

## Area West Committee – 19th October 2011

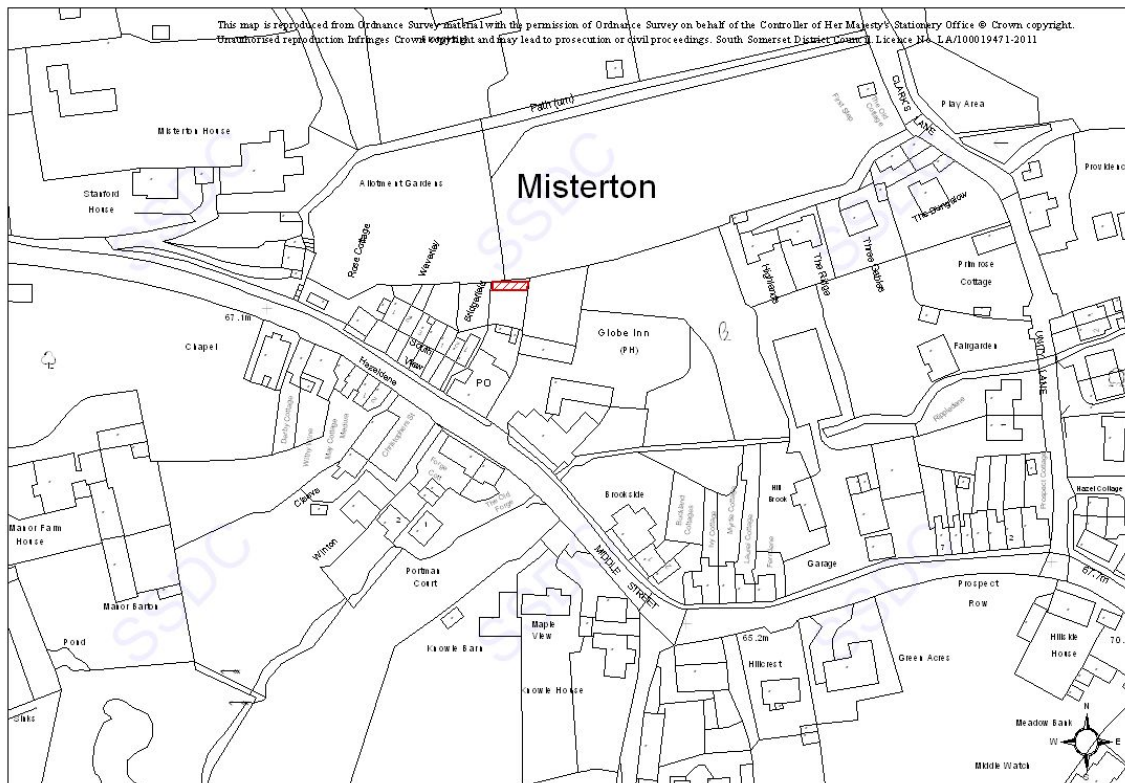
### Officer Report on Planning Application: 11/03468/FUL

<b>Proposal :</b>	The installation of a photovoltaic array in rear garden. (GR 345523/108204)
<b>Site Address:</b>	The Old Post Office Middle Street Misterton
<b>Parish:</b>	Misterton
<b>CREWKERNE TOWN Ward (SSDC Member)</b>	Mr M Best (Cllr) Mr J Dyke (Cllr) Mrs A M Singleton (Cllr)
<b>Recommending Case Officer:</b>	Chloe Beviss Tel: (01935) 462321 Email: chloe.beviss@southsomerset.gov.uk
<b>Target date :</b>	2nd November 2011
<b>Applicant :</b>	Mr John Richardson
<b>Agent: (no agent if blank)</b>	
<b>Application Type :</b>	Other Householder - not a Change of Use

### REASON FOR REFERRAL TO COMMITTEE

This application has been referred to the Area West Committee as the applicant is a Councillor of South Somerset District Council.

### SITE DESCRIPTION AND PROPOSAL



The application property is The Old Post Office in Misterton. The two storey dwellinghouse is situated adjacent to The Globe Inn off Middle Street and within a conservation area.

The garden which serves the property is located to the rear (north) and is split into two sections. A courtyard with a garage is located immediately to the rear of the dwellinghouse on

the same level whilst steep stairs lead up to a parcel of grass which is significantly higher above. This slopes slightly towards the dwellinghouse and is bounded by fencing, a natural stone wall and a rough bank/wall to the rear which has mature trees and separates the garden from the fields to the north.

It is proposed to site a photovoltaic array of 16 panels (2 rows of 8) at the very top of the garden which benefits from an existing patio area. The panels will be arranged on railway sleepers on top of the existing patio slabs and will measure, in total, 8.15 metres wide and 2.02 metres high.

The applicant has confirmed that the array is a domestic installation and would not be used in association with any business use.

## **HISTORY**

No relevant history.

## **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 decisions must be made in accordance with relevant Development Plan documents unless material considerations indicate otherwise.

