DELEGATED REPORT

Recommendation Made: 13 April 2011

Reference:- 11/00123/FUL **Parish:- Hinckley**

Applicant:- Mr Dan Pascoe
Asda House
Great Wilson Street
Leeds
West Yorkshire

Location:- Asda Barwell Lane Hinckley Leicestershire LE10 1SS

Proposal:- CREATION OF 26 NO. STAFF CAR PARKING SPACES, ERECTION OF GENERAL AMENITY LIGHTING AND ACOUSTIC FENCING

Introduction:-

Full planning permission is sought for the formation of 26 no. staff car parking spaces and erection of bollard lighting and acoustic fencing.

An additional 26 no. spaces are set to be provided, each measuring 4.8 metres in length by 2.4 metres in width on a vacant site located directly behind the existing ASDA staff car park which is currently populated by dense shrubs and a number of trees. The timber acoustic fencing proposed to the periphery of the new car park is set to measure 2.4 metres in height, to replicate that existing timber acoustic fencing which currently bounds the existing car park.

For the avoidance of doubt the original description of the application included the erection of 2 no. 6 metre height lighting columns. However, following concerns raised by officers, the applicant has omitted the columns from the scheme and has opted for low level bollard general amenity lighting which are set to measure approximately 0.87 metres in height above ground level. Re-consultation was undertaken with Directorate of Chief Executive, LCC (Ecology) and the Head of Community Services (Pollution).

The ASDA superstore a site of 2.24 hectares is designated as a Local Shopping Centre located within the within the settlement boundary of Hinckley, as defined by the adopted Hinckley and Bosworth Local Plan. The specific site is designated as a site of ecological interest.

The application submission included a comprehensive suite of technical documents for consideration with the proposal these include: -

The Design and Access Statement states that the proposed car park extension will be enclosed and will not be visible form any public footway or highway and will be accessed via the existing staff car park.

The Travel Plan sets out the long term strategies to implement change in travel patterns – primarily in shaping colleague travel patterns. It also sets out the programme of monitoring and reviews.

The Car Park Assessment undertaken revealed that the colleague and customer car parks are operating over capacity and that by providing an increase in colleague parking provision spaces in the customer car park currently used by colleagues will become available for use by customers. This in turn will improve internal traffic circulation through availability of spaces and negate adverse affects upon the surrounding highway network.

The Tree Survey and Arboricultural Assessment states that two trees are sought to be removed due to one being in poor condition and another that will be affected as a result of the works.

The Great Crested Newt Survey concluded that no great crested newts were recorded over the four survey visits. Two adult male smooth newts were recorded in May, indicating that a small population of smooth newts were using the pond. It is likely that these newts, along with the common frogs found, could also utilise the

surrounding terrestrial habitat including land which is due to be developed.

Floodlighting and Initial Luminance level documentation referred to the 2 no. 6 metre lighting columns. Updated technical information regarding the bollards has subsequently been received which states that the lamp options do not exceed 80 W, the lighting is distributed symmetrically and that time switches can be incorporated.

Planning History

There is an extensive history on the site. The most update planning history is:-

11/00039/FUL	Extensions and alterations to superstore	Permitted	21.03.11
10/00502/FUL	Extension of car park and erection of acoustic fencing	Withdrawn	16.07.10
09/00926/FUL	Installation of new compactor enclosure within service yard	Permitted	04.02.10
09/00221/FUL	RC Ramp access and dock leveller To existing service bay	Permitted	18.05.09
08/00937/FUL	Extension of existing acoustic fence and erection of new acoustic fence	Permitted	04.12.08

Consultations:-

No comment from:-

Environment Agency
Director of Environment and Transport (Rights of Way)
Leicestershire County Council Planning

No objections from Head of Community Services (Pollution)

No objections subject to conditions from Director of Environment and Transport (Highways)

Directorate of Chief Executive, LCC (Ecology) states that Great Crested Newts would not pose a constraint to this development but has suggested that a buffer zone of at least 5 metres should be placed between the pond and the application site boundary to ensure no run off from the development into the pond.

Head of Community Services (Land Drainage) states that the finished levels of the proposed car park should not be higher than existing average ground levels, but in any case the car park structure should not impede natural surface and sub-soil drainage towards the pond. If this in impractical, a French drain with a pipe in the bottom should be constructed between the proposed car park and the rear boundary of properties No's 84 and 114 and the drain should discharge to the pond and the car park materials should be permeable paving.

