

<b>APPLICATION NO</b>	<b>PA/2013/0479</b>
<b>APPLICANT</b>	Mr L Moore, Dynamic Gills Ltd
<b>DEVELOPMENT</b>	Planning permission for the installation of solar panels
<b>LOCATION</b>	Land south of Butterswood Lodge, College Road, Thornton Curtis
<b>PARISH</b>	<b>THORNTON CURTIS</b>
<b>WARD</b>	Ferry
<b>CASE OFFICER</b>	Nicholas Lawrence
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Thornton Curtis Parish Council

## **POLICIES**

**North Lincolnshire Local Plan:** Policy DS1 (General Requirements) is a criterion-based policy against which all development proposals will be considered and includes reference to quality of design, conservation and visual amenity.

Policy DS21 (Renewable Energy) is a permissively constructed policy that encourages the generation of energy from renewable resources.

**North Lincolnshire Core Strategy:** Policy CS5 (Delivering Quality Design in North Lincolnshire) sets out key design principles for all new development, which includes the maximising of on-site renewable forms of energy.

Policy CS6 (Historic Environment) aims to ensure that important sites and areas of historic and built heritage value are protected, conserved and enhanced.

Policy CS18 (Sustainable Resource Use and Climate Change) the objective of this policy is to reduce the size of North Lincolnshire's ecological carbon footprint, reduce the causes of climate change, and move towards a more resource-efficient future.

Policy HE5 (Development affecting Listed Buildings) in part considers the setting of listed buildings and the policy comments that proposals which damage the setting of a listed building will be resisted.

Policy HE8 (Ancient Monuments) will not permit proposals which would result in an adverse effect on scheduled ancient monuments or their settings.

**National Planning Policy Framework:** Core Planning Principles; Section 10 – Meeting the challenge of climate change, flooding and coastal change.

**National Planning Practice Guidance:** Renewable and low carbon energy.

## **CONSULTATIONS**

**Highways:** No objection subject to the imposition of condition 3.

**Environmental Health:** No comments to make.

**Historic Environment Record:** No objection.

**Network Rail:** No objection.

## **PARISH COUNCIL**

Object to the development on the following grounds:

- Access to the site should be via the existing College Road access.
- No screening is shown and is absolutely necessary to preserve the visual amenity of the area.
- The site should be relocated.
- Non-compliance with the previous permission granted to the applicants.

## **PUBLICITY**

Neighbouring properties have been notified by letter and a site notice posted. No comments have been received.

## **ASSESSMENT**

### **Application site**

The application site comprises a square-shaped parcel of land measuring some 23.5 metres by 23.5 metres to the south of Butterswood Lodge, College Road, Thornton Curtis. The application site is bounded to the east by the Barton-upon-Humber to Cleethorpes rail line, to the north-east by College Farm, to the west by open countryside and to the north by the polytunnels granted planning permission in 2011. Vehicular access to the proposed development is within the north-west corner of the application site.

The application site is located some 850 metres north-west of Thornton Abbey Gatehouse, which is a grade I listed building and lies within the scheduled ancient monument that encompasses the gatehouse and the wider Abbey precinct.

### **Proposed development**

Planning permission is sought for the erection of three solar arrays aligned to the south that will provide electricity to support the operation of the existing fish breeding business and any excess electricity will be exported to the national grid.

Each of the arrays has a length of 33.6 metres separated from each other by 8 metres, angled at 30 degrees. The net result is that each array has a maximum height above ground of 2.25 metres that reduces to 0.6 metres.

It is proposed that the infrastructure will be surrounded by 2 metre metal fencing with a tree and hawthorn hedge forming the outer boundary of the application site. The access point will have double doors to allow access for the construction period and subsequent maintenance requirements.

The disposition of the elements forming the overall development is shown on Amended Drawing No. SR/13/06A.

### **Developmental history**

The application site has been the subject of a range of planning submissions, the most relevant to the determination of this application being:

- 7/1990/0831 – change of use from agricultural to carry out engineering works to form fish ponds and other landscaping works and erection of associated building – approved 6 December 1990
- PA/2011/0900 – planning permission to erect a polytunnel for the breeding of fish (agricultural) – approved 19 October 2011

### **Main issues**

**It is considered that the main issues in this case are: firstly, whether the proposed development is acceptable in principle; and secondly, if the proposal in its detailed form harms the historic assets of the area. Both issues have regard to the provisions of the development plan and other material considerations.**

### **Planning policy framework and materiality**

Under the provisions of section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, as amended, the development plan for the purposes of this application comprises the North Lincolnshire Local Plan (local plan) that was adopted on 30 May 2003 and the North Lincolnshire Local Development Framework Core Strategy (core strategy) dating from June 2011.

