

F/YR12/0302/F

17 April 2012

Applicant : Mr R Green
Lark Energy Ltd

Agent : Mr A Woodward

Land West of 160 Ramsey Road, Whittlesey, Cambridgeshire

Erection of ground mounted photovoltaic solar panels and 2.2 metre high security fence and landscaping

This application is before the Planning Committee due to the level of objections received.

This application is a 'Minor'

Site area: 1.28ha

1. **SITE DESCRIPTION**

The application site is located on the southern side of Daw's Drove and forms part of the farm holding at 160 Ramsey Road. The site is currently scrub land although it is classified as Grade 2 agricultural land. The site lies between a bungalow and a collection of agricultural buildings. The site boundaries are open.

2. **HISTORY**

F/YR12/0106/F – Erection of ground mounted photovoltaic solar panels – Withdrawn – 04.04.2012

3. **CONSULTATIONS**

Parish/Town Council:

Recommend refusal – the proposal is four times the size of standalone solar installation which can be carried out under permitted development and is therefore an industrial sized development positioned 15m from the neighbouring property. Questions the use of security fencing and a guard dog when other sites are removing them.

Ramblers:

Not received at time of report

Countryside Access:

Not received at time of report

Environment Agency:

No objection to the development but make the following comments – all sensitive electrical equipment should be installed above the predicted flood levels, site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

Middle Level Commissioners:	Not received at time of report
CCC Highways:	No objection to the proposal and no further comments to make.
FDC Environment and Health Services:	No objections to the proposed development, as it is unlikely to have a detrimental effect on local air quality or the noise climate, given the nature of the development it should not be affected by ground contamination.
Huntingdonshire District Council:	No objections
FDC Head of Housing and Neighbourhood Services:	Not received at time of report
Neighbours:	<p>10 representations and 2 petitions with 18 and 3 signatures received objecting to the proposal on the following grounds:</p> <ul style="list-style-type: none"> - impact on security of adjoining residential property - the size of development and the choice of site - the impact on nearby businesses and residents - no community consultation prior to the submission - loss of arable land - impact on the landscape - the proposal would set a precedent - there will be a guard dog on site which would make the adjoining residents feel vulnerable - ground mounted solar panel theft has increased significantly in the past few years - loss of view as the proposal will be visible from the adjoining property given the type and height of the landscaping proposed - loss of light to adjoining property - the proposal may spook the nearby livestock - the proposal is a distasteful eyesore - the proposal would appear obtrusive and would have an enormous impact on the Fenland landscape - the proposal would have an overbearing impact on the adjoining residential property - the proposal would have an industrial appearance which is out of keeping with the character of the area - the fencing would be alien in this rural landscape - alternative sites are available - health implications on nearby residents

- impact on wildlife and biodiversity

4. POLICY FRAMEWORK

FDWLP Policy

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| E8 | - Proposals for new development should: <ul style="list-style-type: none">- allow for protection of site features;- have regard to amenities of adjoining properties;- provide adequate access. |
| E1 | - To resist development likely to detract from the Fenland landscape. |

Core Strategy (Draft Consultation – July 2011)

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| CS12 | - Responding to climate change and managing the risk of flooding in Fenland:

Renewable energy proposals will be supported and considered in the context of sustainable development and climate change. Proposals for renewable energy will be assessed on their merits taking into account the following factors: <ul style="list-style-type: none">- the surrounding landscape, townscape and historical features- residential amenity- specific highway safety, designated nature conservation or biodiversity considerations- high quality agricultural land |
| CS14 | - Delivering and Protecting High Quality Environments across the District. |

National Planning Policy Framework (NPPF)

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| Paras 2 and 11 | - Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. |
| Para 14 | - Presumption in favour of sustainable development |

Core principles

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| planning | Para 17 | - Support the transition to a low carbon future in a changing climate by encouraging the use of renewable resources (for example, by the development of renewable energy) |
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Meeting the challenge of climate change, flooding and coastal change Paras 93 - 98 - When determining planning applications for renewable energy projects, local planning authorities should approve the application if its impacts are (or can be made) acceptable.

5. ASSESSMENT

Nature of Application

This application seeks full planning permission for the erection of ground mounted photovoltaic solar panels and 2.2m high security fencing and landscaping. The application is considered to raise the following key issues;

- Principle and policy implications
- Design and layout
- Impact on surroundings and residential amenities
- Other matters.

