DELEGATED REPORT

Recommendation Made: 31 August 2011

Reference:- 11/00304/FUL **Parish:-**

Applicant:- Mr Paul Bennett
2B Dodwells Road
Hinckley
Leicestershire
LE10 3BZ

Location:- 2B Dodwells Road Hinckley Leicestershire LE10 3BZ

Proposal:- ALTERATIONS TO EXISTING INDUSTRIAL PREMISES TO INCLUDE INSTALLATION OF PLANT AND EXTRACTION / AIR INTAKE FACILITIES AND ENVIRONMENTAL PROTECTION MEASURES TO THE REAR PERIMETER

Introduction:-

Full planning permission is sought for the alterations to the existing industrial premises, installation of plant and extraction/air intake facilities and environmental measures to the rear perimeter.

The application is part retrospective as some alterations have commenced, some completed, whilst others have not yet commenced.

The alterations to the industrial premises include removing an area of existing warehouse mezzanine floor, resulting in a 35 square metres floor space loss and replacing a concertina door with a wall and double glazed window. The reduction in floor space is to accommodate sections of internal plant and equipment within the main warehouse area.

The installation of plant and extraction/air intake facilities are predominantly located to the rear of the site, although there is other plant equipment is proposed to the front and west of the building. The plant equipment includes:- compressor houses; extraction stack and flues; steel sheds; steam generators; gas and electric metre houses; extraction and ventilation ducts; stoving ovens; chiller units; dust extractors; and paint spray ovens. The majority of the low level equipment including the metre houses and chiller units have already been installed, whilst 3 no. galvanised steel chimneys to the rear of the site are yet to be installed.

The environmental measures to the rear perimeter include the erection of a cast in-situ concrete external tertiary bund wall, measuring 0.5 metres in height, 0.2 metres in thickness and 140 metres in length. The wall is to contain any spillages from the factory on top of the measures already in place internally. The wall is positioned along the rear boundary and has already been completed.

Abbey Metal Finishing, the company currently occupying the unit is metal finishing company where the following processes take place:- non destructive testing and etch inspection; anodising; electro-plating; bonding and assembly; plasma spraying; and painting and associated oven treatments.

Following concerns raised by officers, during the course of the application additional information on the chemicals to be extracted was submitted and re-consultation undertaken. The substances has been classified by the Environment Agency as Toxic and Very Toxic.

A further request was made for a Design and Access Statement, and this was submitted and re-consultation has been undertaken with the neighbouring units which had submitted letters of representation.

An application for full advertisement consent (ref: 11/00574/ADV) for the erection of 3 no. signs is subject to a separate report.

Unit 2B is located to the east of Dodwell Road, within Harrowbrook Industrial Estate. The industrial estate is a designated as an employment area and is located within the settlement boundary of Hinckley, as defined in

the Hinckley and Bosworth Local Plan (2001). The Harrow Brook runs to the south of the site, along the entire length of the rear of the site.

The application is accompanied by a Design and Access Statement and Flood Risk Assessment.

The Design and Access Statement details the application site and its surroundings and states that all processes are in accordance with EA requirements.

The Flood Risk Assessment confirms that no flood risk mitigation measures are required, although flood resilience measures will be incorporated into the scheme. The tertiary wall will provide a form of flood deference and containing potentially contaminated effluent.

The application is also accompanied by a letter from the Environment Agency confirming that an environmental permit has been issued.

History:-

08/01048/COU	Change of use of site from B8 only to B8, B1c and B2 use classes	Approved	18.12.2008
81/00561/4	Erection of Offices and Warehouse	Approved	23.06.1981

Consultations:-

No comments from:-

Director of Environment and Transport (Highways)
Head of Community Services (Land Drainage)

No objection from:-

Environment Agency
Directorate of Chief Executive, LCC (Ecology)

Head of Community Services (Pollution) states that the environmental impact from the process will be regulated as part of the Integrated Pollution Prevention and Control permit by the Environment Agency.

Two letters of representation have been received, raising the following concerns:-

a) further information is required; what is involved, what chemicals are being extracted?
b) Increase in noise and fumes from the new extractors.

Development Plan Policies:-

Central Government Guidance

Planning Policy Statement 4 (PPS4): Planning for Sustainable Economic Growth

Planning Policy Statement 23: (PPS23): Planning and Pollution Control

Planning Policy Statement 25 (PPS25): Development and Flood Risk.

