

Report to: PLANNING COMMITTEE

Date of Meeting: 12 December 2023

Report from: Planning Services Manager

Application address: Rocklands Private Caravan Park, Rocklands Lane, Hastings, TN35 5DY

Proposal: Erection of 30 ground based solar panels with associated base and electrical cabling (includes renewable energy)

Application No: HS/FA/23/00344

Recommendation: Grant Full Planning Permission

Ward: OLD HASTINGS 2018

Conservation Area: No

Listed Building: No

Applicant: Mr & Mrs Guilliard and Mr S Guilliard per CLM Planning Limited 14 Magpie Close Bexhill on Sea East Sussex TN39 4EU

Public Consultation

Site notice:	Yes
Press advertisement:	No
Neighbour Letters:	No
People objecting:	9
Petitions of objection received:	0
People in support:	0
Petitions of support received:	0
Neutral comments received:	0

Application status: Not delegated - 5 or more letters of objection received

1. Site and surrounding area

The application site comprises land within Rocklands Private Caravan Park, which is accessed from Rocklands Lane, Hastings. The caravan park is situated within the High Weald Area of Outstanding Natural Beauty (AONB), and an Archaeological Notification Area (ANA).

The site lies to the east / south-east of the bulk of the caravans within the park and to the north-east of Rocklands House (the residential property of the site's owners). The red line area allows for a run of ancillary cabling linking to an outbuilding (former site laundry) where the existing site generators are located, to the west of the main body of the site.

The main part of the site consists of a vacant caravan pitch, made up primarily of lawn with a concrete caravan base, on a narrow terrace below the main caravan park, albeit there is a further row of caravans on lower land to the east of the application site. There is a Tree Preservation Order (TPO) tree at the southern end of the site, a retaining wall on the western side, and an established hedge along the eastern perimeter.

Constraints

- High Weald Area of Outstanding Natural Beauty (AONB)
- Archaeological Notification Area (ANA) - (Hastings Historical Core)
- Licensed Caravan Park
- Tree Preservation Order (TPO)

Nearby designations

- Hastings Old Town Conservation Area
- Hastings Country Park Local Nature Reserve
- Hastings Country Park Local Wildlife Site
- Scheduled Ancient Monument (SAM)

2. Proposed development

The proposal is for the erection of a 17.3m x 3.4m array of 30 ground based solar panels mounted on timber supports, on a type 1 stone base. The peak height of the proposed panels would be 0.9m. The associated cabling would be laid in a 600mm deep x 100mm wide trench along a grass verge and crossing an internal road, to connect to an existing outbuilding.

The proposed solar panels are intended to provide renewable energy for the caravans within the park, to reduce the reliance on fossil fuels. The existing solar panels supply Rocklands House.

The application is supported by the following documents:

- Cover Letter
- Tree Survey Arboricultural Impact Assessment & Tree Protection Plan (AR/29614)
- Heritage Statement
- Site Waste Management Plan
- Manufacturers Specification (LONGI)
- Reflectivity of LONGI Solar PV Panels

Relevant planning history

Application No. HS/FA/15/00528

Description

Retention of ground mounted solar panels within the garden

Decision Refused on 11/12/15

Application No. HS/FA/17/00294

Description

Erection of 13 ground based solar panels on hardstanding to be retained with associated cabling and wall mounted controllers

Decision Permission with conditions on 20/10/17

Application No. HS/FA/20/00470

Description

Variation of condition 2 (approved plans) of Appeal Decision APP/B1415/C/15/3029007 (EN/15/00028, HS/FA/14/01036) Amendments to balcony fenestration, appearance of the dining area window (north side - omitting opening casement) and omission of middle balcony post on south side

