Item: **06**

Reference: **11/00757/FUL**

Applicant: **Ms Fran Muddimer**

Location: **National Grid Brick Kiln Street Hinckley**

Proposal: **ERECTION OF FOUR MODULAR BUILDINGS**

Target Date: **19 December 2011**

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it comprises a commercial development with a floor area greater than 500m^2.

Application Proposal

This application seeks full planning permission for the erection of modular office building and three ancillary modular storage units at the National Grid Site off Brick Kiln Street, Hinckley. The proposal is to replace an original building of a similar size, which has recently been demolished. The proposed office building will have a footprint of approximately 500 square metres and will be of flat- roofed construction. The building will be sited on a similar footprint to the recently demolished building; in the north western corner of this extensive site, on a strip of land between the two main parking areas. The three ancillary storage buildings will be sited parallel to one another, to the west of the main building. These will have a footprint of approximately 15 square metres and will also be of modular, flat roofed construction. All buildings will be finished in a Goosewing Grey.

The building will accommodate 68 construction staff and will be sub-divided between an open plan office area, meeting rooms, stores and welfare facilities.

The Site and Surrounding Area

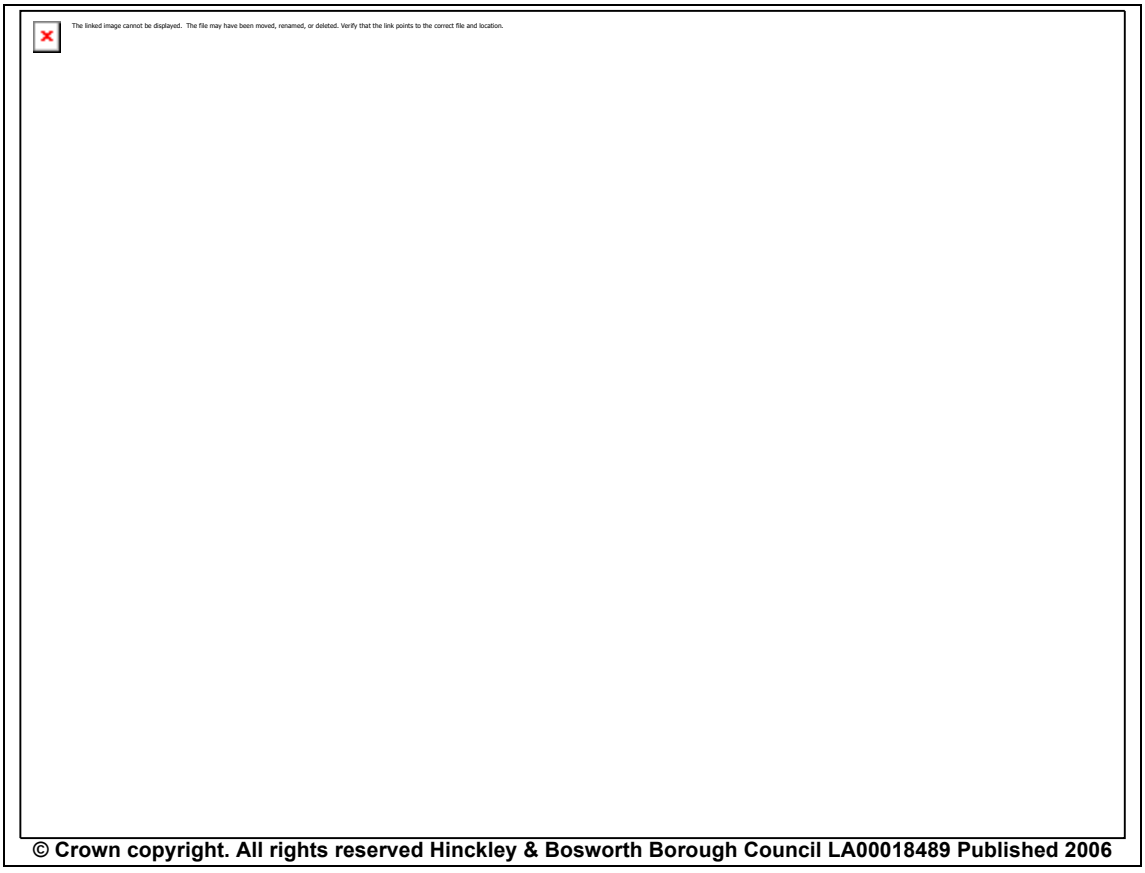
National Grid is a large employer that occupies a prominent, irregular-shaped site, situated to the south west of the Town Centre. The site has grown over the years and extends to the rear boundaries of residential properties on Trinity Vicarage Road and Swinburne Road. To the remaining sides, the site bounds Clarendon Park to the north west, commercial development to the south west and Coventry Road to the south.

