

Delegated Report

Planning Ref: 23/01246/FUL
Applicant: Mr. David Sperry
Ward: Burbage



Hinckley & Bosworth
Borough Council

Site: 7 Coventry Road, Burbage, Hinckley, Leicestershire, LE10 2HL

Proposal: Single storey front extension, two storey rear extension and change of use of a single dwelling into 4 self-contained office units

Recommendations

- 1.1. **Grant planning permission** subject to:
- Planning conditions outlined at the end of this report.

Planning application description

- 2.1. This application seeks planning permission for a single storey front pitch roof extension, a two storey flat roof rear extension and change of use of a single dwelling into 4 self-contained office units.
- 2.2. The dwelling is currently vacant. It is proposed that the building is refurbished and extended to provide 4 self-contained office spaces. Two ground floor offices will each be 42m² and two first floor office spaces will each be 32m². All offices will be accessed from a communal entrance from the street and stair core. Each office will have its own private toilet and kitchenette.
- 2.3. Vehicular access to the site will be via the existing Fairway centre car park where 2 car parking spaces will be lost, however an additional 8 spaces will be provided within the curtilage of the development boundary. Pedestrian access to the offices will be provided at the front of the building via a ramped approach allowing access to the building and the ground floor offices will be suitable for wheelchair users and those with limited mobility. A bin and bike storage area is proposed at the rear.
- 2.4. In terms of the proposed extensions the proposed front single storey extension would be 8.8m in width and project from the existing front elevation by 2m. It would have a pitched roof with a ridge and eave height of 4.3m and 2.3m respectively.
- 2.5. The proposed 2 storey flat roofed extension at the rear would have a depth of 5m and width of 8.8m. A height of 5.4m is proposed with the entire flat roof and existing rear roof slope of the dwelling to be laid with an array of photovoltaic cells to feed the proposed new offices. It is proposed that the existing building is externally insulated and covered with white render to further increase the energy efficiency of the building.

Description of the site and surrounding area

- 3.1. The site is located within the centre of Burbage adjacent the Business complexes of The Fairway Centre and Britannia Buildings on Coventry Road. The 2 storey detached building is currently a vacant residential property & is located between two medium scale business developments. There is an existing access from Coventry Road leading to 1 on site parking space on the western side of the dwelling. There is a 1.8m high mature hedgerow forming the front boundary. The site is situated within an established area of small businesses within Burbage. Opposite the site are a mix of other residential dwellings.

Relevant planning history

11/00738/FUL

- ERECTION OF SINGLE STOREY SIDE EXTENSION
- Approved
- 15.11.2011

Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. 1 letter of representation was received, objecting to the proposal. The main summarised points of objection are:
- Concerned about parking
 - The roads are already very busy
 - Where will staff park?
 - 28 employees but only 8 parking spaces?

Consultation

- 6.1. No objection from:
- LCC Highways subject to conditions
 - HBBC Pollution- no objections
 - HBBC Waste- no objections
 - HBBC Drainage
- 6.2. Burbage Parish Council objects to this application for the following reasons:
- 1 - It is felt that the proposed 8 car parking spaces would be insufficient to serve the potential number of building users - internal floor plans show a total of 28 work-stations over 2 floors - and that vehicles associated with the premises may therefore be parked on already congested nearby residential roads.
- 2 - There are concerns over access arrangements as the proposed access does not form part of the application site indicating land under the applicant's control.
- 3 - It is noted that LCC Highways department does not consider that the application fully assesses the highway impact of the proposed development. It also raises questions about access arrangements and notes that the dimensions of the proposed parking spaces do not accord with planning guidance.

Policy

- 7.1. Core Strategy (2009)
- Policy 4: Development in Burbage
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - 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

- 7.3. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2023)
 - Planning Practice Guidance (PPG)
- 7.4. Burbage Neighbourhood Plan
 - Policy 1: Settlement Boundary
 - Policy 3: Business and retail
 - Policy 5: Footpaths & Cycleways
- 7.5. Other relevant guidance
 - Good Design Guide (2020)

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

Principle of Development

- 8.2 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. 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. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions.
- 8.3 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.
- 8.4 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. 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.
- 8.5 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.

