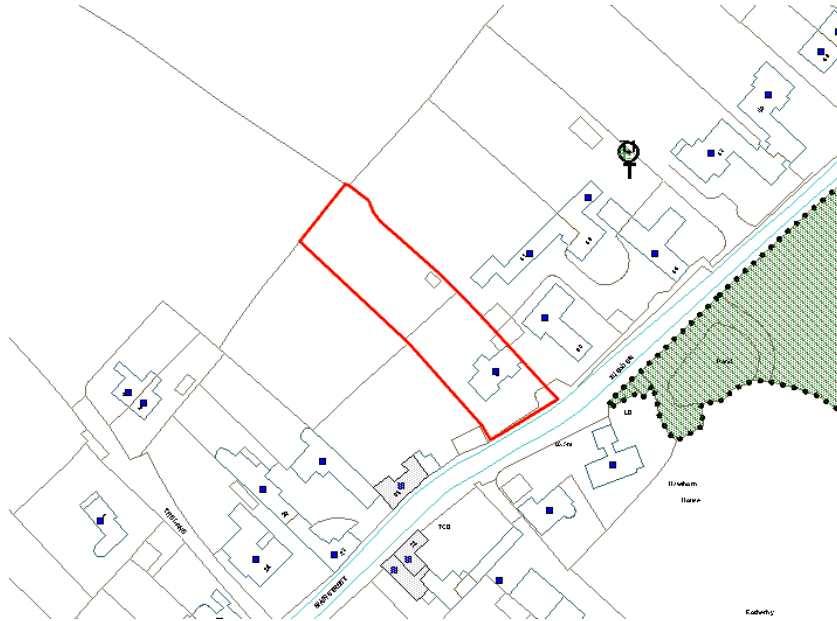


Reference: 12/00426/FUL
Date Submitted: 18th June 2012
Applicant: Mr Graham Spurr
Location: The Nook, 37 Main Street, Rotherby, LE14 2LP
Proposal: Installation of solar PV panels on ground array in the rear garden



Introduction:-

The application seeks planning permission for the installation of solar PV panels on a ground array in the rear garden of the dwellinghouse. The house is within the village envelope and the Conservation Area for Rotherby, however the rear section of the garden where the proposal is sited is outside of the village envelope, but does form part of the domestic curtilage of the dwelling.

It is considered that the main issue relating to the application is:

- **Compliance with the development plan (village envelope)**

The application is required to be considered by the Committee as it represents a departure from the approved policies of the Development Plan.

Relevant History:-

08/00894/FUL Erection of new bungalow and detached double garage – Approved 20/01/1999

08/00965/CON Demolition of existing dwelling – Approved 20/01/1999

Planning Policies:-

Adopted Melton Local Plan (Saved Policies)

Policy BE1 allows for new buildings subject to criteria including the buildings should be designed to harmonise with their surroundings, have no adverse impact on amenities of neighbouring properties,

have adequate space around and between buildings, adequate open space provided and satisfactory access and parking provision.

Policy OS2 states that planning permission will not be granted for development outside of the town and village envelopes except for:-

- Limited small scale development for employment, recreation and tourism which is not significantly detrimental to the appearance and rural character of the open countryside.

The Melton Local Development Framework Core Strategy (Publication) Development Plan document February 2012

Chapter 11 of this document relates to tackling climate change. Specifically in paragraph 11.5 it states that renewable energy is a key element of the transition plan for setting the UK on the path to a achieve a low carbon, sustainable future that helps to address climate change.

Paragraph 11.22 also states that the Council will look favourably upon proposals for renewable energy. Policy CS20 states that we will only allow new renewable developments which respect their surrounding environments.

The National Planning Policy Framework was published 27th March and replaced the previous collection of PPS. It introduces a ‘presumption in favour of sustainable development’ meaning:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - 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; *or*
 - specific policies in this Framework indicate development should be restricted.

The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that **whilst the NPPF does not automatically render older policies obsolete, where they are in conflict, the NPPF should prevail.** It also offers advice on the weight to be given to ‘emerging’ policy (i.e the LDF) depending on its stage of preparation, extent of unresolved (disputed) issues and compatibility with the NPPF.

It also establishes 12 planning principles against which proposals should be judged. Relevant to this application are those to:

- Proactively drive and support sustainable economic development to deliver the infrastructure (etc) that the country needs
- Always seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- recognising the intrinsic character and beauty of the countryside and supporting thriving communities within it
- Contribute to conserving and enhancing the natural environment and reducing pollution.

