

48/11/0030

HESTERCOMBE GARDENS TRUST

INSTALLATION OF GROUND MOUNTED PHOTOVOLTAIC PANELS IN GOTTEN COPSE AT HESTERCOMBE GARDENS, CHEDDON FITZPAINE

Grid Reference: 324396.128772

Full Planning Permission

RECOMMENDATION AND REASON(S)

Subject to receipt of no adverse comments received from Natural England by 13 December 2011:

Recommended Decision:

The proposed photovoltaic panels, although visible in the landscape are not considered to appear prominent. The proposal is not considered to result in harm to the character and appearance of the countryside, the special historic interest of Hestercombe House and Gardens or its surrounding Conservation Area. As confirmed by the test of likely significant effect, there will be no significant effects on feeding habitat or flights lines of the protected lesser horseshoe bats and due to the location, the proposal is not considered to result in material harm to the amenities of nearby properties or to the setting of the adjacent listed buildings. Furthermore, the scheme would promote renewable energy. As such, the proposal is in accordance with Planning Policy Statement 22 (Renewable Energy), policy 5 (Landscape Character) of the Somerset and Exmoor National Park Joint Structure Plan Review and policies S1 (General Requirements), S2 (Design), EN3 (Local Wildlife and Geological Interest), EN12 (Landscape Character Areas), EN14 (Conservation Areas), C12 (Renewable Energy) and EN20 (Parks and Gardens of Special Historic Interest) of the Taunton Deane Local Plan.

RECOMMENDED CONDITION(S) (if applicable)

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

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

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

(A3) DrNo 771.122 Location Plan
(A1) DrNo 771.120 Section & Elevation
(A1) DrNo 771.119A Site Plan

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

3. Prior to the installation of any part of the solar panels and mounting, details/specifications of the solar panels to be used on the development hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the Conservation Area and Garden of Special Historic Interest in accordance with Policies EN14 and EN20 of the Taunton Deane Local Plan.

4.
 - (i) Before any part of the permitted development is brought into use, further details of the planting, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
 - (ii) The scheme shall be completely carried out within the first available planting season from the date of the development being brought into use, or as otherwise extended with the agreement in writing of the Local Planning Authority.
 - (iii) For a period of five years after the completion of the planting, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area and maintains the character and appearance of the Conservation Area and Garden of Special Historic Interest in accordance with Policies S2, EN14 and EN20 of the Taunton Deane Local Plan.

5. Prior to the installation of any part of the solar panels and mounting, details of the precise route of the cable, along with a tree protection method statement, shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policies EN6 and EN8.

PROPOSAL

Hestercombe Gardens are situated to the north of Taunton, between Cheddon Fitzpaine and West Monkton. The main house is a Grade II* Listed Building, whilst the formal garden, landscape garden to the north and orangery are Grade I Listed. Hestercombe Gardens and Grounds fall within the Hestercombe Conservation Area and are also designated as a Park/Garden of Special Historic Interest.

This application seeks planning permission for the installation of ground mounted photovoltaic (PV) panels within a clearing in Gotton Copse, an established area of woodland to the east of the main house. To the south is Hestercombe Farm and a track, also a public footpath passes to the south-east of the site. The panels would extend to an area of 6 metres by 12 metres, but due to the angle at which they would lie, would be approximately 4.5 metres in height. The proposal would involve the removal of seven mature trees and the shrubbery surrounding the panels would be reinforced with laurel. The panels would be connected to the mill plant room by a trench along the centre of the existing woodland track.

In February 2010, consent was granted to fell 8 Ash Trees within the copse, to the south of West Combe and to thin the area to the east of the mill by 80%. A Woodland Management Plan for this woodland was formulated in January 2010.

Following queries raised from consultee responses, the agent clarified that no security fence is intended around the panels; the panels are surrounded by existing shrubbery that is to be supplemented with new laurel planting; only five larch trees and two beech trees are proposed to be removed (as marked on an attached plan) and the licence for this is in progress; photovoltaic panels have been sited in the existing opening to avoid being shaded; and access for construction and maintenance is to be from the path to the north. The agent also confirmed that Gotton Copse is being managed in accordance with the Mill and Barn Bank Woodland Management Plan 2010 and provided a progress update of work carried out to date.