Principle and policy implications

The application involves the erection of a collection of ground mounted solar panels and associated fencing and landscaping. The nature of the proposal, therefore, complies in principle with the thrust of the NPPF which seeks to achieve sustainable development.

The presumption in favour of sustainable development set out in the NPPF is reiterated at a local level in Policy CS12 of the emerging Core Strategy. Although this document can only be afforded limited weight, it demonstrates the direction of travel in terms of forthcoming planning policies. CS12 stipulates that 'renewable energy proposals will be supported and considered in the context of sustainable development and climate change'. It also states that factors including the surrounding landscape, residential amenity, highway safety, nature conservation and high quality agricultural land will be taken into consideration when determining renewable energy proposals.

The principles of CS12 have linkage with the existing Local Plan Policies E1 and E8, which currently may be afforded weight as per paragraph 215 of the NPPF. These policies stipulate that new development which detracts from the unique open character of the Fenland Landscape will not normally be permitted and new development should have regard to the amenities of adjoining properties and the locality in general.

Design and layout

The 1086 solar panels will be set out in 12 rows, have a maximum height of 2.4 metres above ground level and will be tilted 30° southwards. Access to the site will be via the existing access at Blackbush Farm, to the immediate east of the site. CCC Highways have raised no objections to the proposed access arrangement. It is proposed that the site will be bounded by 2.2m high security fencing with landscaping on the outer sides of the fencing. The panels are of a typical design with an absorbent finish and are, therefore, not likely to result in glare.

The scale and design of the proposal will result in 250kW per annum of electricity generated, which equals the amount of electricity used by the associated Blackbush Farm.

Impact on surroundings and residential amenities

The proposal will be positioned on a vacant parcel of land between the existing buildings at Blackbush Farm and the existing bungalow at the Piggeries. With this in mind it is considered that the impact on the open countryside has been minimised as the structures will be positioned close to existing buildings.

The 2.2m high security fencing is not particularly suited to the rural landscape. However it is considered that the proposed landscaping will mitigate any harmful visual impacts resulting from the fencing. With this in mind it is considered reasonable and necessary to impose a condition requiring a landscaping scheme with a view to securing semi-mature landscaping. This will ensure that the proposal is screened at the earliest opportunity.

The site is currently scrub grassland used for decomposing spoiled crops. Biodiversity surveys were not carried out prior to the submission of the application, however, from a site visit, there did not appear to be evidence of wildlife habitats. It is acknowledged that letters of objection include the impact on wildlife, however, given the current state of the land it is not considered necessary to pursue the matter. The applicant has provided further information from an existing solar farm owner stating that his solar farm has resulted in a sanctuary for small birds as grass has been sown between the panels. With this in mind, the current application could be used as a means to improve the biodiversity position if suitable landscaping is included within the proposal.

The impact on the neighbouring property at the Piggeries appears to be one of the main objections to the proposal. Whilst the comments raised have been noted, it is considered that the proposal is unlikely to result in a harmful impact on the adjoining residential amenities due to the relatively small scale of the proposal, the lack of glare and the proposed boundary treatments. It is widely accepted in planning law that the right to a view does not constitute a material planning consideration. It is, therefore, regrettable that the residents of the neighbouring property have opted to fell their high hedging, since the previous application, as there is no means within planning legislation to protect their view towards the solar panels.

The proposal is unlikely to generate significant vehicular movements and is unlikely to result in noise or disturbance. Therefore, providing appropriate landscaping is secured via a condition, it is considered that the proposal will not have a harmful impact on the surroundings or neighbouring residential amenities.

Other matters

The letters of objection and comments received from Whittlesey Town Council highlight concerns with regard to security in that the proposal will raise the risk of crime and fear of crime within the area. Whilst these comments have been noted, it is considered that the proposed fencing should be sufficient to overcome crime risk and the proposed landscaping should soften the 'industrial' appearance. Comments have been received in relation to an on-site guard dog, however, as this information is not included within the application and is beyond the planning remit, Officers are unable to comment.

It is acknowledged that the proposal will result in the loss of Grade II agricultural land, however, as the site is not currently used for farming and the site is relatively small, it is considered that the proposal is unlikely to have a harmful impact on the general farming industry. Other comments raised within the consultation responses have already been addressed within the body of the report.

Conclusion

The principle of the proposal is sustainable and the scheme complies with the general thrust of current planning policy. There are no material planning considerations which outweigh the benefits gained by allowing this renewable energy project and it is considered that any harmful impacts can be mitigated by appropriate conditions. In view of the above, it is recommended that planning permission is granted.

