

<b>Date of Meeting</b>	13 December 2017
<b>Application Number</b>	17/04730/VAR
<b>Site Address</b>	Land West Of Norrington Lane, Broughton Gifford, Norrington Common SN12 8LR
<b>Proposal</b>	Minor material amendment to planning permission W/12/02072/FUL (varying conditions 4 and 10) to facilitate the "as built" plans
<b>Applicant</b>	Norrington Solar Farm Ltd
<b>Town/Parish Council</b>	BROUGHTON GIFFORD
<b>Electoral Division</b>	MELKSHAM WITHOUT NORTH – Cllr Alford
<b>Grid Ref</b>	388136 164692
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	James Taylor

1. Further to the publication of the committee report your officers can present further points in order to help members of the western area planning committee with their assessment of this proposal. This is in light of further consideration of the representations from Richard Buxton on behalf of Mr Gerber, dated 28 November 2017, which was received concurrently with the original report being finalised. In addition this is in light of the further representations made by Mr Freeman, which were received on 8 December 2017 after the report was finalised. Both Mr Gerber and Mr Freeman raised objection to the proposals as part of the public consultation process.

2. It has been suggested that the change in number of rows of panels was a matter which was missed by the LPA in determining the 2014 application. This is not the case. The perceived overdevelopment of the site, by virtue of the additional rows was noted in the assessment of the 2014 application; however it was also noted that the arrays were reduced in height and width and as such the scheme was broadly comparable in this regard. Furthermore the change was easily considered given that the arrays were in-situ at the point of assessment, and the height of arrays and gaps between rows were (and are) broadly consistent with other solar PV parks within western Wiltshire and known by the Council.

3. The perceived overbuild has become a far more notable feature of the public objections in this application and so the matter has been given further consideration and been reported in greater detail on this occasion in order to address the public response. The as built arrangement has resulted in additional rows, but less solar panels, and arrays of less height and width. Your officers consider that the consented scheme and as built scheme are broadly comparable in terms of the planning impacts. This has been addressed within the committee report at paragraph 9.10 and can be noted and considered by members.

4. Your officers agree with the principles set out within the representation of Richard Buxton, on behalf of Mr Gerber, and Mr Freeman in that the principle of consistency in decision-making does not prevent additional reasons being given in respect of a later decision compared with an earlier one. Hence, any alteration to the proposals as to the rows/arrays compared with the 2012 permission would constitute a material consideration which should be taken into account in determining this application, notwithstanding that the impact of such change did not form part of any reason for refusal of the 2014 application. Simply because the other changes set out in the 2014 submission, such as additional rows of less height and width, did not form part of the reasons for refusal previously does not bound the Council to not objecting at this point. Nor does the Court of Appeal decision in relation to the 2012 approval bind the Council to any particular layout. Such alterations, as set out in this application, are a matter of planning judgement.

5. Discussion of the heritage impacts from this scheme, as a material consideration, is clearly set out at paragraph 9.9 of the committee report. The statutory nature of this consideration is clearly set out within section 6 where the statutory duties under s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in relation to listed buildings and their settings, and s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 regarding conservation areas and their settings are clearly set out as policy context. Considerable care has been had in the assessment in relation to these matters and Historic England's advice has been set out verbatim within section 7. This sets out that the consented scheme may also have appeared as a similar mass to the as built scheme. Your officers have applied appropriate weight to the statutory duties in their assessment of all the material considerations.

6. It is your officers' view that no additional harm of any substance is caused by the proposed changes to the rows/arrays, whether to the conservation area, any listed building, or landscape and visual impact more broadly. It is in this context that the recommendation for approval is given.

7. The comments made by the developers as part of their submissions including planning judgements and it is for the decision maker to note these as a material consideration and reach their own planning judgement in light of all material considerations. It is similar to considering public responses to the consultation process. The public responses and the developer comments are not determinative to the application, but need to be considered when making a planning assessment.

8. Mr Freeman's comments in relation to the access are noted and the 2012 decision notice has been reviewed. There is no condition requiring the access to be finished, however your officers can confirm it has been consolidated with tarmac. The level of traffic generated from the access, now that construction is complete, is low and highway officers have raised no objection to this proposal.