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Meeting	**PLANNING COMMITTEE**
Time/Day/Date	6.00 pm on Tuesday, 8 April 2025
Location	Forest Room, Stenson House, London Road, Coalville, LE67 3FN
Officer to contact	Democratic Services (01530 454512)

AGENDA

Item		Pages
1.	**APOLOGIES FOR ABSENCE**	
2.	**DECLARATION OF INTERESTS**	
	Under the Code of Conduct members are reminded that in declaring interests you should make clear the nature of that interest and whether it is a disclosable pecuniary interest, registerable interest or other interest.	
3.	**MINUTES**	
	To confirm and sign the minutes of the meeting held on 12 March 2024	**3 - 10**
4.	**PLANNING APPLICATIONS AND OTHER MATTERS**	
	Report of the Head of Planning and Infrastructure.	**11 - 14**

Index of Applications to be Considered

Item	Application Number and Details	Recommendation	Page
A1	**23/01712/FULM: The construction and operation of a ground-mounted solar farm with a generation capacity of 7.15MW together with access, landscaping and associated infrastructure** Donington Park Service Area J23	**Permit**	**15 - 80**
A2	**24/00888/REM: Reserved matters of layout, scale, appearance and landscaping to outline planning permission ref. APP/G2435/W/23/3314972 which granted the erection of a building and the erection of three lodges to be used for tourist accommodation (outline application including details of access** Roseville, Outwoods Lane, Coleorton	**Permit**	**81 - 124**
A3	**25/00157/FUL: Erection of a Temporary Rural Workers Dwelling** Irish Farm, Warren Hills Road, Coalville	**Permit**	**125 - 142**

MINUTES of a meeting of the PLANNING Committee held in the Forest Room, Stenson House, London Road, Coalville, LE67 3FN on WEDNESDAY, 12 March 2025

Present: Councillor R Boam (Chair)

Councillors R L Morris, D Bigby, R Blunt (Substitute for Councillor J G Simmons), M Burke, R Canny, D Everitt, J Legrys, P Moult, C A Sewell and N Smith

In Attendance: Councillors T Eynon

Officers: Mr C Elston, Mrs C Hammond, Ms J Davies and Ms S Booth

38. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor J Simmons.

39. DECLARATION OF INTERESTS

In accordance with the Code of Conduct, Members declared the following interests:

Councillor R Blunt declared a registerable interest in item A3, 24/00574/OUT as the site was owned by a family member, and declared an other interest in item A4, 24/01294/FUL as a close acquaintance of the applicant. Councillor R Blunt would leave the meeting for consideration and voting on both applications.

Councillor R Morris, declared a registerable interest in item A3, 24/00574/OUT as he was speaking in objection to the application as a Ward Member and he would leave during the consideration and voting on the application.

Councillor R Morris also declared an other interest in item A1, 23/01712/FULM as he had been conducting ward member work on behalf of Councillor N Rushton during his absence.

Councillor N Smith declared an other interest in item A4, Item A4 – 24/01294/FUL, as the Ward Member and close acquaintance of the applicant. Councillor N Smith would leave the meeting for consideration and voting on the application.

Councillor J Legrys declared that he had been lobbied without influence in respect of item A2, 24/01503/FUL but had come to the meeting with an open mind.

40. MINUTES

Consideration was given to the minutes of the meeting held on 14 January 2025.

It was moved by Councillor Legrys, seconded by Councillor Moult and

RESOLVED THAT:

The minutes of the meeting held on 14 January 2025 be approved and signed by the Chair as a correct record.

41. PLANNING APPLICATIONS AND OTHER MATTERS

Consideration was given to the report of the Head of Planning and Infrastructure, as amended by the update sheet circulated at the meeting.

42. A1
23/01712/FULM: THE CONSTRUCTION AND OPERATION OF A GROUND MOUNTED SOLAR FARM WITH A GENERATION CAPACITY OF 7.15MW TOGETHER WITH ACCESS, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE

Donington Park Service Area, Junction 23A, Ashby Road, Castle Donington

Officer's Recommendation: Permit

The Chair referred to the revised officer recommendation as detailed within the update sheet as circulated at the meeting.

As the recommendation was to defer, there was no discussion.

The officer's recommendation as detailed in the Update sheet was moved by Councillor J Legrys and seconded by Councillor R Morris.

The Chair put the motion to the vote.

RESOLVED THAT:

The application be deferred to enable the applicant an appropriate opportunity to respond to matters raised by Members of the committee at the technical briefing.

43. A2
24/01503/FUL: CHANGE OF USE FROM DWELLING HOUSE (C3) TO CHILDRENS HOME (C2) FOR UP TO THREE CHILDREN

2 Frearson Road, Hugglescote, Coalville

Officer's Recommendation: Permit

The Senior Planning Officer presented the report.

Ms N Hassell, objector, addressed the Committee. As the owner of the neighbouring property, she expressed concerns relating to parking, traffic and highway safety. It was noted that on street parking on Frearson Road was already full to capacity during weekday mornings and weekends, and the proposed application with unrestricted parking would exacerbate the problem and contribute further to the congestion on the roads. In reference to the proposed parking arrangements, concerns were made that the driveway to the property was very narrow and therefore users would be required to step onto the neighbouring property. Also, the tandem parking proposal would lead to constant manoeuvring of vehicles. It was commented that along with the already restricted visibility along the street, which was a highway safety risk, the property was located on the narrowest part of the estate, and an increase in number of vehicles would only worsen the obstruction for emergency services access. To conclude, reference was made to a recent traffic accident involving a child and the proposals added to the highway concerns for the area. Members were urged to refuse the application.

Mr S Salt, agent, addressed the Committee. Details of the proposal were highlighted, and Members were informed that the property was selected due to its location in proximity to a range of facilities and services that can be used by the children and the care team. The need for the facility was stressed along with the importance of the need to operate as close as possible to a typical family home. It was noted that staff handovers would be conducted outside of peak hours, therefore that was also when vehicle movements would be. Members were reminded that there were no Highway Authority objections and

conditions were included to restrict the number of staff and children. Members were urged to support the application.

Councillor T Eynon, Ward Member, addressed the Committee. It was felt that the application was uniquely sensitive compared to similar applications due to the petition and number of objections received, some of which detailed concerns of the welfare of the children. Although there were no Highway Authority objections, residents disagreed and felt that highway safety was a concern due to the congestion in the area. Members were asked to reflect on several material planning considerations relating to parking provision, vehicle movements and the fact it was not a straightforward resident dwelling. Members were asked that if minded to permit the application, then mitigations for the concerns raised be considered.

In determining the application, the concerns of residents were acknowledged and were shared by some Members, however it was noted that there had been no objections from the Highway Authority and some concerns were unfortunately not planning considerations. Some concerns were raised in relation to the proposed location, as the bus service had been withdrawn some time ago and the fact it was a business operating in a residential area.

Following a discussion relating to similar applications, during which concerns were reiterated, the Legal Advisor referred to a recent decision taken by the Planning Inspector for a similar application at a neighbouring authority, in which it was deemed that there was insufficient evidence that proved the proposed use would likely result in greater levels of noise, disturbance and vehicle movements than the existing authorised use. Members were also reminded that the application in front of them was for a change of use, and considerations should be whether the proposal was materially different from what the property was built for.

Although Members were reminded about the Highway Authority opinion, some felt that local knowledge was important and should be considered.

Following concerns raised regarding the parking allocation, the Head of Planning and Infrastructure referred to the proposed note to applicants as detailed within the update sheet and confirmed that they would be included should the application be approved.

The officer's recommendation was moved by Councillor R Canny and seconded by Councillor D Everitt.

The Chair put the motion to the vote. A recorded vote being required, the voting was as detailed below.

RESOLVED THAT:

The application be permitted in accordance with the officer's recommendations.

At this point the Chair announced a slight change in the order of the agenda, the next item considered would be item A4 followed by item A3.

Motion to Permit in accordance with officer's recommendations (Motion)	
Councillor Russell Boam	For
Councillor Ray Morris	For
Councillor Dave Bigby	For
Councillor Richard Blunt	For
Councillor Morgan Burke	For
Councillor Rachel Canny	For
Councillor David Everitt	For
Councillor John Legrys	Against
Councillor Peter Moult	For
Councillor Carol Sewell	For
Councillor Nigel Smith	For
Carried	

44. A4

24/01294/FUL: ERECTION OF THREE DETACHED DWELLINGS AND THREE DOUBLE GARAGES (ONE ATTACHED AND TWO DETACHED) WITH ASSOCIATED ACCESS, LANDSCAPING AND DRAINAGE

Land at Drum and Monkey Lane, Packington, Leicestershire

Officer's Recommendation: Permit subject to S106 Agreement

Having declared an interest in the item, Councillors R Blunt and N Smith left the meeting at this point and did not take part in the discussion or voting, they did not return to the meeting.

The Senior Planning Officer presented the report.

Ms V Webster, representative of the Parish Council, addressed the Committee. Members were urged to refuse the application for the following reasons: exacerbation of the current flooding issues, highway safety due to vehicles regularly travelling along the road at highspeed and poor visibility due to on street parking. Concerns were raised regarding pedestrian safety due to the narrow lane which was well used by walkers. Members were referred to National Planning Policy Framework 110, as in her opinion the development failed to create a safe place that minimised the scope of the conflict between pedestrians, cyclists and vehicles.

Ms C Baker, objector, addressed the Committee. It was reported that the area regularly flooded which affected homes and gardens as well as the roads, a total of three months of the previous year was impacted by flooding. It was felt that the proposals would only worsen the problem. Reference was made to a similar application on a neighbouring site that was refused due to the lack of access to the main highway. A cumulative number of anomalies for the proposals was listed which had not yet been resolved, therefore Members were urged to refuse the application.

Mr M Daubney, agent, addressed the Committee. He reminded Members that this was a renewal application that had been previously permitted, and no changes had been made to the layout or design. The site was within the limits to development, and it was a modest proposal that was in keeping with the area. It was highlighted that there would be no adverse effect on highways and there were no flooding objections from the Local Flood Authority. It was concluded that it was an appropriate development opportunity which would make a positive contribution to the delivery of housing in the District.

The Planning and Development Team Manager addressed the matters raised by the speakers

In determining the application, a full debate was had regarding the flooding concerns, and it was acknowledged that the matter needed to be addressed at a national level, however, it was also recognised that it would be difficult to refuse on flooding grounds due to no objections from the statutory authority, plus the application had no fundamental changes from when it was previously permitted.

Some further concerns were shared regarding the proposals for waste bin storage as it was felt it was inappropriate for the area.

The officer's recommendation was moved by Councillor R Morris and seconded by Councillor R Canny.

The Chair put the motion to the vote. A recorded vote being required, the voting was as detailed below.

RESOLVED THAT:

The application be permitted subject to Section 106 Agreements in accordance with the officer's recommendations.

Motion to permit in accordance with officer's recommendations (Motion)	
Councillor Russell Boam	For
Councillor Ray Morris	For
Councillor Dave Bigby	For
Councillor Richard Blunt	Conflict Of Interests
Councillor Morgan Burke	For
Councillor Rachel Canny	For
Councillor David Everitt	For
Councillor John Legrys	Against
Councillor Peter Moult	For
Councillor Carol Sewell	For
Councillor Nigel Smith	Conflict Of Interests
Carried	

45. A3
24/00574/OUT: ERECTION OF 1 NO. SELF BUILD DWELLING (OUTLINE - ACCESS AND LAYOUT ONLY)

Land adjoining 20 Worthington Lane, Breedon on the Hill

Officer's Recommendation: Permit subject to S106 Agreement

Having declared an interest in the item, Councillor R Morris removed himself from the meeting to join the public gallery prior to being invited to speak as Ward Member.

The Planning and Development Team Manager presented the report.

Mr D Pitt, objector, addressed the Committee. He informed Members of his highway experience, and it was his opinion that the proposed access to the development did not meet the required safety standards regarding visibility splays as set out by the Highway Authority. Concerns were also raised regarding the speed limit at the point of access. Members were urged to refuse the application.

Mrs C Large, applicant, addressed the Committee. The objections received as detailed in the report were addressed, in particular highway safety, which the applicant had worked hard with officers to meet all necessary requirements. It was noted that there were no objections from statutory consultees and approval of the application in this sustainable

area would contribute to the district's shortfall of self-build dwellings. Members were urged to approve the application.

Councillor R Morris, Ward Member, addressed the Committee. He listed his concerns including highway safety, proposed access, loss of amenities and privacy, harm to the character and setting of the village and the break of access. He felt that on this occasion the Highway Authority had made an error and not assessed the application thoroughly. He urged Members to refuse the application on the grounds of highway safety, loss of amenity and design and layout.

After addressing the Committee, Councillor R Morris left the meeting during the consideration and voting on the application. He did not return to the meeting.

In response to a question from the Chair, the Head of Planning and Infrastructure confirmed that a condition could be added to ensure a single storey property only, and as this had already been offered by the applicant, it was deemed as acceptable.

In determining the application, consideration was given to the location of the site being on the edge of the limits to development and some Members were uncomfortable with permitting development that would likely be refused if not for it being a self-build dwelling.

Discussion was had on the layout and design of the dwelling and the negative impact of a two-storey building was acknowledged. The overall opinion was that a single storey dwelling with a buffer of landscaping was preferable. The Planning and Development Team Manager suggested that should the application be permitted; a condition could be added to require details of planting to be submitted to provide a suitable landscaping buffer with the reserve matters application.

Further concerns were raised regarding highway safety and the visibility splays, as it was felt that due to the trees, visibility could not be met. Discussion was had on the appropriateness of the application for the village.

The officer's recommendation with the added conditions regarding the scale of the dwelling and the landscaping buffer was moved by Councillor R Canny and seconded by Councillor M Burke.

The Chair put the motion to the vote. A recorded vote being required, the voting was as detailed below.

The motion was LOST.

Members were then asked for an alternative motion.

It was moved by Councillor D Bigby and seconded by Councillor J Legrys that the application be refused on the grounds of it being outside the limits to development, the visual impact, not fitting with the character of the surrounding area and visibility splay not adequate for the nature of the rural location.

The Head of Planning and Infrastructure advised Members on the reasons for refusal given and that an unmet need for self-build development could override Policy S3 of the Local in relation to being outside the limits to development. Members were also reminded that the Highway Authority had not submitted any objections. Therefore, the reasons for refusals given would be difficult to defend should the application be refused and an appeal submitted.

The Chair put the motion to the vote. A recorded vote being required, the voting was as detailed below.

RESOLVED THAT:

The application be refused on the grounds that it was outside the limits to development, visual impact, not fitting with the character of the surrounding area and visibility splay not being adequate for the nature of the rural location.

Motion to premit in accordance with officer's recommendations with added conditions regarding scale and landscaping buffer (Motion)	
Councillor Russell Boam	For
Councillor Ray Morris	Conflict Of Interests
Councillor Dave Bigby	Against
Councillor Richard Blunt	Conflict Of Interests
Councillor Morgan Burke	For
Councillor Rachel Canny	For
Councillor David Everitt	Against
Councillor John Legrys	Against
Councillor Peter Moult	Against
Councillor Carol Sewell	Against
Councillor Nigel Smith	No vote recorded – left the meeting
Rejected	
Motion to refuse (Motion)	
Councillor Russell Boam	Abstain
Councillor Ray Morris	Conflict Of Interests
Councillor Dave Bigby	For
Councillor Richard Blunt	Conflict Of Interests
Councillor Morgan Burke	Against
Councillor Rachel Canny	Against
Councillor David Everitt	For
Councillor John Legrys	For
Councillor Peter Moult	For
Councillor Carol Sewell	For
Councillor Nigel Smith	No vote recorded – left the meeting
Carried	

The meeting commenced at 6.00 pm

Councillors R Blunt and N Smith left the meeting at 7.00pm

Councillor R Morris left the meeting at 7.41pm

The Chairman closed the meeting at 7.57 pm

Chair’s initials

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APPENDIX B

Report of the Head of Planning and Infrastructure to Planning Committee

8 April 2025

PLANNING & DEVELOPMENT REPORT

North West Leicestershire District Council

PLANNING COMMITTEE FRONT SHEET

1. Background Papers

For the purposes of Section 100(d) of the Local Government (Access to information Act) 1985 all consultation replies listed in this report along with the application documents and any accompanying letters or reports submitted by the applicant, constitute Background Papers which are available for inspection, unless such documents contain Exempt Information as defined in the act.

2. Late Information: Updates

Any information relevant to the determination of any application presented for determination in this Report, which is not available at the time of printing, will be reported in summarised form on the 'UPDATE SHEET' which will be distributed at the meeting. Any documents distributed at the meeting will be made available for inspection. Where there are any changes to draft conditions or a s106 TCPA 1990 obligation proposed in the update sheet these will be deemed to be incorporated in the proposed recommendation.

3. Expiry of Representation Periods

In cases where recommendations are headed "Subject to no contrary representations being received by ..... [date]" decision notices will not be issued where representations are received within the specified time period which, in the opinion of the Head of Planning and Infrastructure are material planning considerations and relate to matters not previously raised.

4. Reasons for Grant

Where the Head of Planning and Infrastructure report recommends a grant of planning permission and a resolution to grant permission is made, the summary grounds for approval and summary of policies and proposals in the development plan are approved as set out in the report. Where the Planning Committee are of a different view they may resolve to add or amend the reasons or substitute their own reasons. If such a resolution is made the Chair of the Planning Committee will invite the planning officer and legal advisor to advise on the amended proposals before the a resolution is finalised and voted on. The reasons shall be minuted, and the wording of the reasons, any relevant summary policies and proposals, any amended or additional conditions and/or the wording of such conditions, and the decision notice, is delegated to the Head of Planning and Infrastructure.

5. Granting permission contrary to Officer Recommendation

Where the Head of Planning and Infrastructure report recommends refusal, and the Planning Committee are considering granting planning permission, the summary reasons for granting planning permission, a summary of the relevant policies and proposals, and whether the permission should be subject to conditions and/or an obligation under S106 of the TCPA 1990 must also be determined; Members will consider the recommended reasons for refusal, and then the summary reasons for granting the permission. The Chair will invite a Planning Officer to advise on the reasons and the other matters. An adjournment of the meeting may be necessary for the Planning Officer and legal Advisor to consider the advice required

If The Planning Officer is unable to advise at Members at that meeting, he may recommend the item is deferred until further information or advice is available. This is likely if there are technical objections, eg. from the Highways Authority, Severn Trent, the Environment Agency, or other Statutory consultees.

If the summary grounds for approval and the relevant policies and proposals are approved by resolution of Planning Committee, the wording of the decision notice, and conditions and the Heads of Terms of any S106 obligation, is delegated to the Head of Planning and Infrastructure.

6 Refusal contrary to officer recommendation

Where members are minded to decide to refuse an application contrary to the recommendation printed in the report, or to include additional reasons for refusal where the recommendation is to refuse, the Chair will invite the Planning Officer to advise on the proposed reasons and the prospects of successfully defending the decision on Appeal, including the possibility of an award of costs. This is in accordance with the Local Planning Code of Conduct. The wording of the reasons or additional reasons for refusal, and the decision notice as the case is delegated to the Head of Planning and Infrastructure.

7 Amendments to Motion

An amendment must be relevant to the motion and may:

1. Leave out words
2. Leave out words and insert or add others
3. Insert or add words

as long as the effect is not to negate the motion

If the amendment/s makes the planning permission incapable of implementation then the effect is to negate the motion.

If the effect of any amendment is not immediately apparent the Chairman will take advice from the Legal Advisor and Head of Planning and Infrastructure/Planning and Development Team Manager present at the meeting. That advice may be sought during the course of the meeting or where the Officers require time to consult, the Chairman may adjourn the meeting for a short period.

Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of. The amendment must be put to the vote.

If an amendment is not carried, other amendments to the original motion may be moved.

If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendment, or if there are none, put it to the vote.

8 Delegation of wording of Conditions

A list of the proposed planning conditions are included in the report. The final wording of the conditions, or any new or amended conditions, is delegated

to the Head of Planning and Infrastructure.

9. Decisions on Items of the Head of Planning and Infrastructure

The Chairman will call each item in the report. No vote will be taken at that stage unless a proposition is put to alter or amend the printed recommendation. Where a proposition is put and a vote taken the item will be decided in accordance with that vote. In the case of a tie where no casting vote is exercised the item will be regarded as undetermined.

The construction and operation of a ground-mounted solar farm with a generation capacity of 7.15MW together with access, landscaping and associated infrastructure.

Report Item No A1

Donington Park Service Area Junction 23A, Ashby Road, Castle Donington, Derbyshire, DE74 2TN

Application Reference 23/01712/FULM

Grid Reference (E) 446715
Grid Reference (N) 325160

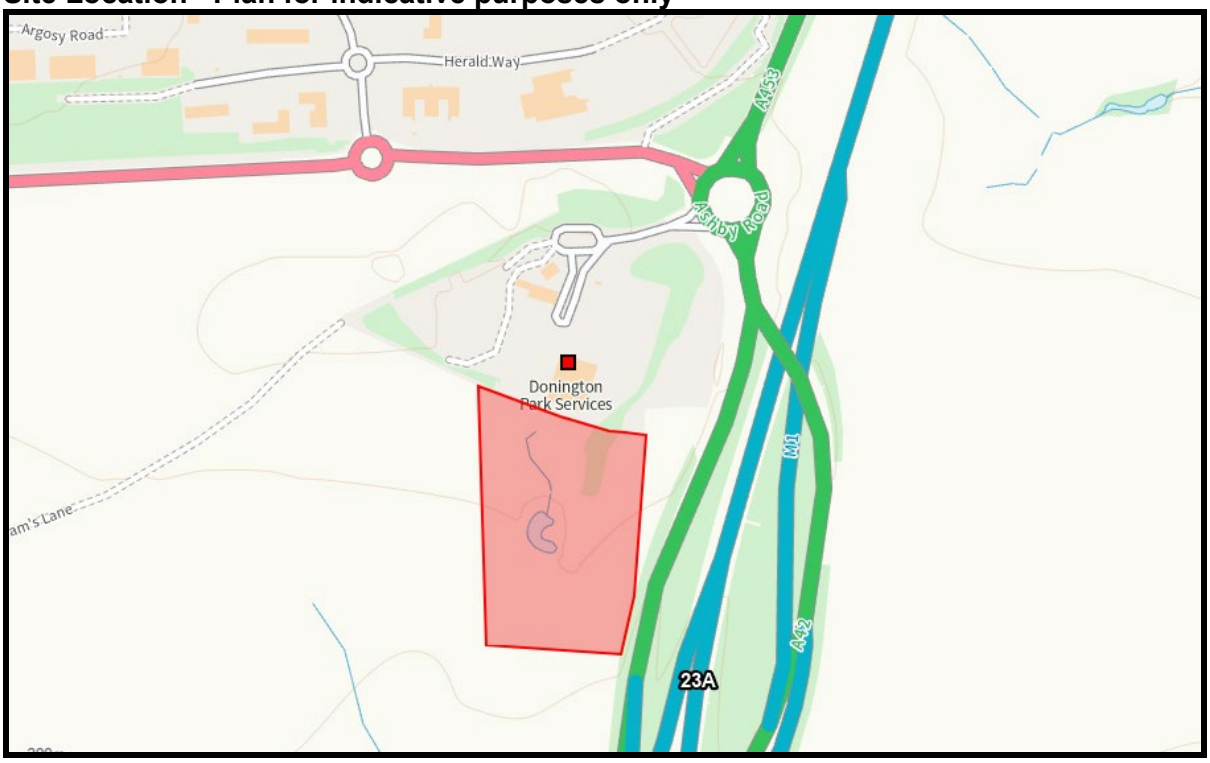
Date Registered: 22 January 2024
Consultation Expiry: 12 February 2025
13 Week Date: 22 April 2024
Extension of Time: 17 March 2025

Applicant:
Moto Hospitality Limited

Case Officer:
Adam Mellor

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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Deferral of Application

A decision on the application was deferred at the Planning Committee meeting on the 12th March 2025 to allow further discussions with the applicant following issues raised by Members during the Committee Technical Briefing on the 5th March 2025.

The issues raised by Members of the Planning Committee, and answers provided, are outlined below:

1) *Whether the applicant had undertaken the installation of the solar panels on the roof of the main amenity building on site in accordance with the consent granted under application reference 24/00265/PNM. If the applicant had not, then what was the likely timeframe for installation.*

The applicant has confirmed that the solar panels on the roof of the main amenity building within the Donington Park Service Area (DPSA) have been installed in accordance with the consent granted under application reference 24/00265/PNM. As is outlined in the *'Consideration of Alternatives'* section of the report below, the purpose of the roof mounted solar panels are to provide power to the main amenity building only.

2) *Is it correct that the submitted Biodiversity Net Gain (BNG) Metric Calculations are demonstrating a +1.34% gain in habitat units on the application site (i.e. that within the red line) and do not account for any gain which may be associated with the long-term management of the part of the candidate Local Wildlife Site (cLWS) outside of the application site (i.e. that within the blue line). If so, was there any reason as to why the BNG Metric Calculations did not potentially take this into account? Or was that due to the calculations demonstrating a 'net gain' on the site and therefore no requirement to account for 'off-site' proposals?*

The applicant has outlined that the submitted BNG Metric Calculations, and the +1.34% net gain in habitat units, only relates to the existing habitat and proposed landscaping scheme which falls within the application site (as defined by the red line on the site location plan).

Such BNG Metric Calculations, therefore, do not account for the long-term management of the part of the cLWS outside of the application site given that, in the applicant's view, a net gain has been demonstrated on the application site, with the mandatory 10% net gain not being applicable given that the application was submitted before the 12th February 2024.

It is, however, acknowledged by the applicant that notwithstanding their view in relation to a net gain in habitat units being provided on the application site, the County Council Ecologist does not currently consider there is sufficient evidence to demonstrate that such a net gain in habitat units would be achievable given the design and orientation of the solar arrays.

On this basis the applicant has now agreed to recommended Condition 22, which seeks to secure a Landscape and Ecological Management Plan (LEMP), being amended to secure a Landscape, Ecological and Biodiversity Enhancement and Management Plan (LEBEMP). The LEBEMP would enable enhancements to be made to the land to the north-east of the application site, including the part of the candidate Local Wildlife Site (cLWS) outside of the application site.

The potential biodiversity enhancements that would arise from the management of the land to the north-east would include:

(i) As there is currently no specific management of the area, it is in a successional state moving into scrub and young woodland. This is therefore resulting in the loss of the grassland habitat for which the cLWS is noted and which would be lost in it entirely within a few years without intervention;
(ii) A review of the land would be undertaken with there being a selective clearance of trees and scrub undertaken which would open up areas for the valued grassland and also allow for the creation of a valuable mosaic of habitats. This would provide opportunities for plant species, such as Grass Vetchling, for which the cLWS is noted, to be established whilst also being beneficial to a range of wildlife including invertebrates, small mammals, amphibians and birds;
(iii) There would be active management to include appropriate meadow grassland cutting, such as a late summer hay cut, to promote a diverse and varied grassland habitat; and
(iv) Ongoing monitoring visits would serve to identify excessive scrub and young trees for clearance and would identify invasive species (such as Japanese Knotweed) and other non-native species (e.g. Buddleja) which can then be treated / eradicated.

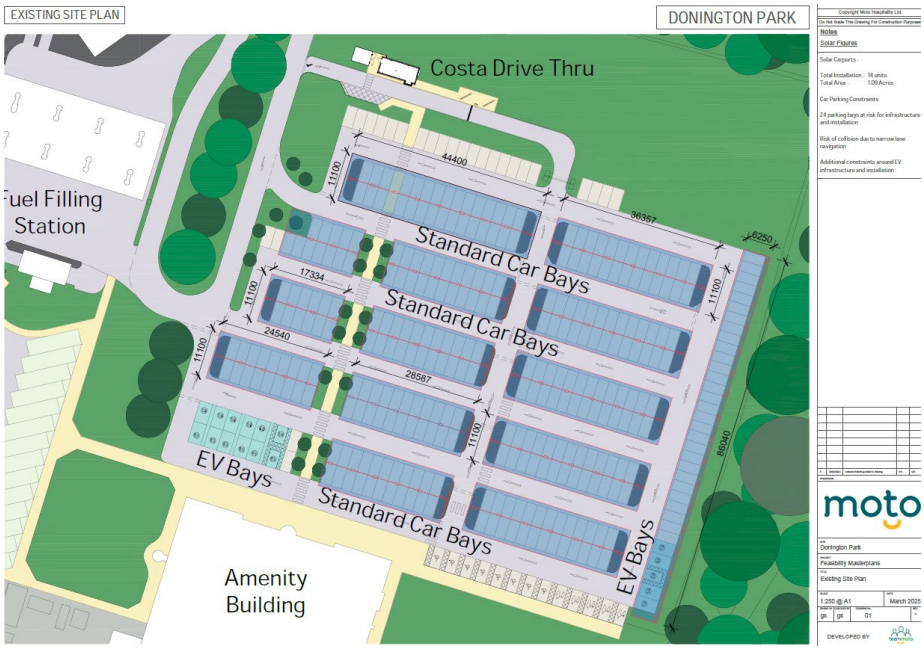
As proposed the solar farm has also been designed to minimise landscape and visual impacts and would integrate strategies for the enrichment of biodiversity, including the retention of the existing habitats such as the existing ponds and the delivery of bee apiaries. New landscaping infrastructure would also be incorporated into the proposals including the planting of woodland and scrub and native hedgerow planting which would further support wildlife, albeit some of the landscaping infrastructure would compensate for that to be lost to facilitate the development. In such circumstances the applicant considers that they have made a significant effort to both protect and enhance landscaping and habitat infrastructure.

Subject to recommended condition 22 being altered to secure a LEBEMP, with other recommended conditions also securing ecological and biodiversity enhancements suggested by the applicant as identified above, it is considered that a ‘gain’ in biodiversity would be delivered as part of the overall development even if the +1.34% gain in habitat units was not achieved on the application site.

3) There was dissatisfaction with the information contained within the applicant’s ‘Statement of Justification’ for the proposed solar farm (as highlighted within the ‘Consideration of Alternatives’ section of the Committee Report) particularly around it not being demonstrated that a proposed ‘solar car port’ solution within the existing car park would not be feasible. It was therefore requested that evidence be provided to demonstrate why such a proposal would not be possible when accounting for the ecological impacts arising to the cLWS because of the development proposed.

The applicant has submitted a feasibility plan of the existing car park showing how solar panels on car ports could be installed on the site and this is shown in the image below.

Feasibility Plan of Solar Car Ports within Existing Car Park



In maximising the area within the existing car park which can be utilised for solar car ports, the feasibility plan shows that 1.09 acres of solar car ports can be installed. Such an area of solar car ports would allow for the installation of 1,073 solar modules which would have a peak power output of *0.61 megawatts (MW)*. More specific design features such as tilt angles, shading, site constraints, or structural limitations would also have the potential to affect the final output of the solar arrays.

On the basis of the above it is considered that the peak power output of the solar car ports would be significantly deficient when compared with the proposed solar farm which would have a peak power output of 7.15MW.

Notwithstanding this, the applicant has undertaken a technical and operational analysis associated with the installation of solar car ports and considers that they would present numerous physical constraints. In particular, the large area required for the installation of the solar car ports would result in the lanes across the car park being narrowed which would have the potential to increase the risk of collisions, with the space required for the infrastructure (car port pillars, chargers, drainage infrastructure and associated equipment such as substations and cabinets) resulting in the loss of car park spaces. The applicant also considers that the height of the solar car port infrastructure would significantly reduce visibility across the car park, raising safety concerns for drivers navigating through the car park as well as pedestrians navigating to and from the main amenity building.

In conclusion, it is clear that any solar car ports across the existing car park at the DPSA would not generate a level of peak power which would match that of the proposed solar farm, together with feasibility issues associated with the solar car ports given the impacts that may arise to pedestrian and highway safety and the loss of car parking spaces. Overall, it is estimated that at least 4 hectares of solar car ports would be required at the DPSA to match the power output of the proposed solar farm and on the basis that the site area available only amounts to 1.09 acres this would not be a feasible proposal at the DPSA.

It is considered, therefore, that further justification has been provided in relation to demonstrating that the proposed location of the solar farm is the only feasible location within the DPSA.

Other Matters

Aviation Safety

East Midlands Airport Safeguarding (EMAS) have reaffirmed their requirement for the aviation safety construction management plan (ASCMP) (recommended condition 17) to incorporate measures to ensure that no standing, and / or pooling of, water occurs during the construction phase of the development. In this respect, further justification provided by EMAS recognises the presence of the existing ponds but outlines that new areas of water associated with the construction phase are liable to attract birds hazardous to aviation and increase the birdstrike risk at East Midlands Airport (EMA).

Whilst the conclusion within the *'Aviation Safety'* section of the report below was that such a requirement was unreasonable, and therefore not meeting the tests for conditions as outlined at Paragraph 58 of the NPPF, it is considered that the further justification provided by EMAS would now lead to the requirement meeting the tests at Paragraph 58.

On this basis recommended condition 17, should planning permission be granted, will ensure that the ASCMP includes measures to prevent the pooling and / or ponding of water on the application site during the construction phase.

Long Whatton and Diseworth Neighbourhood Plan

Consultation is due to commence on the submission Long Whatton and Diseworth Neighbourhood Plan (LW&DNP) between the 31st of March 2025 and 4th April 2025 and will run for a period of six weeks.

On the basis of the submission LW&DNP there have been some alterations to the numbering of policies which are referred to in the '*Relevant Planning Policies'* section of the report below and as an update the relevant policies associated with this application would be as follows:

LW&D3: Locally Important Views (same number as pre-submission version);
LW&D4: Countryside Access (was LW&D5 in the pre-submission version);
LW&D5: Ecology and Biodiversity (was LW&D6 in the pre-submission version);
LW&D6: Trees and Hedgerows (was LW&D7 in the pre-submission version);
LW&D9: Design (was LW&D10 in the pre-submission version);
LW&D10: Water Management (was LW&D11 in the pre-submission version);
LW&D14: Donington Park Services (was LW&D16 in the pre-submission version);
LW&D16: Noise Impact (was LW&D18 in the pre-submission version); and
LW&D17: Construction Method Statements (was LW&D19 in the pre-submission version).

