

Application Details	
Application Reference Number:	<u>3/26/22/013</u>
Application Type:	<u>Full Planning Permission</u>
Earliest decision date:	11 November 2022
Expiry Date	<u>12 December 2022</u>
Extension of Time Date	06/04/2023
Decision Level	Planning Committee
Description:	Installation of solar panels on main building and static caravans along with ground mounted solar panels in the north-western garden area.
Site Address:	<u>Anchors Drop (The Blue Anchor) Blue Anchor, TA24 6JP</u>
Parish:	26
Conservation Area:	NA
Somerset Levels and Moors RAMSAR Catchment Area:	NA
AONB:	NA
Case Officer:	<u>Briony Waterman</u>
Agent:	Mr Elston,
Applicant:	Mr Kravis
Committee Date:	30 March 2023
Reason for reporting application to Committee	Councillor application

1. Recommendation

1.1 That permission be GRANTED subject to conditions.

2. Executive Summary of key reasons for recommendation

2.1 The proposal is for the installation of solar panels on main building and static caravans along with ground mounted solar panels. It is not considered it would have a significant impact upon the visual or residential amenity of the neighbouring properties and is considered to comply with policy CC1 of the West Somerset Local Plan, and accords with the general principles of the National Planning Policy Framework,.

3. Planning Obligations and conditions and informatives

3.1 Conditions (full text in appendix 1)

3.1.1 Time limit

3.1.2 Drawing numbers

3.1.3 Removal of solar panels after they stop generating.

3.1.4 Details of fixing to be provided

3.2 Informatives (full text in appendix 1)

3.2.1 Proactive Statement

4. Proposed development, site and surroundings

4.1 Details of proposal

Installation of solar panels on main building and static caravans along with ground mounted solar panels in the north-western garden area.

4.2 Sites and surroundings

Anchors Drop, formerly the Blue Anchor) is a two storey pub located adjacent to the B3191 with a car park to the south east. The pub abuts directly onto the highway with the access onto the site to the south east. There is a beer garden to the north west and the rear of the pub overlooks the sea.

5. Planning (and enforcement) history

Reference	Description	Decision	Date
3/26/21/022	Change of use of land with siting of 6no. static caravans for holiday let use (retention of works already undertaken)	Granted	01/06/2022
3/26/08/025	Erection of two detached bungalows with attached garages	Refused	13/11/2008
3/26/07/018	Permission for 2 existing caravans on the road side of the top field. Allowed at appeal for the temporary accommodation of seasonal staff, limited to a period of 5 years	Refused	14/09/2007

6. Environmental Impact Assessment

NA

7. Habitats Regulations Assessment

The site lies outside the catchment area for the Somerset Moors and Levels Ramsar site. As competent authority it has been determined that a project level appropriate assessment under the Conservation of Habitats and Species Regulations 2017 is not required as the Council is satisfied that the development is not likely to have a significant effect on the Ramsar site (either alone or in combination with other projects) pursuant to Regulations 63(1) of the Habitats Regulations 2017.

8. Consultation and Representations

Statutory consultees (the submitted comments are available in full on the Council's website).

8.1 Date of consultation: 21 October 2022

8.2 Date of revised consultation (if applicable): NA

8.3 Press Date: NA

8.4 Site Notice Date: A site notice was posted out to the applicant on the 21st October 2022, however the LPA has not had confirmation that it was displayed. However it is considered that the statutory duty to advertise has still been met as it went into the local paper and neighbour letters were sent out.

8.5 Statutory Consultees the following were consulted:

Consultee	Comment	Officer Comment
Old Cleeve Parish Council	<ul style="list-style-type: none"> • Environmental proposals should be applauded and encouraged, however they must be installed with suitable equipment, should be effective in scale and proportion with the site and situation in an appropriate location • Proposal lacks detail • As the panels generate DC current is there a battery storage facility and an inverter • if the intention is to export power to NG is a three phase available at this site • complete roof area of 6 caravans would be covered not stated if each array will be interconnected or linked back to the hotel • electricity will be generated during the day, demand will be greatest in the evening and without battery storage there will be minimal benefit in placing these panels on the caravans • Caravans are temporary and not energy efficient, unclear if the caravans are 	See Section 10.