Local Development Framework: Core Strategy (2009)

Policy 1: Development in Hinckley

Hinckley & Bosworth Local Plan (2001)

Policy EMP1: Existing Employment Sites

Policy BE1: Design and Siting of Development

Policy T5: Highway Design and Vehicle Parking Standards

Policy NE17: Contaminated Land and Water Resources

Other Material Policy Documents

The Employment Land and Premises Study undertaken in May 2010 identifies Harrowbrook industrial Estate as a key/flagship employment area which it seeks to retain for employment uses.

Appraisal:-

The main considerations with regards to this application are the principle of development, visual impact, environmental impacts and other matters. No weight can be given to the retrospective elements of this application.

Principle of Development

Harrowbrook Industrial Estate is a designated key local employment area and the site is therefore subject to the controls of Saved Policy EMP1 of the Local Plan and is identified in the Employment Land Study to be retained for employment use at a rate of 100%.

The site is an industrial estate and as such the principle of industrial development in this location is considered acceptable. There is no in-principle objection to the erection of plant and extraction equipment and other alterations, subject to all planning matters being adequately addressed.

Visual Impact

The most visually prominent equipment would be the 3 no. galvanised steel chimneys which have not yet been erected, measuring approximately 9 metres in height and the plant equipment located to the west of the site, all of which would be visible from Dodwells Road. It is, however considered that the plant equipment is read in conjunction with the massing of the existing unit and within this Industrial Estate setting and therefore would not give rise to any significant material visual impacts over and above that of the surrounding area.

There would be only be partial glimpses of the plant and extraction equipment from the rear of the site, due to the substantial screening from vegetation which borders the Harrow Brook.

Environmental Impacts

The site falls within 20 metres of the Harrow Brook and the application has been accompanied by a Flood Risk Assessment. Sections of Harrow Brook have been designated as being Parish level ecological importance.

The scheme has been considered by the Environment Agency, Head of Community Services (Land Drainage), Head of Community Services (Pollution) and the Directorate of Chief Executive, LCC (Ecology) all of whom raise no objections to the proposal.

The Environment Agency has no objections to the proposed development but states that the pollution control issues at the site will be dealt with via the Environmental Permitting Regulations (EPR) permit for the site, and that impacts of releases to water, sewer and air from the site have been assessed and all were found to be insignificant within the exception of silver to sewer. As such a monitoring regime has been instigated to ensure that releases are no higher than designed. The Environment Agency also states that the tertiary containment wall is not on the flood plain and does not impact upon flood defences.

The Directorate of Chief Executive, LCC (Ecology) states that the works do not look to be impacting on the Harrow Brook in any way and the building looks unsuitable for bats, but that no run-off from the works should be allowed to enter the brook. Accordingly, it can be concluded that the proposal will not have any adverse

impacts upon protected species or designated sites of ecological importance.

It is considered that the internal measures combined with the tertiary wall, and future monitoring by the Environment Agency through the grant of the permit is unlikely to give rise to any significant environmental impacts.

Other Matters

Highways and Parking Standards

There will be a loss of 20 no. car parking spaces. The scheme has been considered by the Director of Environment and Transport (Highways) whom raises no objection and as such there is not considered to be any significant impacts upon highway safety.

Conclusion

In conclusion, the principle of alterations and works to an industrial use contained within an established industrial estate is considered acceptable. It is considered that there would not be any significant material impacts upon visual amenity, protected species, flooding or highway safety. The issues of any potential risk to the air or water environment will be assessed and monitored through the Environment Agencies environment permit. Accordingly, the application is recommended for planning permission, subject to the imposition of planning conditions.

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 as the works proposed would not be detrimental to visual amenity, protected species, flood risk or highway safety.

Hinckley & Bosworth Local Plan (2001):- Policies EMP1, BE1, T5, NE17.

Hinckley & Bosworth Borough Council Local Development Framework: Core Strategy (2009): - Policy 1.

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 following details: Site Location Plan 068306-01-005; Block Plan 068306-01-006; Proposed Elevations 068306-01-002 Rev B; Proposed Base Plan 068306-01-008; Rear Elevation Base 068306-01-007; Proposed Roof and Floor Plan 068306-01-004 Rev B; Proposed Bund Elevations 068306-01-011; Revised Layout on Mezzanine; Outline Topographical Survey CCTV and buried services survey R-M3686_101 received by the Local Planning Authority on 8 July 2011.

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.

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).

5 Under the terms of the Water Resources Act 1991, and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the Harrow Brook , designated a 'main river'.

6 You are reminded to comply with the conditions of advertisement consent ref: 11/00574/ADV.

Contact Officer:- Ebbony Mattley Ext 5691