The report below has already assessed the application against all the policies referred to above.

One of the amended policies is Policy LW&D2 which was titled *'Long Whatton and Hathern Area of Separation'* in the pre-submission version but is now titled *'Landscape Sensitivity'* in the submission version.

Policy LW&D2 states the following:

"Development should be located and designed in a way that is sensitive to the open landscape, natural and historic features that characterise the Neighbourhood Area having regard to landscape sensitivity (Appendix 1)."

Appendix 1 assesses the sensitivity of land within the countryside (as defined by Map 3 associated with Policy LW&D1) to both residential and employment development and therefore excludes land associated with the application site. On this basis it is considered that Policy LW&D2 would not be of relevance in the determination of the application.

The *'Weight to be Afforded to the Policies of the pre-submission LW&DNP'* section of the report below outlines that when accounting for the contents of Paragraph 49 of the NPPF only *very limited weight* could be afforded to the policies of the pre-submission LW&DNP in the determination of the application given that the extent of unresolved objections is unknown.

In line with Paragraph 49 of the NPPF the weight to be afforded to policies of the submission LW&DNP would now be *limited weight* given that it remains the case that the extent of unresolved objections is currently unknown.

In such circumstances it is considered that a reason to refuse the application on the basis of any conflict with policies of the submission LW&DNP could not be substantiated.

The original report is repeated below and the recommendation to permit remains unchanged.

Reasons the case is called to the Planning Committee

This application is brought to the Planning Committee at the request of Councillor Rushton as in his opinion the proposed location of the scheme is highly inappropriate due to it being adjacent to the Diseworth Conservation Area and that the land in question is open countryside and where a solar farm would destroy the heritage, wildlife and biodiversity value of the application site.

RECOMMENDATION – PERMIT, subject to the following conditions;

1. Standard time limit (three years).
2. Approved plans.
3. Within 10 working days of electricity being exported to the electric vehicle charging points notify the District Council.
4. 40 year timespan for the solar farm.
5. Submission of a decommissioning and restoration scheme (DRS) no later than six months prior to the expiry of the 40 year timespan, or within six months of the cessation of electricity generation, whichever is the sooner to be submitted, approved and implemented.
6. Submission of a restoration management plan (RMP) no later than six months prior to the expiry of the 40 year timespan, or within six months of the cessation of electricity generation, whichever is the sooner to be submitted, approved and implemented.
7. Development to be compliant with submitted glint and glare study (GGS).
8. Method statement for reporting glint and glare complaints and a programme for mitigation to reduce any complaints of glint and glare prior to the first use of the development to be submitted, approved and implemented.
9. Monitoring and management programme for glint and glare impacts to the A42 trunk road prior to the first use of the development to be submitted, approved and implemented.
10. Development to be compliant with submitted noise impact assessment (NIA).
11. Precise design details of the solar panel arrays, transformers, battery storage container units and perimeter fencing prior to the installation of such infrastructure to be submitted, approved and implemented.
12. All cables to be laid underground.
13. Height of solar panel to be limited to a maximum of 2.04 metres above ground level.
14. All installed alarms systems to be silent at all times.
15. Hours of construction and decommissioning.
16. Biodiversity construction environmental management plan (BCEMP) prior to commencement to be submitted, approved and implemented.
17. Aviation safety construction management plan (ASCMP) prior to commencement to be submitted, approved and implemented.
18. Revised arboricultural method statement (AMS), including a scheme of tree and hedge protection measures for retained trees and hedges, prior to the commencement to be submitted, approved and implemented.
19. Biodiversity enhancement management plan (BEMP) prior to commencement to be submitted, approved and implemented.
20. Soft landscaping scheme (including timetable(s) for provision) and requirement for the replacement of failed landscaping prior to commencement to be submitted, approved and implemented.
21. Scheme of ecological enhancements (including timetable(s) for provision) prior to commencement to be submitted, approved and implemented.
22. Landscape and ecological management plan (LEMP) prior to the first use of the development to be submitted approved and implemented.
23. Hard landscaping scheme (including timetable(s) for provision) prior to hard landscaping being installed to be submitted, approved and implemented.

24. Boundary treatment scheme (including timetable(s) for provision) prior to boundary treatments being installed to be submitted, approved and implemented and removal of permitted development rights for alternative boundary treatments.
25. Surface water drainage scheme during the construction phase prior to commencement to be submitted, approved and implemented.
26. Infiltration testing to demonstrate that infiltration is feasible as part of the surface water drainage scheme prior to commencement to be submitted and approved.
27. Surface water drainage scheme prior to commencement to be submitted, approved and implemented.
28. Surface water drainage maintenance scheme prior to the first use of the development to be submitted, approved and implemented.
29. Battery safety management plan (BSMP) prior to the installation of any electrical equipment or battery unit to be submitted, approved and implemented.
30. No external lighting to be installed (including during the construction phase) unless precise details and location of such external lighting is first submitted and approved.
31. No CCTV cameras to be installed unless precise details and locations of such CCTV cameras are first submitted and approved.
32. Details to demonstrate that the proposed development will not generate electromagnetic interference to critical aviation communications, navigation, and surveillance infrastructure prior to the first use of the development to be submitted and approved.
33. Timetable for the delivery of the informal footpath depicted on the submitted plans prior to commencement to be submitted, approved and implemented.
34. Details of signage for the informal footpath depicted on the submitted plans (including timetable for implementation) prior to the first use of the development to be submitted, approved and implemented.
35. Scheme of replacement picnic area (including timetable(s) for implementation) prior to the first use of the development to be submitted, approved and implemented.

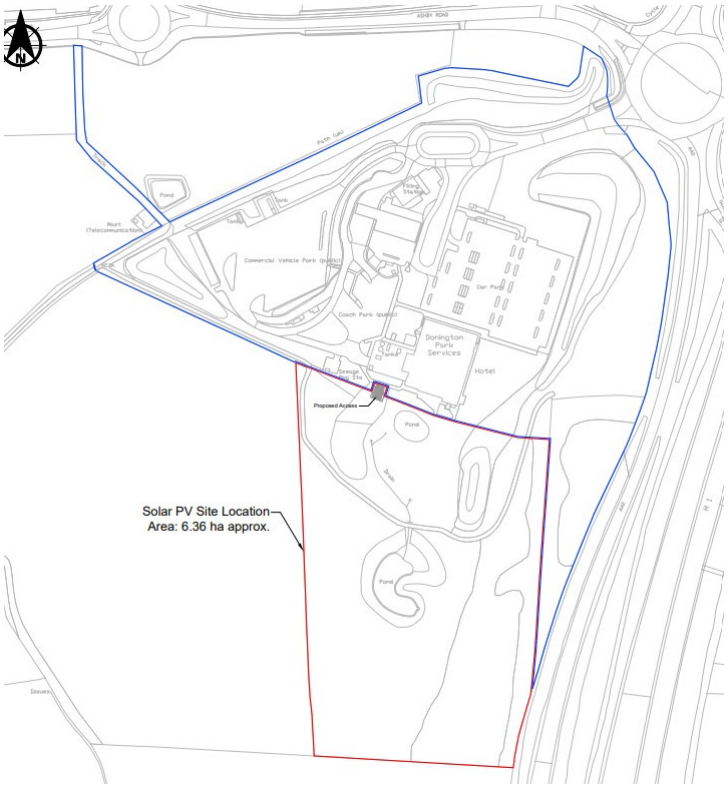
MAIN REPORT

1. Proposals and Background

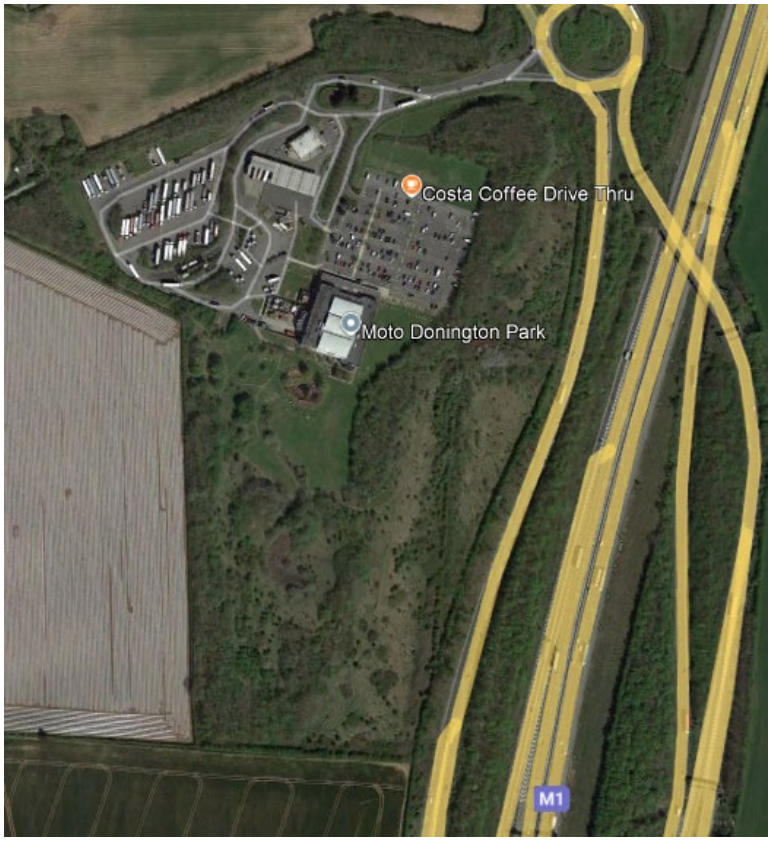
The mandatory requirement for 10% Biodiversity Net Gain (BNG) for major development as required by the Environment Act came into force on the 12th of February 2024. However, this requirement would only be applicable to those applications received on or after the 12th of February 2024 and is not to be applied retrospectively to those applications already under consideration before this date and subsequently determined after this date. On this basis the proposed development would not be required to demonstrate a 10% BNG.

Planning permission is sought for the construction and operation of a ground-mounted solar farm with a generation capacity of 7.15 megawatts (MW) together with access, landscaping and associated infrastructure at Donington Park Service Area (DPSA), Junction 23A, Ashby Road. The 6.36 hectare site (as identified in the image below) is located to the immediate south of the DPSA and is outside the defined Limits to Development. The proposed solar farm would be operational for a 40 year time period.

Site Location Plan



Aerial Image of the Site Location



A screening opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) in respect of the proposed solar farm was issued on the 4th of October 2023 (under application reference 23/01189/EIA) and where it was determined that a planning application would not need to be accompanied by an Environmental Statement (ES).

The scheme as originally proposed related to the provision of a solar farm of up to 9MW but following amendments to the scheme the generating capacity of the solar farm has been reduced to 7.15MW.

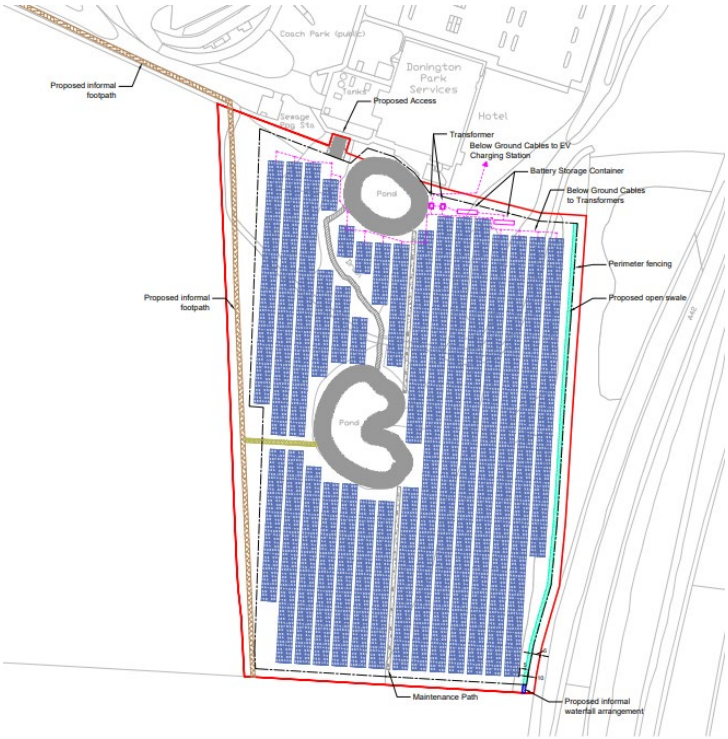
The submitted planning statement (PS) outlines that the proposal would comprise of the following development:

(i) Installation of 12,544 photovoltaic (PV) solar panels mounted on 16 rows of supporting structures of 8.77 metres in length and having a maximum height of 2.04 metres. Such rows would run north to south with the panels facing east and west, with the spacing between rows being 2.5 metres. Such solar panels would be fixed and therefore their orientation would not change during the day to track the course of the sun;
(ii) Two transformer units on the northern boundary of the site which would have maximum heights of 2.2 metres;
(iii) Two battery storage container units housing battery modules. Such units would be the standard size of a shipping container;
(iv) The laying of below ground cables from the solar PV banks to the transformers;
(v) The laying of below ground cables from the transformer units to the electric vehicle (EV) charging stations;

(vi) The construction of a central maintenance path in the middle of the solar installation;
(vii) The construction of access from the services to the application site;
(viii) The installation of a perimeter fence; and
(ix) New hedges and vegetation to provide screening of the proposed development.

The layout of the development is as shown in the image below:

Site Layout



The submitted PS also outlines that the main purpose of the solar farm would be to provide electrical power to the EV charging stations (whilst also enabling the installation of electric heavy goods vehicle (eHGV) charging points) which forms part of the applicant's plans to reduce carbon emissions and assist the UK in reaching its net zero targets. In order to achieve this, suitable infrastructure needs to be in place to make EV charging faster, simpler and more reliable given that the National Grid cannot meet such demands for power.

It is proposed that the access for construction, operation and maintenance would be via the existing access to the DPSA off the south-western arm of the Finger Farm Roundabout which connects the A42 with the A453 (Ashby Road).

At the end of the 40 year operational lifespan of the solar farm, the PS outlines that the site would be restored back to its former agricultural condition with all equipment and below ground connections removed. However, proposed landscaping infrastructure would be retained to provide long-term benefits to the local landscape character of the site.

Further information in respect of the application, including the supporting documentation and relevant plans, can be found on the District Council's website.

Relevant Planning History

- 9800376/MP – Motorway service area including three-storey amenity/Travelodge building, fuel filling station, car lorry, caravan and coach parking and landscaping – Approved 29th July 1998.
- 24/00265/PNM – Prior notification application for the installation of 271 roof mounted solar panels and associated equipment – Approved 16th April 2024.

2. Publicity

24 neighbours initially notified on the 26th of January 2024, with 46 neighbours notified on the 8th of July 2024 following the receipt of amended plans and a change to the description of the development.

A site notice was originally displayed on the 26th of January 2024 and then on the 17th of July 2024 following an amendment to the description of the development.

A press notice was originally published in the Derby Evening Telegraph on the 31st of January 2024 and then on the 17th of July 2024 following an amendment to the description of the development.

3. Summary of Consultations and Representations Received

The following summary of representations is provided. All responses from statutory consultees and third parties are available to view in full on the Council's website.

Objections from:

Long Whatton & Diseworth Parish Council (LWDPC) who objected to the application as originally submitted on the following summarised grounds:

(i) Diseworth is not mentioned in the Planning Statement as the nearest settlement to the development;
(ii) The land is adjacent to the East Midlands Freeport site and therefore will have a cumulative effect on the village of Diseworth;
(iii) When Donington Park Service Area was built there was a commitment to leave the application site as a haven for wildlife; and
(iv) The development results in the loss of a circular walking route linking Hyam's Lane with Long Holden.

Following re-consultation, LWDPC maintained their objection and outlined that whilst members had met with representatives of the applicant, and there was an understanding that some wildlife habitat would be retained, there was a need for further ecological surveys to be submitted for consideration. LWDPC were also of the view that elevated solar panels over the car park would be a more appropriate solution in order to negate the loss of a greenfield site.

A further consultation response from LWDPC indicated that whilst supporting the need for renewable and clean energy this should not be at the expense of developing a greenfield site, particularly when the applicant had a vast car park available to accommodate the development. Therefore, whilst LWDPC accepted the amendments made by the applicant to accommodate a wildlife corridor and an informal footpath through the site, an objection was maintained due to the cumulative impact with other developments around Diseworth.

Breedon on the Hill Parish Council who support the views of LWDPC.

Leicestershire County Council – Ecology who object to the application due to the significant harm to the candidate Local Wildlife Site (cLWS) with the applicant not demonstrating that their proposed mitigation would off-set the significant harm arising. The County Council Ecologist also considers that a net gain in biodiversity would not be delivered as part of the development.

No Objections from:

Historic England (subject to the advice of the Council's Conservation Officer and County Council Archaeologist being considered).
Leicestershire County Council – Highways Authority.
Leicestershire County Council – Minerals and Waste Planning Authority.
NWLDC – Conservation Officer.
NWLDC – Environmental Protection.
The Gardens Trust.

No Objections, subject to conditions and/or informatives, from:

East Midlands Airport Safeguarding.
Leicestershire County Council – Lead Local Flood Authority.
National Highways.

Third Party Representations

30 third party representations have been received objecting to the application with the comments raised summarised as follows.

Grounds of Objections	Description of Impact
Principle of Development	Whilst not objecting to the provision of solar panels, it is considered that the chosen ground-mounted solar panels location is flawed and that consideration should be given to the installation of solar panels on the roofs of the existing buildings or positioned on structures above the cars parked within the car park. Such approaches are adopted throughout Europe and would be more environmentally friendly.
	The proposed development should be assessed in the context of other developments which are proposed within the area (including any development of the Freeport site and the new settlement at Isley Woodhouse) and the overall urbanisation which would occur.
	Piecemeal solar schemes will not address the energy requirements of the country and more comprehensive

	schemes should be brought forward.
Landscape and Visual Impacts	The proposed development would have an adverse visual impact given its positioning on rising ground.
Impact to the Historic Environment	There would be a direct line of sight to the Diseworth Conservation Area and therefore this heritage asset would be compromised by both the visual impact and potential glare.
Residential Amenity	The proposed development will result in noise, glare and shadow impacts to residential amenity.
Ecology	More comprehensive ecological assessments should be conducted at appropriate timepoints throughout the year and not just September as outlined in the submitted report given that ecological species are present at differing times of the year.
	The application site is designated as a candidate Local Wildlife Site (cLWS) and is therefore of high value with the proposed development diminishing the biodiversity value of the site and not resulting in a biodiversity net gain (BNG). The BNG calculations are also flawed and inaccurate.
	The positioning of the solar panels in an east – west orientation to maximise yield in comparison to a south facing configuration has a detrimental effect to biodiversity as less light penetrates through to the ground.
	Renewable energy cannot be at the expense of nature which has equal levels of importance, with the loss of nature, habitats and wildlife not being offset by the proposed solar farm.
Flood Risk and Drainage	The removal of features which contribute to enabling the infiltration of rain water and slowing flows of water downhill towards Diseworth Brook will increase the risk of surface water flooding occurring.
Aviation Safety	The solar panels will cause glint and glare to aircraft using East Midlands Airport.

Other Matters	It is understood that the area of the application site was developed as a wildlife and recreation area as part of the original approval of the service area and secured via condition and/or a Section 106 agreement.
	The supporting documentation does not refer to the settlement of Diseworth (instead focusing on Kegworth and Castle Donington) and includes references to service stations elsewhere in the country. Such documents should therefore not be considered acceptable for assessing the application.
	The engagement with the public has been inadequate and any responses provided have either been ignored or downplayed.
	The application site provides an area with amenity value to both users of the service station and those residents who use the route through the site as part of the only traffic free circular walking route from Diseworth. The lack of pedestrian connectivity from Diseworth also prevents residents from using the services available.

A representation has also been received from Protect Diseworth objecting to the application on the following summarised grounds:

- The proposed development is contrary to relevant policies which the application would be assessed against.
- The supporting documentation does not refer to the settlement of Diseworth and therefore cannot be considered acceptable for assessing the application.
- The layout of the development does not account for any proposed employment development on the Freeport site and the relevant height of such development impacting the solar panels.
- The impact of surface water runoff to Diseworth Brook needs to be appropriately considered.
- The proposed development will impact on Great Crested Newts (GCNs) and will result in the loss of a candidate Local Wildlife Site (cLWS) which is not mitigated against.
- The development will result in the loss of existing trees.
- Any visual impacts to the Diseworth Conservation Area need to be appropriately mitigated.
- The development will result in the loss of a circular informal walking route from Diseworth through the Donington Park Service Area; mitigation should be provided so that a route is maintained.
- Did the planning permission granted under application reference 9800376/MP seek to retain the cLWS by condition/legal agreement?

- There would be adverse landscape impacts resulting from the development.
- The development would be visual to residential receptors and adverse noise impacts would arise.
- Glint and glare impacts to residential receptors needs to be appropriately considered.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2024)

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraphs 8 and 10 (Achieving sustainable development);
Paragraphs 11 and 12 (Presumption in favour of sustainable development);
Paragraph 35 (Development contributions);
Paragraphs 39, 40, 41, 42, 43, 45, 48 and 55 (Decision-making);
Paragraphs 56, 57 and 58 (Planning conditions and obligations);
Paragraph 105 (Promoting healthy and safe communities);
Paragraphs 109, 110, 112, 113, 115, 116 and 117 (Promoting sustainable transport);
Paragraphs 124, 125 and 129 (Making effective use of land);
Paragraphs 131, 133, 134, 135 and 139 (Achieving well-designed places);
Paragraphs 161, 163, 164, 166, 168, 170, 173, 174, 175, 181 and 182 (Meeting the challenge of climate change, flooding and coastal change);
Paragraphs 187, 193, 196, 197, 198 and 201 (Conserving and enhancing the natural environment);
Paragraphs 202, 207, 208, 210, 212, 213, 215, 216, 218 and 219 (Conserving and enhancing the historic environment); and
Paragraphs 222 and 224 (Facilitating the sustainable use of minerals).

National Planning Policy Statement for Energy (NPS EN-1)

NPS EN-1 was originally published in July 2011 to set out national policy for energy infrastructure in the UK. Its primary purpose is to be applied to decisions for Nationally Significant Infrastructure Projects (NSIPs), but this document can be a material consideration in the determination of planning applications: *"In England and Wales this NPS may be a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990 (as amended). Whether, and to what extent, this NPS is a material consideration will be judged on a case by case basis."*

Paragraph 3.4.1 sets out the UK's commitment to sourcing 15% of energy from renewable sources by 2020. In order to hit this target, and to largely decarbonise the power sector by 2030, Paragraph 3.4.5 goes on to state that: *"It is necessary to bring forward new renewable electricity generating projects as soon as possible. The need for new renewable energy electricity generation projects is therefore urgent."*

The updated National Policy Statement for Energy EN-1 took effect in January 2024 and includes a new section with the heading *'The urgency of need for new electricity infrastructure'* and reiterates the imperative of bringing forward renewable energy schemes as soon as possible. This is particularly pertinent, given the clear and immediate need to reduce reliance on

the importation and use of fossil fuels.

National Planning Policy Statement for Renewable Energy Infrastructure (NPS EN-3)

This NPS, which was updated on the 17th January 2024, taken together with the overarching NPS for Energy (NPS EN-1), provides the primary policy for decisions by the Secretary of State on applications they receive for nationally significant renewable energy infrastructure. It is also confirmed in this document that NPS EN-3 may be a material consideration in decision making by local planning authorities.

Sixth Carbon Budget (2021)

This commits the government to fully decarbonise the electricity grid by 2035.

National Legislation

On the 12th June 2019, the Government laid the draft Climate Change Act 2008 (2050 Target Amendment) Order 2019 to amend the Climate Change Act 2008 by introducing a target for at least a 100% reduction of greenhouse gas emissions (compared to 1990 levels) in the UK by 2050. This is otherwise known as a *'net zero target'*. The draft order would amend the 2050 greenhouse gas emissions reduction target in the Climate Change Act from at least 80% to at least 100%, thereby constituting a legally binding commitment to end the UK's contribution to climate change.

Local Policies

Adopted North West Leicestershire Local Plan (2021)

The following policies of the adopted local plan are consistent with the policies of the NPPF and should be afforded full weight in the determination of this application:

Policy S2 – Settlement Hierarchy;
Policy S3 – Countryside;
Policy D1 – Design of New Development;
Policy D2 – Amenity;
Policy Ec5 – East Midlands Airport: Safeguarding;
Policy IF1 – Development and Infrastructure;
Policy IF4 – Transport Infrastructure and New Development;
Policy IF7 – Parking Provision and New Development;
Policy En1 – Nature Conservation;
Policy En6 – Land and Air Quality;
Policy Cc1 – Renewable Energy;
Policy Cc2 – Water – Flood Risk; and
Policy Cc3 – Water – Sustainable Drainage Systems.

Pre-Submission Long Whatton & Diseworth Neighbourhood Plan (2024)

On the 12th of February 2024, public consultation commenced on the Long Whatton & Diseworth Neighbourhood Plan. Consultation took place for a period of six weeks closing on the 25th of March 2024.

The following draft Neighbourhood Plan policies are considered relevant to this application, however, in view of the early stage to which the Neighbourhood Plan has progressed, only very limited weight can be attributed to its policies at this stage in line with the requirements of Paragraph 49 of the NPPF (as explained below under the section titled *'Weight to be Afforded to the Policies of the Pre- Submission LW&DNP'*):

LW&D3: Locally Important Views;
LW&D5: Countryside Access;
LW&D6: Ecology and Biodiversity;
LW&D7: Trees and Hedgerows;
LW&D10: Design;
LW&D11: Water Management;
LW&D16: Donington Park Services;
LW&D18: Noise Impact; and
LW&D19: Construction Method Statements.

Leicestershire Minerals and Waste Local Plan (2019)

This plan was adopted on the 25th September 2019 and as such the following policies would be considered relevant to this application:

Providing for Minerals:

Policy M11: Safeguarding of Mineral Resources.

Other Policies

National Planning Practice Guidance which gives more specific guidance on the considerations which apply to large scale solar farms such as the one proposed. The list of factors is set out at Paragraph 013 (Reference ID: 5-013-2015032).

Paragraph 001 (Reference ID: 5-001-20140306) states that *"Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable."*

North West Leicestershire District Council Zero Carbon Roadmap & Action Plan – June 2019.
North West Leicestershire District Council Renewable and Low Carbon Energy Study – 2021.
Good Design for North West Leicestershire Supplementary Planning Document – April 2017.
Leicestershire Highways Design Guide (Leicestershire County Council).
National Design Guide – October 2019.
Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System).
Diseworth Village Design Statement - January 2021.

5. Assessment

Weight to be Afforded to the Policies of the pre-submission LW&DNP

Paragraph 49 of the NPPF (2024) outlines that Local Planning Authorities may give weight to relevant policies in emerging plans according to:

a) *The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
b) *The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
c) *The degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

Public consultation on the pre-submission Long Whatton & Diseworth Neighbourhood Plan (LW&DNP) commenced on the 12th of February 2025 with the six week period concluding on the 25th of March 2025.

It is the view of officers that at this stage *very limited weight* can be given to the policies of the submission LW&DNP given that the extent of unresolved objections is currently unknown.

Principle of Development

Insofar as the principle of development is concerned, and in accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan which, in this instance comprises the adopted North West Leicestershire Local Plan (2021) and pre-submission Long Whatton & Diseworth Neighbourhood Plan (LW&DNP) (2024).

Paragraph 187 of the NPPF highlights the need to recognise the intrinsic character and beauty of the countryside but does not specifically preclude development within the countryside.

The application site lies outside of the defined Limits to Development, and therefore the proposal would be subject to Policy S3 (Countryside) of the adopted Local Plan. Policy S3 outlines, under criterion (o), that renewable energy development is acceptable outside the defined Limits with any development supported under Policy S3 also needing to adhere to criteria (i) to (vi) of the second part of this policy.

Part (1) of Policy Cc1 of the adopted Local Plan also outlines support for renewable energy development, be that within or outside the defined Limits to Development, subject to compliance with criteria (a) to (g) of this policy.

For the purposes of the pre-submission LW&DNP the application site would be within the confines of the Donington Park Service Area (DPSA) which is not recognised as Countryside under Policy LW&D1 (Countryside) of the pre-submission LW&DNP. Policy LW&D16 is specific to the DPSA (refer to the *'Policy LW&D16 of the pre-submission Long Whatton & Diseworth Neighbourhood Plan (LW&DNP)'* section of this report below).

In terms of the compliance with Policies S3 and Cc1 of the adopted Local Plan this would be as follows:

Criterion (i) of Policy S3

(i) The appearance and character of the landscape, including its historic character and features such as biodiversity, views, settlement pattern, rivers, watercourses, field patterns, industrial heritage and local distinctiveness is safeguarded and enhanced.

Criterion (b) of Policy Cc1

(b) There is no adverse impact on the landscape character taking account of the special qualities set out within the individual National Character Areas.

For the reasons as outlined in the *'Landscape and Visual Impact'* section of this report below, it is considered that the proposed development would not impact adversely on the appearance and character of the landscape.

On this basis the proposed development would be compliant with criterion (i) of Policy S3 and criterion (b) of Policy Cc1 of the adopted Local Plan.

Criteria (ii) and (iii) of Policy S3

(ii) It does not undermine, either individually or cumulatively with existing or proposed development, the physical and perceived separation and open undeveloped character between nearby settlements, either through contiguous extensions to existing settlements or through development on isolated sites on land divorced from settlement boundaries; and
(iii) It does not create or exacerbate ribbon development.

The application site is situated to the north-east of Diseworth, north-west of Long Whatton, and south-west of Kegworth.

In addition to the above, the application site is bound to its east by the M1/M42, and to its north by the A453, the existing infrastructure comprising the Donington Park Service Area (DPSA), and East Midlands Airport.

When accounting for the location of the application site in relation to the neighbouring settlements, the existing infrastructure which bounds and separates the application site from Long Whatton and Kegworth, and the existing landscaping infrastructure to the boundaries of the application site, it is considered that the physical *and* perceived separation (*officer emphasis*) between settlements would not be undermined and consequently there would be no conflict with this criterion.

It is also considered that the proposed development would not create or exacerbate ribbon development.

On this basis the proposed development would be compliant with criteria (ii) and (iii) of Policy S3 of the adopted Local Plan.

Criterion (iv) of Policy S3

(iv) Built development is well integrated with existing development and existing buildings, including the re-use of existing buildings, where appropriate.

Whilst the solar arrays would be 'spread' across the site it is considered that they would be integrated with existing development, including the infrastructure associated with the DPSA and man-made ponds. The associated infrastructure would also be well integrated with the same infrastructure given its location to the north of the solar arrays.

On this basis the proposed development would be compliant with criterion (iv) of Policy S3 of the adopted Local Plan.

Criterion (v) of Policy S3

> *(v) The development will not seriously undermine the vitality and viability of existing town and local centres.*

Given the nature of the proposed development this criterion is not considered to be relevant.

Criterion (vi) of Policy S3

> *(vi) The proposed development is accessible, or will be made accessible, by a range of sustainable transport.*

Under Policy S2 (Settlement Hierarchy) of the adopted Local Plan, Diseworth is identified as a 'Sustainable Village' which is defined as a settlement which has a *"limited range of services and facilities and where a limited amount of growth will take place within the defined Limits to Development."*

It is considered that criterion (vi) of Policy S3 is more applicable to developments which have the potential to generate a large number of vehicular movements (i.e. residential or employment generating development) and whose purpose is to ensure that such developments are appropriately located to reduce the reliance on the private car to access the most basic of services and employment opportunities.

In respect of the proposal, it is considered that the majority of the vehicular movements would be associated with the construction phase of the development which would be unavoidable given that large scale infrastructure would need to be transported on private vehicles. The submitted Construction and Decommissioning Traffic Management Plan (CDTMP) specifies that the development would be constructed over a 12 week period (3 months) with there being 4 two-way daily movements by delivery vehicles and 20 two-way daily movements by construction staff.

For the operational phase, the submitted information highlights that there would be three visits per year for equipment maintenance which would either be via a light van or 4x4 vehicle. It is again considered that such movements would be undertaken in private vehicles given the need to transport maintenance equipment/tools to the site. Such trips, however, are very infrequent and would only amount to 0.82% of the total days in a calendar year.

Notwithstanding that the ability to use non-car modes of transport to serve a development of the nature proposed would be extremely limited, it is noted that the SkyLink services to East Midlands Airport (EMA) would provide construction employees (in particular) with an opportunity to reach the site via means other than the private car given that a surfaced footway exists between EMA and the DPSA.

Overall, it is considered that the proposal would be compliant with criterion (vi) of Policy S3 of the adopted Local Plan when accounting for the type of development proposed.

Criterion (a) of Policy Cc1

(a) There is no unacceptable impact on residential amenity in terms of noise, shadow flicker, vibration and visual dominance.

For the reasons as outlined in the *'Residential Amenity'* section of this report below it is considered that there would be no unacceptable impact on residential amenity. Shadow flicker would not be applicable in this instance as it relates to wind turbine development.

On this basis the proposed development would be compliant with criterion (a) of Policy Cc1 of the adopted Local Plan.

Criterion (c) of Policy Cc1

(c) All impacts on biodiversity have been adequately mitigated or enhanced.

For the reasons as outlined in the *'Ecology'* section of this report below, the County Council Ecologist considers that significant harm would arise to the part of the candidate Local Wildlife Site (cLWS) which falls within the boundary of the application site and whereby the applicant has not adequately demonstrated that such an impact would be mitigated against.

On this basis the proposed development would *not be* compliant with criterion (c) of Policy Cc1 of the adopted Local Plan.

Criterion (d) of Policy Cc1

(d) Heritage assets and their settings are conserved or enhanced.

