bays will be provided centrally within the Site. It is evidenced in this Statement that there is a significant shortfall and need for such charging points accessible from the M1 / A511 and connected roads within the surrounding area.

Scale

- 3.14 Excluding the hotel, the existing buildings on Site measure approximately 1,130 sq. m. The Proposed Development includes the demolition of the poor-quality buildings (excluding the hotel building) and the erection of a PFS with associated sales kiosk building measuring 737 sq. m (GIA), and two drive thru units totalling 462 sq. m. The scale of development is therefore in line with existing built development and is considered appropriate regarding the character and appearance of the Site.

Appearance

- 3.15 The Proposed Development will result in a significant enhancement in the appearance of the Site. It will provide a roadside facility that is designed for its proposed use and modern in appearance.
- 3.16 As shown on the accompanying elevation plans, the development proposed will feature a mix of materials, including but not limited to:

Sales Kiosk Building

- Kingspan KS1000RW 100mm thick quadcore roof sheets in Merlin Grey BS18B25;
- Vertically laid isoclad wall panels 100mm thick pir insulation in Hamlet RAL 9002;
- Fascia, Clapping and Glazing in Umbra Grey RAL 7022;
- Havwoods H0940 chocolate vertically laid trekker boards.

Drive Thru Buildings

- Dark Grey - Cladding Panels
- Timber Effect - Cladding Panels
- Ppc Ral 9005 Jet Black Frames - Windows and Doors
- Dark Grey - Cladding Panels – Corra

- 3.17 The mix of materials proposed will ensure that the development provides a vibrant and attractive facility for all highways users and a significant betterment when compared to the existing appearance of the Site.

Access

- 3.18 Vehicle access to the Site is taken off the westbound carriageway of the A511, and egress is made to Cliffe Lane, with vehicles routing back towards to the M1 Junction 22 roundabout. The Proposed Development will make use of the existing access and egress to the Site, which will be retained as it is.
- 3.19 New pedestrian access will be provided along both sides of the existing access road, as well as walkways and pedestrian crossings across the Site to provide pedestrian access to all elements of the Proposed Development in a safe manner.
- 3.20 Swept path analysis, within the submitted Transport Assessment), confirm that the Site will be accessible by an oil tanker for servicing purposes, which is the largest vehicle associated with the Proposed Development.

Parking and EV Charging

- 3.21 The Proposed Development includes the provision of additional vehicular parking, including the introduction of high-power EV charging spaces. The proposed parking comprises:
- High Power (150KW+) EV Charging Hub comprising 12 no. charging points;
 - Retention of 69 existing customer parking spaces;
 - 2 Kiosk DDA parking spaces;
 - 12 HGV parking spaces;
 - 26 Kiosk parking spaces;
 - 2 Kiosk Valet Spaces;
 - 7 shared parking DDA parking spaces; and
 - 76 shared parking spaces.
- 3.22 The EV Charging provision is both state of the art and future proofed, enabling rapid charging in comparison to older technology. As evidenced earlier in this Statement, there is a significant shortfall of such provision in this location serving this section of the M1 / A511.

Landscaping

- 3.23 The Proposed Development includes the provision of high-quality landscaping. A net gain in planting via landscaped areas will enable the creation of a pleasant environment in addition to ensuring BNG of greater than 10% is achieved.
- 3.24 The proposed landscaping scheme includes the planting of a native tree, ornamental shrub planting and a single species hedgerow, as well as retention of three existing trees.
- 3.25 The proposed landscaping has been informed by the Ecological Appraisal which forms part of the submission package.

Pre-Application

- 3.26 On 20 February 2026, pre-application feedback was received for the Proposed Development, under reference 25/0190/PREHMO. This feedback focused on detailed considerations relating to design, landscape, ecology, drainage, highways, and overall acceptability. The LPA set out the relevant policy framework, which includes the

NPPF, Core Strategy, the Site Allocations and Development Management Policies DPD, and the Markfield Neighbourhood Plan, all which form the basis for assessing the proposal

Principle of development

- 3.27 In principle, the redevelopment of the established roadside service area is regarded as broadly acceptable, particularly in light of national policy support for rural economic development. The assessment emphasised that although the scheme involves new-build elements, it retains the established use of the Site and therefore aligns with the intent of countryside policies permitting redevelopment where this enhances the immediate setting, subject to demonstrating economic benefits and compliance with landscape requirements. It was also established that a sequential test was not necessary for the site-specific use proposed.

Design and Impact upon the Character of the Area

- 3.28 Design considerations form a key part of the advice, with the Council noting that the Site is screened by mature trees which will be protected, but that some of the vegetation removal proposed, particularly related to HGV parking, could reduce important Green Infrastructure identified in the Neighbourhood Plan. The LPA highlighted that a landscaping proposed should be informed and led by an Arboricultural Survey.
- 3.29 Subject to sensitively design buildings, sufficient landscaping and screening incorporated into the development, it was considered that the development could ensure there are no detrimental impacts to the character of the area. However, further details would be required in relation to retention of trees and detailed landscaping design.

Neighbouring Residential Amenity

- 3.30 The Council established that the development is unlikely to generate unacceptable impacts on nearby residential properties due to distance from residents and existing screening. Nevertheless, they advised that a subsequent application should include lighting and odour assessments to ensure impacts from illumination and restaurant use are properly mitigated.

Highway Safety and Vehicle Parking Standards

- 3.31 National Highways indicate that the scheme as shown at the pre-application stage does not meet the DfT Circular 01/20222 requirements, particularly due to the absence of changing place toilets and abnormal loading bays. A full Transport Assessment was therefore established as essential in order to confirm if the scheme proposes an acceptable form of development in relation to highway safety and vehicular parking.

Ecology and Biodiversity

- 3.32 The LPA confirmed that a Construction Environmental Management Plan will be required due to the presence of trees with TPO protection on Site. A Preliminary Ecological Appraisal, Preliminary Root Assessment and full Biodiversity Net Gain submission would also be required, given the loss of vegetation and mandatory BNG requirements. Subject to satisfactory surveys, it was established that any formal application will likely be in accordance with planning policy.

Flood Risk and Drainage

- 3.33 Although the Site is located in Flood Zone 1, surface water mapping identifies areas of higher surface water flooding risk on the Site. As such, a detailed drainage strategy should be included, with suitable measures to mitigate the risk of flooding from surface water.

Conclusion of pre-application feedback

- 3.34 The general principle of the development was considered to be acceptable, given it is for the re-use of the former services, and that in considering the developments location and nature, the proposed development is appropriate for the Site. Further, no sequential test would be required.
- 3.35 Further details would be required for any subsequent formal planning application to allow for a full assessment of the proposals impact on the character of the area, neighbouring amenity, highways and ecological impacts. If the additional supporting information is deemed acceptable and in accordance with both National and Local planning policies, the Officer states that it is considered that a formal application would be viewed favourably.

EG On The Move Limited

- 3.36 Founded in June 2023, EG On the Move Limited are an operator of PFS's, convenience stores and food service providers, with significant presence across the United Kingdom.
- 3.37 The company values of EG On the Move Limited comprises:
- Committed to investing in people, infrastructure and systems to build a sustainable business model;
 - Support local communities and empower individuals to grow, contribute and succeed;
 - Deliver value and results consistently to shareholders, stakeholders and partners; and
 - Awareness and commercial responsiveness to market trends and consumer demands.
- 3.38 EG On the Move Limited is committed to investing in its people, local communities, infrastructure and systems to deliver value to shareholders and other stakeholders. By incorporating these elements into their investment decisions, they believe that they can continue to drive sustainable value in the business.
- 3.39 The company strives to be a good corporate citizen and an environmentally responsible group. They have robust procedures, systems and controls in place to manage and monitor statutory compliance. This helps build the foundations of a sustainable business model.
- 3.40 EG On the Move Limited are committed to being an environmentally responsible group and aim to positively manage their impact on the environment. They closely monitor electricity and water consumption, which are the two highest consumers of energy on their sites, and the volume and disposal of waste materials which they seek to minimise.

