

Report

Planning Ref: 23/01049/FUL
Applicant: Mr Matthew Adcock
Ward: Burbage



Hinckley & Bosworth
Borough Council

Site: Hunt & Co (Hinckley) Ltd, Burbage Road, Burbage, Hinckley

Proposal: Change of Use of Unit 3a (Class B2-general industrial) to storage and distribution (Class B8) (Retrospective)

1. Recommendations

- 1.1. **Approve planning permission:**
- 1.2. **Approve planning permission** subject to the conditions at the end of this report.

2. Planning Application Description

- 2.1. The application seeks the Change of use of Unit 3a (Class B2-general industrial) to storage and distribution (Class B8) (Retrospective).
- 2.2. The proposed covers a change of use for unit 3a (307sqm) the Hunts Building on Burbage Rd, Burbage, LE10 2TP. The Current use is B2 light industrial, this needs to be changed to B8 distribution for the Tenants Bac2UK. No physical changes will be made to the external appearance or access to the building. The internal layout of the building will also not change.
- 2.3. The tenants, Bac2UK, have recently moved in as they have an increased demand on their fulfilment services and require expansion. Bac2UK currently rent a unit opposite the site at the Burbage Business centre and this solution offers the flexibility and joint working. On investigation of the hunts Building Unit 3 they feel that this Unit offers the right scope for their current and future business expansion plans.
- 2.4. It is envisaged that the tenants will reduce the traffic on site, as one tenant will occupy two units, as they are currently across the road. As such there will be a very limited increase in traffic for extra deliveries and the number staff will remain the same.
- 2.5. The Landscaping details will remain the same. Parking on-site will remain as is, with a car park accommodating approximately 10 cars.

Description of the Site and Surrounding Area

- 2.6. The application site is located within a designated employment site known as Hinckley Business Centre (BUR53), a category B Employment Site as defined within the latest Employment Land and Premises Review (2020). The site is to the north of, but within the identified settlement boundary of, Burbage. The employment site includes other commercial businesses such as a distribution service, and engineering company, an upholstery centre, and Burbage Business Centre, which includes a gym, a dance school, and a gymnastics club. The application site comprises of a single storey industrial building that contains three separate commercial units. Unit 3 next door was Class B2 commercial use but is now Sui Generis.

- 2.7. The application site and the employment site are accessed via a private road from the south of Burbage Road, which is an adopted and classified 'B' road that is subject to a 30mph speed limit.
- 2.8. The north and northwest of the site is bounded by an existing rail line, but beyond this is a mixture of residential and commercial properties within Hinckley. To the northeast, east, and south of the application site is further residential properties within Burbage. To the southwest of the site is an identified Green Corridor within the Burbage Neighbourhood Plan (BNP) (2021).

3. Relevant Planning History

None relevant

4. Publicity

- 4.1. The application has been publicised by sending out letters to local residents. No letters of representation have been received.

5. Consultation

- 5.1. No objections have been received from:
- Burbage Parish Council
- 5.2 HBBC Waste- No comments or objections
- 5.3 HBBC Pollution- No objection

6. Policy

- 6.1. Core Strategy (2009):
- Policy 4: Development in Burbage
- 6.2. Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM6: Enhancement of Biodiversity and Geological Interest
 - Policy DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
 - Policy DM19: Existing Employment Sites
 - Policy DM20: Provision of Employment Sites
- 6.3. Burbage Neighbourhood Plan 2015 – 2026 (BNP) (2021):
- Policy 3: Business and Retail
 - Policy 9: Wildlife and Green Corridors
- 6.4. National Planning Policies and Guidance:
- National Planning Policy Framework (NPPF) (2023)
 - Planning Practice Guidance (PPG)

- National Design Guide (2019)

6.5. Other Relevant Guidance:

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2022)

7. Appraisal

7.1. Key Issues

- Principle of development
- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety

Principle of development

- 7.2 Paragraph 2 of the National Planning Policy Framework (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, and that the NPPF is a material planning consideration in planning decisions.
- 7.3 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the adopted SADMP set out a presumption in favour of sustainable development, and state that development proposals that accord with the Development Plan should be approved unless other material considerations indicate otherwise.
- 7.4 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, development permission should not usually be granted unless other material considerations indicate otherwise.
- 7.5 The current Development Plan consists of the adopted Core Strategy (2009), the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016) and Burbage Neighbourhood Plan (2021). The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.
- 7.6 Both the adopted Core Strategy and the SADMP are over 5 years old, and Paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 7.7 Policy 4 of the adopted Core Strategy states that the Council will ensure that there is a range of employment opportunities within Burbage and in close proximity to Hinckley.

