

7. **14/00949/FULLN (PERMISSION/REFUSE) 01.05.2014**
SITE: Land West Of Cowdown Lane, Goodworth Clatford,
Andover, **GOODWORTH CLATFORD**

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CASE OFFICER: Lucy Page

APPLICATION NO.	14/00949/FULLN
SITE	Land West Of Cowdown Lane, Goodworth Clatford, Andover, SP11 6LE, GOODWORTH CLATFORD
COMMITTEE DATE	14 October 2014
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1.0 **AMENDMENTS**

- 1.1 A list of Officer advised conditions was provided at Appendix C of the main agenda report. The wording of several of these conditions has been amended including; to enable construction to commence whilst landscaping details are prepared and submitted, a change of timing to enable works to commence from 8.00am Monday to Saturday and clarification that sensor activated downlighters over the doors of the substation would be the only lighting allowed on site during the operational phase of the development. An updated list of Officer advised conditions is attached.

2.0 **PLANNING CONSIDERATIONS**

- 2.1 The applicant has provided a draft unilateral undertaking to the Local Planning Authority in relation to the required lorry routing agreement for construction traffic which is required as the highway network is inadequate in its present form, the details of which are provided in paragraph 1.7 of the report at Appendix B. The content of the unilateral undertaking is being considered and any further updates will be provided verbally at the PCC meeting. If there is an appropriate unilateral undertaking in place prior to PCC then reason for refusal 2 as set out in para.4.1 of the report at Appendix B is no longer necessary and the Head of Planning and Building recommendation would be amended accordingly.

3.0 **AMENDED RECOMMENDATION**

No change.

Update Paper Appendix C – 19/00949/FULLN A list of Officer advised conditions

- 1. The development hereby permitted shall be begun within three years from the date of this permission.**
Reason: To comply with the provision 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. The construction of the transformer kiosks, storage container and substation hereby permitted shall not commence until details of their external materials 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: To ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Local Plan 2006 policy DES07.
- 3. The planning permission hereby granted is for a period of 25 years from the date of commencement of commercial generation of electricity. Written notification of the date of first implementation of the planning permission shall be given to the Local Planning Authority no later than 28 days after the event.**
Reason: In order that the land is returned to its original condition and use following the expiry of the permission in accordance with policies SET03, DES01, and ENV08 of the Test Valley Borough Local Plan 2006 and the National Planning Policy Framework.
- 4. The development shall proceed in accordance with the mitigation and enhancement measures as set out in Chapter 8 'Ecology' of the submitted Environmental Statement and the recommendations in the 'Security Fencing – Recommendations in Relation to Badgers' Technical Note (ECOSA, March 2014).**
Reason: To avoid significant adverse ecological impacts and to conserve and enhance biodiversity in accordance with policies ENV01 and ENV05 of the Test Valley Borough Local Plan.
- 5. No development shall take place until full details of the layout for the parking and manoeuvring onsite of contractor's and delivery vehicles during the construction period shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of development and retained for the duration of the construction period.**
Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05 and TRA09.
- 6. No development shall take place (including site clearance) within the application site as edged in red, until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological work, in accordance with a written brief and specification for a scheme of investigation and mitigation, which has been submitted by the developer and approved in writing by the Local Planning Authority.**
Reason: The site is potentially of archaeological significance in accordance with Test Valley Borough Local Plan 2006 policy ENV11.

- 7. No development shall commence until a scheme to install interception ditches at the site to capture any overland runoff from the development has been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be fully implemented and subsequently maintained in accordance with the timing/phasing arrangements embodied within the scheme or any other period as may subsequently be agreed in writing by the Local Planning Authority.**
Reason: To prevent an increased risk of flooding to off site areas resulting from surface water runoff from the development in accordance with policy HAZ02 of the Test Valley Borough Local Plan 2006.
- 8. Within 3 months of the commencement of development full details of a scheme of soft landscape works including planting plans; written specifications (stating cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities and an implementation programme shall be submitted to and approved in writing by the Local Planning Authority. These details shall also include; proposed finished levels or contours; means of enclosure and hard surfacing materials (where appropriate). The landscape works shall be carried out in accordance with the approved scheme and the implementation programme.**
Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Local Plan 2006 policy DES10.
- 9. Within 3 months of the commencement of development a schedule of landscape maintenance for a minimum period of 25 years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements and programme for its implementation. Development shall be carried out in accordance with the approved schedule.**
Reason: To ensure that the works undertaken maintain the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Local Plan 2006 policy DES10.
- 10. No development shall take place until details of signage to warn contractors and delivery drivers of the presence of the public rights of way and the presence of walkers on the footpaths has been submitted to and approved in writing by the Local Planning Authority. The signage shall be implemented prior to the commencement of development on site and shall be retained during the construction period.**
Reason: To ensure the public rights of way remain safe to users in accordance with policy TRA08 of the Test Valley Borough Local Plan 2006.

