

Recommendation Report for Planning Permission

REF NO: BE/46/26/PL

LOCATION: Shripney Manor
Shripney Lane
Bersted
PO22 9NU

PROPOSAL: Installation of 100 No. solar panels. This application may affect the Shripney Conservation Area & the setting of Listed Buildings and is in CIL Zone 3 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks permission for the installation of 100 No. solar panels
SITE CHARACTERISTICS	The site is an area of land which is currently in agricultural use to the west of Shripney Manor.
CHARACTER OF LOCALITY	The site is within the village of Bersted and has a semi-rural character.

RELEVANT SITE HISTORY

BE/10/17/PL	38No. Multi-Crystalline Photovoltaic Modules. This application affects the character and appearance of Shripney Conservation Area & the setting of Listed Buildings. Departure from the Development Plan.	Approve Conditionally 04-04-17
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Planning history noted.

REPRESENTATIONS

Bersted Parish Council - No objection.

- Requested condition for the long-term retention and maintenance of the boundary planting.

Conservation Area Advisory Panel - No objection

- The Heritage Statement does not assess the impact of the proposal on the special character and appearance of the conservation area and its significance.

- The relevant boundaries of the site have existing dense planting, hedges etc which will materially screen the solar panels from the conservation area and Shripney Manor.

- The proposal will have a neutral impact on the character and appearance of the conservation area and the setting of Shripney Manor.

- That neutral impact is dependant on the long term retention and maintenance of the boundary planting and perhaps the Council needs to consider whether there is a mechanism for ensuring this.

1 No. objection was received from a nearby occupier raising concerns that:

- The proposal would impact the conservation area.
- The increasingly rare areas of ancient natural beauty around Bognor Regis desperately need to be retained.
- The applicant has other land where this development would have less impact.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. The impact of the development on the character of the area and the conservation area is addressed in the conclusions.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

CONSERVATION OFFICER - Comments

- Site is within Shripney Conservation Area and within close proximity of listed and locally listed buildings.
- Mounting panels on land associated with a listed building will generally be preferable to installation on the main building.
- The heritage assets along the lane are partly viewed and appreciated from the lane.
- The maturity and density of the vegetation prevents intervisibility between the assets and the site.
- Whilst the proposal would result in the loss of some agricultural land, it is localised to one part of the property and could be easily removed in the future.
- Clarity is sought regarding whether any boundary treatment would be used to enclose the area and where the electricity supply cable to the listed building will be located and connected.

ECOLOGY OFFICER - No objection subject to conditions

- Conditions requested to secure BNG and a Construction Environmental Management Plan.

ENVIRONMENTAL HEALTH - No objection subject to conditions

- No objection in principle.
- Plant association with solar panels can have a negative impact if not properly considered.
- Condition recommended requiring further details of any proposed plant.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. It was confirmed with the agent that the proposals would not involve installation of boundary treatments around the perimeter of the site, and the cable would be run underground. Following discussion with the Conservation Officer, their view is that the proposals do not harm the significance of the heritage assets.

POLICY CONTEXT

Designation applicable to site:

Grade II listed building

Shripney Conservation Area

Outside Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
ECCDM1	ECC DM1 Renewable Energy

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that the proposal does not harm the significance of nearby heritage assets or the character of the area.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**PRINCIPLE**

The site is outside of the Built Up Area Boundary and relates to the provision of solar panels for domestic purposes. Whilst the solar panels are outside of the property's curtilage the panels are associated with Shripney Manor. Arun Local Plan (ALP) policy C SP1 states that development outside the Built Up Area will only be permitted in specific circumstances. ALP policy C SP1(f) states that development will be permitted where it is in accordance other policies in the Plan which refer to a specific use or development type. ALP policy ECC DM1 states that development for renewable energy will supported subject to

certain criteria and that within protected areas and landscapes, proposals should be small scale or community based. The proposal is for small-scale renewable energy production, and is acceptable in principle, subject to compliance with other development plan policies.

CHARACTER AND VISUAL AMENITY

The site is located in the corner of an agricultural field adjacent to Shripney Lane. The site is not easily visible from the public realm due to the presence of mature vegetation on the boundary with Shripney Lane. The panels are also unlikely to be visible from surrounding properties, including Shripney Manor itself.

The panels are to be arranged in two rows running parallel to Shripney Lane. The row would be 73m long and the panels would project 0.5m from the ground. Whilst the panels are at odds with the current agricultural use of the site, the scale of the proposal is modest and appropriate for the setting. Much of the field would be left undeveloped, and the development could be reversed in the future.

The proposals would not detrimentally impact the character or visual amenity of the area, and the development is in accordance with ALP policy D DM1.

