

**Report to:** PLANNING COMMITTEE  
**Date of Meeting:** 19 October 2017  
**Report from:** Assistant Director of Housing and Built Environment

**Application Address:** Rocklands Private Caravan Park, Rocklands Lane, Hastings, TN35 5DY  
**Proposal:** Erection of 13 ground based solar panels on hardstanding to be retained with associated cabling and wall mounted controllers  
**Application No:** HS/FA/17/00294

**Recommendation:** Grant Full Planning Permission

Ward: OLD HASTINGS  
Conservation Area: No  
Listed Building: No

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

Existing Use: Caravan park

**Public Consultation**

Site Notice: Yes  
Press Advertisement: No  
Letters of Objection: 26  
Petitions of Objection Received: 0  
Letters of 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 lies within Rocklands Private Caravan Park, which is situated along Rocklands Lane, surrounded by Hastings Country Park and within the High Weald Area of Outstanding Natural Beauty.

The site lies to the south-west of the caravans. The solar panels are located to the north-east of Rocklands House, the residential property of the site's owners, with the ancillary cabling and mounting being attached to the house and its boundary retaining wall.

### Constraints directly related to site:

- High Weald Area of Outstanding Natural Beauty (AONB)
- Archaeological Notification Area (Hastings Historical Core)
- Licensed Caravan Park
- Scheduled Ancient Monument (SAM) (Iron age cliff castle and site of St. George's churchyard on East Hill) (part of site only)
- SSSI Impact Risk Zone

### Constraints close to site:

- Hastings Old Town Conservation Area (HOTCA)
- Hastings Country Park
- Hastings Country Park Local Nature Reserve
- Hastings Country Park Local Wildlife Site

## 2. Proposed development

The proposal is for the erection of 13 ground based solar panels on hardstanding to be retained with associated cabling and wall mounted controllers.

Each panel is 1m by 1.6m, which at a 30 degree angle on a timber base makes the installation approximately 1.15m tall. The panels are proposed to be split into two arrays - one of 6 panels and one of 7 panels.

The application is retrospective in as much as the hardstanding already exists, some solar panels are already on site (currently in a different configuration to that proposed) and the cabling and wall mounted controllers are already installed (although this proposal includes the burying and pinning of some of the cabling).

The application follows a refusal for the retention of some solar panels in a position closer and directly east of Rocklands House (ref HS/FA/15/00528). This application was refused for the following sole reason:

*"The proposed solar panels, by virtue of their position on and adjacent to the Scheduled Ancient Monument, are harmful to its visual amenity and setting. There is insufficient justification for the position of the solar panels and therefore the proposal does not accord with policy EN1 of the Hastings Planning Strategy, policy HN1 of the Development Management Plan and paragraphs 131 and 134 of the National Planning Policy Framework."*

Prior to the 2015 application the solar panels were shown to be included on a new holiday let building, which has been subject of a number of planning applications and enforcement proceedings. However, it is noted that the plans approved as part of the enforcement appeal did not show these solar panels on the roof of the holiday let.

The application is supported by the following documents:

- 1 x drawing (ref 11.396/13D)
- Heritage statement
- Preliminary ecology appraisal
- Site waste management plan
- Solar photovoltaic glint and glare study
- Landscape character and visual appraisal

### **Relevant Planning History**

HS/FA/15/00528 Retention of ground mounted solar panels within the garden  
Refused 11 December 2015

### **National and Local Policies**

#### Hastings Local Plan – Planning Strategy (2014) (HPS)

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

#### National Planning Policy Framework (NPPF)

The NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Para 14 sets out a general presumption in favour of sustainable development and states that development proposals which accord with the development plan should be approved without delay.

Three dimensions of sustainability given in paragraph 7 are to be sought jointly: 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 (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst paragraph 10 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.

The National Planning Policy Framework encourages the provision of renewable energy generation, set out as one of the Core Planning Principles in paragraph 17. Sections 11 'Conserving and enhancing the natural environment and 12 'Conserving and enhancing the historic environment' are also particularly relevant.

