

Item Number: 13
Application No: 14/01295/73A
Parish: Luttons Parish Council
Appn. Type: Non Compliance with Conditions
Applicant: Mr David Morgan
Proposal: Variation of plans Condition (i) as added by non-material amendment 14/01205/AMEND dated 20.11.2014 to refusal 13/00699/FUL dated 27.11.2013 as allowed by Appeal Ref: APP/Y2736/A/14/2211925 dated 25.09.2014 to allow substitution of plan "Turbine detail dwg NWA-30m" by plan "Figure 1.01-Turbine Elevation Plan"- increase in tip height of turbine by 2.939m
Location: Land At High Barn Farm Green Lane West Lutton Malton North Yorkshire
Registration Date:
8/13 Wk Expiry Date: 22 January 2015
Overall Expiry Date: 1 January 2015
Case Officer: Matthew Mortonson **Ext:** 332

CONSULTATIONS:

Parish Council	Object
Highways North Yorkshire	No objection
Environmental Health Officer	No views received to date
East Riding of Yorkshire Council	No views received to date
Mr E Peacock	No views received to date
National Air Traffic Services (NATS)	No safeguarding objection
Ministry Of Defence	No views received to date
The Joint Radio Company Ltd	No views received to date
Wind Farm Enquiries	No objection
Countryside Officer	No views received to date
The Yorkshire And Humber Regional Assembly	No views received to date
Archaeology Section	No known archaeological constraint
National Grid Plant Protection	No views received to date
Atkins Ltd	No views received to date
Neighbouring Parish Council -Weaverthorpe	- Objection
Neighbouring Parish Council - Kirby Grindalythe	- No views received to date
Neighbouring Parish Council - Wintringham	No views received to date
Neighbouring Parish Council - Heselerton	No views received to date
Ofcom	No links found

Neighbour responses: Mr Evan Ferguson,

SITE:

High Barn Farm is situated to the north of East Lutton. The farm itself is within the open countryside, in an area characterised by a number of more isolated farms. The landholding for the farm lies within an area designated as an Area of High Landscape Value.

PROPOSAL:

The proposal seeks planning permission for the variation of planning permission ref. 14/01295/73A to increase the tip height by 2.939m. The overall tip height will increase from 45.071m to 48.01m. The hub height of the turbine remains the same as previously approved.

The supporting statement submitted as part of this application identifies the reason for the proposed variation. It states:

“The reason we are having to entertain this change is due to the changes in grid connection that has had a significant impact on the viability of the project. The amount of grid capacity has been reduced from 225kw to 180kw... .. A minimal increase in blade length allows a slower rotate of the blade and thus reduces a marginal output of the machine to enable a grid connection at 180kw.”

HISTORY:

2013 - Erection of 1no. 30.5m high (overall tip height 45m) 225kw wind turbine to generate electricity for on farm use. Appeal Allowed.

POLICY:

National Planning Policy Framework

Section 10: Meeting the challenge of climate change, flooding and coastal change.

Section 11: Conserving and enhancing the natural environment.

Ryedale Local Plan – Local Plan Strategy

SP13 – Landscapes

SP14 - Biodiversity

SP18 – Renewable and Low Carbon Energy.

SP19 – Presumption in Favour of Sustainable Development

SP20 – Generic Development Management Issues

APPRAISAL:

This application is presented to the Planning Committee because Luttons Parish Council and Weaverthorpe Parish Council have objected to the planning application. In addition, a resident of Helperthorpe has objected to the proposal.

Members will note the planning history of this site. In November 2013 the Local Planning Authority refused planning permission for the erection of a 30.5m high (overall tip height 45m) wind turbine. The reason for refusal read as follows:

The proposed development would result in an accumulation of the turbines locally in the landscape. This is considered to be detrimental to the character of the Wolds Area of High Landscape Value.

As such the development would be contrary to the principles of para 98 of the NPPF and Policies SP13 and SP18 of the Local Plan Strategy.

The applicant appealed the refusal (appeal ref. APP/Y/2736/A/14/2211925). The Planning Inspector allowed the appeal and planning permission was granted for the wind turbine. A copy of the decision can be found in the appendix of this report.

