

BUTTERTON NURSERIES, PARK ROAD, BUTTERTON  
MR. NEVILLE LEATH. 11/00606/FUL

**The Application** is for full planning permission for the installation of 96 ground mounted photovoltaic solar panels. The proposed development will provide solar power to the residential development (six dwellings) at Butterson Nurseries.

The application site is located within the North Staffordshire Green Belt with the area also being designated as an Area of Landscape Maintenance and being within the Butterson Conservation Area, as indicated on the Local Development Framework Proposals Map.

**The statutory 8 week determination period expires on 5 January 2012**

### **RECOMMENDATION**

**That subject to**

- (i) the receipt of no representations by 9 December 2011 which raise new issues not already addressed in this report and that cannot be addressed by appropriate conditions and
- (ii) the Conservation Advisory Working Party having no objections to the proposal by 9 December 2011 that cannot be addressed by appropriate conditions,

**the Head of Planning and Development be given the delegated authority to permit the application, subject to conditions relating to:-**

- (i) Commencement of development.
- (ii) Approved plans.
- (iii) Prior approval of any additional external ancillary equipment.
- (iv) Landscaping details for the plateau/ embankment.

### **Reason for Recommendation**

The proposed development would only have a limited harm to the character and appearance of the Butterson Conservation Area and Area of Landscape Maintenance. Furthermore, whilst the proposal is not considered to accord with the Development Plan insofar as it constitutes inappropriate development within the Green Belt it is considered that the proposal would meet sustainable development objectives and national policy guidance in terms of promoting sources of renewable energy in new development proposals, no matter how small-scale. These benefits would outweigh the negligible harm to the openness of the Green Belt caused by the array of solar panels and would amount to the very special circumstances required to justify the development in this instance. There are no other material considerations of such weight as to justify refusal of this proposal. The development therefore complies with Policies B9, B10, B14, N17 & N19 of the Newcastle under Lyme Local Plan 2011, Policies D1, D2, D7, NC1, NC2 & NC19 of the Stoke on Trent Structure Plan 1996-2011, Policies CSP1, CSP2 and CSP3 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026, PPG2 and PPS22: Renewable Energy

### **Policies and Proposals in the approved Development Plan relevant to this decision:-**

#### West Midlands Regional Spatial Strategy 2008

Policy QE1: Conserving and Enhancing the Environment  
Policy QE3: Creating a high quality built environment for all  
Policy QE6: The Conservation, Enhancement and Restoration of the Region's Landscape  
Policy EN1: Energy Generation

#### Staffordshire and Stoke on Trent Structure Plan 1996-2011

Policy D1: Sustainable Development  
Policy D2: The Design and Environmental Quality of Development  
Policy D4: Managing Change in Rural Areas

Policy D5A: Green Belt  
Policy D5B: Development in the Green Belt  
Policy D7: Conserving Energy and Water  
Policy NC1: Protection of the countryside - General Considerations  
Policy NC2: Landscape Protection and Restoration  
Policy NC19: Conservation Areas

Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006 – 2026 adopted 2009

Policy ASP6: Rural Area Spatial Policy  
Policy CSP1: Design Quality  
Policy CSP2: Historic Environment  
Policy CSP3: Sustainability and Climate Change

Newcastle Under Lyme Local Plan 2011

Policy S3: Development in the Green Belt  
Policy B9: Prevention of Harm to Conservation Areas  
Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area  
Policy B14: Development in or Adjoining the Boundary of Conservation Areas  
Policy N17: Landscape character – general considerations  
Policy N19: Area of Landscape Maintenance

**Other Material Considerations**

**Relevant National Policy Guidance:**

PPS1: Delivering Sustainable Development (2005)  
PPG2: Green Belt (1995)  
PPS5: Planning for the Historic Environment  
PPS7: Sustainable Development in Rural Areas (2007)  
PPS22: Renewable Energy & Companion Guide (2004)

Companion Guide to PPS1 “The Planning System: General Principles”  
Planning and Climate Change Supplement to PPS1

**National Planning Policy Framework: Consultation Draft (July 2011)**

The Secretary of State’s announcement of his intention to abolish RSS

**Relevant Planning History**

A number of planning applications have been permitted by the Council for a residential development comprising 4 single storey dwellings.

