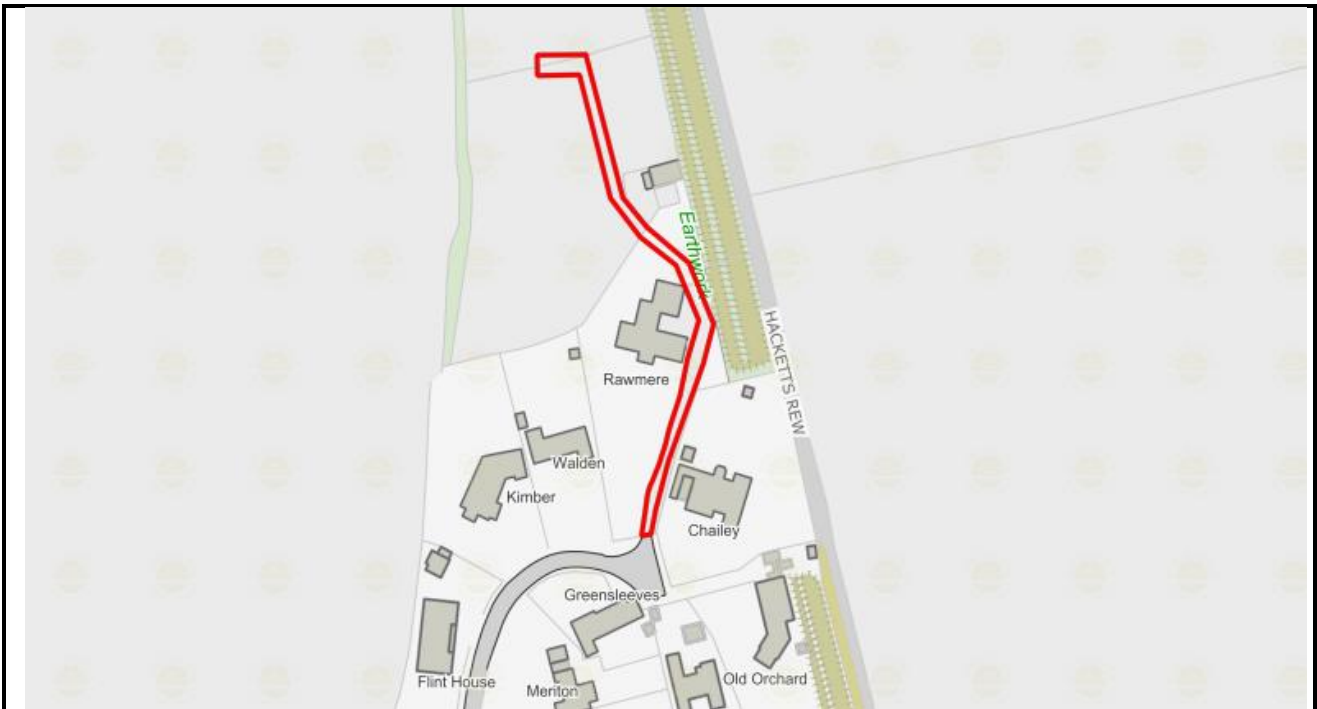



Parish: Chichester	Ward: Chichester North
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CC/22/01982/FUL

Proposal	Installation of 26 ground mounted solar panels in adjacent field.		
Site	Rawmere Rew Lane Chichester West Sussex PO19 5QH		
Map Ref	(E) 486047 (N) 107560		
Applicant	Mr P Scott	Agent	Mr Stephen Jupp

RECOMMENDATION TO PERMIT



	NOT TO SCALE	<p>Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803</p>
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1.0 Reason for Committee Referral

1.1 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

2.1 The application site consists of a field, which is currently grazed by livestock, the north of Rew Lane and Rawmere. The application site is located outside of, but adjacent to the Chichester Settlement Boundary. There is an existing public footpath (LAV/460/2) to the west of the application site. The application site is located adjacent to Chichester Dyke, which is classified as a scheduled ancient monument. The application site is well-screened by the existing boundary treatments of trees and hedging and is screened from the public footpath by the existing planting and change of levels.

3.0 The Proposal

3.1 The proposal includes the installation of 26 ground-mounted solar panels within the field located to the north of Rawmere. The proposal is located outside of the Chichester Settlement Boundary.

