

# AGENDA



For a meeting of the
<b>DEVELOPMENT CONTROL COMMITTEE</b>
to be held on
<b>TUESDAY, 2 OCTOBER 2012</b>
at
<b>1.00 PM</b>
in the
<b>COUNCIL CHAMBER, COUNCIL OFFICES, ST PETERS HILL, GRANTHAM</b>
<b>Beverly Agass, Chief Executive</b>

Committee Members:	Councillor Mark Ashberry, Councillor Michael Cook, Councillor David Higgs, Councillor Reginald Howard, Councillor Mrs Rosemary Kaberry-Brown, Councillor Vic Kerr, Councillor Michael King, Councillor Charmaine Morgan, Councillor Alan Parkin (Vice-Chairman), Councillor Helen Powell, Councillor Jacky Smith, Councillor Mrs Judy Smith, Councillor Judy Stevens, Councillor Adam Stokes, Councillor Brenda A Sumner, Councillor Martin Wilkins (Chairman) and Councillor Debbie Wren
Committee Support Officer:	Malcolm Hall Tel: 01476 406118

**Members of the Committee are invited to attend the above meeting to consider the items of business listed below.**

- (1) Additional Information

## **PUBLIC SPEAKING**

Anyone who would like to speak at the meeting should notify the Committee administrator one working day before the time of the meeting. The deadline by which you must notify us for the 2011/12 meetings are:

<b>Meeting Date</b>	<b>Notification Deadline</b>
Tuesday 29 May 2012, 1pm	Monday 28 May 2012, 1pm
Tuesday 26 June 2012, 1pm	Monday 25 June 2012, 1pm
Tuesday 24 July 2012, 1pm	Monday 23 July 2012, 1pm
Tuesday 21 August 2012, 1pm	Monday 20 August 2012, 1pm
Tuesday 18 September 2012, 1pm	Monday 17 September 2012, 1pm
Tuesday 16 October 2012, 1pm	Monday 15 October 2012, 1pm
Tuesday 13 November 2012, 1pm	Monday 12 November 2012, 1pm
Tuesday 11 December 2012, 1pm	Monday 10 December 2012, 1pm
Tuesday 8 January 2013, 1pm	Monday 7 January 2013, 1pm
Tuesday 5 February 2013, 1pm	Monday 4 February 2013, 1pm
Tuesday 5 March 2013, 1pm	Monday 4 March 2013, 1pm
Tuesday 26 March 2013, 1pm	Monday 25 March 2013, 1pm
Tuesday 23 April 2013, 1pm	Monday 22 April 2013, 1pm

If you would like to include photographs or other information as part of your presentation to the Committee, please send the information in an electronic format (e-mail with attachments, memory stick or disc) to the relevant case officer at least one working day before the meeting. If you are submitting hard copy information, please send it to the relevant case officer at least two working days before the meeting.

All speakers are at the Committee Chairman's (or Vice-Chairman's) discretion. Each person is allowed to speak for 3 minutes. Members of the Council are allowed to speak for 5 minutes in accordance with Council Procedure Rules.

Only one speaker for the applicant or the town and parish council will be allowed to speak. If there are several supporters or objectors to an application, they are encouraged to appoint a representative to present a joint case.

Development Control Committee members are able to ask questions about speakers' presentations. There is a time limit of 10 minutes for each speaker.

## **ORDER OF PROCEEDINGS**

1. Short introductory presentation by the case officer
2. Speakers (Committee members will ask questions after each speaker)
  - a. District Councillors who are not Committee members
  - b. Representative from town/parish council
  - c. Objectors to an application
  - d. Supporters of an application
  - e. The applicant or agent for the applicant
3. Debate – Councillors will discuss the application and make proposals
4. Vote – the Committee will vote to agree its decision

**Development Control Committee  
2 October 2012**

**Additional Information**

**SB1 – S12/1755**

**Proposal:** Development of 49 dwellings for occupiers aged 55 and over, communal hall, vehicular access, amenity open space, landscaping, allotments and associated works. Land off Chesham Drive, Baston