In 2007 planning permission was given for an amended design of the two single storey houses (plots 3 and 4) on the outside of the wall (06/01042/FUL), and subsequently planning permission has been given for the construction of detached garages for these dwellings (08/00420/FUL). Earlier this year planning permission was granted for amended designs of the dwellings on plots 1 and 3 (10/00621/FUL).

An application for an extension to the dwelling constructed on plot 3 (10/00208/FUL) was permitted, along with the retention of boundary walls and associated landscaping to plots 3 and 4, and the retention of entrance gates and gate piers, and the retention at a lower height of the wing walls to the entrance to plot 4 (10/00260/FUL).

**Views of Consultees**

Whilst **Whitmore Parish Council** does not wish to formally object to this planning application they are aware of the previous permissions for residential dwellings within the walled garden and the need to preserve the

openness of the garden area. Therefore they question whether the proposal would be appropriate in this regard.

The **Environmental Health Division** raises no objections.

The **Conservation Advisory Working Party** will be meeting to discuss the proposal at their meeting of 29 November 2011. Any comments will be reported.

### **Representations**

No letters of representation have been received to date but the last date for comments is 9 December 2011 which is after the committee meeting. Any representations received before your meeting will be reported.

### **Applicant/Agent's Submission**

A design and access statement and heritage statement has been submitted to support the planning application. A brief summary of the documents is as follows:-

- The site is located within both the green belt and the Butterson Conservation Area. National planning policy guidance highlights the importance of the development of renewable energy.
- The site is currently being developed with the construction of four new bungalows.
- This application is for a solar PV installation to provide solar power to these four new properties and the two existing properties on the site.
- The optimum installation for each dwelling would be a 4Kw system requiring 16 solar panels each measuring approx. 900mm x 1600mm. The total provision for the six dwellings is therefore 96 panels.
- Ground mounting the panels in a communal facility for the six dwellings is preferable to individual roof-mounted installations which would be obtrusive on bungalows and not appropriate in a conservation area.
- The configuration of the panels in rows is such that when viewed from above the layout would be very similar in appearance to one of the many commercial greenhouses which previously existed on the site.
- The appearance would be in-keeping with the history of the site and its previous use as a commercial nursery with large areas of greenhouses.
- The significance of the Butterson Conservation Area, and a description of its important and significant features are contained within the Butterson Conservation Area Character Appraisal dated November 2007.
- The appraisal identifies five buildings or structures of special or historic interest. None of those listed are located at Butterson Nurseries.

The documents are available to view online or at the Guildhall using the "Track an application" facility on [www.newcastle-staffs.gov.uk](http://www.newcastle-staffs.gov.uk)

### **Key Issues**

The application seeks planning permission for the installation of 96 ground mounted photovoltaic solar panels inside the historic walled garden at Butterson Nurseries. The site is located within the Green Belt, the Butterson Conservation Area which is outside any recognised village envelope boundary and within a Landscape Maintenance Area as defined by the Local Development Framework Proposals Map.

The main issues are considered to be:-

- the appropriateness or otherwise of the development in the Green Belt;
- the impact of the proposal on the Butterson Conservation Area and wider landscape quality, and
- should it be concluded that the development is inappropriate in Green Belt terms do the required very special circumstances exist?

### The appropriateness or otherwise of the development in the Green Belt

National and development plan policies restrict development within the Green Belt with only some types of development being considered “appropriate” and PPG2 outlines the general presumption against inappropriate development in the Green Belt.

Paragraph 3.12 of PPG 2 states that the statutory definition of development includes engineering and other operations, and the making of any material change in the use of land. The carrying out of such operations, which would include the erection of structures such as turbines, are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt.

Paragraph 13 of PPS22: Renewable Energy states: *‘when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development, which may impact on the openness of the Green Belt’.*

The proposed development consists of the installation of 96 ground based photovoltaic solar panels covering a ground area of approximately 1383 square metres in three strips, with a plateau/ embankment created that would enable the panels to be set on an angle. The development, including the formation of a plateau or embankment falls within the category of an engineering operation on the land. The extensive ground covered, the creation of a plateau and general design of the development is considered to represent inappropriate development within the Green Belt, that would not maintain openness. Therefore, there is a requirement to demonstrate that there are very special circumstances that would outweigh the harm to the openness of the Green Belt.

