

Parish: LAVENHAM

Location: Brights Farm, Brights Lane, Lavenham

Proposal: Erection of 18.3m high wind turbine

Applicant: Mr R Rush

Case Officer: Deborah Board

Date for Determination: 18th January 2010

A panel of Members visited the site on 24th February 2010 following a request received from the Local Member. In particular, Members assessed the impact of the development upon the surrounding landscape.

THE SITE

1. The application site is located to the north west of the village of Lavenham. The site is over 35 metres to the west of the applicant's remodelled dwelling 'Brights Farm', granted planning permission B/07/00264/FHA. Intervening between the two is the farmyard, containing a group of three buildings and a large area of hard standing. The closest dwelling is Bright's Farmhouse, which is in separate ownership, and located to the south of the farmyard.
2. The site is within the countryside and adjacent to the boundary of the Special Landscape Area to the west. Bright's Farmhouse is a Grade II Listed Building

THE PROPOSAL

3. The application proposes the erection of a wind turbine. The overall height of the turbine is 18.3 metres above finished ground level of 24 metres. The supporting lattice tower is 18.3 metres tall with the blades atop adding the additional height. The blades are 13 metres diameter. The tower is approximately 1.9 metres wide at its base, narrowing to approximately 0.5 metres beneath the blades. The turbine is proposed to be finished in non reflective white paint, has an output of up to 26 000 KWH per year.
4. The application is accompanied by a Supplementary Information Pack regarding the design and technical information of the proposed turbine; supporting statement from the applicant's agent; supporting letter from the applicant regarding site selection; Noise Assessment, which can be viewed in advance of the meeting by prior arrangement with the case officer.
5. In support of the application the applicant has outlined the reasons why the site was selected, these are summarised as follows:
 - Highest point within practical and economic cabling distance of grid connection point in farm buildings;
 - Proposed turbine would be 40 metres from byway and 170 metres from nearest point of neighbouring dwelling Brights Farmhouse;
 - Location on an un hedged field boundary so no agricultural land is taken out of production and there would be no adverse impact on bats, which use hedge for navigation at night.

RELEVANT HISTORY

6. B/07/00264/FHA - Alterations and extensions to remodel existing detached dwelling, Approved

NATIONAL GUIDANCE

7. **PPS1** (Delivering Sustainable Development).
8. **PPS5** (Planning for the Historic Environment)
9. **PPS7** (Sustainable Development in Rural Areas)
10. **PPS22** (Renewable Energy)
11. **PPG24** (Planning and Noise)

PLANNING POLICIES

12. 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

Initial Consultation

13. PC – Recommend refusal as the objection of the nearby resident is valid and there should be reconsideration of the most appropriate site of the wind turbine.
14. SCC (Archaeology) – no objection
15. SCC (PROW) – no objections but provide advisory notes for applicant
16. Environmental Health - Details of the report from Gaia Wind (dated 27.11.2006) given in the supporting documents, gives details of noise levels at various distances from the wind turbine but does not give information about the wind speed at the time that data was collected.

17. The rural location of the proposed turbine suggests that loss of amenity at the nearest residential property is likely to be minimal and this is supported by the accompanying letter to the application, from Charles Dearlove of Ecoexcel which gives some acoustic data for noise levels at 2 wind speeds based on receptors 100m from the turbine hub, and suggests that 'in practice the turbine can rarely be heard at distances greater than 100m above the background noise created by the wind'.
18. However, the application does not provide any data regarding the background noise at the nearest residential property. The UK guidance ETWSU-R-97 'The assessment and rating of noise from wind farms' (1996) states that sufficient protection to the amenity of residential properties can be assumed where operational noise is limited to 35dB(A)_{LA90,10min} at the closest receptor in wind speeds of up to 10ms⁻¹ at 10 m height.
19. I would therefore recommend that this application be refused unless the applicant can provide a noise assessment, giving details of background noise (LA90, 10 min) at the closest residential property in wind speeds between (and including) 4ms⁻¹, 8ms⁻¹, 10ms⁻¹ and 12ms⁻¹, with wind speeds being referenced to a 10 metres measurement height, and a modelling of projected operating noise levels (taking account of the braking system where appropriate) of the turbine at the same property at these wind speeds prior to, to be approved by the planning authority.