On Specific issues relevant to this application it advises:

Climate Change:

- not require developments to demonstrate overall need; recognise that even small scale schemes make a contribution
- For wind power, follow the approach set out in the National Policy Statement for Renewable Energy

Conserving and enhancing the natural environment:

- Protecting and enhancing valued landscapes
- Apply great weight to protection of designated landscape and scenic areas (e.g. National Parks)
- Avoid noise giving rise to significant adverse impacts
- Minimise other impacts on health and quality of life through conditions
- Identify and protect areas of tranquillity

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
Highway Authority: No observations.	Noted. The proposed solar PV panels on a ground array will not be visible from the highway, nor will they impact upon access or parking at the dwelling. The proposal is not considered to have an impact on highway safety.
Hoby with Rotherby Parish Council:- The Parish Council have no comments on the application.	Noted.
Conservation Officer:- no objection The PV panel array will be discretely located at the end of the garden area, away from the principal dwelling and also behind a tall boundary wall ensuring that it will be unseen from beyond the site confines. There is no apparent effect on neighbours, nor will the conservation area be adversely affected. The array by virtue of its construction may be considered temporary and therefore readily reversible.	Noted. The applicant could install the panels on the front of the roof of the dwelling under Permitted Development rights, however he has considered the impact of this on the Conservation Area and has concluded that they would be better placed away from the streetscene in the rear garden. Due to the location and screening to the proposal it is considered that the development would preserve the Conservation Area and would not have a detrimental impact.

Representations:

A site notice was posted and the application was advertised in the press. Five neighbouring properties were also notified of the proposal. As a result no representations have been received.

Other material considerations (not raised through consultation or representation)

Consideration	Assessment of Head of Regulatory Services
Design:	The proposed ground array of solar PV panels are to be located at the furthest North Westerly corner of the rear garden on a timber frame supported by four posts. The frame will have a maximum height of 2.5m, sloping down to a height of approx 1.5m above ground level to provide the optimum angle to receive the greatest amount of sunlight. The timber frame will hold 16 solar PV panels and will be located 5m from the boundary wall, shed and nearest tree. It is considered that the design is appropriate in a rear garden, standing no higher than a large shed. The materials for construction are proposed to be timber which is the same as other garden buildings in the area and is therefore appropriate for its location. The proposed design is considered acceptable and is therefore considered to accord

	with the development plan policy BE1
Impact upon residential amenity:	<p>The proposal has been located approximately 40m away from the nearest residential dwelling. The proposal does not create any issues with regards to overlooking or loss of residential amenity due to the type of structure proposed.</p> <p>It is considered that the proposed structure will not impact upon residential amenity and therefore accords with development plan policy BE1.</p>
Impact upon the open countryside:	<p>The timber structure is proposed to be located in a residential garden, which is divided by the village envelope. The location of this proposal falls in an area of the garden which is outside of the village envelope as defined within the Melton Local Plan.</p> <p>This area has been used as residential garden since 1959 (the year that the bungalow was built) and has orchard trees, is laid to lawn, and is bound by natural hedgerows and garden walls. Within the garden are two sheds / summerhouses and a greenhouse. There are no footpaths close to the garden, the fields to the West are used for farming.</p> <p>It is considered that the proposal for the timber structure to support the solar PV panels would not have a detrimental effect upon the character of the countryside in this area, as the land has been used as residential garden for more than 50 years. The relatively low maximum height of 2.5m above ground level will mean that the proposal is well screened by the trees, hedgerow and garden wall and will not have an adverse effect on the open countryside. The proposal would therefore satisfy the requirements of the NPPF and Melton Local Plan Policy BE1.</p>
Application of the Development Plan Policies	<p>The PV arrays will be sited in the open countryside and as such Policy OS2 is applicable. The proposal is considered to be contrary to Melton Local Plan Policy OS2. However, it is considered that the proposal will not harm the character of the open countryside which policy OS2 seeks to ensure due to the location and screening around the site.</p> <p>The proposal is supported by the NPPF which strongly encourages sustainable development, and the Core Strategy DPD which supports the generation of energy from renewable sources.</p> <p>It is also considered that the development complies with Local Plan Policy BE1 which seeks to ensure that new buildings harmonise with their surroundings and have no adverse impact upon neighbouring properties.</p>

Conclusion

The application seeks planning permission for the erection of a timber structure to support an array of solar panels in a residential garden outside of the village envelope for Rotherby. Whilst the proposal is contrary to Melton Local Plan Policy OS2, it is considered that the proposal will not harm the character of the open countryside which policy OS2 seeks to ensure. The proposal is supported by the NPPF which encourages sustainable development, and the Core Strategy DPD which supports the generation of energy from renewable sources. It is also considered that the development complies with Local Plan Policy BE1 which seeks to ensure that new buildings harmonise with their surroundings and have no adverse impact upon neighbouring properties.

A judgement is required as to whether the introduction of this relatively small scale, modest structure in this location, would harm the countryside which policy OS2 seeks to protect. It is considered in this case that the proposed timber structure in this location does not have a detrimental impact upon the countryside, that the proposal constitutes sustainable development as supported in the NPPF and the Core Strategy. Accordingly the application is recommended for approval.

RECOMMENDATION: Permit, subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application unless alternative materials are first agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details

The reasons for the conditions are:-

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To ensure a satisfactory standard of external appearance.

Officer to contact: **Mrs Sarah Legge**

1st August 2012