

COMMITTEE REPORT

Date: 18 August 2011 **Ward:** Rural West York
Team: Householder and **Parish:** Upper Poppleton Parish
Small Scale Team Council

Reference: 11/01044/FUL
Application at: Nairobi Stables Boroughbridge Road York YO26 6AP
For: Erection of 5.5m diameter wind turbine on 9m tower and
erection of detached garage
By: Mr R Wood
Application Type: Full Application
Target Date: 29 July 2011
Recommendation: Approve

1.0 PROPOSAL

1.1 The application seeks permission for the erection of a 9m wind turbine with 5.5m diameter wind turbine and the erection of a detached garage to house equipment and for the storage of vehicles.

1.2 RELEVANT SITE HISTORY

09/00539/CLD - Certificate of lawfulness to the siting of a static caravan on the land for a period in excess of 10 years (resubmission) - Refused
- From the supporting information, the Local Planning Authority does not consider that "on the balance of probability" sufficient precise and unambiguous evidence has been submitted to demonstrate that the site, to which this lawful development certificate application relates, has been used continuously for the siting of a caravan for a period of ten years.

08/01899/CLD - Certificate of lawfulness to the siting of a static caravan on the land for a period in excess of 10 years - Refused
- From the supporting information, the Local Planning Authority does not consider that "on the balance of probability" sufficient precise and unambiguous evidence has been submitted to demonstrate that the site, to which this lawful development certificate application relates, has been used continuously for the siting of a caravan for a period of ten years.

08/00589/ADV - Display of 1 no. non-illuminated trailer advertisement - Refused

- The proposed trailer advertisement by virtue of its siting, scale, and design would be an unduly prominent, atypical and visual intrusive feature that would cause harm to the area and the open character of the greenbelt and would prejudice the setting and special character of the City of York and therefore is contrary to Policies GP1, SP3, GB1 and GP21 of the City of York Council Development Control Local Plan (2005); and national planning guidance Planning Policy Guidance 19 - Outdoor Advertisement Control.

- The proposed sign by virtue of its siting, scale and design would cause a distraction to vehicle users on the A 59 and therefore would have a detrimental impact on the safety of road users and therefore is contrary to national planning guidance Planning Policy Guidance 19 - Outdoor Advertisement Control.

05/02708/CLD - Use of former storage building as a single dwellinghouse
- Granted.

05/00383/CLD - Application for a Lawful Development Certificate for continued occupation of former storage building as a dwelling - Refused.
- In the opinion of the Local Planning Authority the evidence submitted does not, on a balance of probability, demonstrate continued occupation of the building in question, as a dwelling, for a period of four years prior to the 23 February 2005.

02/00299/FUL - Removal of condition 10 of planning permission 98/02845/FUL to allow angling and the construction of a car park and bund along the north west boundary of the site - Approved.

01/01882/FUL - Retention of embankment at existing fish breeding farm - Finally disposed of.

01/00421/FUL - Proposed extension of existing fish farm - Approved.

98/02845/FUL - Retention and conversion of existing buildings and change of use of paddock to form fish farm - Approved.

1.3 The application has been called in by Cllr Steward following on from the concerns expressed by the Parish Council.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

Floodzone 2 GMS Constraints: Floodzone 2

Floodzone 3 GMS Constraints: Floodzone 3

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

CYGB4

Extension to existing dwellings in GB

3.0 CONSULTATIONS

3.1 Internal

Environmental Protection Unit - Whilst considered unlikely to result in a loss of amenity to other residential properties additional information was required. This was submitted identifying noise levels. This information

indicated that at a wind speed of 8m/s a sound pressure level of 28dB(A) would result at the nearest dwelling, approximately 500m away. However, noise levels at a higher speed have not been submitted. A background noise level survey should have been undertaken.

Highway Network Management - No objections

Design, Conservation and Sustainable Development - It is not considered that the siting of a small turbine here would be a problem from a nature conservation point of view. There are few geese and ducks in this area, and there is also unlikely to be many bats, particularly as the hedgerows within this vicinity are all very low and are also fairly fragmented. Additionally, there are no known bat roosts within the immediate surrounding area. It is also considered unreasonable to request any further wildlife information as part of this application, based on this location, the type of turbine proposed and with this scale of development.

3.2 External

Upper Poppleton Parish Council - Object on the following grounds:
The top of the propeller will be 11.75m tall, considerably higher than any adjacent trees
It will be highly visible as the surrounding landscape is flat
An intrusive addition to the approach to the village

4.0 APPRAISAL

4.1 KEY ISSUES

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

ASSESSMENT

PLANNING POLICY

4.2.1 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

4.2.2 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.

4.2.3 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".

4.2.4 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

4.2.5 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.

4.2.6 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.

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

4.2.8 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.

4.2.9 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.

4.2.10 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.

4.2.11 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.

