

| Application Details | |
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| Application Reference Number: | 3/21/22/105 |
| Application Type: | Full Planning Permission |
| Earliest decision date: | 07 November 2022 |
| Expiry Date | 02 December 2022 |
| Extension of Time Date | 16 December 2022 |
| Decision Level | Planning Committee |
| Description: | Erection of ground mounted solar panels |
| Site Address: | Avondale, Martlet Road, Minehead, TA24 5QD |
| Parish: | 21 |
| Conservation Area: | Wellington Square Minehead |
| Somerset Levels and Moors RAMSAR Catchment Area: | No |
| AONB: | No |
| Case Officer: | Sarah Wilsher |
| Agent: | Architectural Studio SW Ltd |
| Applicant: | Mr Benet Allen |
| Committee Date: | 05 January 2023 |
| Reason for reporting application to Committee | The applicant is a District Councillor for the Periton and Woodcombe Ward |

1. Recommendation

1.1 That permission be GRANTED subject to conditions.

2. Executive Summary of key reasons for recommendation

The proposal is for the erection of ground mounted solar panels.

The application is recommended to be granted subject to conditions as it will not harm the setting of the conservation area or the appearance and character of the locality and will not impact on the character and appearance of the host dwelling, thereby complying with policies NH1 and NH2c. It is in keeping with the national and local climate emergency agenda to reduce carbon emissions and provide renewable energy thereby complying with policy CC1. There will also be no harm to residential amenity from its installation.

3. Planning Obligations and conditions and informatives

3.1 Conditions (full text in appendix 1)

3.3.1 Standard time limit of 3 years

3.3.2 Approved plans

3.3.3 Glint and glare assessment

3.3.4 Removal of standalone solar equipment when no longer needed for electricity production.

3.2 Informatives (full text in appendix 1)

3.2.1 Proactive Statement

3.2.2 Nesting birds

4. Proposed development, site and surroundings

4.1 Details of proposal

It is proposed to erect a standalone solar panel array in order to produce renewable energy. The array will consist of three rows of five panels on a metal framework. The height of the panels including the frame will be 3.1m. The width of the array is 9m and the depth is 3m. The panels will be dark blue/black.

4.2 Sites and surroundings

Avondale is a semi-detached rendered five-bed dwelling under plain clay tiled roofs with Tudor detailing within the apex of the gable on the front elevation and timber fenestration. It is believed to have been constructed in the early 20th Century in the Edwardian era. The site for the solar panels is at the bottom of the garden with a wall/hedge to the north-west and neighbouring single-storey buildings to the north-east and south-east. Avondale is located close to the centre of Minehead and the dwelling is within the Wellington Square Conservation Area, whilst the site for the standalone ground mounted solar array is outside the Conservation Area.

5. Planning (and enforcement) history

| Reference | Description | Decision | Date |
|---------------|---|----------|----------------|
| 3/21/20/013 | Demolition of flat roof extension and erection of a painted metal verandah with associated railings. | Grant | 18 May 2020 |
| NMA/21/21/004 | Non-material amendment to planning permission 3/32/20/013 to change the photovoltaic glazing on the roof of the verandah to a plain glass roof. | Grant | 30 April 2021. |

6. Environmental Impact Assessment

Not applicable.

7. Habitats Regulations Assessment

The application site is outside the catchment area for the Somerset Levels and Moors Ramsar site.

8. Consultation and Representations

Statutory consultees (the submitted comments are available in full on the Council's website).

8.1 Date of consultation: 07 October 2022

8.2 Date of revised consultation (if applicable):

8.3 Press Date: 13 October 2022

8.4 Site Notice Date: 17 October 2022

8.5 Statutory Consultees the following were consulted:

| Consultee | Comment | Officer Comment |
|-------------------------------------|---|-------------------------|
| <u>Minehead Town Council</u> | The Committee can see no material planning reason to refuse this application but ask that officers consider the position in a Conservation Area is balanced against climate emergency considerations. | Addressed under 10.2. |
| <u>Highways Development Control</u> | No observations. | |
| <u>SCC - Ecologist</u> | No comments received. | Addressed under 10.1.7. |

8.6 Internal Consultees the following were consulted:

| Consultee | Comment | Officer comment |
|------------------------|--|-------------------------|
| Arboricultural Officer | The house is within the Conservation Area, but some of the garden including the application site isn't. The applicant has no intention of pollarding the tree or significantly reducing it. I do not think it merits protection by TPO and being outside the Conservation Area no permission would be needed to prune the tree. It is not a tree of particular merit, it being a youngish sycamore with a double stemmed trunk which may | Addressed under 10.1.6. |

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| | be an issue as the tree grows, so I think it will need to be kept at a smaller size to prevent the two trunks splitting apart. I have suggested a minor crown-lift (removal of lowest branches) which might suffice for now. | |
| Conservation Officer | As the solar array will not be visible from a public viewpoint there will be no harm to the setting of the Conservation Area and the existing character and appearance of the Conservation Area will be preserved (verbal comments). | Addressed under 10.2. |

8.7 Local representations

Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement.

