DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-0713-23**	**Applicant:**	**Mr S Parker**
Proposal:	Proposed ground based solar field		
Location:	47 Church Street Pinchbeck Spalding		
Terminal Date:	19th October 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
29	The Historic Environment
31	Climate Change and Renewable and Low Carbon Energy

National Guidance

National Planning Policy Framework 2023

Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Description of Proposal

The proposal seeks full planning permission for the erection of 36 panel, ground mounted solar array to the rear of 47 Church Street. The panels would be located approximately 110 metres south-east of 47 Church Street, within a field associated with the domestic curtilage of the dwelling. It is proposed that a 500mm close boarded fence surround the panels.

The array would be made up of 36 panels, spread of an 103sqm area. The array would measure 4.024 metres (depth) by 25.385 metres (width), with a height of less than 0.5 metres.

Site Description

The site abuts the settlement boundaries of Pinchbeck, as outlined within the South-East Lincolnshire Local Plan, 2019, although the associated dwelling is within the settlement boundaries. The site is located approximately 140 metres to the north-east of St Mary's Church and over 100 metres east or south from any dwelling. The site is within the Pinchbeck Conservation Area.

Relevant History

No relevant planning history.

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Welland and Deepings Internal Drainage board

No comments.

Environmental Protection

No comments.

Historic Places Team Lincolnshire County Council

"'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.' NPPF 2021 para 205. The Site lies close to the medieval Church of St Mary and as such lies close to what would have been the medieval core of Pinchbeck. However, little is known of the extents of the medieval settlement, or the preceding Saxon occupation, as testified by its inclusion in Domesday Book, at which time consisted of 57 households and was among the largest 20% of settlements in the country. As has been demonstrated by previous archaeological work in the parish, medieval activity is widespread and not just limited to the village core. The site is undeveloped pasture and as such could contain well-preserved archaeological remains of the medieval village. This section has previously recommended field evaluation for applications for housing development on this site. Given the scale of the works involved with this application, I recommend that the developer be required to undertake a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook). This should be secured using South Holland District Council's standard conditions AR1, AR2 and AR3. 'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.' NPPF 2021 para 205. I envisage that this would involve the monitoring of all groundwork's, with the ability to stop and fully record archaeological features. This work should be undertaken by a qualified archaeological contractor to a specification submitted to and approved by the local authority. A suitable report should be prepared for submission to the local authority, the Historic Environment Record and a suitable receiving museum"

Conservation Officer

"No objections. At 44cm from the existing ground level, in conjunction with the proposal site's distance from any nearby heritage assets, and the open countryside setting, I am satisfied that this proposal would be scaled in such a way that it would not materially harm upon appreciation of any heritage asset, including the nearby grade II listed buildings."

Pinchbeck Parish Council

Support. Sustainable development

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

Evaluation

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.
The adopted South-East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, 2023 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development

Policy 1 of the SELLP sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site abuts the settlement of Pinchbeck, which is classed as a "Main Service Centre" within Policy 1 and is within the extended grounds of 47 Church Street. As such development will be permitted that supports Pinchbeck's role as a service centre, helps sustain existing facilities or helps meet the service needs of other local communities.

As the works fall within the property boundary of 47 Church Street and would support the domestic use of the site, the principle of development is sound.

Layout, Design, Scale and Consideration of the Character of the Area

Section 12 of the NPPF, "Achieving well-designed places", states that " creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 130, contained within Section 12 of the NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should

be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality, to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. 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, among other considerations.

Likewise, Policy 2 of the SELLP outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the NPPF and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable. Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design, and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The proposed scale of development is well proportioned to the plot size. The plot is approximately 3 acres, and therefore, the 103sqm solar array will appear visually insignificant.

The panels would have a height of between 0.4 and 0.5 metres. At such low levels the visually impact would be negligible, with the panels being largely obscured via the surrounding 0.5-metre-high fence. This visual impact would be negated further by the significant boundary treatments present on the site, with the field being surrounded on all sides by trees and hedging over 4 metres tall. The significant distance to neighbouring dwellings, of over 100 metres, further reduces any potential impacts.

The panels would be obscured from the street scene via the aforementioned boundary treatments. As such, the relative character impact is low.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

Impacts Upon Resident Amenity

Paragraph 130 of the NPPF states that development should 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.

