

7. **13/02735/FULLS (PERMISSION/REFUSE) 11.12.2013** **10 – 79**
SITE: Land At Eveley Farm, Stevens Drove, Houghton,
HOUGHTON AND BROUGHTON
- CASE OFFICER:** Katherine Fitzherbert-Green
8. **14/00245/FULLN (REFUSE/PERMISSION) 31.01.2014** **80 - 119**
SITE: Former Anton Laundry, Marlborough Street, Andover,
ANDOVER TOWN (ST MARYS)
- CASE OFFICER:** Jason Owen
9. **14/00485/OBLN (PARTIALLY AGREE MODIFICATIONS/
AGREE MODIFICATIONS) 11.03.2014** **120 – 130**
SITE: Andover Business Park, Andover, **PENTON MEWSEY**
- CASE OFFICER:** Jason Owen

APPLICATION NO.	13/02735/FULLS
SITE	Land at Eveley Farm, Stevens Drove, Houghton, SO20 6SA HOUGHTON BROUGHTON
COMMITTEE DATE	12 August 2014
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1.0 VIEWING PANEL

1.1 A Viewing Panel was held on Tuesday 12th August 2014. In advance of this meeting apologies were received from Councillors Ward, Tupper, Hurst and Long.

2.0 ADDITIONAL INFORMATION

2.1 Additional Information from applicant/agent –

- Supplementary Statement to the Agricultural Land Classification Report, a letter of appraisal of the Land Classification Report and a rebuttal letter. These submissions seek to confirm:
 - Over 80 pits have been examined over the site with the sample soil consistent across the site and produced a medium loam over a limestone type base which contained a large content of flint stones;
 - Where stones in excess of 300mm can cause significant damage/excessive wearing to agricultural machinery. Flint content will reduce water retention;
 - Land has produced average or below average yields of Feed Wheat, Oil Seed Rape and Spring Barley over the past 30 years;
 - Attention should be paid to the relatively high proportion of stones present in the soil, up to 80% in places. The soil content of stones greater than 2cm is in excess of 35% throughout the entire site.
 - The soil type has a low fertility and shortage of soil moisture therefore the land grade can be no other than Grade 3b;
 - Would expect to see a lower stone content, better yielding crops and improved soil structure for Grade 3a land and above;
 - Reference to limestone – chalk is modified limestone. The soil type is 0343h Andover 1.
 - The site is very homogenous consisting of two soil horizons. The top horizon comprises 20cm fine soil which high flint content. The second consists of chalk with flint;
 - Due to time constraints, the site was surveyed by a 3 man team on one day to complete 80 pits.
- Legal Advice in response to Counsel Opinion – in summary
 - The SAPC report could say more to support Member's justification for overturning the reasoning of the Officer's recommendation for refusing planning permission. It rightly draws attention of the PCC to the Officer's key reasons for recommending refusal, but does not present the counter argument;
 - The report suggests that the need for renewable energy outweighs concerns, which is a reasonable judgement;
 - The Counsel Opinion sets out issues to be addressed by PCC. Points are raised which are not addressed in the SAPC report, perhaps because that report was written before the opinion was received;

- A report needs to be prepared which refers to additional evidence and to set out why permission should be granted to demonstrate that it properly considered the points raised in accordance with local and national planning policy and arrived at a reasonable decision.

Drawings – Revised site plan and cross section clarifying the height of the proposed (replacement) tower as being 29.5m as opposed to 27m received 10th July 2014 to supersede the drawings on pages 61 and 62 of the Agenda;

3.0 **CONSULTATIONS**

3.1 **HCC Ecology** –. Comments in summary

- Aquatic invertebrates were considered during initial considerations on this project, albeit not explicitly discussed in the response;
- The nearby River Test SSSI supports a very wide range of ecological interests
- The application site is approximately 1.4 km from the River Test. This is a fairly long way for a river fly to travel, given that in general they are not strong fliers;
- If they were assisted by wind (as seems to be a common concern, including in the representation), then the wind would seem to be the factor that determines whether flies would be present at the site, rather than the presence of solar panels;
- Note that the solar panels (or at least the main surfaces) are unlikely to be visible from the nearest section of the Test – the panels are oriented so they face south, and the nearest section of the Test to the application site is to the east;
- There is likely to be a fair amount of intervening habitat / land-use, and the panels are located in a field at a higher elevation than the surrounding river valley;
- The risk of river flies changing their behaviour as a result of the application is considered to be very small. Even if they did, it is considered unlikely that they would do so in sufficient numbers for it to significantly affect the SSSI;
- Understand that Natural England (the Government's advisor on statutory nature conservation sites) has not raised any concerns. If this remains the case, then the LPA is entitled to accept this, and that the development would be unlikely to affect the SSSI.

