

**REPORT OUTLINE FOR AREA PLANNING COMMITTEES****Report No.**

|                            |  |
|----------------------------|--|
| <b>Date of Meeting</b>     | 26 October 2016  |
| <b>Application Number</b>  | 16/08026/FUL   |
| <b>Site Address</b>        | Hill Field Farm, Charlcott, Calne, SN11 9HL  |
| <b>Proposal</b>            | Construction of a 10MW Battery Storage Facility which will be housed within a newly constructed barn, with two transformer units and air conditioning units, a cable route/trench, landscaping and other associated works. |
| <b>Applicant</b>           | Green Hedge Energy Barn Ltd  |
| <b>Town/Parish Council</b> | Bremhill   |
| <b>Electoral Division</b>  | Calne Rural – Cllr Crisp   |
| <b>Grid Ref</b>            | 398541 175543  |
| <b>Type of application</b> | Full Planning  |
| <b>Case Officer</b>        | Mark Staincliffe   |

**Reason for the application being considered by Committee**

The application has been called into committee at the request of Cllr Crisp to consider important issues raised by local residents and the Parish Council such as scale of development and impact on the character and appearance of the area.

**1. Purpose of Report**

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that authority is delegated to the Head of Development Management to **GRANT** planning permission, subject to conditions listed below.

**2. Report Summary**

The key issues in considering the application are as follows:

- Principle of the development.
- Conflict with the emerging neighbourhood plan
- Impact on residential amenities of adjoining neighbours.
- Impact on character and appearance of the area.

Bremhill Parish Council object to the proposed development and 47 letters of objection and 17 letters of support have been received.

**3. Site Description**

The site comprises an 'L' shaped parcel of arable land with access gained from a track through an existing field gate at the northeast corner of the site. The field is enclosed by established native hedgerows to all boundaries.

A public footpath (BREM12) follows the access track, running along the eastern field boundary in the northern part of the site, before striking out across the field and bisecting the southern part of the site.

Topography within the site reflects the prevailing landform along the Lyneham Hills ridge, with the public footpath generally following a localised ridge, and land falling away to the east and west. The site is located within open countryside and beyond the framework boundary of the nearest settlement.

#### **4. Planning History**

No relevant planning history

#### **5. The Proposal**

The application seeks consent for a single barn which will house the necessary electrical equipment for a battery storage facility with a 10 MW capacity. The barn will have a footprint of 45m x 20m with a series of air conditioning units, transformers and associated fencing located at ground level outside the barn. The barn will measure 5m to eaves and 7.68m to ridge level. The application also seeks permission for a parking area, access road to the barn and a point of connection to the local grid.

The batteries will store “excess” electricity from within the local grid system so that at times where there is a deficit in electricity available in the local area the batteries can release their stored electricity back into the grid to “balance the system”.

The point of access into the field will be via the existing farm access track to the north. This access point will be improved to ensure that it is suitable for HGV deliveries for the construction of the barn.

#### **6. Local Planning Policy**

Wiltshire Core Strategy Jan 2015:

|                 |   |
|-----------------|---|
| Core Policy 1-  | Settlement Strategy                                   |
| Core Policy 2-  | Delivery Strategy                                     |
| Core Policy 3-  | Infrastructure Requirements                           |
| Core Policy 08- | Spatial Strategy: Calne Community Area                |
| Core Policy 41- | Sustainable Construction and Low Carbon Construction  |
| Core Policy 42- | Standalone Renewable Energy Installations             |
| Core Policy 48- | Supporting Rural Life                                 |
| Core Policy 50- | Biodiversity and Geodiversity                         |
| Core Policy 51- | Landscape   |
| Core Policy 52- | Green Infrastructure                                  |
| Core Policy 57- | Ensuring high quality design and place shaping        |
| Core Policy 58- | Ensuring the Conservation of the Historic Environment |
| Core Policy 60- | Sustainable Transport                                 |
| Core Policy 61- | Transport and Development                             |
| Core Policy 62- | Development impacts on the transport network          |
| Core Policy 63- | Transport Strategies                                  |
| Core Policy 64- | Demand Management                                     |
| Core Policy 67- | Flood Risk  |
| Appendix D      |   |
| Appendix E      |   |
| Appendix G      |   |