11. There shall be no external lighting erected on the site during the operational phase of the development apart from the downlighter lights above the doors of the substation as shown on plan number 7-SK-102 S4.
Reason: In the interests of the countryside location and to avoid impacts to fauna on the site in accordance with policies DES01, ENV01 and ENV05 of the Test Valley Borough Local Plan 2006.
12. The combined BS4142:1997 'specific noise level' from inverter equipment and other ancillary fixed plant associated with the development shall not exceed 30dB LAeq (one hour) at any time of operation, as determined at the nearest existing residential property and/or any existing residential properties that may be more greatly affected. The measurements and assessment shall be made according to BS4142:1997.
Reason: In the interest the protection of the amenities in the locality in accordance with policy AME 04 of the Test Valley Borough Local Plan.
13. No later than 12 months prior to the end of this permission, a site restoration scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme of works to remove the solar panels and related equipment, and shall be fully implemented within 12 months of the expiry of this permission.
Reason: In order that the land is restored to its original condition and use following the expiry of the permission in accordance with policies SET03, DES01, and ENV08 of the Test Valley Borough Local Plan 2006 and the National Planning Policy Framework.
14. If the solar farm hereby permitted ceases to operate for a continuous period of 6 months then, unless otherwise agreed in writing by the Local Planning Authority, a scheme for the decommissioning and removal of the panels and any other ancillary equipment, shall be submitted to and agreed in writing by the Local Planning Authority within 3 months of the end of the cessation period. The scheme shall include details for the restoration of the site. The scheme shall be implemented within 12 months of the date of its agreement by the Local Planning Authority.
Reason: To ensure that the landscape impact of the development exists only for the lifetime of the development.
15. No construction process shall be carried out, no machinery shall be operated and no construction or delivery traffic shall enter or leave the site outside the hours of 8.00am – 8.00pm Monday to Friday or 08.00am – 2.00pm on Saturdays, nor at any time on Sundays, Bank or Public Holidays unless approved in writing by the Local Planning Authority.
Reason: In the interest of the amenities in the local area in accordance with Test Valley Borough Local Plan 2006 policies DES01, AME01 and AME04.

16. The public rights of way shall remain available for safe public use at all times until and unless details of any footpath closures or other orders (diversion/extinguishment) have been submitted to the Local Planning Authority and agreed with Hampshire County Council Rights of Way. No contractor or delivery vehicles, machinery, equipment or materials or anything associated with the development hereby permitted shall be left on or near the public footpath so as to obstruct, hinder or provide a hazard to walkers.

Reason: To maintain the existing public rights of way in accordance with policy TRA08 of the Test Valley Borough Local Plan 2006.

17. At least the first 16.5 metres of the access track measured from the nearside edge of carriageway of the adjacent highway shall be surfaced in a non-migratory material prior to the use of the access commencing and retained as such at all times.

Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05 and TRA09.

18. Prior to the commencement of development details of the measures to prevent the spillage of mud and other debris on the highway shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be provided on site prior to the commencement of development and reserved for that purpose during the whole of the construction phase and for the whole of the decommissioning and removal period.

Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05 and TRA09.

19. The development shall not be carried out other than in complete accordance with the approved plans comprising drawings:

- 11619 7-SK-102 S4
- BWRE-CDN-VP12 – framework and inverter details
- 11619 SK-101 S3 – proposed substation floor plans
- BWRE14-CDN-VP02 – solar park layout
- BWRE14-CDN-VP04 – trenching and site access track layout
- CCTV ELEV01 – CCTV details
- BWRE14-CDN-VP 12 – proposed elevations and roof plan of transformer kiosk
- APP01 – site location plan
- APP02 – red line boundary
- APP03 – site location plan
- BWRE14-CDN-VP10 – elevation of fence and gate
- 11619 7-SK-103 S1 – proposed substation e-w elevations
- 1169 7-SK-102 S4 – proposed substation n-s elevations
- 232512/LA/LA001 B – landscaping strategy plan
- BWRE14-CDN-VP12 – proposed elevations of storage facility
- BWRE14-CDN-VP01 – site construction areas plan

Reason: In the interests of proper planning.

Notes

- 1. Birds nests, when occupied or being built, receive legal protection under the *Wildlife and Countryside Act 1981* (as amended). It is highly advisable to undertake clearance of potential bird nesting habitat (such as hedges, scrub, trees, suitable outbuildings etc.) outside the bird nesting season, which is generally seen as extending from March to the end of August, although may extend longer depending on local conditions. If there is absolutely no alternative to doing the work in during this period then a thorough, careful and quiet examination of the affected area must be carried out before clearance starts. If occupied nests are present then work must stop in that area, a suitable (approximately 5m) stand-off maintained, and clearance can only recommence once the nest becomes unoccupied of its own accord.**
- 2. In reaching this decision Test Valley Borough Council (TVBC) has had regard to paragraphs 186 and 187 of the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
- 3. The development hereby permitted shall be carried out and completed strictly in accordance with the submitted plans, specifications and written particulars for which permission is hereby granted or which are subsequently submitted to, and approved in writing by, the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.**
- 4. Please ensure that all development/works complies with the approved plans. Any changes must be advised and agreed in writing with the Local Planning Authority before they are carried out. This may require the submission of a new planning application. Failure to do so may result in enforcement action/prosecution.**
- 5. Permission is required under the Highways Act 1980 to construct/alter a vehicular access. Please contact the Head of Highways (West) Hampshire County Council, Jacobs Gutter Lane Hounslow, Totton, Southampton, SO40 9TQ. (02380 663311) or highways-transportwest@hants.gov.uk at least 6 weeks prior to work commencing.**
- 6. The applicant's attention is drawn to the terms of the s106 agreement pursuant to lorry routing.**