Technical Document submitted with application

A Design and Access Statement has been submitted with the application. This states that the large modular building will be sited in the footprint of the recently - demolished building. This building was demolished as it was in a poor state of repair. The building will not accommodate any additional staff and therefore there will be no requirement to provide additional parking.

History:-

11/00436/FUL	Extension and alteration to office building	Approved	08.08.11
11/00428/FUL	Installation of heat pumps	Approved	05.08.11
10/00531/FUL	Extensions and alterations to building	Approved	13.10.10
09/00347/FUL	Installation of car park lighting	Approved	26.06.09
09/00308/FUL	Formation of Treatment System, siting of works containers and office containers	Approved	26.06.09



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Consultations:-

No objection has been received from:-

Head of Community Services (Pollution)
Head of Community Services (Land Drainage).

No objection subject to conditions have been received from Severn Trent Water Limited.

Site notice and Press notice were displayed and neighbours notified.

No comments have been received from Neighbours.

Policy:-

National Policy Guidance

Planning Policy Statement 1 (PPS1): 'Delivering Sustainable Development' refers to the delivery of sustainable development through the planning system. It advises that planning policies should protect and enhance the environment, promote high quality design and reinforce local distinctiveness.

The Planning System: General Principles, forms a supplement to PPS1. This states that "planning applications should continue to be considered in the light of current policies. However, account can also be taken of policies in emerging Development Plan Documents. The weight to be attached to such policies depends upon the stage of preparation or review, increasing as successive stages are reached".

Planning Policy Statement 4: Planning for Sustainable Economic Growth sets out the Government's national policies for economic development which includes employment, retail and community development. The Statement sets out the overarching objective of securing sustainable economic growth. Policy EC10 is of relevance to this application.

Policy EC10 sets out that "Local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably." Policy EC10.1 supports applications which secure sustainable economic growth and Policy EC10.2 sets out 5 impact considerations which all applications for economic development have to be assessed against.

Planning Policy Guidance Note 13 (PPG13): 'Transport' set out the Government's commitment to transport and planning and confirms that highway safety is a paramount consideration in the determination of any planning application. Paragraph 6 states that Local Planning Authorities should accommodate housing principally within urban areas and promotes accessibility to services by public transport, walking and cycling and reduces the need to travel. Paragraph 29 states that when thinking about new development the needs and safety of the community should be considered and addressed in accompanying Transport Assessments.

Planning Policy Guidance Note 24 (PPG24): 'Planning and Noise' guides Local Authorities on the use of planning powers to minimise the adverse impact of noise. It outlines the considerations to be taken into account in determining planning

applications both for noise-sensitive developments and for those activities which generate noise.

The National Planning Policy Framework (Draft)

The draft National Planning Policy Framework was published for consultation on 25 July 2011.

The government's intention is to reduce the current 1,000 pages of national planning policy [some of which are referred to above] into a `clearer, simpler, more coherent framework, easier to understand and easier to put into practice`.

The Inspector in a recent inquiry considered that although the draft was a material consideration he gave it little weight because it is a consultation and subject to change.

This approach was accepted by the Secretary of State in a letter of 24 October 2011, in his consideration of the inspector's report.

The current national policies therefore continue to apply with significant weight.

Officers will continue to advise on the progress of this consultation and update members on that progress.

The Community Infrastructure Levy (CIL) Regulations 2010, Part 11, Regulation 122 provides a statutory duty in respect of planning obligations and requires them to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed. The Regulation does not replace Circular 05/2005 but gives it a statutory foothold in planning legislation.

Government Circular 05/2005: Sets out the Secretary of State's policy on Planning Obligations, and should be given significant weight in decision making and developer contributions.

Regional Policy Guidance

The Localism Act received the Royal Assent on 15 November 2011 and part 6 is the key section referring to regional strategies.

