

You are requested to attend a meeting of the Planning Committee to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 25 November 2015 at 17:00.

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### Agenda

- 1 Apologies.
- 2 Minutes of the meetings of the Planning Committee held on 4 November and 12 November 2015 (to follow).
- 3 Public Question Time.
- 4 Declaration of Interests  
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 48/15/0027 Application for approval of reserved matters following outline application 48/05/0072 for the erection of a 420 place primary school, incorporating a nursery facility with associated landscaping, access and parking and community facilities on land east of Bridgwater Road, Monkton Heathfield
- 6 02/15/0006 Construction of solar farm for up to 5mw of generating capacity comprising of installation of solar photovoltaic panels and associated infrastructure including transformer cabins, substation buildings, access tracks, fencing and CCTV on land at Pixford Fruit Farm, Raleighs Cross Road, Combe Florey
- 7 38/15/0374 Change of use from office space to car dealership with servicing facility for Vospers Motorhouse at Goodwood House, Blackbrook Park Avenue, Taunton
- 8 53/15/0009 Application for approval of reserved matters following outline approval (53/12/0008) in respect of appearance, landscaping, layout and scale for the redevelopment of site and the erection of 28 No. affordable dwellings with associated works at Orchard Lodge, Dene Road, Cotford St Luke
- 9 E/0035/14/15 Alleged unauthorised B2 (wood chipping) business use of former B1 / B8 industrial unit.
- 10 Latest appeals and decisions received

Bruce Lang  
Assistant Chief Executive

12 February 2016

Members of the public are welcome to attend the meeting and listen to the discussions.

There is time set aside at the beginning of most meetings to allow the public to ask questions.

Speaking under “Public Question Time” is limited to 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate.

Except at meetings of Full Council, where public participation will be restricted to Public Question Time only, if a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

This is more usual at meetings of the Council’s Planning Committee and details of the “rules” which apply at these meetings can be found in the leaflet “Having Your Say on Planning Applications”. A copy can be obtained free of charge from the Planning Reception Desk at The Deane House or by contacting the telephone number or e-mail address below.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

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Lift access to the John Meikle Room and the other Committee Rooms on the first floor of The Deane House, is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available off the landing directly outside the Committee Rooms.



An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter.

**For further information about the meeting, please contact the Corporate Support Unit on 01823 356414 or email [r.bryant@tauntondeane.gov.uk](mailto:r.bryant@tauntondeane.gov.uk)**

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**Planning Committee Members:-**

Councillor R Bowrah, BEM	(Chairman)
Councillor S Coles	(Vice-Chairman)
Councillor M Adkins	
Councillor W Brown	
Councillor M Floyd	
Councillor J Gage	
Councillor C Hill	
Councillor S Martin-Scott	
Councillor I Morrell	
Councillor S Nicholls	
Councillor J Reed	
Councillor N Townsend	
Councillor P Watson	
Councillor D Wedderkopp	
Councillor G Wren	

## **Declaration of Interests**

### **Planning Committee**

- Members of Somerset County Council – Councillors, Coles D Wedderkopp and M Adkins
- Clerk to Milverton Parish Council – Councillor Wren
- Vice-Chairman to Kingston St Mary Parish Council and Chairman to Kingston St Mary Village Hall Association – Councillor Townsend
- Trustee to Home Services Furniture Trust, Trustee to Bishop Foxes Educational Foundation, Trustee to Trull Memorial Hall – Councillor Stephen Martin-Scott
- Councillor to Comeytrove Parish Council, Member of the Fire Brigade Union – Councillor Simon Nicholls

48/15/0027

REDROW HOMES (WEST COUNTRY), PERSIMMON HOMES (SOUTH WEST)

**APPLICATION FOR APPROVAL OF RESERVED MATTERS FOLLOWING  
OUTLINE APPLICATION 48/05/0072 FOR THE ERECTION OF A 420 PLACE  
PRIMARY SCHOOL, INCORPORATING A NURSERY FACILITY WITH  
ASSOCIATED LANDSCAPING, ACCESS AND PARKING AND COMMUNITY  
FACILITIES ON LAND EAST OF BRIDGWATER ROAD, MONKTON HEATHFIELD**

Grid Reference: 326072.126763

Reserved Matters

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**RECOMMENDATION**

Taking into account the re-worded and additional conditions the Planning Committee are recommended to grant conditional planning permission subject to the following:

Condition O5 reword shown in bold

Within 2 months of the date of this permission full details of the proposed footpath cycle link lying at the north of the site shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include proposed route and construction of the path, lighting, landscaping and boundary treatments **(In particular the wall boundary treatment adjacent to 154A Bridgwater Road)**. Prior to the commencement in the use of the primary school the approved footpath/cycleway, including all boundary treatments, shall be provided in strict accordance with the approved details and shall thereafter be maintained as such.

Condition 12 re-word

Prior to the commencement of the use of the primary school hereby permitted the **details of the** proposed boundary fencing around the site (in particular the acoustic fencing proposed along the boundary with Britton's Ash **and the mechanism for restricting access to the land between the new fence and the existing boundary fences of the rear Gardens of Britton's Ash**) shall be submitted to, approved in writing by the Local Planning Authority and erected on site in strict accordance with the approved details and shall thereafter be maintained as such.

Reason: To ensure an acceptable impact on the amenity and security of the neighbouring residents in accordance with Taunton Deane Core Strategy policies SS1 and DM1

New Condition 14

The land to the rear of the primary school, including the playing field and sports pitches shall not be used between the hours of 21:00 and 08:00 at any time.

Reason: in order to protect the residential amenities of the occupants of neighbouring residential properties in accordance with Taunton Deane Core Strategy policy DM1

**REPORT**

At its meeting on the 23<sup>rd</sup> November 2015 the planning committee resolved that, subject to the receipt of acceptable details of A38 highway details works, acoustic

survey report and mitigation scheme the planning committee authorise the Chair of Planning in consultation with the Assistant Director Planning and the Environment having considered any representations received in respect of these matters, to grant condition planning permission.

The highway works have subsequently been included in an application for the Local Centre on the opposite side of the A38. These establish that there is a technically feasible scheme for traffic calming works that is capable of being implemented and I therefore consider that it is appropriate to use a Grampian condition to ensure implementation prior to the commencement of the use.

In response to the public consultation on the traffic centre proposals, there has been a response from the Brittons Ash residents (32 signatures) reiterating their earlier concerns regarding lack of parking for parents at the primary school:

- There are only 20 spaces available to be used by parents dropping off children to the school and this will be inadequate no drop off facilities for parents – *The committee were advised that there are no specific parking areas provided for the parents within the school application to drop off and pick up school children but that there would be a limited amount of parking spaces in association with the local centre that could perform that function.*
- There is insufficient parking for the shops and flats so the 20 spaces so the spaces are unlikely to be unavailable for parents to use – *There are 18 flats with 18 parking spaces to be provided to the rear of the building for that use. The retail units would share the front parking area which indicates a total of 31 parking spaces.*

The lack of parking was considered by the planning committee when they approved the above recommendation.

At the planning committee the issue of potential noise impact on the residents of nearby Brittons Ash and 154a Bridgwater Road was raised. A noise assessment report was subsequently submitted by the applicant looking at the impact on Brittons Ash residents. This report highlights that there is no guidance regarding the assessment of levels of noise from schools and no defined standard noise levels that must be achieved. The WHO standard applies to assessing noise from a standard constant source and whilst this enables a degree of measurement it is not appropriate for children in playgrounds as such noise is usually continually fluctuating in both its character and level.

The developer has proposed the erection of a 1.8m high acoustic fence along the boundary with the rear of Brittons Ash but I am advised that this is likely to have little material difference to the noise in resident's gardens. Residents have been re-notified (23<sup>rd</sup> October 2015 - 14 day consultation period expired 6<sup>th</sup> November 2015) and raise the following objections:

- It is a definite fact and without question that noise will infiltrate our property to an unacceptable level and it may penetrate inside of the dwellings
- Residents have not been considered from an environmental point of view

- Original plans indicated a 6 classroom sized school on a smaller site with a buffer zone between the homes and school at no time were residents made aware that there was an intention to build a larger school with no buffer zone.
- The submitted noise report is severely limited with a lack of information regarding the suitability/acceptability of the development
- The submitted noise report calculations are flawed: they are based on a smaller school with less children; the noise impact is based on an 11 minute period from one 15 minute tea break too limited to be an accurate assessment; they do not account for lunch times when all children are likely to be out; they omit measurements of the nursery playground not the impacts of the free movement to outside play areas all day; no noise levels have been taken near to the road where road and school noises will combine; the noise source has been placed centrally within the site rather than close to the rear of the dwellings giving lesser figures for the boundary measurements;
- The boundaries of the properties will be within 10m of the edge of the playing pitches and the predicted Sports Pitch Noise Emission illustration only has 2 levels of dB showing (9 missing) and is unclear and unhelpful in defining the central point of loudest noise and where it radiates. (it is noted that the modelling of areas other than Brittons Ash shows how sound radiate with 12dB scales shown)
- The report states that residents as will only be affected 1.5 hours per day is incorrect there is no information on the timing of the use of the outside areas for play neither is there any information of potential use outside of school time, holiday clubs? Use by the wider community etc when the noise would be outside of the normal hours
- The bungalows that have a first floor construction have no brick element and no sound proofing measures and some of these have velux windows so sound may even penetrate into the dwellings
- There has been no assessment of the community activity in and out of school hours
- The report does not assess the impact on other properties around the school eg 154a Bridgwater road
- The boundary fence length differs between the acoustic report and the submitted boundary plan.
- The report shows the dB levels above the range acceptable in a home environment
- Many schools have lessons outside in addition to PE with free flow play times, out of school hours and breakfast/afterschool clubs.
- The 1.8m high fence (at 10kg/sqm it is an ordinary garden fence panel) is a desperate attempt to cover up inadequate measures in place for Brittons Ash and is considered by residents as insufficient
- Residents do not believe that their concerns have been taken seriously
- The excessive number of planning applications ( in particular the school), the predicted noise evaluation and disturbance behind my property have and will continue to diminish my quality of life
- The school ground will adjoin no 4 with no separation with the main double gated entrance to the school and nursery; cycle storage right behind the dwelling plus the hard play areas for the nursery in close proximity.
- There are existing problems getting into and out from private drives in Brittons Ash during school drop off pick up times and this will be worse

- The noise assessment was based on less children and at a point away from the boundary so the impact of all the children near to the boundary will be up to 4 times worse
- A soil mound with a fence on top, similar to that used along the ERR a minimum of 3m in height should be considered.
- 21 residents of Brittons Ash object to the erection of a fence with details to follow (dated 25<sup>th</sup> October) but no additional details have been received.
- 1-4 Brittons Ash need a new fence like the ones schools have nowadays as the present one is time expired.
- The maintenance gap between the rear boundaries of the dwellings along Brittons Ash will be an open invitation to anyone to the back of the dwellings.
- In the event that planning permission is granted residents will challenge the decision as they have been advised they have a strong case
- If planning permission is granted and noise becomes a problem residents will progress individual and group complaints, including residents who are being forced to move home due to the proposal ( under section 8 of the Human rights Act)
- The school will have a negative impact on the lives of residents who have a right to enjoy family and private life, to enjoy our home peacefully without intrusion of a Public Authority.
- At every opportunity during this application, we have replied in full and feel that we have interacted well with the Council, but have not enjoyed the same interaction, protection, or co-operation from the Council or received answers to our questions.

The Environmental Health Officer comments:

*The proposal is for a primary school with a playing field and sports pitch to the rear. There were concerns that the noise could disturb nearby residents. The proposed boundary plan shows a 1.8m high acoustic (close-boarded) fence along the boundary of the school site with the residential properties in Brittons Ash.*

*The noise report includes details of noise monitoring carried out at another school. It uses this data to estimate the level of noise that could come from the Monkton Heathfield site and how loud this may be at the properties in Brittons Ash. The report compares these levels to those given in guidance from the World Health Organisation (WHO) for outdoor noise levels and concludes that the noise from the playground and sports pitch will be below this level in neighbouring properties. The report takes into account the proposed 1.8m high close-boarded fence.*

*The noise report estimated noise levels using computer modelling, whilst the council does not have the ability to verify the results they are considered to be reasonable. (It is difficult to estimate noise from a source such as a large, open playground as the noise will vary and could be coming from anywhere over a large area). The report does confirm that the WHO guidance (is normally used for assessing steady, continuous noise, and so is not designed to assess noise from sites like school playgrounds, but there is no other guidance that would be more appropriate.*

*Based on the information in the report (and from experience) it is likely that noise from the school playground will be audible at neighbouring properties. The addition of a 1.8 close-boarded fence may reduce the level of noise at neighbouring premises, although*

*I am not able to estimate how effective it will be, or whether an increase in height would make a noticeable difference. Barriers are more effective when they are close to the source of noise or the receptor, and this is not the situation here as the noise will be coming from locations a distance from the barriers.*

*Noise report extract states:*

*According to WHO guidelines **“to protect the majority of people from being seriously annoyed during the daytime, the sound pressure level on balconies, terraces and outdoor living areas should not exceed 55dB LAeq for a steady, continuous noise”***

*With the site layout proposed and with a 1.8m high close-boarded fence in place, the WHO guidelines will be achieved and external grass pitch noise will be suitably controlled.*

*On this basis, the proposal is considered acceptable in environmental noise terms. Noise emissions is adequately controlled at the nearby residential properties and is not expected to affect nearby residents adversely by way of noise.*

*Finally the residents of 154a Bridgwater Road were concerned about the impact of noise on their amenity. The submitted noise report indicates that their garden would be within the 55dB LAeq noise zone and as such I conclude that it would not require additional acoustic mitigation particularly as a new 3.0m high boundary wall is proposed, in principal, along the boundary of their garden and the new footpath cycle way that is proposed to run along the northern boundary of the school. I recommend an additional condition for the details of this to be submitted to, approved and constructed prior to the commencement of the use of the school.*

*On the basis of the agreed resolution I consider that suitable A38 traffic calming works can be reasonably provided in order to make the use of the school safe. In terms of the concerns over the impact of noise on the residents of Brittons Ash I consider that the submitted report indicates that a 1.8m high fence would ensure an acceptable level of noise for residents within the gardens of those properties. I am concerned about the detail of this at where the fence projects between the school and the highway and the treatment of the entrance to the maintenance strip between the fence and the rear of the residential boundaries so I suggest a condition for those details to be submitted to, approved and constructed on site prior to the commencement in the use of the buildings.*

*EHO Comments on resident's final e-mail*

*It would be possible to carry out another noise assessment, however, this would still only be an estimate of noise levels, and there are so many variables in trying to calculate noise from children playing in an open field that there would be a very high level of uncertainty in any predictions.*

*Regarding the WHO guidelines for noise, I agree that these are not suitable for assessing noise from schools; the Acoustic Consultants report does actually say this as well. However, there are no recognised standards for assessing this type of noise.*

*Re mitigation, a higher fence may help, but it is likely to have to be considerably higher to give a significant improvement over a 1.8m fence. Also, barriers are more effective when they are close to the source of noise or close to the receptor, and this is not the situation here. The email does not suggest other ways to mitigate noise. The level of noise and disturbance could be reduced by trying to manage the use of the playing*

*field, for example, restricting the hours of use in the evenings, but this would have to depend on how the school is going to be used.*

*As I stated in my previous memo it is likely that noise from the school playground will be audible at neighbouring properties. It is very difficult to accurately estimate noise levels from this type of activity, and even if you could, there are no recognised standards that can be used to assess the impact of the noise.*

*There are a large number of schools in the Taunton Deane area which are as close to residential properties than the proposed school, and Environmental Health have not had to take action at any school to deal with problems of noise from children playing.*

Planning Case Officer's comments: It is accepted that the introduction of a primary school to the rear of Britton's Ash will result in the noise of children playing in the playing and sports fields to the rear of the school being heard in the gardens of Brittons Ash and 154 and 154a Bridgwater Road. There is no mechanism for accurately assessing the level of noise for such a use and no standard upon which to judge its acceptability. I take into account the Environmental Health Officer's comments that they have not had to take any action to deal with the level of noise from children playing from schools within Taunton Deane and consider that, if levels of noise from schools was generally unacceptable this would not be the case. Whilst the provision of a 1.8m high close boarded fence may have limited impact on the level of noise I consider that it would provide a level of security and privacy for residents. The fence is set away from the existing boundary of Britton's Ash and to avoid the gap being misused and effecting security I require a method by which the gap can be closed off and opened when required for maintenance by both the school and residents. I therefore suggest an additional condition for these details to be submitted to and approved by the LPA

Additional information on the character of the school use has been requested from the applicant and will be reported to the planning committee for consideration.

