

Area West Committee – 17th April 2013

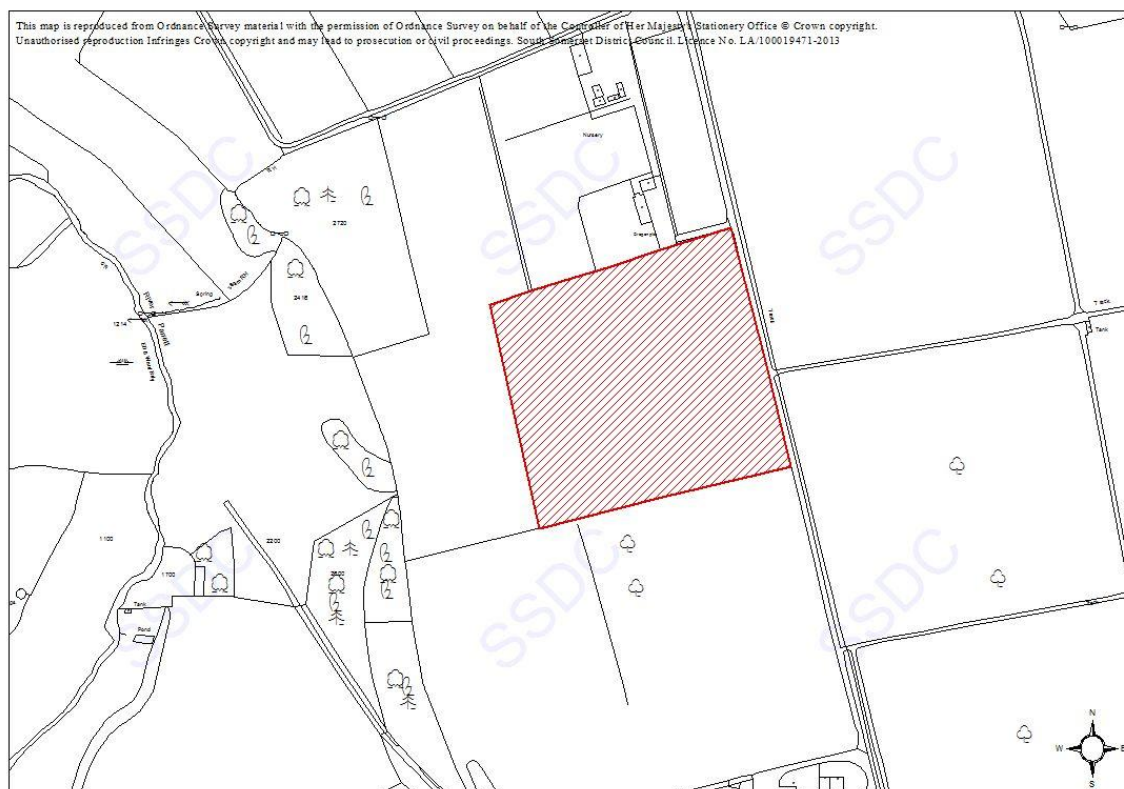
Officer Report On Planning Application: 13/00667/S73A

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| Proposal : | Application to vary condition No. 02 (approved plans) of planning permission 12/03892/FUL. (GR 346409/110101) |
| Site Address: | Land At North Perrott Fruit Farm, Willis Lane, North Perrott |
| Parish: | North Perrott |
| PARRETT Ward (SSDC Member) | Cllr R Pallister |
| Recommending Case Officer: | Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk |
| Target date : | 24th May 2013 |
| Applicant : | Mr Nick Boyle |
| Agent: (no agent if blank) | Miss Charlotte McManus, Level 5 20 Old Bailey, London, Greater London EC4M 7AN |
| Application Type : | Major Other f/space 1,000 sq.m or 1 ha+ |

REASON FOR REFERRAL TO PLANNING COMMITTEE

This application is referred to the Committee as the application comes under the definition of a 'major major' and therefore has to be considered by the Area Committee.

SITE DESCRIPTION AND PROPOSAL



The application site sits 1km to the west of the village centre of North Perrott and forms part of the North Perrott Fruit Farm. It is accessed via a narrow lane (Willis Lane) that also provides access to North Perrott Cricket Club and is one of the accesses to North Perrott School. The site is 2.42 hectares (5 acres) and comprises the upper part of a large rectangular field. There is a single residential dwelling directly to the north of the

site that has an agricultural occupancy condition but is not connected to the fruit farm. The site is bounded by a track to the east and otherwise surrounded by open farmland, woodland and orchards; it is relatively flat but slopes downwards to the west. The site is open on three sides but there are mature hedgerows on the adjacent field boundaries with a mature woodland band to the west.

