

Application Number: F/YR12/0613/F
Minor
Parish/Ward: Wisbech
Date Received: 9 August 2012
Expiry Date: 4 October 2012
Applicant: Mr R Davis, Robert Davis Potatoes
Agent: Mrs T Dorling, Windcrop Limited.

Proposal: Erection of 3 x 14.97 metre high (hub height) wind turbines (retrospective)
Location: Land South East of Pipers Farm, Barton Road, Wisbech.

Site Area/Density: 00.10 hectares

Reason before Committee: Wider concern proposal previously considered by committee.

1. EXECUTIVE SUMMARY/RECOMMENDATION

This application seeks retrospective planning permission for the erection of 3 x 14.97 metre high (hub height) wind turbines at Land South East of Pipers Farm, Barton Road, in Wisbech.

The key issues to consider are:

- Site History
- Visual Impact on the surrounding area
- Impact on Residential Amenity

The proposal is to be sited within an existing area of agricultural land and it is considered that the proposal does not have an adverse impact upon the rural character of the area or on any nearby residential properties. Therefore the application is recommended for approval.

2. HISTORY

Of relevance to this proposal is:

2.1	F/YR11/0925/F	Erection of 3 x 14.97 metre high (hub height) wind turbines.	Granted	21 st
	F/YR11/0781/F	Erection of 3no wind generators (14.97 metres hub height) with associated works.	Withdrawn	25 th
	F/YR04/3495/F	Erection of extensions to existing potato stores.	Granted	23 rd July 2004.

3. PLANNING POLICIES

3.1 National Planning Policy Framework:

Paragraph 2: Planning law requires that application for planning permission must be determined in accordance with the development plan.

Paragraph 14: Presumption in favour of sustainable development.

Paragraph 93: Meeting the challenge of climate change, flooding and coastal change.

Paragraph 109: Conserving and enhancing the natural environment.

3.2 **East of England Plan**

ENG2: The development of new facilities for renewable power generation should be supported with the aim that by 2010 10% of the region's energy, and by 2020 - 17%, should come from renewable sources (excluding energy from offshore wind)

ENV2: Planning Authorities should protect and enhance the diversity and local distinctiveness of countryside character by developing area-wide strategies and landscape character assessments to ensure development respects/enhances local landscape character.

ENV3: Ensure that new development minimises damage to biodiversity.

ENV4: Ensures that the landscape, historic and wildlife value of farmland is increased whilst responding to issues such as climate change.

3.3 **Draft Fenland Core Strategy:**

CS12: Responding to climate change and managing the risk of flooding in Fenland.

CS14: Delivering and Protecting High Quality Environments across the District.

3.4 **Fenland District Wide Local Plan:**

EMP1: Proposals will normally be favoured for new, or the extension or expansion of existing, firms ... outside DABs the expansion of existing firms will only be permitted where certain criteria are satisfied.

E1: To resist development likely to detract from the Fenland landscape. New development should meet certain criteria.

E8: Proposals for new development should:

- allow for protection of site features;
- be of a design compatible with their surroundings;
- have regard to amenities of adjoining properties;
- provide adequate access.

E20: To resist any development which by its nature gives rise to unacceptable levels of noise, nuisance and other environmental pollution.

3.5 **Fenland District Council Wind Turbine Policy Guidance June 2009 (The Landscape Partnership)**

Seeks to ensure that future wind turbine development is in balance with the local landscape and the population within it. This document sets out a number of landscape types and sets out the criteria for evaluating the sensitivity of each type.

4. **CONSULTATIONS**

4.1 ***Parish/Town Council***

No response received at the time of writing this report.

4.2 ***Rights of Way & Access Team***

There are no Public Rights of Way within the fall over height of the turbine and there are no bridleways where people travel with horses within 200m. Therefore no objections to the application.

