

**Parish:** Boxford

**Location:** The Arc, Boxford Lane

**Proposal:** Erection of sky rota vertical axis wind turbine (retention).

**Applicant:** Dr Johnathan Belsey

**Case Officer:** Gareth Durrant

**Date for Determination:** 22<sup>nd</sup> December 2009

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**A panel of Members visited the site on 25<sup>th</sup> November 2009 assess the impact of the development upon the surrounding area at the request of the Ward Member.**

### **THE SITE**

1. The application site supports a recently erected and occupied single-storey dwelling of contemporary design. The dwelling was granted planning permission in 2007. The site was previously undeveloped. The site also supports a wind turbine, which is the subject of this application. A new vehicular access has been formed through the frontage hedgerow to serve the dwelling and this formed part of the planning permission for the erection of the dwelling. The wind turbine has been erected close to the frontage boundary to the western side of the site, and in front of the detached garage.
2. The site is within the defined built up area boundary of the village (Babergh Local Plan, Alteration No.2). To the west of the site is The Old School House, a Grade II listed building. The garden of the Old School House abuts the western boundary of the application site. The site also abuts the boundary of the Boxford Conservation Area. The Conservation Area excludes the application site, but its boundaries abut parts of the north-eastern and southern (frontage) site boundaries. The site is also within the locally designated Special Landscape Area.

### **THE PROPOSAL**

3. The application proposes the erection of a wind turbine. The structure has already been erected at the site without the benefit of planning permission so the application is to retain this structure. Planning permission has previously been granted for the erection of a wind turbine at this site and at this position, although the nature and appearance of the approved wind turbine differs significantly to that which is the subject of this application. The differences are discussed below within the planning considerations section of this report.
4. The overall height of the turbine is 13.3 metres above finished ground levels. The supporting column is 11.2 metres tall with the blades atop adding the additional height. The blades are 3.9 metres wide and 3.9 metres tall. The column is approximately 750mm in diameter at its base, narrowing to approximately 600mm in diameter beneath the blades. The turbine is finished in white, has an output of up to 12,000kWhrs per year and generates noise 4bD above background noise.
5. The application is accompanied by an Arboricultural Method Statement and a Design and Access Statement (incorporating a noise assessment) both of which can be viewed in advance of the meeting by prior arrangement with the case officer.

## RELEVANT HISTORY

6. 2007 – Full planning permission granted for the erection of single-storey eco house with double garage and small-scale wind turbine (application number B/07/01031/FUL)
7. 2005 – Outline planning permission granted for the erection of a bungalow with detached garage and construction of vehicular access (application number B/04/02034/OUT)

## NATIONAL GUIDANCE

8. **PPS1** (Delivering Sustainable Development).
9. **PPS7** (Sustainable Development in Rural Areas)
10. **PPG15** (Planning and the Historic Environment)
11. **PPS22** (Renewable Energy)
12. **PPG24** (Planning and Noise)

## PLANNING POLICIES

13. The Development Plan comprises the East of England Plan, adopted 2008, saved policies in the Suffolk Structure Plan, adopted 2001, and the Babergh Local Plan (Alteration No. 2) adopted 2006. The following policies are relevant to this proposal:

### **East of England Plan - 2008**

- **SS1** – Achieving Sustainable Development
- **ENV6** – The Historic Environment
- **ENV7** – Quality in the Built Environment
- **ENG2** – Renewable Energy Targets

### **Babergh Local Plan (Alteration No.2) 2006**

- **EN10** – Renewable Energy
- **CR04** – Development in Special Landscape Areas
- **CN01** – Maintaining Local Distinctiveness
- **CN06** – Listed Buildings (including new work within the setting)
- **CN08** – Conservation Areas (including development affecting views into or out of a Conservation Area).

**The relevant documents can be viewed via the internet. Please see Page 4 for details.**

## CONSULTATIONS

14. PC – Comments awaited.
15. LHA – Does not wish to restrict the grant of planning permission.
16. Head of Contract and Asset Management (Arboriculture);

- There are no arboricultural implications relating to the proposal and as such it can be agreed in this regard.