4.2.12 Policy GP4a 'Sustainability' of the City of York Council Development Control Local Plan (2005) states that proposals for all development should have regard to the principles of sustainable development.

4.2.13 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.

4.2.14 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.

4.2.15 Policy GB4 'Extensions to Existing Dwellings' states that the extension and alteration of dwellings in the green belt and open countryside will be permitted providing the proposal: would not cause undue visual intrusion; is appropriate in terms of design and materials and is small scale compared to the original dwelling.

PROPOSAL

4.3 The application site is located outside of the settlement limits of Poppleton and along the A59. At present the site comprises of a number

of fishing lakes, associated dwelling and cafe. The application seeks permission for a 9m tower with a 5.5m diameter turbine to be used to generate electricity for the dwelling with any surplus being used to serve the cafe. The tower would be constructed of galvanised steel with the blades being constructed of thermoplastic glass polypropylene composite. It would turn at 200rpm and a wind speed of 12m/s and would yield approximately 6,000 to 12,000kWh per year. However PPS22 states that LPA's should not make assumptions about the technical feasibility of renewable energy projects.

4.4 As part of the scheme a detached garage with car port is proposed. This would measure 9.9m by 7m deep with a pitched roof rising to 4m. It is proposed to house the equipment within part of the garage which converts the power from the turbine into usable electricity. The remainder of the building would be used for vehicles associated with the existing dwelling. The garage would be located approximately 100m back from the highway within the area immediately to the side of the existing dwelling. It would back onto the existing site bund and as such would not be readily visible from outside of the site.

IMPACT ON THE GREENBELT

4.4 The turbine would be located approximately 60m back from A59 and located on an existing bund which surrounds the site. The proposed wind turbine does not fit into any of the permitted 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 amount to the fact that the site is not connected to the electricity grid. Therefore, at present the site gets its electricity by using generators. The generators are housed within an area to the side of the dwelling. They are considered to be inefficient, noisy, harmful to the environment and costly. The provision of energy provided by the turbine would result in a reduction in the number of generators currently running on site and the hours they would be run, depending on the energy produced.

4.5 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 national 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.

4.6 The turbine would be visible from outside of the site and by passing vehicles using the A59. However, it is set back from the highway verge and a certain degree of screening is provided. The turbine is for domestic purposes and therefore is relatively small scale and officers consider that 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.

4.7 In connection with the proposed garage Policy GB4 states that extensions to dwellings should not result in undue visual intrusion, is appropriate in terms of design and materials and is small scale compared to the original building. A figure of 25% increase in footprint is given in the supporting text to the policy. The proposed garage would result in an increase of 49%. However, the garage is also used to house the equipment in association with the turbine and as such has a dual purpose and arguably therefore, there are very special circumstances which justify the larger size of the building which are connected to the provision of the turbine. In addition it would result in the removal of the generator from within the site which has the potential to be both visually harmful and noisy. The garage would be well screened and as such it is considered that it would not be visually intrusive or result in harm to the green belt.

IMPACT UPON AMENITY

4.8 The proposed turbine by virtue of its distance from the nearby dwelling (min. 500 metres) it is not considered to be unduly prominent or dominate the outlook from the nearby dwellings. With regard to noise it is considered that at low speeds the impact upon the amenity would be minimal. No information has been provided in connection with noise output at high speed. Environmental Protection Officers have requested a background noise level assessment to be carried out. However, officers consider that at these distances and with the volume of traffic using the A59, the impact upon amenity of the turbine on residential properties 500m away be negligible. Furthermore, 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. The proposed turbine has been developed without a gearbox with the express purpose of reducing noise output.

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 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. The size and location of the proposed garage / equipment store in connection with the turbine is also considered to represent appropriate development in the green belt. Approval subject to the following conditions is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans and other submitted details:-

Drawing numbers 2010.013.25 No 100 Rev A received 17th May 2011

Drawing numbers 2010.013.25 No 101 Rev A received 17th May 2011

Drawing numbers 2010.013.25 No 201 Rev A received 21st July 2011

Drawing numbers 2010.013.25 No 202 Rev A received 17th May 2011

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

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 materials to be used externally in the construction of the garage shall match those of the existing buildings in colour, size, shape and texture.

Reason: To achieve a visually acceptable form of development.

5 Apart from the area to be used in connection with the provision of electricity conversion, the garage shall be used for purposes ancillary to the enjoyment of the dwelling house only and not for any commercial purposes.

Reason: Additional commercial development on the site would be contrary to green belt policy and constitute inappropriate development.

6 The existing generators shall be removed from the site within 1 month of the wind turbine hereby approved being brought into use. Equipment used in connection with the generation of electricity from the turbine hereby approved shall only be housed within the garage building hereby approved.

Reason. In the interests of ensuring that the development represents appropriate development in the Green Belt.

7.0 INFORMATIVES:

Notes to Applicant

1. 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, GB4 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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