



Leeds
CITY COUNCIL

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Report of the Chief Planning Officer

PLANS PANEL (EAST)

Date: 22nd March 2012

Subject: 11/03228/FU – Installation of one detached 15.5m high wind turbine to field.
Application relates to Land at Blackhill Farm, Black Hill Lane, Leeds, LS16
8BB

APPLICANT
Mr John Singh

DATE VALID
8th August 2011

TARGET DATE
3rd October 2011

Electoral Wards Affected:

Alwoodley

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION

GRANT PERMISSION subject to specified conditions:

1. Time limit on full permission
2. Approved plans
3. Turbine to be removed within 20 years of the date of this permission or, in the event that the turbine stops being operated, within 6 months of the turbine having last operated.
4. Restoration of site

Reasons for approval: The very special circumstances put forward by the applicant are considered to overcome the potential harm to the green belt. In addition it is not considered that harm will be caused to character and visual amenities of the area. The application is considered to comply with GP5, N37 and N54 of the UDP Review, as well as guidance contained within PPS22 and having regard to all other material considerations, as such the application is recommended for approval.

1 INTRODUCTION:

- 1.1 The Chief Planning Officer considers that this application should be referred to the Plans Panel after a request from Councillor Cohen due to his opinion that the proposed development would result in unacceptable visual intrusion on the landscape, which is defined in the Unitary Development Plan as a Special landscape Area. In addition to this, Councillor Cohen considers that the proposal, if granted planning permission, would set a precedent for other similar structures on the edge of the ward.

2 PROPOSAL:

- 2.1 The amended proposal is for one 15.5m high (to hub), 10kW, wind turbine. Originally the applicant proposed two turbines at 15.5m high. The wind energy is intended to power the running of the property at Blackhill Farm with any excess electricity being fed into the national grid. The rotor radius is approximately 4.75m. The tower is proposed to be finished in grey with the blades and nacelle in matt white. The turbine would be fixed into a concrete base measuring 3.3m x 3.3m x 1.5m (deep) and reinforced with anchor bolts.
- 2.2 The turbine would be located approximately 145m south of the farm house. The grid connection point is located just to the north of the applicant's dwelling.
- 2.3 The wind turbine is expected to be operational for a period of 20 years and so is limited to this time period. If the turbine's life exceeds this the merits of the turbine would be assessed and, if necessary, a new consent would be required for its retention. Should the turbine not be retained or replaced, all above ground structures would be removed and the ground surface reinstated to its former condition.
- 2.4 The proposed route for delivery of the turbine is from a Leeds direction. Along Otley Road, turning right onto Kings Road, turning left onto Arthington Road, and finally onto Blackhill Lane. The main access point will be approximately 130m along Blackhill Lane on the right, which is where all vehicles currently enter the property.

3 SITE AND SURROUNDINGS:

- 3.1 The application site comprises land at Blackhill Farm and is situated within open green belt and within a Special Landscape Area (SLA). The field in which the site is located is demarcated by a mixture of stone walling and post and mesh fencing. The nearest neighbouring property is approximately 200m in a northeast direction. Clonmore Farm House is situated approximately 356m (at the closest point) directly south of the proposed turbine location. A distance to the south-east of the property lies is a public footpath (Leeds No.16) which is apart of the Leeds Country Way. At its nearest, the footpath lies around half a kilometre to the south-east of the site and runs in a general southwest-northeast direction.

4 RELEVANT PLANNING HISTORY:

- 4.1 30/412/00/FU: Change of use of farm house and buildings to 7 bedroom dwelling house. Approved on 04.01.2001.

Clonmore Farm, King Lane

- 4.2 06/06976/FU: Laying out of access and two storey sports changing rooms, tractor shed and creation of 22 sports pitches, with car parking and landscaping. Pending consideration.
- 4.3 30/208/95/FU: New access to farm and use of agricultural land as university playing fields with new access and car parking. Approved on 27.02.1996.

