**Item:** **02**

**Reference:** **11/00761/FUL**

**Applicant:** **Western Power Distribution**

**Location:** **Former Emesite Nutts Lane Hinckley**

**Proposal:** **EXTENSIONS AND ALTERATIONS TO OFFICE BLOCK**

**Target Date:** **14 December 2011**

**Introduction:-**

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it comprises a commercial development with a floor area greater than 500m$^2$.

Application Proposal

This application seeks full planning permission for the erection of an extension to an existing commercial building along with associated parking, entrance gates, cycle storage and new perimeter fencing. The site comprises the former Central Networks distribution site, which was taken over by Western Power in April 2011. The extension will be similar in appearance to the existing building. It will be steel framed, the upper half and the roof will be constructed from highly insulated composite steel panels and the lower part of the walls will be of brick construction. The extension will have a footprint of approximately 865 metres square. The roof pitch and height will mimic that of the existing building.

To cater for the additional parking spaces, an area of vegetated land in the southern corner of the site, a strip of land to the west of the existing workshop and store, and an area of vegetation along the northern boundary of the site is to be hard surfaced. In order to incorporate these areas into the usable area of the site, the existing palisade fencing, which currently separates them is to be removed and re-sited along the site boundary. The new fence will be 2.4 metres high and will constitute galvanised palisade. New 1.6 metre high electric entrance gates are proposed on the access from Hammonds Way.

The Site and Surrounding Area

The site is an established distribution centre comprising of office accommodation, conference rooms, staff facilities and a large parking area. The site has a total area of 21,000 metres squared with buildings comprising an area of 2037 metres squared. The buildings are predominantly of 1980's, simplistic, commercial design. There are also large areas of hard standing providing extensive vehicular parking. The site is enclosed by palisade fencing. The main activities on site comprise engineering, servicing and distribution.

The site has two access points, one to the north off Hammonds Way, and the other to the south west, off the A5. The building to be extended is sited opposite the access off Hammonds Way.

The site is situated within the open countryside, as defined by the Local Plan, however the area is characterised by commercial, residential and recreational

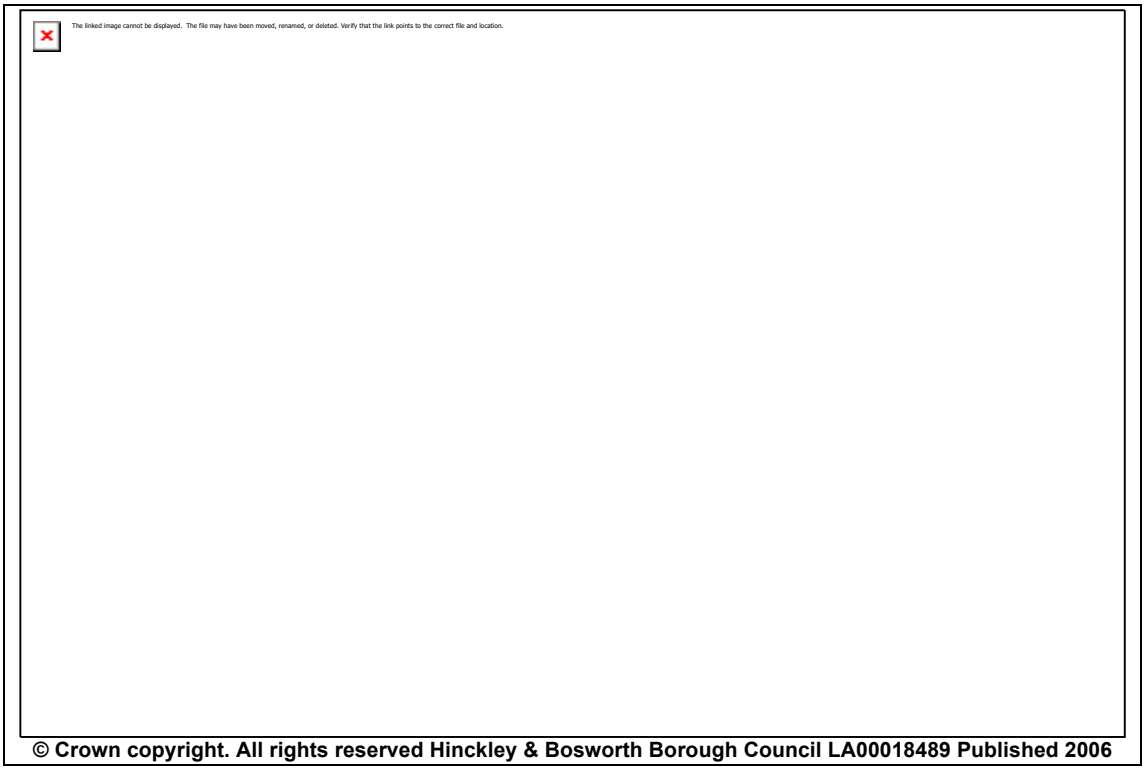
development. Part of the site to the north east also falls within the British Waterways Buffer Zone. To the north the site is bound by Hammonds Way, to the south is the A5. The Ashby Canal wraps round the site on the remaining boundaries. There is landscaping along the boundaries of the site. Further north of the site is the railway line. The site also comprises a Class B employment site, with a recommendation to upgrade the site to a Class A site.

