DELEGATED REPORT

Recommendation Made: 24 October 2011

Reference:- 11/00706/FUL **Parish:- Hinckley**

Applicant:- Mr Jeffrey Penman
Unit M, Radius Court
Tungsten Park
Maple Drive
Hinckley

Location:- Unit F Maple Drive Hinckley Leicestershire LE10 3BE

Proposal:- ERECTION OF INDUSTRIAL / WAREHOUSE BUILDING (USE CLASSES B1/B2/B8)

Introduction:-

Full planning permission is sought for the erection of an industrial/warehouse building (Use Classes B1/B2/B8).

The building proposed is rectangular in form, with a shallow curved roof. The building has a footprint of approximately 25 by 16 metres and a maximum height of 8 metres. Window units, a curved canopy porch entrance and full height roller shutter doors are proposed on the eastern elevation, with 2 no. higher window units proposed in the western elevation. The building will be constructed from a cladding system with aluminium glazing panels and an aluminium roof.

The scheme proposes a total of 6 no. car parking spaces including 1 no. disability space and is intending to be operational for 24 hours a day.

Following concerns raised by officers amended plans have been received showing changes to the size of the window and door units to orientate horizontally with the cladding. Given the minor nature of the changes, no re-consultation has been undertaken.

Unit F is located to the north east corner of the Tungsten Park Development, directly opposite units N and P and adjacent to the Ashby de la Zouch Canal. Tungsten Park is located to the north of Coventry Road and to the west of the Ashby Canal.

The application is accompanied by a Design and Access Statement which seeks to explain the design approach taken and considers layout, appearance and use and in particular reference is drawn to the planning history on the site.

Planning History

07/01150/FUL	Mixed commercial development comprising B1, B2, B8 and sui generis uses	Approved	12.12.2007
07/00529/FUL	Mixed commercial development comprising B1, B2, B8 and Sui Generis uses	Refused	29.08.2007
05/00615/FUL	Erection of 10 Commercial units	Permitted	11.08.2005
05/00216/REM	10 Commercial/Industrial/ Office units	Withdrawn	02.03.2005
03/00411/CONDIT	Variation of condition 3 of application 99/00048/OUT	Permitted	09.06.2003

	to allow extension of time for submission of reserved matters		
99/00048/OUT	Industrial Development for B1, B2 and B8 uses	Allowed at Appeal	09.05.2000

Consultations:-

No comments/objections from:-

Environment Agency
The Inland Waterways Association
Ashby Canal Association
Director of Environment and Transport (Highways)
Head of Community Services (Land Drainage)

No objection subject to conditions from:-

Severn Trent Water
British Waterways

Natural England have requested that an ecology report is undertaken so that the relevant species have been considered and confirmed as not being affected by the development.

Three letters of objection has been received raising the following concerns:-

a) Encroachment upon the natural asset which provides natural habitat;
b) Canal should be protected by a clear belt of open space;
c) Directly impact upon the canal hedge, this should be conserved and screened;
d) No protection to the area in terms of noise and visual pollution;
e) Accumulation of litter;
f) Canal is tourist attraction; loss of open countryside;
g) The Harrowbrook brook should be protected;
h) The site is a mess and should be cleaned up.

Development Plan Policies:-

Central Government Guidance

Planning Policy Statement 1 (PPS1): Delivering Sustainable

Planning Policy Statement 4 (PPS4): Planning for Sustainable Economic Growth

Local Development Framework: Core Strategy (2009)

Policy 1: Development in Hinckley

Hinckley & Bosworth Local Plan (2001)

The site is within the settlement boundary of Hinckley, as defined in the adopted Development .

Policy BE1: Design and Siting of Development

Policy T5: Highway Design and Vehicle Parking Standards

Policy EMP4: Employment Development on Sites Other Than Those Allocated for Employment Uses

Policy REC6: Ashby Canal Corridor

Policy BE7: Development in Conservation Areas

Appraisal:-

The main considerations with regards to this application are the principle of development, design and siting and impact upon the character and appearance of the Conservation Area, impact upon residential amenity , highway considerations and other matters.

Principle of Development

The principle of a mixed use commercial development has already been established through the earlier grant of planning permission (ref: 07/01150/FUL). As such there is no in principle objection for the erection of an industrial/warehouse building (Use Classes B1/B2/B8) subject to all other planning matters being appropriately addressed.

Siting and Design and Impact upon the Character and Appearance of the Conservation Area

The site lies adjacent to Ashby-de-la-Zouch canal, with is a designated Conservation Area and is afforded protection through Policy BE7 and Policy REC6 of the Hinckley and Bosworth Local Plan. It is a statutory requirement that any new development should at least preserve the character of the Conservation Area, as stated within Local Plan Policy BE7.

The 2007 permission (ref: 07/01150/FUL) showed an industrial unit (Unit F) in close proximity to the footprint of this proposed industrial unit (Unit 1) however that unit was orientated by 90 degrees, with the largest length of the unit's elevation facing the spine road through the Tungsten Park site.

The proposed unit is set to be sited in the north west corner of Tungsten Park. This positioning, combined with difference in the site level and the level of Coventry Road means that the unit will be positioned lower and will not be visually prominent from Coventry Road, and likely to be subsequently screened should the remainder of the site come forward for development.

The footprint of the proposed unit is similar to that of the adjacent units and the curved roof design of the unit respects the curved roof form of the other commercial buildings on Tungsten Park, both those that are already constructed and those approved awaiting construction. Whilst the unit is of a simple rectangular form the curved roof form adds some further mass and visual interest to the unit, whilst not detracting from the inherent curved roof form of the wider development.

