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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2022/0576/FUL	ITEM 3	
Proposal:	40 No. 16kw roof mounted solar panels on roof of industrial unit. 148 No. 40 kw ground mounted solar panels, mounted in a single row. 20 No. 7 kw panels on top half of south facing vertical elevation.		
Address:	Workshop Off America Lodge Lane, Brooke, Rutland		
Applicant:	Mrs A MacCartney	Parish	Brooke
Agent:		Ward	Braunston & Martinthorpe
Reason for presenting to Committee:	Applicant is an elected member		
Date of Committee:	25 October 2022		
Determination Date:	30 September 2022		
Agreed Extension of Time Date:	28 October 2022		

EXECUTIVE SUMMARY

The proposal is for the installation of three solar panel arrays. One to the roof and one to the south facing wall of an existing commercial building, and the third as a ground mounted array within the field adjoining that building.

Planning policy supports the provision of renewable energy generation equipment where specific impacts are or can be made acceptable through the imposition of appropriate planning conditions.

The site is located in an isolated position, away from any domestic premises, and the specific proposals have limited visibility within the wider countryside landscape. A condition is proposed to ensure removal of the infrastructure if it becomes no longer required for the purposes of energy generation.

There are no impacts associated with the development that justify the refusal of planning permission, and the application has attracted no objections through the consultation process.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
Reason – To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 22/1627 Sheet 1/5, 22/1627 Sheet 2/5, 22/1627 Sheet 4/5, 22/1627 Sheet 5/5.
Reason - For the avoidance of doubt and in the interests of proper planning.
3. Any structure or apparatus shall be removed from the site and the land shall be restored to its condition before the development took place, or to any other condition as may be agreed in writing by the Local Planning Authority, within two months of it no longer being required for electricity generation purposes.
Reason - To comply with paragraph 15 (ii) of Circular 2/98 "Prevention of Dereliction through the planning system."

Site & Surroundings

1. The application site is an existing building and adjacent field, located in the countryside to the south of the hamlet of Brooke, southwest of the main Market Town of Oakham. The Livelab building on which some of the proposed panels are to be located is sited in the northwest corner of the site, adjacent to a dilapidated agricultural building, which is accessed via a separate vehicular access off America Lodge Lane.
2. The agricultural field is surrounded by a typical hedgerow, which is approximately 2m in height and contains few gaps along the northern boundary of the site. The western boundary consists of a much larger hedgerow and a mature tree belt that prevents any views of the site or the Livelab building from this direction.
3. The field within which the panels are to be sited is a sloping site, with the land dropping away to the south before rising again to a further ridge approximately 700m to the south. The Livelab building is visible from the highway running north as it passes over this ridge.

Proposal

4. The proposal is for the installation of three sets of solar photovoltaic panels. The first of these is located on the south facing roof slope of the Livelab building. The second is located on the south facing wall of the same building, with the third group ground mounted and located in a row running parallel with the northern hedge boundary of the site.
5. The proposed ground-mounted panels are shown as being mounted on a framework, which is attached to the ground, and which limits the maximum height of the panels to 1.751m, which is below the height of the field hedge to the north.

Relevant Planning History

The agricultural building on the land was originally given planning permission by the Local Planning Authority in 2014 as a replacement to the adjacent dilapidated structure. Permission was subsequently granted for the change of use of the building to the current use in 2021, although no additional land was included within the change of use application at that time.

Planning Guidance and Policy

National Planning Policy Framework (NPPF) 2019

Chapter 2 – Achieving Sustainable Development

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Site Allocations and Policies DPD (2014)

SP5 - Built Development in the Towns and Villages

SP18 – Wind Turbines and Low Carbon Energy Developments

Core Strategy DPD (2011)

CS04 - The Location of Development

CS20 – Energy Efficiency and Low Carbon Energy Generation

Neighbourhood Plan

None

Officer Evaluation

Neighbourhood Plan

6. There is no neighbourhood plan in place that covers the application site.

Principle of the use

7. The proposal is for the siting of solar panels to provide power to the commercial premises located on the land.
8. Local Plan policy is to support such developments where their specific impacts are, or can be made, acceptable. There are no policy presumptions against development of this type and therefore the principle of the development is considered to be acceptable, subject to assessment of the detailed impacts.

Impact on the use of the land

9. The first two grouping of panels are located on the existing building and therefore do not have an impact on the land associated with the application. The third grouping of panels will take up a modest amount of existing agricultural land. The installation of solar panels of this nature is by the attachment of a framework to the ground, with the solar panels themselves then fixed onto that framework. Generally, the framework is attached to the ground by means of a piled foundation, minimising the amount of ground intrusion that occurs as a result of the development. Consequently, the impact of the proposal on the land itself is minimal, with the land able to be returned to active and productive agricultural use at the end of the lifespan of the development, if required. It is reasonable to secure the removal of panels and any associated infrastructure at the end of the lifespan of the development by means of a suitably worded planning condition.
10. On that basis, it is considered that the proposal would not result in the permanent loss of agricultural land, with the area of land given over to the panels themselves minimal in terms of its impact on the productivity of the existing field. The scheme would therefore have an acceptable impact on the use of the land.

Impact of the proposal on the character of the area

11. As noted above, the proposed ground mounted panels are located along the northern boundary of the site, behind the existing field hedgerow and below the height of the hedge. The existing landscaping to the west of the site prevents views of the building on which the other panels are to be located. Some views of the site are possible from the south, however the main impact on the character of the area from this point is the existing building on which the panels are to be located. Whilst there will be some views possible of the panels, these will not have a significant impact on the character of the area due to the distance from which they will be viewed and the short time for which they will be visible for the majority of viewers.

Impact on the neighbouring properties

12. There are no neighbouring properties that will be affected by the proposal.

Heritage

13. There are no heritage assets in the vicinity of the application site that may be affected by the proposal.

Highway issues

14. The proposals will not result in an operational change to the number of vehicles accessing the site. Construction traffic will need to access the site however the scale of this is not sufficient to justify the need for a construction traffic management strategy.
15. There are therefore no highway issues that affect the acceptability of the proposal.

Noise

16. Solar panels do not generate a significant amount of noise during operation. The only building in the vicinity of the site is the Livelab premises itself and therefore there is no unacceptable noise impact arising as a result of the proposal.

Crime and Disorder

17. It is considered that the proposal would not result in any significant crime and disorder implications.

Human Rights Implications

18. Articles 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation.
19. It is considered that no relevant Article of that act will be breached.

Consultations

20. No responses received

Neighbour Representations

21. No responses received

Conclusion

22. The proposal accords with the relevant policies of the development plan, and there are no material considerations arising as a result of the scheme that justify the refusal of the application.