Decision Permission with conditions on 20/01/21

Application No. HS/FA/22/00339

Description

Proposed asphalt surface to existing hardcore access ramp

Decision Permission with conditions on 21/07/22

National and local policies

Hastings Local Plan – Planning Strategy 2014

Policy FA5 - Strategic Policy for Eastern Area

Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way

Policy SC3 - Promoting Sustainable and Green Design

Policy SC4 - Working Towards Zero Carbon Development

Policy SC6 - Renewable Energy Developments

Policy EN1 - Built and Historic Environment

Policy EN3 - Nature Conservation and Improvement of Biodiversity

Policy EN5 - Local Nature Reserves (LNR)

Policy EN6 - Local Wildlife Sites (LWS)

Policy EN7 - Conservation and Enhancements of Landscape

Hastings Local Plan – Development Management Plan 2015

Policy LP1 - Considering planning applications

Policy DM1 - Design Principles

Policy DM3 - General Amenity

Policy DM5 - Ground Conditions

Policy HN1 - Development Affecting the Significance and Setting of Designated Heritage Assets (including Conservation Areas)

Policy HN4 - Development affecting Heritage Assets with Archaeological and Historical Interest or Potential Interest

Policy HN9 - Areas of Landscape Value

Revised Draft Local Plan

Policy OSP1 - Tackling Climate Change

Policy SP5 - Conserving and Enhancing the Natural Environment

Policy SP6 - Enhancing the Historic Environment

Policy SP7 - Managing Coastal Erosion and Flood Risk

Policy DP4 - Flood Risk and Water Quality

Policy DP5 - Biodiversity

Policy DP6 - Green Infrastructure

National Planning Policy Framework (NPPF)

Paragraph 8 sets out the three overarching objectives of the planning system in order to achieve sustainable development. Those are: economic (by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation); social (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;); and environmental (to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy)

Paragraph 9 advises that plans and decisions need to take local circumstances into account, so they respond to the different opportunities for achieving sustainable development in different areas.

Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development. 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 or 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.

Paragraph 12 of the NPPF states that the development plan is the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Paragraph 47 of the NPPF sets out that planning applications be determined in accordance with the development plan, unless material considerations indicate otherwise.

Paragraph 135 of the NPPF seeks to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

Paragraph 158 of the NPPF states when determining planning applications for renewable and low carbon development, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon

energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions;

b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas, and

c) in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site, and approve the proposal if its impacts are or can be made acceptable.

Paragraph 183 of the NPPF states that decisions should ensure a site is suitable for its proposed use having regard to ground conditions and risks arising from land instability and contamination.

Paragraph 184 of the NPPF sets out that where sites are affected by land stability or contamination, responsibility for securing a safe development rests with the developer and/or landowner.

3. Consultation comments

HBC Arboricultural Officer - **No objection subject to conditions**

HBC Conservation Officer - **No objection subject to conditions**

HBC Environmental Health - **No objection**

HBC Licensing - **No objection**

ESCC Archaeology - **No objection**

Building Control – **Have not commented**

Fire Brigade – **Do not wish to comment**

High Weald Area of Outstanding Natural Beauty (AONB) – **Have not commented**

Historic England – **Do not wish to comment**

Natural England - **No objection**

Tackling Climate Change – **Have not commented**

4. Representations

In respect of this application site notices were displayed on Rocklands Lane at the junction with Barley Lane and adjacent to the caravan park main entrance.

16 letters of objection were received from 6 different households (one person made 8 representations).

The letters of objection have raised the following concerns:

- Proximity to caravans [Officer note: SV Panels are designed for residential use and are routinely installed on buildings; a ground mounted array represents an even safer option. Nevertheless, the safety of the panels is not a planning consideration, as it would be covered by other legislation such as building regulations or under the jurisdiction of the Health & Safety Executive. HBC Environmental Health, HBC Licensing, and the Fire Brigade raise no objection]
- Array is not enclosed [Officer note: the existing ground mounted solar panels nearby are not enclosed. A fenced enclosure would increase visual impact, from an

- otherwise low impact development]
- Alternative sites within the park [Officer note: the location is a low-lying terrace where the development would have a neutral impact]
- Technical details not submitted [Officer note: submitted subsequent to the initial application submission]
- Landscape Visual Impact Assessment (LVIA) not submitted [Officer note: not required as officers were able to assess on site, see section c) below]
- Harm to TPO trees [Officer note: see section d) below]
- Ecology [Officer note: the development area is mowed lawn and hardstanding with no ecological value, see section e) below]
- Drainage / Land stability [Officer note: see sections f) & g) below]
- Panels not for caravan park [Officer note: the development would provide renewable energy for the caravan park]

It should be noted the application is for a minor development that can adequately be assessed on site and no further documentation or plans are required to assist with the assessment. There are no material planning issues that warrant requesting additional information.

