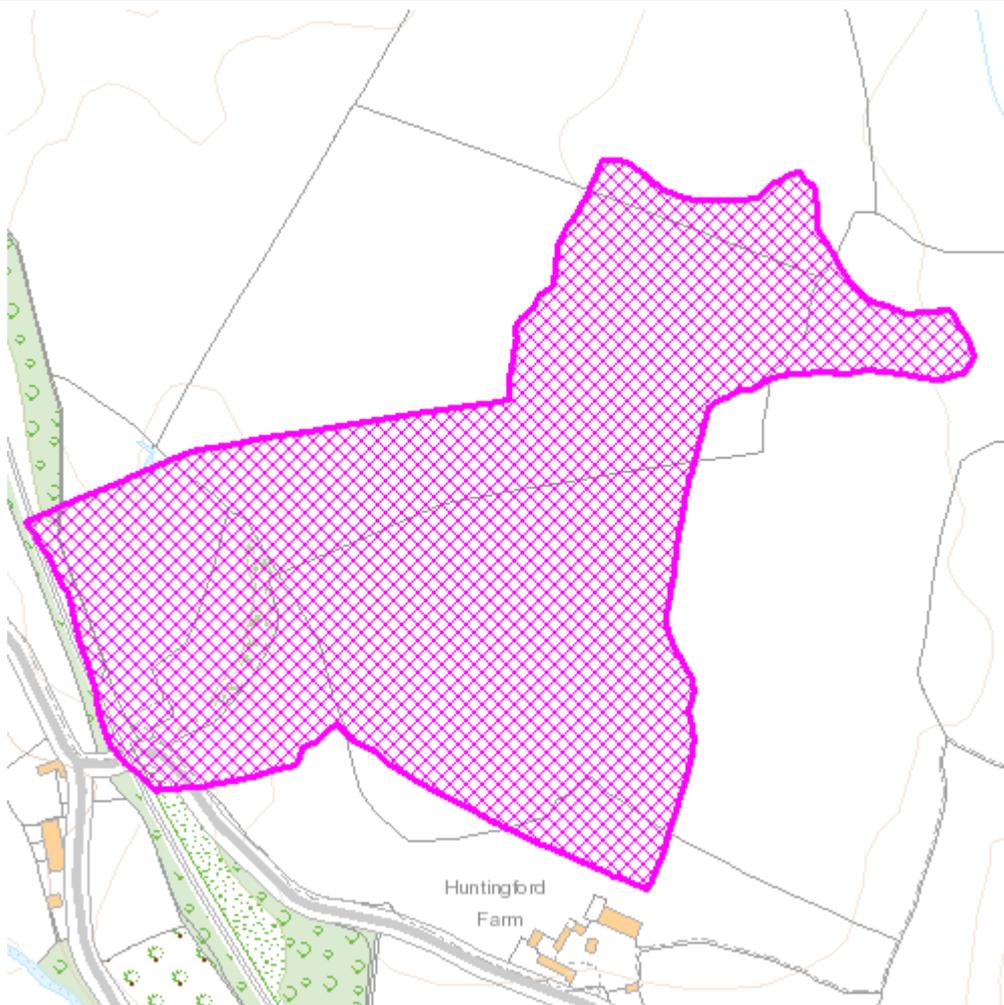




Development Control Committee Schedule 29/11/2016

Item No:	05
Application No.	S.16/2050/VAR
Site No.	PP-05474676
Site Address	Upper Huntingford Farm, Charfield, Wotton-Under-Edge, Gloucestershire
Town/Parish	Alkington Parish Council
Grid Reference	371877,193712
Application Type	Variation of Condition Inc Renewals
Proposal	Variation of condition 7: To extend the planning permission time limit to 40 years from the date electricity is first exported to the grid.



Applicant's Details	Upper Huntingford Solar Limited C/- Agent
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Development Control Committee Schedule 29/11/2016

Agent's Details	Foresight Group The Shard, 32 London Bridge, London, SE19SG,
Case Officer	Gemma Davis
Application Validated	19.09.2016
	RECOMMENDATION
Recommended Decision	Permission
Subject to the following conditions:	<ol style="list-style-type: none">The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.This permission shall be read in conjunction with permission S.14/0929/FUL dated 14.7.14 and in conjunction with minor amendment applications S.14/2334/MINAM dated 28.11.14, S.15/1070/MINAM dated 27.5.15 and discharge of condition applications S.14/2321/DISCON dated 19.5.15 and S.15/0842/DISCON dated 22.5.15. Reason: This proposal forms part of a wider development previously considered acceptable subject to the imposition of conditions.The development hereby permitted shall be implemented in accordance with the agreed Ecosulis Ecology Report (Extended Phase 1 Habitat Survey received 15.04.2014) and mitigation measures with particular reference to the need to fully accord with all the recommendations and evaluations made within the report, which have been approved in writing by the Local Planning Authority. Reason: To Recognise nature conservation importance in accordance with Policy ES6 of the Local Plan and the NPPF.Within 12 months of the date when the solar panels permanently cease to produce electricity, or the expiration of this permission, whichever is the sooner, the solar panels and its ancillary equipment and infrastructure shall be removed, and the land restored, in accordance with a scheme to be submitted to and



Development Control Committee Schedule 29/11/2016

approved in writing by the Local Planning Authority.

