

UTT/13/2323/FUL (FELSTED)

(MAJOR APPLICATION)

PROPOSAL: Application to change condition 4 of UTT/13/0561/FUL dated 7 June 2013 from "No lights shall be erected within the site without the prior written agreement of the local planning authority." to "With the exception of any security lighting location on the DNO Substation, no lights shall be erected within the site without the prior written agreement of the local planning authority."

LOCATION: Land East Of Milch Hill Lane, Great Leighs, Chelmsford

APPLICANT: Lightsource SPV 16 Ltd

AGENT: Mr B Clarke, Lightsource Renewable Energy Ltd

EXPIRY DATE: 29 November 2013

CASE OFFICER: Sam Wellard

1. NOTATION

1.1 Outside Development Limits

2. DESCRIPTION OF SITE

2.1 The application site is located to the east of Felsted and west of Braintree and is located very close to the administrative boundary. It is located between Bartholomew Green and Willows Green. Access to the site is via an existing farm access track, which also forms a public right of way, starting adjacent to a property known as Blackleys Farm. The application site is located approximately 160m from the highway. It consists of two fields totally 15.56 hectares. There is boundary screening around the site and public rights of way exist adjacent to all the boundaries and these connect Felsted to the nearby Notley Country Park which lies to the north east. A hedgerow runs through the middle of the site separating the two fields.

2.2 The application site is relatively flat with a different height across the site of approximately 8m. There is a slight fall on the site from the north east to the south west. The site and area around the site is used for agricultural purposes.

2.3 Planning permission was granted in June 2013 under UTT/13/0561/FUL for the installation and operation of a ground mounted solar photovoltaic facility at the site. This solar farm consists of approximately 24,500 panels, 5 inverters across the site and a control room and associated buildings adjacent to the entrance to the site which would include a communications building and a Distribution Network Operator (DNO) substation. A deer fence would surround the site and CCTV cameras would be positioned around the site. Infra-red cameras would operate at the site.

3. PROPOSAL

3.1 Condition 4 imposed on planning permission UTT/13/0561/FUL states that;

'No lights shall be erected within the site without the prior written agreement of the local planning authority.

REASON: To safeguard the character and appearance of the countryside, in accordance with Uttlesford Local Plan Policy S7 (adopted 2005)'.

3.2 This application seeks to amend that condition to read;

'With the exception of any security lighting located on DNO substation, no lights shall be erected within the site without the prior written agreement of the local planning authority.

REASON: To safeguard the character and appearance of the countryside, in accordance with Uttlesford Local Plan Policy S7 (adopted 2005)'.

3.3 The submitted plans show lighting over the two entrances to the DNO substation. This would have a maximum height of 3.7m above ground.

4. APPLICANT'S CASE

4.1 None

5. RELEVANT SITE HISTORY

5.1 UTT/13/0160/SCO – Screening Opinion. EIA not required

5.2 UTT/13/0561/FUL - Installation and operation of a ground mounted solar photovoltaic facility. Approved with Conditions by planning committee 07.06.2013

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- ENV15 – Renewable Energy
- S7 – The Countryside
- GEN2 – Design
- Policy GEN4 – Good neighbourliness

7. PARISH COUNCIL COMMENTS

7.1 Permanent floodlighting would be unacceptable. Any lights erected must be movement-sensitive, and fitted with cowls to prevent unnecessary light spillage beyond the immediate area of the DNO substation.

8. CONSULTATIONS

None

9. REPRESENTATIONS

9.1 Site notice displayed and the occupiers of 15 neighbouring properties notified via letter. No representations received.

