

Delegated Report

Planning Ref: 23/01160/FUL

Applicant: Prof Timothy Coats

Ward: Barlestone Nailstone and Osbaston

Site: Goatham Lane, Osbaston, Nuneaton, Leicestershire



Hinckley & Bosworth
Borough Council

Proposal: Installation of ground mounted solar PV system

Recommendations

1.1 Grant planning permission subject to

- Planning conditions outlined at the end of this report

2.0 Description of the site and surrounding area

2.1 The application site is located south of Goatham Lane 500m to the east of the village of Osbaston. The site is outside any settlement boundary and in the countryside. The site contains a detached two storey period cottage that has been extended in various forms over the years, a garage and other outbuildings with a large grazing field to the south. The site has one vehicular access point with a large area of hardstanding near the entrance that offers sufficient onsite parking space. The application site is bounded with existing trees & hedge rows which makes the site less visible from the surrounding area with the most visible point looking south from the entrance gate which is a noted view. The site has no environmental designations but is located within the Osbaston Conservation Area.

3.0 Description of Development

3.1 The proposed solar PV system will consist of 20 panels and will be installed using a ground mounting system. The panels will be spread in 2 rows of 10 and will be mounted at 35 degrees from horizontal, in a position which will ensure greatest solar gain. The panels are proposed to be located in the paddock to the south-west of the modern garage, close to the field boundary, and aligned on an east-west axis.

3.2 The panels to be installed are manufactured by Shanghai JA Solar Tech Co Ltd. The panels specifically come from the JAM72S20 445-470/MR range. The panels are distinguished by monocrystalline solar cells with high cell efficiency optimising the space available. The panels each measure 1052 (W) x 2112(H) mm and comprise an anodised silver aluminium frame with toughened safety glass covering the cells. The chosen panels are classified as Tier 1 panels and are known for their product quality and 25-year performance warrant.

3.3 The Solar PV ground mounting equipment is designed by BDS and is constructed from galvanised tubular steel driven into the ground. The site is capable of being used as grassland habitat during and after its solar development use.

3.4 This design allows for minimal impact to the ground and surrounding environment as no permanent structures such as concrete bases are required. This design also allows the system to be removed without any trace at the end of its lifespan.

3.5 During the erection of the ground mounted solar system, there will be no waste produced through the installation as the system has been designed to not cause any removal of earth. Any packaging and materials that arrive with the installers, will be recycled by Quantum Energy Systems who ensure that all by-products are handled accordingly.

Solar panels have a minimum lifespan of 25-30 years or more, after which they may need to be replaced or decommissioned. This will be done in an environmentally responsible manner to minimize the impact on the environment through recycling and manufacture take-back programmes.

3.6 There are three trees/bushes which will need to be removed. Two are apple trees (planted 2006) and one is a Filbert (cob nut) bush (planted 2012). These are young trees which are not growing well and not fruiting well due to the heavy wet underlying clay. They are not of environmental significance. None of these trees / bushes has a diameter greater than 75mm when measured at 1.5m above the ground, so no separate tree works permission has been applied for.

3.7 Access to the site will be through the existing entrance on Goatham Lane. No heavy-duty vehicles will be visiting the site and therefore no obstruction to local traffic ways will occur.

4.0 Relevant planning history

22/00671/HOU Single storey side extension and canopy (following removal of existing conservatory and canopy) - Permission 12.09.2022

5.0 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 responses from interested parties were received as a result of the public consultation arising from this application.

6.0 Consultation-

6.1 The following consultees raised no objection to this planning application:

- Osbaston Parish Council – No objections
- Conservation Officer- No objections
- HBBC Pollution- No objections
- LCC Ecology- No objections
- HBBC Waste- No comments or objections

7.0 Policy

7.1 Core Strategy (2009)

- Spatial Objective 12: Climate Change and Resource

7.2 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 DM11: Protecting and Enhancing the Historic Environment
Policy DM12: Heritage Assets
Policy DM18: Vehicle Parking Standards

7.3 National Planning Policies and Guidance

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

7.4 Other relevant guidance

- Renewable Energy Capacity Study (2014)
- Landscape Character Assessment (2017)
- Landscape Sensitivity Study (2017)

8.0 Appraisal

8.1 Key Issues

- Assessment against strategic planning policies
- Impact upon the character and appearance of the surrounding countryside and the Osbaston Conservation Area
- Impact upon neighbouring residential amenity
- Impact upon highway safety

Assessment against strategic planning policies

8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) (2023) states that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise, and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making.

8.3 Paragraph 11 of the NPPF and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (2016) (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016).

