

Delegated Report

Planning Ref: 23/00514/FUL

Applicant: Motor Fuel Group

Ward: Burbage St Catherines & Lash Hill



Hinckley & Bosworth
Borough Council

Site: Burbage Road Service Station, Burbage, Leicestershire

Proposal: Demolition of car wash and the erection of charging zone to include EV chargers and canopy, two jet wash bays, substation and associated forecourt works.

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. This is an application for the demolition of existing car wash and the erection of charging zone to include EV chargers and canopy, two jet wash bays, substation and associated forecourt works at Burbage Road Service Station, Burbage, Leicestershire

3. Description of the site and surrounding area

- 3.1. The 0.08ha brownfield site is on the southern extent of Burbage Road (B4669), approximately 50m to the northwest of the signalised crossroads where Burbage Road /Brookside/Elm Tree Drive meet and south of the rail tracks.
- 3.2. The site lies within the settlement boundary of Burbage. The site currently comprises of sales building, forecourt, a car wash and fuel pumps.

4. Relevant planning history

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

5. Publicity

- 5.1. Letters were sent out to neighbouring/nearby properties and site notice put up in the vicinity. No comments from third parties or letters of objection have been received.

6. Consultation

- 6.1. No objection has been received from:
- LCC Highways (with condition)
 - LCC Drainage (no comment)
 - HBBC Drainage
 - HBBC Environmental Health (with condition)
 - HBBC Waste
 - Burbage Parish Council

7. Policy

- 7.1. Core Strategy (2009)
- Policy 1: Development in Hinckley
- 7.2. Burbage Neighbourhood Plan
- Policy 2: Design and Layout
 - Policy 3: Business and Retail
- 7.3. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development

- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

8. Appraisal

8.1. Key Issues

- Principle of development
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Flood risk and drainage
- Planning Balance

Principle of development

8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) July 2021) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. Where planning applications conflict with an up to date plan, permission should not usually be granted unless other material considerations indicate otherwise.

8.3. The current development plan consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).

8.4. In July 2019 HBBC declared a 'climate emergency' whereby Councillors pledged to take local action to contribute to national carbon neutral targets through the development of practices and policies, with an aim to being carbon neutral in the borough of Hinckley and Bosworth by 2030.

8.5. The application site is located to the West of Hinckley along the A5 and is situated within an existing service station. It lies adjacent to the Aldi Store. This application seeks permission for EV chargers and canopy, two jet wash bays, substation and associated forecourt works. The principle of the site for use of this nature is well established and the proposed development is supported by Policy 3 of the Burbage Neighbourhood Plan.

8.5. Hinckley is a sub-regional centre and Policy 1 of the Core Strategy states that a variety of development will be supported to enable Hinckley to provide the necessary services and facilities to function as such.

Design and impact upon the character of the area

8.6. Policy DM10(c), (d) and (e) 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 and the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally and incorporates a high standard of landscaping.

- 8.7. Paragraph 134 of the NPPF states development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance. Local policy is considered to accord with the NPPF.
- 8.8. The proposed design of the EV chargers, canopy, jet wash bays and substation are considered to be of a compatible size relating to the service station forecourt building and in keeping with the design of existing buildings on the site and the Aldi store immediately adjacent.
- 8.9. Overall the scheme is considered to be acceptable and in compliance with Policy DM10(c), (d) and (e) of the SADMP, the Good Design Guide SPD and the requirements of the NPPF.

Impact upon neighbouring residential amenity

- 8.10. Policy DM10 (a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.11. There have been no comments or objections raised by third parties. The applicant provided further information on lighting and noise to the Council for consideration. The Environmental Health team raised no objections and have recommended two conditions.
- 8.12. As such, this application is considered to be acceptable in amenity terms and in compliance with Policy DM10 a) and b) of the SADMP and the GDG.

Impact upon highway safety

- 8.36. Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highways authority.
- 8.37. The local highway authority raised no objections and have recommended one condition.
- 8.38. It is considered that the proposal is acceptable in highway terms and satisfies Policy DM17 and DM10(g) and the requirements of the NPPF.

Flood Risk and Drainage

- 8.39. Policy DM7 of the SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 8.40. The site lies in Flood zone 1 (at lowest risk of flooding) and is at low risk of being adversely affected by surface water flooding. The development will therefore satisfy Policy DM7 of the SADMP and the NPPF.

Conclusion

- 8.41. The proposal is considered to comply with Policies DM1, DM7, DM10, DM17 and DM18 of the SADMP.

9. Equality implications

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

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

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

- 9.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application.

- 9.3 There are no known equality implications arising directly from this development.

- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Recommendation

- 10.1 **Grant planning permission subject to the following conditions:**

Conditions and Reasons

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted relates to the following approved plans only:
 - Location Plan - 13664-753-LP - received by the local planning authority 26/05/2023
 - Block Plan - 13664-753-BP - received by the local planning authority 26/05/2023
 - Proposed Site Plan - 13664-753-21 Rev A - received by the local planning authority 31/07/2023
 - Jet Wash Plan and Elevations- 13664-753-24 - received by the local planning authority 26/05/2023

- Substation Enclosure Details - 13664-753-23 - received by the local planning authority 26/05/2023
- EV Canopy and Charger Details - 13664-753-22 - received by the local planning authority 26/05/2023

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

3. The jet wash equipment hereby approved shall not be used except between the hours of 07:00 and 22:00.

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

4. Construction work of the development, hereby permitted, shall not take place other than between the hours of 07:30 hrs and 18:00 hrs on weekdays and 08:00 hrs and 13:00 hrs on Saturdays and at any time on Sundays and Bank Holidays unless other agreed in writing.

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

5. The development hereby permitted shall not be brought into use until such time as the Electric Vehicle parking bays and turning facilities have been implemented in accordance with Proposed Site Plan, drawing number 13664-690-21 Rev A. Thereafter the onsite Electric Vehicle parking and turning provision shall be kept available for such use in perpetuity.

Reason: To ensure that adequate off-street waiting provision is made to reduce the possibility of the proposed development leading to queuing problems locally and to enable vehicles to enter and leave the site in a forward direction in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).

INFORMATIVES

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.