

PLANNING COMMITTEE

THURSDAY 25 SEPTEMBER 2014 at 4.30pm
COUNCIL CHAMBER, COUNCIL OFFICES, WILLITON

AGENDA

1. Apologies for Absence

2. Minutes

Minutes of the Meeting of the 28 August 2014 - **SEE ATTACHED**

3. Declarations of Interest or Lobbying

To receive and record any declarations of interest or lobbying in respect of any matters included on the agenda for consideration at this meeting.

4. Public Participation

The Chairman/Administrator to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public wishing to speak at this meeting there are a few points you might like to note.

A three minute time limit applies to each speaker and you will be asked to speak after the officer has presented the report but before Councillors debate the issue. There will be no further opportunity for comment at a later stage. Where an application is involved it has been agreed that the applicant will be the last member of the public to be invited to speak. Your comments should be addressed to the Chairman and any ruling made by the Chair is not open to discussion. If a response is needed it will be given either orally at the meeting or a written reply made within five working days of the meeting.

5. Town and Country Planning Act 1990 and Other Matters (Enforcement)

To consider the reports of the Planning Team on the plans deposited in accordance with the Town and Country Planning Act 1990 and other matters - **COPY ATTACHED** (separate report). All recommendations take account of existing legislation (including the Human Rights Act) Government Circulars, Somerset and Exmoor National Park Joint Structure Review, The West Somerset Local Plan, all current planning policy documents and Sustainability and Crime and Disorder issues.

Report No: Five

Date: 17 September 2014

<u>Ref No.</u>	<u>Application/Report</u>
3/16/14/001 Full Planning	Heathercot, Holford, Bridgwater Change of use from holiday home to guest house/holiday let and replacement of one double glazed timber window with a double glazed door.
3/21/14/074 Full Planning	Jubilee Gardens Café, The Esplanade, Minehead Erection of a disabled toilet extension to the north west elevation plus minor amendments to existing ramp.
3/26/14/013 Full Planning	Land at Higher Bye Farm, Higher Bye Farm Installation of a solar park with an output of approximately 6.8MW

6. Exmoor National Park Matters - **Councillor to report**

7. Delegated Decision List - **Please see attached**

8. Appeals Lodged

Appellant	Proposal and Site	Appeal Type
Mr B Norman	Higher Beverton Farm, Brendon Hill Erection of Entrance Gates and Brick Piers (Enforcement Appeal)	Written Reps
Mr D Twinn	Star Cottage, Mill Lane, Watchet Convert the Integral Garage into Living Room/ Shower Room	Written Reps
Mr N Thorne	Hedgerow Land off A39 at Kilve (Hedgerow Retention Notice)	Written Reps
Mr R Wright	30 The Parks, Minehead Erection of Detached Dwelling within Garden	Written Reps

9. Appeals Decided

Appellant	Proposal and Site	Outcome
Mrs G Barlow	The Stables, The Bridleway, Penny Hill Ellicombe, Minehead Proposed Single Storey Dwelling Adjoining Existing Stables	Dismissed 22/08/2014
Mr B Smith	7 Summerland Avenue, Minehead Proposed Installation of 3.84kw Solar PV System	Dismissed 10/09/2014

RISK SCORING MATRIX

Report writers score risks in reports uses the scoring matrix below

Likelihood (Probability)	5	Almost Certain	Low (5)	Medium (10)	High (15)	Very High (20)	Very High (25)
	4	Likely	Low (4)	Medium (8)	Medium (12)	High (16)	Very High (20)
	3	Possible	Low (3)	Low (6)	Medium (9)	Medium (12)	High (15)
	2	Unlikely	Low (2)	Low (4)	Low (6)	Medium (8)	Medium (10)
	1	Rare	Low (1)	Low (2)	Low (3)	Low (4)	Low (5)
			1	2	3	4	5
			Negligible	Minor	Moderate	Major	Catastrophic
Impact (Consequences)							

Mitigating actions for high ('High' or above) scoring risks are to be reflected in Service Plans, managed by the Group Manager and implemented by Service Lead Officers;

Lower scoring risks will either be accepted with no mitigating actions or included in work plans with appropriate mitigating actions that are managed by Service Lead Officers.

Application No:	3/16/14/001
Parish	Holford
Application Type	Full Planning Permission
Case Officer:	Lisa Bullock
Grid Ref	Easting: 315307 Northing: 140789
Applicant	Ms Kathryn Hammond
Proposal	Change of use from holiday home to guest house/holiday let and replacement of one double glazed timber window with a double glazed door.
Location	Heathercot, Holford, Bridgwater, TA5 1RZ
Reason for referral to Committee	At the request of a Member of the Planning Committee due to the public interest in the application.

Risk Assessment

Description	Likelihood	Impact	Overall
Planning permission is refused for reason which could not be reasonable substantiated at appeal or approved for reasons which are not reasonable	2	3	6
Clear advice from Planning Officers and Legal advisor during the Committee meeting	1	3	3

The scoring of the risks identified in the above table has been based on the scoring matrix. Each risk has been assessed and scored both before the mitigation measures have been actioned and after they have.

Site Location:

Heathercot, Holford, Bridgwater, TA5 1RZ

Description of development:

Change of use from holiday home to guest house/holiday let and replacement of one double glazed timber window with a double glazed door.

Consultations and Representations:

The Local Planning Authority has received the following representations:

Holford Parish Council

Holford Parish Council decided by a small majority not to raise objections to the proposals contained within this application. However, concerns were expressed both in Council and by the public regarding the parking arrangements for those staying at Heathercot.

Please be informed that the amendments to this application do not change the view that Holford Parish Council has no objections to the proposals contained in this application. The reservations relating to parking are unchanged.

Highways Development Control

Standing advice applies.

SCC - Archaeology

No comments received.

Public Consultation

The Local Planning Authority has received 7 letters of objection/support making the following comments (summarised):

Parking/traffic

- Lack of parking facilities available at this property and the impact it would have on local residents. Currently at times parking can be difficult, and would not facilitate additional parking which would be required for business purpose.
- There is no car parking available to Brackenside save for the use of two "ad hoc" spaces on a roadside strip owned by the National Trust and tenanted to a nearby resident who allows residents only parking on this strip. Parking in this area has always been difficult and contentious. The previous owners of Heathercot had two owned car parking spaces in a "cut in" on the opposite side of the road to the strip, the Applicant claims that this area is no longer available for car parking, as they are now not part of Heathercot.
- The Applicant claims that a Guest House will make no difference to the car-parking situation nearby to Heathercot; how can this be when, until the Applicant purchased Heathercot, two spaces were available within the garden of Heathercot and these spaces are "not now available".
- Inadequate car parking facilities in that this development could lead to an increase in parking requirement of 4/5 cars.
- the narrow lane offers limited on road parking (with permission from neighbour) for the existing cottages and is often so full that we have to park 200 metres from our own house. There simply is no capacity for any additional vehicles without serious danger and/or blockages to through traffic.

Noise/activity

- Increase in local noise levels.
- Much more vehicular activity on a narrow road with significant traffic flows to Combe House Hotel.
- Transportation of prepared food stuffs from The Spinney 40 metres down the road.
- Possible invasion of the privacy of Brackenside.

Effect on the countryside

- Further development in Holford Combe will damage the AONB, Conservation Area and SSSI status of Holford Village.
- If granted the proposal will add nothing and more likely will detract from this beautiful countryside.

Future development

- We believe that there is a distinct possibility that if this application is granted, further attempts will be made for extending Change of Use to include a restaurant/cafe and food preparation area.
- 350 metres from Heathercot there exists Combe House Hotel which offers the same type of service to Walkers, Mountain Bikers and guests as is being proposed in the application. We believe there is no further need.
- This is a small village and already supports Combe House Hotel, further up the valley.
- The Plough Public House on the A39, which serves food and also caters for visitors and two other bed and breakfast establishments
- There already exists a good number of short stay accommodation venues in the immediate vicinity including guest houses, B&B's both large and small and even a camping/caravan site on the village outskirts. More guesthouses in what is already a small village would only detract from the character of Holford.
- All of these businesses as well as Combe House Hotel are subject to the seasonality of trade. the 6th month period from October 1st is historically a lot quieter and it is difficult to see how an additional underused standalone guest house would bring any benefit to Holford.
- I fear future plans for a cream tea/cake/coffee shop will be next to be submitted, please stop the needless commercialization of West Somerset heritage.

Comments received in relation to amended plans:

It is quite correct that the Car Parking "cut in" should be returned as a two car parking space attached to Heathercot. However the establishment of a turning space on the opposite verges completely unacceptable for the following reasons:-

It is more than likely that the turning space would be under the control of the proposed Guest House and would almost certainly become an "ad hoc" car parking space as the Guest House management would be able to manipulate car parking arrangements.

The turning space plan would reduce the amount of car parking on the verge as currently cars park up to the edge of the Fire Hydrant Access which is in the centre of the proposed turning space.

Planning Policy Context

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that all development proposals are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for West Somerset consists of the Somerset Minerals Local Plan (adopted April 2004), Somerset Waste Core Strategy (adopted February 2013) and the West Somerset District Local Plan (adopted April 2006). West Somerset is in the process of developing the emerging Local Plan to 2032, which will replace the strategy and some of the policies within the adopted Local Plan. The emerging Local Plan is at an early stage of production process. It will go to the Publication stage in late Summer 2014 when the contents will acquire some additional weight as a material consideration. Until that stage is reached, policies within the emerging Local Plan can therefore only be afforded limited weight as a material consideration.

The following Policies are considered relevant to this application:

- CA/1 New Development and Conservation Areas
- AH/3 Areas of High Archaeological Potential
- CA/1 New Development and Conservation Areas
- BD/1 Local Distinctiveness
- SP/1 Settlement Hierarchy
- SP/4 Development in Small Villages
- BD/3 Conversions, Alterations and, Extensions
- T/7 Non-Residential Development Car Parking

National Policy

The National Planning Policy Framework (March 2012) is a material planning consideration.

[National Planning Policy Framework \(the NPPF\)](#)

[Technical Guidance to the National Planning Policy Framework \(the NPPG\)](#)

Local Policy

[West Somerset Local Plan \(2006\)](#)

[West Somerset Local Plan to 2032 Revised Draft Preferred Strategy \(June 2013\)](#)

[West Somerset Planning Obligations Supplementary Planning Document \(2009\)](#)

[West Somerset Supplementary Planning Guidance: Design Guidance for House Extensions \(2003\)](#)

[Somerset County Council Parking Strategy \(2013\)](#)

[Somerset County Council Highways Development Control Standing Advice \(2013\)](#)

Planning History

The following planning history is relevant to this application:

3/16/89/027	Proposed improvement to re-establish dwelling into 2 self-contained flats	Grant	26/02/1990
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Proposal

This application is for a change of use from residential to guest house/holiday let - recognised as category C1 in The Town and Country Planning (use classes) Order 1987 (as amended). In addition to this the application seeks planning permission to replace a rear ground floor window with a door.

Site Description

Holford Combe is situated on the edge of the Quantocks within the parish of Holford. Heathercot is a stone built semi-detached cottage located within a Conservation Area and in an Area of Outstanding Natural Beauty.

Planning Analysis

1. Principle of Development

Heathercot is within the development boundary of Holford which is regarded as a Small Village as per the hierarchy set out in policy SP/1 of the local plan. Policy SP/4 of the local plan limits development in Small Villages to that which supports economic viability, protects or enhances their environmental quality and is unlikely to lead to a significant increase in car travel.

The proposed change of use intends to bring visitors into the area, as such, it would be considered that the proposal would support the local tourism economy. The use of the property as a guesthouse would not involve any physical extension to the property nor would it lead to different activities taking place on the premises; the environmental quality will not change.

