

Delegated report

Planning Ref: 23/00639/CONDIT
Applicant: MR SLIWINSKI
Ward: Hinckley



Hinckley & Bosworth
Borough Council

Site: Elmleigh Electrical Systems Ltd, 17 Wheatfield Way, Hinckley

Proposal: Application to vary condition 2 attached to planning application 21/01123/FUL. Amendment to approved floor plans and elevations.

Recommendations

1.1. **Grant Planning Permission** subject to:

- Previously imposed conditions on planning permission 21/01123/FUL

2. **Planning Application Description**

2.1. This application seeks to vary planning condition 2 of planning permission 21/01123/FUL to enable the development to be implemented in accordance with amended details.

2.1. Application 21/01123/FUL was approved for a two storey extension at the rear of the building measuring 8.4 metres to match the height of the existing building. The extension was to be constructed of grey cladding with the roof in cladding to match the existing roof. A canopy to the rear elevation entrance was also proposed along with a fire escape on the southern elevation comprising grey anthracite. The approval also included 2.4 metre high fencing and gates in a metal mesh style design and painted black, located along the western elevation of the site. An increased hardstanding area was also proposed at the rear to provide additional parking.

2.2. Condition 2 of 21/01123/FUL states that:

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

Existing Site Plan, Drg No.AVD-591-WWH-PL01 received 7th September 2021

Proposed Block Plan, Drg No. AVD-591-WWH-PL04 received 7th September 2021

Proposed Elevations, Drg No. AVD-591-WWH-PL06 received 7th September 2021

Proposed floor plans Drg No. AVD-591-WWH-PL05 Rev A received 30th September 2021

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)’.

2.3. The proposed amendments include:

- The proposed rear extension is now not parallel to the rear like the approved application 21/01123/FUL but perpendicular to the rear of the warehouse extending 32m into the hardstanding area along the eastern boundary with

alterations to parking, also maintaining the rear existing roller shutter and means of escape stairs in place. The proposed width would be 12m.

- Additional parking is proposed (18 off street parking spaces rather than the 13 approved). In terms of hardstanding any proposed upgrade will either be permeable surface or incorporate drainage to prevent any water run-off onto the highway.

2.4. Flower beds are proposed around the front perimeter with additional beds at the rear.

2.5. The proposed Condition 2, as a result of this proposal, would now read:

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

Proposed Block Plan, Drg No. AVD-771-WWH-PL04 received 29.06.2023

Proposed Elevations, Drg No. AVD-771-WWH-PL07 received 29.06.2023

Proposed First Floor Plan and Roof Plan Drg No. AVD-771-WWH-PL06A received 22.08.2023

Proposed Ground Floor Plan AVD-771-WWH-PL05A received 22.08.2023

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. Description of the Site and Surrounding Area

3.1. The site relates to a two storey, brick built industrial building with corrugated Iron sheeted rear walls and roof located on the corner of Wheatfield Way and Barleyfield. The site is open fronted but with a 1.8m high palisade fence that runs along the rear perimeter of the site. There is a parking area at front and rear with scattered trees and bushes along the perimeter. The site is surrounded by other industrial premises and is located within a designated employment site (HIN126) in the Site Allocation and Development Management Policies DPD (SADMP). The site is also located within the settlement boundary for Hinckley.

4. Relevant Planning History

04/01257/COU

- CHANGE OF USE FROM B8 TO B2 (GENERAL INDUSTRIAL)
- Permitted
- 30.12.2004

93/00602/4

- ERECTION OF OFFICE WAREHOUSE BUILDING
- Permitted
- 18.08.1993

21/01123/FUL

- Two storey rear extension, fire escape stairs, front porch canopy, alterations to cladding, hardstanding and 2.4 metre high boundary fencing and gates.
- Permitted
- 09.02.2022

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.

