COMMITTEE EXTRACT

Committee Date: 3 June 2008

Reference:- **08/00344/FUL** **Parish:-**

Applicant:- **Mr Nick O'Donnell**
Unit 6
Merrylees Ind Est
Heath Road
Desford

Location:- **Lorry Park Stokes Industrial Park Merrylees Road Desford Leicestershire LE9 9FE**

Proposal:- **ERECTION OF INDUSTRIAL UNITS**

Introduction:-

This is a full application for the erection of an industrial building on the Merrylees Industrial Estate to provide four starter units. The site is predominantly surrounded by open countryside, with the ground gently sloping towards the east. The Ivan-Hoe freight railway line runs parallel to the eastern boundary. Merrylees Industrial Estate is divided into two sites, with one being dominant and larger in scale. The proposal will be situated on the smaller of the sites. Each is served by its own access leading from Merrylees Road. A row of 8 residential properties fronting Merrylees Road are located in-between the two access points. To the South are the Flo Gas Offices, and opposite is an industrial unit and large brick storage yard. The eastern boundary comprises a sporadic coverage of mature trees and hedging, permitting views over the railway and countryside beyond.

The scheme proposed comprises a single industrial building divided into 4 separate units. The design and materials proposed replicate those of adjacent units. The bottom half of the building is brickwork, with cladding above. There are 5 roller shutter doors to the front and side elevation. The proposal measures 40m x 20m, with a maximum height of just over 6m to the ridge. 4 parking spaces, including one disabled is designated for each unit. The Design and Access Statement submitted in support of the application suggests that the development will be beneficial economically, both through increasing local employment and business formation and will be sustainable in respect of its local sourcing of materials. In addition a mixed forest landscaping scheme is proposed, equating to approximately 20% of the site, with wildlife and seating areas to the rear of the building.

History:-

There are a range of planning applications relating to industrial development on the site, however none relate to the specific parcel of land in question.

Consultations:-

No objection subject to standard conditions have been received from:-

Director of Highways, Transportation and Waste Management (Highways)

Head of Community Services (Drainage)

The Environment Agency has raised an objection to the application due to the absence of a desktop study as advised in paragraph 24b of PPS23. They warn that the site is locate on aquifer and development of the site may have the potential to re-mobilise contaminants. They advise the submission of a desktop study to assess potential impacts, followed by a more intrusive site investigation if deemed necessary.

Network Rail raises no objection to the principle of the development, but have indicated that the following issues be taken into consideration: drainage; operation of mechanical plant; excavations and

earthworks; security of the boundary; construction and maintenance of the buildings; landscaping and lighting.

No responses have been received from: -
Parish Council
Site notice
Press notice
Neighbours

Development Plan Policies:-

Hinckley and Bosworth Local Plan Policies

The proposal is within the countryside, situated on a designated rural employment site.

Policy BE1 considers the design and siting of development and seeks that the development enhances the character of the surrounding area, avoids loss of open spaces and protects the amenity of neighbouring residents.

Policy NE5 stipulates that the countryside will be protected for its own sake

Policy NE10 concerns designated landscape Improvement Areas and seeks to improve the quality of the landscape by providing a focus for environmental improvement measures.

Policy NE14 seeks to protect surface and groundwater quality and restrict developments which will have adverse impacts on such unless satisfactory arrangements are made to mitigate such impacts, including measures for the disposal of foul sewage, trade effluent and surface water.

Policy T5 (Highway design and vehicle parking Standards) requires new development to be designed to the appropriate standards of the relevant Leicestershire County Highways document.

Policy EMP1 concerns existing employment sites. In respect of those falling within rural areas it considers employment uses favourably so long as they are of an appropriate design when considered within their context.

Appraisal:-

The main considerations with regards to this application are its principle, the layout and design, its accessibility, parking and impact on the highway and pollution.

Principle

Despite the site falling outside the limits to development; it is classified by the local plan as an EMP 1 (b) employment site. This encourages employment related uses; provided their design is sympathetic in respect of the local context. As the proposal is for an industrial unit, the principle of the development is acceptable.

Layout and Design

As the design, massing, scale and materials proposed mimic those of adjacent units, and given the screening provided by the landscaping to the rear and West of the site, the development is considered as having no adverse impacts on the character or visual amenity of the surrounding area. Thus the development is considered acceptable in respect of policy BE1, EMP1 and NE5.

Accessibility Parking and Impact on the Highway

The County Council highway design standards stipulate 1 car parking space for every 55m2 of floor area. As the proposal has a floor area of 80m2, two spaces would be required. As the applicant will be providing 16 car parking spaces and a lorry turning facility, this is over and above that required and thus will be beneficial in terms of on street parking reduction. The requirement for an on site cycle

storage facility has been acknowledged. Due to the space available within the units, these areas are considered more favourable in terms of security compared to an outside storage facility.