02/15/0006

BLACKSTOCK FARMS LTD

**CONSTRUCTION OF SOLAR FARM FOR UP TO 5MW OF GENERATING CAPACITY COMPRISING OF INSTALLATION OF SOLAR PHOTOVOLTAIC PANELS AND ASSOCIATED INFRASTRUCTURE INCLUDING TRANSFORMER CABINS, SUB STATION BUILDINGS, ACCESS TRACKS, FENCING AND CCTV ON LAND AT PIXFORD FRUIT FARM, RALEIGHS CROSS ROAD, COMBE FLOREY**

Location: PIXFORD FRUIT FARM, RALEIGHS CROSS ROAD, COMBE FLOREY, TAUNTON, TA4 3HS

Grid Reference: 315101.130125 Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

**RECOMMENDED CONDITION(S) (if applicable)**

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

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

- (A4) Flood Risk Assessment
- (A4) Archaeological desk based assessment
- (A4) Ecological Assessment
- (A4) Geophysics survey report
- (A4) Landscape and Visual Impact Assessment
- (A4) Transport statement
- (A4) Planning statement
- (A4) Arboricultural impact Assessment
- (A3) Locaton Plan, figure 1
- (A3) Zones of theoretical visibility, figure 7
- (A3) DNO substation
- (A3) Layout plan
- (A3) Layout plan 2
- (A3) Meter Room
- (A3) Deer fence

(A3) DNO track - 4 metres  
(A1) Drawing no. 1009-(01)-29-01-0 client substation planning drawing  
(A1) CCTY specifications  
(A1) Drawing no EPTMP 4L MS19112014 mounting structure  
(A4) Archaeological evaluation  
(A4) Agricultural Land Classification Report 25 Sept. 2015  
(A4) Solar photovoltaic Glint and Glare study V2 (16 Sept. 2015)

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

3. Within 25 years and six months following the development hereby permitted being brought into use, or within six months of the cessation of electricity generation by the solar PV facility hereby permitted, whichever is the sooner, the solar PV panels, frames, ground screws, inverter housings, and all associated structures, foundations and fencing approved shall be dismantled and removed from the site. The site shall subsequently be restored in accordance with a scheme and method statement (that shall include deconstruction traffic management) that shall have been submitted to and approved in writing by the Local Planning Authority no later than three months following the cessation of power production.

Reason: To ensure that the site is adequately restored following the decommissioning of the site in the interests of the visual amenities of the area.

4. The site operator shall inform the Local Planning Authority within 5 days of the site being brought into use that it is operational and producing electricity.

Reason: To allow the Local Planning Authority to keep a firm record of the date of operation, to allow effective future monitoring of the development.

5. The development hereby permitted shall not be commenced until details of a strategy to protect and accommodate wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of the Ecological Assessment submitted with the application produced by Envirogaugue, document reference EVG-14-033-EA and dated 14th June 2015 and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance.
3. Measures for the retention and replacement and enhancement of places of rest for the species.

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the new habitat and resting places and agreed accesses for wildlife shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new habitats and related accesses have been fully implemented.

Reason: To protect wildlife and their habitats from damage.

6. (i) Before any part of the development hereby permitted is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show the hedgerows and trees to be retained and the method of protection during the construction phase.
- (ii) The protection measures for the construction phase shall be installed prior to the commencement of any other work on site. The landscaping/planting scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
- (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with the adopted Taunton Deane Core Strategy Policy CP8.

7. Prior to the commencement of development an Environmental, Landscape and Ecological Management Plan and a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Environmental Management Plan shall include details of how risks of water pollution shall be minimised during the construction phase of the development, the proposed method of decommissioning of the development and how the site will be maintained during the course of the development, including any temporary protection of ecological interests on the access routes. It shall include proposals for the ongoing management of hedgerows and landscaped areas over the lifetime of the permission hereby granted. The Environmental Management Plan and Construction Method Statement shall be implemented as approved for the duration of the approved development including the

decommissioning phase.

Reason: To ensure that the site is managed in an acceptable way to protect visual amenity and ecological interests on the site.

8. Prior to their installation, details and/or samples of the materials to be used in the construction of the external surfaces of the transformer/inverter buildings, DNO Sub-Station building and proposed EPC housing hereby permitted shall have be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

9. Prior to the commencement of the development hereby permitted, a condition survey of the existing public highway including the road surface and boundary hedgebanks shall be carried out in accordance with details that shall previously have been agreed with the Local Planning Authority in consultation with the Local Highway Authority. Any damage caused to the highway and boundary hedgebanks shall be remedied by the developer within 3 months of the completion of the construction phase unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the access roads are returned to their former condition in the interests of highway safety and the visual amenities of the area.

10. No development shall commence until a detailed surface water drainage strategy has been submitted to, and agreed in writing by, the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, 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 ensure that flood risk is not increased.

11. Prior to their installation, full details of the proposed perimeter fencing and CCTV cameras shall be submitted to and approved in writing by the Local Planning Authority. The fencing shall be erected and thereafter maintained as such in accordance with such approve details.

Reason: In the interests of the visual amenities of the area and to ensure that

the fencing does not obstruct flood flows.

12. The developer shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in writing by the Local Planning Authority beforehand and fully implemented prior to start of construction, and thereafter maintained until the completion of the construction and dismantling phases.

Reason: In the interests of highway safety.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order amending, replacing or re-enacting that Order), no fixed plant or machinery, buildings, structures and erections, fences, or private ways shall be erected, extended, installed rearranged, replaced, repaired or altered at the site, other than those hereby permitted, without the further grant of planning permission.

Reason: To protect wildlife interests and the visual amenities of the area.

14. No external artificial lighting shall be installed on the site unless the details of that external artificial lighting have first been submitted to and approved by the Local Planning Authority.

Reason: To protect wildlife interests and the visual amenities of the area in accordance with Policies DM1 and CP8 of the Taunton Deane Core Strategy.

15. Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 6 metres from the carriageway edge and shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety.

#### Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission.
2. It is expected that the buildings permitted on this site shall be finished in brown/grey materials.

3. Your attention is drawn to the publication 'Secure by Design' as a means of designing out crime. You are advised to contact the Police Liason Officer at Somerset West Police District, Police Station, Shuttern, Taunton, TA1 3QA.
4. WILDLIFE AND THE LAW. The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation.

BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Governments advisers on wildlife, Natural England (Tel. 0845 1300 228). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

5. Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Transport Development Group, Environment Department, County Hall, Taunton, TA1 4DY, or by telephoning 0300 123 2224. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services. The fee for a Section 171 Licence is £250. This will entitle the developer to have his plans checked and specifications supplied. The works will also be inspected by the Superintendence team and will be signed off upon satisfactory completion.

## **PROPOSAL**

It is proposed to install a solar PV farm and associated infrastructure over an area of 6.78ha. The proposal seeks planning permission for the installation of a number of

rows of solar arrays, which are supported at intervals by posts driven directly into the ground. The site will consist of modules which are supported by a table/racking system which typically hold 32 modules each. The photovoltaic modules will be supported on steel tables/racking which will be supported by a steel pile system; the 32 module racks typically have 8 support posts for each table. The piles are likely to be around 0.1m diameter and will elevate the tables above ground level. The arrays will be up to 2.5m in height and the site will generate renewable electricity for 25 years, after which the solar farm will be dismantled. The solar park is expected to have a capacity of 5MW, which will generate enough electricity to power 1,525 average homes.

The proposal includes the following associated infrastructure:

- Three transformer units;
- A DNO sub-station (containing switchgear and meter units connected to the electrical grid). This will consist of a brick built cabin measuring 4.5 metres in length, 4.9 metres wide and 3.6 metres at its highest point, plus a 0.1 metre concrete plinth.
- A client sub-station (containing switchgear and meter units connected to the DNO substation). This will measure 3.65 metres in length, 2.75 metres in width and 3 metres in height, plus a concrete plinth.
- A switchgear/meter room. This will consist of a small box measuring 1.1m long x 1.1m wide x 1m in height, plus 0.07m concrete plinth;
- Deer proof fencing along the site boundary with access gates;
- Security closed circuit television (CCTV), with intruder detection system sensors located within the fencing;
- Underground cables;
- On site track to allow service access to the DNO sub station.

## **SITE DESCRIPTION AND HISTORY**

The proposed solar park development is to take place on agricultural land around 8km northwest of Taunton and approximately 400m to the north of the village of Ash Priors. The site lies to the south of the B3224 accessible off Combe Florey Road. The site currently consists of a single agricultural field and is bounded by agricultural fields to the eastern, northern and southern sides and a fruit farm plantation to the east. A footpath runs approximately north-south along the eastern boundary of the proposed development site. A pond is situated towards the southern boundary. A small farmyard is located immediately adjacent to the south-east corner which contains a number of modern breeze block and corrugated iron built farm buildings. The overall size is approximately 8 hectares, although not all of this will be covered by the solar panels.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

#### *COMBE FLOREY PARISH COUNCIL -*

Comments received **28th July 2015** state the following - Combe Florey Parish Council supports the application subject to TDBC and Ash Priors P.C. having satisfied themselves that there is no adverse impact on an Area of Outstanding

Natural Beauty.

Additional comments received **6th August 2015** state as follows - Further to our earlier response, supporting this application, Combe Florey Parish Council have now become more aware of the high level of opposition to this application – more particularly within the parish of Ash Priors. Whilst not materially changing our response to you (dated 23/7/15) on behalf of our own parish, we would re-iterate that our support for this application was subject to TDBC having satisfied themselves that the visual impact to the local is acceptable. We are also aware that Ash Priors, the area that will be most affected by this application, has no formal Parish Council. We would therefore draw your attention to the letter from Mr. S Jones, Chair of the formally convened Ash Priors Village Meeting.

*SCC - RIGHTS OF WAY* – No comments received.

*SCC - TRANSPORT DEVELOPMENT GROUP -*

I have now had the opportunity to review the application, including the relevant drawings and documents, including the Transport Statement (TS) (issue 1, dated June 2015, prepared by FMW Consultancy), and Appendix A of the TS, the Construction Traffic Management Plan (CTMP).

*Pre-application advice*

The County Council provided pre-application advice to the applicant's transport consultants in an email dated 7th May 2015, which has been appended to the TS.

*Access – Vehicular*

Access to the site is proposed to be via the existing field entrance at the south-west corner of the application site boundary, onto Combe Florey Road close to its junction with an unnamed public highway leading west. The TS explains that minor improvements to this access are proposed to accommodate the largest delivery vehicles which will serve the site (16.5m articulated HGV).

The County Council's preference for construction accesses is always for construction vehicles to make use of roads of the highest possible classification for the greatest part of their journey. In this case the nearby B3324 is designated as a County Freight Route generally suitable for freight traffic to use for deliveries. However, the final section of route to the site, along Combe Florey Road, is very narrow, with varying horizontal and vertical alignment along its route and for the most part tightly bounded by hedges. It therefore does not lend itself to being a construction delivery route used by heavy, wide or long vehicles.

If Combe Florey Road is to be used then it would be preferable for construction vehicles to use the shortest possible length to reach a site entrance. This would be accomplished if a new access were formed at the north-west corner of the site. Your authority may wish to consider the merits of such an option.

### *Swept path analysis*

A drawings has been appended to the TS to show the swept path of the largest vehicle anticipated to be used for construction deliveries to the site along Combe Florey Road. However, the drawing does not show the whole of the relevant section of Combe Florey Road. The applicant should provide an additional drawing of the southern section of the delivery route to confirm that the section to the access gate can similarly accommodate the anticipated vehicles without any modifications being required. This information can be included in a revised Construction Traffic Management Plan.

### *Unloading and Parking Areas – Location*

The TS states that a lay-down area is proposed in the south-west corner of the site some 50m from the access point. This area would be used to drop off materials and enable delivery vehicles to make turning manoeuvres. This is accepted by the County Council. However, no indication is given as to how much, or where, car parking for contractors, is to be situated. The applicant will need to submit details of this as part of a revised CTMP to enable the County Council to be satisfied that sufficient provision is being made on-site.

### *Trip generation – construction phase*

The TS explains that 60 deliveries to the site are required over a 10 week period (an average of 6 per week, peaking at 10 in some weeks). This estimate is based on information provided by the client and experience of other solar farms. Slightly more than half of the deliveries are forecast to be made on 44 tonne articulated lorries, with the remainder divided between 12m long rigid lorries and 16.5m long low loader lorries.

The number of deliveries is therefore relatively low and raises no highway capacity concerns.

No reference is made in the TS or the CTMP of the number of staff who will be working on-site at any one time. This information should be provided in a revised CTMP.

Hours of working are proposed to be 0800 to 1800 Monday to Friday and 0800 to 1300 on Saturdays.

### *Traffic generation – operational phase*

Maintenance of the photovoltaic park is expected to be minimal with the TS stating one maintenance vehicle every few months; therefore traffic impact associated with the development once completed is considered to be negligible.

### *Construction Traffic Management Plan (CTMP)*

A CTMP dated June 2015 has been submitted alongside the application, as per the County Council's pre-application advice.

Construction vehicles are anticipated to arrive via the B3224 and Combe Florey Road before turning left into the site at the access gate and turning right onto Combe Florey Road from the access gate when departing. The County Council

will expect this to be conditioned as part of a revised CTMP or Construction Environment Management Plan.

The TS acknowledges that available visibility at the B3224 junction is substandard for the posted speed limit and banksmen are proposed to be present at the junction in order, according to the TS, 'to ensure safe entry and exit when the largest vehicles are in use'. Banksmen are also proposed to be present at the access gate. This approach is accepted by the County Council.

Temporary signage is proposed to be placed on the approaches to the B3224 / Combe Florey Road crossroads and other locations as agreed with the local highway authority to aid driver awareness of turning vehicles. Temporary direction signage is also proposed to aid construction vehicle drivers en route to the site. The County Council will wish this to be conditioned as part of a revised CTMP.

No abnormal loads are anticipated to be required as part of the deliveries of construction materials.

### *Conclusions*

In view of the above the local highway authority recommends no objection subject to the following conditions and informative notes relating to highways, access and parking being attached to any permission granted by your authority:

### Conditions

1. No development shall commence unless a Construction Traffic 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 details of construction vehicle movements, construction operation hours, construction vehicle routes to and from site, expected numbers of construction and worker vehicles per day, and contractor car parking locations.

Reason: In the interests of highway safety.

2. Prior to the commencement of the development hereby permitted, a condition survey of the existing public highway including the road surface and boundary hedgebanks shall be carried out in accordance with details that shall previously have been agreed with the Local Planning Authority in consultation with the Local Highway Authority. Any damage caused to the highway and boundary hedgebanks shall be remedied by the developer within 3 months of the completion of the construction phase unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the access roads are returned to their former condition in the interests of highway safety and the visual amenities of the area.

3. Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 6 metres from the carriageway edge and shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety.

4. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to commencement of works on site and thereafter maintained during the construction and dismantling phases.

#### Informative Notes

Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Transport Development Group, Environment Department, County Hall, Taunton, TA1 4DY, or by telephoning 0300 123 2224. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

The fee for a Section 171 Licence is £250. This will entitle the developer to have his plans checked and specifications supplied. The works will also be inspected by the Superintendence team and will be signed off upon satisfactory completion.

#### *DIVERSIONS ORDER OFFICER -*

It should be noted that the public footpath T4/14 runs parallel to the eastern boundary of the proposed site. The path should not be encroached upon in such a way as to reduce its width or change the nature of the surface without the express consent of the Rights of Way Section, Somerset County Council.

#### *LANDSCAPE -*

Comments received **23rd July 2015** - As acknowledged in my initial observations, the development will impact on views to and from the Quantocks AONB.

To mitigate against this I suggested that, in addition to the hedging on the northern boundary proposed by the developer, additional landscaping in the small triangle of land to the immediate north of the site would help to reduce the impact of the development further.

I would like to see a buffer of at least 5m between the panels and the existing hedgerows on site. Edges of the panel rows could also be feathered. This is likely to affect the number of panels the site can accommodate slightly.

In addition the proposed hedging should contain some feathered hedgerow trees and I would like to see the beech replaced with an alternative native shrub such as guelder rose or spindle.

If permission is granted full amended details will be needed of landscaping as well as details of future management of the site.

Further comments received in **August 2015** - As acknowledged in my initial observations, the development will impact on views to and from the Quantocks AONB.

To mitigate against this I suggested that, in addition to the hedging on the northern boundary proposed by the developer, additional landscaping in the small triangle of land to the immediate north of the site would help to reduce the impact of the development further.

I would like to see a buffer of at least 5m between the panels and the existing hedgerows on site. Edges of the panel rows could also be feathered. This is likely to affect the number of panels the site can accommodate slightly.

In addition the proposed hedging should contain some feathered hedgerow trees and I would like to see the beech replaced with an alternative native shrub such as guelder rose or spindle.

If permission is granted full amended details will be needed of landscaping as well as details of future management of the site.

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* – No comments received.

