DELEGATED REPORT

Recommendation Made: 20 May 2011

Reference:- 11/00325/CONDIT **Parish:- Hinckley**

Applicant:- Mr Gary Clarke
Station Road
Hinckley
Leicestershire
LE10 1AW

Location:- 32 Stephenson Road Hinckley Leicestershire LE10 3DJ

Proposal:- VARIATION OF CONDITION NO. 2 OF PLANNING PERMISSION 03/00168/COU TO ALLOW THE RETENTION OF B1 USAGE TO THE CURRENT TENANTS

Introduction:-

This is a planning application seeking the variation of condition 2 of planning permission 03/00168/COU to allow the retention of the B1 use (Business) for the prospective tenants of the site. The previous tenants, Jumbo Inflatables manufactured inflatables and indoor play equipment and had a sole benefit consent attached to them as the tenants when they occupied the site from 2003. The prospective tenants are Aspects Design and Marketing Ltd, their business operations will be appraised in a later section of this report. The unit was originally granted planning permission for use as a factory and offices in 1967.

Condition 2 of planning permission 03/00168/COU states that the permission shall operate solely for the benefit of Jumbo Inflatables Plc and shall not run with the premises and the reason for granting this permission was that the special circumstances of the applicant merited a B1 use within this industrial unit.

The application site is a large industrial unit located on the corner of Coventry Road and Harrowbrook Road on the Harrowbrook Industrial Estate. The unit has a ground floor space of 1850 square metres and an internal mezzanine floor which provides further space. To the rear (north) of the unit is a loading bay which has a gated access and to the front (south) is a staff parking area which is heavily screened from Coventry Road by 3m high mature trees. The land to the north and west of the site forms part of the industrial estate and the land immediately to the east and on the opposite side of Coventry Road is residential.

An additional plan was received on 28 June 2011 showing the internal production layout of the proposed B1 use and the proposed extraction points for the various items of machinery.

History:-

03/00168/COU CHANGE OF USE FROM CLASS B8 TO CLASS B1
90/00046/4 CHANGE OF USE TO GENERAL INDUSTRIAL USE

Consultations:-

No objections have been received from:-

Head of Community Services (Drainage)
Director of Environment and Transport (Highways)

Following receipt of additional information on 28 June 2011 no objections have been received from:-

Head of Community Services (Pollution)

Site notice was displayed and neighbours notified. At the time of writing no comments have been received from:-

Neighbours
Ward Members

Development Plan Policies:-

Hinckley and Bosworth Local Plan (2001) :-

EMP1- Existing employment sites
Policy BE1- Design and siting of development.

Employment Land Study 2010.

Appraisal:-

The main considerations with regards to this application are the principle of development, defining the use, the impact on neighbour amenity and highway issues.

Principle

The site is located within the defined Harrowbrook Industrial Estate and local plan policy EMP1 states that the Local Planning Authority will actively seek to retain this site for employment purposes. The retention of the unit for B1 (Business) purposes will ensure that the prospective tenant continues employment use at the site, thereby making the development acceptable in principle. The proposed development complies with the recommendations for the Harrowbrook Industrial Estate as set out in the Employment Land and Premises Study review 2010 as it retains an industrial use within the industrial estate.

Defining the use/impact on residential amenity

The applicant is seeking to retain a B1 use at the site. A B1 use is defined in the Use Classes Order 2010 as light industrial use that can be located in a residential area where it wouldn't cause nuisance to neighbouring properties. The proposed use of this industrial building is by Aspect Design who create advertising displays for use in the car sales industry. Their existing site based in Sileby, Leicestershire has been visited by the Head of Community Services (Pollution) and it was confirmed in their consultation response that there is the following machinery in operation at the site in Sileby:

2x heat bending machines
1x screen printing machine and dryer
1x pattern press
1 x machine router
screen cleaning booth.
There is another site belonging to the applicant where they undertake injection moulding.

