Item: **08**

Reference: **11/00656/EXT**

Applicant: **A R Cartwright Ltd**

Location: **Former Emesite Nutts Lane Hinckley**

Proposal: **EXTENSION OF TIME FOR EXTANT PLANNING PERMISSION 08/00835/FUL FOR THE ERECTION OF 3 INDUSTRIAL UNITS**

Target Date: **5 October 2011**

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it constitutes industrial development with floor space greater than 500 square metres.

Application Proposal

This planning application seeks an extension to the time limit for implementing the extant planning permission on planning application 08/00835/FUL for the erection of three industrial units. The previous application was a full submission and was granted consent on 21 November 2008. The scheme proposes the erection of three industrial units with ancillary office and associated car parking on land off Nutts Lane, Hinckley.

The Site and Surrounding Area

The overall site originally consisted of two fields of open pasture of approximately 3.05 hectares. It is bounded to the north by an industrial use, an EME compound to the west, the Ashby canal to the east and the A5 Watling Street to the south. Along each of the boundaries are hedging and some trees which are to be retained. The Ashby Canal Conservation Area is located to the east of the site. The site is located outside the settlement boundary for Hinckley.

Direct access to the site is available from the A5 and Coventry Road along Nutts Lane. The first phase of the estate's road system has been completed providing direct access to plots 1 - 6 off the first cul-de-sac to the south of the site entrance. Plots 2 - 6, which back onto Sketchley Brook, have been constructed and planning permission has been granted for plot 1 immediately adjacent to the site entrance, although it has not yet been constructed.

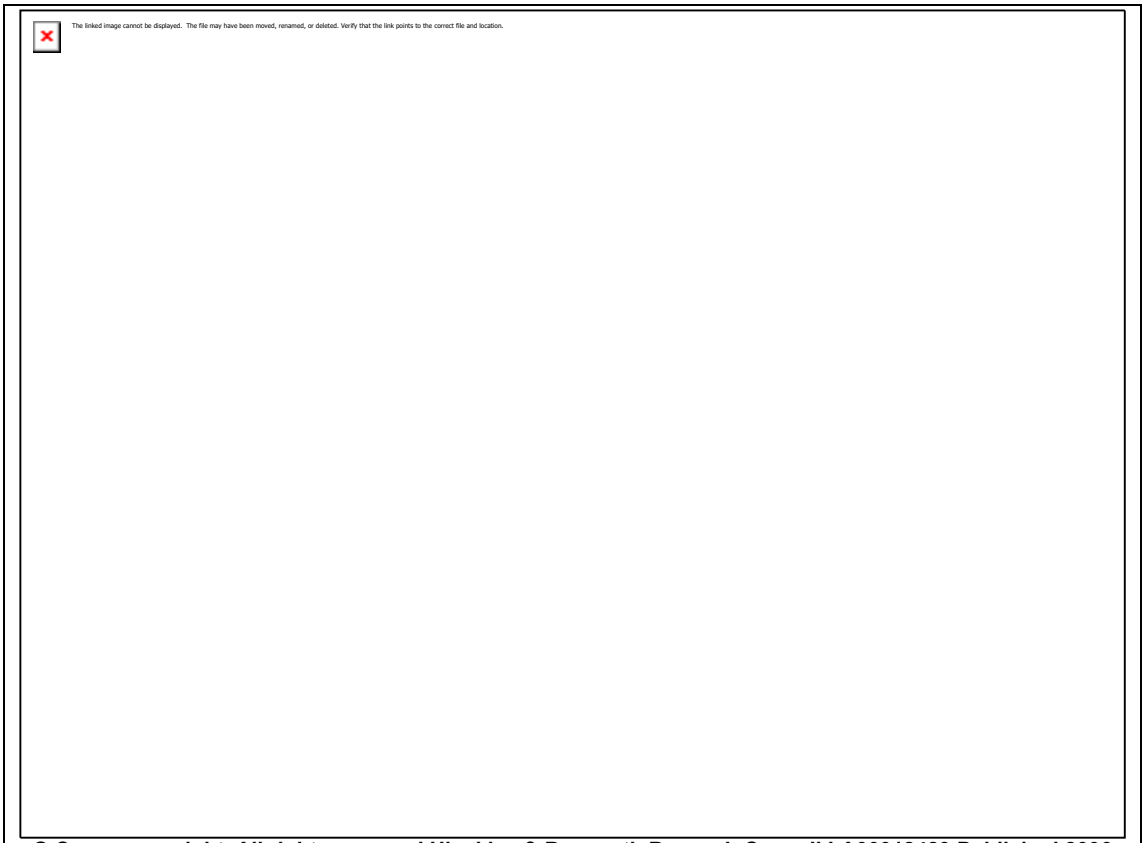
Technical Document submitted with application