Policies 2 and 3 of SELLP sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The potential amenity impacts of the panels are limited due to the relatively small scale, the significant distances, and the boundary treatments present. At a distance of over 100 metres, the potential for glint and glare to impact upon neighbouring amenity is low. This is compounded by the boundary treatments, which prevent visibility, to ensure the amenity impacts are negligible.

As detailed above, the scale and design of the proposal is considered to have no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

Environmental Sustainability

In respect of the climate emergency, Section 14 of the NPPF states that new development should

be planned for in ways that: 'avoid increased vulnerability to the range of impacts arising from climate change' with care taken to manage and adapt where development is brought forward in areas which are vulnerable; and that 'can help to reduce greenhouse gas emissions, such as through its location, orientation and design'.

In line with the aforementioned section of the NPPF, Policy 31 of the SELLP ensure that suitable mitigation and adaptation to the climate crisis is in place.

Policy 31B of the SELLP provides seven criteria to assess an application for renewable energy (excluding wind energy) against. Taking each point in turn, the following is considered:
1)As stated above the impact upon visual amenity is low due to the low ling nature of the proposal, the relatively small scale as well as the significant boundary treatments and distances present.
2)The potential amenity impacts are similarly low due to the distances and boundary treatments. In addition, the solar panels are explicitly designed to minimise reflection, and therefore, the actual chance for amenity impacts are low.
3)The proposal is not visible from any public highway, ensuring no harm to highway safety.
4)The site is currently used as an extension to the domestic garden, and therefore, has no existing agricultural value.
5)The proposed scale of development is too small as to impact upon aviation safety.
6)The proposal is assessed in terms of its impact upon heritage assets in greater detail below. That being said, the potential impacts are low due to the aforementioned boundary treatments.
7)The proposal's small scale coupled with the relatively low biodiversity value of the land ensures that the proposal would have no impact upon the natural environment.

The proposal conforms to all seven criteria.

Paragraph 158b of the NPPF states that "when determining planning applications for renewable and low carbon development, local planning authorities should approve the application if its impacts are (or can be made) acceptable". As highlighted above, the impacts of the proposal are acceptable, and therefore, weight should be given in favour of the proposal.

The proposal is therefore in accordance with Policy 31 of the SELLP as well as Section 14 of the NPPF.

Heritage and Conservation

Policy 29 of the SELLP, alongside Section 16 of the NPPF, relates to the historic environment. Both outline that, where appropriate, applications will conserve or enhanced the historic environment. As the proposal is within the wider grounds of the listed 47 Church Street and is within the Pinchbeck Conservation Area, both policies are relevant. A heritage impact assessment has been submitted alongside this application.

As the proposal is not visible from the street, the impact upon the conservation area is low. The visual isolation of the panels, due to the boundary treatments and relatively small scale, further reduces the potential impacts. The SHDC Conservation Officer has raised no objections to the proposal on heritage grounds.

The proposed panels are a significant distance from any listed building (over 100 metres). While the panels would be linked to the Grade II listed 47 Church Street, the impact upon the setting of the listed building is low. At a distance of over 100 metres, the panels would appear minuscule in scale and would have no impact upon the enjoyment of the building.

In terms of the Grade I listed St Mary's Church to the south, the impacts are negligible. The proposed development site lies more than 140 metres away from the listed church and the land between has three large boundaries. The distance and the vegetation mean that there is no intervisibility between the two sites and therefore no impact on the setting of the church of St Mary.

The Lincolnshire County Council's Historic Places Team have recommended a full archaeological scheme be undertaken prior to the commencement of the scheme. It was considered that the scale of the proposed archaeological works was excessive considering the relatively small scale of the proposed solar panels. Both the cables and the panels themselves would not intrude deeply into the surface, minimising the potential harm that could be caused. The scale and costs of the archaeological scheme may make the proposed solar panels unviable, thereby preventing steps to be taken which aid in the reduction of carbon emissions. That being said, it is recommended that a

condition be imposed ensuring that if any archaeological evidence is found, work is immediately ceased, and the findings are reported the Lincolnshire County Council Archaeological team.

Planning Balance

As detailed above, Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents. The scheme would reduce carbon emissions, without damaging the historic environment.

The proposal conforms to Policies 1, 2, 3, 4, 29 and 31 of the SELLP as well as Section 12, 14 and 16 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal

Conclusion

The recommendation is for delegated approval.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.