Saved Policies of the North Wiltshire Local Plan:

NE18- Noise and Pollution

T5- Safeguarding

National Planning Policy Framework 2012:

- Achieving sustainable development – Core Planning Principles (Paragraphs 7 14 & 17)
- Chapter 1- Building a strong, competitive economy (Paragraphs 18 & 19)
- Chapter 6- Delivering a wide choice of high quality homes (Paragraphs 47, 49, 50 & 55)
- Chapter 7- Requiring Good Design (Paragraphs 56, 57, 60, 61, & 64)
- Chapter 8- Promoting healthy communities (Paragraph 75)
- Chapter 10- Meeting the challenge of climate change, flooding and coastal change
- Chapter 11- Conserving and enhancing the natural environment (Paragraphs 109, 112, 118 & 123)
- Chapter 12- Conserving and enhancing the historic environment (Paragraphs 126, 128, 129, 132, 133 and 139)

## **7. Summary of consultation responses**

Bremhill Parish Council- Object to the planning application on the following grounds:

The large storage unit is a building of industrial character more akin in size and bulk to those in an Industrial Estate. It is not appropriate in the rural landscape setting. The assertion by the applicant that it would look like an agricultural building misrepresents the adverse effects on local landscape character and setting.

The LVIA does not consider the adverse visual effects of the development in the months without benefit of screening vegetation.

The proposed site of the development is near the top of a ridge with land falling away to the south, east and west. This is a prominent location and would be visible on the sky line which is entirely open to views from the south and west and no planting is proposed to screen views. Therefore the application falls short of criteria set out in CP 51, it fails to overcome adverse effects on local landscape character and setting and the proposal is not compatible with the spirit of the Neighbourhood plan.

Landscape Officer- This is far from an ideal location. The only way that this could be supported is with a new woodland belt planting to screen the buildings southern and western elevations. This information has now been received and no objection is now raised

Ecology- No objection

Highways- No highway objection in principle. Due to the nature of the vehicles used and the width of the C class road leading to the site access swept path analysis of the large vehicles around the bends in the road between exiting the A3102 between Hilmarton and Goatacre particularly at Spirhill and the bend before the plant access south of Naish House Farm are required. Signage closer to the immediate access should also be provided.

Rights Of Way- The applicant has considered the impact of the building works on users of the public footpath and confirm that segregation of the track to keep pedestrians and vehicles apart is acceptable.

Public Protection- The applicant has predicted a very low level of 26dBLAeq at the nearest residential receptor. No objection subject to conditions.

## **8. Publicity**

The application was advertised by neighbour letter, site notices and press advert.

The application has generated over 47 letters of objection and 17 letters of support. A summary of the comments is set out below:

- Industrial development in a rural area not acceptable
- Fire hazard
- Technology is new, is it safe
- This is not PDL
- In conflict with the neighbourhood plan
- In conflict with CP48, CP50, CP51 & CP57
- Adverse impact on the character and appearance of the area
- Harm to highway safety
- Noise impact unacceptable
- Approval would have an adverse impact on the local economy
- Adverse impact on the public footpath
- Development should be located on a brownfield site
- Should be located in Calne
- There is no local need
- Adverse impact on the setting of listed buildings
- Inadequate mitigation
- Harm to wildlife and ecology
- Good form of agricultural diversification
- Looks like an agricultural building
- No adverse impact on the character of the area
- Provides energy security

The Charlcott Ridge Action Group also submitted representations and a formal landscape objection. These matters are considered in the planning considerations below.

## **9. Planning Considerations**

### Principle of Development

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

In this case, the Wiltshire Core Strategy, including those policies of the North Wiltshire Local Plan saved in the WCS, forms the relevant development plan for the Chippenham Area. The emerging Neighbourhood Plan is at an early stage but has now been submitted to Wiltshire Council for review. However, the plan has not yet been submitted for examination or a referendum held. Due to its progress to date, this document can only be afforded limited weight.

The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) are material considerations which can be accorded substantial weight.