4.0 RELEVANT PLANNING POLICY

4.1 This Section sets out the planning policy relevant to the consideration of this Planning Application. Here, we consider national policy contained in the National Planning Policy Framework (NPPF) (revised 2024 and amended February 2025) and the accompanying guidance contained in the Planning Practice Guidance (PPG).

4.2 At a local level, we consider the statutory development plan to include the following:

- The Hinckley & Bosworth Borough Core Strategy (2009);
- The Site Allocations and Development Management Policies DPD (2016); and
- Markfield Neighbourhood Plan 2020 – 2039 (2021).

National Planning Policy

4.3 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development – performing economic, social and environmental roles. The three roles are independent and need to be mutually supported.

Economic Growth

4.4 **Paragraphs 8 – 11** confirm that at the heart of the NPPF is a presumption in favour of sustainable development. The planning system should therefore promote sustainable development solutions.

4.5 **Paragraphs 85-87** state that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Planning decisions should also recognise the specific locational requirement of different sectors.

4.6 The National Planning Policy Framework (NPPF) states at **Paragraph 111(e)** states the planning policies should:

“provide for any large scale transport facilities that need to be located in the area, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy. In doing so they should take into account whether such development is likely to be a nationally significant infrastructure project and any relevant national policy statements.”

4.7 Further, footnote 46 identifies:

“Policies for large scale facilities should, where necessary, be developed through collaboration between strategic policymaking authorities and other relevant bodies. Examples of such facilities include ports, airports, interchanges for rail freight, public transport projects and roadside services. The primary function of roadside services should be to support the safety and welfare of the road user (and most such proposals are unlikely to be nationally significant infrastructure projects).”

Town Centres

4.8 **Paragraphs 90-95** of the NPPF seek to ensure the vitality of town centres and requires that planning policy should provide a framework to assess proposals for main town centre uses, such as restaurants, which cannot be accommodated in or adjacent to town centres.

- 4.9 LPAs should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. That is to say that main town centre uses should be located in town centres, then in edge of centre locations and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, and the sequential test should be considered in light of the latest NPPF policy, which confirms that when considering availability, it is necessary to consider sites which may become available within a reasonable period.
- 4.10 Details of how this policy should be applied are contained in the NPPF Planning Practice Guidance 2019 as well as relevant Secretary of State decisions, which are explored in more detail later in this Statement.
- 4.11 The application of the sequential test should be proportionate and appropriate for the given proposal. The following considerations should be taken into account in determining whether a proposal complies with the sequential test (Paragraph 011 of Planning Practice Guidance):

With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. It is important to set out any associated reasoning clearly.

Is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.

If there are no suitable sequentially preferable locations, the sequential test is passed.

- 4.12 Paragraph 012 of the PPG guidance further states that the implementation of the sequential test should reflect the specific characteristics of the development proposals:

Use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations.

- 4.13 With regards to retail impact, the PPG confirms:

The impact test only applies to proposals exceeding 2,500 square metres gross of floorspace unless a different locally appropriate threshold is set by the local planning authority. In setting a locally appropriate threshold it will be important to consider:

- *The scale of proposals relative to town centres;*
- *The existing viability and vitality of town centres;*
- *Cumulative effects of recent developments;*
- *Whether local town centres are vulnerable;*
- *Likely effects of development on any town centre strategy; and*
- *Impact on any other planned investment.*

As a guiding principal impact should be assessed on a like-for-like basis in respect of that particular sector (e.g. it may not be appropriate to compare the impact of an out of centre DIY store with small scale town centre stores as they would normally not compete directly). Retail uses tend to compete with their most comparable competitive facilities. Conditions may be attached to appropriately control the impact of a particular use.

Transport

- 4.14 Transport issues should be considered from the earliest stages of development proposals. In assessing specific applications for development, it should be ensured that:
- 4.15 Appropriate opportunities to promote sustainable transport modes can be taken up, given the type of development and its location;
- Safe and suitable access to the site can be achieved for all users; and
 - Any significant impacts from the development on the transport network or on highway safety can be cost effectively mitigated and acceptable to a degree.
- 4.16 **Paragraph 116** of the NPPF confirms that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.17 All developments that will generate significant amounts of movement should be required to provide a Travel Plan and the application should be supported by a transport statement or transport assessment to enable the likely impacts of the proposal to be assessed.

Sustainability

- 4.18 **Paragraph 161** confirms that the planning system should support the transition to a low carbon future in a changing climate, including encouraging the re-use of existing resources, such as the conversion of existing buildings.

Road Emissions from Road Transport: Road to Zero Strategy

- 4.19 The Road to Zero Strategy outlines how the government will support the transition to zero emission road transport and reduce emissions from conventional vehicles during the transition. The strategy is long term in scope and ambition, considering the drivers of change, opportunities and risks out to 2050 and beyond. Page 82 identifies:

Our vision is to have one of the best EV infrastructure networks in the world. This means current and prospective EV drivers being able to easily locate and access EV charging infrastructure that is affordable, efficient and reliable. The development of this infrastructure opens up a new market for charge point infrastructure providers in the UK and across the world.

Government funding and leadership, alongside private sector investment and local authority engagement has supported the installation of around 14,000 public charge points all across the UK. As we look out to 2040, it is clear that:

- *many more public charge points will be needed; and*
- *the consumer experience of public EV charging needs to be improved.*

This will be a key part of supporting progress in meeting our vehicle uptake ambitions. Whilst a world-class network of public charge points is important, we anticipate that the vast majority of drivers will choose to charge at home where this is possible. EVs offer consumers a more convenient and cost-effective way to refuel, with domestic charging playing a crucial role (some studies indicate this accounts for the vast majority of EV charging). We expect that as EVs go mainstream, charging at home overnight, or at workplaces, will continue to be the most attractive options.

- 4.20 National policy regarding the delivery of roadside facilities is contained within DfT Circular 01/2022 (2022). **Paragraphs 83** relates to improved roadside facilities in regard to proposed trip generation and states:

“Roadside facilities should be well-designed to serve passing traffic and not be destinations in their own right. Consequently, the transport assessment to accompany a planning application for a new or improved facility must show that there would only be a minimal overall increase in trip mileage to be acceptable in this regard. An exception will be made for any predicted increase in HGV mileage, as the provision of facilities that would meet the needs of commercial drivers should be encouraged.”

- 4.21 **Paragraph 93** relates to retail activities at roadside facilities and states:

“The scope and scale of retail activities at roadside facilities is a matter for consideration by the relevant local planning authority in line with planning policy and any other material considerations. However, local planning authorities should have regard to the primary function of roadside facilities which is to support the safety and welfare of the road user.”

- 4.22 **Paragraphs 109-10** relate to EV charging infrastructure and states:

“The Rapid Charging Fund was announced in the March 2020 Budget as part of the government’s commitment to roll out EV charging infrastructure. By 2035, government expects around 6,000 high-powered, open-access charge points (150-350 kW capable) to be installed across the SRN [footnote 28]. The purpose of this programme is to ensure that there is a high-powered and open-access charging network ready to meet consumer demand for EVs ahead of need, and to enable the phase out of new conventional petrol and diesel cars/vans by 2030 and HGVs by 2040.

In line with this, operators of motorway and APTR service areas must support the uptake of zero emission and hybrid vehicles through the installation of EV charge points at their sites. All charge points should be user-friendly and accessible. In this regard, operators are expected to adhere to user-centred design principles: providing easy-to-read prices in p/kWh that do not fluctuate once charging sessions have started; ensure that charge points are working all year round; and provide free 24/7 helplines for users. Due consideration should be given for some charge points being located where they can be safely accessed by a recovery vehicle and car towing a caravan.”

- 4.23 National policy regarding Strategic Road Network Services is contained within DfT Circular 01/2022 (2022).