**Information Received:**

The following consultee comments have been received since the drafting of the committee report:

**SKDC Community Leisure Officer:**

In relation to the requirements of the Planning Obligations SPD, he considers that the excess amount of allotment provision outweighs the shortfall in informal/natural greenspace. The village is well equipped in terms of outdoor sports space and I am aware the tennis courts have recently been refurbished. Therefore I do not think this development would have enough of an impact on these facilities to warrant a request towards off-site sports space. It could be that the Parish Council have a different view, in which case I would be happy to look at any proposals. We would not normally make any request towards parks and recreation grounds as generally this type of green space is covered by other requirements such as play facilities and informal open space. In this case my view is the developer has provided a reasonable amount of green space on-site. Also, any off-site payment would need to be justified as increasing the amount of capacity of any existing park and recreation ground. Deeping Leisure Centre and Bourne Leisure Centre are both within close proximity of the development and have capacity and therefore the sports facilities: synthetic turf pitches, swimming pools and sports halls described in the SPD are well catered for. A commuted sum towards the village community centre could be of benefit, but we would need to justify how this would be used to increase capacity. Privately managed open space is our preference, as this removes any concerns about long term maintenance responsibilities.

NHS Lincolnshire Primary Care Trust:

Just to confirm that there will be no developer's contribution sought for this development with 2 caveats

- The Bourne practices are being consulted but no change is expected
- Would appreciate knowing the wider, longer term plans for Bourne in terms of overall growth. If there are wider plans for e.g. 1000 homes split over 3 or 4 developers over the next 10 years, we would then expect each developer to contribute to a pot that could be held for e.g. a GP practice development of whatever nature in 5 or 6 years time.

Lincolnshire Fire and Rescue:

On behalf of Lincolnshire Fire and Rescue I would like to register an interest under the Planning Obligations SPD that requires payment towards fire hydrants. One new fire hydrant will be required to cover fire-fighting water provision requirements within this development. Based on the current level of Anglian Water charges to Lincolnshire Fire and Rescue for 2012 – 2013, the amount required to install the hydrant will be a net cost of £843.00. The exact hydrant position will be determined upon the approved site layout and the mains water supplies within the development.

Baston Parish Council:

Have provided further information from the Brudenell Playing Fields Management Committee with regard to the range of improvements they have identified as being needed for The Barn (kitchen, toilets, insulation, heating and decoration) and for improvements to the playground, tarmac drive and car park.

**Changes to Recommendation:**

No change to the recommendation. Refuse Planning Permission for the reasons stated in the main committee report.

## NB1 - S12/1350

**Proposal:** Change of Use to motorcycle dirt track, retention of portacabins and earthworks. Use for 24 events during a 12 month period. (Retrospective)

### **Additional Information**

An additional plan has been received from the agent identifying that an alternate access point is available to the site which could address concerns highlighted with regard to visibility when entering and leaving the site.

An additional 3 letter of objection have been received.  
An additional 4 letters of support have been received.

### **Information Received**

The additional plan identifies an existing access point to the west which could be used instead of that currently proposed. It is contested that this would overcome concerns about highway safety with the new access point having greater visibility along the C classified road.

The additional letters of support raise nothing not already covered in the original committee report.

The additional letters of objection raise only one new issue and that is raising concern about the large amount of dust generated by the bikes on a dry day.

### **Officer Comment on Information Received**

It is possible that an alternate access could overcome reasons for refusal 1 and 2, highway safety concerns, although a response is awaited from the Highway Authority and would need to be reported verbally to Members.

Concerns about dust are noted but given the isolated nature of the site and fact that it could be controlled if necessary through conditions e.g. through watering the site, it is not felt that this concern would justify a refusal of permission.

### **Alterations to Conditions**

None.

**Changes to Recommendation**

None.

PWM2 - S11/1922

**Proposal:** Two wind turbines (hub height 29.6m, rotor diameter 20m and total ground to tip height 39.6m) and associated works

**Summary of information received:**

Further Information from Applicant

The applicant has submitted an indicative plan showing the likely route of the cabling for the grid connection (25 September 2012) as well as details of the cable size (240mm<sup>2</sup>) and trench size (no more than 1m in depth and 0.5m in width).