For the reasons as outlined in the *'Impact on the Historic Environment'* section of this report below it is considered that *no harm* would arise to the significance of any designated heritage assets including the Grade II listed Wartoft Grange, the Diseworth and Long Whatton Conservation Areas, and the Whatton House Registered Park and Garden.

On this basis the proposed development would be compliant with criterion (d) of Policy Cc1 of the adopted Local Plan.

Criterion (e) of Policy Cc1

(e) Proposals take account of the cumulative effect that would result from the proposal in conjunction with permitted and existing renewable energy schemes.

A solar array at Whatton Road, Kegworth is located 1.4 kilometres to the north-east and a solar array at Langley Priory, Walnut Yard, Diseworth is 3.9 kilometres to the south-west of the site.

In addition planning permission was granted, on the 5th of March 2024, for a solar farm together with associated works, equipment and necessary infrastructure at land to the west of Hathern Road, Long Whatton under application reference 23/00211/FULM. This solar farm would be 2.8 kilometres to the south-east of the site.

It is considered that these solar farms are most likely to have a cumulative impact with the development at DPSA and have therefore been assessed accordingly.

Officers are also aware of other solar farms elsewhere, both within and outside of North West Leicestershire, however these are unlikely to have material cumulative impacts with the proposal at the DPSA.

Whilst representations have been received outlining that the proposal should be assessed cumulatively with other developments proposed within the area (including development on the Freeport site and a new settlement), it is a fundamental tenet of the planning system that a planning application be assessed on its own merits with the terms of this criterion only requiring a proposed renewable energy scheme to be assessed cumulatively with other renewable energy developments.

When accounting for the limited visual impact arising from the proposed development as outlined in the *'Landscape and Visual Impact'* section of this report below, the separation distances involved, and that the site would be screened by existing and proposed soft landscaping infrastructure, it is considered that no adverse cumulative effects would arise.

On this basis the proposed development would be compliant with criterion (e) of Policy Cc1 of the adopted Local Plan.

Criterion (f) of Policy Cc1

> *(f) Proposals are accompanied by details to demonstrate how the site will be decommissioned to ensure the restoration of the site following cessation.*

The submitted Construction and Decommissioning Traffic Management Plan (CDTMP), along with the submitted Planning Statement (PS), indicate that at the end of the 40 year operational lifespan of the solar farm the site would be restored back to its existing agricultural use with all equipment and below ground connections removed. It is, however, intended that the proposed landscape infrastructure, along with any deliverable biodiversity improvement measures, would remain to provide long-term benefits to the local landscape character of the area.

It is considered that a condition could be imposed on any permission granted which would require the submission of a Decommissioning and Restoration Scheme (DRS) at an appropriate time prior to the solar farm ceasing operation.

On this basis the proposed development would be compliant with criterion (f) of Policy Cc1 of the adopted Local Plan.

Criterion (g) of Policy Cc1

> *(g) Proposals for large scale renewable energy should demonstrate that the economic, social and environmental benefits are for those communities closest to the proposed facility.*

The proposed solar farm would generate much needed power to the electric vehicle (EV) charging infrastructure at the DPSA and therefore reduce dependency on the grid to provide such electricity. In addition to providing an invaluable facility to those travelling on the strategic road network, the EV charging infrastructure would also be available to local residents who own electric vehicles.

It is also the case that the proposed solar farm would achieve a reduction of approximately 1,325 tonnes of carbon dioxide (CO2) emissions annually and 53,000 tonnes of CO2 over the lifetime of the development. This reduced reliance on fossil fuels for energy production would contribute to reducing harmful emissions such as particulate matter (PM10), Nitrogen Oxides (NOx) and carbon monoxide (CO), with the subsequent creation of 'cleaner' air being of benefit to the local communities.

The introduction of planting infrastructure of a better standard to that to be removed, which would be retained even after the decommissioning of the solar farm, would also be of benefit to local communities as a result of the development being suitably screened whilst also encouraging biodiversity improvements.

An informal footpath along the western perimeter of the application site, which would adjoin to formal footpaths to the north and south of the application site, would also maintain an important walking route for the local community and maintain access to the services available at the DPSA.

On this basis the proposed development would be compliant with criterion (g) of Policy Cc1 of the adopted Local Plan.

Principle of Development Conclusion

The National Planning Policy Statement for Energy (NPS EN-1) sets out the UK's commitment to sourcing energy from renewable sources in order to largely decarbonise the power sector by 2030. Paragraph 3.4.58 states that *"there is an urgent need for new (and particularly low carbon) electricity NSIPS to be brought forward as soon as possible, given the crucial role of electricity as the UK decarbonises its economy."*

The intention of the development is to provide renewable energy generation to the electric vehicle (EV) charging points at the DPSA, whilst also enabling the applicant an opportunity to deliver electric heavy goods vehicle (eHGV) at the site to meet rising demand. It therefore seeks to relieve pressure on the National Grid which cannot accommodate such demands and has a specific purpose, with Paragraph 168 of the NPPF specifying that *significant* weight should be given to the benefits associated with renewable and low carbon energy generation.

In principle the development is an acceptable form of development outside the defined Limits to Development given its compliance with criterion (o).

It is also concluded within this report that no significant conflict with criteria (i) to (vi) of Policy S3 of the adopted Local Plan would arise as a result of the development and consequently the proposal would be considered acceptable in principle.

The assessment above has also concluded that whilst the development would be compliant with criteria (a) to (b) and (d) to (g) of Policy Cc1 of the adopted Local Plan, which provides support for renewable energy development, it would conflict with criterion (c) given the significant harm to the cLWS and whereby the applicant has not demonstrated (to the satisfaction of the County Council Ecologist) that such harm would be mitigated against. This conflict would be weighed in the overall planning balance which is undertaken in the *'Overall Planning Balance, Contribution to Sustainable Development and Conclusions'* section of this report below, but does not alter the suitability of the principle of the development given that criterion (o) of Policy S3 does not specify that the renewable energy development has to be compliant with Policy Cc1 (in the

same way that other forms of development (e.g. affordable housing) have to be compliant with an additional policy within the adopted Local Plan).

Other issues associated with the development are assessed in more detail in the relevant sections of this report below.

Consideration of Alternatives

Representations received from third parties, Long Whatton and Diseworth Parish Council (LW&DPC) and Protect Diseworth have outlined that consideration should be given to the solar panels either being located on existing roofs within the confines of the Donington Park Service Area (DPSA) or on car ports constructed over the existing car park.

In terms of roof mounted solar, permission was granted under application reference 24/00265/PNM for the installation of 271 roof mounted solar panels on the main amenity building within the DPSA. Such solar panels would be used to supply power to this building and therefore cannot be used as an alternative to source renewable energy to the electric vehicle (EV) charging points.

With regards to the use of carports, whilst the applicant acknowledges that they represent an effective way of utilising car parks for generating solar power they are not deemed feasible at DPSA.

Currently parking space at the DPSA is over 100% capacity with the occupancy rate continuing to grow. As such, the applicant is to engage in a fundamental redesign of the site layout and car parking area in order to meet the increasing parking demand at the site. Given the bulky frame of any carports and the space their associated infrastructure utilises (substations, transformers etc.), their installation at DPSA would significantly reduce parking capacity, and also impede the applicant's ability to introduce other facilities at the site such as electric heavy goods vehicle (eHGV) parking spaces.

Furthermore, to generate the same amount of power output as the ground-mounted solar farm it would be estimated that around 4 hectares of densely packed carports would be required. Such a large extent of carports would not be feasible at DPSA due to the physical constraints of the car park and the impact such carports would have to visitor movements in and around the car park.

It is therefore considered that the applicant has undertaken a suitable assessment of the alternative means of delivering renewable energy within the DPSA with the application site remaining the most viable option.

Policy LW&D16 of the pre-submission Long Whatton & Diseworth Neighbourhood Plan (LW&DNP)

Policy LW&D16 of the pre-submission LW&DNP supports the improvement of roadside services at Donington Park Service Area (DPSA) which contribute to the safety and welfare of road users. It also indicates that the wetland, picnic area and Sustainable Drainage System (SuDS) to the south of the site should be retained and, where possible, enhanced.

It is considered that the proposed development would contribute towards the safety of road users by ensuring that the electric vehicle (EV) charging points are provided with a consistent power supply. This will enable road users to stop and appropriately charge their vehicles,

therefore preventing breakdowns and obstructions to other highway users should such vehicles not have adequate opportunities to recharge.

As proposed the development would retain the existing SuDS features, with additional SuDS features being introduced as a means of mitigating surface water runoff associated with the development. It would, however, impact on the existing picnic area to the south of the site, albeit it is not explicit within Policy LW&D16 as to whether the 'wetland' referred to in the pre-submission LW&DNP also applies to the candidate Local Wildlife Site (cLWS). As the cLWS specifically relates to grassland, it is considered that the 'wetland' designation would apply to the immediate habitat around the ponds and not the cLWS.

Although the picnic area to the south would be lost, the applicant has agreed to relocate the picnic area to a suitable location around the DPSA amenity building (with the grassed area to its immediate south-east appearing to be a suitable location) and therefore a condition would be imposed on any permission granted to secure a precise scheme. On this basis a picnic area would still support the welfare of road users.

The existing ponds, and wetland around such ponds, would be retained and improved as part of the development.

Policy LW&D16 of the pre-submission LW&DNP Conclusion

Overall, it is considered that any conflict with Policy LW&D16 of the LW&DNP would be limited to the impact to the existing picnic area, albeit an alternative picnic area could be delivered as part of the development. Even if a view was taken that the 'wetland' did relate to the cLWS, it is unclear from the wording of the policy how the cLWS (or wetland) contributes substantially to the welfare of road users. Notwithstanding this, only very limited weight can be afforded to terms of Policy LW&D16 and as such there would not be sufficient justification to refuse the application on the basis of any conflict with this policy.

The significant positive weight to be given to the delivery of solar farm development in the overall planning balance would also substantially outweigh the limited conflict with Policy LW&D16.

Landscape and Visual Impact

Criterion (i) of Policy S3 and criterion (b) of Policy Cc1 of the adopted Local Plan support development which safeguard and enhance the appearance and character of the landscape.

A Landscape and Visual Impact Assessment (LVIA) has been submitted in support of the application, which has been undertaken in accordance with best practice as outlined in the *'Guidelines for Landscape and Visual Impact Assessment 3rd Edition'* (also known as GLVIA3), *'Landscape Character Assessment Guidance for England and Scotland'* and the Landscape Institute Technical Guidance Note (TGN 02/21) *'Assessing landscape value outside national designations.'*

Landscape Impact

The application site is not subject to any statutory landscape (i.e. National Park or National Landscape, nature conservation or heritage designations, or non-statutory designations (such as a Local Wildlife Site (LWS)).

It is outlined within the LVIA that the application site currently supports neutral rank grassland with areas of young woodland and dense scrub, along with areas of amenity grassland, two ponds, and boundary hedgerows. The majority of the application site is covered by the candidate Local Wildlife Site (cLWS) designation (known as the M1 J23A Donington Park Services Grassland and Scrub), given that the Mesotrophic grassland and secondary scrub habitat would meet LWS criteria, however the LVIA indicates that since the cLWS assessment in August 2020 *"it is evident that the grassland now contains far more scrubby species…suggesting that without management the area is in succession."*

At a National Level the application site falls within the *'Melbourne Parklands'* National Character Area (NCA 70) (which is outlined in Paragraphs 5.5.1 to 5.5.4 of the LVIA) whilst also being close to the *'Trent Valley Washlands'* NCA (NCA 69).

The East Midlands Region Landscape Character Assessment (EMRLCA) identifies that the application site is wholly within the *'Wooded Village Farmlands'* (ref: 5B) landscape character type which is outlined in Paragraphs 5.6.1 to 5.6.6 of the LVIA.

The LVIA determines that the landscape is of *medium value* as whilst it is not particularly tranquil, it retains a quiet rural character albeit major infrastructure such as the strategic road network (SRN) and East Midlands Airport (EMA) have resulted in a significant effect on the local landscape character.

It is also concluded within the LVIA that the scale of enclosure and interlocking nature of the gently rolling landform within the wider landscape in and around the site is such that open views towards the application site are largely limited to locations within close proximity to, or immediately adjacent (as assessed in more detail in the *'Visual Impact'* sub-section below). Views towards the application site from the wider landscape, including higher ground to the south and west, are screened by intervening hedgerows and trees. Where any views are possible, the development would be viewed in the context of a relationship with the infrastructure of the SRN, EMA, and that within the Donington Park Service Area (DPSA). Whilst existing young woodland and scrub would be removed to facilitate the development, this would not affect local views given that such woodland would be replaceable. On this basis the LVIA determines that the susceptibility of the local landscape to this form of development would be *low*.

When accounting for the limited scale and influence on a single landscape type, as well as the relatively short-term and reversable effect of the proposed development, the LVIA determines that the overall impact to the landscape would be of *negligible significance*.

It is, however, recognised within the LVIA that the loss of a relatively large area of existing woodland and trees (as discussed in the *'Landscaping'* section of this report below) would result in the significance of effect to landscape features being *major adverse*.

Visual Impact

In terms of visual amenity, a series of representative publicly accessible views from the area surrounding the site were identified through desktop and field studies. Such viewpoints are not intended to cover every possible view of the proposed development, but rather they are representative of a range of receptor types at varying distances and orientations to the site.

The LVIA assesses the visual impacts to the north, east, south and west of the site which are considered below.

Visual Impact to the North

The LVIA includes seven representative viewpoints and two context photos representing the views to the north (and north-west) of the site which include close range views from the car park and open space around the DPSA (representative viewpoints 1 and 2), from the internal permissive paths within the DPSA (representative viewpoint 7) and from public right of way (PRoW) L45 close to the site (representative viewpoint 3). These representative viewpoints (as well as the context photos) are shown below.

Representative Viewpoint 1 taken from the LVIA

Representative Viewpoint 2 taken from the LVIA

Representative Viewpoint 7 taken from the LVIA

Representative Viewpoint 3 taken from the LVIA

Context Image 1 taken from the LVIA

Context Image 2 taken from the LVIA

Views from within the semi-public DPSA would experience close range views into the northern part of the application site, with the southern extent of the application site being screened by the development in the northern part along with the sloping landform. The introduction of the solar farm (including the solar panels, security fencing and transformers) will be the principal feature of these views, with the loss of woodland, trees and scrub within the site very noticeable.

The nature of these receptors is primarily users of the DPSA, as well as the limited users of the permissive paths. Representative viewpoints 1 and 2 demonstrate that viewers would already experience a number of detracting features (including the main building on the DPSA and its associated infrastructure) and therefore their sensitivity to the proposed development form would be diminished. Whilst views within the site would be affected by the loss of woodland and

trees, the existing landscaping infrastructure to the site boundaries would be retained (and enhanced) thereby screening views out of the site towards the wider landscape.

Representative viewpoint 7 is in close proximity to representative viewpoints 1 and 2 and would represent the view to users of the permissive path between DPSA and PRoW L45. For the vast majority of this route the existing landscaping infrastructure (including hedgerows) to both sides of the route would be retained thereby largely screening the development from view, albeit there would be limited potential for glimpsed heavily filtered views through the landscaping infrastructure. As part of the proposed development such landscaping infrastructure would be enhanced.

It is considered that from representative viewpoint 3 (which is to the north-west) there would be limited potential for the solar farm to be visible (including during the winter months) given the retention of the landscaping infrastructure to the western site boundary.

Whilst the LVIA (at Paragraph 7.3.9) suggests that the loss of woodland centrally within the site may have the potential to open up views of the wider landscape, such that 'taller' elements associated with the DPSA (i.e. the principal building, lighting columns, tallest vehicles) become visible. The applicant has provided photomontages taken from representative viewpoint 3 to demonstrate the impact at year 1 as well as year 15 and these are shown in the images below.

Photomontage from Representative Viewpoint 3 at Year 1

Photomontage from Representative Viewpoint 3 at Year 15

Whilst such photomontages do not demonstrate the impact during the winter months (i.e. the worst case scenario) it is clear that the loss of woodland and trees centrally within the site would not 'open' up the wider landscape therefore leading to the 'taller' infrastructure of the DPSA being visible. The solar farm would be screened in this view with only the potential for limited, glimpsed views in the winter months, the improvement and retention of the landscaping infrastructure would reduce this limited impact over time.

When accounting for the above, the LVIA concludes that in representative viewpoint 3 there would largely be *no change* in the visual impact or a *neutral* visual impact where limited, glimpsed views may be established. In terms of representative viewpoints 1, 2 and 7, it is considered that the visual impact would be *moderate to minor adverse* when accounting for the low sensitivity of receptors who would primarily be users of the DPSA.

Visual Impact to the East

The LVIA includes a context image (Context Image 4) representing the view from the east of the site which is taken from Whatton Road and public right of way L54.

There are no locations along Whatton Road or PRoW L54 where the proposed development would be visible.

On this basis the LVIA concludes that there would be *no change* in the visual impact to the east.

Visual Impact to the South

The LVIA includes three images representing the mid-distant view (i.e. 100 to 500 metres) from the south of the site which are taken from the Clements Gate/Long Holden track (representative viewpoint 5) and a desire line footpath between Long Holden and the DPSA adjacent to the A42 (representative viewpoint 6). These images are as shown below.

Representative Viewpoint 5 taken from the LVIA

Representative Viewpoint 6 taken from the LVIA

In views from these locations the infrastructure associated with the DPSA is not visible given that it is screened by the intervening hedgerows and landscaping infrastructure both within the site and to its southern boundary. Even before mitigation is considered, the proposed solar farm would be screened by the retained landscaping infrastructure.

The loss of trees centrally within the site would be noticeable in the viewpoints above but given that the landscaping infrastructure to the south would be retained, and enhanced, the horizon would remain wooded.

In this respect the applicant has provided photomontages taken from representative viewpoint 5 to demonstrate the impact at year 1 as well as year 15 and these are shown in the images below.

Photomontage from Representative Viewpoint 5 at Year 1

Photomontage from Representative Viewpoint 5 at Year 15

Given the rising ground between the viewpoint and the site, as well as the retention of the mature hedgerow and trees along the site's southern boundary, the above images demonstrate that the solar farm would be screened in its entirety at year 1. The improvement and management of the hedgerow to the southern site boundary, as well as additional tree planting, would therefore serve to increase the vegetation cover along the horizon and be of a visual benefit.

On the above basis the LVIA concludes that the visual impact to the south from a mid-distance would be ***neutral***.

The LVIA also includes three images representing a longer distance view from the south of the site which are obtained from the local road network of Salter Road (representative viewpoint 8), West End (representative viewpoint 9) and Smithy Lane (representative viewpoint 10).

Views from these three locations include the M1 and A42 road networks and the associated

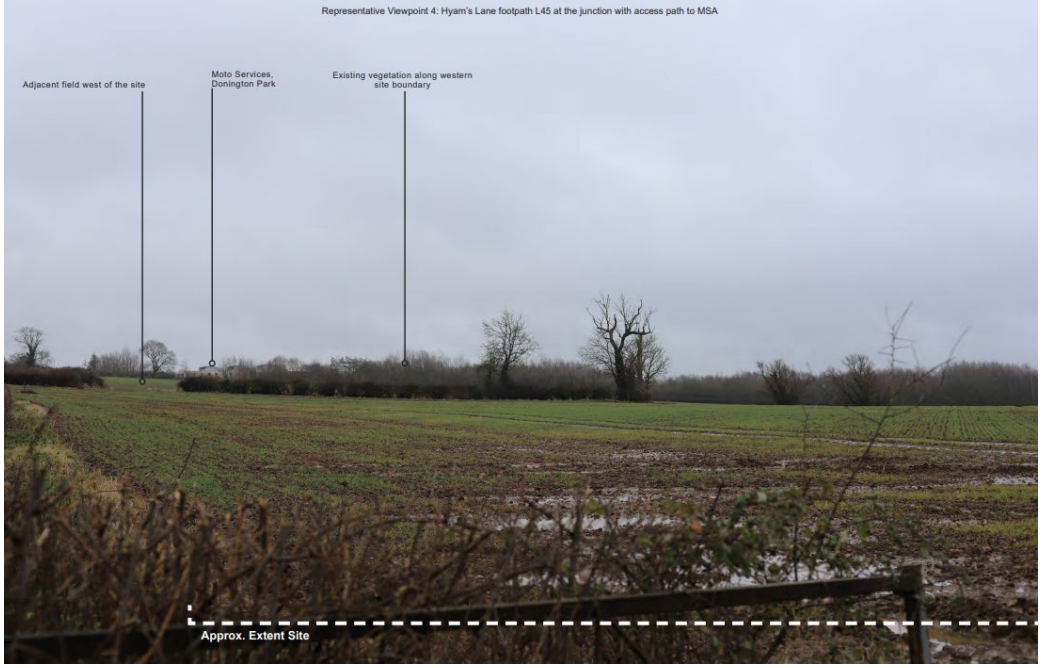
moving vehicles along with lighting and signage infrastructure which would all serve to be detractor factors in these views (particularly in the winter months). As is the case with the mid-distance view, the solar farm would be entirely screened by the local topography and intervening vegetation on the site boundaries and wider landscape.

It is, however, accepted in the LVIA that the loss of trees centrally within the site would be noticeable in these views until any mitigation planting has matured. The significance of this would be ***neutral*** to vehicle and pedestrian receptors (of low sensitivity to the change in view) but ***minor adverse*** to the upper storey windows of residential properties along West End which are of a higher sensitivity.

Visual Impact to the West

The LVIA includes two images representing the view from the west of the site which are taken from Hyam's Lane PRoW L45 at its junction with the access path to the DPSA and are as shown below.

Representative Viewpoint 4 taken from the LVIA



Such images illustrate how the landscape topography and vegetation would screen the proposed development from Diseworth and the local PRoW network given that the overall height of the infrastructure to be provided is limited.

Although there would be a loss of woodland and trees within the site, which would be noticeable in the view, it is intended that the tree and hedge infrastructure to the western site boundary would be maintained, reinforced and enhanced which would therefore lead to the development being screened from view (even in winter months) with the horizon therefore remaining treed.

On this basis the LVIA concludes that the visual impact to the west would be *neutral*.

Landscape and Visual Impact Conclusion

As is outlined above the LVIA determines that the landscape is of *medium value* and that the susceptibility of the local landscape to this form of development would be *low*. On this basis the overall impact to the landscape would be of *negligible significance*. It is, however, acknowledged that the significance of effect to landscape features would be *major adverse* when accounting for the loss of a relatively large area of existing woodland and trees.

In terms of visual impacts, it is outlined above, that there would be a *moderate to minor adverse* visual impact to users of the DPSA but such receptors would be of a low sensitivity to such a change with there also be a *minor adverse* visual impact experienced from the upper storeys of residential receptors at West End, Long Whatton (although this would be associated with the loss of woodland and trees centrally within the site rather than of the solar farm itself).

The LVIA recommends a number of landscape improvements and mitigations as follows:

(a) Retain existing boundary trees and hedgerows and bring them into management to enable them to be thickened;
(b) Provide additional screening in the form or new trees and shrubs on the site boundaries;
(c) Provide new hedgerows trees at field corners and margins to connect to existing habitat;
(d) Reseed areas of cleared woodland and scrub;
(e) Maximise biodiversity and landscaping opportunities on unmanaged land to the east and north-east of the site by the provision of a Landscape and Ecological Management Plan (LEMP); and
(f) The use of recessive colours (potentially khaki green/brown shades) to the exterior surfaces of the associated infrastructure (perimeter fencing, transformers and battery

storage units).

It is considered that such landscape improvements and mitigations could be secured by condition on any permission granted and would be beneficial to the overall landscape, including the character of the landscape. Such improvements and mitigations would also reduce the impact associated with the loss of the young woodland.

In terms of 'visual dominance' to residential receptors, it is considered that no adverse impacts would arise given the screening of the solar panels by retained and proposed soft landscaping infrastructure and the relevant separation distances to the nearest residential receptors.

Overall, the proposal would be compliant with criterion (i) of Policy S3 and criterion (b) of Policy Cc1 of the adopted Local Plan, as well as guidance within the NPPF and NPPG in relation to landscape and visual impacts.

Policies LW&D3 and LW&D4 of the pre-submission Long Whatton & Diseworth Neighbourhood Plan

Policy LW&D3 of the pre-submission Long Whatton & Diseworth Neighbourhood Plan (LW&DNP) requires a development which would have a significant visual impact on any key or representative viewpoint to be accompanied by an LVIA.

Policy LW&D4 of the pre-submission LW&DNP requires development to be located and designed in a way that is sensitive to the open landscape, as well as natural and historical features. Development which does not conserve or maintain the characteristic features of the designated Vulnerable Landscapes will not be supported.

Key viewpoint 6 of Appendix 1 of the pre-submission LW&DNP is as shown in the image below.

Key Viewpoint 6 of Appendix 1 of the pre-submission LW&DNP

The supporting text within Appendix 1 of the pre-submission LW&DNP states that such a viewpoint *"is recorded from the Public Right of Way which connects along Hyams Lane between Donington Park Services and the village. This is a key view encompassing the characteristics of the landscape which defined the setting and context of Diseworth. This is an open and panoramic view, providing a visual connection along a recreational route, including the spire of St Michaels in Diseworth and the wider surrounding countryside."*

The application is accompanied by an LVIA with the conclusions reached above determining that there would be no significant visual impact on key viewpoint 6 within Appendix 1 of the pre-submission LW&DNP which is taken from a similar position to representative viewpoint 3 within the applicant's LVIA (see relevant image above).

It is also the case that the application site is not within a 'Vulnerable Landscape' with the scheme being designed so that the landscaping infrastructure to the site boundaries would

provide screening, thereby ensuring that the wider open landscape would not be impacted on.

Policies LW&D3 and LW&D4 of the pre-submission Long Whatton & Diseworth Neighbourhood Plan Conclusion

Notwithstanding the very limited weight to be afforded to the policies of the pre-submission LW&DNP, it is considered that there is no conflict with Policies LW&D3 and LW&D4.

Agricultural Land Impact

Whilst the application site is outlined to comprise agricultural land it is considered that it is not utilised for agricultural purposes given its integration within the boundaries of the Donington Park Service Area (DPSA). Notwithstanding this, an Agricultural Land Classification (ALC) Report has been submitted which confirms that the site comprises Grade 3b which is not Best and Most Versatile (BMV) agricultural land.

The proposed development would not result in the permanent loss of agricultural land, given that the solar panels would be secured to the ground with steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality. It is also the case that the application site is within a Minerals Safeguarded Area (MSA) and whilst it is unlikely that such land would be worked for minerals in the future, given its location within the DPSA, any mineral extraction undertaken would have a more lasting impact on the agricultural value of the land.

As part of the consideration of the application the applicant has also provided a rationale as to why the proposed solar farm cannot be accommodated upon structures over the existing car park (see the *'Consideration of Alternatives'* section of this report). It is also considered that it would not be feasible to accommodate the proposed solar farm on a greenfield site of a lesser quality than Grade 3b (not BMV) on the basis that its primary purpose is to generate electricity for the electric vehicle (EV) charging facilities at the DPSA.

Agricultural Land Impact Conclusion

Overall the proposed development would not result in the loss of BMV and the location of the solar farm has been justified, on this basis there would be no conflict with Policy En6 of the adopted Local Plan, Paragraphs 187 and 188 of the NPPF and the guidance within the NPPG (in particular Paragraph 013 (Reference ID: 5-013-20150327) of the *'Renewable and Low Carbon Energy*' section).

Glint and Glare – Aviation and Highway Safety

Policy Ec5 of the adopted Local Plan indicates that development which would adversely affect the operation, safety or planned growth of East Midlands Airport will not be permitted.

Solar panels are partially reflective which gives rise to a risk of glint and glare; however, this is much reduced with modern panels designed to absorb light (as reflected light is lost energy) which are coloured nearly black and are partially translucent. It is the case that modern solar panels reflect as little as 2% of the incoming sunlight.

Published guidance (including that within *"A Study of the Hazardous Glare Potential to Aviators from Utility Scale Flat-Plate Photovoltaic Systems"* by Evan Riley and Scott Olson (2011) and *"Technical Guidance for Evaluation Selected Solar Technologies on Airports"* by the Federal

Aviation Association (FAA) (2018)) shows that the intensity of solar reflections from solar panels are equal to or less than those from still water and similar to those from glass. It also shows that reflections from solar panels are significantly less intense than many other reflective surfaces, which are common in an outdoor environment, including steel.

A Glint and Glare Study (GGS) has been submitted in support of the application and which considers the effects of glint and glare arising from the proposed panel layout on the receptors around the site. Particular attention is paid to receptors considered to be more sensitive to glint and glare, such as pilots utilising East Midlands Airport (EMA) and motorists on main roads (particularly the M1, A42 and A453 (Ashby Road)). The assessment of glint and glare to residential amenity is undertaken in the *'Other Residential Amenity Impacts'* sub-section of the *'Residential Amenity'* section of this report below.

Highway Safety

From the perspective of a motorist using roads within the vicinity of the site, the GGS concludes that solar reflections would be geometrically possible towards a 1.3 kilometre section of the M1, and towards a 1.1 kilometre section of the A42. However, screening in the form of existing vegetation is predicted to significantly obstruct views of reflecting panels for these sections of the M1 and A42 such that no solar reflections would be experienced in practice. On this basis, no impact is predicted upon these sections of the M1 and A42 and therefore no mitigation is required.

In the above respect, neither the County Highways Authority (CHA) or National Highways (NH) have raised any objections to the conclusions reached in the GSS, with NH requesting that a monitoring and management program for the solar panels is subject to condition on any planning permission granted.

Aviation Safety

In terms of aviation safety, the GSS assesses the impacts to the following aviation receptors:

(a) Air Traffic Control (ATC) Tower at East Midlands Airport;
(b) 10 Nautical Miles Approach Paths for Runway 09/27;
(c) 10 Nautical Miles Departure Paths for Runway 09/27;
(d) General Aviation Circuits;
(e) Commercial Aviation Circuits;
(f) Overhead 5 kilometre x 5 kilometre Airspace Area;
(g) Helicopter Approach Paths; and
(h) Visual Flight Routes.

In terms of aviation receptor (a), the GSS concludes that solar reflections with an intensity of *'low potential for temporary after-image'* from the eastern solar arrays would be geometrically possible towards the Air Traffic Control (ATC) Tower. Such glare, however, has been considered in an operational context and is deemed acceptable.

With regards to aviation receptors (b) to (h), the GSS concludes that solar reflections with an intensity of *'low potential for temporary after-image'* would be predicted. However, when accounting for associated guidance and industry best practice, which state this level of glare to be acceptable, the GSS determines that a low impact is expected which is not required to be mitigated.

Glint could also be visible to overflying aircraft, although any effect would not be sustained for extended durations and would be much less intense than glint possible from large waterbodies.

As part of the consideration of the application East Midlands Airport Safeguarding (EMAS) has been consulted and they have raised no objections to the application in relation to glint and glare impacts to aviation safety. This is subject to the imposition of an informative on any permission granted advising the applicant that they should be prepared to mitigate against a glint and/or glare hazard should any adverse reports be received.

Glint and Glare – Aviation and Highway Safety Conclusion

With regards to highway users, both the CHA and NH have no objections to the application, subject to the imposition of a condition on any permission granted as requested by NH, and therefore it can be concluded that no adverse glint and glare impacts would arise to highway users. On this basis the proposal would be compliant with Policy IF4 of the adopted Local Plan and Paragraph 116 of the NPPF.

In terms of aviation safety EMAS has no objections to the application, subject to the imposition of an informative on any permission granted, and therefore it can be concluded that no adverse glint and glare impacts would arise to aviation users. On this basis the proposal would be compliant with Policy Ec5 of the adopted Local Plan.

Impact on the Historic Environment and Archaeology

Policy He1 and criterion (d) of Policy Cc1 of the adopted Local Plan, as well as the advice in the NPPF, requires heritage assets to be preserved and enhanced. Where development results in harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The proposed development must also be considered against Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which state that special regard shall be had to the desirability of preserving the setting of a listed building and the character and appearance of the conservation area.

An Archaeology and Heritage Assessment (AHA) has been submitted in support of the application and provides information regarding the significance of the historic environment and archaeological resource, as well as a detailed review of the historic environment.

There are no known designated or undesignated heritage assets within the site.

For their part Historic England (HE) has raised no objections subject to the advice of the Council's Conservation Officer and County Council Archaeologist being taken into account.

As part of the consideration of a pre-application advice associated with the proposed development, the Council's Conservation Officer outlined that in 2003 the erection of a 22.5 metre high telecommunications mast was permitted (ref: 03/01069/FUL) on land to the north-west of the application site and where it was concluded that an *"acceptable"* visual impact would arise and there was no impact upon designated heritage assets. The Council's Conservation Officer considers that from a distance the telecommunications mast can be used to identify the approximate location of the application site.

Following consideration of the submitted Landscape and Visual Impact Assessment (LVIA), the Council's Conservation Officer outlined that it identified a zone of theoretical visibility (ZTV) as well as ten 'representative viewpoints' within a 2.5 kilometre radius of the application site. As

part of the pre-application process the Council's Conservation Officer identified a 'limited risk' that the proposal would affect the setting of the Diseworth Conservation Area, but that there may be no harm if the screen planting to the west of the site was maintained. The Council's Conservation Officer determined that the ZTV contradicted their assessment as it indicated a 'theoretical' visual impact upon the north-eastern corner of the Diseworth Conservation Area, as well as Wartoft Grange which is a Grade II listed building. As the LVIA did not include any 'representative viewpoints' related to the Diseworth Conservation Area it did not disprove this 'theoretical' impact.

On this basis the Council's Conservation Officer advised that the LVIA should assess the impact upon views looking east along public rights of way (PRoW) L47 and L89A.

Following the receipt of a Landscape and Visual Technical Note (LVTN), the Council's Conservation Officer undertook a site visit and determined that there would be no harmful impact upon Wartoft Grange if the screen planting to the west of the application site was maintained, and that there would be no harmful visual impact upon the north-eastern corner of the Diseworth Conservation Area.