- 4.24 **Paragraph 74** identifies:

“Roadside facilities perform an important safety function by providing opportunities for the travelling public to stop and take a break during their journey. Government advice is that motorists should stop and take a break of at least 15 minutes every 2 hours”

- 4.25 **Paragraph 84** states that:

“On-line (between junctions) service areas are more accessible to users of the SRN and as a result more conducive to encouraging drivers to stop and take a break. They also help to avoid an increase in traffic demand at junctions with allpurpose roads.”

- 4.26 **Paragraph 82** relates to HGV facilities, it states:

“In areas where there is an identified need, the company will work with relevant local planning authorities to ensure that local plan allocations and planning application decisions address the shortage of HGV parking on or near to the SRN. In these circumstances, local planning authorities should have regard to the following spacing requirements:

(i). the maximum distance between motorway facilities providing HGV parking (being service areas, rest areas or truckstops) should be no more than 14 miles; and

(ii). the maximum distance between APTR facilities providing HGV parking (being service areas or truckstops) should be the equivalent of 20 minutes driving time for HGVs.”

4.27 **Paragraph 93** relates to retail activities and states that:

“The scope and scale of retail activities at roadside facilities is a matter for consideration by the relevant local planning authority in line with planning policy and any other material considerations. However, local planning authorities should have regard to the primary function of roadside facilities which is to support the safety and welfare of the road user.”

Local Planning Policy

4.28 Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

4.29 The adopted Development Plan for Hinckley & Bosworth Borough Council comprises The Hinckley & Bosworth Borough Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016). The Markfield Neighbourhood Plan 2020 – 2039 (2021) is also relevant for this application.

Site Designation

4.30 Figure 3 below provides an extract from the Council's adopted Policy Map.

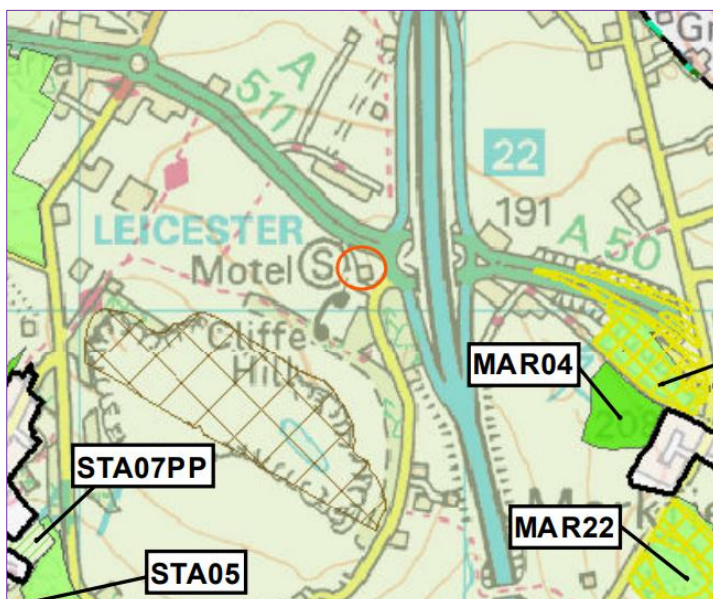


Figure 4.1 – Hinckley & Bosworth Borough Council Borough Wide Policy Map extract with indicative red line site outline

- 4.31 As shown on the above Policy Map extract, the Site lies outside of the settlement boundary of Markfield (including Markfield Rural Centre) and is identified as 'countryside' on the Borough Wide Policies Map. The Site is also located within the boundary of the Markfield Neighbourhood Plan.
- 4.32 The Local Plan does not include a policy specifically relating to roadside services. Notwithstanding, the Policies considered relevant to the Proposed Development comprise:
- 4.33 Core Strategy (2009):
- **Policy 14: Rural Areas: Transport:**
This policy aims to improve rural accessibility by safeguarding future rail options, enhancing public and accessible transport, and expanding cycle routes;
 - **Policy 21: National Forest:**
This policy supports developments that help deliver the National Forest Strategy, such as woodland creation, biodiversity gains, recreation, tourism and woodland economy, provided they respect the Forest setting, landscape character and use.
 - **Policy 22: Charnwood Forest:**
This policy supports proposals in Charnwood Forest that protect its traditional landscape while enhancing sustainable tourism, recreation, access, open spaces, woodland, habitats and cultural heritage.
- 4.34 Site Allocations and Development Management Policies DPD (2016) (SADMP DPD):
- **Policy DM1: Presumption in Favour of Sustainable Development:**
This policy establishes that applications will be approved unless material considerations indicate otherwise.
 - **Policy DM4: Safeguarding the Countryside and Settlement Separation:**
This policy safeguards the countryside by only allowing development that is demonstrably sustainable, such as sport, recreation, rural building reuse, business diversification, economic growth, renewable energy or rural worker housing, provided it protects landscape character, avoids settlement coalescence and ribbon development, and respects Green Wedge and National Forest requirements.
 - **Policy DM6: Enhancement of Biodiversity and Geological Interest;**
This policy requires developments to conserve and enhance biodiversity and geodiversity, protect designated and irreplaceable habitats, and only permit harm where avoidance, mitigation or compensation ensures no net loss.
 - **Policy DM7: Preventing Pollution and Flooding;**
This policy requires development to avoid causing adverse impacts such as pollution, land instability or flood risk by protecting water quality, controlling contaminants, limiting light, noise and air pollution, remediating land, and steering development away from flood-prone areas unless fully mitigated.
 - **Policy DM10: Development and Design;**
This policy sets out the criteria that development must meet to ensure good design, protect amenity, and deliver sustainable, well-integrated places
 - **Policy DM11: Protecting and Enhancing the Historic Environment;**
This policy sets out criteria to ensure development protects, conserves and enhances heritage assets by understanding their significance and managing impacts appropriately.
 - **Policy DM13: Preserving the Borough's Archaeology;**
This policy establishes criteria to ensure development protects, enhances and appropriately manages all types of heritage assets, including listed buildings, conservation areas, historic landscapes, scheduled monuments and locally important assets.
 - **Policy DM17: Highways and Transportation;**

This policy seeks to ensure development minimises travel demand, promotes sustainable transport, protects highway safety and supports necessary transport improvements.

- **Policy DM18:** Vehicle Parking Standards;
This policy outlines that all new development will be required to provide an appropriate level of parking provision.
- **Policy DM21:** Locating Sustainable Town Centre uses
This policy establishes that all applications for the provision of new main town centre uses will be required to adhere to a sequential approach.

4.35 Markfield Neighbourhood Plan (MDP) (2021):

- **Policy M1:** Countryside;
This policy protects countryside outside the settlement boundary for its intrinsic character and supports only limited forms of development.
- **Policy M2:** Landscape Character;
This policy requires development to be sensitively located and designed to conserve, and where possible, enhance local landscape character, retaining key landscape features, integrating planting, protecting important long views and providing appropriate landscaping.
- **Policy M3:** Green Infrastructure;
This policy requires development to avoid significant harm to key Green infrastructure features, mitigating or compensating where harm is unavoidable.
- **Policy M4:** Ecology and Biodiversity;
This policy establishes that for proposals that cannot avoid harm to biodiversity, they must include adequate mitigate, or compensate for harm caused.
- **Policy M5:** Trees;
This policy requires that if development unavoidably removes trees or hedgerows, it must provide replacement native planting in suitable locations where it can mature, increase canopy cover, and enhance the local ecosystem and character of the area.
- **Policy M8:** Electric Vehicle Charge Points;
This policy states that development proposals that incorporate facilities to enable the charging of electric vehicles in safe, accessible and convenient locations will be supported.
- **Policy M10:** Design;
This policy states that development must be sympathetic to local character and history, unless the development is of exceptional quality or innovative design, and provides design criteria that development must follow.
- **Policy M13:** Local and Neighbourhood Centres;
This policy establishes that Development proposals that will adversely affect the vitality and viability of the Main Street Local Centre or the Chitterman Way Neighbourhood Centre will not be supported.
- **Policy M14:** Infrastructure;
The policy ensures that locally determined developer contributions are directed towards improving key transport corridors, enhancing community facilities and services, expanding green and recreational spaces, supporting community infrastructure, and delivering National Forest planting, with flexibility applied where necessary to maintain development viability.