They have also submitted an amended Phase 1 Habitat Survey (20 September 2012) which incorporates barn owl mitigation measures as requested by Natural England.

Further details of the location of barn owl mitigation measures submitted 01 October 2012

Natural England (comments received 24 September 2012)

*“As you will appreciate, NE’s statutory comments to this application remain those made by my colleague Dawn Presutti dated 28th August 2012. Looking at what Wold Ecology have now submitted in the amended sections (6.7.5.4, 7.8, 7.9, 7.10, 7.11) of the ecological survey, the principle of the mitigation (i.e. – 2.5km of grass margins replaced like for like + nest boxes) for barn owl seems satisfactory therefore would allow your authority to determine the application. However, I note that the location of the field to be enhanced for barn owl (grass margins) and the location for the nest boxes has not yet been provided. This is something that you should request from the applicant so that the certainty of the barn owl mitigation can be secured as part of the planning application. If a committee deadline is looming, then a suitably worded planning condition for the submission and agreement of a barn owl mitigation strategy (which will then allow the clarity on the barn owl mitigation sites to come forward as a discharge of condition) should be attached to the planning condition”.*

Lincolnshire Wildlife Trust (comments received 20 September 2012)

*“Thank you for sending through the additional information relating to the two proposed wind turbines at Lodge Farm, Carlton Scroop. I have read*

*the information and have assessed the application in line with the Trust's Statement on Provision of Responses to Planning and Other Consultations (attached), and can confirm that the Trust has no additional comments to make."*

MAS Environmental (comments received 19 September 2012)

*"I have looked through the noise impact assessment. There are some issues with the noise assessment and areas that I do not agree with; however, in the hope of keeping comments as simple as possible I have looked at noise impact independently.*

*The highest predicted noise level (using Cadna noise modelling software, assuming hard ground and sound power level of 90.9 at 8m/s) at nearby receivers is approximately 28-29dB LAeq. Thus, in terms of noise impact there are clearly no grounds for objection.*

*As noted earlier, we do not think that ETSU should be applied to smaller turbines, including in the region of rated power 50kW. Application of an ETSU style condition in this case would be onerous on the operators, as to prove compliance with the conditions a long term survey needs to be undertaken. We would recommend a simplified condition, as often applied by Cornwall Council, which sets a flat limit of 35dB LAeq up to wind speeds of 8m/s (measured at 10m height). This condition is much simpler, much less onerous for the operator and still allows plenty of headroom between the limit and the predicted turbine noise level. I have attached our suggested condition, as worded by Mike but based on the Cornwall Council condition, and also the BWEA guidance which the condition refers to".*

MAS Environmental (further comments received 01 October 2012)

*Further to our recent correspondence please see below which describes our wind farm experience and a brief explanation as to why noise impact from the turbine is not a reason for refusal.*

*Summary of experience:*

*This is copied from our website - MAS Environmental have over 8 years of experience in dealing with wind farm / wind turbine noise. We have extensive experience in dealing with wind farm and wind turbine planning applications as well as measuring and assessing noise impact from operational wind farms and wind turbines. We have advised on and conducted research in to both the assessment methodologies used to address wind farm noise and the variety and impact of noise generated by operational turbines and wind farms. As well as expert witness work, MAS*

*provides regular wind farm / wind turbine advice to a number of local authorities. A specialist one day wind farm course is regularly delivered and covers a range of background and associated issues based on our unique experience both in the assessment and measurement of wind farm noise.*

*Additional information-*

*MAS have measured EAM (excess amplitude modulation) at 7 wind farms sites and have been / are involved with 4 wind farm / wind turbine noise nuisance cases, including acting as expert witness to the claimants in the Davis v Tinsley wind farm noise and private nuisance case (Deeping St Nicholas Wind Farm). MAS have spent over 100 hours measuring and observing noise impact from wind turbines / wind farms. We have recently set up a listening room experience and have invited MPs and others responsible for making decisions regarding wind development, for example from the Planning Inspectorate, to attend a session where recordings of wind farm noise (using our field measurements) are played in a realistic and representative listening environment ([http://www.masenv.co.uk/listening\\_room](http://www.masenv.co.uk/listening_room)).*