3.2 **Reading Agricultural Consultants** – comments provided (in summary) responding to soil assessments provided by both the applicant and objectors:

- The submitted information contains the results of surveys. One concludes that the site is Subgrade 3b, and another that it is Subgrade 3a;
- Neither survey has been undertaken in accordance with the well-established guidance and criteria for classifying agricultural land, as published by the former MAFF in 1988;
- The survey by Edward Buckland [for the applicant] does not appear reliable. Soils are not described as they should be, are said to comprise all medium loam over limestone which is unlikely when the geology is chalk;
- There is no description of the separate soil horizons;
- It is unlikely that 80 pits were dug to a depth of 1.2m as with current soil

conditions, it would normally take between ½ - 1 hour to dig, observe and record correctly the relevant properties and refill a soil pit;

- Unlikely that 72 of the 80 observations have stone content of 50% or more - that is not supported by the photographs (in either report);
- If the vast majority of observations had a stone content of 50% or more (of stones larger than 2cm in the topsoil) the land should correctly be grade 5 according the ALC guidelines;
- It is very rare to find Grade 5 land on productive agricultural land in lowland England, it seems unlikely that the stone contents are as described;
- The ISS report [submitted by objectors] has observed topsoil in two fields and taken topsoil samples for pH and nutrient status;
- Nutrient status can be amended in the short term with the addition of fertilisers and is not a good indicator of long term productive use of the land.

Final comments

- Additional information submitted in support of the Agricultural Land Classification Report (by the applicant) still does not describe the soils as they should be in an assessment of Agricultural Land Classification, and thus fails to justify the conclusions drawn in the original report;
- The new information adds nothing of consequence to the assessment. There is still no reliable indication of the site's agricultural land quality.

3.3 English Heritage – in summary

- If it is the case that there is already a tower on this site in a similar location and of a similar height to that proposed, and existing tower is to be removed, it can be argued there would be no worsening of the views from Marsh Court;
- Understand that it may be possible to get glimpsed views of the solar panels from Marsh Court;
- This would constitute a low level of harm to the significance of Marsh Court and mitigation should be sought.

4.0 REPRESENTATIONS

4.1 Broughton Pro-Solar –

- Petition (pages 19 – 42) containing 226 signatures expressing support/no objection for the proposal.

4.2 Broughton Parish Council –

- draw the Officer's attention to a report submitted by BAKS produced by Independent Soil Sciences;
- Consider this new report to be crucial as it indicates that the grading of the soil is classified as Grade 3a and not Grade 3c;
- Government policies state that Grade 3a should not be changed from agricultural use.

4.3 **Broughton Against Kronos Solar** – representations to the proposal take the form of documents/reports produced by or commissioned for BAKS comprising:

- *'51 reasons to refuse the Eveley Solar Park Planning Application'* to include (in summary);
 - Size and scale would have an unacceptable impact upon landscape character with an adverse visual impact upon the enjoyment of the countryside, visible from a number of public footpaths from where the Test Valley landscape is enjoyed;
 - Contrary to policies of the Test Valley Borough Local Plan and the NPPF;
 - Insufficient information submitted to conclude the agricultural land classification;
 - Changes in Government approaches with a scrapping of the subsidy mechanism and a move against large scale solar parks on green field sites;
 - Operational efficiency is about 12% and is only viable through subsidies;
 - Local Parish Councils voted for refusal and representations have been received by the Council against the proposal;
 - Inclusion of high welded industrial fencing in a rural setting;
 - Inadequate screening particularly from footpaths to the north and west of the site and take time before it becomes effective;
 - English Heritage have expressed concern on the adverse visual impact on Marsh Court;
 - Site area has a rich archaeological record;
 - Grade 2 or 3a productive agricultural land;
 - Potential harm to the reproductive capacity of mayfly, concerns about skylarks, corn buntings and loss of hedgerows;
 - Future risk/cost of a Judicial Review/need for robust compliance of conditions. Unlikely risk of any appeal following refusal due to inadequate commissioning time before the subsidy is scrapped and the site becomes unviable;
 - Adverse impact to the local economy;
 - Highway safety risk from collisions with heavy lorries;
 - Danger to pilots of vintage aircraft using Bossington airstrip;
 - Flooding risk to Rookery Lane, Broughton from rainfall runoff;
 - Noise from inverters disturbing the tranquillity of the countryside;
 - Little, if any, local employment.
- *Letter from 'Aquascience Consultancy Ltd'* – comments in summary
 - Have reviewed available literature of the potential impacts of solar panels upon river fly populations;
 - Risk appeared to be mitigated by predicted wind direction with a range of directions between south and north-west accounting for the majority of occasions, and later from the west or north-west.
 - Spring time tends to have a maximum frequency of winds from the north-east but peak emergencies of Spring riverfly populations are as likely to occur when south westerly winds prevail as north easterlies;
 - Evidence shows that keystone chalk river mayfly and caddis fly continue to have peak emergences through the summer months up to September. Blue Winged Olive emerge when south westerly winds dominate UK climate;
 - The risk is potentially tempered by the design of the solar panels;
 - From information available, it is impossible to reliably determine the full

