

14/00027/FUL**LAND NORTH OF THE LAWN HALL ROAD ROCHFORD****INSTALLATION OF 6 ROWS OF FREE STANDING SOLAR PHOTOVOLTAIC PANELS**APPLICANT: **MR KEDDIE**ZONING: **METROPOLITAN GREEN BELT**PARISH: **ROCHFORD**WARD: **ROCHFORD**

In accordance with the agreed procedure this item is reported to this meeting for consideration.

This application was included in Weekly List No.1225 requiring notification of referrals to the Head of Planning and Transportation by 1.00 pm on Wednesday, 19 March 2014 with any applications being referred to this meeting of the Committee. The item was referred by Cllr Mrs G A Lucas-Gill

The item that was referred is appended as it appeared in the Weekly List, together with a plan.

1 NOTES

- 1.1 Planning permission is sought for the installation of 6 rows of free standing solar photovoltaic panels at land north of the Lawn, Hall Road, Rochford. The site is an open field located on part of a wider site known as The Lawn, which includes a Grade II listed building used as a conference and banqueting centre, a caravan site, stables and domestic dwellings. The field where the solar panels would be located are to the north of the private drive, Grade II listed building and stables.
- 1.2 The proposal would consist of 6 rows of free standing solar photovoltaic panels with each panel rising to a height of 1.5m with a width of 0.992m. The aerial view provided with the application shows that 112 panels would be installed across an area measuring 20.22m wide and 23.429m deep, the rows would be approximately 4.4m apart. To gain the most energy the panels would face south. It is proposed to surround the site with planting; the supporting statement refers to large conifer tree screen already planted to the west of the site. The supporting statement also explains that the number of

panels to be installed will provide enough energy to power the building whilst also feeding energy back into the grid for re-use elsewhere.

- 1.3 Another planning application that the Council has considered for solar panels on open land with similar considerations is at Oldbury Farm in Great Wakering, which put forward a proposal for 78 panels in two rows and planning permission was granted for this development (Reference 11/00463/FUL). This application was granted in 2011 prior to the National Planning Policy Framework.

2 PLANNING HISTORY (since the 1990s)

- 2.1 None for this particular site, although planning history does exist for the wider estate.

3 MATERIAL CONSIDERATIONS

- 3.1 In considering this proposal, the Council should refer to The Minister for Energy and Climate Change, Gregory Barker's, speech to the solar PV industry on 25 April 2013 and the Renewable and Low Carbon Energy Guidance, which can be found on the Planning Guidance section of the Planning Portal. These can be given some weight to the consideration, however not as much weight as local and national policy and guidance, in particular the National Planning Policy Framework. The Guidance states as follows:-
- 3.2 Particular factors a local planning authority will need to consider include:-
- encouraging the effective use of land by focusing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value;
 - where a proposal involves green field land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. See also a speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013.
 - that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
 - the proposal's visual impact, the effect on landscape of glint and glare (see guidance on landscape assessment) and on neighbouring uses and aircraft safety;

- the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
 - the need for, and impact of, security measures such as lights and fencing;
 - great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;
 - the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
 - the energy generating potential, which can vary for a number of reasons including, latitude and aspect.
- 3.3 The approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.
- 3.4 The site is Grade 3 agricultural land, so of moderate quality. However, it is not within a large open field but is close to existing buildings and uses. This guidance refers to 'green field' land. Whilst this site is 'green field' it is also Metropolitan Green Belt and requires further assessment as to its impact below. The site is not previously developed and the proposed use of this agricultural land has not been shown to be necessary, however, the agricultural grading is not particularly high at Grade 3. As explained earlier, this guidance can only be given some weight.

METROPOLITAN GREEN BELT

- 3.5 The site falls within the Metropolitan Green Belt (MGB) as defined by the Rochford District Replacement Local Plan 2006, where policies controlling development are very restrictive. The Government attaches great importance to the MGB and their essential characteristics, their openness and their permanence, by imposing restrictive policies on development within land designated as MGB, contained within paragraphs 79-92 of the National Planning Policy Framework (NPPF).
- 3.6 The NPPF regards the construction of new buildings as inappropriate development within the MGB although exceptions to this are listed at

7.3.3

paragraph 89. None of the listed exceptions are considered to apply at this site and therefore the proposed development is considered to represent inappropriate development.