Technical Document submitted with application

A Design and Access Statement has been submitted with the application this provides an overview of the site and explains that the design of the extension is in keeping with the existing development on site and will be sustainable in its construction. It continues, explaining the physical, social, economic and policy context in relation to the proposal and movement to, and within the site.

**History:-**

| | | |
|---|---|---|
| 05/00543/OUT 27.07.05 | Erection of storage building conversion of carpark to storage and associated works | Approved |
| 05/00898/REM 08.11.05 | Erection of storage building conversion of carpark to storage and associated works | Approved |

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**Consultations:-**

No objection has been received from:-

British Waterways
Directorate of Chief Executive (Ecology)
Head of Community Services (Land Drainage).

No objection subject to conditions have been received from Director of Environment and Transport (Highways).

Site notice and Press notice were displayed and neighbours notified.

At the time of writing the report comments have not been received from Neighbours.

**Policy:-**

National Policy Guidance

Planning Policy Statement 1 (PPS1): 'Delivering Sustainable Development' refers to the delivery of sustainable development through the planning system. It advises that planning policies should protect and enhance the environment, promote high quality design and reinforce local distinctiveness.

The Planning System: General Principles, forms a supplement to PPS1. This states that "planning applications should continue to be considered in the light of current policies. However, account can also be taken of policies in emerging Development Plan Documents. The weight to be attached to such policies depends upon the stage of preparation or review, increasing as successive stages are reached".

Planning Policy Statement 4 (PPS4): Planning for Sustainable Economic Growth sets out the Government's National policies for economic development which includes employment, retail and community development. The statement sets out the overarching objective of securing sustainable economic growth. Policy EC10 is of relevance to this application.

Policy EC10 sets out that "Local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably." Policy EC10.1 supports applications which secure sustainable economic growth and Policy EC10.2 sets out 5 impact considerations which all applications for economic development have to be assessed against.

Planning Policy Statement 7 (PPS7): 'Sustainable Development in Rural Areas' seeks to ensure that development in the countryside is sustainable, and that new building development in the open countryside way from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled. The Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all. It goes on to say that all development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.

Planning Policy Statement 9 (PPS9): 'Biodiversity and Geological Conservation' requires Local Authorities to fully consider the effect of planning decisions on biodiversity including protected species and biodiversity interests in the wider environment. The broad aim is that development should have minimal impacts on biodiversity and enhance it where possible.

Planning Policy Guidance Note 13 (PPG13): 'Transport' set out the Government's commitment to transport and planning and confirms that highway safety is a paramount consideration in the determination of any planning application. Paragraph 6 states that Local Planning Authorities should accommodate housing principally within urban areas and promotes accessibility to services by public transport, walking and cycling and reduces the need to travel. Paragraph 29 states that when thinking about new development the needs and safety of the community should be considered and addressed in accompanying Transport Assessments.

