

COMMITTEE REPORT

Date: 8 November 2012 **Ward:** Wheldrake
Team: Major and **Parish:** Wheldrake Parish
Commercial Team Council

Reference: 12/02998/FUL
Application at: Proposed Wind Turbine at Grid Reference 466532 445234
Cockey Hill Road Wheldrake York
For: Erection of a 25m high (hub height) 50kW wind turbine
By: Mr H Raley
Application Type: Full Application
Target Date: 7 November 2012
Recommendation: Refuse

1.0 PROPOSAL

1.1 Planning permission is sought in respect of land at OS Grid Ref 466532 and 445234 at Cockey Hill Road Wheldrake for the erection of a single 50kW wind turbine with a hub height of 25 metres. The site lies in a prominent location in the York Green Belt adjacent to the C class road linking Wheldrake village to Cockey Hill. The surrounding landscape is gently rolling with a mix of small areas of woodland interspersed with predominantly arable fields. A number of residential properties lie to the south of the application site in Benjy Lane Wheldrake.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

2.2 Policies:

CYGP1
Design

CYGP5
Renewable energy

CYNE1
Trees, woodlands, hedgerows

CYGB1

Development within the Green Belt

CYHE2

Development in historic locations

CYNE8

Green corridors

3.0 CONSULTATIONS

INTERNAL:-

3.1 Environmental Protection Unit object to the proposal on the grounds that insufficient information has been submitted with the application in terms of noise to be able to assess the impact of the development on the surrounding area.

3.2 Design, Conservation and Sustainable Development were consulted in respect of the proposal on 21st September 2012. Any views will be reported verbally at the meeting.

EXTERNAL:-

3.3 Wheldrake Parish Council object to the proposal on the grounds that insufficient information has been submitted in respect of the connection of the installation to the National Grid, insufficient information has been submitted in respect of how the apparatus would be de-commissioned when no longer required, the submitted noise information is too brief and inaccurate, the proposal would have a series adverse impact upon the residential amenity of properties in Benjy Lane to the south and the proposal would give rise to a series adverse impact upon visual amenity of the local landscape and the open character of the York Green Belt.

3.4 Julian Sturdy MP objects to the proposal on the grounds that it would give rise to a serious adverse impact upon the residential amenity of properties directly to the south in Benjy Lane, it would have a serious adverse impact upon the visual amenity of the surrounding landscape and a serious adverse impact upon the open character of the York Green Belt.

3.5 The Ministry of Defence were consulted with respect to the proposal on 2nd October 2012. Any views will be reported verbally at the meeting.

3.6 20 Letters of objection have been received in respect of the proposal. The following is a summary of their contents:-

- * Concern that the proposal would set a precedent for other similar development in the area;
- * Impact upon the residential amenity of properties to the south of the site in Benjy Lane;
- * Impact of the proposal upon the visual amenity of the surrounding landscape;
- * Impact of the proposal upon the setting of the Conservation Area;
- * Impact of the proposal upon the open character of the green belt;
- * Impact of the proposal upon the safety and convenience of highway users on the surrounding network;
- * Lack of information in respect of the level of noise the apparatus would generate.

3.7 Two letters of support have been submitted in respect of the proposal endorsing the need for the creation of significant capacity for renewable energy generation in the locality.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- * Impact upon the open character and purposes of designation of the York Green Belt;
- * Impact upon the residential amenity of nearby properties;
- * Level of Information in respect of noise from the apparatus;
- * Impact upon the visual amenity of the surrounding landscape;
- * Impact upon the setting of Wheldrake Conservation Area; and
- * The need to secure the transition to a low carbon future through the creation of significant renewable energy capacity.

IMPACT UPON THE OPEN CHARACTER AND PURPOSES OF DESIGNATION OF THE YORK GREEN BELT:-

4.2 Policy GB1 of the York Development Control Local Plan states that planning permission for development within the Green Belt will only be forthcoming where the scale, location and design of such development would not detract from the open character of the Green Belt, it would not conflict with the purposes of including land within the Green Belt and it is for one of a number of purposes identified as being appropriate in the Green Belt including agriculture and forestry. This is consistent with Central Government Policy in respect of Green Belt areas outlined in paragraphs 79 to 91 of the National Planning Policy Framework (NPPF). Indeed paragraph 91 of the NPPF specifically identifies renewable energy developments as constituting inappropriate development within the Green Belt.

