

**Item Number:** 7  
**Application No:** 15/00801/FUL  
**Parish:** Scagglethorpe Parish Council  
**Appn. Type:** Full Application  
**Applicant:** Birdsall Estates (Mr James Willoughby)  
**Proposal:** Installation of 10 no. banks of ground mounted solar panels totalling 400 no. panels giving 100kw peak output to generate electricity for residential with any surplus fed into the National Grid  
**Location:** Land To The West Of The Barn Scagglethorpe Manor Farm Main Street Scagglethorpe Malton North Yorkshire

**Registration Date:** 10 August 2015                      **8/13 Week Expiry Date:** 5 October 2015  
**Case Officer:** Helen Bloomer                      **Ext:** 328

**CONSULTATIONS:**

<b>Parish Council</b>	Concerns
<b>Highways North Yorkshire</b>	No objection
<b>Highways North Yorkshire</b>	No objection
<b>North Yorkshire Police Architectural Liaison Officer</b>	Comments and recommendations made
<b>Tree &amp; Landscape Officer</b>	No objection - recommend condition

**Neighbour responses:** Mr Alan Hodgson, Caron Robinson, David & Elizabeth Arnott, Peter And Emma Elwess, Ann Smith, Mr Paul Prichard, L Waslidge, Mr Christopher Rorke, Mrs Caron Robinson,

**Overall Expiry Date:** 19 November 2015

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**BACKGROUND:**

This application was deferred from the 10 November 2015 Planning Committee to allow Members to visit the site. For the purpose of completeness the Officers report has been included below.

**SITE:**

The application site is land to the west of the former farmstead know as Manor Farm on the southern end of the village of Scagglethorpe. The application site is outside of the development limits and is therefore within the open countryside.

A public foot path runs the length of the development site approximatly 76 metres to the north beyond the existing hedgerow which is the existing boundary treatment along the northern boundary of the site

**PROPOSAL:**

Planning approval is being sought for the temporary change of use from agricultural to the continued agriculture use together with the installation and operation of 10 no. banks of ground mounted solar panels (totalling 400 panels) giving 100kw peak output to the new housing development. It is proposed that the development would enable the Birdsall Estate to reduce its reliance on fossil fuels and carbon emissions.

The application as originally submitted proposed that the installation of the panels was to serve the existing farmstead with any excess going back into the grid. Members may be aware that under application reference 09/01306/MFUL the farmstead known as Manor Farm planning approval was granted for the conversion/ redevelopment of the site for residential use. The agent confirmed that the description of the development was an internal error. The description and Design and Access Statement have been amended accordingly. It was also noted that the plan submitted to show the proposed siting of the solar panels did not collate with the submitted red line plan. Once in receipt of the aforementioned plan , the consultees were re-consulted. The expiration for further comments is the 9 November. The initial comments received have been included within this report. Members will however be updated if any further comments are received.

The development site would be situated approximately 38 metres west of the neighbouring properties western boundary. The application site is approximately 225metres x 6 metres and would be sited adjacent to the existing northern boundary hedge. The arrays would measure approximately 20.36 metres with 40 panels in each array . The arrays are proposed to be approximately 2.73 metres high.

### **SITE HISTORY:**

The application site has no planning history.

### **POLICY:**

The Adopted Ryedale Plan - Local Plan Strategy  
Policy SP1: General Location of Development and Settlement Hierarchy  
Policy SP13: Landscapes  
Policy SP14: Biodiversity  
Policy SP16: Design  
Policy SP18: Renewable and Low Carbon Energy  
Policy SP19: Presumption in Favour of Sustainable Development  
Policy SP20: Generic Development Management Issues

National Planning Policy Framework  
National Planning Policy Guidance

### **APPRAISAL:**

The key considerations are:-

- i) Principle
- ii) Landscape Character
- iii) Highway Safety
- iv) Neighbour Amenity
- v) Biodiversity
- vi) Other Issues

#### Principle in terms of Policy

#### Local Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty previously imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

The Ryedale Plan - Local Plan Strategy is the adopted Plan. Policy SP1 (General Location of Development and Settlement Hierarchy sets out Ryedale's future development requirements and the distribution, accordingly with the Spatial Strategy Summary. Development within all other villages, hamlets and in the open countryside will be restricted to the following;

- Which is necessary to support a sustainable, vibrant and healthy rural economy and communities, or
- Which can be justified in order to secure significant improvements to the environment or conservation of significant heritage asset in accordance with the National Enabling Development Policy and SP12 of this Plan, or
- Which is justified through the Neighbourhood Planning process.

