

Report of the Interim Head of Planning

Planning Ref: 23/00947/FUL
Applicant: Flying Spares Limited
Ward: Thornton



Hinchley & Bosworth
Borough Council

Site: 28 Merrylees Industrial Estate Leaside Desford

Proposal: Change of use from industrial unit (Class B8) to Class E(g), addition of doors and windows to the building, new fencing and landscaping, alterations to car parking area, new gate, external fire escape and other works

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 from industrial unit (Class B8) to Class E(g), addition of doors and windows to the building, new fencing and landscaping, alterations to car parking area, new gate, external fire escape and other works.
- 2.2. Flying Spares is an employee-owned business which sells new, reconditioned and recycled Rolls Royce and Bentley car parts. The company is currently based in Market Bosworth and has grown over the years, expanding in an ad-hoc way into six different buildings, in addition to an off-site storage facility.
- 2.3. The company is now at a point where they wish to consolidate their activity into a single facility, optimising their workflow and allowing for future expansion of the workforce. Flying Spares has therefore acquired an existing warehouse at the Merrylees Industrial Estate with the intention of renovating and adapting it to suit their current and future needs.
- 2.4. The existing building has most recently been used as an industrial warehouse with ancillary office accommodation (planning class B8). It is situated in the Merrylees Industrial Estate, on the eastern side of the main access road, Leaside.
- 2.5. There is a large area of hardstanding to the west of the building. A marked car parking area adjacent to the main entrance is enclosed by a palisade fence and gates (planning ref: 18/01113/FUL, approved 15 Jan 2019).

Description of the Site and Surrounding Area

- 2.6. The application site lies within a designated rural employment site known as Merrylees Industrial Estate, a Category A Employment Site as defined within the most recent Employment Land and Premises Study (2013), which is located to the south of Thornton, outside any defined settlement boundary and therefore within the countryside. The site is also located within the National Forest. The site is surrounded by existing commercial buildings of varying design, scales, styles and appearance. The property is easily accessed at the front by emergency vehicles.

There are no dwellings within the vicinity of the site, the closest being approximately 120 meters away on the Merrylees Road frontage.

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 reply has been received from:
- Bagworth & Thornton Parish Council
- 5.2 LCC Highways- No objection subject to conditions
- 5.3 LCC Drainage- No comment
- 5.4 HBBC Drainage- No objection on sustainable drainage grounds
- 5.5 HBBC Pollution- No objection
- 5.6 HBBC Waste- No comments or objections

6. Policy

- 6.1. Core Strategy (2009)
- Policy 21: National Forest
- 6.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM10: Development and Design
 - Policy DM18: Vehicle Parking Standards
 - Policy DM19: Existing Employment Sites
- 6.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2023)
 - Planning Practice Guidance (PPG)
- 6.4. Other relevant guidance
- Employment Premises and Land Review (2013)

7. Appraisal

- 7.1. Key Issues
- Assessment against strategic planning policies
 - Design and impact upon the character of the area
 - Impact upon highway safety

Assessment against strategic planning policies

- 7.2. Policy DM1 of the Site Allocations and Development Management Policies DPD (SADMP) and the NPPF provide a presumption in favour of sustainable development. Policy DM4 of the SADMP seeks to safeguard the countryside from unsustainable development and identifies that development in the countryside will be considered sustainable under a range of criteria. The most relevant criterion is b)

the proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting and does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside. Policy DM19 of the SADMP identifies the application site as a rural employment site with the Employment Land and Premises Review 2013 identifying the site as a Category A site providing a good source of industrial space for the rural market. Policy 21 of the Core Strategy requires all new developments to reflect the Forest context and shall provide on-site or nearby landscaping that meets the National Forest planting guidelines.