	<p>structurally able to withstand the load of the panels</p> <ul style="list-style-type: none">• Permission is only for 5 years, viability of the scheme is questioned• majority of panels face south east not south 23 panels are proposed which will have a significant visual impact, effectiveness of orientation is questioned• further intact of 5 panels facing the road, obtrusive and out of character• Array of 3 rows of 13 panels to be sited in the garden area, adjacent to the road, opposite a road junction.• Would be clearly visible from the road and neighbouring properties• Visual impact would be striking and not acceptable within the sea front landscape in this tourist area• ground in this garden area is clearly unstable and questioned whether it should be dug up in case it furthers coastal erosion• in total 175 panels, no detail re generating capacity, can only be used to optimum effect if combined with battery backup• a domestic dwelling is limited to 6kw which can be accomplished with 15 panels, this installation is 10x this size and output is therefore likely to far exceed the requirements of the hotel• questioned whether this proposal is trying to reduce the carbon footprint of the hotel and caravans or is actually planning to sell power back to the grid• Statement claims that the	
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	<p>installation would provide all the power for the collective premises, this is optimistic at best, during the winter power generation is limited</p> <ul style="list-style-type: none"> • Old Cleeve have made comments on the retrospective application that the caravans should only operated between March and October • Whilst the Parish Council supports the use of renewable the proposals must be at a scale appropriate to the site in a suitable location as neither of these applies and due to lack of detail, object to the proposal 	
Highways Development Control	No observations	Noted
SCC - Ecologist	No comments received	

8.6 Internal Consultees the following were consulted:

Consultee	Comment	Officer comment
Landscape	No comments received	

8.7 Local representations

Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement.

No letters have been received.

9. Relevant planning policies and Guidance

Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act), requires that in determining any planning applications regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The site lies in the former West Somerset area. The Development Plan comprises comprise the Adopted West Somerset Local Plan to 2032, Somerset Mineral Local Plan (2015), and Somerset Waste Core Strategy (2013).

Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 were subject to review and the Council undertook public consultation in January 2020 on the Council's issues and options for a new Local Plan covering the whole District. Since then the Government has agreed proposals for local government reorganisation and a Structural Change Order agreed with a new unitary authority for Somerset to be created from 1 April 2023. The Structural Change Order requires the new Somerset authority to prepare a local plan within 5 years of vesting day

Relevant policies of the development plan in the assessment of this application are listed below:

West Somerset Local Plan to 2032:

- OC1 Open Countryside development
- SD1 Presumption in favour of sustainable development
- CC1 Carbon reduction - small scale schemes
- CC3 Coastal Change Management Area

Supplementary Planning Documents:

District Wide Design Guide, December 2021

Other relevant policy documents:

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (March 2022)

9.1 National Planning Policy Framework

The proposal is considered to accord with the general principles of the NPPF, in particular "Chapter 2 Achieving sustainable development" .

10. Material Planning Considerations

The main planning issues relevant in the assessment of this application are as follows:

10.1.1 The principle of development

The panels to be erected are on an existing building and within the curtilage of the property known as "Anchors Drop". Somerset West and Taunton Council have declared a "Climate Emergency" and as such any schemes which endeavour to reduce the carbon footprint of a building are to be commended. However, there are other policy and material considerations to take into account before determining this application.

Policy CC1: Carbon reduction - non wind energy generating schemes states:

Energy generating development proposals (other than those for wind turbines) will be supported where:

- *They respect the local natural environment in which they are located*
- *They respect the local historic environment and the significance of any designated and identified potential heritage assets within and neighbouring it; and*
- *They respect the positive economic and social characteristics of communities affected especially those neighbouring them; and*
- *Adequate measures are taken to mitigate the cultural, economic, environmental and social impact of any related development of the communities affected, both in the short and the longer term.*

Due to the location of the proposal, policy CC3: Coastal Change Management Area, is also considered relevant. The policy states:

"Development within the coastal change management areas, as defined on the policies map, will be limited to temporary, tourism-related development.

No development will be permitted within parts of the coastal change management area which are vulnerable to rapid coastal erosion.

Exceptionally, where the use of such development locations are necessary for sustainable development purposes, other types of development may be permitted where they would be protected by new or existing sea defences which are to be maintained in the long term."

Given the above, the proposal for solar panels is considered to comply with policy. By their nature the solar panels are temporary and a condition has been included to ensure that they are removed within three months post generation. The panels located within the front garden on the caravans will not be visible, other than glimpses, from the public highway and the panels on the roof of the pub are not considered to have a detrimental impact upon the visual amenity of the area. It is considered that, whilst the proposal is within the coastal change area, the addition of solar panels is not considered to have a detrimental impact, the panels are temporary and due to the matters of fixing would not impact upon the coastal erosion. There is no heritage impact of the proposals, the building is not listed nor is the site within a Conservation Area.

