

Planning Committee 22 March 2016
Report of the Chief Planning and Development Officer



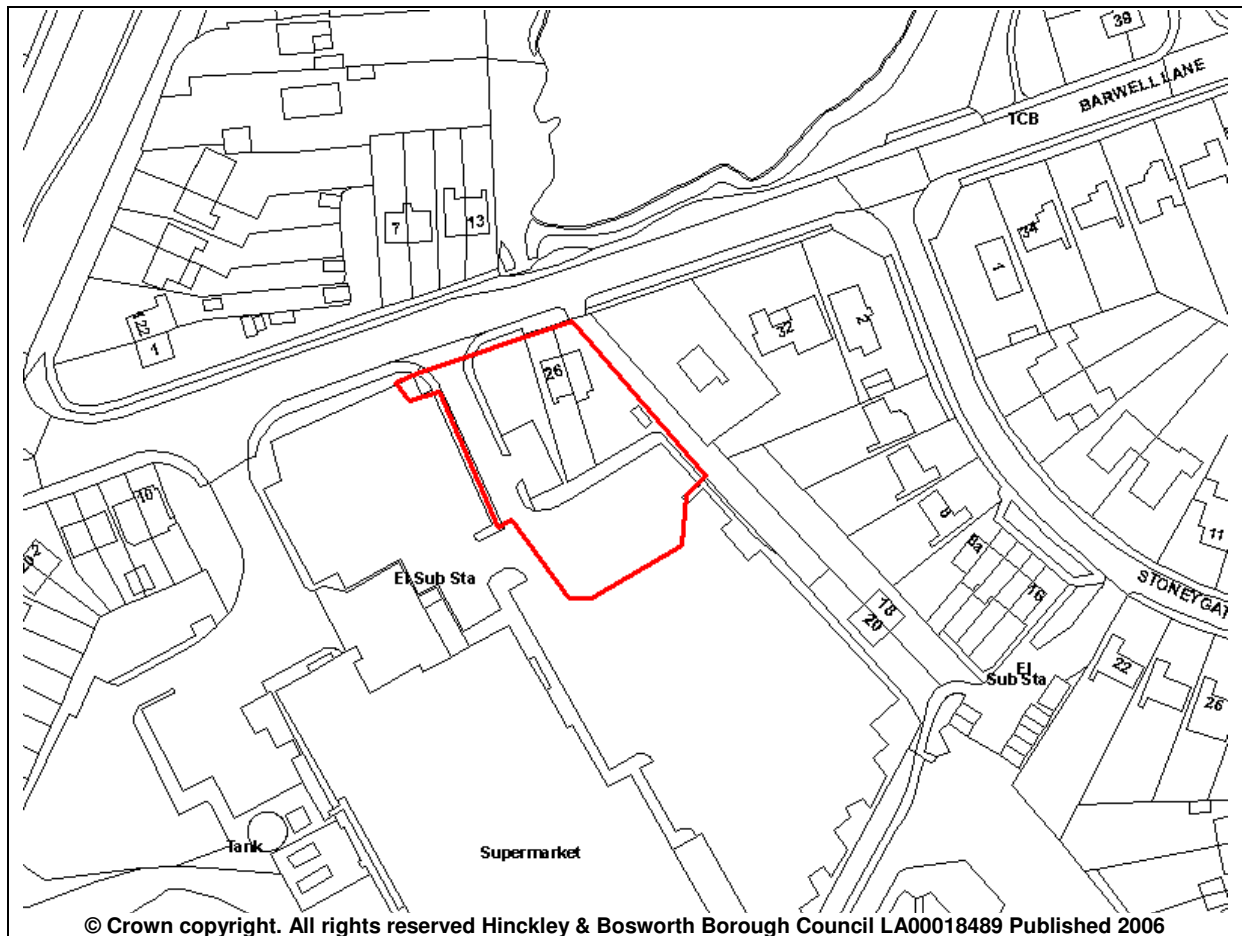
Hinckley & Bosworth
Borough Council

A Borough to be proud of

Planning Ref: 16/00054/FUL
Applicant: Asda Stores Ltd
Ward: Hinckley DeMontfort

Site: Asda Barwell Lane Hinckley

Proposal: Demolition of Nos. 26 & 28 Barwell Lane and the erection of an automated petrol filling station (revised scheme)



1. Recommendations

1.1. Grant planning permission subject to

- Planning conditions outlined at the end of this report.

1.2. That the Chief Planning and Development Officer be given powers to determine the final detail of planning conditions.

2. Planning Application Description

2.1. 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.

