

Delegated Report

Planning Ref: 24/00849/FUL

Applicant: Ms Trivett

Ward: Cadeby, Carlton, M Bosworth and Shackerstone

Site: Bosworth Marina, Carlton Road, Market Bosworth

Proposal: Installation of 55 x 530 watt solar panels to existing roof



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 55 x 630 watt solar panels to the existing roof of the Marina Facilities Building.

3. Description of the site and surrounding area

- 3.1 The site is located adjacent to the settlement boundary of Market Bosworth; north of Wellsborough Road, and to the west of the Ashby Canal which is a Conservation Area. There are residential properties on the opposite side of the Canal. The marina itself consists of a large L shaped open expanse of water which provides moorings for up to 150 boats. The facilities building is a two storey building with timber cladding to the walls and a balcony which looks out towards the moorings at first floor level.

4. Relevant planning history

21/00050/FUL

Construction of a new cafe with associated parking

Refused

04.10.2022

19/01238/FUL

Construction of a new cafe (Use Class A3) with associated parking and access

Refused

19.03.2020

18/00933/FUL

Change of use of first floor from cafe to offices (Use Class B1(a))

Planning Permission

20.11.2018

16/00088/FUL

Change of use of first floor to cafe (A3) and extension to car park

Planning Permission

30.03.2016

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. No comments received.

6. Consultation

- 6.1. HBBC Pollution: No objections.
- 6.2. Carlton Parish Council: No objections.
- 6.3. Inland Waterways: Supports the application.

- 6.4. Canal & River Trust: No comments.
- 6.5. HBBC Drainage: No objections.
- 6.6. Market Bosworth Society: No objections and supports the application.
- 6.7. Market Bosworth Borough Council: 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 DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM14: Cultural and Tourism Facilities

7.2. **Market Bosworth Neighbourhood Plan**

- Policy CE1: Character and Environment
- Policy CE5: Landscape of the wider parish

7.3. **National Planning Policies and Guidance**

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

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

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).

- 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. The development will be well screened from public view by virtue of its rooftop location and there are no detrimental impacts noted as a result of this proposal, the application is therefore in accordance with Policies DM2 and DM4 of the SADMP. The proposal would not lead to the loss of the site as a cultural/tourism facility and would support the generation of renewable energy at the facility. There is therefore no conflict with Policy DM24 of the SADMP.

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 CE1 states that all new development within Market Bosworth should be in keeping with its Character Area with regards to scale, layout and materials to retain local distinctiveness and create a sense of place.
- 8.9. The proposal is for 55 solar panels which shall be sited atop the roof of the Marina Facilities Building. The building is two storey in nature and it is considered that only a small projection may be visible from certain vantage points, but this is not considered to be significant enough, nor be of detrimental impact to the character of the area. The introduction of solar panels in this location, given the minimal visibility and the sites existing built form, it is not considered to cause detrimental impacts to the intrinsic value, beauty, open character and landscape character of the countryside. As such the proposal is considered in accordance with Policy DM4 and DM10 of the SADMP and Policy CE1 of the Market Bosworth Neighbourhood Plan.

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. The solar panels proposed under this application are to be mounted on the roof of the two storey building. By virtue of their location, scale and distance from neighbouring residential dwellings, it is considered that there would be no detrimental impacts to neighbouring residential amenity caused by the proposal. HBBC Environmental Health Pollution were consulted as part of this proposal and confirmed they have no objections to the scheme.
- 8.12. As such it is considered that the proposal is in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.13. 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.
- 8.14. 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.

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, DM10, DM17 and DM18 of the adopted SADMP and Policies CE1 and CE5 of the Market Bosworth Neighbourhood Plan.

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

Site Location Plan

Site Plan

Proposed Elevations and Roof Plan

Solar

Panels

Specification

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).

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.