

Planning Committee 25 May 2021
Report of the Planning Manager

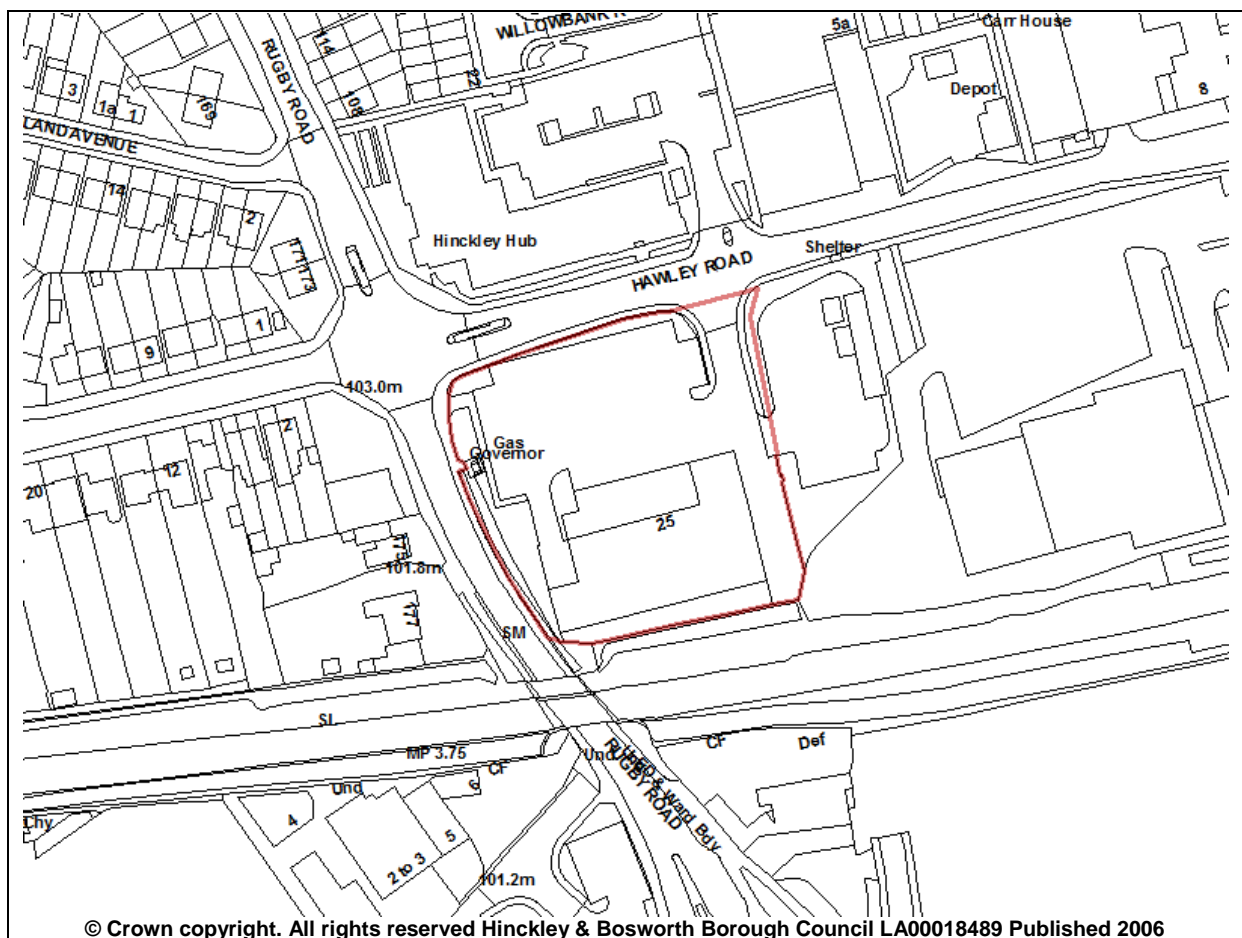
Planning Ref: 20/01319/FUL
Applicant: Beauford Commercial
Ward: Hinckley Castle