The applicant's landscape consultant has consequently outlined that *"there is not expected to be any visual effects on any sensitive receptors beyond the site boundaries"* due to the "*retention, enhancement and management of boundary vegetation"* This assessment reflects that of the Council's Conservation Officer.

Overall, the Council's Conservation Officer has determined that there would be *no harm* to the significance of the setting of any designated heritage assets, including the Diseworth Conservation Area, Wartoft Grange and the Long Whatton Conservation Area.

The Gardens Trust has also been consulted on the application and they have outlined that any impact on the setting of the Whatton House Registered Park and Garden (RPG) would be minimal given the separation distance involved, therefore *no harm* to the significance of the setting of the RPG would arise.

On the basis that *no harm* arises to the significance of the setting of any heritage assets an assessment in the context of Paragraph 215 of the NPPF is not required.

The lack of harm would also ensure that the setting of the identified heritage assets would be preserved.

In terms of archaeology, following a review of the Leicestershire and Rutland Historic Environment Record (HER) the County Council Archaeologist advised as part of the pre-application advice request that there would be no significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets. As such no further archaeological action is required.

When accounting for the above there would also be no conflict with the relevant design codes (HA-1, HA-2 and HA-3) of the *'Heritage Assets'* category of the Long Whatton & Diseworth Design Code as referenced in Policy LW&D10 of the pre-submission Long Whatton & Diseworth Neighbourhood Plan.

Impact on the Historic Environment and Archaeology Conclusion

When accounting for the above conclusions, the proposed development would be compliant with Policy He1 and criterion (d) of Policy Cc1 of the adopted Local Plan, Paragraphs 207, 208, 210, 212, 217 and 218 of the NPPF and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Ecology

Vegetation, in the form of trees and other shrubs, are present on the site. Such features could be used by European Protected Species (EPS) or national protected species. As EPS may be affected by a planning application, the Local Planning Authority has a duty under regulation 9(5) of the Habitats Regulations 2010 to have regard to the requirements of the Habitats Directive in the exercise of its functions.

Part (1) of Policy En1 of the adopted Local Plan states that proposals for new development will be supported which conserve, restore or enhance the biodiversity in the district. Criterion (c) of Policy Cc1 requires all impacts on biodiversity to be adequately mitigated or enhanced.

Policy LW&D6 of the pre-submission Long Whatton & Diseworth Neighbourhood Plan (LW&DNP) outlines that development should conserve, restore and enhance the network of local ecological features and habitats which include Local Wildlife Sites (including historical sites) and Wildlife Corridors. It also states that new development shall secure measurable net gains for biodiversity.

The mandatory requirement for 10% Biodiversity Net Gain (BNG) for major development as required by the Environment Act came into force on the 12th of February 2024. However, this requirement would only be applicable to those applications received on or after the 12th of February 2024 and is not to be applied retrospectively to those applications already under consideration before this date and subsequently determined after this date. On this basis the proposed development would not be required to demonstrate a 10% BNG. Notwithstanding this, Paragraphs 187(d) and 193(d) of the NPPF set out a requirement for developments to provide net gains for biodiversity. In this case it is noted that the development would be undertaken on a greenfield site.

The application was originally accompanied by a Preliminary Ecological Appraisal (PEA) and Biodiversity Net Gain (BNG) Metric Calculations, but following a review of the PEA the County Council Ecologist indicated that it specified that further surveys were needed to establish the impacts to ecological species. In line with the advice at Paragraph 99 of Circular 06/05, such surveys were needed prior to determination to ensure that the impact to protected species could be established and appropriately mitigated before a decision was made.

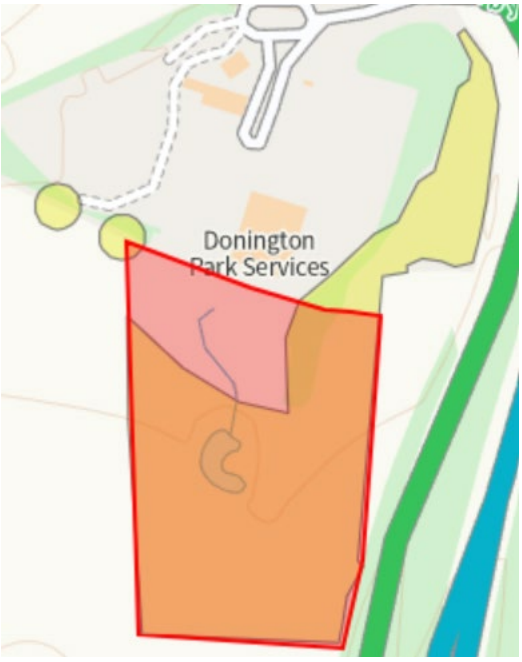
An Ecological Impact Assessment (EcIA) has since been submitted in support of the application which includes badger, reptile, breeding birds and grassland botanical surveys, along with a bat tree assessment.

In terms of great crested newts (GCNs), it was not a requirement for further surveys to be undertaken if the District Level Licencing Route (DLLR) was to be utilised but a copy of an Impact Assessment and Conservation Payment Certificate (IACPC) countersigned by Natural England (NE) was required prior to determination. The purpose of the IACPC is to increase the number of GCNs by providing new or better habitats in targeted areas to the benefit of their wider population (i.e. no specific on-site mitigation would be required). The applicant has since

supplied a copy of the IACPC which is acceptable to the County Council Ecologist.

The majority of the site comprises a candidate Local Wildlife Site (cLWS) (known as the M1 J23A Donington Park Services Grassland and Scrub), with a cLWS being defined as a site which is known through survey data to meet LWS criteria but which has not been designated to date as a LWS. The below image shows the interaction of the application site with the cLWS.

Extent of cLWS (highlighted in yellow) and Relationship with Application Site (highlighted in red)



Principally the County Council Ecologist raised concerns in relation to the impacts of the development to the cLWS with there being particular concern regarding the grassland botanical survey assessment criteria which determined the grassland as being in *'Poor'* condition. On this basis further justification was required in relation to the impacts to the habitats present, particularly around the undervaluing of their condition and how the mitigation hierarchy had been followed.

It was also specified that the BNG metric calculations needed to be updated to reflect the revised landscape strategy; that further information was required in relation to the proposed off-setting on land within the eastern part of the Donington Park Service Area (DPSA) (being land outside of the application site but which also comprises part of the cLWS); and that the proposed habitat management measures were provided to give confidence such habitat creation was achievable.

An amended BNG condition assessment and amended BNG metric calculations have subsequently been supplied which have re-assessed the main grassland within the site and determined it to be in '*Moderate'* condition which the applicant considers is justified based on the BNG metric condition assessment guidance and the detailed Botanical Survey undertaken at the optimal time of the year (Summer). The updated BNG metric identifies the difference in the strategic significance between the areas of the site within the cLWS (included as High Strategic Significance), and those areas which lie outside of the cLWS (which are included as

either Medium or Low Strategic Significance dependent on the habitat type). It is also specified by the applicant that a precautionary approach has been taken throughout the BNG metric, including in calculating that only 80% of the site area would support grassland with the remaining 20% being lost with 'no value.'

The BNG metric calculations indicate that the overall result is a +1.34% gain in habitat units and +287.14% gain in hedgerow units.

It is proposed by the applicant that the grassland within the application site is to be committed to long-term management to maximise its biodiversity value and through such management it would be reasonable to target the grassland meeting a *'Good'* condition. However, a precautionary approach has been adopted to include a *'Moderate'* target condition which would account for any uncertainty and alleviate concerns that the grassland has been overvalued. The proposed grassland is also included as 'Medium distinctiveness Other Neutral Grassland' rather than any higher value grassland (such as 'Lowland Meadow') which would not likely be possible due to the nature of the proposed development.

In addition to the above, the retained ponds and woodland area would also be brought into long-term management to maximise their biodiversity value with the BNG metric calculations assessing such features as 'retained as existing only' and not being enhanced to a higher condition. The applicant is of the view that this would again represent a conservative approach and ensure that the expectations of the BNG metric are not unrealistic.

The applicant has also agreed that the part of the cLWS which lies to the north-east of the application site, within the confines of the DPSA, could be brought into long-term management in order to maintain its cLWS status with the BNG metric calculations also not accounting for other proposed biodiversity improvements including bird and bat boxes and deadwood hibernacula.

A *'Statement of Justification'* for the proposed solar farm provided by the applicant acknowledges that the proposed east-west orientation of the solar arrays can reduce the amount of light that reaches the ground surface. However, it is considered that such an orientation can still provide ecological improvements (particularly underneath the panels) by utilising the following technical strategies:

(1) *Use of bifacial solar panels:* Such panels can allow sunlight to pass through to the ground and support the growth of vegetation.
(2) *Increasing panel spacing:* Widening the gaps between panel rows would allow more sunlight to reach the ground, improving conditions for vegetation growth and biodiversity.
(3) *Raising panel height:* Elevating the panels would enhance sunlight penetration.

The applicant considers that such strategies can help balance the trade-offs between maximising energy production and minimising ecological impacts, however the *'Statement of Justification'* recognises that further detailed analysis and modelling would be required to evaluate the feasibility and effectiveness of such strategies.

It is also stated by the applicant that there is substantial research showing the positives solar farm schemes have to biodiversity, including the benefits to pollinators and specifically Bumblebee and Honeybee populations, as well as the habitat niches and microclimates which are created through the variation in shade, variation in hydrology conditions and improvements in soil quality. In this respect the applicant is assessing the potential for a bee apiary to be installed on, or in close proximity to the application site, following dialogue with local beekeeping

organisations.

In reviewing the amended information the main concern of the County Council Ecologist is the uncertainty regarding the establishment of other neutral grassland in a *'Moderate'* condition beneath the solar panels given that it is highly unlikely (due to the limited height of the panel above the ground, the orientation of the panels and width of the solar arrays) that sufficient light would penetrate to the ground to ensure the grassland reached such a condition. It is also unclear to the County Council Ecologist how it has been calculated by the applicant that 80% of the site area would support grassland post-development, with the studies supplied by the applicant looking at impacts associated with single sided panels rather than two-sided panels. In addition, the studies review sites of no ecological value rather than those which are ecologically valued.

On this basis the County Council Ecologist considers that the percentage of the area which is likely to support grassland would need to be reconsidered with justification based on the arrangement of the solar arrays (i.e. east-west orientation and double sided panels). However, given the extent of the solar arrays it is the view of the County Council Ecologist that vegetation is unlikely to establish beneath them and therefore any mitigation measures could not be delivered.

The County Council Ecologist has also outlined that even if some vegetation did establish near the edges of the arrays, given their low height above ground level it had not been demonstrated how such vegetation would be managed. On this basis the County Council Ecologist has determined that such management details, including any management under the solar arrays, would be required before the application could be determined to ensure they are achievable and realistic.

It is also the view of the County Council Ecologist that a 'net gain' in biodiversity would not be delivered given that the BNG metric calculations, in relation to habitats, are dependent on the establishment of the grassland.

In the absence of such information the County Council Ecologist ***objects*** to the application.

Ecology Conclusion

Part (2) of Policy En1 of the adopted Local Plan provides that "*Where a proposal for development would result in* ***significant harm*** *to one of the following and which cannot be avoided, or mitigated or compensated for, then* ***planning permission will be refused****:*

> *(d) Local Wildlife Sites (LWSs)…and* ***candidate Local Wildlife Sites (cLWSs)*** *which meet the Leicester, Leicestershire and Rutland LWS criteria; (****officer emphasis****)*

It is the conclusion of the County Council Ecologist that '*significant harm'* would arise to the cLWS which has not been mitigated or compensated for and therefore the proposed development would be contrary to criterion (d) of Part (2) of Policy En1.

Whilst criterion (g) of Part (2) of Policy En1 also refers to *'Irreplaceable habitats,'* which can include species-rich neutral grassland, the County Council Ecologist has specified that the habitats present on the application site would not comprise *'irreplaceable habitats.'*

In addition to Part (2) of Policy En1 of the adopted Local Plan, the fact that significant harm would arise to a cLWS would also result in conflict with criterion (c) of Policy Cc1 of the adopted

Local Plan as well as criterion (a) of Paragraph 193 of the NPPF which has similar wording to that of Part (2) of Policy En1.

There would also be conflict with Policy LW&D6 of the pre-submission LW&DNP, albeit the very limited weight afforded to the terms of this policy in any decision made would not justify its inclusion in any reason for refusal of the application.

The conflict with the aforementioned policies would be a factor weighing against the scheme in the overall planning balance which is undertaken in the *'Overall Planning Balance, Contribution to Sustainable Development and Conclusions'* section of this report below.

Also of relevance in the overall planning balance will be the *'Consideration of Alternatives'* section of this report above which has determined that the application site is the only appropriate location for the development, with such development being fully reversible following the cessation of the use. In this respect the length of time to recreate the habitats of the cLWS (if possible) following cessation of the use would be unlikely to be significant when accounting for the short time the habitats of the cLWS have taken to establish.

The Landscape and Visual Impact Assessment (LVIA) also states that since the cLWS assessment in August 2020 *"it is evident that the grassland now contains far more scrubby species…suggesting that without management the area is in succession."* It is recognised by the County Council Ecologist that without management the application site would eventually become woodland, thereby resulting in the loss of its cLWS status, but from a habitat perspective this would be of a greater benefit then the 'bare ground' which would be created under the solar arrays (which is considered by the County Council Ecologist to be the habitat likely to be created given that the applicant has not demonstrated how 'moderate' condition grassland would be established).

Whilst acknowledging the view of the County Council Ecologist in relation to BNG, it is noted that the mandatory 10% would not be applicable for the reasons as outlined above. On this basis the terms of criterion (d) of both Paragraphs 187 and 193 would be relevant which only requires development to demonstrate *'net gains'* of no determinative amount. Even if the +1.34% gain in habitat units is not delivered, and such a figure becomes negative based on the loss of the majority of the cLWS, the gain in hedgerow units (being +287.14%) is not disputed by the County Council Ecologist with the BNG metric calculations also not accounting for biodiversity improvements in and around the retained ponds (which would be subject to long-term management); the introduction of more appropriate landscaping infrastructure to replace that to be removed (as discussed in the *'Landscaping'* section of this report below); and the provision of bird and bat boxes and deadwood hibernacula. The applicant is also exploring the delivery of a bee apiary on the site.

In addition there would also be a benefit to the part of the cLWS outside of the application site being brought into long-term management, thereby ensuring it maintains it's cLWS status, albeit this would be a marginal benefit when accounting for the extent of the cLWS to be lost.

On the basis that conditions could be imposed on any permission granted to secure the above, it is considered that a 'net gain' in biodiversity would be delivered as a result of the development and therefore there would not be conflict with criterion (d) of both Paragraphs 187 and 193 of the NPPF.

Landscaping

Part (3) of Policy En1 of the adopted Local Plan outlines that new development will be expected to maintain landscape features (such as trees and hedgerows) for biodiversity, as well as for other green infrastructure and recreational uses.

Policy LW&D7 of the pre-submission Long Whatton & Diseworth Neighbourhood Plan (LW&DNP) outlines that existing trees and hedgerows should be retained where possible and integrated into new development.

The application is accompanied by an Arboricultural Impact Assessment and Arboricultural Method Statement (ArIA and AMS), Arboricultural Survey (ArbS) and Arboricultural Appraisal (ArA). Such documents are compliant with BS 5837:2012 *'Trees in Relation to Design, Demolition and Construction – Recommendations'.*

Impact to Existing Trees

Within the ArbS it is outlined that there are 16 group of trees (7 of which are rated Category B (*trees of moderate quality*) and 9 which are rated Category C (*trees of poor quality*)) and 27 individual trees (five of which are rated Category B). Such trees are predominantly on the application site, although certain trees lie to the immediate north of the site on other land associated with the Donington Park Service Area (DPSA).

It is subsequently outlined in the ArIA and AMS that a total of 17 individual trees would need to be removed (two of which would be rated Category B) along with 10 of the tree groups (two of which would be rated Category B). Tree removals would also be undertaken within four of the six retained tree groups (the works undertaken in tree groups rated Category B) to facilitate the proposed development. Tree screening would be retained to the eastern, southern, and western site boundaries. The northern boundary is already open given its integration with the DPSA.

The ArIA and AMS determines that the extent of the proposed tree removal will have a moderate impact on current and projected canopy cover across the application site but that impacts, visually, into the site would be low due to the continuous belt of trees retained to the eastern, southern, and western boundaries. Such tree groups to the site boundaries would have heights of 13 metres (eastern – one tree group), 6 metres (southern – one tree group), and 11, 16, and 15 metres (western – three tree groups).

As part of the consideration of a pre-application submission associated with the proposed development, the Council's Tree Officer outlined that the trees present on the site are relatively young and therefore would not be considered to be of individual arboricultural merit. However, the loss of the trees would impact negatively on local tree cover.

Whilst acknowledging the impact to the local tree cover, it is considered that the provision of replacement soft landscaping infrastructure as part of the proposed development, as discussed below, would adequately mitigate the impact arising given the young age of the trees. The trees to be removed are also not protected trees (nor would they warrant protection due to their age), with there being no restriction in place which could prevent the removal of such trees with or without the proposed development.

Proposed Soft Landscaping

A submitted landscape strategy identifies that new woodland planting would be provided in the

south-eastern part of the site, with a new hedgerow also being accommodated to the eastern site boundary and part of the northern site boundary. New tree planting would also be accommodated within the site, along with wet and aquatic grassland being planted around the retained ponds and a wildflower seed mix being underplanted beneath the solar arrays.

In addition, the landscape strategy also identifies that existing soft landscaping infrastructure would be retained to the eastern, southern and western site boundaries, with the applicant also agreeing that the part of the candidate Local Wildlife Site (cLWS) outside of the application site could be brought into long-term management.

Conditions imposed on any permission granted would therefore secure a soft landscaping scheme, as well as a landscaping management plan (which would include the long-term management of the part of the cLWS outside of the application site).

Proposed Hard Landscaping

In terms of hard landscaping infrastructure the submitted landscape strategy identifies the provision of a vehicular access along with maintenance paths to the solar arrays and an informal footpath within the eastern part of the site. As no precise details of the surfacing materials have been provided, it is recommended that a hard landscaping condition be imposed on any permission granted.

Landscaping Conclusion

Given that the majority of the landscaping features would be maintained (and in particular those to the boundaries of the application site) and that the retained landscaping would be incorporated into the proposed development it is considered that, subject to conditions, the proposed development in relation to landscaping would be compliant with Part (3) of Policy En1 of the adopted Local Plan and Policy LW&D7 of the pre-submission LW&DNP.

Residential Amenity

Policy D2 of the adopted Local Plan (2021) outlines that development proposals will be supported where they do not have a significant adverse effect on the living conditions of existing and new residents. Criterion (a) of Policy Cc1 seeks to ensure that renewable energy development does not have an unacceptable impact on residential amenity taking into account noise, vibration and visual dominance. Paragraph 198 of the NPPF requires development to be appropriate for its location.

The nearest residential receptors would comprise those within Langley Close (around 955 metres to the south-west of the site), Old Hall Court (around 1.2 kilometres to the west) and no. 18 Grimes Gate (around 1.3 kilometres to the west).

Physical Development Impacts

The infrastructure to be installed on site comprises solar panels having maximum heights of 2.04 metres above ground level, transformer units with heights of 2.2 metres and battery storage container units which would have heights of a standard shipping container (around 2.6 metres in height).

When accounting for the separation distances involved, as well as the landscaping infrastructure retained to the site boundaries (as discussed in the *'Landscaping'* section of this

report above), it is considered that no adverse overbearing, overshadowing or overlooking impacts would arise to residential amenities as a result of the development.

Other Residential Amenity Impacts

The other aspect to consider in respect of residential amenity is any potential impacts arising from noise, dust and fumes which is as outlined in Part 2 of Policy D2 of the adopted Local Plan.

Paragraph 201 of the NPPF outlines that the focus of planning decisions *"should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively."*

Policy LW&D18 of the pre-submission Long Whatton & Diseworth Neighbourhood Plan (LW&DNP) outlines that energy generation development, amongst other development forms, should be accompanied by a noise impact assessment, and that development which reduces local quality of life as result of changes to acoustic character will not be supported.

A Noise Assessment (NA) has been submitted in support of the application and this concludes that the sound level of the plant would be below the background sound level at the noise sensitive receptors in the area (which includes the closest residential receptors in Diseworth). On this basis the noise of the proposed plant would fall below the Lowest Observed Adverse Effect Level (LOAEL) and therefore the impacts to residential amenity would be low.

As part of the consideration of the application the Council's Environmental Protection Team has been consulted and no objections have been raised.

In order to ensure that construction and decommissioning activity is undertaken at reasonable times a condition limiting the hours of construction and decommissioning would be imposed on any permission granted.

Whilst Policy LW&D19 of the pre-submission LW&DNP requires the provision of a Construction Method Statement (CMS) as part of major development it is outlined elsewhere in this report that very limited weight is to be afforded to the policies of the submission LW&DNP. On this basis there would be no justification to impose a condition on any permission granted requiring the submission of a CMS when separate legislation (such as the Control of Pollution Act 1974 (as amended)) can control issues arising from construction (and decommissioning) activity.

It is also the case that if any statutory nuisance issues were to arise as a result of the development then the Council's Environmental Protection Team would be able to investigate such issues and take appropriate action, where required, under separate Environmental Protection Legislation.

In terms of glint and glare, the submitted Glint and Glare Study (GGS) has assessed the impacts to the nearest residential receptors in Diseworth (being those on Langley Close) and has concluded that no impact would arise given the separation distance involved and the retention of the landscape screening to the boundaries of the site which has an overall height greater than that of the solar arrays.

On this basis the impact of glint and glare from the solar arrays would not result in detriment to residential amenity.

The impact of visual dominance to residential receptors is undertaken in the *'Landscape and Visual Impact'* section of this report above and where it is concluded that no adverse impacts would arise given the screening of the solar arrays and separation distances.

Details of any external lighting to be installed on the site, including any to be used during the construction and decommissioning phases, has not been submitted as part of the application. On this basis a condition would be imposed on any permission granted requiring the approval of any external lighting scheme prior to its installation if required.

Residential Amenity Conclusion

Based on the above assessment it is considered that no adverse impacts to residential amenities would arise as a result of the development, subject to the imposition of relevant conditions, and as such the proposal would be considered compliant with Policy D2 and criterion (a) of Policy Cc1 of the adopted Local Plan, Policy LW&D18 of the pre-submission LW&DNP, and Paragraphs 198 and 201 of the NPPF.

Highway Impacts

Policy IF4 of the adopted Local Plan requires that development takes account of the impact upon the highway network and the environment and incorporates safe and accessible connections to the transport network to enable travel choice. Policy IF7 requires that development incorporates adequate parking provision.

The County Council Highways Authority (CHA) and National Highways (NH) have been consulted on the application, with the assessment of the CHA being based on guidance within the Leicestershire Highways Design Guide (LHDG).

County Highways Authority (CHA)

The CHA has outlined that the application site would be accessed via the internal road associated with the Donington Park Service Area (DPSA) which is within private ownership. Access to the DPSA from the adopted highway is via the south-western arm of the Finger Farm roundabout which connects the A42 with the A453 (Ashby Road).

Finger Farm roundabout, and its connecting arms, fall within the jurisdiction of National Highways (NH). Approximately 200 metres north-west of the site access, the A453 (Ashby Road) becomes part of the adopted highway under the jurisdiction of the CHA.

A Construction and Decommissioning Traffic Management Plan (CDTMP) has been submitted in support of the application and this states that *"HGV construction traffic will route to the proposed site via the M1 Junction 23A off-slip (northbound) along the Strategic Road Network, and the A453 via Junction 24 of the M1 (southbound), Figures 4.1 & 4.2 shows the construction routes to the Moto Motorway Services. Access to and from the A50 and A42 can be readily achieved."*

On the basis of the submitted routing plan, together with the daily trip generation of 41 vehicles, and acknowledging that trips to the site will be minimal after the 12 week construction period (being 3 trips per year for the operational phase), the CHA has determined that there would be no material impact on the adopted highway under the jurisdiction of the CHA and therefore they have no objections.

The only other matter raised by the CHA was that the submitted plans identify a track, which is within the applicant's ownership, that leads from the DPSA across a field towards the A453 (Ashby Road) where the Hunters Way roundabout is located. It is advised by the CHA that there is no legal vehicular access from this track onto the A453 (Ashby Road). An informative would be imposed on any permission granted to make the applicant aware of this circumstance.

National Highways

In terms of NH they have outlined that the designated route for all site traffic is via Junctions 23A and 24 of the M1.

Following a review of the submitted information, NH has outlined that there would be no more than 30 trips on the Strategic Road Network (SRN) during peak periods and therefore there would be no significant impact to the traffic on the SRN.

In terms of access, NH has noted that this would be via the existing access to the DPSA. Whilst Paragraph 92 of the Department for Transport (DfT) Circular 01/22 states: *"Access to other developments through a roadside facility or from its connection to the SRN is not permitted,"* NH has acknowledged that the proposed development is to supply electricity to the electric vehicle (EV) charging stations associated with the DPSA. Given the purpose and necessity of the development, the NH consider the access arrangements to be acceptable in this particular instance.

Overall, NH has no objections to the application.

Parking

No concerns have been raised by the CHA or NH in relation to the parking of construction vehicles, with it being considered that sufficient parking exists within the site to accommodate the parking of construction vehicles and construction workers vehicles during the construction and decommissioning phases, as well as any vehicles used during the operational phase.

Highway Impacts Conclusion

Paragraph 116 of the NPPF outlines that development should only be refused on highway grounds where *"there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios."*

In the circumstances that there are no objections to the application from the CHA or NH, subject to the imposition of conditions, it is considered that the proposed development would be compliant with Policies IF4 and IF7 of the adopted Local Plan as well as Paragraphs 112, 115, 116 and 117 of the NPPF.

Aviation Safety

Policy Ec5 of the adopted Local Plan indicates that development which would adversely affect the operation, safety or planned growth of East Midlands Airport will not be permitted.

Notwithstanding the assessment of East Midlands Airport Safeguarding (EMAS) in relation to glint and glare, as assessed in the *'Glint and Glare – Aviation and Highway Safety'* section of this report above, their consultation response has also outlined the need for conditions and

informatives to be imposed on any permission granted to address the following:

Conditions

(a) External Lighting (including any used during the construction phase);
(b) Birdstrike Avoidance;
(c) Control of Electromagnetic Interference to Aviation Communications, Navigation, and Surveillance Infrastructure; and
(d) Aviation Safety Construction Management Plan (ASCMP).

Informatives

(a) Communication, Navigation, and Surveillance Systems (CNS);
(b) Materials; and
(c) Tall Equipment Permit.

It is noted that the terms of the ASCMP includes requirements to control food waste and provide measures to prevent the puddling or ponding of water on site. Principally such requirements are to prevent birds scavenging detritus and food waste and being attracted to water on the site. However, it is considered that such requirements are unreasonable when accounting for the nature of the development and that ponds (to be retained) already exist on the site, unenforceable given that it would be unknown if food waste on the site was associated with users of the Donington Park Service Area (DPSA) or employees associated with the solar farm, and unnecessary to make the development acceptable in planning terms. On this basis such requirements would not meet the tests for conditions as outlined at Paragraph 58 of the NPPF.

Notwithstanding this, there are existing covered bins associated with the DPSA and therefore it is probable that any food waste generated would be deposited in such bins.

Aviation Safety Conclusion

Subject to the imposition of the relevant conditions and informatives as part of any planning permission granted, the proposed development would be compliant with Policy Ec5 of the adopted Local Plan.

Flood Risk and Drainage

Policy Cc2 of the adopted Local Plan requires the risk and impact of flooding from development to be minimised, with Policy Cc3 requiring surface water drainage to be managed by Sustainable Drainage Systems (SuDS) (where feasible).

Policy LW&D11 of the pre-submission Long Whatton & Diseworth Neighbourhood Plan (LW&DNP) stipulates that new development should account for flood risk, and manage surface water sustainably with SuDS (unless inappropriate to do so).

Flood Risk

On the basis of the Environment Agency (EA) flood risk map detailed on the Government website, the application site is wholly within Flood Zone 1, which is at the lowest risk of flooding.

It is also the case that the application site is predominantly at a very low risk of surface water

flooding, although the southernmost existing pond on the site is at a high risk of surface water flooding with an associated low risk of surface water flooding around this pond. A further low risk surface water flood route exists within the south-western part of the site.

A flood risk assessment (FRA) has been submitted in support of the application and, notwithstanding the position in respect of fluvial and pluvial flood risk, the FRA concludes that the application site is unlikely to be at risk from tidal flooding, groundwater flooding or flooding from artificial sources (i.e. reservoirs and canals).

Paragraph 173 of the NPPF outlines that a sequential risk-based approach should be taken to individual applications in areas known to be at risk now or in the future from any form of flooding. Paragraph 174 of the NPPF subsequently outlines that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. It is, however, outlined at Paragraph 175 of the NPPF that the sequential test would not be applicable where a site specific FRA demonstrates that no built development within the site boundary would be located on an area that would be at risk of flooding from any source.

The *'Flood Risk and Coastal Change'* section of the NPPG specifies, at Paragraph 023 (Reference ID: 7-023-20220825), that the aim of the sequential test is to ensure areas at little or no risk of flooding from any source are developed in preference to areas at higher risk and this therefore means avoiding, as far as possible, development in current and future medium and high flood risk areas. Paragraph 024 (Reference ID: 7-024-20220825) further states that reasonably available sites in medium to high flood risk areas should only be considered where it is demonstrated that it is not possible to locate development in low flood risk areas.

In this particular instance the associated infrastructure of the solar farm (i.e. proposed access, transformers and battery storage container) would be located in an area at very low risk of flooding from any source (surface water) with only the solar panels in the south-western part of the site being partially in an area of low risk of flooding from any source (surface water). No built development is proposed in the area of the site where there is a high risk of flooding from any source (surface water).

Flood Risk Conclusion

The development has been sequentially located to avoid areas at medium to high risk of flooding from any source and therefore is compliant with Policy Cc2 of the adopted Local Plan and Paragraphs 173, 174 and 175 of the NPPF.

Surface Water Drainage

Surface water would be discharged to an on-site watercourse with the incorporation of SuDS being achieved by the use of an interception swale at the eastern boundary of the site. The scheme has also been amended to accommodate for climate change in line with the recommendations of the Lead Local Flood Authority (LLFA).

The LLFA has no objections to the application subject to the imposition of conditions to allow infiltration testing to be undertaken to demonstrate that infiltration is possible as part of the surface water drainage scheme, and that a precise surface water drainage scheme, the management of surface water during the construction phase and a scheme for the future management and maintenance of the surface water drainage scheme are secured.

Notwithstanding the comments of the LLFA, National Highways (NH) also required the applicant to demonstrate that the proposed development would not increase flood risk to the Strategic Road Network (SRN) given that the eastern side of the development appeared to drain towards the SRN rather than directly to the watercourse to the south of the site. Following the receipt of further information NH has confirmed that they are satisfied with the site's drainage proposals.

Surface Water Drainage Conclusion

Overall, and subject to the imposition of the recommended conditions of the LLFA on any permission granted, it is considered that the proposed development would not increase or exacerbate flood risk and as such would be compliant with Policies Cc2 and Cc3 of the adopted Local Plan, Policy LW&D11 of the pre-submission LW&DNP and Paragraphs 181 and 182 of the NPPF.

The incorporation of SuDS, and retention of the watercourses, also complies with the *'Design Codes: Flood Resilience (FL-RE)'* of the *'Flood Resilience'* category of the Long Whatton & Diseworth Design Code as referenced in Policy LW&D10 of the pre-submission LW&DNP.

Foul Drainage

No foul drainage would be connected with the proposed development, given that it relates to the provision of a solar farm, and on this basis there would be no conflict with Paragraph 198 of the NPPF.

Impact on Safeguarded Minerals

As part of their consultation response the County Council Minerals and Waste Planning Authority (LCCMWP) has outlined that the application site is within a Mineral Safeguarding Area (MSA) for sand and gravel.

On this basis the development would be subject to the requirements of Policy M11 of the Leicestershire Minerals and Waste Local Plan (LMWLP).

Policy M11 of the LMWLP lists five circumstances in which planning permission will be granted for development that is incompatible within a MSA and the two which would be applicable for this proposal would be:

(iii) the incompatible development is of a temporary nature and can be completed and the site restored to a condition that does not inhibit extraction within the timescale that the mineral is to be needed; or
(iv) there is an overriding need for the incompatible development.

The LCCMWP has determined that the lifespan of the development is 40 years before decommissioning and full restoration and therefore would be compliant with criterion (iii) of Policy M11.

It is also considered that the Government have identified an urgent need for new electricity infrastructure to be provided and therefore renewable energy schemes should be brought forward as soon as possible. On this basis there would also be an overriding need for the incompatible development in line with criterion (iv) of Policy M11.

Overall, the LCCMWP has concluded that they have no objections to the application from a minerals perspective.

There are also no objections raised by the LCCMWP from a waste safeguarding perspective.

Impact on Safeguarded Minerals Conclusion

On the above basis the proposed development would be compliant with Policy M11 of the adopted LMWLP and Paragraph 225 of the NPPF.

Geotechnical

In their consultation response, National Highways (NH) outlined that whilst they considered that there would be no significant geotechnical concerns associated with the development, they requested confirmation of the minimum distance between the nearest photovoltaic (PV) structure and the crest of the A42 cutting as well as details of the perimeter fencing in the south-eastern corner of the site due to its proximity to the crest of the A42 cutting. Such details of the perimeter fencing were also required to include the off-set distance from the boundary, as well as a scaled cross-sectional drawing.

Following the receipt of further information, NH are content that there would no interface with their geotechnical assets along the eastern site boundary (A42 cutting) and have no objections to the application in this respect.

Energy Storage Fire Risk

The proposed development includes an energy storage (battery area). There is a risk, like with most lithium based batteries, of fire though there has only ever been one case on a solar farm in the UK.

