

## AGENDA ITEM NO: 9/1(d)

<b>Parish:</b>	<b>Hillington</b>	
<b>Proposal:</b>	<b>Creation of an EV charging zone and erection of canopy, Sub-Station and associated forecourt works</b>	
<b>Location:</b>	<b>Hillington Service Station Service Station Lynn Road Hillington PE30 6BJ</b>	
<b>Applicant:</b>	<b>Motor Fuel Group</b>	
<b>Case No:</b>	<b>23/00720/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Lucy Smith</b>	<b>Date for Determination:</b> <b>25 May 2023</b> <b>Extension of Time Expiry Date:</b> <b>7 June 2024</b>

**Reason for Referral to Planning Committee** – Called in by Cllr Beales

**Neighbourhood Plan:** No

### **Case Summary**

The application seeks consent for the construction of EV Charging Zones, a sub-station and associated works at Hillington Service Station.

Hillington is categorised as a Rural Village in Policy CS02 of the Core Strategy (2011).

### **Key Issues**

Principle of Development  
Form and Character  
Highway Safety  
Neighbour Amenity  
Impact on Trees  
Other material considerations

### **Recommendation**

**APPROVE**

## **THE APPLICATION**

The application seeks full planning permission for the construction of 8 No. Electric Vehicle (EV) charging bays, an associated canopy, a substation and associated forecourt works – primarily the provision of marked out parking bays.

The proposal has been amended during the course of this application to remove jet wash bays from the scheme in the interests of surrounding amenity. A fire wall has been added,

alongside acoustic fencing, to prevent fire spread & to provide noise mitigation as recommended by the Noise Impact Assessment.

The fire wall provides a barrier between the proposed EV charging stations and the conifer hedge along the west boundary of the site. The substation is proposed to the north of the EV chargers, with the fencing proposed along the south, west and north elevations of the substation enclosure. Parking spaces are proposed across the site to formalise existing parking provision and replace general spaces lost to EV charging spaces.

The existing application site is in use as a petrol station, with an MOT/Car Sales Garage to the rear. The car sales area has its own parking provision to the rear of the application site, and existing shared parking bays are positioned along the east boundary.

Hillington is categorised as a Rural Village in the Settlement Hierarchy and therefore has a development boundary which the application site is wholly within.

The existing petrol station is accessed directly via the A148 which is part of the Council's key strategic road network and carries a high level of traffic.

## **SUPPORTING CASE**

None received.

## **PLANNING HISTORY**

## **RESPONSE TO CONSULTATION**

**Parish Council: OBJECTION** on the following grounds:

1. 'In light of the Fire Service comments and the extension of the hedge above the height of the proposed firewall, the likely impact of the proposed firewall footing on the root zone of the existing hedge, and the proposed parking bays 10 to 13 which will require the removal of the existing pedestrian access up the eastern site boundary which will mean that pedestrians trying to reach the sales building will need to walk through a live traffic zone on the petrol station forecourt.
2. It would create more traffic by the island then this would cause traffic tail backs with traffic trying to enter the garage. This already takes place regularly.
3. Consideration of pedestrian lights.
4. Taking everything into consideration, the added traffic with increased risk of accidents/injuries outside the garage, noise, possible anti social incidents, disruption to local residents etc, I also think it is a terrible plan that should not go ahead.
5. This has the potential to cause chaos in Summer when there is already frequently a queue to get into the service station. Add in the dreadful visibility when exiting the service station in a car and the ludicrous 'safety island' and we have a disaster waiting to happen'.

**Highways Authority: NO OBJECTION** - subject to parking/serving/loading area condition.

**Conservation Officer: NO OBJECTION** - 'this proposal will have no impact on any nearby designated heritage assets'

**CSNN: NO OBJECTION** - provided a list of conditions controlling the construction of acoustic and fire barriers, external lighting details, and development in accordance with the Noise Impact Assessment, including signage. Recommended inclusion of Environmental Protection Informative on any consent. With the following comments:

'Since my last comments regarding conditions, I have reconsidered the need for a Noise Management Plan condition due to difficulties in making it enforceable, as the consent only relates to the EV area rather than the whole site as the permission for the fuel station and parking already exists. The only reasonably enforceable element of a management plan would be around signage.

If issues were to arise from excessive slamming of doors, talking/shouting, or music etc. these would need to be investigated by the Community Safety and Neighbourhood Nuisance Team as a noise nuisance complaint where there would be the opportunity to require the whole site to be managed appropriately as it would be under the statutory nuisance framework rather than planning.