Hinckley & Bosworth
Borough Council

Site: Unit 3 25 Hawley Road Hinckley

Proposal: Change of use from retail to vehicle autocentre (B2). External alterations to remove loading dock area and ramp, associated amendments to west elevation and roof, insertion of new glazed shopfront, entrance and roller shutter doors, reconfiguration of car park to facilitate proposed LCC road improvements to Hawley Road and Rugby Road, consisting of alterations to car parking area and layout, and bin storage



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

1.2. That the Planning Manager be given powers to determine the final detail of planning conditions.

2. Planning application description

- 2.1. This application seeks planning permission for the change of use from retail to a vehicle autocentre (B2) for the repair and maintenance of vehicles at 25 Hawley Road, Hinckley.
- 2.2. External alterations include removing the loading dock area on the western elevation and ramp and associated amendments to this elevation and roof, insertion of a new glazed shop front and entrance on the corner of the western and northern elevations, and roller shutter doors on the western elevation. The car park will also be reconfigured in order to facilitate proposed LCC road improvements to the Hawley Road/Rugby Road junction. The reconfiguration will include 1 additional space.
- 2.3. The only change to the eastern elevation would be a new service door and the only change to the southern elevation would be the new hipped roof to part of the building due to the demolition of the loading dock.
- 2.4. The proposed materials would be to match the existing building apart from the roller shutter doors.
- 2.5. The planning, design and access statement states that Formula One Autocentres will be the occupier of Unit 3. The unit will be used for the carrying out of the business of vehicle repair and servicing and associated operations including the sale of tyres, brakes, clutches, batteries and exhausts and MOT testing as well as ancillary vehicle washing, valeting and detailing operations.

3. Description of the site and surrounding area

- 3.1. The building is a single storey structure, of grey and white render finish with a prominent pitched roof mass of brown concrete tiles. The building is set back from Hawley Road behind the car park. It is sited at a higher level than Rugby Road to the west.
- 3.2. To the north is the Hinckley Hub, to the east is an automated car wash, to the south on top of an embankment lies the railway line. Beyond the railway line is a newly constructed retail and employment site which includes Johnsons drycleaners, The Co-op, Topps Tiles and Greggs. To the west are the nearest residential properties with a wider predominantly residential area sited between Rugby Road and Coventry Road.

4. Relevant planning history

93/00935/FUL

- Erection of food retail unit and associated works
Permission
24.05.1995

95/00781/CONDIT

- Variation of condition 9 of application 93/00935/FUL (opening hours)
Permission
28.11.1995

09/00451/CONDIT

- Variation of condition 8 on 93/00935/FUL to allow for deliveries between 09:00 and 16:00 on Sundays
Permission
17.08.2009

10/00153/FUL

- Extension to existing foodstore
Permission
21.04.2010

13/00119/FUL

- Extension to existing foodstore
Permission
09.04.2013

20/01299/CONDIT

- Variation of condition 9 (opening hours) of planning permission
93/00935/FUL and 95/00781/CONDIT to extend the opening hours
Permission
15.03.2021

20/01300/FUL

- External alterations to insert new glazed shopfronts, entrance and exit
doors
Permission
29.01.2021

5. 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. No comments received.

6. Consultation

6.1. No objections (some subject to conditions/notes to applicant) received from:

- LCC Highways
- HBBC Waste
- HBBC Pollution

6.2. No response received from:

- Environment Agency
- Hinckley Area Committee

7. Policy

7.1. Core Strategy (2009)

- Policy 1: Development in Hinckley

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 DM22: Vitalising District, Local and Neighbourhood Centres

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)

- 7.4. Other relevant guidance
- Good Design Guide (2020)

8. 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
- Pollution
- Other matters