17. Environmental Health – comments awaited.

## **REPRESENTATIONS**

18. Councillor John Sayers – has asked that the Committee are made aware of his views;

- Many people I meet make comment about this construction and in my opinion it is rather obtrusive and an unfortunate distraction to motorists prior to the junction to the village of Boxford and completely out of character with its surroundings.

19. Two letters have been received objecting to the proposals. The issues and objections raised are summarised as follows;

- It is a large moving structure on a busy main road situated at an already notorious accident blackspot. It is a distraction to motorists approaching from both directions.
- The turbine has not been built to agreed regulations and does not comply with the architects original plans.
- The turbine is a large ugly development which is seen from both directions at the approach of what is otherwise a beautiful rural village.
- Anyone driving with their headlights on full from the Hadleigh direction can see the blades catching the headlights and you have to strain to see what it is, meanwhile the driver is not concentrating on the road. Likewise, it is a distraction from the opposite direction.
- If the turbine is allowed to stay there will be even more serious accidents than usual.

20. Eleven letters have been received from Babergh residents (three of these from Boxford residents, the remainder from residents outside of Boxford). Comments made in support of the proposal are summarised as follows;

- I welcome the whole scheme and do not find the turbine at all intrusive.
- It is well hidden by trees when driving west along the A1071 and although more in view when driving east, it is surely a sign of the times. More of us should have wind turbines.
- I understand the turbine is less noticeable being shorter, rotates at a slower speed is quieter and is more efficient than the model for which planning permission was granted.
- Not allowing this would fly in the face of the Council's commitment to a 'greener' County.
- It seems at odds with current scientific thinking regarding the necessity to cut carbon emissions that an individual should be discouraged from making a positive commitment to reduce their reliance on fossil fuels.
- Were we to have more individuals generating their own electricity we might not need so many of the overbearing and hideously ugly pylons which straddle the Stour Valley.

- I cannot see how this new design is in any way less acceptable than the original.
- When I saw the turbine spinning, I stopped. I couldn't hear the expected noise pollution; the noise of traffic was far greater. The turbine was, as far as I could tell, silent, despite turning purposefully.
- I happen to think that the turbine is architecturally elegant and adds an extra aesthetic dimension. The fact that it is on the site of a previous windmill also adds to its sense of belonging.
- It is extremely important that we encourage developments such as this as we seek to reduce the impact of global warming. Particularly as the application is for a vertical axis turbine able to generate in a less steady wind as found near to trees and buildings. This means a shorter mast can be used thus limiting visual intrusion.
- Babergh should try to encourage as much micro energy production as possible.
- The turbine is not in the centre of the village and does not adversely affect the appearance of the historical centre of Boxford.
- It would be perverse to refuse planning permission for a different manufacture of turbine that is slightly different in dimensions but is quieter and produces a greater energy output.

## **PLANNING CONSIDERATIONS**

### **Policy Context**

21. The key policies and documents to this application are those which specifically address proposals for renewable energy projects. National planning policy regarding renewable energy developments are set out in PPS22. At regional level, policy ENG2 of the East of England Plan 2008 is most relevant to this application and at local level, policy EN10 of the Local Plan, Alteration No.2 addresses proposals for renewable energy development.
22. Government planning policy set out within PPS22 adopts the key aims of the Energy White Paper. This is to cut carbon dioxide emissions in the UK by 60% by 2050 with real progress by 2020 and to maintain reliable and competitive energy supplies. The relevant key principles of PPS22 are;
  - Renewable energy developments should be capable of being accommodated throughout England in locations where the technology is viable and environmental, economic, and social impacts can be addressed satisfactorily.
  - Regional spatial strategies and local development documents should contain policies designed to promote and encourage, rather than restrict, the development of renewable energy resources. Regional planning bodies and local planning authorities should recognise the full range of renewable energy sources, their differing characteristics, locational requirements and the potential for exploiting them subject to appropriate environmental safeguards.
  - At the local level, planning authorities should set out the criteria that will be applied in assessing applications for planning permission for renewable energy projects.

