

Delegated Report

Planning Ref: 24/00725/FUL
Applicant: Mrs Clare Farrell
Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Site: 46 Windsor Street Burbage Hinckley

Proposal: Installation of solar panels

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 seeks full planning consent for the installation of 10 solar panels to the principle roof elevation of 46 Windsor Street, Burbage.
- 2.2. The solar panels would measure 1.90 metres in length, 1.13 metres in width and 0.35 metres in height. They would be situated 1.40 metres from the end of the roof line to the sides and 0.45 metres from the end of the roof line to the top and bottom.
- 2.3. The solar panels proposed are the Evo Super Max Series. 455 (EV0-PLM-455H8MB-120).

3. Description of the site and surrounding area

- 3.1. The application site relates to a commercial property situated within the settlement boundary of Burbage. The property comprises red brick and white/grey render to the walls, brown interlocking tiles to the roof and white uPVC to the windows. To the front of the site sits a block paved hardstanding, which extends round to the rear of the site, and a set of steps to the main access which is enclosed by a 1.00 metre brick wall. The site is set back from the highway by approximately 3.58 metres and sited adjacent to the access to Burbage Methodist Church, which is located to the rear of the site.
- 3.2. The property previously a residential dwelling, was converted ground floor upwards between 2001 and 2015 to accommodate use class E. Windsor Street acts as the principle commercial area for Burbage, however a number of dwellings punctuate the commercial character of this part of Windsor Street.

4. Relevant planning history

01/00566/COU

- CHANGE OF USE FROM RESIDENTIAL TO FINANCIAL AND PROFESSIONAL SERVICES (CLASS A2)
- PER
- 19.07.2001

01/00947/COU

- CHANGE OF USE FROM RESIDENTIAL TO FINANCIAL AND PROFESSIONAL SERVICES (CLASS A2) ON THE GROUND FLOOR

WITH A FLAT ABOVE INCLUDING THE CONSTRUCTION OF AN EXTERNAL STAIRCASE

- PER
- 05.11.2001

15/00157/COU

- Change of use of first floor residential dwelling (C3) to office (B1)
- PER
- 23.04.2015

21/01004/FUL

- Two storey rear extension, 1.5 storey side extension, alterations to existing shop front and render along front elevation
- PER
- 25.02.2022

5. 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 comments have been received.

6. Consultation

- 6.1. Burbage Parish Council;

"Burbage Parish Council has no objections to this application."

- 6.2. HBBC Environmental Services – Pollution;

"No objection."

7. Policy

- 7.1. Burbage Neighbourhood Plan 2015-2026

- Policy 1: Settlement Boundary
- Policy 2: Design and Layout

- 7.2. Core Strategy (2009)

- Policy 4: Development in Burbage

- 7.3. 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 DM10: Development and Design

- 7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)

- Planning Practice Guidance (PPG)

7.5. 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

Assessment against strategic planning policies

- 8.2 Paragraph 157 of the NPPF (2023) states that the planning system should support renewable and low carbon energy and associated infrastructure. Paragraph 163 of the NPPF (2023) states that *'When determining planning applications for renewable and low carbon development, local planning authorities should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and b) approve the application if its impacts are (or can be made) acceptable.'*
- 8.3 The development plan in this instance consists of the adopted Core Strategy (2009), and the SADMP (2016). Whilst there are no specific policies relevant to the proposal within the Core Strategy, Spatial Objective 12: Climate Change and Resource Efficiency does seek to minimise the impacts of climate change by, amongst other measures, increasing the use of renewable energy technologies and minimising pollution, including greenhouse gas emissions.
- 8.4 Policy DM1 of the adopted SADMP and paragraph 11 of the NPPF (2023) provide a presumption in favour of sustainable development whereby development proposals that accord with an up-to-date development plan should be approved without delay unless material considerations indicate otherwise.
- 8.5 Policy DM2 of the adopted SADMP states that the Borough Council is committed to reducing its environmental impact through carbon reduction measures and through the support of appropriately designed and sited renewable energy and low carbon developments. It further states that planning applications for the development of renewable energy and low carbon development installations at the domestic, community and commercial scales 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.
- 8.6 It is therefore considered that there is strong support in principle within both local and national planning policies for the development of commercial scale renewable energy installations such as that proposed subject to all other planning matters being satisfactorily addressed.

