

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 12/00663/PP

Planning Hierarchy: Local application.

Applicant: Toward Sailing Club

Proposal: Erection of 5 kilowatt wind turbine (15 metres high to blade tip).

Site Address: Toward Sailing Club, Toward, Dunoon

DECISION ROUTE

(i) Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of wind turbine (E Vance R9000 5kw); mounted on a 12.3 metre high monopole, three blades 2.75 metres in length, 15 metres to blade tip height;
- Associated concrete foundation.

(ii) Other specified operations

- Installation of underground cabling.
-

(B) RECOMMENDATION:

It is recommended that planning permission be granted subject to the conditions, reasons and advisory notes set out below.

(C) HISTORY:

Planning permission (06/01155/DET) for the formation of a concrete slipway was granted on 14 August 2006 and implemented.

(D) CONSULTATIONS:

Public Protection (response date 12 April 2012): No objections in respect of noise and shadow flicker.

NATS NERL Safeguarding (response dated 5 April 2012): No safeguarding objections. Advisory note recommended.

Ministry of Defence (expiry date 23 April 2012): No response.

Estates Department (expiry date 15 May 2012): No response.

Historic Scotland (response dated 2 May 2012): No objections in principle. Given small scale of turbine, no adverse impacts on setting of the Castle Toward designed landscape or Toward Castle.

(E) PUBLICITY:

Regulation 20(1) Advert (publication date 13 April 2012, expiry 4 May 2012).

(F) REPRESENTATIONS:

No letters of representation have been received.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) Environmental Statement:** No
- (ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** No
- (iii) A design or design/access statement:** Yes

A Design and Access Statement has been submitted together with calculations and other manufacturer's specifications.

The supporting statement indicates that it is Toward Sailing Club's intention to register this renewable project under the Government's 'Feed in Tariffs' (FITs) scheme and will have the capacity to cut the club's energy costs, generate a surplus income stream for the Club, reduce the Club's dependency on Council and other grants and enable the Club to continue its programme of community sail training for adults and young people.

Other renewables were considered (i.e., solar photovoltaic panels and ground source heat pumps) but these were ruled out in favour of a wind turbine on a site that is considered to record high wind speeds.

The Club leases the ground from the Council and an amendment to the lease to incorporate a renewable project was agreed at the Area Committee on 6 December 2011.

A design solution was agreed for a small wind turbine on the site that complies with the Council's Local Plan policies and Scottish Ministers support for renewables.

The proposed tower height to the hub is only 12 metres (the smallest option available) and with a 2.75 blade length the whole structure is less than 15 metres high where the Clubhouse is 8 metres high.

The manufacturer's brochure indicates that this type of turbine could offset around 7900 tonnes per annum of CO₂ emissions from existing energy generation.

A series of photomontages have also been submitted to demonstrate the low visual impact of the wind turbine that would be coloured dark grey.

- (iv) **A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** Yes

An Acoustic Data Summary from Evancewind has been submitted in support of the proposal. It is stated that quiet operation is a key advantage of the R9000 together with safeguarding distances for residential properties.

(H) PLANNING OBLIGATIONS

- (i) **Is a Section 75 agreement required:** No

-
- (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:** No

-
- (J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application**

List of all Development Plan Policy considerations taken into account in assessment of the application.

Argyll and Bute Structure Plan 2002

STRAT SI1 Sustainable Development;
STRAT DC5 Development in Sensitive Countryside;
STRAT DC8 Landscape and Development Control;
STRAT DC9 Historic Environment and Development Control;
STRAT RE1 Wind Farm / Wind Turbine Development

Argyll and Bute Local Plan (August 2009)

Policy LP ENV 1 Development Impact Setting, Layout and Design including Appendix A Sustainable Siting and Design Principles;
Policy LP ENV 10 Development Impact on Areas of Panoramic Quality;
Policy LP ENV 11 Development Impact on Historic Gardens and Landscapes;
Policy LP ENV13(a) Development Impact on Listed Buildings;
Policy LP ENV 19 Development Setting, Layout and Design including Appendix A Sustainable Siting and Design Principles;
Policy LP BAD 1 Bad Neighbour Development;
Policy LP REN 1 Wind Farms and Wind Turbines;
Policy LP REN 2 On-Site Commercial and Domestic Wind Turbines.

- (i) **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.**

SPP, Scottish Planning Policy, 2010
Annex to Planning Advice Note 45: Renewable Energy Technologies
Micro Generation Domestic Turbines Briefing Note, 2010
Micro renewables and the natural heritage, SNH, 2009

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: No

(L) Has the application been the subject of statutory pre-application consultation (PAC): No

(M) Has a sustainability check list been submitted: No

(N) Does the Council have an interest in the site: Yes. Argyll and Bute Council lease the site to Toward Sailing Club.

