

Delegated Report

Planning Ref: 23/01192/FUL
Applicant: Mr Matthew Adcock
Ward: Burbage



Hinckley & Bosworth
Borough Council

Site: Hunt & Co (Hinckley) Ltd, Burbage Road, Burbage, Hinckley

Proposal: Erection of a storage building (B8)

1. **Recommendations**

- 1.1. Grant planning permission subject to:
- Planning conditions outlined at the end of this report.

2. **Planning Application Description**

- 2.1. This application seeks planning permission for the erection of a storage building (B8 Use: Storage & Distribution) within the rear yard area of Unit 20 Waterfield Way, Sketchley Meadows.
- 2.2. The aim of the project is to increase the storage capacity of the site and generate a follow system to delivery and collection from the site whereby goods are delivered to the existing front entrance and processed through to the main building and proposed building for storage. The collection or movement of goods from the site would be undertaken from the proposed storage building via the 2 roller shutter doors.

3. **Description of the Site and Surrounding Area**

- 3.1. The application site is located within the district area of Burbage off Waterfield Way. The site and wider estate forms part of the Sketchley Meadows Industrial Estate, which is defined as a category A, key industrial estate within the Borough (BUR52). The employment site includes other commercial businesses such as a distribution service, an engineering company, an upholstery centre and Burbage Business Centre, which includes a gym, a dance school, and a gymnastics club.
- 3.2. The unit is semi-detached in design with a yard area to the rear, secure gated access along its southern elevation and car parking to the front.
- 3.3. The unit is occupied by A1 Motors who are a network of independent auto parts and accessory retailers. The unit employs 13 full time workers and the wider site is primarily used for storage of products with an ancillary aspect of office provision.
- 3.4. The yard area to the rear of the site is an underutilized area of operational amenity space. The main delivery, entrance and car parking provision for the site is located at the front of the unit.
- 3.5. The immediate area falls within a similar commercial use and is characterised with modern commercial buildings of varying scales.
- 3.6. A small buffer of green planting is located to the south and west of the site.

4. **Relevant Planning History**

78/0031 8/4M - Erection of 15 warehouses and 2 industrial units - Permitted.

89/00253/4- Change of use of existing industrial unit to the distribution and sales of new and used cars- Refused.

95/00785/FUL- Single storey rear extension to factory- Permitted.

97/01 052/FUL- Extensions to industrial unit- Permitted.

99/00405/COU - Change of use to storage and distribution - permitted.

5. **Publicity**

- 5.1. The application has been publicised by posting a site notice in the vicinity of the site. Neighbours were not also notified. No letters of representation were received.

6. **Consultation**

- 6.1. The following consultees raise no objection, some subject to conditions:

HBBC Drainage- No objections

HBBC Pollution- No objection

HBBC Waste- No objections

LCC Minerals- No objections

- 6.2 LCC Highways-

'Paragraph 5.8 of the 'Planning Statement' indicates that the area is already used for outdoor storage and the proposal would ensure that products can be stored safely indoors. Paragraph 5.10 then goes on to say that as the proposals are to address existing issues in storage capacity, the proposal will therefore not alter the level of or type of vehicular movements from the site. Given the above, there would appear to be no material impact on the public highway and the Local Highway Authority (LHA) has no comments to make. It is noted that drawing 'Car Parking shown in orange', drawing number LP01 demonstrates the off-street car parking outside of the red line. However, the LHA are satisfied for this to be dealt with by the Local Planning Authority (LPA)'.

- 6.3 Burbage Parish Council – No objection

- 6.4 National Highways- recommend that planning permission not be granted for a specified period. Within the vicinity of the proposed development there are currently five planning appeals due to traffic constraints between the junctions of Longshoot and Dodwells on the A5. Any traffic impact on this particular part of the SRN is considered severe and the applicant would need to demonstrate their ability to mitigate this. Modelling (Longshoot to Dodwells Modelling Protocol) of the junctions would need to be taken out during the opening phases of the development to determine the safety implications of the proposal. This should be accompanied with a Construction Traffic Management Plan during the development phase of the proposal to allow a robust analysis of any safety implications on the SRN. As mentioned in the applicants planning statement, the site is recognised as an existing employment site within the Burbage Neighbourhood Plan. It is understood that existing employment sites are sought to be retained. But as any impact between the junctions of Longshoot and Dodwells is considered severe, the applicant will need to display otherwise to ensure National Highways can maintain the safe and efficient operation of the SRN. National Highways welcomes any further correspondence with the applicant to work continuously and collaboratively. In light of the above, National Highways recommends that planning permission not be granted for a period of three months.

6.5 Following this the agent sent in additional information and National Highways were re-consulted. As a result of this re-consultation National Highways removed their objection on 19.02.2024.

7. Policy

7.1. Core Strategy (2009):
Policy 4: Development in Burbage

7.2. Site Allocations and Development Management Policies Development Plan Document (SADMP) (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
- Policy DM20: Provision of Employment Sites

7.3. Burbage Neighbourhood Plan 2015 – 2026 (BNP) (2021):

- Policy 3: Business and Retail
- Policy 9: Wildlife and Green Corridors

7.4. National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)

7.5. Other relevant guidance

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon the highway

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, and that the NPPF is a material planning consideration in planning decisions.

