

Delegated Report

Planning Ref: 23/00549/COU

Applicant: Mr Ian Reilly

Ward: Hinckley Clarendon



Hinckley & Bosworth
Borough Council

Site: 10 Jacknell Road Hinckley Leicestershire

Proposal: Change of use from sui generis (vehicle rental) to B2 general industrial

Recommendations

1.1. **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

Planning application description

2.1. This planning application seeks full planning permission for Change of use from sui generis (vehicle rental) to B2 general industrial at 10 Jacknell Road, Hinckley. The premises is currently vacant but was last used as a warehouse & loading facility for a haulage business. This use ended in May 2023. There were 8 full time employees for this business operation. There will be 14 full time employees for the proposed business operation. Proposed opening hours would be Monday to Friday 07:00 – 18:00, Saturday 07:00 – 13:00, Sundays & Bank holidays 07:00- 13:00. The site area is 0.22 Hectares.

2.2. The B2 General Industrial use would be for a high technology company that manufactures optical filters for sensing systems. The proposed business would manufacture optical coatings in vacuum plants on glass. Applications include gas sensing, plastics sorting, smart agriculture and medical applications. No extensions to the building are proposed. The white canopy roof viewable on google maps to the west of the main building is no longer present. This area would now be additional hardstanding.

2.3. An amended parking plan was received on 7th July 2023. 16 car parking spaces are proposed along with 1 lorry space, 3 visitor parking spaces, 2 disabled parking spaces, bicycle storage space & motorcycle parking space.

Description of the site and surrounding area

3.1. The 0.2 Hectare application site is an industrial warehouse (Use Class Sui Generis). To the southwest of Hinckley Town Centre, the industrial estate is classified as a Category A site within the Council's Employment Land and Premises Study (2020). The estate incorporates a mix of B1, B2 and B8 uses, located within various sized buildings.

3.2. The application site occupies a plot in the NW corner of the industrial site with open countryside to the north & west and a large parking area at the north & west of the warehouse with mature screening on its northern & western boundary. There are other commercial buildings to the east & south that are similar scale portal framed industrial units of brick and metal profiled sheet cladding construction.

4 Relevant planning history

04/00246/FUL

- Partial change of use from B1 to a Sui Generis use (vehicle rental)
- Permitted
- 26.05.2004

5 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 and a notice was displayed in the local press.

5.2 No responses have been received.

6 Consultation

6.1 Leicestershire Highway Authority (LHA) refers the Local Planning Authority (LPA) to current standing advice provided by the Local Highway Authority dated September 2011. The LHA advises the LPA to pay particular attention to parking in addition to Loading and Turning (non-residential).

6.2 No further responses have been received.

7 Policy

7.1 Core Strategy (2009)

- Policy 1: Development in Hinckley

7.2 Site Allocations and Development Management Policies (SADMP) DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM18: Vehicle Parking Standards
- Policy DM19: Existing Employment Sites

7.3 National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)

7.4 Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Highway Authority Design Guide

8 Appraisal

8.1. The key issues in respect of this application are therefore:

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Drainage

Assessment against strategic planning policies

8.2 Policy DM19 in the SADMP identifies the existing employment areas in the Borough. The application site is a Category A site within an Industrial Estate. Policy DM19 states that within Category A sites the Borough Council will seek to retain sites classified as Category A sites in their entirety, for B1, B2 and B8 employment uses.

8.3 The proposal seeks permission for the change of use from sui generis (vehicle rental) to B2 general industrial. Such a change of use is supported in principle under Policy DM19.

Design and impact upon the character of the area

- 8.4 Policy DM10 requires new development to complement or enhance the character of the surrounding area with regards to scale, layout, density, mass, design, materials, and architectural features.
- 8.5 The proposal is partly visible from Jacknell Road. No extensions are proposed to the existing building. The proposal is not considered to have a significant adverse impact on the warehouse or the surrounding properties. The development respects the character of the existing property and the wider industrial estate. By virtue of these factors and the application's location within a Category A employment site, the proposal is in accordance with Policy DM10 of the SADMP, Policy 1 of the adopted Core Strategy and the Good Design Guide.

Impact upon neighbouring residential amenity

- 8.6 Policy DM10 of the SADMP also states that proposals should not adversely affect the occupiers of the neighboring properties or the future occupiers of the property.
- 8.7 No extensions are proposed for the existing building and the proposal is not considered to result in any adverse overbearing, overshadowing or any overlooking or loss of privacy to the occupiers of adjacent buildings. Furthermore, due to the location of the application site within an industrial estate and the use of the existing building, it is not considered to have a significant adverse impact on air quality or noise pollution to occupiers of adjacent buildings.
- 8.8 By virtue of these factors and the fact that there have been no objections to the scheme, the proposal is in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide.

Impact upon parking provision

- 8.9 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 8.10 The application makes no amendments to the existing access to the site from Jacknell Road. The Local Highway Authority (LHA) advice refers the Local Planning Authority (LPA) to current standing advice provided by the Local Highway Authority dated September 2011. The LHA advises the LPA to pay particular attention to parking in addition to loading and turning (non-residential).
- 8.11 The parking plan proposes 16 car parking spaces along with 3 visitor parking spaces, 2 disabled parking spaces, bicycle storage space & motorcycle parking space, along with a HGV parking space to comply with the Highway Requirements for Development within the Leicestershire Highway Design Guide (LHDG).
- 8.12 By virtue of these factors and the advice provided by the LHA, it is considered that the proposal does not create an unacceptable impact on highway safety or the road

network. Therefore, the scheme is regarded as in accordance with Policies DM17 and DM18 and the LHDG.

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

9.5 The proposed development is considered to be compliant with the relevant national and local policy as it:

- It is an appropriate use within the employment area
- Is an appropriate scale and design
- Does not have an adverse impact upon the character and appearance of the area
- Does not have a significant adverse impact upon the amenity of the occupiers of adjacent buildings
- Provides sufficient vehicle parking & turning space for off-street parking

9.6 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission be granted, subject to the imposition of appropriate conditions.

Recommendation

10.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

10.2 **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 received by the Local Planning Authority as follows:
- Application Form (submitted: 05.06.2023)
 - Site Location Plan - (submitted: 05.06.2023)
 - Proposed Parking Plan (submitted: 06.07.2023)

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. No development shall take place until a scheme makes adequate provision for waste and recycling storage of containers and collection across the site which has been submitted to and approved in writing to the Local Planning authority. The details should address accessibility to storage facilities and confirm adequate space is provided to facilitate collection of waste via a registered waste carrier.

Reason: To safeguard the amenity of neighbours & the appearance of the area.