The NPPG, at Paragraph 034 (Reference ID: 5-034-20230814), within the *'Renewable and Low Carbon Energy'* guidance states:

"Where planning permission is being sought for development of battery energy storage systems of 1 MWh or over, and excluding where battery energy storage systems are associated with a residential dwelling, applicants are encouraged to engage with the relevant local fire and rescue service before submitting an application to the local planning authority. This is so matters relating to the siting and location of battery energy storage systems, in particular in the event of an incident, prevention of the impact of thermal runway, and emergency services access can be considered before an application is made.

Applicants are also encouraged to consider guidance produced by the National Fire Chiefs Council when preparing the application.

The location of such sites are of particular interest to fire and rescue services; who will seek to obtain details of the design, and firefighting access and facilities at these sites in their register of site specific risks that they maintain for the purposes of Section 7 of the Fire and Rescue Services Act 2004."

Fire risk and safety associated with solar farms was examined in great detail in relation to the Cleve Hill Solar Park Development Consent Order (DCO) (ref: EN010085) which is of a

significantly larger scale than that proposed as part of this application, and where battery storage was a substantial part of the scheme (whereas it is minor as part of these proposals).

The Secretary of State's (SoS) conclusion on the above DCO was that the Examining Authority (ExA) *"took comfort from the legislation and guidance and the Battery Safety Management Plan which would be subject to consultation with relevant bodies and the ExA was, therefore confident that the risks could be managed and mitigated appropriately."* On this basis the issue of battery safety is neither a new issue in relation to solar development, nor would it be a prescriptive issue since there are tested means of managing and mitigating the risks.

As part of the consideration of the application no representation has been received from Leicestershire Fire and Rescue Service.

Whilst it is considered that the above location would be a sufficient distance away from the nearest residential receptors, and would be suitably located to be served by a fire engine given its positioning in relation to the site access to the Donington Park Service Area (DPSA), in the absence of precise details a condition requiring the submission of a Battery Safety Management Plan (BSMP) would be imposed on any permission granted. This would then enable the BSMP to be appropriately considered by Leicestershire Fire and Rescue Service as part of a discharge of condition process.

Design

Policy D1 of the Local Plan requires that all developments be based upon a robust opportunities and constraints assessment and be informed by a comprehensive site and contextual appraisal.

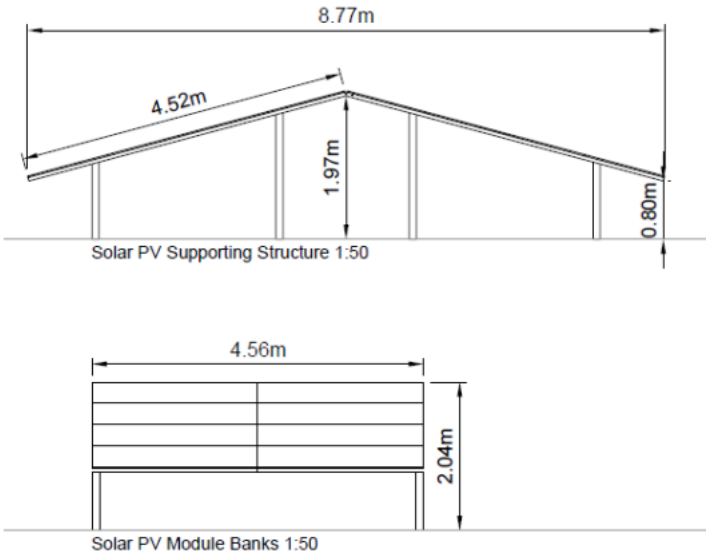
Policy LW&D10 of the pre-submission Long Whatton & Diseworth Neighbourhood Plan (LW&DNP) outlines that development should reflect the Long Whatton and Diseworth Design Code (LW&DDC) and that development which is not well designed will not be supported.

The submitted documents outline that the development would comprise the following components:

Solar Panels

The solar panels would be configured in an east to west orientation in order to maximise the energy yield and would be mounted on 'A' frames with an overall length of 8.77 metres and an individual panel having a width of 4.56 metres. The apex of the 'A' frames would be 2.04 metres above ground level (AGL) with the lower edge being 0.8 metres above ground level. This is as shown in the image below.

Solar Panel Image



Whilst a south facing orientation for the solar panels was considered this would severely reduce the power output from the proposed 7.15MW to 4.3MW, principally due to the large rows required between the panels and therefore would not be suitable in meeting the power generation required at Donington Park Service Area (DPSA).

Access

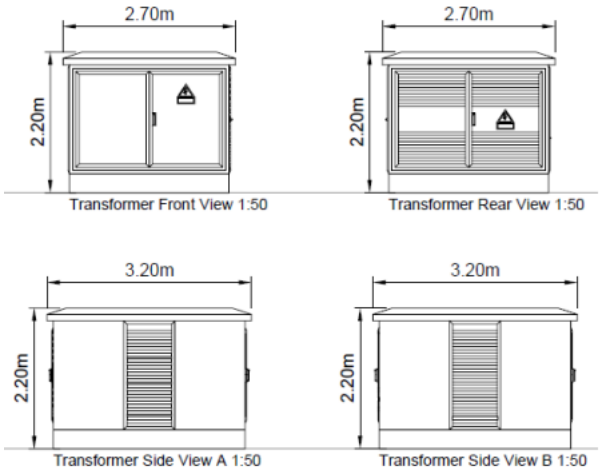
The existing access to DPSA would be utilised to reach the application site from the Strategic Road Network (SRN) with a new vehicular access formed within the northern boundary of the application site (i.e. to the immediate south of the main building on the site) to enable the construction, and subsequent maintenance, of the solar farm.

In addition maintenance paths would also be formed, along with an informal pedestrian footpath within the western part of the application site.

Transformers and Battery Storage Containers

Two transformers would be located within the northern part of the application site to serve the solar farm with each individual transformer having dimensions of 2.7 metres in width by 3.2 metres in length and an overall height of 2.20 metres. This is as shown in the image below.

Transformer Image



The transformers would be constructed from glass reinforced plastic (GRP) although no colour finish has been specified within the submitted documents and therefore this would be conditioned as part of any permission granted.

Two battery storage containers would also be located within the northern part of the application site with it being outlined that such battery storage containers would be the size of a standard shipping container (i.e. a height of around 2.6 metres). To ensure that the battery storage containers are of an appropriate design a condition would be imposed on any permission granted given the absence of any precise details.

Fencing and Security

The submitted plans identify that a perimeter fence would be constructed around the solar farm but no precise details have been provided in connection with the overall height of such fencing or its appearance. It is likely that such fencing would be between 2 to 2.5 metres in height given its fundamental purpose will be to secure the solar farm.

Given the landscaping infrastructure to the site boundaries, such fencing would only be readily visible to users of DPSA and therefore would have no wider impact on the visual amenities of the landscape. Notwithstanding this, a condition would be imposed on any permission granted to secure precise details of the fencing (and any gates) to be installed.

The application as submitted does not propose the need for closed circuit television (CCTV) cameras to be installed.

Colours and Materials

The proposed photovoltaic (PV) panels are designed to absorb the light, rather than reflect it, and with their dark colour finish they would appear recessive in the landscape. As is concluded above, conditions would be imposed on any permission granted to secure precise details and colour finishes to the battery storage containers and perimeter fencing along with the proposed colour finish to the transformers.

In approving such details it can be ensured that such materials of construction and colour finishes are recessive to minimise the impact to the visual amenities of the landscape.

Cabling

All cables would be located underground.

Design Conclusion

Overall, it is considered that the approach to the design of the development would be consistent with that of a proposed solar farm and would be appropriate in ensuring there would be no adverse impacts to the visual amenities of the internal streetscape or wider rural environment. The retention and introduction of soft landscaping infrastructure would also screen the development in views from outside the DPSA.

On this basis the proposal would be compliant with Policy D1 of the adopted Local Plan and the Council's adopted Good Design SPD as well as Policy LW&D10 of the pre-submission LW&DNP. There is also no conflict with the intentions of the Diseworth Village Design Statement.

It is considered that the *'Design Codes: Architecture Style and Materials (AM)'* of the *'Urban Structure and Built Form'* category of the LW&DDC provides no guidance on solar farm development and as such is not relevant.

Other Matters

Assessment of objections in relation to other matters

Objection	Officer Response
The layout of the development does not account for any proposed employment development on the Freeport site and the relevant height of such development impacting the solar panels.	It is considered that it would be for any application which comes forward on the Freeport site to demonstrate the impact which may be created to the proposed solar farm with the applicant in a position to make a representation to such an application should they consider that an adverse impact may arise. Whilst an outline application for employment development is currently under consideration on land to the north-west of the site, under application reference 24/00727/OUTM, such development is to the north of Hyams Lane and therefore would be a sufficient distance from the application site.
It is understood that the area of the application site was developed as a wildlife and recreation area as part of the original approval of the service area and secured via condition and/or a Section 106	The planning permission granted under application reference 9800376/MP for the motorway service area was not subject to any conditions, or a Section 106 agreement, which required the application site to be developed as a wildlife and recreation area. Condition 7 of the permission required a landscaping

agreement. **When Donington Park Service Area was built there was a commitment to leave the application site as a haven for wildlife.** **Did the planning permission granted under application reference 9800376/MP seek to retain the cLWS by condition/legal agreement?**	scheme to be approved and implemented, with condition 8 only requiring any failures of planting within such a landscaping scheme to be replaced within a five year period following the implementation of the landscaping scheme.
The supporting documentation does not refer to the settlement of Diseworth (instead focusing on Kegworth and Castle Donington) and includes references to service stations elsewhere in the country. Such documents should therefore not be considered acceptable for assessing the application. **Diseworth is not mentioned in the Planning Statement as the nearest settlement to the development.** **The supporting documentation does not refer to the settlement of Diseworth and therefore cannot be considered acceptable for assessing the application.**	During the course of the application an amended planning statement has been submitted which has accounted for the impacts of the development being primarily associated with the settlement of Diseworth.
The engagement with the public has been inadequate and any responses provided have either been ignored or downplayed.	The NPPF, at Paragraph 41, *encourages* applicants' to engage with a Local Planning Authority prior to the submission of a planning application with it also being *encouraged* that applicants engage with the local community. On this basis it is not *necessary* to engage with the public prior to submitting a planning application. The planning application is assessed against relevant policies of the adopted Local Plan and NPPF. The submitted statement of community involvement is primarily the means by which the applicant outlines how they have

	engaged with the community and how such engagement has perhaps influenced their approach to the application submission.
The application site provides an area with amenity value to both users of the service station and those residents who use the route through the site as part of the only traffic free circular walking route from Diseworth. The lack of pedestrian connectively from Diseworth also prevents residents from using the services available. **The development will result in the loss of a circular walking route from Diseworth through the Donington Park Service Area, mitigation should be provided so that a route is maintained.**	The application site comprises private land associated with Donington Park Service Area (DPSA) and therefore whilst the public has been afforded the right to pass through the site this has always been at the discretion of the land owner. Notwithstanding this, as part of the proposed development it is intended that an informal public footpath would be maintained adjacent to the western site boundary and therefore pedestrian connectivity to the services available (along with a walking route) would be maintained.

Overall Planning Balance, Contribution to Sustainable Development and Conclusions

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2021) and the pre-submission Long Whatton & Diseworth Neighbourhood Plan (LWDNP) (2024). Whilst the application site is outside the defined Limits to Development in the adopted Local Plan, the proposed provision of renewable energy development is deemed acceptable under criterion (o). This would be subject to compliance with criteria (i) to (vi) of Policy S3 and for the reasons outlined above the proposed development is considered compliant with such criteria. On this basis the principle of the development is considered acceptable.

Policy Cc1 of the adopted Local Plan also supports the provision of renewable energy development subject to compliance with criteria (a) to (g). Whilst compliance with criteria (a) to (b) and (d) to (g) has been demonstrated, there would be conflict with criterion (c) given the significant harm to the candidate Local Wildlife Site (cLWS) and whereby the applicant has not demonstrated (to the satisfaction of the County Council Ecologist) that such harm would be mitigated against.

The significant harm arising to the cLWS also conflicts with criterion (d) of Part (2) of Policy En1 of the adopted Local Plan, as well as Policy LW&D6 of the pre-submission LW&DNP although the very limited weight to be afforded to this policy would not justify its inclusion in any refusal of the application.

In addition to the need to determine the application in accordance with the development plan, regard also needs to be had to other material consideration (and which would include the requirements of other policies, such as those set out within the National Planning Policy Framework (NPPF) (2024)). In this respect it is noted that there is conflict with criterion (a) of Paragraph 193 of the NPPF, relating to the significant harm to a cLWS.

The harm arising in relation to such matters, whilst significant, would be outweighed by the overall benefits of the proposed development as outlined in the report above and below. Fire safety matters can also be met by condition.

The NPPF also contains a presumption in favour of sustainable development and when having regard to the three objectives of sustainable development, it is concluded as follows:

Economic Objective:

This objective seeks to ensure that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity, and that the provision of infrastructure is identified and coordinated. It is accepted that, as per most forms of development, the scheme would have some economic benefits including the benefits to the local economy during the construction and decommissioning stages of the proposed solar farm, as well as limited employment opportunities during the operational phase. The generation of energy from a renewable source to power the electric vehicle (EV) charging points at the Donington Park Service Area (DPSA) may also serve to reduce the tariff prices to consumers.

Social Objective:

The economic benefits associated with the proposed development would, by virtue of the social effects of the jobs created on those employed in association with the construction and operation of the development, also be expected to provide some social benefits. The NPPF identifies, in particular, in respect of the social objective, the need to foster a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities health, social and cultural wellbeing.

In terms of the social objective's stated aim of fostering a well-designed and safe environment, it is considered that the development would be designed and arranged in a manner which would not impact adversely on the visual amenities of the rural environment whilst also providing new landscaping habitats and biodiversity improvements around the existing ponds which would be retained even after the decommissioning of the solar farm. Whilst such landscaping habitats to be created would be balanced against those lost, it is considered that such landscaping mitigation would maintain the character of the landscape.

A reduction in carbon dioxide emissions (CO2) as a result of the development would also support the communities health, with the maintenance of an informal pathway through the application site enabling residents access to the services available at the DPSA which would also contribute towards their health and social wellbeing.

Environmental Objective:

It is considered that solar farms are one of the cheapest forms of electricity generation worldwide and can be built quickly. This, coupled with constant reductions in the cost of materials and improvements in the efficiency of panels, means that solar is now viable in some cases to deploy subsidy free and at little or no extra cost to the consumer.

The UK Government has declared a climate emergency and set out a statutory target of achieving net zero emissions by 2050, and this is a material consideration. Increasingly, the need for a move away from fossil fuels and towards renewable sources of energy production is supported for reasons of energy security and reduced greenhouse gas emissions. This position only continues to be strengthened by government publications and guidance.

It is also the case that NWLDC declared a climate emergency in June 2019 committing to a target of the District being carbon neutral by 2050. The proposal would make a favourable contribution to this target.

The ability of the scheme to offer 7.15 megawatts (MW) of power generation resulting in emission savings of 1,325 tonnes of CO2 annually or 53,000 tonnes of CO2 over the operational lifetime of the solar farm weigh very heavily in favour of the development. The benefits of renewable energy also raise substantial benefits in favour of the development.

Such benefits are recognised in Policies of the adopted Local Plan and the NPPF in accordance with the Climate Change Act of 2008. It is also clearly identified in Section 14 of the NPPF, where it seeks to increase the use and supply of renewable and low-cost energy and maximise the potential for suitable renewable development, that the delivery of suitable renewable energy products is fundamental to facilitate the country's transition to a low carbon future in a changing climate.

The solar farm could also not be located elsewhere given that its primary purpose is to supply renewable energy to the EV charging points at the DPSA, with alternatives for the location of the solar farm (including upon structures over the car park) also being discounted for the reasons as discussed within the report above. On this basis the applicant has demonstrated that a rational approach was taken to site selection lending support for the selected site.

It is also considered that the site is generally well chosen given that the visual impact would be low (when mitigated by proposed conditions) and that no harm would arise to the significance of the setting of any heritage assets. Nor would the proposal result in the loss of Best and Most Versatile (BMV) agricultural land, albeit such land is not readily used for agricultural purposes given that it lies within the boundaries of the DPSA.

Whilst acknowledging the above, and as set out in the report above, the development of the site would result in significant harm to the part of the cLWS within the boundary of the application site and whereby the applicant has not suitably demonstrated that such significant harm could be mitigated against. On this basis there would be conflict with criterion (d) of Part (2) of Policy En1 and criterion (c) of Policy Cc1 of the adopted Local Plan, as well as criterion (a) of Paragraph 193 of the NPPF. Although the scheme would include a number of benefits in terms of habitats (including improved landscaping infrastructure; the improvement of biodiversity around the retained ponds; the delivery of bat and bird boxes, deadwood hibernacula and a (potential) bee apiary; and the bringing into long-term management of the part of the cLWS outside of the application site), the loss of the majority of the cLWS would be a material consideration weighing against the proposal in terms of the environmental objective. Whilst the impacts to the cLWS have not been adequately demonstrated by the applicant to be mitigated against, the other mitigation measures (as indicated above) as part of the proposed development would seek to off-set this conflict.

Having regard to the three objectives of sustainable development, therefore, and having regard to the conclusions in respect of various technical issues set out within this report, it is accepted

that the contribution to economic growth associated with the proposed development, coupled with the support to the health and social wellbeing of residents, would ensure that the scheme would sit well in terms of the economic and social objectives. Insofar as the environmental objective is concerned, it is considered that whilst the proposed development would impact adversely on the majority of the cLWS, the impacts in this respect would be significantly outweighed by the substantial benefit associated with the delivery of a renewable energy scheme. Therefore, the proposal would represent sustainable development overall.

It is therefore concluded that, notwithstanding conflict with criterion (d) of Part (2) of Policy En1 and criterion (c) of Policy Cc1 of the adopted Local Plan, as well as criterion (a) of Paragraph 193 of the NPPF, the proposed development would comply with the provisions of the development plan as a whole and would benefit from the presumption in favour of sustainable development. Overall, there are no material consideration which indicate the determination of this application other than in accordance with the development plan. Approval is therefore recommended.

Reserved matters of layout, scale, appearance and landscaping to outline planning permission ref. APP/G2435/W/23/3314972 which granted the erection of a building and the erection of three lodges to be used for tourist accommodation (outline application including details of access

Report Item No A2

Roseville, Outwoods Lane, Coleorton, Coalville, Leicestershire, LE67 8PA

Application Reference 24/00888/REM

Grid Reference (E) 440180
Grid Reference (N) 317896

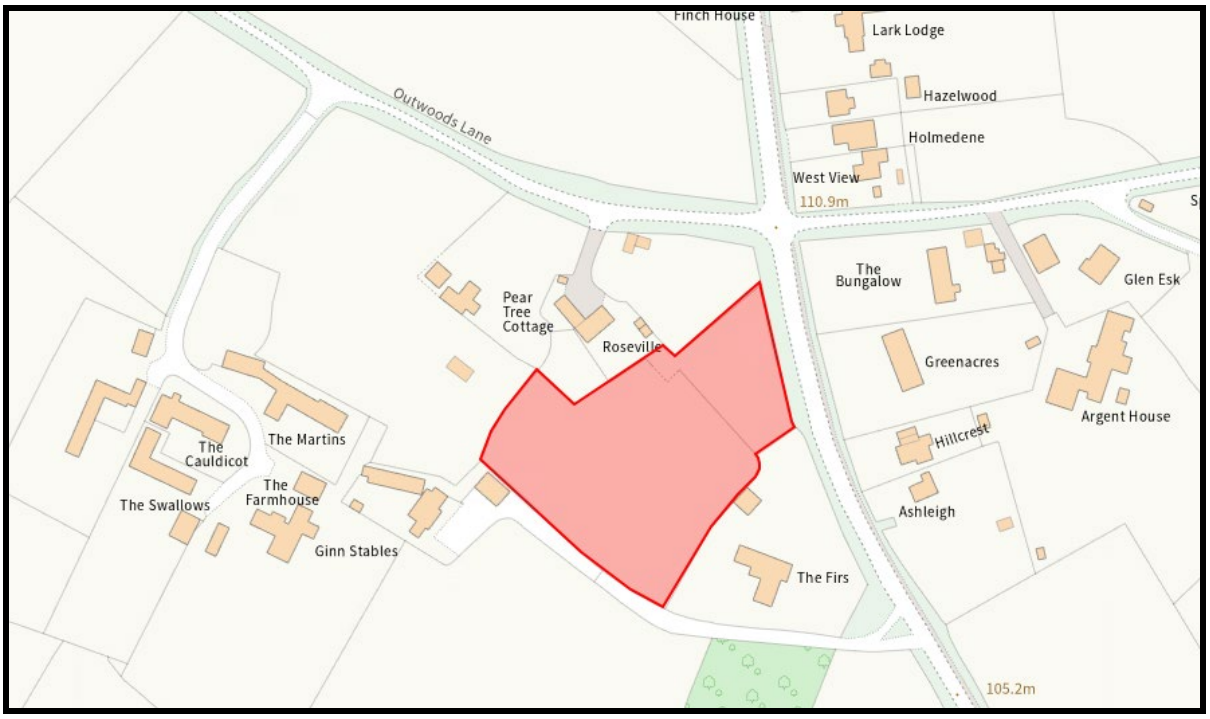
Date Registered: 26 July 2024
Consultation Expiry: 17 February 2025
8 Week Date: 20 September 2024
Extension of Time: 28 April 2025

Applicant:
Mr Darren Betteridge

Case Officer:
Karina Duncan

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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Reason the case is called to the Planning Committee:

The application is brought to the Planning Committee in line with the requirements of the constitution as the agent for the application is related to a senior officer of the Council, and the Council is in receipt of objections in relation to this proposal.

RECOMMENDATION - PERMIT, subject to the following condition(s):

1 Approved Plans

2 Finished Floor Levels and Ground Levels of the site to be carried out in accordance with the approved site plan

3 Full details of all external materials including renewable energy technologies (solar panels) to be submitted and approved in writing

4 Full details of all proposed external works to include external benches and all signage to be submitted and agreed in writing and provided on site in full prior to the first occupation of any of the cabins or shop

5 Full details of all hard landscaping to be submitted and agreed in writing, with all hard landscaping to be provided in full prior to the first occupation of any of the cabins or shop

6 Notwithstanding condition 1, an alternative landscaping scheme, to include planting to the south western boundary of the site, alterative landscaping to the south eastern boundary of the site, full details of the proposed sedum roof planting, together with details of the long term management and maintenance of all on site planting, to be submitted and approved in writing

7 All soft landscaping (including sedum roofs) to be provided in full within the first planting and seeding season following the first occupation of any of the cabins or shop on site. Any tree, hedge or plants, to include those forming the sedum roofs, which may die, be removed or become seriously damaged or diseased shall be replaced with others of similar size and species in the first available planting season thereafter, and during a period of 5 years from the first implementation of the approved landscaping scheme

8 Full details of electric cycle parking to be submitted and agreed, with all electric cycle parking to be provided on site in full prior to the first occupation of any of the cabins or shop

9 Off-street car parking and turning facilities to be provided in full in accordance with the approved details prior to the first occupation of any of the cabins or shop

10 Permitted Development Rights removal for the installation of boundary treatments (Class A – gates, fences, walls etc of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

MAIN REPORT

1. Proposals and Background

This application seeks permission for reserved matters of layout, scale, appearance and landscaping pursuant to outline planning permission ref. APP/G2435/W/23/3314972 (LPA reference 22/01126/OUT) which was for the 'erection of a building and the erection of three lodges to be used for tourist accommodation (outline application including details of access)' at Roseville, Outwoods Lane, Coleorton.

The site is set within the grounds of Roseville, a two-storey semi-detached dwelling located to the north-west of the site.

The access arrangement has already been approved as part of the appeal decision (ref. APP/G2435/W/23/3314972) and therefore this application will assess matters relating to the appearance, layout, scale and landscaping only.

The site is located outside of the Limits to Development, as defined by the Policy Map to the adopted North West Leicestershire Local Plan (2021).

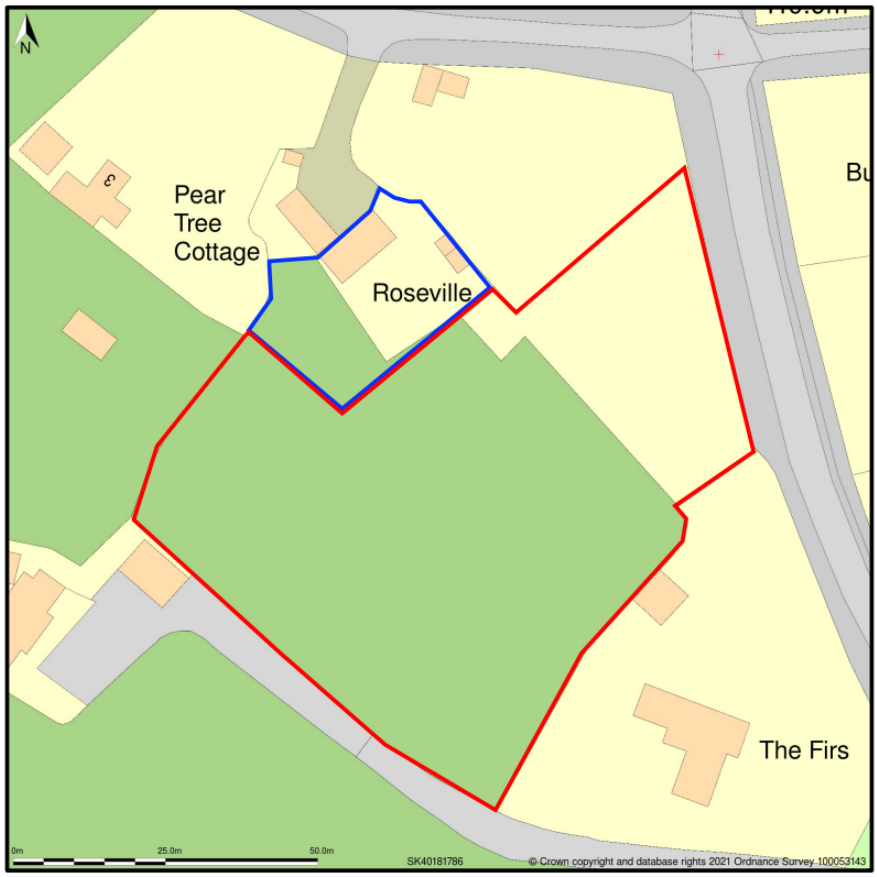
The description of development has been amended during the course of the application from the 'Erection of a building to include 1 no. tourist accommodation and ancillary uses and the erection of 3 no. lodges to be used for tourist accommodation (reserved matters of layout, scale, appearance and landscaping to outline planning permission ref. APP/G2435/W/23/3314972)' to 'Reserved matters of layout, scale, appearance and landscaping to outline planning permission ref. APP/G2435/W/23/3314972 which granted the erection of a building and the erection of three lodges to be used for tourist accommodation (outline application including details of access).'

Amended plans have also been received during the course of the application to amend the proposed layout and the scale and footprint of each of the four proposed cabins. An amended Landscape and Visual Assessment, and a Heritage Impact Assessment were also submitted.

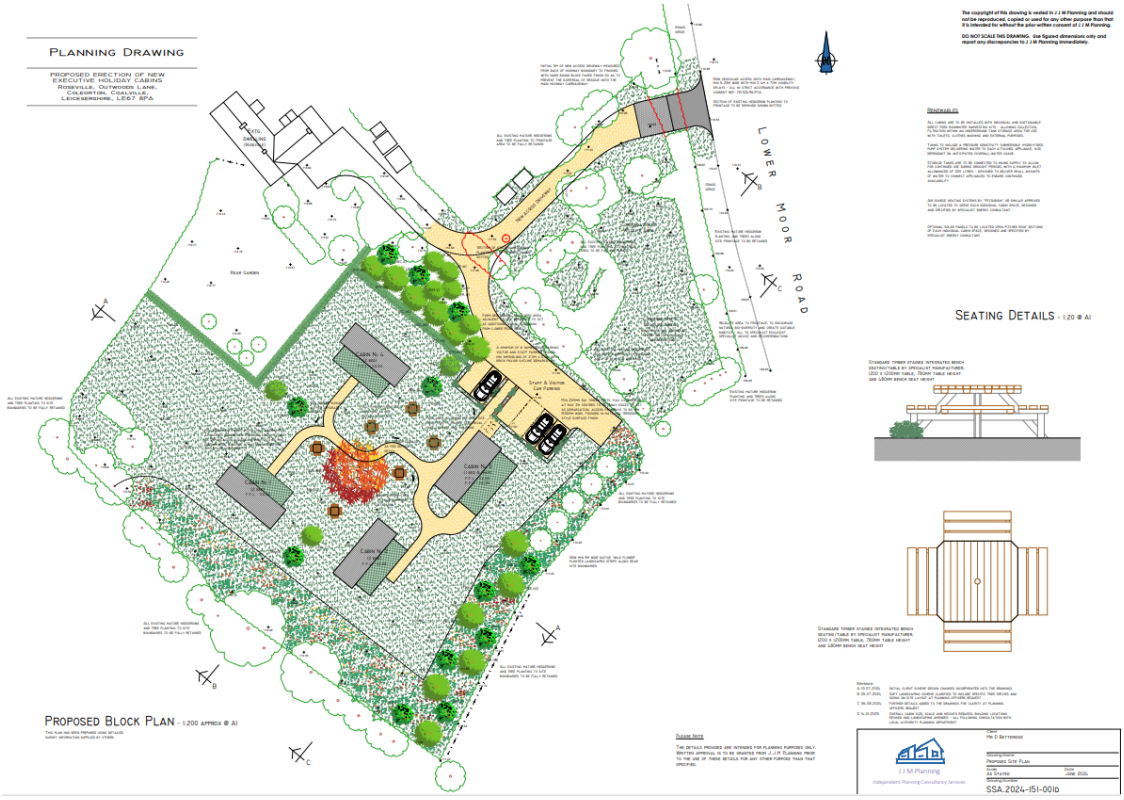
Further information in respect of the application, including the supporting documentation and relevant plans, can be found on the District Council's website.

Aerial Image of Site Location

Site Location Plan



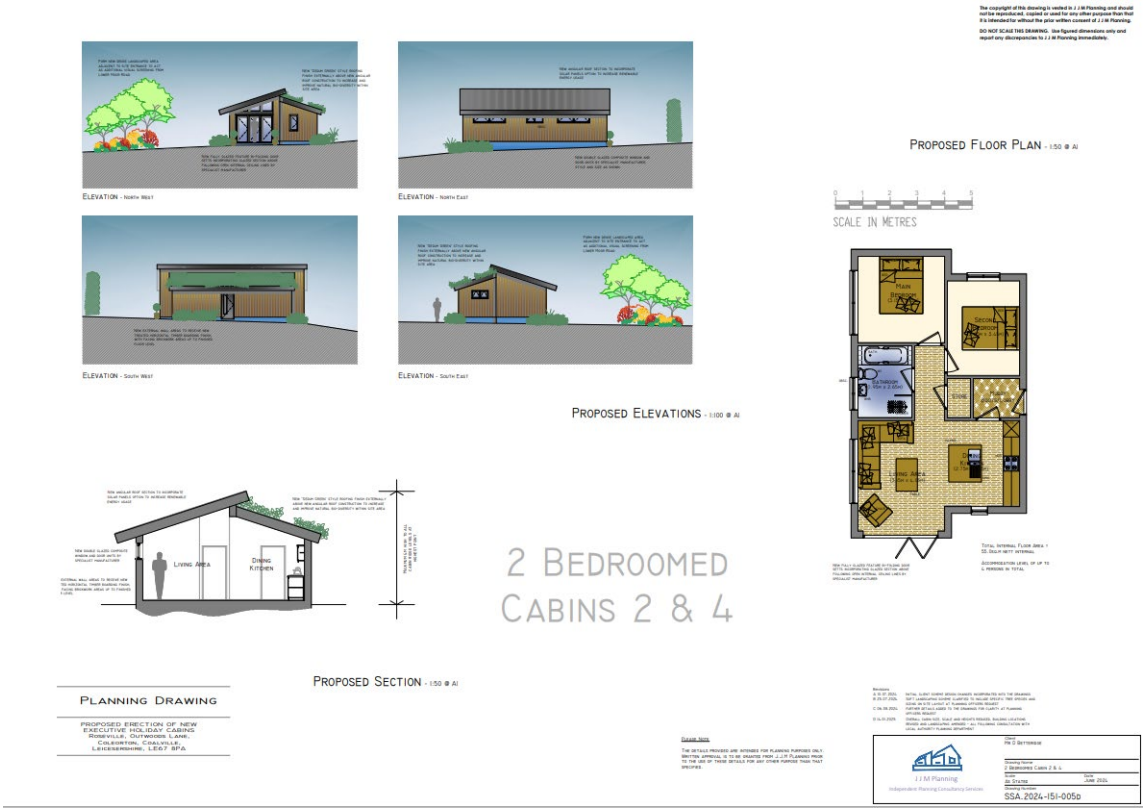
Proposed Site Plan



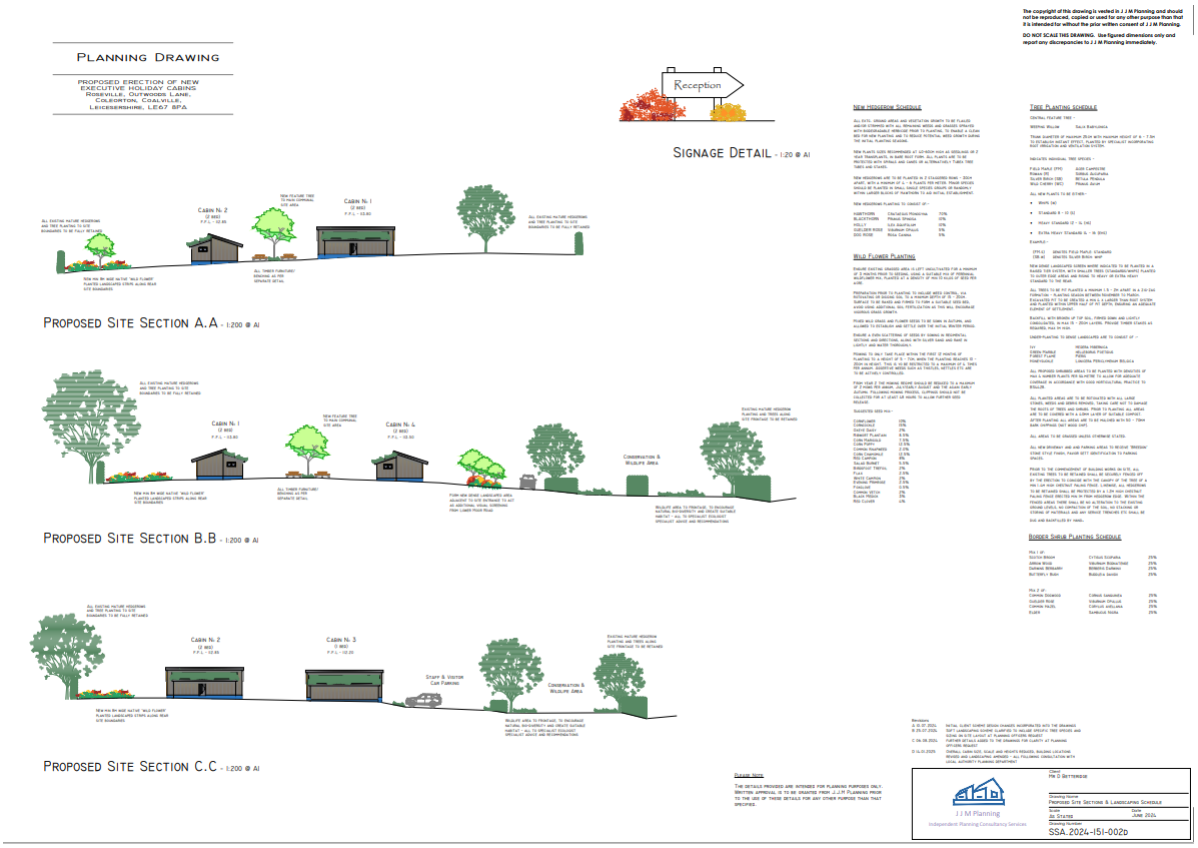
Proposed Plans and Elevations – Cabin 3 with Shop

Proposed Plans and Elevations – Cabin 1

Proposed Plans and Elevations – Cabins 2 and 4



Proposed Site Sections



Recent Planning History

- 17/00129/FUL Erection of two dwellings at Land of Lower Moor Road REFUSED on 12.05.2017 and APPEAL DISMISSED on 08.11.2017.