The property comprises of three bedrooms and the proposal does not seek to add to or change the internal layout to provide additional bedrooms. The guesthouse would be serviced by the occupants of the neighbouring property. For these reasons it is considered that the proposal would not increase car travel to the site.

Paragraph 28 of the National Planning Policy Framework sets out policy for the rural economy, its aims are to support economic growth in rural areas including rural tourism that benefit businesses in rural areas which respect the character of the countryside.

The proposed guesthouse intends to attract visitors into the area thus causing a ripple effect on other local businesses within Holford and West Somerset, as such the application is acceptable in principle.

2. Character and Appearance of the Area

Heathercot is a stone built semi-detached cottage located within a Conservation Area and in an Area of Outstanding Natural Beauty. The property has a small front garden with a substantial rear and side garden (part of which has been apportioned for parking). Access to the property is via a single track lane.

Part of the application seeks consent to replace a rear ground floor window with a doorway. This work does not require planning permission and could be undertaken under permitted development rights. No other alterations to the property are proposed.

The application seeks consent for a change of use but there will be no change in the activities taking place at the property such as sleeping, washing, eating and relaxing. For these reasons there will be no adverse effect on the character or appearance of the area.

3. Residential Amenity

As explained above activity at the site will not alter. There will be no additional overlooking or overshadowing. Concerns have been raised with regard to an increase in activity at the property leading to an increase in noise levels. The use of the property as a single residential unit could be used by 1 person, 6 persons or anything in between. The number of residents at the property in its current form is not in the control of the Local Planning Authority. For this reason it is unreasonable to assume that a change of use, would increase noise levels at the site.

4. Highway Safety

Although used as a holiday home, the existing property was permitted as a residential dwelling without any specific restriction on the use. As a three-bedroom property, the current County Highway Authority Residential Parking Standard would be three spaces. However, at the time of the permission (1989), a planning condition required two parking spaces to be provided on site. These remain available, however they are very narrow and in order for them to be used, it is essential that cars are not parked on the opposite side of the lane – as turning space is required for vehicles to swing in and out.

The change of use to three letting rooms would require a maximum of three parking spaces, however

it is unlikely that they would be required all of the time as although 100% occupancy is theoretically possible, this level of occupancy would be occasional and not necessarily result in three vehicles being present. The applicant has suggested that only two guest vehicles will be permitted and any additional vehicles will be directed to use the public car park located on the bowling green (five minutes' walk from Heathercot).

A judgement therefore needs to be made as to whether the provision of two on-site spaces is sufficient to meet the likely needs of the guests staying at the property. Based on the size of the letting rooms and associated facilities (a single bathroom) it is considered that sufficient parking would be provided and that the applicant has put forward a contingency plan for when there are more than two vehicles.

As with the original planning permission for the dwelling, a condition can be imposed to ensure two spaces being provided on site.

There are no additional bedrooms in the property and the guesthouse would be managed/serviced by the occupants of The Spinney so a change of use should not generate any more vehicles at the site. A condition ensuring that the property continues to be managed/serviced by the occupants of The Spinney will ensure that a change in circumstances does not lead to additional travel and parking requirements at the site.

6. Other Implications

Concerns have been raised with regard to future development at the site, such as a restaurant or café. This type of activity would require planning permission as it would be a change of use. Should the Applicant decide to pursue a different line of business the Local Planning Authority would have the opportunity to consider an application. The issues and concerns raised by the neighbouring resident such as parking, noise and change of character to the area would all be taken into consideration.

Environmental Impact Assessment

This development does not fall within the scope of the Town & Country Planning (Environmental Impact Assessment) Regulations 1999 and so Environmental Impact Assessment is not required.

Conclusion and Recommendation

It is considered that the proposal, is acceptable and it is recommended that planning permission be granted.

Planning Permission is subject to the following conditions:

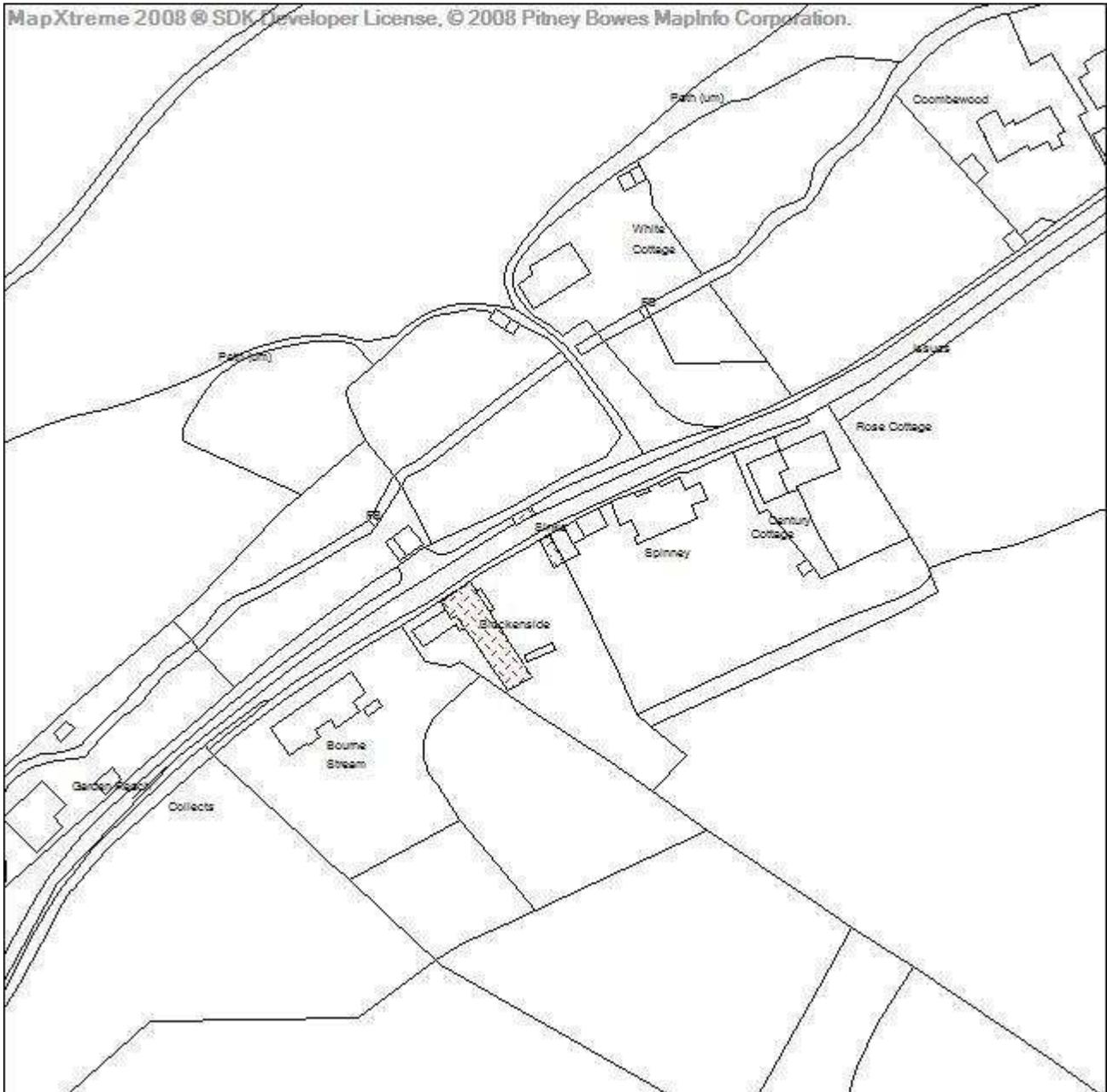
- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: As required by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby approved shall only be managed/serviced by persons residing at the dwelling known as The Spinney.
Reason: To ensure satisfactory provision of off-street parking and servicing facilities to serve the development, in the interests of road safety and amenity, and in accordance with policy T/7.
- 3 The parking area, as shown on the approved plans, shall not be used other than for the parking of vehicles in connection with the development hereby approved.
Reason: To ensure that sufficient provision is made for off-street parking and turning of vehicles in the interests of highway safety having regard to the provisions of Policy T/7 of the West Somerset District Local Plan (2006).

Notes

1 STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Although the applicant did not seek to enter into pre-application correspondence with the Local Planning Authority, during the consideration of the application parking provision was not considered sufficient. The Local Planning Authority contacted the applicant and sought amendments to the scheme to address this issue/concern and amended plans were submitted. For the reasons given above and expanded upon in the planning officer's report, the application, in its revised form, was considered acceptable and planning permission was granted.

- 2 The Planning Authority is required to erect a Site Notice on or near the site to advertise development proposals which are submitted. Could you please ensure that any remaining Notice(s) in respect of this decision are immediately removed from the site and suitably disposed of. Your co-operation in this matter is greatly appreciated.



Application No 3/16/14/001
Change of use from holiday
home to guest house/holiday let
and replacement of one double
glazed timber window with a
double glazed door.
Heathercot, Holford, Bridgwater,
TA5 1RZ
22 July 2014 Amended 22/8/14
Planning Manager
West Somerset Council
West Somerset House
Killick Way
Williton TA4 4QA
West Somerset Council
Licence Number: 100023932



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Easting: 315307 Northing: 140789
1:1250

Scale:

Application No:	3/21/14/074
Parish	Minehead
Application Type	Full Planning Permission
Case Officer:	Sue Keal
Grid Ref	Easting: 297382 Northing: 146405
Applicant	Mr Steve Pickard
Proposal	Erection of a disabled toilet extension to the north west elevation plus minor amendments to existing ramp.
Location	Jubilee Gardens Cafe, The Esplanade, Minehead, TA24 5BE
Reason for referral to Committee	West Somerset Council are the owners of the building.

Risk Assessment

Description	Likelihood	Impact	Overall
Planning permission is refused for reason which could not be reasonable substantiated at appeal or approved for reasons which are not reasonable	2	3	6
Clear advice from Planning Officers and Legal advisor during the Committee meeting	1	3	3

The scoring of the risks identified in the above table has been based on the scoring matrix. Each risk has been assessed and scored both before the mitigation measures have been actioned and after they have.

Site Location:

Jubilee Gardens Cafe, The Esplanade, Minehead, TA24 5BE

Description of development:

Erection of a disabled toilet extension to the north west elevation plus minor amendments to existing ramp.

Consultations and Representations:

The Local Planning Authority has received the following representations:

Minehead Town Council

Recommend approval.

Highways Development Control

No observations.

Public Consultation

The Local Planning Authority has not received any letters of objection or support.

Planning Policy Context

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that all development proposals are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for West Somerset consists of the Somerset Minerals Local Plan (adopted April 2004), Somerset Waste Core Strategy (adopted February 2013) and the West Somerset District Local Plan (adopted April 2006). West Somerset is in the process of developing the emerging Local Plan to 2032, which will replace the strategy and some of the policies within the adopted Local Plan. The emerging Local Plan is at an early stage of production process.

It will go to the Publication stage in late Summer 2014 when the contents will acquire some additional weight as a material consideration. Until that stage is reached, policies within the emerging Local Plan can therefore only be afforded limited weight as a material consideration.

The following Policies are considered relevant to this application:

- W/6 Flood Plains
- SP/1 Settlement Hierarchy
- SP/2 Development in Minehead and Rural Centres
- CA/1 New Development and Conservation Areas
- AD/1 Access for Disabled People
- BD/1 Local Distinctiveness
- BD/2 Design of New Development
- BD/3 Conversions, Alterations and, Extensions

National Policy

The National Planning Policy Framework (March 2012) is a material planning consideration.