(O) Requirement for a hearing (PAN41 or other): No

(P) Assessment and summary of determining issues and material considerations

This application is for a small wind turbine to be sited close to Toward Sailing Club's clubhouse. The reason for the wind turbine is to reduce running costs for the club whilst generating an income from surplus electricity. Other renewable options have been ruled out in favour of a wind turbine which is the smallest option available in order to mitigate any visual impact. In terms of scale and siting, the turbine would be no greater than 15 metres to blade tip and located against a backdrop of the clubhouse building, associated mast and flagpole structures and surrounding mature trees. Whilst the site of the wind turbine is flanked by the Category B-listed Toward Quay and Category B-listed Castle Toward Gate Lodge, the visual impact will be reduced by the presence of the Sailing Clubhouse and other buildings, mature trees and the use of a dark grey colour for the wind turbine which is not considered to present an obtrusive or conspicuous object in the landscape.

For the reason above, it is considered that the proposal is acceptable in scale, siting and design. The application requires to be determined by Committee due to Council ownership of the site.

(Q) Is the proposal consistent with the Development Plan: Yes

(R) Reasons why planning permission or a Planning Permission in Principle should be granted

The proposed wind turbine and associated works would have a limited visual impact in the surrounding landscape and consistent with policies STRAT SI1, STRAT DC5, STRAT DC8, STRAT DC9 and LP STRAT RE1 of the 'Argyll and Bute Structure Plan'; and to policies LP ENV1, LP ENV 10, LP ENV11, LP 13(a), LP ENV 19, LP BAD 1 and LP REN 1 of the 'Argyll and Bute Local Plan' (2009). As the proposed development is considered to be temporary in nature, a condition restricts the use of the turbine to twenty years.

The proposed development would accord with the policies above and there are no material considerations which would justify refusal of permission.

(S) Reasoned justification for a departure from the provisions of the Development Plan n/a

(T) Need for notification to Scottish Ministers or Historic Scotland: No

Author of Report: Brian Close

Date: 4 May 2012

Reviewing Officer: David Eaglesham

Date: 4 May 2012

Angus Gilmour
Head of Planning & Regulatory Services

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. 12/00663/PP

1. The development shall be implemented in accordance with the details specified on the application form dated 21 March 2012 and the approved drawing reference numbers: 1:10,000 Location Plan, 1:500 Block Plan, 0130-AD-00174 D, unless the prior written approval of the Planning Authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

2. For the avoidance of any doubt, the monopole and turbine blades shall be painted in RAL 7000 Dark Squirrel Grey, unless otherwise agreed in writing by the Planning Authority.

Reason: In terms of visual impact and to integrate the wind turbine in its surroundings. .

3. This permission shall be for a period of 20 years from the date of this permission. Within 6 months of the end of that period, or following the earlier cessation of use of the wind turbine for a continuous period in excess of 12 month, whichever is the earlier, the wind turbine and ancillary equipment shall be dismantled and removed from the site and the land reinstated in accordance with details to be submitted to and approved by the Planning Authority, unless a further planning application for the retention of the turbine is has been approved by the Planning Authority.

Reason: In order that the Planning Authority has the opportunity to review the circumstances pertaining to the consent, which is considered to be of a temporary nature and in the interests of the visual amenity of the area.

ADVISORY NOTES TO APPLICANT

- This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
- In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.
- The applicants are advised by NATS NERL Safeguarding that while there is no safeguarding objection to the proposed development, please be aware that this response applies specifically to the response dated 5 April 2012 ref. W(F)14021 and only reflects the position of NERL (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. The response does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise.

If any changes are proposed to the information supplied to NERL regarding this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

The applicants are advised to contact NATS NERL Safeguarding – Mailbox25, NATS-CTC, 4000 Parkway, Solent, Business Park, Whiteley, Hampshire, PO15 7FL. T: 01489 444687, F: 01489 444013 or E: nerlsafeguarding@nats.co.uk.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 12/00663/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

Toward Sailing Club lies outwith the 'settlement' boundary of Toward within an area zoned Sensitive Countryside in the Argyll and Bute Local Plan (August 2009). In the Argyll and Bute Structure Plan policy STRAT DC5, encouragement is given to small scale infill, rounding-off, redevelopment and change of use. The site for the wind turbine is located close to Toward Sailing Clubhouse and within the curtilage of the Club's larger site.

Accordingly, in terms of the settlement strategy, the proposal would be consistent with policies STRAT DC5 of the 'Argyll and Bute Structure Plan', and policies LP ENV1, LP ENV 19 of the 'Argyll and Bute Local Plan'.

B. Location, Nature and Design of Proposed Development

i) Location

The application site is on a landscaped area within Toward Sailing Club's site. The Club's site comprises a Clubhouse with secure dinghy park, car parking area and separate Boat Store on the northern side of a bus turning area. The Sailing Club site is leased from Argyll and Bute Council.

