

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

23rd May 2024

Application No:	SMD/2024/0067	
Location	The Tawny Hotel, Consall, ST9 0AG	
Proposal	Installation of new 300kW solar photovoltaic array inclusive associated infrastructure (Total 887 PV modules) including additional screen planting to rear of site.	
Applicant	Consall Hall Estate Ltd	
Agent	CTD Architects	
Parish/ward	Consall	Date registered 7 th February 2024
If you have a question about this report please contact: Mr Chris Johnston tel: 01538 395400 or e-mail christopher.johnston@staffsmoorlands.gov.uk		

REFERRAL

The application has been called in by Councillor Worthington.

1. SUMMARY OF RECOMMENDATION

Approve subject to conditions

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The site is in the open countryside a short distance to the east of Consall village and which comprises part of a field immediately to the north and west of the Tawny Hotel spa resort/estate, formerly Consall Hall. To the east is the main car park for the Tawny Hotel. To the south, is a row of wedding accommodation “pods” which run parallel to the north boundary of the Tawny Hotel estate. The rest of the field lies to the west of the site. There is another field to the north and further to the north is a dwelling on the south side of Consall Lane, called “Priory”, about 130m to the north of the site boundary. To the other side of Consall Lane is Old Hall Farm/Consall Old Hall. The access to the site is via one of the entrances to the Tawny Hotel off Consall Lane to the north-east and which leads to the car park. The field site is rectangular and has maximum dimensions of 100 x 40 metres (roughly 0.4 hectares although the forms state 0.48 ha presumably as the actual red line application site also includes the access and part of the Tawny Hotel grounds). The site is not in the ownership of the applicant but within the ownership of Consall Old Hall. The site is in the Green Belt. The site is also in the Churnet Valley.

3. DESCRIPTION OF THE PROPOSAL

3.1 This is a full planning application to cover the site with rows of ground-mounted solar/PV panels for the use of Tawny Hotel. A hedge would be continued along the

north boundary of the site to provide some screening. There would be 30 arrays (rows) of panels crossing the site on an east-west axis. The array structures supporting the panels would have a height of 2.0 metres.

3.2 The application site also includes the access driveway up to the public highway and part of the car park, presumably as these areas will be required for the construction vehicles.

3.3 There would also be battery storage. The submitted Planning Statement explains that this facility will enable any unused electricity generated by the solar array to be stored for periods when the array is less productive thereby optimising the efficiency of the solar array. This would be placed inside a metal container placed in the existing Tawny Hotel service yard to the other side of an existing close boarded fence marking the south edge of the car park. The container would have a footprint of 12.3 x 2.4 meters and a height of 2.6 metres. The cables and ducting from the batteries would be linked to the solar arrays field site via an underground trench. Three inverters would be placed on the boundary between the field and the car park.

3.4 The Planning Statement states the solar array development will produce in the order of 256.96 MWh of renewable electricity to serve the existing wedding venue and hotel on the site. It states the following:

“The proposed photovoltaic array will provide a renewable source of energy generation to serve the existing wedding venue and hotel at Consall Hall. The solar array is predicted to generate up to 256.96MWh of energy per annum which will be sufficient to meet the full energy requirements of the existing site. The solar panels will serve the development during the day, with the battery storage facility enabling the excess energy generated to be stored for use at night and / or when the solar panels are not as effective. The proposal will provide for a saving of some 49.69 tonnes of carbon dioxide emissions per annum, equivalent to the planting of 2,282 trees.”

3.5 Along with the Planning Statement, the application is accompanied by sheets of energy production and usage statistics associated with the development, 3D visuals of the development once in place, a Visual Impact Assessment Report and confirmation of notice served on the field owners.

3.6 On 30th April 2024, a Noise Impact Assessment, Construction Transport Statement and an amended plan to show an additional hedge along the south boundary of the site and north boundary of the Tawny Hotel estate was submitted.

3.7 The Transport Statement outlines there would be no more than three vehicle movements per day (i.e. to and from the site) over a four-week deliveries and construction period on Mondays to Fridays between the hours of 8.30am to 5pm.

