

UTT/15/2431/FUL – (GREAT EASTON)

(Referred to Committee by Cllr Foley. Reason: In the interests of openness and transparency following unsubstantiated allegations in relation to the applicant and the Council)

PROPOSAL: Retrospective application for re-alignment of solar panels
(Permission for solar panels granted under UTT/14/3212/FUL)

LOCATION: Land south of Radleys End, Dunmow Road, Great Easton

APPLICANT: Mr Christopher Askew

AGENT: Mr Edward Parsley

EXPIRY DATE: 20 November 2015

CASE OFFICER: Karen Denmark

1. NOTATION

1.1 Outside Development Limits.

2. DESCRIPTION OF SITE

2.1 The application site is located off the Dunmow Road (B184) and comprises a former agricultural field adjacent to the road. To the North West are the properties at Radley's End. To the north east is Blamsters Hall and Blamsters Rise. To the south west and south east is further agricultural land with a tributary the River Chelmer running along the boundary of the field. There is existing dense vegetation along the boundary of the tributary to the River Chelmer.

3. PROPOSAL

3.1 The application is for retrospective planning permission for the solar panels as erected on the site. The principle of solar panels has previously been agreed with the planning permission granted under UTT/14/3212/FUL. However, the requirement to comply with conditions imposed on that consent has resulted in the panels being relocated.

3.2 There are 5 rows of panels totalling 600 panels. There is to be an earth bund adjacent to the highway with planting, which has not yet been carried out due to the applicant being requested to stop work. In addition there would be a security fence 1.84m in height.

4. APPLICANT'S CASE

4.1 The application has been submitted with a statement, a Landscape Impact Assessment and a Biodiversity Questionnaire.

4.2 Summary of statement:

- Site was in agricultural use until recently but was unproductive and not a easy piece of land to farm with modern machinery
- The solar array will cover 0.2ha with an output of 150kw

- Retrospective application is to enable us to comply with condition on UTT/14/3212/FUL dated 6th March 2015. It was not envisaged in our original plan that the parking and turning area would be required to be sited on land that we had been granted permission to site solar panels.
- This application is for exactly the same number of panels, with exactly the same output covering exactly the same area of ground. It is in the same area of the field, the access to the highway is the same. The hard and soft landscaping will be the same as that approved under UTT/14/3212/FUL, all planting will be native species.
- The design and construction of the proposal is exactly the same as that granted on UTT/14/3212/FUL. Please note there is a storage shed noted on the drawing, this is for storing tools and will be removed upon completion of the project.
- It is acknowledged that the site is adjacent to the B184 and there are nearby houses to the site. It is therefore proposed to fence and plant the new hedge as soon as is possible to further mitigate any visual impact concerns.
- The footpath that runs through the field will be left unobstructed.

5. RELEVANT SITE HISTORY

- 5.1 UTT/14/3212/FUL – Change of use of land and installation of solar panels. Conditionally approved 6 March 2015.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- S7 – Countryside
- GEN1 – Access
- GEN4 – Good Neighbours
- GEN7 – Nature Conservation
- ENV2 – Development affecting Listed Buildings
- ENV5 – Protection of agricultural land
- ENV15 – Renewable Energy

7. PARISH COUNCIL COMMENTS

- 7.1 No comments received. Notification period expired 23 October 2015.

8. CONSULTATIONS

ECC Highways

- 8.1 From a highway and transportation perspective the Highway Authority has no comments to make on this proposal as it is not contrary to the relevant transportation policies contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

ECC Ecology

- 8.2 No objections. I have read the Ecological Walkover Assessment (January 2015) and agree that the most valuable ecological features are the stream and woodland adjacent

to the site. I have no objections provided these features are retained and a condition requesting a construction environmental management plan (CEMP) is appended to any consent.

9. REPRESENTATIONS

9.1 A total of 49 neighbours have been notified of the proposals and 2 letters of representation have been received. Notification period expired 16 October 2015.

- When will a hedge emerge to shield the view?
- Although, in my opinion, the panels have ruined the visual quality of the area, we are now stuck with them.
- Provided screening hedging is provided as proposed and the 'store' is removed I have no objections.