### NPPF, PPG and Core Policy 42

Government Policy on renewable energy is expressed in the NPPF. Paragraph 93 explains that

*“...planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.”*

Paragraph 98 of the NPPF sets out that applicants for energy development are not required to demonstrate the overall need for renewable or low carbon energy. Moreover it must be recognised that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. Most importantly, a proposal should be approved (unless, of course material considerations indicate otherwise) if its impacts are, or can be made acceptable.

Government Planning Practice Guidance (PPG) sets out the planning considerations. PPG considerations include:

- Ensuring they take into account the requirements of the and, critically, the potential impacts on the local environment, including cumulative impact.
- the need for renewable or low carbon energy does not automatically override environmental protections;
- cumulative impacts require particular attention, especially the increasing impact that wind turbines and large scale solar farms can have on landscape and local amenity as the number of turbines and solar arrays in an area increases;
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting;
- proposals in National Parks and Areas of Outstanding Natural Beauty, and in areas close to them where there could be an adverse impact on the protected area, will need careful consideration;

Core Policy 42 of the WCS in turn states that:

*Proposals for standalone renewable energy schemes will be supported subject to satisfactory resolution of all site specific constraints. In particular, proposals will need to demonstrate how impacts on the following factors have been satisfactorily assessed, including any cumulative effects, and taken into account:*

- i) *The landscape, particularly in and around AONBs*
- ii) *The Western Wiltshire Green Belt*
- iii) *The New Forest National Park*
- iv) *Biodiversity*
- v) *The historic environment including the Stonehenge and Avebury World Heritage Site and its setting*
- vi) *Use of the local transport network*
- vii) *Residential amenity, including noise, odour, visual amenity and safety and*
- viii) *Best and most versatile agricultural land*

*Applicants will not be required to justify the overall need for renewable energy development, either in a national or local context.*

The proposal is a form of renewable energy. Renewable energy is encouraged at both a national (NPPF, namely section 10) and local (WCS) level and is therefore considered in principle to be appropriate if the site-specific constraints are satisfactorily resolved.

For the avoidance of doubt, the final plans now submitted for approval have been amended following input from consultees. The plans have addressed issues identified by the landscape and highway officer and in an attempt to overcome concerns raised by local residents. Of particular importance to the setting is the confirmation that a 10m wide landscape buffer consisting of native species will be provided. Officers are satisfied that this can be controlled by condition but the applicant has confirmed that the final scheme will be presented to the Committee as a late item.

The effect of the revisions are that the landscape officer now raises no objection to the proposed development.

In considering CP42 criteria i to iii, the site is not located within an AONB, the Green Belt or any other designated landscape. It stands in relative visual isolation, though it will be visible from the adjacent public footpath. The immediate surrounds would be well screened from the site given existing boundaries and proposed hedge enhancements.

The visual impact on the open countryside (an issue raised by both Parish Councils as well as the many local objectors) nevertheless remains a consideration, including under WCS CP51 which requires development to protect, conserve and where possible enhance landscape character and must not have a harmful impact, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.

There have been no other recent consents for this type of development within the vicinity. However, there are a group of agricultural buildings opposite Naish House, which are of a similar visual appearance to the proposed building, it is therefore considered that the design and appearance of the building is not dissimilar to what one might expect to see in a location such as this.

A further consideration is the potential sequential visual effects, on users of local pathways. There is a Public Rights of Way located in close proximity to the site and the building would be visible from this. This publicly accessible route is the most likely to be impacted by the proposal. It is considered that cumulative impacts on pathways would be of a low level, since no other renewable energy facilities such as this have been permitted in the locality. Furthermore, the distances between the application site and other wind and solar sites is a significant distance away and would not be visible in the context of this facility. Landscape issues are considered in greater detail later in the report.

With regard to biodiversity considerations (criterion iv to CP 42), Core Policy 50 also applies and requires that developments enhance biodiversity on the site, Following the submission of additional information and analyses, the Ecology Officer is satisfied that this can be achieved given the details provided. Importantly the proposed planting enhancements would be of particularly high ecological value. The revised proposals provide a significant opportunity to contribute to the council's biodiversity action plan.

For the reasons set out above it is considered that the proposal is in accordance with CP42 and national planning policies contained within the NPPF and PPG.