However, effective signage may avoid any issues arising. This would need to include wording around respecting the neighbours and words/symbols relating to door slamming, music, talking (this will sound louder than normal at night time), shouting etc. I would expect there to be one sign per EV charging bay.'

**Environmental Health & Housing - Environmental Quality: NO OBJECTION** - recommended unexpected contamination condition.

**Norfolk Fire and Rescue: NO OBJECTION** - 'I confirm that if the fire wall is built, as per the fire wall detail and proposed site layout documents Norfolk Fire & Rescue service are in agreement that the proposal is acceptable.'

**Arboricultural Officer: NO OBJECTION** subject to conditions, with the following comments:

'No information has been submitted by the applicant relating to the existing mature leyland cypress hedge on the site boundary, which due to lack of pruning on the garage side has grown over the boundary.

The applicant does not appear to have considered the potential impact of the proposal on the hedge, or the impact and influence the hedge will have on the proposal.

The hedge has not been managed on the applicant's side of the boundary and works to face up the hedge to prune back the overhang will be required just to make space to physically construct and install the charging bays, canopy and fire wall.

The proposed fire wall will be within the minimum root protection area of the hedge, and no consideration seems to have been given to this.

It is difficult to accurately assess the impact on the hedge without any supporting information from the applicant.

Typically tree and hedge roots are not found in hard compacted parking areas, like the one already in use. This is only a theory, and the installation of the fire wall could very well cause

considerable damage to the hedge through roots being physically severed to make space for the wall foundation, and cement leaching into the severed roots (cement in concrete is very poisonous to trees).

There are two ways to deal with this:

1. The applicant could carry out a trial pit to establish the extent of tree roots in the location of the proposed excavation for the fire wall. If no roots are found then the base of the wall can be lined with an impermeable membrane to prevent cement leaching into the soil. The wall design will need to be amended to include this before being approved.
2. A condition may be attached for the design of the wall foundation to be one that is unlikely to harm the hedge, by bridging roots, effectively building the wall on top of lintels suspended over small piles for a small foot print in the rooting area of the hedge.'

## **REPRESENTATIONS**

**SIXTEEN** letters of **OBJECTION**, stating comments summarised as follows:

- \*Concern over fire risk - from vehicles and charging infrastructure, in particular impacts on conifer hedgerow
- \*Concern over position of substation close to shared boundary, impacts on safety and health
- \*Noise impacts from EV chargers and the substation
- \*Noise and antisocial behaviour impacts from people waiting and cars loitering
- \*Impacts from light pollution
- \*No reference to existing conifer hedgerow which will potentially be impacted & no tree survey has been provided
- \*Existing levels of queuing into/out of the garage, cars blocking entrances and impacts on highway safety, this proposal would increase this
- \*Overdevelopment of a site in a village & surrounded by houses
- \*Concern over amount of parking provided, particular in relation to adjoining uses
- \*Drainage information required in relation to jet wash bays (now removed)
- \*Description proposes substation enclosure but not the substation
- \*Noise impact assessment incorrectly states lack of windows in neighbours side elevation when there are existing windows
- \*Concern over inaccurate labelling of current uses
- \*Substation proposed adjacent to neighbour's patio area
- \*Reference made to EV application at St Nicholas Retail Park in Kings Lynn (24/00599/F), requesting that similar consideration takes place

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS10** - The Economy

**CS11** - Transport

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM1** – Presumption in Favour of Sustainable Development

**DM2** – Development Boundaries

**DM15** – Environment, Design and Amenity

## **NATIONAL GUIDANCE**

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

## **PLANNING CONSIDERATIONS**

**The main considerations are:**

- Principle of Development
- Form and Character
- Highway Safety
- Neighbour Amenity
- Impact on Trees
- Fire Safety
- Other material considerations

### **Principle of Development**

The application seeks consent for the construction of EV Charging Zones (with 8 No. charging bays), a sub-station and associated works at Hillington Service Station.

Whilst the principle of expansion of existing businesses and the provision of electric charging infrastructure is supported at both a local and national level, the development must be suitable in character for the site on which it is positioned and be in overall compliance with the remaining policies of the local plan in regard to highway safety, form and character and neighbour amenity.

Paragraph 116e of the NPPF states that development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible, and convenient locations.

