COMMITTEE REPORT

Committee:	West/Centre Area	**Ward:**	Rural West York
Date:	18 March 2010	**Parish:**	Nether Poppleton Parish Council

Reference: 09/01940/FUL
Application at: Playing Field Millfield Lane Nether Poppleton York
For: Erection of 1no. wind turbine with 18.3m mast
By: Mr Val Duggan, Poppleton Junior Football Club
Application Type: Full Application
Target Date: 6 January 2010
Recommendation: Approve

1.0 PROPOSAL

1.1 The application is for the erection of 1 no. wind turbine. The turbine would be sited in the northeast corner of the site. The site is within the green belt.

1.2 The specification of the turbine was revised at the request of the agent/applicant based on funding issues. The 11kw proposed two rotor blade turbine would be 18.3 metres to the hub, and 24.8 metres in height to the tip of the rotor blade. The turbine is to provide energy for the clubhouse that gained permission (09/00474/FUL) at sub-committee on 16 July 2009. The proposed turbine would be sited 185 metres from the club house and 175 metres from the nearest dwellings (in Nursery Court).

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:

CYSP2 The York Green Belt

CYSP3 Safeguarding the Historic Character and Setting of York

CYGP1 Design

CYGP5 Renewable energy

CYGB1 Development within the Green Belt

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT - No objections

ENVIRONMENTAL PROTECTION UNIT - Object

3.2 The revised application shows that at a distance of 163m, the approximate distance to the nearest residential dwellings at Nursery Court, the expected noise level from the turbine varies from 31dB(A) to 37dB(A) depending on wind speed.

3.3 Whilst during the daytime these noise levels are less likely to be a problem, due to the noise produced by the York outer ring road (A1237) located approximately 350m from the site and 500m + from the nearest residential dwelling to the proposed turbine, have concerns about the noise level adversely affecting the amenity of residents during the quieter hours of the day and night. Currently no details have been submitted on the background noise levels are the site during the quietest times of the day and night.

3.4 In order to assess the potential effect that the turbine could have on these dwellings details on the background noise levels of the site would request that information be provided on the background noise levels at the site during the quietest time of the day and at night. In view of this I would request that the applicant undertakes a 24 hour noise monitoring exercise between 11pm on a Saturday evening and 11pm on a Sunday evening to determine the background noise environment. Such monitoring should be taken as near to the closest residential property at Nursery Court as possible. Details of the Leq and L90 for the monitoring period should be provided in 1 hour time periods. These results should then be compared with the predicted levels of noise from the wind turbine at the nearest residential dwellings.

CITY DEVELOPMENT

3.5 Adopted Regional Spatial Strategy sets out sub-regional energy targets to 2010 and 2021 and states that all development strategies, plans and decisions will maximise renewable energy capacity be delivering at least these targets. The CYC target for installed renewable energy is 11mw to 2010 and 31mw to 2021.

3.6 Wind turbines are not an appropriate use within the green belt so a very special circumstances argument would need to be assessed.

3.7 The proposed wind turbine would be located within an area preventing coalescence and is therefore within one of the areas defined as important to preserving the historic character and setting of York, as set out in "The approach to the Green Belt Appraisal" (2003). However it is noted that the site is already developed for sports and recreation use and the wind turbine would be ancillary use to it.

LANDSCAPE ARCHITECT

3.8 No objections to the original or revised scheme.

COUNTRYSIDE OFFICER

3.9 No objections.

EXTERNAL CONSULTATIONS/REPRESENTATIONS

NETHER POPPLETON PARISH COUNCIL

3.10 Object to original scheme and revised scheme on the following grounds:

- Unwarranted visual intrusion
- Reduction in visual amenity towards York from occupied properties in various area of the village
- Contrary to Green Belt policy
- Would set a precedent on the erection of masts, poles etc
- No argument why this mode of sustainable energy was preferred over other sources of supply, many of which are less visually intrusive

YORK NATURAL ENVIRONMENT PANEL

3.11 No objection

SPORT ENGLAND

3.12 Object

- Sport England is concerned over the as yet fully unexplored impact of the wind turbine on the current use of the site, as playing fields.
- Nothing in the submitted details covers the issue of harm to the pitches during construction and maintenance of the turbine.
- There may be a requirement for safety zones surrounding wind turbines to protect the public e.g. falling ice etc.

