

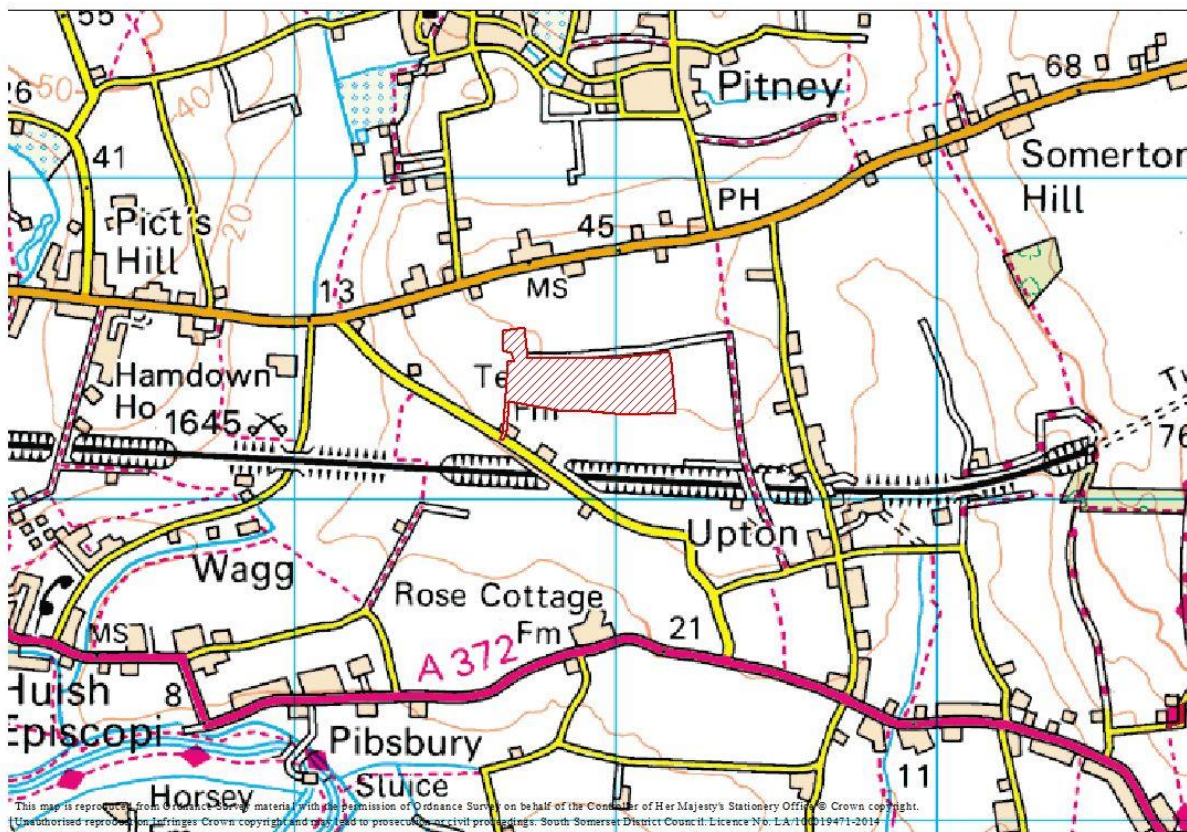
Officer Report On Planning Application: 14/04751/S73

