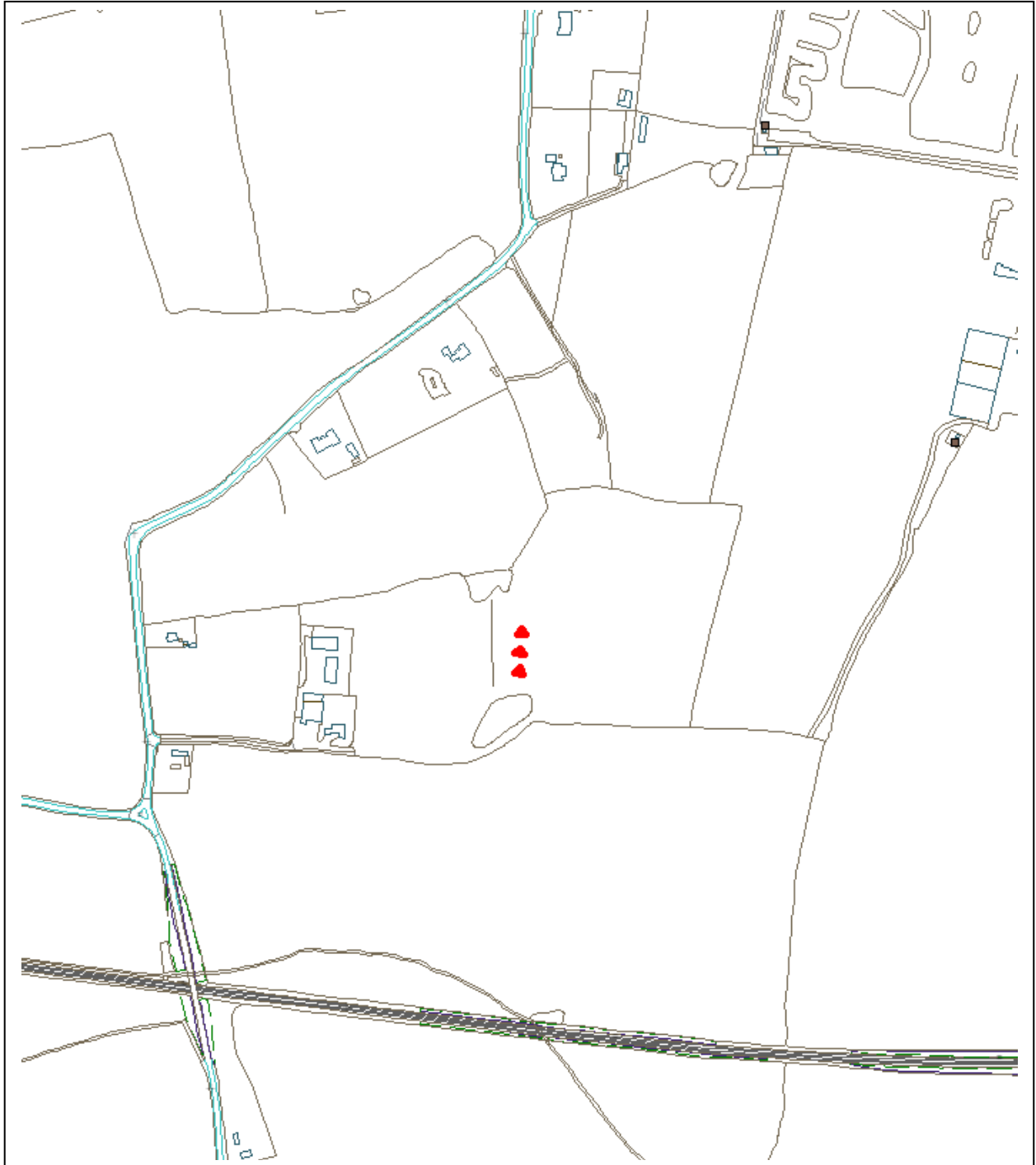


PLANNING COMMITTEE

30 OCTOBER 2012

REPORT OF THE ACTING HEAD OF PLANNING

A.4 PLANNING APPLICATION - 12/00583/FUL - RISBYS FARM, SWALLOWS ROW, GREAT BENTLEY, CO7 8QT



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Application:	12/00583/FUL	Town / Parish: Great Bentley Parish Council
Applicant:	Mr D Worn	
Address:	Risbys Farm, Swallows Row, Great Bentley, CO7 8QT.	
Development:	Installation of three micro scale wind turbines (14.97m to hub, 5.6m diameter blades).	