3.8 The SMDC application, including all the drawings, documents, consultation responses and representations from the public can be viewed on the following Council website link:

4. RELEVANT PLANNING HISTORY

4.1 There have been no previous planning applications relating to the actual field where the solar arrays would be placed. The planning permission reference for the development of the former Consall Hall and Gardens into the current Tawny Hotel and spa lodges and Foxtail Barns wedding venue is SMD/2019/0057.

5. PLANNING POLICIES RELEVANT TO THE DECISION

Local Plan (adopted 9th September 2020)

SS1	Development Principles
SS10	Other Rural Areas Area Strategy
SS11	Churnet Valley Strategy
SD1	Sustainable use of Resources
SD2	Renewable / low-carbon Energy
SD3	Sustainability Measures in Development
DC1	Design Considerations
DC3	Landscape and Settlement Setting

National Planning Policy Framework (December 2023)

Paragraph(s) 1 – 14;

Section(s) 4 – Decision making; 11 – Making effective use of land; 12 – Achieving well designed and beautiful places; 14 – Meeting the challenge of climate change, flooding and coastal change.

6. CONSULTATIONS CARRIED OUT

Public

6.1 A site notice was placed on Consall Lane opposite Old Hall Farm on 19th March 2024.

6.2 Letters of objection have been received from two people and letters have also been received from one address neither supporting or objecting. The points raised are as follows:

- There is no guarantee that hedge screening will be effective
- Associated plant and machinery will exacerbate noise levels at the wedding venue
- No investigation of visual impact at a distance or from higher ground
- Concerns over the safety of battery storage
- A planning condition requires all vehicles to use the west access in the interests of highway safety and not the north as shown in the new plans
- Battery storage metal container out of keeping with the area and contrary to other planning conditions for the wedding venue/hotel to protect character and appearance and also highway safety as part of the car park will be used.
- Would add to the current glare from cars in the car park

- Harm to birds who might mistake the solar panels for water bodies
- The use of existing buildings for solar panels would be less damaging to character and appearance
- The development would be visible from first floor windows of dwellings to the north.

Consall Parish Council

6.3 No formal objections provided screening is adopted and the other matters are considered carefully.

SCC Local Highways Authority

6.4 Initial response dated 20.3.24:

Recommendation Summary: Refusal

Site Visit Conducted on: 07-Mar-2024

This application should be refused for the following reason:
Insufficient information.

NOTES TO PLANNING OFFICER

Application is for Installation of new 300kW solar photovoltaic array inclusive associated infrastructure (Total 887 PV modules) including additional screen planting to rear of site. The only reference to traffic in the application is in paragraph (1.4) in the planning statement V2. There is no substantive information on the transport aspects of the construction of the photovoltaic array.

A Transport Statement should be submitted detailing:

Duration of construction works;
Intensity of construction works – vehicles per day
Types and sizes of delivery vehicles;
Numbers of delivery vehicles;
Approach routes for deliveries;

Consideration of the effect of large delivery vehicles on relatively narrow lanes and proposals to safeguard or repair damage to carriageway, edge and verge; Can large HGVs and specialist haulage vehicles negotiate the access route? Auto tracking will be required of the largest vehicles.

The proposed route to the site needs to be identified on a plan and properly surveyed to identify points along that route where the introduction of significant numbers of HGV's would be hazardous. Particularly narrow sections of the route, bends with restricted forward visibility and junctions. Measures to overcome the highway dangers created need to be identified and the issues addressed.

Details of visits required for ongoing operations and maintenance;

As the majority of vehicle movements will likely be during construction works, a Construction Traffic Management Plan would also be appropriate, detailing:

- i) a site compound with associated temporary buildings;
- ii) the parking of vehicles of site operatives and visitors;
- iii) loading and unloading of plant and materials;
- iv) storage of plant and materials used in constructing the development;

Note to Planning Officer

This refusal will not prejudice consideration of a further application at a later date when:

- Transport Statement;
 - Construction Traffic Management Plan;
- are included in the application.