5. Determining issues

The main issues to consider are the principal of the development, the impact on heritage assets, the impact on landscape, and the impact on trees. These matters are discussed in further detail below.

a) Principle

In principle the development of solar panels is supported by the Council in pursuit of its sustainable objectives.

Amongst others the following policies in the Hastings Local Plan: The Hastings Planning Strategy 2014 support renewable energy:

- Policy SC1 m) supports the move to a low carbon economy.
- Policy SC4 encourages on-site renewable energy generation in working towards zero carbon development.
- Policy SC6: Renewable Energy Developments:-

Proposals for renewable energy developments, including any ancillary infrastructure or building will be supported unless:

- a) their scale, form, design, material and cumulative impacts is unacceptable to the local landscape or built environment; and
- b) they would adversely impact on the local community, economy, biodiversity or historic interests
- c) the scale and impact of developments in nationally recognised designations, such as the High Weald Area of Outstanding Natural Beauty, Sites of Special Scientific Interest, Scheduled Monuments, Conservation Areas, Listed Buildings or Registered Parks and Gardens, is not compatible with the purpose of their designation

Similarly, the National Planning Policy Framework, encourages the provision of renewable energy generation:

Paragraph 158 of the NPPF states when determining planning applications for renewable and low carbon development, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions;
- b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas, and
- c) in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site, and approve the proposal if its impacts are or can be made acceptable.

Paragraph 158 of the NPPF is quite clear that applications for renewable energy should be approved if its impacts are acceptable.

Given the above the development is acceptable in principle and the strong policy support carries great weight in the planning balance, subject to other material planning considerations and relevant local plan policies.

b) Impact on heritage assets

There is a presumption in favour of the conservation of heritage assets and their setting, as set out in the NPPF and reiterated in local plan policies EN1, HN1 and HN4. Due to the proximity to the East Hill iron age fort Scheduled Ancient Monument (SAM) the site is a designated Archaeological Notification Area (ANA), and also the site is nearby to the Hastings Old Town Conservation Area. As such, the setting of the conservation area and SAM, and the impact on buried archaeological remains are the key heritage considerations to be assessed in determining this application.

The applicant has submitted a Heritage Statement to demonstrate an understanding of the impact of the development in relation to heritage assets. It sets out the proposed development would not be prominent in views of the key features of the SAM and as such, the solar panels would not detract from the significance or appreciation of the heritage asset. Furthermore, the solar panels would not be visible from the conservation area due to their low profile and the intervening screening and no adverse effects would be caused by the proposed development on its setting. Also, the limited trench depth in an area of the park where there has been previous ground disturbance reduces the possibility of any archaeological features being found or disturbed.

Conservation area setting

The proposed development area is outside the Old Town Conservation Area, which lies to the west and south of the application site. This designated heritage assets not only includes the Old Town urban area, but also the open cliff top landscape of East Hill, which contributes to the significance of the conservation area by acting as an open land buffer. Therefore, whilst being outside the conservation area, the proposed development needs to be assessed regarding the impact on its setting.

The proposed development would not be visible from the Old Town part of the conservation area, due to the distance and the small-scale nature of the proposal. It is specifically the impact on the setting of the heritage asset as experienced from the wide open spaces of the East Hill and in views westwards from Hastings Country Park. Considering first the views eastwards from East Hill, dense vegetation forms the boundary of the conservation area and Rocklands, which along with the distances involved, would prevent the solar panels being

visible from East Hill, ensuring that the setting of the conservation area would not be harmed from that viewpoint. Turning to views from Hastings Country Park, whilst caravans within the park are visible in views toward the conservation area from these vantage points, being set at a low point in the hilly topography and situated behind a band of mature trees and an established hedgerow, the proposed solar panels would be completely screened from view. As such, there would be no harm to the setting of the conservation area from either of these panoramas.