1. **Executive Summary**

- 1.1 The application has been referred to Planning Committee at the request of the Local Ward Member, Councillor McWilliams, due to concerns regarding negative street scene and negative impact upon neighbours.
- 1.2 The proposal is for the erection of three wind turbines each measuring 14.97 metres high to the hub with 5.6 metre blade diameter. The site lies to the rear of Risbys Farm with the proposed wind turbines sited between two ponds surrounded by agricultural land with boundary hedgerows and trees. The closest dwelling lies approximately 250 metres away with a further three dwellings within 320 metres of the proposed wind turbines. The turbines are located sufficiently away from nearby residential properties as to ensure no significant adverse impact in terms of residential or visual amenity.
- 1.3 The surrounding area is not subject to any special landscape or habitat designations and it is considered that the development can be carried out without having a material adverse impact upon the local landscape or biodiversity interests. The development raises no highway issues and the mast and associated elements can be delivered and constructed on site without detriment to highway safety.
- 1.4 The proposal is recommended for approval subject to conditions.

Recommendation: Approve

Conditions:

1. Time limit for commencement – 3 years
2. Development in accordance with the submitted plans
3. If any of the wind turbines fail to produce electricity for a continuous period of six months they shall be removed from the land, and written proof of electricity production from the wind turbines shall be provided upon request

Reason for Granting Planning Permission:

The proposal is acceptable in respect of the aims of the National Planning Policy Framework and Policy EN13a (Renewable Energy) of the Tendring District Local Plan as the proposed wind turbines have been positioned so that they would not have a significant adverse impact on the local landscape, the local ecology, the amenities of nearby properties or highway safety.

Informatives:

1. Ministry of Defence informative regarding notification of construction dates, maximum height of construction equipment, and latitude and longitude of each turbine.

2. **Planning Policy**

National Policy:

National Planning Policy Framework (2012)

Local Plan Policy:

Tendring District Local Plan (2007)

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

EN13a Renewable Energy

3. **Relevant Planning History**

None

4. **Consultations**

Parish Council:

- 4.1 Original comments: No comments can be made until a wildlife survey including owls and bats has been carried out.
- 4.2 Additional comments: Further information supplied is useful but is not a full ecology assessment as requested. The assessment submitted only relates to Barn Owls and not any other species that may be affected.

Natural England:

- 4.3 Not considered to pose any likely or significant risk to protected species or habitats, subject to the standard Local Planning Authority assessment.

Highway Authority:

- 4.4 No objection.

Public Experience (Environmental):

- 4.5 No comment to make.

Ministry of Defence:

- 4.6 No objection. Wish to be notified of construction dates, maximum height of construction equipment, and latitude and longitude of each turbine to verify this will not adversely affect defence interests.

Air Traffic Safeguarding:

- 4.7 No objection.

Arqiva (Television transmission):

4.8 No objection.

JRC (UK fuel and power radio systems):

4.9 No objection.

RSPB:

4.10 No response.

Essex Wildlife Trust:

4.11 No response.

Environment Agency:

4.12 No response.

5. Representations

5.1 Eight letters of objection have been received and these are summarised as follows;

- Applicant has overstated distance to road it is 265m not 345m (*Officer response: The applicants have measured this distance due west (to front of Risbys Farm) whereas the objector has measured North West where the road bends round so both measurements are correct*).
- Detrimental visual impact on surrounding countryside.
- Visible from three roads including A133.
- Buried cables may adversely affect drainage.
- Noise levels exceed acceptable criteria.
- Low frequency noise can cause headaches, dizziness and other health problems.
- Disruption to local wildlife which includes owls and bats.
- Will result in neighbouring farms wanting similar or larger turbines.
- Is the commercial development that the wind turbines will serve lawful no records can be found? (*Officer response: The site has planning permission under 03/01522/FUL for storage of new and second hand vehicle spares, recovery lorry, mobile workshop and vans owned by applicant, manufacturing of concrete products, and proposed storage of caravans.*)
- Council lacks a strategic plan for locating wind development in suitable areas.