- 3.7 Paragraph 91 of the NPPF 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.'
- 3.8 It is necessary to consider whether any very special circumstances exist that might outweigh the harm to the MGB by reason of inappropriateness and any other harm. The supporting statement argues, with reference to paragraph 91 of the NPPF, that the 'green credentials' associated with installing the panels represent very special circumstances here. It explains that the number of panels to be installed will provide enough energy to power the building whilst also feeding energy back into the grid for re-use elsewhere, helping the wider environment reduce its carbon emissions.
- 3.9 One of the core planning principles within the NPPF at paragraph 17 that should underpin decision-taking refers to supporting the transition to a low carbon future and encouraging the use of renewable resources.
- 3.10 The siting of the solar panels within an area of previously open land would certainly cause harm to the openness and character of the MGB. However, it is considered that the wider environmental benefits of the proposal which have been highlighted would represent a very special circumstance at this site which would outweigh harm by way of inappropriateness and the other harm identified.
- 3.11 Policy DM12 of the Development Management Submission Document (unadopted and given limited weight) permits rural diversification as long as such diversification meets certain criteria. The appropriate forms of rural diversification are identified in policy GB2 of the Core Strategy 2011. The current proposal would not accord with the acceptable forms of rural diversification identified. However, the very special circumstances identified are considered to outweigh the lack of compliance with these policies.

SPECIAL LANDSCAPE AREA

- 3.12 The site is located within the Upper Roach Valley, which is an area with special landscape characteristics, a Special Landscape Area (SLA). It is described as a 'green lung' bounded by Rayleigh, Hockley, Rochford and Southend within the supporting text to policy URV1 of the Core Strategy 2011. This policy strives to see the Upper Roach Valley become a vast 'green lung' providing informal recreational opportunities for local residents and it states that the Council will protect the area from development which would

undermine this aim. A proposal for solar panels within a currently open field located within this valley is not considered to accord with this policy. Allowing such a development would set a precedent for other development, equally unsympathetic to the Upper Roach Valley SLA, which the Council would find difficult to resist. This would collectively result in a whole manner of unsympathetic development which would detract from the open, attractive landscape of the Upper Roach Valley.

- 3.13 Policy ENV6 of the Core Strategy 2011 explains that planning permission for large-scale renewable energy projects will be granted if the development is not within, or adjacent to, an area designated for its ecological or landscape value. The site is designated for its landscape value as part of the Upper Roach Valley and therefore the proposal would be contrary to this policy.

VISUAL & RESIDENTIAL AMENITY

- 3.14 Whilst there is an approximately 190m distance between the site and Hall Road, due to the flat open nature of the land the site could still be visible from this road although views are likely to be limited due to the siting of a hedge on the boundary of the Lawn estate.
- 3.15 There is a public footpath which links Gusted Hall Lane with Hall Road via Ark Lane. Ark Lane is to the south of the Lawn estate and the solar panels could potentially be viewed across the open, flat fields to the front of the house. Views are unlikely from the end of Gusted Hall Lane. This public footpath would be where views of the solar panels could potentially appear most prominent although tree and hedge cover within the area and around the footpath are likely to limit such views.
- 3.16 It should be noted that such views would be interrupted with other facilities at the Lawn estate. From the Gusted Hall Lane footpath perspective, you would potentially see hay and caravan storage, stables and the conference and banqueting centre at the same time as seeing the panels. From the Ark Lane perspective you would see the conference and banqueting centre, stables and a car park with the solar panel location behind. Therefore, from a visual amenity perspective, whilst within a currently open field, when viewing the site from various perspectives there is other development surrounding the solar panel site which would ensure that the solar panels would not appear so prominent here that they would be detrimental to visual amenity.
- 3.17 The site is a good distance from residential properties so it is not considered that the proposal would have a detrimental impact upon residential amenity.

SETTING OF LISTED BUILDING

- 3.18 The Lawn is a Grade II listed building. The solar panels would be located to the north of this building in a currently open field. The ECC Historic Buildings Adviser initially raised concerns with the proposal but removed such concerns

once an amended drawing was supplied showing how planting to conceal the panels could be achieved.

