DELEGATED REPORT

Recommendation Made: 13 April 2011

Reference:- 11/00135/FUL **Parish:-**

Applicant:- Mr Mark Buckby
1 St Pauls Road
Leicester
LE3 9DE

Location:- Unit 6 Hinckley Business Park Brindley Road Hinckley Leicestershire LE10 3BY

Proposal:- DEMOLITION OF EXISTING B8 BUILDING, CHANGE OF USE AND ERECTION OF REPLACEMENT B2 BUILDING

Introduction:-

Full planning permission is sought for the demolition of an existing industrial unit and erection of a replacement unit and change of use from Wholesale, Storage and Distribution (Use Class B8) to General Industrial (Use Class B2)

The existing unit of 123.6 square metres which is currently vacant would be replaced by the proposed unit of 206.4 square metres including a mezzanine floor. The unit would be constructed to a maximum height of 6.5 metres.

The materials proposed are profile sheet cladding for the walls, with rooflight panels and aluminium double glazed units and steel doors and aluminium roller shutter access door.

Unit 6 is located within the north east corner of Hinckley Business Park. Hinckley Business Park forms part of Harrowbrook Industrial Estate- a designated as an employment area and is located within the settlement boundary of Hinckley, as defined in the Hinckley and Bosworth Local Plan (2001). The Ashby Canal Conservation Area and a designated footpath are located to the north of the site.

During the course of the application, the applicant has been requested to submit further information in order to support the application. No specific details have been provided but indications into the number of employees (five) and hour of operation (07:30 to 18:00) have been submitted.

Planning History

The most up to date and relevant planning history is:-

11/00003/FUL	Demolition of existing unit and erection of replacement unit	Withdrawn	17.02.11
04/00579/COU	Change of Use from Class B1 (light industrial) to Class B8 (warehouse and distribution)	Permitted	09.08.04
96/00317/FUL	Warehouse extension to factory	Permitted	30.05.96
95/00485/FUL	Extension and alterations to office/technical building	Permitted	07.09.95

Consultations:-

No comment from:-

Environment Agency

No objections from:-

Ashby Canal Association
Head of Community Services (Land Drainage)
The Inland Waterways Association
Severn Trent Water

No objection subject to conditions from:-

Head of Community Services (Pollution)
British Waterways
Director of Environment and Transport (Highways)

Development Plan Policies:-

Central Government Guidance

Planning Policy Statement 4 (PPS4): Planning for Sustainable Economic Growth

Planning Policy Statement 23: (PPS23): Planning and Pollution Control

Local Development Framework: Core Strategy 2009

Policy 1: Development in Hinckley

Hinckley & Bosworth Local Plan 2001

Policy EMP1: Existing Employment Sites

Policy BE1: Design and Siting of Development

Policy T5: Highway Design and Vehicle Parking Standards

Policy NE17: Contaminated Land and Water Resources

The site lies adjacent to Ashby-de-la-Zouch canal, which is a designated Conservation Area and is afforded protection through Policy BE7 and Policy REC6 of the Hinckley and Bosworth Local Plan. Policy BE7 relates to development within the Conservation Area, whilst Policy REC6 provides a corridor either side of the canal in order to protect the recreational and ecological value of the canal. Development is allowed within the corridor subject to specified criterion.

Other Material Policy Documents

The Employment Land and Premises Study undertaken in May 2010 identifies Harrowbrook industrial Estate as a key/flagship employment area which it seeks to retain for employment uses.

Appraisal:-

The main considerations with regards to this application are the principle of development, siting and design, impact upon the Conservation Area and other material considerations.

Principle of Development

Harrowbrook Industrial Estate is a designated key local employment area and the Borough Council's

Employment Land and Premises Study advises this site is retained for employment.

The site is an Industrial Estate and as such the principle of industrial development in this location is considered acceptable. There is no in-principle objection to the change of the use of the building and the erection of a new building, subject to all planning matters being adequately addressed.

Siting and Design

The erection of the new building is proposed to be sited on the footprint of the existing building, set to be demolished.

The proposed building is large in footprint and height than that of the existing building, however it is considered an acceptable size in accordance with the surrounding units. The unit is significantly larger in footprint and scale than the existing building however it remains of a size and scale that is similar to existing buildings on the wider site.

The materials proposed are intended to replicate those used on the existing units in the vicinity and are considered acceptable for the industrial estate setting.

By virtue of the proposed buildings siting and design it is not considered that there would be any significant material impacts.

Impact Upon the Conservation Area

The proposal is located to the south of the Ashby Canal Conservation Area. It is a statutory requirement that any new development should at least preserve the character of the conservation area

It is considered that the site is reasonably well screened from the Ashby Canal Conservation Area by existing trees and vegetation along the watercourse between the canal towpath and the site. The proposed replacement building, although higher than the existing building and with an unattractive rear elevation, is not out of scale or any worse than adjacent industrial units and will have minimal additional visual impact on the canal corridor. This notion is supported by The Inland Waterways Association and there also no objections from the Ashby Canal Association.