4.36 As established, the Site is located within 'countryside'. Therefore, **SADMP DPD Policy DM4 – Safeguarding the Countryside and Settlement Separation** is of most relevance to the Proposed Development. This policy establishes criteria for where countryside development will be considered suitable:

- a) *"It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries;*

- b) *The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or diversification of rural businesses; or*
- c) *It significantly contributes to economic growth, job creation and/or*
- d) *It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or*
- e) *It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation."*

- 4.37 Further, Policy DM4 requires that development meets five further requirements to be considered sustainable development.
- 4.38 Additionally, albeit a petrol filling station and drive thru units comprise a Sui Generis rather than retail use, and the kiosk store is a fundamental element of such a facility; the following policy is also of relevance to the Proposed Development:
- 4.39 **SADMP DPD Policy DM21 – Locating Sustainable Town Centre Uses** sets out that development of main town centre uses outside of designed centres will need to be accompanied by a sequential test. This Policy also establishes that all applications for main town centre uses which are not in Hinckley Town Centre which would result in the provision of 2,500 sq. m. or more gross floor space will be required to be accompanied by an impact assessment.
- 4.40 The kiosk store and drive thru elements of the proposal comprise approximately 1,199 sq. m (GIA), which falls well below the 2,500 sq. m. local threshold for retail impact assessments, as set by Policy DM21. As such, an assessment of retail impact is not required in support of the application. While not strictly required given the roadside use proposed, a sequential test has been conducted to assist the Council in their determination of the application in **Section 5.0** of this Statement.

Emerging Planning Policy

- 4.41 Hinckley & Bosworth Borough Council is in the process of updating its Local Plan, to set out land allocations and planning policies for the period 2024 to 2045. The Regulation 18 consultation took place from 31 July 2024 to 27 September 2024.
- 4.42 A revised Local Development Scheme (LDS) was adopted end of March 2025, which established the estimate date for adoption of the new Local Plan of October – November 2027.
- 4.43 A further Regulation 18 consultation took place between 17 October to 28 November 2025, relating to new / updated policies and site allocations since the Regulation 18 consultation that took place the previous year. The LDS has public consultation on the submission Draft Plan (Regulation 19) targeted for March – April 2026.
- 4.44 Given the infancy of the Plan, which has not yet reached Regulation 19 stage, the currently adopted Local Plan is considered up to date and will remain in situ as the Development Plan for the duration of this application.

Summary of Planning Policy

- 4.45 In the context of the scale and type of development proposed, it is our opinion that the proposals should be considered against the following:
- ***Are the proposals for a scale of development appropriate?*** The Proposed Development comprises the demolition of the majority of existing structures at the Site, and the erection of a roadside services facility. The development is mainly within the original boundaries of existing

development, and the scale of development is minor in nature and therefore considered appropriate in regard to the character and appearance of the Site;

- ***Is the Proposed Development appropriate to the character and appearance of the Site and the surrounding built environment?*** The Site as existing is tired in appearance and detracts from the surrounding area. It is prominent fronting the A511 / M1 roundabout, with both roads having significant traffic flow. Its lawful use comprises a roadside services. The proposed use is as a modern roadside facility which will result in a significant visual enhancement to the benefit of the Site and surrounding area. It is therefore appropriate in the context of the character and appearance of the Site and the surrounding built environment;
- ***Is the Proposed Development easily accessible, or capable of being made easily accessible, by a choice of means of transport, including by public transport, walking and cycling?*** The Site is accessible via the M1 and A511, so is highly accessible by private vehicle. It is therefore in the optimal location for the proposed roadside facility to serve passing traffic. This is particularly relevant with relation to the proposed EV Charging, for which there is an identified need. We therefore conclude that the proposals are fully compliant in this regard; and
- ***Will the proposals comprise sustainable economic development?*** The development will facilitate the provision of roadside infrastructure at the Site. It will contribute positively to the economy and result in the creation of c. 160 jobs. Therefore, we conclude that the proposals are compliant in this regard.
- ***Are there any sequentially preferable sites?*** While not considered necessary as per pre-application response reference 25/10190/PREHMO, a Sequential Test has been undertaken at Section 5 of this Statement, which concludes that there are no vacant units of sites or development opportunities within Markfield's designated centre (Main Street Local Centre) that can be considered to be suitable, available and viable alternatives to the Site;
- ***Will the proposals have a significant detrimental impact on the vitality and viability of any allocated centres?*** As evidenced in the submitted Transport Assessment, the principal characteristic of a roadside facility is that the overwhelming majority of visitors are derived from pass by trips by existing road users, for the purpose of fuel, charging and respite. The majority of trips will be drawn from traffic already on the surrounding road network. The proposed PFS and Drive Thru units are also classified as Sui Generis use and is therefore not defined as retail use in the NPPF. An assessment of retail impact is irrespective given its small scale and is not required in accordance with current and emerging policy at a local or national level.

5.0 THE SEQUENTIAL TEST

Introduction

- 5.1 Paragraph 91 of the NPPF requires a sequential test to be undertaken for planning applications for new main town centre uses, which are not in an existing centre or in accordance with an up-to-date Development Plan.
- 5.2 Given the Site is over 1.4 km northwest of the Markfield Rural Centre boundary, it is therefore considered to be 'out-of-centre' in retail planning policy terms.
- 5.3 The Proposed Development falls within an overall Sui Generis use class and are therefore not 'main town centre uses' as defined by the NPPF. It is not a retail proposal, rather a roadside services. By definition, such facilities are required to be adjacent to the Strategic Road Network. Notwithstanding, the proposal includes an element of retail provision via the kiosk store albeit such facilities are a natural and unavoidable element of a roadside offer.
- 5.4 Policy DM21 of the Local Plan sets out that planning applications proposing new out-of-centre retail development will be required to submit a sequential test to demonstrate that the proposals cannot be accommodated within designated centres.
- 5.5 However, within the pre-application feedback for the Proposed Development, Officers acknowledged that the proposal requires specific location requirements of a roadside, to which this site would be adjacent to a strategic road network, being the A511 and the M1. It was stated within the pre-application response that *"the nature of the development, specifically the historical and proposed function as a petrol station, has a specific requirement and need to be located near strategic road networks, and the application would therefore not be provided this, if in a town centre location"*.
- 5.6 Officers agreed that the purpose of the drive through elements proposed is to provide amenity to motorists using the A511 and M1, and that encouraging passing traffic off key roads (if located in a town centre) could result in travellers driving further. Furthermore, when considering the application as a whole, the proposed drive through coffee shop/restaurant represents only a small proportion of the total cumulative floorspace on the application Site and relates to the petrol filling station to which it resides closest to. Therefore, the response concluded that the coffee shop / restaurant drive thru would function as a collective with the PFS in providing a roadside service facility. Within the pre-application response, it was stated that *"the proposed development is therefore considered to accord with Policy DM21 of the SADMP and a further sequential test would not be required in this site specific circumstance"*
- 5.7 However, within the pre-application feedback, it was established that any future Planning Statement should address the matter and suitability of the Site for the proposed use. Though not strictly required, we have provided a proportionate sequential assessment to assist the Council in the determination of the application.

Relevant Case Law

- 5.8 Applying the sequential approach should have regard to the need, both consumer and operator, that will be met by the development. It is not an academic exercise divorced from the commercial realities of what it is that developers and landlords are seeking to supply in response to market demand. For it to have meaning, the sequential approach must be applied in a way that allows the identified need to be fully met. Applicants and local planning authorities are to demonstrate flexibility in terms of format and scale of the developments.
- 5.9 The Planning Practice Guide (PPG) advises that applicants and planning authorities should consider what contribution more central sites are able to make individually to accommodate the proposal. This should recognise that certain main town centre uses have particular market and locational requirements which mean that they may

only be accommodated in specific locations. Local planning authorities need to be realistic and flexible in terms of their expectations.