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| 4.3 | <i>NATS (NERL Safeguarding)</i> | Have no safeguarding objection to the proposal. |
| 4.4 | <i>Chatteris Airfield</i> | No objections due to the distance from the airfield. |
| 4.5 | <i>CCC Highways</i> | No further highways comments to make regarding this retrospective application. |
| 4.6 | <i>Anglian Water</i> | No concerns from a groundwater perspective. |
| 4.7 | <i>Environment Agency</i> | No objections but provide advisory comments to be forwarded to the applicant in relation to flood levels, joint protection and decommissioning. |
| 4.8 | <i>FDC Environmental Protection</i> | No objections in terms of noise but request conditions relating to day time and night time noise levels and monitoring. |
| 4.9 | <i>CCC Police Architectural Liaison</i> | Theft of cabling is prevalent therefore it is recommended that any cables are buried at least 1.8 metres below ground level. |
| 4.1.0 | <i>Natural England</i> | No objection. Advice remains the same as previous application. |
| 4.1.1 | <i>MOD</i> | No objections. |
| 4.1.2 | <i>Local Residents:</i> | 1 letter received concerning (in summary):
- Concern arises over the location of the turbines.
- The Design & Access Statement shows incorrect site boundaries.
- Concern over the distance of the turbines from the boundary of their land.
- Should the turbines have been sited where they originally had permission there would not be a problem but they are 20 metres out from the previously approved siting. |

5. **SITE DESCRIPTION**

- 5.1 The site comprises agricultural land to the South East of Pipers Farm and measures 0.10 hectares in area. It lies within Flood Zone 3. The nearest residential properties front onto Barton Road and Mile Tree Lane to the North/North West and the Secret Garden Touring Caravan Park lies approximately 100 metres to the North. The locality consists of a mix of residential and business premises with open agricultural land and drainage ditches. Pipers Farm is used mainly for the storage and distribution of potatoes. The western edge of the Wisbech conservation area and the Grade

II* Manor House and Church of St Mary at Wisbech St Mary are within 2km of the site.

6. **PLANNING ASSESSMENT**

6.1 The key considerations for this application are:

- Site History
- Visual Impact
- Residential Amenity

(a) Site History

The site has been used for many years for the storage and distribution of potatoes from existing warehouses on the site. The turbines are to generate an electrical supply for the business. The turbines were previously approved at Planning Committee on 8 February 2012 under planning application reference F/YR11/0925/F. Subsequently the 3 approved turbines were erected on site, however, were found to be sited not in accordance with the approved plans. The actual siting of the turbines is approximately 20 metres south of the approved location. As such this application is retrospective and seeks to regularise the existing turbines on site. It is considered that this alternative location for the turbines raises no additional issues to those considered under the 2011 approval.

(b) Visual Impact on the Surrounding Area

A key consideration of this proposal is the overall visual impact that the 3 wind turbines will have on the surrounding area. The turbines are of a relatively small scale with a hub height of 14.97 metres and a rotor diameter of 5.5 metres. The turbines are in situ and although visible in the immediate locality it is not felt that they result in an over-dominant visual impact due to their size and colouring.

(c) Impact on residential amenity

A further key consideration with this proposal is the potential impact on neighbouring residential properties. The noise of the turbines is stated to be quiet by design with no low frequency noise generation. The Environmental Protection Team have raised no objections in terms of noise and have requested a number of conditions be attached to any permission given.

1 letter has been received in relation to the new location of the turbines. This states that in the design and access statement provided with the application the site boundary is incorrect and includes some adjacent land not within the applicant's ownership. It is acknowledged that this is the case, however, the design and access statement is not an approved plan and the submitted location plan which will form part of the approved documents shows the correct site boundaries. Concern is raised over the proximity of the turbines to their site boundary now given the 20 metre discrepancy from the original approval. The turbines are now approximately 20 metres from the site boundary which in this instance is considered to be acceptable.

7. **CONCLUSION**

7.1 In planning policy terms the proposal is considered to accord with national, regional and local planning policy in contributing to the need for renewable

energy without adversely affecting noise, visual character or residential amenity. The location of the site is considered to be acceptable and will not give rise to any adverse visual or residential amenity impacts. As such the proposal is recommended for approval with appropriate planning conditions.

8. RECOMMENDATION

Grant – with the following conditions.

- 1. The noise emission (LA90, 10 minute) from effects of the wind turbine, as measured in free field conditions at any dwelling, shall not exceed during night hours 2300 – 0700, the greater of 43dB(A) or 5dB (A) above the night hours background (LA90, 10 minute) as measured in accordance with ETSU-R-97.**

At all other times the noise emission (LA90, 10 minute) from the effects of the wind turbine, as measured in free field conditions at any dwelling, shall not exceed the greater of 35dB(A) or 5Db(A) above the Quiet Waking Hours background noise (LA90, 10 minute) at wind speeds within the site not exceeding 10 metres per second.