- 3.19 The Lawn is a grand house with 18th and 19th century features but of probably earlier origin which sits prominently in its plot, visible from Hall Road and the private drive which leads to the house. Part of the significance of the Grade II is its setting within the plot where it sits prominently and visibly as a former grand house. In entering the estate along the private drive, the location of the solar panels would potentially be visible approaching the house within the wider estate; this area to north of the house either side of the private road and to the east creates an open parkland setting to the house. The solar panels could be hidden from view by planting but such concealment is dependent upon the longevity of the trees and hedging. Whilst a planning condition could control planting to take place and for any tree or hedge dying to be replaced within 5 years it would not be possible to effectively secure by condition for a tree/hedge boundary to remain for the indefinite period of the solar panels being located at the site. Such trees and hedging would also be located in an unusual positioning within the centre of a field and could appear incongruous here.
- 3.20 It is considered that without clear certainty that an effective long lasting concealment of the solar panels from the Grade II listed building would occur, that would not also appear incongruous in an open field setting, that the proposed solar panels would appear detrimental to the setting of the Grade II listed building in this location. There is no information within the application to explain why this particular part of the estate has been selected for the siting of the solar panels and why other areas, with a less detrimental effect on the setting of the building, have not been pursued. Another area of this estate may well be considered not to have such a detrimental impact upon the setting of this listed building.
- 3.21 The NPPF at paragraph 132 explains that significance of a designated heritage asset can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. It is considered that the siting of the proposed solar panels at this site, due to the proximity of the panels to the Grade II listed building, their visibility and their visual setting to the building would cause harm to the significant prominent setting of the listed building on its principal approach from Hall Road. This paragraph goes on to state that 'as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.' This has not been provided here, as the applicant, contrary to the Council, considers that there would be no harm.
- 3.22 Paragraph 133 explains that where a proposed development will lead to substantial harm or loss of significance of a designated heritage asset, as is considered to be the case here, local planning authorities should refuse consent.

ECOLOGY AND TREES

- 3.23 It is not considered that the proposal would have a detrimental impact upon any existing trees. The Council's arborist suggests a planning condition requiring a native landscaping scheme.
- 3.24 According to Natural England Standing Advice, this site has the potential for protected species to be present as the land can be considered 'grassland'. No protected species surveys have been submitted with this application.
- 3.25 The NPPF at paragraph 118 explains that when determining applications, Local Planning Authorities should aim to conserve and enhance biodiversity. It goes on to explain that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats and where significant harm resulting from a development cannot be avoided, adequately mitigated or as a last resort compensated for. In order to reach a conclusion on whether to recommend approval or refusal for a development proposal when assessing ecological considerations, a Local Planning Authority (LPA) must be fully informed as to the ecological implications for a scheme. However, the lack of information supplied has meant that the LPA is not in a position to confirm whether such harm to ecology, which the NPPF places great importance upon, would occur or not.

CONCLUSION

- 3.26 Whilst the NPPF and the Council within policy ENV6 are supportive of renewable energy proposals such as that proposed at this site, their impact has to be weighed carefully against such general support. Whilst at another site, such as the site at Oldbury Farm, the impact may not be considered so significant, the current site is located within a SLA and is within close proximity to a listed building. It is not considered that the benefits of the scheme outweigh the harm it is considered to have upon these designations.
- 3.27 The speech by MP Gregory Barker strongly supports solar power but also makes it clear that where solar farms are not on brown field land, you must be looking at low grade agricultural land which works with farmers to allow grazing in parallel with generation incorporating well thought out visual screening and involving communities in developing projects.

4 REPRESENTATIONS

- 4.1 ROCHFORD PARISH COUNCIL - Members felt this is non appropriate development in the Green Belt and too close to a country park.
- 4.2 RDC ARBORIST - Comments as follows:-
- An oak tree is located immediately west of the proposed site. It is unlikely to affect or be affected by the proposal.

- In the supporting information it states that additional planting would help reduce the visual impact of the proposal. It is recommended that any tree planting is native and complements the local woodland structure (no exotic conifers). In addition it is recommended that the planting scheme realises the full mature growth potential of any tree planting, thereby reducing long term problems with shading and preventing unnecessary pruning.
- Therefore, in principle there is no objection to the proposal given that an adequate native landscaping scheme is conditioned.

4.3 ECC HISTORIC BUILDINGS ADVISOR - Comments as follows:-

First Response

- This is an application to install 6 rows of solar panels on land close to (in the curtilage of?) the above listed building. I have no objection in principle to installing such panels, but the proposed location gives rise to concerns.
- While the installation would probably not be visible from Hall Road, the panels would be conspicuous on the Ark Lane approach to the Lawns and would have a detrimental effect on the setting of the listed building. The application accepts this and proposes that this could be mitigated by planting around the area of panels. This might work, but the planting, in the middle of an open space, could look incongruous and would be an unreliable means of camouflage.
- I consider the panels would have been less conspicuous if they had been located to the west of The Lawns, out beyond the out buildings and what appears to be a caravan site, where they would have had little or no impact on the setting of the listed building.
- I could not recommend permission for this application.