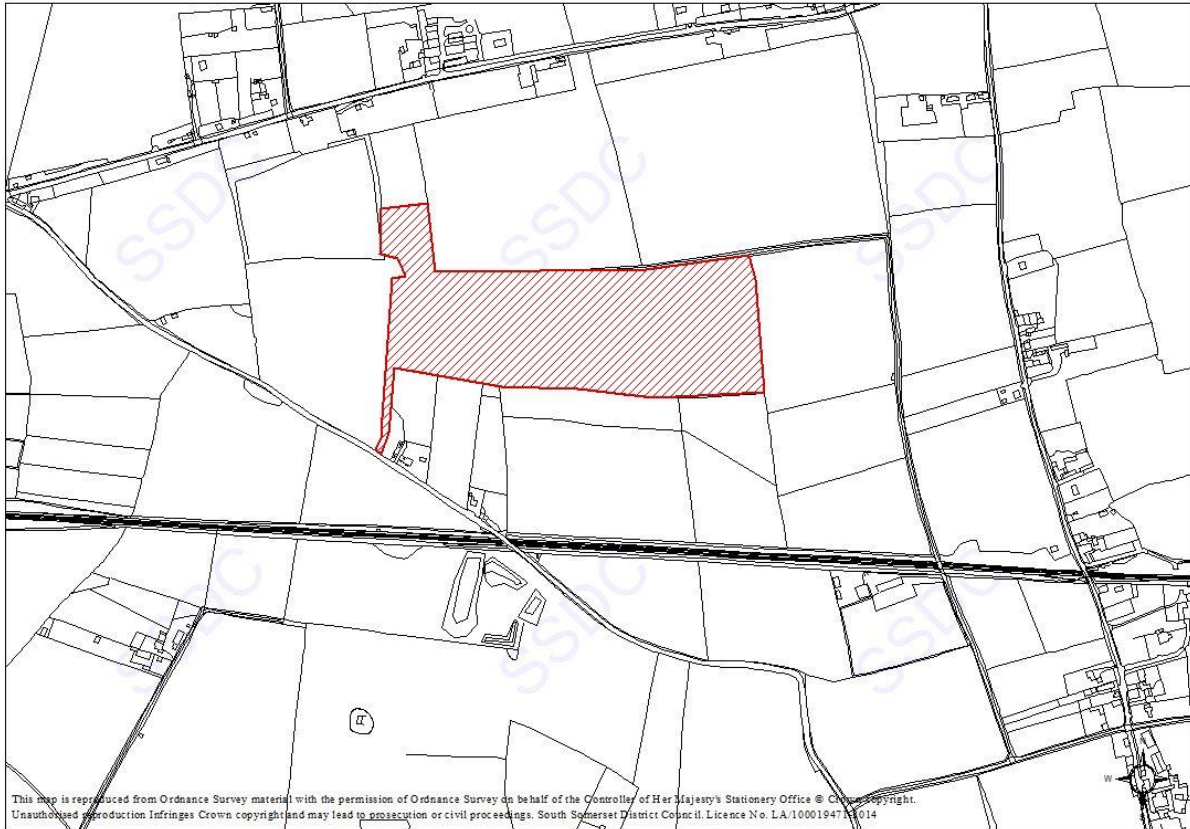
Proposal :	Application to vary Condition 3 (time limit) and Condition 7 (lighting) of planning permission 13/03053/FUL (allowed at appeal ref: APP/R3325/A/13/2209502 dated 24th June 2014) (GR 344570/127344).
Site Address:	Land North Of Tengore Lane, Long Sutton.
Parish:	Long Sutton
TURN HILL Ward (SSDC Member)	Cllr Shane Pledger
Recommending Case Officer:	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
Target date :	22nd January 2015
Applicant :	TGC Renewables Ltd
Agent: (no agent if blank)	
Application Type :	Major Other f/space 1,000 sq.m or 1 ha+

REASON FOR REFERRAL TO COMMITTEE

The application is referred to Committee in accordance with the Council's Scheme of Delegation, as it is a large scale major application.

SITE DESCRIPTION AND PROPOSAL





The application site covers two agricultural fields extending to 6.4 hectares, in area, set back from and north of Tengore Lane. The application site's western boundary is removed one field from the designated Langport battlefield's eastern boundary.

Planning permission was given on appeal (planning ref: 13/03053/FUL) for the erection of a solar farm to generate electricity to feed into the national grid over a 25-year period.

Condition 3 (time limit) permits the 25 years period to operate from the date of the appeal decision; namely 24 June 2014. Condition 3 states:

The solar panels and associated structures and equipment, hereby permitted, shall be for a limited period of 25 years from the date of this decision. At the end of this period or upon cessation of their use for generating electricity, whichever is the sooner, all associated structures and equipment shall be fully removed from the application site and the site cleared. Within 3 months of clearance the land shall be restored to its former agricultural condition in accordance with a scheme of works which shall first have been submitted to and agreed in writing by the Local Planning Authority.

