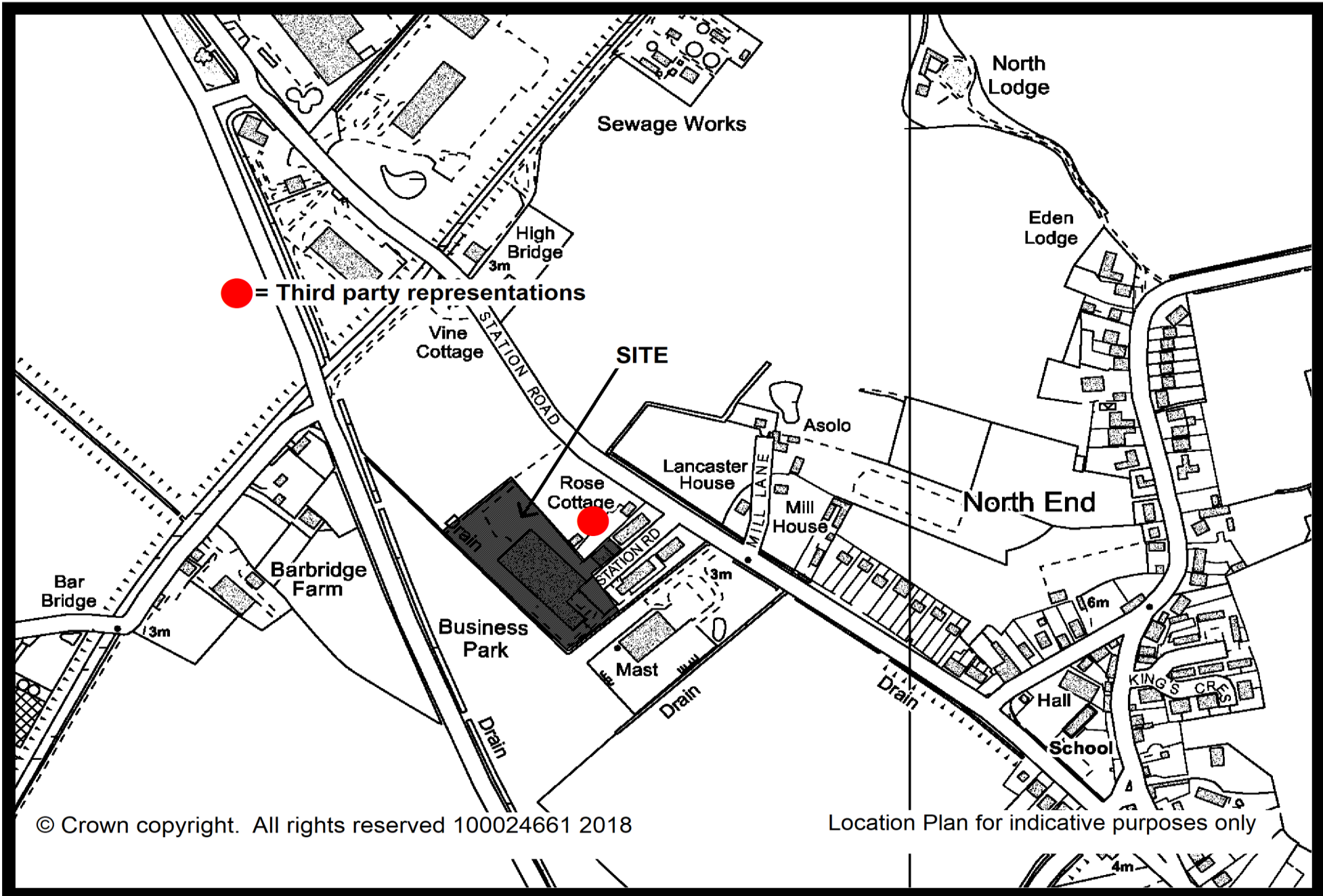


PLANNING APPLICATION B/18/0299

Installation of 10 wall-mounted wind turbines

Reflex Lables, Station Road Industrial Estate,
Station Road, Swineshead, Boston, PE20 3PW

Applicant: Mr David Liversuch, Reflex Labels



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Location Plan for indicative purposes only