For information the period of hours used are as defined in ETSU-R-97 (The Assessment and Rating of Noise from Wind Farms). Quiet day-time periods are defined as all evenings from 6pm to 11pm, plus Saturday afternoons from 1pm to 6pm, plus all day Sunday 7am to 6pm. Night time is defined as 11pm to 7am.

Reason - In the interests of protecting residential amenity.

- 2. In the event that noise exceeds the limits specified in the planning permission remedial action must be taken to reduce the noise levels. This would include checking the source noise level of individual turbines (if this has not already occurred as part of any warranty agreement with the turbine supplier or by compliance testing). Mitigation applied may involve slowing of turbine rotational speed, thus reducing noise, or even shut-down of individual turbines, under critical wind conditions.**

Reason - In the interests of maintaining acceptable noise levels from the development.

- 3. At the reasonable request of, and following a complaint to, Fenland District Council the operator of the development shall, measure and assess the level of noise emissions from the wind turbine generators, following the procedures described in “The Assessment and Rating of Noise from Wind Farms, ETSU-R-97” published by ETSU for the Department of Trade and Industry.**

Reason - In the interests of maintaining acceptable noise levels from the development and to safeguard the amenities of nearby properties.

4. **Within a period of 25 years from the date of the first electricity generation on site the development hereby permitted shall be removed from the site in its entirety and the site restored to its former condition unless otherwise agreed in writing by the Local Planning Authority.**

Reason - To allow the Local Planning Authority to re-assess the condition of the development in line with the potential lifespan of the installation.

5. **Not later than 12 months before the end of this permission, a decommissioning and site restoration scheme shall be submitted for the written approval of the Local Planning Authority. The scheme shall make provision for the removal of the wind turbines and associated ancillary equipment to a depth of at least 0.2 metres below ground. The scheme shall include the management and timing of any works, a traffic management plan to address likely traffic issues during the decommissioning period, an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife and habitats and a programme of implementation. The approved scheme shall be fully implemented within 12 months of the expiry of this permission.**

Reason - In the interests of the appearance of the locality.

6. **If the wind turbine fails to produce electricity for supply to the grid for a continuous period of 12 months then, unless otherwise agreed in writing by the Local Planning Authority, the wind turbine and its associated ancillary equipment shall be removed from the site within a period of 3 months from the end of the 12 month period. The land shall be reinstated in accordance with a scheme (including management and timing of the works and a traffic management plan) submitted to and approved in writing by the Local Planning Authority.**

Reason - In the interests of the appearance of the locality.

7. **Approved Plans**

UPDATE

Members will recall that this application was heard at 19 September 2012 committee where it was deferred for a site visit to view the site and the new location of the turbines, as erected.

Recommendation: Grant with the following conditions.

1. **The noise emission (LA90, 10 minute) from effects of the wind turbine, as measured in free field conditions at any dwelling, shall not exceed during night hours 2300 – 0700, the greater of 43dB(A) or 5dB (A) above the night hours background (LA90, 10 minute) as measured in accordance with ETSU-R-97.**

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Reason - In the interests of maintaining acceptable noise levels from the development and to safeguard the amenities of nearby properties.

4. Within a period of 25 years from the date of the first electricity generation on site the development hereby permitted shall be removed from the site in its entirety and the site restored to its former condition unless otherwise agreed in writing by the Local Planning Authority.

Reason - To allow the Local Planning Authority to re-assess the condition of the development in line with the potential lifespan of the installation.

