

Delegated Report

Planning Ref: 26/00610/FUL

Applicant: Mr Daniel Beckett

Ward: Newbold Verdon With Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: Building D Caterpillar UK Ltd Peckleton Lane

Proposal: To construct a new fully bunded bulk fluid tank farm & fire sprinkler tank and pump station with engineered in safety & environmental controls as a replacement for the old tank farm (circa 50+)

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. The application seeks full planning permission for the construction of a new fully bunded bulk fluid tank farm, fire sprinkler tank and pump station at Caterpillar UK.
- 2.2. The proposal would replace the current tanks & infrastructure which are in excess of 50 years old and have a history of failure becoming impossible to maintain or improve. A replacement tank farm to include all bulk materials, sprinkler water, and potable water would fill compliance gaps, significantly reduce demonstrated environmental risk, improve equipment up time, satisfy outstanding FM recommendations, reduce safety risk to process incorporating engineering controls, reduce carbon emissions & costs on deliveries.
- 2.3. The proposal would be sited to the south of Building D.

3. Description of the site and surrounding area

- 3.1. The application site is a large existing employment site, currently operated by Caterpillar UK Ltd. The site consists of a range of various industrial buildings and a large car parking facility.

4. Relevant planning history

- 4.1. There is an extensive planning history on the site which will not be repeated here for brevity.

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. Following the publications, no representations have been received.

6. Consultation

6.1. No representations have been received from the below consultees:

- Cadent Gas;
- Desford Parish Council;
- HBBC Waste;
- Natural England;
- National Grid.

6.2. No objections have been received from the below consultees:

- Desford Parish Council;
- Environment Agency (subject to an informative);
- HBBC Drainage;
- HBBC Environmental Health (Pollution);
- LCC Highways;
- LCC Minerals;
- National Gas.

7. Policy

7.1. Desford Neighbourhood Plan (DNP) (2018-2036)

- None relevant.

7.2. Core Strategy (2009)

- Policy 7: Key Rural Centres

7.3. Site Allocations and Development Management Policies (SADMP) (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM10: Development and Design
- Policy DM19: Existing Employment Sites

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2026)
- Planning Practice Guidance (PPG)

7.5. Other relevant guidance

- Good Design Guide (GDG) (2020)
- National Design Guide (NDG) (2019)

8. Appraisal

8.1. Key Issues

- Principle of development
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity

Principle of development

8.2 Paragraph 3 of the National Planning Policy Framework ('NPPF') confirms that the national decision-making policies within the Framework are a material consideration in making these decisions and should be read alongside the policies in the Development Plan. Planning decisions must also reflect relevant international obligations and statutory requirements. Paragraph 7 of the NPPF confirms that the national decision-making policies should be read as a whole.

8.3 NPPF Policy S3 (1) confirms that decisions on development proposals should apply a presumption in favour of sustainable development.

8.4 Paragraph 15 of the NPPF identifies the purpose of the planning system, which is to contribute to the achievement of sustainable development, by managing the use and development of land in the long-term public interest. The three overarching objectives of sustainable development (economic, social, and environmental) are detailed at Paragraph 17 of the NPPF. However, Paragraph 18 of the NPPF confirms that these objectives are not criteria against which every development proposal can or should be judged. Development decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area.

- 8.5 The current Development Plan consists of the adopted Core Strategy, the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP) and the Desford Neighbourhood Plan (DNP). The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.
- 8.6 In accordance with Annex A (2) of the NPPF, development plan policies (or parts of those policies) which are materially inconsistent with national decision-making policies in this Framework should be given very limited weight. The only exception to this is where they have been examined and adopted or made against this Framework. Other development plan policies should not be given reduced weight simply because they were adopted prior to the publication of this Framework. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.7 The proposal is situated outside of the settlement boundary and therefore Policy S5 of the NPPF is triggered. Policy S5 seeks to ensure that only certain forms of development are approved outside settlements, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the Framework. In this case the application is supported by S5(a) as it is development for engineering operations and infrastructure
- 8.8 Policy N1 of the NPPF requires planning policies and decisions to safeguard and enhance the natural environment. Section 4 of the NPPF specifically highlights that this should be achieved by 'limiting development away from settlements to help safeguard the intrinsic character and beauty of the countryside.'
- 8.9 These policies are supported by Policy DM4 of the adopted SADMP and Policy S1 of the DNP. Policy DM4 states that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development. Development in the countryside is only considered sustainable where:
- a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or diversification of rural businesses; or
 - c) It significantly contributes to economic growth, job creation and/or
 - d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
 - e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation.
- 8.10 Policy S1 of the DNP states that land outside the defined Settlement Boundary will be treated as open countryside, where development will be carefully controlled in line with local and national strategic planning policies.
- 8.11 The building would be situated on existing hardstanding within a Category A employment site. Policy DM19 of the adopted SADMP seeks to retain sites classified as Category A in their entirety. The proposal would retain the employment site in its entirety and therefore complies with Policy DM19 of the adopted SADMP.
- 8.12 It is acknowledged that the proposal does not satisfy the criteria outlined within either Policy DM4, however, it does satisfy the criteria outlined within Policy S5 of the NPPF and therefore the proposal is considered acceptable in principle. Other material considerations are set out within the next sections of the report.