Scheduled Ancient Monument setting

Similarly, East Hill Scheduled Ancient Monument also lies to the west and south of the application site. Due to the distances involved and the extensive mature trees and vegetation surrounding the park boundaries and within the site, the understanding or appreciation of the setting of the scheduled monument would not be harmed by the proposed development, and it would not detract from the key features of the Scheduled Monument. The minor nature of the proposal does not warrant involvement from Historic England.

Archaeology

In terms of the archaeological significance of the site, the proposed panels would sit on timber sleepers atop a stone base rolled into the ground, with minimal ground disturbance, avoiding any harm to potential buried remains. The cable run would follow the grass verge of an internal road, and cross to an outbuilding containing the site generators serving the campsite. The cabling would be buried below the surface in a 600mm deep trench, with the excavated spoil used to backfill the trench. It is an area of previously disturbed ground, and as such, would not be considered to cause harm to potential archaeological remains, with no objections being raised from the County Archaeologist.

Therefore, in light of the above, the proposals would not harm the setting of the nearby designated heritage assets and do not conflict with heritage protection policies and guidance. The absence of harm identified when weighed against the benefits of providing a source of renewable energy for the holiday park, is considered, when applying the balance judgement required by paragraph 202 of the NPPF, that the proposal is acceptable from a heritage point of view. Equally, Policy HN1 of the Planning Strategy, and Policy HN4 of the Development Management Plan are also complied with.

c) Impact on landscape

The site is within the High Weald Area of Outstanding Natural Beauty (AONB) a designated landscape with the highest level of national and local protection to preserve its scenic beauty and landscape character. As such, the proposal needs to be assessed in terms of its impact on the designated landscape.

The context against which to assess this proposal for an array of low-level solar panels is the chosen proposed location is within a large static caravan park, where the steep sloping land has been terraced to provide level pitches for the caravans. The selected site is one of the lower terraces, where the retaining walls and caravans on the higher terraces loom large over the application site and provide the visual back drop. There is an existing smaller array slightly further to the south, towards the house. The site is bordered by a hedge on its eastern side, beyond which the land levels fall away significantly to a line of mature conifer trees beyond.

In terms of context, it should also be noted that a previous approval for the smaller array of solar panels just to the south of the current application site are more prominently sited, and

yet they were assessed as having “no impact” on the landscape. The site the subject of this application is significantly less open to incoming views, due to the greater screening afforded it, and the lower profile of the units.

The proposed panels would be set at an incline of approximately 10% and would be 0.9m at their highest point. To get some perspective on this, that equates roughly to the waist height of a person, as opposed to the height of a static caravan of 3m, which previously occupied the site.

The proposed location for the solar panels is well considered. The low lying terrace selected would ensure the proposed array would not be visible in the wider landscape, due to screening provided from the mature trees around the Rocklands site. The screening is reinforced by an existing established hedge immediately adjacent which is higher than the proposed array and is a dense thicket which will provide screening all year round. Condition 3 will secure that the hedge is to be maintained at a height above the peak height of the panels, to ensure the panels remain obscured from wider views. The panels would have an outward facing finish in black, with an anti-reflective layer to further safeguard that the presence of the panels would be unintrusive in the park setting, with the aforementioned screening preventing views of any minimal solar glare.

With the existing hedge screening the panels on the eastern edge of the terrace, the backdrop to the rear of the panels would be the retaining wall of the terrace above and the caravans atop it, which would dwarf the 0.9m high panels. It is also noted that the proposed solar panels would be on a caravan pitch, the static caravan having been removed to be replaced by the array. Clearly, the visual impact of a 0.9m high array finished in black would be far more discrete than a much bulkier cream finished static caravan that would have illuminated windows at night, and as such the proposal represents a betterment in terms of visual impact.