Planning Policy Guidance Note 24 (PPG24): 'Planning and Noise' guides Local Authorities on the use of planning powers to minimise the adverse impact of noise. It outlines the considerations to be taken into account in determining planning applications both for noise-sensitive developments and for those activities which generate noise.

Planning Policy Statement 25 (PPS25): 'Development and Flood Risk' aims to ensure that flood risk is taken into account at all stages in the planning process and to reduce flood risk to and from new development through location, layout and design incorporating sustainable drainage systems (SUDS).

The National Planning Policy Framework (Draft)

The draft National Planning Policy Framework was published for consultation on 25 July 2011.

The government's intention is to reduce the current 1,000 pages of national planning policy [some of which are referred to above] into a `clearer, simpler, more coherent framework, easier to understand and easier to put into practice`

The Inspector in a recent inquiry considered that although the draft was a material consideration he gave it little weight because it is a consultation and subject to change. This approach was accepted by the Secretary of State in a letter of 24 October 2011, in his consideration of the inspector's report.

The current national policies therefore continue to apply with significant weight.

Officers will continue to advise on the progress of this consultation and update members on that progress.

The Community Infrastructure Levy (CIL) Regulations 2010, Part 11, Regulation 122 provides a statutory duty in respect of planning obligations and requires them to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed. The Regulation does not replace Circular 05/2005 but gives it a statutory foothold in planning legislation.

Government Circular 05/2005: Sets out the Secretary of State's policy on Planning Obligations, and should be given significant weight in decision making and developer contributions.

Regional Policy Guidance

The Localism Act received the Royal Assent on 15 November 2011 and part 6 is the key section referring to regional strategies.

In so far as Hinckley and Bosworth Borough Council is concerned, it should be noted that the Secretary of State has power by Order to revoke existing regional strategies, in Hinckley's case, the East Midlands Regional Plan 2009. That power is effective from the date of Royal Assent, but the specific proposals and timing of a revocation order are not yet known.

Until that revocation the East Midlands Regional Plan remains a material planning consideration but the weight to be given to its provisions is as always a matter for the committee. However, the coming into force of the Act, the power given to the Secretary of State to revoke the Plan, and the government's `Environmental report on the revocation of the East Midlands Regional Plan` published in October 2011 obviously have an impact on the weight to be given to the Plan.

That said, members should be aware of proposals set out in the Environment report in relation to which documents would form the relevant development plan for Hinckley if the regional strategy and saved structure plan policies were revoked.

These are the following:-

a) Hinckley and Bosworth Core Strategy
b) Hinckley Town Centre Action Plan
c) Hinckley and Bosworth Local Plan ( with the annotation in the report that until all elements of the LDF are adopted some of the policies `saved` from the Local Plans by the Secretary of State remain extant for determining applications.

East Midlands Regional Plan 2009

This is the Regional Spatial Strategy for the East Midlands and provides a broad development strategy for the East Midlands. The following relevant policies apply to this proposal:-

Policy 1 seeks to secure the delivery of sustainable development.

Policy 2 promotes better design including highway and parking design that improves community safety.

Policy 3 directs development towards urban areas with Hinckley being defined as a Sub-Regional Centre and the main focus for development at the local level. Policy 3 also states that in assessing the suitability of sites for development priority should be given to making the best use of previously developed land in urban or other sustainable locations.

Policy 43 seeks to improve highway safety across the region and reduce congestion.

Local Development Framework Core Strategy 2009

Policy 14 Rural Areas Transport supports accessibility within rural areas and suggests seeks to deliver safe cycle paths as detailed within the Hinckley and Bosworth Council's Rural Parishes Cycling Network Plan. This will deliver safe routes

to school, to residential and employment areas, Key Rural Centres/Urban areas, community and leisure facilities and into the countryside.