#### *BIODIVERSITY -*

The site, is a single field of improved grassland, currently grazed by sheep. A pond surrounded by trees is located to the south of the field. All existing hedgerows and trees on site will be retained. An existing gateway will be widened to access the site. The section of hedging removed will be replanted.

The assessment included a desk study and Extended phase 1 habitat survey, which commented as follows -

#### *Amphibians*

Due to drying out in the Spring, the pond is unlikely to be an amphibian breeding site.

#### *Reptiles*

The site has low potential for reptiles.

#### *Breeding birds*

Habitat on site such as trees and scrub provide nesting and foraging habitat for birds. The site may have low potential to support a small number of ground nesting birds. The surveyor has suggested resurvey, if works are carried out during the summer months. I support the proposal to erect two barn owl boxes

and two kestrel boxes

*Badgers*

Badger setts were found within the survey area. I agree that the site should be resurveyed prior to any construction.

*Bats*

Two trees on site provide potential roosting habitat for bats. These trees will be retained. The planting of new hedgerows will provide additional foraging sites for bats. I would also like to see some further tree planting to the north of the panels near the public footpath.

*Dormice*

The site hedgerows form part of a wider network of hedgerow habitat which offer potentially suitable habitat for dormice

I would like to see a condition requesting that works are carried out in accordance with the Ecological assessment and a LEMP

In the section Summary and Conclusions of the assessment report it makes reference to A Landscape and Ecological management Plan (ref EVG-14-033-Lemp) as being submitted as part of this application, but I could not find it

*DRAINAGE ENGINEER -*

No objection but suggest condition that drainage proposals shown on J-5337-CFM 3001 in the flood risk assessment are implemented prior to construction commencing.

*SOMERSET HERITAGE CENTRE, SENIOR HISTORIC ENVIRONMENT OFFICER*

The results of the recent field evaluation have demonstrated that there is some potential for the presence of Roman activity at the southeast end of the proposed application area. For this reason I recommend that the developer be required to archaeologically excavate the heritage asset and provide a report on any discoveries made, as indicated in the National Planning Policy Framework (Paragraph 141). This should be secured by the use of model condition 55 attached to any permission granted (as follows -)

‘No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.’

*HISTORIC ENGLAND (ALL CONSULTATIONS) -*

### *Summary*

The remit of Historic England in the context of this application is to consider whether the proposed development would have an impact upon the setting of any grade I or II\* listed buildings within the area. From our initial assessment on site there would appear to be two sites that have potential to be affected. Further review in line with the Historic England's guidance - The Setting of Heritage Assets is required, including specific photomontages.

### *Historic England Advice*

Our initial assessment identified seven assets as having potential inter-visibility with

the scheme post completion:

- Gatehouse at Combe Florey House,
- Church of St Peter and Paul
- Cross at Church of St Peter and Paul
- The Old Manor House
- Church of the Holy Trinity
- Sandhill Mansion House
- North Lodge.

Having been to site we are of the view that the four assets to the north at Combe Florey and the Church of the Holy Trinity are outside the area where there would be visibility. Relative to the II\* listed Sandhill Mansion and North Lodge however the situation is less clear. Sandhill Park is grade II\* listed as a country house, dating from 1720 with portico and wings added circa 1815. It is a grand neo Palladian composition faced in red sandstone ashlar, arranged over 7 bays, with a projecting portico supported on paired Tuscan columns. Internally on the ground floor it has a highly decorated rococo plasterwork ceiling which is over 250 years old. The land that is proposed to be developed is believed to have been part of the estate. Whilst a photomontage (No.2) is provided the precise location is not shown. At this stage further analysis is needed before a full assessment can be made. The analysis should be in line with the Historic England's advisory note 3, including photomontages from key locations. Relative to the Photomontage No.2 the location from which it was taken should be made clear.

### *Recommendation*

At this stage further analysis is needed. The analysis should be in line with the Historic England's, Historic Environment Good Practice Advice in Planning, Note 2 – The Setting of Heritage Assets, including photomontages from key locations where applicable.

Further comments received on **15th October** makes the following amended response -

Thank you for notifying Historic England of the amended plans and documents received. Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion. The additional photomontages that have been supplied demonstrate that the impact upon the

setting of the listed assets affected from those vantage points will be minimal. We now recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

*THE QUANTOCK HILLS AONB SERVICE -*

Comments received on **24th August 2015** raise the following concerns - The AONB Service wishes to express its concern about the above planning application for the following reasons:

The proposed location, whilst not within a nationally protected landscape sits between the two nationally protected landscapes of Exmoor National Park and the Quantock Hills AONB.

The LVIA accompanying the application does not include a viewpoint assessment from Lydeard Hill. Lydeard Hill is one of the most visited hilltop locations within the Quantock Hills and, importantly, is a location where people can enjoy the open hilltop views without having to walk out onto the hills (benches being provided at the car park entrance to the open hill - for people to stop, sit, and take in the striking view across the Vale of Taunton Deane and beyond).

From a field visit to Lydeard Hill, the location of the proposal site is clearly visible and on that basis the proposed solar farm would also be identifiable from Lydeard Hill particularly until the proposed hedgerow reaches and exceeds the height of the pv panels. We therefore ask you to consider the appropriateness of being able to identify a solar energy scheme within relatively close proximity to a protected landscape (and within direct sight of one of the Quantock's most visited locations for experiencing the high visual amenity afforded from the open hills).

We are concerned generally about the number of other solar schemes (existing and proposed) within relatively close proximity to the site and ask that full consideration be given to sequential viewing experiences from within the vale looking towards the prominent Quantock Hills backdrop (this does not appear to form part of the LVIA). Whilst outside of the protected landscape boundary, views towards protected landscapes (and in turn the visual amenity of those landscapes) can be adversely affected by developments that by their nature are at odds with overtly rural landscape character.

We are keen to understand at what point the critical limit of solar development within this part of the Vale has been/will be reached.

The AONB Service has since written in **(14th September)** to confirm that the photograph they supplied of a view from Lydeard Hill was taken with a camera at 75mm focal length for identification purposes, and so does not replicate human eye view.

Further comments received **22nd September** make the following points - As you know we have not objected to this application but have raised our concerns as we felt further information should be considered before

determination/recommendation of the application - namely viewpoint assessments of the hills looking from the south of the site towards the Quantocks (e.g. from public vantage points or rights of way) and consideration of impacts on views from Lydeard Hill. We are very pleased the latter has been considered but I am unclear if the former has been taken into account.

As this is an application outside the AONB our interest in the scheme is to seek assurance that should the scheme go ahead it is not contrary to the primary purpose of AONB designation and does not adversely impact on views in and out of the protected landscape - in line with our Management Plan (2014-2019) as adopted by Taunton Deane Borough Council which states - Objective D13: to protect views in to and out of the AONB through involvement in the planning process. Supporting text under chapter 2.6 Development Infrastructure: "The last plan period saw an increase in planning applications for in-field solar energy schemes within and beyond the AONB boundary. The impact of changing landuse from agriculture to energy production, while providing an important diversification alternative to farmers, can significantly affect the character of a place and has the potential to negatively impact on the quality of Quantock views".

With the above in mind, we trust that should the scheme be approved it will not threaten the visual amenity of this nationally protected landscape nor adversely affect the character of its setting.

## **Representations**

A total of 135 representations have been received, some from the same persons. However, of these, 130 objections have been received from 102 different people. 5 are either in favour or not objecting.

Of those objecting, the following comments have been raised -

### Principle

- The proposal is contrary to Core Strategy, policy DM1, General Requirements, para d and e, which states that the appearance and character of any affected landscape should not be unacceptably harmed by the development, and noise, glare, vibration and other forms of pollution which could arise should not unacceptably harm the amenity of individual dwellings or other elements of the local environment".
- Policy SP4, (para. 4.57) states that development should respects the integrity of the countryside, and Policy CP8 sets out requirements to ensure that proposals conserve and enhance the natural and historic environment.
- The application contradicts government policy that only brownfield sites should be used.
- Surely there are more suitable sites in Somerset and beyond. The applicant has not done enough research on the surrounding area.
- We [CPRE] are not opposed to solar installations however their scale and location must be considered against their environmental impact.

- Having written the Core Strategy with such clear guidelines for rural development, the Council cannot blatantly ignore the very rules and standards that it has set.
- There should be a balance between the undeniably important development of alternative energy and the other needs of the community. This balance becomes more important given the current housing projects in the Deane, which remove agricultural land and increase the population. This application would destroy any such balance.
- 

### Landscape and visual impact

- It is proposed on an elevated site on the side of a hill, which will be very visible from our house, other properties, public roads and footpaths.
- The difference between a grass field of sheep and 17 acres of solar panels and assorted buildings could not be greater.
- The planning statement states that there will be minimal visual impact but this is completely untrue.
- Ash Priors has been the subject of intense scrutiny by Members in the past with some being turned down because of visual impact and for not being in keeping with the surrounding area. Members must be consistent.
- The area is scenic and the proposal would destroy the natural beauty of the area.
- The site is very visible from the frequently-used footpaths on and adjacent to it, from the wider surrounding area, from two properties opposite it, and from the Quantocks, and is in attractive, tranquil, green, open farmland.
- The proposed fencing that will be required for the security of this site will turn this area into an unsightly and ugly sight.
- The view from the Quantock hills when the sun shines on this development will ruin what is currently an area of natural beauty.
- It would be unsightly and far from being in keeping.
- Walkers' experience would not be made more enjoyable by the sight, noise and glare of solar panels and high fencing.
- Any screening would take years to mature.
- The whole site is highly visible from the Quantocks - I checked with binoculars myself.
- The site will be visible from the air.
- Would adversely affect the view from the Bishops Lydeard to Minehead steam railway.
- The TDBC Landscape Character Assessment identifies the area of the site as being in the 'Farmland and Settled high Vale' landscape type, where the key element is to focus on enhancing the quality of the landscape. This is reflected in Policy DM 1 of the TDBC Core Strategy that states that development will not be permitted where it would be detrimental to the appearance and character of any affected landscape.
- This site will be highly visible and the landscape character of the area will clearly be harmed by the incongruous presence of such a large solar installation.
- We are in an Area of Outstanding natural Beauty and this will no longer be the case if this project is allowed to proceed.
- It will have strong adverse visual and audible local impact which will not be reduced by existing and newly planted screening which will be deciduous and of even less impact in the winter.
- A near neighbour was required by the Landscape Officer to use a certain roof tile

on their proposed house to reduce the landscape impact. Also, the windows and doors were required to be timber to protect the character and appearance of the surrounding landscape in accordance with policies DM1 and CP8 of Taunton Deane's Core Strategy". To allow a solar farm on this site would therefore be nonsensical.

- This is an area that is visited by many thousands of walkers ramblers and general tourists who visit the area because of its unspoilt beauty and this development will be in danger of ruining the tourist trade upon which a large number of small businesses rely for a living.
- The landscape officer's report has completely ignored the visual impact on the properties to the south of the site.
- Solar "farms" have their place, but not in the middle of some of the most beautiful countryside in the UK, which should be protected and enhanced.
- Individual houses are not entitled to a view in Planning terms, but planners have a duty to prevent the visual and physical desecration of an open sweep of green pasture land, and to protect the rural environment.
- Landscape screening will stop us from seeing the beautiful views.
- Whilst the other solar farms in Ash Priors (Halse Farm and adjacent to Lethbridge Park) are on low lying, unobtrusive sites, this proposal is sited on top of a hill, visible from footpaths, roads, a number of houses and the Quantock Hills to the East.
- The proposed site is extremely exposed.
- Once the leaves have fallen, there will be 87 months of total visual exposure to the solar farm.
- This is a stunning greenfield site overlooked by 3 properties.
- Solar farms are dramatically industrialising our countryside.
- During construction of this proposed development a considerable length of ancient hedgerow would have to be removed to provide access. Replanting the hedgerow after the build would not replace what has been removed as many years must pass before the biodiverse environment of an ancient hedge is reclaimed.
- Because of the fields open exposed topography, it is impossible to screen it.
- We feel it is imperative that an Environmental Impact Assessment is carried out due to the sensitive nature of this proposed project.
- There is nothing to guarantee that the site would be cleared if the developer ceased trading or if the site was to become economically unviable.

### Agriculture related issues

- The site is valuable productive farmland, not some brownfield or scrub land.
- This is not low grade agricultural land.
- There is no public trust in the land reverting to agricultural use after 25 years.
- Can't understand why it has been classified as grade 3b in the Agricultural Land Classification report given that the fields opposite have had crops grown in them.
- The land is incorrectly classified as grade 3b agricultural land.
- The land is either grade 1 or grade 2 and the Government are now recommending that you do not build on this good quality land.
- Any decision on development should be postponed until a comprehensive soil report has been prepared.
- To erect this monstrosity on pasture land within this beautiful unspoilt tranquil village would be unforgiveable.
- I don't think sheep could graze in between the panels because if they rub against

them they will bend the poles.

- Food and farming are the number one manufacturing industry in the UK and this is being undermined by the increasing number of solar farms.
- Whilst we have people on our planet still starving and a growing population in the UK, how can we morally take away good agricultural land instead of just using less energy?
- We really do need every acre of good quality land for cultivation and farming in order to feed our growing population.
- The farmer receives a better return on high grade agricultural land for solar panels than he can using his land for crops or dairy farming, and this is due only to the current Government incentive.

### Green and renewable energy issues

- The application should not be approved merely because the Government is promoting green energy.
- They should be on low lying brownfield sites or on roofs of buildings where they were originally intended.
- Solar farms should be developed in already blighted areas such as side of motorway.
- The Government revised their policy on solar farms in April 2014 stating that they did not want to see them on greenfield sites.
- The ad hoc pattern of solar PV installations across the country suggests that there is no national or regional policy on the location of solar farms and that their number and location is being dictated by developers and not by a coherent planning policy.
- It makes no sense to allow another solar farm when Government policy will disallow this in 7 months time.
- The Government will veto solar farms on greenfield sites next April.
- Recent Government announcements have highlighted that the UK now has sufficient renewable energy to meet its legally binding EU targets. So there is no urgency for this project.
- The UK has already installed more solar farms than anywhere else in Europe.
- Government subsidies which are driving the solar expansion are about to be cut in an effort to stop expansion on farmland.

### Wildlife

- Impact on a wildlife corridor between the hills behind Bishop's Lydeard and the woods of Halse, Combe Florey, Lydeard St. Lawrence and on towards the Brendon Hills.
- There are a number of bat species resident at Sandhill Park.
- There is a diverse range of plant and wildlife nestling in the shadow of the Quantocks, and surrounded by farmland.
- The site will severely affect foraging habitat for a large colony of lesser horseshoe bats, barn owls and other birds of prey.
- Why is it not proposed to graze sheep on the land in the spring and summer? Could it be because it is too hot? Ecosystems under panels are being damaged and essential carbon is not being held in the soil.
- You must take into account the 'Natural England Technical Information Note TIN101 (Solar Parks: maximising environmental benefits)', and in particular the paragraphs pertaining to bat roosts, navigation to foraging sites, bats colliding

with panels and take further advice from a bat specialist.

- I would like to request that you ask the applicant to submit the LEMP and Soil report.
- Why have the views of Natural England, the Somerset Wildlife Trust and the Quantock Deer Management & Conservation Group not been sought?

### Noise and glare

- It will make a continual low level buzzing noise (fans from inverter buildings).
- Will glare when hit by the sun.
- The thought of having to wear sunglasses for the next 25 years as Glint (Flash) and Glare (continuous sense of bright light) is depressing.
- Solar panels will impact upon our business of training racehorses because of the sensitive nature of thoroughbreds. They have an instant fight or flight response in reaction to anything e.g. glint that catches their eye. This would seriously jeopardise the health and safety of both the horses and their handlers. [similar comment made by two separate nearby businesses].
- Noise will be generated through the hum of the fans that operate the cooling systems.
- When it rains heavily or indeed during hailstorms the noise of the panels being hit is tremendous.
- The site lies near a busy international airline flightpath. There is no reference to Civil Aviation Authority interim guidelines on siting of solar panels (2010) having been considered. Have the applicants considered the glint and glare issue and the potential effect on aircraft safety from this exposed site?
- I disagree with the 'Glint and glare' study's findings that there will be no significant impact upon horses or riders based on the location of the proposed solar farm relative to the horse facility nearby.
- I would like to request a noise evaluation report.
- The sub-station at Tolland Solar Farm produces an annoying hum which is very difficult to switch off from. It's not the panels that produce the noise but the sub-stations and invertors.
- The A.A. have reported that there were 2905 accidents in which sun dazzle was reported as being a contributory factor in 2012. Of these 36 involved fatalities and 423 resulted in serious injury.
- Having worked with horses professionally, it is clear that that the author of the Glint and Glare Study clearly lacks any knowledge in equestrianism whatsoever.

