

Delegated Report

Planning Ref: 23/00648/FUL
Applicant: Druck
Ward: Groby



Hinckley & Bosworth
Borough Council

Site: Unit F G. E. Sensing Fir Tree Lane, Groby

Proposal: Proposed Extension to Existing CO2 Storage Facility

1. Recommendations

1.1. Grant planning permission subject

- Planning conditions outlined at the end of this report.

2. Planning Application Description

2.1. This is a full application for the erection of a cylindrical upright storage tank & the construction of a related equipment building alongside it. Constructed from profiled grey metal cladding with a metal profiled cladding roof the storage tank would be used in connection with the existing employment operations on the site. The proposed storage tank would be 11.7m in height & be approx. 2m in diameter and would be surrounded with 2.2m high fencing. Next to this fenced rectangular space a flat roofed building is proposed 3.5m wide & 3.5m long with a roof height of 2.6m. This building would have grey cladding on its exterior.

2.2. The proposed site is not categorised as a major hazard installation and so the legislation does not require for the Health and Safety Executive to be consulted.

3. Description of the Site and Surrounding Area

3.1. The application site is located about 100m to the north-west of the corner of Fir Tree Lane and Windmill Rise within the Druck Industrial Estate & the settlement boundary of Groby. Sited to the rear of a substantial two storey industrial building the development forms part of an existing employment site, forming a large industrial complex containing a number of individual buildings which are predominantly two storey in height.

3.2. Next to the proposed site currently stands another CO2 Storage tank & associated equipment building. To the north of the proposed site is a long narrow rocky outcrop with numerous trees planted on it. This outcrop is at the rear of the existing 2 storey Industrial building mentioned & separates the proposed site from a car park to the north. Although sited within a commercial area, the application site is located about 60m from Groby's Conservation Area.

4. Relevant Planning History

00/01011/FUL	ERECTION OF ENVIRONMENT BUILDING AND INFLAMMABLE GOODS STORE	Planning Permission	29.11.2000
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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 letters of representation has been received

6. Consultation

6.1. No objections have been received from:

- Groby Parish Council
- HBBC Environmental Services (Pollution)
- HBBC Waste Management Officer
- HBBC Drainage Engineer
- LCC Highways
- HBBC Heritage Officer

7. Policy

7.1. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 8: Key Rural Centres relating to Leicester

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 DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- 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) (2019)
- Planning Practice Guidance (PPG)
- National Design Guide

7.4. Other relevant guidance

- Groby Conservation Area Appraisal and Management Plan

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area including Groby Conservation Area
- Impact upon neighbouring residential amenity
- Other Considerations

Assessment against strategic planning policies

8.2. The site lies within the settlement boundary for Groby and within an existing employment site. Policies 7 and 8 of the Core Strategy support the development and enhancement of employment opportunities within Groby. Furthermore, Policy

DM19 of the SADMP supports the development and expansion of existing employment sites.

- 8.3. This application seeks consent for a CO2 storage tank & a small associated building to be used ancillary to the existing industrial use on the site. The tank & building will aid the operation and growth of the existing business and will therefore result in associated benefits to the local economy. Accordingly the development is considered to constitute sustainable development and is therefore considered acceptable in principle.

Design and impact upon the character of the area including the Conservation Area

- 8.4. The proposed building will be sited to the rear of Unit F, which is a brick built office building. The proposed building would be sited on land just to the east of an existing storage tank & associated building. Having a height of 11.7metres the tank would be similar in height as the existing storage tank. The associated flat roofed building would have a similar size as the existing building associated with the existing tank and both would be constructed with similar materials as the existing. The design of the tank & building would be functional in appearance, with profiled grey metal cladding & metal sheeting. The main access into the building would be through a door on the rear elevation.
- 8.5. The proposed building lies just outside Groby's Conservation Area with several industrial buildings between them. The forested area 60m to the South marks the beginning of the Conservation Area & this forested area is identified as being important within the GCAA as it, in addition to the tree planting on the strip of land, provides a partial visual barrier which screens and limits views of the application site and the stark industrial units from Markfield Road. There are two listed buildings located opposite the application site on Markfield Road, these being the mid-19th century Church of St Philip & St James (grade II listed) and the 16th century Old Cottage, 30 Markfield Road (grade II listed) but these are some 70m away & there is no inter-visibility between the application site and these buildings so the application site is not considered to fall within their setting.
- 8.6. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.7. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 8.8. Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) DPD seek to protect and enhance the historic environment. Development proposals should ensure the significance of a conservation area is preserved and enhanced. All proposals for development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting.
- 8.9. The proposal seeks to erect an industrial unit in the centre of an Industrial site. The unit is single storey, has a flat roof and is to be finished externally with metal cladding. The Council's Heritage Officer considers that due to the siting, form and appearance of this proposal, intervening topography and vegetation and the distance between heritage assets in the vicinity of the proposal (including Groby Conservation Area and designated heritage assets located within it) in his opinion it will have no material effects upon the historic environment.

- 8.10. As such, it is considered that the proposal would comply with Policies DM10, DM11 and DM12 the SADMP, section 16 of the NPPF and the statutory duties of sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.11. As the proposed storage tank & building would be situated in the middle of an Industrial site with well screened boundaries to the North & South there are no residential dwellings that would be affected by this proposal.
- 8.12. In view of the intervening use and the distance involved along with the Council's Environmental Health Officer confirming that they have no objections to the proposal it is not considered that any significantly harmful amenity issues would result from the erection of the proposed storage tank & building.
- 8.13. Therefore the proposal would have not have a significant impact on the residential amenity of surrounding properties and would be in accordance with Policy DM10 of the SADMP.

Other Considerations

- 8.14. The application site forms part of a wider site which is accessed through security gates. It is not considered that the proposal would have a detrimental impact on highway safety with regards to encouraging additional on-street parking in the vicinity of the site.

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. Having regard to the pattern of existing development in the area and relevant provisions of the development plan, as summarised above, 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. By virtue of the design and appearance of the proposed storage tank & building, the location of the proposal within an existing employment site and the siting and design of the building, the proposal is considered to respect the character of the surrounding area, would preserve the character of the Conservation Area and would not detrimentally affect neighbouring residential amenity or highway safety.

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 begin not later than three years from the date of this decision.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the submitted details: Drw No: 02 received by the local planning authority on 30th June 2023.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the SADMP (2016).

3. No development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the buildings hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity, including the nearby Conservation Area, in accordance with Policy DM10, DM11 and DM12 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.