[National Planning Policy Framework \(the NPPF\)](#)

[Technical Guidance to the National Planning Policy Framework \(the NPPG\)](#)

Local Policy

[West Somerset Local Plan \(2006\)](#)

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[West Somerset Supplementary Planning Guidance: Design Guidance for House Extensions \(2003\)](#)

[Somerset County Council Parking Strategy \(2013\)](#)

[Somerset County Council Highways Development Control Standing Advice \(2013\)](#)

Planning History

The following planning history is relevant to this application:

3/21/06/130	Small Utility Extension & Shelter As Amended By Plan No. 2107/1/1	Grant	30 /11/06
3/21/08/104	Proposed Ramp And Alterations To Building.	Grant	04/02/09
3/21/05/153	Construction Of Crazy Golf Course On Forecourt Of Jubilee Gardens Cafe. - As Amended By Letter 23/11/05 & Accompanying Site Layout Plan, & Details Of Hole 10 Together With Subsequent Letter Dated 2/12/05.	Grant	20 /12/05
3/21/74/098	Extension To Cafeteria To Form Sanitary Accommodation	Grant	26/11/74

Proposal

The application seeks planning consent for the erection of a disabled toilet extension to the north western elevation plus minor amendments to existing ramp at Jubilee Gardens Cafe, The Esplanade, Minehead. The proposed extension is to the north west side of the cafe, measuring a width of 4m and a length of 5.9m in front of which will be the extended level landing approximately 2m wide and adjoining the existing access ramp. This would be linked to the cafe building by a covered access path/ramp from the side of the cafe. Some of the existing shrubs and border area will need to be removed to accommodate these extensions.

Site Description

The Jubilee Gardens Café is a unique building on The Esplanade, although it is not Listed, it was originally used as a bandstand, holding performances with seating provided in front of the building. External finishes are generally of natural stone walls with a wooden shingle tiled roof, with multi-pane single glazed windows and doors. In front of the existing building is an existing Crazy Golf Course and external cafe seating.

Planning Analysis

1. *Principle of Development*

The proposed development is within the development limits of Minehead which is classed as a town. The proposal is acceptable in principle and accords with the local development framework and national planning policies.

Policies CA/1 and CA/2 are applicable in this case and recommends that development proposals in Conservation Areas will only be permitted where they are compatible with the preservation or enactment of the architectural and historic character or appearance of the conservation area. Proposals should meet a number of criteria including they must be in keeping This is backed up by Policy BD/3 as well as NPPF Chapters; 2, Ensuring the vitality of town centres, 7, Requiring good design and 12, Conserving and enhancing the historic environment.

Conservation Area designation dictates that development in these areas should 'Preserve and Enhance the Architectural & Historic character of the Area.

2. *Character and Appearance of the Area*

The site is within a Conservation Area and there are also Listed Buildings in the vicinity.

The existing street scene on this side of the Esplanade comprises of existing storm shelters and the adjoining pedestrian path alongside the existing sea wall. Jubilee Gardens Cafe is in a prominent position opposite the West Somerset Railway and The Beach Hotel and Esplanade House and adjoining properties along the left hand side of the Esplanade. Existing buildings in the area are constructed in a mixture of painted render, natural stone and are clad with natural slate.

The original built floor area was 64sqm with the building previously having been extended to the rear and side adding a further floor area of 48sqm. The overall size of the site including the cafe, external seating and crazy golf section totals 882sqm. The building is constructed of stone facing under a wooden shingle hipped roof and hung shingles to the south western elevation. Existing windows are small paned single glazed with painted timber cills.

There is an existing small WC within the building which is accessed through the existing kitchen and storage area, however, this is not suitable for access by disabled patrons or other customers use.

At the south western corner of the building the existing low wall s have UPVC signage attached to them. There are infilled extensions linking mirrored wings to either side of the building. To the north west of the building a small store room and existing small WC which was built in coursed artificial stone facing together with a side access staff door and small window also on this elevation.

The proposed WC extension is to be constructed above a concrete pad foundation and to be finished in painted render of the existing artificial stone facing on the storage element on the north west elevation, which is not consistent with the rest of the host building and is damaging its overall appearance. The painted rendered finish has been chosen as an alternative to stone facing in order to reduce the depth of the walls of the extension and to allow for the required internal dimensions required for wheelchair accessibility. The proposed render is to be painted in a colour to closely match the existing stonework with the colour to be agreed by the LPA. The proposed roof pitch and covering will match that of the existing and an additional covered access path leading to the existing cafe will be provided along with the proposed alteration the extend and amend the existing wooden disabled access ramp as access to the property.

Amendments to the existing access ramp comprise of extending the level landing area to the north west (left) by approximately 2m in length and which will see the extension of the existing timber decking and timber balustrading also extended.

It is considered that the proposed alterations to the front, are acceptable and will not significantly alter the symmetry of the existing building and that the character and appearance of the area will be

preserved and the setting of listed building (West Somerset Station) will not be affected. Therefore the proposed design size location and use of materials are acceptable.

3. Residential Amenity

The existing building has no immediately adjoining neighbours and therefore there will be no significant impact on residential amenity in the area.

4. Highway Safety

Somerset County Council have no comments to make. The Proposal does not involve any alterations to existing access and parking area.

5. Flood Risk

The proposal is within Flood Zone 3 (High risk) area, with 1:100 year standard protections and the main river culvert from Bratton Water runs through the town to the sea. This building is sited on the Esplanade with the rear (north) elevation facing the sea wall.

The applicant has submitted a Flood Risk Assessment stating that the WC extension will be constructed in robust water resilient materials and will have an overall footprint of 5.9sqm and an internal floor area of 4sqm as well as the amendments to the existing access ramp

The Emergency access routes away from the existing cafe will remain unaltered. All surface water will be controlled via existing arrangements will remain unaltered and therefore the proposal will not increase the risk of flooding in respect of surface water flooding. Mitigation measure confirm that robust resilient materials are to be used in the development and all internal electricity device will be installed at a minimum of 450mm or 1.2m above finished floor level and no external electrical devices are to be installed unless wall mounted light fitting min 2.1m above ground level.

6. Disabled Access

The design of the formerly approved disabled ramp (ref 3/21/08/104) is to be visually amended in order to allow safe and level access into the WC by adding a level landing at the top of the existing ramp and extending this to the north east by a further 4m in length approximately. It will have timber balustrading to match the existing above timber decking and timber cladding to the frame of the structure.

Environmental Impact Assessment

This development does not fall within the scope of the Town & Country Planning (Environmental Impact Assessment) Regulations 1999 and so Environmental Impact Assessment is not required.

Conclusion and Recommendation

It is considered that the proposal, is acceptable and it is recommended that planning permission be granted.

Planning Permission is subject to the following conditions:

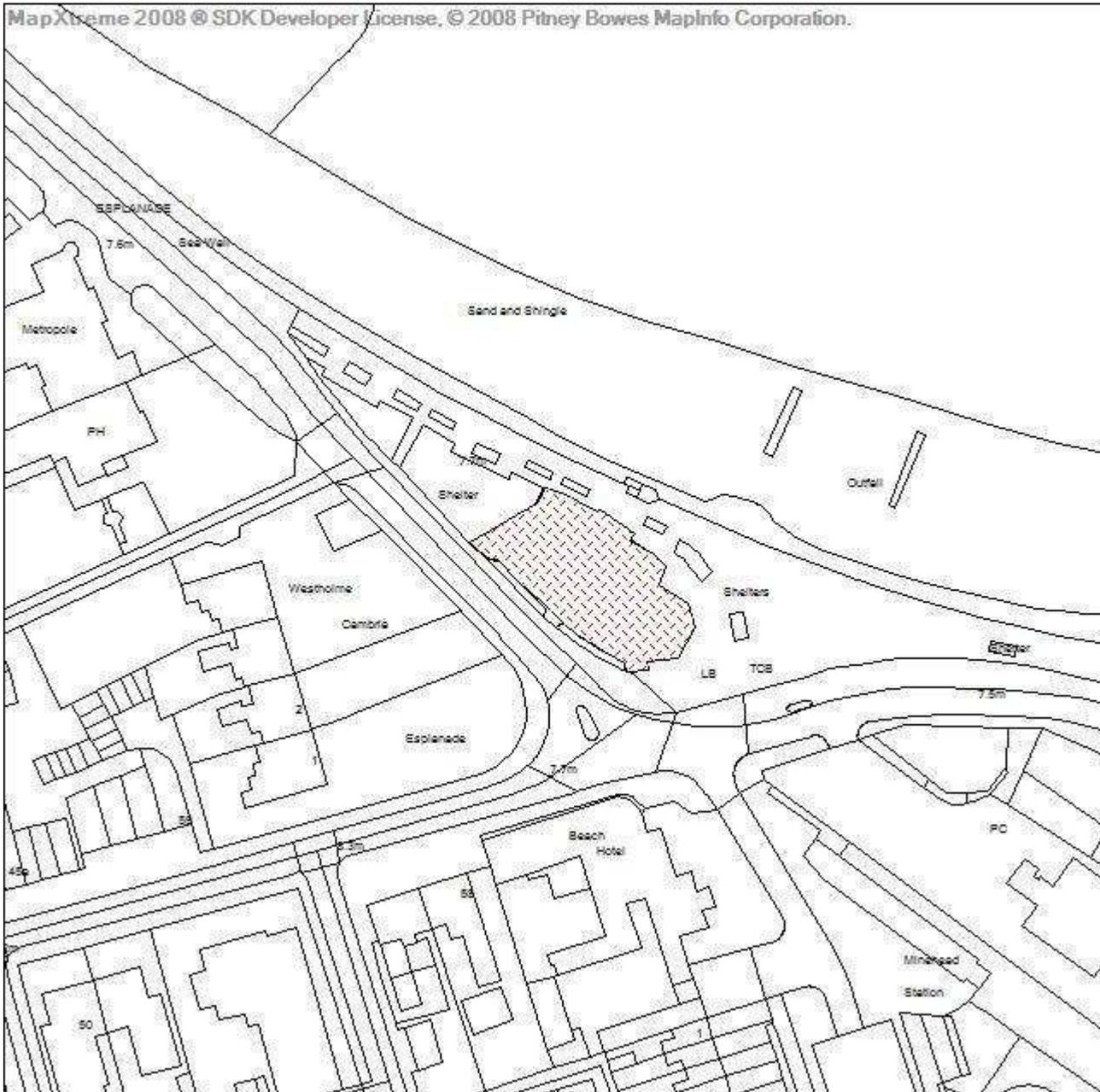
- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: As required by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the approved drawings: Drawing Numbers: Proposed site plans and block plans, dwg. no. 1216/200, and Proposed elevations, dwg. no. 1216/201 submitted on 06/08/14.
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 No works shall be undertaken on site unless details of the render, to be used on the areas of the external walls shown on the submitted drawings no.1216/201 have been submitted to and approved in writing by the Local Planning Authority. Such information shall include details of the colour and texture of the render [and a representative sample]. The works shall thereafter be carried out only in accordance with the details so approved.

Reason: To safeguard the character and appearance of the building having regard to the provisions of Saved Policies BD/1, BD/2, BD/3, and CA/1 of the West Somerset District Local Plan (2006).

Notes

- 1 The Planning Authority is required to erect a Site Notice on or near the site to advertise development proposals which are submitted. Could you please ensure that any remaining Notice(s) in respect of this decision are immediately removed from the site and suitably disposed of. Your co-operation in this matter is greatly appreciated.

- 2 **STATEMENT OF POSITIVE WORKING**
In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Although the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority in advance of submitting the application, for the reasons given above and expanded upon in the planning officer's report, the application was considered acceptable and planning permission was granted.