HERITAGE

The site is located within the Shripney Conservation Area, and is within close proximity of listed buildings, including Shripney Manor to the east and Shripney House on the north side of Shripney Lane. Walnut Tree Cottage on the north side of Shripney Lane is also a locally listed building.

Historic England Advice Note 18 states that mounting panels on land associated with a listed building will generally be preferable to installation on the main building. The site is located away from Shripney Manor but is adjacent to the main road through the Shripney Conservation Area and opposite Shripney House and Walnut Tree Cottage. The field in which the panels are situated has existing mature vegetation on all sides, which prevent intervisibility between all of the listed and locally listed buildings identified. Given that the panels will not be visible in views towards or from the heritage assets, the proposed development would not have any significant impact on their setting.

The panels would also not be easily visible from the road or the public realm. The Conservation Area Advisory Panel and Bersted Parish Council note that the presence of mature vegetation is important for ensuring that the development does not impact the conservation area. Whilst the boundary treatment does effectively screen the development from the main road through the conversation area, given the height of the proposed panels, any boundary treatment at this location is likely to be sufficient to provide some level of screening of the panels. A condition is not considered necessary to make the proposals acceptable.

The proposals would have no effect on the significance of the designated heritage assets and are in accordance with HER DM1, HER DM3 and the NPPF.

NEIGHBOURING RESIDENTIAL AMENITY

The solar panels are mounted on the ground and located away from neighbouring properties. The panels will not result in overbearing or overshadowing impacts. Environmental Health commented on the application, noting the potential for plant associated with solar panels to result in adverse impacts on neighbouring amenity, in conflict with ALP policy QE SP1. A condition has been attached requiring further details of any plant associated with the panels.

Subject to this condition, the proposal complies with ALP policies D DM1 and QE SP1.

CLIMATE CHANGE AND RENEWABLE ENERGY

The application proposes installation of 100 No. solar panels. ALP policy ECC DM1 states that renewable energy development will be supported subject to certain criteria. The proposal is for development with a Conservation Area, and proposes a small-scale energy generation in accordance with the policy. The proposal is located to minimise adverse impacts on the landscape and the historic environment, and would not result in unacceptable impacts on neighbouring occupiers. The proposals would gain support from this policy. Policy CC2(2) of the NPPF states that substantial weight should be given to the benefits of drawing energy from renewable sources.

BIODIVERSITY

The application was accepted as valid on 9 July affects more than 25sqm of habitat. The application is liable for biodiversity net gain and a condition has been attached to secure this. A condition has been attached requiring a Construction Environment Management Plan as identified within the Preliminary Ecological Assessment.

SUMMARY

The proposal complies with the relevant development plan policies and is recommended for approval subject to the following conditions and informatives.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

CIL DETAILS

This application is not CIL liable.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

- Location Plan
- Block Plan 16.1171/02
- Elevations 16.1171.03

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policy D DM1.

- 3 No development shall take place, until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority.

The CEMP (Biodiversity) shall include the following.

1. Risk assessment of construction activities potentially damaging to biodiversity.
2. Identification of "biodiversity protection zones".
3. Practical measures (both physical measures and sensitive working practices) to avoid or reduce ecological impacts during construction (may be provided as a set of method statements).
4. The location and timing of sensitive works to avoid harm to biodiversity features.
5. The times during construction when specialist ecologists need to be present on site to oversee works.
6. Responsible persons and lines of communication.
7. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
8. Use of protective fences, exclusion barriers and warning signs.
9. Containment, control, and removal of any invasive non-native species present on site.

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To conserve protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats and species), and Arun Local Plan policy ENV DM5. This is required to be a pre-commencement condition as otherwise there would be a risk of harm to protected species and their habitat.

- 4 No internally or externally located plant, machinery equipment or building services plant shall be operated on the site until an assessment of the acoustic impact arising from the operation of all such equipment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken in accordance with BS 4142:2014+A1:2019 and shall include a scheme of attenuation measures to mitigate the adverse impacts identified in the acoustic assessment. The scheme shall ensure that the rating level of noise emitted from the proposed building services plant is 5 dB less than the prevailing background sound level (LA90). The scheme as approved by the Local Planning Authority shall be fully installed prior to first operation of the plant and shall be retained as such thereafter. Any agreed

attenuation measures shall be permanently maintained in good working condition.

The applicant should review the Planning Noise Advice Document - Sussex, November 2023: <https://www.arun.gov.uk/download.cfm?doc=docm93jjm4n19846.pdf&ver=24686>.

Reason: To protect the amenity of local residents in accordance with the Arun Local Plan policy QE DM1.

- 5 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (the biodiversity gain condition) that development may not begin unless:

1. A Biodiversity Gain Plan has been submitted to the planning authority, and
2. The planning authority has approved the plan.

This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.

For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link: <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>

- 6 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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 NPPF.