In so far as Hinckley and Bosworth Borough Council is concerned, it should be noted that the Secretary of State has power by Order to revoke existing regional strategies, in Hinckley's case, the East Midlands Regional Plan 2009. That power is effective from the date of Royal Assent, but the specific proposals and timing of a revocation order are not yet known.

Until that revocation the East Midlands Regional Plan remains a material planning consideration but the weight to be given to its provisions is as always a matter for the committee. However, the coming into force of the Act, the power given to the Secretary of State to revoke the Plan, and the government's `Environmental report on the revocation of the East Midlands Regional Plan` published in October 2011 obviously have an impact on the weight to be given to the Plan.

That said, members should be aware of proposals set out in the Environment report in relation to which documents would form the relevant development plan for Hinckley if the regional strategy and saved structure plan policies were revoked.

These are the following:-

a) Hinckley and Bosworth Core Strategy
b) Hinckley Town Centre Action Plan
c) Hinckley and Bosworth Local Plan (with the annotation in the report that until all elements of the LDF are adopted some of the policies `saved` from the Local Plans by the Secretary of State remain extant for determining applications.

East Midlands Regional Plan 2009

This is the Regional Spatial Strategy for the East Midlands and provides a broad development strategy for the East Midlands. The following relevant policies apply to this proposal:-

Policy 1 seeks to secure the delivery of sustainable development.

Policy 2 promotes better design including highway and parking design that improves community safety.

Policy 3 directs development towards urban areas with Hinckley being defined as a Sub-Regional Centre and the main focus for development at the local level. Policy 3 also states that in assessing the suitability of sites for development priority should be given to making the best use of previously developed land in urban or other sustainable locations.

Policy 43 seeks to improve highway safety across the region and reduce congestion.

Local Development Framework Core Strategy 2009

Policy 1:- Development in Hinckley seeks to ensure that there are a range of employment opportunities within Hinckley, allocates the land for the development of 6 hectares of new office space, within or adjoining the Hinckley Town Centre Area Action Plan boundary, requires transport improvements in line with Policy 5 and requires development to be of the highest environmental standards in line with Policy 24.

Policy 5:- Transport Infrastructure in the Sub-regional Centre sets out transport interventions which are proposed to support additional development in and around Hinckley. This includes improvements to the provision and management of car parking and public transport to increase the increased use of Hinckley town centre.

Policy 24:- Sustainable Design and Technology requires office developments to meet, at minimum BREEM (or equivalent) assessment rating of ‘very good’.

Hinckley and Bosworth Local Plan 2001

The site lies within the town centre of Hinckley, as defined in the adopted Hinckley and Bosworth Local Plan and within the overall Town Centre boundary.

Policy BE1: ‘Design and Siting of Development’ states that planning permission for development proposals will be granted where they: complement or enhance the

character of the surrounding area; ensure adequate highway visibility and parking standards; do not adversely affect the amenities of neighbouring properties; incorporate landscaping to a high standard; and would not be prejudicial to the comprehensive development of a larger area of land of which the development forms part.

EMP2: 'Expansion of Existing Employment Uses' states that planning permission for development involving the expansion of existing firms will be permitted as long as they are acceptable in other capacities, such as in their design, layout, landscaping and they have no adverse impacts on the amenities of neighbouring residential properties. It does on that if possible they should improve the character, appearance and quality of the site and its immediate environment.

Policy T5: 'Highway Design and Vehicle Parking Standards' refers to the application of appropriate standards for highway design and parking provision for new development.

Policy T9: 'Facilities for Cyclists and Pedestrians' encourages walking and cycling including facilities for cycle parking.

Supplementary Planning Guidance/Documents

Hinckley Town Centre Area Action Plan

The Hinckley Town Centre Area Action Plan (AAP) was adopted through Full Council on 21st March 2011. As such it is a development plan document for Hinckley Town Centre within the Local Development Framework. The application site falls within the Hinckley Town Centre Area Action Plan boundary.

Spatial Objective 2 seeks to increase and improve accessibility within, to and from the town centre for pedestrians, cyclists and public transport and improve and rationalise car parking facilities in Hinckley town centre.

Spatial Objective 4 seeks to enhance Hinckley Town Centre's image to developers, retailers, residents and visitors by ensuring high quality, safe and well designed, environmentally friendly development in the town centre.

Spatial Objective 8 seeks to retain and enhance employment opportunities in the Hinckley Town Centre Area Action Plan boundary.

