

**Reference:** 15/00694/FUL

**Applicant:** Asda Stores Ltd

**Location:** Asda Barwell Lane Hinckley

**Proposal:** Demolition of Nos. 26 & 28 Barwell Lane and the erection of an automated petrol filling station

**RECOMMENDATION:-** Grant subject to conditions.

**Introduction:-**

The application is to be considered by Planning Committee, in accordance with the Scheme of Delegation, as the application has attracted interest from occupiers of five or more addresses, the views of which are contrary to the officer recommendation.

**Application Proposal**

Full planning permission is sought for the demolition of two dwellings and the erection of an automated petrol filling station. This petrol filling station will be 'pay at the pump' and therefore no manned kiosk is proposed.

The petrol filling station would have three dual sided fuel dispensers which would be covered by a canopy to allow up to six vehicles to fill-up at any one time. The canopy would measure 21 metres by 5.8 metres. Additionally, an air/water machine, a control centre and CCTV cameras are proposed. The hard landscaping proposed features a 2.1 metre boundary fence to the eastern boundary and a twin rail 1.2 metre high fence along the north, west and southern boundaries. The soft landscaping proposed includes tree planting to the north, east and western boundaries.

The proposal would result in the net loss of 7 parking spaces from the existing ASDA store.

The petrol filling station would use the existing access to the store from Barwell Lane.

**The Site and Surrounding Area**

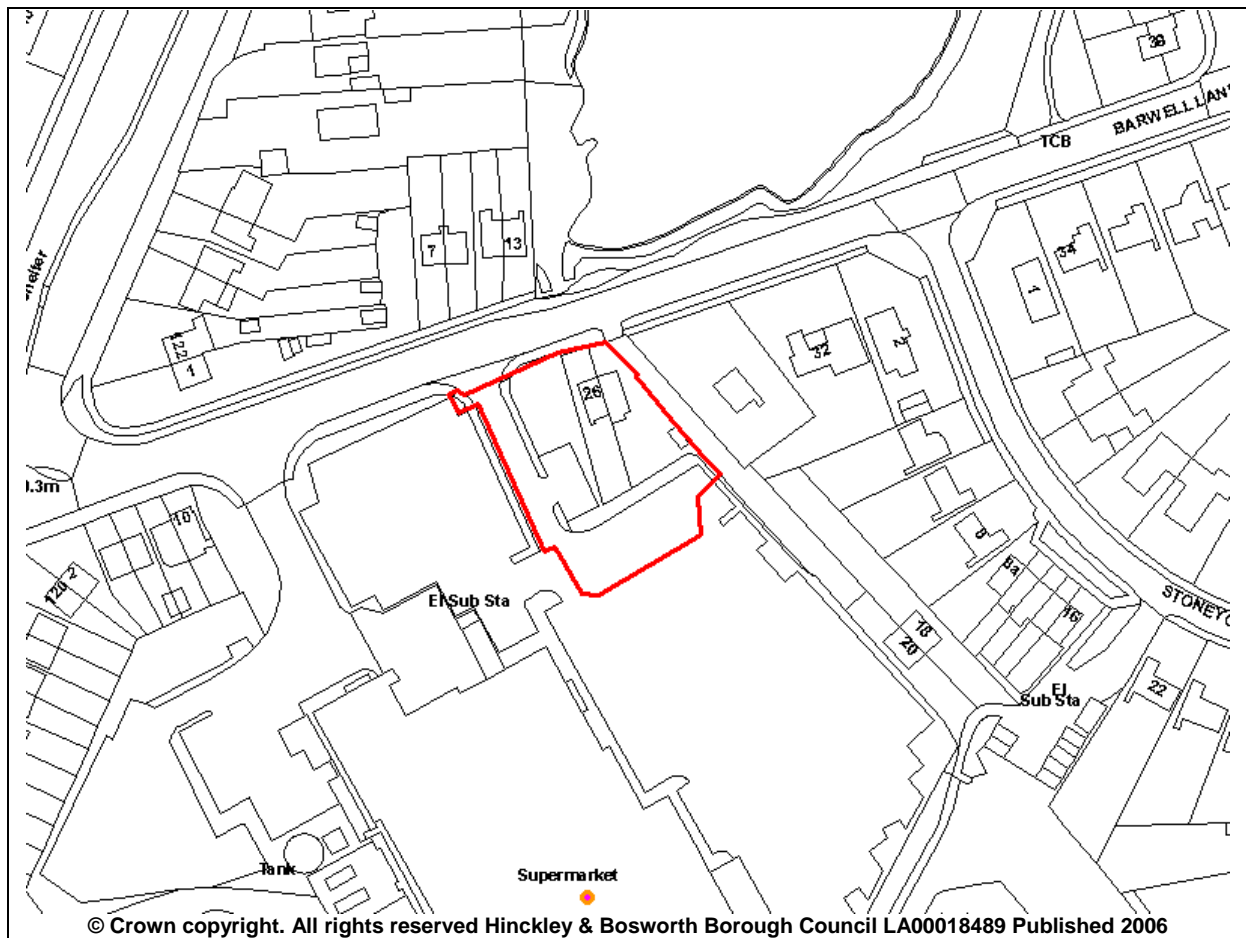
The site area is approximately 0.2 ha in size and includes two semi-detached residential properties, an area of landscaping and a small area of parking for the supermarket.