- 7.8 Paragraph 17.8 of the Burbage Neighbourhood Plan (BNP) (2021) states that the Neighbourhood Plan will support applications generating new employment opportunities which provide adequate parking for vehicles and cycles. Policy 3 of the BNP states that proposals to develop B8 (storage and distribution) through new build, conversion or splitting up of existing employment space will be viewed favourably provided the following conditions are met. The development:

- a) is in keeping with the scale, form and character of its surroundings
- b) does not significantly adversely affect the amenities of residents in the area.
- c) Does not cause harm to highway safety
- d) Does not have a detrimental impact upon the local environment.
- e) Has safe and suitable access to the site for all people.

The above are considered later in this report, the development would lead to no principle conflicts with the BNP.

With regards to Policy DM19 whilst the development seeks to change the use of the existing building from B2 use, the proposed use (B8) would still be appropriate for this employment site. As the proposed use is B8 there is no conflict with Policy DM19, similarly, Policy DM20 is supportive of new B8 uses within allocated employment areas.

- 7.9 The development is within the identified settlement boundary, in a sustainable location on an existing employment site and given the above, the proposal is considered to be acceptable in principle, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

Design and Impact upon the Character of the Area

- 7.10 Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 7.11 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. Policy 3 of the BNP requires new development to be in keeping with the scale, form and character of its surroundings
- 7.12 The development proposes no external nor internal works or alterations. Therefore, the scheme is unlikely to have an impact on the character of the surrounding area.
- 7.13 Furthermore, the proposal replaces an existing Class B2-general industrial use with a commercial business use within an existing employment site. The proposed use of the application site is B8 (Storage & Distribution) which is also a use falling within Use Class B. This is not considered to result in any significant adverse harm to the character of the surrounding area.
- 7.14 Therefore, the proposal is considered to respect the character of the surrounding area in accordance with Policy DM10 of the SADMP, Policy 3 of the BNP and the Good Design Guide.

Impact upon Residential Amenity

- 7.15 Paragraph 135(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users.
- 7.16 Policy DM10(a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site. Policy 3 of the BNP requires new development does not adversely affect the amenity of surrounding residents and the local environment.
- 7.17 The Good Design Guide requires the way buildings to relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity.
- 7.18 No external nor internal works or alterations are proposed within this application, and therefore the development is not considered to result in any increased overbearing or loss of privacy impacts to neighbouring residential amenity. In addition, the scheme replaces a B2 (general industrial) use with a B8 (storage and distribution) use which considering the scale of the development and surrounding uses is unlikely to give rise to additional neighbouring amenity impacts to the existing situation.
- 7.19 In light of the above, and the lack of objection from the Council's Pollution Officer, the proposed use is not considered to result in any significant adverse impacts to the residential amenity of neighbouring dwellings in comparison to the existing use within an existing employment site in accordance with Policy DM10 of the SADMP, Policy 3 of the BNP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 7.20 Section 9 of the NPPF promotes sustainable transport. Paragraph 114 of the NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 115 of the NPPF outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.21 Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)). Policy 3 of the BNP requires new business development to provide a safe and suitable access for all and that development should not cause harm to highway safety.