5.2 One letter of support has been received and is summarised as follows;

- Small development which will not dominate the skyline.
- Practical on shore solution to our sustainable energy needs.
- A number of these turbines have been installed locally so similar concerns have been raised in relation to owls and bats so I question the need to re work the same issues even if they are in a different location.
- We all benefit from reduced stress on the national grid and less need to build large generating stations.

5.3 The application has been referred to Planning Committee at the request of Councillor McWilliams because of the following material planning considerations: Negative street scene and negative impact upon neighbours.

6. Assessment

6.1 The main planning considerations are:

- Impact on character and appearance of the surrounding area; and,
- Impact on residential amenity.

Proposal

6.2 Erection of three wind turbines each measuring 14.97 metres high to the hub with 5.6 metre blade diameter.

Site Location

6.3 The site lies to the rear of Risbys Farm which is located on the east side of Swallow's Row. The proposed wind turbines are sited between two ponds surrounded by agricultural land with boundary hedgerows and trees. The closest dwelling lies approximately 250 metres away with a further three dwellings within 320 metres of the proposed wind turbines.

Policy Considerations

6.4 The main policy considerations are the National Planning Policy Framework and local plan policies EN13a, QL9, QL10, and QL11.

6.5 The National Planning Policy Framework states in paragraph 93 that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development. It goes on to state that when determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application if its impacts are (or can be made) acceptable.

6.6 Policy EN13a relates to renewable energy and states that planning permission will be granted for renewable energy generation subject to there being no material adverse impact on the local environment in relation to noise, vibration, smell, visual intrusion, residential amenity, landscape characteristics, biodiversity, cultural heritage, the water environment, the treatment of waste products and highway considerations.

6.7 Policies QL9, QL10 and QL11 concern the design of development, its functional need and the environmental impact. The policies state, amongst other things, that all new development should make a positive contribution to the quality of the local environment and protect or enhance local character. Furthermore, development should be appropriate to the scale and nature of the locality and should not be detrimental to landscape value.

6.8 Each turbine is expected to generate an average of 9.45 MWh of electricity per year.

6.9 Additional information has been submitted by the applicant comprising a Hawk and Barn Owl position statement summarised as follows:

- Proposal complies with recommendation to site small wind turbines at least 20 metres from potentially valuable bat habitat.
- No evidence to suggest wind turbines in the UK are having any effect on Barn Owls.

- Barn Owls forage using their hearing so typically fly not more than 3 metres above ground which is well below most turbine blades.

6.10 Natural England comment that the proposal is not considered to pose any likely or significant risk to protected species or habitats. The comments of the Essex Wildlife Trust and Royal Society for the Protection of Birds have been invited but no comments have been received. By virtue of the surrounding habitat the proposal is not considered likely to result in any material harm to protected species.

Impact on character and appearance of the surrounding area

6.11 The three wind turbines will be clearly visible features in the landscape, however the Landscape Character Assessment does not identify any special qualities of the locality that would be significantly harmed by the proposal. There will be no adverse impact upon trees or significant vegetation in the area and existing natural features will assist in providing some screening. The proposal has been assessed against the provisions of the National Planning Policy Framework and the Tendring Local Plan, primarily Policy EN13a, and it is considered that the development can be carried out without having a material adverse impact on the landscape.

6.12 The site does not lie within any protected habitat area and biodiversity interests are not materially harmed. The development raises no highway issues and the mast and associated elements can be delivered and constructed on site without detriment to highway safety.

Impact on residential amenity

6.13 The Council's Environmental Health team have made a site visit to assess the background noise levels and have no adverse comment to make on the application. The turbines are located approximately 250 metres from the nearest residential property therefore ensuring no significant adverse impact will result in terms of visual amenity or noise disturbance to neighbouring residents.

6.14 Accordingly the scheme is recommended for approval subject to conditions.

Background Papers

None.