Application No 3/21/14/074
Erection of a disabled toilet
extension to the north west
elevation.
Jubilee Gardens Cafe, The
Esplanade, Minehead, TA24 5BE
6 August 2014
Planning Manager
West Somerset Council
West Somerset House
Killick Way
Williton TA4 4QA
West Somerset Council
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Application No:	3/26/14/013
Parish	Old Cleeve
Application Type	Full Planning Permission
Case Officer:	Elizabeth Peeks
Grid Ref	
Applicant	Mr Wierenga Green Switch Developments Ltd
Proposal	Installation of a solar park with an output of approximately 6.8MW
Location	Land at Higher Bye Farm, Higher Bye Farm, TA23 0JT
Reason for referral to Committee	Major Application

Risk Assessment

Description	Likelihood	Impact	Overall
Planning permission is refused for reason which could not be reasonable substantiated at appeal or approved for reasons which are not reasonable	2	3	6
Clear advice from Planning Officers and Legal advisor during the Committee meeting	1	3	3

The scoring of the risks identified in the above table has been based on the scoring matrix. Each risk has been assessed and scored both before the mitigation measures have been actioned and after they have.

Site Location:

Land at Higher Bye Farm, Higher Bye Farm, TA23 0JT

Description of development:

Installation of a solar park with an output of approximately 6.8MW

Consultations and Representations:

The Local Planning Authority has received the following representations:

Environment Agency

The Environment Agency has no objection in principle to the proposed development subject to the inclusion of conditions which meet the following requirements.

CONDITION:

No development approved by this permission shall be commenced until a surface water run-off limitation scheme in the form of Swales or infiltration trenches, has been submitted to, and approved in writing by the LPA. The submitted details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. The approved scheme shall be implemented in accordance with the approved programme and details.

REASON:

To prevent the increased risk of flooding.

The following informatives and recommendations should be included in the Decision Notice.

There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

All access roads and hardstandings should be of permeable construction to ensure there is no impact on surface water drainage.

During construction the following comments apply:

The developer should ensure that the guidance in the Environment Agency: [Pollution Prevention Guidelines 6: Working at construction and demolition sites \(PPG 6\)](#) is followed. See attached.

Where possible, waste washings from any concrete should be discharge into the foul sewer, with the agreement of Wessex Water. If not, the developer should ensure compliance with the [Environment Agency Regulatory Position Statement 107: Managing concrete wash waters on construction sites: good practise and temporary discharges to ground and surface waters](#).

Any waste generated must be disposed of in accordance with [Waste \(England and Wales\) Regulations 2011](#).

If waste material is brought onto site for construction purposes, the developer should ensure that appropriate permits are held according to [Waste \(England and Wales\) Regulations 2011](#).

[CL: AIRE sites](#) must be identified and declared prior to construction and all protocols followed, if not Environmental Permits will apply.

There is the potential for the proposed installation to act as an "ecological trap" for certain types of insect that are attracted to polarised light. This is an area that has been researched with particular reference to aquatic insects. Therefore it is recommended that ponds are placed strategically around the site.

SCC - Ecologist

Thank you for consulting me on this application which is to create a 6.8MW solar park at Higher Bye Farm.

The planning submission includes a Preliminary Ecological Appraisal by Wardell-Armstrong on behalf of the applicants. This is dated 'May 2014' but the 'Extended Phase 1 Habitat Survey' which forms part of its basis was conducted in March 2014.

The bulk of the application site comprises agriculturally improved grassland of limited conservation value. Any wildlife interest that the site has is confined largely now to its hedgerows and the trees associated with them. So far as I can see they are no proposals to remove any significant sections of hedgerow and, according to the application, a 5 metre buffer will be maintained between the security fence and the boundary hedges and there will be 9 metres between the hedge and the solar panels. In principle a hedgerow buffer strip of about 10m in total would probably suffice to protect most of the existing biodiversity value of the site. However, there are three issues that should be taken into account in respect of the buffer's width.

- An active badger sett has been discovered in one of the hedgerows in the north of the site. In this area a buffer of more than 10 metres from the sett may be needed. If there is any danger of disturbance to the sett (due to installation of fencing or the use of heavy machinery) then a buffer of up to 30 metres could be needed;
- Seven hedgerow trees have been identified in the Appraisal as having potential as bat roosts. I have no information concerning the age of the trees, but if they are old their rooting zones (and indeed those of some other hedgerow trees) may extend into the field at least 5 metres and maybe more.
- If the security fence is to be placed in the middle of the buffer how easy will it be for tractors or other vehicles to gain access around the perimeters to manage vegetation?

There are opportunities associated with this type of development to enhance the biodiversity value of the land. Wardell-Armstrong suggest that the boundary buffer zones are sown with a wildflower-rich seed mix such as EM10 or EM5. EM10 is used to create tussocky grassland that requires little

maintenance but which contains some wildflowers that will be attractive to insects. EM5 is a more flower-rich mix suitable for medium-texture soils. Generally, I would be in favour of some such initiative but there may be a complicating factor here.

The applicants' Ecological Appraisal draws attention to the presence of Rough Marsh Mallow in the Cleeve Hill SSSI about 200 metres to the north of the application site. This plant occurs in only five remaining sites in England. The population in Cleeve Hill SSSI is increasing according to Natural England's last SSSI Condition Assessment but it is still confined to a clearing amongst scrubby woodland. This is a plant associated with arable cultivation and its seed can remain viable for up to 180 years (Plantlife 2009). Aerial photos from 1946 and later that I have looked at suggest that the land in and around the application site might have been under arable crops from time to time since then. It is conceivable, therefore, that there could be a seedbank on the Higher Bye Farm site containing Rough Marsh Mallow and perhaps other interesting arable plants.

If you are minded to grant approval of the application, I would recommend that a condition is imposed to require a 10 metre buffer between the development and all field boundary features (expanded where tree rooting zones and badgers may require this). Except where there might be conflicts with badgers and tree/hedgerow roots I would like to see this buffer zone ploughed and cultivated in Autumn and checked the following season for arable plants (particularly for Rough Marsh Mallow). If no rare or scarce plants are found then the ground should be sown with EM10 and/or EM5 mix. Please note that Rough Marsh Mallow flowers between May and June, so if they occur, plants may not be obvious to surveyors looking for them earlier in the season (e.g. in March).

Please note the maintenance of a buffer per se would be to existing protect wildlife corridors. Ploughing, cultivation and possible wildflower sowing would lead to biodiversity gain on what is present currently - which is a legitimate objective given the NPPF's emphasis on securing net gain for biodiversity from development.

I would ask that you also consider imposing conditions with respect to lighting (to prevent hedges being lit at night when they might be used by bats) and planting (to gap up sections of hedge shown as 'defunct' on the Phase 1 Habitat Map included with the Ecological Appraisal). If security fencing is approved there should be Badger gates installed to allow access to foraging grounds where there is evidence of Badger paths. On current evidence this would be near the setts identified in the Ecological Appraisal, although I note that the Appraisal itself recommends that there should be a further badger survey closer to the time of the development (and I would agree with this if there is any likelihood of a lengthy delay before the development commences).

Highways Development Control

I refer to the above mentioned planning application received on 2nd June 2014 and following a site visit I have the following observations on the highway and transportation aspects of this proposal.

The proposal relates to the installation of solar park.

Somerset County Council is generally supportive of alternative energy development and as such there is no objection in principle to the proposal.

In terms of the detail the applicant has proposed to gain access from the B3191 to the north and then onto an unclassified highway. This can be characterised as single width and sinuous in nature with high hedges on either side of the carriageway. The applicant has indicated that there are passing places along the length of the lane. This is considered to be accurate but it should be noted that they are infrequent.

As a consequence the Highway Authority would have concerns over the use of these approach roads especially the junction with the B3191. From visiting the site it is apparent that the junction is not perpendicular to the main road as a consequence visibility is limited. Furthermore due to the tight geometry of the junction it is likely that the larger delivery vehicles would overrun the other side of the carriageway of the B3191 which would cause obstruction to other vehicles.

In terms of the unclassified road as previously indicated there are a limited number of passing places along this section of highway coupled with the sinuous nature of the carriageway it likely that two vehicles would meet causing adverse manoeuvring.

Based on the above the Highway Authority would normally recommend refusal of an application that would see an increase in vehicle movements on this section of highway and the sub-standard junction. However it is appreciated that the intense level of movement would only be for a limited period and once operational the site would generate a limited level of vehicle movements.

Therefore the Highway Authority would require the applicant to submit a robust Construction Management Plan that would need to set out how deliveries would be managed to the site to try and reduce the impact of vehicle conflict on the local highway network.

In terms of the internal site arrangements these are considered to be acceptable as once completed there would be little need for on-site vehicle requirements.

Therefore to conclude the Highway Authority has concerns over the proposed route access route to the site and the junction with the B3191. However it is accepted that the level of disruption would be for a limited period during the construction phase. Therefore on balance the Highway Authority raises no objection to this proposal and if planning permission were to be granted the following conditions would need to be attached to the permission.

- A condition survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.
- No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly out in accordance with the approved plan. The plan shall include:
 - Construction vehicle movements;
 - Construction operation hours;
 - Construction vehicular routes to and from site;
 - Construction delivery hours;
 - Expected number of construction vehicles per day;
 - Car parking for contractors;
 - Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
 - A scheme to encourage the use of Public Transport amongst contractors; and
 - Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Rights of Way Protection Officer

Quantock Hills ANOB

Due to the distance from the Quantock Hills AONB (approximately 4.7km) the AONB Service is not stating an objection to the proposal. We do however make the following points and trust they will be taken into consideration when making the planning decision.

1. The AONB Service is concerned that the AONB viewpoint (10) used to assess the potential visual effects of the scheme from the Quantock Hills was taken at a height of 262m AOD (on a footpath) when just a short distance from the viewpoint is the Beacon Hill Trigg Point at a height of 310m. The

landscape here is Open Access Land so there is no need to select the footpath as the most sensitive spot for receptors. It is more important that impacts on views are considered from the highest vantage point which many users of the hills will naturally gravitate to in order to experience the highest Quantock view. We therefore ask that this viewpoint be looked at again with the more appropriate (higher) Trigg Point location so that West Somerset Council can be completely confident of the 'imperceptible-slight adverse' impact judgement made on views from the AONB.

2. Whilst the AONB is 4.7 km away we ask that West Somerset Council give due consideration to the fact that the Solar Park will sit in a rural landscape between 2 nationally protected landscapes (The Quantock Hills AONB and Exmoor National Park) that are connected by recreational routes including the promoted Coleridge Way.

3. We welcome West Somerset Council's request for the applicant to give consideration to cumulative impacts as the PPG for Renewable and Low Carbon Energy states that "cumulative impacts require particular attention, especially the increasing impact that wind turbines and large scale solar farms can have on landscape and local amenity as the number of turbines and solar arrays in an area increases". This is particularly important to the AONB Service as we are concerned that this potential development (alongside any further solar farms within this landscape) could, cumulatively, have a negative impact on views and visitor experience of the AONB.

The above points are made to ensure that the primary purpose of AONB designation (conservation and enhancement of natural beauty) is not compromised should this solar farm application be given approval - ensuring there are no negative impacts on views to and from the nationally protected landscape of The Quantock Hills.

Old Cleeve Parish Council

Old Cleeve Parish Council considered this application at their meeting on Monday 16th June 2014 and would like to make the following comments and observations:

1. There was very poor public consultation, with a very short notice to the parish council, not even a notice on the hall door.
2. Concern of mitigation - hedge strengthening - height? (planting - maintenance by whom and for how long - 25 years?).
3. Is the land to be stocked to maintain grass levels?
4. Transformer/inverter building, if a 'shipping container' is used what colour will it be?
5. Fencing - colour impact and maintenance for 25 year life?
6. Application states there are no trees/hedges yet the fields with hedges and trees are shown on drawing LE12286-002.
7. We have concerns about the access via narrow lanes.
8. We trust that these comments will be taken into account when this application is determined.

