

**COMMITTEE DATE: 12 May 2010**

**APPLICATION NO:** 09/04306/FUL **TYPE:** Full Application

**WARD:** Bathavon North

**PARISH:** CHBE

**EXPIRY DATE:** 19 January 2010

**APPLICANT:** Mr Paul Strasburger

**PROPOSAL:** Installation of a free standing wind turbine

**SITE LOCATION:** Upper Langridge Farm, Access Road To Upper Langridge Farm, Charlcombe, Bath BA1 9BW

**REASON FOR REPORTING APPLICATION TO COMMITTEE**

Objection received from Charlcombe Parish Council contrary to the officer recommendation - the need to report to Committee has been agreed with the Chairman.

**DESCRIPTION OF SITE AND APPLICATION**

Upper Langridge Farm is located to the north-east of Lansdown Road. The farmhouse itself is set below the level of the road, in a secluded valley. This proposal is to erect a domestic scale wind turbine, on land within the farm, but on higher land to the south-west of the farm complex, so as to catch prevailing winds. The application is submitted alongside one for a replacement farmhouse, and is supported by information from the applicant explaining his desire to make the site as a whole carbon neutral (or even to generate a small amount of surplus electricity).

The wind turbine would be 15 metres in height to the hub, with three 4.8 metre long blades. It would be located in the second field away from Lansdown Road, some 400 metres away from that road. The turbine would be on land gently sloping away from the road and on ground about 8.5 metres lower than the road. It would be located to the south and south-west of a woodland area, which would be behind the turbine when seen from Lansdown Road.

**CONSULTATIONS AND REPRESENTATIONS**

**CHARLCOMBE PARISH COUNCIL:** Objects in principle to the application on the following grounds:-

- A wind turbine of 19.8 metres overall height with blades of 9.6 metres in diameter will have a significant detrimental effect on the AONB, clearly visible from roads and footpaths.
- The turbine with moving blades will be much more intrusive than other installations in the area (power lines, transmission masts, racecourse etc).
- Concern about the noise that would be generated and the effect on local residents
- Would set a precedent for further wind turbines within the Parish.

SWAINSWICK PARISH COUNCIL: If the turbine is 8.5 metres lower than the road, then 11 metres would be visible from all quarters, including from parts of Swainswick Parish to the north. Oppose the application.

COTSWOLDS CONSERVATION BOARD: Very supportive of appropriate scale renewable energy generation in the Cotswolds AONB, including single small wind turbines as proposed here. Issue addressed in Cotswolds AONB Management Plan 2008-13 and in a Position Statement on renewable energy projects in the Cotswolds AONB.

ECOLOGIST: No comments

ENVIRONMENTAL HEALTH: No objections but ask that an informative be brought to the attention of the applicant

BATH PRESERVATION TRUST: Objects. Not opposed to wind turbines in the district but say that the green hilltops surrounding the World Heritage City are a key element of the landscape setting and must be conserved and enhanced. Feels that this turbine would be visually intrusive to views into and out of the WHS and would be harmful to the site's features of outstanding universal value. The turbine would interrupt long views of Beckford's Tower from the A46 and impact on views of the Granville Monument. Would be harmful to the AONB and openness of the Green Belt.

OTHER REPRESENTATIONS: 8 letter of representation have been received raising objections on the following grounds:

- Would be an eyesore in the local area
- Would distract drivers on local roads
- Would do nothing to stop climate change
- In the Green Belt and AONB
- Would be too high for the site
- From some angles will obscure Beckford's Tower
- Will set a precedent for other similar proposals
- Would create noise

15 letters received expressing support for the proposal and making the following points:

- The turbine will be invisible from the valley below
- We all need to reduce our carbon footprint and this will harness carbon-free wind energy
- Small scale wind turbines should not be prevented in the AONB
- Support for anything that helps reduce carbon emissions
- The turbine will not be near anyone
- The turbine is set so it will hardly be visible from anywhere

One letter of comment saying that the framework for applications such as this should be set out in the Council's Core Strategy.

## **PLANNING ISSUES**

RELEVANT PLANNING HISTORY: No relevant history

## POLICY CONTEXT:

### NATIONAL POLICY:

PPS1 Supplement on Climate Change  
PPG2 Green Belts  
PPS7 Sustainable Development in Rural Areas  
PPS22 Renewable Energy

Bath and North East Somerset Local Plan (including Minerals and Waste Policies) 2007:

GB.1 - Development in the Green Belt  
GB.2 - Visual Amenities of the Green Belt  
NE.1 - Landscape Character  
NE.2 - Areas of Outstanding Natural Beauty  
ES.1 --Renewable Energy  
BH.1 - World Heritage Site

MAIN ISSUES: The following are considered to be the main issues in this case:-

- Whether the proposal represents inappropriate development in the Green Belt
- The effect of the proposal on the character and appearance of the rural area
- If the proposal is inappropriate development in the Green Belt, whether the benefits of the proposal clearly outweigh any harm to the Green Belt and any other harm, such as to amount to very special circumstances

GREEN BELT: Planning Policy Guidance Note on Green Belts (PPG 2) says that most development within the Green Belt is "inappropriate". Paragraph 13 of PPS22 says that elements of many renewable energy projects will comprise inappropriate development, which may impact on openness. Whilst a wind turbine is not a building, it is considered that as a substantial structure in the Green Belt, it does constitute inappropriate development. This is the approach followed by most Inspectors in wind turbine appeals in the Green Belt.