5 HISTORY OF NEGOTIATIONS:

- 5.1 After the receipt of the Landscape Officer's consultation response, and in liaison with the Planning Officer, the applicant has reduced the proposal down to one wind turbine.

6 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was originally advertised by means of site notices posted 19th August 2011 and a submission in the local paper (Leeds Weekly News) published on 1st September 2011. Copies of all plans and supporting information have also been made available on public access.

- 6.2 Councillor Cohen has objected to the proposal for the following reasons:

- The 2 wind turbines are an unacceptable visual intrusion in the landscape. That if granted it would create a precedent for other similar structures on the edge of the ward. The planned development is within an SLA and which should be respected and protected.

- 6.3 Bramhope and Carlton Parish Council (the site falls within Alwoodley Parish Council's area) has objected to the proposal for the following reasons:

- The Parish Council feel that there are sufficient reasons to query this application. The Parish Council refer to the applicant's suggestion that the turbine would not be particularly visible because of trees. This assertion is questioned as they feel that the whole area of Black Hill Lane and King Lane are open countryside and that 2 turbines in the middle of the countryside is unacceptable.

- 6.4 10 letters of comment from local residents have been received. Local residents' comments can be summarised as follows:

- The development would have an adverse impact on the landscape in an area of great natural beauty.
- The site is a prominent hillside and the wind turbines would spoil the beautiful views of the North Leeds countryside for several miles.

- The proposal would spoil visitors enjoyment of the open countryside, natural amenities, and the city's great rural attractions Golden Acre Park and Eccup Reservoir.
- The site is located in the green belt. This designation is designed to protect the land from intrusive urban developments. Therefore, the wind turbines are inappropriate development as they would have an urbanizing influence on the landscape.
- Wind turbines are large industrial structures that would spoil the openness of the landscape, erode its rural features, and negatively contrast with the area.
- Eccup Reservoir is a Site of Special Scientific Interest (SSSI) partly because it is used by native and migratory birds. Wind turbines are a severe threat to birds.
- A successful application here would set an undesirable precedent for wind farms across Leeds countryside.
- The wind turbines will not produce enough power to justify the damage they will inflict.

6.5 One letter of support has been received. This indicates that the resident did not consider that the wind turbines would have a harmful impact upon the landscape.

6.6 Alwoodley ward members were notified of the amended plans and revised description on 1st February 2012 via email. Councillor Cohen and Councillor Harrand consider that the amendments do not alter the principle of their objection.

6.7 All of those that objected to the proposal initially were notified via letter on 1st February 2012 that the application had been revised.

6.8 Two further letters were received from residents whom objected to the initial application, re-stating their reasons for objection. One further letter of representation was also received; however, this was not directly in response to the re-consultation. A summary of the comments are as follows:

- The height of the wind turbine will intrude upon the green belt landscape and will be visible from residential property.
- The application is contrary to planning policy.
- The area is inhabited by a rich and abundant variety of wildlife, including Red Kites, which would be placed at risk.
- The proposed wind turbine is only 200m from the nearest residential property and the noise, particularly overnight, will cause harm to residential amenity.
- The wind turbine will have an adverse impact upon the value and saleability of neighbouring property.
- Whilst the applicant's high energy consumption is conceded, by virtue of the size of Blackhill Farm, premises are predominantly occupied by just 2 adults.

7 CONSULTATION RESPONSES:

7.1 Civil Aviation Authority: No comments made in relation to the proposal.

7.2 Highways: On receipt of additional information the Highways Authority does not have an objection subject to conditions.