The proposed development would be classified within the second bullet point, SP1 supports the principle of development within the open countryside whereby it has the potential to 'foster appropriate renewable energy production.'

Policy SP18 (Renewable and Low Carbon Energy) is the primary principle of which consideration is given to developments which are, such as this, proposing a form of renewable energy. The policy acknowledges that there is a balance to be made with the requirement to produce renewable energy production and protecting the landscapes, one of Ryedale's key assets. It states that development that generates renewable and / or low carbon sources of energy will be supported providing that individually and cumulatively proposals:

- Can be satisfactorily assimilated into the landscape or built environment, especially in respect of the setting of the North York Moors National Park, the Howardian Hills Area of Outstanding Natural Beauty (and its setting), the Wolds and the Vale of Pickering;
- Would not impact adversely on the local community, economy, or historical interests, unless their impact can be acceptably mitigated;
- Would not have an adverse impact on the nature conservation, in particular in relation to any sites of international biodiversity importance, unless their impact can be acceptably mitigated;
- Would not have an adverse impact on air quality, soil and water resources in Policy SP17, unless their impact can be acceptably mitigated.

The appropriateness of the development will be covered in the latter section of the appraisal section of this report however the initial principle of the proposal is supported by Policy SP1 and Policy SP18 of the Ryedale Plan - Local Plan Strategy.

#### National Planning Policy

#### National Planning Policy Framework:

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing adopted development plans, in this instance the Ryedale Plan - Local Plan Strategy. The relevant policies have been considered above.

Paragraph 97 within the NPPF states that to help increase the use and supply of renewable and low carbon energy, Local Planning Authorities should recognise the responsibilities on all communities to contribute to energy generation from renewable or low carbon sources. It says that LPA's should;

- have a positive strategy to promote energy from renewable and low carbon sources;
- design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;
- consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources

- support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning; and
- identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

Paragraph 98 requires LPA's, when determining planning applications:

... 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

#### The National Planning Policy Guidance

The NPPG states that by 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.

Officers sought clarification from the applicant as to why it had not been proposed to affix the panels to existing buildings. At Manor Farm the agent concluded that on the basis that the modern agricultural buildings were to be demolished, they would have to ground mount them. Furthermore they concluded that south facing panels set at 30 degrees would perform approximately 15% better than if they had been building mounted. The National Planning Policy Guidance alerts us to the ;

importance of siting systems in situations where they can collect the most energy from the sun;

#### Landscape Character

Policy SP13 (Landscapes) of the Ryedale Plan - Local Plan Strategy clearly states that development proposals should contribute to the protection and enhancement of distinctive elements of landscape character that are as a result of historical and cultural influences, natural features and aesthetic qualities.

The application site itself does not benefit from any national or local landscape designations.

The main public vantage points from which the solar panels could be most visible is when travelling through Scagglethorpe in a northern direction along Bull Piece Lane. The view however would be limited by the existing mature hedgerow along the southern boundary of the agricultural field.

Whilst there is the existing hedgerow to the north of the application site, it is not substantial enough to completely screen the view from the footpath which runs to the rear of the arrays. Officers are considering therefore that a condition requiring the enhancement of the existing hedgerow is necessary.

The Councils Tree and Landscape Officer, has raised no objection to the proposed development. He has however recommended a condition in relation to landscaping.

#### Highway Safety

Because of the distance from the highway, the existing boundary treatment and the proposed height of the arrays it is officers opinion that the proposed development would not result in any glint or glare which would impact on highway safety.

North Yorkshire County Council Highways Authority has raised no objection to the proposed development.

## Neighbour Amenity

The main impact on the occupiers of residential properties to the east of the application site would be the potential for glint and glare. However as already stated the application site would be approximately 30 + metres away from the boundary of the closest residential property, White House and in excess of 70 metres to the property itself. The panels would also face in a southern direction to enable them to be as efficient as possible. Officers are therefore satisfied that the impact in terms of 'glint and glare' would be minimal. However officers consider that if Members approved the application the aforementioned landscaping condition is extended to include the eastern boundary of the application site to ensure that any impact on the amenity of the neighbouring properties is kept to a minimum.