The site for the wind turbine is on a grassed area between the Clubhouse and Toward Quay, a Grade B-listed structure. To the east of the Clubhouse across the A815 is Castle Toward Gate Lodge, a Category B-listed building that lies within the Garden and Designed Landscape of Castle Toward.

The nearest residential properties are the Gate Lodge at 80 metres and The Old Smithy at 160 metres to the east.

ii) Nature and Design of Proposed Development

This application is for the erection of a 5kw triple bladed Evance R9000 wind turbine with a 2.75m blade radius located on top of a 12.3 metre high monopole (15.05 metres to blade tip). The monopole would be constructed from galvanised steel and coloured RAL7000 Dark Squirrel Grey instead of the standard white. The blades would have a nominal speed of 200 rpm with a direct drive system and no gearbox to reduce noise. The turbine would be sited on a concrete pad with underground cabling to connect to an electricity meter within the clubhouse.

C. Wind Farm Policy

Policy REN2 of the 'Argyll and Bute Local Plan' supports on-site commercial and domestic wind turbines where the development is located as close to the premises which it is intended to serve as is safely and technically possible, servicing and access implications are acceptable and subject to addressing other material considerations. The proposed development must not have an unacceptable adverse impact directly, indirectly or cumulatively with areas of nature conservation, ecology and the water environment, highly valued landscapes, sites of historic or archaeological interest and their settings, settlement character, visual, residential and general amenity, telecommunications, transmitting or receiving equipment. Additionally, on site

commercial and domestic wind turbines should not exceed the energy requirements of the premises by more than 25%.

In this case, the agent has confirmed that the Club's current annual usage/consumption is approximately 2100kWh whilst the expected generation from the proposed turbine is 6600 kWh (at a mean wind speed of 4.5m/s or 10.1mph) and expected to export 4500kWh to the grid. Accordingly, what is expected to be generated from the proposed turbine is considerably more than 125% of the predicted consumption figure and therefore this application should not be treated as an on-site commercial development but be assessed under Policy LP REN 1.

Policy LP REN 1 'Wind Farms and Wind Turbines' generally applies to larger wind farm developments but offers support in forms, scales and sites where the technology can operate efficiently, where servicing and access implications are acceptable and where the proposed development will not have an unacceptable adverse impact, directly, indirectly or cumulatively on the economic, social or physical aspects of sustainable development.

Additionally, the Council has recently approved the 'Argyll and Bute Landscape Wind Capacity Study' (January 2012). The study indicates that within the Character Type 13 'Rolling Farmland with Estates', there is increased scope to assimilate micro-small wind turbines (12-20m high) providing these are sited so they are visually associated with existing buildings. Wherever possible, a turbine of less than 20m high will 'fit' into the landscape more successfully if it forms part of a 'cluster' of development and is visually associated with other built structures in the landscape. This is best achieved if the size of the turbine is in proportion to the size of individual features, such as buildings, trees and even pylons and other structures.

Whilst larger wind turbines could be visually prominent within this landscape character type, there is scope for carefully sited smaller turbines and the proposed wind turbine is considered to be consistent with the methodology and guidance for such a scale of turbine.

In terms of cumulative impact, although other larger wind farm developments can be viewed from the Toward area (i.e. Ardrossan, Kelburn and Dalry schemes) these are located at distances over 20km where the a wind turbine of the scale proposed would have no significant cumulative impact.

The nearest wind turbine at Killellan Farm however is located some 1.7 km to the north of the sailing club. This single 11kw wind turbine mounted on 18 metre high lattice tower, two blades, 25 metres to blade tip height is visible from the Sailing Club site, but some distance away with an effective backdrop and the use of lightweight lattice tower.

The proposed wind turbine has been chosen for its scale and efficiency when sited close to the Clubhouse building. The particular siting amongst the Clubhouse with flagpole and other mast structures in the dinghy park together with surrounding trees and other buildings will all help to integrate the proposed development within the surrounding landscape. When viewed from a distance, the wind turbine would be similar in scale to a large flagpole or telegraph pole and would not look out of place amongst the existing buildings and structures within the Sailing Club site.

Accordingly, in terms of the settlement strategy, the proposal would be consistent with policy STRAT RE1 of the Argyll and Bute Structure Plan, and policy LP REN1 of the Argyll and Bute Local Plan.

D. Natural Environment

There are no known nature conservation or habitat interests in the vicinity.

