DELEGATED REPORT

Recommendation Made:

Reference:- 11/00671/FUL **Parish:- Hinckley**

Applicant:- ASDA Stores Ltd
Asda
Barwell Lane
Hinckley
Leicestershire

Location:- Asda Barwell Lane Hinckley Leicestershire LE10 1SS

Proposal:- ERECTION OF TWO GALVANISED STEEL ACCESS STAIRS.

Introduction:-

This application seeks full planning approval for the erection of two galvanised steel access staircases on the roof of the Asda retail unit off Barwell Lane, Hinckley. The lower of the two staircases will provide maintenance access from ground level to the lower roof level and the second staircase will provide access form the lower roof level to the upper roof level.

The proposed staircases will replace existing cat ladders. The applicant has submitted a Design and Access Statement which states that the existing cat ladders have been deemed un-safe by a recent Health and Safety Survey and that the stairs will be used for maintenance purposes of any necessary works to roof top plant.

The application site falls within the settlement boundary of Hinckley and is designated as a Local Shopping Centre as defined within the Hinckley and Bosworth Local Plan 2001.

Site history:-

02/00451/FUL ALTERATIONS TO WAREHOUSE AND CAR PARK NEW TROLLEY BAYS AND CAR PARK HEIGHT RESTRICTOR - Permitted
02/00670/FUL INSTALLATION OF TRANSFORMER AND ASSOCIATED ENCLOSURE - Permitted
02/00830/FUL CONSTRUCTION OF SPRINKLER TANK AND PUMP ROOM - Permitted
03/00247/CONDIT VARIATION OF CONDITION 7 OF APPLICATION 91/0475/4 TO PERMIT SUNDAY OPENING INCLUDING NOISE MITIGATION MEASURES - Refused
95/00470/FUL WIDENING OF ACCESS AND ALTERATIONS TO CAR PARK LAYOUT (ENGINEERING OPERATIONS) - Permitted
95/00649/FUL EXTENSION TO FORM PHARMACY AND ENTRANCE LOBBY- Permitted
95/00784/TEMP SITING OF TEMPORARY PHARMACY BUILDING- Permitted
95/00931/FUL ERECTION OF SECURITY GATES AND ALTERATIONS TO ELEVATIONS OF LOADING BAY - Permitted
96/00155/CONDIT VARIATION OF CONDITION 7 OF APPLICATION 91/0475/4 (SUNDAY TRADING) - Refused
96/00373/ADV ILLUMINATED SIGN - Permitted
03/01385/ADV ERECTION OF ILLUMINATED SIGNS - Permitted
04/00042/ADV ERECTION OF ILLUMINATED ATM SURROUND AND PROJECTION SIGN - Permitted
05/01234/FUL EXTENSIONS AND ALTERATIONS TO EXISTING CAR PARK - Permitted
06/00767/ADV ERECTION OF 21 SIGNS - Permitted
07/00071/FUL ERECTION OF CCTV CAMERA OVER NEW STAFF CARPARK - Permitted
08/00936/CONDIT VARIATION OF CONDITION 8 OF PLANNING PERMISSION 91/0475/4 - Permitted
08/00937/FUL EXTENSION OF EXISTING ACOUSTIC FENCE AND ERECTION OF NEW ACOUSTIC FENCE - Permitted
09/00221/FUL RC RAMP ACCESS AND DOCK LEVELLER TO EXISTING SERVICE BAY - Permitted
09/00926/FUL INSTALLATION OF NEW COMPACTOR ENCLOSURE WITHIN SERVICE YARD. - Permitted
11/00039/FUL EXTENSIONS AND ALTERATIONS TO SUPERSTORE. - Permitted
11/00123/FUL CREATION OF 26 NO. STAFF CAR PARKING SPACES, ERECTION OF GENERAL