10. APPRAISAL

The issues to consider in the determination of the application are:

- A Whether the proposed lighting would have any adverse impacts on the character of the area (UDC Policy S7)
- B Whether the proposed lighting would have any adverse impacts on the amenity of neighbouring properties (UDC Policies GEN2 and GEN4)

A Whether the proposed lighting would have any adverse impacts on the character of the area (UDC Policy S7)

10.1 The site is located outside of development limits in the open countryside whereby Policy S7 of the Local Plan states that permission shall only be given for development that needs to take place there or is appropriate in a rural location. Permission has already been granted for the solar farm and the associated buildings on the site. The proposed lighting over the two doors to the DNO substation is for security purposes. The lights are to be located at a maximum height of 3.7m from the ground. The substation is located close to the access to the site but is surrounded by the granted solar panels and adjacent to the existing pylons. Given the small scale of the proposed lighting and its height and location within the wider site, it is not considered that this would have a significant adverse impact on the visual amenities of the locality in this instance.

B Whether the proposed lighting would have any adverse impacts on the amenity of neighbouring properties (UDC Policies GEN2 and GEN4)

10.2 The solar farm is located at approximately 140m from the nearest residential property and the substation some 260m away. Given the location of the proposed lighting from the adjacent dwellings and the low scale of the lighting, it is not considered the proposal would cause any level of light pollution that would adversely affect the neighbours.

11. CONCLUSION

The following is a summary of the main reasons for the recommendation:

- A Permission for the solar farm has already been granted with a condition to restrict the erection of any lighting at the site. The proposed lighting is of low scale and for security purposes. Given its location and scale, the lighting would not have any significantly harmful impact on the character of the countryside or the amenity of any neighbouring residential property.

RECOMMENDATION – CONDITIONAL APPROVAL

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

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.

2. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the local planning authority. If within a period of five years from the date of the planting, ore replacement planting, any tree or plant is removed, uprooted, destroyed or dies, another tree or plant 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 consent to any variation.

REASON: To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Uttlesford Local Plan Policies S7 and GEN7 (adopted 2005).

3. Prior to the commencement of the development full details of the final location, design and materials to be used for the control room and inverter cabinets shall be submitted to the local planning authority and agreed in writing.

REASON: To safeguard the character and appearance of the countryside, in accordance with Uttlesford Local Plan Policy S7 (adopted 2005).

4. With the exception of any security lighting located on DNO substation, no lights shall be erected within the site without the prior written agreement of the local planning authority.

REASON: To safeguard the character and appearance of the countryside, in accordance with Uttlesford Local Plan Policy S7 (adopted 2005).

5. Should the solar panels not be used continuously for the production of energy for a period of six months, the panels, support structures and associated buildings shall be removed in their entirety and the land shall be restored to its former condition in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

REASON: To prevent the retention of development in the countryside that is not being used for its intended purpose in accordance with Uttlesford Local Plan Policy S7 (adopted 2005).

6. Prior to the commencement of development a revised Construction Method Statement shall be submitted to and approved in writing by the local planning authority. Subsequently the development shall be carried out in accordance with the approved details. The revised Construction Method Statement shall include details of delivery lorry routeing, and a Biodiversity Management Plan covering the protection and management of arable field margins, grassland, hedgerows and the method for protecting nesting birds.

REASON: To ensure the development protects the residential amenity of neighbours and biodiversity, in accordance with Uttlesford Local Plan Policies GEN4, GEN7 and GEN1 (adopted 2005).

7. The development hereby permitted shall be carried out in accordance with the Method Statement in Appendix 1 of the Great Crested Newt Interim Survey Report (dated 24 April 2013).

