

Development Management Delegated Decision Report

B/24/0019



SUMMARY OF APPLICATION			
Application Reference	B/24/0019		
Application Type	Full Planning Permission		
Proposal	Installation of a SD3 Wind Turbine on a 15m mast		
Location	Honey Lodge, Sea End, Benington, Boston PE22 0DN		
Applicant	Mrs Carol Anderton		
Agent			
Received Date:	16-Jan-2024	Consultation / Publicity Expiry Date:	11-Mar-2024
Valid Date:	16-Jan-2024	Statutory Expiry Date:	12-Mar-2024
Date of Site Visit:	29-Feb-2024	Extension of Time Date:	02-Apr-2024
Objections received?	Yes		
5 Day Notification Record:			
Councillors notified	Date	Response received date	Ok to continue
Cllr P. Bedford	07-Mar-24	Yes: 09-Mar-2024	YES
Cllr D. Broughton	07-Mar-24	Yes: 09-Mar-2024	YES
Recommendation	Refuse		
Report by:	Megan Epton		
Date:	27-Mar-2024		

OFFICER REPORT

SITE AND SURROUNDINGS:

The site is located within Benington, Sea End and comprises of 1no. single storey bungalow and private amenity space. It is directly adjacent to 1no. residential dwelling to the south but is within a reasonable proximity to other residential properties along Sea End.

DETAILS OF PROPOSAL:

The proposal seeks the installation of a stand-alone SD3 Wind Turbine within the rear garden space of 'Honey Lodge'.

RELEVANT HISTORY:



RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:

South East Lincolnshire Local Plan (2019)

The South East Lincolnshire Local Plan (2019) **does not show** the site as falling within any settlement boundaries and it is therefore considered to be 'Open Countryside'. The relevant Policies of the Local Plan are:

- Policy 1: Spatial Strategy;
- Policy 2: Development Management;
- Policy 3: Design of New Development;
- Policy 4: Approach to Flood Risk;
- Policy 28: The Natural Environment;
- Policy 30: Pollution; and
- Policy 31: Climate change and Renewable and Low Carbon Energy.

OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:

National Planning Policy Framework (2023)

At the heart of the 2023 Framework is a presumption in favour of sustainable development. The following sections are relevant to this scheme:

- Section 2: Achieving Sustainable Development;
- Section 4: Decision making;
- Section 12: Achieving well-designed and beautiful places;
- Section 14: Meeting the challenge of climate change, flooding and coastal change; and
- Section 15: Conserving and enhancing the natural environment

National Planning Practice Guidance (PPG)

The Town and Country Planning (General Permitted Development) (England) Order 2015

CONSULTATION RESPONSES:

Benington Parish Council were consulted and confirmed they held concerns over potential amenity issues due to noise impacts and light flicker.

Environmental Health were consulted and objected to the proposals on the grounds of adverse impact upon residential amenity due to noise impacts.

Lincolnshire County Council (Local Highway and Lead Local Flood Authority) were consulted and confirmed they held no objections to the proposals on highway safety grounds.

Lincolnshire Wildlife Trust were consulted, but no response was received.

Natural England were consulted, and a response was received with a request for further information due to the site falling in an area of supporting Functional Land for the Wash SSSI. Their response is shown in full within the content of the report.

The Ministry of Defence (Defence Infrastructure Organisation) were consulted due to the site falling within their safeguarding zone and confirmed they held no objections to the proposals.

Witham Fourth Internal Drainage Board were consulted and had no comments.

THIRD PARTY REPRESENTATIONS RECEIVED:

No third party representations have been received as a result of consultation.

EVALUATION:

The key material planning issues considered in the determination of this application are:

- Principle of development and renewable and low carbon energy;
- Design and impact on the character and appearance of the area;
- Impact on residential amenity and pollution;
- Flood risk; and
- Impact on the natural environment.

Principle of Development and Renewable and Low Carbon Energy

SELLP Policy 1 sets out a hierarchy of settlements and states that development will be permitted within the countryside that is 'necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits'.

The proposal seeks the installation of a wind turbine within a residential plot, located within the Open Countryside of Benington, Sea End. The turbine is of a significant scale for a domestic property, with a maximum height of 16.95m, and in its current form exceeds the size and positioning limitations of stand-alone wind turbines allowed under Schedule 2, Part 14, Class I of the GPDO.

The NPPF sets out guidance for Local Planning Authorities on planning for climate change, with Footnote 58 setting out the following in relation to wind energy: *'Except for applications for the repowering and life-extension of existing wind turbines, a planning application for wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan or a supplementary planning document; and, following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been appropriately addressed and the proposal has community support.*' In line with this national guidance, Policy 31 of the SELLP reflects the government's position and directly excludes wind energy from the forms of acceptable renewable energy facilities, infrastructure and technology, and does not include any provision of land within the Borough as suitable for wind energy as a result. Based on this, the

proposal is considered to be contrary to the first test of the NPPF's Footnote 58, and to Policy 31 of the SELLP.