Two letters have been received making the following comments (summarised):

| Material Planning Considerations | |
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| Objections | Officer Comment |
| I do not believe the land where the panels are to be erected is outside the Conservation Area. | The site is just to the north-west of the Wellington Square Conservation Area. |
| The panels will be a blight to nearby properties which overlook the garden and will cause reflection issues by way of the angles of the panels. | A condition will be added to the permission if granted for a glint and glare assessment to be undertaken prior to the installation of the solar array. |
| This will set a precedent for similar applications. | Planning applications for similar proposals will be assessed on their individual merit. |
| Wildlife will be affected | The solar array will sit on an existing area of hardstanding and will be supported above the ground within an open frame and an informative in respect of the protection of nesting birds will be added to the permission. |

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| The installation should be at least 5m from the boundary of the property. | This is one of the criteria for permitted development which the proposal does not meet, hence the need for planning permission. |
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Comments have been received from the Ward Councillor for the North Ward of Minehead, as follows:

Whilst I appreciate this application lies close to the conservation area of North Hill and Wellington Square I would like to make the following comment - it is paramount that we do whatever we can to protect the environment from climate change at all times, but we must also protect and enhance this conservation area at the same time. This application must conform to all the policies of the local authority with regards to this conservation area.

9. Relevant planning policies and Guidance

Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act), requires that in determining any planning applications regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The site lies in the former West Somerset area. The Development Plan comprises comprise the Adopted West Somerset Local Plan to 2032, Somerset Mineral Local Plan (2015), and Somerset Waste Core Strategy (2013).

Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 were subject to review and the Council undertook public consultation in January 2020 on the Council's issues and options for a new Local Plan covering the whole District. Since then the Government has agreed proposals for local government reorganisation and a Structural Change Order agreed with a new unitary authority for Somerset to be created from 1 April 2023. The Structural Change Order requires the new Somerset authority to prepare a local plan within 5 years of vesting day.

Relevant policies of the West Somerset Local Plan to 2032 in the assessment of this application are listed below:

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| CC1 | Carbon reduction - small scale schemes |
| NH1 | Historic Environment |
| NH2 | Management of Heritage Assets |
| SD1 | Presumption in favour of sustainable development |
| NC/1 | Sites of Special Scientific Interest |
| CA/1 | New Development and Conservation Areas |

Neighbourhood Plans:

There is no neighbourhood plan for Minehead.

Supplementary Planning Documents:

District Wide Design Guide, December 2021

Other relevant policy documents:

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (March 2022)

9.1 National Planning Policy Framework

Chapter 14 paragraphs 152 and 158a). Chapter 16 Also paragraph 130a), b), c)

10. Material Planning Considerations

The main planning issues relevant in the assessment of this application are as follows:

10.1.1 *The principle of development*

The proposal seeks to provide renewable energy. Policy CC1 of the West Somerset Local Plan to 2032, states that 'energy generating development proposals (other than those for wind turbines) will be supported ... where they respect the local natural environment in which they are located and the local historic environment and the significance of any designated and identified potential heritage assets within and neighbouring it'. Policy NH1 states that 'proposals will be supported where the historic environment and heritage assets and their settings are sustained and/or enhanced in line with their interest and significance' and policy NH2C states that 'Development proposals that affect a conservation area should preserve or enhance its character or appearance, especially those elements identified in any conservation area appraisal'.

It is considered that due to the low height, colour and discreet and secluded positioning of the PV panels within the rear garden, tucked between the stone and brick walls of neighbouring buildings and a stone boundary wall and vegetation, the proposal will respect the setting of the Conservation Area whilst providing a sustainable form of renewable energy which meets the local and national need for clean energy generating development proposals.

10.1.2 *Design of the proposal*

The array will cover an area of 27sqm, which in terms of the proportion of garden area covered is small, and due to the linear layout of the rear garden and the proposed siting of the array at the end of the garden, the solar array will not be easily visible from the dwelling. Although it will be just over 3m in height it will be enclosed to the north-east and south-east by elevations of neighbouring buildings and the stone boundary wall to the north-west so the bulk of it will be screened, particularly with the presence of the Sycamore tree and hedging to the north-west. The dark colour of the panels will also enable it to merge into the background of the roof tiles to the rear. It is therefore considered that it is acceptable in terms of scale, form, appearance and siting.

10.1.3 Access, Highway Safety and Parking Provision

There are no access, highway safety or parking implications as a result of the proposed development.