- quantum of risk. Precautionary principles should be applied;
- Permission should not be allowed, based on available evidence, without further/continued risk assessment through some form of commissioning process;
- Research in 2013 states that ‘some consideration would be appropriate in the siting and design of solar panels where important populations of aquatic invertebrates are likely to be present locally’;
- The River Test is a SSSI and Houghton Waters are known to house riverfly;
- Literature suggests minimal direct impact of solar panels on bird and bat populations. If installations impact on riverfly/insect populations, then as food reserves, are likely to impact upon bird and bat populations;
- If approved, the solar farm should have a robust and independently tested commissioning process that assesses the actual quantum of impact upon local riverfly populations. The findings of commissioning studies should dictate whether the solar farm is granted an operation licence (or requires mitigation or re-siting).
- *Report from ‘Independent Soil Sciences’ with supplementary letter – conclusions in summary*
 - Soils appear to be in good condition. Suspect that these fields have been in agricultural production for the past 40 – 50 years;
 - There are already good healthy crops of spring barley growing but audits suggest that good crops can still potentially be grown in these fields with normal inputs and appropriate amounts of rain. Profitability obviously depends on weather conditions;
 - Soils are well structured and should be easy to work;
 - Good availabilities of phosphate and potassium along with good reserves mean that only maintenance dressings would need to be applied;
 - Visual observations of soil structure, soil condition and soil biology suggest a healthy soil system ;
 - Soils in their current condition are well suited to growing combinable crops including oilseed rape as part of the rotation;
 - This can be classified as grade 3a agricultural land.

4.4 **Marsh Court, Marsh Court Road, Stockbridge – (in summary)**

- Report to PCC should highlight the unsafe reliance on the Agricultural Report which failed to meet national policy requirements for sequential testing. Relevant to assess brownfield land prior to greenfield land, and if no brownfield land is suitable, then the need for lower grade land is to be preferred;
- Submission of an ‘*Advice Note*’ from Counsel advising of grounds for judicial review following the decision by SAPC – in summary:-
 - Members require a convincing demonstration of the need to use a Greenfield site and to depart from the landscape assessment considered in the SAPC report;
 - National policy gives support to the protection of the countryside with the potential of large scale solar farms having a negative impact on the rural environment particularly in undulating landscapes;
 - Members of the PCC are advised of the policy framework and the NPPF and NPPG;
 - It is necessary to consider the impact of harm upon the significance of an assemblage of heritage assets of considerable significance which rely on long views to the west towards the application site as part of their setting;

- The solar farm (albeit 2km distance) has to be weighed in the balance;
- Lesser harm may be something to which substantial weight may be attached when considering the duty imposed under s66 and justify a refusal;
- The decision of SAPC would be challengeable by judicial review on the failure to provide a convincing argument on the need to use greenfield land to locate this proposal;
- There is no reason to depart from Officer advice regarding the use of best and most versatile agricultural land;
- Judgement on landscape and visual impact issues is for Members of the Committee, significant weight should be afforded to officer views and Government advice as to the sensitivity of the landscape;
- Members have a duty under s.66 and the implications that may have both to their decision on heritage issues and on the overall balance of sustainability.

5.0 **PLANNING POLICY**

5.1 On the 24th July 2014 the Council approved the Revised Local Plan for submission to the Secretary of State for Examination. At present the document, and its content, represents a direction of travel for the Council. The weight afforded to it at this stage would need to be considered against the test included in para 216 of NPPF. It is not considered that the Revised Local Plan would have any significant bearing on the determination of this application.