Policy 24 Sustainable Design and Technology requires all new office development within Hinckley up until 2016 to be constructed to a BREEM (or equivalent) rating of very good.

Hinckley and Bosworth Local Plan 2001

Policy NE5: 'Development in the Countryside' states that the countryside will be protected for its own sake. Planning permission will be granted provided that the development is important to the local economy and cannot be provided within or adjacent to an existing settlement and where the proposal does not have an adverse effect on the character and appearance of the landscape; is in keeping with the scale and character of existing buildings and the general surroundings, is effectively screened by landscaping and will not generate traffic likely to exceed the capacity of the highway network or impair road safety.

Policy BE1: 'Design and Siting of Development' of the adopted Local Plan states that the Borough Council will seek to ensure a high standard of design in order to safeguard and enhance the existing environment and that planning permission will be granted where the development complements or enhances the character of the surrounding area with regard to design, materials and architectural features, and is not prejudicial to the comprehensive development of a larger area and ; does not adversely affect the occupiers of neighbouring properties.

Policy BE7: Development within Conservation Areas. This states that proposals which would harm the special character or appearance of the Conservation Area will not be granted. In areas adjoining Conservation Areas, the design and siting of new development, including extensions and alterations should preserve or enhance the character or appearance of the area and be in sympathy with the merits of neighbouring development.

Policy EMP 2: 'Expansion of Existing Employment Uses' This suggests that development involving the expansion of existing firms will be permitted subject to their design, layout and parking provision etc, and subject to them having no adverse impacts on residential amenity and where they will improve the character, appearance and quality of the site and its surrounding area.

Policy REC 6: 'Ashby Canal Corridor' provides a corridor either side of the canal in order to protect the recreational and ecological value of the canal. Development is allowed within the corridor subject to specified criterion.

Policy NE14: 'Protection of Surface Waters and Groundwater Quality' seeks to protect the water environment.

Policy T5: 'Highway Design and Vehicle Parking Standards' refers to the application of appropriate standards for highway design and parking provision for new development.

Policy T9: 'Facilities for Cyclists and Pedestrians' encourages walking and cycling including facilities for cycle parking.

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Other material policy guidance

Employment Land and Premises Study 2010

This classifies the site, Nutts Lane Industrial Estate/EME Site as a Class B employment site, with a recommendation to upgrade the site to a Class A site. The site is described as an industrial estate with good car parking and servicing facilities. There are no known constraints to the site. It is stated that 100% of employment uses should be retained and no other uses should be allowed.

Landscape Character Assessment July 2006

The site is located within the Stoke Golding Vales Character Area (Area E). Area E covering Stoke Golding, Higham on the Hill, Dadlington and Stapleton is described as being distinctly rural and largely tranquil, of high sensitivity with limited capacity for change.

Hinckley Town Centre Area Action Plan 2011

The Hinckley Town Centre Area Action Plan (AAP) was adopted through Full Council on 21st March 2011, as such, it currently forms a formal development plan document for Hinckley Town Centre as part of the Local Development Framework.

The boundary within the Hinckley Town Centre Area Action Plan (AAP) also reflects that of the Local Plan, and as such the sites fall outside of the town centre and settlement boundary of Hinckley on both accounts.

**Appraisal:-**

The main considerations with regards to this application are the principle of development, impacts of the development on the character and appearance of the countryside, design, highways, sustainability, economy, residential amenity and other Issues.

Principle

The site lies close to, but outside of, the settlement boundary of Hinckley and is therefore within the countryside. National, regional and local plan policies seek to protect the countryside for its own sake unless there is a demonstrable need for development in such areas. Policy NE5 states that development will only be permitted if it is either:-

- important to the local economy and cannot be provided within or adjacent to an existing settlement
- is for the change of use, reuse or extension of existing buildings
- is for sport or recreation purposes.

As the application is for an extension of an existing building, it is compliant with policy NE5. In addition to this policy, the site constitutes a recognised Category A employment site within the Hinckley and Bosworth Council's Employment Land and Premises study. As such this is considered a key site, on which 100% of employment uses should be retained. As the proposal will increase activity on this site, it is in conformity with the intentions of this document.