4.0 History

94/00776/DOM	PER	Extension and alterations to provide an additional bedroom, bathroom and boot room.
97/01323/FUL	REF	Alterations and extension to form dependant relatives accommodation and new garage.
98/00244/FUL	PER	Demolition & reconstruction of existing triple garage to include accommodation for elderly parents within new pitched roof design.
17/01678/TPA	PER	Crown reduce up to 3.5m on 1 no. Walnut tree subject to 60/00131/TPO.
22/01411/PRESSP	PRE	Installation of 26 ground mounted solar panels in field.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	NO
Strategic Gap	NO
Tree Preservation Order	NO
EA Flood Zone	
- Flood Zone 2	NO
- Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Chichester City Council

Objection. The City Council would, in principle, support renewable energy proposals where suitably located, however with respect to this proposal, the specific siting is of concern:

Although registered to a dwelling, the application site is in a neighbouring field. Therefore, contrary to the constraints listed on the website for the application, it is outside of the settlement boundary and within the countryside, protected by policy 45 of the Local Plan. Policy 45 sets three requirements for countryside development, all of which must be met in order to permit the development. However, the proposal is contrary to all three requirements: It is not well related to an existing farmstead or group of buildings, it prejudices the potential agricultural use of the land due to the siting of the panels as well as the extent of the associated cabling, it does not appear to require a countryside setting and its siting does not minimise its impact on the landscape and rural character of the area.

The proposal appears to be to serve a single domestic property and would effectively incorporate a large section of agricultural land in the countryside, into the domestic curtilage of the dwelling. In the first instance, the developers should seek to accommodate the panels on the house or elsewhere within its existing domestic curtilage. If it is genuinely not possible, the panels should be sited as closely as possible to the existing domestic boundary, in order to minimise the urbanising intrusion into and loss of countryside, usable farm land, and potential heritage assets which may be buried in this area, and in order to effect the least possible impact on the setting of the adjacent scheduled ancient monument.

6.2 CDC Archaeology Officer

The proposed panels should be far enough away from the scheduled line of the Chichester Entrenchment not to cause an unacceptable impact. However, the general area clearly has some archaeological potential and the possibility that the installation of the underground cable might impact on structures or deposits of interest would justify professional archaeological observation and recording (i.e. a watching brief). This should be secured via a suitable standard planning condition such as a version of our PC18:

No development/works shall commence on the site until a written scheme of archaeological investigation of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a schedule for the investigation, the recording of the findings and subsequent publication of results. Thereafter the scheme shall be undertaken by an appropriately qualified archaeologist fully in accordance with the approved details unless any variation is first submitted to and agreed in writing by the Local Planning Authority.

6.3 Third Parties

None received.

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan (LP): Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans.

7.2 The principal planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 41: Off-site Renewable Energy

Policy 45: Development in the Countryside

Policy 47: Heritage and Design

Chichester Local Plan 2021 – 2039: Proposed Submission (Regulation 19)

7.3 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2039 is now well-advanced. Consultation on a Preferred Approach Local Plan has taken place and following detailed consideration of all responses to the consultation, the Council has published a Submission Local Plan under Regulation 19. Following a period of consultation from 3 February to 17 March, the Submission Local Plan will be submitted to the Secretary of State for independent examination. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2023. However, at this stage, the weight that can be attached to the policies contained within the Local Plan Review in terms of decision making is relatively limited and commensurate with government policy at paragraph 48 of the NPPF. Relevant policies from the published Chichester Local Plan 2021 – 2039: Proposed Submission (Regulation 19) are:

S2: Settlement Hierarchy
NE1: Stand-alone Renewable Energy
P1: Design Principles
P2: Local Character and Distinctiveness
P9: The Historic Environment

National Policy and Guidance

7.4 The revised National Planning Policy Framework was published in July 2021. Paragraph 11 of the revised Framework states that plans and decisions should apply presumption in favour of sustainable development, and for decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

7.5 Consideration should also be given to Sections 1 (Introduction), 2 (Achieving sustainable development), 12 (Achieving well-designed places). The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

Other Local Policy and Guidance

7.6 The following documents are material to the determination of this planning application:

- Surface Water and Foul Drainage SPD

7.7 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:

- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of development
- ii. Design and impact upon character of the surrounding area
- iii. Impact upon amenity of neighbouring properties
- iv. Impact upon Heritage Assets

Assessment

i. Principle of development

- 8.2 The application site is located outside of any defined Settlement Boundary Area, in land designated as 'rest of plan area' under Policy 2 of the current Chichester Local Plan. Policy 2 of the current Chichester Local Plan states that '*development outside of settlement boundaries is restricted to that which requires a countryside location or meets an essential local rural need or supports rural diversification in accordance with Policies 45-46.*' Policy 45 allows development to be granted where it requires a countryside location and meets the essential, small scale, and local need which cannot be met within or immediately adjacent to existing settlements.
- 8.3 The proposed ground mounted solar panels would be associated with the existing dwelling known as Rawmere. The proposed solar panels cannot be accommodated within the domestic curtilage or the roof of the dwellinghouse due to the existing planting within the gardens which would impact the effectiveness of the solar panels through shading and the design of the roof. As such, it would not be possible to site the solar panels within the Chichester Settlement Boundary. The solar panels are proposed to be sited centrally within the field to mitigate shading caused by the existing planting at the boundaries of the field. Policy 41 of the current Chichester Local Plan relates to off-site renewable energy and permits development which meets the criteria set out in Policy 41. As such, the principle of the development is considered to be acceptable, subject to other material planning considerations.

ii. Design and Impact upon visual amenity and character of the area

- 8.4 Policy 45 seeks to ensure that development in the countryside will not have a detrimental impact to the character or viability of the land or surrounding area. Policy 45 of the current Chichester Local Plan states that development within the countryside must be well-related to an existing group of buildings or located close to an established settlement and it must be designed to have minimal impact on the landscape and rural character of the area. Policy 41 of the current Chichester Local Plan states that proposals should demonstrate that the proposals would not have a significant adverse effect on landscape or townscape character, ecology and wildlife, heritage assets whether designated or not, areas or features of historical significance or amenity value.
- 8.5 The application site is a field that is currently grazed by livestock (sheep). The proposed development would not impact the current use of the land and it would continue to be grazed by livestock. It is considered that the proposal would not have an adverse impact on the grazing of land.
- 8.6 The proposal has been designed to be located as close to the existing settlement of residential development at Rawmere as possible, whilst retaining the viability and efficiency of the solar panels proposed. The solar panels are proposed to be sited centrally within the field to mitigate shading caused by the existing planting at the boundaries of the field. The proposed solar panels will be connected to the north-east corner of the existing garage at Rawmere via a buried cable, a battery storage will be located within the garage for the energy generated by the solar panels.

8.7 The development would be at a low level within the site and therefore its visual impact from the wider area would be limited. The proposed development would be screened by the existing boundary planting of the field and would be screened from the public footpath to the west by the change in land levels. There are limited views from the north boundary of the application site in breaks in the existing vegetation, however, it is considered that the proposed development would be read in context with the existing dwelling and would not have a detrimental impact on the character of the surrounding area.

8.8 The system peak output for the panels would be 10Kw. The PV panels proposed are a small scale renewable energy development and would be used for personal use in association with the property at Rawmere, Rew Lane. Any excess power will be exported to the Grid at a maximum of 3.2Kw per phase. In order to retain this limited impact, if the application is permitted, the use will be secured by condition.

8.9 It is considered that the proposal, by reason of its size, form, siting, height, design and appearance, would be appropriate and would not cause significant harm or detriment to the wider area and therefore would accord with local and national development plan policies. The development is therefore considered to accord with policies 41 and 45 of the current Chichester Local Plan and would be acceptable.

iii. Impact upon amenity of neighbouring properties

8.10 The National Planning Policy Framework in paragraph 130 states that planning decisions should create places that offer a high standard of amenity for existing and future users.