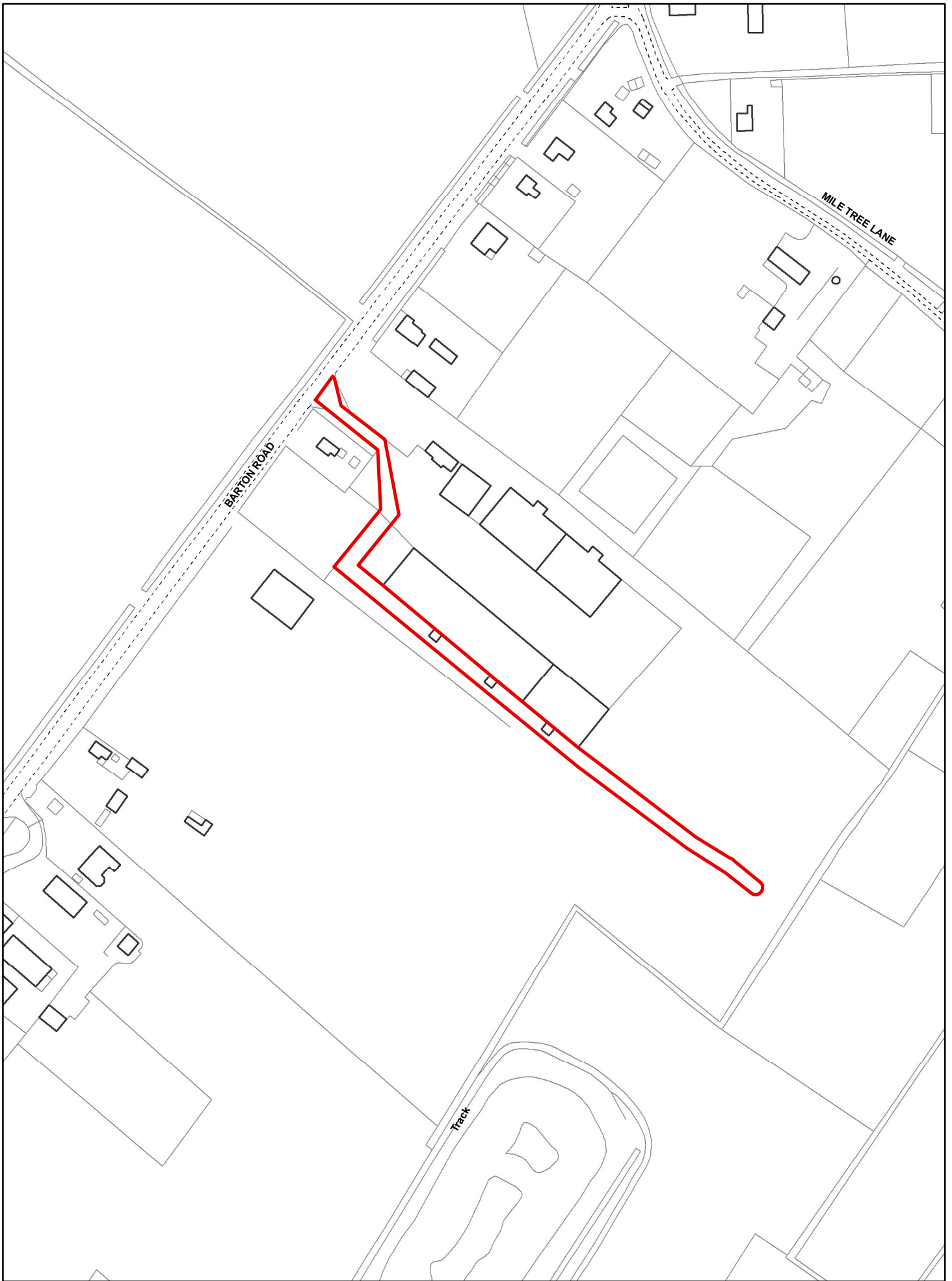
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expiry of this permission.

Reason - In the interests of the appearance of the locality.

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Reason - In the interests of the appearance of the locality.



