

# Planning Committee

## Update Sheet

**The information set out in this Update Sheet includes details relating to public speaking and any change in circumstances and/or additional information received after the agenda was published.**



Working in Partnership



| Item No | Ref No       | Address                            | Recommendation        |
|---------|--------------|------------------------------------|-----------------------|
| 06      | 22/00447/FUL | Denmead Farm, Edneys Lane, Denmead | Application Permitted |

**Officer Presenting:** Stephen Cornwell

**Public Speaking**

**Objectors:** Cathy Caine, Bernard Green

**Parish Council representative:** Kevin Andreoli

**Ward Councillor:** None

**Supporter:** Owen Horrell

**Update**

**Consultation response received from National Grid: (summarised):**

- No objection.
- Seek condition that applicant provides 4m access gate in eastern side enclosed fence around Tower VB121 to allow for NGET continued maintenance.
- Applicant must also have valid connection agreement and have necessary agreement for cable easement with NGET via the “Use of NGET Land” process.
- Copy of Technical guidance note 287 “Third Party guidance for working near National Grid Electricity Transmission equipment attached.

**Planning Officer Comment**

The no objection comment is noted. In view of the impact the creation of a 4m access gate would make to the planting belt on the eastern side of Area 2, Officers have asked the National Grid why they cannot using the applicants proposed access off Old Mill Lane and the internal roadway that serves Areas 1 & 2. Members will be updated on this matter at the meeting.

It is proposed to add the matters covered in the last two bullet points of the response as informatives to any decision.

A letter submitted on behalf of the Lovedean Village Residents Association and a group of 46 residents has been circulated to the committee members. The letter sets out a series of issues:

Summary of key objections:

- In its current form, application on agricultural land, adjacent dwellings, tourist accommodation and above critical source of drinking water means it should be refused.
- Alternatively, application should be deferred until issues below can be resolved.
- Report acknowledges application cannot be determined in accordance with development plan as required by law.

- Report attempts to invoke paragraph 47 of NPPF in connection with material considerations. Report does not explicitly name material considerations but suggests there may be support found in net zero goals of UK government and in local plan.
- Planning Committee not the body to take decisions on goals of UK government and this point should be discarded.
- Courts taken view that planning concerned with land use in public interest.
- Absence of material considerations being named in report:
  - Will solar generate higher quality power?
  - Will it lead to cheaper bills?
  - Will it create large number of new jobs?
- Answer to all these is no.
- Absence of public benefits leaves matter of reducing carbon emissions.
- Wording in local plans not policy so what is it?
- Climate emergency declarations occupy legally ambiguous space between emergency measures and political rhetoric and pose definitional, temporal and exceptionality challenges in a legal review.
- Planning Committee report focused on balance between compliance with planning policies and perception of climate emergency declaration and reduction of carbon emissions.
- Question: is the climate emergency declaration set on a legal footing that is strong enough to compromise protection of local amenity and objections from local community?
- In our view, Declaration of Climate Emergency and Carbon Neutral Plan do not provide legal basis for consideration in reports to planning committee nor planning committee decisions.
- Do not see how unspecified benefits could significantly and demonstrably outweigh cumulative negative impacts that a lawful decision can be made.
- Presumption in favour of sustainable development cannot apply to this application.
- Solar not mentioned in NPPF which defines “sustainable”.
- Panels contain toxic materials (arsenic, lead and cadmium. When panels damaged, risk of pollution to underlying aquifer.
- No current safe way to recycle panels at end of life.
- Applicant exacerbates risks by not using panels that comply with Restriction on Hazardous Substances in Electronic Equipment (RoHS).

- Irresponsible that applicant does not have to submit decommissioning scheme until year 39 and 6 months.
- Suitable sites for solar should come through local and neighbourhood plans and not via speculative applications.
- At no time has proposed site been assessed or identified as suitable for renewables in Denmead Neighbourhood Plan nor in the Winchester District Local Plan.
- Denmead Neighbourhood Plan carries huge statutory weight, maintaining rural character is cornerstone of plan. DNP links into Winchester LPP1 through reference to policy MRTA4.
- In Winchester District Local Plan to override normal presumption against non essential development in countryside must be a need and must provide essential local facility or service (policy DM10).
- Overbearing, cumulative effects (visual, noise, electromagnetic, construction and maintenance work) would bring fundamental change in character from rural to industrial and open up door for further deployment of solar in area.
- No community benefits for local community.
- There has been a lack of engagement with local community. Only public consultation was held in Denmead village hall in September 2021.
- How can Denmead residents be aware of overbearing development on edge of village?
- Importance of rural tourism recognised in NPPF, DNP and WDLP. Houses adjacent site have played key role in local tourism for many years offering range of accommodation.
- Denmead well located 1 days walk from Winchester to offer welcome stop.
- Impact of solar farm will be crippling and result in permanent loss of venues.
- Would see knock-on effect on other local facilities such as local pubs.
- NPPF and local plans contain duty to protect residents from noise pollution.