- 7.3 Landscape Team: The main issue is the number of turbines. A single turbine has a domestic feel and is commonly seen in the countryside associated with farmsteads and country houses. A single turbine can usually be assimilated without any great conflict. Two or more turbines gives a different perception. It suggests production beyond domestic need and the impression of a small windfarm combined with a greater visual impact. This is more difficult to assimilate especially out in the full field of vision from Arthington Road.
- 7.4 Leeds and Bradford Airport: No comments received.
- 7.5 Ministry of Defence: No objection.
- 7.6 Natural England: This application is in close proximity to Breary Marsh and Eccup Reservoir SSSI's. Given the nature and scale of this proposal, Natural England raises no objection to the proposal being carried out.
- 7.7 Nature Conservation: The Yorkshire Red Kite Project have confirmed that there are no recent records of nesting and wintering Red Kite in this area. Any impact on Red Kites is likely to be limited to disturbance or displacement of nesting pairs and wintering populations. It is considered unlikely that red kites would be affected through collision with turbines.
- With regard to bats the turbines will be located in an open field some distance from the nearest woodland or hedgerows so the risk to foraging and commuting bats is minimal. There are no other ecological constraints.
- The proposed location of the turbines at Black Hill Farm is about 1.5km from the reservoir and it is extremely unlikely that the two proposed 15m high turbines will have any significant impact on bird populations associated with the reservoir. Natural England has commented on this application and did not have any concerns about any potential impact on the SSSI.
- 7.8 Neighbourhoods & Housing: No objection in relation to noise nuisance.
- 7.9 Public Rights of Way: No objection.
- 7.10 Ramblers Association: No comments received.

8 PLANNING POLICIES:

- 8.1 The development plan comprises the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006). The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out

regional priorities in terms of location and scale of development. Relevant Unitary Development Plan Policies:

- Policy GP5 refers to detailed planning considerations and any loss of amenity.
- Policy N32 seeks to preserve the openness of the Green Belt in addition to visual amenity.
- Policy N37 details that development could be acceptable provided it would not seriously harm the character and appearance of the landscape. The siting, design and materials of any development must be sympathetic to its setting.
- Policy N49 advises that development that threatens significant depletion or impoverishment of the districts wildlife.
- Policy N54 states that proposal for renewable energy sources will in general be supported.

8.2 The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 with the consultation period closing on 12th April 2012. Following consideration of any representations received, the Council intends to submit the draft Core Strategy for examination. The Core Strategy sets out the strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. As the Core Strategy is in its pre-submission stages only limited weight can be afforded to any relevant policies at this point in time.

8.3 National Planning Advice:

- Draft National Policy Framework: Green Belt p41
- Planning Policy Statement 1 (PPS1) Delivering Sustainable Development
- Planning Policy Guidance 2 (PPG2) Green Belts
- Planning Policy Statement 22 (PPS22) Renewable Energy
- Planning Policy Guidance Note 24 (PPS24) Planning and Noise

9 MAIN ISSUES:

- Principle of Development
- Landscape & Visual Impact
- Ecological Considerations
- Shadow Flicker
- Noise

10 APPRAISAL:

Principle of development

10.1 Within the Green Belt Impact Assessment submitted by the applicant, there is an assertion that the wind turbines can be considered appropriate under paragraph 3.12, as the applicant considers the development operation to be an engineering process. The definition of development includes engineering and other operations and paragraph 3.12 provides provision for these forms. However, the proposal is considered to be a building operation. The turbines are to be constructed on site and are to be fixed into a concrete base measuring 3.3m x 3.3m x 1.5m (deep) and reinforced with anchor bolts. Therefore, there is a degree of permanence, the

construction is physically attached to the ground, and they will have to be dismantled on site.

