

# REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

|                            |                                                                                                                      |                |                             |
|----------------------------|----------------------------------------------------------------------------------------------------------------------|----------------|-----------------------------|
| <b>Date of Meeting</b>     | 13 July 2011                                                                                                         |                |                             |
| <b>Application Number</b>  | N/11/01495/FUL                                                                                                       |                |                             |
| <b>Site Address</b>        | The Turnpike Site, Heddington Wick, Heddington                                                                       |                |                             |
| <b>Proposal</b>            | Change of Use of From Stock Barn to Generator Shed (Including Installation of Cable Connection to the National Grid) |                |                             |
| <b>Applicant</b>           | Mr A Brown                                                                                                           |                |                             |
| <b>Town/Parish Council</b> | Heddington Parish Council                                                                                            |                |                             |
| <b>Electoral Division</b>  | Calne Rural                                                                                                          | Unitary Member | Councillor Crisp            |
| <b>Grid Ref</b>            | 398461 166515                                                                                                        |                |                             |
| <b>Type of application</b> | Full Planning Application                                                                                            |                |                             |
| <b>Case Officer</b>        | Lee Burman                                                                                                           | 01249 706 668  | Lee.burman@wiltshire.gov.uk |

## Reason for the application being considered by Committee

The application was called to Committee by Councillor Crisp so that the Northern Area Planning Committee might consider the environmental and highways impact of the proposal.

### 1. Purpose of report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions.

### 2. Report summary

The main issues in the consideration of this application are as follows:

- Principle of development
- Impact upon visual amenity and landscape character
- Impact upon neighbour amenity
- Impact on Protected Species
- Impact on Highway Safety

The application has generated no objection from Heddington Parish Council; and 4 letters of objection from the public.

### 3. Site Description

The development site is located in open countryside between the village of Heddington and the Hamlet of Heddington Wick. The application site is a part of a working farm featuring large scale modern agricultural barns that are in part open sided. Adjacent the application site the installation of bunding has been undertaken.

### 4. Relevant Planning History

| Application Number | Proposal                              | Decision  |
|--------------------|---------------------------------------|-----------|
| N/09/01018/FUL     | General Purpose Agricultural Building | Permitted |

## **5. Proposal**

The proposal is for the change of use of the smaller barn from agricultural use to an electricity generator shed. The applicant has submitted additional plans to specify the location and detailed proposals in respect of the cable connection to the National Grid. In addition the applicant has clarified that the current application does not seek approval of proposals in respect of additional bunding, this will be the subject of a later proposal.

## **6. Planning Policy**

North Wiltshire Local Plan: policies C3

Central government planning policy  
Planning Policy Statement 1 Delivering Sustainable Development  
Planning Policy Statement 24 Planning and Noise

## **7. Consultations**

Highways Officers raised no objections to the proposed development.

Environmental Officers raised no objection to the proposals subject to the future installation of the noise bund.

The Council's Ecologist raised no objections to the proposals.

Heddington Parish Council raised no objection to the proposals.

## **8. Publicity**

The application was advertised by site notice and neighbour consultation.

4 letters of objection have been received.

Summary of key relevant points raised:

- Noise pollution;
- Security (risk of theft);
- Light pollution and animal welfare;
- Inappropriate use of an agricultural building;
- Unsustainable energy source;
- Smell contamination;
- Animal Welfare;
- Health and Safety; and
- Visual impact.

## **9. Planning Considerations**

### The Principle of Development

The proposal involves the change of use of an existing agricultural building. Whilst constructed relatively recently this is in effect use of an existing structure and does not involve new build development. Proposals for the diversification of activities at existing farms to support the principle farming operation and for the re-use of rural buildings are supported by national planning policy contained in PPS7 and policies BD6 and BD7 of the North Wiltshire Local Plan 2011. The proposals do not involve any works to the exterior of the building involving only the siting of diesel generators within sea shipping containers located within the barn. There is no national or local

policy restriction on the development of small scale energy generation from traditional energy sources and indeed successive governments have identified that traditional sources of power will continue to form a an essential part of nations energy supply. The Government has also recently proposed reducing feed in tariff support for solar energy proposals on the basis that these are being taken up by large scale operators.

### Impact on Visual Amenity

As noted above the proposal involves the re-use of an existing building with no works to the exterior of the structure. Works to create a level floor and bury the cable connection to the national grid will be required but these will have at most temporary visual impacts. It is therefore considered that there will not be any significant impact on the character and visual amenity of the locality. In addition the site is relatively well screened by existing mature boundary planting, hedgerows and other agricultural buildings on the site.

### Impact Upon Neighbour Amenity

Four letters of objection have been received from local residents raising concerns about the impact on residential amenities, particularly regarding noise. In this context it is important to note that the Council's Public Protection Team (Environmental Health) raised no objection to the proposals, taking into account proposals for additional bunding and limitations on night time operation. Further objections have been raised regarding smell impact arising from potential storage of diesel on site. The applicant has identified that fuel will be stored in a oil tank in the bunding area. These matters will need to be the subject of appropriate conditions requiring agreement of details.

