

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	ER	08/02/2024
Team Leader authorisation / sign off:	ML	09/02/2024
Assistant Planner final checks and despatch:	ER	09/02/2024

Application: 23/01632/FUL **Town / Parish:** Thorpe Le Soken Parish Council

Applicant: Mr Charles Ahenda-Bengo - Solar Options For Schools Ltd

Address: Rolph C of E Primary School High Street Thorpe Le Soken

Development: Proposed addition of 123 solar modules on the pitched and flat roofs of the school building.

1. Town / Parish Council

Thorpe Le Soken Parish
Council

Whilst the Parish Council recognise the need for sustainable initiatives and have no objection to the installation of the solar panels, we have some concerns regarding the proposed positioning of some of the panels and their visual impact on the conservation area as they will be visible from the high street. 158 panels is a large number and the parish council request that consideration be given to a reduction in the number of panels installed so that located on roofs that would be visible in the conversation area are removed from the scheme.

2. Consultation Responses

Essex County Council
Heritage
11.01.2024

The application is for proposed addition of 158 solar modules on the pitched and flat roofs of the school building.

The proposal site is a non-designated heritage asset within the Thorpe Le-Soken Conservation Area.

Whilst sustainability and energy efficiency are legitimate issues, for historic buildings and buildings in conservation areas a balance must be achieved between generating its own energy and avoiding damage both to the significance of the building and its fabric, and the visual impact of the renewable installation on the character and appearance of the Conservation Area.

The installation of the proposed solar modules to the pitched and flat roof of the school building is considered to result in less than substantial harm to the character and appearance of the Conservation Area and to the significance of the school building as a non-designated heritage asset due to the extension of the proposed surface to be covered by PV panels and their visibility from the Conservation Area. With regards to the National Planning Policy Framework (2023), the level of harm to the Conservation Area is considered to be 'less than substantial'. As such the local planning authority should weigh this harm against any public benefits of the proposal including, where appropriate, securing its optimum viable use as per Paragraph 208. Given the proposal would have a detrimental impact upon the significance of a non-designated heritage asset, Paragraph 209 of the NPPF is also relevant.

The installation of solar panels in most of the proposed locations would be highly visible from the High Street and from the adjoining

buildings within the Conservation Area and would introduce a non-traditional and incongruous feature within the street scene, failing to make a positive contribution to local character and distinctiveness, as set out in Paragraph 203c of the NPPF.

There is however the potential here to install a lower number of PV panels in more sympathetic locations, minimising their visual impact from the Conservation Area. Essex Design Guide and 'Historic England: Energy Efficiency and Historic Buildings; Solar Electric (Photovoltaics) provide advice on how to choose a location for proposed solar array in the historic environment. It is considered best practice to appraise each option sequentially in the following order of preference:

- Ground-mounted
- To the roof of any outbuilding (such as garage or shed)
- To the roof of a later / modern extension
- To the rear, or least visible, roof slope of the host dwelling

It should be noted that demonstrating that a preferred alternative location is not viable, does not mitigate the potential harm caused by solar panels to roofs, and some heritage assets may not have the capacity for this change. There is no presumption for acceptability without carefully considered options.

The potential for ground mounted solar panels should be investigated, however this should be considered against the school needs and requirements. Overall, I believe that some suitable locations could be identified as follows:

- The new extension flat roof (Roof 05): these panels could be easily concealed behind the parapet and would have very limited visibility from the street level;
- South pitch of Roof 03 at low level;
- South range of Roof 06;
- Roofs above the buildings to the north of Roof 4, which are likely to be non visible from the Conservation Area.

Setting aside the manufacturing and transportation impacts, it is acknowledged that the installation of solar panels may result in some public benefits. However, these comments seek only to advise of any identified impact or harm to the heritage asset resulting from their installation. No assumption has been made as to whether the proposals would bring about any public benefits, or whether the potential benefits outweigh any identified harm.

3. Planning History

00/01182/FUL	Erection of a concrete garage at edge of school field to house P.E. equipment	Approved	24.08.2000
02/00823/CON	Full glazed extension to main hall		03.07.2002
02/00910/FUL	Full glazed extension to main hall.	Approved	04.07.2002
92/00113/FUL	Relocatable timber framed classroom with toilet for educational use (renewal of permission TEN/349/87)	Approved	19.02.1992