For the purposes of determining current applications the Local Planning Authority takes the view that the relevant development plan comprises, the saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review and the saved policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

Saved policies of the Somerset and Exmoor National Park Joint Structure Plan (April 2000):

Policy STR1 - Sustainable Development  
Policy 9 - The Built Historic Environment

Saved policies of the South Somerset Local Plan (April 2006):

Policy EH1 - Conservation Areas  
Policy ST5 - General Principles of Development  
Policy ST6 - The Quality of Development  
Policy ST8 - Sustainable Construction

National Guidance:

PPS 1: Delivering Sustainable Development  
PPS 5: Planning for the Historic Environment  
PPS 22: Renewable Energy

South Somerset Sustainable Community Strategy:

Goal 8 - Quality Development  
Goal 10 - Energy  
Goal 11 - Environment

## **CONSULTATIONS**

*Misterton Parish Council*

We are in agreement that the installation of a photovoltaic array in the rear garden should proceed. We were assured that this would not be a commercial venture (Mr Richardson's company sell photovoltaic arrays) and is purely for private use.

*SCC Highways*

No observations.

*Area Engineer, Technical Services Department*

No comment.

*SSDC Conservation Officer*

There is an advice note from English Heritage on PV's, but no specific advice in relation to ground mounted systems within conservation areas. Therefore it would fall to the statutory duty to preserve or enhance, and the local plan policies.

I have seen your comprehensive set of photographs, and would comment that my view is that the proposal would not be detrimental to the conservation area.

*SSDC Landscape Officer*

Verbally confirmed no objections, the site is well contained.

## **REPRESENTATIONS**

Four neighbours notified and site notice posted. No representations received at time of writing report. Any comments received after this will be verbally reported at the committee meeting.

## **CONSIDERATIONS**

The main considerations in this case relate to the impact on the character and appearance of the conservation area, residential and visual amenity.

Principle of Development

PPS 22 (Renewable Energy) states: "Small scale renewable energy schemes utilising technologies such as solar panels, Biomass heating, small scale wind turbines, photovoltaic cells and combined heat and power schemes can be incorporated both into new developments and some existing buildings. Local planning authorities should specifically encourage such schemes through positively expressed policies in local development documents."

Whilst only holding limited weight the emerging 'South Somerset District Council Draft Core Strategy' has a chapter dedicated to Environmental Quality and Part 40 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 sets out which installations of domestic microgeneration equipment constitute permitted development. As such, the use of such small scale schemes is actively encouraged and supported although these decisions should be balanced against other relevant policies and guidance where there is planning control.

Residential Amenity

No representations have been received in respect of the proposal.

It is acknowledged that solar panels are specifically designed to absorb, rather than reflect solar radiation, thereby limiting the risk of glint and glare. Even so, the panels the subject of this application are sited significantly higher than neighbouring dwellinghouses, mostly at a level on par with the adjacent roofs and ridgelines, as such the risk of any glint or glare adversely affecting residential amenity is considered to be low.

#### Conservation Area and Visual Amenity

It is not considered the proposal will cause undue harm to the surrounding landscape or character and appearance of the conservation area. It will be sited at the northern most extreme of the property's garden which is well contained and screened by the existing boundary treatments. In addition, the layout of surrounding buildings will result in only restricted views of the array from public vantage points. The Council's Conservation Officer is of the opinion that the proposal will not be detrimental to the conservation area and the Council's Landscape Officer has no objections.

#### Conclusion

The proposal seeks to generate sustainable energy that is clearly supported in PPS22. By reason of its scale, siting and the existing boundary treatments, it is considered the character and appearance of the conservation area will be preserved and no adverse affects will be caused to the visual amenity of the area or residential amenity of neighbouring occupiers. This is considered in accordance with Policies EH1, ST5 and ST6 of the South Somerset Local Plan (2006), Policies STR1 and 9 of the Somerset and Exmoor National Park Joint Structure Plan (2000) and meets the aims and objectives of PPS 5 and PPS 22.

#### **RECOMMENDATION**

Approve with conditions.

#### **JUSTIFICATION**

The proposal, by reason of its siting and scale, will cause no adverse impact to residential amenity, will cause no detriment to visual amenity, will preserve the character and appearance of the conservation area and provide a sustainable form of energy, in accordance with the aims and objectives of Policies EH1, ST5 and ST6 of the South Somerset Local Plan (2006), Policies STR1 and 9 of the Somerset and Exmoor National Park Joint Structure Plan (2000), PPS5 and PPS 22.

#### **SUBJECT TO THE FOLLOWING:**

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

**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:

- 1:500 Plan received 5th September 2011
- Installation Diagrams received 5th September 2011

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

3. If the solar equipment is no longer needed for microgeneration it shall be removed within three months of the cessation of its use.

**Reason:** To safeguard the character and appearance of the conservation area and visual amenity of the area in accordance with Policies EH1, ST5 and ST6 of the South Somerset Local Plan (2006) and the aims and objectives of PPS 22.