No updated documents have been submitted with the planning application.

History:-

08/00835/FUL	Erection of three industrial units	Approved	21.11.08
07/00759/REM	Industrial unit & associated offices	Approved	20.08.07

	(Resubmission)		
06/01252/REM	Industrial unit with two storey offices	Approved	04.01.07
06/01212/REM	Erection of Industrial Unit (B2 & B8)	Approved	04.01.07
05/00865/REM	Erection of 4 Industrial Units	Approved	05.10.05
04/01316/OUT	Industrial Development & Associated works	Approved	05.07.05
01/00604/OUT	General industry (B2) and storage and distribution (B8)	Approved	09.01.02



© Crown copyright. All rights reserved Hinckley & Bosworth Borough Council LA00018489 Published 2006

Consultations:-

No objection has been received from:-

Environment Agency
Ashby Canal Association
Inland Waterways Association
Director of Environment and Transport (Highways).

No objection subject to conditions have been received from Head of Community Services (Pollution).

Site notice and Press notice were displayed and neighbours notified.

The consultation period remains open at the time of writing this report and expires on 15 September 2011. Any representations received before the closing date will be reported and appraised as a late item.

Policy:-

Central Government Guidance

Planning Policy Statement 4: Planning for Sustainable Economic Growth sets out planning policies for economic development. The guidance seeks to achieve the Government's objectives for sustainable economic growth.

Planning Policy Statement 5: Planning for the Historic Environment sets out the Government's objectives on the conservation of the historic environment. It states that Local Planning Authorities should seek to identify and assess the particular significance of any element of the historic environment that may be affected by the relevant proposal.

Planning Policy Statement 9 - Biodiversity and Geological Conservation sets out planning policies on protection of biodiversity and geological conservation through the planning system.

Planning Policy Guidance 13: 'Transport' sets out national transport policy for new developments. The guidance seeks to ensure that development creating employment opportunities offers a realistic choice of access by public transport, walking, and cycling, and to reduce the need to travel especially by car.

Planning Policy Statement 25: 'Development and Flood Risk' aims to ensure that flood risk is taken into account at all stages of the planning process and to reduce flood risk to and from new development through location, layout and design incorporating sustainable drainage systems (SUDS).

Regional Policy Guidance

The Court of Appeal, in May 2011, gave judgment on an appeal by CALA Homes in relation to their continuing challenge to the SoS's proposal to abolish regional strategies. The Court confirmed that the Government's proposal to abolish regional strategies is a material planning consideration, but that it is up to the LPA to decide what weight to give to the proposal in considering planning applications. The Localism Bill is still going through the Parliamentary process and the SoS has now confirmed that the actual revocation of any regional strategy will be subject to a Strategic Environmental Assessment. The view taken currently is that little if any weight should be given to the proposal to abolish regional strategies. This advice may change as the Bill progresses and officers will monitor the progress and report appropriately to committee.

East Midlands Regional Plan 2009

There are no relevant policies.

Local Development Framework Core Strategy 2009

There are no relevant policies.

Hinckley and Bosworth Local Plan 2001

The site is identified in the adopted Hinckley and Bosworth Local Plan as an employment site following modifications to the Local Plan.

Policy EMP1 identifies the site as an employment site which actively seeks to retain employment uses.

Policy BE1 relates to the design and siting of development. It seeks a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment.