- 7.3. The NPPF also gives significant weight to the encouragement of sustainable economic growth through the planning system and support and flexibility to accommodate the needs of businesses and rapid response to changes in economic circumstances. Para 2 refers to the pre-eminence of the development plan and that planning applications should be determined in accordance with the plan unless material considerations indicate otherwise. Para 2 notes that the NPPF is a material consideration. Para 8 states the economic aspects to achieving sustainable development '*to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth...*'. In that respect the site has been designated for employment use to help meet the needs for employment land in the borough and to support ongoing economic growth.
- 7.4. As the proposal relates to the change of use of an existing building the development complies in principle with Policy DM4. The proposal is located entirely within the boundaries of the existing employment site (THO18 – Merrylees Industrial Estate) and the proposed change of use is in connection with the existing unit 28 building which is substantial in size. The site is identified as a **Category A site**. DM19 states that '*The Borough Council will seek to retain sites classified as Category A sites in their entirety, for B1, B2 and B8 employment uses*'. From 1 September 2020, under the amendments to the Town and Country Planning (Use Classes Order) 1987 the uses proposed within this application would fall within Use Class E(g) which includes reconditioning works & office space so the proposed would be acceptable. Use Class E(g) includes Uses which can be carried out in a residential area without detriment to its amenity:
E(g)(i) Offices to carry out any operational or administrative functions,
E(g)(ii) Research and development of products or processes
E(g)(iii) Industrial processes
- 7.5. There are no current vacant premises within Merrylees Industrial Estate that are advertised. The change of use of the site from employment to a use inside of E(g) Class would result in keeping a needed, and suitable employment property in employment use to the benefit of the economy of the borough. In this regard, the proposed change of use would not have a significant adverse impact on surrounding employment uses and would accord with Policy DM19, by keeping the site within an associated use class.
- 7.6. It is therefore considered that the proposal would help maintain the future stability of the Category A employment site, a condition is recommended ensuring that the site is used for Class E(g) use only to ensure the future use is compatible with the character and uses of the employment area and subject to this the proposal complies with Policy DM4 and DM19 of the SADMP.

Design and impact upon the character of the area

- 8.1. Policy DM4 of the SADMP seeks to safeguard the countryside from unsustainable development and identifies that development in the countryside will be considered sustainable under a range of criteria. The most relevant criterion is b) the proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting. Policy 21 of the Core Strategy relates to development within the National Forest and requires proposals to be appropriately related to its setting within the National Forest, respect the character and appearance of the wider countryside and to not adversely affect the existing facilities and working landscape of either the Forest or the wider Countryside. Policy DM10(c), (d) and (e) of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally and incorporates a high standard of landscaping.
- 7.7. The purpose of the proposed changes to the building is to provide a suitable new premises for Flying Spares. This includes internal alterations to create additional office space, alongside specialist technical areas for undertaking the reconditioning works.
- 7.8. In addition to the above, Flying Spares are keen to improve the thermal performance of the existing building fabric and have the ambition to bring the existing building up to an Energy Performance Certificate A rating.
- 7.9. Changes to the external appearance of the building are limited and comprise several new doors and windows and an external fire escape. The main entrance door is to be replaced and repositioned slightly to accommodate a reconfigured entrance area. A new insulated sectional door is to be included for the workshop, to facilitate the movement of vehicles into this space. All trade effluents will be drained into the 20,000L septic tank shown on drawing 230412-010. This tank will be emptied regularly by a specialist waste removal company.
- 7.10. The parking area adjacent to the main entrance is to be adjusted to enlarge the staff and visitor car park. The existing fencing is to be retained and extended, with a new gate at the main entrance and secure fencing around the staff car park. The existing gate is to be relocated to the southern boundary of the site. The new fencing will match the existing palisade fencing on the site.
- 7.11. Although an area of the existing amenity grass will be removed to make way for the enlarged car park, additional planting will be introduced in the north-west corner of the site to create a small staff garden. A new cycle store will be installed adjacent to the main entrance area. Solar PV canopies are proposed in the yard and staff car park. Investigations of the existing roof structure have revealed that installing PV panels on the roof would not be a feasible option. PV canopies have many advantages, including ease of access for cleaning and maintenance as well as providing shade and shelter. As full details of the PV canopies have not been submitted, these will be required by condition prior to their installation.
- 7.12. In this regard the proposal is considered to have a positive impact on the character and appearance of the surrounding area. Development under Policy DM4 is considered sustainable if it meets one or more of the set out criteria within parts a – e of the Policy. Under part b) the proposal involves a change of use to a Class E(g) use which leads to the enhancement of the immediate setting. Therefore the proposed is considered sustainable in this location & the proposal complies with Policy DM4 and DM10 of the SADMP.

