

Delegated Report

Planning Ref: 24/00813/FUL

Applicant: Mr Philip Houlder

Ward: Earl Shilton

Site: The Cottage, 3 Nock Verges, Earl Shilton

Proposal: Installation of a ground mounted solar panel system



Hinckley & Bosworth
Borough Council

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 proposes the installation of 40 ground mounted solar panels.

3. Description of the site and surrounding area

3.1. The application site is located to the East of The Cottage, 3 Nock Verges, and currently consists of an agricultural field which benefits from existing boundary hedgerows. The site is located within a close proximity to neighbouring residential properties and various businesses and commercial premises.

4. Relevant planning history

None

5. Publicity

5.1. The application has been publicised by posting a site notice within the vicinity of the site. Letters were also issued to neighbouring properties.

5.2. One letter of objection is received which relates to:

- Questions as to the scale and number of solar panels.
- Located within the field which has hedgerow and trees which are a habitat for various species such as crows.

6. Consultation

6.1. HBBC Pollution: No objections.

6.2. Earl Shilton Town Council: No comments received.

6.3. LCC Minerals: No objections.

6.4. LCC Ecology: No objections.

7. Policy

7.1. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM2: Delivering Renewable Energy and Low Carbon Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM10: Development and Design
- Policy DM14: Replacement Dwellings in the Rural Area
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.2. National Planning Policies and Guidance

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

7.3. Barwell and Earl Shilton Area Action Plan

- Policy 22: Development and Design

7.4. Other relevant guidance

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

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
- Impact upon highway safety
- Ecology

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), the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016) and Barwell and Earl Shilton Area Action Plan.

8.4. Policy DM4 of the SADMP seeks to protect the intrinsic value, beauty, open character and landscape character, to safeguard the countryside from unsustainable development. Development in the countryside is 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

- 8.5. The proposal is considered to fall within section (d) of Policy DM4 of the SADMP. In addition Policy DM2 of the SADMP relates to delivering renewable energy and low carbon development. The policies states that planning applications will be supported where all reasonable steps have been taken to avoid or mitigate any adverse impacts of the development. Within the various technical documents submitted by the applicant, a number of ecological and biodiversity enhancements have been suggested, which would support the mitigation of any harm caused by the development.

Design and impact upon the character of the area

- 8.6. 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.
- 8.7. Policy DM4 of the SADMP seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside.
- 8.8. Policy 22 of the Barwell and Earl Shilton AAP states that developments will be permitted so long as there is no detriment to the character and appearance of the host building or the surrounding area.
- 8.9. The proposal is for 40 solar panels to be sited within a field currently understood to be agricultural in nature. By way of their design the solar panels are low level and would not be highly visible from the street scene or public vantage points. The field in which the solar panels are proposed benefits from existing hedgerow borders with various trees surrounding the field. It is considered that the introduction of solar panels in the northern area of the field would not give rise to significant detrimental impacts to the character of the area and as such the proposal is considered in accordance with Policy DM4 and DM10 of the SADMP and Policy 22 of the Barwell and Earl Shilton AAP.

Impact upon neighbouring residential amenity

- 8.10. 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.
- 8.11. Policy 22 of the Barwell and Earl Shilton AAP states that developments will be permitted so long as it does not adversely affect the amenity of nearby residents.
- 8.12. The solar panels are to be located within a reasonable proximity to the host dwelling and neighbouring dwellings, and would be visible from first floor windows. However, the solar panels are not considered to cause detrimental impacts to neighbouring amenity in terms of loss of light, loss of privacy, overshadowing, overbearing or overlooking impacts, alongside no impact relating to noise. HBBC Environmental Health Pollution were consulted as part of this proposal and confirmed they have no objections to the proposal.
- 8.13. As such the proposal is considered to be in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.14. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 of the SADMP requires

new development to provide an appropriate/justified level of parking provision.

- 8.15. The proposal is not considered to give rise to any significant detrimental impacts to highway safety not have any impact on parking provision at the site. As such the proposal is considered to be in accordance with Policy DM17 and DM18 of the SADMP.

Ecology and Biodiversity Enhancements

- 8.16. Policy DM2 of the SADMP states that developments for renewable energy and low carbon development will be supported where all reasonable steps have been taken to avoid or mitigate any adverse impacts including, but not limited to, landscape, noise, visual and cumulative impacts.
- 8.17. Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation.
- 8.18. Within the applicants supporting documents, namely the landscaping details, it was suggested that additional screening will be implemented by supplementing the existing hedgerow with additional native species, thus improving biodiversity and reducing any potential visual impacts of the development.
- 8.19. In addition, a number of biodiversity enhancements have been suggested, including native wildflower meadow planting surrounding the solar panels, installation of bird boxes. These enhancements will be secured by way of condition to ensure that the development is in accordance with Policy DM2 and DM6 of the SADMP.

Equality implications

- 8.1 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.
- 8.2 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.
- 8.3 There are no known equality implications arising directly from this development.
- 8.4 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).

9. **Conclusion**

- 10.1. The proposal is considered acceptable due to the limited impacts upon the character of the area and country, and the amenity of neighbouring properties. It is considered that the proposed development would be in accordance with Policies DM2, DM4, DM6, DM10, DM14, DM17 and DM18 of the adopted SADMP.

10. **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:

Planning Statement
Parking Provisions Statement
Landscaping Details Statement
Design and Access Statement
Modular Layout Plan Drg No. 1624 Rev 1
Site Location Plan
Specification

Document

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The hereby approved biodiversity enhancements, shown on the 'Biodiversity Enhancement Plan', which include 4 bird boxes, a section of wildflower meadow and a section of hedgerow improvements shall be implemented prior to first use of the development hereby approved, in accordance with the approved plan and shall be maintained thereafter in perpetuity.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM2, DM4, DM6, and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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.