An assessment of likely significant effect on the designated Special Area of Conservation has been undertaken by Somerset County Council's Ecology Officer and submitted to Natural England.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WEST MONKTON PARISH COUNCIL - Query future of copse if photovoltaic cells placed in it, query if plans to fell copse as trees would reduce light to PV cells, felling was subject of an earlier application, unable to support without proper provision of information.

CHEDDON FITZPAINE PARISH COUNCIL - Objects

- Will solar panels in the wood generate enough power to be worth the upheaval
- Will the "invasion" of panels drive out wildlife, etc? In the recent past, Hestercombe sought to reinstate natural woodland for the sake of wildlife, which

way does this work?

SCC - TRANSPORT DEVELOPMENT GROUP - No observations

HERITAGE - Discreet location for the photovoltaics. Would have no impact on the registered park and garden. No objection.

LANDSCAPE - The proposals are within a discreet part of the site that, with the additional laurel planting should reduce any possible landscape impact. My concerns are:

- Will there be a need to provide security fencing
- What is the route of the connection cabling as this may have impacts on tree roots
- The existing semi-mature oak to the south-west of the PV's has the potential to significantly reduce the efficiency of them. Is it planned/proposed to fell the oak?

BIODIVERSITY - The application is for the installation of twelve photovoltaic panels in a woodland glade at Gotton Copse Hestercombe, Taunton. Hestercombe House supports a maternity roost for Lesser horseshoe bats and is designated as a Special Area of Conservation. Adrian Coward of Country Contracts carried out a protected species survey, including bat dusk surveys, of the site in June 2011. Findings were as follows:

- Bats - At least 8 species of Bat (including Lesser Horseshoe bats) were detected commuting or foraging over the area of land proposed for solar panels. No bat roosts were found in the near vicinity of the proposed solar panel installation.
- Birds - The immature trees and shrubs in the glade provide nesting opportunities for breeding birds.
- Badgers - The surveyor was unable to ascertain if a badger sett was present, due to the presence of impenetrable vegetation. He did however note that badgers are active in the vicinity. Trenches excavated in connection with this application could prove a hazard for badgers.

I can appreciate why the applicant has chosen this location for the panels but consider that alternative locations would be preferable on ecological grounds. Woodland glades are valuable habitats as the woodland edge provides foraging opportunities for wildlife generally. This application involves the removal of scrub and undergrowth which will result in loss of insect biomass available for bats. The Design and Access statement notes that four trees will be felled to accommodate this development. (As Gotton Copse is a Conservation area the location of these trees should be marked on a plan). I am concerned that this application may impact on the lesser horseshoe bat maternity colony of at Hestercombe. I would welcome the County council and Natural England's opinion on this and consider that Larry Burrows may wish to carry out an Assessment of likely effect on a European site, on behalf of the Council.

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST - No comments received

SOMERSET GARDENS TRUST - Area is an agreed part of the original landscape garden at Hestercombe with historic and aesthetic significance. It was intended that Gotton Copse should be "revived" and "brought back into management" in approved application 08/09/0024. We have noted and support the concerns of Mr I Clark

(Landscape) regarding the potential damage to tree roots during the construction of cable trenches and the vulnerability of the semi-mature oak tree, to the south-west of the site. As other trees mature, might they be sacrificed to the efficiency of the photovoltaic panels?

ENGLISH HERITAGE (HISTORIC BUILDINGS AND MONUMENTS COMMISSION FOR ENGLAND) - Site is included within the Register of Parks and Gardens of Special Historic interest at grade I. English Heritage supports government targets to increase the proportion of energy derived from renewables. However, this has to be balanced against the potential harm to nationally designated heritage assets. In this instance, no objection to proposals, intention to site PV panels in an existing clearing within Gotton Copse and augment existing vegetation with supplementary screen planting. Also mindful of the fact that PV panels are temporary structures that can be demounted and taken away, leaving little or no trace. Advice is simply to suggest you consult your landscape officer about effectiveness of proposed screen planting. As Gotton Copse is an ornamental woodland, we trust there would be no objection to a proportion of non-native evergreens being included in the mix. The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

GARDEN HISTORY SOCIETY - Thank you for consulting The Garden History Society on the above application which affects Hestercombe, an historic designed landscape of international significance which is included by English Heritage on the Register of Parks and Gardens of Special Historic Interest at Grade I.

We have considered proposals and provided that the concerns of your landscape officer are addressed, do not wish to comment on the proposals. We emphasise that this does not in any way signify our approval or disapproval of the proposals.