8.11 The development would be at a low level within the site and therefore its visual impact from the wider area would be limited. The proposal would be sufficiently distanced, orientated and designed so as not to have an unacceptable effect on the amenities of the neighbouring properties, in particular to their outlook and privacy. Therefore, it is considered that the development complies with paragraph 130 of the NPPF.

iv. Impact upon Heritage Assets

8.12 The Ancient Monuments and Archaeological Areas Act 1979 states that any works resulting in the demolition or destruction of any or any damage to the scheduled monument, any works for the purpose of removing or repairing a scheduled monument or any part of it of making any additions or any flooding or tipping operations on land in or under which there is a scheduled monument will require scheduled monument consent. In addition, the NPPF stresses the importance of protecting heritage assets, stating that Local Planning Authorities (LPA's) should take account: of the desirability of sustaining and enhancing the significance of a heritage asset, the positive contribution that conservation of heritage assets can make to sustainable communities and to the desirability of new development making a positive contribution to local character and distinctiveness. Furthermore, Policy 47 of the current Local Plan requires new development to recognise, respect and enhance local the distinctiveness and character of the area and heritage assets.

8.13 The application site is located adjacent to Chichester Dyke, which is classified as a scheduled ancient monument. The scheduled ancient monument is located to the west of the application site. The proposal includes a buried cable, which might impact deposits of interest. The Council's archaeological officer has been consulted on the application and has stated that the proposed panels should be sufficiently distanced from the scheduled ancient monument to not cause an unacceptable impact. However, the buried cable might impact on structures or deposits of interest and would justify professional archaeological observation and recording.

8.14 Following consultation with the agent for the application and the council's archaeological officer, a condition has been agreed to require the observation and recording of the excavation of the trench by a qualified archaeologist and for the results to be submitted in writing to the Local Planning Authority within one month of the completion of the development. On this basis, it is considered that the development complies with Policy 47 of the current Chichester Local Plan.

Conclusion

8.15 Based on the above it is considered that the proposal complies with development plan policies 1, 2, 41 and 45 of the Chichester Local Plan. Therefore the application is recommended for approval.

Human Rights

8.16 In reaching this conclusion, the Human Rights of the applicants and nearby occupiers have been taken into account and it is concluded that the recommendation to permit is justified and proportionate.

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

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

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

2) The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Decided Plans"

Reason: For the avoidance of doubt and in the interests of proper planning.

3) The works in respect of the excavation of the trench for the cable shall be subject to observation, throughout the excavation works, by a qualified archaeologist and any discoveries of archaeological interest shall be recorded to accepted standards. Within one month of completion of the development hereby permitted, the results shall be submitted to the LPA in writing.

Reason: The site is potentially of archaeological significance.

4) The development hereby approved shall be restricted to use for private energy provision in association with the property at Rawmere, Rew Lane, Chichester, PO19 5QH and shall be removed once they are no longer required.

Reason: To enable the Local Planning Authority to control the development, and in the interests of amenity and road safety and to accord with the terms of the application.

Decided Plans

The application has been assessed and the decision is made on the basis of the following plans and documents submitted:

Details	Reference	Version	Date Received	Status
PLAN - SITE LOCATION PLAN	1		02.09.2022	Approved
PLAN - PROPOSED SITE BLOCK PLAN	3		02.09.2022	Approved
PLAN - PROPOSED SOLAR ARRAY PLAN AND ELEVATIONS	4		02.09.2022	Approved
PLAN - PROPOSED SOLAR ARRAY SECTION	5		02.09.2022	Approved

INFORMATIVES

1) 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 National Planning Policy Framework.

2) The developer's attention is drawn to the provisions of the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994, and to other wildlife legislation (for example Protection of Badgers Act 1992, Wild Mammals Protection Act 1996). These make it an offence to kill or injure any wild bird intentionally, damage or destroy the nest of any wild bird intentionally (when the nest is being built or is in use), disturb, damage or destroy and place which certain wild animals use for shelter (including badgers and all bats and certain moths, otters, water voles and dormice), kill or injure certain reptiles and amphibians (including adders, grass snakes, common lizards, slow-worms, Great Crested newts, Natterjack toads, smooth snakes and sand lizards), and kill, injure or disturb a bat or damage their shelter or breeding site. Leaflets on these and other protected species are available free of charge from Natural England.

The onus is therefore on you to ascertain whether any such species are present on site, before works commence. If such species are found or you suspected, you must contact Natural England (at: Natural England, Sussex and Surrey Team, Phoenix House, 32-33 North Street, Lewes, East Sussex, BN7 2PH, 01273 476595, sussex.surrey@english-nature.org.uk) for advice. For nesting birds, you should delay works until after the nesting season (1 March to 31 August).

For further information on this application please contact Rebecca Perris on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RFZO7RERJM700>