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Item No: 7.4

Application: 231611

Applicant: Mr William Barnette

Agent: Mr C Powling

Proposal: Installation of a ground mounted solar photovoltaic system using ground screws.

Location: The Kiln, The Folley, Layer De La Haye, Colchester, CO2 0HZ

Ward: Marks Tey & Layer

Officer: Phillip Moreton

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee because the Agent is an elected member.

2.0 Synopsis

2.1 The key issues for consideration are: the principle of development, the impact on the character and appearance of the site and the wider area. Other material planning matters are also considered. The comments submitted by statutory consultees, as well as other consultees and local representations are considered.

2.2 The application is subsequently recommended for approval subject to the recommended conditions.

3.0 Site Description and Context

3.1 The site is located on the east side of The Folley, Layer de la Haye. The site is a part of land associated with the Property called The Kiln, The Folley, Layer de la Haye and is adjacent to the residential curtilage of this property. The site lies directly to the west of the residential curtilage and comprises an area laid to grass, with the site being partially screened from the highway and public viewpoints from the public right of way that surrounds the site, by a band of existing planting on the sites boundaries.

4.0 Description of the Proposal

4.1 The application seeks planning permission for the installation of ground mounted solar photovoltaic system using ground screws.

5.0 Land Use Allocation

5.1 N/A

6.0 Relevant Planning History

6.1 213007 – Householder - Erection of single storey rear extension. Approved 17/12/2021.

6.2 221420 – Lawful Development Certificate – Proposed loft conversion with hip to gable alteration. Approved Certificate of Lawful Development 01/08/2022

7.0 Principal Policies

7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.

7.2 Local Plan 2017-2033 Section 1

The shared Section 1 of the Colchester Local Plan covers strategic matters with cross-boundary impacts in North Essex. This includes a strategic vision and policy for Colchester. The Section 1 Local Plan was adopted on 1 February 2021. The following policies are considered to be relevant in this case:

- SP1 Presumption in Favour of Sustainable Development
- SP3 Spatial Strategy for North Essex
- SP7 Place Shaping Principles

7.3 Local Plan 2017-2033 Section 2

Section 2 of the Colchester Local Plan was adopted in July 2022. The following policies are of relevance to the determination of the current application:

ENV1 Environment
OV2 Countryside
DM15 Design and Amenity
DM25 Renewable Energy, Water Waste and Recycling

7.4 Regard should also be given to the following adopted Supplementary Planning Documents (SPD): The Essex Design Guide

8.0 Consultations

8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.

8.2 Environmental Protection -

No objection to the scheme submitted subject to conditions.

8.3 Contaminated Land Officer –

No Comment

8.4 Landscape Advisor –

No objection to the scheme submitted subject to conditions.

9.0 Parish Council Response

9.1 The Parish Council have stated that they have no objection, but where applicable would like some screening of natural hedge.

10.0 Representations from Notified Parties

10.1 The application resulted in a number of notifications to interested third parties including neighboring properties. No representations have been received following these notifications.

11.0 Parking Provision

11.1 N/A

12.0 Air Quality

12.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

13.0 Planning Obligations

13.1 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (s.106) of the Town and Country Planning Act 1990.

14.0 Report

Character and appearance

14.1 Local Plan relevant section 2 local plan policies DM15, DM16, and ENV1 together seek to promote high quality and inclusive design that is sympathetic to the character of the area and enhances historic buildings and require development proposals to respect and enhance the character of the site, its context and its surroundings in terms of its architectural approach, form, proportions, materials, townscape and detailed design features. This is also reflected in Policy SP7 of Section 1 of the Local Plan

14.2 The NPPF (2023) also promotes good design advising that permission should be refused for development of poor design.

14.3 It is considered that the proposed ground mounted solar panel system will be sufficiently distanced from any nearby public viewpoints, from public rights of way that surround the site, to ensure minimal impact on the character and appearance of the surrounding area. The proposed array measures 3 m in height by approximately 9 metres in length. The visual impact will be further mitigated by the condition recommended by the Council’s landscape officer for hedging to be managed to a height of 2.3 metres to be planted on the northern, southern and western boundaries of the site.

14.4 The proposal is a relatively light weight ground mounted solar panel system using ground screws that will have a minimal impact on the ground with the design being fairly simple and reflective of the characteristics of a modest solar panel array. The character and appearance of the site, following the installation of hedging to screen the proposed development from public viewpoints, would reflect the character and appearance of the existing site, so ensuring that the proposal would not appear out of keeping with existing character of the site or surrounding area.

Impact upon Amenity

- 14.5 Development Policy DM15 states that all development must be designed to a high standard and avoid unacceptable impacts on amenity. This includes protecting existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight. The adopted Supplementary Planning Document (SPD) the Essex Design Guide also provides guidance on the safeguarding of residential private amenity.
- 14.6 The scheme is considered to comply with the Essex Design Guide in this regard. It is held that that the proposals would have no material impact to the lighting levels to existing properties.
- 14.7 The proposal is considered to be sufficiently distanced from neighbouring properties to avoid any material impacts, including in terms of glint, glare, noise or general disturbance.
- 14.8 For the reasons given above, it is considered that the proposed development would not have a significant adverse effect on the amenity of neighboring properties. In view of this, the proposed development is not considered to conflict with adopted DPD Policies DM15 or the NPPF insofar as they seek to secure a good standard of amenity for all occupants of land and buildings.

