

Delegated Report

Planning Ref: 24/00310/CONDIT
Applicant: Miss Kirsty Sweeny
Ward: Hinckley Castle



Hinckley & Bosworth
Borough Council

Site: Cadent Brick Kiln Street Hinckley

Proposal: Variation of condition 1 of permission 14/00312/CONDIT to allow another 3 years operation

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 seeks planning permission for the variation of condition 1 of planning permission 14/00312/CONDIT, which states:-

"The structures hereby permitted shall be removed and the land restored to its former condition before 1 June 2019 in accordance with the maximum expected time of operations."

2.2. Application 14/00312/CONDIT, varied condition 2 of planning permission 09/00308/FUL, which gave permission for the formation of a groundwater abstraction and treatment system, including the temporary siting of a compressor steel cabin, a water treatment steel carbon, two granular activated carbon vessels, two intermediate bulk containers, a bund and a steel office cabin.

2.3. Application 19/00349/CONDIT, varied condition 1 of permission 14/00312/CONDIT to allow another 5 years operation to continue with the current programme of works.

2.4. This application seeks to allow the on going remediation works for a further 3 years, in line with the current operations programme of works.

2.5. The water treatment system is required to continue operating as it provides hydraulic containment and treatment of contaminated groundwater, the source of which is under the former Block 1 building on site (now demolished). The location and occupation of this building has formerly prevented any further investigation and removal of the source. The applicant would like to the continue the operation of the treatment system (which prevents offsite migration of contamination) until a site investigation, detailed quantitative risk assessment, remediation options appraisal and any required remediation advised by the former is completed.

3. Description of the Site and Surrounding Area

3.1. The application site is a large commercial enterprise located to the north of Coventry Road, a short distance from Hinckley Town Centre. Situated to the west of the application site is a newly constructed housing development. Granville Road Recreation Ground and residential properties with some retail premises stand to the south of the site. The remainder of the National Grid site lies to the north.

4. Relevant Planning History

09/00308/FUL

Formation of

Permitted

26.06.2009

	treatment system, siting of works containers and office container		
09/00347/FUL	Installation of car park lighting	Permitted	26.06.2009
10/00531/FUL	Extensions and alterations to building	Permitted	13.10.2010
11/00428/FUL	Installation of heat pumps	Permitted	05.08.2011
11/00436/FUL	Extension and alterations to office building	Permitted	08.08.2011
11/00757/FUL	Erection of four modular buildings	Permitted	14.12.2011
11/00936/FUL	Installation of car park lighting (amended scheme)	Permitted	13.02.2012
11/01018/FUL	Extensions and alterations to premises	Permitted	28.03.2012
14/00312/CONDIT	Variation of condition 2 of permission 09/00308/FUL to allow another 5 years operation to continue with the current programme of works	Permitted	20.05.2014
15/00327/FUL	Erection of modular building.	Permitted	14.05.2015
16/00230/FUL	Three storey extension to include staircase and lift	Permitted	05.05.2016
19/00349/CONDIT	Variation of condition 1 of permission 14/00312/CONDIT to allow another 5 years operation to continue with the current programme of works	Permitted	20.05.2019

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 and no representations have been received.

6. Consultation

- 6.1. No objections have been received from:-

Environmental Health (Pollution)

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 DM10: Development and Design
- Policy DM19: Existing Employment Sites

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)

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
- Previously imposed conditions

Assessment against strategic planning policies

- 8.2. The principle of the development has been previously established by the earlier granting of planning permission (ref: 09/00308/FUL and 14/00312/CONDIT). Condition 1 of planning permission 14/00312/CONDIT, seeks to ensure the removal of the structures associated with the operations of improving groundwater quality and reducing pollution, by a specific date due to them being unsuitable for permanent retention. The extension of time for removal of the structures and ceasing of the operations to June 2024 was put in place to enable further groundwater remediation to be undertaken to improve the environment whilst still retaining control over the, albeit extended, lifespan of the development.

- 8.3. The current application is to secure the same but for a further 3 years which would bring this permission to 1st June 2027.

Design and impact upon the character of the area

- 8.4. Policy DM10 of the Site Allocations and Development Management Policies DPD 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.

- 8.5. Cadent is a large commercial site, which is situated on a 6 hectare site, which comprises of a number of large buildings, car parking and a radio communications mast and compound to the south east of the site. The remedial system is positioned between the existing main Cadent building, and the new dwellings along Ferry Pickering Close, to the west of the site. Ferry Pickering Close, is situated on a lower land level, of approximately 2 metres. The equipment associated with the remediation works is situated approximately 50 metres back from Coventry Road, and set in approximately 4.5 metres from the west boundary, and enclosed with a 2 metre close boarded fencing, and sited in close proximity to the main Cadent building. The remedial equipment can be viewed from a 10 metre open frontage

within Coventry Road, however given the positioning of the equipment adjacent to the large Cadent building and set back from the street frontage, its visual impact is reduced and would not appear prominent.

- 8.6. The appearance of the structures is such that they are unsuitable for a permanent permission, however, the National Grid site has a variety of building types and uses and the installation and siting of these temporary structures does not appear out of place and therefore any adverse impact on the character of the area is minimal in the short term. Therefore the proposal would accord with Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.7. Policy DM10 of the SADMP seeks to ensure that development proposals shall not harm the amenity of neighbouring residential properties and the amenity of future occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.8. The remedial equipment is situated to the east of dwellings situated along Ferry Pickering Close, given the equipment is set away from the shared boundary, and is of limited scale, the equipment does not result in any overshadowing or overbearing impact to these properties. The remedial equipment uses low noise generating equipment creating a maximum noise level of 70 decibels. Environmental Health (Pollution) has considered the application, and have no objection to the proposed increase in life span of this equipment. The proposed would therefore continue to accord with Policy DM10 of the SADMP.

Previously Imposed Conditions

- 8.9. Planning permission 14/00312/CONDIT, was subject to one condition, in which this application has assessed above.

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 groundwater remedial system has very limited impact on the character of the area and would not impact on the amenity of neighbouring properties. A variation of Condition 1 to enable the operation to continue and structures to remain for a further 3 years would still retain control over the ultimate removal of the structures and restoration of the land whilst enabling the continued improvement of the environment by reducing groundwater pollution in the vicinity. The application is therefore considered to accord with Policy 1 of the Core Strategy, Policies DM1, DM10 and DM19 of the SADMP and the overarching principles of the NPPF. The application is therefore recommended for approval.

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 structures hereby permitted shall be removed and the land restored to its former condition before 1 June 2027 in accordance with the maximum expected time of operations.

Reason: The nature of the structures, their siting and limited productive life makes them unsuitable for a permanent permission in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.