Hillington is categorised as a Rural Village in Policy CS02 of the Core Strategy (2011). The village is rural in character with development primarily centred around the historic entrance to Hillington Hall which is located some 150m to the east of this application site. The Conservation Team raise no objections and the proposal is not considered likely to lead to adverse impacts on the setting of nearby heritage assets.

## **Form and Character**

The application seeks works to the forecourt of an existing petrol station at Hillington. The proposed EV charging ports including the canopy structure over the chargers and fenced substation would be viewed in connection with the existing petrol station forecourt and surrounding uses and would not be detrimental to the character and appearance of the area.

Considering the scale and form of the canopy, which is proposed to cover only the charging infrastructure itself, it is not considered likely to lead to any significant adverse impacts on the visual amenities of this part of Hillington. Whilst Hillington as a whole is rural in character, the existing site conditions include various ancillary structures and artefacts and is heavily impacted by the existing petrol station canopy, store & car sales to the rear to an extent that the additional canopy would have limited impact.

The fire wall, proposed at 2.8m tall along this west boundary would remove the current verdant edge (although the hedge would be visible behind the structure). Whilst this is noted, it is not considered likely to lead to such significant adverse impacts on the street scene as to warrant refusal on design grounds. The fire wall is necessary to prevent fire spread in the event of any fires at the EV charging bays.

The substation enclosure would be set back from the front boundary of the site and viewed in association with the various structures already existing within the forecourt. This would not be detrimental to the visual amenities of the locality.

Overall, considering the existing character of the site, the proposed design is considered acceptable and would comply with the overarching aims of the NPPF (2023) and Policies CS08 and DM15 of the Local Plan.

## **Highway Safety**

The proposed site plan, following the removal of the jet wash bays and the reduction in the number of EV charging points proposed during the course of this application, would not lead to a loss of existing wider parking provision provided and the Local Highway Authority have raised no objections on highway safety grounds.

The proposed plans show 14 proposed customer bays which would be marked and laid out formally as part of this proposal. Existing customer parking to the east of the building would be retained, and the car sales/MOT garage area to the rear (in blue land) would also be retained.

The provision of sufficient parking on site is necessary for the 24/7 retail use of the main petrol station building and would also lead to impacts on the Car Sales/Garage to the rear of the site, which share parking, turning and manoeuvring area with the red line area. The development would not lead to adverse impacts on highway safety by reason of inconvenient parking and turning provision directly adjacent to the A148.

The Parish Council raise concern around the loss of pedestrian provision as a result of the new formalised parking bays to the east of the forecourt. Whilst these comments are noted, this issue has not drawn objection from the Local Highway Authority on safety grounds. Considering the existing conditions on site, the proposed site layout is considered acceptable.

Conditions are recommended to ensure that the parking areas are laid out and made available prior to the first use of any EV charging port.

## Neighbour Amenity

Jet wash bays have been removed from the scheme since submission, due mainly to the potential for adverse noise and disturbance relating from such a use.

The Noise Impact Assessment suggests the highest decibel noises will be as a result of the use of the parking bays themselves, with vehicles entering/exiting, closing of boots etc. potentially resulting in typical noise of 72dB (at 7.5m away). As the site is already in use for parking of vehicles, it is of note that some of this noise will already be occurring.

The sound power levels associated with the charging points relate to cooling fans within the hardware – these fans do not operate continuously and would only be used to maintain suitable airflow when the chargers are being used. An estimated sound power level of 70dB has been used to guide the recommendations of the Noise Impact Assessment. The substation (distribution transformer), at 1500kVA would comply with the standard maximum power level of 61dB would operate 24 hours a day.

The EV charging infrastructure and substations are proposed along the west side boundary, adjoining a 1.5 storey dwelling known as Lavender House. This property has a side elevation facing the shared boundary, which comprises a mature conifer hedgerow for the majority of its length. The property has a driveway to the south and garden area to the north. The Noise Impact Assessment incorrectly stated that there are no windows on this side elevation, however it is evident from site visits and previous planning history (18/00543/F) that this property has windows to habitable rooms in the side elevation facing the application site. The Noise Impact Assessment has since been amended via an addendum, dated 12th July 2024.

This application must be considered with regard to the position of existing parking areas along this west boundary & the lawful use of the existing petrol station, shop and MOT garage/car sales centre. Therefore, whilst the noise from EV charging & the sub-station in this position is new, the noise from vehicles arriving/departing and the associated people movements is existing.

