

Delegated Report

Planning Reference: 25/00246/FUL
Applicant(s): Mark O'Neill
Ward: Hinckley Clarendon



Hinckley & Bosworth
Borough Council

Application Site: 22 Newton Road, Hinckley,
Leicestershire

Proposal: Installation of 2no. vertical storage tanks for CO2 and nitrogen

Case Officer: Sullivan Archer (Senior Planning Officer)

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions detailed at the end of this report.

2. Planning Application Description

- 2.1. This planning application seeks full planning permission for the installation of two vertical storage tanks for 30 tonnes of CO2 and 24 tonnes of nitrogen at 22 Newton Road, Hinckley. The storage tanks externally measure 2.3m in width by 2.4m in depth by 12.6m in height and are located adjacent to the north-eastern corner of the site. The tanks shall be used in association with an industrial and beverage gas wholesaler, The Beer and Gas Man Limited, who are relocating to the application site.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is to the west of, but within, the identified settlement boundary of Hinckley, to the north of Newton Road within the Harrow Brook Industrial Estate, which is a Category A Employment Site. The site is surrounded by a mixture of one- and two-storey, red brick commercial properties to the east, south, and west of the site. The northern boundary of the site is bounded by Harrow Brook and its associated mature vegetation. The site contains existing, disused, single storey and 4.3m high, commercial buildings and associated hardstanding. The main structure within the site appears to be in a severe state of disrepair and the existing vehicular access to the site has been boarded up.

4. Relevant Planning History

- 4.1 There is no relevant planning history to this application site.

5. Publicity

- 5.1 The application has been publicised by sending out letters to local residents and a site notice was also posted within the vicinity of the site. No responses have been received.

6. Consultation

- 6.1 There have been no objections from the following consultants:

- Environment Agency
- Hinckley & Bosworth Borough Council (HBBC)'s Drainage Officer
- HBBC's Environmental Services' Pollution Officer
- Leicestershire County Council (LCC)'s Ecology Department (subject to conditions)

Ecology

- 6.2 The County Council's Ecology Department stated that no demolition or vegetation removal is required for the proposed works. Therefore, the Ecology Department have no objection to the development, subject to the provision of a Construction Environment Management Plan for biodiversity (CEMP). This planning condition was agreed by the Applicant on 23 May 2025.

- 6.3 However, the Ecology Department did highlight that water vole have been recorded to the south of the site and it is important that the works stay within the confines of the red line boundary and that the current boundary is not removed.

- 6.4 No response was received from Natural England. No further responses have been received.

7. Policy

- 7.1 Core Strategy (2009):

- Policy 1: Development in Hinckley

- 7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM19: Existing Employment Sites

7.3 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- National Design Guide (2019)
- Planning Practice Guidance (PPG)

7.4 Other Relevant Guidance:

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2024)

8. Appraisal

8.1. The key issues in respect of this application are therefore:

- Principle of development
- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety

Principle of Development

8.2 Paragraph 2 of the National Planning Policy Framework (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. The NPPF is a material planning consideration in planning decisions.

8.3 The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP).

8.4 The development is within a Category A Employment Site within the identified settlement boundary of Hinckley. Therefore, the proposal is acceptable in principle, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

Design and Impact upon the Character of the Area

8.5 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

8.6 Whilst the proposed tanks aren't considered to be large in width, depth, or footprint, the height of both tanks is 12.6m. This is almost three times the size of the existing structures within the site and 1.5m larger than the neighbouring commercial unit to the east of the site.

- 8.7 To justify their proposal, the Applicant has submitted a Business Statement, which confirms that the development supports the relocation of their business headquarters to the application site and the expansion of their existing business. The proposed tanks are the standard 'off the shelf' products for their proposed use and tanks with alternative size, heights, and scales, would need to be custom-made, which would be unviable for the Applicant.
- 8.8 It is also appreciated that the proposed development is associated with a commercial use in an existing commercial site that is set well within a well-established industrial estate that features a variety of commercial properties of a variety of size, scales, and heights.
- 8.9 By virtue of these factors, the development is not considered to result in any significant adverse impacts to the character of the area in accordance with Policy DM10 of the SADMP.

Impact upon Residential Amenity

- 8.10 Policy DM10(a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.11 The application site features an existing commercial use and there are no existing residential properties in the immediate vicinity of the site and therefore the scheme is not considered to result in any significant adverse impacts to residential amenity of neighbouring properties in accordance with Policy DM10 of the SADMP.

Impact upon Parking Provision and Highway Safety

- 8.12 Policy DM17 of the SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual cumulative impacts of development on the transport network are not severe.
- 8.13 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.14 The proposal is an existing commercial site within an existing industrial estate. The development does not affect the existing access to the site, nor its on-site parking provision. In light of these factors, the proposal does not create an unacceptable impact on highway safety or the road network in accordance with Policies DM17 and DM18 of the 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 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions.

11. Recommendation

11.1 **Grant planning permission** subject to:

- Planning conditions detailed 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 received by the Local Planning Authority as follows:

- Existing Elevations and Layout (001A) (submitted: 12.03.2025)
- Proposed Elevations and Layout (002A) (submitted: 12.03.2025)
- Proposed Tank Drawing (K200140 Rev 1) (submitted: 12.03.2025)

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. No development shall take place (including ground works or vegetation clearance) until a Construction Environment Management Plan for biodiversity (CEMP: Biodiversity) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall include the following details:

- (a) Identification of potentially damaging construction activities; and
- (b) Practical measures and sensitive working practices to avoid or reduce impacts during construction on water voles; and
- (c) Timing of works to avoid harm to nesting birds; and
- (d) Responsible persons for overseeing sensitive works; and
- (e) Use of protective fencing where required.

The approved CEMP shall be adhered to and implemented throughout the construction period.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

a. **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 building.control@blaby.gov.uk or call 0116 272 7533.