- 8.6 Section 6 of the NPPF states that planning policies and decisions should help to create the conditions in which businesses can invest, expand, and adapt.
- 8.7 Policy 4 of the adopted Core Strategy identifies Burbage as a local centre that supports Hinckley's role as a sub-regional centre. To support Burbage, Policy 4 of the adopted Core Strategy requires development to create a range of employment opportunities within the local centre and in close proximity to Hinckley.
- 8.8 Whilst currently in residential use, the property falls within a designated Employment Site (BUR 55 Works West of Britannia Road). As the proposal seeks to bring the proposal into employment use, Policy DM19 is generally supportive of this proposed use.
- 8.9 Policy 3 of the Burbage Neighbourhood Plan particularly encourages proposals for suitable B1a-c business development in the Parish, such as small scale business and enterprise development including live/work units and/or high tech office units subject to the assessment of technical details.
- 8.10 The application site is within the settlement boundary of Burbage and provides an opportunity to create office space and employment opportunities within Burbage in an existing employment site. The bus stop for the No. 8 bus service is within a two-minute walk, (100 metres) of the site.
- 8.11 By virtue of these factors, the principle of the change of use within this application is considered acceptable in accordance with Policies DM1 and DM19 of the SADMP, Policy 4 of the adopted Core Strategy and Policy 3 of the Burbage NP.

Design and impact upon the character of the area

- 8.12 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. 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.
- 8.13 Policy 3 of the Burbage Neighbourhood Plan supports business development where it is in keeping with the scale, form and character of its surroundings.
- 8.14 The design and access statement states the proposal has taken reference from the existing buildings of the Fairway Centre to which this new office development has the strongest relationship. The energy efficiency of the building is to be improved to tie it in with its surroundings. The style of windows, the entrance door and the ground floor front extension takes cues from the building of the Fairway Centre and surrounding buildings that fronts on to Coventry Road. The rear extension, although large, is less prominent from a streetscene perspective, especially from the east due to existing protruding commercial buildings and the proposed flat roof would be similar to the less prominent aspects of the Fairway Centre. The flat roof also allows for a large array of photovoltaic cells to be placed on the roof to feed the proposed new offices. Whilst a pitched roof would better assimilate to the surroundings and more traditional properties in the immediate area, considering the presence of flat roofs this is judged to be acceptable in these site specific circumstances.

- 8.15 Due to the above and the commercial use of the surrounding buildings it is not considered the proposal would have adverse impact upon the character of the area in accordance with Policy DM10 of the adopted SADMP and Policy 3 of the Burbage NP.

Impact upon neighbouring residential amenity

- 8.16 Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.17 Policy 3 of the Burbage Neighbourhood Plan supports business development where it would not significantly adversely affect the amenities of residents in the area and does not have a detrimental impact upon the local environment.
- 8.18 With commercial properties on its western, eastern and southern sides the closest dwellings to the application site is No. 4, 6 and 8 on the northern side of Coventry Road, approx. 25m away to the north. Given the distance between the site and these dwellings it is not considered there would be any impacts in terms of noise and disturbance generated from the use of the site as office space. Vehicle movements will be considered below.
- 8.19 Based on the submitted information, Environmental Health (Pollution) raise no objections to the proposal in terms of noise and disturbance caused to surrounding residents. Accordingly, based on the above, the proposal is considered to have no adverse effect on the residential amenity of the neighbouring dwellings and therefore complies with Policy DM10 of the SADMP and Policy 3 of the Burbage NP.

Impact upon highway safety

- 8.20 Policy DM18 of the SADMP states that proposals should ensure that there is adequate provision for on and off-street parking for residents and visitors and there is no impact upon highway safety. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety.
- 8.21 Policy 3 of the Burbage Neighbourhood Plan supports business development where it does not cause harm to highway safety and has a safe and suitable access for all people.
- 8.22 The applicant has indicated in the Design and Access statement that they propose to access the site via the existing Fairway Centre, which CMA Architecture Drawing Number 09 shows the access falls within the blue line boundary of land under the applicants control.
- 8.23 The LHA noted in the 24th January consultation response that an access width of 4.25 metres would be expected for this development to allow for two vehicles to safely pass in line with figure DG17 of the Leicestershire Highways Design Guide Part 3 (LHDG). The access width is therefore in accordance with the LHDG.
- 8.24 The existing vehicular access which would become redundant as a result of this proposal would need to be closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.
- 8.25 Highway Requirements for Development Part Four of the Leicestershire Highway Design Guide states there should be one car space per 25 square metres and a minimum of two spaces provided. After assessing CMA Architecture Drawing number 10, the LHA can confirm the proposed provision is in accordance with the aforementioned standards.