- 2.2. 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.
- 2.3. The proposal would result in the net loss of 7 parking spaces from the existing ASDA store.
- 2.4. The petrol filling station would use the existing access to the store from Barwell Lane.
- 2.5. The proposal seeks the following opening hours:
- Monday to Saturday – 06:00 – 21:00
 - Sunday and Bank Holidays – 09:00 – 17:00
- 2.6. This is a revised application, following the refusal of a previous application (reference: 15/00694/FUL). The application was refused due to concerns about the impact of the proposal on residential amenity and because of the potential impact upon congestion at the junction of Barwell Lane and Ashby Road.
- 2.7. The changes made from the previous application are as follows:
- Control room moved to the eastern corner of the site
 - Air and Water machine moved to north western are of the site (close to the access)
 - Drainage channels shown
 - Additional information with regards to the use of the petrol filling station by HGV's
 - Reduction in opening hours from 24 hours to Monday to Saturday: 06:00 – 21:00 and Sunday and Bank Holidays: 09:00 – 17:00

3. Description of the Site and Surrounding Area

- 3.1. 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.
- 3.2. 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.
- 3.3. 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.

4. Relevant Planning History

15/00694/FUL	Demolition of Nos. 26 & 28 Barwell Lane and the erection of an automated petrol filling station	Refused Appeal pending	24.12.2015
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5. Publicity

5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.

5.2. Five letters of objection have been received which raise the following issues:

1. People who want the petrol station are not local
2. No requirement/need for a further petrol station in the area
3. Unsuitable location and appearance
4. Safety risk to general public and road users
5. Increase congestion on surrounding roads
6. Trading outside of authorised opening hours
7. Increased noise, light and air pollution to local residents
8. Cramped and dangerous layout
9. Reduced facilities for ASDA customers
10. Loss of two dwellings
11. Loss of trees and habitats
12. Danger of fire
13. Pollution of the opposite fishing lake
14. Used as social area at night
15. Does not enhance or complement character of area
16. Loss of visual amenity
17. Change of use of land from residential
18. No new jobs, little benefit to the local community.

6. Consultation

6.1. No objections, some subject to conditions, have been received by:

Severn Trent Water Limited
Leicestershire County Council (Highways)
Leicestershire County Council (Drainage)
Environmental Health (Pollution)

7. Policy

7.1. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2012)
- Planning Practice Guidance (PPG)

7.2. Local Plan 2006 – 2026: Core Strategy (2009)

- Policy 1: Development in Hinckley

- 7.3. Hinckley and Bosworth Local Plan (2001)
- Policy B1: 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
- 7.4. Emerging Site Allocations and Development Management Policies DPD Submission Version (Dec 2014)
- Policy DM10: Development and Design
 - Policy DM17: Highways Design
 - Policy DM18: Vehicle Parking Standards

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Impact upon the character of the area
- Impact upon neighbouring amenity
- Impact upon the highway

Assessment against strategic planning policies

8.2. 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).

8.3. 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

8.4. 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.

8.5. 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.

- 8.6. 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. The development would 'read' as part of the retail site and would therefore be in keeping with the character of this part of Barwell Lane. Any advertisements/corporate branding for the petrol filling station would need to be dealt with through a separate application for advertisement consent.
- 8.7. The control room is located to the eastern corner of the site, which is adjacent to the boundary with 30 Barwell Lane. This has been moved into the site adjacent to the neighbouring boundary in comparison to the previous application. The height of the structure would measure 2.3 metres in height, with dimension of 1.9 metres by 2.1 metres and would feature a flat roof design. The unit would be finished in matt white. Due to its positioning to the rear of the site and the proposed landscaping the unit would not be prominent in the street scene and would be in keeping with the character of the retail unit to the south.
- 8.8. 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.
- 8.9. 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.
- 8.10. 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.
- 8.11. 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) and emerging Policy DM10 of the SADMP.

Impact upon Neighbouring Residential Amenity

- 8.12. 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.

- 8.13. A Noise Impact Assessment has been submitted with the application. 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.
- 8.14. This revised application has repositioned the control room to the eastern corner of the site and the air and water unit to the north western corner of the site. This amendment moves the unit which may cause disturbance (the air and water unit) further away from residential dwellings. The control room is not considered to generate noise disturbance, so moving this closer to neighbouring residential development it would not have a detrimental impact. Whilst the noise impact assessment found that the previous positioning of the air and water unit would not have a detrimental impact upon residential amenity, the movement of this towards the access of the site further away from residential dwellings will lessen the impact upon residential amenity further.
- 8.15. An amendment to the lighting scheme has been submitted following comments from Environmental Health, in line with the previous proposal. The lighting scheme proposed is considered to be satisfactory. To ensure deliveries do not cause any noise or light disturbance to neighbouring residents a condition restricting the deliveries to the petrol filling station in line with the restrictions set on the existing retail store is considered reasonable (no deliveries between 20:00-07:00 - Monday to Saturday and 17:00-09:00 Sunday).
- 8.16. The previous proposal was for a 24hour petrol filling station; however this resubmitted application reduces the opening hours to 06:00 – 21:00 Monday to Saturday and 09:00 – 17:00 Sundays and Bank holidays. The proposed opening hours are generally in accordance with the opening hours of the adjacent retail unit. The noise and lighting assessment concludes that this development would not be detrimental to the neighbouring amenity. However to ensure there is no disturbance or impact upon residential amenity a condition limiting the opening hours to those suggested by the application is included.
- 8.17. 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.
- 8.18. 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.
- 8.19. 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.