Sustainability is a key theme which runs through the National Planning Policy Framework, in particular paragraphs 7 to 14.

The proposed scheme is outside of any defined settlement limits and is therefore defined as being within the open countryside, however the proposal is located on and within the curtilage of an existing building and is therefore considered acceptable in principle.

10.1.2 Visual impact

The proposal is not considered to have a significant impact upon the visual amenity of the area. Increasingly solar panels are becoming a common feature on buildings and it is considered that any perceived negative visual impact is outweighed by the

benefits of renewable energy generation. The ground mounted panels will not be visible from the road due to the existing boundary of a stone wall and hedge. It is noted that the panels would be visible from the beach however this is not considered to have a significant impact upon the views of the area as the panels are contained within the garden.

10.1.3 Residential amenity

Due to the nature and location of the proposal it is considered that the proposals would not have a significant impact. The nearest neighbour is approximately 25m away from the panels in the garden, over a highway with the proposal being well screened by the existing wall. The panels on top of the caravans are approximately 85m away from the nearest property, screened by the existing boundary and the highway.

10.1.4 Highways

Due to the location of the proposal it is considered that there would be no impact upon the parking and turning arrangements on the site, and no adverse impact to other highway users.

10.1.5 Biodiversity

Comments received from the Somerset Ecology Services recommend a Preliminary Roost Assessment is carried out on the pub to ensure that no harm is caused to any potential wildlife. However following correspondence with the agent it has been confirmed that the panels will be installed upon panels above the roof tiles and that they will be fixed to the roof without breaking the felt beneath, it is considered that a PRA would be unreasonable in this specific instance. A condition has been included requiring further details on the location and design of the fixings to ensure that no harm is caused to any protected species.

10.1.6 Additional matters

The Parish Council have raised a number of concerns in respect of battery storage and the connection to the grid and whilst these are insightful questions to better understand the process they are not a material planning consideration.

A comment was made regarding the cliff stability and it is noted that there is an issue with coastal erosion in this location. However, the agent has provided details of how the frames for the panels will be fixed and it is unlikely that this will contribute to cliff collapse, however it is recommended that the applicant seek specialist advice prior to the installation.

The Parish Council conclude their comments stating that whilst they "support the use of renewable or low carbon energy measures, any proposals must be of a scale appropriate to the site and in a suitable location, and as neither applies.... object to this planning application" These concerns are noted however it is considered that

the scale and location are appropriate, the panels on the pub are fixed to a frame and do not breach the eaves of the roof, maintaining the appearance of the building whilst providing a renewable source of energy. Likewise, the panels in the garden do not cause a significant visual impact.

11 Local Finance Considerations

11.1 Community Infrastructure Levy

Not applicable.

12 Planning balance and conclusion

12.1 The general effect of paragraph 11 of the NPPF is that, in the absence of relevant or up-to-date development plan policies, the balance is tilted in favour of the grant of permission, except where the policies within the NPPF that protect areas or assets of particular importance provides a "clear reason for refusing the development proposed" or where the benefits of the proposed development are "significantly and demonstrably" outweighed by the adverse impacts when assessed against the policies in the NPPF taken as a whole.

12.2 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is granted subject to conditions.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

Appendix 1 – Planning Conditions and Informatives

Recommended Conditions

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

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

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

(A2) DrNo 2239.2/100 Existing Site Plans
(A1) DrNo 2239.2/101 Existing Elevations
(A2) DrNo 2239.2/200A Proposed Site Plans
(A1) DrNo 2239.2/201A Proposed Elevations
(A1) DrNo 2239.2/202A Proposed Plans

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

- 3 The solar panels, hereby approved, shall be removed within three months of them ceasing to generate electricity.

Reason: In order to maintain the appearance of the area.

- 4 Detailed drawings of how and where the solar panels will be fixed to the roof on the pub shall be first submitted to and approved in writing by the Local Planning Authority prior to installation.

Reason: In the interests of ensuring the protection of protected species.

Notes to applicant.

In accordance with paragraph 38 of the National Planning Policy Framework 2021 the Council has worked in a positive and creative way and has imposed planning conditions to enable the grant of planning permission.