Planning permission was granted in December 2012 for the installation of 3744 solar panels (approx.) covering approximately 6,552 square metres of the application site. The panels will have an approximate generation capacity of 900kWp, which is enough to power 268 homes. The proposal included a 2m high security fence around the site with 3m cctv poles, a transformer station (2.4m x 3.1m x 1.7m high) and 2 inverters (2.6m x 1m x 2.3m high). A new hedge was proposed around three sides of the site with the existing field hedge retained at the western end. This current application seeks to vary the approved plans condition to allow for the relocation and redesign of the ancillary buildings and changes to the approved fencing.

The site is within the open countryside but has no specific landscape or wildlife designations. The North Perrott Conservation Area is 250m to the south. There are no footpaths through the site or adjoining, but two in relatively close proximity to the east and west. The site is designated as Grade 2 agricultural land.

HISTORY

12/03892/FUL – Installation and operation of a 2.41 hectare solar farm and associated infrastructure, including PV solar panels, mounting frames, inverters, transformers, fencing and pole mounted security cameras. Approved 21/12/2012. Work has commenced upon this consent.

12/03479/EIASS – Installation of a 1MW photovoltaic array. Determined EIA not required.

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.

For the purposes of determining current applications the local planning authority considers 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. Although the Government has given a clear signal that they intend to abolish the regional planning tier, the draft Regional Spatial Strategy has not yet formally been revoked by Order, and therefore for the purposes of this planning application, the draft RSS continues some weight, albeit limited. On the 6th July 2010, the Secretary of State (SoS) announced his intention to abolish Regional Spatial Strategies (RSS).

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

- STR1 - Sustainable Development
- STR6 - Development Outside towns, rural centres and villages
- Policy 1 - Nature Conservation
- Policy 5 - Landscape Character

Policy 7 - Agricultural Land
Policy 49 - Transport Requirements of New Development
Policy 64 - Renewable Energy

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

ST3 - Development Areas
ST5 - General Principles of Development
ST6 - The Quality of Development
EC1 - Protecting the Best Agricultural Land
EC3 - Landscape Character
EC7 - Networks of Natural Habitats
EC8 - Protected Species
EP3 - Light Pollution
ME5 - Farm / Rural Diversification

Policy-related Material Considerations

South Somerset Sustainable Community Strategy
Goal 8 – Quality Development
Goal 10 – Energy
Goal 11 - Environment

South Somerset Carbon Reduction and Climate Change Adaption Strategy 2010- 2014

International and European Policy Context

There are a range of International and European policy drivers that are relevant to the consideration of renewable energy developments. Under the Kyoto Protocol 1997, the UK has agreed to reduce emissions of the 'basket' of six greenhouse gases by 12.5% below 1990 levels by the period 2008-12.

Under the Copenhagen Accord (2010), the UK, as part of the EU, has since agreed to make further emissions cuts of between 20% and 30% by 2020 on 1990 levels (the higher figure being subject to certain caveats). This agreement is based on achieving a reduction in global emissions to limit average increases in global temperature to no more than 2°C.

The draft European Renewable Energy Directive 2008 states that, in 2007, the European Union (EU) leaders had agreed to adopt a binding target requiring 20% of the EU's energy (electricity, heat and transport) to come from renewable energy sources by 2020. This Directive is also intended to promote the use of renewable energy across the European Union. In particular, this Directive commits the UK to a target of generating 15% of its total energy from renewable sources by 2020.

National Policy Context

At the national level, there are a range of statutory and non-statutory policy drivers and initiatives which are relevant to the consideration of this planning application. The 2008 UK Climate Change Bill increases the 60% target in greenhouse gas emissions to an 80% reduction by 2050 (based on 1990 levels). The UK Committee on Climate Change 2008, entitled 'Building a Low Carbon Economy', provides guidance in the form of recommendations in terms of meeting the 80% target set out in the Climate Change Bill, and also sets out five-year carbon budgets for the UK. The 2009 UK Renewable Energy Strategy (RES) provides a series of measures to meet the legally-binding target set in

the aforementioned Renewable Energy Directive. The RES envisages that more than 30% of UK electricity should be generated from renewable sources.

The 2003 Energy White Paper provides a target of generating 40% of national electricity from renewable sources by 2050, with interim targets of 10% by 2010 and 20% by 2020. The 2007 Energy White Paper contains a range of proposals which address the climate change and energy challenge, for example by securing a mix of clean, low carbon energy sources and by streamlining the planning process for energy projects. The Planning and Energy Act 2008 is also relevant in that it enables local planning authorities (LPAs) to set requirements for energy use and energy efficiency in local plans.