6. RECOMMENDATION

Grant

- 1. The development permitted shall be begun before the expiration of 3 years from the date of this permission.**

Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2. Within a period of 26 years from the date of the first electricity generation on site the development hereby permitted shall be removed from the site in its entirety and the site restored to its former condition unless otherwise agreed in writing by the Local Planning Authority.**

Reason - To allow the Local Planning Authority to re-assess the condition of the development in line with the potential life span of the development.

- 3. Should the solar panels not be used for the production of energy for a period of six months, the panels and support structures shall be removed in their entirety and the land shall be restored to agricultural use.**

Reason - To prevent the retention of equipment that is not being used for its intended purpose

- 4. Prior to commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-**

a) planting plans, including specifications of species, sizes, planting centres number and percentage mix

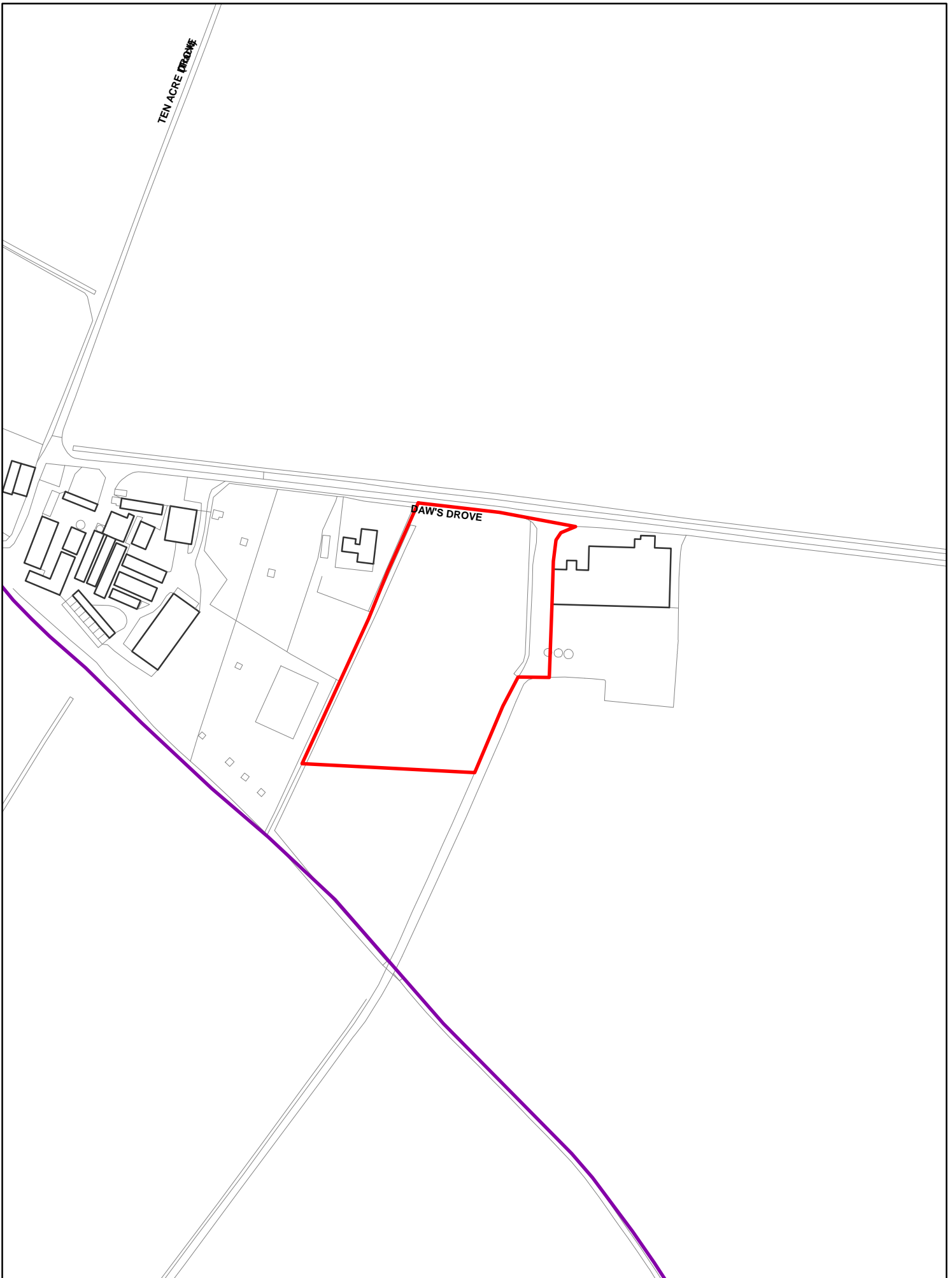
b) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife

c) management and maintenance details

Reason - The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted.