- 5.10 There have been a series of court and appeal decisions which provide the binding authority and guidance on the correct application of national policy relating to the sequential approach. The Supreme Court in *Tesco Stores v Dundee City Council* [2012] UKSC 13, 21 March 2012, considered how the sequential test should be applied. It concluded that:

“...it is the proposal for which the developer seeks permission that has to be considered when the question is asked whether no suitable site is available within or on the edge of the town centre.”

- 5.11 The Supreme Court was clear that a developer or retailer should not be required to materially change a development to operate in an artificial world. At Paragraph 38 of the transcript, Lord Reed states:

“The whole exercise is directed to what the developer is proposing, not some other proposal which the planning authority might seek to substitute for which is something less than that sought by the developer...”
“But these (sequential assessment) criteria are designed for use in the real world in which developers wish to operate, not some artificial world in which they have no interest in doing so”.

- 5.12 It is not the intention of the policy to require a developer or operator to materially alter the proposal to it can be accommodated by an alternative site. The sequential approach is not an academic exercise divorced from the commercial realities of what it is that developers and landlords are seeking to supply in response to market demand.

- 5.13 The High Court supported the principles established in the Supreme Court and confirmed that its decision was binding in England. The Court provided further analysis in *Zurich Assurance Limited (t/a Threadneedle Property Investments) V North Lincolnshire Council and Simons Developments*. In the judgement, Justice Hickinbottom concluded that:

‘It is also important to mark that developers, and planning authorities, work in the real world. Working in the real world, the [planning] committee were entitled (and, indeed, bound) to take into account the evidence... Marks and Spencer would not locate to Scunthorpe town centre in the event that this application for the site was refused.’

- 5.14 The Judgement is explicit in that it requires decision makers to take into consideration the commercial requirements and objectives of operators, developers and the wider commercial sector. Of particular relevance from the Zurich case was the acceptance that, should planning permission not be granted for the Proposed Development, the tenant would not occupy any of the sites that had been identified as alternatives. This accords with the principal objective of the sequential approach which is to direct development to defined centres in the first instance.

- 5.15 In *Aldergate Properties Ltd v Mansfield District Council*, the application of the policies in respect of suitability and availability, and the requirements for applicants to demonstrate ‘flexibility’ were considered. The Judgement states:

“In my judgement, “suitable” and “available” generally mean “suitable” and “available” for the broad type of development which is proposed in the application by approximate size, type and range of goods. This incorporates the requirement for flexibility in [24] NPPF, and excludes, generally, the identity or personal or corporate attitudes of an individual retailers”.

- 5.16 The NPPF requires applicants to consider sequential sites that are ‘available’ which is defined as including sites due to become available within a ‘reasonable period’. A ‘reasonable period’ is not defined by the NPPF or PPG

but is considered to be 'reasonable' having regard for the requirement the development is intended to meet and the relevant local context.

- 5.17 In the Scotch Corner Secretary of State Decision in December 2016 (APP/V2723/V/15/3132873 & APP/V2723/V/16/3143690) the Inspector found:

"In carrying out the sequential test it is acknowledged that whilst Framework paragraph 24 indicates that applicants should demonstrate flexibility on issues such as format and scale, it does not require the applicant to disaggregate the scheme. The sequential test seeks to see if the application, i.e. what is proposed, can be accommodated on a town centre site or on sequentially preferable sites..." (IR paragraph 11.7)

- 5.18 More recently, the Secretary of State has issued his decision in respect of development at Cribbs Causeway. In that decision, the requirement for 'disaggregation' is specifically considered within the context that an explicit requirement was not re-introduced in the revised NPPF:

"In the Tollgate Village case the Inspector did consider that there was scope for disaggregating the proposals and spreading them onto different sites, even though ultimately such sites were found not to be available. However, the findings here were case specific and it is noted that they were not specifically endorsed by the Secretary of State in his decision"

- 5.19 In December 2014, the Communities and Local Government Committee assessed the operation of the NPPF and considered whether disaggregation should be re-introduced into the application of the sequential approach. This was rejected by the Government and not seen necessary, given the established policy and requirement to demonstrate 'flexibility'. The requirement to disaggregate a specific development was seen to go beyond the requirements of this policy.

- 5.20 It is therefore clear that there is no requirement to disaggregate proposals into its smaller constituent parts when applying the sequential test, and when considering sequential sites, these need to be able to be suitable for the development proposed as a whole, and not an alternative hypothetical smaller version of the proposal.

- 5.21 The interpretation of the NPPF and its role in decision making was explored in Asda Stores Limited v Leeds City Council Respondents and Commercial Development Projects Limited ('The Leeds Case'). The decision is clear in that:

"The words "should be refused" have a clear meaning, which requires no elaboration by the court. They do not mean "must be refused". The policy is not imperative. It does not dictate a refusal of planning permission whenever the development proposed is likely to have a "significant adverse impact" on the "vitality or viability" of a town centre".

- 5.22 Instead, it allows for planning balance. In the Leeds Case, it was acknowledged that the sequential test had not been passed, and that the development would be a significant adverse impact on a town centre. However, in reaching their decision to approve the application, Members determined that, this was outweighed in the planning balance by socio-economic factors and other considerations. The High Court concluded that:

"That balance, conducted within the statutory parameters, depended on an exercise of planning judgment. The panel exercised its planning judgment lawfully".

Scope Of The Sequential Assessment

- 5.23 The Proposed Development is for a replacement roadside facility. Such facilities include a range of food and beverage provision, PFS and associated retail kiosk, and electric vehicle charging facilities. The Site benefits from an existing lawful use as a roadside facility, however the proposals involve a number of improvements.

- 5.24 The Proposed Development is based on a clear understanding of the form and size that is required for the Applicant to provide a viable roadside operation. Any compromises to the business model would result in the occupier not being able to fully implement the proposed roadside facility and would result in the Applicant not proceeding with the Site.
- 5.25 For a site to comprise a suitable alternative to accommodate the Proposed Development, it is necessary to consider the ability of sites to accommodate the necessary requirements for a modern, comprehensive roadside facility of the type proposed. These include the following:
- Sufficient level of customer car parking to provide opportunities for rest and respite;
 - Frontage onto an 'A' Road / Motorway / Sufficiently trafficked road;
 - Areas for rest and respite for motorist (i.e. car parking);
 - Provision of EV Charging points; and
 - Sufficient servicing and access.
- 5.26 As above, a critical requirement for a roadside facility is to have a frontage onto a 'A' Road / high volume traffic highway. The proposed roadside facility is located with a frontage onto the A511 and adjacent to the M1 and therefore meets the Applicant's requirements. It is intended to serve the needs of motorists already on the highway network rather than comprising a destination in its own right and therefore could not be adequately or appropriately located within a Town or Rural Centre location that does not front an A-road.
- 5.27 There is also a need to provide an element of customer car parking given the nature of the proposal as a roadside facility, such to offer opportunities for rest and respite for motorists. Whilst it is accepted that greater flexibility is required within centres where a variety of alternative parking options are available, there is a requirement for a sufficient level of customer car parking spaces to be available within the development site for it to operate viably as a roadside facility. The proposed car parking and EV charging provision therefore comprises an essential element of the Proposed Development.
- 5.28 The Site comprises an area of 24,000 sq. m. to accommodate the proposed PFS, the ancillary kiosk store, two drive thru units and the adjacent car parking and associated infrastructure.
- 5.29 To demonstrate flexibility for the purposes of undertaking the sequential test, we have searched for sites between 21,600 sq. m. and 26,400 sq. m. This demonstrates a flexible interpretation of the sequential test, with sites 10% smaller and larger than the joint requirements of the Applicant.
- 5.30 Units or sites below the minimum size would require a material change to the established business model. Units or sites larger than this range would result in an over-supply of floorspace and site area that would impact the overall viability of the operation.
- 5.31 We do not consider that there are any defined elements to the Proposed Development which could be reasonably or successfully disaggregated for the purposes of the sequential test, given the unacceptable impact that such disaggregation would have on the operation of the Proposed Development.
- 5.32 There is no presumption within the NPPF in favour of disaggregation, rather that the applicant should provide evidence that the scope for reasonable disaggregation has been explored. The Proposed Development cannot be expected to disaggregate into smaller sites, removing the critical mass necessary for a commercially viable roadside facility, as set out within the above consideration of relevant appeal decisions and judgements.
- 5.33 In regard to availability, the proposals relate to a Site which the Applicant has agreed to purchase subject to receipt of a satisfactory planning permission. For an alternative to be considered genuinely available, it needs to be currently vacant or be available in the short term. Sites which are not available in the short term cannot be considered genuinely available in the context of the sequential assessment for the application to which this Statement relates.