National Planning Policy Framework

Chapters:-

- 3 - Supporting a prosperous rural economy
- 4 - Promoting sustainable transport
- 7 - Requiring good design
- 10 - Climate Change and Flooding
- 11 - Conserving and Enhancing the Natural Environment

The NPPF effectively replaces the majority of the Planning Policy Statements and Planning Policy Guidance Notes.

The NPPF outlines that local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should:

- have a positive strategy to promote energy from renewable and low carbon sources;
- design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;
- consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources; and
- identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for collocating potential heat customers and suppliers.

The NPPF further advises that when determining planning applications, local planning authorities should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions;

and

- 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 also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

The NPPF states that planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions; and
- identify and protect areas of tranquillity which have remained relatively undisturbed by

noise and are prized for their recreational and amenity value for this reason.

In determining applications, the NPPF states that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

It is considered that the main thrust of the NPPF is to positively support sustainable development, and there is positive encouragement for renewable energy projects. However the NPPF reiterates the importance of protecting important landscapes, especially Areas of Outstanding Natural Beauty, as well as heritage and ecology assets.

CONSULTATIONS

North Perrott Parish Council:- No comments to make, plans met with their approval.

Landscape Architect:- No objections.

Climate Change Officer:- Supported original application.

County Highway Authority:- No observations.

Ecologist (SSDC):- Supported original application subject to conditions.

Environment Agency:- No objection.

NATS:- No safeguarding objections.

MOD:- No safeguarding objections.

Area Engineer, Technical Services Department:- No comments.

REPRESENTATIONS

None received.

CONSIDERATIONS

The application is made pursuant to Section 73A of the Planning Act and seeks to amend a condition imposed on a planning permission where the permission has been implemented. When considering such sec.73 applications, planning authorities are advised to recognise that by definition the development will have already been found to be acceptable in principle. They are also advised to focus their attention on national, development plan policies or other material considerations that may have changed significantly since the original grant of permission, as well as the changes sought. There has been no material change since the grant of the original permission in December 2012 as such the development is supported in principle and the proposed changes do not impact materially upon landscape issues, ecology or highways. As such, the one issue that has to be considered is the impact that the change could have upon the

adjacent residential property as the proposed changes will see the ancillary buildings brought closer to this property.

The adjacent dwelling forms part of a small nursery that is in separate ownership to the Fruit Farm. It faces on to the track that runs to north to south and as such has no direct overlooking of the application site. A new hedge is proposed along the shared boundary which will provide further screening of the development from the adjacent dwelling.

In terms of noise and disturbance, the previous application contained details to show that the sound generated by the panels will not be audible beyond the site boundary once ambient noise is taken into account. Except for occasional maintenance visits, the site will be unmanned and as such any disturbance will be minimal. In terms of the relocation of the ancillary buildings, whilst it is appreciated that they will be closer to the shared boundary, the buildings whilst being placed upon made up ground, (450mm) are modest in size (6.06m x 2.9m, 3m high; 4.1m x 3m, 2.5m high) and as such will not have a significant impact upon the adjacent dwelling. Furthermore, the buildings will be to the south-east of the dwelling and only visible at an oblique angle. As such, it is not considered that the proposal will have a significant adverse impact upon the residential amenity of the neighbouring property.

In terms of the changes to the fencing (from green chain link to deer fencing), this is not considered to be significant and is acceptable to the Landscape Officer.

CONCLUSION

In summary, the original grant of planning permission accepted that the provision of this solar farm accords with the governments objective to encourage the provision of renewable energy sources and it was considered to raise no significant landscape or visual amenity concerns or other substantive planning concern. The changes to the layout are not considered to result in such a significant loss of amenity to the neighbouring property as to justify refusal of the application. The proposal therefore accords with the aims and objectives of the National Planning Policy Framework (Parts 7, 10, 11 and 12) and Policies ST5, ST6, EH5, EC3, EC7 and EP3 of the South Somerset Local Plan.

RECOMMENDATION

Approve

01. The provision of this solar farm accords with the governments objective to encourage the provision of renewable energy sources and is considered to raise no significant landscape or visual amenity concerns or other substantive planning concern and to accord with the aims and objectives of the National Planning Policy Framework (Parts 7, 10, 11 and 12) and Policies ST5, ST6, EC3, EC7 and EP3 of the South Somerset Local Plan 2006.

SUBJECT TO THE FOLLOWING:

01. Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission (being granted under section 73A of the Act in respect of development already carried out) shall have effect from the 21 December 2012.