### Ecology

Concerns have been raised by local residents in terms of ecological impact. The Council's ecologist has raised no objection to the proposed development and a reason for refusal based on this would be difficult to justify at appeal.

### Flood Risk & Drainage

The Council's drainage team raise no objection to the proposed scheme, subject to conditions. It is considered that the development is acceptable with regards to this matter. The development therefore accords with Core Strategy Policy CP67.

#### Impact on Heritage Assets

There has been local concern raised in relation to harm to the setting of two listed buildings (Former Wesleyan Chapel & Naish House Farmhouse, both Grade II listed). The impact on the setting of listed buildings is an important material consideration and one that must be considered when determining this application.

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses. Considerable weight must therefore be given to the preservation of the listed building, including its setting.

The House of Lords in *South Lakeland District Council v Secretary of State for the Environment* case decided that the "statutorily desirable object of preserving the character or appearance of an area is achieved either by a positive contribution to preservation or by development which leaves character or appearance unharmed, that is to say preserved.

Officers have visited the site and viewed the application site from the above properties and from the application site looking towards the buildings in questions. When taking into consideration the existing site levels, distance between the buildings and existing screening the it is considered that the proposed development would not result in harm to the setting of the listed buildings.

For the purposes of determining the application Core Policy 58 is relevant and states:

*Development should protect, conserve and where possible enhance the historic environment.*

*Designated heritage assets and their settings will be conserved, and where appropriate enhanced in a manner appropriate to their significance:*

The wording of core policy 58 and the supporting text to the policy is quite clear that if harm is identified it is in conflict with the policy. As the proposal conserves the setting of the heritage assets the development is in accordance with CP58 and the NPPF.

#### Impact on Landscape

A Landscape and Visual Appraisal (LVA) has been prepared to support the application. The landscape consultant considers that the LVA is proportionate to the level of development being proposed and has provided just 4 viewpoints. It is considered that these selected viewpoints adequately demonstrate the potential for this development to be viewed from the wider landscape context to the west and south. This is unfortunate and in certain respects has hindered and delayed the consideration of the application.

As set out above, the development will be visible from the south west travelling north along footpath BREM 27 and glimpsed from the adjacent section of Turf House Lane. From the west, the upper part of the larger building elevation and its roof will be visible from the minor rural road linking Charlcutt Hill to Bremhill typically viewed through field gates and over the low hedgerow.

It is acknowledged that the new building will also be visible at longer distances further south and south-west. None of these potential west and south-west receptors have been

assessed, which is unusual given the potential for higher levels of inter-visibility between the site and the landscape in these directions.

The assessment of potential landscape and visual effects, as included within the submitted LVA does include and rely on the final design appearance of the proposed new energy barn to be typically supportive and characteristic of the receiving local landscape character to justify the omission of additional planting to screen its southern and western elevations. Officers are concerned with this conclusion and the applicants have agreed to provide adequate screening to these elevations. It is however accepted that the proposed building is a modern steel portal framed building which is designed to fit within a more rural than urban context, low in height, finished in a neutral (non reflective) colour for a specific and temporary use.

While it is considered that the approach to the design of the building to be generally acceptable, the large footprint of this proposed modern portal framed building, combined with its elevated and prominent location, which is isolated and detached from any associated existing farmstead complex or any other existing agricultural farm building, does give rise to some landscape and visual concerns. The external air conditioning units, transformers, inverters, noise attenuation fencing, chain link fencing are all urban/industrial in character.

The proposed upgrading of the access road is also potentially harmful to landscape interests, as it erodes the existing character of the public right of way that will continue to share this route. The road should be surfaced with stone/gravel and not upgraded with tarmac and this will be controlled by condition.

The submitted information states that the empty building will be given to the landowner. This location is unlikely to be considered favourable for other business uses, and its detachment from any existing farmstead and its low height, may not be suitable or needed for any future farming use. It is considered that the removal of this building and all associated development and reinstatement of land following the end of its use is required to make the development satisfactory in planning terms.

The 'Charlcutt Ridge Action Group' has engaged the professional services of a Chartered Landscape Architect to provide an evaluation of the submitted Landscape and Visual Appraisal (LVA).