8.4 Spatial Objective 12 of the Core Strategy Climate Change and Resource Efficiency seeks to minimise the impacts of climate change by promoting the prudent use of resources through increasing the use of renewable energy technologies.

8.5 Policy DM2 of the Site Allocations and Development Management Policies DPD (SADMP) sets out that the Council will support renewable energy developments 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.

8.6 No land is specifically allocated for the generation of renewable energy. The application site is located outside of any settlement boundaries, and is therefore within the countryside. Policy DM4 seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside from unsustainable development. Development considered to be sustainable in the countryside as identified by Policy DM4 includes proposals for stand-alone renewable energy developments that are provided in line with Policy DM2 when development is also consistent with part i)-v) of policy DM4.

8.7 Paragraph 157 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate and support renewable and low carbon energy and associated infrastructure. It goes on to state (Para. 159) that when

determining planning applications for renewable and low carbon development, planning authorities should not require applicants to demonstrate the overall need for renewable energy and approve the application if its impact is (or can be made) acceptable.

8.8 HBBC's Renewable Energy Capacity Study (2014) assesses the technical and deployable potential for renewable energy and low carbon energy within the Borough up to 2026 and identifies key areas of opportunity and constraint. The planning application site is identified as being an area of common rolling farmland (LCA F). However, the Strategic Objectives of the Core Strategy highlight the importance of renewable energy and importantly a need to increase the use of renewable technologies, such as for the generation of electricity from renewable sources. With Policy DM2 providing support to renewable energy schemes.

8.9 In addition to this, in July 2019 HBBC declared a 'climate emergency' whereby Councillors pledged to take local action to contribute to national carbon neutral targets through the development of practices and policies, with an aim to being carbon neutral in the borough of Hinckley and Bosworth by 2030. However, the Council is yet to publish its Action Plan designed to outline how the council will address this emergency.

8.10 There is a clear presumption in favour of renewable energy proposals supported by local policies of the development plan and commitment by the Council to be carbon neutral. Therefore the principle of the proposed development is considered to be acceptable, subject to consideration of the environmental impacts advocated by SADMP policies DM2 and DM4 and the advice contained in the NPPF and NPPG, together with other development management considerations being appropriately assessed.

Design and impact upon the character and appearance of the surrounding countryside and the Osbaston Conservation Area

8.11 Policy DM4 of the adopted SADMP allows for the extension of existing buildings in the countryside which lead to an enhancement of the immediate setting and where it does not have a significant adverse effect on the appearance and open character of the countryside. In this case, by virtue of its siting of the panels & the significant screening provided by the existing trees and hedgerow along the Goatham Lane, the proposal would not be at all visually prominent within any public viewpoints or result in any significant adverse impacts on the appearance or open character of the surrounding countryside.

8.12 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.

8.13 Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraphs 205-208 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.

8.14 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment including conservation areas and national and locally important heritage

assets and should ensure the significance of a conservation area is preserved and enhanced. All development proposals will need to accord with Policy DM10: Development and Design.

- 8.15 Policy DM10 of the adopted SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, mass, design, materials and architectural features and for building material to respect existing/neighbouring buildings and the local area generally.
- 8.16 The Osbaston Conservation Area Appraisal (OCAA) identifies Goatham Cottage as one of a number of former estate workers cottages. These cottages are sited close to and parallel with the edge of the road. The OCAA states that their original form was gabled with steeply pitched roofs and ridge top chimneys. Their elevations were flat and plain with shallow segmental arched or eyebrow windows and door openings. The original unity in design, however, has been eroded and their simple plans are now very complicated. A varied range of extensions, some of which are quite unsympathetic have been added to these modest cottages to meet the spatial demands of their recent owner-occupiers. Goatham Cottage appears no exception to this with numerous approvals for extensions granted during the 1990s and 2000s which has eroded its once simple plan form and linear appearance. As identified in the accompanying photographic record to the Osbaston Conservation Area Appraisal (2009) "The architectural integrity of Goatham Cottage has unfortunately been lost due to numerous extensions being carried out on the property producing a complex elevation to the street scene."
- 8.17 Comments from the Conservation Officer were that *'this proposal is for the installation of a ground mounted solar PV system at Goatham Cottage, Goatham Lane, Osbaston. The application site is located within the Osbaston Conservation Area.*

Osbaston was developed to serve Osbaston Hall. It is characterised by groups of agricultural related buildings widely separated by areas of countryside. These groups are generally in harmony with similar scales, height and styles of brickwork, roofs and windows. Goatham Cottage was an estate workers cottage and it is an important local building which marks the eastern approach to the conservation area along Goatham Lane. To the west of the site is a collection of modern ancillary outbuildings, including garaging, with the site access and a heavily landscaped parking area in between. Further to the south are some small paddocks that extend the countryside close to the cottage and reaffirm the rural character of the conservation area. Despite the large amount of trees surrounding the parking area there are glimpses of the countryside when looking south from the site access which allows for the rural character and appearance of the conservation area to be appreciated; this view is identified as important within the Osbaston Conservation Appraisal (OCAA) (2009).