Design and impact upon the character of the area

- 8.13 Policy DP3(1) of the NPPF confirms that development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets. This should not preclude innovation or change where appropriate, especially where an increased scale or density of development is justified in accordance with Policies L2 and L3 of the NPPF.
- 8.14 To create well-designed places, Policy DP3(2) of the NPPF states that development proposals should also reflect aspects of a number of principles, as appropriate to the nature of the development and its location.
- 8.15 Policy DP3 (3) of the NPPF states that development proposals should be refused if, without clear justification, they conflict with Policy DP3 (1) or relevant aspects of the principles in Policy DP3 (2), or with any explicit design standards set out in the development plan (including those in locally specific policies, guides, codes or masterplans). Substantial weight should be given to compliance with relevant development plan policies when assessing the design quality of proposals.
- 8.16 Policy DP3(4) of the NPPF highlights that the principles set out in the Design and Placemaking Planning Practice Guidance should be used to inform how this policy is applied in the absence of locally produced design policies, guides, codes or masterplans.
- 8.17 Policy DM4 of the adopted SADMP states that development in the countryside will be considered sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside. It further states that development should lead to the enhancement of the immediate setting.
- 8.18 Policy DM10 of the adopted 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.
- 8.19 The proposal seeks to erect a new fully bunded bulk fluid tank farm, fire sprinkler tank and pump station within an existing and well-established employment site. The proposal would be surrounded by buildings of a similar and larger scale, and the additional scale and massing of the proposed building would have a negligible impact on the character of the site and surrounding countryside.
- 8.20 It is therefore considered that the proposal by virtue of its siting and design would not result in a detrimental visual impact upon the surrounding area and would accord with Policies DM4 and DM10 of the adopted SADMP and Policy DP3 of the NPPF.

8.21 Impact upon neighbouring residential amenity

- 8.22 Policy P3(1) of the NPPF states that development proposals should be appropriate for their location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, whether these effects are on or off-site; and whether this is as a result of the development itself or the product of preexisting conditions in its vicinity. In assessing the potential effects of pollution, consideration should be given to the potential sensitivity of the site, and its intended occupiers and users, as well as that of the environment and population in the surrounding area (including where certain groups could be particularly vulnerable to its effects, such as children and older people).

- 8.3 In accordance with Policy P3 (2) of the NPPF, development proposals should therefore:
- (a) Provide healthy living conditions for occupiers and users in terms of adequate access to light and avoiding exposure to levels of air, noise, artificial light or other sources of pollution which could have an unacceptable adverse effect on health and the quality of life. Where necessary suitable mitigation measures should be incorporated to secure acceptable living conditions;
 - (b) Not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers, or unacceptable levels of air, noise, artificial light, water, soil or other forms of pollution on or beyond the site. Adverse impacts of this nature should be avoided where possible, or else mitigated to an acceptable degree. Where possible, opportunities should be taken to reduce pollution affecting the wider area (such as through traffic and travel management or improved external lighting);
 - (c) Sustain and contribute to compliance with relevant limit values or national objectives and targets for air pollutants including PM2.5. Development proposals should take account of Air Quality Management Areas and be consistent with the objectives of relevant Air Quality Action Plans, Clean Air Plans and Local Air Quality Strategies;
 - (d) Mitigate and reduce to a minimum potential adverse impacts resulting from noise, not result in levels of noise exposure which would have a significant observed adverse effect, and maintain the character of tranquil areas (those areas that have remained relatively undisturbed by noise from human sources and are prized for their recreational and amenity value for this reason);
 - (e) Limit any adverse impact from artificial light on local amenity, intrinsically dark landscapes (those areas entirely, or largely, uninterrupted by artificial light) and nature; and
- 8.23 Policy DM7 of the adopted SADMP seeks to ensure that development does not cause noise or vibrations of a level which would disturb areas that are valued for their tranquillity in terms of recreation or amenity.
- 8.24 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.
- 8.25 The proposal is not within the proximity of any neighbouring properties and as such would have no detrimental impact on neighbouring residential amenity in terms of loss of light, loss of privacy, or overbearing impacts. In addition, the proposal has been reviewed by HBBC Environmental Health, and they do not foresee noise pollution being increased as a result of the proposal. As such it is considered that the proposal is in accordance with Policies DM7 and DM10 of the adopted SADMP, and Policy P3 of the NPPF.

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.

10. Conclusion

- 10.1 It is considered that the proposed development would be in accordance with Policies DM4, DM7, DM10, DM17, DM18 and DM19 of the adopted SADMP, and Policies S5, DP3 and P3 of the NPPF. The proposal is therefore recommended approval subject to the below conditions and informatives.

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 materials to be used on the hereby approved development shall match that described within the submitted application form, as part of this planning application.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Policies DP3 of the National Planning Policy Framework (NPPF).

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Site Location Plan;
- Tank Farm Area, Bunded Fuel Tank, Pump House and Sprinkler Tank, Drg No. 01914-1204 Sheet 1 of 1 Rev 0;
- G.A Showing Site Plan with Preliminary Tankfarm Layout, Drg No. 01914-1200 Sheet 1 of 1 Rev B;
- Tank Farm and Access Road; and
- Tank Bridge Design and Visuals as received by the Local Planning Authority on the 2nd July 2026.

Reason: To ensure a satisfactory form of development in accordance with Policies DM4, DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Policies DP3 and P3 of the National Planning Policy Framework (NPPF).

11.3 Notes to applicant

- a. 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.
- b. All precautions must be taken to avoid discharges and spills to the ground both during and after construction. Guidance on pollution prevention for businesses can be found on the gov.uk website at: Pollution prevention for businesses - GOV.UK. In the event of a pollution incident, all works should cease immediately, and the Environment Agency should be contacted via our incident hotline **0800 80 70 60** (24-hour service).