Assessment against strategic planning policies

- 8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) (2019) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms 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.
- 8.3 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (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. The development plan in this instance consists of the adopted Core Strategy (2009), the Site Allocations and Development Management Policies DPD (2016) and the Hinckley Town Centre Area action Plan (2011).
- 8.4 Policy 1 of the Core Strategy seeks to ensure there is a range of employment opportunities within Hinckley.
- 8.5 The application is within the Hinckley Town Centre Area Action Plan boundary however there are no specific policies that relate to this proposal within the action plan.
- 8.6 The site is situated within Hawley Road Local Centre (HIN156L) as defined in the Site Allocations and Development Management Policies DPD (SADMP). For Local Centres, Policy DM22 States *“The change of use from A1 or A2 retail or loss of A1 or A2 retail uses within local centres will only be permitted where it can be demonstrated the proposal would not detract from the vitality or viability of the Local Centre in terms of the mix and type of uses”*. When applying DM22, regard should be given to the changes to the Use Class System which came into effect on 1st September 2020. A1 and A2 uses are now within Class E along with a number of other commercial business and service uses.
- 8.7 The application is for the change of use from Class E to B2. It is noted that since the closure of Lidl, the existing unit has been subdivided into three units, with one unit intended to remain for retail and another proposed to be used as a gym. As noted by the applicant in the Planning, Design and Access Statement, the existing Local Centre is well served by larger retail units to the east. Subdividing the existing unit allows for an increase in the variety of uses and services which could potentially add to the vitality and viability of the centre, including increased footfall.
- 8.8 Since the publication of the SADMP, a small retail and service centre has been built the south side of the railway line in Burbage off Rugby Road (Rainbow Way). The

permission for this centre approved A1, A3 (now both Class E) and B8 uses on the site in accordance with Policy SA3 of the SADMP, the purposes of the Policy is to deliver day to day retail needs in association with residential development off Amber Way and the wider outline permission. Rainbow Way was allocated to address the retail needs of the local population, rather than address broader day-to-day needs which might require for a wider range of services. The impact and availability of uses within this centre on the existing Hawley Road Local Centre is an important consideration. Whilst this is outside of the defined Local Centre, the units nevertheless provide a variety of retail and services within a reasonable walking distance of the existing centre, including a convenience store.

- 8.9 The proposed use will provide for a new service centrally located in the urban area of Hinckley and Burbage, and in principle, is considered to be an acceptable use having regard to the other services and commercial uses in the centre, including a petrol station and car wash. The applicant notes that customers of the proposed use may also make use of the other shops and services in the centre. There is merit in this statement, particularly travelling to and from the centre and using it as an opportunity to access the other amenities.
- 8.10 There will be some small loss of retail provision within the centre, however having regard to the existing amount of existing retail provision, including the potential use of the adjoining unit for retail, the availability of other retail units in close proximity of the site and the availability of other commercial services and uses, it is not considered the proposed loss would be significant and one which will detract from the vitality and viability of the Local Centre. The change of use will offer a new service, adding to the variety available in the centre. The proposal is therefore in accordance with Policy DM22.

Design and impact upon the character of the area

- 8.11 Policy DM10 of the adopted 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.
- 8.12 The proposed external changes to the building are minimal. The loading bay is proposed to be demolished which would increase the separation distance from 8 metres to 15 metres between the building and Rugby Road. The main change would be the five roller shutter doors propose on the western elevation. This would give the building a commercial character from this elevation however the shop front is also partially on this elevation and the building would have a similar character to the commercial buildings opposite the site to the west on Rugby Road. The finish of these doors will be conditioned to be submitted for approval.
- 8.13 The proposed door to the east elevation would match the existing and would be minor in scale being viewed within the context of the building. The building has been split into 3 units therefore this application proposes an additional entrance and shopfront on the north elevation in order to access unit 3 which wraps round onto the western elevation. This would be fully glazed with a dark grey aluminium edging. The door would be finished in the same materials (RAL 7016). This additional entrance would be viewable within the street scene. It would provide relief to the existing northern and western elevations by introducing glazing. The additional shopfront would also reinforce the character of the building within the local centre.
- 8.14 Two other fully glazed shopfronts have been approved under separate permissions on the northern elevation for unit 1 and unit 2. The materials and finish would match that of unit 3's shopfront. The northern elevation would not be fully glazed and would still include rendered panels like the existing building.