The proposed solar PV system consists of two rows of 10 panels, mounted in the ground. The panels are proposed to be located in the paddock to the south-west of the modern garage, close to the field boundary, and aligned on an east-west axis. The number of the panels is limited, and careful consideration has been given to their siting and orientation to ensure there would be no harmful effects upon the character of the conservation area, which would include no clear visibility of the panels from the important view looking south at the site access. Overall, it is considered that the proposed solar panels would be a neutral presence within the Osbaston Conservation Area, thus preserving its significance. Consequently, the proposal complies with Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD, section 16 of

the National Planning Policy Framework and the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990'.

- 8.18 As a result, the proposals are considered to be in accordance with Policies DM4, DM10, DM11 and DM12 of the adopted SADMP, the Council's adopted Good Design Guide, section 16 of the NPPF (2021) and the statutory duty of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.19 Policy DM10 criterion (a) 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. Policy DM7 of the SADMP seeks to ensure that adverse impacts from pollution are prevented, this include impacts from noise, land contamination and light. Similarly paragraph 135 (inter alia) requires development proposals to create places which promoted health and well-being, with a high standard of amenity for existing and future users.
- 8.20 It is noted that the Environmental Health Officer has raised no objection to the proposed development in respect of noise or pollution but a condition on construction hours will be added to any permission, if granted. The noise generated from the Proposed Development is expected to be minimal with the nearest neighbour being approx. 60m to the west. Given the location of the arrays, the distance between the proposed and the nearest neighbour and the intervening well screened boundaries, there would be no adverse noise impact on any neighbouring receptors.
- 8.21 The solar panels are static and are designed to absorb sunlight, therefore there would be no significant issues associated with glint and glare. The metal frames would be treated to avoid any significant issues associated with glint and glare. There are no dwellings immediately to the south of the application site and so the impact of the development, in this regard, is considered to be acceptable.
- 8.22 Due to the nature and form of the proposed development no harm to residential amenity would arise from the development when considering the potential for loss of privacy, loss of daylight/sunlight, or overbearing impacts or increased sense of enclosure.
- 8.23 Based on the assessment above the development proposals accord with SADMP policies DM7 and DM1 and the advice contained in the NPPF.

Impact upon highway and public rights of way

- 8.24 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed.
- 8.25 Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 8.26 The Local Highway Authority (LHA) were not consulted due to the scale of the proposal. The solar PV system will be installed at ground level and does not require access to the general public. There are no proposed changes to current access points or routes, and the proposed development will not affect any highway

scenarios, transport authorities or members of the public. As there is no public access required there are no issues of inclusive access to consider. The installation process will not cause any obstructions and there will be no on-road contractor parking, as there is an adjacent area of domestic driveway available.

- 8.27 The development proposals are considered to accord with SADMP policies DM17 and DM18 and the advice contained in the NPPF.

Ecology & Trees

- 8.28 Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.
- 8.29 Paragraph 180 bullet “d” of the NPPF requires planning decisions to contribute to and enhance the natural and local environment by (inter alia) minimising impacts upon and providing net gains for biodiversity.
- 8.30 The presence of protected species is a material consideration in any planning decision, it is essential that the presence or otherwise of protected species, and the extent to which they are affected by proposals is established prior to planning permission being granted. Furthermore, where protected species are present and proposals may result in harm to the species or its habitat, steps should be taken to ensure the long-term protection of the species, such as through attaching appropriate planning conditions.
- 8.31 The Application Site is not the subject of any nature conservation designation nor is it close to any designated site that could be affected by the Proposed Development. The proposed development also includes the retention of all other boundaries of the site which act as an important habitat corridor between the boundaries of the site.
- 8.32 The development proposals are considered to accord with SADMP policy DM6 and the advice contained in the NPPF together with the relevant wildlife protection legislation.