In summary there has been no concerns raised that the proposed change of use of the building would result in any additional adverse impacts upon the character and appearance of the Conservation Area over and above that of the existing use and surrounding uses. As such it is considered the scheme would at least preserve the character of Ashby Canal Conservation Area when considered against the wider context of the conservation area and influencing adjacent developments.

Other Materials Considerations

Land Contamination

Both British Waterways and the Head of Community Services (Pollution) have requested conditions in respect of a scheme for the potential land contamination on the site. In view of the previous uses of the site and the proximity to the water environment it is considered necessary to impose such conditions. For the avoidance of doubt, one condition will be added which will secure these details.

The Head of Community Services (Pollution) has also requested a condition to secure the details for the proposed biomass boiler.

Drainage

British Waterways raises no objection to the proposal but have requested a condition in respect of drainage details to be submitted. Historically the development control process has sought to control the design of drainage systems, however in more recent years further control is now delivered through the Building Regulations and by Severn Trent Water (as the service provider) and the drainage scheme that has been approved by the planning authority is usually subject to change. In line with recent appeal decisions and

Planning Inspector opinion, it has been agreed locally that drainage details will no longer be required to be subject to a planning condition unless there is uncertainty over network capacity or connection availability. Accordingly, in this case no drainage conditions are considered necessary, particularly given that this is for the replacement of an existing commercial building on this site.

Highway Considerations

It is considered that the proposed change of use is not likely to result in additional traffic, over and above that of the existing use and surrounding units.

The application form states that there are no existing car parking spaces on site but that 3 no. off street car parking spaces will be provided through the new development. It is considered necessary to attach a condition ensuring that the 3 no. parking spaces remain available, as requested by the Director of Environment and Transport. As such, the proposal accords with Policy T5 of the Local Plan.

Hours of use

It is not considered necessary to attach a condition restricting the hours of use, given the site is located within an established Industrial Unit where historically restrictions on hours have not been imposed and there are no residential dwellings that would be impacted upon as a result of the scheme.

Conclusion

In conclusion, the principle of a general industrial use in an established industrial estate is considered acceptable. The resulting use does not give rise to any significant detrimental impacts over and above that of the surrounding units. It is considered that there would not be any significant material impacts upon visual amenity, highway safety, or residential amenity and the scheme is considered to preserve the character and appearance of Ashby Canal Conservation Area. The issues of any potential risk to the water environment have been secured through the imposition of planning conditions. Accordingly, the application is recommended for planning permission, subject to the imposition of planning conditions.

RECOMMENDATION :- Permit subject to the following conditions :-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as the change of the use of the units to general industrial is considered acceptable in this setting. By reason of the siting and scale the proposed unit does not give rise to any significant material impacts upon visual amenity, highway safety, or residential amenity and the scheme is considered to preserve the character and appearance of Ashby Canal Conservation Area.

Hinckley & Bosworth Local Plan (2001):- Policies EMP1, BE1, BE7, T7, NE17, REC6.

Hinckley & Bosworth Borough Council Local Development Framework: Core Strategy (2009): - Policy 1.

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 otherwise than in complete accordance with the details: Drawings No's A008;A009 and A006 Rev A received by the Local Planning Authority 28 February 2011.

3 The materials to be used on the external elevations of the proposed unit shall be strictly in accordance with those specified within the planning application, unless previously agreed in writing with the Local Planning Authority.

4 No development hereby approved shall commence until a scheme for the potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

5 If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

6 No development shall commence until full specifications of the proposed biomass boiler are first submitted to and agreed in writing by the Local Planning Authority. Only the approved details shall be installed on site.

7 Before first use of the building hereby approved the car parking spaces shown on drawing number A006 Rev A shall have been provided on site. Thereafter, such facilities shall remain permanently available for vehicle parking.

Reasons :-

1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2 For the avoidance of doubt and in the interests of proper planning.

3 To ensure that the development has a satisfactory external appearance to accord with Policy BE1of the Local Plan.

4 To ensure that the site is remediated to a satisfactory standard in order to protect public safety, preserve the water quality and prevent pollution of the waterway in accordance with Policy NE17 of the adopted Hinckley and Bosworth Local Plan.

5 To ensure that the site is remediated to a satisfactory standard in order to protect public safety, preserve the water quality and prevent pollution of the waterway in accordance with Policy NE17 of the adopted Hinckley and Bosworth Local Plan.

6 In the interests of preserving the water quality and prevent pollution of the waterway in accordance with Policy NE17 of the adopted Hinckley and Bosworth Local Plan.

7 To ensure that adequate off-street parking provision is made to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

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.

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).

5 In relation to condition 4 advice from Health and Environment Services is attached to this decision notice which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.

6 If surface water is to be discharged to the adjacent Ashby Canal, the Applicant is advised that such discharge will require prior consent from British Waterways. Please be advised that British Waterways is not a land drainage authority and that such consent is not granted as of right, and will be subject to completion of a commercial agreement where it is granted. Please contact the Utilities Team at the Hatton Office on 10926 626100 for further advice.

Contact Officer:- Ebbony Mattley Ext 5691