- 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.
  - Regional planning bodies and local planning authorities should not make assumptions about the technical and commercial feasibility of renewable energy projects.
  - Small-scale projects can provide a limited but 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.
23. PPS22 also states that local landscape designations (i.e. the Special Landscape Area designation in this case) should not be used in itself to refuse planning permission for renewable energy developments. In such areas, these should be assessed against criteria based policies in local development documents (the East of England Plan and the Local Plan, Alteration No.2 in Babergh's case).
  24. The Government also advises about small-scale renewable energy developments (including small-scale wind turbines) and states that these should be encouraged in new developments via positively expressed policies. Impacts upon the landscape and noise are expressed as material considerations to be taken into account.
  25. East of England Plan policy ENG2 states simply that proposals for renewable power generation should be supported.
  26. Local Plan policy EN10 states that planning permission will be granted for development proposals for renewable energy generation, subject to there being no unacceptable impact on the local environment in terms of noise; smell; visual intrusion; residential amenity; relationship to adjoining uses; landscape characteristics; biodiversity; cultural heritage; public rights of way; the water environment; public safety; the treatment of waste products; and highway and access considerations.
  27. Other specialist policies and guidance are also relevant to this application, including safeguarding the setting of listed buildings and the character of conservation areas from inappropriate development (PPG15, policy ENV6 of the East of England Plan and Local Plan policies CN06 and CN08), protecting the landscape characteristics of the locally designated Special Landscape Area (PPG7 and Local Plan policy CR04) achieving design standards and maintaining local distinctiveness (Local Plan policy CN01).
  28. It is clear that the provision of a wind turbine at this, or indeed any other site within the District, is acceptable in principle and actively encouraged through national, regional and local planning policies. The application is therefore to be determined against the criteria based provisions of Local Plan policy EN10 which is summarised above. The remainder of this report assesses the proposals against the criteria of EN10.

### **Impact upon the countryside, including the Special Landscape Area**

29. The wind turbine is visible at distance from all directions (north, south, east and west). However, it viewed amongst or against the backdrop of and is mostly obscured by existing vegetation at or close to the site from vantage points to the south, east and north. The turbine is most exposed to longer views from the public realm from the west, where at certain points, the entire structure is apparent. It is, however, viewed against the backdrop of existing mature vegetation and amongst existing dwellings and their paraphernalia and causes no significant harm to landscape character. It is considered that the proposed wind turbine would not have a significant detrimental impact upon the character and appearance of the countryside and wider landscape (including the Special Landscape Area).

### **Impact upon the setting of the adjacent listed building (The Old School House)**

30. The proposed wind turbine has been erected towards the east of the application site next to the grounds of The Old School House, a Grade II listed building. Whilst the turbine is visible from within the grounds of The Old School House, it is obscured, even during the current winter season by existing mature planting on the east boundary of the site. It is therefore considered that the screening provided by this vegetation, coupled with the fact that the listed building and wind turbine are not viewed together from any vantage point within the public realm, the proposal would not have an adverse impact upon the setting of the listed building. Furthermore, the separation distance between the wind turbine and The Old School House is approximately 90 metres which also lessens the impact.

### **Impact upon local character and the character of the conservation area**

31. The wind turbine is visually prominent in the local streetscene, particularly in both directions along Boxford Lane (the A1071). The visual prominence of the structure is exacerbated by a combination of factors, including i) the size and nature of the blades at the peak and the bulk and girth of the supporting column ii) its brilliant white colour finish, iii) its height and iv) its position on the site. The result is that the wind turbine is visually over-bearing in its locality and, given its alien appearance to other street furniture and domestic paraphernalia in the area, it has a significantly detrimental impact upon the character of this part of the Boxford village.
32. The wind turbine is situated close to the boundary of the village conservation area which terminates at the eastern side boundary of the site. The proposed wind turbine, given its prominence and detrimental visual impacts upon the local streetscene, would be equally detrimental to the character of the conservation area and adversely affects views from the public realm into and out of it.
33. Planning permission was granted in 2007 for the erection of a wind turbine at the same location on the application site. That turbine was slightly taller overall than that which has been erected (approximately 0.4 metres taller) and was to be finished in the same white colour. However the approved turbine was completely different in terms of its appearance and specification. The equipment at the top of the approved turbine was approximately 2.7 metres wide as opposed to the 4 metre separation between the blades on the unauthorised turbine for which planning permission is now being sought.