The second test of Footnote 58 relates to community support. As a result of consultation, several concerns were raised by consultees as to the proposal's potential impact upon the local residents. Alternative options for the proposal were considered by the applicant during the application stage, but no amendments were made to the current scheme due to the limits of the proposed red line site area. Despite the fact that no direct objections have been received from local residents, the application can not be clearly noted as having the support of the community due to the potential identified impacts not being addressed and/or resolved as part of the application.

Based on the demonstrated lack of national and local policy support, the proposed wind turbine is not considered to be an acceptable form of development within the open countryside and is therefore contrary to Policy 1 and Policy 31 of the South East Lincolnshire Local Plan, and Section 14 of the National Planning Policy Framework.

Design and Impact on the Character and Appearance

Policy 2 of the SELLP indicates that developments will be permitted which will not have harmful impacts upon the character and appearance of the area. Policy 3 states that all developments must create a sense of place by respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area.

The proposal seeks the installation of a stand-alone SD3 wind turbine within a residential plot. It would be positioned on a 2.5m x 2.5m x 1m concrete foundation, have a height to hub of 15m and a maximum height (to tip) of 16.95m. It is proposed in a galvanised grey, with both a jet black (RAL 9005) and light grey (RAL 7035) incorporated into the colour scheme. The turbine is proposed to be located within the garden space of the dwelling, near to the east boundary.

The site is located within the open countryside and whilst it is well-screened at eye level by boundary hedging and landscaping features, the proposed turbine is 16.95m tall and so therefore would be widely visible from public vantage points and surrounding neighbouring properties. The site itself is of a reasonable size allowing for plenty of private amenity space, but when taking into consideration the proposed scale of the turbine and its proposed position, it is considered to have a negative impact upon the character of the site and appear overbearing in relation to the single storey rural dwelling. When also considering the immediate surrounding flat, open landscapes and the surrounding countryside dwelling of Sea End, it is considered that the proposed turbine does not respect the existing character of the site and area due to its scale and siting.



Based on the above it is considered that the proposals do not respect the surrounding rural context and therefore, would have a harmful impact on character and appearance of the site and surrounding area, and do not comply with Policies 2 and 3 of the South East Lincolnshire Local Plan.

Residential Amenity

Policies 2, 3 and 30 of the SELLP seek to ensure that new development does not significantly impact neighbouring land uses by reason of noise, odour, disturbance or visual intrusion.

'Honey Lodge' is directly adjacent to 1no. residential dwelling to its south ('Crofters Cottage'), but is also within close proximity to 2no. other dwellings ('The Moorings' approximately 30m to the north, and 'Country Cottage' approximately 30m to the west). The turbine's proposed position is to the east of the dwelling on site, close to the boundary hedging, but with very little separation distance between it and the dwelling.

Environmental Health were consulted on the application and objected to the proposals on the grounds of potential impact on the residential amenity of the surrounding neighbours and occupants of the dwelling on site as a result of noise from the turbines. They commented: *"This is a very rural location with no existing major noise sources such as major roads and therefore general background noise levels are likely to be low both by day and night, but particularly so at night. Whilst supporting green energy it is Environmental Health's view that the proposed turbine is too close to neighbours and if granted at this location risks impacting neighbours residential amenity adversely."*

Benington Parish Council also responded to consultation, seconding Environmental Health's concerns with regards to potential noise impact (and the additional concern of potential light flicker), commenting that: *"Both issues are likely to affect the localised properties in question as they are closely grouped in an otherwise largely rural area."*

Despite the applicant providing further noise assessments, environmental health's concerns were not resolved and their objections still remain over adverse impacts from noise. Based on this, it is considered that in respect of the impact on the occupiers of nearby dwellings, the proposal would have an harmful impact on residential amenity and is contrary to SELLP Policies 2, 3 and 30.

Flood Risk

Policy 4 of the SELLP seeks to ensure that new development is not unnecessarily exposed to flood risk, and does not increase flood risk elsewhere.

The proposal site is located within the Environment Agency's designated Flood Zone 3 and therefore a Flood Risk Assessment has been submitted alongside proposals. The document confirms the site's existing context and the low risk of flooding on site and the context of the proposals- highlighting that the development will not create additional surface water runoff, with existing drainage ditches on site unaffected by the proposals.

Based on the above and considering the context of the proposals in that it is a singular wind turbine on a 2.5m x 2.5m x 1m foundation, it is not considered that the existing flood risk levels of the site and surrounding area would be detrimentally impacted and so therefore, the proposal meets the requirements of SELLP Policy 4.

Impact on the Natural Environment

Policy 28 of the SELLP seeks to achieve a high quality, comprehensive ecological network of interconnected designated sites by developments that protect, enhance and manage natural assets.