- 19/02496/FUL Remodelling of existing cottage and the formation of a new access PERMITTED on 25.02.2020.

- 20/01357/CLE Certificate of lawful existing use of land as residential garden REFUSED on 09.11.2020.

- 22/00145/OUT Erection of a building to include 1 no. unit of tourist accommodation and ancillary uses and the erection of 3 no. lodges to be used for tourist accommodation (outline, access only) REFUSED on 06.05.2022.

- 22/01126/OUT Erection of a building to include 1 no. unit of tourist accommodation and ancillary uses and the erection of 3 no. lodges to be used for tourist accommodation (outline, access only).
  The above application was referred to the Council's Planning Applications Committee with an officer recommendation to approve subject to conditions, however the recommendation was overturned by the Council's Planning Committee with a decision issued on 01.12.2022.

The application was refused for one reason which is provided below:

1. Paragraph 8 of the National Planning Policy Framework (NPPF) defines sustainable development which includes that the planning system needs to perform an environmental role, including protecting and enhancing our natural environment and using natural resources prudently. Paragraph 174 of the NPPF states that planning decisions should recognise the intrinsic value of the countryside. Policy S3 of the adopted North West Leicestershire Local Plan supports the principle of holiday accommodation outside of limits subject to a number of criterion being met. It is considered the proposal would adversely affect and diminish the present open character of the environment resulting in significant harm to the character and rural appearance in which it would be set and would represent an unwarranted and incongruous intrusion into the countryside. As such, the proposals would be contrary to criterion (i) of policy S3 of the Local Plan. As a consequence, the development would fail to protect or enhance the natural environment and would not therefore constitute sustainable development, contrary to the environmental strand of sustainability enshrined within the NPPF. The development would be contrary to Policies S3, D1 of the Local Plan, the Council's Good Design SPD and the advice contained in the NPPF.

The refusal was subsequently appealed, and the appeal was allowed by the Planning Inspectorate on 28.09.2023 (Planning Inspectorate ref. APP/G2435/W/23/3314972).

2. Publicity

A total of 121 neighbours and contributors have been consulted on the application and the amendments made to the application. Notification letters were sent at various stages during the course of the application on the 2nd August 2024, 23rd September 2024 and 3rd February 2025.

A site notice was displayed on the 2nd August 2024.

3. Summary of Consultations and Representations Received

The following summary of representations is provided. All responses from statutory consultees and third parties are available to view in full on the Council's website.

Objections from:

Coleorton Parish Council. objected to the originally submitted planning application and advised that they supported the views of the Parishioners. No further comments made in relation to the amended plans.

Worthington Parish Council objected to the originally submitted application on the following summarised grounds:

i. Concerns that the height and footprint of the lodges have increased significantly in the reserved matters application when compared to the outline application.
ii. Concerns are also raised with regard to harm arising to the amenity of local residents given that the lodges would be visible from the road.
iii. Concerns relating to the amount of glazing proposed which would result in unacceptable levels of light pollution.
iv. Concerns that car parking provision is insufficient taking into account the size of the lodges and the number of bedrooms proposed.
v. Concerns that there does not appear to be an acceptable provision of waste disposal.

Worthington Parish Council objects to the amended application on the following summarised grounds:

i. Concerns that the proposed cabins have moved to slightly higher ground which raises the overall profile of the buildings, making them more prominent and increasing their visibility from the surrounding area.
ii. Concerns that the siting of the shop in close proximity to a residential property raises concerns regarding noise, traffic, and general disturbance for existing residents.
iii. Concerns relating to insufficient parking for guests and staff which could lead to overspill parking on nearby roads, causing congestion and potential safety issues.
iv. Concerns that the lodges still contain seven double bedrooms in total which could result in a total of 14 visitors. This number of visitors would have a detrimental impact on the surrounding area.
v. Concerns that the original planning application appeal indicated a maximum height of 3m, yet the Reserved Matters application proposes lodges at 4m high. Given the proximity to neighbouring properties, the relocation of the lodges onto higher ground results in an increase in height which is inappropriate and excessive.
vi. Concerns that the lodges will still be highly visible due to the topography of the area. The elevated position of the site further exacerbates the visual impact, making the development obtrusive when viewed from surrounding properties and public viewpoints.
vii. Concerns that the relocation of the buildings onto higher ground, combined with the overall height and scale, will lead to an overbearing impact on neighbouring properties. This will significantly reduce privacy and residential amenity, as the lodges will have a commanding position overlooking existing homes.

No objection from:

NWLDC Conservation Officer – Initially advised that the height of each cabin should be reduced and that one way to achieve this would be to reduce the width of each cabin (i.e. to better reflect the indicative block plan submitted in 2022). In response to the amended plans, the Conservation Officer has identified no heritage harm arising to the setting of Coleorton Registered Park and Garden.

Comments made by:

The Gardens Trust – Initially provided consultation comments dated 14th August 2024 which requested further details to assess any potential impact on Coleorton Hall given the increased capacity now being sought compared with that indicated on the outline application. In response to the amended plans, The Gardens Trust considers that the proposal has reduce the level of less than substantial harm (to the lowest end of the scale) to Coleorton Registered Park and Garden.

National Forest Company – Commented on the initial proposal to advise that it is evident that the applicant has considered elements of the National Forest's Sustainable Tourism Accommodation Guide, for example by including timber cladding, green roofs, a designated parking area, electric car charging points, renewable energy technologies and electric cycle parking. No further comments made in relation to the amended plans.

NWLDC Urban Designer – Provides comments in relation to the originally proposed layout, parking provision and architectural details, as well as the fact that the proposals should be guided by The National Forest Sustainable Tourism Guide. No further comments made in relation to the amended plans.

No objections, subject to conditions and/or informatives, from:

Leicestershire County Council Highway Authority – No objection, subject to the imposition of a condition to secure parking and turning facilities in accordance with the details submitted.

NWLDC Environmental Protection – The Environmental Protection Team raise no objection but initially requested a Noise Management Plan to be submitted prior to operation that includes a contact number for visitors at the proposed location and residents nearby to be able to use in the event there is a noise issue. No further comments made in relation to the amended plans.

No comments to make from:

The Coal Authority (now known as the Mining Remediation Authority). No further comments made in relation to the amended plans.

Historic England. No further comments made in relation to the amended plans.

Third Party Representations

30 letters from 46 individuals have been received objecting to the application.

In addition to the above, two letters, one with 30 names (not signatures), and another with 52 names (not signatures) have been submitted objecting to the application. A further letter of objection from an unspecified number of 'residents of Lower Moor Road' has been submitted.

A letter with 27 names (not signatures) and the names of five businesses has been submitted supporting the application.

The comments raised both supporting and objecting to the proposal are summarised in the following two tables:

Grounds of Support	Details
Principle of Development and Sustainability	The only issue that should be under consideration now is the appearance of the proposed lodges and their disposition on the site.
	It was made clear in the outline application that the indication of buildings on the site was not part of the application but merely served to show what could possibly be achieved.
	The principle of the development has already been established and the only matters that can be considered are layout, scale, appearance and landscaping.
Design, Scale, Landscape and Visual Impacts and Impacts on the Countryside	Given the extremely favourable setting of the site in terms of existing and potential landscape screening, it is clear from the Inspector's comments that there is considerable scope within the site to design a scheme

	that is essentially oriented to the needs of the future occupants of the lodges as a holiday destination.
	The planning inspector has already confirmed that the site is enclosed by mature vegetation on all sides which would ensure that the lodges would not be prominent in the landscape.
	The size and height of the lodges has been significantly reduced which would appear to make them even more acceptable in design terms.
	The lodges are an exemplar design and significantly better than anything else which has been approved in the district.
	The National Forest Company support the design given the use of timber cladding, green roofs, electric car charging points, electric cycle parking etc.
Heritage Impacts	On the basis of the inspectors' findings, it was clear that there would be no impact on the historic park and this is confirmed in the updated heritage and visual/landscape reports.
Residential Amenity	The applicant has taken every opportunity to ensure that the interests of existing nearby residents will be protected.
	There would be no impact on surrounding neighbours especially as the amended scheme has moved the lodges further into the site.
Other Matters	The development is not harmful in planning terms and can have tangible benefits for the local community.
	The proposal will bring about a number of social, environmental and economic benefits but these will not be realised until such time as the Council grant approval for the application.

Grounds of Objection	Details
Preliminary Matters	The land survey carried out extends far beyond the confines of the site boundary.
	None of the surrounding residential properties are shown on the supplied block plan.
	A lack of measurements on the drawings.
	The planning statement contains factual and misleading errors.
	The application should be decided by the Council's Planning Committee.
	The application drawings should show where Pear Tree Cottage is.
Principle of Development and Sustainability	The proposal is ready to be converted into the largest possible permanent residential dwellings, because that is where the money is to be made.
	The application is for holidays lodges not houses.
	The application does not reflect the details submitted at the outline stage.
Highway Safety and Parking Impacts	Six parking spaces are insufficient for 14 visitors, staff, a full-time manager, deliveries and trades vehicles.
	The shop should be restricted to tourist accommodation and not benefit or draw additional traffic from local residents. The shop's contribution towards reducing car usage would be negligible.
	A minimum of 8 parking spaces should be provided. Parking on the road would be unacceptable, due to the adverse impact on highway safety, as they would

	obstruct the required visibility splays
	The details submitted in relation to car parking are inadequate.
Design, Scale, Landscape and Visual Impacts and Impacts on the Countryside	Why do the lodges have pitched roofs? A flat 'green' roof design would be far less intrusive / incongruous.
	The plans propose almost double the occupancy of the site compared to that initially presented to the Planning Inspector (7 bedrooms not 4, 14 visitors not 8). The number of bedrooms should be reduced to 1 bedroom maximum.
	The lodges should be positioned away from site boundaries, with windows and decking facing inward toward the centre of the site.
	Concerns relating to the size, footprint and height of the lodges and that the lodges should be no greater than 3m in height, with no external decking and no hot tubs installed on site. The site is overdeveloped.
	Reducing the level of the site where the lodges are to be positioned would further assist in screening the lodges from public view, and the excess soil could provide a natural bund offering both visual and acoustic screening.
	The applicant should submit a Landscape Visual Impact Assessment.
	The lodges are going to be sitting on top of foundations that are half a metre deep, which means that, despite the lodges being "four metres high", that means four metres above their foundations. The current application is seeking to build lodges that would be 50% higher off the ground than the lodges that the planning inspector was shown.
	The lodges should be kept as hidden from view as possible, and the way to do that is to keep them as low

	as possible.
	Various photographs, block plans, 3D models and other visualisations and photo montages of the originally submitted proposal and the site have been submitted by a number of objectors.
	The design of the lodges is incongruous and is not in-keeping with the rural character and setting.
	The proposed height of the lodges (4 metres) would mean that they would be higher than the adjoining two storey property. The lodges should be no higher than 3 metres.
	No illustrations of the mass of the buildings have been provided by the applicant, which exceed the 3 metres originally stated by the applicant.
	The site is the highest point on this section of Lower Moor Road, hence the impact of any structure placed on this site is exacerbated.
	The proposals will cause substantial harm to the surrounding countryside in conflict with the Local Plan / NPPF.
	The author's assertions in the submitted LVA are subjective and the impact of the proposal is nothing short of severe. It is evident from Table 9 (Significance Criteria for Visual Effects) that the effects will be High / Major.
	The latest plans have to be judged against how they compare with the plans that were seen by the planning inspector and not how they compare against the applicant's previous submissions.
Landscaping	The current landscaping details do not satisfactorily address the landscaping requirements to discharge the information.

	There are considerable doubts over the applicant's commitment to maintain any newly planted landscaping / screening, as proposed. Any new planting / screening should be monitored / maintained for a period of 12 years, in accordance with the recommendations of the Ecology report.
	The existing trees planted for the visit of the Planning Inspector have since died and as a result there is now a clear view of the site from Lower Moor Road. No site section has been supplied with this application.
Heritage Impacts	This design is not in-keeping with the rural character and setting and would harm the RPG.
	The wrong footpaths map was used in the preparation of the Heritage Impact Assessment. The definitive map should be used.
	The submitted Heritage Impact Assessment includes photographs and information which is adequate. The report does not satisfy either the concerns raised by the Conservation Officer or The Gardens Trust.
	The lodges have been repositioned significantly closer to the RPG and consequently be plainly visible from many public viewpoints.
	No illustrations (CGI, flags, balloons etc) of the actual impact / mass of the buildings have been provided by the applicant.
Residential Amenity	The proposals fail to safeguard the residents' amenity and significantly adversely affects the privacy of the two closest properties (Peartree Cottage and The Firs). The impacts would be exacerbated in the winter, due to the lack of foliage.
	Concerns in relation to the siting of the proposed shop and lodges close to neighbours and impacts in terms of noise and disturbance.

	The lodges should feature flat roofs, and a condition should be imposed to ensure that no external decking or hot tubs be installed.
	The Council's environmental team required details of proposed hours of operation of the communal areas at reserved matters stage; none have been provided; therefore, the application cannot be comprehensively assessed.
	Full height glazing and bi-fold doors, causing light pollution.
	There is no doubt that the size and number of bedrooms of the lodges should have been controlled through condition to minimise the harm to the character of the area. The increase in occupancy will have an adverse impact upon neighbouring amenity. The plans also propose almost a 100% increase in the occupancy of the site compared to that presented to the Planning Inspector (7 bedrooms not 4).
	A cross-section should be submitted to demonstrate the relationship between the proposed lodges and neighbouring properties.
	Due to the topography of the land, any visitors could look directly into the lounge of Peartree Cottage and the Master bedroom, living areas and study of The Firs. Effective screening would have to be of such a height and density that it would 'fall foul' of the 'High Hedges Act' contained with Part 8 of the Antisocial Behaviour Act of 2003, by severely restricting natural daylight into the living areas and gardens of neighbouring properties.
	Holiday accommodation is always going to carry a higher risk of noise nuisance than residential dwellings as there is a high likelihood of people being outside, barbecuing and playing games and that would obviously create noises and smells.
	The applicant should be required to submit a 'Noise

	Impact Assessment' and conditions should be imposed to limit the effect of the development on the neighbour's and wider Community's amenity.
	The full-time site manager does not reside on-site, making it difficult or impossible to address any noise-related issues as they arise.
	Air source heat pump locations and solar panels should be carefully considered and conditioned.
	There should be no lighting above FFL on any lodge decking, communal seating or parking areas within the site. All lighting to be downward facing, to minimise light spillage.
	Any trees and shrubs, bordering neighbouring properties, must be mature on planting and regularly maintained to a maximum height of 2 metres, to minimise any obstruction of natural light into those neighbouring properties, thereby avoiding any potential contravention of the 'High Hedges Act'.
	Amenity impacts upon Pear Tree Cottage must also be considered.
	The plans show a remodelling to Roseville approved under application 19/02496/FUL which will impact the neighbouring property, Pear Tree Cottage. The plans do not correctly identify Pear Tree Cottage as a separate dwelling under separate ownership. The use of a shared drive will impact Pear Tree Cottage.
	The proposal would result in significant harm to neighbouring properties in terms of amenity, the intensification of the site, inadequate landscaping and the deviation from the planning assessment set out by the Inspector at the outline stage.
	The application results in insufficient separation distances to neighbouring properties and contravenes the guidance in the 'Good Design for North West Leicestershire Guide' specifically Section 8 'Responsive

	to Context' Paragraph 8.5.
	Finished ground and finished floor level details have not been submitted.
	The height of the required foundations will increase the height of the lodges by up to 0.5m. The lodges were only ever supposed to be 3 metres in height. The 4 metre high lodged will be higher than the adjacent two storey house (the Firs).
	No views from any of the surrounding properties have been supplied in the submitted LVA.
	The lodges are still positioned closer to the neighbouring property 'The Firs' than the applicant's own property 'Roseville' (despite having the space to reposition them closer) for no apparent reason. The applicant has failed to indicate the exact position of The Firs on the site plan and the proximity of the lodges to it, which would highlight the negative impact they would have on that property.
	Due to the topography of the land any visitors could look directly into the living areas of neighbours.
Ecology and Biodiversity	The inclusion of large areas of drive, hard standing, parking, paths and communal areas on a field which supports a wide diversity of wildlife, makes the required BNG unachievable.
	Concerns that Biodiversity Net Gain is rendered obsolete and unachievable by these proposals. The developed land now accounts for in excess of c .30% of the site. The applicant assured the Planning Inspector that no more than 10.7% of the site would be 'developed' this is clearly not reflected in this application. A new BNG report needs to be submitted with any revised scheme, to ensure that the required BNG is achievable.
	The proposed glazing is excessive and will result in light pollution and will have an impact on local wildlife

	and habitats.
	BNG is a legal requirement and that therefore without it, it is not possible to have a valid planning determination.
	The public should be given the opportunity to see a revised BNG calculation, before a decision is taken that is based upon it. BNG has been unfairly and incorrectly cut out of the process at too early a stage.
	Locating waste storage/collection areas within the site adversely affects the BNG calculations.
Waste	Lack of information relating to waste storage / recycling or collection. The provision of these details must be a fundamental requirement for a proposed commercial operation, with the potential resultant impacts on the environment, health and safety, highway safety and impact on the amenity of neighbours and the wider community.
	Concerns as to how waste can be accommodated / collected at all.
	The waste collection area cannot be outside the site, as it would adversely affect the visibility splays and therefore highway safety.
Other Matters	Various conditions have been requested relating to limiting the height of the lodges to 3m, ensuring that there would be no external decking, no hot tubs, that air source heat pumps are installed to face inwards and that lighting should be low.
	The applicant seeks to extend Roseville's garden into the countryside.
	Any transportation of building materials would have to be bought up the drive which is not fit for this purpose. The applicant must install his own driveway before any sort of building works commence.

	Had this proposal been presented at appeal, it would undoubtedly have been dismissed.
	The proposal does not comply with national or local planning policy (Local Plan Policies D1, IF7. D2, Ec13).
	No details of the proposed renewable energy technologies have been submitted. The applicant has failed to propose any sustainable methods or design that would not otherwise be required to be installed.
	The development was commercially unviable with 55sqm, 1- bedroom lodges, as originally proposed in the outline application.
	The shop should not be used by anyone other than tourist users of the site and this should be controlled by condition.
	A plan showing the location of neighbouring single storey bungalows / historic low-roofed cottages in relation to the site has been submitted.
	Why are 6 external tables, providing potential seating for 48 people, necessary for a maximum of 14 visitors?
	The proposal fails to demonstrate any overriding benefits within the planning balance.
	The application contains fundamental changes to the information supplied in the ‘outline planning application’

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2024)

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraphs 7, 8, 9 and 10 (Achieving sustainable development);
Paragraphs 39, 48 and 49 (Decision-making);
Paragraphs 56 and 57 (Planning conditions and obligations);
Paragraphs 85 and 88 (Building a strong, competitive economy);
Paragraph 96 (Promoting healthy and safe communities);
Paragraphs 109, 110, 115, 116, 117 (Promoting sustainable transport);
Paragraphs 124, 125 and 129 (Making effective use of land);
Paragraphs 131, 133, 135, 136, 139 and 140 (Achieving well-designed places);
Paragraphs 161, 163, 164, 166, 167, 170, 173, 174, 175, 181 and 182 (Meeting the challenge of climate change, flooding and coastal change);
Paragraphs 187, 192 193, 196, 197 and 198 (Conserving and enhancing the natural environment); and
Paragraphs 205, 207, 208, 210, 212, 213, 215, 216, 217, 218 and 219 (Conserving and enhancing the historic environment).

Local Policies

Adopted North West Leicestershire Local Plan (2021)

The North West Leicestershire Local Plan forms part of the development plan and the following policies of the Local Plan are relevant to the determination of the application:

Policy S2 - Settlement Hierarchy
Policy S3 - Countryside;
Policy D1 - Design of New Development;
Policy D2 - Amenity;
Policy Ec13 - Tourism development;
Policy IF4 - Transport Infrastructure and New Development;
Policy IF7 - Parking Provision and New Development;
Policy En1 - Nature Conservation;
Policy En3 - The National Forest;
Policy He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment;
Policy Cc2 - Water - Flood Risk; and
Policy Cc3 - Water - Sustainable Drainage Systems.

Other Policies and Guidance

National Planning Practice Guidance.
Leicestershire Highways Design Guide (Leicestershire County Council).
Good Design for North West Leicestershire SPD.
North West Leicestershire Economic Growth Plan 2019 – 2021.
Tourism Strategy for Leicester and Leicestershire 2011 – 2016.
Draft North West Leicestershire Tourism Strategy.

National Forest Guide for Developers & Planners.
The National Forest Tourism Growth Plan 2017 – 2027.
The National Forest design guide 'Sustainable Tourism Accommodation.'

5. Assessment

Principle of Development

In accordance with the provision of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the Development Plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2021).

The Principle of the Development has already been established through the outline planning application which was allowed by the Planning Inspectorate on 28.09.2023 (PINS ref. APP/G2435/W/23/3314972). Matters relating to the principle of the development are therefore not to be revisited and this reserved matters application will assess matters relating to layout, scale, appearance and landscaping only.

Scale, Layout, Appearance and Landscape and Visual Impacts

Policy D1 (Design) of the North West Leicestershire Local Plan (2021) states that new non-residential developments must positively address our Place Making principles which includes that developments are responsive to their context.

Policy S3 (Countryside) of the North West Leicestershire Local Plan (2021) seeks to ensure that development respects the appearance and character of the surrounding landscape, including the settlement pattern, and that local distinctiveness is safeguarded and enhanced.

Criterion 1 of Policy En3 (The National Forest) of the North West Leicestershire Local Plan (2021) states that within the area of the National Forest, as defined on the Policies map, North West Leicestershire District Council will work with the National Forest Company, other local authorities and partners to:

(a) Provide opportunities for diversification of the economy, especially in relation to the woodland economy and tourism, including overnight accommodation;

(b) Create an attractive, sustainable environment;

(c) Enhance its role as a natural carbon sink;

(d) Provide a range of leisure opportunities for local communities and visitors; and

(e) Achieve the National Forest Company's woodland cover target.

Criterion 4 of Policy En3 (The National Forest) of the North West Leicestershire Local Plan (2021) states that:

Within the National Forest new development should ensure that:

(a) The siting and scale of the proposed development is appropriately related to its setting within the Forest; and

(b) The proposed development respects and does not adversely affect the character and appearance of the National Forest or the wider countryside; and

(c) The character of the National Forest is enhanced through incorporating a National Forest or locally inspired identity.

Criterion 3 of Policy Ec13 (Tourism development) of the North West Leicestershire Local Plan (2021), when discussing tourism development in the countryside, states that 'its scale should be appropriate to the local landscape and its surrounding environment and not adversely affect local transport infrastructure.' Criterion 1 (e) of Policy Ec13 states that the Council will maximise the potential of tourism in the district and increase tourist opportunities for visitors by supporting the 'enhancement of the environment and local distinctiveness, including heritage and landscapes, which will increase the attractiveness of the district to visitors.'

The Site

The site is located to the west of Lower Moor Road and to the south of Outwoods Lane. The site is set within the grounds of Roseville which is a two-storey semi-detached dwelling located to the north-west of the site.

The Inspector, at the appeal stage, considered the site to be a gently sloping grassy field that is largely enclosed with mature dense mixed hedgerow and trees on the site's boundaries. The Inspector advised that other than the site's road frontage, it is mainly bordered on its remaining sides by the curtilages of residential properties, including an access drive to Ginn Stables Cottage. Furthermore, when discussing the existing undeveloped nature of the site, the Inspector considered that there were very limited views of the appeal site from the street-scene due to the intervening vegetation, and that even in winter, the mixed vegetation and tree growth would be extensive, and views through to the appeal site would be intermittent. Officers have visited the site during the course of this application, including during the winter period (on 1st November 2024). As such, officers concur with the comments made by the Inspector and agree that the views through to the application site from public vantage points, whilst achievable, were intermittent.

The Inspector considered that the site was slightly more open to the south-east from Lower Moor Road, but that views would be restricted by the adjacent neighbouring dwelling known as 'The Firs', which directly fronts onto Lower Moor Road. In addition, the Inspector stated that the land to the south of the site slopes downwards from its northern boundary thus further restricting northward views of land beyond the boundary from the south.

It is important to note that the Inspector was describing the views of the existing undeveloped site, and not the views of the proposal post-development.

The Inspector considered it necessary for the approved lodges to be restricted to single storey only to protect the character and appearance of the area, and this was a matter which was controlled through the imposition of condition 15 which was imposed upon the outline planning permission (ref. APP/G2435/W/23/3314972).

Figure 1 - View of planting to the north of the site from Outwoods Lane

Figure 2 - View from within the site facing north

Figure 3 - View from within the site facing north

Assessment

The originally submitted application was supported by a Proposed Site Layout which showed the four cabins placed within the site with various soft planting features to include an 8 metre wide 'wild flower' planted landscaping strip along the entire south eastern and part of the south western boundaries. Other originally proposed boundary treatments included either the retention of existing mature hedgerow and trees, or the construction of 1.2 metre high timber post and rail fencing with native planting. Meandering paths finished in a Breedon style surface finish of at least 1.5 metres wide were also proposed throughout the site leading from the proposed off-street car parking provision. The paths featured 450mm timber posts to the edges at roughly 2 metre centres to demarcate the path from the soft landscaped areas of the site. The paths lead to all cabins, the proposed cycle parking provision, an outside seating area which featured timber tables and benches, and an outdoor communal area including a 'feature tree.' Various timber signage was also proposed to be installed throughout the site.

The outline application was supported by an 'Indicative Site Layout' which showed the provision of an access which would lead to four cabins. It should be acknowledged that the indicative details submitted at the outline stage were not approved by the Inspector and the only limitation imposed by the Inspector related to the single storey scale of the lodges (condition 15). Based on the indicative plan submitted at the outline stage, these cabins would have featured footprints of around 55m2 and would have been one bed lodges as per the annotation provided on the plan. The originally submitted Reserved Matters scheme still proposed the siting of four cabins; however, they were proposed to be a 3 bed (cabin 1), a 2 bed (cabins 2 and 4) and a 1 bed with shop (cabin 3). The cabins originally sought for approval under this application were significantly larger in terms of their footprints, measuring between 115sqm and 138sqm. The largest of the cabins was 150% larger in footprint when compared to the 55sqm footprints indicatively shown at the outline stage. In the cases of cabins 2 and 4, these were 130% larger and cabin 3 was 109% larger.

The measurements of the originally proposed cabins were as follows (measurements are approximate):

Cabin 1 = 5.4m to the ridge with an eaves height of 2.4m. Footprint of 138sqm including decking areas.

Cabins 2 and 4 = 5.50m to the ridge with varying eaves heights between 1.2m, 2.4m and 2.7m. Footprint of 127sqm including decking areas.

Cabin 3 = 5.4m to the ridge with varying eaves heights of 0.7m, 2.4m and 2.7m. Footprint of 115sqm including decking area.

Having assessed the originally proposed submission, whilst there is no requirement for this application to precisely reflect the indicative details presented at outline stage, officers were not satisfied that the proposed scheme was acceptable in terms of the footprint and overall height of each of the proposed cabins and amended plans were sought.

The amended proposed layout now shows four cabins of a reduced footprint, and the amended proposed elevations show a reduction to the overall scale of the cabins. Cabin 1 is now a 2 bed Cabin (a reduction of one bed), cabins 2 and 4 remain as 2 bedroom cabins, whilst cabin 3 remains a 1 bed with a shop. The following measurements of the amended ridge heights are taken from the external ground levels:

Cabins 1, 2 and 4 = 4.15m to the ridge. This is a reduction of between 1.25m and 1.35m in ridge heights compared to the original submission.

Cabin 3 = 4.3m to the ridge. This is a reduction of between 1.1m in ridge height compared to the original submission.

The cabins would be modern in appearance, featuring split roof forms with varying eaves heights and sedum roofs. Large amounts of glazing to the end elevations are proposed. External materials would comprise of facing brickwork to the lower proportions and treated horizontal timber boarding. The angular sections of the roof would feature solar panels, although these have not been shown on the drawings (a planning condition is recommended to be imposed to secure these details). The originally proposed scheme included the addition of external decking areas which would have featured glass balustrades, these have now been removed from the proposal which reduces the overall visual impact and footprint of each of the cabins.

In terms of the visual impacts, the previous planning case officer made a request that visualisations of the proposal be submitted to support the application *'to offer a representation of what would likely be seen if the proposed development is implemented.'* Such visualisations were not submitted by the applicant to support the originally submitted application to demonstrate the full impacts of the proposal, however, following a further request for a Landscape Assessment to be submitted, the applicant has submitted a Landscape and Visual Appraisal (LVA) to support the amended scheme.

The LVA has been prepared by a landscape professional who has followed the methodology set out in the 'Guidelines for Landscape and Visual Impact Assessment', produced jointly by the Institute of Environmental Management and Assessment and the Landscape Institute. In summary, the LVA states that the site itself has been assessed as having an overall low to medium landscape quality and value, as it has a largely domestic, edge of settlement character, has adjoining properties around it to the north, east, south east and west, is generally well enclosed and is separated from the more open landscape of the Registered Garden by a tall hedge and trees. The LVA also states that the site has been assessed as having a low landscape susceptibility and therefore a low to medium sensitivity to the proposed development as there would be no loss of landscape features.

The LVA goes on to state that the degree of landscape change brought about by the proposed development would be negligible, as the site would have a different appearance following its redevelopment, but the development would be limited and relatively low key, with very limited visibility from the area around it. The LVA concludes the landscape effects by advising that the proposed cabins would have no significant public visibility, and where partially visible, would not appear discordant in the partially settled local context. It also states that all effects would be expected to decrease progressively with time, as the proposed planting grows.

In terms of visual effects, the LVA states that there would be some localised visual effects for nearby properties with views to the site, and lower-level effects for people passing along Outwoods Lane or the footpath to the north west, but public visibility would be very limited and all visual effects would be at a lower level in the summer and would decrease over time.

Furthermore, the Inspector for the associated outline application stated that the indicative plan submitted to support the previous planning application demonstrated one way of developing the site which would ensure that the proposal would be largely contained by existing vegetation with limited views, limiting its prominence within the landscape. The Inspector went on to say that there would be the opportunity for additional landscape planting, which would ensure the proposed lodges are well screened from public vantage points and nestle into the existing landscape. The Inspector was satisfied that the site could be developed as proposed in a manner which would ensure that the key characteristics of the site would not be harmed, and the proposal itself would be of modest scale. Whilst concerns were raised with regard to the original submission, officers are of the view that the amended proposal submission now demonstrates that the proposal would limit the visual prominence of the development from within the landscape and that the proposal would be well screened from public vantage points and nestled into the existing landscape. As such, the amended scheme demonstrates that the key characteristics of the site would not be harmed, and the proposal is now considered to be of an acceptable and modest scale.