*Summary of reasoning leading to conclusion that there is no grounds for refusal due to noise impact:*

*The turbine sound power level has been provided in the noise impact assessment. The sound power level has been stated as 89.7dB(A) which includes a 1.5dB uncertainty penalty.*

*I have modelled the two turbines in the noise mapping software CadnaA, assuming a source height of 29m (equal to hub height), a sound power level of 90.9 as used in the noise impact assessment. The model also assumes hard (reflective ground)  $G=0.0$  and a receiver height of 1.5m. I have also done a quick calculation according to the equation in the BWEA small turbine performance and safety standard. I have attached the predicted noise levels from the modelling.*

*The highest predicted noise level at a nearby receiver location is approximately 28-29dB LAeq. The condition that we would recommend applying limits the turbine noise to 35dB LAeq up to wind speeds of 8m/s. This is regardless of the background noise levels. Note: this is a more stringent control than offered using ETSU-R-97 and is more appropriate for this size of development. The predicted turbine noise level is a good margin below the recommended limit and thus, there is not a reason to object in relation to noise impact.*

*With reference to the background noise levels presented in the noise assessment, predicted turbine noise impact is also expected to be acceptable. There are some concerns with the background noise monitoring locations, we would prefer locations closer to the dwelling and courtyard gardens do require separate consideration. Our own research indicates that locations further away from the dwelling (approx 10m away) lead to higher background noise levels than those closer to the dwelling (approx 3.5m away) in external amenity areas. A simple assumption, based on research, is that background noise levels could be 2-3dB lower. The noise impact assessment has applied a method for assessing wind shear that roughly follows an article published in the IoA publication Acoustics Bulletin. MAS do not agree with this approach and for ETSU-R-97 assessment, 10m measured wind speeds should be used and referenced in assessment and conditions. In the graphs for Bleak House and Belle Vue there are also some gaps in the data set which introduce some uncertainty in to the determination of a prevailing background noise level. Notwithstanding these issues, if the above 2-3dB deduction is applied to the background noise levels in the noise impact assessment, then at 8m/s, the prevailing background noise level does not fall lower than approximately 35dB(A). Thus, predicted turbine is unlikely to be above the background noise level in this case.*

*There is also an important note that the noise impact assessment misrepresents the predicted turbine noise above 8m/s. The noise impact assessment shows that this levels off above 8m/s, which is usually the case for larger wind turbines, but following the BWEA noise label the turbine noise should actually continue to increase by 2.7dB per m/s. Still, this does not change the conclusion that the predicted turbine noise meets the 35dB LAeq conditions up to 8m/s.*

*With regards to the PDA report - this largely focuses on ETSU-R-97, which as noted above, is not applicable to the assessment of the turbines in this case. The report addresses concerns that the noise assessment has not accounted for the nearest noise sensitive receivers. The attached noise map shows that at all nearby receivers predicted turbine noise is lower than 35dB LAeq. As such, the other concerns raised in the PDA report do not alter the conclusion that turbine noise is not a reason to refuse the application.*

*To summarise:- There are issues with the background noise survey and the noise impact assessment; however, this does not prevent a conclusion being reached with regards to acceptability of turbine noise impact.- MAS do not agree with the application of ETSU-R-97 in this case; however, the predicted turbine noise levels would meet the lower ETSU-R-97 limit of 35dB LA90 up to wind speeds of 10m/s at 10m height and thus regardless*

*of background noise level the turbine is acceptable in relation to ETSU-R-97 assessment.*

*- MAS recommend the use of a 35dB LAeq limit as more appropriate for the size of turbines proposed. This limit is more stringent than the ETSU-R-97 approach. The predicted turbine noise levels will also meet this limit by a good margin.*

*MAS do not think there are grounds for refusal on noise impact for a number of reasons, unfortunately there is not a simple explanation for this. It may be beneficial for MAS to attend a meeting with those who are very concerned about noise impact from the proposed turbines. If there is significant public concern we could address this by explaining the issues in person including any associated or additional concerns that may arise.*

South Kesteven Environmental Protection (comments received 19 September 2012)

*"Following advice from MAS, I have no comments to make on this application".*

### **Further Representations from Members of the Public**

2 x further letter of objection has been received. Concerns raised over the impact on a local resident with epilepsy and comments relating to wind speeds and direction in the area and relationship to noise.