4m

BOSTON BOROUGH COUNCIL

Planning Committee - 13 November 2018

Reference No: B/18/0299

Expiry Date: 01-Oct-2018

Extension of Time: 26-Oct-2018

Application Type: Full Planning Permission

Proposal: Installation of 10 wall-mounted wind turbines

Site: Reflex Lables, Station Road Industrial Estate, Station Road, Swineshead, Boston, PE20 3PW

Applicant: Mr David Liversuch, Reflex Labels

Agent:

Ward: Swineshead and

Parish: Swineshead Parish Council

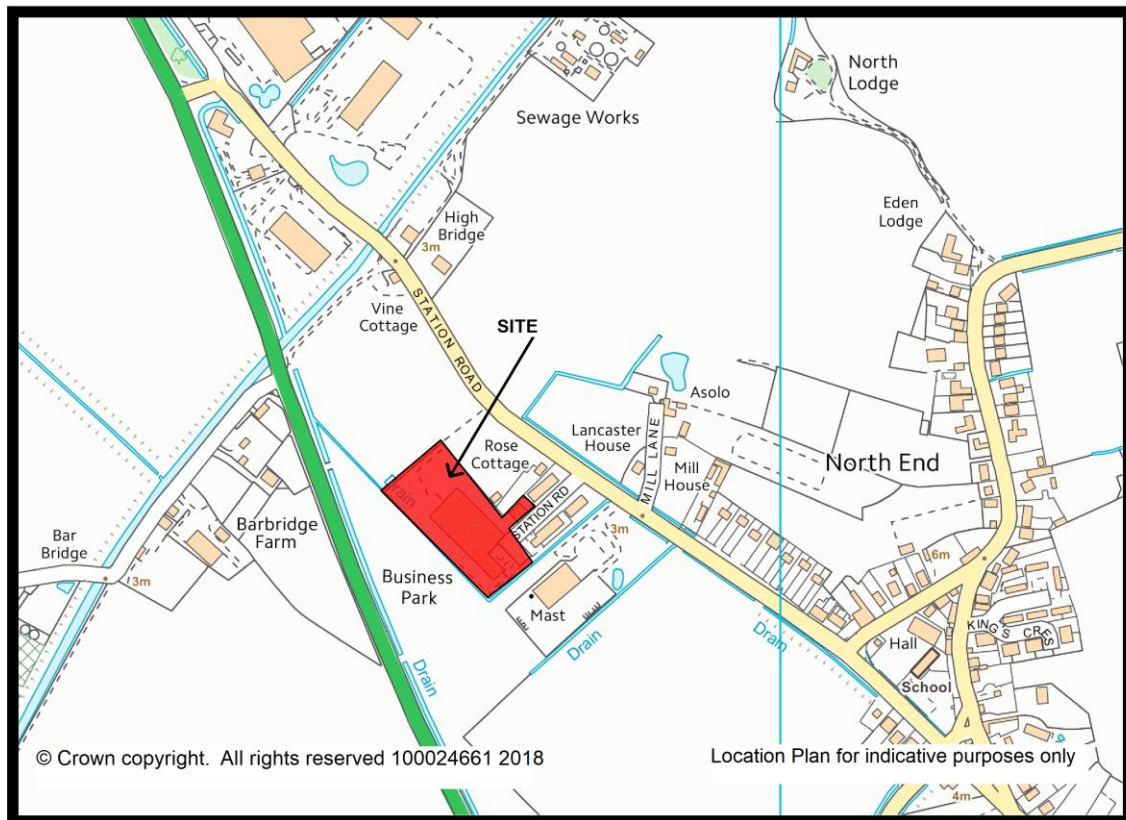
Holland Fen

Case Officer: Trevor Thompson

Third Party Reps: 2

Link to Application: [B/18/0299](#)

Recommendation: GRANT



1.0 Reason for Report

- 1.1 This application has been presented to the Planning Committee at the request of Councillor Brown. The reason for the request is to enable Local Plan policy ED11 to be fully assessed.