Where development is judged to be inappropriate a case of very special circumstances will need to be advanced in order to overcome the very strong presumption against such development.

4.3 Paragraph 91 highlights this requirement and indicates that a case for very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. In the present case a very brief argument based upon the environmental benefits of renewable energy has been submitted. However, this fails to address the specific location of the development in any way and significantly fails to address the very significant impact of the proposal upon the openness of the Green Belt in this area. The application site is set within a gently rolling rural landscape with small copses of mature trees interspersed with arable fields surrounded by mature trees and lengths of hedgerow. The application proposes the erection of a substantial metal frame structure that would be clearly visible in views across open countryside from the north and north east. It is considered that in addition to being harmful due to inappropriateness the proposed structure would give rise to serious harm to the openness of the Green Belt by virtue of its stark engineered appearance. It is therefore considered that the proposal would conflict with Policy GB1 of the Draft Local Plan in addition to paragraph 91 of the NPPF.

IMPACT UPON THE RESIDENTIAL AMENITY OF NEARBY PROPERTIES:-

4.4 Policy GP1 of the York Development Control Local Plan expects new development proposals to respect or enhance the local environment and be of a scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area and ensure that residents living nearby are not unduly affected by noise, disturbance or dominated by overbearing structures. The proposed apparatus would be some 35 metres to its highest point and would be readily visible in open countryside clearly separated from the belt of mature trees to the west and south west. The closest residential property would be Low Well Farm some 230 metres to the north east with two properties Brick and Tile Farm some 250 metres to the south and south east of the application site in Benjy Lane. The proposed apparatus would be significantly higher than nearby tree cover and would appear to physically dominate the three closest residential properties. Notwithstanding the distance involved the apparatus would cause significant harm to the amenity of the neighbouring properties by virtue of over-dominance accentuated by the visual effect of the gently rolling landscape. There could furthermore be an issue of shadow flicker affecting the amenity of properties to the south and south west, which could also be significantly effected by any noise coming from the apparatus. The proposal would, therefore, conflict with the terms of Policy GP1.

LEVEL OF NOISE GENERATED BY THE APPARATUS:-

4.5 A noise assessment for a single turbine identical to that proposed but located in County Galway in the Irish Republic has been submitted with the application. This assesses the performance of the apparatus however, as the landscape, topographic and background noise characteristics of the application site are different, the information is of only very limited usefulness and can be afforded only very limited weight. The proposed turbine is located such that a significant noise impact is likely to arise in respect of the three closest residential properties to the detriment of their residential amenity. No detailed noise assessment allowing for local characteristics has however been submitted. Central Government planning policy outlined in paragraph 123 of the National Planning Policy Framework specifically highlights areas such as the application site, which have been relatively undisturbed by noise and which are prized for their amenity and informal recreational value as a result. In the absence of specific information relating to the application site, it is not considered that the impact of the proposal upon the residential amenity of neighbouring properties can be properly assessed.

IMPACT UPON THE VISUAL AMENITY OF THE SURROUNDING LANDSCAPE:-

4.6 Policy NE8 of the York Development Control Local Plan states that planning permission will not be forthcoming for development which would destroy or impair the integrity of green corridors and stepping stones. The application is clearly related to the green corridor which follows the C class road between the settlements of Crockey Hill and Wheldrake. This is characterised by a gently rolling landscape with individual mature tree and lengths of hedgerow fringing largely arable fields with any residential properties set well behind the road frontage and appearing to blend naturally into their landscape. The proposal would result in a structure that would erode significantly the character of the local landscape giving it a more formalised, urban and engineered appearance. This would be particularly evident when approaching Wheldrake from the north west. The applicant has submitted a Landscape and Visual Impact Assessment incorporating photographs and using a recognised Landscape Characterisation Methodology. It is considered that this demonstrates the severe impact of the proposal on the visual amenity of the surrounding landscape particularly in views from the south and to the north east. The terms of Policy NE8 of the Draft Local Plan would therefore not be complied with.