Applicant failed to provide evidence that scheme when in operation will not breach policy DM20.

Applicant not provided any noise details to represent operational noise levels.

- British Standard requires noise levels used in any assessment to reflect those over the life of scheme. This important as components (forced air cooling fans and transformers) get noisier over time.

- Who is accountable for noise levels during the 40-year operation?
- The Winchester City Council declaration of a climate emergency in June 2019 raises issues of concern from a constitutional /legal perspective.
  - does not meet definition of what constitutes an emergency.
  - none of implications listed apply to use of climate emergency in planning balance.
  - Focus on WCC itself becoming carbon neutral again a definitional challenge.
  - The decision document states 26% reduction in districts carbon emissions since 2005 thereby ambiguous in light of temporal challenge and suggests a post emergency recovery.
  - Largest contribution to emissions from road traffic not electric power.
  - Does not withstand temporal challenge, emergency implies exceptional time, an immediate response over limited time period.
  - Time passed since declaration suggests normalisation and emergency has become permanent feature. This resulted in communities being deprived of full protection of planning legislation.
  - No oversight of use of emergency powers.
- Carbon Neutrality Plan 2020-2030
  - Planning not included within the governance structure nor are any measures assigned to the planning function of the council.
  - Focus on how councils itself becomes carbon neutral: planning not included nor any measures assigned to the planning function of the council.
- What prevents use of 106 Agreement to restrict further development for electrical infrastructure on landowners land?

**Planning Officer Comment**

For clarification, any work to the existing and proposed vegetation is to be controlled through the LEMP (condition 32). For example, any concerns that unregulated crown reduction would be undertaken to limit over shadowing (such as those raised by the tree officer) are addressed.

It is confirmed that the presence and location of the Day Lane solar farm was noted and taken into account within the overall Landscape impact assessment that the applicant and officers have undertaken. Regarding the landscape cumulative impact assessment, this has regard to development proposals that have consent or are in the consenting regime but have not been built. Once a development is built, it becomes part of the baseline landscape.

Regarding the letter submitted on behalf of the Lovedean Village Residents Association and a group of 46 residents the following response is given:

Impact on tourism: This is covered in the report under the section on Economic impact.

Whether the Denmead Neighbourhood Plan contains relevant planning policy: this is covered in the report under the section on Planning Considerations.

That solar farm sites should come forward through the local plan and not speculatively: The current local planning framework is LPP1&LPP2 and any application must be determined against the policies in those plans and any other material consideration.

Scheme does not comply with policy DM10: Policy DM10 (Essential Facilities & Services in the Countryside) relates to the provision of an essential local facility or service. Examples given in the supporting text to the policy are community or educational facilities, premises for emergency services or development by statutory undertakers and public utility providers. The core concept behind this policy is "local need". The proposal solar farm is not considered to fall within the remit of this policy and accordingly, it has not been considered in the determination of this application.

That the 106 agreement should be used to stop any further development on the land: This would not be in accordance with the rules governing the use of 106 agreements. Any future application of whatever kind would require consent and be determined in the context of the relevant planning considerations at that time.

Claim committee should disregard UK government net zero target: The proposition that government policy is not a material planning consideration does not stand closer examination. A review of other LPA decisions, planning inspector decisions and those made by the Secretary of State all feature the issue in their deliberations.

Claim undue weight given to WCC Climate Emergency declaration and its Carbon Neutrality Plan: Whilst noting the existence of the declaration of a climate emergency, the report then goes on to state that the declaration is not rooted in any planning policy. To be clear on this matter, whilst the WCC climate Emergency declaration and the Carbon Neutrality plan are noted, neither plays any role in the planning balance. Government policy is relied upon to support the application,.

Request decommissioning scheme submitted now: This would be an unreasonable and unsustainable request at this time.

Absence of local Engagement: This is referred to in the report. The applicant did reach out to the local community on two occasions, before the application was submitted and secondly, in August 2023 prior to the submission of the second set of revised details.

Absence of material considerations being named in report: The report sets out the

material considerations without specifically prefacing them with that title

Impact on drinking water: This is covered in the report under the section on Water Management. To be completely clear, the relevant consultee (Portsmouth Water) was made aware of the sensitivity and the concerns raised about the use of a certain type of solar panel and has not asked the LPA to restrict the type of panel to be used. In an email exchange Portsmouth Water have made the following observations:

- No information or evidence of pollution issues associated with different types of panels, or panel manufacturing.
- I think this would be low risk when considering all other types of development etc in sensitive groundwater locations. The development of housing etc with rural drainage, runoff, roof materials present a risk.
- I think the main thing is with regards to wear & tear, a appropriate management plan is in place to make sure that any damage, wear & tear doesn't cause any pollution.

