

## **Item No. 13**

<b>APPLICATION NUMBER</b>	<b>CB/14/01480/FULL</b>
<b>LOCATION</b>	<b>Land adjacent Chalgrave Manor, Luton Road, Toddington</b>
<b>PROPOSAL</b>	<b>Installation of Photovoltaic Panels (Circa 92,240 panels), Installation of Inverter Stations, erection of boundary fencing &amp; CCTV cameras and connection to the existing electricity grid. Formation of temporary construction compound.</b>
<b>PARISH</b>	<b>Chalgrave</b>
<b>WARD</b>	<b>Heath &amp; Reach</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Versallion</b>
<b>CASE OFFICER</b>	<b>Abel Bunu</b>
<b>DATE REGISTERED</b>	<b>27 August 2014</b>
<b>EXPIRY DATE</b>	<b>26 November 2014</b>
<b>APPLICANT</b>	<b>R. Upchurch &amp; Partners</b>
<b>AGENT</b>	<b>Buckle Chamberlain Partnership Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Unresolved Parish Council objections to Major Development and Departure from the Development Plan for development in the Green Belt.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Recommended for approval subject to referral to the Secretary of State</b>

### **Reasons for Recommendation**

Whilst the proposed development would be inappropriate in the Green Belt and would be harmful to its openness, it is considered that very special circumstances exist to outweigh the harm by reason of inappropriateness and any other harm. In reaching this conclusion, great weight has been placed on the NPPF's presumption in favour of developments for renewable energy which requires that Local Planning Authorities recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources',(paragraph 97). Principally, this national advice stresses that very special circumstances in such cases may include the wider environmental benefits associated with increased production of energy from renewable sources,(paragraph 91). Furthermore, Paragraph 98 makes it clear that 'when determining planning applications, Local Planning Authorities should, ...approve the application if its impacts are (or can be made) acceptable.' In this case, the suggested mitigation measures which would be secured by planning conditions are considered satisfactory. In taking this approach, the Local Planning Authority (LPA) is mindful of the NPPF advice at paragraph 203 which makes it clear that LPAs should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Taking into account all the other benefits to be had from approving the development which include, farm diversification, biodiversity, community benefits, regeneration of agricultural land, improvement of highway safety at the site entrance, restoration of the historic width of the Theedway Footpath, restoration of the broken hedgerow and new planting which includes an Oak Tree avenue, burying of existing overhead cables and the fact that the development is temporary being capable of complete

reversal, it is considered that on balance, the proposal has passed the tests for renewable energy development set out in Policies SD1, BE8, NE10, R15 (SBLPR) and Policies 1, 3, 23, 36, 43, 45, 46, 49, 50, 57 and 58 (DSCB) and the CBC 'Guidance Note 2: Solar Farm Developments and national advice within the NPPF and PPG.

## **Recommendation**

That subject to the referral of the application to the Secretary of State as a Departure from Green Belt policy and to the completion of a section 106 Agreement requiring the provision of community benefit, that Planning Permission be **GRANTED** subject to the following:

### **RECOMMENDED CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The permission hereby granted shall endure for a period of 25 years from the date when electricity is first generated by the Solar Farm (the 'First Export Date'). Written confirmation of the First Export Date shall be provided to the Local Planning Authority no later than 1 calendar month after the event. Within 6 months, following the completion of the 25 year period, or the cessation of their use for electricity generating purposes, whichever is the sooner, the solar panels together with any supporting apparatus, mountings, cabling, foundations, inverter stations, fencing, CCTV cameras and other associated equipment shall be removed from the site and the land restored to agricultural use or to a condition to be agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is decommissioned and the land returned to its original use prior to the development in the interest of preserving versatile agricultural land and to preserve the openness of the Green Belt and countryside.

(Policies BE8 & N10, S.B.L.P.R and 36,43 & 50, DSCB).

- 3 **No development shall take place until full details of soft landscape have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. Soft landscape works shall include: plans for establishing hedgerows, understorey vegetation and trees around the perimeter of the site; written specifications (including cultivation and other operations associated with tree and plant establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; an implementation programme.**

**Reason: To ensure a satisfactory level of planting around the site in the interest of visual amenity**

**(Policies BE8, SBLPR and 43 & 58, DSCB)**

- 4 If within a period of 5 years from the date of the planting of any tree or hedgerow, that tree or hedgerow, or any tree or hedgerow planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or hedgerow of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written approval to any variation.

Reason: To ensure a satisfactory level of landscaping in the interest of preserving the character and visual appearance of the open countryside.  
(Policies BE8, SBLPR and 43,50 & 58, DSCB)

- 5 **Prior to or within one month of their installation, the transformer enclosures, grid connection building, CCTV support posts and deer fencing shall be finished in a dark green colour or any colour agreed in writing by the Local Planning Authority upon submission of appropriate details and shall be permanently retained as such thereafter.**

**Reason: To preserve the visual amenity of the Green Belt and open countryside.  
(Policies BE8, SBLPR and 36,43,and 50, DSCB)**

- 6 No external lighting shall be installed without the prior written approval of the Local Planning Authority.

Reason: To protect the character of the open countryside  
(Policies BE8, S.B.L.P.R and 43 & 50 DSCB).

- 7 Noise resulting from the use of the plant, machinery or equipment shall not exceed a level of 5dBA below the existing background level (or 10dBA below if there is a tonal quality or distinguishable characteristics) when measured or calculated according to BS4142:1997, at a point one metre external to the nearest noise sensitive building.