### Cumulative Impact

- There are a number of other solar farms within the area [representations suggest between 9 and 15 within a 5 mile radius and two within Ash Priors].
- If allowed, this would be a third solar farm within a mile of Ash Priors' historic centre.
- I am not advocating a 'not in my back yard' attitude but must make a stand as we already have too many in our back yard.

### Archaeological and historic impact

- An industrial site in the historic landscape of the Sandhill Park adjacent to a footpath is unthinkable.
- The proposed development would affect the setting of Sandhill Park, an

important, historic Listed Building, surrounded by trees and parkland.

- It would be detrimental to the historic village of Ash Priors.
- The applicants' Geophysical Survey Report states that there is potential for archaeological features to survive within the limits of the proposed development site and further archaeological investigation is required to establish a suitable mitigation strategy. There is no documentary evidence of this having been done.
- The site is of significant historical and archaeological importance with a number of listed buildings nearby, historic parkland and the historic Ash Priors Conservation Area. The proposal will affect all of these heritage assets.

### Flood risk

- Flooding is an issue in the lane near the field entrance. This water drains across the fields to the south of the solar site and has caused two very tall trees to at Sandhill Park to fall due to waterlogging of the roots.
- There is already a flood issue in the lane on the Ash Priors road which will be exacerbated by the direction of the rain on the panels.

### Other issues

- The proposal does not identify any increase in employment. Given the loss of agriculturally productive land, the proposal would result in a net increase in unemployment.
- There is insufficient time for local residents to comment from an informed position.
- The site being, in their *[applicant's]* opinion, the 'only option' is not a valid reason for having it.
- Please urge farmers and companies building new houses to place solar panels on buildings instead.
- Landowners just want to make money at the expense of local people irrespective of the noise and ugliness.
- Just once I would like to see Taunton Deane support the ordinary rate payer instead of the rich ones.
- Although the project is said to be in place for 25 years, once the infrastructure is up it would be easy to allow them to carry on.
- What happens after 25 years - more landfill?
- 25 years cannot be classified as temporary.
- PV ground systems are inherently exposed to both direct and indirect lightning events. We should question the safety of this.
- Disruption to local businesses during the construction period.
- The construction phase of 12 to 16 weeks would impact upon nearby equine businesses and should be taken as a planning issue.
- The value and quality of any properties in the vicinity will be seriously affected.
- If this was a sewage treatment plant, power generating station, atomic reactor, windmill or supermarket, it is unlikely that the application would be granted based on the proximity and quantity already in place.
- Consideration must be given to the right for green space and the freedom to use the public footpaths.
- There are two regularly used public footpaths next to the field in question which will be detrimentally affected by high fences, the solar panels installation, the power inverter stations, CCTV, transformer stations, sub station and communications building.

- The planning committee needs to have the foresight to see the option of putting solar panels on the roofs of buildings such as the Morrisons distribution centre, when they are being constructed.
- How will we dispose of the technology and the foundations when the land is reverted to agricultural use?
- We hope that the motivation of those who are making this application is to reduce carbon emissions, but it seems more likely that it is to make a profit.
- This application should be refused on the grounds that the land should be for the benefit of us all and future generations, rather than passed for the benefit of a few individuals.
- The inclusion of CCTV is an exclusion of privacy.
- The developers should find somewhere less damaging for their investment.
- To allow this would fly in the face of common sense judgement.
- Stringent conditions have been placed on nearby businesses and properties to ensure that the local environment was protected. Equally stringent conditions should be imposed on the solar farm application.
- If planning permission is given, can the national grid accommodate the energy created?
- Solar farm is merely a euphemism for rural industrialisation.
- Members should visit the proposed site, neighbouring properties and an example of a nearby solar farm in order to make a more informed decision.
- The level of security required for this proposed development will make the site and its surrounding area look like Fort Knox.
- The photos relating to Sandhill Park House are inaccurate and misleading.
- The footpath, which was originally the ancient old road from Ash Priors to Combe Florey, would become even more of a drainage ditch due to run-off from the panels.
- The application should be deferred until full and specific information rather than generic, has been provided.
- I requested a Police Security Report on this proposal and the Crime Prevention Design Advisor replied copper is needed to generate electricity and is an obvious target for thieves, as are other metals which may be present on site e.g. aluminium and the PV panels themselves. Appropriate security measures should be taken which could include appropriate fencing/gate, perimeter intruder detection system and CCTV (which will need to be monitored).
- Western Power Bristol have informed that there is more than enough power to serve the grid from Taunton to Minehead and this farm is not needed. It is purely a money making scheme that will benefit the applicant but will be a distressing intrusion to many others.
- The photographs taken are submitted from deliberately misleading angles.

Councillor Jane Warmington (Ward Member) also wrote in against the proposal and supported the views of Ash Priors Parish Council.

Some of the letters summarised above were forwarded by Rebecca Pow M.P. who has met with residents to discuss their concerns. She has seen the proposed site and spoken to a wide group of people to hear their views. She then wrote to residents in and around Ash Priors to gauge their sense of feeling and passed copies of the responses to the LPA. She has not expressed any opinions of her own on the application to the LPA.

## Comments in support

Strongvox Homes who are currently building out the 28 dwellings approved as part of planning permission (ref: 06/08/0010) at Sandhill Park, which lies in very close proximity to the proposed solar farm have written in support of the proposal, making the following comments -

- The proposal is for a temporary development ,which can be completely removed after 25 years;
- The site is to be located on low-grade agricultural land;
- Landscape impact will be negligible and will be barely visible from outside the site;
- Impact on nearest residential properties will be negligible;
- It is proposed to provide significant enhancements to ecology;
- There will be no detrimental impact on the users of the adjoining PROW;
- Access to the site is achievable without detriment to existing road users;
- There will be no impact on the setting of heritage assets;
- The proposals will not give rise to any flooding.
- The proposals are in accordance with national and local planning policy which should be supported by Taunton Deane BC.

Other comments in support include -

- There is no legitimate objection to the planning application as the site is NOT easily viewed from the village [*Halse*] that is in any event some distance away.
- Noise is minimal.
- The loss of one field is not going to cause starvation to animal stock.
- I fully support this proposal as it can only help reduce the need for further nuclear power and the danger that presents us all in the future.
- I see no reason why this application should receive such a negative response locally. The whole community will benefit from this and I would recommended your committee to support it.
- I fully support renewable energy and have no objections to this proposal. [*Made in response to the M.P.'s letter*]
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## **PLANNING POLICIES**

EN12 - TDBCLP - Landscape Character Areas,  
ROW - Rights of Way,

## **LOCAL FINANCE CONSIDERATIONS**

The proposal has no financial implications for the Council that need to be taken into account as the proposal will not attract any New Homes Bonus and will not be liable for a payment under the CIL Regulations.

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main issues in the consideration of this application are the principle of the development, landscape and visual impact, flood risk, ecology and highways.

### Principle

The National Planning Policy Framework (NPPF) states that the purpose of planning is to contribute to the achievement of sustainable development. This should be with a social, economic and environmental role. In terms of its environmental role, planning should contribute “to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy”. As part of the 12 principles of planning, the NPPF states that in moving to a low carbon economy, Local Planning Authorities should encourage the use of renewable resources (for example, by the development of renewable energy).

Paragraph 97 specifically states: “To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources”, going on to add that local policies “should maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts”.

At paragraph 93, the NPPF states that “Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure”. It then states that “this is central to the economic, social and environmental dimensions of sustainable development”. The subsequent paragraphs refer to the need for a positive approach to renewables and the need to approve applications if its impacts are or can be made acceptable.

Paragraph 98 of the NPPF states 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."

Paragraph 112 of the NPPF indicates that the economic and other benefits of the best and most versatile agricultural land should be taken into account and that LPAs should “seek to use areas of poorer quality land in preference to that of a higher quality”. A discussion on this issue is made below.

Planning Practice Guidance (PPG) contains some specific guidance on renewable energy. The guidance confirms that the responsibility placed on all communities to increase the use and supply of green energy does not automatically override environmental protections and the planning concerns of local communities. It also sets out particular planning considerations that relate to large scale ground-mounted solar photovoltaic farms. The PPG favours the use of brownfield land, discouraging the use of greenfield land but also sets out that it is important to consider that solar farms are normally temporary structures and planning conditions can be used to

ensure that the installations are removed when no longer in use and that the land is restored to its previous use. In this context, it is considered that the sole issue that a proposal is using farmland is not considered to warrant refusal of an application.

The PPG goes on to confirm that the proposal's visual impact, effect on landscape of glint and glare, on neighbouring uses and aircraft safety should be taken into account, and that there may be a need for and impact arising from security measures. That said, planning authorities should also take account of the potential to mitigate landscape and visual impacts through (for example) screening with native hedges.

In terms of the principle of the development, Government advice is clear that low carbon energy generation schemes are to be supported if the impacts of the proposal are or can be made acceptable and that in principle solar farms cannot be resisted. However, the importance of landscape designation and the protection afforded to such areas is significant in assessing the impacts of a development proposal.

In July 2013 the Government published Planning Practice guidance for renewable and low carbon energy. This provides advice on the planning issues associated with the development of renewable energy, on how to assess applications for, amongst other things, large-scale ground-mounted solar PV installations. Paragraphs 26 and 27 of this guidance provide advice on the particular planning considerations that relate to large scale ground-mounted solar photovoltaic farms.

26. The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in very undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

27. Particular factors a local planning authority will need to consider include:

- encouraging the effective use of previously developed land, and if a proposal does involve Greenfield land, that it allows for continued agricultural use and/or encourages biodiversity improvements around arrays
- that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use
- the effect on landscape of glint and glare (see guidance on landscape assessment at paragraphs 39-40) and on neighbouring uses and aircraft safety
- the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun
- the need for, and impact of, security measures such as lights and fencing
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset
- the potential to mitigate landscape and visual impacts through, for example,

- screening with native hedges
- the energy generating potential, which can vary for a number of reasons including, latitude and aspect

The criteria above within the guidance are assessed are set out below within relevant sections of the report.

The Government's has also published a more recent strategy on solar PV in the document entitled "UK Solar PV Strategy Part 2: Delivering a brighter future" published by the Department for Energy and Climate Change in April 2014. The Minister forwards this document by stating that 'we need to deploy solar technology sensitively but also wherever it makes sense to do so. That requires us to be imaginative, but also to remove the red tape and the barriers which prevent perfectly sensible solar installations from taking place'.

This document identifies that while large-scale solar farms provide opportunities for greater generation, they can have a negative impact on the rural environment if not well-planned and well-screened. There can also be problems where local communities see no benefit but consider that they bear amenity issues. The Solar Trade Association has developed a statement of "10 Commitments" for solar farm developers which seeks to ensure that the impact of large-scale solar farms on communities, visual impact and long-term land use are minimised.

It is fair to state that much of the aforementioned national policy and government guidelines relates to the need for LPAs to plan positively and put strategies for renewable energy delivery in place, but the principles are still relevant to decision making. The Core Strategy does not include or propose such land allocations, rather it details a criteria based policy within which to assess such applications (Policy CP1). Therefore, each application must be considered on its own merits, largely with regard to its impacts and in accordance with Policy CP1.

In terms of local policy, the proposal is located on land designated as open countryside. In general terms, development in these areas is restricted, unless they are for agricultural purposes. Policy DM2 (Development in the Countryside) of the Taunton Deane Core Strategy does not specifically permit renewable energy installations, although it does permit development for essential utilities infrastructure. This could be taken to include power generating infrastructure, especially in the context of the NPPF which, as in previous planning policy, indicates that the 'need' for the development should not be considered by the Local Planning Authority.

Strategic Objective 1 (Climate Change) of the Core Strategy states that "Taunton Deane will be a leader in addressing the causes and impacts of climate change and adapting to its effects". Policy CP1 (Climate Change), referred to above, states that 'proposals for the development of renewable and low carbon sources of energy, including large-scale freestanding installations will be favourably considered provided that...[they] can be satisfactorily assimilated into the landscape ... and would not harm the appearance of these areas; [and that their] impact on the local community, economy, nature conservation or historical interests does not outweigh the economic and wider environmental benefits of the proposal".

The most important factor in relation to the principle of the development in this case, based on national guidance and local policy, is undoubtedly the effect on the character of the local and designated landscape and the environmental quality of the

area. The visual impact of the proposal is an intrinsic part of whether or not the landscape and environmental quality of the area will be affected. Overall, should the visual impact of the proposal be acceptable, then the proposal would be acceptable in principle in accordance with national and locally relevant policies. The impact on the character of the area, the landscape and the visual impact of the development are assessed in detail below.

With regard to the overall principle of the proposal, it is considered that it is acceptable, provided that it has an acceptable impact on the landscape, ecology, highway network and other surrounding land uses. These issues will now be considered.

#### Costs versus benefits.

I have considered the benefits and the disadvantages of this proposal, and these can be summarised as follows -

##### (a) Site benefits -

- The site benefits from good average sun hours for solar generation.
- It is economically viable and possible to connect to the local electricity grid - grid capacity has been confirmed through a grid connection offer from the local DNO.
- It is in close proximity to an existing electricity line, so the solar park can be connected to the local network without the need for significant new infrastructure.
- It is not within an area designated for ecological sensitivity.
- It is easily accessible for construction and maintenance.
- Its containment within a single field
- The surrounding hedgerows and trees will be retained. Where there is a deficiency in the boundaries, hedgerows will be enhanced and new planting added for ecological enhancement.
- Wide avenues of grassland will be left between the rows, managed to attract wildlife and be available to be grazed by sheep;
- Once development work is completed, site visits for maintenance and cleaning will be undertaken quarterly.
- There is no noise generated by the equipment. The solar panels are fixed (no motors) and other electrical equipment will be contained within a small plant room that can be adequately soundproofed.

##### (b) Site disadvantages.

- The site is in open countryside within a visible location.
- A couple of businesses are within proximity of the site and maintain they will be affected by the proposal.
- There are some residential properties in proximity of the site that would see the proposed development.
- The need for additional screening that would take some years to reach maturity.
- Disruption during the construction phase.
- Visibility to users of the local footpath network.
- Potential for glint and glare to impact upon neighbouring businesses, residential properties and users of the countryside in general

#### Landscape and Visual impact.

The landscape around the proposed development consists of undulating agricultural

farmland of medium to large regular fields surrounded by well-maintained thick hedges, linear tree belts, mature trees and small copses and woodlands. The site is on relatively high and undulating ground, meaning that the development has potential to cause harm to the landscape and visual amenity of the area. However, within the undulating landscape there are numerous mature trees and thick hedgerows which provide enclosure and restrict views from nearby visual amenity receptors. Visual amenity receptors consist of scattered residential properties and farms and towns and villages connected by a network of transport corridors including major and minor roads, railway lines and public rights of way. Views are possible from nearby receptors generally only where gaps in vegetation cover or when elevated open land allows occasional expansive views.

The proposed development site is not recognised for its value through any landscape relevant designations, although there are scattered landscape relevant designations further afield. The National Park is approximately 7.2km to the north-west of the proposed development, at its closest point. The Quantock Hills Area of Outstanding Natural Beauty (AONB) occurs approximately 2.2km to the north-east of the proposed development at its closest point, rising up from the flat to undulating and well-vegetated farmland, to a distinctive scarp. The steeply rising slopes that are characteristic of the AONB are often well-vegetated and enclosed, but the upper slopes are more open with associated expansive views over the adjacent lower lying farmland. In addition, there are scattered Registered Parks and Gardens present, including National Trust owned land. Some of the centres of the scattered settlements are recognised as Conservation Areas. Ancient Woodlands are also present, generally occurring across the wider area with the larger ones found within the AONB, adding to the well-vegetated character.

Mitigation measures have been proposed during the design stage to try and ensure that the proposed development will have limited effects on landscape elements. This includes keeping all of the existing hedgerows and trees on the site itself. The proposed development's location, set in a sloping and well-vegetated landscape also minimises the wider impacts on landscape character, landscape relevant designations and nearby visual amenity receptors. In addition, all existing field boundary vegetation will be retained and enhanced, where appropriate to retain and improve the landscape pattern and increase screening for nearby visual amenity receptors.

The proposed development has the potential to be perceived from elevated and open locations within the surrounding countryside. However, the significant viewing points are largely at distance and it is considered that they would only be selectively perceived. At distance, such as from the Quantocks AONB, it is considered that the proposed development will be viewed as a minor built element within an expansive and well-vegetated landscape and it is considered that it would not stand out as a large or incongruous feature within the wider landscape.

It will be overlooked in close proximity from gaps in enclosure surrounding nearby properties, public rights of way and roads. However, this is not considered to justify refusing the application, because it is a well-established principle in Planning Law that there is no right to a view. The crucial consideration is whether or not the proposal will adversely affect the character of the landscape. Overall, it is considered that the proposal will have very limited impacts on landscape relevant designations, landscape character and visual amenity receptors and their views. On

balance, the majority of effects on landscape character, landscape relevant designations and visual amenity receptors and their views, are not considered to be 'significant' because of the enclosure provided by the surrounding hedgerows, trees and woodland, the gently sloping landform and the screening vegetation focussed around settlements and transport corridors in the immediate and wider landscape. With regard to the landscape character areas, the proposed development will not dramatically change the characteristics of the wider landscape or affect the integrity of landscape relevant designations. The proposed development will be visible but will largely be perceived as a contained built element, within a well vegetated landscape. The proposed development will fit within the existing field pattern and is not therefore considered to be out of scale with the surrounding landscape.

