

Delegated Report

Planning Ref: 23/00850/FUL

Applicant: Mr Nathan Glew

Ward: Newbold Verdon, with Desford & Peckleton

Site: Caterpillar UK Ltd, Peckleton Lane, Desford

Proposal: Construction of storage and recycling processes building



Hinckley & Bosworth
Borough Council

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. This application proposes the construction of a storage and recycling processing building on site.

3. Description of the site and surrounding area

- 3.1. The application site is located within the existing Caterpillar site on Peckleton Lane, Desford. The site comprises of numerous buildings relating to the business. The proposed storage and recycling building would be located to the rear of the site.

4. Relevant planning history

None

5. Publicity

- 5.1. The application has been publicised by posting a site notice within the vicinity of the site.
- 5.2. No comments have been received.

6. Consultation

- 6.1. LCC Highways: No objections. Notes to applicant.
- 6.2. HBBC Drainage: No objections.
- 6.3. HBBC Waste Management: No objections.
- 6.4. HBBC Environmental Health Pollution: No objections.

7. Policy

7.1. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.2. National Planning Policies and Guidance

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

7.3. Other relevant guidance

- Good Design Guide (2020)

- National Design Guide (2019)

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

Assessment against strategic planning policies

- 8.2. The 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. 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, permission should not usually be granted unless other material considerations indicate otherwise.
- 8.3. The development plan in this instance consists of the Core Strategy (2009), and the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).
- 8.4. Policy DM4 of the SADMP, confirms the restrictions on development in the Countryside and outlines the proposals which would be considered sustainable. The proposal for a new building of this nature does not necessarily fit within the criteria outlined within Policy DM4. However, given the site is heavily industrial and the proposed building is located within a cluster of large existing buildings, and is not highly visible from public vantage points, it is considered that the proposal would not lead to detrimental impacts on the intrinsic value and beauty of the Countryside.

Design and impact upon the character of the area

- 8.5. 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.
- 8.6. The proposal seeks to erect a storage and recycling processing building on site. The location of the proposed building is in close proximity to a number of other existing buildings on site, which are of a greater height and mass. The proposed building would not be highly visible from public vantage points. The proposed industrial building is located within the Caterpillar site, which has a number of buildings relating to the industrial nature of the business, and therefore would have limited impacts on the character of the area. It is therefore considered that the proposed building would have no detrimental impact on the character of the area and is therefore in accordance with Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.7. 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.

- 8.8. The development site is located within the Countryside, however, the site is a large scale industrial site. The proposed noise generated from the building has been reviewed by HBBC Environmental Health, and following the consultation response, they have no concerns. The proposed building is significantly distanced from any neighbouring properties and as such would have no detrimental impact on neighbouring residential amenity in terms of loss of light, loss of privacy, overbearing impacts or noise impacts. As such is it considered that the proposal is in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.9. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 of the SADMP requires new development to provide an appropriate/justified level of parking provision.
- 8.10. County Highways have been consulted as part of this application and have confirmed that the proposals would have no impact upon the highway with regard to highway safety or parking provision. The proposal will have no impact upon the existing parking provision at the site.
- 8.11. Overall the proposal would not result in adverse impacts upon highways safety and would be in accordance with Policies DM17 and DM18 of the adopted SADMP.

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, 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).
- #### **10. Conclusion**
- 10.1. The proposal seeks to storage and recycling processing building. The proposal is considered acceptable due to the limited impacts upon the character of the area and the amenity of neighbouring residential properties.

10.2. It is considered that the proposed development would be in accordance with Policies DM10, DM17 and DM18 of the adopted SADMP.

11. **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
Waste Recycle Compound Plan
Proposed Building Site Plan
Proposed Floor Plans and Elevations
Proposed Waste Yard Plan
Planning Statement
Design and Access Statement

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).

11.3 **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. 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. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).