Impact upon highway safety

- 7.13. Policy DM17 of the SADMP states that all new development should be in accordance with the highway design standards. Policy DM18 requires all development to provide appropriate parking provision.
- 7.14. 41 parking spaces are proposed which would be 25 more than available at present. 12 additional cycle parking spaces are proposed. The expected workforce would be 46 employees. Existing loading docks will be used for loading & unloading. PV Canopy would cover 6 staff parking spaces.
- 7.15. No amendments are proposed to the existing access arrangements, however it is understood a new set of entrance gates and fencing would be installed to ensure the site is secure outside operating hours. The gates would be opened at the start of the day and remain open throughout the working day, allowing the easy access of staff and visitors into the site. The LHA have no objection to the continued use of the existing site accesses.
- 7.16. The LHA also considers the proposals are unlikely to exacerbate any existing highway safety concerns.
- 7.17. The LHA previously advised that the Applicant should undertake a comparison of the level of trips the existing consented B8 use of the site could generate with the level of trips the proposed E(g) use could generate. This exercise has now been undertaken by the Applicant. The Applicant has also provided details of trip generation for between 07:00 - 08:00 and 16:00 - 17:00 advising that employees shift patterns may be staggered.
- 7.18. The Applicant has detailed within the TTN that the proposals would consolidate six different buildings located around Market Bosworth into a single building at Merrylees Industrial Estate. Travel habits of existing staff have been provided including working days, arrival and departure times and those who car share. It has been stated that while all staff would not be on-site at the same time due to annual leave or working remotely, as part of the trip generation assessment it has been assumed all staff would be on-site. In addition, the Applicant has stated that the proposed development would employ 48 people and that rather than increasing staff, the proposals would improve the efficiency of the business. A summary of the level of trips generated in both the AM and PM peaks, as well as prior to the traditional peaks were provided.
- 7.19. The LHA are satisfied the proposals would not result in a net increase of 30 two way trips in either the traditional AM or PM peak, or prior to the peak periods. The LHA therefore advises it is satisfied that the Applicant is not required to undertake any further analysis of the proposals, such as junction capacity assessments.
- 7.20. The LHA previously requested additional information on parking provision and the total number of employees anticipated to be recruited as the proposed E(g) use required a considerable number of additional parking spaces over and above the existing B8 use. 41 car parking spaces are proposed within the site as detailed on Williams Architects drawing number 230412-013.03 Rev 03. As detailed further above, the Applicant has stated a total of 48 employees would be employed at the site. Based on the staff travel habit information, the Applicant has produced a table which details the likely demand for parking at the site. The LHA advises it accepts the proposed level of parking within the site.
- 7.21. The proposal is considered to meet the requirements of policies DM17 and DM18.

Other Matters

- 7.22. There are no residential properties in close proximity to the site's boundaries. As such, the proposal would not have an adverse impact on the residential amenity values of the neighbouring occupiers when compared to the existing lawful use of the site.

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 proposal seeks a change of use from industrial unit (Class B8) to Class E(g). The site is an important employment site, the loss of which would be detrimental to the employment provision of the borough contrary to Policy DM19.
- 9.2. DM19 states that *'The Borough Council will seek to retain sites classified as Category A sites in their entirety, for B1, B2 and B8 employment uses'*. The proposed uses would be limited to Use Class E(g) which is akin to the previous B8 use but includes uses which are not detrimental to residential amenity. Subject to a condition limiting the use to only that within Use Class E(g) (my emphasis) and no other use including other uses within Use Class E the proposed will retain the use of the site within employment uses. The proposed is in line with DM19 and the site is being retained for employment use and is acceptable in terms of residential amenity, highways and design. The recommendation is to Approve.

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 Layout- Ground Floor Plan Drg No. 230412-010.03
 - Proposed Layout- First Floor Plan Drg No. 230412-011.03
 - Proposed Elevations Drg No. 230412-012.02
 - Proposed Block Plan Drg. No 230412-013.03
 - Application form all received 26/09/2023

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).

2. 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.

3. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Williams Architects drawing number 230412-013.03 Rev 03. 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 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (December 2023).

4. The development hereby permitted shall not be occupied until such time as secure cycle parking shall be provided in accordance with details first submitted to and agreed in writing by the Local Planning Authority. Thereafter the onsite cycle parking provision shall be kept available for such use in perpetuity.

Reason: To promote travel by sustainable modes in accordance with the National Planning Policy Framework (December 2023).

5. The site shall be used for purposes falling with Use Class E(g) only and for no other use, including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To ensure that the proposed development is compatible with existing development in the locality and the countryside, to protect neighbouring amenity

and in the interests of highway safety in accordance with Policy DM4, DM10, DM17, DM18 and DM19 of the Site Allocations and Development Management Policies DPD.

6. Prior to their installation full details of the solar PV canopies shall be submitted in writing and approved in writing by the Local Planning Authority. Details shall include elevation drawings and details of materials. Thereafter the solar PV canopies shall be implemented in accordance with the approved details.

Reason: To ensure a satisfactory form of development in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).