- 5.34 In the event that the Council do not approve the proposals, it will not result in the Applicant seeking planning permission for the proposed roadside facility in the surrounding area and specifically not within any designated centres within the Council areas. Therefore, in this particular case, the sequential test is an entirely theoretical exercise.
- 5.35 Notwithstanding the lack of a strict requirement to undertake a sequential test as set within the Council's pre application response, in line with Policy DM21, a proportionate assessment has been undertaken.
- 5.36 The closest designated centre is Main Street Local Centre, located in Markfield. It therefore comprises the focus of our assessment.
- 5.37 The rural centre is located along Main Street. While the centre is an approximate 4-minute drive away from an A-road (A50), no units within the centre front onto this A-road. Further, this A-road is not the road that the Site subject to this proposal fronts onto.
- 5.38 The A511 is a heavily trafficked road, which is a vital element to the viability of a PFS operating successfully. Locating the Proposed Development on any Site within the centre boundary that is not fronting onto the A511 (or other A-roads) will not benefit from the required vehicle movements to sustain a viable roadside facility. Further, in locating the facility away from land with an immediate frontage onto the A511, it would result in motorists having to detour from the A511 to access the facilities - this is unlikely in our experience and would materially damage the viability of the proposed facility. Accordingly, irrespective of vacancy or availability as a development opportunity sites within or on the edge of the centre would not be suitable in the context of the sequential test.
- 5.39 Montagu Evans has undertaken a desktop assessment, including a review of all online industry standard commercial marketing resources in support of this planning application, to identify any vacant units which are currently being marketed and capable of accommodating the Proposed Development within a sequentially preferable location.
- 5.40 Our assessment has identified that there are no existing units, vacant or occupied, within Main Street Local Centre that would be of a size large enough (between 21,600 sq. m. and 26,400 sq. m) to accommodate the Proposed Development. Irrespective, none would pass the suitability assessment in respect of the sequential test.
- 5.41 The assessment concludes that there are no sequentially preferable existing units or sites within Main Street Local Centre capable of accommodating the Proposed Development. This is primarily due to the general lack of suitability of the centre in the context of the proposed development. Further, the absence of vacant units of an appropriate size that front an A road in the Centre, and the proposals function to serve the needs of motorists already on the highway network.
- 5.42 Considering the above, we conclude that the application Site is the most sequentially preferable site to accommodate the Proposed Development, and the proposals therefore accord with Paragraph 91 of the NPPF and SADMP DPD Policy DM21.

6.0 OTHER PLANNING CONSIDERATIONS

6.1 In this section we consider the Proposed Development against material planning considerations and relevant national and local planning policy. The following material considerations are assessed in the following Section:

- The principle of the Proposed Development;
- The need for improved roadside facilities on the M1 and A511;
- The suitability of the Site to provide a roadside facility
- Sustainable economic development and socio-economic benefits;
- Design & visual impact;
- Air quality;
- Noise impact;
- Highways;
- Archaeology; and
- Ecology & landscaping

The Principle of the Proposed Development

6.2 Given its lawful use as a roadside facility, the Site is, in effect, land locked by its planning use. Existing development on it is tired and in need of redevelopment. The application proposes a positive use of it without alteration to its prevailing use and will result in a series of benefits including aesthetically, economically and via the provision of a facility for which there is a need.

6.3 Under the adopted Development Plan, the Site is not under any allocation for a specific use.

6.4 The proposed use of the Site is as a roadside service, comprising a PFS and ancillary kiosk unit, two drive thru units, EV Charging, car parking and associated infrastructure.

6.5 The Site is entirely suitable for the purposes of a roadside services. It benefits from a frontage onto the A511 / M1 junction, and as such, is placed in an optimal location to meet the needs of road users. There is a need for the facilities proposed.

6.6 Historically, the primary use of the Site was as a Services, as permitted by permission ref. 86/01145/4 and 87/01164/4. The facility was operated by Moto, with the main amenities building including Burger King closing in 2014, and the PFS elements closing in July 2020. Only the hotel building remains operational as a Travelodge.

6.7 Roadside services can only operate in specific locations, adjacent to the highway which they intend to serve. The Applicant has locational requirement of needing to benefit from an A road frontage of which the Site provides. NPPF Footnote 42 states "*the primary function of roadside services should be to support the safety and welfare of the road user*". The Site meets the requirements to operate a viable roadside service and intended role of the Proposed Development is to serve passing traffic on the A511. The Site is also located adjacent to Junction 22 of the M1 and will therefore comprise a beneficial facility for users of the M1 motorway, particularly for EV and HGV traffic.

6.8 The proposals will create a modern PFS facility, providing 12 EV charging bays that are future proofed in design to account for a lowering reliance on fossil fuels. It also includes parking to provide rest and respite for users of the highway, therefore improving supply of amenities for highway users and road safety of the surrounding area.

6.9 The development includes the demolition of several existing buildings within the Site, and reception of replacement buildings for the purposes of operating as a service station and associated infrastructure. The development itself

would retain the former use of the Site, and would not propose wholesale changes, apart from the replacement buildings. Therefore, while the development does not fully comply with Policy DM4 (b) of the SADMP due to the new build elements, the development complies with the spirit of redeveloping the Site, as agreed by Officers within the pre-application feedback.

- 6.10 Furthermore, the provision of EV charging is strongly supported by Policy M8 of the Markfield Neighbourhood Plan, which states that *“development proposals that incorporate facilities to enable the charging of electric vehicles in safe, accessible and convenient locations will be supported”*.
- 6.11 Within the pre-application feedback, the principle of development was established as acceptable, stating that *“the provision and rejuvenation of the services in this location would be considered on balance to be appropriate and acceptable in principle given the history of the site.”*
- 6.12 The provision and rejuvenation of the services at the Site is considered on balance and appropriate, as established within pre-application feedback. Through the redevelopment of brownfield land to provide a modern PFS facility, an underused Site will be rejuvenated, boosting the local economy and meeting an established demand in line with National Policy and SADMP DPD Policy DM1.

The Need for Improved Roadside Infrastructure on the A511

- 6.13 The A511 is an important regional route in the East Midlands, providing an east-west connection between Leicestershire and South Derbyshire. The road links several settlements and joins to the M1 at Junction 22, where the Site is located, and terminates at its junction with the A50 near Foston.
- 6.14 The Applicant has identified a significant need for roadside infrastructure of the specific type proposed by this application to directly serve the A511. The identified need is related to a lack of modern roadside operations which provide a full range of facilities including a clear undersupply of high-powered EV Charging points, as well as a lack of sufficient opportunities for rest and respite (i.e car parking) for existing motorists on the road network.
- 6.15 The Proposed Development will provide 12 no. high powered EV charging bays with the ability to expand over time as part of a future proofed design. It will also provide users of the A511 with an opportunity to take rest and respite via the proposed car parking facilities.
- 6.16 In regard to the A511, there is only 1 existing PFS facility located within a 3km radius of the Site which fronts an 'A' road. This is a small BP Petrol Station located circa 1km west of the Site at 5 Shaw Ln, Markfield, LE67 9PU. This PFS has limited offering, with small kiosk provision and food offering (Subway), a jet wash bay, and no EV charging provision.
- 6.17 Further, the existing PFS facility identified does not provide sufficient car parking facilities, including a lack of HGV parking, and therefore does not allow road users an opportunity to take a rest from their journey.
- 6.18 As such, the existing stock has been identified to lack the level of services offered by the Proposed Development, particularly in relation to EV Charging facilities, parking and areas for rest and respite, and therefore do not serve the same purpose as the Proposed Development. EG on the Move Limited are committed to significantly enhancing the EV offer at the Site over time as part of a “future proofed” construction (i.e. ducting) as demand rises over time. The proposed development therefore comprises a betterment and more comprehensive facility when compared to existing provision.
- 6.19 In light of the above, it is clear that the existing PFS stock within a 3 km radius of the Site does not provide the level of facilities expected from modern roadside services facilities and that there is an undersupply on the A511 and this section of the M1 that the Site will serve.