- 8.15 The proposal would therefore complement the existing character of the building and the local centre and therefore complies with policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.16 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.17 The closest residential properties are across Rugby Road approximately 40 metres from the proposed western elevation. The application proposes new roller shutter doors on the western elevation which would face these dwellings. However due to the separation distance and intervening highway there would be no impact upon these neighbouring dwellings in terms of loss of light, overbearing impact, enclosure or overlooking. Potential noise impact is assessed later in this report. Therefore it is considered that there would be no impact upon the residential amenity of neighbouring dwellings in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.18 Policy DM17 of the Site Allocations and Development Management Policies DPD states that development proposals will be supported where they demonstrate that there is not a significant adverse impact upon highway safety and that the development is located where the need to travel will be minimised.
- 8.19 Policy DM18 states that proposals will be required to provide adequate levels of parking provision of an appropriate design.
- 8.20 A Transport Statement has been submitted in support of the proposals dated 8 December 2020. The proposed autocentre would occupy unit 3 (472sqm of the 1492 sqm total floorspace).

Access

- 8.21 Vehicular access to the site will continue as per the current arrangements with access off Hawley Road.

Trip Generation

- 8.22 The site was formerly used as a Lidl Supermarket and the site specific trip generation figures are not known therefore TRICS has been used to calculate the approximate level of trips the supermarket could have generated, along with rates for the gym (unit 1) and remaining retail unit (unit 2). It should be noted that the change of use of unit 1 does not require planning permission however the trip generation has been included as part of this application as it includes the reconfiguration of the car park which will serve all three units. The Local Highway Authority notes that the auto centre would generate less overall peak/daily trips in comparison to the equivalent gross floorspace of E(a) retail. The overall development (including units 1 & 2) would lead to an overall reduction in trips in comparison to the Lidl store.

Highway Safety

- 8.23 Based on available records to the LHA, there have been four Personal Injury Collisions (PICs) on Hawley Road between the junction of Rugby Road and the junction of Station Road/Southfield Road. This includes two slight, one serious and one fatal PIC. All PIC's have occurred since November 2018.
- 8.24 The first slight PIC involved a collision between a vehicle and a cyclist at the site access junction, with the second involving a collision between a vehicle travelling along Hawley Road and another vehicle exiting a driveway. The serious PIC involved two vehicles, with one vehicle colliding with a pedestrian during snowy

weather. The fatal PIC involved a HGV and a pedestrian at the signalised pedestrian crossing fronting the site. This was considered to be an isolated incident.

- 8.25 Given the current use of the site and the proposed improvements to the junction by LCC, the LHA considers the proposal is unlikely to exacerbate the existing situation.

Internal Layout

- 8.26 The parking arrangements for the overall site are shown on the proposed block plan. The car park is proposed to be realigned so that the highways improvement works proposed by LCC at the junction of Hawley Road/Rugby Road/Westfield Road can be facilitated. These improvements require the acquisition of land to the north of the site. The proposed car park would have 80 car parking spaces, which is one additional space compared to the present situation. The proposed layout is consistent with LCC's junction improvements. Unit 3 would require 9 car parking spaces and two HGV spaces. The LHA consider that the existing car park would be able to accommodate these spaces and therefore considers it would not be necessary to condition the car park drawing.

- 8.27 Overall, the proposal complies with Policy DM17 and DM18 of the SADMP.

Pollution

- 8.28 Policy DM7 of the SADMP seeks to prevent any adverse impacts from pollution by appropriate remediation of contaminated land in line with minimum national standards and ensuring that development would not cause noise or vibrations of a level which would disturb areas that are valued for tranquillity or amenity.

- 8.29 Policy DM10 of the SADMP identifies that development should not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting, air quality (including odour), noise, vibration and visual intrusion.

Noise

- 8.30 A Noise Impact Assessment has been submitted in support of the application. There will be no external plant and equipment at the site therefore the assessment has been made on the noise breakout from the building with the main component of which will be via the site's open roller shutter doors.

- 8.31 An assessment by BS 4142 indicates 'low effects' (Low Observed Adverse Effect Level) whilst an assessment using the WHO Guidelines indicates 'negligible impact'. An assessment using the provisions of PPG-Noise indicates 'no effects'. Therefore, there would be minimal impact in terms of noise upon neighbouring buildings/dwellings.

- 8.32 The opening times would be conditioned to be 0700 – 1900 Monday – Saturday and 1000 – 1600 Sundays and Public Holidays. The wider site (units 1 & 2) has a condition which limits deliveries between 23:00 and 6.00 on Monday to Saturday (inclusive) and before 09:00 or after 16:00 on Sundays. The deliveries for this unit will need to occur within the opening hours to ensure the use is compatible with the surrounding area.

