

Delegated Report

Planning Ref: 23/00401/FUL

Applicant: Miss Peggy Lee

Ward: Hinckley DeMontfort

Site: MP Engineering UK Ltd, 2 Maizefield, Hinckley

Proposal: Proposed V mesh fencing



Hinckley & Bosworth
Borough Council

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 proposes the replacement of an existing fence with the proposed V mesh fencing.

3. Description of the site and surrounding area

- 3.1. The application site is located within the settlement boundary of Hinckley and is located to the north within an existing employment allocation area (ref. HIN126). The existing site comprises of an existing industrial unit, a car parking area and a service yard. The site is bounded on two sides by existing industrial units. To the south is the car park for further units.

4. Relevant planning history

22/00036/FUL

Proposed two storey industrial building with associated parking
Planning Permission

23/00253/CONDIT

Variation of Conditions 2 and 4 of planning permission 22/00036/FUL. Amendment to approved plans and elevation
Planning Permission

5. Publicity

- 5.1. The application has been publicised by posting neighbour letters.
5.2. No comments have been received.

6. Consultation

- 6.1. LCC Highways: No objections.

7. Policy

7.1. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.2. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)

7.3. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)

8. **Appraisal**

8.1. Key Issues

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

Assessment against strategic planning policies

- 8.2. The 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. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions. 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, permission should not usually be granted unless other material considerations indicate otherwise.
- 8.3. The development plan in this instance consists of the Core Strategy (2009), and the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).

Design and impact upon the character of the area

- 8.4. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.5. The proposal seeks to replace an existing metal fence with the proposed V mesh fencing in the same location as the existing. The site is located within a designated employment site and is surrounded by industrial buildings, all of which have a range of fencing types. It is considered that the proposed fencing would not negatively impact the character of the area and is acceptable in its design and materials, therefore the proposal is in accordance with Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.6. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.7. The development site is located within an existing industrial area, and is not within close proximity to neighbouring residential properties. The proposal for a new V mesh fence will cause no impacts upon the neighbouring units and as such it is considered to be in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.8. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 of the SADMP requires

new development to provide an appropriate/justified level of parking provision.

8.9. County Highways have been consulted as part of this application and have confirmed that the proposals would have no impact upon the highway with regard to highway safety or parking provision. The proposal will have no impact upon the existing parking provision at the site.

8.10. Overall the proposal would not result in adverse impacts upon highways safety and would be in accordance with Policies DM17 and DM18 of the adopted SADMP.

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.

9.4 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).

10. **Conclusion**

10.1. The proposal seeks to erect a V mesh fence, replacing existing metal fencing. The proposal is considered acceptable due to the limited impacts upon the character of the area and the amenity of adjacent buildings.

10.2. It is considered that the proposed development would be in accordance with Policies DM10, DM17 and DM18 of the adopted SADMP.

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 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:

Fence detail plan Drg No. 09

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).

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.