Pollution

An objection has been received from the Environment Agency concerning the absence of a desktop study covering an assessment of the impact of the proposal on the underground aquifer and it's potential to re-mobilise contaminants. However, when considering the current use of the site, the nature of surrounding uses, and potential adverse impacts on human health resulting from contamination of the water environment, the potential affects are considered minimal. To assess potential impacts on the water environment and identify necessary mitigation measures, it is recommended a desk top study covering the potential pollutants be required by condition.

Other Issues

As the proposal is located towards the rear of the industrial estate, away from the highway and adjacent dwellings, it is considered as having no adverse impact on residential amenity either by way of noise or visual appearance.

Conclusion

The proposed development is considered acceptable in principle, adhering to the requirements of Policy
EMP1; is not considered harmful in terms of pollution and adheres to Leicestershire County Council Highway Design Standards.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1, NE5, NE10, NE14, T5 and EMP1 of the Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

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

2 No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

3 Before the first occupation of any of the industrial units hereby permitted, the access road, turning areas and car parking spaces shall be laid out and made available for first use and shall be sufaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) and shall so be maintained thereafter.

Reasons :-

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

2 To avoid water pollution.

3 To ensure sufficient access, turning and parking provisions is provided in accordance with Policy T5 of the adopted Hinckley & Bosworth local plan, in the interests of highway and pedestrian safety.

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.

Contact Officer:- Eleanor Shaw Ext 5691

COMMITTEE EXTRACT

Committee Date: 3 June 2008

Reference:- 08/00344/FUL **Parish:-** Desford

Applicant:- Mr Nick O'Donnell
Unit 6
Merrylees Ind Est
Heath Road
Desford

Location:- Lorry Park Stokes Industrial Park Merrylees Road Desford Leicestershire LE9 9FE

Proposal:- ERECTION OF INDUSTRIAL UNITS

Introduction:-

This is a full application for the erection of an industrial ~~unit~~ building on the Merrylees Industrial Estate to provide four starter units. ~~The industrial estate, being situated outside the limits to development, is a designated rural employment site and falls within an area of landscape improvement~~. The site is predominantly surrounded by open countryside, with the ground gently sloping towards the East. The Ivan-Ho freight railway line runs parallel to the Eastern boundary. Merrylees Industrial Estate is divided into two sites, with one being dominant and larger in scale. The proposal will be situated on the smaller of the sites. Each is served by its own accesses leading from Merrylees Road. A row of 8 residential properties fronting Merrylees Road are located in-between the two accesses points. ~~The proposal is located midway down the industrial estate adjacent to the Eastern Boundary~~. To the South are the Flow Gas Offices, and opposite is an industrial unit and large brick storage yard. The Eastern boundary comprises a sporadic coverage of mature trees and hedging, permitting views over the railway and countryside beyond.

The scheme proposed comprises a single industrial building divided into 4 separate units. The design and materials proposed replicate those of adjacent units. The bottom half of the building ~~comprise~~ is brick, with cladding above. There are 5 roller shutter doors to the front and side elevation. The proposal measures 40m x 20m, with a maximum height of just over 6m. 4 parking spaces, including one disabled is designated for each unit. The Design and Access Statement submitted in support of the application suggests that the development will be beneficial economically, both through increasing local employment and business formation and will be sustainable in respect of its local sourcing of materials. In addition a mixed forest landscaping scheme is proposed, equating to approximately 20% of the site, with wildlife and seating areas to the rear of the building. ~~The ground level slopes gently East of the site.~~

History:-

There are a range of planning applications relating to industrial development on the site, however none relate to the specific parcel of land in question.

Consultations:-

~~No objection has been received from:-~~

~~Parish Council~~

~~Neighbours~~

No objection subject to standard conditions have been received from:-

Director of Highways, Transportation and Waste Management (Highways) ~~has requested that the following conditions be required~~:

Head of Community Services (Drainage) ~~Environmental~~ Pollution)

Environmental

Before the development hereby permitted is first used, off-street car parking/lorry parking provision shall be made within the application site to the satisfaction of the L.P.A. The parking area shall be surfaced, marked out prior to the development being brought into use and shall be so maintained at all times.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.

Before the development hereby permitted is first used, cycle parking provision shall be made to the satisfaction of the LPA and once provided shall be maintained and kept available for use in perpetuity.

Reason: In the interests of the sustainability of the development and to encourage alternative transport choice.

Head of Environmental Services

The Environment Agency has raised an objection to the application due to the absence of a desktop study as advised in paragraph 24b of PPS23. They warn that the site is locate on aquifer and development of the site may have the potential to re-mobilise contaminants. They advise the submission of a desktop study to assess potential impacts, followed by a more intrusive site investigation if deemed necessary.