The proposal site is located within the 'Site of Special Scientific Interest Impact Risk Zone' (SSSI IRZ) of The Wash SSSI, which is specifically in relation to birds. A proposed wind turbine within this area (at 16.95m tall) is considered to have potential adverse impacts upon birds migrating to and from the SSSI. Policy 1 and the Landscape Character Assessment of Boston Borough indicates that the Wash shoreline is moderately or highly sensitive to change, and highly unsuitable for wind development respectively; whilst the proposal site is not located within the SSSI itself, it is within the IRZ and therefore has potential negative impacts on bats and birds.

The Council in its assessment of the proposals has turned to Natural England's 'Making space for renewable energy: assessing on-shore wind energy development' guidance document, which highlights that *'the presence of Sites of Special Scientific Interest... will substantially reduce the degree to which wind energy development can be accommodated'* and *'development's potential impact on landscape character'* will also have an effect on the extent wind energy can be accommodated. Natural England have been consulted on the application to provide specific insight upon these individual proposals and have responded with the following comments:

"As the proposal is potentially supporting 'functional land' for The Wash Special Protection Area. Natural England require further information. Namely evidence, via bird survey showing flight paths, or the interpretation of aerial photo maps, to demonstrate whether this is the case or not. Please find an explanation of 'functional land' below.

Swan and Goose Functional Land

The site is within 'functional land' for The Wash Special Protection Area. Functional land are areas of land outside of the boundary of a European site that may be important ecologically in supporting the populations for which the site has been designated or classified. Impacts to functional land can potentially have a significant effect upon the species interest of such sites, where these habitats are considered to be functionally linked to the designation. Such land is therefore 'linked' to the European site in question because it provides an important role in maintaining or restoring the population of qualifying species at favourable conservation status."

Taking Natural England's guidance and comments into account, the applicant was provided the opportunity to submit further information to address the concerns of the Natural England, but wished to proceed with the application without the additional detail. As a result, the further information Natural England have requested has not been provided.

Overall it is considered that given that the proposed development is located within the designated open countryside of the SELLP, within the Impact Risk Zone of an SSSI directly noted as being 'unsuitable for wind development' within Policy 1 of the Local Plan and its Landscape Character Assessment for the borough; whilst also considering the lack of any supporting evidence to address the concerns with Natural England over potential impact to bats and birds within the identified supporting Functional Land, the Council takes the view that the proposal is considered to have potential adverse impacts upon the natural environment and therefore is contrary to Policy 1, 28 and 31 of the SELLP 2019 or Section 15 of the NPPF.

Other Considerations

During the course of the application the applicant expressed interest in purchasing additional land to the rear of the property to relocate the proposed turbine to lessen any potential harmful impacts upon neighbouring properties. However, due to the area outlined within the red line location plan, this amendment could not be made under the current application and would instead require a new submission and assessment.

CONCLUSION:

In summary, whilst the proposal promotes the installation of a green, renewable energy source, the NPPF and South East Lincolnshire Local Plan does not allocate any land as suitable for wind turbines and does not support the development of wind turbines.

In addition, the proposal is considered to have a harmful impact on residential amenity, by virtue of the proposed noise impacts and would have a harmful impact on the character and appearance of the rural area by virtue of its size and scale contrary to the Landscape Character Assessment, Policy 2 and 3 of the South East Lincolnshire Local Plan 2019 and footnote 58 of the NPPF.

In addition, insufficient information has been provided to fully assess the potential impacts on bats and birds within the Impact Risk Zone of the Wash SSSI, as requested by Natural England and contrary to Policy 28 of the South East Lincolnshire Local Plan 2019.

It is therefore considered that the proposal is not acceptable and does not comply with Policies 1, 2, 3, 28, 30 and 31 of the South East Lincolnshire Local Plan (2019) or Sections 4, 12, 14 and 15 and footnote 58 of the NPPF (2023).

RECOMMENDATION:

Refuse

REASONS	
1	The proposal would have a detrimental impact on residential amenity by virtue of the noise impacts contrary to Policies 2, 3 and 30 of the South East Lincolnshire Local Plan (2019) and the National Planning Policy Framework (2023).
2	The proposal seeks the installation of a domestic wind turbine, a source of renewable energy that in principle is contrary to Policy 31 of the South East Lincolnshire Local Plan (2019) and the National Planning Policy Framework (2023).
3	Insufficient information has been provided to demonstrate that the proposal would not have a detrimental impact upon The Wash Site of Special Scientific Interest Impact Risk Zone (SSSI IRZ) and adverse effects upon the identified supporting Swan and Goose Functional Land of The Wash Special Protection Area (SPA), contrary to Policy 28 of the South East Lincolnshire Local Plan (2019) and National Planning Policy Framework (2023).
4	Due to the position and overall size and scale, the proposal would appear incongruous and at odds with the open character of the existing area and site itself. The proposal would have an adverse effect on the character and appearance of the street-scene and

	surrounding open countryside and would conflict with Policies 2 and 3 of the South East Lincolnshire Plan (2019) and the National Planning Policy Framework (2023).
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INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE
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<u>STATEMENT OF PROACTIVE WORKING:</u>
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In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2023 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.
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