COMMITTEE REPORT

Date:	14 June 2012	**Ward:**	Bishopthorpe
Team:	Major and Commercial Team	**Parish:**	Acaster Malbis Parish Council

Reference:	12/01117/FUL
Application at:	Springfield Farm Appleton Road Bishopthorpe York YO23 2XA
For:	Erection of 15 metre (to hub) high wind turbine (resubmission)
By:	Mr R J Edmondson
Application Type:	Full Application
Target Date:	11 May 2012
Recommendation:	Approve

1.0 PROPOSAL

1.1 The application is for a wind turbine sited in the field to the rear of Springfield. The proposed Kingspan KW6 Turbine would be 15 metres in height to the hub with a horizontal axis rotor with a diameter of 5.6 metres. The overall height would be 17.8 metres in height. The tower would be galvanised steel finish and the hub and blades would be plastic, the plans state in either a black of white finish. The proposed turbine would be 210 metres from the closest dwelling on Temple Lane (134 Temple Lane) and 220 metres from the closest dwelling (excluding the applicants) on Foss Field Lane (Fossfield Farm).

1.2The site is within the City of York Green Belt as identified in the Proposals Map of the City of York Development Control Local Plan

1.3 This is a resubmission of an application which was refused permission in October 2011 (ref: 11/02266/FUL) because no very special circumstances had been provided for the proposed turbine for it to overcome the presumption against inappropriate development within the greenbelt. Furthermore insufficient noise survey details were submitted.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:
City Boundary GMS Constraints: York City Boundary 0001
DC Area Teams GMS Constraints: West Area 0004

2.2 Policies:
CYGB1 Development within the Green Belt
CYGP1 Design
CYGP5 Renewable energy
CYSP2 The York Green Belt
CYSP3 Safeguarding the Historic Character and Setting of York

3.0 CONSULTATIONS

INTERNAL

Environmental Protection Unit

3.1 The noise assessment carried out is based upon the proposed Kingspan KW6 turbine with a rotor diameter of 5.5m and a hub height of 9m. The noise assessment declared that this turbine has a declared apparent sound power level of 88.3dB(A). Predictions of the noise level at the nearest residential dwelling, not associated with the application, vary from 27.0dB(A) to 38.4dB(A) depending on the wind speed. In addition the manufacturer states that the turbine does not exhibit tonality in the sound it produces. Details of the existing noise levels in the area have been provided which show that noise levels in the area are of a similar level to the predicted noise levels. In addition information on the effect of increasing the hub height from 9m to 15m has also been provided, using the case of a different turbine for comparison, which indicated that there was minimal change with changes of no more than 1dB measured. As a result EPU does not object to the proposed application based on the Kingspan KW6 turbine being used on site.

Design, Conservation and Sustainable Development

3.2 Any comments will be reported verbally.

EXTERNAL

Acaster Malbis Parish Council

3.3 Object. The application was previously refused as inappropriate in the Green Belt. The Parish Council is not aware of any change in circumstances which would change this position.

Publicity/Neighbour Notification

3.4 Seven objections have been received on the following grounds:

- Visual impact to the dwellings on Temple Lane

- Impact on value of property
- Photomontage is a misrepresentation
- May impact on birdlife
- Because a noise disturbance, used a different turbine and different height in the noise assessment
- Fails to provide 'very special circumstances' for development in the Green Belt
- Cumulative impact with the neighbouring turbine , appearance of a small wind farm filling the landscape between Acaster Malbis and Copmanthorpe
- Will be more noticeable than the existing turbine
- Too close to the properties on Temple Lane
- Concerned will set a precedent

4.0 APPRAISAL

KEY ISSUES

1. Impact on the Green Belt
2. Impact on neighbouring property

ASSESSMENT

PLANNING POLICY

4.1 The National Planning Policy Framework (NPPF) contains a set of core land-use planning principles including that planning should always seek to secure high quality design and a good standard of amenity for all existing occupants of land and buildings; protect the Green Belt; and encourage the use of renewable resources (for example, the development of renewable energy). Part 9 of the NPPF 'Protecting Green Belt Land' states that inappropriate development is, by definition, harmful to the Green Belt. Further, when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

4.2 The application site is considered to be in the Green Belt as set out in Y1: York sub area policy of The Yorkshire and Humber Plan May 2008 (the Regional Spatial Strategy) which identifies the outer boundary of the York Green Belt about 6 miles from York City Centre. The inner boundary is to be defined through the LDF under RSS policy YH9: Green Belts.

4.3 The Development Control Local Plan policy SP2 'The York Green Belt' states that the primary purpose of the York Green Belt is to safeguard the setting and historic character of the City of York. Policy SP3 ' Safeguarding the Historic Character and Setting of York' states that high priority will be given to the protection of the historic character and setting of York.

4.4 Policy GP1 'Design' includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

4.5 Policy GP5 'Renewable Energy' states that the development of renewable energy will make a vital contribution to the reduction of carbon dioxide emissions, facilitating the delivery of the Government's commitment on climate change. Proposal for the development of renewable energy facilities will therefore be encouraged providing there is no significant adverse effect on the existing landscape, air quality, biodiversity, water resources, agricultural land or sites of archaeological or historic importance.

IMPACT ON THE GREEN BELT

4.6 The proposed KW6 Proven Turbine would be 15 metres in height to the hub height with a horizontal axis rotor with a diameter of 5.6 metres. The overall height would be 17.8 metres in height.