Reason:

In order to safeguard the visual amenity and landscape character of the area in accordance with Policy ES7 of the adopted Stroud District Local Plan, November 2015 and paragraph 17 of the National Planning Policy Framework.

5. The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been cleared of all obstructions over 0.26m above the level of the adjoining highway, including the reduction in level of the land if necessary, and nothing over that height shall be permitted to remain, be placed, built, planted or grown on the land so designated at any time to provide visibility splays extending from a point 2.4m back along the centre of the access (measured from the public road carriageway edge) to a point on the nearer carriageway edge of the public road at least 36 m distant in both directions, and thereafter maintained so as to provide clear visibility between those points at a height of between 0.26 metre and 2m above the adjacent carriageway level.

Reason:

To reduce potential highway impact by ensuring that adequate visibility is provided and maintained.

6. The development hereby permitted shall not be brought into use until space has been laid out within the site for all vehicles to be able to turn so as to enter and leave the site in a forward gear, and such provision shall be maintained for the duration of the development.

Reason:

To reduce potential highway impact by ensuring that vehicles do not have to reverse to or from the public highway.

7. The submitted Traffic and Construction Management Plan shall be adhered to at all times during the construction process.

Reason:

To reduce the potential impact on the public highway.

8. The permission hereby granted shall be limited to a period of 40 years from the date when electricity is first exported from the solar panels to the local electricity grid (hereafter known as 'The first Export Date'). Written notification of the First Export Date shall be given to the Local Planning Authority within 14 days of the event



Development Control Committee Schedule 29/11/2016

	<p>occurring.</p> <p>Reason: In order to safeguard the visual amenity and landscape character of the area in accordance with Policy ES7 of the adopted Stroud District Local Plan, November 2015 and paragraph 17 of the National Planning Policy Framework.</p> <p>Informatives:</p> <ol style="list-style-type: none"> In accordance with Article 35 (2) the Local Planning Authority have worked with the Applicant. Whilst there was little if any pre-application discussion on this project, it was found to be self contained and required no further dialogue with the applicant.
	CONSULTEES
Comments Received	<p>South Gloucestershire Council Public Rights Of Way Officer Parish / Town Archaeology Dept (E) Historic England SW Development Coordination (E) Karen Colbourn Environmental Health (E)</p>
Not Yet Received	<p>C/O Elisabeth Skinner Arboricultural Officer (E) Gloucestershire Wildlife Trust (E)</p>
	CONTRIBUTORS
	OFFICER'S REPORT

DESCRIPTION OF SITE

This is 12.9 hectares of agricultural land. It is positioned to the north of Upper Huntingford Farm and to the east of the main Bristol to Birmingham railway line.

To the south-east is the Damery Hill Fort Schedule Ancient Monument.

The site is bordered by mature hedgerow planting and trees. It is fairly level and situated at the foot of the Vale with far reaching views to the Cotswold escarpment to the east.

The Cotswold Area of Outstanding Natural Beauty is located approximately 1.5km to the east.

No protected species have been recorded on the site.



Development Control Committee Schedule 29/11/2016

PROPOSAL

Planning permission was granted in 2014 for a solar farm (6.95 MWp) on agricultural land graded as 3B. This scheme would generate 6.07GWh of renewable energy each year. This is enough to supply approximately 1840 homes with power.

The scheme involves approximately 21,700 modules mounted on a racking system, power inverter stations, transformer stations, security fencing and associated access gates and CCTV security cameras mounted on free standing poles. Gravelled access roads are also proposed within the site to allow for construction of the solar array and for continued maintenance.

The panels are a maximum of 3 metres high. There is a minimum clearance distance from ground level of 80cm to allow sheep to graze beneath.

The application now seeks permission to vary condition 7 (time period). Permission is sought for 40 years from the date electricity is first exported to the grid.

REVISED DETAILS

None

MATERIALS

N/a

REPRESENTATIONS

Statutory Consultees:

Alkington Parish Council neither object nor support the proposed extension of time, however consider that it would have been more appropriate to have submitted a new application should technological issues arise.

Historic England neither object nor support the proposed extension of time, however have requested that the application should be determined in accordance with National and Local Policy Guidance and on the basis of specialist Conservation advice.

The Local Highway Authority raises no objection to the proposed variation.

South Gloucestershire County Council has no comments to make to the proposed variation.

GCC Archaeology have no issues with regards to the proposed variation and as such no archaeological investigation or recording would be required.

The Councils Environmental Health Officer has no comments to make on the proposed variation.

Public:

None received.



Development Control Committee Schedule 29/11/2016

PLANNING CONSIDERATIONS - NATIONAL AND LOCAL PLANNING POLICIES

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The adopted Stroud District Local Plan, November 2015 is the development plan for Stroud District. Due weight should be given to policies in this plan according to the degree of consistency with the National Planning Policy Framework (NPPF).

