

Delegated Report

Planning Ref: 24/00600/FUL
Applicant: Mr Luke Moulding
Ward: Hinckley Clarendon



Hinckley & Bosworth
Borough Council

Site: 1 Alan Bray Close Hinckley Leicestershire

Proposal: Proposed extension to industrial unit and installation of solar panels

Recommendations

- 1.1. **Grant planning permission** subject to:
- Planning conditions outlined at the end of this report

Planning application description

- 2.1. The application seeks full planning permission for extension to industrial unit and installation of solar panels.
- 2.2. The proposed would be on the western side of the existing unit and measure 15m in width by 32m in depth, providing an additional 453sqm of warehouse floor. The warehouse is used for light industrial and storage. The roof would have the same height as the existing but the proposed ridge would be perpendicular to the existing roof. 8 No. roof lights are proposed for both the northern and southern roof slope as well as 102 solar panels (61 for both the northern and southern roof slope).
- 2.3. There are currently 64 car parking spaces on site. As a result of the proposal 30 would be lost with 34 spaces remaining. No changes to the access are proposed.
- 2.4. Proposed materials are vertical green cladding for the walls, a light grey cladded roof with roof lights and solar panels, dark grey fascia, dark grey doorsets. The western elevation would have 2 roller shutter doors which is an increase of 1 over the existing.
- 2.5. The hours of operation would remain unchanged but 2 additional full time staff would result from this proposal bringing the total number of full time staff to 4.

Description of the site and surrounding area

- 3.1. The site is between Dodwells Road and Alan Bray Close & relates to a warehouse factory building 957 sqm in size with parking at the front, side and rear, all accessed off Alan Bray Close. It is surrounded by other industrial buildings and located within an existing employment site, within the settlement boundary for Hinckley. The site is within a Gas Transmission Buffer.

Relevant planning history

08/00987/FUL

- Formation of two windows
- Permitted
- 04.08.2004

04/00757/FUL

- Erection of security fencing and gates
- Permitted
- 04.08.2024

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. No comments have been received as a result of the publicity.

Consultation

- 6.1. No objection has been received from:
- HBBC Waste
- National Gas
- HBBC Drainage
- HBBC Pollution
- 6.2 LCC Highways- No objection subject to a Condition
- 6.3 LCC Public Rights of way Officer- No comments received
- 6.4 Severn Trent Water- No comments received

Policy

- 7.1. Core Strategy (2009)
- Policy 1: Development in Hinckley
- 7.2. 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
 - Policy DM19: Existing Employment Sites
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2023)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)
 - Employment land and premises review (2020)
 - Leicestershire Highways Design Guide (LHDG)

Appraisal

- 8.1. Key Issues
- Assessment against strategic planning policies
 - Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety and parking

Assessment against strategic planning policies

- 8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) (2023) 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. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016) (SADMP).
- 8.3 Policy 1 of the adopted Core Strategy seeks to ensure there is a range of employment opportunities within Hinckley. The application site forms part of a designated employment site within the adopted SADMP. Policy DM19 of the adopted SADMP states that the Borough Council will seek to retain sites classified as Category A sites in their entirety, for B1, B2 and B8 employment uses. The development of non B class uses in Category A sites will only be allowed in which they would support and ensure the longevity of the business within the allocated employment site. The application seeks extensions to the existing industrial unit. The proposal would therefore support and ensure the longevity of the business within the allocated employment site.
- 8.4 Updates to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 ("The Amendment") came into force on the 1st September 2020, with the intention of reducing restrictions and increasing flexibility in commercial areas. Changes to the B1 use class were implemented providing a more general and flexible E class use. It is considered the operations associated with this particular site fall within Class B2 which has not changed as a result in the change in legislation and the office space provided is ancillary to that use, not having a separate use class of its own. As the use class in this particular case remains the same it is not considered that the changes to the use class order will impact upon this proposal.
- 8.5 Overall the principle of development is considered acceptable in accordance with Policy DM19 of the SADMP, subject to other material planning considerations.

Design and impact upon the character of the area

- 8.6 Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. It is contended that the development proposed by this application would meet the aims and requirements of the above for the reasons given below.
- 8.7 The extension to the front would be relatively prominent given its location. However the design is sympathetic with the character of the industrial site and the changes would not over dominate the existing building. The cladding would help to modernise the appearance of the building from the front. The proposal would still result in it being well set in from the road thereby not appearing overly intrusive. The extension would be well screened from Dodwells Road scene by the existing building and the size and scale of the extension would not over dominate the existing industrial building.