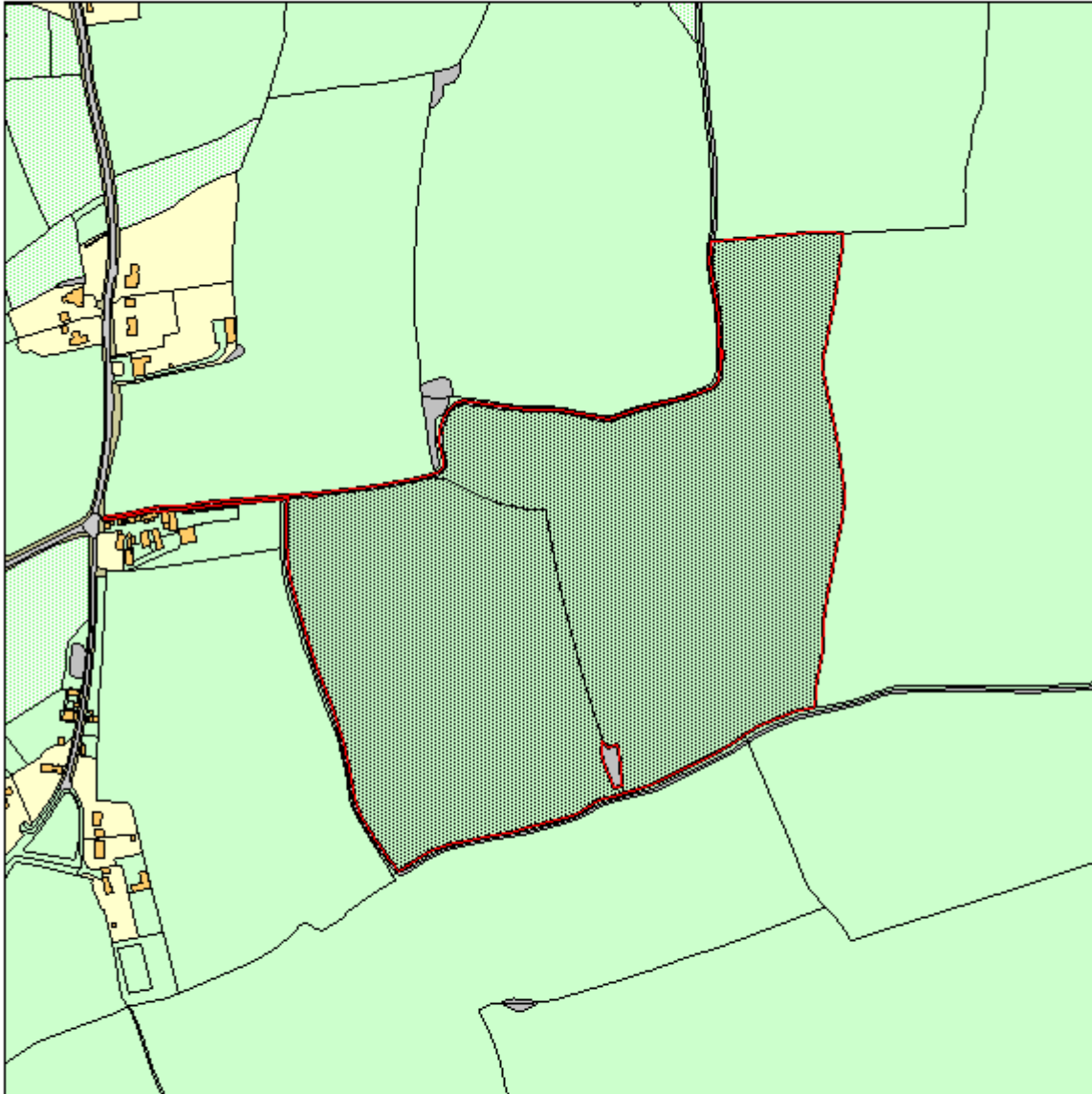
REASON: To make appropriate provision for conserving biodiversity within the approved development in the interests of the natural environment and in accordance with Uttlesford Local Plan Policy GEN7 (adopted 2005).

8. This approval relates solely to the lighting as shown on Drawing Number 21 Rev D and none of the other details shown on that drawing which are subject to the discharge of Condition 3.

REASON: To safeguard the character and appearance of the countryside, in accordance with Uttlesford Local Plan Policy S7 (adopted 2005).

UTT/13/2323/FUL

Land aEast of Milch Lane Gt Leighs



Scale: 1:5000

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Organisation	Uttlesford District Council
Department	Planning & Building Control
Comments	
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