The NPPF is a material consideration in planning decisions. The NPPF was published on 27 March 2012. This is a key part of the reforms to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth.

Section 73 of the Town and County Planning Act 1990 (The Act) is relevant to this application. It allows applications to be made for the development of land without complying with conditions subject to which a previous planning permission was granted.

On such an application, under the same section of The Act, the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted. If it is decided that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, then planning permission should be granted.

Paragraphs 203-206 of the NPPF consider the use of conditions and obligations to make development acceptable. In particular paragraph 206 states that: "Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects".

This policy requirement is referred to as the "six tests". Paragraph 004 reference ID: 21a-004-20140306 of the National Planning Practice Guidance (NPPG) provides further guidance on how Local Planning Authorities can ensure that the six tests have been met. The six tests must all be satisfied each time a decision to grant planning permission subject to conditions is made.

Analysis

The application has been called to Development Control Committee by one of the District Councillors for the Berkeley Vale Ward.

In terms of this Section 73 application, the key considerations relate to the conditions to which the application is subject to and not the principle of the development and its siting, design, layout.

Planning permission was granted in 2014 for a solar farm and its associated development. A restrictive condition relating to a 25 year time limit was imposed to safeguard the visual amenity and landscape character of the area.



Development Control Committee Schedule 29/11/2016

Condition 7 states:

'The permission hereby granted shall be limited to a period of 25 years from the date when electricity is first exported from the solar panels to the local electricity grid (hereafter known as 'The First Export Date'). Written notification of the First Export Date shall be given to the Local Planning Authority within 14 days of the event occurring.'

This proposed variation seeks permission to extend the timeframe to 40 years. The agent explains this allows a longer operational period, and for more certainty if only part of the solar farm ceases operation. Furthermore, the agent argues that extending the time limit would also enable further environmental benefits to ensure a low carbon economy and healthy living environments.

The agent has suggested the following condition:

'When the solar farm, or part thereof, ceases to permanently operate or on 01/06/2055, all buildings, internal roadways, cables, structures, fences, gates, posts, solar panels and all associated fixings and works shall be removed from the site (or part thereof) within 12 months of the permanent cessation of use or 01/06/2055, whichever is the sooner, and the land shall revert back to use as agriculture and forestry. The removal of the solar farm, or part thereof, shall be undertaken in accordance with a decommissioning scheme (specifying the dismantling, demolition and removal procedure in accordance with the relevant laws and standards that exist at the time, timeframe, traffic management measures and land restoration scheme) that shall be submitted to the Local Planning Authority when electricity production permanently ceases and approved in writing by the Local Planning Authority.'

Reason:

'To ensure satisfactory restoration of the land to agriculture as soon as practicably possible on the cessation of electricity production.'

Whilst the reason for the permitted condition is noted, the only change in impact is that the solar farm development and associated equipment approved under S.14/0929/FUL, will remain operational on the site for up to 15 years longer than was originally approved. While this application is for an extension to the lifetime of the solar farm, the development remains time limited and will be decommissioned within the proposed 40 year timeframe.

The existing visual impact of the solar farm was considered to be acceptable on the basis of the existing hedgerow and new hedgerow being retained and managed to 2.5m. Additional planting was requested by members to minimise the development for the proposed extended period, the agent has agreed to retain and manage the hedging to 3.5m to provide further screening. It is therefore considered that allowing the solar farm to remain for a further 15 years will not have a detrimental impact on the wider area and the change in visual appearance of the fields, due to the solar farm being in situ for a further 15 years, will not be significant. It is therefore considered that on balance this will result in a better long term benefit and the varied condition should read:



Development Control Committee Schedule 29/11/2016

'The permission hereby granted shall be limited to a period of 40 years from the date when electricity is first exported from the solar panels to the local electricity grid (hereafter known as 'The first Export Date'). Written notification of the First Export Date shall be given to the Local Planning Authority within 14 days of the event occurring.'

The reason for the condition should read:

'In order to safeguard the visual amenity and landscape character of the area in accordance with Policy ES7 of the adopted Stroud District Local Plan, November 2015 and paragraph 17 of the National Planning Policy Framework.'

Conclusion

Officers consider that the solar farm and associated development for an additional 15 years will not result in any significant additional impacts. Furthermore, the scheme would continue to contribute for a further 15 years to national renewable energy targets through sustainable energy generation.

RECOMMENDATION

In light of the above, it is considered that the proposal complies with the policies outlined and is therefore recommended for permission.

ARTICLE 35 (2) STATEMENT

Whilst there was little if any pre-application discussion on this project, it was found to be self contained and required no further dialogue with the applicant.

HUMAN RIGHTS

In compiling this recommendation we have given full consideration to all aspects of the Human Rights Act 1998 in relation to the applicant and/or the occupiers of any neighbouring or affected properties. In particular regard has been had to Article 8 of the ECHR (Right to Respect for private and family life) and the requirement to ensure that any interference with the right in this Article is both permissible and proportionate. On analysing the issues raised by the application no particular matters, other than those referred to in this report, warranted any different action to that recommended.