

Delegated Report

Planning Ref: 25/00369/FUL

Applicant: Mr Mark Blighton

Ward: Burbage St Catherines & Lash Hill



Hinckley & Bosworth
Borough Council

Site: Sapcote Road Industrial Estate Burbage Hinckley

Proposal: Raise height of flat roof from 2.80 metres to 5.30 metres

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

2.1. The application seeks full planning consent to raise the height of the flat roof at Sapcote Road Industrial Estate, Burbage.

2.2. The flat roof is proposed to be increased from 2.80-5.30 metres. At 2.38 metres above ground level the increase in height would be limited to 7.69 metres in depth by way of the dual pitched forward facing gable form to Unit 11, Sapcote Road Industrial Estate. The proposed external materials include the use of anthracite grey steel cladding to the walls and black fascia boards to the roof. The existing render is to be retained. The alterations to the fenestration would be limited to the removal of the existing outward opening doors and replacement with a roller shutter.

3. Description of the site and surrounding area

3.1. The application site lies to the north-east of Burbage within the settlement boundary of Burbage. It forms part of the Sapcote Road Industrial Estate and is currently occupied as a B2 use (Vehicle maintenance). The site is surrounded by residential and commercial properties with further industrial units to the north/south/west.

4. Relevant planning history

74/01227/4

- Change of use from grocery warehouse to display retail and trade sale of joinery and do it yourself business
- Refused
- 25.02.1975

79/00474/4

- Separation of unit into two units for light industrial use
- Planning Permission
- 30.05.1979

85/01037/4

- Retention of building used for an office
- Planning Permission

- 11.12.1985

96/00787/FUL

- Erection of workshop units
- Planning Permission
- 12.12.1996

97/00716/FUL

- Erection of workshop units
- Planning Permission
- 25.09.1997

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. No comments have been received.

6. Consultation

- 6.1. Burbage Parish Council;

'No objection.'

- 6.2. HBBC Environmental Services – (Pollution);

'I would recommend conditioning the hours of use to those provided (8:00am 5:00pm Monday – Friday, 9:00am - 1:00pm Saturdays). I would also recommend conditioning that the roller shutter doors are to be kept closed when any plant/equipment is in use (as per the existing permission for the unit - 97/00716/FUL).'

- 6.3. LCC Ecology;

'No objection (for recommended conditions or informatives – see below)

REASON FOR RECCOMENDATION:

- *Based on the proposed floor plans and elevations Drg No. 253/P4 (MCT Architectural services, 2025), as well as the surrounding environment with little/no connectivity, a preliminary roost assessment is not needed. However, a bat informative is attached.*
- *The site is located within a 'Swift Alert' zone as it is within 250m of a number of recorded nest sites. Swifts are a declining species, and a priority species in our Local Biodiversity Action Plan, therefore ecological enhancements in the form of swift boxes should be installed on the existing building. These should be made of woodcrete for longevity, and located at least 5m above the ground, in a shaded area, and with a clear approach*

ANY RECOMMENDED CONDITIONS TO BE APPLIED:

- *No development shall take place until a swift (*Apus apus*) enhancement scheme has been submitted to and approved in writing by the Local Planning Authority. This is to detail the provision of a minimum of 1 woodcrete nest boxes, the make/model and location on building. All works are to proceed strictly in accordance with the approved scheme.*

ANY RECOMMENDED INFORMATIVES TO BE APPLIED:

- *The property may be suitable for roosting bats, which are protected by law from harm. It is the applicant's responsibility to ensure that bat legislation is not breached and therefore may need to consult with a licenced bat ecologist prior to commencement to ensure that bats will not be impacted by the works. The applicant should ensure that all contractors and individuals working on the property are aware of this possibility, as works must cease if bats are found during the course of the works whilst advice from a bat ecologist is obtained. Bats are particularly associated with the roof structure of buildings, including lofts, rafters, beams, gables, eaves, soffits, flashing, ridge-tile, chimneys, the under-tile area, etc. but may also be present in crevices in stone or brickwork and in cavity walls.'*

7. Policy

7.1. Burbage Neighbourhood Plan 2015-2026

- Policy 1: Settlement Boundary
- Policy 3: Business and Retail

7.2. Core Strategy (2009)

- Policy 4: Development in Burbage

7.3. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- 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

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)

7.5. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Leicestershire Highways Design Guide (2024)

8. 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 highways safety and parking provision
- Impact upon pollution
- Impact on ecology

Assessment against strategic planning policies

8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined

in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is a material planning consideration in planning decisions.