10.1.4 The impact on the character and appearance of the locality

Due to the siting of the proposal, the standalone array will not be visible from a highway or public footpath and will have no impact on the character and appearance of the locality.

10.1.5 The impact on neighbouring residential amenity

The array will be sited to the rear of a single storey building located to the north-east, which is within the curtilage of Stables Cottage. There are no windows in this building and the array will be largely screened from the occupiers of Stables Cottage by the building. Only a top section of the rear frame/panel will be visible in the top north-east corner, rising above the roof of the building, where the roof ridge at this point is at a lower level.

To the south-east lies the rear of a building on Blenheim Mews, which is currently being converted from a garage to a dwelling under planning application 3/21/22/041. The three approved rooflights in the rear elevation of the converted garage are in situ and there are rooflights in the rear elevation of the next dwelling further to the south-west along Blenheim Mews. These dwellings, together with Avondale and Dalkeith, the adjoining dwelling to Avondale, may be inconvenienced by glint and glare from the solar panels. To ensure this is minimised a pre-commencement condition will be added to the permission if granted for a glint and glare assessment to be undertaken and submitted in writing to the Local Planning Authority.

To the north-west lies the rear of Oak Lodge Crescent, a block of 14 apartments situated at an elevated level. There are rear windows and balconies along the curved south-east elevation of Oak Lodge Crescent, but due to the boundary wall, hedging and tree and the distance between the site and Oak Lodge Crescent, it is considered that the array will not be easily visible, perhaps the end of the array in the Autumn/winter season, but this will not have any harmful impact on the occupiers.

10.1.6 The impact on trees and landscaping

There is a sycamore tree to the north-west of the proposed array. This will not be affected by the construction of the array and as the applicant has no plans to remove the tree and only do any necessary works to maintain it, the tree will help to soften the visual impact of the structure, and, together with the hedge sited beyond the boundary wall, will help to screen the proposal from neighbours to the north-west.

10.1.7 *The impact on ecology and biodiversity*

The site for the solar array is an area of paved and gravelled hardstanding , with some flowering and vegetable beds. It is well cultivated and maintained as part of the domestic garden and it is considered unlikely that there will be any loss of habitat as a result of the proposed array which will be raised above the ground and supported within a metal frame and posts. However, due to its proximity to hedging and greenery an informative will be added to the permission if granted to protect nesting birds.

10.1.8 *Flood risk and energy efficiency*

The site is not within an area of flood risk. The panels will produce renewable and sustainable energy which is welcomed, as part of the national and local climate change agenda to reduce the UK's carbon footprint.

10.2 *Heritage impact*

The ground mounted solar panels will not be within the Conservation Area, but lie to the north-west and north-east of Wellington Square Conservation Area. Therefore it is necessary to assess the impact of the proposal on the setting of the Conservation Area. As such, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 applies, which states that where an area is designated a conservation area 'special attention shall be paid to the desirability of preserving or enhancing the character and appearance of the area'.

The panels and frame will not be visible from any public viewpoint and as such there will be no harm to the setting of the Conservation Area, and the existing character and appearance of the Conservation Area will be preserved. To ensure this remains the case, a condition will be added to the permission for the stand-alone solar equipment to be removed within three months of being no longer needed for electricity production.

11 Local Finance Considerations

11.1 Community Infrastructure Levy

CIL does not apply in the former West Somerset Council area.

12 Planning balance and conclusion

12.1 The proposed development complies with policies CC1, NH1 and NH2 within the West Somerset Local Plan to 2032 in respect of providing a renewable energy source which meets the local and national climate emergency agenda, whilst preserving the setting of the Conservation Area and causing no loss of amenity to neighbouring dwellings.

12.2 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is granted subject to conditions

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

Appendix 1 – Planning conditions and Informatives/ Reason/s for refusal Recommended Conditions

- 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:

(A1) DrNo 2064.1/200 Proposed Plans & Elevations

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

- 3 Prior to the installation of the ground mounted solar panels a glint and glare assessment shall be undertaken and submitted in writing for approval by the Local Planning Authority.

Reason: To minimise disturbance to neighbouring dwellings.

- 4 The stand-alone solar equipment hereby permitted shall be removed within three months of when it ceases to be needed for energy production.

Reason: In the interests of the character and appearance of the area.

Notes to applicant.

- 1 In accordance with paragraph 38 of the National Planning Policy Framework 2021 the Council has worked in a positive and creative way and has imposed planning conditions to enable the grant of planning permission.
- 2 The developers are reminded of the legal protection afforded to nesting birds under the Wildlife and Countryside Act 1981 (as amended). In the unlikely event that nesting birds are encountered during implementation of this permission it is recommended that works stop until the young have fledged or that advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.