The proposed condition 3 is to read:

The solar panels and associated structures and equipment, hereby permitted, shall be for a limited period of 25 years **to commence from the 30 June 2015**. At the end of this period or upon cessation of their use for generating electricity, whichever is the sooner, all associated structures and equipment shall be fully removed from the application site and the site cleared. Within 3 months of clearance the land shall be restored to its former agricultural condition in accordance with a scheme of works which shall first have been submitted to and agreed in writing by the Local Planning Authority.

Condition 7 (lighting) seeks control of lighting on site and reads:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no external lighting erected or otherwise installed on site.

The proposed condition 7 is to read:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no external lighting erected or otherwise installed on the site **unless the details are agreed in writing with the local planning authority. Any agreed external lighting will thereafter be constructed and retained in accordance with the agreed details.**

RELEVANT HISTORY

- 14/04676/NMA: Application for a non-material amendment to planning permission, allowed on appeal of 13/03053/FUL for changes to solar farm and associated development - Approved.
- 13/03053/FUL: Solar PV development including ground based racking systems, mounted solar panels, power inverter stations, transformer stations, substation, deer/ security fencing and associated access gates, and CCTV/ security cameras mounted on free-standing support poles. Refused, and Allowed on Appeal.
- 12/01902/FUL The construction of a solar array, including the installation of ground based racking systems, mounted solar panels, power inverter stations, transformer stations, sub-station, deer/ security fencing and associated access gates, and CCTV security cameras mounted on free standing support poles. Refused, and Appeal dismissed.
- 10/05143/EIASS: Proposed solar photovoltaic farm. EIA not required. Officer Note: No significant changes have been introduced that would have altered this opinion.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

The development plan comprises the South Somerset Local Plan. The policies of most relevance to the proposal are:

- EC3 - Landscape Character
- ST5 - General Principles of Development
- ST6 - The Quality of Development
- EH9 - Historic Battlefields
- EH12 - Areas of High Archaeological Interest
- EC1 - Protecting the Best Agricultural Land

EC7 - Networks of Natural Habitats

National Planning Policy Framework:

Chapter 3 - Supporting a prosperous rural economy

Chapter 4 - Promoting sustainable transport

Chapter 7 - Requiring good design

Chapter 10 - Meeting the challenge of climate change, flooding and coastal change

Chapter 11 - Conserving and enhancing the natural environment

Chapter 12 - Conserving and enhancing the historic environment

CONSULTATIONS

Long Sutton Parish Council voted to:-

- Support the change of condition 3
- Supported the introduction of a small 'minimum impact' light but did not support the reworded condition as it felt that lighting is such a sensitive subject that it should always be considered via the proper planning process.

County Highways - No observations

Landscape Officer - No objection.

REPRESENTATIONS

None

CONSIDERATION

There are two parts to the application that seek variations to condition 3 (time limit) and condition 7 (lighting) of the planning permission ref: 13/03053/FUL.

Condition 3 is proposed to be worded to reflect a start time for the temporary 25 years period to run from the 30 June 2015, rather than the date of the appeal decision; namely, 24 June 2014. The date change to the original wording continues to offer certainty, and is designed to ensure that the operators achieve as close as possible to the full 25 year period as possible, once energy generation commences. On the basis that there is the certainty offered by the specific date it is considered acceptable to vary the wording of condition 3.

Condition 7 does not permit any external illumination of the site. Upon progression of their scheme the applicant is advised by operators that would be servicing the site that there is a need for lighting on entering buildings. The purpose of this application is only to consider the rewording of the condition to permit external lighting proposals to be agreed in writing by the Local Planning Authority without reference to a future application for planning permission. Often conditions will prohibit specific things but include the ability to agree a change in writing. This seems a sensible request and permits further consideration of such schemes as and when they come forward. It is, of course, important that in this sensitive rural countryside location any lighting is suitably managed and restricted, and this can be fully considered at the time a proposal is made. For the present we have only to consider the additional wording permitting some flexibility to consider such matters.

Parish Council Comments

Their comments are noted. Lighting in this location is a sensitive matter and should be restricted to particular circumstances, only, such as where electricity operatives are required to attend site, to enable safe access. The condition wording simply reflects the ability to consider these matters further. In the event this was withheld the applicant would need to submit an application.

Other Matters

All conditions have been up-dated as appropriate, and brought forward.