- 7.22 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 7.23 The Applicant's Design & Access Statement explains that the new Tenant is expanding their existing business, which currently has a unit on this Industrial Estate. Parking on-site will remain as is, with a car park accommodating approximately 10 cars. The Applicant suggests that the new use reduces the traffic to and from the site as one tenant will occupy two units, as they are currently across the road from each other. As such there will be a very limited increase in traffic for extra deliveries and the number staff will remain the same.
- 7.24 It is noted that the peak times for the proposed use are different to other commercial uses within the Hunts Building and the adjacent Burbage Business Centre, which operates a gym, dance school, and a gymnastics club. In light of the above, the Local Highway Authority (LHA) does not believe that it can reasonably demonstrate that the proposal results in a severe increase in the type or value of traffic using the site.
- 7.25 Based on the submitted plans, no amendments are made to the existing site access onto Burbage Road, which is also utilised by a variety of other industrial and commercial properties and businesses. The LHA have reviewed their Personal Injury Collision (PIC) database and note that there has been five recorded PICs within 500m either side of the site access within the last years to the end of 2023. These all occurred on the B4699 to the northeast of the access. Of these, one PIC was recorded as serious, while four were recorded as slight. The LHA advise that there is no pattern in the nature of the PICS, or a specific location where they have occurred. As a result, the LHA is satisfied that the proposals do not lead to an increase in traffic using the site, and therefore the LHA consider the existing access arrangements are suitable and unlikely to exacerbate the likelihood of any further PICs occurring.
- 7.26 The Applicant is not proposing any amendments to the existing provision within the application site as ten off-street vehicle parking spaces are available. The requirement for both car parking and HGV parking is less for B8 use than it is for B2 use. The LHA notes that no additional employment will result from the proposal & the LHA consider that that is sufficient parking for staff and customers.
- 7.27 To summarise, it is considered that there is already adequate off-street parking for the development, and the proposal does not create an unacceptable impact on highway safety or the road network. Therefore, the scheme is regarded as in accordance with Policies DM17 and DM18 of the SADMP, Policy 3 of the BNP and the LHDG.

Other matters

- 7.26 The site is adjacent to the green corridor identified in the BNP. Given the nature of the proposal, a change of use, with no external alterations as well as the existing commercial/industrial nature of the site the proposal would not adversely impact on the adjacent green corridor. In this regard the proposal complies with policy DM6 of the SADMP and Policy 9 of the BNP.

8. Equality Implications

- 8.1. 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.

8.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.

8.3. There are no known equality implications arising directly from this development.

8.4. 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).

9. Conclusion

9.1. The proposed development is considered to be compliant with the relevant national and local policy as it:

- Is an appropriate scale and design.
- Does not have an adverse impact upon the character and appearance of the area.
- Does not have a significant adverse impact upon residential amenity.
- Does not have a significant adverse impact upon highway safety.
- Provides sufficient vehicle parking spaces for off-street parking.

9.2. Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions.

10. Recommendation

10.1. **Approve planning permission:** subject to the following conditions

10.2. Conditions

1. The development hereby approved relates to the following details:

- Site Location Plan
- Proposed Floor Plan Drg No. 02
- Proposed Parking Plan, all received 02/11/2023

Reason: To ensure the development hereby approved accords with the approved plans.

2. Within 3 months of the date of this decision a scheme which makes adequate provision for waste and recycling storage of containers and collection across the site shall be submitted to and approved in writing to the local planning authority. The details should address accessibility to storage facilities and confirm adequate space is provided to facilitate collection of waste via a registered waste carrier.

Reason: To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Policy 3 of the Burbage Neighbourhood Plan (2021).

3. Within 3 months of the date of this decision a scheme for the installation of electric vehicle charging points shall be submitted to and approved in writing by the local planning authority. The scheme shall identify the number of electric charging points, together with full details of the location and fitting of the units. The approved details shall be installed within 6 months of the date of this decision.

Reason: To ensure that the proposals meet the requirements of Policy DM10 (g) of the Site Allocations and Development Management Policies DPD (2016) and Paragraph 116 (e) of the National Planning Policy Framework (2023).

4. Within three months of the date of permission of this application, the parking and turning facilities shall have been implemented in accordance with the Parking Plan Unit 3A which was received by the Local Planning Authority on 2 November 2023. Thereafter the onsite parking and turning provision shall be kept available for such uses in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and to enable vehicles to enter and leave the site in a forward direction in the interests of highway safety and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016), Policy 3 of the Burbage Neighbourhood Plan (2021) and the National Planning Policy Framework (2023).

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.