

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	27/03/19
Planning Development Manager authorisation:	Gr	27/03/19.
Admin checks / despatch completed	AP	27/3/19

KNE

Application: 19/00160/FUL **Town / Parish:** Mistley Parish Council

Applicant: Peter French

Address: Home Farm 119 Harwich Road Mistley

Development: Proposed ground solar array.

1. Town / Parish Council

Mistley Parish Council At its Planning Committee Meeting on the 28th February 2019 the Parish Council made No Comment.

2. Consultation Responses

Tree & Landscape Officer The area of land intended for the positioning of the solar array is set to rough grass with small trees. None of the trees merit retention or protection by means of a tree preservation order.

Views of the site are limited to those from the highway to the south of the application site and, at best will be 'fleeting' and from passing vehicles.

The proposed soft landscaping shown in the Design, Access and Heritage Statement has been carried out and will contribute to the current, good level of screening.

In terms of the impact of the development proposal on the local landscape character it is considered that the small scale, low level development, will not have a harmful impact on the qualities and value of the local landscape.

Consideration should be given to a soft landscaping condition that requires the retention of the new planting for the lifespan of the solar array.

3. Planning History

00/00013/TELCO M	Erection of one 15-metre monopole complete with three cross polar antennas, two dish antennas, one radio equipment housing and development ancillary thereto.	Determinati on	02.02.2000
01/01340/FUL	Proposed tennis court with changing room and practice wall	Approved	10.10.2001
98/00078/LBC	Two replacement wooden window frames - as existing	Refused	21.04.1998

99/00809/FUL	Proposed alterations and extensions to existing dwelling	Approved	19.07.1999
99/00810/LBC	Proposed extensions and alterations to existing dwelling	Approved	19.07.1999
19/00158/FUL	Proposed swimming pool extension.	Approved	26.03.2019
19/00159/LBC	Additional roof to link two outbuildings together.	Approved	26.03.2019

4. **Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

EN3 Coastal Protection Belt

EN5A Area Proposed as an Extension to the Suffolk Coasts and Heaths AONB

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

PPL10 Renewable Energy Generation

SPL3 Sustainable Design

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 to the north of Home Farm, which is located to the northern section of Harwich Road within the parish of Mistley. Home Farm is a Grade II Listed Building. The site falls outside of the Settlement Development Boundary of Mistley within both the Saved Tendring Local Plan 2007 but within in the Emerging 2013-2033 Tendring Local Plan Publication Draft. The character of the surrounding area is semi-rural, with a large number of residential properties to the west and grassed/agricultural land to the east. The site also falls within an Area of Outstanding Natural Beauty and within a Coastal Protection Belt.

Description of Proposal

This application proposes the erection of an 88 panel solar array, split into four sections of 22 arrays, located approximately 100m to the north of Home Farm. The arrays will measure a total of 36m width, 10.5m depth and 0.5m height, and will also incorporate native hedgerow planting to the eastern and northern boundaries.

Assessment

Policy EN13a of the Adopted Local Plan states planning permission will be granted for development proposals for renewable energy generation, subject to there being no material adverse impact on the location environment in relation to noise, vibration, smell, visual intrusion, residential amenity, landscape characteristics, biodiversity, culture heritage, the water environment, the treatment of waste products and highway and access considerations. The sentiments of this policy are carried forward within Policy PPL10 of the Emerging Local Plan, where it states proposals for new renewable energy schemes will be considered having regard to their scale, impact and the amount of energy which is to be generated.

The solar panels would be located approximately 100 metres to the rear of Home Farm, beyond the existing allotment. Whilst the number of panels is a significant form of development, the submitted plans show they will be low lying. Given this, the significant distance they will be set back from the highway and Listed Building, and that the southern and western boundaries of Home Farm are well screened with mature vegetation, the works will not be visible from the street scene.

However, given the sites location within a Coastal Protection Belt and an area proposed as an extension to the Suffolk Coast and Heaths AONB, there will be key views of the solar panels from views from the north and east. Therefore the inclusion of native hedgerow to both of these boundaries is welcomed, and helps to soften the impact of the proposal. A condition for the retention of this planting will be added to the decision. Therefore, the development will result in a neutral impact to the character of the area, whilst the use of renewable energy is encouraged by this Authority.

The nearest adjacent property is Number 117 Harwich Road to the south-west. Given an approximate separation distance of 70 metres and that the proposal will be of a low height, there is considered to be no significant harm to this properties existing amenities.

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 EN22 of the Adopted Plan states that alterations to a Listed Building will only be permitted where it would not result in the damage or loss of features of special architectural or historic interest. The sentiments of this policy are carried forward within Policy PPL9 of the Emerging Plan.

Home Farm is a Grade II Listed Building, however is located approximately 100m to the south. Given such a separation distance there is considered to be less than substantial harm to a designated heritage asset, while there are some public benefits from the additional renewable energy.

Other Considerations

Mistley Parish Council has raised no objections to the proposed development.

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 18/1001/2 Revision A, 18/1001/5 Revision A, 18/1001/12 and the document titled 'Design and Access Statement with Heritage Statement' dated March 2019.

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 are removed from the land in the interests of rural visual amenity, protecting the Coastal Protection Belt and Area of Outstanding Natural Beauty, and preserving the setting of the Grade II Listed Building.

- 4 The native hedgerow, as shown on drawing number 18/1001/5 Revision A, shall be retained as approved for the lifespan of the solar array.

Reason - To ensure the proposal is well screened for the lifespan of the solar array, in the interest of visual amenity.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.