The elevations of the unit are a combination of cladding and glazed panels, with aluminium window and door units. The amended plans received show a minor modification to the positioning of the window and door units within the cladding ensuring that these elements assimilate into the unit.

Given that the canal side hedgerow is to be retained under controls of the earlier 2007 permission and that the hedgerow does provide extensive screening between the canal and the application site, there is no suggestion that the proposed unit will have any greater adverse impact on the character and appearance of the Conservation Area over and above that approved under the 2007 permission (ref: 07/01150/FUL). It is however, considered necessary to ensure that additional landscaping and planting is imposed and that the existing hedgerow is protected and as such an appropriately worded condition to ascertain the proposed boundary treatments and planting is considered necessary in this case. On this basis the development is considered acceptable.

In summary, the proposed development accords with the general siting and scale of existing industrial units on the site, ensuring that the unit appears in keeping with the scale and character of existing development. The design and materials, combined with the retention of the canal side hedgerow ensures that the character and appearance of the Conservation Area is preserved in this case. As such, the development is considered to be in accordance with Saved Policies BE1 and BE7 of the adopted Hinckley and Bosworth Local Plan.

Impact upon Residential Amenity

The residential dwellings most immediately impacted upon as a result of the proposal would be No.391

Coventry Road to the south west of Tungsten Park. There is a distance of some 240 metres from the unit and the residential dwelling which is considered sufficient to not create any significant material impacts.

In summary, the proposal is considered to have minimal impacts upon amenity of neighbouring residents. As such the scheme is considered to be in accordance with Saved Policy BE1 of the Local Plan.

Highway Considerations

The application seeks to take access from the Tungsten Park spine road and proposed 6 no. car parking spaces. The development has been considered by the Director of Environment and Transport (Highways) whom has no comments to make on this application.

In summary, it is not considered that there would be any significant impacts upon highways safety. Accordingly the development accords with Saved Policy T5 of the Local Plan.

Other Matters

Ecology

Natural England has requested than an ecology survey be conducted prior to determination. However, given that previous ecology surveys on the site have found not ecological interest and the wider site is currently under development it would be considered too onerous in this case to request that this information be submitted. In addition the Directorate of Chief Executive (Ecology) confirmed prior to the submission of this application that an ecology report would not be required.

Drainage

Severn Trent Water raise no objection to the proposal but have asked for conditions in respect of drainage details to be submitted. Historically the development control process has sought to control the design of drainage systems, however in more recent years further control is now delivered through the Building Regulations and by Severn Trent Water (as the service provider) and the drainage scheme that has been approved by the planning authority is usually subject to change. In line with recent appeal decisions and Planning Inspector opinion, it has been agreed locally that drainage details will no longer be required to be subject to a planning condition unless there is uncertainty over network capacity or connection availability. Accordingly, in this case no drainage conditions are considered necessary. In addition, the surface and foul drainage was subject to a separate condition with the previous application (ref: 07/01150/FUL) and was discharged on 06.06.09.

Other Matters

Concern has been raised that the development will impact or encroach upon the existing canal hedgerow and the canal itself. The unit is to be sited as far from the canal as possible, and by virtue of its positioning, scale and design is unlikely to significantly impact upon the canal. It is considered that the canal hedgerow is an important feature which preserves the character and appearance of the Ashby Canal Conservation Area, and on this basis, as previously discussed an appropriately worded condition is considered necessary to ensure that the correct form of boundary enclosures would be erected and additional planting along the eastern boundary. Accumulation of litter is not considered to be a material planning consideration.

Conclusion

The principle of mixed use commercial development on this site has already been established by the earlier grant of previous planning permission (ref: 07/0115/FUL). Overall by reason of its design, scale and materials and existing on site landscaping that there will be no further significant impacts upon the visual amenity of the site and the scheme and is considered to preserve the character and appearance of the Conservation Area. The development is not considered to give rise to any impacts upon visual amenity, highway safety of protected species. Accordingly, the application is recommended for planning permission, subject to the imposition of planning conditions.

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 as it is considered characteristic of the surrounding area and would not be detrimental to visual or residential amenity, highway safety or protected species and is considered to preserve the character and appearance of the Conservation Area.

Hinckley & Bosworth Local Plan (2001):- Policies EMP1, BE1, T5, REC6, BE7.

Hinckley & Bosworth Borough Council Local Development Framework: Core Strategy (2009): - Policy 1.

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 following details: Unit 1 Block Plan drawing ref. 6605/135 C received by the Local Planning Authority on 2 September 2011 and amended details: Marina Court unit 1 drawing re. 6605/133G received by the Local Planning Authority on 18 October 2011.

3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings 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.

4 No development shall take place until full details of both hard and soft landscape works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

a) Type and appearance of boundary enclosure for the eastern boundary of the site
b) Hard surfacing materials
c) Schedules of plants, noting species, plant sizes, planting plans and proposed numbers/densities where appropriate.
d) Implementation programme.

5 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

6 Before first use of the unit hereby approved, car parking provision as shown in Unit 1 Block Plan drawing ref. 6605/135 C received by the Local Planning Authority on 2 September 2011 shall be provided and shall thereafter permanently remain available for such use.

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.

3 To ensure that the development has a satisfactory external appearance to accord with Policies BE1 and BE7 of the adopted Hinckley & Bosworth Local Plan.

4 In the interests of visual amenity, to accord with Policy BE1 of the adopted Hinckley & Bosworth Local Plan.

5 In the interests of visual amenity, to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

6 To ensure that adequate off-street parking facilities are available to accord with policy T5 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.

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).

5 In respect of Condition 4 details of the landscaping scheme for the eastern boundary of the site adjacent to the Ashby Canal will be required.

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