This report identifies some legitimate landscape concerns, many of which have already been incorporated or taken into consideration within the Landscape Officer's Consultation response. The failure of the submitted LVA to incorporate an assessment of Winter time effect's is a legitimate point, especially for large scale development. However in this instance officers don't believe this omission will manifest as a significant or decision changing factor.

In summary, due to the size of the proposed building and its elevated location, exposed to views from the west and south directions it would result in some harm to the landscape character of the area. Therefore it would be appropriate to screen this development as far as possible to safeguard the valued rural character of the limestone ridge and to better screen views of this building from public visual receptors and to integrate it better within views from the wider landscape. The applicant has agreed the inclusion of an area of mixed native woodland to provide new screen planting along the sites western and southern edges. These details are considered to be in accordance with CP42, CP57 & CP51 of the Core Strategy and polices contained within the NPPF. The implementation of these details can be controlled by condition.

## **10. Conclusion**

The principle of the proposed Building, use and connection point is acceptable at national and local level. The site is not located within any protected landscape, and identified issues of ecology, Rights of Way, landscaping and highways can be satisfactorily addressed by appropriate conditions. There would be a positive public benefit in the form of energy security and the ability to store excess energy and thereby a saving of carbon emissions contributing towards government supported goal of a reduction in such emissions. No unacceptable amenity issues would arise. It is acknowledged that the proposed building may be visible to the immediate surrounds in particular to public footpaths, but the existing and proposed planting would reduce the impact of the proposed development. The benefits arising from the scheme are considered to outweigh the minor harm to the immediate landscape. In summary, the environmental benefits in terms of providing energy security and the proposed enhancements in terms of additional native landscaping would outweigh the limited harm identified.

## **RECOMMENDATION**

**Authority is delegated to the Head of Development Management to GRANT planning permission, subject to conditions listed below:**

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

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

- 2 Within six months of the commencement on site, a scheme for the decommissioning and restoration of the development shall have been submitted to and approved by the Local Planning Authority, the details of which shall include how the land will be restored back to fully agricultural use upon the development no longer being in operation or upon the expiry date of 25 years from the date of the development starting to feed electricity to the Grid, whichever is sooner. The Decommissioning and Restoration scheme of this development shall be carried out in accordance with the scheme so agreed.

REASON: To ensure upon the development no longer being in use, the complete removal of all development allowed under this permission and the restoration of the land to its former condition.

- 3 The Local Planning Authority shall be notified in writing within one month of the event that the development hereby approved has started to feed or take electricity to/from the Grid. The installation hereby approved shall be permanently removed from the site and the surface reinstated within 25 years and six months of the date of notification and the local planning authority shall be notified in writing of that removal within one month of the event.

REASON: In the interests of amenity and the finite operation of this type of development.

- 4 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 5 No development shall commence on site until the exact details and samples of the materials and their finished colour to be used for the external walls, external doors, roofs, transformer, air extract louvre, chain link fence, acoustic fence, air conditioning units have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area

- 6 No part of the development hereby permitted shall be brought into use until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 7 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary

light spillage above and outside the development site.

- 8 The level of noise emitted from the site shall not exceed 26dBLAeq(15mins), nor Noise Rating(NR) Curve 20, when measured at the boundary of any residential receptor at any time.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

- 9 No materials, goods, plant, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored outside any building on the site between the times of completion of development and commencement of decommissioning.

REASON: In the interests of the appearance of the site and the amenities of the area.

- 10 A condition survey of the highway network relating to the access routes to the site (from the Beacon Hill/A3102 road junction to the site and as set out in the submitted highway and transport assessment) shall be carried out prior to the commencement of the works, the survey shall be carried out by the applicant in conjunction with the highway authority, in compliance with Section 59 of the Highways Act, to ensure that as a result of the proposal the existing condition of the highway network is maintained. If as a result of the construction phase damage to the highway network has been identified, within 3 months of the identification of the damage, the works shall be remedied.

REASON: In the interests of maintaining the existing condition of the highway network

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

Site Plan

West-East Site Cross Section

North-South Site Cross Section

Sections and Elevations

Access Cross Section

Roof Plan

Ground Floor Plan

Flood Risk Assessment

Highway and Transport Assessment

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