4.7 The development is considered to be inappropriate development in the Green Belt. In such cases the NPPF states that developers will need to 'demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources'. The applicant states that 'The proposed project has been designed with the intention of generating zero-carbon electricity through the utilisation of wind as a renewable energy source. It is proposed that the electricity generated from the turbine will power the farm. Any excess capacity will be exported back to the national grid'. Reference within the NPPF to renewable energy projects is clear and it is considered that very special circumstances exist in this case by reason of the production of energy from renewable sources. Small-scale projects can provide a limited valuable contribution to overall outputs of renewable energy and to meeting energy needs both locally and nationally.

4.8 The proposed KW6 Proven Turbine would be 15 metres in height to the hub height with a horizontal axis rotor with a diameter of 5.6 metres. The overall height would be 17.8 metres in height. If very special circumstances are considered to exist, development will only be allowed if the scale, location and design of such development would not detract from the open character of the greenbelt. The topography is particularly flat in this area and the proposed turbine would be prominent in this location, however the turbine is relatively small scale and its design limits its impact on the openness of the green belt.

4.9 In addition there has been a turbine erected in relatively close proximity at Park Farm, the applicant has provided a cumulative impact assessment. The assessment states that views of the turbine with that of the Park Farm turbine will always be viewed together given the short distance between the two sites. Typical views will include combined views of the turbines, particularly from nearby dwellings and settlements including the line of dwellings on Temple Lane. The potential impact will be reduced by their similarities in scale, presence of vertical elements within the landscape of similar scale including mature trees within the fields and to road side edges and being read in conjunction with the existing farm buildings. The report concludes the cumulative impacts of the two turbines will be of a "localised extent and have a negligible to slight adverse impact. This is due to the smaller scale and sensitive setting of the turbines within the landscape, near to the cluster of farm buildings and intervening screening by various natural and built landscape elements." Officers consider this to be a reasonable assessment on the impact on the landscape and Green Belt. While there will be a slight material impact on views and a lesser impact on openness, the impact is not considered to be unduly harmful. The proposal is considered to comply with policy GB1 and the guidance contained in the NPPF.

IMPACT ON NEIGHBOURING PROPERTY

4.10 The proposed turbine by virtue of its distance from the nearby dwelling is not considered to be unduly prominent or dominate the outlook from the nearby dwellings. The dwellings on Temple Lane would be at least 210 metres from the proposed turbine and by virtue of the significant distance the proposed turbine is not considered to impact negatively on the residential amenity of the occupants of these dwellings.

4.11 There is a significant distance between the wind turbine and the closest dwelling. Noise levels from turbines are generally low under most operating conditions. The submitted noise assessment states that this turbine has a declared apparent sound power level of 88.3dB(A). Predictions of the noise level at the nearest residential dwelling, not associated with the application, vary from 27.0dB(A) to 38.4dB(A) depending on the wind speed. In addition the manufacturer states that the turbine does not exhibit tonality in the sound it produces. Details of the existing noise levels in the area have been provided which show that noise levels in the area

are of a similar level to the predicted noise levels. In addition information on the effect of increasing the hub height from 9m to 15m has also been provided, using the case of a different turbine for comparison, which indicated that there was minimal change with changes of no more than 1dB measured. As a result it is considered that the wind turbine will not harm the living conditions of nearby residents, as such the proposal complies with policy GP1.

OTHER ISSUES

4.12 Under certain combinations of geographical position and time of day, the sun may pass behind the rotors of a wind turbine and cast a shadow over neighbouring properties. When the blades rotate, the shadow flicks on and off. However only properties within 130 degrees either side of north, relative to the turbines can be affected at these latitudes in the UK. Flicker effects have been proven to occur only within ten rotor diameters of a turbine. Therefore if the turbine has 5.5m diameter blades, the potential shadow flicker effect could be felt up to 55m from a turbine. The closest dwelling that would be within the 130 degrees of north of the turbine would be 230 metres away.

4.13 Turbines can also cause flashes of reflected light, which can be visible for some distance. It is possible to mitigate the flashing by choice of blade colour and surface finish. This can be conditioned.

4.14 No species or habitats of special importance have been identified that require special protection measures. The issue of 'bird strike' has been raised but it is advised in "Planning for Renewable Energy- A Companion Guide to PPS22" that there is evidence to suggest that the risk of collision of birds with moving of the rotor blades is minimal for both migrating birds and for local habitats.

5.0 CONCLUSION

5.1 The proposed wind turbine is considered to be inappropriate development in the greenbelt. However the environmental benefits of the proposed scheme are considered to outweigh the harm to the greenbelt and as such the proposed wind turbine would comply with the National Planning Policy Framework. In addition the proposed wind turbine is not considered to unduly harm the residential amenity of the occupants of the nearby dwellings.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

Drawing Number A001 received 15 March 2012
Drawing Number KW6/15 received 15 March 2012;

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority as the submitted Noise Performance Test is model specific and the erection of an alternative turbine may have different noise impacts which will need to be assessed by the local planning authority.

2 TIME2 Development start within three years -

3 The colour and finish of the turbine should be submitted to and approved in writing to the Local Planning Authority.

Reason: To achieve a visually acceptable form of development.

7.0 INFORMATIVES:
Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, the visual amenity of the locality and the greenbelt. As such, the proposal complies with Policies GP1, GB1, and GP5 of the City of York Council Development Control Local Plan (2005); national planning guidance contained in the National Planning Policy Framework and "Planning for Renewable Energy - A Companion Guide to PPS22".

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