8.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the adopted SADMP set out a presumption in favour of sustainable development, and state that development proposals that accord with the Development Plan should be approved unless other material considerations indicate otherwise.

- 8.4. Paragraph 12 of the NPPF states 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 (2009), the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016) and Burbage Neighbourhood Plan (2021). The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.
- 8.6. Both the adopted Core Strategy and the SADMP are over 5 years old, and Paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.7. Policy 4 of the adopted Core Strategy states that the Council will ensure that there is a range of employment opportunities within Burbage and in close proximity to Hinckley.
- 8.8. Paragraph 17.8 of the Burbage Neighbourhood Plan (BNP) (2021) states that the Neighbourhood Plan will support applications generating new employment opportunities which provide adequate parking for vehicles and cycles. Policy 3 of the BNP states that proposals to develop B8 (storage and distribution) through new build, conversion or splitting up of existing employment space will be viewed favourably provided the following conditions are met. 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.
- 8.9. The above are considered later in this report, the development would lead to no principle conflicts with the BNP.
- 8.10. With regards to Policy DM19 the proposed use (B8) would still be appropriate for this employment site which has an existing B8 use. There is no conflict with Policy DM19.
- 8.11. The development is within the identified settlement boundary, in a sustainable location on an existing employment site and given the above, the proposal is considered to be acceptable in principle, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.
- Impact upon the character of the area
- 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(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. Policy 3 of the BNP requires new development to be in keeping with the scale, form and character of its surroundings
- 8.14. The proposed is for a pitched roof structure with the ridge of the proposed set perpendicular to the ridge of the existing. The overall height of the proposed is 7.4m with an eave height of 5m. This is comparable to the existing unit and would ensure the proposal is seen as a subservient addition to the site. This particular part of the site is already used for outdoor storage and the proposal would ensure that products can be stored safely inside.
- 8.15. The proposed will be fixed to the existing concrete slab via bolts and will not require any foundations. The proposed would be located 1m off the boundary to ensure the proposed has no impact on existing vegetation.
- 8.16. Therefore, the scheme is unlikely to have an impact on the character of the surrounding area.
- 8.17. Therefore, the proposal is considered to respect the character of the surrounding area in accordance with Policy DM10 of the SADMP, Policy 3 of the BNP and the Good Design Guide.
- 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, and which promote health and well-being, with a high standard of amenity for existing and future users.
- 8.19. Policy DM10(a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site. Policy 3 of the BNP requires new development does not adversely affect the amenity of surrounding residents and the local environment.
- 8.20. The Good Design Guide requires the way buildings to relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity.
- 8.21. The proposed building would be located at the rear of the existing building with the closest dwellings located across the A5 in excess of 500m from the nearest point of the proposed. It is therefore considered that the proposal is acceptable in terms of overlooking, loss of light or over dominance.
- 8.22. It is considered that the proposed change of use would not have an adverse impact on neighbouring amenity and is in accordance with Policy DM10 of the SADMP and the Good Design Guide.
- Impact upon Highway Safety
- 8.23. Policy DM17 of the SADMP seeks to ensure new development would not have an adverse impact upon highway safety. Policy DM18 of the SADMP seeks to ensure parking provision appropriate to the type and location of the development.

- 8.24. Paragraph 111 of the NPPF states that development should only be refused if there would be an unacceptable impact upon highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.25. LCC Highways were consulted and commented that Paragraph 5.8 of the 'Planning Statement' indicates that the area is already used for outdoor storage and the proposal would ensure that products can be stored safely indoors. Paragraph 5.10 then goes on to say that as the proposals are to address existing issues in storage capacity, the proposal will therefore not alter the level of or type of vehicular movements from the site. Given the above, there would appear to be no material impact on the public highway and the Local Highway Authority (LHA) has no comments to make. It is noted that drawing 'Car Parking shown in orange', drawing number LP01 demonstrates the off-street car parking outside of the red line. However, the LHA are satisfied for this to be dealt with by the Local Planning Authority (LPA).
- 8.26. National Highways are content that Having reviewed the information supplied in support of this application the scope and scale of this development shall have no severe impact on the safe and efficient operation of the Strategic Road Network.
- 8.27. It is considered that the proposed development would be served by sufficient car parking and would not have an adverse impact on pedestrian and vehicular highway safety. Being mindful of paragraph 111 of the NPPF, the comments of the Local Highway Authority & National Highways it is considered that the proposal would comply with policies DM17 and DM18 of the SADMP and the LHDG subject to the conditions outlined at the end of this report.

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 proposed development is considered to be compliant with the relevant national and local policy as it:
- 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 residential amenity.
 - Does not have a significant adverse impact upon highway safety.

- Provides sufficient vehicle parking spaces for off-street parking.

10.2. Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate 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 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, details and materials:

- Car Parking Drg No. LP01 (received on 08/12/2023)
- Proposed Elevations Drg No. PP01 (received on 08/12/2023)
- Block Plan Drg No. EP01 (received 08/12/2023)
- Block Plan with landscaping Drg No EP01 received on 08/12/2023
- Site Location Plan Drg No. LP01 (received 08/12/2023)

Reason: To ensure a satisfactory impact of the development to accord with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

3. The landscape planting already in place shall be maintained in perpetuity. Any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.

Reason: To ensure that the development leads to an enhancement of the setting of the application site to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

11.3. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.