

# REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>05 October 2011</b>		
<b>Application Number</b>	<b>N/11/01495/FUL</b>		
<b>Site Address</b>	<b>The Turnpike Site, Heddington Wick, Heddington</b>		
<b>Proposal</b>	<b>Change of Use of From Stock Barn to Generator Shed (Including Installation of Cable Connection to the National Grid)</b>		
<b>Applicant</b>	<b>Mr A Brown</b>		
<b>Town/Parish Council</b>	<b>Heddington Parish Council</b>		
<b>Electoral Division</b>	<b>Calne Rural</b>	<b>Unitary Member</b>	<b>Councillor Crisp</b>
<b>Grid Ref</b>	<b>398461 166515</b>		
<b>Type of application</b>	<b>Full Planning Application</b>		
<b>Case Officer</b>	<b>Lee Burman</b>	<b>01249 706 668</b>	<b>Lee.burman@wiltshire.gov.uk</b>

**Reason for the application being considered by Committee:** The application was deferred from the 13<sup>th</sup> July Committee so that additional technical specifications for the proposed generators and additional noise survey information and assessment could be submitted and so that the Committee might fully consider the Environmental (Noise) 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 some bunding has been undertaken.

<b>4. Relevant Planning History</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
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. The applicant is proposing that additional bunding be introduced to the south west of the site. A full technical specification of the proposed generator and related equipment has been submitted and this is reproduced at Appendix 1. In summary the proposals are for:-

The installation of two containerised diesel fuelled electricity generators;

- Installation of Ancillary equipment including a single 17,000 litre diesel tank (fully bunded) and a transformer to increase generator voltage.
- All equipment will be located within the existing agricultural building.
- The containerised generators will incorporate noise attenuation equipment including a heavy duty steel base frame with anti-vibration mounts.
- Maximum noise output is put at 85dba at 1 metre from the generator i.e. within the agricultural building.

The electricity generated is provided to the national grid under the Standing Transmission Operating Reserve contractual framework. This is one mechanism by which the National Grid ensures sufficient electricity supply due to periods of stress in the system through high demand or plant breakdowns. The typical applications for back-up/emergency electricity supply are to critical facilities such as Hospitals, Data Centres, MOD Bases etc.

The contractual agreement with the National Grid secures payment for maintaining the plant in an operational state, with the facility held in stand-by mode for most of the year awaiting instruction from the National Grid to switch on and supply power. Within the National Grid tendering process typical periods of operation are identified as 07:00-09:00 and 16:00-19:00 in mid winter, with operation of a plant of this nature being infrequent during these periods. The applicant has stated the National Grid historical data suggests an operational period for around 2% (175 hours) of each year. Clearly given that the intention is to supply electricity during periods of emergency demand operational times and duration cannot be guaranteed or specifically restricted, however, potentially the plant may not become operational at all during some years.

## **6. Planning Policy**

North Wiltshire Local Plan Policies:

C3 Development Control Policy

BD6 Re-Use of Rural Buildings

BD7 Farm Diversification

NE18 Noise and Pollution

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. Officers have reviewed the additional information (Specification and Noise Assessment) and remain of the same view. Officers state explicitly that the survey report assesses

the “worst case noise impact of the proposed development in accordance with the appropriate UK noise guidance”. A full report of the Environmental Officers’ response is incorporated below.

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 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 through the location of two containerised diesel fuelled electricity generators. 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 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 an essential part of the nation’s 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 initial proposals, taking into account proposals for additional bunding and limitations on night time operation. At the Committee meeting of the 13<sup>th</sup> July to which the application was originally reported members deferred determination of the application to receive technical specifications as to the generators and for the submission of a noise survey to be assessed by the Public Protection

Team (Environmental Health Officers) and to receive additional comment from Environmental Officers in this regard. The additional information has now been prepared, submitted and assessed. In summary officers are satisfied that there will be no harm to residential amenity through noise pollution as a result of the development subject to provision of the proposed earth bunding.

The nearest residential property to the site is over 90 metres distant and physically separated by the existing bunding, mature boundary hedgerows and trees and the adjacent road. The generators 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 85 decibels at one metre from the generator itself i.e. within the agricultural building. Additional bunding is proposed that will reduce this noise output by 11dba. The additional noise assessment information demonstrates that in combination with the noise barrier the existing noise levels and the noise generated by the electricity generators will result in noise levels of 35.8db at the nearest property. In the vicinity of this property daytime ambient noise levels were up to 36.6db. The proposal would therefore not result in significant harmful noise impact during daytime operation.

The noise report also assessed the worst case scenario of an exceptional night time operation. It identified ambient noise levels at 21dba. The operation of the generators would raise noise levels above this assessed current position. However the operation is typically likely to be during winter months, a time when residential properties have windows closed. Closing windows reduces noise by between 10 – 15 dba. This would result in noise levels of between 23dba and 28dba at the nearest property. This is substantially below the World Health Organisations' Guidelines 1999 of recommended noise levels for undisturbed sleep – 30dba. It is important to note here that this is the worst case scenario of the generators being required during an exceptional period of demand to operate during nighttime hours and supply electricity. This is likely to be an exceptional circumstance and given the noise levels involved it is not considered that the level of impact on residential amenity is sufficient to warrant refusal of the application.

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 particular Officers identify that the noise report assesses the worst case scenario in accordance with UK noise guidance. The report demonstrates that there will be no adverse impact on any nearby noise receptor during the intended hours of operation and crucially that officers "are satisfied that even if the generators had to be used in "emergency" situations through the night, any impact would also not be unacceptable". Officers identify that the impact has been assessed on the basis of the introduction of additional earth bunding and therefore recommended that this element of the overall scheme proposals is completed first. Conditions will be required in this regard.