The EV chargers and substation must be considered in respect to noise and disturbance and any dis-amenity impacts may be at odds with the NPPF (2023) and Policy CS10 of the Core Strategy (2011) in regard to the location of business uses. A Noise Impact Assessment has been provided and has gained the support of the CSNN team, who recommend various conditions.

The Noise Impact Assessment includes the provision of a fire wall to the rear of the EV charging stations and other acoustic fencing around the substation, which are considered acceptable and suitable in order to prevent adverse noise and disruption of neighbouring uses.

In context, as the development includes screening by means of a fire wall to the rear of each EV bay it could be reasonable to assume 5-10 dB reduction from source to receiver depending on which bay is used. The Noise Impact Assessment states that 'in general, there would be no reason to suspect that typical maximum sound levels would increase by a significant degree because of the proposed development.'

The Noise Impact Assessment further suggests that the mitigation provided as part of this scheme would likely be beneficial to the curtilage of the dwelling, with the continuous screen provided by the fire wall attenuating noise both from the EV chargers but also from the traditional refuelling activities elsewhere in the forecourt. The predicted levels are within the

World Health Organisation's recommended criteria and the application has not drawn objection from the CSNN team on that basis.

The Noise Impact Assessment sets out that the proposal would have minimal increased impacts on other dwellings in the vicinity.

Various neighbour comments refer to fire risk associated with the position of the charging points adjacent to the conifer hedgerow. The Norfolk Fire and Rescue Service raise no objection to the proposed scheme and the fire risks are considered acceptable.

Conditions could be imposed to ensure full compliance with the Noise Impact Assessment, which in addition to the fire wall and acoustic fencing, suggests that signage could be utilised to ensure that the users of EV chargers are aware of the sensitivities of the location. The Noise Impact Assessment further sets out that by nature, the petrol station has a 24/7 on site staff presence which allows further control of any antisocial behaviour on site.

The proposal as a result of the nature of the development would not result in overbearing, overshadowing, or overlooking impacts. The existing conifer hedgerow would screen the majority of the proposed fire wall from view, and the north end of the fire wall would be sufficiently distanced from the boundary & side elevation of the dwelling to limit adverse impacts. The 2.4m fencing around the substation is around 0.6m taller than the existing fencing along this shared boundary and considering its limited length, would be unlikely to lead to adverse impacts on neighbours.

Conditions are recommended to ensure full details of a lighting scheme are provided prior to the installation of external lighting, including those included within the canopy structure. Considering the existing conifer hedgerows and existing forecourt activity, external lighting is acceptable in principle however the condition will ensure additional controls are in place to verify impacts on neighbours prior to installation.

Overall, the impact on neighbours is considered acceptable and complies with the NPPF (2023), Policies CS08 and CS10 of the Core Strategy (2011) and Policy DM15 of the SADMPP (2016).

### **Impact on Trees**

The application proposes a fire wall in close proximity to a third-party's conifer hedgerow along the west boundary of the site. The hedge has not been managed on the applicant's side of the boundary and works to face up the hedge to prune back the overhang will be required just to make space to physically construct and install the charging bays, canopy and fire wall. The proposed fire wall will be within the minimum root protection area of the hedge.

In the absence of trial trenching taking place during the course of the application to establish the position of roots in the location of the fire wall, pre-commencement conditions are recommended to ensure that this information is provided before development begins. This information will ensure the long-term retention of this hedge whilst also allowing the firewall to be constructed.

Subject to conditions, the impact on trees is considered to comply with Policies CS08, CS12 and DM15 of the Local Plan, and the overarching aims of the NPPF.

### **Fire Safety**

Various neighbour comments refer to fire risk associated with the position of the charging points adjacent to the conifer hedgerow. However the firewall is there to provide a barrier to



the hedge, and the Norfolk Fire and Rescue Service raise no objection to the proposed scheme and the fire risks are considered acceptable.

### **Other material considerations**

Various neighbour comments refer to the description of development including a substation enclosure, but not referencing the substation itself. The word “enclosure” was used to reflect the proposed site layout plan and substation elevations plan. The description has been changed to make it clear that the substation itself is proposed. Whilst the detail of power output is provided within the Noise Impact Assessment, no further specific details of the internal substation arrangements have not been provided as part of this application. It is considered that sufficient information has been provided to allow assessment of the substation.