Character and Appearance of the Countryside

Although the site is defined as being within the open countryside; the area comprises a mixed use area. The site is surrounded to each elevation by a mix of commercial, recreational and residential development, and is screened by mature vegetation along its northern, eastern and south eastern boundary, and beyond its boundary, to the north, north east and south, by existing commercial buildings. Accordingly, additional built development within this area, and on this defined employment site will have no further detrimental impacts on the character of the area. Further, as the development is on an existing site, the proposal will not encroach further into the undeveloped countryside. There will be limited views of the proposal from the surrounding countryside, and where visible, the proposal will be seen against the backdrop of existing development. Accordingly the proposal is not considered to have any material impacts on the character or appearance of the surrounding countryside.

Initially there were concerns that the proposed parking areas and the re-siting of the palisade fence along the site boundary would result in a loss of vegetation on the site, which helps screen the site from Hammonds Way and softens the appearance of this stretch of road. However the agent has now clarified that the proposed fencing and parking areas will not necessitate the removal of very much, if any of the mature landscaping along the northern boundary. Accordingly the site will still benefit from the screening along this boundary and it will not be necessary to impose landscaping conditions.

The proposed palisade boundary fencing has a formal/harsh design. However due to the prevalence of boundary palisade fencing within the vicinity of the site, it would be difficult to argue that its provision here would not be acceptable and would justify refusal of the scheme. Furthermore, due to the existing vegetation along the northern boundary, it will be largely screened from Hammonds Way. Accordingly, in these specific circumstances its use is considered acceptable.

Design and Siting

The proposed extension will follow the grid pattern of the existing building, will maintain the same ridge and eaves height, will mimic the design and use matching material and finishes to that of the existing building. Although the proposal is extensive, doubling the footprint of the existing building, by virtue of the above the appearance of the building will be in keeping with the existing development on site. Further, as the extension will be to the rear (east) of the existing building, adjacent to the eastern boundary of the site, its mass will not be apparent when entering the site from Hammonds Way. Accordingly in respect of its siting and design, the proposal is considered acceptable.

Sustainability

In accordance with Policy 24, new office developments must be constructed to a BREEM (or equivalent) rating of ‘very good’. Within the Design and Access Statement it has been stated that in accordance with best practice and the Councils energy strategy, the proposed building will be constructed in accordance with part L2 of the current building regulations and target CO2 emissions will be set on the basis of the SBEM system. It is also stated that an energy performance certificate will be provided using the SBEM or DSM system. Western Power Distribution is committed to reducing energy consumption and in addition to the above a thermal model will

also be produced to monitor and estimate future energy use. Resultant of the proposed materials and construction, it is concluded that the building will achieve a BREEM rating of 'very good'. This said however, the policy only applies to new office developments and not to extensions. Therefore, despite various measures being implemented to ensure that the building is constructed in a sustainable manor, the achievement of this rating can not be reasonably secured by way of condition.

Highways

The proposal seeks to enlarge the existing parking areas to provide more space for the circulation of vehicles and to accommodate two additional light goods vehicle parking spaces, three additional motorcycle parking spaces and 24 cycle spaces.

Although the proposal will result in an increase of 30 members of staff, which will place additional pressure on the existing 77 parking spaces, despite the existing parking areas being enlarged by the application, no new car parking spaces are proposed. This said, as the site is situated within Hinckley and is in close proximity to a range of alternative modes of transport, the shortfall in parking spaces, on balance is not considered to have a detrimental impact on highway safety and would not justify refusal of the scheme. Furthermore, the additional cycle spaces and motorcycle parking will help alleviate the shortfall, whilst also encouraging alternative modes of transport.

The Director of Environment and Transport (Highways) has stated that opportunities for non-car modes of transport should be maximised and has also requested a number of conditions which include a requirement that the extended areas of parking be hard surfaced and finished, the submission of details of the service area for loading/unloading, turning and manoeuvring of vehicles within the site to be provided together with the installation of additional cycle storage hoops; as the 6 currently proposed will not accommodate the 24 cycle spaces proposed. These conditions are considered necessary and will be imposed.