To the north, across Barwell Lane, and to the east of the site are residential properties. To the south and west of the site is the ASDA store with associated parking.

The existing access serving the store is from Barwell Lane and is immediately to the west of the application site. A separate waiting lane to turn into the supermarket site exists on Barwell Lane.

**Technical Documents submitted with application**

Planning Statement  
Transport Statement  
Noise Assessment  
Lighting scheme  
Geotechnical Letter.



**Consultations:-**

No objection, some subject to conditions, have been received from:-

- Environment Agency
- Severn Trent Water
- Leicestershire County Council (Highways)
- Environmental Health (Pollution).

A site notice and press notice were displayed and neighbours notified.

Two letters of support and a petition with 110 signatures in support of the application has been received following an in store consultation event. It was also raised by the applicant that some concerns with regard to parking, highways access and hours of operation of the petrol filling station were discussed, however the number of these were not provided.

32 objections, and a petition, with 206 signatures, has been received the comments received raise the following issues:-

- a) too much traffic & congestion around the store entrance and a petrol filling station will make matters worse
- b) too many HGV's driving along Barwell Lane
- c) often tailback up Barwell Lane to get onto the Ashby Road
- d) Stoneygate Drive has become a rat run
- e) Barwell Lane and Ashby Road junction dangerous and proposal will worsen matters
- f) roundabout should be constructed on Ashby Road to Barwell Lane

- g) highways improvements should be provided if approved
- h) existing problem with parking for the store and reduction will worsen matters and parking along Barwell Lane
- i) would be better in ASDA car park to the south west of the site
- j) no need for more petrol filling stations
- k) unhealthy to have a petrol station so close to residential properties
- l) not suitable in a residential area
- m) eyesore and would detract from semi-rural environment
- n) impact upon noise, odour and light to neighbouring residential amenity
- o) environmental pollution
- p) safety risk of explosion and fire
- q) cramped and potentially dangerous layout
- r) seeks to trade outside of authorised opening hours
- s) reduced facilities for customers - loss of trolley parking facility
- t) loss of two dwellings
- u) lead to unsociable behaviour/threats to local residents
- v) barriers should be erected to the main site to stop people using the car park when store is closed
- w) where will delivery vehicles park.
- x) will devalue properties
- y) will ASDA compensate surrounding area.

County Councillor Michael Mullaney has objected to the application raising the following concerns:-

- a) highway congestion issues with the petrol station being located close to the Ashby Road/Barwell Lane junction. As this is an extremely busy junction a petrol station would make congestion worse at the junction
- b) the Stoneygate Drive estate is a large estate with only two exits at Barwell Lane/Ashby Road and Leicester Road. Similar petrol stations elsewhere in the country can cause pump queues at rush hour that tailback
- c) it seems unsuitable to put a working petrol station into a residential estate as there is a large potential for noise/disruption to local residents.

**Policy:-**

National Policy Guidance

The National Planning Policy Framework (NPPF) 2012  
 The National Planning Practice Guidance (NPPG) 2014.

Hinckley & Bosworth Core Strategy 2009

Policy 1: Development in Hinckley.

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development  
 Policy BE26: Light Pollution  
 Policy NE16: Storage of Oils, Fuels and Chemicals  
 Policy T5: Highway Design and Vehicle Parking Standards

Site Allocations and Development Management Policies Development Plan Document - Submission Version December 2014

Policy DM10: Development and Design  
Policy DM17: Highways Design  
Policy DM18: Vehicle Parking Standards

### **Appraisal:-**

The main considerations in the determination of this application are:-

- Principle of development
- Impact upon the character of the area
- Impact upon neighbouring amenity
- Impact upon the highway

### Principle of Development

Paragraph 11 - 13 of the National Planning Policy Framework (NPPF) states that the development plan is the starting point for decision taking and that it is a material consideration in determining applications. The development plan in this instance consists of the Core Strategy (2009) and the saved policies of the Local Plan (2001) and the emerging Site Allocations and Development Management Policies (submission document December 2014).

