

Recommendation Report for Planning Permission

REF NO: WA/107/25/PL

LOCATION: Tennis court, Avisford Park Hotel
Yapton Lane
Walberton
BN18 0LS

PROPOSAL: Installation and operation of ground mounted solar array with 308 panels, associated batteries and inverters and connection into existing building including extension of wire mesh fence. This application is a Departure from the Development Plan, may affect the setting of a listed building and is in CIL Zone 3 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to install ground based solar panels and associated works within an unused tennis court.
TOPOGRAPHY	Predominantly flat.
TREES	No trees will be affected by the proposal.
BOUNDARY TREATMENT	Sports fence. Large hedge that runs adjacent to the tennis court (outside application site) and car park/hotel.
SITE CHARACTERISTICS	Tennis court in the grounds of a Grade II detached two storey hotel. The large grounds which has a 18 hole golf course, indoor pool, spa facilities etc, set back from the road with a long driveway.
CHARACTER OF LOCALITY	The character of the area is predominately residential in a semi-rural setting.

RELEVANT SITE HISTORY

WA/108/25/L	Listed building consent for the installation and operation of ground mounted solar array, with 308 panels, associated batteries and inverters and connection into existing building including extension of wire mesh fence.
-------------	---

The Listed Building application will be determined under delegated powers.

REPRESENTATIONS

- Walberton Parish Council - objection
- Will reduce such local recreational and sports amenities.
 - Out of character in the locality and is not harmonious or pleasant.
 - Will ruin the local views from the golf course and from the heritage asset.

- Noise and disturbance resulting from use.
- Detrimental effect on a listed building and its setting.

No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. The tennis court is not available for public use as it is restricted to hotel occupiers only. The loss would not result in a loss of local facilities.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - The development will not impact the setting of both of the listed buildings (Avisford Park Hotel and The Lodge), and as a consequence, there is no harm to the overall significance of the heritage asset.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Outside built up area boundary
Grade II Listed Building
Area of Special Advert Control

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
CSP1	C SP1 Countryside
ECCDM1	ECC DM1 Renewable Energy
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment

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 development would not result in harm upon visual or residential amenity nor upon heritage assets and contributes towards the delivery of renewable energy.

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.

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

"In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The proposal is considered to comply with these criteria in that it is not considered to materially affect the character or the setting of the Grade II Listed Building.

OTHER MATERIAL CONSIDERATIONS

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

BIODIVERSITY NET GAIN

This application is not BNG liable, below the de minimis threshold.

CONCLUSIONS

PRINCIPLE

The development is outside the built up area boundary. The application seeks permission for ground based solar panels. Development can be in accordance with Arun Local Plan (ALP) policy C SP1 if it refers to a specific use or type of development that is covered by another policy. In this case, the policies are ECC DM1 and D DM1. Therefore, the principle of development is considered acceptable and will be assessed against relevant development plan policies.

Walberton has a made Neighbourhood Plan although none of the policies are relevant to this application.

RENEWABLE ENERGY

ALP policy ECC DM1 relates to renewable energy. The council will support proposals for appropriately located renewable energy development, and their ancillary development where they meet the following criteria:

- (a) The proposal is located and designed to minimise adverse impacts to landscape, habitats, the historic environment and residential amenity including visual, noise and odour impacts;
- (b) The location and design of proposals will need to take account of the Council's landscape assessment and landscape sensitivity studies (or successor documents) and proposals for large scale renewable energy projects will need to be supported by a zone of theoretical visibility and viewpoint assessment;
- (c) Priority should be given to proposals that integrate with existing or new development where appropriate to do so having regard to (a);
- (d) All proposals will need to demonstrate a suitable connection to the electricity distribution network, or appropriate energy storage facility, and provide evidence to demonstrate that the connection will not result in unacceptable impacts upon the landscape, natural and historic environment or visual and residential amenity;

Compliance with each criteria is discussed below.

- (a) The solar panels are located to minimise impact upon the landscape being set within the grounds of a hotel with significant boundary planting, is located on an unused tennis court, with suitable screening between the development and wider site. The appearance, noise and heritage impacts are discussed below.
- (b) The proposal is relatively small scale and would not be visible from the wider area, due to its location and surrounding planting. The site lies outside any areas designated at the local or national level for the importance of their landscape.
- (c) The development integrates with existing development, utilising a disused tennis court.
- (d) The proposal will connect to an existing plant room which is used to generate electricity for the hotel. A small amount is proposed for the national grid.

