

Delegated Report

Planning Ref: 23/00199/FUL

Applicant: Mr Jon Paul

Ward: Hinckley Clarendon

Site: Alliance Healthcare, Dodwells Road, Hinckley

Proposal: Installation of an external fridge unit



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. The application proposes an external fridge unit located to the south west of the existing building, located on Dodwells Road within the existing industrial estate. The external refrigerator unit is required to meet current and anticipated future demand of the business. It is proposed to be sited on top of a concrete slab.

3. Description of the site and surrounding area

- 3.1. The application site serves the Alliance Healthcare facility and consists of a large warehouse and associated parking and yard, which is separated from Dodwells Road by a landscaped bund. The warehouse is located within the wider industrial estate and enterprise zone which serves various business, located on the outskirts of the Hinckley settlement boundary.

4. Relevant planning history

21/01414/FUL

Portaloo building for a period of 104 weeks

Planning permission

14.02.2022

5. Publicity

- 5.1. The application has been publicised by posting a site notice within the vicinity of the site and a letter to the nearest neighbouring property.
- 5.2. No comments have been received.

6. Consultation

- 6.1. LCC Highways: No material impact on highways, therefore no comments to make.
- 6.2. HBBC Drainage: No objections.
- 6.3. HBBC Waste Management: No objections.
- 6.4. HBBC Pollution: 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. Paragraph 81 of the National Planning Policy Framework (NPPF) states that planning policies and decisions should help create the conditions in which business can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 8.3. Within the applicant's Design and Access Statement the case has been put forward that due to an upturn in demand and anticipated future demand of refrigerated medical supplies, the proposed refrigerator unit would support the business to remain viable and to retain business opportunities within the Borough.
- 8.4. 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.
- 8.5. 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).
- 8.6. The proposed development is supported in principle.

Design and impact upon the character of the area

- 8.7. 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.
- 8.8. The proposed refrigerator unit is to be located to the south west of the existing building. From the highway the unit would not be highly visible due to the distance from the highway and various elements such as the existing fencing and car parking facilities acting as a screen.

- 8.9. The unit would not be out of character with the existing industrial unit and wider industrial units located within the area in terms of its scale and visual appearance. Therefore it is considered that the proposal is in accordance with Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.10. 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.
- 8.11. The development site is surrounded by industrial units on all sides and is not within close proximity to any residential dwellings. The addition of the proposed refrigerator unit is not expected to cause impacts upon the adjoining buildings in terms of overshadowing, overlooking, overbearing impacts or loss of light by virtue of its scale and nature. It is considered that the proposal would cause no impact to residential amenity or amenity issues in relation to adjacent buildings and therefore is considered to be in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.12. 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.
- 8.13. The application proposes the erection of a refrigerator unit to the south west of the existing warehouse and healthcare facility. County Highways have been consulted as part of this application and have confirmed that the proposed unit would have no impact upon the highway with regard to highway safety or parking provision.
- 8.14. 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 install an external fridge unit within the site to provide additional storage of medical products. 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:

Location Plan Drg No. AW6105-08-04 Rev B
Block Plan Drg No. AW6105-08-06 Rev B
Proposed Site Plan Drg No. AW6105-08-02 Rev A
Proposed Landscaping Plan Drg No. AW6105-08-03 Rev A
Elevations Plan Drg No. AW6105-08-05 Rev A

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.