### Cumulative Impact

With regard to potential cumulative effects, the scattered operational and consented solar schemes present are set within the gently undulating and well-vegetated farmland that is characteristic of the area. A combination of distance, the scale of the operational and consented solar schemes, as well as the enclosure by mature vegetation, will ensure that the proposed development will be difficult to perceive in combination with other solar schemes. It is not considered that the addition of the proposed development will create a landscape or views dominated by solar schemes. The proposed development will inevitably add a built element to the landscape, but it will not have a direct impact on any designated landscapes. It is set within the regular landscape pattern within mature and well-hedged field boundaries and will not involve the removal of existing key landscape features such as trees or hedgerows.

### Agricultural land classification

It will be noted that there is clearly some debate between the applicants and those objecting to the proposal on this issue. This is important because paragraph 112 of the NPPF indicates that the economic and other benefits of the best and most versatile agricultural land should be taken into account and that LPAs should “seek to use areas of poorer quality land in preference to that of a higher quality”. Much of Taunton Deane is higher grade (1-3) agricultural land and in this context, if TDBC is to accept renewable energy in principle, it is likely to require the use of higher grade agricultural land. It should be noted that TDBC does not have a policy specifically preventing development on high grade agricultural land, although the LPA must have due regard to the guidance within the NPPF which seeks the use of poorer quality land.

As a result of the confusion between parties on the exact classification of this agricultural land, the applicant was asked to prepare a report, which was done by an independent rural chartered surveyor who is a member of the Royal Institution of Chartered Surveyors (RICS) and a Fellow of the Central Association of Agricultural Institute Valuers. The report was compiled in accordance with the 1988 Agricultural Land Classification (England) criteria as provided by the Ministry of Agriculture, Fisheries and Food. This was used in conjunction with a detailed survey of the site to determine and accurately assess the grade of land present. This was done by the usual convention of assessing the site against a number of factors, namely the

range of crops which can be grown, the likely yields, the consistency of yields and the costs associated in obtaining yields, together with the climate, site and soil type.

The report identified that the basis of National and local policy is to protect the best and most versatile agricultural land (grades 1, 2 and 3a) from development that is not associated with agriculture or forestry. Therefore, the report makes clear that it is required to ensure that the proposed development will not jeopardise the use of prime agricultural land.

The report notes that the installation of solar panels would not be permanent with only the supports of the panels being driven into the ground, meaning that the land could be easily converted back to pure agricultural use if required. Also, it was noted that it would be possible for the land beneath the panels to be used as low input grazing land (by for example sheep or free range poultry), or alternatively it could be managed for environmental purposes, thereby continuing agricultural use once the panels had been erected.

The report considered a greater area of land than currently comprises the application site, but the application site was considered independently of the other areas. The application site is described by the report as productive grassland but is not considered suitable for growing a wide range of arable crops largely due to its exposed position on the brow of a hill and the shallow soil which would influence the range of cultivations that could take place as well as impeding nutrient uptake. The report states that the land maybe able to produce moderate yields of a moderate range of crops, but root crops such as potatoes could not be grown due to the shallow areas of soil. It is concluded that the application site is only 'moderate quality agricultural land' which is reflected by its limitations and likely low levels of productivity. These limitations lead the author of the report to conclude that the land was grade 3b. However, the report makes clear that the land will not actually lose its agricultural use if low key grazing takes place beneath the panels, and in any event it could quite easily be converted back to agricultural use following the removal of the panels in the future.

It is clear that many of the objectors take a contrary view to that of the report. However, no other professional study has been submitted refuting the information, so the report's findings are considered to carry weight in the decision making process . Whilst the removal of any agricultural land from production is regrettable, this permission does allow for continued grazing and would in any event be returned to agriculture use after the 25 year period of the proposed use as a solar farm. For all of these reasons, it is considered that the proposal is not in breach of the policy which seeks to use areas of poorer quality land in preference to that of a higher quality. There is not a reason for refusal on these grounds.

### Flood risk

The Environment Agency (EA) indicative flood map shows that the development site is located within Flood Zone 1 (low risk). However, as the development site is over 1 hectare in area (8 hectares in total), the application for planning permission is accompanied by a Flood Risk Assessment (FRA). The primary aim in this situation is to assess the surface water runoff produced by the development and where

necessary outline measures to ensure flood risk is not increased downstream of the site.

The proposed infrastructure for a solar PV site only introduces a small area of impermeable surfaces through the steel pile system used for the tables/racking system and the inverter stations concrete bases. The access and maintenance roads are proposed to be constructed from permeable materials and therefore will not contribute to increasing runoff rates from the site. The total impermeable area has been calculated in the FRA as being approximately 132m<sup>2</sup>, which is only around 0.2% of the total site area. The drainage system proposed needs only to contend with the volume of runoff from new impermeable areas to ensure flood risk is not increased, however, the FRA proposes additional storage to allow for inconsistencies and provide betterment. As such, the FRA suggests the installation of swale features running parallel to the site contours within downslope areas of the site. These features will intercept and distribute flows, create storage, attenuate runoff and promote infiltration across the site. Since the modules are located on a sloped frame between approximately 0.8m and 2.4m above ground level, rain falling on each solar panel table will run off the panels and flow/infiltrate in the sheltered rain shadow area underneath the down-slope modules. Runoff from the access and maintenance roads will be constructed of grass tracks/unbound crushed stones/gravel or similar permeable materials, which will allow infiltration of water on these areas. The access roads will therefore not increase surface water runoff rates from the site.

The absence of typical farming activity will in itself provide benefits which will serve to reduce runoff rates from the site, such as the fields will no longer be ploughed or furrowed, the fields will no longer be intensively trodden by heavy animals, and the fields will no longer be regularly traversed by heavy machinery. These factors are recognised by the Environment Agency's Land Quality Officer to considerably increase the rate of runoff from a site, thereby increasing downstream flood risk in terms of water flow rates and silt pollution. The absence of such farming activity will therefore reduce soil compaction on the site, allowing the soils to become naturally aerated over time. This would improve the soils water acceptance potential and reduce runoff rates from the site.

The FRA demonstrates that the surface water runoff from the development can be managed entirely on site. Furthermore the proposed system serves to reduce runoff rates to less than the undeveloped rate. As such, there will be no impact on the nearby watercourses and neighbouring sites as a result of the proposed development. In addition, the swales will provide an improved storage and interception capacity. This capacity will reduce flood risk to adjacent sites from surface water runoff, when compared to the pre-development situation. The FRA demonstrates that the swales have ample capacity to contend with runoff from the impermeable areas of the site under rainfall events in excess of the 1 in 100 year storm. The FRA makes recommendations which if followed, will result in a reduction in the surface water discharge rate from the site and therefore flood risk will be minimised. Consequently, with regard to flood risk, the proposed development is entirely appropriate in this area, and there are no reasons for refusal that could reasonably be cited against this development on the grounds of flood risk.

#### Archaeological and heritage resources

The application is accompanied by an archaeological assessment. It identifies the following all of which has been verified by the Council's own Conservation Officer. There are no statutory designated heritage features within the bounds of the proposed development site. There are a total of 16 designated heritage features and 3 Grade II\* Listed heritage features located within the 1km area of the site. These include Northern Lodge located approximately 360m to the north-east of the proposed development site. This is associated with Sandhill Park House located approximately 380m to the south-east of the proposed development site. In addition, the parish Church of the Holy Trinity at Ash Priors is located approximately 560m to the south of the proposed development site. The remainder of the designated heritage features are all Grade II Listed and consist mostly of houses, cottages and farmhouses located in the village of Ash Priors located approximately 400m to the south of the proposed development site or within the southern tip of the village of Combe Florey, located approximately 560m to the north of the proposed development site.

Sandhill Park House, or Sandhill Mansion (grade II\*) as it is sometimes known, is not within a Zone of Theoretical Visibility from the development site. In other words it cannot be seen. This is due to it being at a much lower level, in a dip, and surrounded by strong tree and hedge screening. It is not therefore considered that the development proposal would impact upon the setting of this building. This has been confirmed in the archaeological assessment. The surrounding trees and topography also result in limited intervisibility with the roofline of Northern Lodge at Sandhill Park (also grade II\*). The Lodge is visible but only from the highest point of the proposed development site in the north-west corner of the field. Therefore, the setting and character of the Lodge is not considered to be significantly altered by the proposed development. There is no intervisibility between the Combe Florey Conservation Area and the proposed development site and so there is considered to be no significant impact upon this Conservation Area arising from the proposed development. The historic core of the village of Ash Priors is located within a shallow valley, with a hill rising moderately steeply to the north of the village. There are also a number of mature trees that screen the village from the proposed development site and a new modern development currently under construction in the intervening area between the Conservation Area and the proposed development site. As a result, there is only very limited intervisibility with the northern tip of the Conservation Area and the setting and character of it is not considered to be significantly altered by the proposed development.

The above is now verified by Heritage England, who in their letter dated 15th October 2015, state that the impact upon the setting of the listed assets likely to be affected by the proposal will be minimal. They now recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. That recommendation is that there are no reasons for refusal on the basis of adverse impact on heritage assets.

There are no heritage features of Prehistoric, Roman, Medieval, post Medieval or modern date located within the bounds of the proposed development site. The archaeological assessment concludes that the overall impact upon archaeology is considered to be low with the overall significance of impacts thought to be minor. However, a geophysical survey is scheduled to take place as part of an ongoing scheme of archaeological works. This will inform on the archaeological potential of

the site and be used to understand the need for and location of any future investigation/mitigation works, that might be needed. This can be covered by condition.

### Ecological issues

The site is dominated by a single field of improved grassland, of low ecological value. The solar farm will be contained within the field boundaries, which will involve a combination of mature hedgerows, and fence lines. The existing hedges will be retained and suitably managed as will the mature trees and a field pond. New species-rich hedgerows will be planted across the currently open boundaries to the northwest and east. Belts of rough grassland will be encouraged to develop between the perimeter fence and field boundaries, particularly to the south and north in order to increase habitat diversity. The site does not form part of any designated nature conservation site. There is one statutory designated nature conservation site within 2km – Ash Priors Common Local Nature Reserve. A total of 17 non-statutory designated nature conservation sites (Local Wildlife Sites) occur within 2km.

The proposal is accompanied by an ecological assessment which has been informed by a desk study and an extended Phase I survey. The survey was carried out during January 2015. The survey makes clear that there are no predicted impacts on any designated sites or habitats of nature conservation interest in the area. The proposed rough grassland and additional hedgerows are likely to benefit farmland and hedgerow birds and wildlife in general by improving the availability of foraging habitat resources, shelter and potential breeding sites. The ecological assessment states that the proposed solar farm presents a very low risk of impacting on other protected or notable species. The project has potential, albeit low risk, of impacting on ground nesting birds. This impact will be avoided through either suitable timing of works or the risk of occurrence minimised by carrying an appropriate nesting bird survey prior to works commencing. Habitat creation and enhancement will provide new opportunities (foraging / nesting) for breeding farmland/hedgerow birds

The report has identified opportunities for the project to deliver ecological enhancement in line with published guidelines, including those produced by Natural England (Natural England [2011] TIN101 Solar Parks: Maximising Environmental Benefits) and the Building Research Establishment (2013) Planning Guidance for the development of large scale ground mounted solar PV systems. It has also allowed for impacts on such features/resources from the project to be considered in accordance with IEEM guidelines for Ecological Impact Assessment. The project also introduces the opportunity for ecological and biodiversity improvement by reducing the intensity of land management. Whilst of general wildlife value, habitat creation and sympathetic management represents a positive impact with potential to be of value at a site and immediate area level. These measures amount to ecological enhancement.

The assessment identifies that through incorporation of the proposed mitigation and enhancement measures into the design, the proposed development will be unlikely to result in adverse impact on ecosystem function, nature conservation interests, designated sites or protected/notable species. The proposal is likely to improve the

biodiversity potential of an area of land which is dominated by species-poor grassland of predominantly low ecological value or nature conservation importance. It is considered unlikely that there would be cumulative impacts associated with the proposed solar development which would adversely affect designated sites, habitats and protected/notable species.

The report identifies that no specific mitigation measures are required in relation to other protected or locally notable species, although it does suggest that, as a precaution, the site should be resurveyed for badger setts prior to the construction phase commencing. Any necessary avoidance measures will be taken.

In conclusion, it is considered unlikely that the proposed development would adversely affect any sites designated for nature conservation, habitats of conservation interest/importance or protected/notable species. Furthermore, there are unlikely to be any cumulative impacts associated with the project which would adversely affect such features. Habitat creation and enhancement associated with the development presents the opportunity for introducing local biodiversity benefits. Importantly, the proposed solar PV farm is also likely to contribute towards local landscape scale nature conservation, ecosystem function, and reduction of the District's CO2 emissions and related ecological 'footprint'.

Wildlife should be protected by the usual range of conditions which are included as part of the recommendations.

### Highways issues

Access to the site is proposed to be via the existing field entrance at the south-west corner of the application site boundary, onto Combe Florey Road close to its junction with an unnamed public highway leading west. The Transport Statement explains that minor improvements to this access are proposed to accommodate the largest delivery vehicles which will serve the site. The County Council's preference for construction accesses is always for construction vehicles to make use of roads of the highest possible classification for the greatest part of their journey. In this case the nearby B3324 is designated as a County Freight Route generally suitable for freight traffic to use for deliveries. However, the final section of route to the site, along Combe Florey Road, is very narrow, with varying horizontal and vertical alignment along its route and for the most part tightly bounded by hedges. The Highway Authority has therefore made the point that this road does not lend itself to being a construction delivery route used by heavy, wide or long vehicles. If Combe Florey Road is to be used then the Highway Authority suggests that it would be preferable for construction vehicles to use the shortest possible length to reach a site entrance, which would mean forming a new entrance at the north-west corner of the site. However, this is a more prominent position, and would involve the removal of a significant length of mature hedgerow. The difference amounts to approximately 250 metres of the Combe Florey Road. During the construction phase it is anticipated that deliveries will take place over a period of around 10 weeks. The maximum number of movements per week will be approximately ten, with the average number of weekly trips generated being approximately six. On the basis of all this, it is considered that it would be appropriate to use the existing access into the site. A construction traffic management plan has been

recommended by the Highway Authority, but such are almost impossible to effectively enforce, so no such condition is recommended.

The Highway Authority has also asked for further technical information including a revised swept path analysis, the location of unloading and parking areas, and the number of staff who will be working on-site at any one time. However it is made clear that this information can be provided in the Construction Traffic Management Plan, and so should not delay the application at this stage. A condition will suffice.

As the roads leading to the site are, however, narrow in the immediate vicinity, so it seems reasonable to include a condition to survey and rectify any damage caused in carrying out the development.

Once operational, the site should not have a significant traffic generation. The Highway Authority state that the traffic impact associated with the development once completed is considered to be negligible.

A public right of way currently runs adjacent to the east of the site. It is proposed to set the fence line approximately 6m from the footpath and include additional hedgerow planting along this boundary so as not to impact on the amenity of the users of the footpath. There will be no disturbance to this PROW during or after construction of the solar farm. No PROW will require to be either rerouted or closed as part of the proposal.

In conclusion, the local Highway Authority recommends that they have no objection to the proposal subject to usual conditions and informative notes relating to highways, access and parking being attached to any permission.

### Issues of 'glint and glare'

It will be noted that there is clearly some debate between the applicants and those objecting to the proposal on this issue. As a result of this issue, the applicant was asked to commission a 'glint and glare' report, which considered the two main issues:

1. The possible impact upon residential amenity of nearby residents caused by possible solar reflections (glint and glare) from solar panels within the proposed solar farm.
2. Concerns regarding the possible impact on horses and riders at a nearby horse facility, which is used to train racehorses.

The glint and glare assessment considered the location and heights of the panels, the receptors and the sun as it passes across the sky through the year. However, it made clear that there is no specific methodology for the determining the impact upon residential amenity. The report's approach is to identify receptors, undertake geometric reflection calculations, whilst comparing the results against the available solar panel reflection studies. The British Horse Society (BHS) has produced guidance with respect to solar farms and this has been reviewed for the horses and riders assessment.