- 8.8 The proposed extension would sit within the context of an obviously industrial area having no additional impact upon the character of the area.
- 8.9 The proposal would therefore enhance the appearance of the existing building itself and the character of the surrounding area. It would therefore be in accordance with Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.10 Policy DM10 of the SADMP states that developments will be permitted providing that the development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings including matters of air quality including odour and noise.
- 8.11 The proposal is set well away from any residential properties. 2 additional full time jobs would be created but no changes to hours of use are proposed. Environmental Health raise no objection to the proposal.
- 8.12 The proposal will therefore result in a minimal impact on residential amenity in compliance with policy DM10 of the SADMP.

Impact upon highway safety and parking

- 8.13 Policy DM17 of the SADMP seeks to ensure new development would not have an adverse impact upon highway safety. Policy DM18 of the SADMP seeks to ensure parking provision appropriate to the type and location of the development.
- 8.14 No changes to the access off Alan Bray Close are proposed. 2 additional full time jobs would be created to bring the number of staff to a total of 4 full time workers. The car park would be reduced in size but there would still be 34 spaces remaining which is sufficient for a site of this size. There is also sufficient parking and turning space for a HGV. It is not considered the proposed would result in a severe impact on highway safety given the quantum of development proposed.
- 8.15 LCC Highways commented that the LHA have reviewed the submitted application form and note there are 64 existing vehicular parking spaces on site and the applicant proposes to reduce provision to 34 vehicular parking spaces.
- 8.16 'Highway Requirements for Development: Part 4' of the LHDG states that for a B2 general industrial unit, one car space per 50 sq. metres and one lorry space per 200 sq. metres should be provided on site.
- 8.17 As this proposal increases the gross internal floorspace from 1224m to 1677m, the LHA calculate that 34 vehicular parking spaces would be required to serve the proposed development. The parking proposed is therefore in line with the LHDG.
- 8.18 The LHA note that no lorry spaces have been provided for on Hayward Architects Proposed Site Plan Drawing Number 07A. However, the LHA note that there are no lorry spaces demonstrated on Hayward Architects Existing Site Plan Drawing Number 03. The LHA therefore would not seek to object to the proposal on this basis.
- 8.19 The proposal will result in a minimal impact on parking and highway safety in compliance with policies DM17 and DM18 of the SADMP.

Ecology

- 8.20 Policy DM6 seeks to ensure that on site features are retained or included which safeguard and enhance biodiversity.

- 8.21 LCC Ecology were not consulted as part of the application process and the proposed is exempt from mandatory BNG as the development is on existing hard standing so it meets the de minimis exemption
- 8.22 As such it is considered that the proposal is in accordance with Policy DM6 of the SADMP.

Other matters

- 8.23 The site is located within a Gas Transmission Buffer. National Grid/Cadent Gas have been consulted with the asset protection team raising no objection to the proposal.

Equality implications

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

- (1) 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, and the matters specified in Section 149 of the Equality Act 2010 in the determination 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).

Conclusion

- 10.1. The application seeks extensions to the existing industrial unit. The proposal would therefore support and ensure the longevity of the business within the allocated employment site in compliance with policy 1 of the Core Strategy and Policy DM19 of the SADMP.
- 10.2. The proposal will result in a minimal impact on visual amenity, residential amenity and parking/highway safety in compliance with policies DM10, DM17 and DM18 of the SADMP.

Recommendation

11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

11.2 **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 shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Site location plan received 18th June 2024
Proposed Site plan Drg No.07A received 5 July 2024
Proposed Scheme Drg No. 06A received 5 July 2024

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

- 3) The materials to be used on the external elevations of the proposed extension and alteration shall accord with the approved plans.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

- 4) The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Hayward Architects Proposed Site Plan and Site Location Plans Drawing Number 07A. Thereafter the onsite parking (and turning) provision shall be kept available for such uses in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking 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 policy DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (December 2023).

- 5) Within 3 months of the date of this decision a scheme for the installation of electric vehicle charging points shall be submitted to and approved in writing by the local planning authority. The scheme shall identify the number of electric charging points, together with full details of the location and fitting of the units. The approved details shall be installed within 6 months of the date of this decision.

Reason: To ensure that the proposals meet the requirements of Policy DM10 (g) of the Site Allocations and Development Management Policies DPD (2016) and Paragraph 116 (e) of the National Planning Policy Framework.

11.3 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.

2. All work must be carried out in accordance with National Gas Transmission specification T/SP/SSW/22 and your attention is drawn to the guidance contained within the consultee comments from National Gas received on 2nd August 2024.