- 6.20 It follows that the surrounding area has a very limited provision of modern, comprehensive roadside service facilities such as that proposed by the Applicant by way of this submission road that are capable of providing the extent of services that the Proposed Development will be capable of. As such, a 'need' has been evidenced and established, and a gap in existing provision identified.
- 6.21 It is therefore concluded that irrespective of the lawful fallback regarding the use of the Site, there is a need for a modern roadside facility within the area the Site is situated within.

The Need for Additional EV Charging Provision in Surrounding Area

- 6.22 Beyond the lack of roadside facilities in the region, the lack of high power (150KW – 350 KW) EV charging sites on the motorway and road network in the vicinity of the Site is significant, as displayed by the mapping below (**Figure 6.2**), provided by Zap Maps:

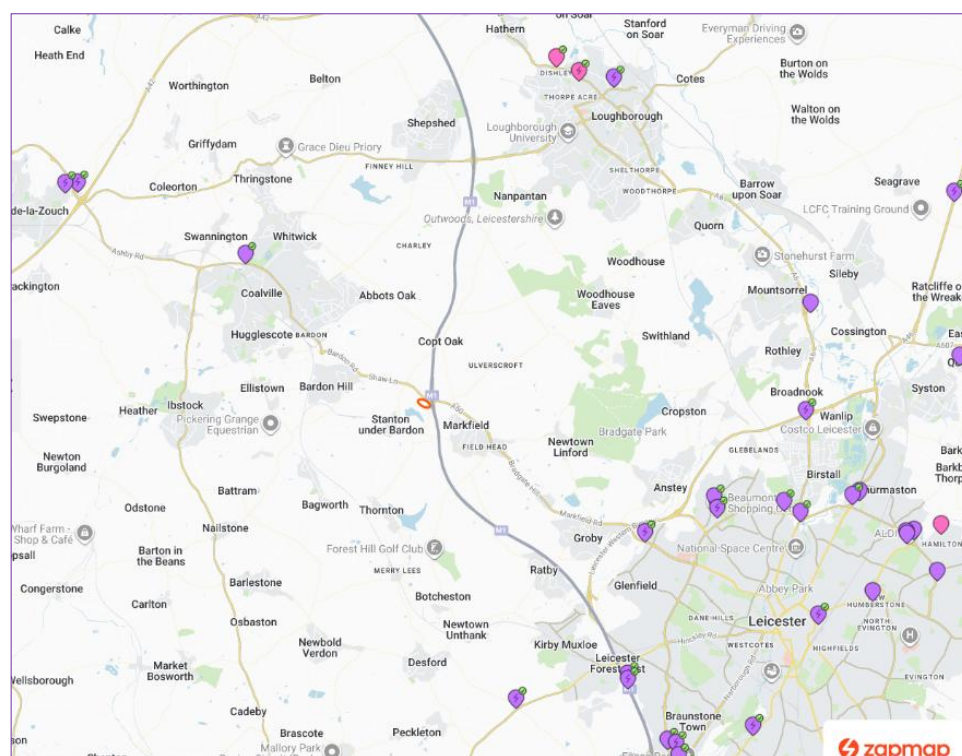


Figure 6.2 – Zap Maps extract showing High Power Publicly Accessible Charging Facilities

- 6.23 The requirement for EV Charging points is becoming increasingly important following the Government's plan that was introduced in November 2020 to ban the sale of petrol and diesel cars in the UK by 2030, to assist in meeting the overall goal of achieving its 2050 zero carbon commitments via the Road to Zero Strategy.
- 6.24 An obstacle standing in the way of a wide scale roll out of electric vehicles in the UK is 'range anxiety' (i.e. a lack of high-powered charging facilities). This is particularly evident when road users wish to carry out longer journeys on arterial roads and fear that an electric vehicle will not have the range to perform said journey. It is clear from this that the provision of a sufficient number of EV charging points on the road network, that are adequately spread across the network, is vital to achieving the Government's plan to ban the sale of petrol and diesel cars by 2030 and encourage road users to switch to electric vehicles. The importance of EV charging facilities is evidence within Department for Transport Circular 01/2022 and discussed in Section 4 of this Statement.

- 6.25 As evidenced above, the existing roadside facilities in the surrounding area of the Site lacks the level of services offered by the Proposed Development, particularly in relation the provision of high powered (150KW+) EV charging, areas for rest and respite (i.e. car parking) and retail offerings.
- 6.26 The Proposed Development will provide 12 no. high powered (150KW+) EV charging bays. Crucially, the EV charging bays proposed are 150-350 KW charging stations that are both state of the art and future proofed, enabling rapid charging in comparison to older technology. The difference in charge times between domestic and public charging times with 50 KW facilities and 350 KW facilities is stark; with a beneficial charge achieved within circa 20 mins on high powered station vs 1 hour + on 50 KW stations. This offer will be extended over time.
- 6.27 The proposed roadside facility will address the above shortcomings of the existing PFS facility stock in the surrounding area. It is therefore concluded that there is a level of identified need for a new modern, comprehensive roadside offer to service the surrounding highway infrastructure, in accordance with the requirement of SADMP **Policy DM4**.

Sustainable Economic Development and Socio-Economic Benefits

- 6.28 Sustainable development is the cornerstone of the planning system under the NPPF. The Site is located within an accessible location at the A511 / M1 junction which provides an optimal opportunity for a replacement roadside facility.
- 6.29 The existing building on the Site are unused and provide no additional benefits or services (excluding the hotel which will be retained). They are at the end of their life, in need of replacement and is not contributing to the local economy. The Proposed Development will bring active uses to the Site, which will provide significant benefits to the local economy and users of the A511 and M1.
- 6.30 It will also create significant local employment opportunities, providing a total of 80 new direct jobs. The proposals will therefore contribute to job creation, economic growth and investment in the area.
- 6.31 The Proposed Development will adopt the use of sustainable construction methods and materials, and will deliver high quality design, improving the design and environmental quality within the area.
- 6.32 The Proposed Development comprises sustainable economic development which will contribute to sustainable economic growth, increase employment opportunities, increase consumer choice and competition, and therefore should be considered favourably.
- 6.33 We therefore conclude that the Proposed Development complies with **Part C of Policy DM4** the Local Plan as it will secure significant sustainable economic growth by way of job creation and investment in a currently vacant and deteriorating facility.

Design and Visual Impact

- 6.34 **Policy DM10** of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. Further, **Policy DM4** confirms that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development.