The report helpfully starts by defining 'glint and glare'. When sunlight illuminates an

object, an amount of the incident light is reflected. This reflected light, when directed towards an observer, can become noticeable. The unwanted reflection of sunlight is referred to as 'glint' (a momentary flash of bright light) or 'glare' (a continuous source of bright light). Where reflected sunlight may be visible to a receptor, it can be concluded that glint and glare effects are possible. In context and with respect to a solar farm, glint will be witnessed by moderate to fast moving receptors whilst glare would be encountered by static or slow moving receptors. The term 'solar reflection' is used in the report to refer to both reflection types i.e. glint and glare.

The geometric analysis undertaken has shown that solar panels orientated southward at an angle of 25 degrees will not produce solar reflections toward any of the assessed dwellings to the south and north east at any time of the year. In general, the geometry of the relationship between the solar panels and the movement of the sun means that dwellings due east and west of the panels are most likely to view a solar reflection. Dwellings that are north or south of the panels are very unlikely to experience a solar reflection. Overall, no impact upon the assessed dwelling locations is expected because no solar reflection is geometrically possible from the proposed solar farm. The report concludes clearly that no impact upon the dwellings is possible.

In respect of horses, the report draws heavily upon the document entitled "Advice on solar Farms" produced by the British Horse Society produced in July 2014. The report notes that the British Horse Society does not see glint and glare from solar panels to be a significant issue for horses or their riders alike. It also adds that in the unlikely event that solar reflection is visible to a horse or rider, the Sun would be incident to the reflection which is a significantly greater source of light compared to a solar reflection from solar panel. Overall, the report concludes that no significant impact upon horses or riders is expected based on the location of the proposed solar farm relative to the horse facility.

Members of the public have expressed clear and reasonable fears of adverse impact from issues of glint and glare. However, on the basis of the evidence submitted and that which I have been able to ascertain, it is considered that the proposal would be likely to give rise to adverse conditions of either glint or glare that could be used as a reason for refusal. Unless or until any evidence is found that gives conclusive proof to the contrary, it is the case officer's recommendation that the potential threat to residential amenity and horses from glint and glare should be given only limited weight in Members' decision making process.

#### Impact upon nearby businesses

There are two businesses in the surrounding area from whose land the solar farm would be visible. Trebles Holford farm thoroughbreds lies off the Coombe Florey Road and is a business that breeds horses for racing and show jumping. It has been in existence for about 8 years at this site. Firstly, the owner is concerned about the noise of piling during the construction period. Secondly, the owner is concerned about the potential for glare from the solar panels to adversely affect his horses, causing them to panic and run with possible adverse consequences of injury to both the horses and any rider or trainer.

The second business is at Three Oaks, adjacent to the business referred to above

and involves the training of racehorses. The owner of this business refers to the unpredictable and highly strung nature of the horses and his belief that the glint, glare and noise of the installation will be a serious health and safety issue for his horses, his family and his staff.

It is known that horses can be easily 'startled' and this can lead to adverse situations. However, there appears to be little verifiable evidence in the public domain that either owner or the case officer can find to verify that this is a likely problem in relation to horses and glare from solar panels. The only evidence I can find to assist in this regard comes from the document entitled "Advice on solar Farms" produced by the British Horse Society produced in July 2014. It states that "The potential effect of solar farms on horses should be considered on any route used by them – including byways, bridleways, roads and permissive routes – and on equestrian businesses where horses are kept or trained. Standard photovoltaic panels are designed to absorb rather than reflect light for efficiency – reflected light is wasted energy – and although the amount of reflection varies with the component materials and the angle, the incidence of glare or dazzle is usually significantly less than from glass and will not be uniform throughout a period of sunlight, assuming that the panel is static [*the proposed panels are*]. Any reflection is unlikely to be a direct problem to horses, riders or carriage-drivers because of the angles and distances involved".

Since these concerns were raised, the applicant has produced a 'Glint and glare' report. This has been discussed above. Its findings conclude that in the unlikely event that solar reflection is visible to a horse or rider, the Sun would be incident to the reflection which is a significantly greater source of light compared to a solar reflection from solar panel. Overall, the report concludes that no significant impact upon horses or riders is expected based on the location of the proposed solar farm relative to the horse facility.

With regard to these matters, it is considered that the potential threat to horses from glint and glare should be given only limited weight in Members' decision making process.

### Residential amenity

There are a couple of individual properties which have private views towards the site, namely Sandhill Park House and Three Oaks. Sandhill Park House is a private residential property in Ash Priors. Three Oaks is part of an equine business and the residential dwelling for the manager of the business is currently under construction having been given planning permission on 24th May 2012 (LPA ref: 02/12/0011). This property is situated to the north of Ash Priors.

The case officer has visited both properties and made an assessment of the impact. It is accepted that the field that would contain the solar farm is visible from both properties, at ground level where there are gaps in the existing hedgerows, tree and vegetation cover and also from the upstairs of both properties.

The front of Sandhill Park House faces the field where the solar farm is proposed, with the front elevation of the property being approximately 425 metres away from the nearest part of the boundary containing the proposed solar farm and 0.7 km

away from the nearest part of the northern boundary.

Three Oaks is sideways on to the proposed site and will (when completed) have a garage next to the facing side elevation (according to the approved drawings). The approved plans for this property were accompanied by a landscaping scheme as detailed on drawing no. 1349-101A and within the Design and Access Statement (part 6) which approved hedgerow and tree planting on the boundary of the dwelling facing the current proposals site. The tree mix will incorporate ash, common oak and field maple using 1 to 2 year old specimens (40 – 100 cm. high). This will in due course provide appropriate screening. The approved plans show one secondary window at ground floor level that will be lighting a living room although this would look partly at the garage. At first floor only one window is proposed on the facing elevation and this will be a secondary window to the second bedroom. This would look over the garage towards the approved boundary planting and the application site beyond. This property is approximately 375 metres away from the nearest part of the boundary containing the proposed solar farm and 0.6 km away from the nearest part of the northern boundary.

Both of these properties are therefore at a mid-distance from the proposals site and on this basis, it is not considered that the development would be overbearing upon them. It is considered that there is no significant adverse effect on residential amenity in terms of overlooking, overbearing impact or loss of light to habitable rooms due to the distance from the site to the dwellings and the difference in height of the site to the location of the dwellings. Whilst the proposal would be visible from a couple of residential properties, there are no direct adverse impacts on these dwellings from a residential amenity perspective. It is accepted that the solar panels would be in view to them, although the required tree screen to Three Oaks will provide screening in due course. In any event, account must also be taken of the fact that it is a well established principle in Planning Law that there is no right to a view. Given all of these factors, it is not considered that the proposal could be refused on the grounds of impact upon residential amenity.

### Environmental Impact Assessment

The proposed development falls within Schedule 2, 3(a) of the Town & Country Planning (Environmental Impact Assessment) Regulations, because it is an installation for the production of electricity. The applicable threshold would be met because the area of the development would exceed 0.5 hectare. However, Pursuant to Regulation 5, Taunton Deane Borough Council as Local Planning Authority for the proposed development has adopted a screening opinion that the development is not EIA development, and therefore an Environmental Impact Assessment was not necessary.

Following receipt of the application, a third party (objector) wrote to the Secretary of State and asked him to give a screening direction. That screening direction was made on 10th November 2015. In the opinion of the Secretary of State and having taken into account the selection criteria in Schedule 3 to the Regulations, the proposal is not likely to have significant effects on the environment. Accordingly, in exercise of the powers conferred on him, the Secretary of State directed that the proposed development is not 'EIA development' within the meaning of the Regulations, agreeing with the Local Planning Authority's previous position on this matter.

## Conclusions

The solar farm will contribute to national targets for reducing emissions of carbon dioxide and in creating a distributed energy supply that is not reliant upon finite resources of fossil fuels. In addition the proposal will make a valuable contribution to the local target for renewable energy generation of 15% by 2020.

The proposed development is considered to be acceptable in principle. It will cause some harm to the visual amenities of the two nearby residential properties, but in time the proposed mitigation together with required planting at the nearest property will reduce this to an acceptable level. In any event it has long been established in planning law that there is no right to a view.

The site is classified as grade 3b quality agricultural land and thus considered suitable for a proposal of this kind.

The land will continue in agricultural use, grazed by sheep. The site will be maintained such that once electricity generation ceases it can be returned to full agricultural use on decommissioning. The site will also be managed thereby improving the biodiversity of the site, alongside the additional planting that is proposed.

By generating a reliable source of renewable energy and ensuring any potential impacts are mitigated, the solar farm proposed is considered to have demonstrated its ability to deliver sustainable economic, social and environmental benefits as required by the National Planning Policy Framework. The proposal is also considered to be in compliance with the adopted Core Strategy, meeting objectives in respect of renewable energy, landscape quality, agricultural land, biodiversity and ecology, residential amenity, access and flood risk.

In light of this, it is considered that the general policy support for renewable energy clearly outweighs the limited harm that might be caused and it is recommended that planning permission is granted.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: Mr J Burton Tel: 01823 356586**

38/15/0374

VOSPERS MOTORHOUSE LTD

**CHANGE OF USE FROM OFFICE SPACE TO CAR DEALERSHIP WITH SERVICING FACILITY FOR VOSPERS MOTORHOUSE AT GOODWOOD HOUSE, BLACKBROOK PARK AVENUE, TAUNTON**

Location: GOODWOOD HOUSE, BLACKBROOK PARK AVENUE, TAUNTON,  
TA1 2WR

Grid Reference: 325145.124655

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

**RECOMMENDED CONDITION(S) (if applicable)**

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

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A3) DrNo 15018 - P.01 Rev A Site Plan  
(A3) DrNo 15018 - P.06 Rev A South & West Elevations Proposed  
(A3) DrNo 15018 - P.05 Rev C North & East Elevations Proposed  
(A3) DrNo 15018 - S.03 Rev A Site Plan as Existing  
(A4) DrNo 15018 - S.100 Rev B Site Location Plan  
(A1) DrNo 15018 - C.04 Rev D Proposed Floor Plan

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

3. The area allocated as a service yard shall not be used other than for the loading/unloading and manoeuvring of vehicles in connection with the deliveries to the site and use of the premises as a car showroom and no servicing of the premises shall take place direct from the adjacent highway.

Reason: To ensure that adequate off-street servicing facilities are provided within the curtilage of the proposed development, thereby to ensure that the proposed development does not prejudice the free flow of traffic or the

conditions of general safety along the adjacent highway in accordance with Core Strategy Policy DM1.

#### Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission.
2. You are advised that separate planning permission will be required for the used car sales kiosk and that advertisement consent will be likely to be required for any signs on the site.

### **PROPOSAL**

The proposal is the change of use and conversion of an existing single storey office building to a motor car dealership serving 3 brands. The works involve replacing brickwork with glazed and clad sections and providing associated signage which will be subject to separate consent.

### **SITE DESCRIPTION AND HISTORY**

The site at Goodwood House was a single storey brick office building designed to handle cheques for a major High Street bank. The site employed around 50 staff and the site has access and parking associated with the approved use. The site has been vacant over recent years.

### **CONSULTATION AND REPRESENTATION RESPONSES**

#### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - Please refer to standing advice.

*ECONOMIC DEVELOPMENT MANAGER* - I should like to object to the proposed development on the following grounds.

Firstly, Blackbrook Business Park has developed over the past 20 years as Somerset's premier business park, attracting many large and highly prestigious businesses due to the quality of its business environment and the cluster of numerous business and professional service providers. I have strong concerns that permitting a car dealership into the business park will detract significantly from that environment

Secondly, I am concerned over the precedent that the development may have. By allowing one operator we would run the risk of opening the door to another and

another, and in due course Somerset's prestigious business park would have become reduced to a trading estate. I would have no doubt that the loss of that status would not be welcomed by the existing businesses, who would question their future within the park as well as Taunton and Somerset. It could be argued that the business park already accommodates non-office uses (for example the Holiday Inn and the petrol filling station) but those uses are complementary to an office park, providing essential, local services to support the overall offering to occupants. A car dealership does not fall into that category.

Thirdly, I have concerns over the traffic impact of the proposal, particularly caused by the movement of HGV delivery vehicles and their unloading. Blackbrook Avenue is already congested and busy road, and I would be concerned that HGVs would cause severe disruption to the traffic flow.

Fourthly I have concerns over the visual appearance of the operation. Blackbrook was designed as a landscaped business park, accommodating a number of large office buildings of a similar scale and situation in a leafy, green setting. It has successfully created and maintained that attractive setting, which is one of its strengths as a business location. A car dealership would be incongruous, destroying the setting and the form of the business park.

A number of existing and potential investors on Blackbrook have expressed their concern to me over the proposal, indicating that they would think twice about investing on the business park were the development to proceed. At stake, therefore, is Taunton's reputation and its ability to attract quality investors creating higher skilled jobs. I would argue that there are other, more suitable sites available in Taunton that could accommodate new car dealerships.

*DRAINAGE ENGINEER* - None received.

*PLANNING POLICY* - None received.

## **Representations**

Cllr Smith - I am writing to express my concerns with reference to planning application 38/15/374 and the change of use from office space to a car dealership. This building is at the forefront of a longstanding business park at the entrance to Taunton Deane which has been used by the service sector for 25 years. I have concerns that whilst we are in need of retail/commercial units within Taunton Deane, this is not the most suitable facility and would have a negative effect on the landscaping, purpose and set up of the business park. From converting the building to a sui generis use, whilst this may provide jobs which are expected to be in the region of 50 individuals, it is taken away the raison d'être of the business park in its formation. The business park has a variety of differing employers, many of which are office based and a change of use of the building has the potential to impact the existing employers through increased short journey traffic (it is already an issue in being able to enter and exit the park during peak times) and also causes a loss of business prestige to the site for tenants with regards to their existing customers and potential new ones.

I am pleased to see that a successful business is wishing to open premises within our town however it would be more suitable that this was located in the other

commercial areas within town, near other car retailers which other neighbouring towns and cities follow.

Other concerns have also been raised which can impact on the nearby residents in Calder Crescent which is that of the additional noise created by the workshop which would not be present if a serviced business was using the premises alongside that of the hazardous substances on site.

I would be grateful if you could take these concerns into consideration, refer the application to the planning committee and perhaps as a council we can look to work with the applicant to find alternative premises.

5 neighbour objections on grounds of

- noise from compressors and workshops carrying out valeting,
- impact on quality of life,
- MOT and servicing and adequate sound proofing should be provided with a fence along Blackbrook Way.
- Detraction from office park and an alienation to other business users,
- inappropriate use,
- increase in congestion with traffic at peak times.
- concern over future signage.
- impact on rental values.

## **PLANNING POLICIES**

NPPF - National Planning Policy Framework,  
CP1 - TD CORE STRAT. CLIMATE CHANGE,  
CP2 - TD CORE STRATEGY - ECONOMY,  
CP8 - CP 8 ENVIRONMENT,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

## **LOCAL FINANCE CONSIDERATIONS**

There is no CIL liability.

The development of this site would not result in payment to the Council of the New Homes Bonus.

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main considerations are the policy impact of the use which is not a B1 use, contrary to the other office uses on the business park, and the impact on amenity.

Policy CP2 of the Core Strategy states that 'proposals which lead to the loss of existing or identified business, industrial or warehousing land to other uses, will not be permitted unless the overall benefit of the proposal outweighs the disadvantages of the loss of employment or potential employment on the site.

The site has been vacant for sometime and has been marketed since January 2013

without success. The provision of an alternative B1 office user has not come forward and the site has been marketed for the required 12 month period. The intended use is a sui generis use, however it will result in employment on a similar scale to the that which it replaces. The use is also considered to comply with the thrust of the NPPF.

The alterations to the building are limited to providing sections of glazing and cladding on three side within the square plan footprint of the existing building. Around half the masonry will be retained along with the whole roof and the alterations are considered acceptable ones in keeping with the character of the building. The main layout change will be to the car parking area, where the areas will be split into customer parking, demonstrator parking and used car displays. As a result additional spaces are provided to the north of the existing building to serve the Renault franchise, although 3 electrical vehicle charging points will be provided. The site already has a significant car park area at the front of the building and the additional parking is set to the rear and has no significant visual impact. The site itself is already well screened from the road through the business park by boundary trees and vegetation and the changes are not considered to harm the visual amenity or character of the area.

The service yard at the rear of the building will be utilised as access for the service areas within the building and the car valeting. A compressor was initially shown exterior to the building but within an insulated brick housing. This however has since been relocated to within the building. A neighbour the other side of Blackbrook Way has raised concerns over noise issues, however given the distance away across a road (over 50m between buildings) with two areas of landscaping in between and the new location of the compressor housing, the impact of noise during the working day is not considered to be detrimental to amenity to warrant refusal of the development. This is similarly the case with valeting bays and the Environmental Health Officer has raised no issues.

The Highway Authority refers to standing advice. No new accesses are formed and the current ones are considered adequate. The accesses into the site will not be changing and are considered safe in terms of the proposed development. The site has two access points and so allows for deliveries to take place within the site without unloading or manoeuvring on the estate road. Parking is considered sufficient and while there may be more traffic as a result of the proposal, this is not considered to be a significant increase in terms of the highway network and the proposed use of the site is considered acceptable.