Re consultation (additional information – noise assessment)

20. PC – unable to recommend approval of the original application due to the siting of the wind turbine in close proximity to another dwelling in other ownership, it was suggested that siting be reviewed. The additional information does not affect the Parish Council's previous comment.
21. SWT – the proposal appears to have no impact on protected species or designated habitat.
22. SCC (Archaeology) – no objection
23. SCC (PROW) – no objections but provide advisory notes for applicant
24. Environmental Health – I am of the opinion that if the nearest residential property not owned by the applicant is more than 170 metres away from the proposed turbine then a noise level no greater than 38.5dB would be expected at this property and I am therefore satisfied that the turbine would be unlikely to result in loss of residential amenity due to noise at this property.
25. NATS (on behalf of NERL, responsible for en route air traffic) – no safeguarding objection to the proposal

REPRESENTATIONS

Initial Consultation

26. Four letters have been received three supporting and one objecting to the proposals. The issues and objections raised are summarised as follows:
 - I would like to support the application referred to above. Wind power generation supports the aims of Transition Lavenham which receives the support of your authority;
 - The proposal will provide an excellent source of renewable energy for the farm;
 - The source of energy is free and should be encouraged;

- The wind turbine is not without precedent as up to 40 years ago there was a metal semi industrial windmill in front of Slough Farmhouse;
- The proposal is similar and will not disfigure the landscape any more than the mobile telephone mast in the same vicinity;
- The dwelling Bright's Farmhouse is a separately occupied dwelling. Object to the site chosen near to this listed property where the turbine will be highly visible and audible;
- The site is only 110m from the end of the garden of Bright's Farmhouse and would be audible contrary to what the report asserts;
- There are no coniferous trees that would obscure the line of sight of the proposed turbine;
- The turbine site marker post is already visible and an 18m tower and blades would be even more so;
- Comparison with car and truck noise is not relevant for this location;
- If a turbine is to be located it should be on land 300 metres from any dwelling to the north of the feed in point at Brights Farm yard;
- The applicant's home is twice the distance from the site compared to Bright's Farmhouse and screened by the intervening barns, it is not fair to place the proposal in someone else's backyard;
- An alternative location should be considered.

Re consultation (additional information – noise assessment)

27. Four letters have been received two supporting and two objecting to the proposals. The issues and objections raised are summarised as follows:

Resident of Bright's Farmhouse

- I have looked at the additional noise assessment figures recently submitted but have little to add to my letter of 5th January. It is clear from the table on the final page of the document that the turbine would be audible on my property (where the mean wind speed is said to be 5 m/s at 10m agl*) and at a level which would be perceived as a "Clearly Noticeable Change".
- On the website of Hayes McKenzie – who produced the newly submitted report – they say "Virtually everything with moving parts will make some sound, and wind turbines are no exception. Well designed wind turbines are generally quiet in operation, and compared to the noise of road traffic, trains, aircraft and construction activities, to name but a few, the noise from wind turbines is very low. Outside the nearest houses, which are at least 300 metres away, and more often further, the sound of a wind turbine generating electricity is likely to be about the same level as noise from a flowing stream about 50-100 metres away or the noise of leaves rustling in a gentle breeze. This is similar to the sound level inside a typical living room with a gas fire switched on, or the reading room of a library or in an unoccupied, quiet, air-conditioned office".
- As you will see Hayes McKenzie chose 300 metres for their comparison, which is the same minimum distance I mentioned in my letter of objection dated 5th January for location of the turbine from **any** dwelling.
- To summarize: I object to the proposed location for the turbine on the grounds that it would be both visually and audibly intrusive at my 'listed' property. I do not, however, have an objection to a turbine being located on Brights Farm (which includes a substantial area of land in the same ownership, equally suitable in terms of exposure to the wind, and technically practical), provided that it is at the very least 300 metres from any dwelling.

28. Suffolk Preservation Society asks that the following representations are taken into account by the Local Planning Authority when determining the application.