Pollution

- 8.33 Policy DM7 of the SADMP seeks to ensure that adverse impacts from pollution are prevented, this include impacts from noise, land contamination and light.
- 8.34 As previously stated the NPPF, at paragraph 135, seeks to promote health and wellbeing and a high standard of amenity for existing and future land users. Paragraph 189 explains that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risk of ground instability and contamination.
- 8.35 The Environmental Health Officer has raised no objections to the development proposals. It is however considered reasonable by the LPA to impose a condition to restrict the site hours for the construction phase with a view to minimise the impact on nearby residential properties in respect of odours, noise, dust, smoke and light and to manage any potential contamination. With the use of this recommended condition the development proposals are considered to accord with policy DM7 of the SADMP and the advice contained in the NPPF.

Planning Balance

- 8.36 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.37 Policy DM2 of the Site Allocations and Development Management Policies DPD (SADMP) sets out that the Council will support appropriately designed and sited renewable energy developments. This Policy has full weight, no conflict with this policy has been identified.
- 8.38 Policy DM4 is considered to be out of date as the settlement boundary is drawn using a focus on delivery of a lower housing requirement than required by the up-to-date figure. Notwithstanding this, this policy is afforded significant weight as it is found to be consistent with the overarching principles of the Framework. The proposal has found to have limited conflict with policy DM4 through low level harm to the character of the countryside through development of an open field. Due to the low scale of the harm, the proposed location of the solar panels & the existing screening in and around the site this harm is held in low to moderate weight.
- 8.39 Paragraph 8 of the NPPF identifies the three strands of sustainable development broken down into social, economic and environmental benefits.
- 8.40 When considering the development's impact on this field in the countryside the less than substantial harm identified to the Countryside is considered to be outweighed by the public benefits arising from the generation of renewable energy and subsequent reduced reliance on fossil fuels and the energy security that comes with it.
- 8.41 The proposal would result in economic benefits through the construction of the scheme through creation of jobs and constructions spend, albeit for a temporary period, therefore having limited weight.
- 8.42 The proposed solar farm would result in electrical output to meet the residential requirements of the applicants or if surplus export to the grid. This is a significant environmental benefit of the scheme and it follows that this should be held in significant weight in the planning balance.
- 8.43 There are a number of areas of compliance with development plan policies but these are not considered benefits as such and are subsequently held in neutral weight when considering the overall planning balance.
- 8.44 It is suggested that the significant benefits associated with the generation of renewable energy outweigh the low to moderate harm associated with the landscape and minimal visual impacts arising from the development. The development is thus regarded to represent a sustainable form of development and it is recommended that planning permission is granted with the conditions listed in section 10.

Equality implications

- 8.45 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.
- 8.46 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.
- 8.47 There are no known equality implications arising directly from this development.

Recommendation

Grant planning permission subject to the following conditions

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 received on 01.12.2023

Parking Plan received on 01.12.2023

Solar arrays on location plan received on 01.12.2023

Design & Access Statement received on 18.12.2023

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).

3. Written confirmation of the date of the first export of electricity to the National Grid from the proposal hereby approved shall be provided to the local planning authority within one month of the date of this taking place.

Reason: The development is granted for a temporary period from the first export of electricity, in the interests of protecting the intrinsic beauty open character and landscape character of the countryside in accordance with Policy DM4 of the Development Management Policies Development Plan Document (2016).

4. The planning permission hereby granted is temporary for a period of 30 years from the date of the first export of electricity to the National Grid from the proposal hereby approved. After such time the use shall cease and the solar farm and associated equipment shall be removed from site and the land returned to its existing condition.

Reason: The development is granted for a temporary period from the first export of electricity, in the interests of protecting the intrinsic beauty open character and landscape character of the countryside in accordance with Policy DM4 of the Development Management Policies Development Plan Document (2016).

5. Should the solar farm hereby approved no longer be required for the purposes of electricity generation or cease to operate for a continuous period of 6 months, the

use shall cease and the solar farm and associated equipment shall be removed from site and the land returned to its existing condition

Reason: The development is granted for a temporary period from the first export of electricity, in the interests of protecting the intrinsic beauty open character and landscape character of the countryside in accordance with Policy DM4 of the Development Management Policies Development Plan Document (2016).

7. Site preparation and construction shall be limited to the following hours;
Monday – Friday 07:30 – 18:00

Saturday 08:00 – 13:00

No working on Sundays and Bank Holidays

Reason: To protect the amenities of nearby land users in accordance with SADMP policies DM7 and DM1 and the advice contained in the NPPF.

8. Prior to its installation any scheme of external lighting shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: To avoid detriment to residential amenity and to protect the rural character of the area in accordance with SADMP policies DM4 and DM10 and the advice contained in the NPPF.

Notes to applicant:

- Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. 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.
- Public Rights of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
- If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required. All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to. Email: plantprotection@cadentgas.com Tel: 0800 688 588