2 LETTERS OF OBJECTION to original scheme

- Have not been consulted by the football club
- Turbine would be visible from rooms in objectors dwelling
- Some of the supporting information sates that the diameter of the rotor would be 5.57m while some of the other information states 9 metres in diameter
- As visible above the tree line would be prominent
- No objection to renewable energy, but the height of the mast should be reconsidered
- What is the noise level of the wind turbine, including at different speeds and distance from the turbine
- Would be prominent from the by-pass

1 LETTER OF OBJECTION to the revised scheme

- Height is out of keeping with the nearby bungalows and the low level nature of Nether Poppleton
- Proposed in an area where there are no other structures
- Set a precedent, coalescence of development
- Disproportionate height
- Intrude upon otherwise unbroken views across the countryside
- The development of the football facility was allowed, quite appropriately, to provide opportunities for outdoor sport and recreation, while retaining green spaces. However to develop the site further would be a change in use of the land and an abuse of the trust and support originally given
- Concerned regarding the noise of the turbine
- Concerned what impact the proposed turbine would have on the local birdlife
- There are other types of renewable energy that could be used on this site

1 LETTER OF COMMENTS to original scheme

- Will be able to hear turbine from Nursery Close
- How many hours a day will it run and what time of day will the turbine be active

4.0 APPRAISAL

RELEVANT SITE HISTORY

09/01583/FUL - Change of use of agricultural land to sports field and move boundary fence to include new land (renewal) - Approved

09/00474/FUL - Erection of one storey club house, extended car parking, cycle park, and bin store, Retention of 1 no. storage building - Approved

09/00492/FUL - Retention of 5no. storage containers/temporary buildings in connection with football club use - Approved

06/02108/GRG3 - Change of use of agricultural land to sports field and move boundary fence to include new land - Granted

05/00034/FUL - Siting of a portable steel storage building and variation of condition 1 of planning permission 00/00597/FUL - to allow retention of existing building for a further period - Approved

00/00597/FUL - Change of use of agricultural land to playing field, siting of three potable buildings with associated parking and accesses - Approved

ADDITIONAL PLANNING POLICY

Poppleton Village Design Statement, 2003
CYC Interim Planning Statement on Sustainable Design and Construction, 2007

Planning Policy Statement 1 - Delivering Sustainable Development
Planning Policy Guidance 2 - Green Belts
Planning Policy Statement 22 - Renewable Energy
Planning Policy Guidance 24 - Planning and Noise

KEY ISSUES

1. Impact on the greenbelt
2. Impact on neighbouring property

ASSESSMENT

PLANNING POLICY

4.1 Planning Policy Statement 1 - 'Planning for Sustainable Development' aims to protect the quality of the natural and historic environment. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue. Small scale renewable schemes should be encouraged by local authorities at the same time the quality of the natural and historic environment both rural and urban should be protected and enhanced

4.2 Planning Policy Guidance note 2 'Green Belts' sets out the purposes of including land within Green Belts and establishes specific categories of development that are appropriate within Green Belts. All other development is deemed inappropriate and therefore harmful to the Green Belt. For such development to be acceptable in Green Belts very special circumstances must be demonstrated to show that the harm is outweighed by other considerations. The boundaries of the Green Belt are detailed on the Proposals Map of the City of York Council Development Control Local Plan (CYCDCLP) and this site clearly falls within the Green Belt.

4.3 Planning Policy Statement 22: Renewable Energy advises that the development of renewable energy supplies will make a vital contribution to the Government's energy policy as set out in the Energy White Paper. It is considered that the increased development of renewable energy resources is vital to facilitate the delivery of the Government's commitments on both climate change and renewable energy. The Energy White paper indicates that local and regional bodies should be involved to deliver the Government's objectives, including establishing regional targets for renewable energy generation. This statement is supported by "Planning for Renewable Energy - A Companion Guide to PPS22". Of note the policy states:

- The wider environmental and economic benefits of all proposals for renewable energy projects, whatever the scale, are a material consideration that should be given significant weight in determining whether proposals should be granted planning permission. LPAs should not make assumptions about the technical and commercial feasibility of renewable energy projects. Small-scale projects can provide a limited valuable contribution to overall outputs of renewable energy and to meeting energy needs both locally and nationally. Planning Authorities should not therefore reject planning applications simply because the level of output is small. Development proposals should demonstrate any environmental, economic and social benefits as well as how

any environmental and social impacts have been minimised through careful consideration of location, scale, design and other measures

- When located in the Green Belt elements of the many renewable energy projects will compromise inappropriate development, which may impact on the openness of the greenbelt. Careful consideration will therefore need to be given on the visual impact of projects and developers will need to demonstrate very special circumstances that clearly outweigh any harm by reason of inappropriateness and any other harm if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

- Of all renewable technologies, wind turbines are likely to have the greatest visual and landscape effects. However, in assessing planning applications, local authorities should recognise that the impact turbines have on the landscape will vary according to the size and number of the turbines and the type of landscape involved, and that these impacts may be temporary if conditions are attached to planning conditions which require the future de-commissioning of turbines.