Principle

- Lavenham is internationally renowned as an outstanding surviving example of a Suffolk wool town, with a wealth of buildings from the fifteenth and sixteenth centuries. This is reflected both in the conservation area designation and the length of the statutory list of buildings of special architectural or historic interest. The unusually large number of buildings within the highest categories reflects the national significance of Lavenham's built heritage. The grade I listed parish church is an iconic element of the town and a key focal point within the conservation area and wider landscape.
- The application site occupies a prominent, open and elevated position on the skyline and within a special landscape area (SLA) to the west of the historic town of Lavenham. The proposed turbine would adjoin Brights Farmhouse, a grade II listed building dating from the sixteenth century.

The Proposals

- The proposed wind turbine of 18.3 metres in height would be very prominent and intrusive in the proposed location. In particular, the turbine would be seen on the skyline from within the conservation area; particularly when viewed from immediately to the south of the grade I listed parish church, Church Street. This is a 'key view' in our opinion and would have a materially harmful effect on the setting of the conservation area and the grade I parish church. The turbine would also be seen extensively from Bridge Street Road on the approach to the historic settlement. This is a very important view of the church tower as it soars triumphantly above the surrounding landscape.
- The Society has sympathy with the intention to partly power the grain store at the farm using wind power. Nevertheless, the turbine as currently positioned would result in harm both to the setting of the conservation area and to the setting of Brights Farmhouse. In the opinion of the Society, the proposed turbine must be resited to the north east in the lea of a tree belt in order to mitigate its visual impact on the SLA, setting of these important listed buildings and the conservation area.

Conclusions

- The setting of both listed buildings and conservation areas benefit from statutory protection (s.66(1) and 72(1) of the Planning (Listed Buildings & conservation Areas) Act 1990). Furthermore, this is restated in PPG15 – Planning and the historic environment. The potential landscape impact of turbines is acknowledged at paragraph 20 of PPS22 Renewable Energy which states: "Of all renewable technologies, wind turbines are likely to have the greatest visual and landscape effects...".
- The aims of national policy are clear and seek to protect the countryside for its intrinsic value. Paragraph 1(ii) of PPS7 states: "*the Governments overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all*"
- The saved policies of the Babergh Local Plan Alteration No.2 (2006) remain of direct relevance to the determination of this application. Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that, where the development plan contains relevant policies, applications should be determined in accordance with these policies unless material considerations indicate otherwise. In particular, the Society contends that the proposals are contrary to policies CR01, CR04 and CR08 for the reasons identified previously.
- The Society regrets that it is necessary to object to the current scheme and suggests that the applicant is requested to re-site the turbine in order to mitigate its impact upon the landscape and setting of the conservation area and listed buildings.

29. Transition Lavenham is writing in support of the application to install a wind generator at (or near) Bright's Farm.
- The application conforms with our aims of promoting a more energy sustainable Lavenham and accords with the aims of Suffolk's Greenest County initiative. The more local sources of electricity that can be introduced, the less the need for augmentation of transmission lines.
 - The only objection we believe relates to its visual impact, but the model selected for Bright's Farm has a mast of a lattice construction, not unlike the traditional wind pump that was once a common feature of the rural landscape and does not have the white concrete pillar more usually associated with large wind turbines. The objector may not be aware of the selected design and therefore be acquainted with its design. We understand that there is no objection by the neighbour to a wind generator in principle.
 - In our opinion this has far less of an impact than the nearby mobile phone mast or the pole and stays of the local 11 kV power distribution line and two transformer poles. You may consider, therefore, obtaining an illustration of the proposed lattice mast and compare it with a traditional wind pump. It may also be worth pointing out that the turbine has a life of 20 years and is therefore not a permanent structure.
 - The location of the wind generator needs to be well clear of the buildings to avoid wind disturbance and as near to the consumer's entry point to minimise transmission losses (and the cost of the underground cable). We feel that the selected location meets these two opposing requirements, while ensuring that any noise from the blades will not be heard from any nearby buildings, which are over 150 metres distant..
 - The progressive introduction of local generation, especially from renewable sources, will lessen the visual impact of distribution of electricity from centralised generation projects and minimise the need for further pylon networks.
 - Transition Lavenham therefore supports the application and believes it should be approved.
30. The Lavenham Society supports the application for the following reasons:
- The impact of the type of turbine selected would be of minimal visual impact to either the surrounding countryside or any close neighbours;
 - Ironically the model chosen is reminiscent of wind pumps common to farmland in the 19th Century;
 - Note that the turbine only has a life of 20 years;
 - Every effort should be made to make use of alternative energy sources should be encouraged where they are appropriate for their setting.