10. APPRAISAL

The issues to consider in the determination of the application are:

- A Principle of development and impact on the character and appearance of the countryside (Policies S7, ENV5, ENV15; NPPF)
- B Impact on the setting of listed buildings (Policy ENV2; NPPF)
- C Impact on neighbours (ULP Policies GEN4, ENV15)
- D Biodiversity (ULP Policy GEN7; NPPF)
- E Highway safety (ULP Policy GEN1)

A Principle of development and impact on the character and appearance of the countryside (Policies S7, ENV5, ENV15; NPPF)

10.1 The application site is located outside development limits where Policy S7 restricts development to that which needs to take place there, or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the area within which it is set, or there are special reasons why the development in the form needs to take place there. Policy S7 is partially compliant with the NPPF in so far as it relates to the protection and enhancement of the natural environment, but the NPPF has a positive rather than protective approach.

10.2 Policy ENV5 seeks to protect the best and most versatile agricultural land. Development should be directed to areas of poorer quality land, except where other sustainability considerations suggest otherwise. This site is classified as Grade 3 agricultural land, thus is poorer grade, although no assessment has been carried out as to whether this is Grade 3a or 3b land. Notwithstanding this, the applicant states that it was unproductive and was hard to farm.

10.3 Policy ENV15 supports small scale renewable energy schemes where they do not adversely affect the character of sensitive landscapes, nature conservation interests or residential and recreational amenity. This policy is partly consistent with the NPPF which indicates applications should be approved if impacts are, or can be made, acceptable.

- 10.4 Paragraph 98 of the NPPF states that planning authorities should recognise that even small-scale low carbon energy projects provide a valuable contribution to cutting greenhouse gas emissions. Significant weight must therefore be given to the reduction in emissions as a result of the proposal.
- 10.5 The impacts on the character of the landscape and the loss of agricultural land were considered as part of the decision making process in respect of UTT/14/2312/FUL. The original application related to a site area of 0.2ha and this revised application relates to a site area of approximately 0.46ha. However, the area covered by solar panels is approximately 0.2ha, in line with the area of land previously granted consent.
- 10.6 The original site layout as approved under UTT/14/2312/FUL resulted in the panels being located adjacent to the highway and stretching towards the tributary to the River Chelmer. The panels have been constructed approximately 38m further to the southwest from the position they were approved in. This was a result of complying with a condition requiring the applicant to provide a turning and parking area for vehicles during the construction period. The details approved to discharge the condition resulted in a substantial area of the application site being used for the purpose and hence the panels moving further over.
- 10.7 Therefore it is necessary to assess whether the location of the panels as constructed is more damaging than the location in which they were approved. The site is located at the edge of the Upper Chelmer River Valley, which extends to the north, west and south-west. The Lindsell and Bardfield Farmland Plateau extends to the north-east and south. To a lesser degree, the Rayne Farmland Plateau to the east would be affected. The application site is located on the relatively flat valley floor adjacent to a tributary of the River Chelmer. The Landscape Character Assessment identifies that development on valley sides would be particularly damaging to the character of the Upper Chelmer River Valley. As the proposed solar panels are sited on the valley floor, the sensitive valley slopes have been avoided. Furthermore, the scale and position of the array ensures that, in views of the valley floor from public footpaths to the south, it does not form a significant feature in the landscape and is viewed as a close neighbour to the housing to the west. In short-distance views from the road and footpath, native species hedgerows could prevent significant harm, and this element of the proposals has yet to be carried out. While the Landscape Character Assessment seeks to protect views of the Lindsell and Bardfield Farmland Plateau to the east and south, it is considered that the overall openness of the valley floor ensures that such views largely remain.
- 10.8 Taking into account the Landscape Character Assessment, the submitted Landscape Impact Assessment and the findings of the officer's site visit it is considered that the proposal does not adversely affect the character of a sensitive landscape. The valley floor does not represent one of the key sensitivities to change, and the solar panels do not represent a significant feature in the landscape. Indeed, from the footpath to the south the location of the panels results in only partial views of the panels due to the existing vegetation along the banks of the tributary to the River Chelmer.
- 10.9 Notwithstanding this, the previous consent had a requirement for additional landscaping to be carried out around the panels. Details which were approved included a 3 metre wide soil bund to be planted with native hedgerow shrub species. This would be positioned adjacent to the road and partially along the side boundary on the north eastern side. The landscaping would be planted along the north western, south western and south eastern boundaries. Due to the shape and size of the site being altered the previously approved landscaping scheme cannot be fully implemented. Therefore the condition imposed on the previous consent should be reimposed to

ensure the new landscaping scheme reflects the current situation. It is therefore considered that the proposal complies with Policy ENV15 and, in turn, Policy S7.