- 8.26 Per paragraph 3.165 of the LHDG the dimensions of the parking spaces should be a minimum of 5.5 x 2.4 metres. 0.5 metres should be added if bounded by a wall, fence, hedge, line of trees or other similar obstructions on 1 side and 1 metre added if bounded on both sides. The LHA can confirm that the dimensions proposed on CMA Architecture Drawing number 10 are in accordance with the aforementioned guidance.
- 8.27 Overall, it is considered that the proposed use would not result in any demonstrable or significant impacts in terms of highway safety and as such the proposal is considered to be in accordance with Policies DM17 and DM18 of the SADMP.

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).

Conclusion

- 10.1. Both the Core Strategy and the NPPF seek to encourage economic development and enterprise through the use of existing premises to provide employment opportunities, and the proposal is therefore considered acceptable in principle.
- 10.2. By virtue of the nature and level of the proposal, it is not considered that the development would result in any adverse impacts on the residential amenity of surrounding dwellings, either by way of noise and disturbance associated with vehicle movements or the general activity on the site. The proposal would also not result in any severe harm in terms of highway safety or impact on the character of the surrounding area. Therefore, the application is considered to be in accordance with DM1, DM10, DM17, DM18 and DM19 of the SADMP and is therefore recommended for approval subject to conditions.

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:

- Site Location Plan – received on 28/12/2023
- Proposed 3D View Drg No. 08 received on 28/12/2023
- Proposed Elevations Drg No. 07 received on 28/12/2023
- Proposed 1st floor plan Drg No. 06 received on 28/12/2023
- Proposed Ground floor plan Drg No. 05 received on 28/12/2023
- Proposed Site Plan Drg No. 04 A received on 12/02/2024
- Proposed Parking and Access Drg No. 09 received on 12/02/2024
- Ownership Boundaries Drg No. 10 received on 12/02/2024

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).

3. No part of the development hereby permitted shall be first used until such time as the access arrangements shown on CMA Architecture Drawing number 09 have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Policy DM18 of the Site Allocations and Development Management Policies Development Plan Document (2016), Policy 3 of the Burbage Neighbourhood Plan and the National Planning Policy Framework (December 2023).

4. The development hereby permitted shall not be first used until such time as the parking and turning facilities have been implemented in accordance with CMA Architecture Drawing Number 10. 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 Site Allocations and Development Management Policies Development Plan Document (2016), Policy 3 of the Burbage Neighbourhood Plan and the National Planning Policy Framework (December 2023).

5. The new vehicular access hereby permitted shall not be used for a period of more than one month from first occupation of the development hereby permitted unless the existing vehicular access on Coventry Road that becomes redundant as a result of this proposal have been closed permanently and reinstated in

accordance with details first submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of highway and pedestrian safety in accordance with Policy DM18 of the Site Allocations and Development Management Policies Development Plan Document (2016), Policy 3 of the Burbage Neighbourhood Plan and the National Planning Policy Framework (December 2023).

Notes to Applicant

1. All businesses have a duty of care to ensure that any waste produced is handled safely and within the law.

All waste produced by a business including (but not limited to) paper, cardboard, cans, retail packaging, and food wrappers/waste, is commercial waste. For this reason, it legally has to be discarded in a certain way via a trade waste service or transfer station and cannot be disposed of through the residential service.

Please ensure there is adequate space on the site to store the waste containers for the businesses.

Businesses should arrange their own business/trade waste collection service. If you give your waste to someone else you must be sure that they are authorised to take it and can transport, recycle or dispose of it safely