6.0 **ADDITIONAL PLANNING CONSIDERATIONS**

Determination by the Secretary of State – Call in

6.1 The Local Planning Authority has been advised that representations have been made to the Secretary of State to have the application ‘called-in’. The National Casework Unit of the Planning Inspectorate has acknowledged receipt of this request for a ‘call-in’ and will make a decision to this request following the meeting of the Planning Control Committee and upon being informed of its resolution. For Members information, the Planning Act (1990) empowers the Secretary of State to call in applications for his own decision, thereby depriving the Local Planning Authority of the jurisdiction to proceed to determine the application. The power of call-in conferred by the Act is employed principally in order to bring before the Secretary of State those applications which the local planning authority do not propose to refuse, but which the Secretary of State believes should be more closely scrutinised before permission is granted.

Determination by the Secretary of State - Major Applications and Plans Directorate (The Planning Inspectorate) on behalf of the Secretary of State

6.2 Since the presentation of the application to SAPC, concern has been raised by third parties as to the calculated megawatt output to be generated by the proposed solar farm. It has been put to the Local Planning Authority that the megawatt output is likely to be in excess of the 49 megawatts applied for and the application should in fact have been determined by the Secretary of State. For Members information, had the application exceeded an output of 50MW, then under the Planning Act (PA) 2008, the application would have been subject to determination by the Secretary of State. Under Section 160 of the PA 2008, a person commits an offence if they carry out (or cause to carry out) development which would require consent under the PA 2008 if no consent under the PA 2008 is in force.

- 6.3 In addressing this concern, the Local Planning Authority has been advised the calculation for measuring the performance of the site is a multiplication of the number of panels by the rated generation capacity of the modules at a peak level (i.e. 205,656 x 240Wp = 49,357 MW). A condition is attached to the suggested conditions further to the resolution of the Southern Area Planning Committee to ensure that this output is not exceeded. In the event that the megawatt output is exceeded then the applicant would be in breach of any planning permission granted and would have also committed an offence.

Judicial Review

- 6.4 Members are advised of Counsel Advice submitted on behalf of an interested party that gives consideration to a judicial review of the application. A summary of the Counsel Advice received by the Local Planning Authority is contained in section 4.3 of this Update Paper.

Agricultural Land Classification

- 6.5 Since the consideration of the application by the Southern Area Planning Committee, the Local Planning Authority has been in receipt of various reports and supplementary information to justify the agricultural grade of the land, whether this is Grade 3a or Grade 3b. Advice has been sought on the information received which is reported in paragraph 3.2, with the classification continuing to remain unclear. The need to determine the agricultural land quality is a requirement of the NPPF (para 112) which states that:

'Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality'.

Had the agricultural land quality been confirmed as being the 'best and most versatile agricultural land', then the NPPF (para 112) requires a demonstration that this site is an appropriate siting for the development, when considered against other suitable and available sites of poorer quality land. In response, the applicants have provided a sequential test of sites considered for the proposed development to illustrate an approach to the site selection. This however does not override the uncertainty regarding the land quality in the first instance.

Consideration of the application by SAPC

- 6.6 Member's attention is drawn to paragraph 2.1 of the PCC report which outlines the considerations of SAPC to the application. By way of elaboration, the SAPC considered that the proposed solar farm would be an acceptable development in this landscape setting and would accord with the policies of the Development Plan, having no overriding demonstrable harm to the character and appearance of the countryside. This was by virtue of the limited public vantage points from which the site could be viewed in the landscape, particularly in the wider vicinity. Members were also of the opinion that views gained from the public footpaths of the development would not be demonstrable to the enjoyment of the countryside by users of these public footpaths. Members were additionally mindful of the concerns raised regarding the loss of agricultural land for the timescale of the development project with this not deemed to be overriding in the planning balance

of the matters before them for consideration.

7.0 RECOMMENDATION

Amendment to the recommendation of the Southern Area Planning Committee to include the following additional conditions and note:

26. The development hereby permitted shall generate no more than a maximum output of 49 Megawatts at any time.

Reason: To comply with the provisions of the Town and Country Planning Act 1990 and the Planning Act 2008.

27. No development shall take place on site until details of the transport movements associated with the construction of the transformer compound and replacement pylon have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the expected number of vehicular movements, the type/size of vehicles to be used and the route that these vehicles will take along the highway network to access the site.

Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 policy TRA09.

Note to applicant

8. The applicant's attention is drawn to Section 160 of the Planning Act 2008 in which a person commits an offence if they carry out (or cause to carry out) development which would require consent under the Planning Act 2008 if no consent under the Planning Act 2008 is in force.