6.5 The local highways authority consultation comments in response to the later submitted Transport Statement will be provided at the Committee meeting.

Environmental Health

6.6 The initial response was as follows: *The development appears relatively small in comparison to similar applications we've been consulted on recently but from a noise perspective there is limited information provided i.e potential impact to current background sound levels, battery noise, inverter noise etc. The area is rural/ country park and likely to have low background noise levels especially at night. It is worth noting during the construction phase of the new hotel and function room a generator caused disturbance to neighbouring residential properties partly due to a low frequency hum it emitted which may not be significantly dissimilar to a battery storage unit. There is also a country park in relatively close vicinity so it would be prudent to protect this area from industrial type noise in compliance with Noise Policy Statement of England (NPSE).*

I would advise a noise assessment is submitted in compliance with BS4142:2014+A1:2019 Methods for rating and assessing industrial or commercial sound to support the application. It would be expected to assess the impact noise from the battery storage unit, inverters and any other associated plant or machinery has on the amenity of neighbouring properties and local area.

6.7 The formal consultation response of the Environmental Health Section following the receipt of the requested Noise Assessment Report will be reported at the Committee meeting.

Staffordshire Police Designing Out Crime Officer

6.8 No objection but security measures put in place is advised to deter theft and it is noted the west boundary is particularly vulnerable to intruders.

Staffordshire Fire & Rescue

6.9 Comments awaited regarding the safety of the battery storage and will be reported at the meeting.

7. POLICY AND MATERIAL CONSIDERATIONS / PLANNING BALANCE

Principle of Development and Main Issues

- 7.1 When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. This means that planning applications that accord with the policies in the Local Plan shall be approved without delay, unless material considerations indicate otherwise.
- 7.2 In its general approach, in accordance with policy SS1, the Council expects the development and use of land to contribute positively to the social, economic and environmental improvement of the Staffordshire Moorlands. Of specific and particular relevance to this proposal SS1 seeks to deliver:
- development which maintains the locally distinctive character of the Staffordshire Moorlands, its individual towns and villages and their settings;
 - development that is undertaken in a way that protects and enhances the natural and historic environment of the District and its surrounding areas, [including the Peak District National Park], both now and for future generations;
 - and to support development which secures high quality, sustainable environments, efficient and effective use of resources and contributes effectively to tackling climate change and reduced carbon emissions.
- 7.3 Policy SS10 for the rural areas outside of development boundaries states that “These areas will provide only for development which has an essential need to be located in the countryside, supports the rural diversification and sustainability of the rural areas, promotes sustainable tourism or enhances the countryside. The Council and its partners will achieve this through the following actions: [inter alia]
- 1) Meet housing requirements and specific needs restricting house building in the countryside to that which has an essential need.
 - 2) Sustain the rural economy by enabling limited expansion or development of business or employment uses where a rural location can be justified.
 - 3) Enhance and conserve the quality of the countryside by:
 - Giving priority to the need to protect the quality and character of the area and requiring all development proposals to respect and respond sensitively to the distinctive qualities of the surrounding landscape;
 - Ensuring renewable energy schemes are of an appropriate scale, type and location;
 - Encouraging measures which protect and enhance the biodiversity, geological resources and heritage of the District.
- 7.4 Policy SS10 also requires strict control over inappropriate development in the Green Belt.

7.6 The Council's specific renewable energy policy, SD2 states that:

The Council will strive to meet part of the District's future energy demand through renewable or low-carbon energy sources (which could be through a variety of technologies, for example solar energy, biomass etc), in line with current evidence which identifies the feasibility of these forms of energy across the District. The Council will assess wind turbine schemes in line with the Government's specific policy on wind turbines. For all other forms of renewable energy the Council will support small- and large- scale stand alone renewable or low-carbon energy schemes subject to the following considerations:

-the degree to which the scale and nature of a proposal impacts on the landscape, particularly having regard to relevant Landscape Character evidence and impact on the Peak District National Park (taking into account both individual and cumulative effects of similar proposals);