- 10.2 There is an example in case law where an Inspector has taken the opposite view. However, the Inspector residing over the Hook Moor Inquiry considered that turbines are a building operation and this is consistent with the majority of other appeal cases. Furthermore, paragraph 3.12 also maintains that engineering development is inappropriate unless they preserve the openness of the green belt.
- 10.3 According to Unitary Development Plan (UDP) policy N33 and guidance contained within PPG2, the proposal is considered to be inappropriate development. By definition, inappropriate development is harmful to the green belt. Therefore, the applicant must justify very special circumstances to rationalise the proposal.
- 10.4 The wider environmental benefits associated with the harnessing of wind power have been put forward, by the applicant, as the very special circumstances that outweigh any harm by reason of inappropriateness. PPS 22 and Draft National Planning Policy Framework clearly state that very special circumstances may include the benefits to the environment of renewable energy sources. Therefore, the assertion put forward by the applicant is accepted.
- 10.5 The question is, does the very special circumstance put forward outweigh the harm to the green belt and any other harm? As previously outlined, the proposal is for a relatively small wind turbine that would contribute towards replacing the grid energy consumed at the property. The structure is not dissimilar to the size of a large mature tree, positioned relatively closely to the host property, and within the vicinity of other structures, so the impact upon the openness of the countryside and Green Belt will be limited. National and local planning policy encourage developments of renewable energy sources. PPS22 states that:

“The wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale, are material considerations that should be given significant weight in determining whether proposals should be granted planning permission.” (Paragraph 1)

- 10.6 Given that the benefits of renewable energy are to be apportioned significant weight, the very special circumstances submitted by the applicant are considered to outweigh any harm, by reason of its inappropriateness, to the green belt. This is the view that the Planning Inspectorate have taken on many occasions.

Landscape and Visual Impact

- 10.7 Blackhill Farm is set in attractive countryside which is within an area defined as a Special Landscape Area (SLA) in the UDP. This designation offers no extra protection to the landscape, but recognises its quality and value. The landscape is largely made up of arable land with variable field sizes, intermittent tree cover and sporadic pockets of development. The proposed turbine would be on a relatively level site.
- 10.8 The wind turbine will be exposed to people by breaks in the tree cover surrounding the site. The key opportunities to view the turbine will be from Arthington Road and from the public footpath to the east. The height of the turbine is such that the views would be very localised. From Arthington Road there would be some filtering by foreground trees and views would be relatively transient. However, from the

footpath and some locations along Arthington Road the turbine would be set against the sky making it clearly visible. That said, the overall impact on either the character or appearance of the landscape would be moderate at worst. With a relatively slim tower, the turbine would fill a very narrow field of vision. The majority of the sweep of landscape available to view from public areas would remain unaffected.

- 10.9 There would be limited views from King Lane but at this point the turbine would be a reasonable distance away and Clonmore Farm obscures views from many locations. Furthermore, those traveling by vehicle along a road are the least sensitive receptor as they are transient. To a certain extent this accounts for the views gained from Arthington Road.
- 10.10 There are two existing permitted wind turbines within the area; one at Breary Grange Farm and another (not yet constructed) at Grange Farm. These structures would only be viewed by someone in succession when traveling by car, due to the distances between them and tree cover. As previously discussed, those traveling by car are the least sensitive receptor.
- 10.11 The overall impact on the character and appearance of the landscape is therefore considered to be modest.

Ecological Considerations

- 10.12 The impacts of turbines on birds have been dramatically reduced in recent years through the modern cylindrical design and careful siting. The Yorkshire Red Kite Project have confirmed that there are no recent records of nesting Red Kites in this area. Considering there is a distance of 1.5km between Eccup Reservoir and the application site, it is unlikely that the proposal will have a significant impact on bird populations associated with the reservoir. Given the nature and scale of this proposal, Natural England raises no objection to the proposals given their small scale and nature.
- 10.13 In relation to bats, the siting of turbines is particularly important. In this case, the Nature Conservation Officer has not raised any objection as the proposal will be located in an open field some distance from the nearest woodland or hedgerows so the risk to foraging and commuting bats is minimal.
- 10.14 Considering the above, it is unlikely the proposal will introduce significant harm to the local wildlife and so is in accordance with policy N49.

