DELEGATED REPORT

Recommendation Made: 15 April 2009

Reference:- 09/00153/FUL **Parish:- Burbage Parish Council**

Applicant:- Asbestos Abatement Services
Unit 5
Sapcote Road Industrial Estate
Burbage
Leicestershire

Location:- Unit 5 Sapcote Road Industrial Estate Burbage Hinckley Leicestershire

Proposal:- DEMOLITION OF EXISTING FACTORY AND CONSTRUCTION OF A NEW TWO STOREY UNIT.

Introduction:-

This is a full application for the demolition of an existing single storey factory unit and the erection of a new two storey factory unit on Sapcote Road Industrial Estate, Burbage. The industrial estate currently comprises a range of units, of different style and age. Adjacent to the eastern boundary these are predominantly single storey, with those opposite being predominantly double storey. The unit in question is one of three identical units, all having shallow pitched roofs, and flat roofed forwardly projecting offices. These units are located on the eastern side of the site, with the rear boundaries bordering the gardens of properties on Woodbank. A mature hedge runs along the rear boundary. There is one parking space to the front of the unit. The use of the unit will be a workshop, with an integrated office, toilet and kitchen, and storage at first floor. Existing units on the estate are predominantly light industrial /storage/workshops with integrated offices.

The proposal will reduce the footprint of the building, but increase its height to two storey. Accordingly two additional off road parking spaces will be provided to the front (one for a commercial vehicle). The roof will have a very shallow pitch and there will be no windows at ground floor. The maximum height of the building will be 5.20m. The building is proposed to be finished in brick at ground floor with grey vertical cladding above. Two additional jobs will be created as a result of this application.

The current use of the building is B2 and the proposed mezzanine floor will provide B8 storage.

History:-
79/02239/4M - Extension To Workshop - Permitted
76/00168/4M - Erection Of Workshops - Permitted

Consultations:-

The Borough Councils Land Drainage Officer has no objections to the application
Environmental Health have no objection to the application
County Ecology have requested that a Watching Brief be maintained for the duration of the development.
County Highways haev issued Standing Advice
Burbage Parish Council objects to the application, stating that it will have an adverse impact on the amenity of surrounding residential properties due to its height.
One Neighbour objection has been received from 11 Woodbank, this raises security and maintenance related issues, and concern over the impact of the development on the root systems of nearby vegetation,

Development Plan Policies:-

The site is designated an existing employment site in the Hinckley and Bosworth Local Plan. The site is one which is considered to be an acceptable employment location, although alternative uses will be considered.

Policy BE 1 seeks to achieve a high standard of design in new development and sets out detailed criteria which should be met, such as providing adequate car parking provision, complementing the character of the area and not having a detrimental effect on neighbouring properties.

Policy T5 refers to the application of appropriate standards for highway design and parking targets for new developments unless a different level of provision can be justified.

EMP1 (b) - Existing Employment Sites will consider proposals for other employment activities, or alternative uses on their merits. These sites are considered to be acceptable employment locations.

EMP2 - Expansion of Existing Employment Uses suggests that permission will be granted where the proposal is of good design, not detrimental to the amenities of surrounding residential properties and which protects or enhances the character of the area and its surroundings.

The Burbage Village Design Statement is supportive of conversion of buildings for commercial uses

Appraisal:-

Principal
The proposed building is to be sited within an existing established industrial estate which is designated an employment area in the Local Plan and which contains a variety of light and general industrial uses. The site currently accommodates an industrial unit.

The site is designated an existing employment site in the Hinckley and Bosworth Local Plan and in the Employment Land and Premises Study , compiled in 1994, it was confirmed as a category B Employment Site to be retained. The Site Allocations Consultation Report published in August 2007 identifies the site as EL19 and recommends that it is retained as a 100% employment use. On the basis of this information the principle of factory premises on this site is acceptable.

