

Delegated Report

Planning Ref: 24/01022/FUL

Applicant: Mr Nathan Glew

Ward: Newbold Verdon, with Desford & Peckleton

Site: Caterpillar UK Ltd, Peckleton Lane, Desford

Proposal: Installation of cess tank within the Test Yard



Hinckley & Bosworth
Borough Council

Recommendations

1.1. **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

Planning application description

- 2.1. This application proposes the Installation of cess tank within the Test Yard, at the rear of the site.
- 2.2. The purpose of the installation is to improve the facilities for test engineers and visitors. The cess tank is 1425mm x 3775mm long, with a 600mm x 500mm top section for access to empty the tank. It is designed to hold 4,800l of foul effluent waste. The connection to the tank will be 110mm for the waste into the tank. The tank will be constructed out of fibreglass and will be situated on a 4175mm x 1825mm x 75mm deep concrete base for anchoring. The total height of the concrete and the tank will be 1975mm including the chamber lid.
- 2.3. The ground where the chamber is located is currently at an elevation of 2m above the surrounding area. This will be excavated down to the same ground level, and then the tank will be installed in this location. The excavated ground will then be returned to the area and the sides will be shored up ensuring that the embankment will remain in place. This area will also have a barrier formed around, to ensure that visual aids are provided to show that this area should not be excavated or altered by any machines
- 2.4. The area can be accessed via vehicles and pedestrians with appropriate notice and escorts from the engineers, due to the nature of the test yard. Access to the chamber lid will be from the walkway around the Eastern border of the test yard, and vehicles can drive up to the location of the tank for maintenance and clearing.
- 2.5. The site will be in operation from 7am to 7pm.

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 cess tank would be located within the test yard at the rear of the site.

Relevant planning history

23/00850/FUL Construction of storage and recycling processes building

Approved 09.01.2024

22/00233/FUL Installation of racking tower for holding vehicular items and items to be retrieved by forklift truck/ telehandler

Approved 08.09.2023

20/01181/FUL Installation of external racking system

Approved 04.01.2021

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.

Consultation

- 6.1. HBBC Drainage: No objections.
- 6.2. HBBC Waste Management: No objections.
- 6.3. LCC Minerals: No comment
- 6.4. HBBC Pollution: No objections

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. Desford Neighbourhood Plan (2021)
 - Policy H1: Settlement boundary
- 7.3. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2024)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
 - Good Design Guide (2020)
 - National Design Guide (2019)

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 cesspool tank of this nature does not necessarily fit within the criteria outlined within Policy DM4. However, given the site is heavily industrial and the proposed tank 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 put in a cesspool tank at the rear of this large industrial site. The location of the proposed tank is in close proximity to a number of other existing buildings on site, which are of a greater height and mass. The proposed tank would not be highly visible from public vantage points. The proposed tank 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 cess pool tank 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 has been reviewed by HBBC Environmental Health, and following the consultation response, they have no concerns. The proposed 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 it is considered that the proposal is in accordance with Policy DM10 of the SADMP.

Impact upon Ecology

- 8.9. Policy DM6 of the adopted SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value.
- 8.10. LCC Ecology were consulted and have no objections to the proposal. The development is exempt from BNG under the de minimis criteria.

- 8.11. As such the proposal is considered to be acceptable with respect to ecological matters and in accordance with Policy DM6 of the SADMP.

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).

Conclusion

- 10.1. The proposal seeks to install a cess pool tank. 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 DM6, DM10, DM17 and DM18 of the adopted SADMP.

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

Location of Tank

Shallow Dig Cesspool Tank Spec Drg. No. DS1219

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).