Policy BE7 seeks to preserve the special character of the conservation area including views in and out of the area.

Policy REC6 also seeks to protect the Ashby canal and the area adjacent as a wild life corridor

Policy T5 requires the development to comply with Highway Design Standards

Supplementary Planning Guidance/Documents

The Ashby Canal Conservation Area Appraisal 2009 states that within Hinckley the Ashby Canal gives an impression of a semi-rural navigation with green fields and hedgerows on either side. It goes on to state that the length of its navigation is characterised by its embankments and cuttings which give rise to long views over rolling countryside.

The 6Cs Design Guide produced by Leicestershire County Council Highways sets out in paragraph 3.169 the maximum vehicular parking standards for off street parking. It states that in out of town locations that one space should be provided for every 30 square metres of B1 office use and that one space for every 120 square metres of B8 Warehousing use.

The guidance document Greater Flexibility for Planning Permissions published in November 2009 states that in determining applications to extend the time limit for implementing planning permissions "Local Planning Authorities should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date". The guidance continues "Local Planning Authorities should, in making their decisions, focus their attention on development plan policies and other material considerations which may have changed significantly since the original grant of permission".

Appraisal:-

The main considerations with regards to this application is whether there have been any material changes in planning policy since the previous application that would affect the determination of the application and if the originally imposed conditions or additional conditions are required, the principle of development, the layout and design, the impact on the Ashby Canal Conservation Area and highway issues.

Changes in Policy

Since the granting of planning permission for the previous planning application (08/00835/FUL) Planning Policy Statement 4 (PPS4) has been introduced which seeks to achieve the Government's overarching objective of sustainable economic growth. Policy EC10 of PPS4 states that all planning applications for economic development should be assessed against a criterion of impact considerations. It is considered that the proposed development complies with this policy in that it is accessible by a means of transport including walking, cycling, car, it seeks a quality design which improves the character of the area and will provide local employment opportunities.

Relevance of conditions

No planning conditions have been formally discharged on planning application 08/00835 since its approval in 2008. It is considered that the imposition of those conditions on planning permission 08/00835 are still relevant and reasonable to be included on this planning application, together with the imposition of a condition relating to the proposed development being carried out in accordance with the approved drawings. The imposition of this condition will allow the applicant to make non-material or material amendments to the scheme should they decide to alter aspects of the approved scheme.

Principle of development

The principle of industrial development on the site has been established with the granting of planning permission for three industrial units under planning application 08/00835, for which this application is seeking an extension to the time limit for implementation. Furthermore the development is proposed on a site that is identified in the local plan for employment use under policy EMP1. Therefore the principle of development is acceptable.

Layout and Design

The layout of the current proposed industrial units is a simplification of the original approved proposal. A single rectangular block of three attached units is proposed on the southern side of the first cul-de-sac off the site entrance. These units replaced a block of two and a block of four units, which were proposed on the outline permission in 2004. The layout reflects that of the existing industrial units (numbers 2-6) where they are set back from the estate road with parking provided to the front of each unit.

The treatment of the elevations fronting the access roads uses a combination of metal sheeting and brickwork in equal measures to provide a high quality image. This approach is reflective of the design and appearance of units 2-6 located opposite the site. The western elevation of unit 10 is proposed to be constructed from facing brickwork with metal cladding to the eaves area with a small 1m brick projection in the centre. The inclusion of door and window openings and glazing to the upper area of the brick projection adds visual interest to this prominent elevation and breaks up the massing of brickwork. The front elevation (north) will be broken up with detailing such as canopied entrances, roller shutter doors, window and door openings and metal cladding panels to add visual interest.

The rear elevations to the east and the south will be concealed by future development and are comparatively modest in comparison with the public elevations. They incorporate limited openings and standard steel cladding.

In terms of its layout and design the proposed industrial units are considered to be in keeping with the character and appearance of the area and reflective of the design principle adopted on existing industrial units on this estate.