West Somerset Railway

SCC - Archaeology

Original Comments

The site lies within an area of archaeological potential and the development therefore has the potential to impact upon a heritage asset. For this reason I recommend that the applicant be asked to provide further information on any archaeological remains on the site prior to the determination of

this application. In accordance the National Planning Policy (paragraph 128) and SCC Heritage Services solar park guidelines (2013), this should initially comprise a geophysical survey. Depending upon the results of this survey, it may be necessary to carry out further intrusive investigations in the form of a trial trench evaluation. The results of these surveys will help inform a mitigation strategy if/where appropriate.

Steve & I both think this site has potential for the presence of previously unrecorded archaeology. This aspect of potential does not appear to have been fully explored in the DBA, particularly in the light of the surrounding recorded archaeological features. Steve will make a site visit tomorrow (Thursday 3rd July) to check the site on topographical grounds and he will call you Friday to discuss his conclusions. It is very likely however that Steve will be requiring a pre-application geophysical survey, which is of course in accordance with our guidance.

We always welcome pre-application discussions with applicants particularly as it helps avoid situations such as this.

Comments on the Geophysical Survey

The geophysical survey does look pretty conclusive and I am happy that the applicant has done all they can to assess the archaeological potential of this site. Based on the results of the survey I can confirm that there is no requirement to carry out any further archaeological work on this site and that there does not appear to be any archaeological implication associated with the development.

Planning at Exmoor National Park

Somerset Wildlife Trust

We have noted the above mentioned Planning Application submitted by Greenswitch Developments as well as the supporting Ecological Appraisal submitted by Wardell Armstrong. In general we would support the findings and outcomes of that report. In particular we would request that, as far as possible, existing trees and hedges should be retained and enhanced, that a minimum 9m buffer zone should be provided, adjacent to the hedges and trees and that a badger survey should be carried out and mammal access points provided. We would request that these enhancements should be included in the Planning Conditions, if it should be decided to grant Planning Permission.

Public Consultation

The Local Planning Authority has received no letters of objection or support.

Planning Policy Context

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that all development proposals are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for West Somerset consists of the Somerset Minerals Local Plan (adopted April 2004), Somerset Waste Core Strategy (adopted February 2013) and the West Somerset District Local Plan (adopted April 2006). West Somerset is in the process of developing the emerging Local Plan to 2032, which will replace the strategy and some of the policies within the adopted Local Plan. The emerging Local Plan is at an early stage of production process. It will go to the Publication stage in late Summer 2014 when the contents will acquire some additional weight as a material consideration. Until that stage is reached, policies within the emerging Local Plan can therefore only be afforded limited weight as a material consideration.

The following Policies are considered relevant to this application:

- SP/5 Development Outside Defined Settlements
- TW/1 Trees and Woodland Protection
- TW/2 Hedgerows
- LC/1 Exmoor National Park Periphery
- LC/3 Landscape Character
- NC/4 Species Protection

W/5 Surface Water Run-Off
 AH/2 Locally Important Archaeological Remains
 A/2 Best and Most Versatile Agricultural Land
 BD/1 Local Distinctiveness
 BD/2 Design of New Development

● **National Policy**

The National Planning Policy Framework (March 2012) is a material planning consideration.
National Planning Policy Framework (the NPPF)
Technical Guidance to the National Planning Policy Framework (the NPPG)

Local Policy

West Somerset Local Plan (2006)
West Somerset Local Plan to 2032 Revised Draft Preferred Strategy (June 2013)
West Somerset Planning Obligations Supplementary Planning Document (2009)
Somerset County Council Highways Development Control Standing Advice (2013)

Planning History

The following planning history is relevant to this application:

EIA37/13/001	6MW solar park	EIA not required	8.10.13
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Proposal

The application seeks planning permission for a 6.8MWp solar farm on approximately 13.35 hectares of grade 3 agricultural land. The 27,852 panels will be arranged in rows in an east - west direction with the panels facing south on three fields. The rows will be 4-6m apart. The panels will be mounted on frames at a tilt of 20 degrees and the height of the panels will be no higher than 2.2m but will be generally be about 1.7m high. The frames are fixed to the ground through piles driven into the ground so no concrete foundations are required. Two of the fields are located approximately 200m northwest of the farm buildings at Higher Bye Farm with the third field being approximately 150m north of the farm buildings. Access to the site is via the narrow Washford to B3191 road. The two southerly fields are linked by a farm track between the two fields which exits onto the Washford to B3191 road. The northern field is accessed via a farm track and will be linked to the southerly fields by a new track. This access will be grassed and not fenced. Higher Bye Farm is located approximately 1km northeast of Washford and 200m west of the West Somerset Railway and the mineral line.

A security fence (deer fencing) and gates 2.4m is proposed around the perimeter of the northerly field and around the perimeter of the two southerly fields but not along the perimeter of the fields that are bounded by the farm track. A substation in the most southerly field adjoining the farm track and six inverter cabins are proposed. Two cabins will be sited on the southern side of each field. The substation will measure 3m x 3m and be 2.8m high. The submitted illustrative drawing building will be constructed from GRP and will be on concrete base. It is likely however that the building will be a converted shipping container. The inverter buildings will be 9.8m x 3m and 3.6m high. The buildings will have a slightly pitched roof and be constructed from weather proof fibre glass.

As the site will be controlled remotely 7 CCTV cameras are proposed around the periphery of the three fields. The pole on which the camera is fitted onto the top of will be 3m high. Lighting of the site is not proposed except for task lighting (removable lighting brought onto site when required). The CCTV system uses infra-red lighting which is activated by movement only and does not generate a discernible level of light.

The precise route for the connection to the grid is to be determined after a decision has been made on this application.

The construction compound will be situated along the western boundary of the southernmost field next to the existing access from the Washford to the coast road (B3191) and the adjoining farm track that runs between the two most southern fields. It will be required for approximately 3 - 4 months. The site will be fenced with 2m high heras fencing and will accommodate 3 storage containers, 2 welfare buildings and 6 portaloos.

A grazing licence for 50 sheep per hectare has been offered to the landowner and accepted. This licence is for the life of the solar farm.

The solar farm is to operate for 25 years plus 6 months for construction and decommissioning unless a new planning permission is granted to extend the life of the solar farm.

Site Description

The site comprises of 3 fields that are currently used as pasture. The two most southerly fields range in height from 50m (AOD) to approximately 75m whereas the northern field ranges in height of between approximately 65m and 75m. The sloping fields face south and are bordered by hedgerows and trees. The farm track between the two most southerly field has a hedge along the northern boundary and a gappy hedge along the southern boundary. A green burial ground (a treed area) is situated along the northern boundary of the middle field and adjoining this is the property known as Cleeve Priory. This property is on land lower than the burial ground and application site. Higher Bye Farm farm buildings are on land at the foot of the application site and there are a few scattered properties at this lower level in the vicinity of the site.

Planning Analysis

1. Principle of Development

The site lies within open countryside where policy SP/5 is the relevant local plan policy. This policy states that "development will only be permitted where it both benefits economic or social activity without leading to a significant increase in car travel and maintains or enhances environmental quality and accords with other policies of the West Somerset District Local Plan."

In terms of the generation from renewable sources paragraph 98 of the National Planning Policy Framework (NPPF) states that,

98. 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...

Guidance within the NPPF sets out, in relation to conserving and enhancing the natural environment, that "The planning system should contribute to and enhance the natural and local environment by...protecting and enhancing valued landscapes" (para. 109). The NPPF also sets out that "Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty..." (para 115). Paragraph 116 of the NPPF adds that planning permission should be refused for major development in these designated area except in exceptional circumstances and where it can be demonstrated they are in the public interest. Whilst the proposed development is not located directly in either the Quantocks AONB or within the Exmoor National Park paragraphs 115 and 116 highlight the level of protection that is afforded to the landscape and scenic beauty of the areas. In terms of Local Policy, development in the periphery of Exmoor National Park needs to be considered against Policy LC/1 "Development proposals in areas bordering Exmoor National Park which may harm the landscape character of the park will not be permitted. Policy LC/3 states that... "Development which does not respect the character of the local landscape will not be permitted." The proposed development will be visible from these areas and it is important

to consider whether or not there will be an adverse effect on the setting of these valued landscapes or the character of the local landscape.

In the National Planning Practice Guidance (NPPG) gives advice on the planning issues associated with the development of renewable energy and should be read alongside the NPPF . Paragraph 13 of the NPPG provide advice on the particular planning considerations that relate to large scale ground-mounted solar photovoltaic farms.

"13. The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in 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.

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

- Encouraging the effective use of land by focusing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value;
- Where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and
- (ii) The proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. See also a [speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013.](#)
- 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 proposal's visual impact, the effect on landscape of glint and glare (see [guidance on landscape assessment](#)) 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 approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the [impact of wind turbines](#). However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero."

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

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. The Government do acknowledge that the deployment of large scale solar farm can have a negative impact on the rural environment, particularly in very undulating landscapes. Local Policies LC/1 and LC/3 remain consistent with the approach set out in the NPPF and require that proposals do not have a negative landscape impact - either in terms of their effects on the National Park nor in terms of the impact on the character of the local landscape.

In considering the proposal against Policy SP/5 it is considered that the generation of the energy required to power 1950 houses per year from renewable sources and lead to a reduction of 3400 tonnes of Carbon per year does undoubtedly have benefits in helping to increase the use and supply of renewable and low carbon energy. However, it is considered that there would be limited social activity over and above this wide objective and not at a local level where the impact would be most felt. It is considered that the proposal would not benefit economically in the medium to long term as the operation of the solar farm would not provide significant employment as one person is employed on a part time basis to visit the site for regular checks. This person looks after approximately four sites. In addition a team of 1-4 people are employed part time to clean the panels on an annual basis. It is acknowledged that there will be an initial benefit through the manufacture and installation of the equipment and through recycling the materials at the end of the solar farm's life however, these are not so significant as to weigh in favour of the proposal if there are other material concerns. It is accepted that in principle there will not be a significant increase in car travel as only 1 vehicle trip will be required each week for maintenance purposes.

One of the most important factors 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.

2. Character and Appearance of the Area

The area is rural in character with rolling fields bounded by hedgerows and interspersed by areas of woodland, isolated dwellings and rural settlements. The site falls within the Local Plan defined Landscape Character Area of Central West Somerset which can be described as an area of rolling or undulating hills which are rarely over 100m, divided by streams in generally narrow but not exceptionally steep valleys. The rolling hills are mainly used for pasture despite often being good quality agricultural land. The land is well hedged with small woods and copses.

The nearest dwellings are approximately 100m to the north of the southern field and 200m to the southeast of the southern fields. Kentsford Farm, a Grade II* listed building and associated farm buildings and waterwheel (Grade II) are sited approximately 600m to the east of the northern field and St Decumans Church (Grade I), cross in churchyard (Grade II*), tombs, churchyard walls, gate piers and gates together with St Decumans Well (Grade II) are situated 1.2km to the east of the northern field. Tropiquaria (Grade II) is 1.4km to the south east of the site. The boundary of the Exmoor National Park is 2.8km to the south of the application site and the Quantocks AONB is over 5km to the east of the site.

Overall, the site is considered to be within a "undulating landscape" where Government guidance notes that the deployment of large-scale solar farms can have a negative impact on the rural environment. Clearly there are a range of sensitive receptors in the locality where the impact of the development needs to be considered carefully.