Officers agree with the findings set out with the LVA and consider that the proposal would not result in any unacceptable landscape or visual impacts. Whilst objections to the proposed design have been received, the modern design approach for tourism accommodation in the National Forest is considered to be acceptable. The design would include high quality external materials, sedum roofs and renewable energy features which are recommended to be secured by condition. Overall, the design of the scheme would not result in any adverse visual impacts to the character and appearance of the area. The proposed scale and design of the development would be appropriate to the local landscape and its surrounding environment, ensuring that the appearance and character of the landscape would be safeguarded, in accordance with Policy S3 (i) and Policy Ec13 (3) of the Local Plan (2021). Owing to the open nature of the proposed layout which features an open layout with cabins which relate positively to the proposed landscaped and central areas of the site, it is considered necessary to impose a planning condition to remove Permitted Development Rights for the installation of boundary treatments on site to ensure the proposal retains the open character of the scheme as submitted, in the interests of visual amenity.

Whilst Worthington Parish Council have objected to the proposal on the basis that the repositioned cabins would now be located at a higher land level than previously proposed, the landscape and visual impacts of the amended proposal have been considered in full above and the proposed site and finished floor level of the cabins proposed would be acceptable. A planning condition is recommended to be imposed to ensure that the development is carried out in accordance with the ground and finished floor levels shown on the amended proposed site layout.

The National Forest Company were consulted on the originally proposed scheme and advised that it was evident that the applicant has considered elements of the National Forest's Sustainable Tourism Accommodation Guide, for example by including timber cladding, green roofs, a designated parking area, electric car charging points, renewable energy technologies and electric cycle parking. It is considered that these elements of the proposed development, including external materials, electric car and bike charging, renewable energy technologies and green roofs could all be secured through the use of a planning condition. Details relating to the maintenance of the proposed green roofs could also be secured through the use of a condition. The proposal is therefore also considered to accord with Policy En3 criterion (4) (a to c) of the Local Plan 2021.

Scale, Layout, Appearance and Landscape and Visual Impact Summary

Following the submission of amended plans and the submission of an LVA, it is considered that the scheme now proposes a layout which is considered to be suitable in terms of the footprint and overall scale of the cabins and the cabins are considered to be of a design which responds positively to the wider area. The proposed landscaping also positively responds to the surrounding area.

The proposal would no longer appear as an incongruous development and the scheme now respects the scale of other nearby development and respects the context in which the site sits. The proposal therefore responds to its context and is of a design and scale which is appropriate to the local landscape and its surrounding environment.

The application therefore accords with Policies S3, D1 and Ec13 of the North West Leicestershire Local Plan (2021) which seek to ensure, amongst other things, that development responds to its context and respects the appearance and character of the surrounding landscape, including the settlement pattern, and that local distinctiveness, including heritage and landscapes, is safeguarded and enhanced.

Heritage Impacts

Criterion 1 of Policy He1 of the North West Leicestershire Local Plan (2021) states that:

(1) To ensure the conservation and enhancement of North West Leicestershire's historic environment, proposals for development, including those designed to improve the environmental performance of a heritage asset, should:

a) Conserve or enhance the significance of heritage assets within the district, their setting, for instance significant views within and in and out of Conservation Areas;

b) Retain buildings, settlement patterns, features and spaces, which form part of the significance of the heritage asset and its setting;

c) Contribute to the local distinctiveness, built form and scale of heritage assets through the use of appropriate design, materials and workmanship;

d) Demonstrate a clear understanding of the significance of the heritage asset and of the wider context in which the heritage asset sits.

Criterion 2 of the same Policy states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. This requirement is reflected in paragraph 125 of the NPPF.

Criterion 1 (e) of Policy Ec13 (Tourism development) states that the Council will maximise the potential of tourism in the district and increase tourist opportunities for visitors by supporting the 'enhancement of the environment and local distinctiveness, including heritage and landscapes, which will increase the attractiveness of the district to visitors.'

Paragraph 212 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 213 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Section 66(1) of the Listed Buildings Act 1990 requires that when considering whether to grant planning permission for development affecting a listed building or its setting, the local planning authority must have special regard to preserving the building, its setting, or any features of special architectural or historic interest it possesses.

Assessment

The site is located adjacent to Coleorton Hall Gardens which is a Grade II* Registered Park and Garden (RPG). The RGP is a designed landscaped which has been designated because of its special historic interest, it therefore constitutes a designated heritage asset. In terms of the outline planning application, the Local Planning Authority did not raise an objection to the outline proposal in respect of the effect the outline proposal would have on this heritage asset in its report to the Council's Planning Committee, nor did the Council's Planning Committee resolve to refuse the outline planning permission on this basis.

The Planning Inspector for the associated appeal advised that based on the evidence and the observations made during the appeal site visit, the proposed development (that being the outline scheme) would have no effect on the setting or significance of this heritage asset. However, an assessment of this reserved matters application, in respect of the effect it would have on this designated heritage asset, must be made at this stage given the application now seeks permission for details of layout, scale, landscaping and appearance.

The Gardens Trust have provided two consultation comments in respect of the originally submitted scheme. The first consultation comments dated 14th August 2024 requested further details to assess any potential impact on Coleorton Hall given the increased nature of the proposal being sought for approval compared with that indicated at the outline stage. Following receipt of this consultation response, the applicant submitted a Heritage Impact Assessment (HIA) (GHM Planning September 2024) to support the application which was reviewed by The Gardens Trust. The Gardens Trust noted that images provided in the HIA from selected viewpoints which were included in the report (on pages 14 – 16 of the HIA) to illustrate visibility of the site from Coleorton Grade II* RPG were of the site in its existing state and did not give any indication of the originally proposed development or its impact. Further, The Gardens Trust stated that the images illustrated the situation over the summer months and that visibility of the originally proposed development was likely to be greater over the winter.

The Gardens Trust advised that the proposal is not within the RPG itself, however the two sites lie immediately adjacent to each other sharing a common boundary and the proposal therefore affects its setting. The Gardens Trust confirmed on the originally proposed scheme to advise that owing to the increased scale of the development in terms of the proposed footprints and

heights of the cabins, the development was likely to result in less than substantial harm (at the lowest end of the scale) to Coleorton RPG.

The Council's Conservation Officer provided initial consultation comments on 1st August 2024 which advised that it was not necessary for the Conservation Officer to be consulted on the basis that the Inspector for the associated appeal identified no effect on the significance of the registered landscape, *"based on the evidence before me and the observations I made during my site visit."* However, the Conservation Officer reconsidered this position and provided consultation comments on 22nd August 2024. The Conservation Officer advised that each of the originally proposed cabins would have been around 5.5m high at the ridge (even though the roof pitches were around 25°) and that each cabin would have been a double-height central hallway lit by a high level window. The Conservation Officer did not consider that the original proposal would reflect the 'spirit' of the Planning Inspector's appeal decision and that the originally submitted proposal may harm the character and appearance of the area and the setting of the Coleorton RPG. On this basis, the Conservation Officer considered that the height of each of the originally proposed cabins should be reduced and that one way to achieve this would be to reduce the width of each cabin (i.e. to better reflect the indicative block plan submitted in 2022 in respect of the outline application).

The Conservation Officer has also reviewed the originally submitted HIA which was submitted to support the application and in comments dated 24th September 2024, the Conservation Officer raised various concerns in relation to the content of the HIA. The Conservation Officer also confirmed that the HIA was of low quality and that he was unable to identify the level of heritage harm arising based on its findings. The Conservation Officer considered that on the basis of the information originally submitted, the degree of harm arising from the originally submitted scheme would likely be less than substantial, toward the lower end of the spectrum.

The concerns relating to the content of the HIA were raised with the agent during the course of the application. In response to this, the agent advised that *'…the photos [in the HIA] clearly demonstrate that there would be no visual impact arising to the Historic Garden.'* The agent went on to suggest that the planning officer would surely reach this same conclusion, as the Inspector did, when visiting the site. It must however be stressed that the specialist heritage advisors were not satisfied with the content of the originally submitted HIA for the reasons set out in the above report. Furthermore, the Inspector's findings at the outline stage were based on an outline application and an illustrative scheme, and not the originally submitted detailed scheme which was different to that which was before the Inspector for consideration. The heritage impacts of this application must be assessed on the basis of the application details and heritage information submitted and, on its merits, without an overreliance on conclusions which were arrived at when assessing an outline application which was not in all cases reflective of the detailed scheme originally sought for approval under this application.

The heritage concerns were raised with the applicant during the course of the application, and in response to officer's requests, an updated HIA with additional photos to address the concerns of The Gardens Trust was submitted.

The Gardens Trust has been consulted on the amended scheme and has advised that the reduction in height and footprint of the lodges will reduce the level of less than substantial harm arising to Coleorton Registered Park and Garden to the lowest end of the scale. The Gardens Trust has advised that a planning condition should be included to secure substantial planting along the south-west boundary of the application site to help mitigate any impact on the Coleorton Hall RPG by maintaining effective screening for the future.

The Council's Conservation Officer has also advised that the width of each cabin has been reduced (each cabin would be a maximum of four metres high). The Conservation Officer

considers that the amended scheme now reflects the 'spirit' of the Inspector's appeal decision in terms of the single storey scale of the cabins. Based on the amended drawings, the Conservation Officer has identified no harm arising to the setting of the Coleorton Hall RPG.

Heritage Summary

On the above basis, taking the worst case scenario set out in the consultation comments received by The Gardens Trust, the scheme would result in less than substantial harm to the Grade II* registered Coleorton Hall Historic Park and Garden which would be at the lowest end of the scale.

Paragraph 212 of the NPPF advises that great weight should be given to the conservation of designated heritage assets irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm. Furthermore, any harm must be given considerable importance and weight. In this case the scheme would result in the provision of tourism accommodation in the National Forest which is an area that the Council are generally seeking to direct tourism accommodation. The scheme would bring with it some economic benefits and would support tourism in the area. Although the scheme relates to only four tourism accommodation units, the public benefits would be limited to moderate in this case which is considered to outweigh the low level of less than substantial heritage harm in this case (taking this as the worst case scenario).

Accordingly, subject to the imposition of a condition to secure an alternative landscaping scheme along the south western boundary, the proposal would accord with criterion 1 (a), (c) and criterion 2 of Policy He1 of the North West Leicestershire Local Plan (2021) which seek, amongst other things, to ensure that developments conserve or enhance the significance of heritage assets within the district and their setting, and that development contributes to the local distinctiveness, built form and scale of heritage assets through the use of appropriate design. The scheme would also accord with criterion 1 (e) of Policy Ec13 (Tourism development) which states that the Council will maximise the potential of tourism in the district and increase tourist opportunities for visitors by supporting the enhancement of the environment and local distinctiveness, including heritage and landscapes, which will increase the attractiveness of the district to visitors. The proposal also accords with the guidance set out within the National Planning Policy Framework relating to the consideration of heritage impacts, particularly that set out at paragraphs 212, 213 and 215.

Appeal Decision APP/G2435/W/24/3348375

It should be noted that appeal decision APP/G2435/W/24/3348375 relating to the Council's refusal of planning application 23/01272/OUT for the "erection of five self-build dwellings (outline - part access only for approval)" at White Gables, Lower Moor Road, Coleorton, has recently been issued by the Planning Inspectorate (decision date 24th March 2025). The Inspector dismissed this appeal partly on heritage grounds with the Inspector concluding the track which forms part of the Registered Park and Garden would be altered by the proposal which would lead to hard surfacing on the first part of the access, where it joins the highway, as well as further surface treatments along its route into the appeal site. The Inspector found that the proposal would consequently alter the line of the existing track and create a more engineered appearance. The Inspector also noted that the overt agricultural character of the existing access would be lost and that pedestrians would experience a suburbanised route that would draw the eye into the proposed development rather than into the Garden. For these reasons, the Inspector found that the proposal would result in less than substantial harm to the asset and that the appeal scheme was contrary to policy He1 of the North West Leicestershire Local Plan (2021) and paragraph 203 of the NPPF and did not conform to the expectations of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). The Inspector went on to

undertake a planning balance, including balancing the public benefits arising from the proposal, and found that the public benefits were not sufficient to outweigh the heritage harm identified as the harm carried great weight and affected an asset of higher importance. As a result, this represented a strong reason for refuse the appeal scheme which also meant that the appeal scheme did not benefit from the presumption in favour of sustainable development and that paragraph 11(d)(ii) of the NPPF did not apply.

It should be recognised that the appeal referred to above relates to a different proposed development on a different site and the two schemes are not directly comparable. In addition, the appeal relates to the refusal of an outline application where the Planning Inspector identified heritage harm arising from the proposal. In this case, the proposed development already benefits from an outline planning permission where the Planning Inspector advised that the outline proposal would have no effect on the setting or significance of this heritage asset. The detailed plans now submitted for consideration at this reserved matters stage have been assessed in detail by both the Council's Conservation Officer and The Gardens Trust, and the less than substantial harm arising to the Grade II* registered Coleorton Hall Historic Park and Garden, which would be at the lowest end of the scale, is a worst case scenario. Nevertheless, this harm has been appropriately balanced against the public benefits arising from the proposal as required by Policy He1 of the North West Leicestershire Local Plan (2021) and paragraph 215 of the NPPF. The benefits are considered to outweigh the identified harm and a planning condition has also been recommended to secure further landscaping along the south western boundary of the site.

Landscaping and National Forest Planting

National Forest Planting

The site is located within the National Forest. Policy En3 (The National Forest) of the North West Leicestershire Local Plan (2021) states that new developments within the National Forest will contribute towards the creation of the forest by including provision of tree planting and other landscape areas within them and /or elsewhere within the National Forest in accordance with National Forest Planting Guidelines in place at the time an application is determined. The National Forest Guide for Developers & Planners includes a threshold for 'all development' of over 10ha to deliver National Forest planting. As this proposal does not relate to a development of this scale, the proposal is not required to demonstrate National Forest planting in accordance with the Guide for Developers & Planners.

Landscaping

Section 14 of the Council's Good design for North West Leicestershire SPD for new developments states that when considering how local distinctiveness can be developed and/or enhanced, it is useful to consider what contributes towards eroding local distinctiveness. It goes on to state that inappropriate landscaping contributes to eroding local distinctiveness.

Policy D1 of the North West Leicestershire Local Plan (2021) states that new non-residential developments must positively address our Place Making principles, one of which being that developments are responsive to their context.

Condition 6 imposed upon the outline planning permission requires the submission of a landscaping scheme with the reserved matters application(s). The condition explicitly states that the landscaping scheme shall include a. Existing planting/trees/hedgerows to be retained; b. A full specification of all proposed plants, trees, hedgerows, noting species, plant sizes, planting plans and proposed numbers/densities where appropriate; c. Hard surfacing materials, and; d. An implementation programme.

This reserved matters application has not been supported by specific details of all existing planting/trees/hedgerows to be retained, and therefore the Local Planning Authority do not have a schedule of existing trees and hedgerows on the site. It is, however, noted that the proposal would result in a small loss of hedgerow within the site itself in order to create the internal access road into the site. The loss is small and inevitable to gain vehicular access to the central part of the application site.

The feature tree proposed to the centre of the site is proposed to be a Salix Babylonica (Weeping Willow) and it appears as though the intention is for this tree to provide an 'instant effect' based on the Tree Planting Schedule submitted as the tree would be an Extra Heavy Standard.

The Landscaping Scheme proposes tree planting to include Acer Campestre (Field Maple), Sorbus Aucuparia (Rowan), Betula Pendula (Silver Birch) and Prunus Avium (Wild Cherry) across the site. The Tree Schedule submitted translates to the Proposed Site Layout Plan where each tree is specified. A mixture of standard and heavy-standard Silver Birch trees, Field Maple trees, Wild Cherry trees and Rowan trees would be planted across the site between the proposed cabins.

An extra-heavy standard Field Maple is proposed centrally within the site. A cluster of at least 14 trees made up of Wild Cherry, Field Maple and Rowans (a mixture of whips, standards and heavy-standards) are proposed to the front of cabin 4 to form a dense landscaped area which the applicant claims will provide additional visual screening of the development from Lower Moor Road. This planting is considered to reflect the landscaping found in the immediate area in that its layout is sporadic and not structured or uniform.

The amended proposed layout shows twelve new trees (standard/heavy-standard Silver Birch, Wild Cherry, Rowan and Field Maples) are also proposed within the proposed 8 metre wide wildflower planting belt. These trees would share a boundary with 'The Firs' which is the detached residential dwelling to the south east of the site which sits at a lower land level to the application site. No other new trees or hedgerow are proposed along the south western boundary of the site, however the existing planting is proposed to be retained.

The parcel of land located closer to the highway of Lower Moor Road is proposed to be undeveloped (as indicatively shown at the outline stage) and would become a 'conservation and wildlife area' which may also incorporate storm water drainage infrastructure. It should however be noted that condition 19 imposed upon the outline planning permission secured a surface water drainage scheme to be submitted to and approved in writing by the Local Planning Authority and drainage details are not a matter to be addressed at this reserved matters stage.

The submitted Proposed Site Layout Plan shows that all existing mature hedgerows and tree planting to the site boundaries would be fully retained.

Full details of hard surfacing, although indicated as 'Breedon style surface finish' and 'pavior sett,' has not been provided, however these details could be secured through the use of a planning condition. In addition, an implementation programme has not been provided, however conditions are recommended to be imposed to ensure all soft landscaping is carried out within the first planting and seeding season following the first occupation of the development, and that all hard surfacing works are provided in full prior to occupation.

It is noted that The Gardens Trust have requested that the Local Planning Authority impose a planning condition to secure further landscaping along the south western boundary of the site. The application proposes no new landscaping in this location, and it is therefore recommended that a planning condition be imposed to secure an alternative landscaping scheme on heritage grounds.

Landscaping Summary

Save for the planting proposed along the south eastern and south western boundaries of the site, the remaining landscaping proposals are considered to be suitable for the site in terms of the proposed species, number and positioning.

No details have been submitted relating to the proposed sedum roofs, or the long term management and maintenance of any proposed planting on site. These details are recommended to be secured through the use of a planning condition.

The proposed twelve trees (standard/heavy-standard Silver Birch and Field Maples) have the potential to reach significant heights and would be inappropriate in terms of their proximity to a neighbouring property which sits at a lower land level to the application site, and in terms of future pressures which would likely arise for these trees to be severely pruned and/or felled given the unneighbourly relationship which would be created. An amended landscape scheme could be secured through the use of a planning condition to address this issue.

Subject to the imposition of planning conditions, it is considered that appropriate and effective landscaping which would be responsive to its context could be achieved on site. The application is therefore considered to accord with Policy D1 (2) (e) of the North West Leicestershire Local Plan (2021) and the advice set out in paragraph 135(b) of the NPPF which states that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

Neighbour Amenity Impacts

Policy D1 of the North West Leicestershire Local Plan (2021) states that existing neighbour amenity should be safeguarded in accordance with Local Plan Policy D2. Policy D2 states that development proposals will be supported where they do not have a significant adverse effect on the living conditions of existing and new residents through loss of privacy, excessive overshadowing and overbearing impact and where they do not generate a level of activity, noise, vibration, pollution or unpleasant odour emission, which cannot be mitigated to an appropriate standard and so, would have an adverse impact on amenity and living conditions.

Figure 4 – Photograph of the rear and side elevations of 'Roseville'

Figure 5 - Photograph from the site facing the side elevation of 'Roseville' (attached to Pear Tree Cottage which is behind), with No.3 in the background

Figure 6 - View across the site towards 'The Firs'

Impact arising as a result of the proposed landscaping

As discussed elsewhere within this report, new planting is proposed adjacent to the south eastern boundary of the site adjacent to 'The Firs' which is a detached residential dwelling. This new tree planting would be in the form of twelve (previously eight) new trees. Six trees would be located immediately adjacent to the boundary and would comprise of four Silver Birch trees (three heavy standard and one standard), one Wild Cherry and one Rowan tree (both standards). A second line of tree planting would be formed adjacent to these six trees comprising a mix of Rowan, Field Maples and Wild Cherry trees.

The Firs sits at a much lower land level to that of the application site. For context, based on Officer site photos, the eaves heights of The Firs which is a two storey dwelling sit at a lower height to that of the existing boundary hedgerow which makes up the south eastern boundary of the site, with just the roof of the dwelling projecting above the hedge height (as it was in November 2024). The proposal to plant six trees within close proximity of this boundary line would be of concern.

The previously proposed scheme proposed a mixture of Field Maples and Silver Birch trees closest to this shared side boundary, with Field Maples having the potential to reach 20 metres in height with a compact bushy crown. These Field Maples have now been moved away slightly from the boundary. Silver Birch trees when mature can reach 30 metres in height and would have a lighter canopy. Rowan trees can reach 15 metres in height with a spreading crown.

The proposed trees along the shared boundary are of medium height and are deciduous (of course meaning they would shed their leaves annually). To plant deciduous trees which will

reach significant heights along the entire rear boundary shared with The Firs, particularly given the proximity of the dwelling at The Firs and its positioning at a much lower ground level to the land where these trees would be planted, would not be acceptable both in terms of future pressures which would likely arise for these trees to be severely pruned and/or felled given the unneighbourly relationship which would be created, but also in terms of the unacceptable shading impacts which would likely arise to habitable rooms at The Firs and its private amenity area. As stated above, this matter could be addressed through the imposition of a suitably worded planning condition.

There are no other elements of the proposed landscaping scheme which would result in any harm to neighbouring amenity.

Loss of Privacy, Overshadowing and Overbearing Impacts

In July 2024, planning permission was granted by the Local Planning Authority for the erection of a two storey and single storey side extension, single storey rear extension and dormer window extension in existing detached garage at The Firs (application ref. 24/00313/FUL). The development of these extensions is now underway as confirmed on the officer site visit.

The elevation of The Firs which would face towards the application site would feature one bedroom window (the only window serving this bedroom). The originally proposed layout meant that this window would have been positioned approximately 13m from the rear elevation of cabin No.3 (the one bedroom cabin and shop) and the rear decking area which was originally proposed to extend beyond the side elevation. The originally submitted scheme proposed four windows (one obscure glazed, but all side hung and openable beneath 1.7 metres in height) to the rear elevation of the cabin facing towards The Firs. The windows would have served the main bedroom, ensuite, kitchen and living areas of the cabin. The outdoor decked area would have also extended to the side of the cabin and would have had a low glazed balustrade meaning that views in all directions would have been afforded from the decked areas in seated and standing positions. The distance between the closest point of the decked area associated with cabin No.3 and the bedroom window being constructed at The Firs would have been approximately 13.5 metres. The originally proposed windows and the decked area of cabin No.3 would have been roughly level with the first floor window being constructed to serve the bedroom at The Firs. For these reasons, officers raised concerns with the applicant during the course of the application relating to the impact of the proposal upon the privacy of the occupiers at The Firs.

The amended scheme no longer proposes any rear facing windows towards The Firs. In addition, the originally proposed external decking area has been removed from the scheme. The new study window to be installed within the garage at The Firs has also been considered and the scheme is not considered to have any adverse effects upon this window in terms of loss of privacy. On this basis, the officers consider the amended scheme to have addressed the concerns relating to privacy. Whilst the scheme will still be afforded with external outdoor areas for future users of the site to enjoy which may have some impact to neighbouring occupiers over and above the undeveloped nature of the existing site, this would not be a reason to resist the scheme. It should also be noted that the installation of additional windows over and above those approved would require express planning permission and there would be no permitted development rights available to enable further windows to be installed within any of the cabins.

Section 13 of the Good design for North West Leicestershire SPD provides guidance on the relationship between new and existing development. It states that where a principal window of a habitable room is directed to face the blank wall of a neighbouring dwelling, the distance between the two dwellings should be at least 12m. This distance is to safeguard residential amenity and prevent buildings from being unreasonably overbearing or dominant.

In this case, the closest cabins to The Firs (cabin Nos. 2 and 3) have been repositioned further away from the shared boundary. Cabin No.3 is now positioned approximately 13 metres from the shared side boundary of the site with The Firs. Cabin No.2 is positioned more than 18.5 metres from the shared side boundary of the site with The Firs. Cabin No.2 would not have any windows facing The Firs (only the entrance door), and cabin No.3 would have no openings towards The Firs. Furthermore, based on the proposed site plan of The Firs which was approved as part of application 24/00313/FUL shows the closest part of the dwelling at The Firs is positioned around 5 metres from the application site boundary. The separation distances listed above would therefore equate to around 18 metres and 23.5 metres, exceeding acceptable separation distances.

Cabin Nos. 1 and 4 would be positioned in excess of 23 metres from Roseville and further from Roseville's attached neighbour, Pear Tree Cottage. On this basis, the proposal would achieve in excess of the 12 metre guidance set out in the Good Design SPD which would ensure that the cabins would not be unreasonably overbearing or dominant to any neighbouring property.

Three rooflights would also be installed at The Firs to the roof slope which would face towards the application site, however whilst these rooflights would be installed within what appears to be a two storey extension, they would serve ground floor accommodation which would feature a double height open-plan space with many other openings serving this part of the dwelling positioned within various elevations. Therefore, the proposed development would not adversely impact upon the rooms these rooflights would serve.

In terms of levels, the proposed site plan shows that there would be no significant alterations to ground levels and the proposed finished floor levels of the cabins are considered to be acceptable. A planning condition is recommended to be imposed to ensure the proposal is carried out in accordance with the levels as submitted.

There are no other dwellings which would be adversely affected by the proposed development in terms of loss of privacy, overshadowing and overbearing Impacts.

Noise Impacts

Objections have been received on the basis of noise and disturbance impacts. Section 6.18 of the submitted Planning Statement sets out that there would be a full time site manager who would be able to deal with any noise/disturbance issues.

The Council's Environmental Protection Team have been consulted on the application and initially requested a Noise Management Plan to be submitted prior to operation that includes a contact number for visitors at the proposed location and residents nearby to be able to use in the event there is a noise issue. However, it should be recognised that this is a reserved matters application and noise does not relate to any of the reserved matters sought for approval as part of this application. Noise is therefore a matter to consider at the outline stage of a proposal and it is noted that the Inspector for the associated appeal set out at paragraph 25 of the appeal decision that representations relating to noise, and other issues, had been acknowledged, however the Inspector found *'no justification to dismiss the appeal on these matters.'*

The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) provides a definition of what "reserved matters" are in relation to an outline planning permission, which is provided in the interpretations section of the Order. On the basis that the application is to assess matters relating to appearance, landscaping, layout and scale only, it would not be reasonable to impose any planning conditions on any reserved matters approval granted relating to noise or the management of the site more generally. Such matters are matters to be dealt with at the outline stage of a development.

Whilst a planning condition relating to noise impacts is not recommended in this case, it should be noted that the Council would be able to investigate any statutory noise nuisance under the Environmental Protection Act 1990 (as amended).

On the above basis, the Local Planning Authority would not look to resist the application on noise grounds.

Lighting

The Planning Statement confirms that there would be limited low-level lighting provided on the site. In this case, condition 14 imposed upon the outline planning permission secures details of any external lighting proposed prior to its installation, The condition also ensures that once the lighting scheme has been approved, no additional lighting would be capable of being installed without the prior written permission of the Local Planning Authority.

Residential Amenity Summary

In summary, following the amendments made to the proposal, the proposed relationship between all four proposed cabins and neighbouring properties is considered to be acceptable when having regard to overbearing, overshadowing, overlooking and privacy impacts.

However, the landscaping scheme proposed along the shared side boundary with The Firs, when having regard to the potential height and spread of the species proposed, and the proximity at which the deciduous trees would be planted along the entire rear boundary shared with The Firs, and given the proximity of the dwelling at The Firs and its positioning at a much lower ground level to the land where these trees would be planted, would not be acceptable and would result in an unneighbourly relationship and an unacceptable shading impact to habitable rooms at The Firs and its private amenity area. For this reason, it is recommended that a planning condition be imposed to secure an amended landscaping scheme (relating to the area of land adjacent to the south eastern boundary of the site) to be submitted to and approved in writing by the Local Planning Authority.

Subject to the imposition of a condition to secure an alternative landscaping scheme along the south eastern boundary, the application is considered to accord with Policy D1 of the North West Leicestershire Local Plan (2021) which states that existing neighbour amenity should be safeguarded and Policy D2 of the same plan which states that development proposals will be supported where they do not have a significant adverse effect on the living conditions of existing and new residents through loss of privacy and excessive overshadowing. The application also accords with the guidance set out within section 13 of the Good design for North West Leicestershire Supplementary Planning Document for new developments insofar as it relates to privacy and paragraph 135(f) of the NPPF which states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Highway Safety and Parking

Policy IF4 of the North West Leicestershire Local Plan (2021) states that the Council, working with the highway authorities, will ensure that development takes account of the impact upon the highway network and the environment, including climate change, and incorporates safe and accessible connections to the transport network to enable travel choice, including by non-car modes, for residents, businesses and employees.

Policy IF7 states that development should incorporate adequate parking provision for vehicles and cycles in order to avoid highway safety problems and to minimise the impact upon the local

environment. This should be designed so that it is an integral part of the development and does not dominate the public realm.

Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

Objections on grounds of a lack of car parking and potential highway safety impacts have been raised by third parties. Details of access was secured at the outline stage. The County Council's Highway Authority (CHA) have been consulted on the application and have raised no objection to the application subject to the imposition of one planning condition.

The CHA notes from the submitted Proposed Site Plan that 6 car parking spaces are proposed for this development. The parking spaces are 2.5m x 5.5 which are considered to be acceptable in terms of dimensions. The Inspector for the allowed appeal advised that *'car parking is likely to be near to the proposed driveway, minimising the amount of access related built development that would be required.'* The car parking is proposed adjacent to the driveway and would not be positioned adjacent to each cabin. On this basis, the proposed layout in terms of parking provision reflects that envisioned by the Planning Inspector at the appeal stage.

Cycling parking would take the form of three cycle stands positioned adjacent to cabin No. 3 which would also allow for the charging of electric bikes. Full details of the electric cycle parking is recommended to be secured through the use of a planning condition.

Neither the Local Planning Authority nor the County Council's Highway Authority have specific parking standards relating to the proposed use of the site. However, noting that the development will comprise of self-contained lodges, the CHA considers that one space per lodge, plus two additional spaces for staff/visitors, is acceptable. As such, despite the objections raised with regard to car parking provision, the proposed parking provision is considered to be acceptable to serve the development proposed.

The CHA have advised that the proposed site plan demonstrates adequate turning provision to enable all vehicles to enter and exit the site in a forward gear.

In terms of access for waste collection vehicles, there was no intention at the outline stage for refuse vehicles to enter the site, in any case, condition 17 imposed upon the outline planning permission secures a scheme for the storage and collection of refuse and recycling bins, and a timetable for implementation to be submitted and agreed by the Local Planning Authority and therefore this matter does not need to be addressed at this reserved matters stage.

The CHA has advised that the submitted Proposed Site Plan demonstrates internal access track widths in accordance with Manual for Streets (MfS) guidance to allow access for fire tender vehicles.

It has been confirmed by the CHA that the Proposed Site Plan accords with the access arrangements secured by condition at the outline stage.

Overall, there are no highway safety concerns arising from the proposal and the internal access arrangements and car parking provision has been found to be acceptable subject to the imposition of planning conditions. No conflict has been identified with Policies IF4 or IF7 of the adopted North West Leicestershire Local Plan (2021).

Other Matters

Garden land

Concerns have been raised in objections to state that the application seeks to secure additional garden land associated with Roseville, without the appropriate planning permission. One objection states that land to the rear of Roseville which is denoted as 'rear garden' in the proposals is currently agricultural land, one advises that the land is paddock land.

Whilst this annotation has been noted, the area of land in question is located beyond the red line boundary of the application site within land edged with a blue line. The description of the development does not relate to the change of use of land, and any approval of this planning application, despite any annotation included within the plans to the contrary, would not approve any extension of garden land or any change of use of land. A separate planning application would be required should the owner of the land wish to extend the curtilage associated with Roseville.

Drainage

Objections have been received relating to drainage; however, drainage matters are controlled through conditions (conditions 18 and 19) imposed upon the outline permission and are not for consideration at this reserved matters stage.

Waste

Objections have been received relating to waste storage; however waste matters are controlled through condition 17 imposed upon the outline permission and are not for consideration at this reserved matters stage.

Biodiversity Net Gain and Ecology

Objections have been relating to ecology, Biodiversity Net Gain (BNG) and the fact that the BNG calculations provided at the outline stage are obsolete and that an updated BNG metric should be submitted to support this reserved matters application. It should be noted that BNG is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The mandatory requirement for 10% Biodiversity Net Gain (BNG) for small sites came into force on 2 April 2024, as required by the Environment Act. In this case, the outline planning permission was granted in September 2023, before the mandatory requirement for 10% Biodiversity Net Gain came into force.

Furthermore, matters relating to BNG, and indeed ecology matters, are to be addressed at the outline stage and BNG impacts do not form part of the consideration of a reserved matters application. This proposal is not subject to the mandatory requirements to provide a 10% BNG, however, condition 21 imposed upon the outline planning permission secures a biodiversity gain plan, which shall provide a minimum of 10% net gain on the reported baseline habitat loss, to be submitted and approved in writing by the Local Planning Authority. The condition is required to be discharged prior any the development taking place on site. The condition does not require the submission of an update metric to accompany any reserved matters submitted.

Conclusion and Planning Balance

The effect of section 38(6) of the Planning and Compulsory Purchase Act 2004 is that a planning application should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

In terms of residential amenity, the concerns relating to privacy arising as a result of the proposed relationship between cabin No.3 and the bedroom window being constructed at The Firs has been addressed through the submission of amended plans. The proposed development would also achieve acceptable separation from The Firs.

The proposed landscaping scheme proposed along the shared side boundary with The Firs, when having regard to the potential height and spread of the species proposed, and the proximity at which the deciduous trees would be planted along the entire rear boundary shared with The Firs, and given the proximity of the dwelling at The Firs and its positioning at a much lower ground level to the land where these trees would be planted, would not be acceptable and would result in an unneighbourly relationship and an unacceptable shading impact to habitable rooms at The Firs and its private amenity area. Such concerns are recommended to be addressed through the imposition of a planning condition to secure an amended proposed landscaping scheme.