Shadow Flicker

- 10.15 The Centre for Sustainable Energy released a document (Common Concerns about Wind Turbines) summarising academic research into issues surrounding turbines. One such issue is shadow flicker. The document discusses that research indicates shadow flicker only occurs when the shadow is sufficiently in focus (depending on the sun's bearing in relation to the turbine and the sun's altitude) and lasts a certain duration, both of these factors diminish rapidly with distance from the rotating blades. It has been calculated that distances within ten times the rotor diameter can create the right circumstances to give rise to shadow flicker.
- 10.16 Multiplying the diameter of the turbine's rotor blades by 10 gives a distance of 96m. The distance between the proposal and all of the neighbouring properties exceeds 96m. Furthermore, in the UK, only dwellings sitting within 130 or 230° of north

relative to the turbines can be affected according to the Centre for Sustainable Energy document. None of the immediate surrounding neighboring properties are in this position. Therefore, the proposal will not conflict with residential amenity in this regard and so complies with policy GP5.

Noise

- 10.17 In addition to Blackhill Farm, the closest residential dwelling is Blackhill Cottage at a distance of approximately 190m. The acoustic report outlines the measured noise levels from the turbine in operation and gives a sound power level of 96dB at wind speeds of 8m/s. Using basic acoustic calculations, the Environmental Health Officer has determined that noise levels from the turbine are expected to be 43dB(A) at Blackhill Cottage and 46dB(A) at Blackhill Farm. In line with World Health Organisation guideline values and the ETSU-R97 guidance for large scale wind farms and therefore the noise levels are deemed acceptable.

Representations

- 10.18 A number of the concerns raised have been addressed in other sections of the report. Therefore, to avoid repetition, the remaining issues will be discussed here.
- 10.19 The matter of whether the wind turbine will produce enough power to justify them is not a material planning consideration. This is outlined in PPS22, which states that '*...local planning authorities should not make assumptions about the technical and commercial feasibility of renewable energy...*'. Furthermore, research suggests the efficiency of wind turbine is very good in comparison to non-renewable sources. This is due to being able to convert a free resource into electricity without the thermal inefficiencies in most plants that use fossil fuels or nuclear power [Common Concern about Wind Turbines, 2011].
- 10.20 Precedent is a material consideration where it is likely that similar future proposals in closely parallel situations could not be resisted and cumulative harm would result. However, the weight attributed to "precedent" in this incidence is greatly reduced by the aforementioned policies that allow room for treating each proposal on its merits. Furthermore, PPS22 advises Local Planning Authorities to take into account the effect of cumulative impact in relation to wind turbines in a particular area.

11 CONCLUSION:

- 11.1 The principal considerations in terms of the overall planning balance are considered to be as follows:
- 11.2 The matters which weigh against the proposal (the harm):
- i) The development constitutes inappropriate development in the Green Belt. This attracts substantial weight in its own right;
 - ii) There would be minimal harm to the openness and purposes of the Green Belt, which is of some weight;
 - iii) There would be a degree of harm to the character and appearance of the landscape, but this is of minimal weight overall.
- 11.3 The matters which weigh in favour of the proposal:

- i) The strong national support for renewable energy in order to tackle the effects of climate change is a significant factor in favour of the proposal, and carries substantial weight;
- ii) The locally emerging targets for renewable energy, are considerations of significant weight.