A further condition No 34 (Broken Panel Management Plan) is proposed to seek a management plan setting out the methodology for addressing damage or wear and tear to a panel and the actions to be followed to ensure that the risk to pollution is reduced as far as possible. This is set out below.

British Standard (BS) requires noise assessment figures over lifetime of development to capture deterioration in equipment: The advice of the Councils Environmental Protection Officer (EPO) was sought on this comment specifically on the claim that the BS requires an assessment that includes lifetime noise levels and that equipment would become noisier over time. The following response has been received from the EPO (summarised):

- Reference to British Standard stipulating noise levels must be typical of period of interest (in this case 40 years) taken from government website for permitting and noise and is not specifically stated in BS4142.
- Period of interest is a reference to time of day not to life of development.
- If there are concerns regarding the maintaining of noise levels we could suggest this condition "all air conditioning equipment must be maintained for life of the development and the LPA consulted on any changes or increase in air handling equipment associated with site".

Having consider the situation it has been agreed with the applicant that a totally new condition is not required but that the core part of the proposal set out above that requires maintenance of the equipment is incorporated into proposed condition 29.

**(Addition to condition 29 in bold type)**

Noise (Submission of Details Post Installation)

29. Within 3 months of the first commercial export date, a post installation noise assessment shall be carried out and submitted for approval in writing to the local planning authority. This submission shall verify that the cumulative rated noise level from the plant and equipment forming the Solar Farm is no greater than the prevailing background sound level (as set out in Condition 28) at the most sensitive period when the plant and

equipment is being operated (e.g. evening, nights and weekends). The post installation noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and be undertaken in accordance with BS4142:2014+A1:2019 (or superseding guidance) for "Methods for rating and assessing industrial and commercial sound". If the noise criteria has not been met it will be necessary to identify and install noise mitigation measures within 3 months of the assessment being completed and a further post completion noise assessment undertaken so to demonstrate the noise criteria has been met. Any mitigation measures installed, shall be retained hereafter. **All equipment including any forced air cooling fans and transformers must be maintained for the life time of the development.** Any replacement equipment/plant shall also attain the same cumulative noise levels **and be maintained to the same standard as set out above.**

Reason: In the interests of amenity and the protection of the local environment and to comply with the intentions of policy DM20 of the Winchester District Local Plan Part 2.

New condition:

Broken Panel Management Plan

34 Before the first commercial export date, a management plan setting out the methodology to be followed for the identification and remedial action to be taken in response to any damage, or wear and tear that may result in a breakage to a solar panel which may present a risk of groundwater pollution, shall be submitted to and approved in writing by the local planning authority. The submitted details shall set out the sequence of actions and the timetable to be followed in undertaking the actions with the intention of remedy any identified event as soon as possible. The agreed details shall then be implemented during the lifetime of the development.

Reason: The ground water resource underlying the site is the strategically significant Bedhampton and Havant Springs public water supply abstraction. The need to protect this resource and reduce the risk of pollution is paramount and to comply with policies DM17 & DM19 of the Winchester District Local Plan.

Additional Informatives

16. Advice from National Grid Consultee to Applicant: The applicant must have a valid connection agreement and have the necessary agreement for a cable easement with NGET via the Use of NGET Land process.

17. Advice from National Grid Consultee to Applicant: you are advised to have regard to the following: Technical guidance note 287 "Third Party guidance for working near National Grid Electricity Transmission equipment" (2021).

End.



| Item No  | Ref No       | Address                              | Recommendation        |
|--|--------------|--------------------------------------|-----------------------|
| 07   | 24/01060/HOU | 68 Old Kennels Lane, Olivers Battery | Application Permitted |
| <p><b>Officer Presenting:</b> Matthew Rutledge</p> <p><b>Public Speaking</b></p> <p><b>Objectors:</b> Philippa Lucas, Christopher Tolley, Susan Pratt, (POWERPOINT)</p> <p><b>Parish Council representative:</b> Brendan Gibbs</p> <p><b>Ward Councillor:</b> None</p> <p><b>Supporter:</b> Jeremy Tyrrell</p> <p><u>Update 1 – Site/Roof Plan Proposed</u></p> <p>An amended plan (2401_PR_010_A) was received to correct an error with the red line denoting the boundary between the application site and the neighbour, number 66. The red line shown on this amended Site/Roof Plan now agrees to the originally submitted Location Plan.</p> |              |                                      |                       |