It should be noted that the applicant's existing site in Sileby is located within a residential area. Taking into account this amount of machinery and processes there is the potential for noise disruption to surrounding residential properties at the proposed site in Hinckley. However through responsible building management and consideration given to the layout the potential for loss of residential amenity to surrounding properties through noise and odour can be significantly reduced. In particular the siting of the screen printing dryer and screen cleaning booth are identified as the items of machinery that have the potential to create external noise as they will be externally ventilated.

Following the request for additional information by Head of Community Services (Pollution) on 17 May 2011 an additional plan was received from the applicant on 23 May 2011 showing an indicative layout of the industrial unit with the light manufacturing proposed to take place in the centre of the building. The extraction points are shown to be located centrally on the south side and roof of the building facing onto Coventry Road.

It should be noted that the majority of noise created by the manufacturing processes will be largely contained within the industrial building and external noise will emanate from deliveries and the extractor fans. The siting of the extractor fans on the southern side of the building is considered more appropriate as this will be away from residential properties and the sound of the fans will largely be screened out by the continuous noise

generated by the movement of traffic along Coventry Road. Coventry Road is a main arterial route into Hinckley town centre from the A5 Dodwells Roundabout and carries a significant volume of traffic on a daily basis. In respect on noise generated from the fans, the manufacturers specification has been requested from the applicant on 24 May 2011
Subject to receipt of this additional information and it subsequently been considered acceptable then the continuation of the B1 (Business) use will be considered to be appropriate within a residential area.

Following receipt of an additional production layout plan on 28 June 2011 the Head of Community Services (Pollution) has raised no objections to the proposed development. The additional plan shows the extraction system and fans to be located centrally on the southern roof slope away from residential properties.

In terms of permitting the continued B1 use it is considered that the use proposed by the applicant is acceptable in close proximity to residential properties. It is not considered necessary to impose a personal condition on the applicant company as they have provided sufficient justification to demonstrate that a light industrial use can continue at the unit without the potential for loss of residential amenity. Furthermore by restricting the use of the industrial unit to B1 it still allows the Local Planning Authority the opportunity to consider whether future users of the site fall accord with the B1 use. Planning permission would be required for a change of use to B8 (Storage or Distribution) use as the industrial unit exceeds 235 square metres.

Highway issues

The existing staff parking area to the front of the unit and the existing loading and delivery area to the rear will be utilised. Although some traffic noise would inevitably occur from loading/unloading and servicing, it is felt that this would be no more harmful than that associated with surrounding industrial uses and from the previous B1 use of the site. Furthermore the Director of Environment and Transport (Highways) has raised no objections to the proposed use at the site.

Conclusion

Following receipt of satisfactory details relating to the noise generation of the extractor fans, on balance the proposal is considered acceptable, subject to it being a B1 'light industrial' use only. This will allow the Local Planning Authority to retain control over its future use and to minimise the impact of the use of the unit on the immediate neighbours.

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 it is considered that the proposed occupier of the industrial unit constitutes a B1 (Business) use which would not be detrimental to highway safety or residential amenity and the development would ensure the retention of an employment use at the site.

Hinckley and Bosworth Borough Council Local Plan:- EMP1, BE1

1 This permission relates to the variation of condition 2 of planning permission reference 03/00168/COU [the previous application) dated 25 June 2003, a copy of which is appended hereto and the conditions imposed by the decision notice in relation to the previous application shall be deemed to apply to the grant of permission in respect of application 11/00325/CONDIT [the current application) save in so far as they are amended by virtue of the decision notice in relation to the current application or where variations subsequent to the previous application have been approved in writing by the local planning authority.

2 The premises shall not be used other than for purposes falling within Class B1 of the Town and Country Planning (Use Classes) Order 2010 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Production Layout Plan received on 28 June 2011

Reasons :-

1 To define the permission and to ensure that all other conditions attached to the original consent still apply.

2 For the avidance of doubt and to safeguard amenities of neighbouring properties in accordance with policy BE1 of the Hinckley and Bosworth Local Plan 2001.

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

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).

Contact Officer:- Scott Jackson Ext 5929