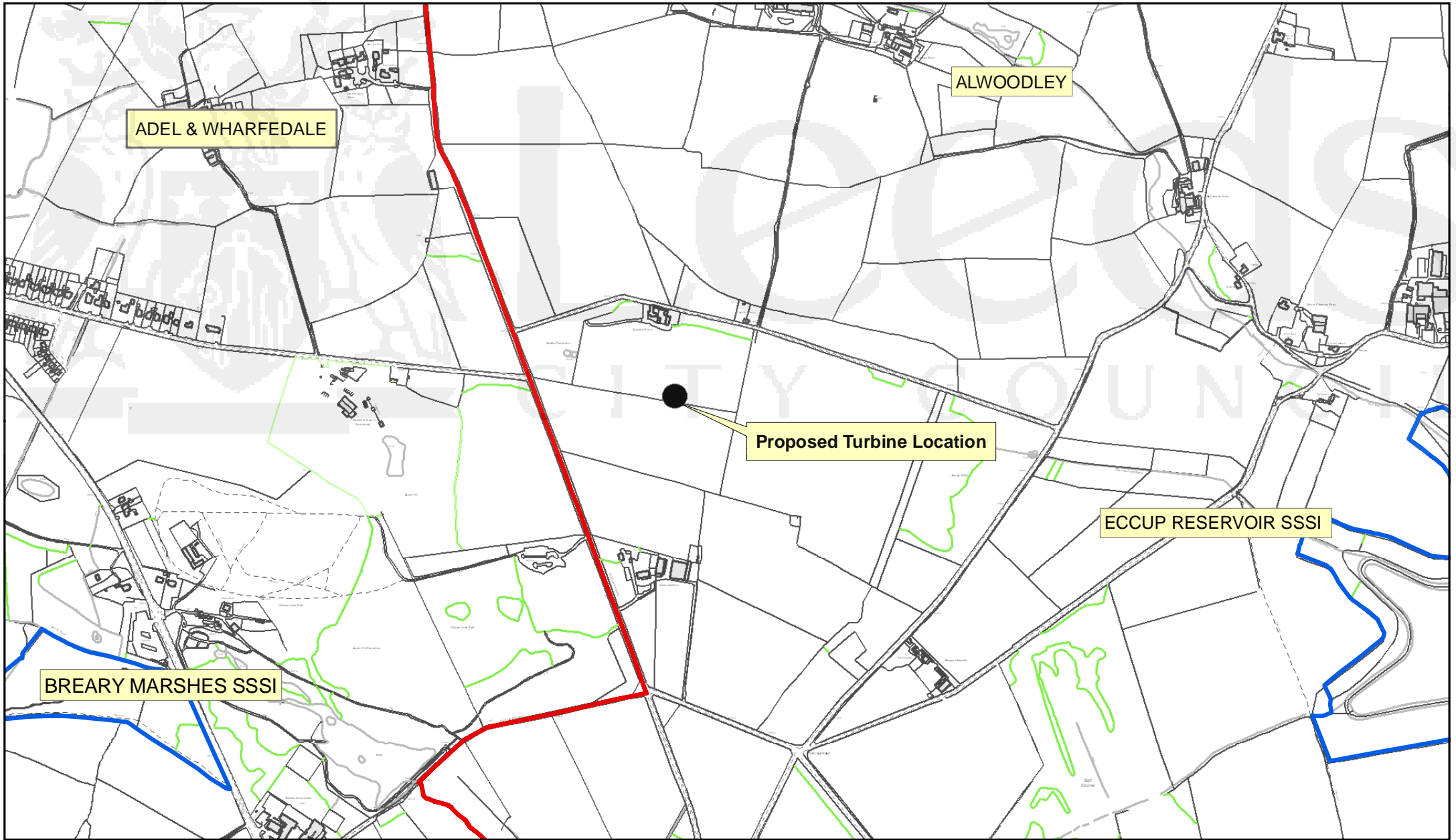
11.4 In relation to other matters raised by local residents it is considered that these matters do not detract from the proposal. But nor does that position add weight to the position in favour of the development. Such matters do not, therefore, materially affect the overall balance.

11.5 The competing matters in the balance are all of importance, but in this case it is considered that the case for renewable energy, and the support given to it at both national, regional and local level clearly outweighs the harm by inappropriateness and the other harm identified. It is therefore concluded that the other considerations demonstrated amount to the very special circumstances necessary to justify development in this case. It is therefore concluded that there is no conflict with the saved policies of the UDP and the application is recommended for approval.