NATURAL ENGLAND – Comments awaited

Representations

5 letters of objection were received from local residents (2 of which came from the same address) on the grounds of:

- It would be visible locally as well as across the Vale of Taunton from the Blackdown Hills, would loom large over Hestercombe Farm and surrounding countryside. Due to gradient of Gotton Copse, required height of screening would be very excessive, therefore proposition not feasible. Also proposed screening would not hide installation from eastern elevation of Hestercombe House (Grade II Listed).
- Would be a blot on the wooded landscape in the lower slopes of the Quantock Hills.
- Woods are not suitable site as within a Conservation Area, restrictions on installation of solar panels are likely to apply. Proposal will have negative impact upon Area of Outstanding Natural Beauty.
- Many trees felled under Management Plan, panels would be incompatible with previous agreement. Unclear how proposed screening will conform to previous planning consent concerning thinning Gotton Copse and Management Plan. Query whether work agreed under management plan has been carried out and

that not mentioned in Design and Access Statement.

- For solar panels to work efficiently, more trees would need to be felled and undergrowth cleared destroying natural habitat for flora and fauna, including rare lesser horseshoe bat. Trees and screening would always affect efficiency of panels. Due to steepness of site, proposed screening will inhibit efficiency of panels and not screen them from surrounding countryside. Query whether size and efficiency would make a significant or worthwhile difference to Hestercombe Gardens carbon footprint. Output of panels only ideal under sunny conditions and substantially reduced if cloudy or panels have deposits of airborne dust and debris.
- Panels would be better sited on HGT roofs. Wood is important background to Hestercombe Farm and shorter cable distance would mean higher electrical output. Proposal not as efficient as should be as long way along woodland track (approx 200m) to where electricity used would result in electrical power loss. Not clear why direct linear route to Mill not chosen as would reduce cable length to about 100m. Cable would need to be buried to approx. 600mm to avoid being damaged by any reasonably foreseeable disturbance of the ground.
- Will attract negative and possibly criminal activity (theft/vandalish) to normal quiet rural area, as photovoltaic panels in wood and easily accessible.
- Concerns that site notice not posted at bottom of Hestercombe Farm Drive or other end of Gotton Copse.

A small petition was also received, signed by five people (4 of which have also submitted letters of objection) stating "We object to the above proposal on the basis that serious objections to a similar project at a site in Wiltshire have been raised on ecological grounds". A newspaper article from Western Daily Press 7 September 2011 was attached referring to Guy Ritchie's application for a site which fell within a designated County Wildlife Site and grassland covered by the UK and Wiltshire Biodiversity Action Plan.

PLANNING POLICIES

EN20 - TDBCLP - Parks & Gardens of Special Historic Interest,
EN14 - TDBCLP - Conservation Areas,
PPS1 - Delivering Sustainable Development,
PPS 5 - PPS5 Planning for the Historic Environment,
PPS22 - Renewable Energy,
S&ENPP9 - S&ENP - The Built Historic Environment,
S&ENPP5 - S&ENP - Landscape Character,
EN1 - Landscape and Biodiversity,
EN6 - TDBCLP - Protection of Trees, Woodlands, Orchards & Hedgerows,
EN3 - TDBCLP - Local Wildlife and Geological Interests,
EN20 - TDBCLP - Parks & Gardens of Special Historic Interest,
EN2 - TDBCLP - Sites of Special Scientific Interest,
EN7 - TDBCLP - Ancient Woodlands,
EN12 - TDBCLP - Landscape Character Areas,
EN14 - TDBCLP - Conservation Areas,

DETERMINING ISSUES AND CONSIDERATIONS

The opening paragraphs of Planning Policy Statement (PPS) 1 indicate that sustainable development is the core objective of the planning system. The second

'key principle' outlined in the statement is that "local planning authorities should...promote the development of renewable energy resources". Paragraph 22 supplements this by stating that "local planning authorities should promote and encourage, rather than restrict, the use of renewable resources (for example, by the development of renewable energy)".

Hestercombe House and Gardens form a historic designed landscape of international significance, listed at Grade I on the English Heritage Register of Parks and Gardens of Special Historic Interest and designated as a Conservation Area. Any proposed development should therefore respect the importance of these areas. Whilst objections have been raised regarding solar panels within such designations, it is important to note that the Conservation Officer regards the proposed site as a discreet location that would have no impact on the registered park and garden. The site is situated some distance from the main buildings and formal garden and would therefore have no impact upon their setting. Furthermore English Heritage do not object to the proposed siting of the panels within the existing clearing in the copse, provided that the Landscape Officer is satisfied with the proposed screening.

