

Delegated Report

Planning Ref: 24/00459/FUL

Applicant: Green Towers Hinckley Club for Young People

Ward: Hinckley DeMontfort



Hinckley & Bosworth
Borough Council

Site: Hinckley Club for Young People, Green Towers, Richmond Road, Hinckley

Proposal: Installation of solar panels to the roof.

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 222 photovoltaic (PV) cells upon the roofs of Hinckley Club for Young People, Green Towers, Richmond Road, Hinckley. There will be 161 PV panels on the lower roof with 130 PV panels on the upper roof.

2.2. Along with the PV panels there will be nine Tesla Powerwall batteries installed. The electricity generated will be used by the Hinckley Club with any excess going back to the grid.

3. Description of the site and surrounding area

3.1. Hinckley Club for Young People is situated within the settlement boundary of Hinckley and defined recreational facility. The site currently offers a range of recreational and educational facilities.

3.2. The site is enclosed by a wire fence along the northern edge separating the club from the wider Richmond Park which is situated to the north and west of the site. To the east of the application are residential dwellings, which are largely screened by an existing 2 metre close boarded fence and some tree planting. The dwellings are situated in an elevated position.

4. Relevant planning history

10/00535/ADV - Erection of signage. Permitted 01.09.2010

11/00225/NOMAT - Non-material amendment to planning permission 09/00080/FUL to raise the height of the balcony balustrading. Permitted 17.04.2011

17/00455/FUL - Formation of Artificial 3G Turf pitch with associated floodlights, fencing and creation of hardstanding. Permitted 14.12.2017

5. Publicity

5.1. The occupiers of 17 neighbouring properties have been notified of the application. In addition a site notice was posted within the vicinity of the site. No letters of representation were received during the statutory consultation period.

6. Consultation

6.1. No objections have been received.

7. Policy

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design

7.2. National Planning Policies and Guidance

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

7.3. Other relevant guidance

- HBBC's Good Design Guide (GDG) (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
- Impact upon neighbouring residential amenity

Assessment against strategic planning policies

- 8.1 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.
- 8.2 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.
- 8.3 Policy DM2 of the SADMP sets out that the Council will support appropriately designed and sited renewable energy developments.
- 8.4 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.
- 8.5 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.
- 8.6 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.

- 8.7 Therefore, 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. As such the principle of the proposed development is considered to be acceptable, subject to other material considerations being appropriately assessed.

Design and impact upon the character of the area

- 8.8 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.
- 8.9 The proposals are suitably designed and are not out of character with the local area. Due to their appropriate design, scale and setting the proposals are considered to be acceptable in accordance with DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.10 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.
- 8.11 Given the site location and intervening boundary treatments present, it is not considered that the development would have a detrimental impact in terms of overbearing. Therefore the proposal would not result in significant harm to the amenity of any surrounding residential dwellings and is considered to be acceptable in accordance with DM10 of the SADMP.

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. The principle of this renewable energy development is accepted under Policy DM2 of the SADMP.

- 10.2. The proposal would not have a detrimental impact upon residential amenity or the character of the area in accordance with Policy DM10 of the SADMP (2016). 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:

- Site Location Plan, Drg No. PP-12879689v1. Received on 21.05.2024.
- Roof Plan, Received on 13.05.2024.

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).