-the degree to which the developer has demonstrated any environmental/economic/social benefits of a scheme, as well as how any environmental or social impacts have been minimised (e.g. visual, noise or smell);

-the impact on designated sites of European (or successor), national and local biodiversity and geological importance in accordance with policy NE 1;

-the impact on the amenity of residents and other interests of acknowledged importance, including the historic environment;

-the degree to which individual proposals reflect current local evidence regarding the feasibility of different types of renewable or low-carbon energy at different locations across the District;

-in the case of solar energy proposals that are not affixed to buildings or structures, applicants will be expected to demonstrate that they have examined whether previously developed land is available before greenfield land. Where agricultural land is proposed, poorer quality land should be utilised before higher quality agricultural land.

7.7 As this is a proposal to generate renewable energy solely for the hotel and wedding venue complex electricity, Policy SD3 'Sustainability Measures in Development' would be more applicable than Policy SD2 (although there is clearly some overlap with the aims). Policy SD2 supports further carbon-saving or water-saving measures in both new and existing developments.

7.8 Section 14 of the NPPF is headed "Meeting the challenge of climate change, flooding and coastal change" and says that the planning system "should support renewable and low carbon energy and associated infrastructure". NPPF paragraph 163 states that:

“When determining planning applications for renewable and low carbon development, local planning authorities should:

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

7.9 Staffordshire Moorlands District Council declared a climate emergency on 10th July 2019 and committed to make the Staffordshire Moorlands carbon neutral by 2030.

7.10 The main issues to be determined in respect of this solar farm proposal would be:

- Whether or not the proposal would amount to inappropriate development in the Green Belt and if so, if there are any very special circumstances which are considered to outweigh the level of harm
- The principle of the development including the impact on agricultural land
- The impact on the character and appearance of the area and landscape
- The impact on residential amenity
- The impact on highway safety

The Impact on the Green Belt

7.11 The site is in the Green Belt and Policy SS10, the strategy for the countryside, requires strict control over inappropriate development in the Green Belt. The exceptional forms of development which are not deemed to be inappropriate are listed in paras 154 and 155 of the NPPF. Solar renewable energy development is not listed. The proposal is therefore inappropriate development in the Green Belt which is by definition in the NPPF, harmful to its openness and should not be approved unless there are very special circumstances (VSC) which are considered to outweigh the harm to the Green Belt. There is no specific definition of “very special circumstances” or a particular list of the forms of development which could be counted as VSC. However, the following paragraph in the NPPF, para 156 states that “when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.”

7.12 It is considered that such “very special circumstances” exist with this proposal which outweigh the harm identified from placing around 30 solar array structures covering a 0.4 ha piece of open Green Belt land. It is considered the environmental/sustainability benefits of renewable energy schemes such as solar arrays, including small-scale schemes which benefit existing neighbouring development, should be afforded significant weight. There is great policy support for such proposals and it is reminded the Council declared a climate emergency in 2019 and committed to make the Staffordshire Moorlands carbon neutral by 2030 and

therefore the rejection of such schemes would be completely contrary to these aims and it is also reminded that NPPF regards that the wider environmental benefits associated with increased production of energy from renewable sources may be included as “very special circumstances” to allow development in the Green Belt. The benefits are considered to outweigh the individual level of harm to Green Belt openness which is not substantial given the limited height of the structures and “temporary” nature of the development in terms of its form and materials and the fact that the development is “reversible” i.e. the development can be relatively easily removed from the site and therefore the openness returned. Many solar developments do not have a lifespan of over 40 years and are eventually decommissioned and removed from the land.

7.13 For the above reasons, it is considered the proposal passes the Green Belt tests and therefore complies with Section 13 ‘Protecting Green Belt Land’ and therefore Policy SS10 of the Local Plan.