2.0 Application Site and Proposal

- 2.1 The application building is located within an allocated employment area as identified on Inset Map no.22 of the Adopted Plan and is situated within an established industrial estate. The site is however outside the settlement boundary of Swineshead. It gains vehicular access off an industrial road that junctions with Station Road.
- 2.2 There are residential properties within the immediate proximity of the site i.e. Rose Cottage, Lancaster House and Lavender Lodge. The area consists of employment /industrial buildings that form part of the industrial estate, with open countryside to the west. The A17 lies about 60m west of the application site.
- 2.3 It is proposed to install 10 wall mounted wind turbines on the south western elevation of an existing industrial building which will face the A17. Each turbine will be about 6.2m long (including the rotor blades and pole mounting) and each rotor will have a diameter of around 2m. The turbines will be fitted on the side wall of the building and will project between 1m and 2.2m above the ridge of this building.

3.0 Relevant History

- 3.1 The site has been subject to a number of applications in the past. The most recent being earlier this year for the erection of two storey side extension to existing industrial unit to provide office and ancillary accommodation following demolition of single storey extension (ref B/18/0033).
- 3.2 An extension to part of the industrial building where it is intended to install the turbines was granted in 2016 (ref B/16/0383).

4.0 Relevant Policy

Boston Borough Adopted Local Plan

- 4.1 The development plan consists of the saved policies of the Boston Borough Local Plan (Adopted 1999). Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 4.2 The application site is located on land which is allocated in the Boston Borough Local Plan as a Proposed Industrial/ Commercial Area.
- 4.3 The saved Policies within Boston Borough Local Plan of relevance to this application are as follows:
- Policy G1 – Amenity
 - Policy ED9 – Extension or redevelopment of existing commercial or industrial enterprises

- Policy ED1- development in industrial/commercial areas

4.4 Policy ED 11 – Renewable Energy is particularly relevant. It states:

Planning permission will be granted for development that will provide a renewable energy source, provided that the proposal:

- 1) will not significantly harm the appearance or character of the area;
- 2) will not generate levels of traffic, dust, noise, smell or other pollution which will significantly harm the environment, local living or working conditions, or the operation of nearby land uses;
- 3) will not challenge the visual dominance of the tower of St. Botolph's church over Boston's skyline, and
- 4) will not adversely affect The Wash SSSI or sites of local nature conservation interest.

South East Lincolnshire Local Plan (SELLP)

4.5 Certain policies that have attracted no objections as contained within the SELLP now attribute significant weight. Policies which have attracted objections may only attract limited weight.

4.6 The site forms part of an area allocated in the SELLP as an 'established employment site'. Policy 7: 'meeting physical infrastructure and service needs' has attracted objections so limited weight may only be given to this policy.

4.7 The Policies within the draft South East Lincolnshire Local Plan of relevance to this application are as follows:

- Policy 2: Development Management
- Policy 8 : Prestige Employment sites

National Planning Policy Framework

4.8 Paragraph 11 of the NPPF indicates that plans and decisions should apply to a presumption in favour of sustainable development. It adds that for decision making, this means

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

5.0 Representations

5.1 As a result of publicity two representations have been received from the occupiers of the following properties:

- Rose Cottage, Station Road, Swineshead
- The Bungalow, Station Road, Swineshead

5.2 The neighbours are concerned about noise disturbance and the ability of the applicants to meet the recommended noise levels as set out below.

6.0 Consultations

6.1 Swineshead Parish Council has no objections or comments

6.2 MOD Defence Infrastructure Organisation has no objections

6.3 NATS Safeguarding (air traffic control) has no objections

6.4 Environmental Health has no objections subject to conditions

7.0 Planning Issues and Discussions

7.1 The main issues in the determination of this application are:

- Impact on residential amenity especially in terms of noise disturbance and visual amenity
- Impact on the character of the area.

Noise disturbance

7.2 Noise disturbance is a major factor in the determination of an application for wind turbines that often attracts objections from concerned residents. As indicated above, the occupiers of Rose Cottage, Station Road and The Bungalow, Station Road have raised objections or concerns with regard to noise.

7.3 Following initial requests from the Environmental Health Manager the applicant has now submitted additional information relating to noise that has been obtained direct from the manufacturer of the proposed turbines. Supporting information would suggest that the turbines are a 'near silent' operation and given there is no gearbox means there is no mechanical noise though it may be possible to hear generator distant 'hum'.