| Item No   | Ref No       | Address                    | Recommendation        |
|---|--------------|----------------------------|-----------------------|
| 08  | 24/00990/HOU | 23 Rances Way, Badger Farm | Application Permitted |
| <p><b>Officer Presenting:</b> Matthew Rutledge</p> <p><b>Public Speaking</b></p> <p><b>Objector:</b> Gui Colombo</p> <p><b>Parish Council representative:</b> John Godbold</p> <p><b>Ward Councillor:</b> None</p> <p><b>Supporter:</b> Jason Grey</p> <p><u>Update</u></p> <p>None</p> |              |                            |                       |

| Item No | Ref No       | Address                               | Recommendation      |
|---------|--------------|---------------------------------------|---------------------|
| 09      | 24/01884/FUL | Land North of Southwick Road, Wickham | Application Refused |

**Officer Presenting:** Joe Toole

**Public Speaking**

**Objector:** Anita Farmer

**Parish Council representative:** Tiggy Ayoub

**Ward Councillor:** None

**Supporter:** Michael Knappett

**Update 1 – Solent Recreation Mitigation Partnership (SRMP)**

The SRMP payment has now been made, omitted this as a reason for refusal.

**Update 2 – Tree Officer Comments**

The Council's Tree Officer commented on the application raising no objection subject to a landscaping condition.

**Update 3 – Natural England Comments**

Natural England commented on the application raising no objection subject to securing appropriate mitigation.

**Update 4 – Principle of development**

WCC maintains a self and custom build register which covers that part of Winchester District that falls outside of the South Downs National Park (SDNP). A detailed analysis of permissions granted in respect of custom and self-build plots for Winchester District was undertaken in April this year, although it is still in a draft form. As of 30 October 2023, 407 individuals had registered an interest on the register since it was launched on 1 April 2016. The Council has an obligation to permit sufficient dwellings to meet the level of need within three years of being recorded.

By 30 October 2023, 384 cumulative need and the total delivery by 30 October was 202 dwellings. Therefore, as of 30 October 2023 there was a shortfall of 182 dwellings against the need recorded in the register up to 2020. National planning practice guidance states that the registers that relate to the area of a local planning authority and the duty to have regard to them are likely to be a material consideration in decisions involving proposals for self and custom housebuilding. National planning practice guidance states that the register to them are likely to be a material consideration in decisions involving proposals for self and custom housebuilding.

Notwithstanding the identified shortfall in custom and self-build housing plots, in Base Period 7 provision was equal to that year's need and in the most recent Base Period 8, WCC permitted 22 against the additional need of 17 added that year. It therefore should be acknowledged that the City Council have more recently been

making progress in relation to granting suitable development permissions for enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in the District. Additionally, the introduction of mandatory BNG has now had a significant impact on new self-build schemes (which are exempt from meeting this obligation) – involving a significant increase in Self Build CIL exemptions since April this year. It should also be recognised that emerging Plan Policy H5 seeks to secure the inclusion of self and custom build housing on larger development sites not individual plots such this proposal.

Therefore, the provision of a self-build plot in this case is not considered to be a suitable justification for an additional residential unit in an unsustainable countryside location.

With regards to sustainability, the defined settlement limit of Wickham lies approximately 1,791 metres from the application site. Whilst it is noted the application site is located nearby to a garden centre (Mud Island Garden Centre) it is not close to everyday facilities, located on a busy main road with no pavements for walkability. Therefore, due to its distance away from the defined settlement of Wickham and its rural location away from everyday facilities it is not considered to be within a sustainable location.

The principle of development is therefore not acceptable.

#### Update 5 – Planning Balance and Conclusion

Whilst the benefits of the proposal delivers a new self-build dwellinghouse this benefit would not in this instance outweigh the harmful impacts identified in relation to the significant conflict with Policy MTRA3 of LPP1 and would not be located within a sustainable location.

#### Update 6 – Reason for Refusal 1

#### **Recommendation**

Refusal, due to the following reason:

1. The proposal is contrary to Policy MTRA3 of the Winchester District Local Plan Part 1 as the development is not considered to be infilling a small site within a continuously developed road frontage. The provision of a self-build unit does not provide sufficient justification for a residential unit in this unsustainable countryside location. The proposal is also therefore contrary to Policy MTRA4 of the Local Plan Part 1 in that it results in an unjustified additional dwelling with no operational or essential need for a countryside location.

| <b>Item No</b>  | <b>Ref No</b> | <b>Address</b>  | <b>Recommendation</b> |
|---|---------------|---|-----------------------|
| 11  | 23/02001/FUL  | Bereweke Court Nursing Home,<br>Bereweke Road, Winchester | Application Refused   |
| The application is no longer being considered at this planning committee. |               |   |                       |

**End of Updates**