No comments have been received from the Head of Corporate and Scrutiny Services (Tree Officer) at the time of writing the report.

Development Plan Policies:-

Central Government Guidance

Planning Policy Statement 1 (PPS1): Delivering Sustainable Development.

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

Planning Policy Statement 9 (PPS9): Biodiversity and Geological Conservation

Planning Policy Guidance Note 13 (PPG13): Transport

Planning Policy Statement 23: Planning and Pollution Control

Planning Policy Statement 25 (PPS25): Development and Flood Risk

Local Development Framework: Core Strategy (2009)

Policy 1: Development in Hinckley

Hinckley & Bosworth Local Plan (2001)

Retail 7: Local Shopping Centres

Policy BE1: Design and Siting of Development

Policy BE26: Light Pollution

Policy T5: Highway Design and Vehicle Parking Standards

Policy T11: Traffic Impact Assessment

Appraisal:-

The main considerations with regards to this application are the principle of development, impact upon residential amenity, siting and design, highway considerations, ecology, impact upon trees and drainage and flood risk.

Principle of Development

The site is located within the settlement boundary of Hinckley, as defined on the Adopted Hinckley and Bosworth Local Plan proposals map and therefore there is a presumption in favour of development subject to all other planning matters being appropriately addressed.

PPS4 seeks to make the most efficient and effective use of land, prioritising previously developed land which is suitable for re-use and requires that a sequential test is applied in identifying existing sites.

This application does not relate to an increase in the floorspace of the superstore, but for additional provision for car parking spaces used in conjunction with it. In this case, whilst the site has not been previously developed, it is considered that ASDA is a long established retail site which is seeking to expand its existing provision within the current location. In addition, it is considered that the accompanying Design and Access Statement and Car Park Assessment has adequately demonstrated that there is an additional need for the facility.

The site is located within an area specifically designated locally as 'Retail 7' which seeks to encourage the development of the identified site, of which ASDA is one, providing, amongst other things that the development does not have an adverse effect on the amenities of occupiers of adjoining residential properties and the general character of the locality, in terms of noise, smell, litter and disturbance and would not result in an under-provision of off street parking, access and servicing facilities.

In summary, given the wider sites history of a commercial and retail premises, together with the nature of the works proposed, it is not considered that the scheme would be considered contrary to the guidance and intentions contained with PPS4. As discussed further in this report, there is no in-principle objection to the proposals, as it is considered that all planning matters can be adequately addressed.

Impact upon Residential Amenity

The ASDA site covers a large area and is largely bound by residential dwellings. The residential dwellings most immediately impacted upon as a result of the proposal would be the dwellings along London Road located to the west of the application site.

Concerns were originally raised over the impacts of the 2 no. 6 metre high lighting poles and the associated impacts upon the nearby residents. However, following the removal of this lighting from the scheme and the substitution of low level bollard lighting, both the visual and luminance impacts have been mitigated against. In addition, it is considered that the acoustic fencing will provide both visual and noise screening from the associated comings and going of vehicles in and out of the site.

Careful consideration has been had to whether to impose a restriction of the hours of lighting. Within the original scheme for the 6 metre high lighting poles, the Head of Community Services (Pollution) requested a condition to impose a restriction of the hours of lighting until 22:00 at night. Following the submission for low level lighting, it is considered that the impacts upon neighbouring residents has been significantly reduced. In addition, re-consultation has been undertaken and the Head of Community Services (Pollution) whom has no objection to the scheme and has not requested any conditions. As such it is not considered necessary to impose a planning condition in this case.

In summary, it is considered that the scheme would be in accordance with Saved Local Plan Policies BE1, BE26 and Retail 7 and central government guidance contained with PPS23.

Siting and Design

The application site cannot be easily viewed from any public footpath or highway and given the proposal of timber acoustic fencing this will ensure that the site and its use will be well screened from the residential properties along London Road. It is considered that the use of timber materials ensures that the fencing blends in well with other boundary treatments within the residential land use to the west of the site.

Given the relatively low level nature of the proposals it is not considered that there would be any visual impacts as a result of the formation of the car park, the vehicles parked in it and the proposed low level lighting.

In summary, it is considered that the scheme would be in accordance with Saved Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Highway Considerations

Policy Retail 7 seeks that development does not result in an under-provision of off-street parking, access and servicing facilities. The proposed car park extension would result in an increase of 26 off street car parking spaces.