5.2 No responses have been received as a result of public consultation.

6 Consultation

6.1 No comments have been received from Leicestershire Fire & Rescue Service.

6.2 Leicestershire County Council (Highways) - No objections

7 Policy

7.1 Core Strategy (2009)

- Policy 1: Development in Hinckley

7.2 Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- 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

7.3 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)
- Leicestershire Highways Design Guide (LHDG)
- Employment Land and Premises Review (2020)

Appraisal

7.5 The principle of the extension to an existing warehouse has been established by the original application (reference 21/01123/FUL). The key issues in respect of this application are therefore:

- Impact on character of the area
- Impact on ecology
- Impact on Highways

- Conditions

Impact on the character of the area

- 7.6 Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. It is contended that the development proposed by this application would meet the aims and requirements of the above for the reasons given below.
- 7.7 While now coming out perpendicular to the existing warehouse the proposed changes to the layout of the scheme are relatively inconspicuous and modest in scale and nature & would have no adverse impacts upon the character of the site or surrounding Industrial area and would also enhance the visual appearance of the wider landscape with flower beds at the front and rear. It is considered the scheme would therefore remain in accordance with Policy DM4 of the adopted SADMP.
- 7.8 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

- 7.9 Policy DM10 of the SADMP states that developments will be permitted providing that the development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings including matters of air quality including odour and noise.
- 7.10 The proposal is set well away from any residential properties. No increase in members of staff is proposed. It would not be reasonable to attach any hours of use restrictions on the building given there were none added when the change of use to the current use was permitted in 2004 under application 04/01257/COU and given it is in an industrial area away from any residential properties.
- 7.11 The proposal will therefore result in a minimal impact on residential amenity in compliance with policy DM10 of the SADMP.

Impact on Highways

- 7.12 Policy DM17 of the SADMP states that all new development should be in accordance with the highway design standards. Policy DM18 requires all development to provide appropriate parking provision.
- 7.13 LCC Highways have been consulted on the proposal and had no objections. LCC Highways believe the proposed will not have a material impact on the public highway.
- 7.14 The proposal will result in a minimal impact on parking and highway safety in compliance with policies DM17 and DM18 of the SADMP.

Conditions

- 7.15 The original planning permission for the site (reference 21/01123/FUL) was subject to 5 conditions.
- 7.16 Condition 1 required the development to be begun by a certain time and would need to be repeated.
- 7.17 Condition 2 required the development to be implemented in accordance with a list of approved plans and details and would need to be updated to reflect the latest approved plans and details submitted with this application to define the permission and ensure satisfactory development.
- 7.18 Condition 3 was regarding materials and would need to be repeated in the interests of visual amenity.
- 7.19 Condition 4 required parking to be provided as well as suitable surfacing of carpark and would need to be repeated in the interest of visual amenity & drainage.
- 7.20 Condition 5 required the on-site cycle parking and disabled parking to be provided and would need to be repeated to ensure adequate parking arrangements.
- 7.21 No additional conditions are necessary to ensure satisfactory development.

8 Equality Implications

8.1 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.

8.2 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.

8.3 There are no known equality implications arising directly from this development.

8.4 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).

9 Conclusion

9.1 The proposed amendments to the approved layout and parking would not result in any adverse impacts in respect of the character of the area, ecology, highways and would be

in accordance with the aims of the originally approved scheme and Policy 1 of the Core Strategy and DM19 of the adopted SADMP.

9.2 The proposal will result in a minimal impact on visual amenity, residential amenity and parking/highway safety in compliance with policies DM10, DM17 and DM18 of the SADMP.

9.3 The proposal is therefore recommended for approval subject to conditions.

10 Recommendation

10.1 **Grant planning permission** subject to:

10.1.1 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 planning permission 21/01123/FUL (9th February 2022).

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, as follows:

Proposed Block Plan, Drg No. AVD-771-WWH-PL04 received 29.06.2023
Proposed Elevations, Drg No. AVD-771-WWH-PL07 received 29.06.2023
Proposed First Floor Plan and Roof Plan Drg No. AVD-771-WWH-PL06A received 22.08.2023
Proposed Ground Floor Plan AVD-771-WWH-PL05A received 22.08.2023

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. The materials to be used on the external elevations of the proposed extension and alteration shall accord with the approved plans.

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).

4. The development hereby permitted shall not be occupied until such time as the parking provision (with turning facilities) has been provided, hard surfaced and demarcated in accordance with drawing number AVD-771-WWH-PL04. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Policy DM17 and DM18 of the adopted Site Allocations and Development Management Policies DPD (2016) Paragraphs 108 and 110 of the National Planning Policy Framework (2021).

5. Notwithstanding the approved plans in condition 2, the development hereby permitted shall not be occupied until such time as secure cycle parking and disabled parking provision in accordance with the Leicestershire Highways Design Guide is provided in accordance with details first submitted to and agreed in writing by the Local Planning Authority. Thereafter the parking shall be maintained and kept available for use.

Reason: To promote travel by sustainable modes in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2021).

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.