RECOMMENDATION

Approve

01. The proposal is considered reasonable, accepting the change in date for the commencement of the 25 year period that offers certainty, while the flexibility by the additional wording to permit further consideration of proposals to use external lighting would not by this change, at this time, adversely affect landscape character, in accordance with the aims and objectives of Policy EC3 and ST6 of the South Somerset Local Plan 2006, and the NPPF.

SUBJECT TO THE FOLLOWING:

1. The development hereby permitted shall be begun before the expiration of three years from 24.06.2014.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site design (dated 24-07-2013); 2V Racking System Rev2 (02/07/2012); Security fence (TGC/PV001 Rev A2); Double gates (TGC/PV002 Rev A1); Inverter cabin (TGC/PV003 Rev A2); Comms building (TGC/PV009/01 Rev A1); Switchgear housing (TGC/PV010 Rev A3); Schneider switchgear (GSC0015-01).

Reason: To avoid any ambiguity as to what is approved.

3. The solar panels and associated structures and equipment, hereby permitted, shall be for a limited period of 25 years to commence from the 30 June 2015. At the end of this period or upon cessation of their use for generating electricity, whichever is the sooner, all associated structures and equipment shall be fully removed from the application site and the site cleared. Within 3 months of clearance the land shall be restored to its former agricultural condition in accordance with a scheme of works which shall first have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To avoid any ambiguity as to what is approved.

4. Details of the colour scheme for fencing and buildings was submitted under 14/04618/DOC, validated 23 October 2014 and approved under cover of the email ref: 14/04618/DOC dated 4 November 2014 discharging the condition having been undertaken on site for planning permission 13/03053/FUL. Having been carried out the details shall not be altered without the prior written consent of the Local Planning Authority.

Reason: To safeguard the character and appearance of the area in accordance with Policy EC3 and ST6 of the South Somerset Local Plan, 2006, and the NPPF.

5. The development hereby permitted shall be undertaken in accordance with the Landscape and Ecological Plan submitted under 14/04618/DOC, validated 23 October 2014, and approved under cover of the email ref: 14/04618/DOC dated 4 November 2014, discharging the condition having been undertaken on site for planning permission 13/03053/FUL.

Reason: In the interests of landscape character and local ecology further to Policy EC3 and EC7 of the South Somerset Local Plan, 2006 and the NPPF.

6. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the land or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of landscape character further to EC3 of the South Somerset Local Plan, 2006 and the NPPF.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no external lighting erected or otherwise installed on the site unless the details are agreed in writing with the local planning authority. Any agreed external lighting will thereafter be constructed and retained in accordance with the agreed details.

Reason: In the interests of character and appearance further to Policy EC3 of the South Somerset Local Plan, 2006 and the NPPF.

8. The access shall be properly consolidated and surfaced (not loose stone or gravel), and drained over the first 5m of its length, so as to avoid any loose material or water from discharging onto the adjoining public highway.

Reason: In the interests of highway safety further to policy ST5 of the South Somerset Local Plan 2006 and the NPPF.

9. Before works commence on site, there shall be no obstruction to visibility greater than 900mm above the adjoining road level forward of a line drawn 2.4m back and from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side of the access. The above area shall be kept clear of all obstructions above 900mm in height thereafter.

Reason: In the interests of highway safety further to policy ST5 of the South Somerset Local Plan 2006 and the NPPF.

10. Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 5m from the carriageway edge.

Reason: In the interests of highway safety further to policy ST5 of the South Somerset Local Plan 2006 and the NPPF.

11. The development hereby permitted shall be undertaken in accordance with the CCTV scheme submitted under 14/04618/DOC, validated 23 October 2014, and approved under cover of the email ref: 14/04618/DOC dated 4 November 2014, discharging the condition having been undertaken on site in accordance with planning permission 13/03053/FUL. The CCTV system shall thereafter be retained in accordance with the agreed scheme.

Reason: In the interests of landscape character and appearance further to policy EC3 and ST6 of the South Somerset Local Plan 2006 and the NPPF.

12. Notwithstanding the details on any of the approved drawings the height of the solar panels, once installed shall be no more than 2.6m above natural ground level.

Reason: In the interests of character and appearance further to policy EC3 and ST6 of the South Somerset Local Plan and the NPPF.