The proposed petrol filling station is to be used in connection with the existing retail food store, within the settlement boundary of Hinckley. Hinckley is identified as a sub-regional centre in Policy 1 of the Core Strategy (2009) and is therefore a sustainable location for development. The proposal seeks the demolition of two dwellings. It is considered that the loss of two dwellings would not be detrimental to the overall provision of housing in the borough. It is therefore considered that the provision of a petrol filling station is acceptable in principle as it would provide sustainable economic development through increased retail provision at the existing retail store which is supported by the NPPF.

### Impact upon the Character of the Area

Policy BE1 (criterion a) of the Local Plan and emerging Policy DM10 of the Site Allocations and Development Management Policies (SADMP) requires development to complement or enhance the character of the surrounding area with regard to scale, layout, mass and design.

The demolition of the two dwellings would alter the character of the street scene and open up views into the adjacent ASDA site. The character of the area is varied along Barwell Lane, by a mixture of two storey residential properties and the existing ASDA retail store. Given the existing mixed character of the area and the overall form and appearance of the retail store, it is considered that this proposal for a petrol filling station would not harm the overall mixed character of the area and is in keeping with the existing retail store adjacent to the site.

The materials used within the surrounding area are a mixture of brick, render and grey metal cladding (ASDA store). The proposed materials to be used for the canopy consist of a steel profile metal decking, supported on a primary grid of steel sections, finished in white with aluminium fascias. The canopy is simple in its design and it is considered that the materials would not harm the appearance of the area. Any advertisements/corporate branding for the petrol filling station would need to be dealt with through a separate application for advertisement consent.

The control room would be located along the western boundary, adjacent to the existing access and would measure 2.2 metres in height, with dimensions of 1.9 metres x 2.1 metres

and would feature a flat roof design. The unit is prefabricated and finished in matt white. Whilst the unit is plain in its design, it is functional and would not form an incongruous addition to the street scene.

The proposed CCTV and lighting poles are considered to be in keeping with the existing security and lighting across the ASDA site. These are characteristic of an urban environment and would not be detrimental to the character or appearance of the area.

A 2.1 metre close boarded timber fence is proposed along the eastern boundary. This would be in keeping with the existing character of the area as fencing is visible along Barwell Lane. It is considered that the height would not be overbearing as it is similar to the height of a domestic fence.

The site currently contains trees along the southern boundary with the existing ASDA car park, additionally some hedge and small tree planting exists within an open space adjacent to no's. 26 and 28 Barwell Lane. The proposal would result in the removal of this existing planting to facilitate the development. The trees to the north of the site, fronting the highway, provide limited value within the street scene and therefore their removal would not be detrimental to the appearance of the area. The trees to the rear are more mature and provide some amenity value to the area, however except from within the car park they are not easily visible. It is considered that proposed landscaping, which would include tree planting would mitigate this loss. It is therefore considered on balance that the replacement planting and landscaping on site would improve the character of the area and compensate the loss of the existing trees to the rear.

It is therefore considered that the proposal would not adversely affect the appearance and character of the area and is therefore acceptable and in accordance with Policy BE1 (criterion a) of the Hinckley & Bosworth Local Plan (2001).

#### Impact upon Neighbouring Residential Amenity

Policy BE1 (criterion i) of the adopted Local Plan, emerging Policy DM10 of the SADMP and SPG require that new development does not adversely affect the amenity of occupiers of neighbouring properties. There are several residential properties surrounding the proposal along Barwell Lane, these include no's. 7, 9, 11 13 and 30 Barwell Lane.

A Noise Impact Assessment has been submitted with the application. Following discussions with Environmental Health (Pollution) amendments have been made to both the noise report and a boundary fence has been inserted along the eastern boundary.

The noise assessment concludes that the noise levels of the proposal would be acceptable and in keeping with existing standards/guidance. Following the amendments to the noise report Environmental Health (Pollution) have no objections to the proposal in regard to the impact of the development on residential amenity in respect to noise.