- LPAs should ensure that the renewable energy developments have been located and designed in such a way to minimise increase in ambient noise levels

4.4 Supplementary Planning Guidance - Poppleton Village Design Statement (2003) sets down a series of design guidelines for proposed development. To maintain the village's rural character/atmosphere, there should be green and open land between Poppleton and York. This is not only important for Poppleton but for York so that it remains a contained and attractive city rather than being surrounded by unsightly urban sprawl. Expansion of Poppleton outside the existing curtilage towards the Ring Road should be discouraged. Any new development on the village periphery should be in keeping with both the surrounding properties and the countryside and should give a high priority to landscape design, to protect and enhance the external views of the village.

4.5 Policy YH9 and Y1 of the Yorkshire and Humber Regional Spatial Strategy (May 2008) sets out the extent of the City of York Green Belt.

4.6 Policy ENV5 of the YHRSS gives indicative local targets for installed grid-connected renewable energy in 2010 and 2021 (MW). The targets for York are 11MW by 2010 and 31MW by 2021. In the original application submitted there was the intention to sell some of the energy produced back to the National Grid. No information was submitted in regards of this issue for the revised scheme.

4.7 Policy SP2 'The York Green Belt' in the City of York Council Development Control Local Plan (2005) states that the primary purpose of the York Green Belt is to safeguard the setting and historic character of the City of York.

4.8 Policy SP3 ' Safeguarding the Historic Character and Setting of York' in the City of York Council Development Control Local Plan (2005) states that high priority will be given to the protection of the historic character and setting of York.

4.9 Policy GP1 'Design' of the City of York Council Development Control Local Plan 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.

4.10 Policy GP5 'Renewable Energy' in the City of York Council Development Control Local Plan (2005) 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.

4.11 Policy GB1 'Development in the Green Belt' of the CYCDCLP follows the advice contained in PPG2 in stating that permission for development will only be granted where: the scale, location and design 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 would not prejudice the setting and special character of the City, and is for a type of development listed as appropriate development. All other forms of development are considered to be inappropriate and very special circumstances would be required to justify where the presumption against development should not apply.

WIND TURBINE DETAILS

4.12 A condition was placed on the planning permission for the clubhouse (approved by sub-committee on 16 July 2009) for it to have at least 5 % renewable energy created on site. The applicant has decided that they would like to produce more than 5% and information has been submitted including the wind turbine but also the potential for photovoltaic panels on the proposed clubhouse and a biomass boiler/s in the proposed plant rooms. Although it is not clear if the applicant intends to use photolytic panels and biomass boiler in addition to the turbine.

4.13 The proposed Turbine would be 18.3 metres in height to the hub height with a horizontal axis dual rotor with a diameter of 13 metres. The proposed revised turbine is a reduction in the height of the originally submitted mast and a reduction in the number of rotors, although the revised scheme has a larger sweep path. The overall height would be 24.8 metres in height. The average windspeed in this area is just over 5 metres per second. Although it is noted no actual wind speed test have been

undertaken on site. The starting speed for the turbine is 2.5m/s. However PPS22 states that LPA's should not make assumptions about the technical feasibility of renewable energy projects.

4.14 The turbine has a gearbox, which in most cases turns the slow rotation of the blades into a quicker rotation that is more suitable to drive an electrical generator. The proposed wind turbine would have a constant blade rotational speed of 54rpm whatever the wind conditions.

IMPACT ON THE GREEN BELT

4.15 The proposed wind turbine does not fit into any of the appropriate uses set out in PPG2 or Policy GB1 and as such is considered to be inappropriate development. Very special circumstances are required to justify instances where this presumption against development should apply. The very special circumstances put forward by the agent, is that the proposal would lead to a reduction in carbon dioxide emissions from conventional source of over 22 tonnes per annum the equivalent of 60% of the new clubhouse footprint. The applicant intends to have displays within the clubhouse to show visitors including information and the output from the display machine helping to increase public awareness of low carbon energy creation. In addition they state that the design is of a limited scale and design and will visually contrast with the natural surroundings and would have little visual impact.

4.16 The provision of renewable energy is considered to have significant weight by virtue of the encouragement of renewable energy by central government as set out in planning policy. PPS 22 states that the wider environmental and economic benefits of all proposals for renewable energy projects, whatever the scale, are a material consideration that should be given significant weight in determining whether proposals should be granted planning permission and that the very special circumstances required for development in the green belt may include the wider environmental benefits associated with increased production of energy from renewable sources.