Other material policy guidance

Employment Land and Premises Study Review (2010) Classified site as A, with recommendation to move to B. Category B sites are defined as Fit-for-purposes employment areas. Regeneration policy may mean alternative development is appropriate, but to be resisted if possible.

Appraisal:-

The main considerations in respect of this application are the principle of development, the design and impact of the proposal on the character and appearance of the area and on the amenity of surrounding residential properties.

The Principle of Development

The principle of development for the erection of the four modular buildings is acceptable as this is an existing, established employment site which lies within the settlement boundary of Hinckley.

Design

The application proposes one large, long, flat roofed modular building with a footprint of 9.9m x 50.6m and a maximum height of 3.2m, and three smaller buildings, each with a footprint of 3.8m x 2.8m and a maximum height of 2.3m. The largest building will have windows on each elevation at regular intervals and will be finished in a Goosewing Grey colour. The three smaller buildings will be finished in the same colour and will have openings on three elevations.

Due to their plain appearance and their regimented form and detail, the use of flat roofed modular buildings would not normally be considered favourably in terms of design. However as the proposed buildings will fulfil a functional need of the business, and will be situated centrally on this well screened site, their bland appearance and simplistic design is not considered to have any detrimental impacts on the visual amenity or character of the wider area. Further, there are other examples of similar buildings on site, in terms of design and colour and thus they will not appear out of place on the development. The scale of the buildings proposed is also is in keeping with that of existing buildings on site.

Residential Amenity

There are 10 air conditioning units to be located on the southern elevation of the largest modular building. The Head of Community Services (Pollution) requested that additional details be submitted for these in order for the potential impacts in terms of noise to be assessed. These details have been received and sent to the Head of Community Services (Pollution) for further consideration. Based on the submitted details, it is felt that there will be no detrimental impacts in terms of noise on the surrounding residential properties.

As the building proposed is single storey, is well screened by the landscaping along the site boundaries and is a considerable distance from the surrounding residential properties, there will be no material impacts in terms of privacy.

Other Issues

Sustainability

Policy 24 of the adopted Core Strategy requires all development for Offices within Hinckley to meet, at minimum BREEM (or equivalent) assessment rating of ‘Very Good’ and from 2016 onwards BREEM (or equivalent) assessment rating of ‘excellent’. No information has been submitted with this application to illustrate that the proposal will be constructed in accordance with these requirements. Thus the development is contrary to the intentions of this policy. Furthermore, it would be difficult to achieve the required standards, resultant of the modular construction proposed and the air conditioning units proposed. It is considered that in the absence of such evidence that it would be reasonable to impose a condition for temporary siting of the office accommodation to allow the applicant to look for a long term accommodation solution.

As the development will provide accommodation for existing employees it will not necessitate the requirement for additional parking and will not result in increased vehicle movements to and from the site.

Severn Trent Water have requested that a condition be imposed requiring the submission of drainage plans.

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.

Conclusion

Although the design of the proposed buildings is simplistic, has a regimented appearance and limited detail, due to its siting within the centre of this large site, the screening provided by the vegetation along the sites boundaries and the buildings functional purpose, there are considered to be no material impacts in terms of visual or residential amenity which would justify refusal of the scheme. Therefore the proposal is considered acceptable and is in accordance with Policies BE1, T5, T9 and EMP2 of the adopted Hinckley and Bosworth Local Plan and Core Strategy Policies 1 and 5.

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 by virtue of its scale, mass, siting and functional purpose will have no material impacts on either visual or residential amenity and is therefore considered acceptable.

Hinckley and Bosworth Local Plan (2001):- BE1, T5, T9 and EMP2.

Hinckley and Bosworth Local Development Framework: Core Strategy (2009) Policies 1, 5 and 24.

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 submitted application details, as follows: Drg Nos:- 110372/A/01 rev A, 10336, DQO689 rev O received by the Local Planning Authority on the 19 September 2011.

3 The office building hereby permitted shall be discontinued and the land restored to its former condition before 2 December 2014 unless in the meantime a further planning permission has been granted..

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 The office structure fails to comply with the BREEM (or equivalent) standards as required by policy 24 of the adopted Core Strategy and no evidence has been submitted to justify non compliance with policy. As such the structure is not one the local planning authority would wish to see retained on a permanent basis.

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:- Eleanor Shaw Ext 5680