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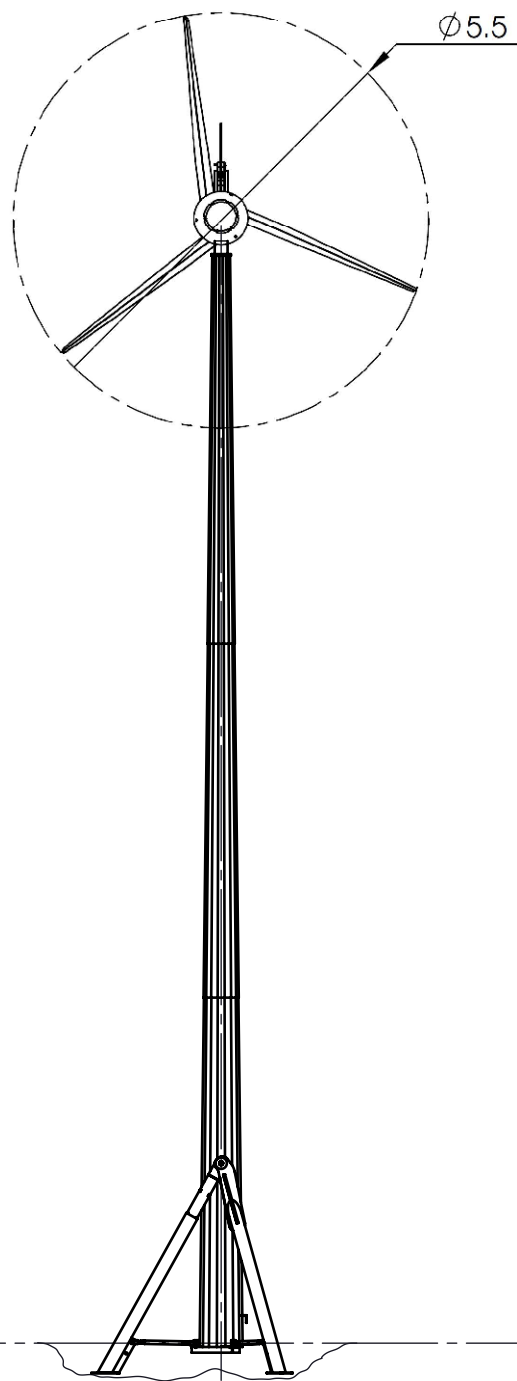
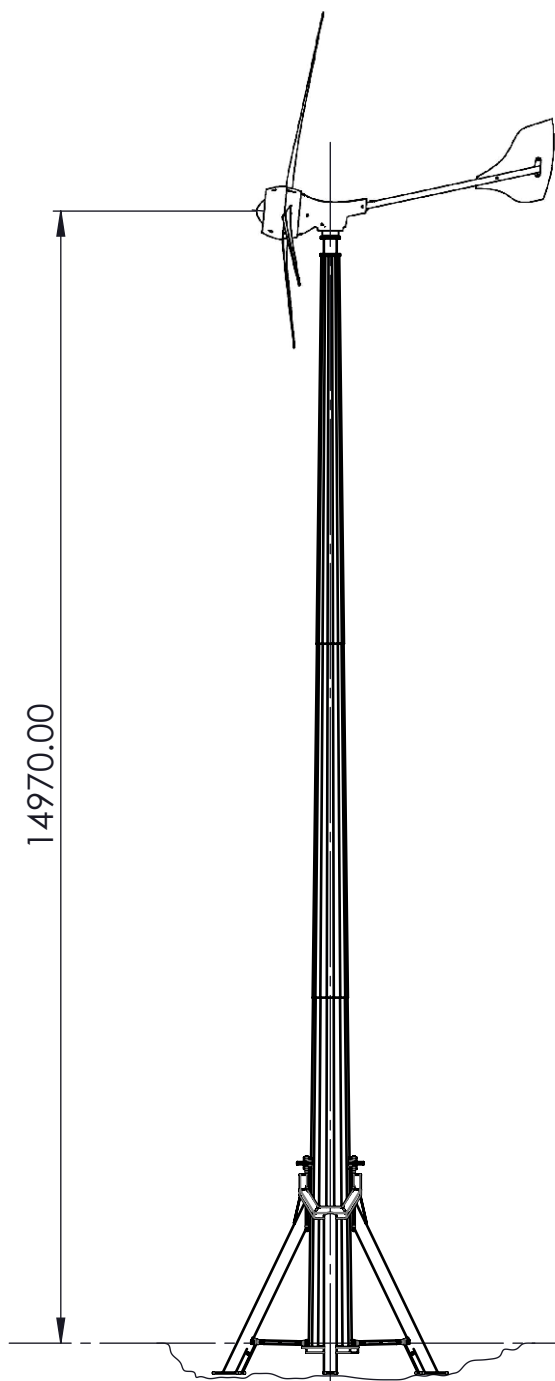
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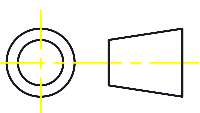
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