The National Planning Policy Framework (the framework) was issued on 27 March 2012 and is a material consideration in planning decisions (paragraph 3). On 6 March 2014 the 'beta' version of the National Planning Practice Guidance (PPG) went 'live' and, as with the framework, it constitutes a material consideration in all planning decisions. Particular regard should be had to the Overarching National Policy Statement for Energy EN-1 dating from 2011 and the [speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013](#).

## **Assessment of main issues**

### *Principle of the development*

Both local plan policy DS21 and core strategy policy CS18 support the use of renewable and low carbon forms of energy production as a means to contribute towards the council's commitment to tackle climate change by reducing of greenhouse gas emissions.

At the national level the framework at paragraph 93 states:

*Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.*

The framework further adds that local planning authorities should have a positive strategy to promote and maximise energy from renewable and low carbon sources while ensuring that adverse impacts are addressed satisfactorily, including visual impacts.

With regard to the determination of such planning applications the framework states with clarity that local planning authorities should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- approve the application if its impacts are (or can be made) acceptable.

The PPG reaffirms the position of the framework in recognising that increasing the amount of energy from renewable and low carbon sources assists with securing energy supply and in turn reduces greenhouse gas emissions. The PPG further adds that the planning regime has an important role to deliver such energy infrastructure where local environmental impact is acceptable.

Allowing for the nature of the proposed development it is considered that the principle of the development accords with the provisions of the development plan, national guidance and Ministerial pronouncements.

### **Affect upon Historic Assets**

As noted above, applications for renewable and low carbon energy generating schemes should be approved if their impacts are (or can be made) acceptable.

In this instance the HER department of the council initially raised a holding objection to the scheme on the basis that the submitted documentation was insufficient to assess the visual impact on the historic assets or their settings. The HER response specifically referenced Thornton Abbey Gatehouse, a grade I listed building which forms part of the surrounding scheduled ancient monument, the consultation response further noted that the Abbey is open to the public and is an important attraction for North Lincolnshire.

Responding to the comments of the HER the applicant submitted a heritage statement as required by the framework. The HER in their response to this statement are of the opinion

that the proposed development has the potential to adversely affect the monument and in particular the experience of the monument in its setting. It has to be noted that a full setting assessment has not been undertaken by the HER and the scheme has 'the potential' to affect the historic assets. However, the HER conclude that the mitigation measures shown on submitted drawing no. SR/13/06A are implemented in full, the visual impact from this application site could almost be completely negated.

Allowing for national guidance that postdates the local plan and core strategy, together with the comments of the HER, it is considered that the proposed development would not adversely affect any historic asset and planning permission should be forthcoming.

### **Other issues**

The parish council's comments in part refer to a previous approval, which is not the subject of this application and therefore carry no weight in the determination process as each application is treated on its own merits.

With regard to the question of access, the council's Highways department has assessed the application and is of the view that the proposed access and its siting, subject to a condition, does not raise an issue of highway safety.

Network Rail has made comments regarding the management of their asset and whilst their views fall outside the scope of planning conditions, it is considered that the matters raised can be addressed by an informative note should planning permission be forthcoming.

### **Concluding comments**

Allowing for the above commentary it is considered that the proposal represents a sustainable form of development and would not harm any historic asset. The submission thereby accords with the above referenced policies of the development plan and other material considerations.

### **RECOMMENDATION      Grant permission subject to the following conditions:**

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: PA/2013/0479/01, PA/2013/0479/02 and SR/13/06A.

Reason

For the avoidance of doubt and in the interests of proper planning.

3.

The existing vehicular access to the site shall be improved within highway limits in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

4.

No development shall take place until proposals for landscaping have been submitted to and approved by the local planning authority. The proposals shall include indications of all existing trees and hedgerows on the site, and details of any to be retained, together with measures for their protection during the course of development.

Reason

To enhance the appearance of the development in the interests of amenity.

5.

All works indicated by the approved scheme of landscaping shall be carried out within the first planting season (1 October to 31 March) and seeding season (the month of September or April) following the granting of the permission or within such extended time period as may be agreed in writing by the local planning authority. Any trees or plants which within a period of 5 years from the completion of the landscaping die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species to those originally required to be planted unless the local planning authority have given written consent to any variation.