Crucially, the supporting column on the approved turbine was slender by comparison to that on the unauthorised turbine. The column of the unauthorised turbine (which is the subject of this application) has a diameter of 750mm at its base, tapering to 600mm at its peak. The column of the turbine with planning permission had a diameter of 450mm at its base, tapering to approximately 150mm at its peak. It is the bulky nature of the proposed wind turbine in particular (but in combination with the other factors) which causes it to be particularly visually prominent in the local streetscene and detrimental to the character of the conservation area.

#### **Impact upon residential amenity**

34. The application is accompanied by information which suggests the unauthorised wind turbine has a reduced noise output in comparison to the approved turbine (4db above background as opposed to 5db above background for the approved turbine). The Council's Environmental Officers did not object to the previous application and, although their formal comments for the latest planning application are awaited, adverse comments are not anticipated.

#### **Impact upon highway safety**

35. The wind turbine is a prominent feature and can be seen clearly from vehicles using the A1071 in both directions. The turbine does not affect vehicle visibility or traffic convenience and is not a distraction to competent drivers, even when it is rotating. There are no concerns about the retention of the wind turbine structure from a highway safety point of view. The Suffolk County Council, as Local Highway Authority, has been consulted of the application and do not raise any objection or concerns (paragraph 15 above).

#### **Biodiversity, Public Rights of Way, The Water Environment, Treatment of Waste Products and adjoining uses.**

There are no concerns arising with any of the above issues and these criteria of Local Plan policy EN10 are deemed satisfied.

#### **Conclusions**

36. The proposed wind turbine, which has been already been erected has and if approved would continue to have a severely detrimental impact upon the visual qualities of the area and would be unduly prominent and adversely affect views into and out of the Boxford village Conservation Area. The recommendation is therefore to refuse planning permission for the proposed structure and ensure that appropriate action is taken by the Council to secure its dismantling and removal. In reaching this recommendation, officers have carefully considered the national and local planning policy stance on renewable energy infrastructure which is strongly supportive and encouraging of such schemes. However, this general support for renewable energy technologies does not, in the officers' view, over-ride the harm that would be caused to the character of the local area and the Boxford conservation area if the application to retain the wind turbine were to be approved.

#### **RECOMMENDATION**

- (1) The planning permission be refused for the following reasons:

- (i) The proposal for the erection (retention) of a sky rota vertical axis wind turbine within the grounds of 'The Arc' is contrary to the Government planning policies and guidance set out in PPG15, to policies ENV6 and ENV7 of the East of England Plan, 2008 and to policies EN10, CN01 and CN08 of the Babergh Local Plan, Alteration No.2 (2006). These policies require development proposals to have a particular regard to the nature of development and the environment surrounding the site and preserve or enhance the character of a conservation area or its setting. Local Plan policy EN10 sets out criteria against which proposals for renewable energy developments are considered and states planning permission will be granted for such development subject to their being no unacceptable impact upon the local environment, including (inter alia) visual intrusion and cultural heritage.
  - (ii) In this case, the proposed wind turbine, owing to the combined impact of its height, colour finish, position on the site towards the frontage, alien appearance and bulk (including the size of the rotating blades atop the structure and the girth of the supporting column) would be an incongruous feature and unduly prominent in the streetscene and would adversely affect public views into and out of the Boxford Conservation Area to the detriment of its character.
- (2) That subject to the agreement of recommendation (1) above the Head of Natural and Built Environment be authorised to serve an enforcement notice under Section 172 of the Town and Country Planning Act 1990 as amended to remedy the breach of planning control in respect of the unauthorised erection of the wind turbine.
  - (3) That in the event of the enforcement notice not being complied with within the period specified for compliance, the Solicitor to the Council be authorised to institute proceedings in the Magistrates Court pursuant to Section 179 of the Town and Country Planning Act 1990 as amended.