It has been raised by one of the objectors that the panels would be visible through gaps in their boundary hedge. However, as Members will appreciate there is no right to a private view.

## Other Issues

### Police Architectural Liaison Officer

The Police Architectural Liaison Officer has raised no objection to the proposed development. However a number of recommendations have been made. If the application approved these requirements can be dealt with by conditions and informatives.

### Parish Council

The initial consultation response received by the Parish Council did not object to the application. They did however raise concerns over the inaccuracies in the original submission which have since been corrected. Following the re-consultation the Parish Council formally objected to the proposed development. The full letter of response from the Parish Council is appended to this report.

## Neighbours

Following the re-consultation a total of 7 letters of objection have been received. Whilst the full versions are available on public access, a summary has been provided below;

- Inaccurate information submitted
- View from adjacent residential properties
- Does not consider the impact assessment considers the significance of the setting
- The solar panels should be put on the buildings they are proposed to serve.
- Proximity to public footpath
- Size of the panels would be an eyesore
- Wish to see the hedgerows higher
- Money made should be fed back to the grid
- Occupy Grade 2 arable land
- Be within 400 metres of the village and 100metres of the public footpath
- Existing hedgerow is 'gappy'
- Would require fencing

The relevant material issues raised by the objectors have already been appraised in this report.

Notwithstanding the concerns raised above the application is considered to be acceptable subject to the conditions recommended below.

In light of the above the recommendation to Members, is one of approval.

**RECOMMENDATION:                      Approval**

1            The development hereby permitted shall be begun on or before .

Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

2            The development hereby approved shall be discontinued and the land restored to it former condition on or before the .... December 2040 unless otherwise agreed in writing by the Local Planning Authority. Furthermore this should be done in full accordance with a decommissioning Plan, which should be submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety and amenity and in compliance with Policy SP20 of the Ryedale Plan - Local Plan Strategy.

3            In the event that the development ceases to be operational for the generation of energy before the end of the period defined in condition No.02, then all associated development on, under or above the application site shall be removed from the site and the land returned to its former condition in accordance with the Decommissioning Plan within six months of the cessation of the generation of energy from the site.

Reason: In the interest of amenity and the circumstances of the use and in compliance with Policy SP13, 16 and SP20 of the Ryedale Plan - Local Plan Strategy

4            The solar panels hereby permitted shall be maintained twice yearly. A log book should be kept of the maintenance of the solar panels and should be available for inspection at any time by the Local Planning Authority.

Reason: to ensure the panels are checked and maintained in the interest of visual amenity and to ensure best practise are maintained and in compliance with Policy SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

5            The solar arrays hereby approved shall have a non-reflective and matt finish.

Reason: In order to protect the character and appearance of the area and to satisfy Policy SP13 of the Ryedale Local Plan Strategy

6            All gaps in the adjacent hedgerow along the northern side of the development shall be filled with 30/45cmhigh hawthorn plants at 6 plants/ meter in double staggered row, and protected in 60com plastic spirals individually supported on a stout cane, the hedgerow sections being mulch with wood chips 50mm deep and 1.0 meter wide along the new hedgerow sections. A new hedgerow shall be planted from the eastern end of the hedgerow referred to above extending south for a distance of 40 meter in accordance with the aforementioned specification. The hedgerow shall thereafter be maintained as such for the life of the development.

Reason: The ensure natural enclosure of the development, to screen the development from neighbouring properties to the east, and in accordance with Policy SP13 - Landscapes - Ryedale Plan - Local Plan Strategy.

- 7 Prior to the commencement of the development hereby approved a scheme of crime prevention and security measures shall be submitted to and agreed in writing by the Local Planning Authority. This shall include the construction phase and the name of the contractor and signage with an emergency contact telephone number at several places on the perimeter.

Reason: In the interest of crime prevention and in accordance with the Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 8 The development hereby permitted shall be carried out in accordance with the following approved plan(s):.

GHS391-2/M/23/GA01 Rev D Proposed Ground Mount Solar PV Layout  
Site Location Plan Received by the Local Planning Authority 10 August 2015.

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

## **INFORMATIVE**

- 1 The applicant should notify their insurance company of the installation of these solar panels.

### **Background Papers:**

Adopted Ryedale Local Plan 2002  
Local Plan Strategy 2013  
National Planning Policy Framework  
Responses from consultees and interested parties