94/00732/FUL	(Rolph Church of England Primary School, High Street Thorpe le Soken) Construction of new pitched roofs on existing flat roofs. Installation of new escape doors and windows	Approved	21.07.1994
97/00003/FUL	(Rolph C of E Primary School, High Street, Thorpe) Relocatable timber framed classroom with toilet (renewal of TEN/92/0113)	Approved	30.01.1997
99/00511/FUL	Extension containing one KS1 classroom and toilets to existing primary school building	Approved	26.05.1999
99/00512/CON	Single storey extension to house one classroom. All materials to match existing. No demolition involved apart from connecting doorway.		12.04.1999
04/00045/TPO	T.3 - Prune branches back of 1 Purple Leaf Plum to clear overhead cables by 500mm [TPO/27/93]	Approved	30.01.2004
04/00052/TCA	Prune branches back to clear the side of the school building by 1.5 metres and overhead telephone cables by 1 metre	Approved	31.01.2004
07/01339/FUL	Remodelling and extension to Key Stage 2 classroom accommodation.	Approved	11.12.2007
09/00253/TCA	1 No. Plum - fell	Approved	17.04.2009
09/00255/TPO	2 No. Willow - fell (TPO 9/99)	Approved	17.04.2009
09/00256/TPO	Cherry (T1) - remove lowest limb overhanging play area and reduce crown by 1.2 metres. Plum (T3) - fell	Approved	17.04.2009
10/00304/FUL	Demolition/removal of existing relocatable building and construction of a new single storey pitched roof extension.	Approved	27.05.2010
10/00305/CON	Demolition/removal of existing relocatable building and construction of a new single storey pitched roof extension.	Approved	27.05.2010
10/01335/TPO	TPO10/32 - T2, T4, T5 and G1 - prune lower branches to allow access and prevent injury to children	Approved	13.12.2010
10/01337/FUL	Construction of new single storey pitched roof extension to form new entrance foyer. Demolition of existing dilapidated metal storage shed and dilapidated timber storage shed and construction of new timber storage shed.	Approved	17.01.2011

10/01338/CON	Construction of new single storey pitched roof extension to form new entrance foyer. Demolition of existing dilapidated metal storage shed and dilapidated timber storage shed and construction of new timber storage shed.		22.11.2010
12/01188/TCA	Field Maple - fell.	Approved	22.11.2012
13/00806/TPO	T2 - Oak, remove deadwood. G1 - Lime , pollard to previous pollard point.	Approved	13.08.2013
13/00807/TCA	T5 - Cherry, reduce crown by 2m to reduce stress at compression fork.	Approved	13.08.2013
19/00433/TCA	Remove Birch and Cherry trees.	Approved	08.04.2019
22/01346/FUL	Proposed construction of single storey flat roof extension to form new classroom including new wc facility adjacent to existing entrance foyer. Demolition of timber storage shed.	Approved	02.12.2022
23/01039/WTREX	2no. Lime - Reduce.	Approved	21.07.2023
23/01515/FUL	Proposed removal of existing metal chain link and timber trellis fencing, and installation of 2.4m high weldmesh fencing and pedestrian gate.	Approved	14.12.2023
23/01632/FUL	Proposed addition of 123 solar modules on the pitched and flat roofs of the school building.	Current	

4. Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any neighbourhood plans that have been brought into force.

5. Neighbourhood Plans

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

6. Relevant Policies / Government Guidance

NATIONAL:

National Planning Policy Framework 2023 (NPPF)

National Planning Practice Guidance (NPPG)

LOCAL:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021):

SP1 Presumption in Favour of Sustainable Development

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022):

SPL1 Managing Growth

SPL3 Sustainable Design

PPL10 Renewable Energy Generation and Energy efficiency Measures

PPL8 Conservation Areas

PPL9 Listed Buildings

Supplementary Planning Guidance:

Essex Design Guide

No emerging or adopted neighbourhood plan

7. Officer Appraisal

Site Context

The application site comprises of a large, detached school building set well back from the main highway with parking to the front. The site comprises of a primary school which serves the area varying in different roof pitches and levels representing previous extensions to the existing structure. The site is located within the development boundary and conservation area for Thorpe le Soken.

Proposal

This application seeks planning permission for the addition of 123 solar modules on the pitched and flat roofs of the school building.

The proposal has since been amended to show a reduction in panels following concerns regarding the visual impact from ECC Heritage.

Assesment

Visual and Heritage Impact

The National Planning Policy Framework 2023 attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 135 of the Framework requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings.

Paragraph 164 of the NPPF states that In determining planning applications, local planning authorities should give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic buildings.

Paragraph 203 requests that when determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Adopted Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context. Adopted Policy SPL3 of Section 2 of the 2013-33 Local Plan also requires, amongst other things, that the development respects or enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features.

Policy PPL8 of the Tendring District Local Plan 2013-2033 seeks to ensure that any new development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area.

Whilst the site is located within the conservation area it has not been awarded special mention within the Thorpe le Soken Conservation Area appraisal document.

Policy PPL10 states that proposals for renewable energy schemes will be considered having regard to their scale, impact (including cumulative impact) and the amount of energy which is to be generated. All development proposals should demonstrate how renewable energy solutions, appropriate to the building(s) site, and location have been included in the scheme and for new buildings, be designed to facilitate the retro-fitting of renewable energy installations. Planning permission will only be granted where the applicant can demonstrate that all reasonable renewable energy and energy efficiency measures have been fully considered and, where viable and appropriate, incorporated into the design, layout and construction. The Council will consider the use of planning conditions to ensure the measures are delivered.