- 8.3 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three overarching objectives of sustainable development (economic, social, and environmental) are detailed within Paragraph 8 of the NPPF. Therefore, in accordance with Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development.
- 8.4 However, 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. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.
- 8.5 The current Development Plan consists of the adopted Core Strategy, the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP) and Burbage Neighbourhood Plan. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the Core Strategy.
- 8.6 The application site forms part of an employment site as designated in the SADMP. The Sapcote Road Industrial Estate comprises a total area of 1.20 hectares and is identified as a Category B Employment Site in HBBC's Employment Land and Premises Review 2024 (Appendix 3 – Employment area pro-formas). The Review states that the Industrial Estate consists of 100% employment uses.
- 8.7 Category B sites are categorised as employment locations where existing industrial uses are acceptable and where applications for other industrial uses or alternative uses will be considered on their merits. Policy DM19 (Existing Employment Sites) in the SADMP is relevant for this redevelopment proposal and states that for Category B sites:

The Borough Council will give positive consideration to proposals for partial or total loss of Category B sites for uses other than B1, B2 and B8 use classes where:

- a) The proposed proportion of uses falling outside B1, B2 and B8 use classes stands in line with the recommendations in the most up-to date Employment Land and Premises Review; or
 - b) The development diverges from these recommendations. The applicant must demonstrate that:
 - i. The site/premise is no longer suitable or reasonably capable of being redeveloped for employment purposes; and
 - ii. The site/premise has been proactively marketed for employment purposes for a reasonable period of time at a reasonable market rate as supported and demonstrated through a documented formal marketing strategy and campaign, in line with the most up to date Employment Land and Premises Review; or
 - iii. There will be a significant community benefit which outweighs the impact of losing the employment site/premises.
- 8.8 Policy 3 of the Burbage Neighbourhood Plan (BNP) particularly encourages proposals for suitable B1a-c business development in the Parish, such as small-scale business and enterprise development, including live/work units and/or high-tech office units providing the development:
- a) Is in keeping with the scale, form and character of its surroundings.

- b) Does not significantly adversely affect the amenities of residents in the area.
- c) Does not cause harm to highway safety.
- d) Does not have a detrimental impact upon the local environment.
- e) Has safe and suitable access to the site for all people.

Proposals to develop B1a-c business, B2 (General Industrial) or B8 (storage and distribution) through new build, conversion or splitting up of existing employment space will be viewed favourably provided conditions a-e listed above are met.

- 8.9 Policy DM19 of the SADMP and Policy 2 of the BNP would not be applicable in this case as the proposal would not involve the partial or total loss of a Category B site, with works being limited to the extension of an existing unit occupied as a B2 use (Vehicle maintenance).
- 8.10 As such, there is a presumption in favour of sustainable development under Policy DM1 of the SADMP, Policy 1 of the BNP and the wider policies of the NPPF. Therefore, the development is considered to be acceptable in principle, subject to all other material planning matters being appropriately addressed.