With regard to scale, appearance and layout, the cabins are considered to be acceptable when having regard to their reduced footprint and their reduced scale and are of a suitable design. The amended proposal would be acceptable when having regard to the character and appearance of other nearby development and the proposal would respect the context in which the site sits. The application therefore accords with Policies S3, D1 and Ec13 of the North West Leicestershire Local Plan (2021) which seek to ensure, amongst other things, that development responds to its context and respects the appearance and character of the surrounding landscape, including the settlement pattern, and that local distinctiveness, including heritage and landscapes, is safeguarded and enhanced.

There are no unacceptable landscape or visual impacts and subject to conditions, the proposal is considered to respond to its context and is appropriate to the local landscape and its surrounding environment. The application now demonstrates that the proposal would limit the visual prominence of the development from within the landscape and that the proposal would be well screened from public vantage points and nestled into the existing landscape. Overall, the key characteristics of the site would not be harmed and the proposal is now of a modest scale envisaged in the outline planning permission.

In terms of landscaping, the majority of the proposals are suitable for the site, however an amended landscaping scheme is recommended to be secured through the use of a planning condition to address concerns relating to the proposed landscaping adjacent to The Firs, and a lack of proposed landscaping to the south western boundary. Subject to the imposition of conditions, the application is considered to accord with Policy D1 (2) (e) of the North West Leicestershire Local Plan (2021) and the advice set out in paragraph 135(b) of the NPPF which states that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

In terms of heritage, based on the information submitted by the applicant to support this application, the proposal is considered likely to result in less than substantial harm to the Grade II* registered Coleorton Hall Historic Park and Garden at the lowest end of the scale as a worst case scenario, which has been weighed against the public benefits of the proposal. In this case the scheme would result in the provision of tourism accommodation in the National Forest which is an area that the Council are generally seeking to direct tourism accommodation. The scheme would bring with it some economic benefits and support tourism. The moderate public benefits in this case are considered to outweigh the low level of less than substantial harm in this case. Accordingly the proposal would accord with criterion 1 (a), (c) and criterion 2 of Policy He1 of the North West Leicestershire Local Plan (2021) which seek, amongst other things, to ensure that developments conserve or enhance the significance of heritage assets within the district and their setting, and that development contributes to the local distinctiveness, built form and

scale of heritage assets through the use of appropriate design. The scheme would also accord with criterion 1 (e) of Policy Ec13 (Tourism development) which states that the Council will maximise the potential of tourism in the district and increase tourist opportunities for visitors by supporting the enhancement of the environment and local distinctiveness, including heritage and landscapes, which will increase the attractiveness of the district to visitors.

A number of other planning conditions are recommended to be imposed (as mentioned throughout this report) to ensure a high standard of development.

No conflict has been identified with the development plan which could not be addressed through the use of planning conditions in this case, as recommended at paragraph 56 of the NPPF. There are no material planning considerations that indicate the application should be assessed other than in accordance with the development plan.

On this basis, it is recommended that reserved matters be granted, subject to the imposition of suitably worded planning conditions.

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Erection of a Temporary Rural Workers Dwelling

Report Item No A3

Irish Farm Warren Hills Road Coalville Leicestershire LE67 4UY

Application Reference 25/00157/FUL

Grid Reference (E) 446701
Grid Reference (N) 313826

Date Registered: 24 January 2025

Consultation Expiry: 14 February 2025

Applicant:
Mrs Nicola Marks

8 Week Date: 20 March 2025

Case Officer:
Lewis Marshall

Extension of Time: 18 April 2025

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only

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Reasons the case is called to the Planning Committee

This application is brought to the Planning Committee because this application is recommended for approval by officers and has been submitted by the close relative of a serving member or officer of the Council.

RECOMMENDATION – PERMIT, subject to the following conditions;

1 Standard time limit (three years).
2 Approved plans.
3 Materials as specified
4 Occupation restricted to a person/s working within the connected equestrian livery business
5 Temporary permission for 3 years
6 Removal of householder permitted development rights for all extensions and works within the curtilage
7 Parking to be provided prior to occupation
8 Implementation of BNG Plan
9 Submission and approval of Habitat Management and Monitoring Plan (HMMP)
10 Confirmation of HMMP implementation and completion

Note to Applicant:
Mandatory National BNG condition to submit Biodiversity Gain Plan before development Commences

MAIN REPORT

1. Proposals and Background

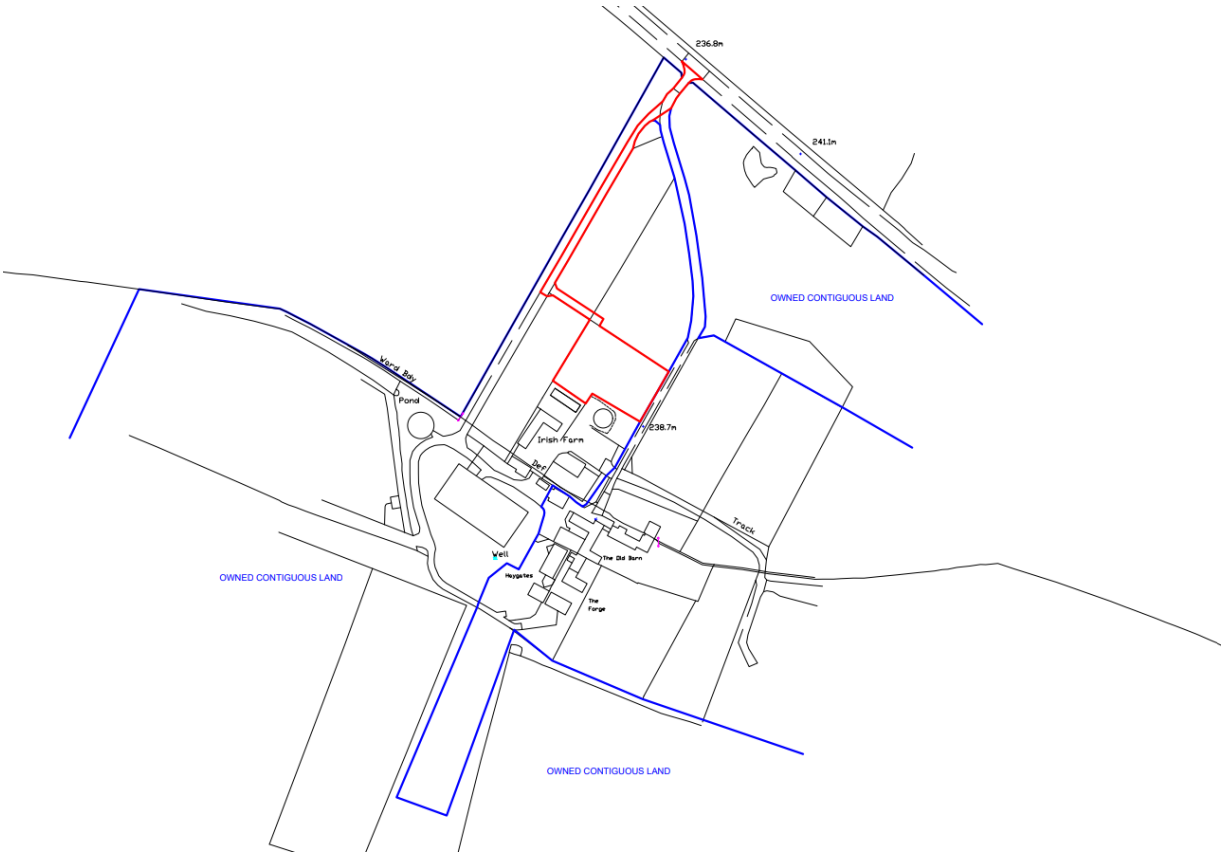
This application seeks full planning permission for the erection of a rural worker's dwelling to be occupied initially on a temporary basis for three years in connection with an established equestrian livery yard.

The wider application site is known as Irish Farm and consists of two stable blocks, a menage and hard standing. The site is accessed via an existing access from Warren Hills Road shared with neighbouring residential and agricultural uses. Around 23 hectares (57 acres) of land is used for the keeping of horses in association with the livery yard. The existing use has been in operation since 2011 albeit it was formally regularised under application 23/01496/FULM. The livery enterprise accommodates 38 horses which requires 2.08 full time workers with the direct management of client horses requiring 1.73 workers.

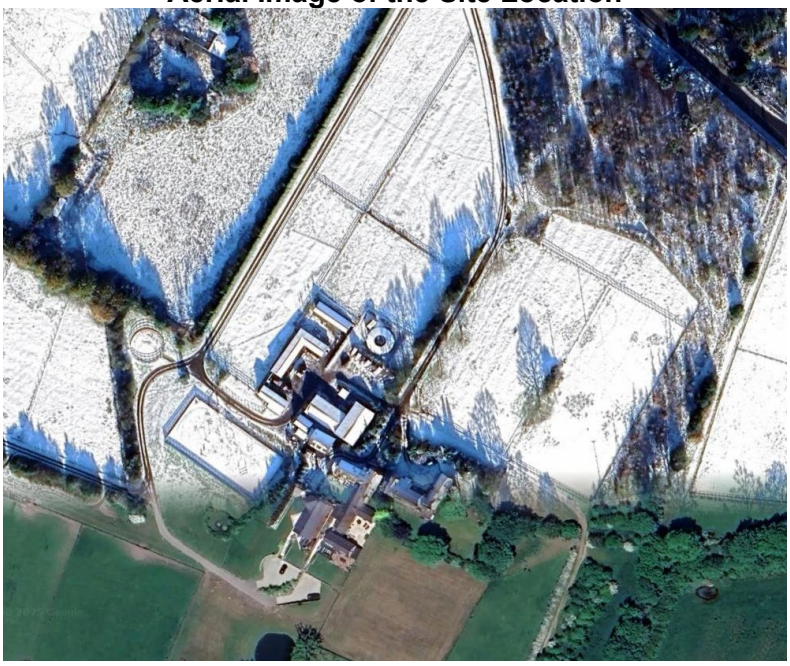
The application proposal relates to the siting of a static caravan with an internal floor area of 36.9 square metres with an eaves height of 2.7 meters and a ridge height of 3 metres.

The application site is located outside of the limits to development as per the adopted Local Plan. The site is within the National Forest and Charnwood Forest. Public Footpath O22 runs adjacent to the east and south boundaries of the wider site.

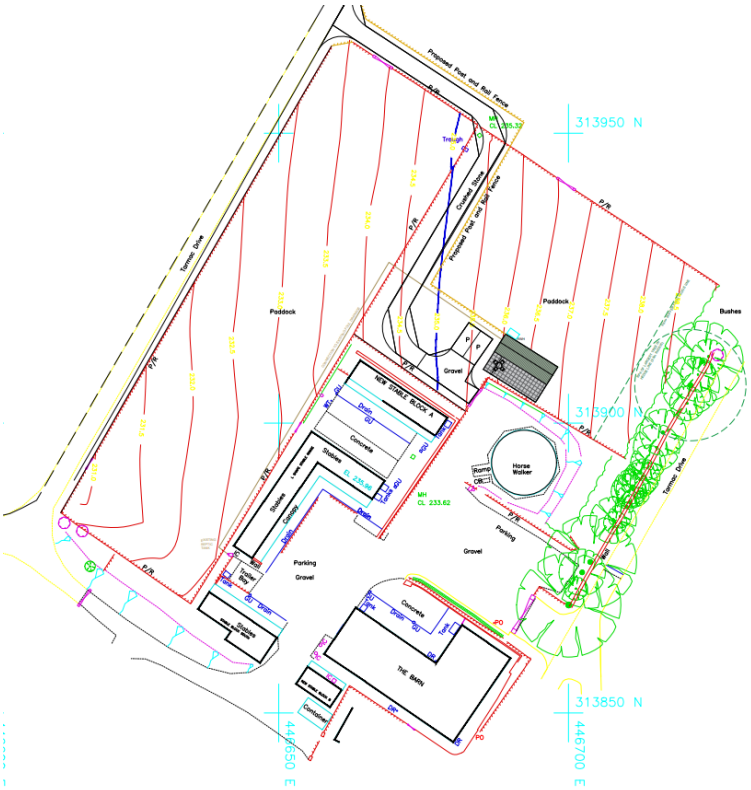
Site Location Plan



Aerial Image of the Site Location



Site Layout



Further information in respect of the application, including the supporting documentation and relevant plans, can be found on the District Council's website.

Relevant Planning History

23/01496/FULM - Change of use of land to equestrian land (retrospective), retention of manege and retention of 2 no. stable blocks and extension to hard standing within existing Livery Yard. Permitted 29.01.24

23/00944/FUL - Change of use of agricultural land to equestrian (part retrospective), retention of manege and retention of 2 no. stable blocks and extension to hard standing within existing Livery Yard. Withdrawn

14/00026/FUL - Erection of 4 no. lighting columns with 8 no. floodlights. Permitted 03.03.2014

13/00441/VCU - Variation of condition 2 of planning permission 11/00287/FUL to allow livery use of the menage, stable block and paddock. Permitted 13.08.2013

11/00287/FUL - Erection of stable block, formation of menage and change of use of land to keeping of horses. Permitted 16.06.2011

2. Publicity

24 neighbours initially notified on the 26th of January 2024, with 46 neighbours notified on the 8th of July 2024 following the receipt of amended plans and a change to the description of the development.

A site notice was originally displayed on the 26th of January 2024 and then on the 17th of July 2024 following an amendment to the description of the development.

A press notice was originally published in the Derby Evening Telegraph on the 31st of January 2024 and then on the 17th of July 2024 following an amendment to the description of the development.

3. Summary of Consultations and Representations Received

The following summary of representations is provided. All responses from statutory consultees and third parties are available to view in full on the Council's website.

No Objections from:

NWLDC Agricultural Consultant
Leicestershire County Council - Highway Authority
LCC Minerals and Waste Planning
NWLDC Environmental Protection

No Objections, subject to conditions and/or informatives, from:

Leicestershire County Council – Ecology

No Comments received from:

Bardon Parish Meeting
NWLDC Waste Services

Third Party Representations

9 third party representations have been received objecting to the application with the comments raised summarised as follows.

Grounds of Objections	Description of Impact
The Principle of Development and Preliminary Matters	There is not a genuine essential need for the residential dwelling proposed.
	There are available properties for sale within one mile of the application site.
	The use should be tied to the business by a legal agreement or the dwelling could be sold off separately.
Visual Impacts and Impacts on the Countryside	The design of the proposed static caravan is inappropriate and harmful to the character of the countryside.
Residential Amenity	The proposal will result in the loss of privacy and additional noise and disturbance.
Highway Safety Impacts	The proposal will generate additional traffic and lead to parking outside of the designated parking areas.
Non-Material Planning Considerations	The existing business is not operating in accordance with planning conditions.

All responses from statutory consultees and third parties are available to view in full on the Council's website.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2024)

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraphs 8 and 10 (Achieving sustainable development);
Paragraphs 11 and 12 (Presumption in favour of sustainable development);
Paragraph 35 (Development contributions);
Paragraphs 39, 40, 41, 42, 43, 45, 48 and 55 (Decision-making);
Paragraphs 56, 57 and 58 (Planning conditions and obligations);
Paragraph 105 (Promoting healthy and safe communities);
Paragraphs 109, 110, 112, 113, 115, 116 and 117 (Promoting sustainable transport);
Paragraphs 124, 125 and 129 (Making effective use of land);
Paragraphs 131, 133, 134, 135 and 139 (Achieving well-designed places);
Paragraphs 161, 163, 164, 166, 168, 170, 173, 174, 175, 181 and 182 (Meeting the challenge of climate change, flooding and coastal change);
Paragraphs 187, 193, 196, 197, 198 and 201 (Conserving and enhancing the natural environment);

Local Policies

Adopted North West Leicestershire Local Plan (2021)

The following policies of the adopted local plan are consistent with the policies of the NPPF and should be afforded full weight in the determination of this application:

Policy S2 – Settlement Hierarchy;
Policy S3 – Countryside;
Policy D1 – Design of New Development;
Policy D2 – Amenity;
Policy IF4 – Transport Infrastructure and New Development;
Policy IF7 – Parking Provision and New Development;
Policy En1 – Nature Conservation;
Policy En3 – The National Forest;
Policy En4 – Charnwood Forest Regional Park;
Policy En6 – Land and Air Quality;
Policy Cc2 – Water – Flood Risk;
Policy Cc3 – Water – Sustainable Drainage Systems; and
Policy Ec5 - Airport Safeguarding

{\b Adopted Leicestershire Minerals and Waste Local Plan (September 2019)}
The Leicestershire Minerals and Waste Local Plan forms part of the development plan and the following policies are relevant to the determination of the application:

Policy M11: Safeguarding of Mineral Resources
Policy W9: Safeguarding Waste Management Facilities

Other Policies

National Planning Practice Guidance which gives more specific guidance on the considerations which apply to rural workers dwellings:

Considerations that it may be relevant to take into account when applying paragraph 84a of the NPPF could include:

- *evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);*
- *the degree to which there is confidence that the enterprise will remain viable for the foreseeable future;*
- *whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process;*
- *whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context; and*
- *in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.*

Employment on an assembly or food packing line, or the need to accommodate seasonal workers, will generally not be sufficient to justify building isolated rural dwellings.

Paragraph: 010 Reference ID: 67-010-20190722

National Forest Strategy 2014-2024
Good Design for North West Leicestershire Supplementary Planning Document – April 2017.
Leicestershire Highways Design Guide (Leicestershire County Council).
National Design Guide – October 2019.
Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System).

5. Assessment

Principle of Development

Insofar as the principle of development is concerned, and in accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan which, in this instance comprises the adopted North West Leicestershire Local Plan (2021).

The application site lies outside the Limits to Development within the adopted Local Plan, with new dwellings not being a form of development permitted in the countryside, under Policy S3, unless there are special circumstances. One such special circumstance is agricultural development including agricultural workers dwellings and agricultural buildings which is outlined in criteria (a) of Policy S3 although any development deemed acceptable in relation to Policy S3

would need to adhere to criteria (i) to (vi) of this Policy.

The NPPF in Paragraph 8 outlines that there are three objectives to sustainable development (economic, social and environmental). The economic objective is particularly relevant to the provision of a permanent agricultural worker's dwelling as the need for it must derive from the requirement of the farm business and not from the personal aspirations of the individuals concerned. The policy exception reflects support for agriculture as an economic activity; therefore, to allow such accommodation where a farming enterprise was not economically sustainable would not be justified. Paragraph 84 of the NPPF expands upon the circumstances whereby isolated dwellings in the countryside can be supported, and this includes when there is an essential need for a rural worker to live at or near their place of work. While it is accepted that the site is not isolated as other dwellings are located close to the site, it is one of the most relevant paragraphs contained within the NPPF in terms of assessing dwellings in the countryside and outside of defined settlements.

Paragraph 88 of the NPPF also indicates that planning decisions should enable "the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings" (criteria (a)), as well as "the development and diversification of agricultural and other land-based rural businesses" (criteria (b)).

The PPG identifies three main aspects to be considered in the determination of a rural worker's dwelling, which are the essential functional need, the degree of confidence in the existing and foreseeable viability of the enterprise and the availability of alternative options.

The applicant has submitted a Rural Worker's Dwelling Appraisal as part of the application which seeks to justify the essential need for the owner's permanent presence on site which is supported by a vet's letter which suggests that an on-site presence is required for animal welfare. Financial information has also been presented to demonstrate that the business is and can be sufficiently viable to support the proposed dwelling.

The Local Planning Authority has sought advice from an independent agricultural consultant who has reviewed the information and evidence provided and has concluded the following:

- There is an existing functional need for the ready availability of a key worker to ensure the effective management of the livery business in compliance with the relevant framework of statute and best practice guidance for the welfare of horses, and that this need will increase in the event of a greater emphasis on the delivery of full livery services being realised.

- The current supervisory circumstances appear unsatisfactory and are unable to be addressed by access to pre-existing on-site accommodation. Market housing in the immediate locality of the stables is very limited and such properties as are available for purchase are likely to be beyond the current resources of the enterprise. No rental accommodation is currently available.

- The forecast prospects for the equestrian business, largely based on actual experience, are a significant improvement on the recent financial performance of the enterprise. There are some uncertainties in the financial planning, however, should the forecast outcome be realised, it is likely to demonstrate a sustainable business.

In conclusion and on balance, the proposed dwelling is needed to support the equestrian business as it would meet the functional tests set out in the Planning Practice Guidance and

would be compliant with the aims of criteria (a) of Policy S3 of the adopted Local Plan as well as the overarching objectives of the NPPF and in particular Paragraphs 80(a) and 84. While there are some uncertainties in the financial planning, the dwelling is proposed as a three year temporary measure. Should the applicant seek to apply for a permanent dwelling in the future, the evidence to support or not the previous and ongoing financial viability will be available at that time.

The application proposal would therefore, subject to conditions, constitute a form of development permitted in the countryside under Policy S3. Policy S3 states that development in accordance with criteria a-s would be supported, subject to satisfying criteria i-vi as set out below:

(i) The appearance and character of the landscape, including its historic character and features such as biodiversity, views, settlement pattern, rivers, watercourses, field patterns, industrial heritage and local distinctiveness is safeguarded and enhanced.

For the reasons discussed later in this report, it is considered that the appearance and character of the landscape would be safeguarded.

(ii) It does not undermine, either individually or cumulatively with existing or proposed development, the physical and perceived separation and open undeveloped character between nearby settlements, either through contiguous extensions to existing settlements or through development on isolated sites on land divorced from settlement boundaries.

(iii) It does not create or exacerbate ribbon development.

The proposed development would not create or exacerbate ribbon development, nor undermine the physical or perceived separation between nearby settlements.

(iv) Built development is well integrated with existing development and existing buildings, including the reuse of existing buildings, where appropriate.

It is considered the proposed development would be reasonably well related to existing development given it is small scale, temporary and is physically related to existing buildings on site.

(v) The development will not seriously undermine the vitality and viability of existing town and local centres.

Given the nature of the proposal, it is not considered the proposal would seriously undermine the vitality and viability of existing town and local centres.

(vi) The proposed development is accessible or will be made accessible, by a range of sustainable transport.

The site is located approximately 1.4km from the nearest bus stop. Warren Hills Road does not have a footway at its junction with the site access and the nearest continuous footway along the road is around 390 metres away. There is a verge although it is narrow in places and there is no streetlighting. The site access exits into a national speed limit area, although the speed limit reduces to 40 mph to the west of the access junction. There is a rights of way network close to the site but it is only accessible across fields. It is possible that occupiers of the dwelling would cycle, although this would be along country roads in the vicinity of the site. The site is therefore

considered to not be accessible nor could be made accessible by a range of sustainable transport.

Other Matters

In addition to the considerations under Policy S3, Policy S2 of the Local Plan contains a Settlement Hierarchy. Policy S2 (Settlement Hierarchy) of the North West Leicestershire Local Plan (2021) defines Coalville as the Principal Town. However the application site is located outside of the Limits to Development of Coalville and is therefore located in a Countryside location and thus conflicts with Policy S2.

The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within paragraphs 7 and 8 of the NPPF. Policy S2 is consistent with the core principle of the NPPF to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable. It is important to note that this has to be balanced with Paragraph 110 of the NPPF which indicates that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.

Coalville provides an extensive range of day to day facilities and services, although other than a nearby pub, these would not be within walking distance of the site.

Given the above, it is considered that future occupiers of the dwelling would be likely to be heavily reliant upon the private car to access basic day to day services/facilities. However given the nature of the proposals which relate to an existing rural enterprise on the site, the proposal would not be likely to lead to an undue increase in vehicular movements to and from the site but could reduce vehicular movements due to the on-site presence of the owner/worker.

It is also noted that there would be some very limited economic benefits associated with employment in the construction trade and future residents helping to maintain local services in the area.

Conclusion

Principle of Development

The proposal is fundamentally at odds with the settlement hierarchy and strategic housing aims of Policy S2 of the adopted Local Plan. However, the need for a temporary worker's dwelling has been demonstrated and it is therefore a form of development supported in the countryside under Policy S3. The proposal would also conflict with criterion (vi) of the second set of criteria to Policy S3. However it is accepted that the dwelling is needed to support the equestrian business and that it needs to be located on the site. It is also considered unlikely that there would be an undue increase in vehicular movements to and from the site and that the proposal could reduce vehicular movements due to the on-site presence of the owner/worker. It is therefore considered that the proposal is acceptable in principle.

Design and Visual Impact

Policy D1 of the Local Plan (2021) requires that all developments be based upon a robust opportunities and constraints assessment and be informed by a comprehensive site and contextual appraisal. Policy S3 requires that development safeguards the character and appearance of the countryside. Policy En3 requires development in the National Forest to be

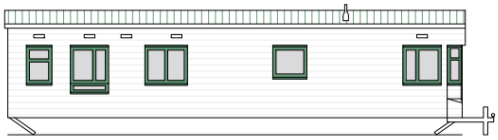
appropriate to its Forest setting and Policy En4 requires development in the Charnwood Forest Regional Park to respect the character and appearance of the area. Pictures of the site are below.

Looking towards the proposed location of the dwelling from the access drive to the east

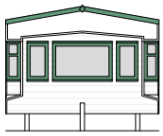
Looking towards the proposed location of the dwelling from the access drive to the west.

The proposed dwelling is located beyond the horse box and post and rail fence

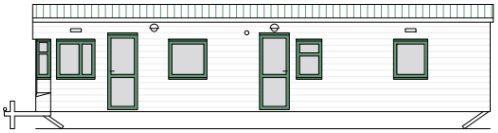
The proposal seeks full planning permission on a three-year temporary basis for the siting of a static caravan externally clad in pre-fabricated white and green panels. The curtilage would be defined by post and rail fencing with a crushed stone vehicle parking area. The elevations, floor plan and roof plan of the proposed structure are below.



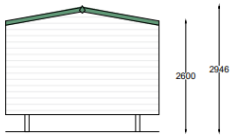
REAR ELEVATION



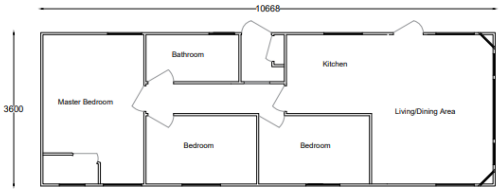
SIDE ELEVATION



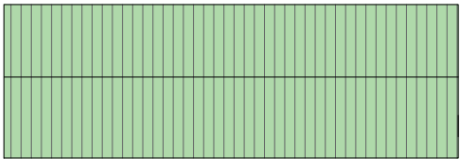
FRONT ELEVATION



SIDE ELEVATION



FLOOR PLAN



ROOF PLAN

Concerns have been raised by neighbouring occupiers that the static caravan would not assimilate with the existing buildings and wider rural landscape. The site is located in the Charnwood Forest landscape character area and the National Forest. The caravan would be located at least 180 metres from the nearest public highway and 160m from the nearest public right of way and is well screened by existing boundary vegetation and intervening buildings.

While it is considered that a static caravan is not a high-quality response to the rural forest landscape, the site is relatively well screened and views of the static caravan from nearby dwellings will be limited by vegetation and existing buildings. Therefore on balance, this is considered acceptable given the proposal is not a permanent solution and may be only be required for the three year lifetime of the permission. Should the business prove its long-term viability as set out above, it would be expected that a higher quality permanent building be proposed which could better respond to the site's rural context.

Overall, there is some conflict with Policies D1, En3, En4 and S3 given the static caravan proposed is not considered to be a high-quality architectural response to the rural setting of the site, however, this is considered to be acceptable in this instance given the temporary nature of the proposal. Furthermore, the siting within the site would limit any harm beyond the site boundaries and is therefore considered to be acceptable having regard for the provisions of Policies D1, S3, En3 and En4 of the adopted Local Plan, the Council's Good Design SPD, National Design Guide and the NPPF.

Impact on Residential Amenities

Policy D2 of the Local Plan (2021) requires that proposals for development should be designed to minimise their impact on the amenity and quiet enjoyment of both existing and future residents within the development and close to it.

The site is located within a cluster of four existing residential properties which are situated adjacent to the livery yard. Concerns have been raised by neighbouring residents that the proposal would give rise to additional noise, disturbance and loss of privacy.

The application site is well distanced from neighbours (at least 70 metres). Given the distances involved and the scale of the proposed caravan, it is considered that it would not have an adverse impact on the amenities of the occupants adjacent to the site. The proposal would not result in any overlooking, overbearing or overshadowing impacts to any neighbouring residential properties. Whilst concerns have been raised that use of the dwelling would give rise to additional noise and disturbance, it is acknowledged that the proposed access within the site is separate and detached from the accesses to the existing dwellings. The dwelling would also reduce the number of vehicular movements given the applicant will not be travelling to and from the site on as a regular basis as the current situation.

Given the current equestrian use of the site and the fact that the Council's Environmental Protection team have raised no objections, it is not considered that the amenity concerns raised by neighbouring residents could justify a refusal of the application and therefore the development would accord with the aims of Policy D2 of the adopted Local Plan.

Overall, the proposal is not considered to result in significant impacts upon the amenities of the occupiers of surrounding residential dwellings. Therefore, the proposed development is considered to be in accordance with Policy D2 of the adopted Local Plan and the Council's Good Design SPD.

Ecology

Policy EN1 of the Local Plan supports proposals that conserve, restore or enhance the biodiversity of the district.

The mandatory requirement for 10% Biodiversity Net Gain (BNG) for small sites as required by the Environment Act came into force on 2 April 2024. On this basis the proposed development would be required to demonstrate 10% BNG. Notwithstanding this, Paragraphs 187(d) and 193(d) of the NPPF set out a requirement for developments to minimise their impacts on and provide net gains for biodiversity.

The application site relates to an area of paddock which is defined as modified grassland of low biodiversity value. The baseline value of the site is defined as 0.99 habitat units. Having regard for the on-site measures for habitat creation, the post development value of the site is 1.13 habitat units representing a 14.6% net gain.

LCC Ecology has been consulted on the application and they have raised no objections to the application subject to conditions. They have advised that given the structure type and the associated proposals, a survey for Great Crested Newts is not necessary on this occasion but the applicant should be made aware of the limited risk to Great Crested Newts by informative.

It is considered that the proposal would comply with the provisions of Paragraph 187(d) and 193(d) of the NPPF. Furthermore, subject to conditions, it is not considered that the proposal would result in any adverse impacts to protected species and would increase biodiversity in accordance with Policy En1 of the Local Plan, and relevant sections of the NPPF and the statutory provisions of the Environment Act.

Highway Impacts

Policy IF4 of the adopted Local Plan requires that development takes account of the impact upon the highway network and the environment and incorporates safe and accessible connections to the transport network to enable travel choice. Policy IF7 requires that development incorporates adequate parking provision.

The development proposal is expected to reduce vehicular trips to the site as the owner would be resident on the site for the duration of the temporary permission if granted. The County Highway Authority (CHA) has been consulted but have referred the Local Planning Authority to standing advice. The existing access is constructed to a high standard with radii and visibility splays and the proposal, subject to conditions, would provide space within the application site for off-street parking.

Furthermore the proposal would not impact on the Public Right of Way (PROW) that runs through the east of the wider site.

It is not considered that the proposal would adversely impact upon highway safety and therefore, would comply with the provisions of Policies IF4 and IF7 of the adopted Local Plan, the NPPF and the Leicestershire Highways Design Guide.

Other Matters

Concerns have been raised that the residential use should be tied to the business use by legal agreement. This is not considered to be necessary as a condition is considered to be sufficient in order to restrict the use as applied.

Concerns have been raised that the existing business is not operating in accordance with its planning conditions. While this is noted, each application is considered on its individual merits and any existing or ongoing breach of planning control is a separate enforcement matter.

Concerns have been raised that the proposal would result in loss of property values. However, this is not given any weight as it is not a material planning consideration.

The site is located within flood zone 1 and is not at risk of surface water flooding. It is not considered that the proposal would give rise to any risks of flooding to the future occupiers or increase flood risk elsewhere.

The site is within the safeguarded area of East Midlands Airport and as the airport safeguarding authority, the airport has been consulted and its comments will be reported on the Update Sheet.

The site is within a Minerals Safeguarding Area for igneous rock. The Minerals Planning Authority (Leicestershire County Council) advises that where development proposals are located in a mineral safeguarding area, Policy M11 of the adopted Leicestershire Minerals and Waste Local Plan requires the submission of a Mineral Resource Assessment. The Minerals

Planning Authority notes the scale and nature of the proposed development and, in this instance, does not consider that prior extraction of minerals would be either practicable or viable and therefore has no objections.

There are also no safeguarded waste sites located within close proximity of the proposed development site. Therefore, the County Council has no objections in respect of this matter.

Overall Planning Balance, Contribution to Sustainable Development and Conclusions

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2021).

Whilst the application site is outside the defined Limits to Development in the adopted Local Plan, the proposal is deemed acceptable under criterion (a) of the first part of Policy S3. This would be subject to compliance with criteria (i) to (vi) of Policy S3 and for the reasons outlined above the proposed development is considered compliant with these criteria other than (vi). However it is accepted that the dwelling is needed to support the equestrian business and that it needs to be located on the site. It is also considered unlikely that there would be an undue increase in vehicular movements to and from the site and that the proposal could reduce vehicular movements due to the on-site presence of the owner/worker. On this basis the principle of the development is considered acceptable.

Having regard to the three objectives of sustainable development, therefore, and having regard to the conclusions in respect of various technical issues set out within this report, it is accepted that the contribution to economic growth associated with the proposed development, would ensure that the scheme would sit well in terms of the economic and social objectives. Insofar as the environmental objective is concerned, it is considered that whilst the proposed development would result in some limited adverse visual impact, the impacts in this respect would be limited by the temporary nature of the development and would be outweighed by the benefits associated with supporting a rural enterprise which would also reduce the number of vehicular trips associated with the existing use. Therefore, the proposal would represent sustainable development overall.

The proposed development does not give rise to any significant impacts regarding residential amenity, ecology or highway safety. There are no other material impacts identified, that would indicate that the proposal is not in compliance with the NPPF or local development plan policies.

The proposed development would comply with the provisions of the development plan as a whole. Overall, there are no material consideration which indicate the determination of this application other than in accordance with the development plan. Approval is therefore recommended.

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