The CSNN team recommended that a noise management scheme is provided by condition. In light of the existing uses in the locality, and the controls provided by the Noise Impact Assessment which can be conditioned, it would not be reasonable or necessary, or enforceable, to further control submission of a scheme to control noise impacts arising from people within the forecourt.

### **CONCLUSION**

The NPPF reiterates the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 which states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The provision of electric vehicle charging infrastructure within the forecourt of an existing petrol station & in proximity to other commercial uses is considered fully acceptable in principle, and the design of the proposed scheme is not considered likely to give rise to any adverse impact on the visual amenities of the locality.

A noise impact assessment has been provided in support of this application and has drawn no objections from the CSNN team. It is considered that the provision of the required fire wall around the charging points and fencing around the substation would appropriately mitigate the increase in noise associated with the proposal.

Overall, the proposal therefore complies with the overarching aims of the NPPF (2023), Policies CS06, CS08, CS10 and CS11 of the Core Strategy (2011) and Policy DM15 of the SADMPP (2016).

### **RECOMMENDATION:**

**APPROVE** subject to the imposition of the following condition(s):

- 1 Condition The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition The development hereby permitted shall be carried out in accordance with the following approved plans:

- 13664-BP-FS693 - Block Plan
- 13664-P02-FS693 F - Proposed Site Layout
- 13664-P03-FS693 - EV Canopy Detail
- 13664-P04-FS693 - Substation Elevations
- 13664-P07-FS693 - Fire Wall details

- 2 Reason For the avoidance of doubt and in the interests of proper planning.
- 3 Condition Notwithstanding the details shown on the approved plans, no development shall commence on site until large scale plans showing the method of foundation construction of the fire wall to provide for the long-term retention of the neighbouring hedge have been submitted to and approved in writing by the Local Planning Authority. The foundations shall be constructed in accordance with the approved details.
- 3 Reason To ensure that the conifer hedgerow is properly protected within the proposed scheme, for the avoidance of doubt and in the interests of the amenities of the street scene in accordance with the NPPF.
- 4 Condition Prior to the first use of the charging points and substation hereby approved the proposed 2.4m high timber fence and 2.8m high fire protection wall shown on Drawing 13664-P02-FS693 REV F and Drawing 13664-P07-FS693 (submitted on 29 May 2024) and detailed in section 5.2 and 5.5.2. of the Noise Impact Assessment Ref 403.064788.00004 Version No: 4, June 2024 shall be constructed fully in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. The fire wall and timber fencing shall be retained as such in perpetuity.
- 4 Reason In the interests of the amenities of the locality in accordance with the NPPF.
- 5 Condition The development hereby approved shall be constructed and implemented strictly in accordance with the mitigation measures specified in the Noise Impact Assessment Ref 403.064788.00004 Version No: 4, June 2024. The development shall be retained as such in perpetuity. In particular, the report states:
- Signage should be used at the EV facilities to remind patrons that they are in a residential area and so required to keep noise to a minimum, including car radios and particularly at night.
  - Substation to include a 2.4 m tall screen to sides and rear.
  - Proposed fire wall shall be erected in accordance with the agreed details.
- 5 Reason In the interests of the amenities of the locality in accordance with the NPPF and Policy DM15 of the SADMPP (2016).
- 6 Condition Notwithstanding the details submitted as part of this application, prior to the installation of any external lighting, details of the method of the extent of illumination from the lighting of the EV charging point canopy shall be submitted to and approved in writing by the local planning authority. The lighting scheme shall be implemented as approved prior to the occupation of the development and thereafter maintained and retained as agreed.
- 6 Reason In the interests of the amenities of the locality in accordance with the NPPF.
- 7 Condition Prior to the first use of the development hereby permitted the proposed on-site car parking/servicing/loading/unloading/turning/waiting areas shown on dwg No. 13664-P02-FS693 Rev F shall be laid out, demarcated, levelled, surfaced and drained

in accordance with the approved plan and retained thereafter available for that specific use.

- 7 Reason To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety in accordance with the NPPF (2023) and Policies CS08, CS11 and DM15 of the Local Plan.
- 8 Condition Prior to the first use of the EV charging bays hereby approved, details of the proposed signage required by Condition 5, including the wording, design, dimensions, and positioning of each sign must be submitted to and approved by the Local Planning Authority. The signage shall be installed, as approved, prior to the first use of the EV charging bays and retained and maintained as such thereafter.
- 8 Reason In the interests of the amenities of the locality in accordance with the NPPF and Policy DM15 of the SADMPP (2016).