Design and impact upon the character of the area

- 8.11 Section 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.
- 8.12 Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.13 Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.14 In regard to flat roofs the Councils Good Design Guide seeks to ensure that *'Flat roofs on extensions will not normally be considered appropriate where they do not form part of the original design'*.
- 8.15 The proposed scheme is limited to the increase to the flat roof by a modest 2.50 metres. Whilst flat roofs are not usually a welcomed addition as they do not represent a traditional roof form prevalent in the Borough, the existing unit and surrounding units host a pre-existing flat roof form with the majority being significantly higher than the proposed unit. The amendment therefore when considering the existing character of the area, which is highly industrial, is not considered to be out of character.
- 8.16 The proposed external materials include the use of anthracite grey steel cladding to the walls and black fascia boards to the roof. The existing render is to be retained. The materials are typical of commercial units used for industrial purposes and given the units setting are not considered to be out of character. The alterations to the fenestration would be limited to the removal of the existing outward opening doors and replacement with a roller shutter.
- 8.17 The proposal is therefore considered to be in accordance with Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.18 Paragraph 135(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, which promote health and well-being, and a high standard of amenity for existing and future users.
- 8.19 Policy DM10 of the SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.20 To the east of the site sits 15 Woodbank, a detached residential bungalow. The proposal would retain its 17.55 metre separation distance from the existing rear elevation of no.15, whilst also hosting no openings. Additionally, the increase to the flat roof would remain to sit comfortably below the height of the existing unit to the north (Unit 11) and the existing units to the west. The proposal is therefore not considered to bear any impacts upon the occupiers/owners of no.15 in regard to loss of light or loss of privacy.
- 8.21 To the north, south and west of the site sits further industrial units. The proposal would be limited to the increase in height of the existing unit which by virtue of its modest scale, the surrounding units height and uses would not bear any impacts upon the occupiers/owners in regard to loss of light or loss of privacy.
- 8.22 By virtue of the above, the development would accord with Policy DM10 of the SADMP and Paragraph 135(f) of the NPPF.

Impact upon highway safety and parking provision

- 8.23 Paragraph 115 (b) of the NPPF states that planning decisions should ensure that developments provide safe and suitable access to the site for all users. In accordance with Paragraph 115(d) of the NPPF, any proposal should ensure that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.
- 8.24 Ultimately, development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios in accordance with Paragraph 116 of the NPPF.
- 8.25 To support this, Policy DM17 of the SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual cumulative impacts of development on the transport network are not severe. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)) (2024).
- 8.26 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision. Policy S8 (g) of the SPNP confirms that development proposals should be designed with evident care as to provide a safe and suitable access with appropriate on-site parking provision.
- 8.27 Table 29(a) of the Leicestershire Highway Design Guide provides the off-street parking requirements for non-residential parking standards with Use Class B uses. Use Class B2 up to 2,500sqm uses require one standard off-street parking space

per every 50sqm within the site alongside one lorry space for every 400sqm. Use Class B8 uses should provide standard off-street parking space per every 100sqm within the site alongside one lorry space for every 400sqm. Any reduction below minimum standards will require robust justification.

- 8.28 The application makes no amendments to the existing access to the site from Sapcote Road. The proposal is to, however, see an increase in employees with a 4 person equivalent calculated. As the site is 73.00 square metres two vehicle parking spaces are required. The site accommodates an area of tarmac hardstanding forward of the unit which is suitable to accommodate a minimum of three vehicles meeting the highways requirements for both the existing and proposed unit.
- 8.29 By virtue of the above, the proposal would not create an unacceptable impact upon highway safety or the onsite parking provision and is in accordance with Policies DM17 and DM18 of the SADMP.

Impact upon pollution

- 8.30 Policy DM7 (d) of the adopted Site Allocations and Development Management Plan (2016) states that adverse impacts from pollution and flooding should be prevented by ensuring that development proposals demonstrate that they would not cause noise or vibrations of a level which would disturb areas that are valued for their tranquillity in terms of recreation or amenity.
- 8.31 As set out above the HBBC Environmental Health (Pollution) Officer is satisfied that that the application is acceptable subject to conditioning the hours of use to those provided (8:00am 5:00pm Monday – Friday, 9:00am - 1:00pm Saturdays) along with conditioning that the roller shutter doors are to be kept closed when any plant/equipment is in use (as per the existing permission for the unit - 97/00716/FUL). In light of the above, the proposal is not considered to lead to adverse impacts from pollution.
- 8.32 The site is located in Flood Zone 1 and is also at low risk from surface water flooding. The existing site is fully hard surfaced and as an existing situation the proposed development is unlikely lead to additional surface water runoff. Therefore, the proposal is at low risk from flooding and is unlikely to lead to additional flooding in accordance with Policy DM7 (d) of the SADMP.