Residential Amenity
The nearest residential properties are located to the rear of the site and are between 8m and 17m metres away. The properties (Nos. 11 and 14 Woodbank) are sited beyond a maturely vegetated boundary. Despite this, the proposed unit will be significantly higher than the adjacent units and will overshadow the properties and gardens to the rear to a degree, which are north west facing. However only the pitch of the proposal will be visible above the mature hedge to the East. In order to determine whether or not this loss of light will be material, the specific distances and surrounding developments will be considered. The proposed unit will be adjacent to the rear garden of 11 Woodbank and will face no windows. The depth of this garden is equal to the width of the unit (6.8m). However this property has a considerable area of side and front garden. As the rear garden is North West facing, it will already be relatively dark, however the proposed building will further reduce afternoon sunlight. Although this is not a residential proposal, the guidance on acceptable distances between buildings within the SPG on House can be used to assess whether the proposal will have a detrimental impact on residential amenity. Given the proposals position in relation to Number 11 Woodbank, the guidance referring to rear extensions will be applied. In respect of two storey rear extensions, this states that they should not project further than 2m along a common boundary , in order to safeguard the residential amenity of the adjacent property. Although the unit in question will project 6.8m adjacent to the garden of number 11 Woodbank, it will be stepped 1m off the boundary and will be 8m from the property. Accordingly, despite its height; impacts on residential amenity in terms of loss of light are not considered material. This decision is further justified when comparing the heights and distances between adjacent industrial units and dwellings on Woodbank. The unit to the south of the unit in question has a height of approximately 4.6m and is adjacent to the side elevation of number 11 Woodbank, and is distance of approximately 8.5m away. Further the impacts of this building on loss of light to the property would be more severe due to its orientation (south west) of the property. In addition, three units north of the unit in question, is a double height unit. This faces the rear gardens of 16 and 17 Woodbank and is approximately 15m from the dwellings. As these gardens are west facing, and the dwellings have limited side and front garden, the impacts of this unit on their residential amenity is considered worse than that of the unit in consideration on 11 Woodbank. In the circumstances the proposal should not have a significant effect on neighbour's amenities.

Design
The building in question is similar in design to that of surrounding units, with its shallow pitched roof and uses materials common to existing units on site. Despite being significantly higher than the units to the north; as the unit is located towards the bottom of an industrial estate it will have no material impacts on the character of the street or visual amenity.

Highways
The proposed building will provide approximately 180m2 of light industrial floor area and 12m2 of office space. For such areas, the County Council's Highways, Transportation and Development Document states that the following parking spaces be provided: one space for every 65m2 for out of town B1 or B2 use. Accordingly the three spaces provided will be sufficient. However, it is recommended a condition be imposed restricting the use of the building to prevent additional office accommodation within the building, as the car parking is below the recommended standard for this particular use. There is room for a vehicle to load/unload within the site, off the access road.

Other Issues
The neighbour objections raised concerning security and maintenance related issues are not considered material planning considerations and therefore will not be assessed throughout the course of this application. As the proposal will be no closer to the existing trees and vegetation than the current unit, and as the trees in the vicinity are not protected by a TPO, they are subject to no material harm.

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. Resultant of the location and design of the proposal there are considered no material impacts on either visual or residential amenity, on the character of the street scene or Highway Safety.
Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, T5; EMP1; EMP2

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application unless alternative materials are first agreed in writing with the Local Planning Authority.

3 The car parking facilities within the curtilage of the site shall be provided before the development is brought into use and shall thereafter permanently remain available for such use.

4 Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987 as amended the premises shall not be used as offices within class B1 of that order.

Reasons :-

1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

3 To ensure that adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.

4 To ensure that the use remains compatible with the surrounding area and complies with policies BE1 and T5 of the adopted Hinckley and 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 6th 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 A watching brief (maintained by the applicant and all workers on site) for all protected species should be maintained throughout the development. In the event of any protected species being discovered, works should cease whilst expert advice is sought.

5 This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.

6 List of plans used in the determination of this application:- Drg Nos. 0821:03; 0821:07; Site Location Plan 1:1250

Contact Officer:- Eleanor Shaw Ext 5691