AMENITY LIGHTING AND ACOUSTIC FENCING - Permitted
11/00226/ADV INSTALLATION OF 2 INTERNALLY ILLUMINATED AND 7 NON ILLUMINATED ADVERTISEMENTS. - Permitted
11/00671/FUL ERECTION OF TWO GALVANISED STEEL ACCESS STAIRS. - Permitted
92/00562/4 VARIATION OF PLANNING CONDITION NO 7 APPLICATION NUMBER 91 0475 4 - Refused
79/01364/4 EXTENSION TO WAREHOUSE AND CONSTRUCTION OF NEW ACCESS - Refused
76/00093/4A ERECTION OF ILLUMINATED FASCIA SIGNS AND FREE STANDING DIRECTION SIGN - Refused
91/00475/4 EXTENSIONS REFURBISHMENT AND ALTERATIONS TO CARPARK AND SERVICE AREA - Permitted
80/01272/4 ALTERATIONS TO EXISTING COVERED LOADING AREA AND ALTERATIONS TO EXISTING ACCESS AND NEW ACCESS - Permitted
77/00925/4M FIRST FLOOR EXTENSION TO FORM OFFICES - Permitted
75/01130/4M EXTENSIONS AND ALTERATIONS - Permitted
91/01069/4A SIGNS - Permitted

Consultations:-

No neighbour consultation responses have been received on this application.

The Head of Community Services (Pollution) has requested that the following condition be imposed on any grant of planning permission:-

"No development approved by this permission shall be commenced until a scheme for the management of noise during the site preparation and construction works on the site has been submitted to and agreed in writting by the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details".

Development Plan Policies:-

Hinckley and Bosworth Local Plan

BE1 Siting and Design of Development
Retail 7 - Local Shopping Centres.

Appraisal:-

The site is located within the settlement boundary of Hinckley, as defined within the Adopted Hinckley and Bosworth Local Plan and in general terms the proposal is to make minor alterations to an existing retail unit by installing two staircases, and therefore in principle, there is a presumption in favour of development subject to all other planning matters being appropriately addressed.

The main considerations with regards to this application are the design and siting of development and impact on visual amenity enjoyed by adjacent residential properties.

Design and siting of development

The staircase’s will be partially visible to the public users of the car park of the retail store, however, the particular area of the building where the staircase’s are to be located is associated with the private access for maintenance and services where the buildings functional services are located, such as vents and air conditioning units which already detract somewhat from the visual appearance of the building.

The staircases will replace existing "cat ladders" which have been deemed as unsafe by a Health and Safety Survey and will be predominantly constructed using galvanised post and rail form which replicates the hand rails which are already in situ on the roof of the building. Therefore, it is not considered that the proposal will have a detrimental effect on the appearance of the building and that the proposal is appropriately sited.

Impact upon residential amenity

The roof of the "warehouse" part of the site will obscure the view of the development from the occupiers of the 2- 10 Barwell Lane, and the properties of 26 and 28 Barwell are screened from the development by mature vegetation which surrounds the properties. Other residential properties on the North side of Barwell Lane may have sight of the development, however, the properties are over 90 metres away from the development area. It is therefore not considered that the development will intrude upon the visual amenity enjoyed by these properties.

Other matters

The Head of Community Services (Pollution) has requested that a condition be imposed on any decision issued, that seeks to control the management of noise during the development. When assessed against the provision of Circular 11/95 (Use of conditions in planning permission) this condition is not considered "necessary" as it is a matter which is subject to control of under separate legislation and would duplicate the effect of that control (noise pollution legislation). This suggested condition will therefore not be imposed on any planning permission granted.

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 is acceptable in terms of design and siting, and will not have a detrimental effect on the amenity enjoyed by the surrounding residential properties or wider public areas and as such would be in accordance with the development plan.
Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, Retail 7

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 submitted application details, as follows: Site location plan (1:1250) and Drawings No.s 10-00, 10-03, 10-04 received on the 17th of August 2011.

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.

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).

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