An amendment to the lighting scheme was submitted following comments from Environmental Health. The lighting scheme proposed is considered to be satisfactory. Concerns were raised from Environmental Health in regard to the impact of a light used during deliveries upon neighbouring residential properties. It is therefore considered that a restriction on deliveries to day time hours only would remove this issue and alleviate the impact of the development upon residential amenity. It is considered reasonable that the deliveries to the site are limited to the restrictions set on the existing ASDA store (no deliveries between 20:00-07:00 - Monday to Saturday and 17:00-09:00 Sunday).

The proposal is for a 24 hour petrol filling station, however strong concerns from residents have been raised in respect of this. The existing ASDA store holds restrictions in regard to deliveries and opening hours due to the impact upon neighbouring residential amenity through noise and disturbance. It is considered that limiting the opening hours of the petrol station to the opening hours of the existing ASDA store would be in keeping with the existing situation for the retail store and would ensure further impacts are not generated to neighbouring residential properties that immediately surround the site. If the petrol station were to operate on a 24 hour basis throughout the night, it is considered that the noise and disturbance associated with the operation of the pumps, vehicle movements and the general operation of the filling station would lead to harm to neighbouring residential amenity given that the site is located adjacent to a residential area and background noise levels would be much lower when the store is closed during the night. To allow for use of the petrol filling station as people arrive to the store in the morning and leaving at closing, it is considered reasonable to restrict the opening hours for customers and for deliveries of fuel to one hour before an after closing (06:00 to 23:00 Monday - Saturday and 09:00 to 17:00 Sundays).

Two CCTV cameras are proposed within the development. Due to their positioning and the proposed boundary treatment to the residential dwellings to the east it is considered that these CCTV cameras would only view into the site and would not harm the privacy of existing residents through overlooking or a loss of privacy.

Concerns have been raised during the consultation in regard to odour from the proposed petrol filling station. If approved the petrol filling station would be subject to vapour recovery in accordance with the European Parliament Directive (5/5/2009) and a license which addresses containment of vapour emissions during tanker deliveries, as well as vapour displaced from customer's vehicles whilst refuelling. Details of the vapour recovery system used by ASDA have been provided for information purposes and identify that this system is constantly monitored to ensure the effectiveness of the vapour recovery system. It is considered that the measures required by the license would ensure the surrounding properties would not be adversely affected by odour from the proposed development.

Concerns have also been raised in regard to the risk of explosion or fire. If approved, the petrol filling station would be subject to an Environmental Permit/License. This would ensure the development is in accordance with all necessary safety requirements and standards. It is therefore considered that the risk of explosion or fire is highly unlikely and would not form a reason for refusal.

It is therefore considered that the applicant has demonstrated that the proposed development implements appropriate mitigation measures and, subject to conditions, would not detrimentally harm the amenity of neighbouring residents. The proposal is therefore considered to be in accordance with Policy BE1 (criterion i) of the Hinckley & Bosworth Local Plan (2001).

#### Impact upon Highway Safety

Policy T5 of the Local Plan states that proposals should not impact upon highway safety or the satisfactory functioning of the local highway network. Additionally paragraph 32 of the National Planning Policy Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Concerns have been raised by residents in regard to the impact of the development upon the highway network. A Transport Statement has been submitted alongside the application. This report concludes that the traffic impact of the proposal upon the adjoining road network would be negligible. No objections, subject to conditions have been raised by Leicestershire

County Council as Highway Authority, who conclude that the residual cumulative impact of the development would not be severe. The existing access to the store would be used by the development and is considered acceptable. It is considered that the conditions requested in regard to parking and turning facilities and requirement of a construction management plan are reasonable and necessary to this development.

Concerns have also been raised in regard to queuing vehicles waiting to use the petrol filling station and the impact upon the wider road network. Capacity calculations and a vehicle stacking diagram have been submitted by the applicant which identifies that the proposal has capacity for 11 vehicles within the site. This information therefore confirms that there is adequate space within the site to accommodate queuing vehicles without the need for them to stack back onto the internal store road. The Highway Authority concludes that the land available for queuing within the site is acceptable.

The proposal would result in the reconfiguration of the north eastern corner of the existing car park. The reconfiguration would result in a net loss of 7 parking spaces. The existing ASDA store is within a sustainable location within the town of Hinckley and is accessible by public transport. It is therefore considered that the loss of 7 parking spaces would not result in a severe impact upon the highway network, and is therefore acceptable.

It is therefore considered that the proposal would not have a severe impact upon the highway network and is therefore acceptable and in accordance with paragraph 32 of the National Planning Policy Framework and saved Policy T5 of the Hinckley & Bosworth Local Plan (2001).