The proposal complies with the above policy.

DESIGN AND VISUAL AMENITY

ALP policy D SP1 requires that development proposals make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

The solar panels are to be on an unused tennis court to the west of the hotel. There is a car park which wraps around the side elevation of the hotel and there is an extensive hedge which separates and restricts views of the solar equipment from the hotel. Some views may be achievable from side facing upper floor windows however there is around 57m between the hotel and the application site and any views will be minimal. The hotel elevation closest to the site is a newer addition.

The solar panels will be contained wholly in the fence line of the tennis court which has a width and length of 31.9m x 29.6m. There would be 308 panels contained in this area on a frame. The panels would be slightly angled although do not sit higher than 0.35m off the ground. The installation of the panels on the tennis court and the manner of securing them on a frame would avoid the need to undertake significant ground works and enable quick installation. The tennis court is surrounded by a 2m high wire mesh fence and 4 lighting poles, and this boundary screening would be retained, therefore the general look of the site would remain as existing with the solar panels contained within.

Alongside the solar array there will be 2no. battery cabinets, 2no. inverters; and a cable between the generator and the existing plant room. The cable would be laid in a trench dug 400mm wide, to a maximum depth of 700mm. This would run east before it then extends above ground, through the roof void of an existing covered walkway to the rear before returning underground and joining with the existing plant room which provides the hotels electricity supply. The covered walkway was constructed in

the early 1990s. The trench would then be infilled with the excavated material and the ground returned to its previous condition.

Whilst there are no similar examples of solar equipment present in the area, the solar array would not be widely visible due to its location to the west of the site, behind hedging of around 3.5m-4m in height. The cable route is predominately underground and will be hidden from view.

The proposal would not result in adverse harm upon the appearance or character of the area and complies with ALP policy D DM1 and D SP1.

RESIDENTIAL AMENITY

The site is approximately 150m from the nearest neighbouring properties on Yapton Lane and the development would not be visible from the wider area. The development would not appear overbearing extending only 0.35m above the ground.

Solar panels are not noise generating equipment. Any noise associated with solar systems typically comes from the inverter. Due to the distance between this and neighbouring residences, it would not result in adverse harm. Those staying at the hotel would be in closer proximity to the solar equipment than residents on Yapton Lane however with over 55m between the site and hotel, it is unlikely noise would be significant.

Due to the type of development proposed, the proposal would not result in adverse harm upon neighbouring amenity in compliance with ALP policies D DM1 and QE DM1.

HERITAGE ASSETS

Avisford Park Hotel is a large Grade II Listed early 19th century country house. From 1928 - 1974 the building operated as a school. In 1975 it was significantly enlarged for use as a hotel.

NPPF Paragraph 207 requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. The applicant has submitted heritage information to fulfil this requirement.

NPPF Paragraph 208 requires the Local Planning Authority to identify the significance of the heritage asset affected by a development. Despite the alterations that have taken place over the years, the building derives its significance from its architectural and historic interest.

The panels would be positioned behind a fence and mature planting. The location of the hedge falls outside of the red edge.

The cable route has been designed to avoid impact on historic fabric, being located to the rear of the building and routed through the covered walkway constructed in the 1990s. The cable would enter the building via what appears to be a small, fixed point at the rear, leading into a plant room. Both the route and the entry point are acceptable in this instance.

The tennis courts upon are a later addition to the hotel, being constructed in 1976. The proposal utilises previously developed areas.

Both the panels and the cabling could be removed with ease and without affecting historic fabric or causing harm.

The proposal would not result in harm upon the heritage asset nor harm its significance in accordance with ALP policy HER DM1 and HER SP1 and the NPPF.

SUMMARY

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

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

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 - 2025/99/207/01
 - Proposed South and East Elevation - SL505-PV-DD2
 - Trench to above Ground Section - NSL505-PV-DD3
 - Proposed Cable Route - NSL505-PV-SL1 01
 - Trench Section - NSL505-PV-DD1

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 When the photovoltaic (PV) panels cease to be used for the generation of electricity, the PV panels and all the associated framework installed shall be permanently removed and the site restored to its former condition.

Reason: To preserve the character and appearance of the Listed Building in accordance with Arun Local Plan policy HER DM1 and the NPPF.

- 4 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is de-minimis as the development does not impact an onsite priority habitat and the development impacts less than 25 square metres of onsite habitat that has a biodiversity value greater than zero and less than then 5 metres in length of onsite linear habitat.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 5 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.