3 Visual and Landscape Impact.

The visual impact of the proposed solar farm is clearly one of the main issues that needs to be assessed. The applicant has prepared a Landscape and Visual Impact Assessment (LVIA) that is

based on the Guidelines for Landscape and Visual Assessment, Third Edition. This involved assessing the impact on the landscape, public rights of way and recreational routes, views from 10 points together with the effect on listed buildings, registered gardens, roads, and a number of villages within a 5km radius of the application site. The conclusions reached are appended at Appendix A but in summary concludes that the effect of the proposal are as follows:

Landscape effects

- The effects on the landscape character would be confined to the site itself and with limited perception within 1km of the site
- The effects would be reduced and would not be prominent with the maturing of the proposed planting and the increase in the height of the hedges
- The development would be partially perceptible from a maximum of 1km to the south and east and is assessed as moderate adverse. There would be very limited perception for the Quantocks and Exmoor National Park

Visual Effects

- None of the settlements assessed would experience more than moderate effects.
- Lower Bye Farm and 3 neighbouring properties would potentially experience more prominent effects and are assessed as moderate to substantial adverse but would reduce as the hedgerows grow to 3m.
- Cleeve Priory would have some limited visibility due to vegetation and built development
- No prominent views from road, footpath and cycle network or recreational receptors and visitor attractions..

Cumulative Effects

- This application together with the refused Aller Farm application would not result in a prominent cumulative landscape or visual effects due to the separation distance (3.8km) and intervening topography and proposed planting.

In conclusion the proposed development would result in limited prominent landscape and visual effects within the site and local area and is in accordance with national policy. The proposed mitigation planting would strengthen the existing landscape and reduce the adverse effects of the scheme in the medium term.

To ensure that this significant issue was considered carefully and in the correct way the Council engaged a consultant (Swan Paul Partnership Ltd) to advise on the contents of the submitted LVIA. Their report is attached at Appendix B. The conclusion reached is,

“The proposal is fairly modest in size and has been demonstrated by the Wardell Armstrong report to have limited cumulative effect with any similar development in the vicinity. It therefore remains to assess the development in isolation with the information provided.

The most significant impacts have been shown to be from locations very close to the development (within 1km) where the change will be most evident. These will be from roads, rather than public footpaths and receptors and are likely to be moving and views will therefore be brief and glimpsed. Taking into account the medium value of the undesignated landscape in the site vicinity it can be concluded that overall landscape and visual impacts from these distances will be medium or moderate. This can be reduced by altering mitigation proposals to increase the maintained height of site hedges and possibly introducing limited hedgerow tree planting.

From greater distances, but still within the 5km study area the landscape and visual effects become less apparent as the limited size of the development and its insertion into the existing field and hedgerow pattern will result in small impacts such as a change in texture or colour. For many locations within this area the intervening topography and hedgerow pattern will largely screen the development. The proposed mitigation will also have a small effect in reducing impacts, where the site is visible.

From more elevated locations outside the study area and within sensitive receptors such as the Quantock Hills AONB and the Exmoor National Park the effects are mainly visual and linked to the visibility of the site. The distance of the site from these areas does limit the severity of such impacts and viewpoints 8, 9 and 10 demonstrate that these will be minimal and largely seen as a change in texture or colour to distant fields. Proposed mitigation would likely result in a reduction of any impacts to a negligible level and the site would be difficult to discern within the field, hedgerow and hedgerow tree pattern.

From this consideration of the development and its likely effects Swan Paul would conclude that the development would not produce a level of effect that could be considered severe enough to alter the qualities of the landscape and visual characteristics in a detrimental way. When mitigation planting is taken into account and bearing in mind that the development is temporary (a 25 year period), we would conclude that the development is acceptable."

It can therefore be seen that the impact of the proposed solar farm, whilst there will be an impact, the impact is mainly visual rather than an adverse change to the landscape (ie change to field pattern and tree and hedgerow pattern and cover which will be largely unchanged). The landscape change is therefore considered to be minimal. Turning to the visual impact this is greater within 1km of the site, largely from roads where the view will be brief and glimpsed. Views from public footpaths are limited and there are none within the application site. Overall the impact on the medium value of the undesignated landscape (as it is not a designated AONB or within Exmoor National Park) is medium, low or negligible depending on the viewpoint. This impact can be mitigated however, with hedgerow and tree planting and allowing the existing hedgerows to grow to 4m in height so reducing the impact mainly to negligible. It should be noted however that from view point 1 (from a public road between Washford and Higher Bye Farm) the impact will be medium where the two southerly fields will be seen and from viewpoint 4 (Belle Vue play area, Washford which adjoins a public footpath) part of the higher of the southerly fields will be seen and even with mitigation the impact will be medium to low. In conclusion it is considered that as the landscape impact is minimal and the visual impact (with landscape mitigation) is mainly negligible the proposal is considered to be acceptable from both landscape and visual impact terms especially when taking into account the temporary nature, albeit for 25 years of the proposed solar farm.

4. Encouraging the effective use of previously developed land, and if a proposal does involve greenfield land, that the use of agricultural land is necessary and poorer quality land is being used in preference to higher quality land and that it allows for continued agricultural use and/or encourages biodiversity improvements around arrays

These criteria of using previously developed land or greenfield sites is contained in the NPPF at paragraphs 111 and 112 and reiterated in the NPPG at paragraph 13 as outlined in full under the principle of development.

Turning to the first criterion, local planning authorities needs to consider encouraging the effective use of land by focusing large scale solar farms such as that proposed on previously developed and non-agricultural land provided that it is not of high environmental value. Furthermore the UK Solar PV Strategy: Part 2 (April 2014) sets out the Solar Trade Association's "Solar Farms: 10 Commitments" the first of which states that they will focus on non-agricultural land or land which is of lower agricultural quality. The applicant was therefore asked how this site was chosen and responded as follows:

"it should be noted that although promoted by contemporary planning policy and therefore theoretically preferable, brownfield sites and rooftops are difficult (if not impossible) to select and develop. This is primarily due to the environmental implications of penetrating the ground on potentially contaminated brownfield sites, which can result in the release of harmful substances present on site into the ground and nearby watercourses, and leave the owner liable for any remediation subsequently required. Similarly, owners of commercial rooftops of an appropriate type and scale are also generally not receptive to these installations due to fears over potential damage to the fabric of the building and conflicts with existing roof-mounted plant and machinery."

From this response it would appear that the applicant has not looked for any previously developed land either within West Somerset or neighbouring authorities. Indeed, there is no policy guidance that advocates restricting searches to within a local authority's administrative area. The NPPG at paragraph 003 (ID: 5) confirms that, "Whilst *local authorities should design their policies to maximise renewable and low carbon energy development, there is no quota which the Local Plan has to deliver.*" There is therefore no need to site renewable energy development in a particular local authority to meet a local green energy quota. It is noted that there are problems associated with the use of previously developed land but it has been shown within the UK Solar PV Strategy that these problems can be overcome. For example 5 -20% of solar PV in the UK in the commercial and industrial sector has been achieved but in other European countries, particularly Germany more than half of the solar PV is in this sector (p.23 of the Strategy). It is therefore considered that the applicant has not demonstrated that the use of previously developed land has been thoroughly researched and so has not clearly demonstrated that the use of previously developed land can not be used and that the use of agricultural land is necessary.

With regard to the second criterion relating to the use of greenfield sites, that the use of agricultural land is necessary and poorer quality land is being used in preference to higher quality land and that it allows for continued agricultural use even if the use of agricultural land was found to be necessary the applicant needs to demonstrate that poorer quality land is to be used in preference to higher grade land. In this instance the Agent has confirmed that the land is Grade 3b agricultural land so is of poorer quality land. As it has been shown that the land is grade 3b this complies with saved local plan policy A/2 which states:

"The best and most versatile agricultural land (grades 1, 2 and 3a) will be protected from development. Planning permission for development affecting such land will only be granted exceptionally if there is an overriding need for development and either

- (i) sufficient land of a lower grade (grades 3b, 4 and 5) is unavailable; or*
- (ii) available lower grade land has an environmental value recognised by a statutory or non-statutory wildlife, historic or archaeological designation and outweighs the agricultural considerations.*

If best and most versatile land needs to be developed and there is a choice between sites in different grades, land of the lowest grade should be used"

Research in to what sites to develop on land quality criteria has therefore been undertaken but seems to have been carried out in the wrong order in that the site is first looked at, at the request of the land owner and then the area around that land holding is looked at in terms of where the connection to the grid will be, land use, visual and landscape impact, effect on residential areas and heritage assets etc. The NPPG seems to advocate a wider approach in that within an area which has been previously developed or non-agricultural land is assessed first before looking at agricultural land. In this instance agricultural land has been looked at first as the landowner has asked for it to be assessed to see if it is suitable. The final parts of the criteria relate to the continued use for the land and biodiversity improvements. The fields will be used for sheep grazing as a grazing licence for sheep has been accepted by the landowner. With regard the thickening up of the hedgerows and additional landscaping and improvements to the grassland will improve the biodiversity of the area. These criteria have therefore be complied with.

Overall it is considered that the applicant has not demonstrated that agricultural land is necessary and that previously developed land cannot be used. On balance however, as grade 3b agricultural land is to be utilised, the land will be grazed by sheep and biodiversity will be enhanced this would comply with saved local plan policy A/2. In addition due to the energy benefits of the proposal this will have together with not adversely affecting the visual amenities of the area the need for renewable energy schemes outweighs the fact that the proposal does not use previously developed land.

5. Residential Amenity

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 nearest dwellings (Cleeve Priory and the dwellings near Higher Bye Farm) and the difference in height of the site to the location of these dwellings. The proposal would be visible from some of the dwellings near Higher Bye Farm in particular the bungalow associated with Higher Bye Farm, but the impact from these dwellings from a residential amenity perspective is considered acceptable

6. Highway Safety

Access to the site for construction, decommissioning and maintenance traffic is proposed to be via Watchet along the B3191 and the road to Washford. The type of vehicles that will be used are a curtain sided trailer and tractor for transporting the modules, flatbed trailers and tractor to transport the components, work vans and road crane for the installation of the substation and inverter housing. HGV vehicles will be used during the construction period. Vehicles that will be used solely for the construction of the solar farm will remain on site during the construction period and will not go on the highway. It is anticipated that there will be a total of 102 HGV movements and 46 van movements during the construction period making a total of 148 vehicle movements over 12 weeks. Deliveries will be between 7am - 7pm Monday to Saturday with no deliveries on Sundays or bank Holidays. 148 movements are also anticipated when the solar farm is decommissioned. One car or van will make one trip (two vehicle movements) a week for maintenance.

The Highway Authority do not object in principle but do have concerns over the increase in traffic movements on the approach roads during the build period particularly the junction of the Washford road to the coast road due to lack of visibility and as larger delivery vehicles could overrun the other side of the carriageway of the B3191 which would cause obstruction to other vehicles. In addition as the approach roads are narrow and sinuous with a limited number of passing places it could lead to adverse manoeuvring when two vehicles meet. Normally the Highway Authority would recommend refusal but appreciate that the increase in traffic movements would be for a limited period only and once the solar farm was operational the site would generate few vehicle movements. To overcome the problems anticipated during the construction period the Highway Authority consider that a Construction Management Plan is required together with a condition survey of the existing public highway. It is therefore considered that subject to the imposition of the recommended conditions the proposal is acceptable in highway terms.

7. Flood Risk

The site is located within Flood Zone 1 but as the site is larger than 1 hectare, a Flood Risk Assessment has been submitted as part of the application. As it is contended by the applicant that there will be no increase in impermeable surfaces as no concrete will be used, all access tracks will be permeable, the existing drainage systems will be sufficient to deal with the surface water from the site and surrounding land and there will be no increase in surface water runoff due to the proposed solar farm there will be adverse effect on flooding and runoff.

The Environment Agency have no objection in principle to the proposal subject to a condition being imposed requiring a detailed surface water run off limitation scheme in the form of Swales or infiltration trenches. It is therefore considered that subject to this condition the proposed development would not increase the flooding potential of the area.

8. Biodiversity

As part of the application an Extended Phase 1 Habitat Survey (March 2014) has been submitted and a desk top survey for designated sites (eg SSSI) and non-statutory sites such as local wildlife sites was undertaken. The nearest SSSI is Cleeve Hill SSSI which is sited approximately 190m north of the application site and contains two species of plant that are nationally rare in Great Britain. The nearest local wildlife site, The Double, a linear ancient semi natural broadleaf woodland is situated approximately 90m northwest of the site.