Ashby Canal Conservation Area

The proposed units are of the same height as those units that have already been constructed on the site. The proposed industrial units will be sited 50 metres to the west of the Ashby canal. There is existing screening along the eastern boundary of the site in the form of 3 metre high mature trees. Taking into account the existing screening at the site and the separation distance to the Ashby canal the proposed development is considered to preserve the setting of the Ashby canal conservation area.

Highways

The proposed industrial units will be served by 22 car parking spaces in total. Taking into account the proposed B1 and B8 use of the units it is considered that the development complies with the parking standards set out in 6Cs Design Guide for off-street parking spaces in an out of town location. The vehicle service areas and car parking are directly accessed from the estate roads. These areas include soft landscaping which will break up the hard paved areas.

Conclusion

The principle of development on this site has been established with the granting of planning permission for three industrial units under planning permission 08/00835/FUL. By virtue of its design, layout and siting the proposed development is considered to reflect the character and appearance of the existing industrial units on the site and preserves the setting of the Ashby canal conservation area. Therefore the planning application is recommended for approval subject to conditions.

RECOMMENDATION:- That subject to no new significant objections being received from the consultation process Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to representations received and the 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 by virtue of its siting, scale, height and design the proposed development is not considered to be out of keeping with the character and appearance of the street scene or to the setting of the Ashby canal conservation area or detrimental to highway safety. The principle of industrial development on the site has been previously established with the granting of planning permission on planning application 08/00835/FUL.

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

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

2 Before any works commence, representative samples of the types and colours of the materials to be used on the external elevations of the proposed buildings shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with the approved material.

3 No development shall take place until full details of both hard and soft landscaping works, including implementation timetables, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

4 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

5 There shall be no storage of materials plant oil drums tyres or waste materials of any description on the open area of the site

6 None of the units hereby approved shall be occupied until a cycle-way link from the Ashby canal to the adopted highway on the A5 Watling Street to the west of the site has been implemented in accordance with details to be approved in writing by the Local Planning Authority, in consultation with the Highways Agency.

7 Before development commences a preliminary site investigation and desktop study shall be carried out to establish whether there is any contamination. Any mitigation measures resulting from this shall be implemented in accordance with the agreed works.

8 The development hereby permitted shall not be occupied until the drainage works for the disposal of both surface water and foul sewage have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highways Agency. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

9 Prior to the development commencing the applicant shall submit details of directional signing to the development, which will be required from Nutts Lane. These shall be implemented in accordance with the approved scheme.

10 Before the development commences details of, cycle parking provision shall be submitted to and agreed in writing by the Local Planning Authority and once provided shall be maintained and kept available for use in perpetuity. The agreed scheme shall be implemented prior to first occupation of an industrial unit and shall be retained for these purposes thereafter.

11 Before the development hereby permitted is first used, off-street parking shall be provided within the application site as shown on the submitted details. The parking area shall be surfaced, marked out prior to the development being brought into use and shall be so maintained at all times.

12 Before first occupation of the units hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above ground level and shall be so maintained in perpetuity, where in the control of the applicant

13 The proposed accesses shall have an effective width of a minimum of 6.0 metres for a distance of at least 5 metres behind the highway boundary. The access drive shall be so maintained at all times.

14 Notwithstanding the submitted details, before first use of the development hereby permitted, each vehicular access to the site shall be provided with 6 metre control radii on both sides of the access. Details of the intended access arrangements to unit 10 shall be submitted to the Local Planning Authority for approval prior to the development commencing

15 No walls, planting or fences shall be erected or allowed to grow on the Highway boundary exceeding 0.9 metres in height above the level of the adjacent highway

16 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: 8/9/10_01, 8/9/10_02, 8/9/10_03, 8/9/10_04 received on 21 August 2008.

Reasons:-

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

2&3 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan

4 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

5 To ensure the site does not deteriorate into an untidy condition to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

6 In the interests of road safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

7 To ensure the site can be safely developed to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

8 To avoid unnecessarily taking up capacity within the public sewage system specifically provided for the essential disposal of foul sewage

9-15 In the interests of road safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

16 For the avoidance of doubt and in the interests of proper planning.

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).

Contact Officer:- Scott Jackson Ext 5929