B Impact on the setting of listed buildings (Policy ENV2; NPPF)

10.10 Policy ENV2 states that development which would adversely affect the setting of a listed building will not be permitted. A number of buildings and structures around the historic farmyard of Blamsters Hall are Grade II listed, as is the house known as Greenarbour to the north. From the public footpath to the south of the application site, the proposal solar panels do appear within the view against the backdrop of these listed buildings. However, the existing vegetation along the banks of the tributary to the River Chelmer results in the view being only partial and the buildings appearing more dominant than the panels. It is therefore considered that the impact of the development on the setting of the listed buildings is less than substantial. In accordance with paragraph 134 of the NPPF, the benefits of the proposal need to be weighed up against the less than substantial harm. In this instance it is considered that the public benefits of the renewable energy provision outweigh the less than substantial harm. As such the proposals comply with Policy ENV2 and the NPPF.

C Impact on neighbours (ULP Policies GEN4, ENV15)

10.11 Policy GEN4 states that development will not be permitted where light would cause material disturbance or nuisance to occupiers of surrounding properties. Similarly, Policy ENV15 states that small scale renewable energy development to meet local needs will be permitted if it does not adversely affect residential amenity. The panels erected on site are anti-reflective. In any event, the south-facing orientation of the array ensures that any light would not be reflected directly into the windows of the residential properties to the west and south-west. Overall, it is considered unlikely that significant nuisance would be caused to the occupiers of nearby residential properties and the proposals comply with Policies GEN4 and ENV15.

D Biodiversity (ULP Policy GEN7; NPPF)

10.12 Policy GEN7 states that development which would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature to nature conservation. Similarly, Policy ENV15 states that small scale renewable energy development to meet local needs will be permitted if it does not adversely affect nature conservation interests. The applicant submitted an Ecological Walkover Assessment report with both the original and this subsequent application. Taking into account the comments of ECC Place Services, it is considered unlikely that the proposal caused harm to wildlife.

E Highway safety (ULP Policy GEN1)

10.13 Policy GEN1 states that the design of development sites must not compromise road safety. The construction access to the site was constructed in relation to approved details following a condition on the original application. This will remain in place and ECC Highways raise no objections to the proposals, which therefore comply with Policy GEN1.

11. CONCLUSION

The following is a summary of the main reasons for the recommendation:

- A The proposal does not have a detrimental impact on the character and setting of the rural area. The landscaping scheme, which has still to be carried out, will further reduce the less than significant impact of the proposals within the landscape. The proposals therefore comply with Policies ENV15 and S7.
- B The proposal has a less than significant impact on the setting of adjacent listed buildings. Any harm arising is outweighed by the public benefits of the proposals which therefore comply with Policy ENV2 and paragraph 134 of the NPPF.
- C The proposal does not result in a significant adverse impact on neighbouring properties and therefore complies with Policies ENV15 and GEN4.
- D The proposal was unlikely to have had an adverse impact on protected species and biodiversity and therefore complies with Policy GEN7 and the NPPF.
- E The proposal does not result in any highway issues and complies with Policy GEN1.

RECOMMENDATION – CONDITIONAL APPROVAL

Conditions/reasons

1. Within 3 months of the date of this decision details of all hard and soft landscaping (including boundary treatment and planting) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure compatibility with the character of the surrounding area and to protect the setting of listed buildings, in accordance with Policy S7 and Policy ENV2 of the Uttlesford Local Plan (adopted 2005).

2. The development shall be completed in accordance with the requirements of the Construction Environmental Management Plan approved under discharge of condition application UTT/15/1152/DOC.