PLANNING CONSIDERATIONS

Policy Context

31. 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.
32. 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.
33. 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).
34. 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.
35. East of England Plan policy ENG2 states simply that proposals for renewable power generation should be supported.
36. 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.

37. 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 (PPS5, 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).
38. It is clear that the provision of a wind turbine at this, or indeed any other site within the District, is acceptable in principal 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

39. The wind turbine is visible at distance from all directions (north, south, east and west).
40. The turbine is most exposed to longer views from the public realm from the south and west, with views from and across the SLA, and at certain points the entire structure would be apparent. The turbine would, including the blades, have a height of 24 metres which is comparable to the existing phone mast 700 metres north of the site. Mindful of the advice of PPS 22 it is considered that whilst the issues are finely balanced 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) sufficient to resist the proposal.

Impact upon the setting of the adjacent listed building (Bright's Farmhouse)

41. The proposed wind turbine is to be located to the west of Bright's Farmhouse, 170 metres away, which is a Grade II listed building. The turbine would be visible from Bridge Street Road and viewed in context with the Listed Building. The site of the turbine when read in this context is exposed with no features to provide relief to the impact that the proposal would have on the setting of the Listed Building.
42. Brights Farmhouse sits as an isolated farmhouse within an open countryside setting. The principal elevation and view of the building is a dominant feature in the landscape of the locality. In assessing the acceptability of the turbine it is necessary to assess its impact on the Listed Building. In making this assessment there are two considerations: whether the proposed development would significantly harm the character and setting of the Listed Building and if it does then is the development proposed desirable or necessary?
43. The scale of the turbine proposed at 24 metres in height overall, would be almost three times the ridge height of Brights Farmhouse. As such when viewing the farmhouse and the proposed turbine within the landscape it would detract from the Listed Building when viewing the principal elevation from Bridge Street Road and as such would be considered to harm the setting and consequently character of the Listed Building.
44. The proposal for a wind turbine at Brights Farm is considered desirable as the applicant's agents supporting statement details that the turbine could meet the farm's annual electricity needs. It is submitted that the farm currently uses 17 000 KWH per year and the proposed turbine would provide 26 000 KWH. This is noted and whilst it is a desirable aim that accords with national and regional guidance on the provision of renewable energy sources it is not necessary. The primary material consideration and duty of the Local Planning Authority (Listed Building and Conservation Area Act 1990) is to have special regard to preserving the setting of the Listed Building.

Impact upon residential amenity

45. The application is accompanied by a Noise Assessment. The Council's Environmental Officers do not object to the application and state that that if the nearest residential property not owned by the applicant is more than 170 metres away from the proposed turbine then a noise level no greater than 38.5dB would be expected at this property and I am therefore satisfied that the turbine would be unlikely to result in loss of residential amenity due to noise at this property.

Impact upon highway safety

46. The wind turbine is a prominent feature and would be seen clearly from vehicles using Bridge Street Road. The turbine does not affect vehicle visibility or traffic convenience and there are no concerns about the retention of the wind turbine structure from a highway safety point of view.

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

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

Conclusions

48. It is considered that the proposed wind turbine would have a severely detrimental impact upon the setting of the Listed Building, Brights Farmhouse. The recommendation is therefore to refuse planning permission for the proposed structure. 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 setting of the Listed Building were the application to be approved.

RECOMMENDATION

That planning permission be refused for the following reasons.

- (1) The proposal for the erection of a 18.3 metre wind turbine is contrary to the Government planning policies and guidance set out in PPS5, to policies ENV6 and ENV7 of the East of England Plan, 2008 and to policies EN10, CN01 and CN06 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 Listed Building 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.
- (2) In this case, the proposed wind turbine, owing to the combined impact of its height, colour finish, position on the site frontage, appearance and bulk (including the size of the rotating blades atop the structure) would be an incongruous feature and unduly prominent in the landscape and would adversely affect the setting of the Grade II Listed Building, Brights Farmhouse to the detriment of its character.