- 7.4 The Environmental Health Manager has now no objections subject to two conditions as set out below (ie conditions 3 and 4) which sets out defined noise levels and a procedure which relates to any future complaints relating to noise.
- 7.5 In addition to recommended conditions 3 and 4 below, it is also recommended that a further condition (ie condition 5 below) is imposed which seeks to ensure that prior to operation of the wind turbines, appropriate testing is undertaken to ensure compliance with condition 3.
- 7.6 Should the applicant breach a planning condition which may be attached to any permission granted for this development, this Council may, if it is considered expedient to do so, serve a 'breach of condition' notice. A breach of condition notice requires its recipient to secure compliance with the terms of a planning condition. Any recipient of a breach of condition notice will be in breach of the notice if, after the compliance period, any condition specified in it has not been complied with, and the steps specified have not been taken or the activities specified have not ceased. There is no appeal against a breach of condition notice.

Impact on the character of the area

- 7.7 The application site is located within an area that is allocated in the Boston Borough Local Plan as a proposed industrial/commercial area. The character of the area is therefore largely defined by the industrial nature of buildings and land uses within the site's immediate surroundings. As indicated above, the proposed turbines are to be positioned on the south western elevation of the industrial building, which will face the A17 and will be about 85m away from this highway.
- 7.8 There are flat, open agricultural fields that lie between the existing industrial building and the A17. There is also extensive and mature landscaping along the eastern side of this stretch of the A17. Although there are gaps in the landscaping along the A17 that would enable brief glimpses of the proposed turbines when travelling along the A17, the existing landscaping will provide an effective screen to ensure that the proposed turbines will not cause substantial harm to the character of the surrounding area when viewed from the A17.
- 7.9 Given that the turbines will project above the ridge line of the existing building, they may be seen from residential properties and other land users within the surrounding area. However, given the industrial nature of the site and its immediate surroundings, they are unlikely to cause visual harm to the amenity of the surrounding countryside or the existing employment area. The proposed turbines are not of the same scale or nature as the existing turbines at the Bicker Wind Farm and will only be about 9m from ground level. They will not be located within a sensitive area and will not be prominent or in the foreground of principle outlooks.

8.0 Summary and Conclusion

- 8.1 The proposed ten wall mounted turbines on an industrial building located on an established and allocated industrial area will not harm the visual amenity or the character of the area. Concerns have been raised by neighbours about possible noise disturbance and that noise levels may exceed above the levels recommended by the Environmental Health Manager. These concerns are understandable given the type of development proposed. However, as indicated

above, it is recommended that conditions 3, 4 and 5 below are imposed to protect residential amenity. If the applicant failed to meet the requirements of such conditions, this Council may take the appropriate legal action.

9.0 Recommendation

9.1 It is recommended that Committee GRANT planning permission subject to the following conditions:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following approved plans :

- Site location plan ref SLP
- Elevation plan ref 05/3 Rev D

Reason: To ensure the development is undertaken in accordance with the approved details and to accord with Adopted Local Plan Policy G1.

3 The wind turbine's noise level shall not exceed a level of 35 dB(A) expressed as LA90 10 min at any existing dwelling outside of the curtilage of the approved site up to on-site wind speeds of 10m/s measured at a height of 10m in accordance with the guidance contained within the Department of Trade and Industry Report 'The Assessment and Rating of Noise from Wind Farms' (ETSU-R-97).

Reason: In the interests of residential amenity and to accord with saved Policies G1 and ED11 of the Adopted Plan.

4. Within 28 days from receipt of a written request from the Local Planning Authority following a reasonable complaint to it alleging noise disturbance at a dwelling, the landowner shall, at his expense, employ an independent consultant approved by the Local Planning Authority to assess the level of noise emissions from the wind turbines at the complainant's property. The consultant shall submit a report to the Local Planning Authority within 2 months of the date of the letter which shall include measures necessary to remedy any breach of noise emissions set out in Condition 3. Those measures shall be carried out within 1 month of their approval in writing by the Local Planning Authority and thereafter retained.

Reason: In the interests of residential amenity and to accord with saved Policies G1 and ED11 of the Adopted Plan

5 Prior to operation of the wind turbines, noise testing shall be undertaken by an independent noise consultant to determine compliance with condition 3 above and thereafter a programme of noise monitoring shall be submitted to and agreed with the Local Planning Authority

Reason: In the interests of residential amenity and to accord with saved Policies G1 and ED11 of the Adopted Plan.

In determining this application the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2018 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

Lisa Hughes
Growth Manager