The Principle of Development

7.14 As outlined in this report above, there is significant policy support for renewable energy schemes including both large scale solar farms and small-scale schemes of solar/PV arrays to support an existing development. Whilst it is always preferable to locate solar panels on existing buildings or on previously developed land (PDL) (“brownfield”) in order to protect the countryside, there is no suitable such land at, or neighbouring the Tawny Hotel estate or enough existing roof-space at the complex to accommodate a scheme of this size and to reduce the number of arrays or panels to fit into any spare previously developed space would diminish the benefits i.e. the amount of renewable energy produced. Where PDL land is unavailable, the Local Plan policies allow low-quality agricultural land to be used and the site is deemed to be low quality. The applicants Planning Statement includes an extract of the Natural England Agricultural Land Classification Maps to demonstrate that the land is graded as “Low Quality” (Grade 4 out of 5) agricultural land.

7.15 Therefore the overall principle of the development is deemed to be acceptable and this respect would comply with policies SS10, SD1, SD2 and SD3 of the Local Plan. However, the development must also be assessed against other Local Plan policies including those which seek to protect the character and appearance of the area, residential amenity and highway safety.

The Impact on the Character and Appearance of the Area

7.16 The site is a corner of a field partly enclosed by the Tawny Hotel development including the car park immediately to the east and the area of accommodation “pods” within the hotel grounds immediately to the south. The adjacent open areas of land lie to the west (the rest of the field) and to the north where another field lies to the other side of a hedge (which runs part of the way along the north boundary of the site). The site lies on land which slopes downwards towards the south and the rows of panels on the array structures would face this direction. The development would be screened by rows of existing boundary hedges and trees on the edges of the Tawny Hotel grounds to the south and east. It would also be screened from longer range views to the other side of the grounds, including raised land further to

the east and to the south by the existing hotel and wedding venue buildings and copses of trees and woodland within the grounds and gardens.

7.17 The development would be most visible from the north and west. There are no nearby public footpaths to the north or west. However, Consall Lane lies approximately 150m to the north and 300m to the west of the site boundaries. It would be possible to view the development from Consall Lane but it is not considered the development would be harmfully intrusive in the landscape when viewed from the road and the visual impact is helped by the land sloping downwards towards the south where the most prominent parts of the arrays, i.e. where the shiny metallic panel fronts would be facing. Therefore views of the development from the road to the north, would be restricted to the more recessive backs of the panels behind spindly frames but with the proposed new hedgerow along the north boundary of the site of at least similar height to the structures (i.e. 2.0 metres), the views would be further restricted to the top parts of the arrays, which would be around 30m wide. It is not considered the development would have a significant visual impact when viewed from Consall Lane to the north. From Consall Lane, to the west, the views would be from a distance twice as far and just the sides of the array frames may be visible, from a greater distance. It is considered the visual impact from the lane to the west would be even less than from the north. Furthermore, in the interests of minimising the visual impact as much as possible, the applicant has been requested to add a hedgerow along the west boundary of the development.

7.18 To conclude, the proposal would not significantly harm the character and appearance of the area and would therefore comply with policies DC1 and DC3 of the Local Plan.

Impact on Residential Amenity

7.19 Policy DC1 of the Local Plan also seeks to protect the residential amenities of the area as well as visual amenity and ensure new development does not affect local residents in terms of light provision, privacy or noise and disturbance.

7.20 The nearest dwelling is about 130m to the north of the site boundary. It would be possible to view the upper parts of the structures from the upper floor rear windows of the dwelling but the development would be largely screened by the proposed north boundary hedge and although parts would be likely to remain visible, it is not considered this would amount to a harmfully intrusive form of development to the extent that the residential amenities or living conditions of the occupants would be harmed and as stated above in this report, the downward slope of the site towards the south reduces the visual impact when viewed from the north.

7.21 With regard to noise, solar development in itself does not lead to significant amount of noise when in operation but they are not completely silent and noise would need to also be determined in conjunction with the current nature of the area and other neighbouring uses of land. The site is next to a wedding venue which was operating for a long time even before the approval for the Consall Hall redevelopment and therefore noise effects have been present in the area in the long term. The Environmental Health Section therefore requested a Noise Assessment

be undertaken and a report has been submitted and is currently being assessed by the Environment Health. The further comments of the section will be reported at the Committee meeting.