4.17 The green belt between Poppleton and York serves the purposes of preventing the coalescence of the two settlements, which is supported by policy set out PPG2 and the Poppleton Village Design Statement. The turbine is set away from the proposed club house, in the north east corner of the site and this isolation increases its visual prominence. In addition it is not viewed against the backdrop of buildings as the club house would be. It would add cumulatively to the visual impact of this site. However had the proposed turbine been proposed closer to the club house this may have increased the potential loss of residential amenity to the occupants of the nearby dwellings. The turbine is relatively small scale and its design limits its impact on the openness of the green belt. On balance, in this case the environmental benefits are considered to outweigh the harm to the greenbelt.

IMPACT ON NEIGHBOURING PROPERTY

4.18 The proposed turbine by virtue of its distance from the nearby dwelling (min. 175 metres) it is not considered to be unduly prominent or dominate the outlook from the nearby dwellings.

4.19 The Environmental Protection Unit (EPU) and a neighbour have raised concerns regarding the potential noise the turbine may cause. EPU have accepted that the noise levels throughout the day are acceptable however they are concerned about the turbine noise during the night. A background noise survey taken during the night has been requested from the agent. However no report has been received. EPU have based their comments on the distance of 163 metres between the proposed wind turbine and the closest dwelling, however scaled from the submitted plans it would indicate 175 metres. It has been suggested by the agent's renewable energy consultant to move the turbine so there is a distance of 180 metres to the nearest dwelling, which would remove EPU's concerns. It is not considered that moving the turbine an additional 5 metres would make a significant difference in the noise levels. There is a significant distance between the wind turbine and the closest dwelling and it is considered that on balance that the turbine would not cause a noise nuisance to the occupants of the neighbouring dwellings. However no data has been submitted to prove this. Noise levels from turbines are generally low under most operating conditions. There are two quite distinct types of noise source within a wind turbine. The mechanical noise produced by the gearbox, generator and other parts of the drive train; and the aerodynamic noise produced by the passage of the blades through the air.

OTHER ISSUES

4.20 The proposed site lies close to River Ouse, which contributes significantly to the quality of the local environment and provides an attractive habitat for local wildlife. 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.

4.21 The issue of 'shadow flicker' has been raised. 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. "Planning for Renewable Energy - A Companion Guide to PPS22" applicants for planning permission for wind turbine installations should provide an analysis to quantify the effect. This analysis was not submitted by the agent, however for the following reason it was not requested from the applicant. Only properties within 130 degrees either side of north, relative to the turbines can be affected at these latitudes in the UK. The further the observer is from the turbine the less pronounced the effect will be. "Planning for Renewable Energy - A Companion Guide to PPS22" states that flicker effects have been proven to occur only within ten rotor diameters of a turbine. Therefore if the turbine has 13m diameter blades, the potential shadow flicker effect could be felt up to 130m from a turbine. The closest dwelling that would be within the 130 degrees of north of the turbine would be 175 metres away. It is also considered that shadow flicker is unlikely to affect the playing fields given that the position of the turbine is in the north east corner and the football pitches do not fall within the 130 degrees either side of north.

4.22 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.

4.23 Sport England have raised concerns regarding the build-up of ice on turbine blades. Guidance set out in "Planning for Renewable Energy - A Companion Guide to PPS22" states that it is unlikely to present problems on the majority of sites in England. For ice to build up on wind turbines particular weather conditions are required, that in England occur rarely. If the icing of blades does happen, fragments of ice might be released from the blades when the machine is started. Most wind turbines, and the proposed wind turbine, are fitted with vibration sensors which can detect any imbalance which might be caused by icing of the blades; in which case operation of machines with iced blades could be inhibited. Sport England are concerned as to the safety of the users of the football pitches if the icing of the blades occur. As the playing fields are not open to the general public and it is not close to any public highway or dwelling it is considered that the potential safety and upkeep issues of the turbine would be the responsibility of the site management.

5.0 CONCLUSION

5.1 The proposed wind turbine is considered to be inappropriate development in the greenbelt and is considered to cumulatively add to the coalescence of development between Poppleton and York. 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 national guidance - Planning Policy Guidance 2 "Green Belts" and Planning Policy Statement 22 "Renewable Energy. In addition the proposed wind turbine is not considered to unduly harm the residential amenity of the occupants of the nearby dwellings. Approval subject to the following conditions is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

Drawing Number 204C received 5 January 2010
Elevations submitted 4 January 2010
Drawing Number 209A received 2 December 2009;

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved 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.

4 The turbine and associated plant or equipment shall be appropriately serviced and maintained after installation to ensure it meets the manufacturers specification with regards to minimisation of noise output.

Reason: to protect the amenity of nearby occupants of noise sensitive premises.

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 Planning Policy Guidance 2 "Green Belts", Planning Policy Statement 22 "Renewable Energy" and "Planning for Renewable Energy - A Companion Guide to PPS22".

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