Network Rail raises no objection to the principle of the development, but have indicated that the following issues be taken into consideration: drainage; operation of mechanical plant; excavations and earthworks; security of the boundary; construction and maintenance of the buildings; landscaping and lighting.

No response has been received from:
Site notice and Press notice were displayed and Neighbours notified.
Parish Council

Development Plan Policies:-

Hinckley and Bosworth Local Plan Policies
The site is within ...

Policy BE1 considers the design and siting of development and seeks that the development enhances the character of the surrounding area, avoids loss of open spaces and protects the amenity of neighbouring residents.

Policy NE5 stipulates that the countryside will be protected for its own sake

Policy NE10 concerns designated landscape Improvement Areas and seeks to improve the quality of the landscape by providing a focus for environmental improvement measures.

Policy NE14 seeks to protect surface and groundwater quality and restrict developments which will have adverse impacts on such unless satisfactory arrangements are made to mitigate such impacts, including measures for the disposal of foul sewage, trade effluent and surface water.

Policy T5 (Highway design and vehicle parking Standards) requires new development to be designed to the appropriate standards of the relevant Leicestershire County Highways document.

Policy EMP1 concerns existing employment sites. In respect of those falling within rural areas it considers employment uses favourably so long as they are of an appropriate design when considered within their context.

Appraisal:-

The main considerations with regards to this application are... ? list them

Principal le

an Emp 1(b)

Despite the site falling outside the limits to development; it is classified by the local plan as ~~a class b~~ employment site. This encourages employment related uses; provid~~ing~~ed their design is sympathetic in respect of the local context. As the proposal is for an industrial unit, the princip~~al~~le of the development is acceptable.

Layout and Design

As the design, massing, scale and materials proposed mimic those of adjacent units, and given the screening provided by the landscaping to the rear and West of the site, the development is considered as having no adverse impacts on the character or visual amenity of the surrounding area. Thus the development is considered acceptable in respect of policy BE1, EMP1 and NE5.

Accessibility Parking and Impact on the Highway

The ~~Leicestershire~~ County Council highway design standards stipulate 1 car parking space for every 55m2 of floor area. As the proposal has a floor area of 80m2, two spaces would be required. As the applicant will be providing 16 car parking spaces and a lorry turning facility, this is over and above that required and thus will be beneficial in terms of on street parking reduction. The requirement for an on site cycle storage facility has been acknowledged, ~~however~~ Due to the space available within the units, these areas are considered more favourable in terms of security compared to an outside storage facility.

Pollution

An objection has been received from the Environment Agency concerning the absence of a desktop study covering an assessment of the impact of the proposal on the underground aquifer and it's potential to re-mobilise contaminants. However, when considering the current use of the site, the nature of surrounding uses, and potential adverse impacts on human health resulting from contamination of the water environment, the potential affects are considered minimal. To assess potential impacts on the water environment and identify necessary mitigation measures, it is recommended a desk top study covering the potential pollutants be required by condition.

Other Issues

As the proposal is located towards the rear of the industrial estate, away from the highway and adjacent dwellings, it is considered as having no adverse impact on residential amenity either by way of noise or visual appearance.

Conclusion

The proposed development is considered acceptable in princip~~al~~le, adhering to the requirements of Policy EMP1; is not considered harmful in terms of pollution and adheres to Leicestershire County Council Highway Design Standards.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1, NE5, NE10, NE14, T5 and EMP1 of the Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

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

2 No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

3 Before the first occupation of any of the industrial units hereby permitted, the access road, turning areas and car parking spaces shall be laid out and made available for first use and shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) and shall so be maintained thereafter.

The materials to be used on the external elevations of the proposal shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials. — they are shown on plan. is this condition necessary

Reasons :-

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

2 To avoid water pollution.

3 To ensure sufficient access, turning and parking provisions is provided in accordance with Policy T5 of the adopted Hinckley & Bosworth local plan, in the interests of highway and pedestrian safety.

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

Contact Officer:- Eleanor Shaw Ext 5691

COMMITTEE EXTRACT

Committee Date: 3 June 2008

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Applicant:- **Mr Nick O'Donnell**
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Heath Road
Desford

Location:- **Lorry Park Stokes Industrial Park Merrylees Road Desford Leicestershire LE9 9FE**

Proposal:- **ERECTION OF INDUSTRIAL UNIT**

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Appraisal:-

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Other Issues

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Conclusion

The proposed development is considered acceptable in principle, adhering to the requirements of Policy
EMP1; is not considered harmful in terms of pollution and adheres to Leicestershire County Council Highway Design Standards.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1, NE5, NE10, NE14, T5 and EMP1 of the Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

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Reasons :-

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

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Contact Officer:- Eleanor Shaw Ext 5691