It is clear that whilst the application site forms part of a quantitative consideration in terms of B1 allocation, Goodwood House does not meet the necessary qualitative needs in satisfying any demand which might emerge for modern office space. The building has been marketed since January 2013 and remains unoccupied. The current development proposal is the only realisable proposal to have emerged in that period. I do not therefore consider that this proposal would set a precedent. Grant of consent would be consistent with the NPPF at clause 22 insofar as policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. In this context the building's qualitative aspects are a relevant consideration as to financial viability of converting such building to meet future office demand.

The development will provide circa fifty new jobs comprising a mix of administrative and skilled engineering staff. Each of the brand franchises is new to Taunton. The jobs those franchises will support are new to Taunton; they are not relocations or diversions from elsewhere in Taunton Deane and so represent net new additional employment opportunities in both the service and engineering sectors of the local economy.

The Economic Development Manager and a local Councillor has raised objection over the impact on the environment and attractiveness of the setting of the business park. While these concerns are noted they do not amount to a policy objection that can be substantiated in light of the NPPF and policy CP2, and so little weight can be given to these concerns. The site is well screened by existing trees which are shown as being retained as part of the scheme and the alterations to the building are not considered to harm the attractiveness of the business park where there is currently one site left to develop. There are obvious employment benefits and wider economic benefits in allowing this sui generis use as an alternative to B1(a). The development is considered policy compliant and is not considered to cause harm and there are not considered to be any significant disadvantages to allowing this proposal. Any future signs would need advertisement consent and impact on rental values is not a planning consideration. In the circumstances the use here is therefore considered an acceptable one and is recommended for approval.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: Mr G Clifford Tel: 01823 356398**

SOUTH WESTERN HOUSING SOCIETY

**APPLICATION FOR APPROVAL OF RESERVED MATTERS FOLLOWING  
OUTLINE APPROVAL (53/12/0008) IN RESPECT OF APPEARANCE,  
LANDSCAPING, LAYOUT AND SCALE FOR THE REDEVELOPMENT OF SITE  
AND THE ERECTION OF 28 No AFFORDABLE DWELLINGS WITH ASSOCIATED  
WORKS AT ORCHARD LODGE, DENE ROAD, COTFORD ST LUKE**

Location: ORCHARD LODGE, DENE ROAD, COTFORD ST LUKE, TAUNTON,  
TA4 1DE

Grid Reference: 317110.127203

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Subject to:

- Confirmation of boundary treatment to plots 3-7 and plot 10.
- Confirmation of proposed materials.
- Confirmation of elevation treatment where level changes are proposed.

Conditional Approval

**RECOMMENDED CONDITION(S) (if applicable)**

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

[list of approved plans to be inserted once 'subject to' points in recommendation have been confirmed].

2. Prior to their installation, full details of the proposed hard surfacing including to the roads, footways, parking areas, demarcation of parking areas, and shared surfaces shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the dwelling to which they relate and shall thereafter be maintained as such.

Reason: in the interests of the visual amenity of the proposed development.

3. (i) Prior to its implementation, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.  
  
(ii) The scheme shall be completely carried out within the first available

planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.

- (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

- 4. The proposed estate roads, footways, footpaths, tactile paving, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

The proposed roads, including footpaths and turning spaces shall be finished in complete accordance with the details approved pursuant to this condition prior to the occupation of the 25th dwelling hereby permitted and shall thereafter be maintained as such.

Reason: To ensure that adequate provision is made for the traffic likely to be attracted to the site in the interests of highway safety.

- 5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification) the first floor bathroom window in the south elevation of plot 28 shall be obscured glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed). The type of obscure glazing shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation and shall thereafter be so retained.

Reason: To protect the amenities of nearby dwellings.

## Notes to Applicant

### **PROPOSAL**

This application seeks reserved matters approval for the residential development of the Orchard Lodge site. The application seeks approval for all reserved matters (layout, scale, appearance and landscaping) and proposes 28 dwellings served by a vehicular access from Aveline Court to the south of the site.

The dwellings would be arranged fronting the main access road into the site and around a courtyard in the centre of the site. 43 parking spaces would be provided along the southern site boundary (to the south of the main access road, opposite the proposed dwellings) and a shared surface courtyard at the centre of the site. A small shared grassed area would be provided to the west of the courtyard, adjoining the public cycle path that runs along the western site boundary. The majority of existing trees on the northern and eastern site boundary would be retained (some dead/damaged trees would be removed); all other trees within the site would be removed.

The dwellings would primarily be arranged in terraces, with some semi-detached units.

### **SITE DESCRIPTION AND HISTORY**

The site comprises Orchard Lodge and its grounds. Orchard Lodge was part of the former hospital buildings prior to the development of Cotford St. Luke and is a 2.5 storey building in the Victorian Gothic style, constructed from stone. Following the development of Cotford St. Luke, Orchard Lodge was retained by the NHS and was used until 2009/10 as a residential institution, having been extended in 1996. Since then the property has changed hands and has remained vacant. In 2010, permission was granted for the change of use from C2 (Residential Institutions) to D1 (Non Residential Institutions), in the hope that a new user could be found for the building, but none has been forthcoming.

The site slopes gently up from south to north, with dwellings on Aveline Court to the south being at a lower level, and those at Milsom Place to the north, being higher. There are a number of trees on the site, including two large Western Red Cedar trees that would be felled in order to facilitate the redevelopment. The other notable trees are along the north and east site boundaries (within the site).

A pedestrian/cycle link immediately adjoins the western site boundary linking Dene Road in the south with Baileys Gate to the north. There is an existing vehicular access in the southwestern corner, from Aveline Court.

Outline planning permission was granted in 2012 (53/12/0008) for the residential development of the site. An indicative layout suggested that 24 dwellings could be accommodated, but the number was not fixed. Accesses from Aveline Court, Dene Road to the east and Milsom Place to the north were approved.

## CONSULTATION AND REPRESENTATION RESPONSES

### Consultees

*COTFORD ST LUKE* - Cotford St Luke Parish Council has asked that I let you know that it objects to the above Planning Application for the following reasons:

- There are highway safety concerns with the speed of vehicles accessing/egressing the proposed development leading to Aveline Court. The Parish Council requests that a double traffic calming hump be constructed within the proposed development. Please refer to Proposed Site Layout Block Plan drawing number 140757/003 – between the boundary line of the proposed development and the position of the feature tree is where the Parish Council requests the double traffic calming hump should be constructed
- 43 parking spaces are being proposed for 28 dwellings. Historically all the housing within the present development line for Cotford St Luke has required a minimum of two car parking spaces or one garage and a car space. It is noted that this Application does not fulfil this criteria
- There may be issues with regards to parking spaces not being allocated to each property and there is no allocated visitor parking. This will have an impact on those living in the proposed dwellings parking informally in other areas of the village and in particular, in Aveline Court and on Dene Road. The Parish Council would prefer that allocated spaces are given and thereby minimising possible arguments between various residents and disgruntled drivers
- Proposed Site Layout Block Plan drawing number 140757/003 indicates the combined cycle path and footpath adjacent to the proposed development. This path is heavily used by pedestrians and in particular primary school aged children who use the path on their way to/from the local Primary School, very often using their scooters and bicycles. In order to protect the safety of all pedestrians and passing motorists, the Parish Council requires a double staggered pedestrian barrier installed at the southern end of this path
- It is understood that each dwelling is to be supplied with 1 wheelie bin, 2 recycling boxes and 1 food caddy within storage enclosure. There is no indication that there will be any facility for storing green waste. The storage enclosure is not indicated on the block elevations (14057/007 to 14057/009); storage enclosure will spoil clean façade and will be out of keeping with existing houses in Cotford St Luke.
- 53/12/0008 condition 2 requires that no demolition shall be undertaken until implementation of a programme of building recording and analysis has been submitted to and agreed in writing with TDBC Planning and such work shall be carried out in accordance with the written brief prior to the demolition of the existing buildings. It is not known if this condition has been complied with
- 53/12/0008 condition 4 requires full details of the means of disposal of surface water shall be submitted to and approved by TDBC Planning. Such details shall be implemented prior to the occupation of any of the development. It is not known if this condition has been complied with.
- 53/12/0008 condition 6 requires efficient means of dealing with mud, dust etc must be installed to ensure construction vehicle wheel cleaning, so that the

highway is kept safe and clean for other road users. There is no indication of how this condition will be met and the Parish Council suggests that the wheel cleaning facility be manned.

- There is no provision for cycle parking provision, as required in 53/12/0008 condition 7

The Parish Council notes that the:

- The tree planting is sympathetic to the proposed development, in particular to ensure re-establishing the tree line on the east boundary of the site.
- Five year maintenance or replacement of trees, shrubs and landscaping is being planned
- The suggested fencing around the proposed development is satisfactory
- It is noted that the applicant states that roads and footpaths will be completed in advance of the proposed dwellings being completed. However, the Section 38 Agreement must be signed by SCC and Housing Association before construction of the proposed development commences and required bond obtained by TDBC, to ensure highway adoption can take place in a timely manner
- The Section 106 Agreement and Community Infrastructure Levy must be agreed and signed by TDBC and the Housing Association before Planning Permission is granted
- 53/12/0008 condition 8 requires that the proposed development shall not commence until a strategy to protect wildlife has been approved by TDBC Planning. It is understood that bats have been seen flying around during twilight hours by residents living in Aveline Court.

*HERITAGE* - As this is a reserved matters application it has already been assessed that Orchard Lodge, whilst being a building of local historic interest associated with the former Cotford Asylum and is a heritage asset that it could be demolished. As the building is to be lost it is considered that the design of the properties should take into account some of the design features of Orchard Lodge and perhaps incorporate some of the material of Orchard Lodge not only into the stone boundary walls as proposed but also for the walls of some of the houses (if there is enough). Natural slate could also be incorporated on some of the dwellings which is a material found on Orchard Lodge and also in the vicinity of the site. The chimneys of Orchard Lodge are a feature of the building and also on the surrounding houses. It is considered that chimneys should be incorporated within the design.

*DRAINAGE ENGINEER* – No detailed response as drainage is dealt with by conditions on the outline planning permission.

*ENVIRONMENTAL PROTECTION CONTAMINATED LAND* – No response received.

*HOUSING ENABLING* – The scheme has been discussed with the Housing Enabling Lead prior to submission. The Housing Enabling Lead is supportive of this application, which is considered to provide an appropriate mix of sized properties

that will significantly contribute to meeting the local housing need.

*LANDSCAPE* – The landscape scheme was submitted in connection with application 53/12/0008. Details are satisfactory.

*BIODIVERSITY* – The wildlife strategy was submitted in connection with 53/12/0008. Details are satisfactory.

*SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST* – No comments received.

*WESSEX WATER* – No comments received.

*SCC - TRANSPORT DEVELOPMENT GROUP* - I refer to the above mentioned planning application received on 28<sup>th</sup> July 2015 and following a site visit on 12<sup>th</sup> August 2015 for which the Highway Authority has the following observations on the highway and transportation aspects of this proposal.

The proposal relates to a reserved matters application in connection to outline permission 53/12/0008.

The Highway Authority has accepted the location and the principle of development at the outline stage but does have the following comments to make in terms of the detail.

The proposal will utilise the existing point of access and provide visibility splays of 2.4m x 17m in either direction. These splays are considered to be acceptable as vehicles speeds past the site are considered to be slow. The applicant is urged to resurface the full width of Dene Road where it is disturbed by the extended construction and to overlap each construction layer of the carriageway by a minimum of 300mm.

Turning to the internal site arrangements the principle of the internal layout has been accepted at the outline stage although there were some points that the Highway Authority would need to see addressed. It is understood that the applicant has now submitted drawings to the Estate Roads Team for S38 technical approval. This process will pick up any amendments that would be required. As a consequence the Highway Authority will not provide any further comments as part of this submission.

Therefore based on the above information the Highway Authority raises no objection to this proposal and if permission were to be granted then conditions should be imposed requiring: A condition survey of the public highway, submission of a construction traffic management plan, submission of estate road details, surfacing of roads, footpaths and turning spaces prior to occupation, no drives to be steeper than 1 in 10, a scheme of street lighting to be submitted, a right of discharge of surface water to be obtained prior to commencement, a travel plan to be submitted, visibility splays of 2.4x17m to be provided at the access.

## **Representations**

12 letters of OBJECTION have been received from 11 different people, raising the following issues:

- Infrastructure in the village is inadequate for this quantum of additional development.
- The access from Aveline Court is unsuitable, especially now it is proposed to be the only point of access.
- The proposal is an overdevelopment at an unacceptably high density – 28 dwellings are now proposed, the outline showed 24.
- Trees on the site should be kept.
- More bungalows are required in the village and this site would be an ideal opportunity to provide some.
- Properties at Aveline Court would be overlooked. The proposed dwellings are on a higher level.
- There is regular flooding on Dene Road.
- The Council required other historic buildings in Cotford St. Luke to be retained; this one was also considered worthy of retention but excluded from the S106 for the whole village as it was still in use by the NHS. This does not make its loss acceptable.

Within the context of an overall objection, one representation noted that the provision of just one access from Aveline Court was an improvement.

## **PLANNING POLICIES**

EN12 - TDBCLP - Landscape Character Areas,

## **LOCAL FINANCE CONSIDERATIONS**

Local finance considerations relate to the principle of development and not the reserved matters approval. However, for information, the proposal will result in the payment of the New Homes Bonus, but is not CIL liable as the outline planning permission pre-dates the introduction of CIL.

## **DETERMINING ISSUES AND CONSIDERATIONS**

The principle of the development was established at the outline stage, including the principle of demolishing the existing building, and cannot be revisited as a consequence of this application. The main issues in the consideration of this application relate to the reserved matters – layout, appearance, landscaping and scale – and the impact of the proposals on the character of the area and amenity of neighbouring dwellings. Whilst access was approved at outline stage, that permission envisaged 3 access points. The proposals are for just a single access point and the impact of this change must be considered in the context of the

proposed layout.

### Design and character of the area

The proposed design is for a relatively high density development of small dwellings, mainly in terraces around a shared surface courtyard. In many ways, this reflects the neighbouring development to the north and west in Milsom Place and Nichol Place. Whilst it does differ from the more spacious layout of Aveline Court to the south, it is considered to be acceptable as a design solution.

The layout means that some of the proposed dwellings will back onto the main central courtyard. However, the alternative would be backing onto the main access, or providing a layout incapable of providing sufficient parking. Subject to appropriate rear boundary treatment of plots 1-7, therefore, it is considered that the proposed layout is acceptable in terms of the relationship of dwellings with the public realm. The scheme is somewhat dominated by parking, but the parking areas will include tree planting, which will soften them and subject to appropriate surfacing materials, it is considered acceptable. This can be controlled by condition.

A number of dwellings have bin stores to the front as no rear access is proposed. These have been designed to sit behind a brick screen wall and are considered to be acceptable in terms of their visual impact and will bring uniformity to the street scene.

A condition of the outline planning permission requires the re-use of stone from the existing building within the development, to help retain a sense of the original context of the site as part of the old hospital buildings. The proposal is to re-use the stone in certain key boundary walls. As submitted, it is considered that the proposed stonework is wrongly spread through the development and this should be altered to provide stone along the entire boundary with the public footpath to the west. In terms of the individual house type design terms, the proposed house types are fairly standard in their approach. There are still some areas of concern regarding the way that the houses step down the slopes (lower floor levels, but common roof lines are proposed). There are also some concerns regarding the mismatch and over complication of materials on the elevations, so this recommendation is made 'subject to' the resolution of these points.

### Amenity of neighbouring residents

The main impact relates to the dwellings that back onto the southern boundary of the site on Aveline Court. Plot 2 would be around 17m from the rear elevation of 1 Aveline Court, but this is at a significant angle. Plot 3 would be around 20m from the rear of 2 Aveline Court; again at an angle. Elsewhere, window to window distances would be in excess of 20m and it is not considered that there would be a significant overlooking concern as a consequence.

The proposed layout sees a parking area against the southern boundary. Subject to appropriate boundary treatment being put in place (which can be secured by condition) this is considered to be an acceptable relationship. The combination of parking plus access road means that the proposed dwellings would be at least 15m

from the rear boundary of the Aveline Court properties which, despite the change in level will not be unacceptably overbearing on these properties.

It is not considered that any other existing dwellings would be adversely affected by the development. The impact on neighbours is, therefore, considered to be acceptable.

### Highways, parking and access

43 parking spaces are proposed for the 28 dwellings. This falls below the 'optimum' standard in the County Council's parking strategy, but is above the 1.5 space maximum stipulated in the retained policy of the Taunton Deane Local Plan. The Highway Authority have raised no objection on parking grounds, so the proposal is considered to be acceptable in terms of its parking provision.