The three fields comprise of improved grassland with the majority of the hedgerows being species poor but well maintained. A number of trees are present some of which are semi mature or mature. The habitats found within the application site are suitable for foraging and roosting bat but not for dormice. Evidence of badgers being present was identified including the presence of an active sett.

No hedgehogs were found but there is suitable habitat. In addition there is potential for breeding birds. Rough Marsh Mallow, a schedule 8 species of the Wildlife and Countryside Act 1981 being one of 62 of the most vulnerable or endangered plant species in Great Britain is found in the nearby SSSI but was not found on site even though there is suitable habitat to support the species.

The Applicant's consultant has recommended that:

Hedgerows

Any hedgerows to be lost should be translocated or replacement hedgerows planted. Defunct hedgerows should be maintained and restored.

Bats

There should be a minimum operational buffer of 5m adjacent to the hedgerows and trees. The solar panels will be a minimum of 9m from the trees and hedgerows.

Brown Hare

Any improved grassland that is lost as part of the proposal will be compensated by sowing a particular grass mix or wild flower mix around the site and left uncut to provide habitat for leverets.

Dormice

No further survey work is required and recommends that the existing hedges be retained and maintained with an operational buffer of 9m where no works can be undertaken in this buffer zone once the site is operational.

Badgers

A buffer zone of 10 - 30m from active badger setts are required. Mammal access points within the security fencing to ensure no obstruction to active badger setts to prevent the loss of access for foraging and commuting may be required. A pre construction badger survey to inform mitigation requirements such as the location of access points will be required.

Hedgehogs

Works should avoid the hibernation period (November - March) but if this is not possible a Precautionary Working Method Statement will be required. In addition the clearance of any hedgehog habitat should be restored once the construction works are completed.

Breeding Birds

All vegetation clearance should occur outside the breeding period (March - September). If clearance works need to be done in the breeding season a nesting bird check 24 hours before the works commence is necessary and if any are found appropriate mitigation will need to be designed and implemented prior to the start of works.

Rough Marsh Mallow

No further botanical survey work is required provided there is a 9m buffer adjacent to the hedgerows, trees and field boundaries and no works shall be undertaken in this buffer zone once the site is operational.

Somerset County Council's ecologist has raised a number of issues with regard to the recommendations suggested by the applicant and are discussed below:

- A buffer of between 10m and upto 30m may be required around the active badger sett if there is a danger of disturbance to the sett during construction. It is recommended that a 10m buffer between the development and the field boundaries be provided. The submitted plans show that the distance from the proposed solar panels or associated buildings and the hedgerows range from 10m - 15m and as such the proposed buffer zone accords with this recommendation.
- The trees that have been identified as potential bat roosts may have rooting zones of at least 5m. The security fencing will be at least 5m from the trees so the trees should not be adversely affected.

- Questions whether the buffer zone will be easy to access by tractors to maintain the perimeters if the security fencing is located within the middle of the buffer zone. The fencing is proposed 5m away from the hedgerows on the majority of the site but extends upto 12m in one area. The width proposed is considered acceptable for maintenance purposes.
- The improvement of the grassland with a wild flower mix will enhance the biodiversity value of the land but this is complicated by the presence of Rough Marsh Mallow, a plant that only found on 5 sites in England. The population is increasing and its seed can remain viable for up to 180 years so it is conceivable that there could be a seedbank on the application site. It is recommended that the buffer zone is ploughed in the Autumn and checked, in particular, for Rough Marsh Mallow and if it or other scarce or rare plants are not found then the ground should be sown with either or both of the mixes suggested by the applicant.

The County Ecologist has also requested that conditions be imposed concerning lighting, gapping up of hedgerows and that badger gates be installed in the security fencing where there is currently a badger path. Somerset Wildlife Trust also concur with the majority of the findings of the County Ecologist.

In conclusion, subject to the conditions recommended above together with a condition concerning a Rough Marsh Mallow plant survey the protected species on the site and those that use the site will not be adversely affected. The proposed strengthening of the hedgerows together with additional tree planting and allowing the hedgerows to grow to 4m (as suggested as mitigation to the visual impact of the proposal) and the use of the grass/flower mix will improve biodiversity that may encourage other protected species to use the area.

9. Archaeological and Heritage Assets Implications

Paragraph 128 of the NPPF states "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."

Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 also requires that special regard is paid to the desirability of preserving the listed buildings their settings, and any features of historic or architectural interest that they possess when considering whether to grant planning permission.

In line with the NPPF a Cultural Heritage Statement forms part of the application. This includes a desktop study of the existing historic assets that are situated within 1km of the application site. This includes 35 listed buildings, one Scheduled Ancient Monument (Daws Castle, Watchet), four crop mark enclosures and Old Cleeve Conservation Area. There are no registered historic park and gardens within the study area. The study concludes that there will be no impact of major significance to any of the identified listed buildings. The effect is considered to be minor. It is also concluded that there will be no significant impact on Old Cleeve Conservation Area especially as a large section of the Conservation Area is outside the theoretical visibility of the application site. Furthermore there will be no significant effect on the crop markings as identified in the Historic Environment Records. It is recommended that no mitigation is required to overcome the minor/negligible effect the proposal will have on the historic assets.

A geophysical survey has also been carried out at the request of the County Archaeologist as the site lies within an area of archaeological potential. The findings of the survey detected a modern service pipe, two possible former field boundaries and a network of land drains and that the land has been intensively used for agriculture. No definite archaeological features were detected so there is no requirement to carry out any further archaeological work as there appears to be no archaeological implications associated with the proposed solar farm.

Overall it is considered that there will be significant adverse effect on any of the identified heritage assets within 1km of the application site or their settings.

10. Other Implications

Government Guidance NPPF and NPPG

Nine particular factors are noted that local planning authorities need to consider. A number of these are discussed above. Those that have not already been discussed above are as follows:

a. 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
Should planning permission be granted for the proposed solar farm conditions would be recommended that ensures that the land would be restored to its current state. The applicant has indicated that the buildings would be removed from site as would the underground cables and foundations.

b. The effect on the landscape of glint and glare

As the solar panels are very dark in colour as they are designed to absorb light glint from the panels is significantly dimmer than other common sources of glint (eg wet roads and windows) there are two times when solar panels are subjected to glint. This is once per day over 2 periods per year either side of the summer solstice. It is therefore considered that the proposed solar farm will not have an adverse impact on the surrounding area in terms of glint or glare.

c. The extent to which there may be additional impacts if solar arrays follow the daily movement of the sun

As the solar arrays are static this factor is not relevant to this application.

d. The need for, and impact of, security measures such as lights and fencing

2.4m high fencing and CCTV on 3m high poles are proposed. No lighting is proposed. It is considered that with screening from the existing trees and hedgerows (provided the hedgerows are maintained at 4m in height) there will be no adverse impact from the fence and CCTV in visual and landscape terms.

e. The potential to mitigate landscape and visual impacts through, for example, screening with native hedges

Whilst no landscaping scheme has been submitted details of the composition of any reinforcement required to existing hedgerows has been submitted which are suitable species for the area. Existing trees will also be retained and the recommendations from the ecological appraisal indicates what new grass mixes would be used (subject to the Rough Marsh mallow as discussed above). The hedgerows are to be maintained at 3m but as the hedgerows need to be 4m to help reduce the visual impact this could be controlled by condition.

f. The energy generating potential, which can vary for a number of reasons including, latitude and aspect

The proposed solar farm would generate 6.8MWp per year that would provide electricity for approximately 1950 average sized homes. This is a significant number of dwellings that would benefit and would result in a reduction of 3,400 tonnes of carbon per year.

Public participation

A public consultation event was held in Old Cleeve where there was a visual presentation and two members of Green Switch Solutions attended to help answer any questions the public had. 15 people attended and four completed questionnaires were returned. These were in favour of the proposal. Generally the attendees did not raise specific concerns once they have viewed the information at the exhibition.

Environmental Impact Assessment

This development falls within the scope of Schedule 2 of the Town & Country Planning (Environmental Impact Assessment) Regulations 1999 and therefore has been screened. It was determined that an Environmental Statement was not required.

Conclusion and Recommendation

It is considered that the proposal, is acceptable and it is recommended that planning permission be granted.

Planning Permission is subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: As required by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the approved drawings: Drawing Numbers: Proposed PV layout, Mounting Structure Elevations, substation layout, GSS100A_001, 002, 003 and 004, Design and Access Statement, Planning Statement, Landscape and Visual Impact Appraisal (April 2014), Preliminary Ecological Appraisal (May 2014), Cultural Heritage Statement (May 2014), Transport Statement (May 2014), Flood Risk Assessment (May 2014) and Statement of Community Involvement (May 2014), Appendices D - F only.
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 The planning permission hereby granted is for a period from the date of this decision until the date occurring 25 years after the date of commencement of the development hereby permitted. Written notification of the date of commencement shall be given to the Local Planning Authority no later than 14 days after the event.
Reason: To enable the Local Planning Authority to review the impact of the development having regard to the provisions of Saved Policies BD/2 of the West Somerset District Local Plan (2006).
- 4 No later than 12 months prior to the end of this permission, a site restoration scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme of works to remove the solar panels and related equipment, and shall be fully implemented within 12 months of the expiry of this permission.
Reason: In the interests of the appearance of the site and to avoid the unnecessary retention of redundant equipment having regard to the provisions of Saved Policies LC/3 of the West Somerset District Local Plan (2006).
- 5 If any of the individual solar panel(s) ceases to export electricity to the grid for a continuous period of 12 months a scheme shall be submitted to the Local Planning Authority for its written approval within three months from the end of the 12 month period for the removal of the solar panel(s) and associated equipment and the restoration of (that part of) the site to agricultural use. The approved scheme of restoration shall then be fully implemented within 6 months of that written approval being given.
Reason: To ensure that the site is restored to agricultural use and to protect the landscape character of the area having regard to the provisions of Saved Policies A/2 and LC/3 of the West Somerset District Local Plan (2006).
- 6 The solar panels shall not exceed 2.2m above ground level. Prior to the installation of the solar panels a scheme showing the height of the panels shall be submitted to and be approved in writing by the Local Planning Authority. Only the approved details shall be used.
Reason: To ensure that the impact of the panels on the landscape character of the area is kept to a minimum having regard to the provisions of Saved Policy BD/2 of the West Somerset District Local Plan (2006).
- 7 No development approved by this permission shall be commenced until a surface water run-off limitation scheme in the form of Swales or infiltration trenches, has been submitted to, and approved in writing by the LPA. The submitted details shall clarify the intended

future ownership and maintenance provision for all drainage works serving the site. The approved scheme shall be implemented in accordance with the approved programme and details.

Reason: To prevent the increased risk of flooding having regard to the provisions of saved policy W/5 of the West Somerset District Local Plan (2006).

- 8 A buffer zone of at least 10 metres shall be provided between the development and the field boundaries and shall be retained thereafter.

Reason: To safeguard nature conservation interests and having regard to the provisions of saved policy NC/4 of the West Somerset District Local Plan (2006).

- 9 No works shall be undertaken on site unless a scheme to enhance the nature conservation interest of the site including a soft landscaping scheme and mitigation and its implementation has been submitted to and agreed in writing by the Local Planning Authority. These enhancements and mitigation works shall include those suggested in the Preliminary Ecological Appraisal dated May 2014 and Extended Phase 1 Habitat Survey (March 2014) . The scheme shall be implemented in full prior to the occupation of the development hereby approved and any trees/shrubs/hedgerow plants which die, are removed or become diseased within 5 years of planting shall be replaced during the next planting season with trees/shrubs/hedgerow plants of a similar size and species and any works required under mitigation measures shall be retained for the life of the solar farm.