#### Drainage

Severn Trent water has not objected to the application, subject to a condition. The requested condition requires the submission of details in regard to the disposal of surface water and foul sewage prior to the commencement of development. The requested condition is considered reasonable and necessary and is therefore recommended.

Initial comments from the Environment Agency objected to the application, due to potential risks to groundwater from the development. The applicant undertook further geotechnical investigations on site and submitted additional information to the Environment Agency. This further work indicated that the development will not impact groundwater and the Environment Agency are satisfied with these findings and have withdrawn their objection.

It is therefore considered that this proposal will not have a detrimental impact upon ground water or generate flooding issues and is therefore considered acceptable.

#### Conclusion

The erection of a petrol filling station and demolition of two residential dwellings is considered acceptable and would not have a detrimental impact upon neighbouring residential amenity or the highway network. The proposal is therefore considered acceptable and in accordance with national and local planning policy subject to conditions.

#### **RECOMMENDATION:- Grant subject to conditions.**

#### **Conditions:-**

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

- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:  
PA02 Rev A - Site Location Plan - Submitted 19 June 2015  
PA04 Rev D - Proposed Layout - received 1 October 2015  
PA06 Rev B - Proposed Elevations - received 1 October 2015  
PA07 Rev B - Sections - received 1 October 2015  
PA08 Rev B - Control Room Detail - received 1 October 2015.
- 3 No development shall commence until details of the proposed ground levels of the site, and proposed finished levels shall be submitted to and approved in writing by the local planning authority. The approved proposed ground levels and finished levels shall then be implemented in accordance with the approved details.
- 4 No development shall commence until drainage plans for the disposal of surface water and foul sewage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
- 5 No development shall take place until a scheme of hard and soft landscaping works for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme.
- 6 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding seasons (October - March inclusive) following the commencement of the development. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damages or diseased shall be replaced in the next planting season with others of a similar size and species.
- 7 A 2.1 metre boundary fence, constructed to the specifications and location identified within the Noise Assessment dated 1 October 2015 and the proposed layout received 1 October 2015, shall be erected prior to first use of the petrol filling station. This fence shall be maintained in a sound condition thereafter.
- 8 There shall be no deliveries of fuel (diesel, unleaded or LPG) to the petrol filling station outside the hours of 07:00 - 20:00 Monday to Saturday inclusive and 09:00 - 17:00 on Sundays and Bank Holidays.
- 9 The petrol filling station shall not be open for the sale of fuel outside the hours of 06:00 to 23:00 Mondays to Saturdays or 09:00 to 17:00 on Sundays and Bank Holidays.
- 10 Off-street car parking and turning facilities shall be provided within the application site in accordance with the details shown on the submitted plan Dwg no (PA)04 Rev D. The parking and turning areas shall be surfaced and marked out prior to the development being brought into use, and shall thereafter be so maintained at all times.
- 11 No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, storage of materials and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.



**Reasons:-**

- 1 To comply with the requirements of Section 19 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 In the interests of visual amenity, to accord with Policy BE1 (criterion a) of the adopted Hinckley & Bosworth Local Plan 2001.
- 4 To ensure appropriate drainage on site to minimise flood risk and pollution in line with Policy NE13 of the adopted Hinckley & Bosworth Local Plan 2001.
- 5 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley & Bosworth Local Plan 2001.
- 6 To ensure the approved landscaping scheme is undertaken in a timely fashion and is continually maintained to accord with Policy NE12 of the adopted Hinckley & Bosworth Local Plan 2001.
- 7 To ensure that the proposed use does not become a source of annoyance to nearby residents and remains compatible with the surrounding area, in accordance with saved Policy BE1 (criterion i) of the Hinckley & Bosworth Local Plan (2001).
- 8 To ensure that the proposed use does not become a source of annoyance to nearby residents and remains compatible with the surrounding area, in accordance with saved Policy BE1 (criterion i) of the Hinckley & Bosworth Local Plan (2001).
- 9 To ensure that the proposed use does not become a source of annoyance to nearby residents and remains compatible with the surrounding area, in accordance with saved Policy BE1 (criterion i) of the Hinckley & Bosworth Local Plan (2001).
- 10 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area in accordance with saved Policy T5 of the Hinckley & Bosworth Local Plan 2001.
- 11 To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area in accordance with saved Policy T5 of the Hinckley & Bosworth Local Plan 2001.

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date.

Application forms to discharge conditions and further information can be found on the planning portal web site [www.planningportal.gov.uk](http://www.planningportal.gov.uk).

- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

**Contact Officer:-** Helen Wilson Ext 5691