The objectors to the development raise concerns that the increased height of the development would not only be prominent within the landscape but would also contribute to the accumulation of wind turbines in the locality.

In assessing these concerns it is relevant to consider the Planning Inspectors decision. The Inspector considered both the individual and cumulative impact of the wind turbine concluding his decision by stating:

9. *On balance, whilst I acknowledge that the proposed wind turbine would cause some harm by reason of its individual and cumulative visual impacts, the local landscape has the capacity to absorb the proposed development without causing undue harm to its character. In this respect, the scheme complies with policy SP18 of the Ryedale Local Plan Strategy. I conclude that the adverse effects of the scheme are insufficient to outweigh the presumption in favour of sustainable development and the appeal should succeed.*

Members will note that in assessing the original planning application, the height of the wind turbine was not a matter of concern to the planning officer and did not form part of the refusal of the planning permission. Nevertheless, given the comments of the Planning Inspector, it is not considered that the increase in height of the turbine by 2.939m would materially harm the landscape in terms of the individual and cumulative impact beyond that already approved on appeal. The landscape impact of the proposal is considered to be acceptable in accordance with the requirements of Policy SP13 and SP20 of the Ryedale Local Plan Strategy.

With respect to residential amenity, Members will note that no conditions or noise restrictions were implemented by the Planning Inspector in granting planning permission for the wind turbine. The documents submitted as part of the application do however identify that the revised turbine will operate within the existing noise limits approved as part of the previous planning application. As such, a condition is recommended to ensure the existing noise limits are not exceeded. The proposed development in terms of residential amenity impact is considered to be acceptable in accordance with Policy SP20 of the Ryedale Local Plan Strategy.

CONCLUSION:

To conclude, subject to the recommended conditions, the proposed variation to increase the height of the wind turbine by 2.939m at tip height is considered to be in accordance with the requirements of the development plan and the NPPF. The application is therefore recommended for approval.

RECOMMENDATION: Approval

- 1 The development hereby permitted shall be begun on or before .

Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

- 2 The development hereby approved shall be retained for a period of not more than 25 years from the date of this permission. By no later than the end of the stated 25 year period, the turbine shall be decommissioned and all related above ground structures removed from the site.

Six months before the due date for the decommissioning of the turbine, or the end of the 25 year period, whichever is the sooner, a scheme for the restoration of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall make provision for the removal of all above ground elements, plus 1m of in depth of the concrete turbine base below ground level together with all associated equipment. The scheme shall include time for the remediation work before returning the land to agricultural use. The scheme shall be carried out in accordance with the approved details.

Reason: In the interests of maintaining the character of the area of High Landscape Value, and to satisfy the requirements of Policy SP13 of the Ryedale Plan - Local Plan Strategy.

- 3 If the turbine hereby permitted ceases to generate electricity for a continuous period of six months, all the above ground elements plus 1m in depth of concrete below ground level shall be removed from the site within 3 months from that date unless an extension of time is first approved in writing by the Local Planning Authority.

Reason: In the interests of maintaining the character of the area of High Landscape Value, and to satisfy the requirements of Policy SP13 of the Ryedale Plan - Local Plan Strategy.

- 4 Before the commencement of the development hereby permitted, the Local Planning Authority shall be notified in writing of:

- The date construction starts and ends;
- The maximum height of the construction equipment;
- The latitude and longitude of the wind turbine.

Reason: This information is vital as it will be plotted on flying charts to ensure military aircraft avoid this area.

- 5 The noise levels of the wind turbine hereby permitted shall not exceed those agreed as part of planning application reference 13/00699/FUL.

Reason: In the interest of residential amenity in accordance with the requirements of Policy SP20 of the Ryedale Local Plan Strategy.

- 6 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

Figure 1.01 - Turbine Elevation Plan Nov 2014

Reason: For the avoidance of doubt and in the interests of proper planning.

Background Papers:

Adopted Ryedale Local Plan 2002
Local Plan Strategy 2013
National Planning Policy Framework
Responses from consultees and interested parties