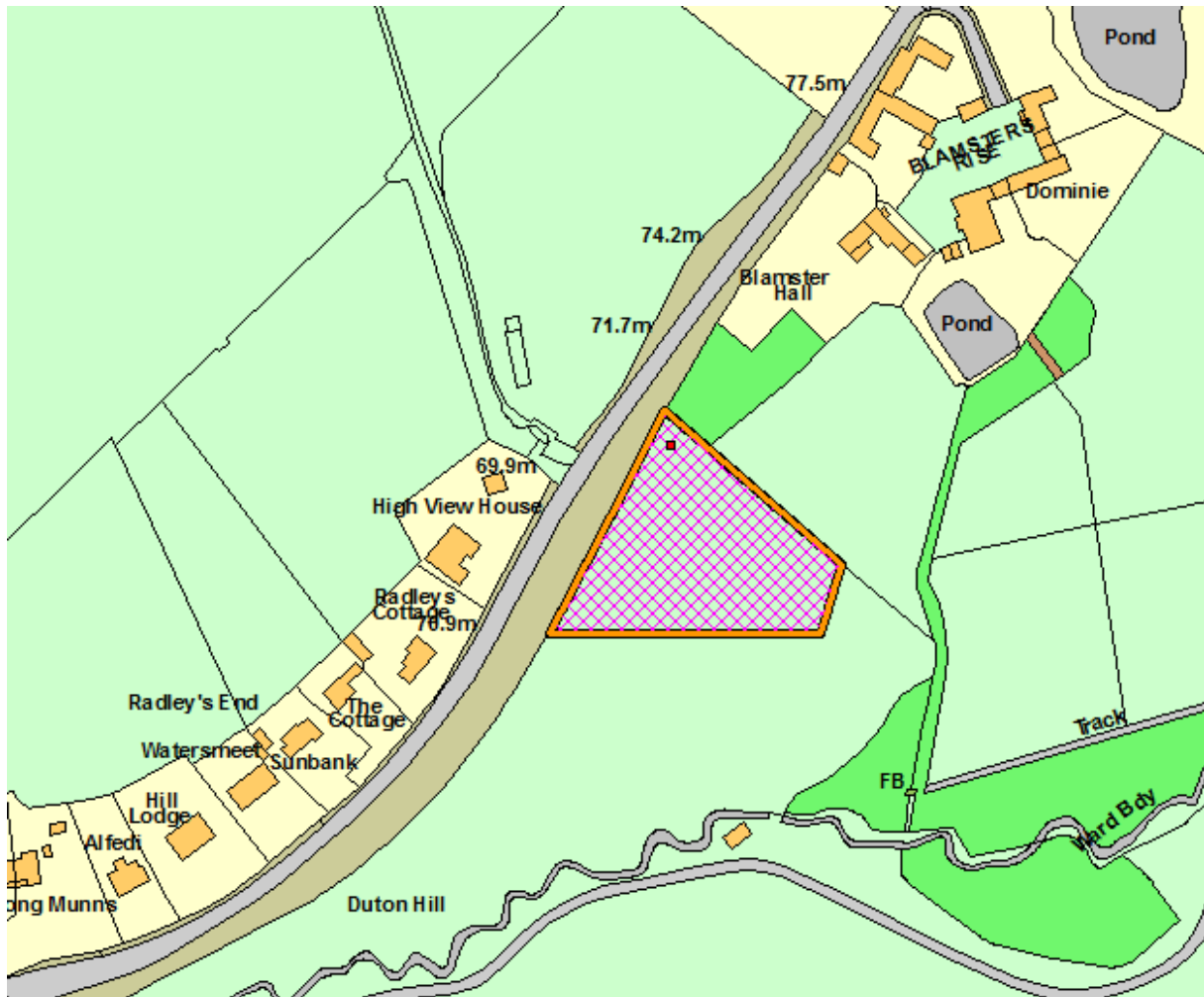
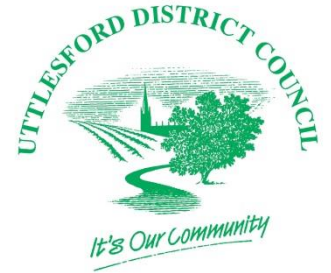
REASON: To ensure the protection of biodiversity within the site in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005)

3. Within three months of the completion of the development hereby permitted the building marked "store" on drawing no 9715.01 shall be removed from the site.

REASON: To protect the character of the rural area, in accordance with Policy S7 of the Uttlesford Local Plan (adopted 2005).

Application no.: UTT/15/2431/FUL

Address: Land South Of Radleys End, Dunmow Road Great Easton



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