- 8.33 HBBC Pollution have no objections to the application.

Land contamination

- 8.34 The Design and Access Statement assesses the land contamination within the site. The site has been subject to extensive remediation due to land contamination issues. The site is effectively encapsulated by a bentonite wall overlaid with a membrane. Damage to the bentonite cut-off wall and membrane must be avoided during the proposed works (removal of the loading bay) and a risk assessment

should be carried out by a competent person to demonstrate that this can be effectively managed. The changes to the car park should be incorporated within this assessment to ensure that remedial measures remain in-tact and effective. Due to this HBBC Pollution recommend 2 conditions with one being a pre-commencement condition.

Lighting

8.35 The existing lampposts and totem are proposed to be relocated within the site. LCC Highways do not object to their relocation. HBBC Pollution raise no objection to the proposal with regards to light pollution but have stated that a level of 300cd/m² would be recommended for a sign over 10m² and 600cd/m² for signage under 10.2 in an Environmental Zone E2. The detail of the sign in terms of advertisement and lighting is not being considered through this application. These details would be dealt with under a separate Advertisement Consent application.

8.36 Overall, the proposal therefore complies with Policy DM7 and DM10 of the SADMP.

Other matters

8.37 Provision for bins has been shown on the proposed floor plans however it is to the back of the building to the southern elevation. Bin collection is from the adopted highway boundary and therefore a condition will be imposed for additional details to be submitted.

9. 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 in the consideration of this application. The Committee must also ensure the same when determining this planning 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).

10. Conclusion

10.1. The proposal is located within the settlement boundary of Hinckley and therefore there is a presumption in favour of sustainable development as set out in Policy DM1 and the wider policies of the NPPF.

10.2. The proposed design would complement the character of the existing building and surrounding area. The proposal would diversify the existing Local Centre but still

retain its vitality and viability, have no adverse impact upon neighbouring residential amenity, highway safety, parking provision and pollution. The proposal therefore complies with Policy 1 of the Core Strategy and Policies DM7, DM10, DM17, DM18 and DM22 of the SADMP. Therefore this proposal is recommended for approval subject to the following conditions.

11. Recommendation

11.1 Grant planning permission subject to:

- Planning conditions outlined at the end of this report

11.2 That the Planning Manager be given powers to determine the final detail of planning conditions.

11.3 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:

- a) Proposed Ground Floor Plan Drg No: 0132 P-00
- b) Proposed Elevations Drg No: 0131 P-00
- c) Site Location Plan Drg No: 0101 P-00 received by the Local Planning Authority on 11 December 2020.
- d) Proposed Block Plan Drg No: 0130 Rev: P-01
- e) Proposed Street Lighting and Totem Structure Drg No: 0135 P-00 received by the Local Planning Authority on 12 February 2021.

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. The materials to be used on the external elevations of the proposed extension and alteration shall accord with the approved Proposed Elevations Drg No: 0131 P-00 received by the Local Planning Authority on 11 December 2020.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. No development shall commence on site until a scheme that makes provision for waste and recycling storage and collection across the site has been submitted in writing to and approved in writing by the Local Planning Authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary. The approved scheme shall be implemented in accordance with the agreed details.

Reason: To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. Notwithstanding the submitted details and prior to the commencement of development full details of the proposed colour and finish of the roller shutters

(which shall be powder coated, or other similar finish, before installation) shall be submitted to and approved in writing by the Local Planning Authority. The shutter shall only be installed in accordance with the approved finish and shall be maintained as such for the life of the development.

Reason: To safeguard the character and appearance of the area and the building in general in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted in writing to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted in writing to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the first dwelling being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. The approved B2 use shall not operate outside the following times:-

0700 - 1900 Monday - Saturday
1000 - 1600 Sunday and Public Holidays

Reason: To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.4 **Notes to applicant**

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

3. In relation to conditions 6 and 7; advice from Health and Environment Services can be viewed via the following web address:- https://www.hinckley-bosworth.gov.uk/info/200075/pollution/177/contaminated_land site which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.