APPLICATION NO.	14/00245/FULLN
SITE	Former Anton Laundry, Marlborough Street, Andover, SP10 1DQ, ANDOVER TOWN (ST MARYS)
COMMITTEE DATE	12 August 2014
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1.0 AMENDMENTS

1.1 Amended plans: 12.08.2014

2.0 PLANNING CONSIDERATIONS

- 2.1 The amended plans received on the 12th August 2014 resolve anomalies between the layout plan and the elevations/roof plans of the buildings.
- 2.2 The wording of conditions 19 and 20, as contained in the Head of Planning and Building recommendation (6.0) of the agenda report, have been amended to ensure precision. Changes to the text are in underlined text as below.

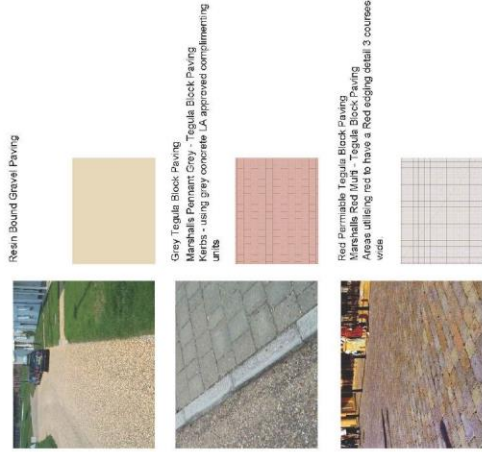
3.0 AMENDED RECOMMENDATION

RECOMMENDATION OF THE HEAD OF PLANNING AND BUILDING

Delegate to the Head of Planning and Building that subject to the completion of a legal agreement to secure contributions towards local infrastructure, then PERMISSION subject to conditions:

- 19. No residential units shall be occupied unless or until the 5 car parking spaces, as shown on Drw.No.1101Rev.B to serve the future requirements of No.24 Marlborough Street have been laid out in accordance with the approved plans. Thereafter the spaces shall be reserved for occupants of 24 Marlborough Street unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure appropriate level of car parking is provided to serve the future needs of commercial activities undertaken within the building at No.24 Marlborough Street, in accordance with Policy TRA02 of the Test Valley Borough Local Plan (2006).**
- 20. No residential units shall be occupied unless or until the 5 car parking spaces and loading area, as shown on Drw.No.1101Rev.B to serve the future requirements of the existing chalk-cob building located along the north eastern boundary of the site, have been laid out in accordance with the approved plans. Thereafter the spaces shall be reserved for occupants of the Chalk-cob building unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure appropriate level of car parking is provided to serve the future needs of commercial activities undertaken within the Chalk-cob building, in accordance with Policy TRA02 of the Test Valley Borough Local Plan (2006).**

Legend



notes:

Note
Latest Building restoration to form separate but concurrent application (see drawg 25-04-IPC-300-300)

revisions	revisions	Notes added	SL	revisions	revisions		
A	20.11.11	Notes added	SL	J	23.01.14	Amendments following planner's comments	NC
B	26.11.11	Site Boundary added	SL	K	12.06.14	Amendments to Block C Roof	SL
C	26.11.13	Site Boundary added	SL				
D	10.12.13	Site name added	SL				
E	19.12.13	Site name added	SL				
F	10.01.14	Updated	SL				
G	10.01.14	Updated	SL				
H	23.01.14	Minor Amendments	NC				

Scale 1:200

Scale 1:1250

notes:

NOTE: The contractor is responsible for checking all site dimensions and levels. These should be checked prior to the starting of any components and any discrepancies should be brought to the attention of the Contract Administrator.

4892 1100

AWP architects

Cavendish and Gloucester
Anton Laundry
Andover
drawing information
Site Layout - General
status: 08.05.11
date: 11.11.11
drawn by: J. J.
checked by: J. J.
scale: 1:200

APPLICATION NO.	14/00485/OBLN
SITE	Andover Business Park, Andover, Hampshire, SP11 8EZ, PENTON MEWSEY
COMMITTEE DATE	12 August 2014
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1.0 REPRESENTATIONS

1.1 **Charlton Parish Council: Objects:**

“It is thoughts that allowing HCV’s onto Barred Routes when using plot 1 would set a presedence [sic] for other plots in the future”.

1.2 **1x letter.** 6 Lakeside Close, Charlton. Objects:

- Uses road network in both a car and other on a cycle
- Arrangements have served the community well whilst allowing business based at the Business park to operate unimpeded.
- Surprised to see the recommendation to enable HCV’s to use the barred routes
- Consider this to be the “thin edge of the wedge”.

2.0 **AMENDED RECOMMENDATION**

No change