### The impact of the proposal on the Butterton Conservation Area and wider landscape quality

Policy B9 of the local plan details that the Council will resist development that harms the historic character or appearance of a Conservation Area with policy CSP2 of the Core Spatial Strategy seeking to preserve and enhance the character and appearance of the historic heritage of the Borough.

The proposal in this instance is for a renewable energy development and policy HE1 of PPS5: Heritage Assets and Climate Change, recognises that new development should contain measures to mitigate harm of climate change from the outset. However, it also acknowledges that where conflict between climate change objectives and the conservation of heritage assets is unavoidable, the public benefit of mitigating the effects of climate change should be weighed against any harm to the significance of heritage assets.

The historic walled garden and conservation area are heritage assets which should be protected from harm. The proposed solar panels will serve four existing residential dwellings and two proposed residential dwellings within, and adjacent to the walled garden. The location of the proposed solar panels is in a corner of the walled garden and would be viewed within the context of this newly formed residential development. It is also accepted that there would be no views from the wider conservation area and from an aerial view they would appear no worse than the existing greenhouses (which are to be removed) due to their design and appearance.

The plateau/ embankment will have a total height of 0.75 metres with the top of any solar panels not exceeding 1.5 metres in height. Further details will be required regarding the landscaping of the plateau but the applicant has verbally confirmed that the ground around the mountings will be built up and turfed with grass.

It is considered that the formation of the plateau/ embankment and the siting of the solar panels will not harm the character and appearance of the Conservation Area.

As well as being within a Conservation Area the site lies within an Area of Landscape Maintenance which is covered by policy N19 of the local plan. The proposal would only have a limited impact on the landscape for the same reasons outlined above.

### Do the required very special circumstances exist?

The decision maker is required, in the case of inappropriate development, to consider whether there are material considerations which clearly outweigh any harm both to the Green Belt and any other interests to be acknowledged. Inappropriate development is by definition harmful to the interests of the Green Belt.

PPG2 advises that *"It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations."*

PPS22: Renewable Energy indicates that the wider environmental and economic benefits of all renewable energy projects, whatever their scale, are material considerations that should be given significant weight. It also recognises that small-scale projects can provide a limited but valuable contribution to overall outputs of renewable energy and to meeting energy needs both locally and nationally. In terms of a Green Belt location PPS22 recognises that many renewable energy schemes in Green Belts would amount to inappropriate development and that very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

Furthermore, whilst the draft NPPF is a consultation document which is subject to potential amendment, it nevertheless gives a clear indication of the Government's "direction of travel" in planning policy. Therefore the draft NPPF is capable of being a material consideration. This document gives a strong emphasis on sustainable development objectives and recognises the contribution of renewable and low carbon energy towards climate change objectives, this echoing much of PPS22. In terms of other issues outlined it advises that greater flexibility should be given within Green Belt locations but in all cases the test to preserve the openness and purposes of including land in Green Belt will be maintained. The current Planning Policy Statements, Guidance notes and Circulars remain in place until cancelled.

The applicant has detailed that the array of solar panels would generate electricity to serve six residential dwellings (four existing and two under construction) within the Butterson Nurseries site. The applicant has not quantified the benefits in terms of the reduced carbon dioxide emissions. However, planning authorities are specifically advised of the importance of small scale projects and not to reject applications simply because the level of power output from them maybe limited. An alternative proposal would be to install the solar panels on the roof slopes of each property. The applicant has indicated that this option was explored but the preference was for ground mounted panels because from an aerial view they would have a similar appearance to the greenhouses that previously existed. Your Officer agrees.

It is also recognised that due to the location of the proposed development within the historic walled garden, there would be no views from outside of the site and from an aerial view they would have no greater impact on the character and appearance of the landscape than the existing and recently removed greenhouses. The formation of a plateau/embankment (which enable the panels to slope up against) increase the scale and bulk of the development but the applicant has confirmed verbally that the embankment would be turfed and the plastic mounting boxes that the panels sit on would be covered with soil at either end.

It is therefore considered that the appropriate design of the proposal, the limited views from any main vantage points, and in particular the extensive renewable energy benefits the proposal would generate, would amount to the very special circumstances required which out weigh the negligible harm to the openness of the Green Belt in accordance with PPG2.

### **Background Papers**

Planning File

Planning Documents referred to

### **Date Report Prepared**

23 November 2011