### **3. Consultations comments**

Conservation Officer - **No objection.**

Parks & Open Spaces Manager - **No comment received.**

High Weald Area of Outstanding Natural Beauty - **No objection.** Otherwise advises to determine application in accordance with legislative and policy requirements in respect of AONBs.

County Archaeologist - **No objection.**

Historic England - **No objection.**

Natural England - **No objection.** Comments are in relation to statutory nature conservation sites only (i.e. SSSI and SAC). Otherwise advised to consider protected landscapes, species, habitats and local nature sites in line with legislative and policy requirements.

Friends of Hastings Country Park Nature Reserve - **Objection raised.**

Planning Policy - **No comment received.**

Lead Local Flood Authority (ESCC) - **No objection.**

Environment & Natural Resources Manager - **No objection.**

Borough Arboriculturalist - **No objection.**

### **4. Representations**

A number of representations have been received from the Save Ecclesbourne Glen (SEG) campaign group. Concerns include:

- Procedural issues and 'violation' of planning enforcement notice.
- Panels installed in designated amenity area protected by conditions on previous consents.
- Harm to the Country Park, AONB, SAM and the HOTCA.
- Concerns that panels breach safety and installation regulations. No consultation with Building Control.
- Use of soakaways as drainage.
- Size of solar panels misrepresented.
- 'Breaches' of local and national policy.
- 'Breach' of AONB guidelines.
- Inaccurate Landscape Visual Assessment.
- Inaccurate assessment of designated heritage assets.

- Glint and glare analysis is flawed.
- Insufficient information in relation to ecological impacts.
- Incomplete and erroneous drawings.
- Information generally inaccurate or misleading.
- 'Essential' documents not provided.

Another 25 representations have been received from 25 different persons echoing the concerns raised by SEG.

It should be noted that whilst many of the objections raised are material to the determination of the planning application some appear to be based on the existing arrangement of the panels on the site - i.e. two parallel arrays with the back array higher than the front - or the previous panel location directly east of Rocklands House. The proposed arrangement is different with both the front and back arrays installed at the same level on the existing hardstanding. The arrangement proposed in the drawings is the one under consideration.

## **5. Determining Issues**

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

### a) Principle

In principle the development of solar panels is supported by the Council. The following policies in the Hastings Local Plan: The Hastings Planning Strategy (HPS) offer support:

- Policy SC1 supports moves toward a low carbon economy.
- Policy SC3 requires development to incorporate appropriate climate change mitigation measures.
- Policy SC4 requires new non-residential development to follow the energy hierarchy: to improve energy efficiency, then provide on-site renewable energy generation, and finally meeting targets via additional measures or off-setting. Developers are encouraged in policy SC4 to pursue additional low carbon or renewable energy generation schemes.

Renewable energy is also referenced at paragraph 6.5 of the HPS where it states that “Private and community energy generation or water harvesting also has the potential to reduce utility bills and fuel poverty. We will encourage the installation of renewable energy and microgeneration technologies and energy and water efficiency measures within existing development.”

One of the Core Planning Principles, at paragraph 17 of the National Planning Policy Framework, similarly encourages the provision of renewable energy generation.

Given the above the development is acceptable in principle subject to other material considerations and policies.

## b) Impact in the landscape

The application site lies within the High Weald Area of Outstanding Natural Beauty (AONB) and is surrounded by Hastings Country Park. Because of the AONB designation the site benefits from the highest status of landscape protection and great weight should be afforded to conserving landscape and scenic beauty. This requirement is reflected in policy EN7 of the HPS and paragraph 115 of the NPPF. The preservation of the AONB is also a statutory consideration as set out in the Countryside and Rights of Way Act 2000 (as amended).

To explain the impact of the development on the AONB, the applicants have submitted a Landscape Character and Visual Appraisal (LVA), which assesses the relationship of the solar panels in the landscape. The report focuses on three receptors, as they were considered most sensitive, when assessing the impact. This report finds that their location behind a hedgerow means the solar panels would be screened and have no impact. Further screening is also offered by other vegetation, static caravans and the topography of the area.