Reason : To protect residential amenity  
(Policies BE8, SBLPR and 43, DSCB)

- 8 The solar panels and associated framework shall not exceed 2.5m in height above ground level unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the visual amenity of neighbouring property occupiers, the Green Belt and open countryside .  
(Policies BE8, S.B.L.P.R and 36,43 & 50).

- 9 The development hereby approved shall be completed in accordance with the recommendations in Section 7.0 of the Extended Phase 1 Habitat Survey by Acer Ecology dated November 2013. The measures shall be implemented in full throughout the life of the development, and no variations shall be permitted other than with specific written consent from the Local Planning Authority.

Reason: To ensure the development hereby approved supports biodiversity.  
(Policies 43 and 57 DSCB)

- 10 The Environmental Management Plan prepared by TDA, Environment, Landscape, Design and dated October 2014 shall be implemented in full accordance with the details therein.

Reason: To ensure that the development preserves the character and visual appearance of the open countryside and provide adequate screening for the development.  
(Policies BE8, SBLPR and 43,50 & 57, DSCB)

- 11 **The poles to accommodate the CCTV cameras shall not exceed 2.5m above ground level. No development shall take place until details of the siting, direction and orientation, camera specifications and fields of vision have been submitted to and approved in writing by the Local Planning Authority. The CCTV cameras shall be installed in accordance with the approved details, and retained in accordance with those details thereafter.**

Reason: To preserve the character and visual appearance of the open countryside and to protect the privacy of users of the adjoining footpaths.  
(Policies BE8, SBLPR and 43 & 50, DSCB)

- 12 **Notwithstanding the details submitted with the application, no part of the development hereby approved shall be commenced (within the meaning of Section 56 of the Town and Country Planning Act 1990) until highway/access improvement works have been constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.**

Reason: To ensure safe ingress and egress of the site and to minimise obstruction and inconvenience to users of the adjoining highway.  
(Policies BE8, S.B.L.P.R and 24 & 43, D.S.C.B)

- 13 **Development shall not commence until a scheme detailing access provision to and from the site for construction traffic, which details shall show what arrangements will be made for restricting such vehicles to approved points of access and egress has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be operated throughout the period of construction work.**

Reason: To ensure the safe operation of the surrounding road network in the interests of road safety.  
(Policies BE8, S.B.L.P.R and 43, D.S.C.B)

- 14 **Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.**

**Reason: To ensure adequate off street parking during construction in the interests of road safety.**

**(Policies BE8, S.B.L.P.R and 43, D.S.C.B)**

- 15 **Development shall not commence until details of a Construction Traffic Management Plan have been approved in writing by the Local Planning Authority. The development shall thereafter be implemented in strict accordance with the approved details.**

**Reason: To ensure safe ingress and egress of the site and to minimise obstruction and inconvenience to users of the adjoining highway.**

**(Policies BE8, S.B.L.P.R and 24 & 43, D.S.C.B)**

- 16 **No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.**

**Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.**

**(Policy 49, DSCB)**

- 17 **No development shall take place until a written scheme of archaeological investigation; that includes post excavation analysis and publication, has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall only be implemented in full accordance with the approved archaeological scheme.**

**Reason: To record and advance the understanding of the significance of the heritage assets with archaeological interest which will be unavoidably affected as a consequence of the development and to make the record of this work publicly available in accordance with paragraph 141 of the National Planning Policy Framework and to give due consideration to the significance of the heritage assets with archaeological interest and ensure that any impact on the archaeological resource which takes place as a result of the development is appropriately mitigated.**

**(Policies 43 & 45 DSCB)**

- 18 **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1116[BD]001A, 1116[BD]002B, 1116[BD]003A, 1116[BD]004A, 1116[BD]005A, 1116[BD]006A, 1116[BD]007B, 1116[BD]008A, 0216-01, 1116[BD]009, 0216-01, TDA/2009/02 Rev. E, CBC/01 and CBC/02.**

**Reason: To identify the approved plans and to avoid doubt.**

## Notes to Applicant

1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the emerging Development Strategy for Central Bedfordshire (DSCB).
2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
3. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, P.O.Box 1395, Bedford, MK42 5AN quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.
4. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Bedfordshire Highways, Streetworks Co-ordination Unit, County Hall, Cauldwell Street, Bedford MK42 9AP.
5. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.
6. The applicant and the developer are advised that this permission is subject to a legal obligation under Section 106 of the Town and Country Planning Act 1990.
7. Please note that the unnumbered drawings submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council's website [www.centralbedfordshire.gov.uk](http://www.centralbedfordshire.gov.uk).

## **Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31**

Planning permission has been recommended for approval for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

[Notes:

1. In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.
2. In advance of consideration of the application the Committee were advised of the following comments:
  - a. Well Cottage, Featherbed Lane:
    - i. Unhappy to be unable to speak due to process of registering
    - ii. Their property boundary faces the said application site
    - iii. What are the Council's policy for future developments and will it be compulsory for both residential and businesses?
    - iv. Bookers Cash and Carry in Luton would have ample space on their roof for the development. There are many warehouses across the area which could have these on their roofs.
    - v. Will the Chalgrave Manor development be covered with substantially high trees? Particularly evergreen varieties such as leylandi.
    - vi. This is without prejudice to Mr Upchurch who is a fine outstanding man and have upmost respect for him.
  - b. The applicant's agent has submitted a traffic speed survey.
  - c. The Highways Officer has commented on the speed survey results as detailed.
3. Cllr M A G Versallion asked for the comments from DCLG Minister Kris Hopkins MP be recorded as follows:

"New planning guidelines published in March 2014 sets out the particular factors relating to solar farms that a local council will need to consider. These include making effective use of brownfield land.

" The National Planning Policy Framework and the guidance can be a material consideration in planning decisions."]