Further objections were also raised regarding smell impact arising from potential storage of diesel on site. The applicant has identified that fuel will be stored in an oil tank and subject to bunding. These matters will need to be the subject of appropriate conditions requiring agreement of details.

The nearest residential property to the site is over 90 metres 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.

#### 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. Notwithstanding the information submitted with this application no development hereby permitted shall commence on site until the applicant has submitted full details of the proposed bunding to the Local Planning Authority and before the expiration of three years from the date of this permission and received the written approval of the Local Planning Authority for the detailed bunding proposals. No development or operation of the generators shall take place until the permitted scheme of earth bunding has been implemented in accordance with the approved details.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

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 a generator shed only.

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 85db LA eq at 1m as measured from the generator at any time during operation.

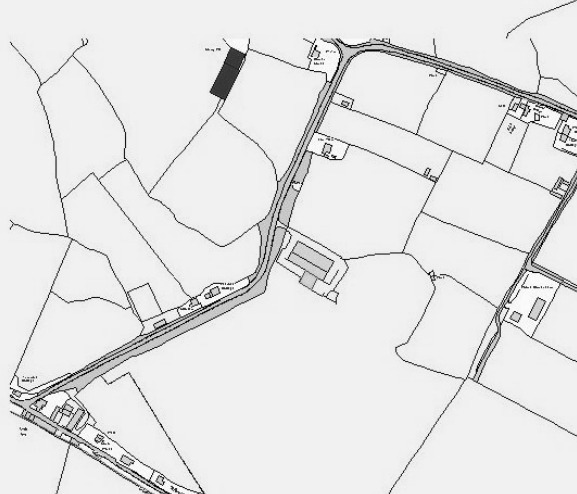
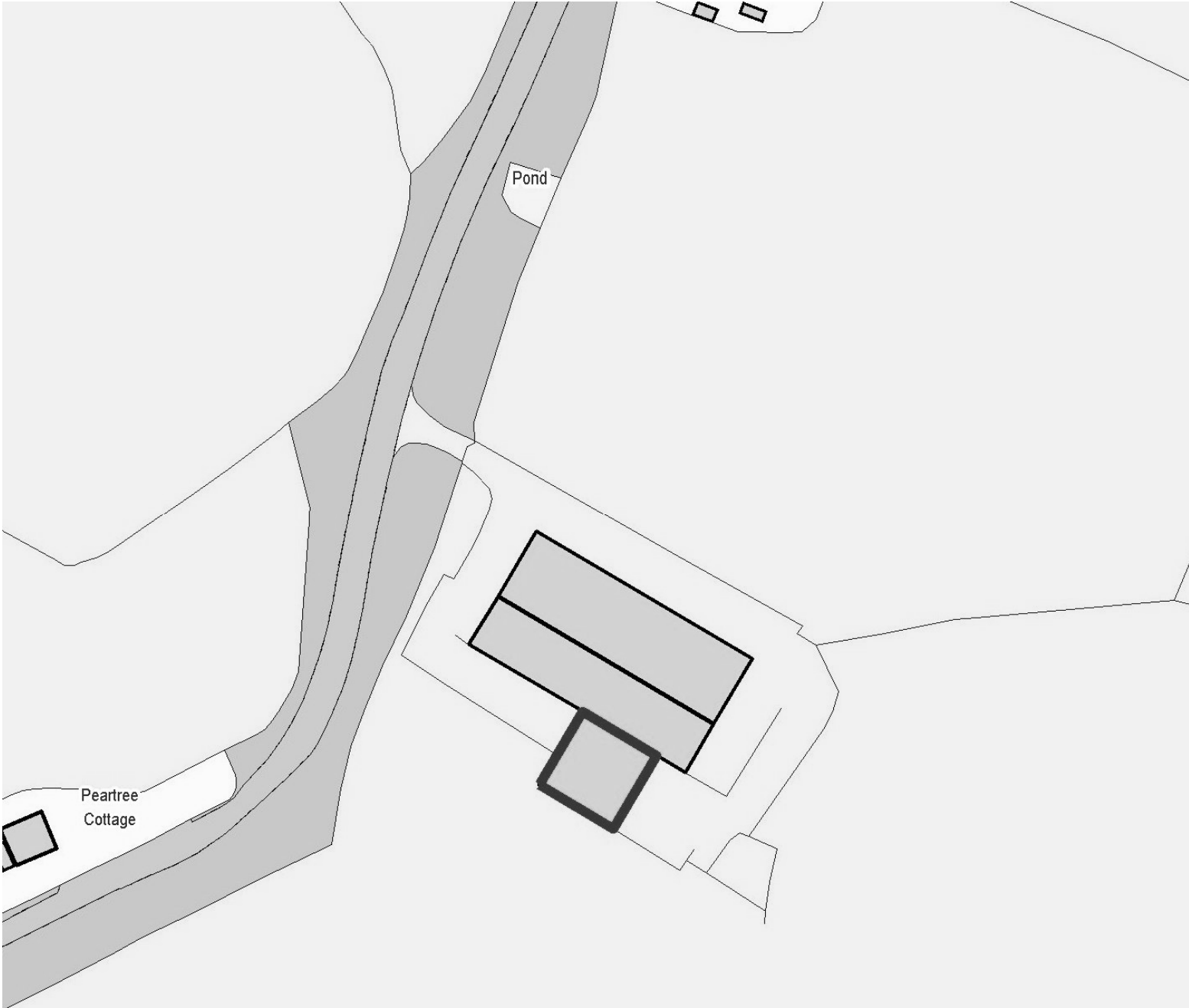
REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

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 prevent pollution of the water environment

POLICY-C3





## **APPENDIX 1 TECHNICAL SPECIFICATION**