The nearest residential property to the site is over 90metres distant and physically separated by the existing bunding, mature boundary hedgerows and trees and the adjacent road. The proposals are contained within the existing agricultural building which is solid sided at the end between itself and the nearest neighbouring property. As such there is no impact in respect of daylighting or visual amenity. The generator will be contained within shipping containers. The applicant has submitted information to state that the generators will rarely if ever run through the night or in late hours typically providing energy to the National Grid when there is pressure on the system – usually between the hours of 07:00 – 09:00 or 16:00 – 19:00. The applicant has assessed that the cumulative noise levels will be around 80 - 90 decibels at one metre. The existing bund will reduce this to ambient noised levels around the barn which are measured at 40 – 50 decibels. The Council's Public Protection Team (Environmental Health) have assessed the proposals and raise no objections on noise grounds based on the submitted information and additional bunding of the site in future. It is therefore considered necessary that conditions will be required for the submission of detailed proposals for additional bunding; and operation in accordance with the submitted information maximum noise levels 90 decibels at 1m with no night time operation of the generators except in exceptional circumstances (High demand levels from the National Grid).

### Impact on Protected Species

Anecdotal evidence indicated that the existing agricultural buildings were being used by bats. The Council's Ecologist was consulted in respect of the proposals and potential impact on Bats and any potential requirements in respect of survey, assessment and mitigation measures. It was identified that the given the nature the barn it was almost certainly not used for roosting purposes but instead for feeding. No works to the barn itself are proposed and the generators are contained and not operational during hours of darkness. It was therefore assessed that there would be no significant impact on bats and therefore no further survey and assessment work would be required. No objections were raised.

### Impact on Highways Safety

Highways Officers have raised no objections to the proposed development. The traffic generated by the proposal will be relatively limited and indeed not wholly out of character with the operation of a modern farm.

### Other Matters

The proposals do not seek approval for illumination or CCTV or other potentially ancillary works other than the undergrounding of the cable. As noted above the application is for change of use and the decision notice will reflect this.

There is no indication from the applicant (farmer) that the proposals will be detrimental to the cattle herd or other livestock and Environmental Health Officers have raised no concerns in this regard. Potential for theft from the site in the future is not reasonable grounds for refusing an otherwise acceptable development; this could be used in respect of a wide range of development proposals and there is no guarantee that theft will occur. Whilst there is government support for alternative energy sources it is recognised that a significant part of the County's requirements will need to be met from traditional sources. It is also not considered that the proposed development is of such a scale as to warrant refusal based on sustainability grounds.

### **10. Conclusion**

The proposal is for a change of use principally and involves little operational development and is of a limited scale. The proposals have been assessed and considered by the Council's Public Protection Team, The Council's Ecologist and Highways Officers and no objections have been identified. With appropriate conditions and subject to approval of additional details regarding bunding and storage of fuel it is considered that the proposed development would not have significant harmful impact on interests of acknowledged importance.

### **11. Recommendation**

Planning Permission be GRANTED for the following reason:

The proposed development is considered to be acceptable based on its scale, form and location which is in keeping with the character of the property and locality. The proposal is in accordance with policies C3, BD6 & BD7 of the North Wiltshire Local Plan 2011.

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: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall take place until details of the noise alleviation bund have been submitted to the Council in the form of a planning application and approved by the Council. Any bund permitted shall be implemented in full accordance with the approved details prior to the first use of the generator shed.

REASON: To ensure that the development hereby approved is implemented in a manner that does not cause noise disturbance in the surrounding area and that the required bund is appropriate in its height and appearance.

3. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- (a) indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development;
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) finished levels and contours;
- (e) means of enclosure;
- (f) car park layouts;
- (g) other vehicle and pedestrian access and circulation areas;
- (h) hard surfacing materials;
- (i) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- (j) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- (k) retained historic landscape features and proposed restoration, where relevant.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

#### POLICY-C3

4. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

#### POLICY-C3

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions / extensions / external alterations to any building forming part of the development hereby permitted and no plant or machinery shall be installed outside any such building on the site on the approved plans.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations, or the installation of any outdoor plant/machinery.

#### POLICY-C3

6. The site shall be used for electricity generation and for no other purpose (including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes)

(Amendment) (England) Order 2005, (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

POLICY-C3

7. The Delivery of Fuel to the site shall be limited to the hours of 8:00am – 18:00pm on Mondays to Saturdays and not on Sundays or Bank or Public Holidays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

POLICY-C3

8. The use hereby permitted shall only take place between the hours of 07:00am and 19:00pm. In exceptional circumstances of peak demand from the national grid for supply operation may extend outside these hours.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

POLICY-C3

9. The level of noise emitted from the site shall not exceed 90db LA eq at 1m as measured from the building boundary at any time during operation.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

POLICY-C3

10. No development shall commence on site until details for the proposed storage of fuel has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the safe storage of fuel on site which does not compromise other material considerations.