Second Response

- Since my previous letter, I have received amended plans showing the proposed solar panels concealed from view behind a planting scheme.
- This seems a reasonable compromise, the location to the west which I suggested having apparently been investigated and found impractical.
- I cannot advise on the landscaping or type of planting that should be used, but it occurs to me that the type of trees in the drawing, with foliage starting well above the ground, would not actually hide the screens. Perhaps some sort of hedge (not leylandii) with trees in it might be appropriate. Your arboriculturalist might be able to suggest conditions.

- 4.4 ECC HIGHWAYS - No objection.
- 4.5 LONDON SOUTHEND AIRPORT - No safeguarding objections.
- 4.6 LOCAL RESIDENT - One response received (unknown address), which can be summarised as follows:-
- I think he is jumping the gun as these were erected about 3 weeks ago at the back of the flat roofed house that overlooks Rankins fields and Cherry Orchard Country Park.
 - Also did Mr Keddie get permission to have part of his bridleway along a stretch of a public footpath. I know everywhere is very muddy but every winter this is bad as along with other ramblers we walk this path and have come face to face with horses. This path runs from Ark Lane to Gusted Hall by Primrose Wood.

5 RECOMMENDATION

- 5.1 It is proposed that the Committee **RESOLVES**

That planning permission be refused for the following reasons:-

- (1) The site is located within the Upper Roach Valley, which is an area with special landscape characteristics, a Special Landscape Area (SLA). This policy strives to see the Upper Roach Valley become a vast 'green lung' providing informal recreational opportunities for local residents and it states that the Council will protect the area from development which would undermine this aim. A proposal for solar panels within a currently open field located within this valley is not considered to accord with this policy. Allowing such a development would set a precedent for other development, equally unsympathetic to the Upper Roach Valley SLA, which the Council would find difficult to resist. This would collectively result in a whole manner of unsympathetic development which would detract from the open, attractive landscape of the Upper Roach Valley.

Policy ENV6 of the Core Strategy 2011 explains that planning permission for large-scale renewable energy projects will be granted if the development is not within, or adjacent to, an area designated for its ecological or landscape value. The site is designated for its landscape value as part of the Upper Roach Valley and therefore the proposal would be contrary to this policy.

- (2) The Lawn is an attractive Grade II listed building with 18th and 19th century features but of probably earlier origin, which sits prominently in its plot, visible from Hall Road and the private drive which leads to the former house. In entering the estate along the private drive, the location of the solar panels would potentially be visible when approaching the house and wider estate. It is considered that without clear certainty that an effective long lasting concealment of the solar panels from the Grade II listed building would occur, that would not also appear incongruous in an open field setting, the proposed solar panels would appear detrimental to the setting of the Grade II listed building in this location on its principal approach from Hall Road.

The NPPF at paragraph 132 explains that the significance of a designated heritage asset can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. It is considered that the siting of the proposed solar panels at this location, due to the proximity of the panels to the Grade II listed building, their visibility and their visual setting to the building, would cause harm to the significant prominent setting of the listed building. This paragraph goes on to state that 'as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.' This has not been provided here, as the applicant, contrary to the Council, considers that there would be no harm. Paragraph 133 explains that where a proposed development will lead to substantial harm or loss of significance of a designated heritage asset, as is considered to be the case here, Local Planning Authorities should refuse consent.

- (3) No ecological surveys have been provided with this application, however, the habitat would appear to be suitable for protected species. Without the necessary information to assess the ecological impact, the Council is not in a position to be able to fully assess the application in accordance with the National Planning Policy Framework. No information has been submitted to ensure that an adverse impact would not occur and the potential implications of the proposal for ecological species that may be present on the site has not been sufficiently addressed.



Shaun Scrutton

Head of Planning and Transportation

Relevant Development Plan Policies and Proposals

R9, of the Rochford District Council Adopted Replacement Local Plan

CP1, GB1, GB2, TP8, ENV1, ENV6 of the Rochford District Council Core Strategy 2011

DM12 and DM26 of the Development Management Submission Document (unadopted)

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If you would like this report in large print, Braille or another language please contact 01702 318111.

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