

**Delegated Report
Report of the Planning Manager (Development Management)**

**Planning Ref: 23/00755/FUL
Applicant: Triumph Motorcycles Ltd
Ward: Hinckley Clarendon**



**Hinckley & Bosworth
Borough Council**

Site: Triumph Motorcycles Ltd, Normandy Way, Hinckley

**Proposal: Installation of new photovoltaic solar panels array on the grounds of
Triumph Motorcycles Ltd.**

Recommendation

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**

3.1. The application site relates to the Triumph motorcycle factory and visitor centre located within a designated employment site (HIN116). The whole site measures approximately 16.5 hectares, with the main factory building set well back into the site behind landscaped bunds and car parking areas. The site is surrounded by open countryside to the west and there is a residential site allocation to the north. The Ashby Canal runs to the south of the site. The site is within the settlement boundary for Hinckley.

2.1. The specific area of the site relating to this application is a grassed embankment along the Northern boundary, measuring 6500m² with a relatively steep gradient of approximately 16 degrees back towards the applicant's premises from the boundary line.

3.0 Planning Application Description

3.2. This planning application seeks full planning consent for the following:

- 2,376 photovoltaic panels mounted on a stainless-steel frame fixed to the ground, measuring roughly 26m x 250m

3.3. The photovoltaic solar panels are made from dark blue/black monocrystalline silicon, with an anodised aluminium frame. The height of the entire array will be 700mm off the ground, to facilitate appropriate drainage, and allowing the panels to be angled to provide maximum efficiency.

3.4. Access and parking for the site is to remain unchanged and there is no change to the existing hard and soft landscaping.

4.0 Relevant planning history

- 21/0372/FUL –
Permission – 09.03.2022

93/00653/OUT

- ERECTION OF MOTORCYCLE MANUFACTURING COMPLEX AND ASSOCIATED WORKS
- Outline Permission
- 28.10.1994

03/00525/FUL

- ERECTION OF NEW UNITS FOR RESEARCH AND DEVELOPMENT AND TESTING
- Permitted
- 19.08.2003

15/00841/FUL

- New visitor centre and office space (resubmission)
- Permitted
- 26.10.2015

15/00844/FUL

- Proposed new rear factory extension and ancillary buildings (resubmission)
- Permitted
- 09.11.2015

17/00122/FUL

- Two storey portacabin for office accommodation (retrospective retention)
- Permitted
- 31.03.2017

17/00523/NOMAT

- Non-material amendment to planning permission 15/00841/FUL to amend the internal floor plan layout to provide additional visitor centre space in lieu of office space and amend the parking layout to provide additional motorcycle parking spaces
- Permit Non Material Amendment
14.07.2017

21/01372/FUL

- Proposed two storey modular building
- Permitted
- 09.03.2022

5.0 Publicity

- 5.1. The application has been publicised by erecting a site notice in the vicinity of the site. There are no neighbouring dwellings in the vicinity and no representations were received from neighbours.

6.0 Consultation

No objection / no objection subject to condition(s)

- LCC Highways
- Lead Local Flood Authority
- HBBC Drainage
- Ecology

- Environmental Health

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 DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM19; Existing Employment Sites

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2021)
- 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 of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Flooding and Drainage
- Ecology
- Pollution

Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) (2021) 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 Allocations & 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 is concerned with Climate Change and Resource Efficiency and 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. The application site is located within the settlement boundary of Hinckley, and the area of land proposed to locate the solar panels is currently and historically vacant. The site is also allocated as an existing employment site under policy DM19 (HIN116) of the SADMP.
- 8.7. Paragraph 148 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. 154) 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
- 8.8. 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 constraint due to the topography. 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 other material considerations being appropriately assessed.

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 application site is located in the northwestern part of Hinckley and is located within the settlement boundary. The grassed area of land where the proposed solar panels would be located is very well screened by existing hedgerow and the access to the site and is set back more than 250m from the A47 which is the main

public vantage point. Where glimpses of the solar panels are possible, they would be viewed in the context of the existing factory, car park and associated buildings, and their visual impact would therefore be limited.