The wind turbine will by its very nature have an impact on the openness of the Green Belt. However, it is considered that this has been kept to a minimum by the siting of the turbine (this issue is dealt with further in the following section of the report).

CHARACTER AND APPEARANCE: The siting of the wind turbine has been carefully considered by the applicant. The key to limiting its visibility in the wider area is its proposed location only 50 metres or so south of a substantial area of woodland. Many of the trees in this wood are significantly taller than the proposed turbine. This would effectively prevent views of the turbine from the north and east (including any views from Swainswick Parish). The turbine will be visible from Lansdown Road, south, south-west and west of the site. However, from all of these directions, it will not be seen as breaking the skyline but against a backdrop of large trees.

The siting will prevent the turbine from being prominent in the AONB, and will also prevent it from interfering with views of Beckford's Tower or the Granville Monument. The Cotswold Conservation Board is supportive of the proposal, recognising that the

impact of small scale installations such as this, carefully sited, need not be unduly harmful to the AONB.

Paragraph 11 of PPS22 says that in sites with nationally recognised designations (including AONBs), planning permission for renewable energy projects should only be granted where it can be demonstrated that the objectives of the area will not be compromised by the development and any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by the environmental, social and economic benefits. Paragraph 12 of PPS22 goes on to suggest that local development documents should identify the scale of renewable energy developments that may be acceptable in particular areas. It says that "small scale developments should be permitted within areas such as....Areas of Outstanding Natural Beauty, provide that there is no significant environmental detriment to the area concerned." In this case, it is considered that any harm to the landscape of the AONB will be minimal and that there will not be any "significant environmental detriment".

### **BALANCING EXERCISE/CONCLUSION**

The supplement to PPS1 on climate change (and much other Government advice) makes it clear that the contribution to reducing climate change, even if itself small scale, should be given significant weight in the decision-making process. PPS22 specifically addresses the issue of renewable energy projects in the Green Belt. It concludes in paragraph 13 that very special circumstances in the Green Belt may include the wider environmental benefits associated with increased production of energy from renewable sources.

The proposed wind turbine would be inappropriate development in the Green Belt, which PPG2 says is by definition harmful. It would also have some impact on the openness of the Green Belt. It is not considered to be unacceptably harmful to the character and appearance of the area within the AONB. The small incremental contribution to providing renewable energy is a benefit of the proposal which should be given significant weight and is considered to clearly outweigh the harm to the Green Belt by reason of inappropriateness and harm to openness. As a result, it is considered that this benefit amounts to very special circumstances. Permission is therefore recommended.

The proposed turbine is small scale and not close to any residential properties and is not likely to give rise to noise nuisance. The small scale and siting of the turbine are also considered to be such that there will be no material impact on the setting of the World Heritage Site.

In relation to the issue of precedent, each proposal would need to be considered on its own merits. However, as small scale renewable energy can be acceptable in the Green Belt and AONB, any precedent that is set is not considered to be unacceptable.

### **RECOMMENDATION**

PERMIT with the following conditions:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

2 No development shall commence until details of the colour that the turbine would be painted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: In the interests of the character and appearance of the Area of Outstanding Natural Beauty, in accordance with Policies NE.1 and NE.2 of the Bath and North East Somerset Local Plan including waste and minerals as adopted October 2007.

3 If at any time the turbine hereby permitted ceases to be operational or ceases to generate electricity for a period in excess of six months, it shall be dismantled and all materials removed from the site, within a further period of three months.

Reason: A turbine that does not generate electricity would not provide any benefits and would cause harm to the Green Belt and AONB, in accordance with Policies GB.1, NE.1 and NE.2 of the Bath and North East Somerset Local Plan.

4 The development hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Reason: To define the terms and extent of the permission.

#### PLANS LIST:

Two site plans and Drawing Number 15000 PL 002, all date stamped received 12 November 2009.

#### INFORMATIVE:

The applicant should take all practical steps to prevent the implementation of this consent from affecting the amenity of others, which existed prior to the commissioning of the wind turbine. The applicant should note that this permission does not indemnify against action which the Council may have to take in respect of noise which is considered to amount to a Statutory Nuisance, and in this regard it should be borne in mind that the only practical solution available where a statutory nuisance is proved may be the decommissioning and removal of the wind turbine. Further advice can be obtained from the Environmental Protection Team on 01225 477563.

#### REASONS FOR GRANTING PERMISSION

1) The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below at A.

2) The proposed development would be inappropriate development in the Green Belt, and have an impact on the openness of the Green Belt, but would not have an

unacceptably adverse impact upon the character or appearance of the area. It would provide benefits by its contribution to the generation of renewable energy, which is considered to clearly outweigh the harm to the Green Belt by reason of inappropriateness and impact on openness.

A) Therefore the proposed development accords with Policies GB.1, GB.2, NE.1, NE.2, ES.1 and BH.1 of the Bath and North East Somerset Local Plan including waste and minerals as adopted October 2007.

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