In conclusion, it is considered that the solar panels would be logically located so as not to have a harmful impact on the landscape character or scenic beauty of the High Weald Area of Outstanding Natural Beauty nor the Hastings County Park vistas. It would have at worst a neutral impact in that the proposal would not result in a discernible change to the character of the landscape, but in all likelihood would represent an enhancement compared to the static caravan it would replace. Therefore, the proposal would accord with policy EN7 of the Hastings Planning Strategy and the National Planning Policy Framework in terms of impact on the AONB and wider landscape, subject to condition 3 to maintain the hedge as an effective screen.

d) Trees

There are two TPO protected trees south of the proposed development area (Tree of Heaven and Sweet Chestnut), one inside the application site, and one just outside. As such, an Arboricultural Impact Assessment accompanies the application, which concluded the development posed no threat to these protected trees, subject to the root systems being protected during construction through the erection of tree protection barriers; hand excavation of the cable run in the vicinity of the root protection area (RPA); and, that access to the site does not cross the RPA. The Council’s arboriculture officer raises no objection subject to these measures being secured by conditions 4 & 5.

e) Ecology

The site is maintained lawn and concrete caravan supports with no ecological value, and no protected species would be impacted by this low intensity form of development. The proposal represents a net gain in biodiversity terms, in that the removal of a static caravan pitch with associated amenity grassed area, eradicates the footfall of visitors in the amenity space around the caravan, and guarantees the protection of the hedges by condition 3,

where presently none exists.

Natural England have also confirmed that statutory protected sites (SSSI and SAC) around the caravan park would not be harmed by the development.

f) Drainage

The development would not use a soakaway. The panels would be mounted on a permeable stone base and rainwater would 'soakaway' to ground naturally as is the existing case.

g) Other

Land both within Hastings Country Park (owned by Hastings Borough Council) and the caravan park (owned by the applicants) has in the past been subject to a land slip, which resulted in the loss of vegetation on the southern slopes of the caravan park and the cliff. The current proposal for a lightweight array would be dispersed over a greater area with less weight than the static caravan it replaces, as such the proposal would not pose an additional risk to land stability.

6. Conclusion

In the light of this assessment, the proposed solar panel array would have a neutral impact on the wider area outside of Rocklands Caravan Park, and as such, would not cause any harm to heritage assets, landscape character, or protected trees. Given the strong policy support for renewable energy projects weighing in favour of the proposal and no negative planning considerations against the proposal, the application is recommended for approval.

These proposals comply with the Development Plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which 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 Human Rights considerations have been taken into account fully in balancing the planning issues.

7. Recommendation

Grant Full Planning Permission subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

21.408/02F, Manufacturers Specification (LONGI)

3. The existing hedgerow east of the proposed solar panel array, and shown on approved drawing 21.408/02F, shall be retained at all times the solar panels remain in situ and shall be maintained at a minimum height of 1.5m above ground level along the entire eastern side of the application site. Should the hedgerow become damaged, diseased or die it should be replaced within the next planting season at a planted height that is greater than the solar panels.
4. No development shall take place until temporary protective fences to safeguard the trees and hedges to be retained on the site have been erected in accordance with the current BSI 5837 standards and to the satisfaction of the Local Planning Authority. All such fences shall be kept in a sound, upright and complete condition until the development has been completed and/or the Local Planning Authority confirm in writing that the works have been sufficiently completed for the fencing to be removed.
5. All arboricultural measures and/or works shall be carried out in accordance with the details contained in Tree Survey Arboricultural Impact Assessment & Tree Protection Plan (AR/29614) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. In the interest of protecting the setting of designated heritage assets and the local landscape.
4. In the interests of visual amenity.
5. In the interests of visual amenity.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the National Planning Policy Framework.

Officer to Contact

Mr Paul Howson, Telephone 01424 783279

Background Papers

Application No: HS/FA/23/00344 including all letters and documents