- 8.13. It is concluded that the proposed development would not have a materially significant adverse impact on the character of the area, and the proposal is therefore considered to be in accordance with Policy DM2 and DM10 of the adopted SADMP, the NPPF and the adopted Good Design Guide.

Impact upon neighbouring residential amenity

- 8.14. 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 130 of the NPPF requires development proposals to create places which promoted health and well-being, with a high standard of amenity for existing and future users.
- 8.15. It is noted that the Environmental Health Officer has raised no objection to the proposed development in respect of noise or pollution.
- 7.5. The closest properties are currently located opposite the A47 on Leysmill Cl and Lovetts Cl at a distance of more than 300m. There is a residential site allocation on the land directly to the north, however due to the hedgerow screening and separation distance, it is not considered that there will be any unacceptable amenity impacts upon these dwellings. Based on the assessment above the development proposals accord with SADMP policies DM7 and DM10 and the advice contained in the NPPF.

Highways Matters

- 8.16. 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.
- 8.17. 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.
- 8.18. The LHA have been consulted and have no objections to the proposal on the basis that there are no alterations to existing access and parking arrangements, and there will not be any significant increase in trip generation as a result of the proposal.. Based on the information provided, the development therefore complies with DM17 and DM18 of the SADMP and does not conflict with paragraph 111 of the National Planning Policy Framework (2021).

Flooding & Drainage

- 8.19. Policy DM7 of the SADMP seeks to ensure that development does not create or exacerbate flooding. Paragraph 159 of the NPPF requires inappropriate development in areas at risk of flooding to be avoided by directing development away from areas at highest risk. Paragraph 167 continues by explaining that, when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.
- 8.20. The site is located within Flood Zone 1 being at low risk of fluvial flooding and a generally low risk of surface water flooding. The HBBC Drainage Team raise no

objection on sustainable drainage grounds. The development proposals are therefore considered to accord with SADMP policy DM7 and the advice contained in the NPPF.

Ecology

- 8.21. 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.
- 8.22. Paragraph 174 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.
- 8.23. 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.
- 8.24. LCC Ecology have been consulted and confirm that as the site comprises of a managed grassland bank, it is not considered to be riparian habitat associated with the watercourse off site to the north. Therefore, potential impacts upon water vole habitat are considered negligible and disturbance is unlikely given the band of trees between the proposed development and the watercourse.
- 8.25. The development proposals are therefore considered to comply with SADMP policy DM6 and the advice contained in the NPPF.

Conclusion

- 8.26. The application site is in the settlement boundary of Hinckley within a designated and allocated existing Employment Area. The proposed scheme seeks permission for a large solar array which is supported by Policy DM2 of the SADMP. By virtue of the layout, scale, appearance and design the development would complement the character of the area and would not have an adverse impact on the character of the area. The development would retain suitable access and parking provision, and would not have an adverse impact on neighbouring amenity, and there would be no adverse impact on drainage or ecology. The development is considered to be in accordance with Policy DM1, DM2, DM6, DM7, DM10, DM17 and DM18 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.

10. 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 – Job no. 22-2650 – Drawing No. 0001 Rev P01
 - Proposed and existing site plan – Job no. 22-2650 – Drawing No. 0002 Rev P01
 - Proposed and existing landscape plan - Job no. 22-2650 – Drawing No. 0003 Rev P01
 - South elevation cross section and details – Project 22.408 – Drawing no. 001/001

All received 02/08/2023.

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 solar array 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 character and appearance of the surrounding area and landscape in accordance with Policy DM2 and DM10 of the Site Allocations and Development Management Policies Development Plan Document.

4. The planning permission hereby granted is temporary for a period of 25 years from the date of the first export of electricity to the National Grid from the solar array hereby approved. After such time the use shall cease and the solar array and associated equipment shall be removed from site and the land returned to its original state. .

Reason: The development is granted for a temporary period from the first export of electricity, in the interests of protecting character and appearance of the surrounding area and landscape in accordance with Policy DM2 and DM10 of the Site Allocations and Development Management Policies Development Plan Document.

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.