

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	05/02/19
Planning Development Manager authorisation:	AN	5/2/19
Admin checks / despatch completed	en	07/2/19

12/2

**Application:** 18/02030/FUL **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mr & Mrs C Hill

**Address:** Walton Hall Old Hall Lane Walton On The Naze

**Development:** Installation of ground mounted 20 Kw 64 panel photovoltaic array.

### 1. Town / Parish Council

Frinton and Walton Town Council Approval.

### 2. Consultation Responses

N/A

### 3. Planning History

01/01132/FUL	Restoration, refurbishment and extension to existing dilapidated tower dwelling and adjoining buildings to form new dwelling house	Approved	22.08.2001
01/01133/LBC	Restoration, refurbishment and extension to dilapidated dwelling/shooting lodge, including part demolition of dangerous structures. Stock red brick plinths, rendered walls, homemade clay plain tiles, natural slate and leadwork to roof area	Approved	22.08.2001
96/00199/FUL	(The Granary, Walton Hall Farm, Old Hall Lane, Walton on the Naze) Conversion of redundant farm building into holiday accommodation	Withdrawn	07.05.1996
96/00200/LBC	(The Granary, Walton Hall Farm, Old Hall Lane, Walton on the Naze) Conversion of redundant farm building into holiday accommodation	Withdrawn	07.05.1996
96/00852/LBC	(The Granary, Walton Hall Farm, Old Hall Lane, Walton on the Naze) Repair and replacement of	Approved	23.08.1996

	defective materials and structure		
04/01378/FUL	Conversion of barns into a heritage visitor centre to interpret the ecology, history and natural environment of the Naze.	Withdrawn	03.03.2008
04/01379/LBC	Conversion of barns into a heritage visitor centre to interpret the ecology, history and natural environment of the Naze.	Withdrawn	03.03.2008
04/02353/LBC	Structural repairs to stabilise existing structure.		07.03.2005
90/00199/FUL	Restoration of farm buildings and conversion to a museum open to the public with pedestrian access to the Naze public open space.	Refused	25.04.1990
16/01066/FUL	Proposed car port and snooker room.	Approved	21.09.2016
17/00339/FUL	Installation of ground mounted 8.5 kilowatt panel photovoltaic array.	Approved	17.08.2018
17/00340/LBC	Installation of ground mounted 8.5 kilowatt panel photovoltaic array.	Withdrawn	17.03.2017

#### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

EN1 Landscape Character

EN3 Coastal Protection Belt

EN13A Renewable Energy

EN23 Development Within the Proximity of a Listed Building

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

PPL2 Coastal Protection Belt

PPL3 The Rural Landscape

PPL9 Listed Buildings

### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

## **5. Officer Appraisal**

### **Site Description**

The application site is land sited to the south-west of Walton Hall, Old Hall Lane, Walton-on-the-Naze. Walton Hall is a Grade II Listed Building and is a former navigation tower, formerly used as a lead light with Naze Tower to guide vessels through the Goldmer Gap. The character of the surrounding area is a mixture of urban, with built form to the north and east, and rural, with large areas of grassed and agricultural land further out to the west in particular. The site falls adjacent to, but outside of, the Settlement Development Boundary for Walton-on-the-Naze within both the Saved Tendring Local Plan 2007 and the Emerging 2013-2033 Tendring Local Plan Publication Draft. The site falls within a Coastal Protection Belt.

### **Description of Proposal**

This application proposes the installation of a ground mounted photovoltaic array comprising of 64 panels in total, providing a 20Kw system. The panels will be set in two rows of 32, will measure 1m in height and will be screened by proposed mixed native hedging and 1.2m high post and rail fencing.

### **History**

Under planning reference 17/00339/FUL, permission was granted for the installation of a ground mounted photovoltaic array comprising of 34 panels in total, providing an 8.5Kw system. This was approved to the north-east of the application site for this current proposal.

## Assessment

### 1. Principle of Development

The National Planning Policy Framework (2018) states in paragraph 148 that the planning system should support the transition to a low carbon future in a changing climate, and should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, and support renewable and low carbon energy and associated infrastructure.

Paragraph 154 goes on to state that when determining planning applications, local planning authorities should 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; and approve the application if its impacts are (or can be made) acceptable.

Policy EN13a of the 2007 Local Plan relates to renewable energy and states that planning permission will be granted for renewable energy generation subject to there being no material adverse impact on the local environment in relation to noise, vibration, smell, visual intrusion, residential amenity, landscape characteristics, biodiversity, cultural heritage, the water environment, the treatment of waste products and highway considerations. The sentiments of this policy are carried forward within Policy PPL11 in the Emerging Local Plan, where it states proposals for renewable energy will be considered having regard to their scale, impact and the amount of energy to be generated.

