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**Delegated report**      Officer: James Norton

**Application ref. DMPA/2021/1481**

Demolition of an existing car wash and construction of a new hydrogen production and storage and vehicle refuelling system unit and associated signage at Derby With Burton Service Station, Etwall Road, Willington, Derby, DE65 6DX

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Valid date:                      27/09/2021

Consults expired:              08/11/2021

EIA development?              No

Section 106 agreement?      Not required

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This decision is delegated to officers under the terms of the current Scheme of Delegation.

**Relevant planning history**

9/2005/1400 - Full application for the erection of a trunk road service area including public house, hotel, petrol filling station, restaurant, diner, car and HGV parking and access – Approved 02/03/2006

9/2017/0570 - The construction and operation of a liquid natural gas (LNG) refueling station including compound, 2 dispensers and relocation of existing hgv parking area – Approved 11/05/2018

9/2018/0854 - Demolition of an existing car wash and construction of a new hydrogen storage and vehicle refuelling system unit and associated located on land - Approved 03/10/2018

**Responses to consultations and publicity**

County Highways – No objection

Environmental Health – No objection

No neighbour responses received at the time of writing this report.

**Relevant policy, guidance and/or legislation**

The relevant policies are:

- 2016 Local Plan Part 1: S1, S2, S6, E7, SD1, SD6, BNE1, BNE4, INF2
- 2017 Local Plan Part 2: SDT1, BNE5

National Guidance

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

Local Guidance

- South Derbyshire Design SPD

**Planning considerations**

In taking account of the application documents submitted (and supplemented and/or amended where relevant) and the site and its environs; the main issues central to the determination of this application are:

- Principle; and

- Siting and design.

## Planning assessment

### Principle

This application seeks consent for the installation and operation of a Hydrogen refuelling station adjacent to the existing Shell refuelling forecourt. A previous permission was granted (9/2018/0854) for a similar proposal but this application was not implemented and minor changes to the layout of the proposal were required due to the development of the technology necessitating a slightly different red line. The DAS states that the site was chosen due to its key position on the strategic road network and availability of existing facilities and utilities. Whilst the number of users proposed when the facility becomes operational is only expected to be around 3-5 users per day, public demonstrations would take place and relationships fostered with Original Equipment manufacturers (OEMs) – car makers – to encourage further roll-out of low carbon technologies.

The proposal is in open countryside albeit part of the built area of the roadside services. However, the proposal seeks to enhance facilities at the Burton with Derby Services, a former allocation within the 1998 Plan which has now been constructed, and this proposal would provide additional facilities to the petrol filling station by providing a wider choice of fuels. Although this proposal would see the loss of the car wash facility, the hydrogen storage and refuelling system would provide a further alternative to petrol and diesel fuels. As such the proposal is considered to be in an appropriate location due to being linked to the existing facilities, and providing a facility for sustainable energy and is therefore considered to comply with the requirements of policies BNE5 and SD6.

### Siting and Design

The design of the proposal is a function of the requirement to allow vehicles into the refuelling area whilst keeping a level of security around the facility. The facility itself is made up of a number of elements and surrounded by a firewall in part and palisade type fencing forming the secure compound. On the outside of the compound is the dispenser itself and payment unit under a canopy. Within the compound are 'containers' including the Switchgear Cabinet, Transformer, Power Supply Unit, Electrolyser Unit, Buffer Tank, IC 90 Unit and Hydrogen Dispensing Unit. The tallest piece of equipment aside from the two lightning protectors (tall thin poles approximately 11.2m in height) is the buffer tank at 6.9m in height and 1.8m wide with the chilling and compression and Electrolyser units being 4.3m and 4.0m in height. Given the proposal is within the roadside services site adjacent to the existing Shell garage the proposal would be seen in the context of the garage canopy which is approximately 8m in height. As such the proposal would not have a detrimental impact on the character of the area. The previous permission included conditions requiring details of a landscaping scheme and boundary treatment. The DAS associated with this application refers to landscaping to be dealt with by condition and to confirm, no details have been provided with the application and therefore a condition has been added. Landscaping is required to partially screen and to reduce the impact of the purely functional design which makes no attempt to disguise its function. In addition the design of the proposed fencing would be more appropriately designed as a less 'fortress' like fencing and as such its detail is proposed to be dealt with by condition.

Given the siting of the proposal there is considered to be a very limited impact on the character of the surrounding area, in particular given the functional nature of the existing car wash. Subject to conditions relating to landscaping to provide some screening in tandem with details of suitable treatments to the fencing and fire wall the proposal is considered to comply with the requirements of policies BNE1 and BNE5.

## Recommendation

### Approve with Conditions

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

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| Recommendation made: | 15/11/2021       |
| Report agreed:       | 16/11/2021       |
| Authorised officer:  | Steffan Saunders |

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