The Landscape Officer also regards the proposals to be within a discreet part of the site, that, with the additional laurel planting should reduce any possible landscape impact. The additional planting has been conditioned accordingly. The proposed photovoltaic panels due to the angle would be approximately 4.5 metres in height. An objector states that the panels would be visible across the Vale of Taunton. The appearance and level of prominence of photovoltaic panels has recently been demonstrated by a large photovoltaic park adjacent to Sandhill Park. The installation of 7000 panels has now been completed and the resulting development, whilst visible from the surrounding landscape, is by no means prominent from distant views, even from slopes within the Quantock Hills Area of Outstanding Natural Beauty. As such, it is important to note that photovoltaic panels, due to their dark colour, blend into the landscape surprisingly well and do not appear as prominent in the countryside as anticipated. This application is a significantly smaller development of 52 panels over an area of 12 metres by 6 metres. The new power cable would be sited underground hence would not add clutter or domesticate the appearance of the rural area. The proposal is not therefore considered to cause harm to the appearance of the rural landscape and would maintain the character of the Hestercombe Conservation Area.

In response to his queries, the agent has confirmed that no security fencing is proposed and has identified any trees to be removed on a plan. There are no concerns regarding the removal of the seven trees in close proximity to the site and some are in any case, in poor health. Concerns were raised regarding the route of the cable and the possible loss of efficiency due to it's length. This route has however been chosen as it follows the woodland track, in an attempt to minimise impact on the tree roots within the Copse. Subject to agreeing a suitable route and providing a method statement for the connection cabling, it is considered that the proposed panels can be installed without harm to the health of trees within Gotton Copse or a significant impact on the overall appearance within the landscape.

It is important to note that the scheme introduces a form of renewable energy, with a positive impact on the environment and this should be taken into account. The proposed additional landscaping, combined with the existing trees will reduce the visual impact, of the panels. Whilst glimpses of the photovoltaic panels will still be seen, this is not considered to result in excessive harm to the surrounding area. The

photovoltaic panels are situated some distance from nearby dwellings and they are not therefore considered to result in any glint or glare that would cause harm to the residential amenities of any properties.

The small petition and some objection letters raised concern on ecological grounds, following a recent article in the press regarding a solar panel application in Wiltshire. In addition, the Nature Conservation Officer raised initial concerns regarding the possible impact the removal of the scrub and undergrowth to allow for installation of the panels, may have on the biomass available for bats and suggested a Test of Likely Significant Effect to make a full assessment of this. The relevant test was undertaken by the Somerset County Council Ecology Officer, in order to assess the impact of the proposal on the Hestercombe House SAC and in particular any impact upon the habitats of the lesser horseshoe bats. This concluded that, on the basis that the earlier agreed Management Plan, which included the replanting of native species and shrubs following extensive thinning and understorey clearance is being carried out, which has been confirmed by the agent's update, there would be no significant effects on feeding habitat or flights lines. As such, a full assessment has been undertaken and it has been determined by the County Ecologist that the proposal would not result in harm to wildlife.

Queries were raised by objectors as to whether additional trees need to be felled. The agent has plotted all trees to be removed on a plan. The trees within Gotton Copse fall within the Hestercombe Conservation Area and any further work or removal would be protected under that designation and permission required. Concern was raised regarding the positioning of the site notice, not being near Hestercombe Farm. The site notice was posted at the main entrance to Hestercombe, which is usual for an application within Hestercombe Grounds. Queries were also raised regarding whether the proposal would make a worthwhile difference to Hestercombe Gardens carbon footprint. In light of the national encouragement to increase the proportion of energy derived from renewables, any quantity of photovoltaic panels are of benefit to the environment.

In conclusion, government policy, in the form of PPS1 and the 'Climate Change Supplement' gives a clear steer in favour of renewable energy development, subject to landscape impact. Whilst it is accepted that there will be some impact on the surrounding area, this is not considered to be intrusive in the landscape and any harm would reduce over time as the landscaping establishes. As such, the wider environmental benefits to be achieved from producing electricity from renewable sources, is considered to outweigh the limited harm to the landscape.

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

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