Impact upon ecology

- 8.33 Policy DM6 of the SADMP states that proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including proposals for their long-term future management.

On site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term. The removal or damage of such features shall only be acceptable where it can be demonstrated the proposal will result in no net loss of biodiversity and where the integrity of local ecological networks can be secured.

Proposals which are likely to result in the loss or deterioration of an irreplaceable habitat would only be acceptable where:

- e) The need and benefits of the development in that location clearly
- f) It has been adequately demonstrated that the irreplaceable habitat

- g) Appropriate compensation measures are provided on site wherever possible and off site where this not is feasible.

If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.

- 8.34 Within the relevant Biodiversity Net Gain requirements developments are exempt if they are below the relevant threshold. The development threshold for this application relates to a development that does not impact a priority habitat and impacts less than 25 square metres (5m by 5m) of on-site habitat and/or 5 metres of on-site linear habitats such as hedgerows.
- 8.35 The application relates to the extension of an existing building. The proposal is contained within the footprint of the existing building. The site is already consists primarily of hardstanding. The development does not impact a priority habitat and impacts less than 25m² and as such it is exempt from BNG requirements.
- 8.36 Notwithstanding the above, as the proposal involves breaking into an existing roof whilst being located within 250 metres of a 'Swift Alert' zone LCC Ecology have been consulted on the proposed scheme.
- 8.37 LCC Ecology have reviewed the proposed scheme and have concluded that as the surrounding environment has little/no connectivity, a preliminary bat roost assessment is not required. A swift enhancement scheme pre-commencement condition has, however, been advised due to the sites proximity to recognised 'Swift Alert' zones. A bat informative has also been imposed.
- 8.38 By virtue of the above, subject to condition and informative, the development would accord with Policy DM6 of the SADMP.

9. 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.

10. Conclusion

- 10.1. The proposal is considered acceptable due to the limited impacts upon the character of the area, the amenity of adjacent buildings, highways, pollution and ecology. It is considered that the proposed development would be in accordance with Policies DM1, DM6, DM7, DM10, DM17, DM18 and DM19 of the adopted SADMP, Policy 1 and 3 of the BNP, Policy 4 of the Core Strategy, the Leicestershire Highways Design Guide, the general principles of the Councils Good

Design Guide and the overarching principles of the NPPF. The proposal is therefore recommended approval subject to the below conditions.

11. 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 materials to be used externally shall accord with the approved application form, as received by the Local Planning Authority on the 5th April 2025.

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

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Site Location Plan, Drg No. 253/P1
- Site Plan, Drg No. 253/P2
as received by the Local Planning Authority on the 4th April 2025.
- Proposed Ground Floor Plan, Elevations, Drg No. 253/P4 as received by the Local Planning Authority on the 10th April 2025.

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

4. The use shall not take place other than between the hours:-

8:00am - 5:00pm Monday - Friday
9:00am - 1:00pm Saturdays

Reason: To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. No machinery shall be operated other than when the roller shutter/doors to the workshop are firmly closed.

Reason: To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with

Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. No development shall take place until a swift (*Apus apus*) enhancement scheme has been submitted to and approved in writing by the Local Planning Authority. This is to detail the provision of a minimum of 1 woodcrete nest boxes, the make/model and location on building. All works are to proceed strictly in accordance with the approved scheme.

Reason: In the interests of wildlife and ecology in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016).

11.3 Notes to applicant

- a) The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.
- b) The property may be suitable for roosting bats, which are protected by law from harm. It is the applicant's responsibility to ensure that bat legislation is not breached and therefore may need to consult with a licenced bat ecologist prior to commencement to ensure that bats will not be impacted by the works. The applicant should ensure that all contractors and individuals working on the property are aware of this possibility, as works must cease if bats are found during the course of the works whilst advice from a bat ecologist is obtained. Bats are particularly associated with the roof structure of buildings, including lofts, rafters, beams, gables, eaves, soffits, flashing, ridge-tile, chimneys, the under-tile area, etc. but may also be present in crevices in stone or brickwork and in cavity walls.