- 6.35 **Policy M2** of the Markfield Neighbourhood Plan states that development should be located and designed in a way that is sensitive to its landscape setting, retaining and, where possible, enhancing the distinctive qualities of the landscape character area.
- 6.36 **Policy M3** of the MNP sets out that development proposals must demonstrate how they avoid significant harm to key features of the identified Green Infrastructure network. Proposals that create a new footway, cycle and bridleway route towards Groby; or mitigate traffic impacts along the A50/A511/M1 road corridors; or otherwise enhance the local Green Infrastructure network will be supported.
- 6.37 While the Site is not located within a defined settlement boundary, the Site has a lawful use as a roadside service area, and active use as a hotel is established, alongside major highway network surrounding the Site to the north and east. Additionally, undeveloped land to the south and east of the Site has planning permission for significant industrial development. Therefore, the Site does not carry any significant assimilation to a rural site located in the countryside, except for the trees present. This conclusion was accepted within the pre-application feedback.
- 6.38 The Proposed Development will result in a significant enhancement to the appearance of the Site. The existing structures to be demolished as part of the proposals is dated in appearance, with poor aesthetic quality.
- 6.39 The Proposed Development will result in a significant enhancement in the appearance of the Site through the provision of new buildings which has been designed for its proposed uses and is modern in appearance, using high quality materials.
- 6.40 Further, all protected trees will be retained. A landscape scheme is submitted, which demonstrates that sufficient screening is provided to the Site from public vantage points.
- 6.41 In accordance with the above, it is considered that the proposals will result in a significant enhancement to the Site and its appearance. The Proposed Development therefore accords with **SADMP Policy 10** and **MNP Policies M2 and M3**.

Air Quality

- 6.42 This application is supported by an Air Quality Assessment ('AQA'), prepared by Dragonfly Consulting which confirms the acceptability of the proposed development in this regard.
- 6.43 Therefore, air quality does not pose a constraint to the development of the Site and the Proposed Development accords with **SAMP Policy DM10**.

Noise Impact

- 6.44 The Site is predominantly vacant with an operational 60 bed hotel located in the southwest corner of the Site and has historic use as Roadside Service. The Site is bound by highways to the north and east, and undeveloped land to the south and west, however as established in **Section 2.0**, this land has permission for 10,532 sqm of employment development.
- 6.45 The closest residential property to the Site is located at Little Shaw Lane, approximately 130 metres north of the Site. However, between these dwellings and the Site is the A511, screening via dense tree planting, and long residential gardens that back onto the A511. It was agreed in pre-application feedback that *"it is not considered that the development would have significant detrimental impacts on neighbouring residential amenity"*
- 6.46 For thoroughness, the application is supported by a Noise Impact Assessment (NIA), prepared by Dragonfly Consulting. This assessment identifies the closest noise sensitive receptor locations and considers potential noise

contributions of the Proposed Development at these locations. These locations are identified as the Travelodge located within the Site, and the residential dwellings along 192 Little Shaw Ln.

- 6.47 It concludes that noise from all operations is predicted to fall below the lowest observed adverse effect level ('LOAEL') during daytime and nighttime reference points, allowing for unrestricted operations. Further details can be found within the NIA submitted.
- 6.48 It is therefore concluded that the proposed Roadside Services is entirely appropriate within the context of the surrounding land uses and will not result in an unacceptable impact to the amenity afforded to nearby residents by way of noise pollution. The Proposed Development therefore complies with **SADMP Policy DM10**, and **MNP Policy M10**

Highways

- 6.49 The application is accompanied by a Transport Statement (TS) prepared by DTP. The submitted TS concludes the following:
- The proposed development would see an overall modernisation of the former roadside service area. The development scheme consists of an eight-filling bay PFS, with an associated retail unit and two HGV fuelling pumps, a drive-thru coffee shop unit and a drive-thru restaurant unit, Electric Vehicle (EV) charging provision, and associated HGV/car parking provision.
 - The highway accident data has been reviewed for the most recently available five-year road safety record for the area within the vicinity of the site. The data does not demonstrate any pre-existing patterns or trends of incidents that could be affected by the development proposals. Notwithstanding the use of the site as a PFS facility, a review of site accessibility has identified that the site provides some potential for access by sustainable modes of travel, particularly for staff.
 - A swept-path assessment has been undertaken of the site access/egress and internal arrangements for an oil tanker, 16.5m articulated vehicle and a 10m rigid vehicle as the largest anticipated vehicles to service the site, as well as a large car through both drive-thru lanes. It is proposed that a total of 137 parking bays, inclusive of nine mobility impaired bays and 12 EV charging bays and 12 HGV parking bays will be provided to support the site as well as the filling bays.
 - The TRICS database has been used to assess the trip generating potential of the proposed development, which found that the proposals are anticipated result in around 62 and 64 new two-way vehicles trips during the traditional AM and PM highway peak hours, respectively. This equates to around two additional vehicles either accessing or egressing the site every minute during the busiest peak hour of the Site.
- 6.50 In accordance with the above, it is concluded that the Proposed Development is acceptable in respect of highways matters and in compliance with **SADMP Policy DM17**.

Drainage

- 6.51 This application is supported by a Drainage Strategy Report, prepared by iStruct.
- 6.52 The Drainage Strategy confirms that the Site is located in Flood Zone 1, with a low probability of fluvial and pluvial flooding and sets out various measures for pollution control in runoff water through the onsite system, as well as SuDS features to further improve the sustainable drainage index.
- 6.53 Therefore, the Proposed Development complies with **Policy DM7** of the SADMP.

Ecology & Landscaping

- 6.54 This application is supported by a Bowland Ecology, which sets out that the Site will be subject to a 10% Biodiversity Net Gain requirement. Further, this appraisal outlines opportunities for how this figure can be met through sparsely vegetated urban land and individual tree planting.
- 6.55 The application is also supported by a Landscape Plan, prepared by DEP, which includes the planting of a native tree, hedgerow planting and ornamental shrub planting, as well as retention of 4 trees on Site. This will aid in the creation of a pleasant environment for users of the proposed roadside services and those passing the facility.
- 6.56 The Proposed Development therefore accords with **SADMP Policy DM6**, and **MNP Policy M4**

7.0 SUMMARY AND CONCLUSIONS

- 7.1 This Planning Statement has been prepared on behalf of EG On The Move Limited, in support of a full planning application for enhancements to a roadside facility, comprising the demolition of existing PFS, ancillary kiosk, car wash and sales building, and erection of petrol filling station, drive thru coffee unit, drive thru restaurant, EV charging area, domestic vehicular parking, HGV parking area, jet wash bays and associated development, at former Markfield Services, Little Shaw Lane, Markfield.
- 7.2 This Statement has assessed the proposals against the adopted Development Plan and other material considerations.
- 7.3 This Statement has considered the acceptability of the proposal against the relevant policies contained in the NPPF and in local policy, and concludes the following:
- The Site is located in a prominent location immediately adjacent to the A511 and M1, which is an optimal location for a new roadside facility to serve existing road users. It benefits from a lawful use for such purposes;
 - A 'need' has been established to provide improved roadside services infrastructure in the area on the basis that the existing PFS stock in the area does not currently provide the level of services expected from modern roadside facilities;
 - The Proposed Development will enable the demolition of the existing buildings which are in poor condition and in need of redevelopment;
 - The proposals use high quality materials and incorporates high quality design which will result in a significant aesthetic enhancement of the Site;
 - The Proposed Development includes the provision of 12 no. high powered EV charging infrastructure where there is a clear undersupply of such facilities and subsequently an identified need to serve Nottingham and existing road users of the A511 and M1. The design is future proofed to expand the offer over time;
 - Though not strictly required, a sequential assessment has been undertaken in support of the application, concluding that there are no sequentially preferable existing units or sites within Main Street Local Centre capable of accommodating the Proposed Development. This is due to the absence of available units of an appropriate size that have a frontage onto an A Road in the centre, and the proposals function to serve the needs of motorists already on the highway network. As such, the Proposed Development could not be adequately or appropriately located within Main Street Local Centre;
 - The development will result in economic benefits via the creation of in the region of 80 new jobs at the Site; and
 - The Proposed Development is acceptable in all other material considerations.
- 7.4 Accordingly, we conclude that the application fully accords with both national and local planning policy and should therefore be considered favourably by the council. Therefore, we respectfully conclude that planning permission should be granted.

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WE CONSIDER OUR CREDENTIALS, HOW WE HAVE STRUCTURED OUR BID AND OUR PROPOSED CHARGING RATES TO BE COMMERCIALY SENSITIVE INFORMATION.
WE REQUEST THAT THESE BE TREATED AS CONFIDENTIAL