- 8.20. 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 in accordance with Policy BE1 (criterion i) of the Hinckley & Bosworth Local Plan (2001) and emerging Policy DM10 of the SADMP.

Impact upon Highway Safety

- 8.21. Policy T5 of the Local Plan and emerging Policy DM17 of the SADMP require 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. Policy DM18 required adequate parking to be provided in line with the adopted Highway Guidance.
- 8.22. 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.
- 8.23. 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. The details provided by the applicant identify that there is sufficient land within the site for queuing of up to 11 vehicles. Leicestershire County Council Highways Authority conclude that 'taking into consideration the proposed traffic flows and the area of land available for queuing within the new facility, the proposals will be acceptable'.
- 8.24. 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.
- 8.25. The applicant has provided additional details with regards to the potential use of the site by HGV's, an issue which was raised with the previous application. Due to the constraints of the site the tanker for the fuel deliveries must be able to get under the canopy to exit the site, therefore a HGV could physically get into the site to use the pumps. However, the applicant has explained that this would be extremely unlikely for the following reasons:
- The proposed layout at Hinckley does not incorporate a dedicated HGV lane.
 - HGV's tend to use 'fuel bunkering' which is a scheme offered to fuel card customers whereby they can buy fuel at a pre-arranged price. Asda (the

applicant) do not offer 'fuel bunkering' at any of their sites as it is acknowledged that most of them are unsuitable for HGV traffic.

- There is a £99 limit on the Asda fuel pumps. HGV's would need far more than this to fill up.

The applicant has identified that they would be willing to erect a sign instructing commercial HGV's that they cannot use the site, if members felt this was appropriate. However this would be subject to a separate application for advertisement consent. Due to the location of the petrol filling station and the reasons given above it is considered unlikely that HGV's would use the site for refuelling.

- 8.26. 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, saved Policy T5 of the Hinckley & Bosworth Local Plan (2001) and emerging Policy DM17 and DM18 of the SADMP.

Drainage

- 8.27. 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.
- 8.28. A geotechnical ground investigation has been undertaken on the site, following the Environment Agency's comments on the previous application. The Environment Agency did not object to the previous application following the submission of the geotechnical survey. Formal comments from the Environment Agency have not yet been received for this revised application and an update will be provided via a late item.
- 8.29. It is therefore considered, subject to the Environment Agency comments, that this proposal will not have a detrimental impact upon ground water or generate flooding issues and is therefore considered acceptable.

9. Conclusion

- 9.1. This revised application seeks to address the reasons for refusal set out in the 2015 planning application. Some changes have been made and additional information has been provided to seek to address the impact on occupiers of adjacent property. Having considered this further detail, on balance 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. Subject to conditions, the proposal is therefore acceptable and in accordance with national and local planning policies.

10. Recommendation

- 10.1. **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

- 10.2. That the Chief Planning and Development Officer be given powers to determine the final detail of planning conditions.

10.3. 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 19 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans and documents:

Site Location: Dwg No. (PA) 01 Rev A – received 21 January 2016
Proposed Site Plan: Dwg No. (PA)03 Rev D – received 21 January 2016
Proposed PFS Layout: Dwg No. (PA)04 Rev E – received 21 January 2016
Proposed Elevations: Dwg No. (PA)06 Rev B – received 21 January 2016
PFS Sections: Dwg No. (PA)07 Rev C – received 21 January 2016
Control Room Details: Dwg No. (PA) 08 Rev C – received 21 January 2016
Street View: Dwg No. (PA)09 Rev C – received 21 January 2016
Proposed Lighting Scheme (Rev D) - received 24 February 2016
Noise Assessment - received 21 January 2016

Reason: For the avoidance of doubt and in the interests of proper planning.

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.

Reason: In the interests of visual amenity, to accord with Policy BE1 (criterion a) of the adopted Hinckley & Bosworth Local Plan 2001 and emerging Policy DM10 of the Site Allocation and Development Management Policies DPD.

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.

Reason: 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 and emerging Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document.

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.

Reason: 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 and emerging Policy DM10 of the Site Allocation and Development Management Policies DPD.

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 damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: 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. 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 21 January 2016, shall be erected prior to first use of the petrol filling station. This fence shall be maintained in a sound condition thereafter.

Reason: 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. 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.

Reason: 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) and emerging Policy DM10 of the Site Allocation and Development Management Policies DPD.

9. The petrol filling station shall not be open for the sale of fuel outside the hours of 06:00 to 18:00 Mondays to Saturdays or 09:00 to 17:00 on Sundays and Bank Holidays.

Reason: 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) and emerging Policy DM10 of the Site Allocation and Development Management Policies DPD.

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 E. 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.

Reason: 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 and emerging Policy DM18 of the Site Allocation and Development Management Policies DPD.

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.

Reason: 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.

10.4. Notes to Applicant

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.