Design and impact upon the character of the area

- 8.7 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 and for building material to respect existing/neighbouring buildings and the local area generally.

- 8.8 The application seeks full planning consent for the installation of 10 solar panels to the principle roof elevation of 46 Windsor Street, Burbage. The solar panels would measure 1.90 metres in length, 1.13 metres in width and 0.35 metres in height. They would be situated 1.40 metres from the end of the roof line to the sides and 0.45 metres from the end of the roof line to the top and bottom.
- 8.9 In general, the utilitarian appearance of solar panels is not particularly sympathetic to a buildings appearance or the visual amenities of the surrounding area especially when situated to the principle elevation like the proposal, however, in this case, by virtue of their appropriate scale, the approximate 3.58 metre set back distance from the highway and the contribution that the arrays would make towards increasing renewable energy production and associated environmental benefits, on balance the proposed solar panels would not have a significant adverse impact upon the visual amenity of the area. In addition, the dark appearance of the panels would complement the dark roof tiles on which they would be installed.
- 8.10 There is strong support for the provision of renewable energy installations of all scales within Policy DM2 of the adopted SADMP and paragraphs 157 and 163 of the NPPF (2023) and this is a material consideration in favour of the proposal. Therefore, on balance, by virtue of their siting, design and appearance it is considered that reasonable steps have been taken to avoid or mitigate any significant adverse impacts arising from the development and that the environmental benefits of the proposal would offset any limited visual harm to the property or surrounding area. The proposals are therefore considered to be a sustainable development and in accordance with Policies DM2 and DM10 of the adopted SADMP, and Policies 1 and 2 of the Burbage Neighbourhood Plan.

Impact upon neighbouring residential amenity

- 8.11 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and/or amenity of nearby residents and occupiers of adjacent buildings.
- 8.12 The proposed solar panels would face directly onto the adjacent highway, Windsor Street, being in a position of great visibility from the highway and adjacent dwellings. Nevertheless, given their maximum height, siting and overall scale, the proposed photovoltaic solar panels will not introduce structures that will harm the amenity afforded to the adjacent neighbouring dwellings.
- 8.13 The proposals would therefore be in accordance with Policy DM10 of the adopted 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.

10. Conclusion

- 10.1. Policy DM1 of the adopted SADMP and paragraph 11 of the NPPF (2023) provide a presumption in favour of sustainable development. Policy DM2 of the adopted SADMP and paragraph 157 of the NPPF (2023) support appropriately designed and sited renewable energy and low carbon developments. The site is located within the settlement boundary of Burbage where there is a presumption in favour of sustainable development.
- 10.2. By virtue of the nature of the development for the generation of renewable energy, their scale, design and appearance, it is considered that the environmental benefits of the proposals and contribution towards the reduction of carbon emissions would offset any visual harm to the appearance of the dwelling and the visual amenities of the surrounding area. By virtue of their siting, elevation and separation distances it is considered that the proposals would not result in any significant adverse impacts on the residential amenity of any neighbouring properties. It is considered that the proposals would be a sustainable development and in accordance with Policies DM2 and DM10 of the adopted SADMP and the overarching principles of the NPPF (2023) and are therefore recommended for approval subject to conditions.

11. 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:

- Project Solar Technical Specification and Drawings
as received by the Local Planning Authority on the 29th July 2024.
- Site Location Plan
as received by the Local Planning Authority on the 30th July 2024.
- Application Form
- Front Elevation/Roof Plan
- Roof Plan
as received by the Local Planning Authority on the 10th October 2024.

Reason: To ensure a satisfactory form of development in accordance with Policies DM2 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Policies 1 and 2 of the Burbage Neighbourhood Plan and the overarching principles of the NPPF (2023).

3. Should the solar panel arrays hereby permitted no longer be required for the purposes of electricity generation or cease to operate for a continuous period of 6 months then they shall be removed from the roof within 3 months after the end of the 6 months cessation period.

Reason: In the interests of visual amenity and to protect the character and appearance of the application dwelling and surrounding area in accordance with Policy DM2 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Policies 1 and 2 of the Burbage Neighbourhood Plan and the overarching principles of the NPPF (2023).

11.3 **Notes to applicant**

- a.) The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.