It is therefore the impacts of proposals for renewable energy generation that need to be considered rather than the principle of such development in the countryside.

### 2. Visual and Landscape Impact

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Policy EN3 of the Adopted Local Plan states new development which does not have a compelling functional need to be located in the Coastal Protection Belt will not be permitted. The onus will be on the applicant to prove such a need, by showing that by reason of its critical operational requirements the development cannot be located outside the Coastal Protection Belt. Even where a compelling functional need is demonstrated, the development should not significantly harm the landscape character and quality of the undeveloped coastline.

Whilst the application does fall within a Coastal Protection Belt, the applicant has supplied supporting information which explains that there are current issues regarding the energy efficiency of Walton Hall, resulting in coldness and dampness in the winter months. The information states there is a determination to keep Walton Hall in an excellent condition and therefore a number of options have been considered to address the problem; namely upgraded windows, air source heat pumps and ground source heat pumps. However, due to a potential loss of the buildings existing character, noise concerns and archaeological issues, these three options were discarded and it was concluded that photovoltaic panels would be the best solution as they rely solely on the sun, are silent and can be located away from the main building.

It is therefore reasonable to state that the applicant has provided sufficient justification for the proposal within a Coastal Protection Belt, and have also chosen a solution that will have a minor impact to the area. Whilst the works will initially result in the development appearing prominent, the Landscaping Statement details that the applicant intend to install a water irrigation system to ensure the planting matures at a quicker rate, and will eventually be a minimum height of 1.2m. It is therefore accepted that in the short-medium term the development will be well screened from this hedging to the south and north, whilst existing hedging, trees and proposed fencing will help soften

the impact from views from the east. Further, the Council's Tree and Landscapes Officer has stated there are few, if any, Public Rights of Way in the vicinity from which the development will be visible. Therefore it is considered, on balance, the works will not result in significant harm to the existing landscape area. A condition will be imposed to ensure the panels are removed when no longer supplying electricity to the dwelling or grid.

### 3. Impact upon Listed Building

Paragraph 196 of the National Planning Policy Framework (2018) states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policy EN23 of the Adopted Local Plan states that proposals for development that would adversely affect the setting of a Listed Building, including group value and long distance views will not be permitted. The sentiments of this are carried forward within Policy PPL9 of the Emerging Local Plan.

The applicant has identified the proposal is within the grounds of the Grade II Listed Building, Walton Hall, and accordingly has submitted a Heritage Statement that has sought to justify the proposal will either preserve or enhance the setting of the listed building.

Approximately 55 metres to the north of the proposed development lies a Grade II Listed Building known as the 'Navigation Tower At Walton Hall'. Due to its current relatively open setting, a key consideration of this application is the impact of the proposed development on this setting. Officers dispute the conclusion within the submitted Heritage Statement that states the proposal will 'not have any impact on Walton Hall', as there will clearly be a degree of harm to the existing open setting. However, it is also acknowledged there is an approximate separation distance of 50 metres which will ensure that main views of the listed building will be preserved, whilst the proposal is of a small height, thereby reducing its impact. Further, native hedging to the northern elevation in addition to existing hedging and proposed fencing, will soften the development and also provide good screening. As a result whilst some harm has been identified to the open setting of the listed Navigation Tower, on balance, the public benefit of renewable energy outweighs the less than significant harm to the setting of the Listed Building, subject to conditions securing the proposed cedar hedge.

### 4. Impacts to Neighbouring Amenities

Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

There are a number of residential properties located to the east of the application site. However, given an approximate separation distance of 100 metres and an overall height of 1 metre, there is considered to be no impacts to existing amenities as a result of the proposed works.

### Other Considerations

Frinton and Walton Town Council support the proposal.

No other letters of representation have been received.

## 6. **Recommendation**

Approval.

## **7. Conditions**

- 1 The development hereby permitted 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 be carried out in accordance with the following approved plans, drawing numbers 101, 102, 103, 104, 105, 107, and the submitted documents titled 'Design and Access and Heritage Statement', 'Planning Statement' and 'Landscaping Statement'.

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

- 3 If the solar panels fail to produce electricity to supply the site or grid for a continuous period of six months they shall be removed from the land within a period of six months from the end of that period. Written proof of electricity production from the panels shall be provided to the Local Planning Authority upon its request within a period of 28 days of the date of any such request.

Reason - In order to ensure that the solar panels fulfil their required purpose or is removed from the land in the interests of rural visual amenity and preserving the setting of the Grade II Listed Building.

- 4 The planting of the Mixed Native Hedging, as shown on drawing numbers 103 and 107, shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority, and retained thereafter. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure the proposed development is well screened and does not significantly impact the open setting of the adjacent Listed Building.

## **8. Informatives**

### **Positive and Proactive Statement**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.