There is both concern and broad support in the representations for the change from the 3 access points approved in the outline application to the single point of access now proposed from Aveline Court. The proposal would now make use of the only existing vehicular access into the site as the sole access to the development. The Highway Authority have confirmed that it provides an acceptable means of access to the site to serve this number of dwellings with adequate visibility splays, given the speed of traffic. No further off-site highway works are required in order to ensure highway safety, so the proposal is considered to be an acceptable one.

### Conclusions

The proposed development is acceptably designed and is appropriate in the context of the surrounding development. It will not impact unreasonably upon highway safety or the amenity of neighbouring residents. Subject to some alterations to the finished elevation treatments and materials, the proposal is considered to be acceptable. It is, therefore, recommended that planning permission is granted.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICERS: Mr R Williams & Mr M Bale Tel: 01823 356469**

**E/0035/14/15**

ALLEGED UNAUTHORISED B2 (WOOD CHIPPING) BUSINESS USE OF  
FORMER B1 / B8 INDUSTRIAL UNIT.

**OCCUPIER:**

**OWNER:** MR JOE DUNN  
NIGEL DUNN FOREST PRODUCTS, LANGDON INDUSTRIES,  
WALFORD CROSS  
TAUNTON  
TA2 8QP

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**PURPOSE OF REPORT**

To consider whether it is expedient to serve an Enforcement Notice requiring the unauthorised change of use of the site to cease and the removal of equipment related to the use.

**RECOMMENDATION**

The Solicitor of the Council be authorised to service an Enforcement Notice and take prosecution action subject to sufficient evidence being obtained that the notice has not been complied with.

The Enforcement Notice shall require:

- a) Cease the use of the site for wood processing and associated storage.
- b) Remove all equipment and materials associated with the unauthorised use from the site.

Time for compliance:

With regards to a) above 3 months from the date on which the notice takes effect.

With regards to b) above 4 months from the date on which the notice takes effect.

**SITE DESCRIPTION**

The site lies at Walford Cross and consists of a large storage building previously used by Langdons for use as an unrestricted B8 cold storage depot. The building extends to the boundary of the site with the 4 residential properties to the north.

The unauthorised activity occupies several connected buildings on the site with a partially covered yard used for the storage of some wood chip and for the operation of two "hoppers" for drying wood chip.

**BACKGROUND**

In March of 2015 complaints were received regarding activities on the site. At that stage it appeared that the occupier was in the early stages of establishing their business activity on the site. Upon investigation it was established that the owner proposed to use the site for wood chipping, packaging and distribution. The occupier

of the site was given an opportunity to cease using the site or apply for planning permission. The occupier engaged suitably qualified professionals to assist with the preparation of a planning application. A further site visit was undertaken in June 2015 where it was identified that the site was being used for the drying, packing and distribution of wood chip, it was also identified that the a new flue had been erected on the roof and large dryers had been installed in the yard. Following discussion with Council officers a valid application was submitted in July 2015.

Since the matter was first raised with the occupier complaints have continued to be received about noise, dust and smoke from the site. The occupier has sought to address these matters through the planning application in consultation with Council officers.

Planning Permission (ref: 14/15/0020) was considered and refused at the 12 November 2015 meeting of the Planning Committee.

## **DESCRIPTION OF BREACH OF PLANNING CONTROL**

Without planning permission the unauthorised change of use from storage and distribution (Use Class B1/B8) to general industrial (Use Class B2) for wood processing and storage.

## **RELEVANT PLANNING HISTORY**

None.

## **RELEVANT PLANNING POLICIES**

National Planning Policy Framework  
Para 207 – Enforcement  
Policy DM1 of the Taunton Deane Core Strategy

## **DETERMINING ISSUES AND CONSIDERATIONS**

The current use of the site is unauthorised and not controlled through any conditions attached to a valid planning permission. A number of complaints have been received over the past nine months associated with the use of the site. Complaints relate to dust, smoke and noise associated with the use and the impact of the 24 hour operation of the activity. The planning application that was recently considered (ref: 14/15/0020) was seen as the appropriate way to deal with these impacts of the activity. As planning application 14/15/0020 has been refused it is now considered expedient to take enforcement action to require the activity to cease.

In accordance with the refusal of planning permission, it is considered that the use of the site has an unacceptable adverse impact to the amenities of neighbouring residents by reason of noise and dust nuisance and air pollution contrary to Policy DM1 (e) of the Taunton Deane Core Strategy

**In preparing this report the Enforcement Officer has considered fully the Implications and requirements of the Human rights Act 1998.**

**PLANNING OFFICER:** Mr G Clifford  
**PLANNING ENFORCEMENT OFFICER:** Christopher Horan

**CONTACT OFFICER:** Christopher Horan, Telephone 01823 356479

## **APPEALS RECEIVED**

**Site:** 58 SMITHY, BISHOPS HULL, TAUNTON, TA1 5DU

**Proposal:** ERECTION OF A DETACHED DWELLING TO THE REAR OF 58 SMITHY, BISHOPS HULL

**Application number:** 05/14/0047

**Appeal reference:** APP/D3315/W/15/3134513

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## **Planning Committee – 25 November 2015**

Present: - Councillor Bowrah (Chairman)  
Councillor Coles (Vice-Chairman)  
Councillors Brown, Cavill, Mrs Floyd, C Hill, Horsley, Martin-Scott,  
Morrell, Mrs Reed, Ryan, Townsend, Mrs Webber and Wedderkopp

Officers: - Matthew Bale (Area Planning Manager), Gareth Clifford (Principal  
Planning Officer), John Burton (Principal Planning Officer),  
Julie Moore (Monkton Heathfield Project Team Leader), Roy Pinney  
(Legal Services Manager) Maria Casey (Planning and Litigation  
Solicitor) and Tracey Meadows (Democratic Services Officer)

Also present: Matthew Hill (Scientific Officer), Councillor Federica Smith in  
connection with application No. 38/15/0374 and Mrs A Elder,  
Chairman of the Standards Advisory Committee

(The meeting commenced at 5.00 pm)

### **112. Apologies/ Substitutions**

Apologies: Councillors M Adkins, Gage, Nicholls and Wren

Substitutions: Councillor Cavill for Councillor Wren;  
Councillor Horsley for Councillor Nicholls;  
Councillor Ryan for Councillor M Adkins; and  
Councillor Mrs Webber for Councillor Watson.

### **113. Minutes**

The minutes of the Planning Committee held on the 4 November 2015 were  
taken read and were signed.

### **114. Declarations of Interest**

Councillors Coles and Wedderkopp declared personal interests as Members  
of Somerset County Council. Councillor Townsend declared personal  
interests as Vice-Chairman of Kingston St Mary Parish Council and Chairman  
of the Kingston St Mary Village Hall Association. Councillor Martin-Scott  
declared personal interests as a trustee to the Home Service Furniture Trust,  
trustee to Bishop Foxes Educational Foundation and a trustee to Trull  
Memorial Hall. All Councillors declared that they had received emails and  
photographs from the residents of Britons Ash in respect of application No.  
48/15/0027. Also declared that they had received emails and correspondence  
for application No. 02/15/0006 and application No. 38/15/0374. Councillor  
Cavill declared that he was a Member of West Monkton Parish Council.  
Councillor Webber declared that she was the Ward Councillor for West  
Monkton.

### **115. Applications for Planning Permission**

The Committee received the report of the Area Planning Manager on applications for planning permission and it was **resolved** that they be dealt with as follows:-

- (1) That **the detailed plans be approved** for the under-mentioned developments:-

**53/15/0009**

**Application for approval of reserved matters following outline approval (53/12/0008) in respect of appearance, landscaping, layout and scale for the redevelopment of site and the erection of 28 No affordable dwellings with associated works at Orchard Lodge, Dene Road, Cotford St Luke**

### **Conditions**

- (a) The development hereby permitted shall be carried out in accordance with the following approved plans:-

- (A1) DrNo 14057/003 Rev E Proposed Site Layout Block Plan;
- (A1) DrNo 14057/005 Rev G Proposed Site Sections/Site Elevations;
- (A1) DrNo 14057/007 Rev D Proposed Block Elevations;
- (A1) DrNo 14057/008 Rev C Proposed Block Elevations;
- (A1) DrNo 14057/015 Rev A Typical House Layouts, Terraced Houses;
- (A1) DrNo 14057/016 Rev A Typical House Layouts, Flats & Semi-detached houses;
- (A3) DrNo 14057/020 Rev A Typical Canopy Details Type A;
- (A3) DrNo 14057/021 Rev A Typical Canopy Details Type B;
- (A3) DrNo 14057/023 Rev A Typical Bin Store Details;
- (A3) DrNo 14057/024 Rev A Typical Bin Store Details Elevations;

- (b) Prior to their installation, full details of the proposed hard surfacing including to the roads, footways, parking areas, demarcation of parking areas, and shared surfaces shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented prior to the occupation of the dwelling to which they relate and shall thereafter be maintained as such;

- (c) (i) Prior to its implementation, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) For a period of five years after the completion of each

landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy, weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;

- (d) The proposed estate roads, footways, footpaths, tactile paving, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority;

The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway;

The proposed roads, including footpaths and turning spaces shall be finished in complete accordance with the details approved pursuant to this condition prior to the occupation of the 25th dwelling hereby permitted and shall thereafter be maintained as such;

- (e) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) the first floor bathroom window in the south elevation of plot 28 shall be obscure glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 m above the floor of the room in which the window is installed). The type of obscure glazing shall be submitted to, and agreed in writing by, the Local Planning Authority prior to its installation and shall thereafter be so retained;
- (f) Prior to the occupation of each of plots 10-28, bin storage facilities shall be provided in accordance with details indicated on drawings 14057/023 rev A and 14057/024 rev A for the plot to which it relates and shall thereafter be maintained as such;
- (g) Prior to their installation, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

(2) That **planning permission be refused** for the under-mentioned developments:-

**02/15/0006**

**Construction of Solar Farm for up to 5MW of generating capacity comprising of installation of solar photovoltaic panels and associated infrastructure including transformer cabins, sub-station buildings, access tracks, fencing and CCTV on land at Pixford Fruit Farm, Raleighs Cross Road, Combe Florey**

**Reason**

The proposed development, by reason of its size and form would introduce an alien feature into a rural landscape. By reason of the location of the site and its open nature, it is considered that no amount of new landscaping could adequately assimilate the development into the rural landscape, contrary to policy CP1 of the Taunton Deane Core Strategy.

**38/15/0374**

**Change of use from office space to car dealership with servicing facility for Vospers Motorhouse at Goodwood House, Blackbrook Park Avenue, Taunton**

**Reason**

Blackbrook Business Park is a highly prestigious business park and Taunton's premier office location. The proposed development would introduce a use that does not complement the existing uses on the business park detracting significantly from the high quality office environment of the park and may set an undesirable precedent that over time would see Somerset's prestigious Business Park being reduced to a trading estate. Such would reduce the high quality of the park and in turn substantially harm the contribution that it makes to the local economy in the future.

- 116. Application for approval of reserved matters following outline application 48/05/0072 for the erection of a 420 place primary school, incorporating a nursery facility with associated landscaping, access and parking and community facilities on land east of Bridgwater Road, Monkton Heathfield (48/15/0027)**

Reported this application.

**Resolved** that subject to the alteration in the hours of operation in proposed Condition (n) from 21:00 to 18:00 and the receipt of no further representations raising new issues by 4 December 2015, the Assistant Director for

Planning and Environment be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if the detailed plan were approved, the following conditions be imposed:-

### Conditions

(a) The development hereby permitted shall be carried out in accordance with the following conditions:-

- (A3) DrNo AP(00)01 Site Location Plans;
  - (A1) DrNo AP(00)02 Rev D Site Location Plan;
  - (A1) DrNo AP(00)03 Ground Floor Plan;
  - (A1) DrNo AP(00)04 Elevations Sheet 1/2;
  - (A1) DrNo AP(00)05 Elevations Sheet 2/2;
  - (A1) DrNo AP(00)06 Perspectives;
  - (A1) DrNo AP(00)07 Sections;
  - (A1) DrNo AP(00)20 Rev A Site Sections;
  - (A1) DrNo 30814\_LP(00)02 Rev L Proposed Landscape Plan;
  - (A1) DrNo 30814\_LP(90)003 Rev F Boundary Treatment Plan;
  - (A1) DrNo 30814\_LP(00)06 Rev C Landscape Materials Plan
  - (A1) DrNo 30814\_LP(00)07 Rev C Landscape Materials Plan 2/2;
- Planting Schedule 30814\_Y(90)\_01\_P2;
- (A1) DrNo C-02 Rev P6 Drainage Strategy 2/2;
  - (A1) DrNo C-01 Rev P6 Drainage Strategy 1/2;
  - (A1) DrNo 30814\_LP(00)008 Rev A Sprinkler Tank and Bin Store Enclosure;

(b) No commencement of use of the primary school hereby permitted shall take place until full details of traffic calming measures along the A38, to the west of the school frontage are submitted to, and approved in writing by, the Local Planning Authority and fully constructed on site in strict accordance with the approved details;

(c) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;

(d) (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development; (ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy, weed free condition 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;

- (e) Within two months of the date of this permission full details of the proposed footpath cycle link lying at the north of the site shall be submitted to, and approved in writing by, the Local Planning Authority. Such details shall include proposed route and construction of the path, lighting, landscaping and boundary treatments (In particular the wall boundary treatment adjacent to 154A Bridgwater Road). Prior to the commencement in the use of the primary school the approved footpath/cycleway, including all boundary treatments, shall be provided in strict accordance with the approved details and shall thereafter be maintained as such;
- (f) There shall be no obstruction to visibility greater than 600mm above adjoining road level in advance of lines drawn 2.4m back 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. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times;
- (g) The area allocated for turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted;
- (h) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-enacting that Order, with or without modifications, no vehicular access gates shall be erected at any time unless they are set back a minimum distance of 5m behind the highway boundary and hung so as to open inwards only;
- (i) Prior to the commencement of use, a School Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority. Such Travel Plan shall include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There shall be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable. The measures shall continue to be implemented as long as any part of the development is occupied;
- (j) Notwithstanding the provisions of the Use Classes Order 19987 (as amended) the community facilities shall be available for use by the general public and at no time shall be used solely for education purposes in connection with the adjacent primary school;
- (k) Prior to the commencement of the use of the building hereby permitted the agreed drainage strategy shall be fully implemented and operational and shall thereafter be maintained as such;
- (l) Prior to the commencement of the use of the primary school hereby permitted the details of the proposed boundary fencing around the site (in

particular the acoustic fencing proposed along the boundary with Brittons Ash and the mechanism for restricting access to the land between the new fence and the existing boundary fences of the rear gardens of Brittons Ash) shall be submitted to, approved in writing by, the Local Planning Authority and erected on site in strict accordance with the approved details and shall thereafter be maintained as such;

(m) No external lighting shall be provided on the site until full details of all such external lighting has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details of the location and type of lighting and its hours of illumination. No other lighting shall be installed without the prior approval of the Local Planning Authority;

(n) The land to the rear of the primary school, including the playing field and sports pitches, shall not be used between the hours of 18:00 and 08:00 at any time.

(Note to applicant:- Applicant was advised that the developer in delivering the necessary highway works associated with the development hereby permitted is required to consult with all frontage's affected by said highway works as part of the delivery process. This should be undertaken as soon as reasonably practicable after the granting of planning consent and prior to the commencement of said highway works, especially if the design has evolved through the technical process. This is not the responsibility of the Highway Authority.)

**117. E/0035/14/15 – Alleged unauthorised B2 (wood chipping) business use of former B1/B8 industrial unit at Langdon Industries, Walford Cross, Taunton**

Reported that complaints had been received regarding noise, dust and smoke from a former B1/B2 industrial Unit at Walford Cross, Taunton. Initial investigations had revealed that the owner proposed to use the site for wood chipping, packaging and distribution. As a result the owner was advised that he needed to apply for planning permission as the intended use was a change of the authorised use of the premises.

A subsequent site visit in June 2015 had identified that the site was being used for the drying, packing and distribution of wood chip. It was also noted that, a new flue had been erected on the roof and large dryers had been installed in the yard all without planning consent.

Reported that a planning application had been received relating to the change of use of the premises, but this had been refused by the Planning Committee at its meeting on 12 November 2015.

**Resolved** that:-

- (1) An enforcement notice be served requiring (a) the cessation of use of the site for wood processing and associated storage; and (b) the removal of all equipment and materials associated with the unauthorised use from the site at Langdon Industries, Walford Cross, Taunton;
- (2) Any enforcement notice served should have a one month compliance period for (a) above and a two month compliance period for (b);
- (3) Subject to being satisfied with the evidence, the Solicitor to the Council be authorised to take prosecution action should the notice not be complied with.

#### **118. Appeals**

Reported that one appeal had been received details of which were submitted.

**Resolved** that the report be noted.

(The meeting ended at 10.05pm)