Reason: To increase the biodiversity of the site and to mitigate any impact from the development hereby approved and having regard to the provisions of with Saved Policies BD/1, BD/2 and NC/4 of the West Somerset District Local Plan (2006).

- 10 No lighting on the site other than hereby approved shall be implemented unless previously approved in writing by the Local Planning Authority.

Reason: To safeguard the bats that use the site and having regard to the provisions of saved policy NC/4 of the West Somerset District Local Plan (2006).

- 11 The existing hedgerows shall be retained and maintained at a minimum height of 4m. Any part of the hedgerows that die or become diseased during the life of the permission shall be replaced during the next planting season with trees/shrubs/hedgerow plants and thereafter retained.

Reason: to ensure that the solar farm is assimilated into the landscape and to accord with the provisions of saved policy BD/2 of the West Somerset District Local Plan

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

Reason: In the interests of highway safety having regard to the provisions of Policy T/3 of the West Somerset District Local Plan (2006).

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

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;

- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- A scheme to encourage the use of Public Transport amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Reason: To protect the amenities of local residents and occupiers.

- 14 Prior to the erection of the buildings hereby approved details of the design, materials and colour shall be submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be used.

Reason: To ensure that the buildings are assimilated into the landscape and having regard to saved policies BD/1 and BD/2 of West Somerset District Local Plan (2006).

Notes

1 STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Pre-application discussion and correspondence took place between the applicant and the Local Planning Authority, which positively informed the design/nature of the submitted scheme. During the consideration of the application issues in respect of agricultural land classification and temporary contractors compound. The Local Planning Authority contacted the applicant and sought amendments to the scheme to address these issues and amended plans were submitted. For the reasons given above and expanded upon in the planning officer's report, the application was considered acceptable and planning permission was granted.

2 The Environment Agency advises that:

There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

All access roads and hardstandings should be of permeable construction to ensure there is no impact on surface water drainage.

During construction the developer should ensure that the guidance in the Environment Agency: [Pollution Prevention Guidelines 6: Working at construction and demolition sites \(PPG 6\)](#) is followed. See attached.

Where possible, waste washings from any concrete should be discharge into the foul sewer, with the agreement of Wessex Water. If not, the developer should ensure compliance with the [Environment Agency Regulatory Position Statement 107: Managing concrete wash waters on construction sites: good practise and temporary discharges to ground and surface waters](#).

Any waste generated must be disposed of in accordance with [Waste \(England and Wales\) Regulations 2011](#).

If waste material is brought onto site for construction purposes, the developer should ensure that appropriate permits are held according to [Waste \(England and Wales\) Regulations 2011](#).

[CL: AIRE sites](#) must be identified and declared prior to construction and all protocols followed, if not Environmental Permits will apply.

There is the potential for the proposed installation to act as an "ecological trap" for certain types of insect that are attracted to polarised light. This is an area that has been researched with particular reference to aquatic insects. Therefore it is recommended that ponds are placed strategically around the site.



Application No 3/26/14/013
Solar Farm
Land at Higher Bye Farm,
23/05/2014



Planning Manager
West Somerset Council,
West Somerset House
Killick Way
Williton TA4 4QA

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Scale: 1:1250

Delegated Decision List

Ref No.	Application	Proposal	Date	Decision	Officer
3/01/14/008	Hove To, Trendle Lane, Bicknoller, Taunton, TA4 4EG	Erection of open carport	05 September 2014	Grant	LB
3/02/14/002	Moor Mill Cottage, Lydeard St Lawrence, Taunton TA4 3RG	Alterations to existing house including extension and landscaping works. Conversion and extension of existing Outbuildings to ancillary accommodation including landscaping works.	15 September 2014	Grant	SK
3/04/14/005	Beechcroft, Station Road, Brushford, Dulverton, TA22 9AD	Siting of mobile home for the use of dependants	12 September 2014	Withdrawn by Applicant	SK
3/04/14/010	3 The Clocktower, Brushford, Dulverton, TA22 9AF	Lawful development certificate for the existing development of a gate	21 August 2014	Refuse	CM
3/05/14/006	Myrtle Cottage, Main Road, Carhampton, Minehead, TA24 6NQ	Installation of secondary glazing to existing leaded mullion windows and replacement of double glazed softwood storm proof windows with softwood flush casement double glazed	05 September 2014	Grant	LB

windows plus replacing a softwood double glazed stable door in a like for like style.

Ref No.	Application	Proposal	Date	Decision	Officer
3/05/14/008	Hoburne Blue Anchor Caravan Park, Blue Anchor Bay, Near Minehead, TA24 6JT	Display of four flag poles	12 September 2014	Grant	SK

Ref No.	Application	Proposal	Date	Decision	Officer
3/07/14/004	Rivendell, Crowcombe Heathfield, Taunton, TA4 4BS	Erection of extension at first floor level	02 September 2014	Grant	LB

Ref No.	Application	Proposal	Date	Decision	Officer
3/09/14/003	Chiltons House, Dulverton, Somerset, TA22 9RZ	Regularisation of change of use of barn to form ancillary domestic accommodation (retrospective)	27 August 2014	Grant	LB

Ref No.	Application	Proposal	Date	Decision	Officer
3/17/14/007	Smiths Farm, Huish Champflower, Taunton, TA4 2HH	Agricultural building for over wintering of livestock (cattle)	28 August 2014	Grant	SK

Ref No.	Application	Proposal	Date	Decision	Officer
3/18/14/003	Winrush, Kilve, Bridgwater, TA5 1EQ	Erection of rear and side two storey extensions, replacement windows including dormers and rooflights plus other alterations	28 August 2014	Grant	SK

Ref No.	Application	Proposal	Date	Decision	Officer
3/21/14/069	18 Hopcott Close, Minehead. TA24 5HB	Rear extension to form part of ensuite to existing bedroom and erection of workshop to rear of existing garage	01 September 2014	Grant	SK

Ref No.	Application	Proposal	Date	Decision	Officer
3/26/14/015	Cedar Lodge, 17 Cleeve Park, Chapel Cleeve, Minehead, TA24 6JB	Erection of new stock wire fence, three gates, garden shed and wall, provision of parking space and installation of woodburner and flue plus works to Holm Oak tree.	10 September 2014	Grant	SK

Ref No.	Application	Proposal	Date	Decision	Officer
3/26/14/016	9 Cleeve Park, Chapel Cleeve, Minehead, TA24 6JA	Erection of a sunroom extension to the rear of the existing building	29 August 2014	Refuse	SK

Ref No.	Application	Proposal	Date	Decision	Officer
3/26/14/017	Site adjacent to Walnut Tree Cottage, Huish Lane, Washford,	Proposed infill three bedroom dwelling and integral garage and associated works	16 September 2014	Grant	SK

Ref No.	Application	Proposal	Date	Decision	Officer
3/26/14/018	48 Cleeve Park, Chapel Cleeve, Old Cleeve, Minehead, TA24 6JF	To raise the roof in order to install insulating material	05 September 2014	Grant	LB

Ref No.	Application	Proposal	Date	Decision	Officer
3/26/14/019	1 Cleeve Park, Chapel Cleeve, Old Cleeve, Minehead, TA24 6JA	Erection of a sunroom extension to the south west elevation.	08 September 2014	Refuse	SK

Ref No.	Application	Proposal	Date	Decision	Officer
3/31/14/010	Vellow Wood Farm, Lower Vellow, Williton, Taunton, TA4 4LT	Variation of condition 2 on planning permission 3/31/06/019 in order to retain the use of Pond House as ancillary accommodation but remove the occupancy restriction relating to Mrs Dheidre Phillips.	09 September 2014	Grant	LB
3/32/14/008	The Old Dairy, Stolford Farm, Stolford, Stogursey, Bridgwater, TA5 1TW	Replacement windows and doors plus secondary glazing	20 August 2014	Grant	LB
3/32/14/009	The Granary, Idson Barton, Nr Stolford, Bridgwater, TA5 1TR	Replace existing double glazed wooden windows and doors with PVCU double glazed windows and doors.	01 September 2014	Grant	LB
3/32/14/011	Farringdon Hill Farm, Farringdon Hill, Stogursey, Bridgwater, TA5 1TJ	Erection of a 36.57m x 12.19m steel portal framed agricultural livestock building	21 August 2014	Grant	CM
3/32/14/012	Knighton Farm, Knighton, Stogursey, Bridgwater, TA5 1QD	Erection of a steel portal frame building to be used for hay, straw and machinery storage.	01 September 2014	Grant	CM
3/33/14/001	Kilton Farm West,	Erection of	18	Grant	LB

Kilton, Holford, TA5 1ST agricultural building to house livestock and general purpose usage August 2014

Ref No.	Application	Proposal	Date	Decision	Officer
3/37/14/013	Co-operative (Retail Services Ltd), 42 Swain Street, Watchet, TA23 0AE	Display of three internally illuminated fascia signs	21 August 2014	Grant	SK
3/39/14/020	7 Long Street, Williton, Taunton, TA4 4QN	Change of use of the approved retail and tea room into HMO (Class C4)	29 August 2014	Grant	SK
C/21/14/015	Land at Silvermead, Alcombe, Minehead, TA24 6BH	Confirmation of compliance with conditions 1 to 12 relating to planning permission 3/21/11/021	18 August 2014	Grant	EP
C/31/14/002	Catford Cottage, Stogumber, Taunton, TA4 4JQ	Approval of details reserved by condition 2 (relating to external treatments) in relation to planning permission 3/31/10/005	18 August 2014	Grant	EP
C/31/14/003	Catford Cottage, Stogumber, Taunton, TA4 4JQ	Approval of details reserved by condition 2 (relating to external treatment), relation to listed building consent 3/31/10/006	18 August 2014	Grant	EP
C/37/13/006	Land adjoining Sea View Terrace, Watchet, TA23 0DF	Approval of details reserved by condition 2 (relating to render) Condition 3 (relating to	02 September 2014	Grant	EP

joinery) condition 4
 (relating to roof
 lights) condition 5
 (relating to
 boundary
 treatments)
 condition 6 (relating
 to protection of
 trees) condition 7
 (relating to
 landscaping)
 condition 12
 (relating to bicycle
 storage) and
 Condition 13
 (relating to refuse
 storage) in relation
 to planning
 permission ref:
 3/37/13/018

Ref No.	Application	Proposal	Date	Decision	Officer
C/38/14/001	Sealands, West Quantoxhead, Taunton, TA4 4DN	Approval of details reserved by condition 3 (relating to materials), condition 8 (relating to the protection of existing planting), condition 9 (relating to surface water discharge) in relation to planning permission 3/38/14/003	01 September 2014	Grant	LB
C/39/14/003	16 Catwell, Williton, Taunton, TA4 4PF	Approval of details reserved by condition 8 (relating to soft landscape scheme) in relation to planning permission 3/39/09/023	27 August 2014	Grant	CM
T/01/14/001	Land adjacent to Church Lane, Bicknoller, Taunton, TA4 4EL	T1: Coppice Common Alder T6: Remove and replace with Common Alder	05 September 2014	Grant	LB
Ref No.	Application	Proposal	Date	Decision	Officer

T/26/14/007	8 Cleeve Park, Chapel Cleeve, Minehead, TA24 6JA	Removal of one Douglas Fir	19 August 2014	Refuse	SK
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Ref No.	Application	Proposal	Date	Decision	Officer
T/26/14/008	24 Cleeve Park, Chapel Cleeve, Minehead, TA24 6JD	Removal of Scots Pine	20 August 2014	Grant	SK

Ref No.	Application	Proposal	Date	Decision	Officer
T/37/14/001	The Well House, 47 Brendon Road, Watchet, TA23 0HU	Fell weeping ash	21 August 2014	Grant	SK