New electric entrance gates are proposed on the Hammonds Way entrance, these are situated an acceptable distance back from the highway and will have no impacts on the visibility splays. Accordingly they are considered acceptable in terms of highway safety and are compliant with policy T5.

The application is considered to have no adverse impacts in terms of highway safety, and subject to the conditions discussed above, is considered acceptable.

Residential Amenity

The closest dwellings to the development are those on Nutts Lane to the West. However these are situated approximately 245 metres from the building and there are various commercial buildings and a road separating them from the development. Accordingly, the proposal will have no material impacts on these properties in terms of residential amenity.

Other Issues

Ashby Canal

The proposed extension is approximately 140 metres from the edge of the Ashby Canal and its Conservation Area. Resultant of this distance there will be no material impacts on the special character or appearance of the area and by virtue of the

boundary treatment along the eastern boundary of the site, there will be limited views of the site from the Conservation Area. In addition, policy REC6 refers to the Ashby canal corridor, stating that a strip of land adjacent to the canal either side will be protected in order to provide a recreational and wildlife corridor. The proposed scheme will have no impacts on the intentions of this policy.

Conclusion

As the proposed extension is on an existing employment site, the principle of development is considered acceptable. Despite the extensive scale of the development, by virtue of its siting, design and materials proposed, it is not considered to have any material impacts in terms of visual amenity or impacts on the character of the countryside and although the replacement palisade fencing and the enlarged parking may result in the loss of some vegetation along the northern boundary, this will be minimal, and the site and the proposal will remain adequately screened. Therefore, based on the above, the application is considered acceptable.

**RECOMMENDATION:- Permit subject to the following conditions:-**

**Summary of Reasons for Recommendation and Relevant Development Plan Policies :**

Having regard to the pattern of existing development in the area, representations received and 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 would be in accordance with the development plan. By virtue of its siting, design and the materials proposed the development will have no adverse impacts in terms of visual amenity, on the character of the countryside or in terms of highway safety. Therefore the scheme is considered acceptable.

Hinckley and Bosworth Local Plan (2001):- Policies NE5, BE1, BE7, EMP2, REC 6, NE14, T5 and T9.

Hinckley and Bosworth Local Development Framework: Core Strategy (2009) Policy 14.

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

2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Drg Nos:- 41348 01, 41348 201, 41348 75 , 41348 99C, 41348 100B received by the Local Planning Authority on the 21 November 2011, 41348 6 received by the Local Planning Authority on the 5 October 2011, Drg No:- 36765-03 received by the Local Planning Authority on the 19 October 2011, sfga 20 rev 2 received by the Local Planning Authority on the 17 November 2011.

3 The materials to be used on the external elevations of the proposed extension and alteration shall match the corresponding materials of the existing building.

4 Before the development hereby permitted is first used, details of the 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 thereafter.

5 The use of the development hereby permitted shall not commence until the car park shown on the permitted plans has been provided, surfaced, sealed and marked out in accordance with the permitted plans and the car park shall thereafter be retained for the purpose of the occupiers of and visitors to the development.

6 Prior to commencement details of a service area for loading/unloading, turning and manoeuvring of vehicles within the site have been submitted to and approved in writing by the Local Planning Authority. The service area so approved shall then be provided, surfaced and sealed before the development is first brought into use and shall be retained thereafter.

**Reasons:-**

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

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

3 In the interests of visual amenity to accord with Policy BE1 of the adopted Local Plan.

4 In the interests of the sustainability of the development and to encourage alternative transport choice to accord with policy T9 of the adopted Hinckley and Bosworth Local Plan.

5 To ensure there is adequate parking, in the interests of highway safety to comply with Policy T5 of the adopted Local Plan.

6 In the interests of highway safety and to achieve a satisfactory layout in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

**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:-** Eleanor Shaw Ext 5680