IMPACT UPON THE SETTING OF THE WHELDRAKE CONSERVATION AREA:-

4.7 Policy HE2 of the York Development Control Local Plan sets a firm policy presumption that within or adjoining Conservation Areas or in locations which affect the setting of Listed Buildings or nationally important archaeological remains development proposals must respect adjacent buildings, open spaces and settings having regard to local scale and proportion.

The historic centre of Wheldrake village has been designated as a Conservation Area covering the historic agricultural settlement including a number of examples of 17th and 18th Century vernacular architecture. The proposed apparatus would however lie a substantial distance to the north west of the designated Conservation Area and any visual inter-relationship between the two would be small and any adverse impact would be similarly marginal notwithstanding the significant impact of the proposal upon openness of the Green Belt and the visual amenity of the surrounding landscape.

THE NEED TO SECURE A LOW CARBON FUTURE THROUGH THE CREATION OF SIGNIFICANT RENEWABLE ENERGY CAPACITY:-

4.8 Central Government Planning Policy outlined in the Core Planning Principles within Paragraph 17 to the National Planning Policy Framework identifies the provision of suitable renewable energy generation capacity as a way forward to secure a sustainable low carbon future. This is supported by Policy GP5 of the York Development Control Local Plan which sets a firm policy presumption in favour of the creation of new renewable energy capacity providing there is not significant material harm to the surrounding landscape. It is considered, however, that the harm caused by the current proposal to the openness of the Green Belt and the visual amenity of the surrounding landscape is such that it would over-ride both this policy presumption in the NPPF and the Draft Local Plan.

OTHER ISSUES:-

4.9 Concern has been expressed in respect of the impact of the proposal upon the safety and convenience of highway users travelling between the settlements of Crockey Hill and Wheldrake. Whilst it is considered that the proposed structure would significantly erode the visual amenity of the natural landscape corridor linking the two settlements it is not considered that it would provide a sufficient distraction to vehicular traffic as to constitute a reason for refusal of the scheme.

5.0 CONCLUSION

5.1 The site comprises a visually prominent location within the York Green Belt and within the clearly definable landscape corridor linking the settlements of Crockey Hill and Wheldrake. The proposed development involves the erection of a single medium sized wind turbine for the production of electricity for export to the National Grid some 35 metres to its highest point. The development constitutes inappropriate development within the Green Belt and no substantive case for very special circumstances to overcome the usual presumption against inappropriate development has been made. Furthermore its design and location would give rise to significant harm to the openness of the Green Belt in that location.

5.2 Residential property lies to the north east and then to the south along Benjy Lane. No detailed noise survey has been submitted with the application though the proposed turbine is likely to give rise to significant harm to the residential amenity of nearby properties by virtue of noise, the extent of which can not easily be assessed in the absence of a detailed survey. In view of the lack of detailed information in relation to noise and the impact upon the Green Belt and the landscape corridor it is felt that the proposed development is inappropriate and that planning permission should be with held. Whilst strong policy presumptions exist in both National and Local Planning Policy to encourage the development of renewable energy resources it is considered that in this case these are not such as to over-ride the very real and demonstrable harm that the development would cause to the openness of the Green Belt and the pleasant amenity of the surrounding landscape.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposal constitutes inappropriate development within the Green Belt and is therefore by definition harmful to the openness of the Green Belt contrary to Paragraph 91 of the National Planning Policy Framework and Policy GB1 of the York Development Control Local Plan.

2 The proposed wind turbine apparatus by virtue of its scale, design and location would substantially erode the pleasant and tranquil character and visual amenity of the landscape corridor linking Crockey Hill with Wheldrake village contrary to Policy NE8 of the York Development Control Local Plan.

3 Insufficient information has been submitted with the application to enable a meaningful assessment to take place of the impact of noise generated by the proposed wind turbine apparatus on the residential amenity of nearby properties and the quiet amenity of the adjoining landscape, contrary to paragraph 123 of the National Planning Policy Framework.

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