12 Background Papers

Application files: 11/03228/FU

Certificate of Ownership: Mr John Singh



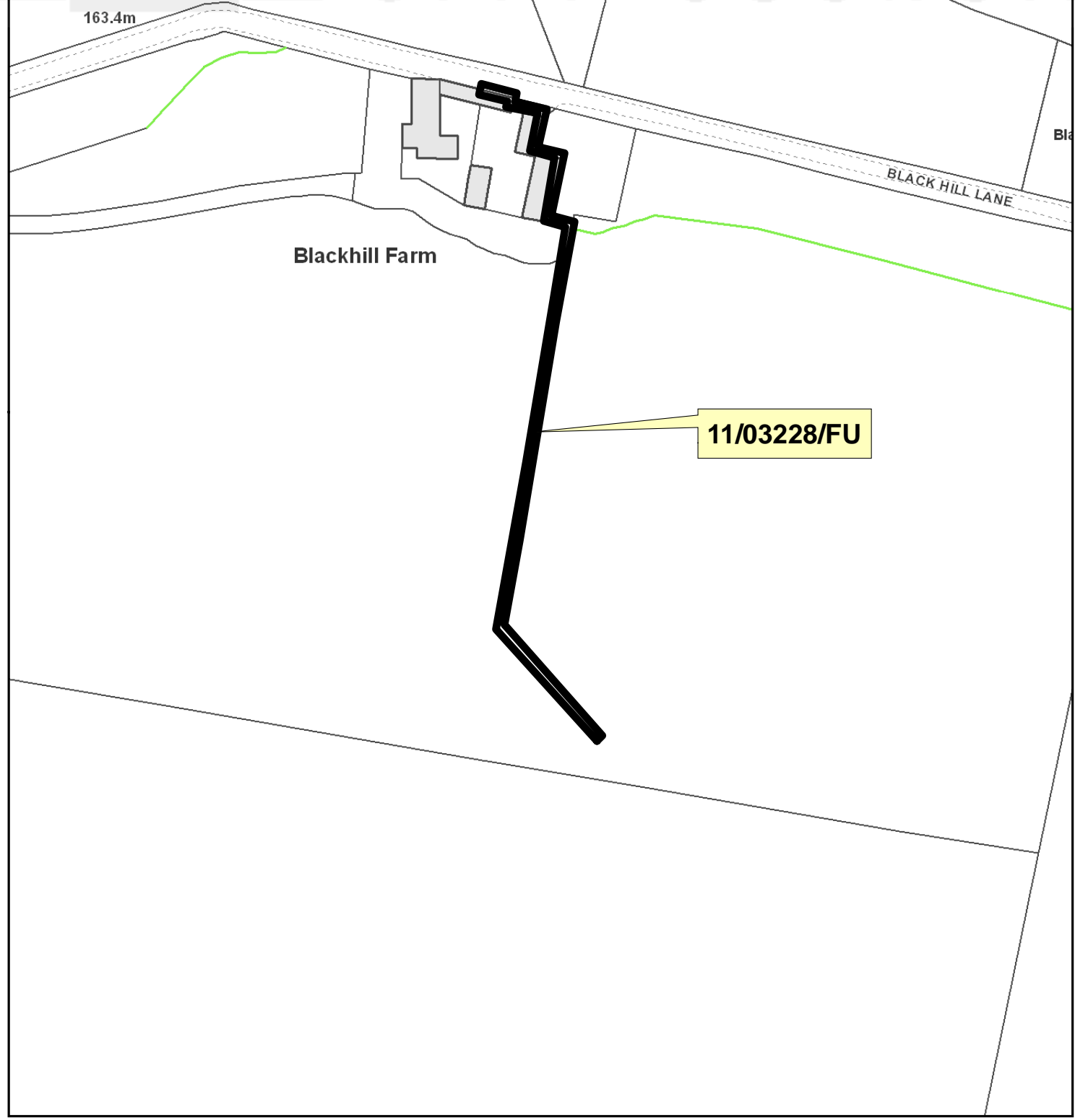
EAST PLANS PANEL





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163.4m



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