5. All hard and soft landscape works including any management and maintenance plan details, shall be carried out in accordance with the approved details. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development.



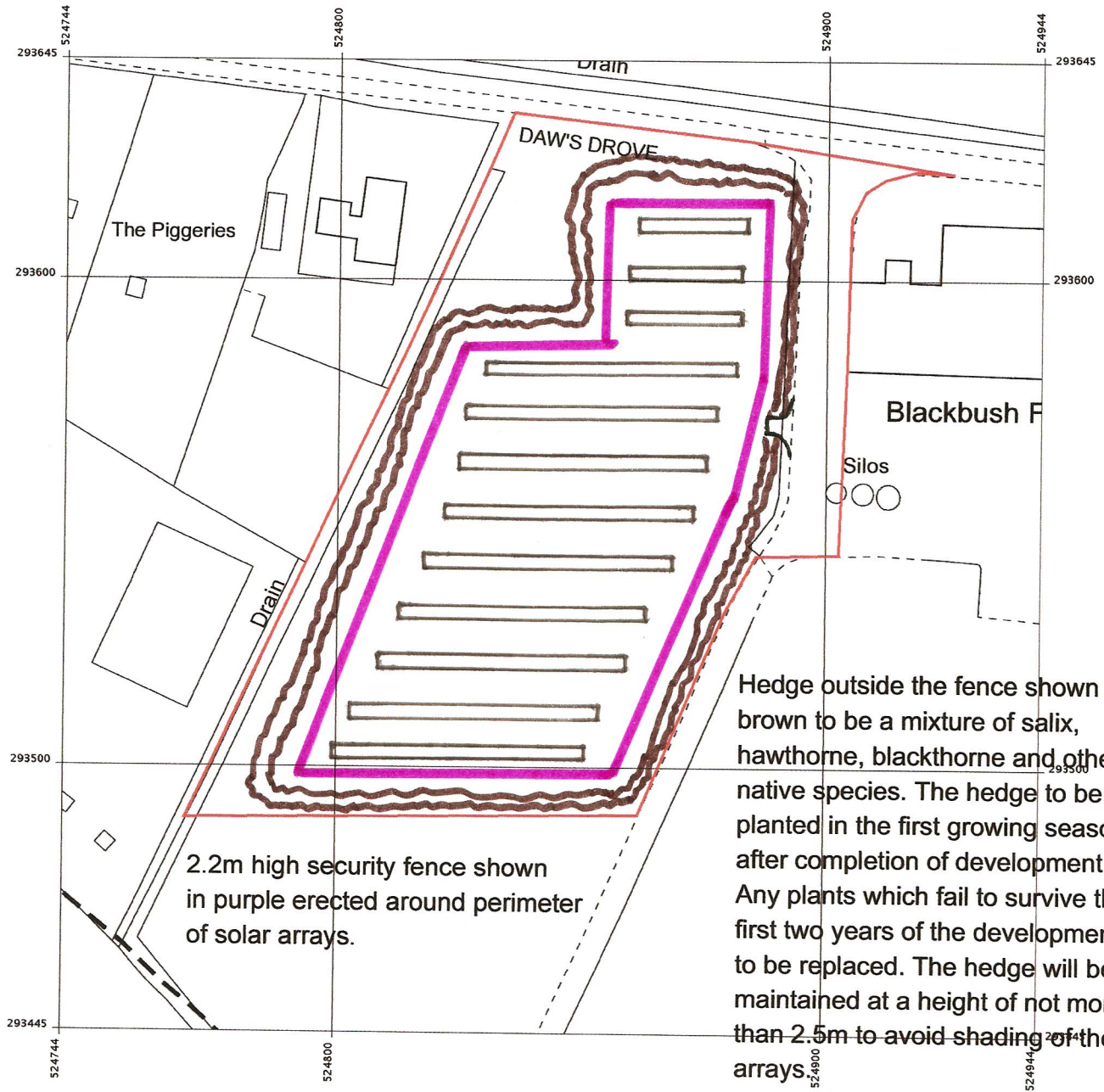
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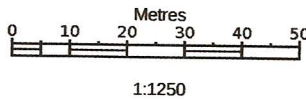




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PE7 2LS

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