E. Built Environment – Listed Buildings, Designed Landscape

The wind turbine would be sited 80 metres to the west of Category B-listed Castle Toward Gate Lodge, that lies within the Garden and Designed Landscape of Castle Toward and 160 metres west of the Old Smithy. The Sailing Club Clubhouse is located in front of the Gate Lodge which would provide partial screening of the 12 metre high monopole. The maximum height of the clubhouse is some 8 metres whilst the Gate Lodge is approximately 10 metres high. The scale, position and colour of the wind turbine are therefore unlikely to have an adverse impact on these listed buildings and structures beyond the existing position.

Historic Scotland has no objection in respect of potential adverse impact on the setting of the Castle Toward designed landscape or Toward Castle due to the small scale of the turbine proposed.

Accordingly, in terms of the settlement strategy, the proposal would be consistent with policies STRAT DC5 of the 'Argyll and Bute Structure Plan', and policies LP ENV1, LP ENV 19 of the 'Argyll and Bute Local Plan'.

F. Landscape Character

In the surrounding landscape, the grey coloured tower with thin triple blade rotor will have a similar appearance to a flagpole or telecommunication mast and have limited visual impact to surrounding residential properties and from the C10 road. Long range views from Bute will be minimal due to background screening from mature trees and topography and foreground screening by the clubhouse building and other structures.

It is considered that the proposal is consistent with the provisions of Policy LP ENV 19 and Appendix A of the 'Argyll and Bute Local Plan' together with the Council's Design Guide.

G. Noise

The site has been appropriately specified, designed and located to allow sufficient distance between the micro wind generator and any existing noise-sensitive development so that noise from the turbine will not be a nuisance. The proposed Evance R9000 5kW wind turbine has been designed to be very quiet and with low rotor tip speed and direct drive system without a gearbox will all ensure that the turbine operates as quietly as possible. It is considered that the proposed siting would be capable of reducing any potential noise impact to the nearest noise sensitive property at Gate Lodge by screening from three mature trees and background noise. An acoustic data summary has been submitted based on ETSU-R-97 'Assessment and Rating of Noise From Wind Farms'.

Public Protection consider that in view of the proposed design data supplied by the manufacturer, turbine noise should not be a significant problem. The only premises lying within a 77m radius of the turbine and within an area where the noise level can be expected to be >40 dB(A) is the applicants' own premises. This would also be mitigated by wind noise at the site which is in an unsheltered coastal location. Based on this Public Protection has no objection provided the turbine operates in accordance with the submitted data.

Accordingly, in terms of potential noise impact, the proposal has been considered as consistent with policy LP BAD 1 of the Argyll and Bute Local Plan.

H. Shadow Flicker

Public Protection comment that shadow flicker can cause problems when wind turbines are sited within ten rotor diameters of a sensitive property. The proposed siting of the wind turbine in this instance is slightly less than 10 rotor lengths from the applicants' premises. Public Protection consider that this will not be a significant problem as the premises are closed over the winter months when the sun is at its lowest and shadow flicker is maximal, and that the zone of possible shadow flicker problems will be only a small section of the building which, due to its location, is equipped with blackout blinds to mitigate excessive sunlight.

Accordingly, given the internal layout of the Gate Lodge and position relative to the proposed wind turbine and intervening nature trees, it is considered that the effect of shadow flicker will be minimal.

Accordingly, in terms of potential noise impact, the proposal has been considered as consistent with policy LP BAD 1 of the Argyll and Bute Local Plan.

I. Infrastructure, Telecommunication and Aviation Interests

NATS NERL Safeguarding confirm that the proposal does not conflict with their safeguarding criteria but recommends an advisory note to cover any alterations to the siting or design of the turbine. No other aviation or telecommunication concerns have been raised.

Accordingly, in terms of the settlement strategy, the proposal would be consistent with policies STRAT DC5 of the 'Argyll and Bute Structure Plan', and policies LP ENV1, LP ENV 19 of the 'Argyll and Bute Local Plan'.

J. Other Key Policy Matters - Climate change considerations

In assessing any application associated with the generation of renewable energy it is necessary to have regard to macro environmental consequences as a material consideration. Government and Development Plan policy supports renewable electricity generation in principle, in the interests of addressing climate change, provided that development does not impinge to an unacceptable degree upon its surroundings. As part of the decision making process, it is necessary to consider whether the advantages associated with the production of electricity from renewable sources, consequent CO₂ savings and the contribution which a development might make to the tackling of global warming. In this case, the turbine size at 5kW is limited, and therefore the contribution which the development will make to climate change will inevitably be small.

K. Conclusion

The proposed wind turbine and associated works would have a limited visual impact in the surrounding landscape and be consistent with policies LP ENV 10, ENV 19, BAD 1 and REN 1 of the Argyll and Bute Local Plan (2009). Public Protection has no objections in respect of potential noise impact or shadow flicker. As the proposed development is considered to be temporary in nature, a condition restricts the use of the turbine to twenty years. There are no reasonable grounds to recommend refusal.