Traffic and highway safety issues

7.22 Solar development does not require staff to operate it and the only vehicle movements associated with this form of developments are during the construction phase. The local highways authority initially raised an objection to the application on the basis of insufficient information to determine whether increased vehicle movements at the construction phase would lead to any highway safety issues given the nature of the country lanes leading to the site accesses. A Transport Statement has now been submitted and is being assessed by the local highways authority (SCC) and their comments will be reported at the Committee meeting.

Other Points

7.23 With regard to battery storage, the Fire Service has been consulted for comments on safety issues. It is not considered the container would harm the appearance of the area as it is within a service compound screened by a close boarded fence to the north, separating it from the car park and the presence of buildings to the south. It would not interfere with parking or turning areas.

7.24 A condition would be added requiring full details of the proposed hedge planting to ensure a long-lasting and robust screen for the development.

7.25 The Police Designing Out Crime Officer commented on a crime risk regarding the west boundary being open to the field. The applicant has been requested to provide a hedge along this boundary for reasons of visual amenity as well as crime prevention. An informative can be added advising the applicant of other crime prevention measures that could be applied to the development.

7.26 The Council considers that most of the points raised by objectors or local residents have been addressed in the report. There was one point regarding birds mistaking the development for a body of water. However, the Council has not been provided with any evidence from ecology consultants, when determining larger solar development schemes, that such development is directly harmful to birds.

8 CONCLUSION AND PLANNING BALANCE

8.1 There remains clear national and local policy support for renewable energy which weighs heavily in favour of solar development, both for solar farms and also smaller schemes providing existing developments with renewable energy such as the scheme put forward. The site is in the Green Belt and under the NPPF, such schemes are still deemed as "inappropriate development" in the Green Belt. However, the sustainability and environmental benefits of this proposal are considered to outweigh the level of harm to the openness of the Green Belt and that this counts as the "very special circumstances" required to allow this scheme. There are no other harms identified with this proposal, including any harms to the visual or residential amenities of the area, subject to

the final comments of the Environmental Health Section. The proposal would comply with the Local Plan and the government planning guidance contained in the National Planning Policy Framework (NPPF) and therefore the application is recommended for approval.

9 RECOMMENDATION

A. Approve subject the further comments of the local highways authority, Environmental Health and the Fire Service and also subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with the provisions of Section 51 of the Town and Country Planning, Planning and Compulsory Purchase Act, 2004.

2. The development hereby approved shall be carried out in accordance with the details as submitted in the application form and submitted specifications and as shown in amended drawings:

1824 AL350

1824 AL351 Rev A

1824 AL353 Rev C

1824 AL354 Rev A

1824 AL355 Rev A

Reason: To ensure that the development is carried out in accordance with the submitted details and approved plans, in the interests of good planning, for clarity and the avoidance of doubt.

3. The development including all materials shall be removed from the site within 12 months of the development ceasing to be used for the generation of renewable energy.

Reason: In the interests of the openness of the Green Belt and the visual and residential amenities of the area.

4. Before the development is brought into use, hedges shall be provided along the north and west boundaries of the site in accordance with details to be submitted to and approved in writing by the local planning authority. Such details shall include:

- Planting plans**
- Written specifications (including cultivation and other operations associated with plant and grass establishment)**
- Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate**

Reason: To ensure the appropriate landscape design and in the interests of the visual and residential amenities of the area.

5. The implemented hedge planting scheme shall be subsequently properly maintained in accordance with good horticultural practice; any plants which are removed, die, become diseased or otherwise fail to establish within 5 years of planting shall be replaced during the next available planting season and the replacements themselves shall then be properly maintained.

Reason: To ensure the appropriate landscape design and in the interests of the visual and residential amenities of the area.

6. Any conditions recommended by SCC as local highways authority or Environmental Health.

B In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.