There were channelled views of the solar panels in their previous location from the Country Park and Public Rights of Way (PROWs) from the south east but the new location means that panels will no longer be seen in these views. Having visited the site I am satisfied with the conclusions of the LVA and otherwise conclude that views from other locations outside of the site would be limited that they would be very negligible. A direct view of the panels between the holiday let building and Rockland House is possible, but this view is only obtained in one specific spot within the Country Park on the south-east boundary of the caravan park. Even in this view the panels would still be partially obscured by the surrounding hedgerow and would not be prominent amongst the caravan park, its buildings and associated infrastructure. It is noted that the previous refused application for the solar panels (HS/FA/15/00528) was refused only in respect of their impact on the SAM, rather than their visual impact in the landscape. This new location is an improvement over that. They are not prominent and it is considered that they do not detract from the wider landscape character.

The application is also accompanied by a glint and glare study undertaken by PagerPower. The study explains how the assessment of reflections from solar panels should be undertaken taking into account related guidance and the companies own experience. The explanation is well set out and appears sound. The study uses geometrics to explain how the fixed and angled array would relate to the path of the sun and whether there would be any instances in which a glint or glare effect would be experienced. It focuses on three receptors, those being the same views used by the LVA. The study ultimately concludes that in their proposed position some glint or glare is possible during a small portion of the year from one of the fixed assessment points - point 1 in mid-March or late-September during the hour of 5pm-6pm.

Following an objection to the study and a photograph of the panels in their previous location appearing to cause some reflection during the middle of summer, PagerPower were asked for additional comments. From this it can be ascertained that any variation in the weather, position of the panels, their orientation, the angle of the array and the position of the viewer, a reflection could be possible but, it would only be for a very small fraction of the year. The incorrect height of the solar panels used in the study is also considered to be insignificant as any adjustment to the height of the panels would only change the results marginally.

It can be concluded that reflections at any one point would be experienced for only a very short period of time. This is not considered to be sufficient to result in harm to the appreciation of the wider landscape. It should also be noted that whilst the geometrics explain that such a reflection could be possible, any reflection is unlikely to be experienced as, unlike the previous location, the proposed solar panels would be well screened so are unlikely to be visible enough for one to experience a reflection.

It is considered that the solar panels as located do not have a harmful impact on the landscape character or scenic beauty of the High Weald Area of Outstanding Natural Beauty or the County Park and, therefore, accord with policy DM1 and EN7 of the Hastings Planning Strategy and paragraph 115 of the National Planning Policy Framework.

#### c) Impact on the historic environment

There is a presumption in favour of the conservation of historic assets and their setting. This is explained in the NPPF, policies EN1, HN1 and HN4 and, in relation to listed buildings and conservation areas, the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). Policies DM1 and DM3 also apply and require a high standard of design and an acceptable visual impact on the surrounding area and can also apply to schemes related to historic assets.

The applicant has submitted a Heritage Statement to explain the impact of the development in relation to historic assets. The statement appears to rely heavily on that submitted with the previous applications relating to the site, however, some of the issues are similar. Like the assessment of the impact on the AONB in the LVA, the Heritage Statement notes that solar panels are not prominent in views of the key features of the SAM and therefore do not detract from the significance of the SAM or the conservation area.

The conservation area lies to the west, south and east of the application site but the solar panels lie outside the conservation area. As explained above, due to topography and vegetation, the solar panels appear not to be visible from the conservation area or are significantly obscured.

The previous application was found to be unacceptable because of the impact on the SAM, but, in this proposal, the panels are no longer with the SAM and, as explained above, views of the panels appear to be unlikely given their position, topography and varying forms of screening so it could be considered that there would be no harm to the setting of the SAM or conservation area either.