Reason

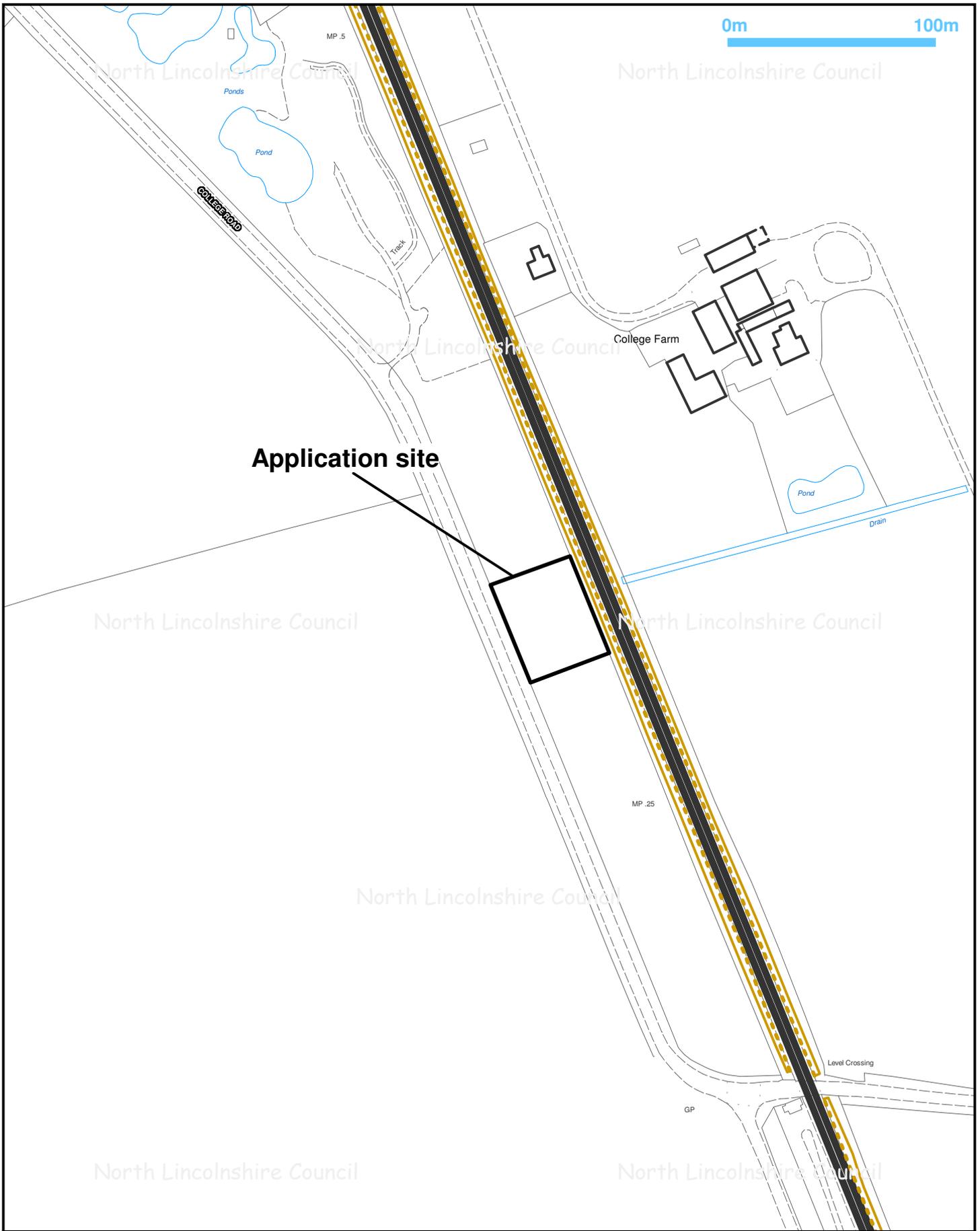
In order to secure the timely completion and successful establishment of the approved scheme of landscaping for the site.

**Informative 1**

The applicant is advised to review the attached consultation response from Network Rail dated 15 May 2013 before commencing the development.

**Informative 2**

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



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**PA/2013/0479 - NOT TO SCALE**



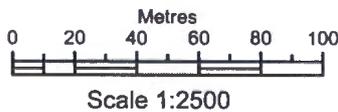
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**'Butterswood Lodge', Goxhill**

*Handwritten:* 29 APR 2013