Landscape and Trees

- 14.9 Local Plan Section 2 policy ENV1 states that the Borough Council will conserve and enhance Colchester's natural and historic environment, countryside and coastline. Central Government guidance on conserving the natural environment is set out in relevant sections of the NPPF.
- 14.10 There are limited trees and vegetation within the site, as such the proposal is not considered to impact upon vegetation of any significance. There is already established vegetation on the site boundaries, and it is further recommended that a landscaping condition is proposed for the installation of a native screening hedge to the exposed northern, southern and western boundaries of the site in order to both complement the local landscape character and visually screen any views of the development from the highway and Public Rights of Way network.

Ecology and Biodiversity

- 14.11 Local Plan Section 2 policy ENV1 seeks to conserve or enhance biodiversity of the Borough and places stringent requirements on supporting ecological information being provided to demonstrate the degree of impact or harm (especially in relation to designated sites or species), the associated mitigation measures and measures to enhance biodiversity.
- 14.12 It is considered that the proposed redevelopment of this site will have no material impact on protected species or biodiversity due to the nature of the ground mounted solar panels having little to no impact on the existing grassed area of the site. The introduction of native screening hedge will likely have a positive effect on the site's biodiversity moving forward. The application is therefore

considered to accord with the aforementioned local plan policies and national policy guidance.

Climate Change and Sustainability

- 14.13 The Council has made a Climate Emergency declaration in 2019 and has committed to being carbon neutral by 2030. The Local Plan Section 2 policy CC1 addresses the move to a low carbon future for Colchester and states the Local Planning Authority will plan for new development in ways that reduce greenhouse gas emissions and provide resilience to the impacts of climate change by encouraging and supporting the provision of renewable and low carbon technologies, with Local Plan Section 2 Policy DM25 also supporting proposals for renewable energy projects including micro-generation to help reduce Colchester's carbon footprint.

15.0 Planning Balance and Conclusion

15.1 To summarise, the proposal is considered to comply with the NPPF and local policy in terms of its design and effects on the character and appearance of the site and surrounding area, would not cause harm to the amenity of the local residents and the renewable energy produced for the site would help the environment. In conclusion, it is considered that the proposed scheme is acceptable, and it is recommended that scheme is approved subject to the recommended conditions identified below.

16.0 Recommendation to the Committee

16.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following conditions:

1. ZAA - Time Limit for Full Permissions

The development hereby permitted shall be begun before 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 the Planning and Compulsory Purchase Act 2004.

2. ZAM - *Development to Accord With Approved Plans*

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing 0000 REV A, 0001 and the Details Contained with Documents Named Panel Vertex and Sunfixings-Park-Tegra-Ground-Anchor-Data dated 28 July 2023.

Reason: For the avoidance of doubt and to ensure that the proposed development is carried out as approved.

3. ZPD - Limits to Hours of Work

No demolition or construction work shall take outside of the following times;

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

4. **Z00** – No works shall take place above ground floor slab level until a planting scheme has been submitted to and agreed, in writing, by the Local Planning Authority. The submitted planting details shall be in full compliance with the Council's Landscape Guidance Note LIS/B and comprise a native screening hedge, proposed as maintained at a minimum 2.3m high to the exposed northern, southern and western boundaries of the site. The implementation of all the planting works shall comply with the recommendations set out in the relevant British Standards current at the time of submission. The approved planting scheme shall be carried out in full prior to the end of the first planting season following completion of the development or in such other phased arrangement as shall have previously been agreed, in writing, by the Local Planning Authority. Any hedge planting which, within a period of 5 years of being implemented fails, is removed or seriously damaged or seriously diseased shall be replaced, like for like, in the next planting season, unless the Local Planning Authority agrees, in writing, to a variation of the previously approved details.

Reason: In order to ensure that there is a sufficient landscaping scheme for the relatively small scale of this development where there are areas to be laid out but there is insufficient detail within the submitted application.

17.0 Informatives

17.1 The following informatives are also recommended:

ZT0 – Advisory Note on Construction & Demolition

The developer is referred to the attached advisory note *Advisory Notes for the Control of Pollution during Construction & Demolition Works* for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

INS – Landscape Informative

Detailed landscape proposals, if/when submitted in order to discharge landscape conditions should first be cross-checked against the Council's Landscape Guidance Note LIS/B (this available on this CBC landscape [webpage](https://www.colchester.gov.uk/info/cbc-article/?catid=which-application-form&id=KA-01169): <https://www.colchester.gov.uk/info/cbc-article/?catid=which-application-form&id=KA-01169> under Landscape Consultancy by clicking the 'read our guidance' link).