Both the accompanying Travel Plan and Car Park Assessment has been reviewed by the Director of Environment and Transport (Highways) whom has concerns over the inadequacies of the Travel Plan in promoting sustainable modes of transport and has requested and has confirmed that a condition can be added. As such a condition is suggested to ensure that before development commences the Travel Plan is enhanced and improved in line with guidance contained within PPS1 and PPG13.

In summary, subject to the imposition of a planning condition the proposal is intended to accord with Saved Local Plan Polices T5, T11, Retail 7 and guidance contained within PPS1 and PPG13.

Ecology

The Great Crested Newt Survey accompanying the application concluded that it was unlikely that newts, along with the common frogs found, could utilise the surrounding terrestrial habitat including land which is due to be developed. The Directorate of Chief Executive, (Ecology) accepts the report submitted with the application and concluded that this development would not have any impacts upon any protected species, however has requested that a buffer Zone of at least 5 metres should be placed between the pond and the application site boundary to ensure no run off from the development should be allowed to run into the pond.

The accompanying documentation has stated that pond located to the east of the site is located approximately 10 metres from the proposed area of development and is surrounded by predominantly steep vegetated banks vegetated scrub and grassland. As such it is considered that a natural buffer zone already exists between the application site and the pond.

It is considered that following the removal of the 2 no. 6 metre lighting poles that the level of lighting in proximity to the pond would be significantly reduced and would not detrimentally impact upon any protected species.

Accordingly, it can be concluded that the proposal will not have any adverse impacts upon sites of ecological importance or protected species and as such is considered acceptable in relation to guidance contained in PPS9.

Impact upon trees

The Tree Constraints Plan shows four trees on site and that T2 and T3 will be carefully hand dug around in order to install the proposed acoustic fencing.

The Tree Survey and Arboricultural Assessment submitted with the application reveals that the consequence of the proposals would be the loss of two trees on site, due to one already being in poor condition and another that will be affected as a result of the works.

In summary, it is considered that the impact upon trees to be negligible and the loss of trees, identified as low importance and quality, are not considered worthy of retention within the scheme. Furthermore this loss if not considered to significantly impact upon the sites ecological importance or protected species.

Drainage and Flood Risk

The Head of Community Services (Land Drainage) has requested that the finished levels of the proposed car park should not be higher than existing average ground levels, but in any case the car park structure should not impede natural surface and sub-soil drainage towards the pond. If this in impractical, a French drain with a pipe in the bottom should be constructed between the proposed car park and the rear boundary of properties No's 84 and 114. There is no such condition suggested, the site is not located within a Flood Zone and no increase in flood risk is anticipated in line with the scale of the works proposed.

Conclusion

In conclusion, the principle of an extension to an existing car park in this setting is considered acceptable. As a result of the siting and low level design and scale of the proposed works, it is considered that there would not be any significant material impacts upon residential amenity, highway safety, ecology, trees or drainage and flood risk. The alterations proposed have not given rise to any significant material impacts that would indicate that the proposal is not in compliance with Policies BE1, BE26, Retail 7 and T5 and T11. Accordingly the proposal is recommended for approval subject to the imposition of relevant 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 principle of an extension to an existing car park is considered acceptable and the development does not give rise to any significant material impacts on residential or visual amenity or trees, protected species or flood risk.

Hinckley & Bosworth Local Plan (2001):- Policies Retail 7, BE1, BE26, T5, T11.

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: Site Location Plan; Tree Constraints Plan Figure 1 (6214.01.01); Tree Protection Plan Figure 2 (6214.02.01) received by the Local Planning Authority on 18 February 2011 and amended details: Site Plan (SPO1 Rev C); General Amenity Lighting received by the Local Planning Authority on 31 March 2011.

3 No development shall take place until a Travel Plan for the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be fully implemented before the first use of the facility.

4 Before first use of the car park, hereby permitted the acoustic fencing shall be erected in accordance with approved details and shall remain that way thereafter.

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 In order to minimise of the use of the private car and promote the use of sustainable modes of transport in accordance with Policies T3 and T9 of the of the adopted Hinckley & Bosworth Local Plan and guidance contained in Planning Policy Guidance Note 13 'Transport'.

4 In order to mitigate against any potential impacts upon residential amenity in accordance with Policy BE1 of the adopted Hinckley & 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 All works to trees shall be carried out in accordance with the approved Tree Protection Plan (6214.02.01) received by the Local Planning Authority on 18 February 2011. Guidelines contained within BS5837:2005 Trees in Relation to Construction should be followed when dealing with trees. Working methods and specifications should be followed to limit potential damage to trees throughout the construction period.

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