

Delegated Report

Planning Ref: 24/00352/FUL

Applicant: Aldi Stores Ltd

Ward: Barlestone, Nailstone And Osbaston

Site: Crown Farm, Bagworth Road, Nailstone, Nuneaton



Hinckley & Bosworth
Borough Council

Proposal: Erection of substation.

1. Recommendations

1.1. Grant planning permission subject to

- Planning conditions outlined at the end of this report

2. Planning application description

2.1. Full planning permission is sought for the installation of a new substation at the southern edge of Nailstone Solar Farm.

2.2. The substation will be 2.8m wide, 2.7m deep and 2.4m high to the shallow roof ridge. It is a standardised design and will be BS4800 14C39 holly green / hollybush colour.

2.3. Nailstone Solar Farm was granted planning permission (15/00823/FUL) in 2015. The substation sought under this proposal will facilitate the supply of power from Nailstone Solar Farm to the nearby distribution centre, granted planning permission (20/00224/FUL) in 2020 and currently operated by Aldi Stores Ltd.

2.4. The energy is to be transferred via an underground cable from the substation to the site of the adjoining Aldi Distribution Centre.

3. Description of the site and surrounding area

3.1. The application site lies within an allocated site (NAI3PP) for both New Employment Allocation and Open Space. The application site is within the existing Nailstone Solar Farm, which is to the south of the existing distribution centre.

3.2. The site is well screened by mature hedges and trees.

4. Relevant planning history

15/00823/FUL - The installation of a Photovoltaic Solar Farm, grid connection, access and associated works and infrastructure. Permitted 30.09.2015

15/01316/FUL - Formation of access track and underground grid connection cable for photovoltaic solar farm (amendment to 15/00823/FUL) Proposed new replacement dwelling with associated parking and amenity space (following demolition of existing dwelling and outbuilding). Permitted 11.02.2016

5. Publicity

5.1. A site notice was posted within the vicinity of the site. No letters of representation were received during the statutory consultation period.

6. Consultation

- Nailstone Parish Council (no objection)
- National Forest Company (no comment)
- National Grid (no response)
- LCC Minerals (no objection)

7. Policy

7.1. Site Allocations and Development Management Policies (SADPD) (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 DM8: Safeguarding Open Space, Sport and Recreational Facilities
- Policy DM10: Development and Design
- Policy DM19: Existing Employment Sites

7.2. National Planning Policies and Guidance

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

7.3. Other relevant guidance

- HBBC's Landscape Character Assessment (2017)
- HBBC Landscape Character Sensitivity Study (2017)
- HBBC Employment Land and Premises Review 2020

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area

Assessment against strategic planning policies

- 8.1 Paragraph 2 of the National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 47 of the NPPF states that the development plan is the starting point for decision making. The development plan in this instance consists of the Core Strategy (2009), and the SADMP.
- 8.2 Policy DM1 of the SADMP sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay unless material considerations indicate otherwise.
- 8.3 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.
- 8.4 Policy DM2 of the SADMP sets out that the Council will support appropriately designed and sited renewable energy developments.
- 8.5 No land is specifically allocated for the generation of renewable energy. The application site is located outside of any settlement boundary 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.
- 8.6 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. 163) 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 are (or can be made) acceptable.

- 8.7 HBBC's Renewable Energy Capacity Study (2014) provides additional information in regards to potential renewable energy capacity of the borough and identifies key areas of opportunity. The site is not identified as being within an opportunity area for solar arrays, notwithstanding this, every site is judged on its own merits.
- 8.8 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.
- 8.9 As the substation seeks to enhance the sustainability operation of the Neighbouring Aldi distribution centre site, the proposal would fully comply with the overarching aims of Policy DM19.
- 8.10 With regards to Policy DM8, the location of the proposed substation is fully within the solar farm site, not adjoining any sensitive receptors and fully screened by the PV panels to the north, tree lined boundary to the west and hedgerows to the adjoining field to the south. The considerate location of the proposal along with the highly sustainable function of the proposal, means it is compliant with Policy DM8.

Design and impact upon the character of the area

- 8.11 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.
- 8.12 The proposed development would introduce new built elements of electrical infrastructure on the land. Given the scale, design and surrounding area, the proposals are considered an acceptable addition to the local area.

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.
- 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).

10. Conclusion

- 10.1. 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. Development considered to be sustainable in the countryside as identified by Policy DM4 also 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.
- 10.2. The principle of this renewable energy development is accepted under Policies DM2, DM4, DM8, DM10 and DM19 of the SADMP.
- 10.3. It is therefore recommended that the application is approved subject to the conditions listed below.

11. Recommendation

- 11.1 **Grant planning permission** subject to:

- 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:
 - Proposed Elevations and floor plans – Drg No. TR7
 - Proposed Site Plan

All received on 12/04/2024.

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