Reason: To comply with Section 73A of the Act.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (1:2500) and Drawing No. 0.1C (details solar panels only) received 4 October 2012; Fencing Details and Drawing No.E746-25-01-A received 19/2/2013; Drawing No.'s 11151_A_(SF_SWB_CON)_AD_G1 Rev 0 and J2727-100 Rev A1 received 22/2/2013; and Drawing No. L.0236_04-D received 13/3/2013.

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

03. The landscaping/planting scheme shown on the submitted plan (Drawing No. L.0236_04-D (Planting Plan) received 13/3/2013) shall be completely carried out within the first available planting season from the date of commencement of the development. For the duration of this permission the trees and shrubs shall be protected and maintained in accordance with the details shown on Drawing No. L.0236_04-D (Planting Plan) and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority. The hedgerows and trees to be retained shall be protected during the course of the construction.

Reason: In the interests of visual amenity and landscape character in accordance with saved Policies ST5 and EC3 of the South Somerset Local Plan.

04. The supporting posts to the solar array shall be anchored into the ground and shall not be concreted in.

Reason: To avoid an unsustainable method of attachment in the interests of landscape character and visual amenity in accordance with saved Policies ST5, ST6 and EC3 of the South Somerset Local Plan (2006).

05. The external surfaces of the development hereby permitted shall be of materials as shown on the submitted application form and elevation plans hereby approved and no other materials shall be used without the written consent of the Local Planning Authority.

Reason: In the interests of visual and residential amenity in accordance with Policy ST6 of the South Somerset Local Plan (2006).

06. The development hereby permitted shall be removed and the land restored to its former condition within 25 years and 6 months of the date of this permission or within six months of the cessation of the use of the solar farm for the generation of electricity whichever is the sooner in accordance with a restoration plan to be submitted to and approved in writing by the Local Planning Authority. The restoration plan will need to include all the works necessary to revert the site to open agricultural land including the removal of all structures, materials and any associated goods and chattels from the site.

Reason: In the interests of landscape character and visual amenity in accordance with saved Policies ST3, ST5, ST6 and EC3 of the South Somerset Local Plan (2006).

07. No means of external illumination/lighting shall be installed without the prior written consent of the Local Planning Authority.

Reason: In the interest of visual amenity and to safeguard the rural character of the area to accord with saved Policies EC3, ST6 and EP3 of the South Somerset Local Plan (2006).

08. No works shall be undertaken unless details of the location, height, colour and number of the CCTV equipment is submitted to and agreed in writing by the Local Planning Authority. The development shall not be carried out otherwise than using the materials so approved.

Reason: In the interests of landscape character and visual amenity in accordance with saved Policies ST5, ST6 and EC3 of the South Somerset Local Plan

09. No form of audible alarm shall be installed on the site without the prior written consent of the Local Planning Authority.

Reason: In the interest of residential amenity and to accord with saved ST6 of the South Somerset Local Plan (2006).

10. No hedge, nor any part thereof shall be removed, except for permitting reasonable access to the site, until the details of the proposed removals have been submitted to the local planning authority and approved in writing. Any significant amount of removal will require the details to include the results of dormouse presence and bat activity surveys undertaken to current best practice, an impact assessment, and mitigation proposals in respect of any impacts identified.

Reason: For the protection of bats and dormice in accordance with the Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981 (as amended) and Local Plan Policy EC8.

11. A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.

Reason:- In the interests of highway safety and to accord with Policy ST5 of the South Somerset Local Plan (2006) and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

12. No development shall commence unless an amended Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- A scheme to encourage the use of Public Transport amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Reason:- In the interests of highway safety and to accord with Policy ST5 of the South Somerset Local Plan (2006) and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

13. Prior to, and within 2 months of, commencement of any works, a survey for badger setts will be undertaken, and if any are present within 30 metres (including on adjoining land) of the development site, the works shall not commence until a method statement for the protection of badgers has been produced and any necessary Natural England licences have been obtained. The method statement shall be implemented in full.

Reason: For the conservation and protection of legally protected species in accordance with Policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981, and The Protection of Badgers Act 1992.

14. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 20/09/2012 by PFA Consulting and the following mitigation measures detailed within the FRA:
1. Limiting the surface water run-off generated by all return periods up to and including the 1 in 100 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
 2. Proposed surface water management measures identified on pages 4-5.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent any increased risk of surface water flooding associated with installation of the solar farm development.

Informatives:

01. The Environment Agency advises that there must be no interruption to the existing surface water and/or land drainage arrangements of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively.
02. It is noted that the majority of the conditions attached to permission 12/03892/FUL have been discharged, the applicant is advised that providing there has been no change to the agreed details the associated conditions shown above will also be considered to be discharged.