The Conservation Officer concludes that there would be no harm to the conservation area. However, they do identify minor harm to setting of the SAM in long distance views from the Country Park. Whilst the visibility of the panels in these views is questionable, the Conservation Officer continues:

*"Only very minor potential harm to the setting of the East Hill scheduled monument site has been identified. The very minor harm identified to the setting of the scheduled monument when viewed from Hastings Country Park is not of a scale where we should be considering the refusal of planning permission. The setting of the scheduled monument site has already been significantly compromised by the earlier development of the houses and a caravan park. The current proposals will only result in very minor additional harm. Importantly, the development will not inhibit our ability to appreciate or understand the East Hill cliff castle as a heritage asset. I consider that the requirements of the NPPF in relation to the need to conserve heritage assets and their setting have been met."*

The Conservation Officer concludes by raising no objection to the proposals subject to a condition about the existing hedge row being maintained at a minimum height. Whilst a height of 1.5m is suggested, it is recommended that any condition need only refer the hedge row being maintained at a level higher than the panels as the hedge will be a slightly different height in different sections around the panel array (see condition 3).

It is acknowledged that the proposals do not purely relate to the panels and that hardstanding, plant and cabling is included. It is considered that these features are internal to the site and will not be prominent in public views within or towards the scheduled monument site or from the conservation area. These elements will not harm the setting of the scheduled monument or the conservation area. The buried cabling (buried 200mm below the surface) is also not considered to cause harm to potential archaeological remains, with no objections being raised from the County Archaeologist or Historic England in this respect.

Given the above, the proposals are considered to be acceptable and do not conflict with heritage protection policies and guidance.

#### d) Impact on biodiversity and trees

The application is accompanied by a Preliminary Ecology Appraisal. The appraisal reports that there are no protected species likely to be affected by the solar panels, which are located on an area of maintained lawn surrounded by a hedgerow.

The Council's ecologist confirms the findings of the submitted preliminary ecology survey and agrees that no further surveys are required. Natural England have also confirmed that statutory protection sites (SSSI and SAC) around the caravan park are not impacted by the development.

There are no trees that would be impacted by the development. The array would be set away from the existing hedgerow which is to be retained and any cabling which could impact the hedgerow has already been laid with no apparent impact. The Borough Arboriculturalist has raised no objection to the development.

With the evidence submitted, it is considered that the proposals will have no adverse impact on biodiversity, any local or statutory designated sites or trees. The proposals do not conflict with the development plan policies in this respect.

#### e) Other

Objections to the application are concerned with procedural issues and a 'violation' of the planning enforcement notice. Only one enforcement notice in respect of solar panels has been issued, which related to the panels in their previous location (ref EN/16/00002). This notice has been complied with as the panels were removed. This notice has, therefore, not been breached. That said, this current application has been submitted following advice from Planning Enforcement that the panels did not have planning consent. Planning Enforcement will consider the next appropriate course of action depending on the outcome of this application.

As far as can otherwise be ascertained, the application site is not restricted by conditions attached to other consents that would restrict the development. As such, the application can be considered on its merits.

Any concerns about the safety of the panels and their compliance with 'installation regulations' are not a planning consideration. Such a matter is likely to fall within the building regulations or under jurisdiction of the Health & Safety Executive. Planning guidance requires that applications are not reused on matters dealt with by other legislation.



Despite what is stated on the application form, the development does not use a soakaway. The small amount of hardstanding is surrounded by lawn where surface water can drain naturally.

It is acknowledged that the size of solar panels is incorrect in some of the supporting documentation, however, the drawing is considered correct and the development would have to be carried out in accordance with this if approved.

Sufficient information has otherwise been provided to understand the impact of the development.

## **6. Local Finance Considerations**

There are no Local Finance Considerations material to the application.

## **7. Conclusion**

The proposals in their new location overcome the reason for the refusal of application HS/FA/15/00528 and, as explained above, do not cause any harm to landscape character, historic assets or matters of biodiversity. 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.

## **8. 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:  
  
11.396/13D
3. The existing hedgerow surrounding the solar panel array, and shown on approved drawing no. 11.396/13D, shall be retained the whole time the solar panels remain in situ and shall be maintained at a height at or above the highest part of the solar panel array when measured from any part of the hedgerow. Should the hedgerow become damaged, diseased or die it should be replaced within the next planting season at a planting height that is greater than the solar panels.

### **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.

### **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 paragraphs 186 and 187 of the National Planning Policy Framework.

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### **Officer to Contact**

Mr S Batchelor, Telephone 01424 783254

### **Background Papers**

Application No: HS/FA/17/00294 including all letters and documents