The existing school building is significantly set back from the front boundary of the site with its front elevations facing in a southerly direction. The building itself focuses around one large central forward gable feature with surrounding pitched roofs as a result of multiple extensions over the years. The plans show that the solar panels will be positioned on the majority of these roofslopes which face south to achieve the optimal receipt of sunlight. Whilst the building itself is set back its design and bulk form a prominent and noticeable feature within the High Street and this section of the conservation area.

The placement of the solar panels will be a public and noticeable addition to the roofs of the building and will result in an impact to the appearance and character of it within the streetscene and this protected area. Despite being visible the set back of the building would reduce the prominence of the solar panels and the variations in roofslope heights will allow for many of them to be screened by elements of the existing building.

The ECC Heritage Team have been consulted and provide concerns over the quantity and placement of the proposed solar panels confirming that their impact would be contrary to local and national policy resulting in a harmful impact to the appearance/ character of the conservation area. They have confirmed that "with regards to the National Planning Policy Framework (2023), the level of harm to the Conservation Area is considered to be 'less than substantial'. As such the local planning authority should weigh this harm against any public benefits of the proposal including, where appropriate, securing its optimum viable use as per Paragraph 208. Given the proposal would have a detrimental impact upon the significance of a non-designated heritage asset, Paragraph 209 of the NPPF is also relevant."

Whilst concerns have been raised, they have confirmed that the harm resulting from the proposal would be "less than substantial" and should be weighed against the relevant public benefits. The NPPF paragraph 164 confirms that significant weight should be to support proposals of low energy efficient ways to power both domestic and non-domestic buildings. Adopted policy PPL10 is also relevant here. Solar panels form a source of renewable energy which would aid if providing power to a large building preventing significant harm to the environment. This is a considerable public benefit resulting from the project.

Since receiving their response and after negotiations with the applicant the number of panels proposed has been significantly reduced to 123 in total with large sections being removed from part of the building labelled as "roof 6" on the provided plans. A detailed justification of the proposal has also been provided along with a heritage statement. This statement outlines that the proposal will allow the building to generate large parts of their own energy instead of offsetting their electrical demands having a better financial gain for the school.

ECC heritage have encouraged alternative approaches to consider which are maybe more sympathetic to the conservation area setting. One suggestion was ground mounted systems, unfortunately due to the school's location within a busy high street they are already limited for space and therefore this approach would not be suitable for them.

Thorpe le Soken comprises of multiple listed buildings with the nearest ones being "Gover House," "Norfolk House," "The Baptist Church" and "Sunday School." These buildings are all grade II Listed Buildings which are sited sufficient distance away from the application site preventing the provision of solar panels from having a harmful impact in regard to their appearance and setting.

In summary, the proposal will result in an impact to the character appearance of the conservation area; however, when weighed against the public benefits resulting from the reduced number of solar panels and requirements from the NPPF to encourage renewable forms of energy, this impact would not be considered so significant to refuse planning permission upon in this instance. As such the benefits derived from installing the solar panels are not outweighed by the level of harm identified.

Impact to Neighbours

The proposal is of a nature which will be sited sufficiently away from shared boundaries preventing a significant loss of amenities to neighbouring sites.

Other Considerations

Whilst Thorpe le Soken Parish Council recognise the need for sustainable initiatives and have no objection to the installation of the solar panels, we have some concerns regarding the proposed positioning of some of the panels and their visual impact on the conservation area as they will be visible from the high street. 158 panels is a large number and the parish council request that consideration be given to a reduction in the number of panels installed so that located on roofs that would be visible in the conversation area are removed from the scheme.

Officer Response - The proposal has been reduced to 123 panels and a sound justification has been provided from the agent stating the reasoning behind the proposal.

There have been no further letters of representation.

Conclusion

The proposal is therefore considered to be compliant with national and local policy as assessed in the above report.

Whilst the introduction of solar panels here will result in a level of harm to the character/ appearance of the conservation area and visual amenity of the site, the public benefits resulting from a greener energy source and financial benefits are considered to outweigh this harm in this instance. The application is therefore recommended for approval.

8. Recommendation

Approval - Full

9. Conditions

1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later 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 Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

AMENDED BLOCK PLAN - REC'D 08.02.24
PROPOSED ROOF PLAN (SCALED MAP) - REC'D 08.02.2024
REVISED ROOF PLAN DESIGN PHOTO - REC'D 02.02.2024
SITE PLAN (SHOWING BUILDING LOCATION) - REC'D - 14.12.2023
PANEL DETAILS - REC'D 16.11.23
SITE PLAN (SHOWING WHOLE SITE) - REC'D 14.12.2023
HERITAGE STATEMENT - REC'D 08.02.24
DESIGN AND JUSTIFICATION - REC'D 02.02.2024

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

3 COMPLIANCE – REMOVAL OF PANELS

CONDITION: The solar panels hereby approved shall be removed from the site in their entirety including any associated equipment as soon as reasonably practicable when no longer needed for their intended purpose of generating energy.

REASON: In the interest of protecting visual amenity and to define the scope of this permission.

10. 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.

11. Equality Impact Assessment

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include 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* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact (As known with application)
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