A lengthy statement from a planning consultant commissioned by an objector has also been received (28 September 2012) with various comments on the contents of the committee report. The main points raised are summarised below:

- Information requested by committee not specified in detail
- Information on grid connection not given
- Not clear which consultation responses relate to extra information
- Have other consultees been reconsulted?
- NPSs relate to nationally significant infrastructure projects and more weight should be put on Core Strategy policy EN1
- Questions on the status of Justice Lang's decision.
- Disagreement over landscape
- Description wind turbines as slimline structures not a balanced judgement
- Comments from MAS on noise report not clear enough
- Required information on barn owls not mentioned and LWT comments missing
- Statement regarding impact on horses misleading and needs clarifying
- LCC position statement a political statement

- Conclusion makes no comment on the planning balance and alleged local benefits
- Missing consultee responses from LWT, noise consultant and NE (regarding barn owl mitigation)
- If application is not refused, it should not be determined until all outstanding information received and residents allowed to comment

A further email from the same objector was received on 01 October 2012 claiming that the area of scrubland adjacent to the turbines has not been reviewed.

**Officer comments on information received and issues raised:**

Ecology

Clarification has been requested about the extra information requested by committee (on site ecological survey) and consultee responses to the submitted survey.

For the avoidance of doubt, officers consulted Natural England on the appropriate scope and methodology by which an on site ecological survey should be undertaken. The applicant was advised accordingly. In accordance with the advice given, the applicant commissioned a suitably qualified ecologist (Wolds Ecology) who carried out an "Extended Phase 1 Habitat Survey" in May 2012 and submitted the results, conclusions and recommendations of the survey to the Council in August 2012 as well as some accompanying information on local birds and bats.

An objector also submitted a report commissioned by a barn owl expert in relation to local barn owl populations.

Natural England (NE) and Lincolnshire Wildlife Trust (LWT) were both consulted on the submitted Extended Phase 1 Habitat Survey and the objector's report and asked to give specific comments rather than refer to NE standing advice which they now do in most cases.

Natural England's comments of 28 August 2012 and 14 September 2012 are both given in the committee report (with dates). They acknowledged that the objector's report demonstrated that barn owls were present locally but that the proposal could be made acceptable through suitable mitigation measures. In summary NE concluded that the proposal would be acceptable subject to the mitigation measures specified in the Extended Phase 1 Habitat Survey and subject to further barn owl mitigation measures which should be submitted by the applicant.

In response to NE's request for further barn owl mitigation measures, the applicant submitted on 20 September 2012 an amended Phase 1 Habitat Survey which incorporates the barn owl mitigation measures. NE were re-consulted and responded on 24 September 2012. NE are satisfied with the proposed mitigation measures but have requested that the location of these measures should be specified by the applicant. They state that this can be secured by planning condition if necessary. The applicant has been informed and asked to provide this information, preferably before the committee date. The information was received on 01 October 2012.

In respect of the scrubland adjacent to the site, this area was fully covered by the Phase 1 Habitat Survey and noted as being of low ecological value for a number of reasons.

Lincolnshire Wildlife Trust (LWT) have not raised any further concerns.

In conclusion, the applicant has carried out the survey as requested by committee and the relevant expert consultees have been asked to comment specifically on the proposal in relation to the Phase 1 Habitat Survey and other relevant information submitted by the objector. NE and LWT have not raised any objection to the proposal subject to appropriate mitigation measures. It is therefore considered that whilst the proposal will have some impact on local wildlife and biodiversity, it can be brought within acceptable limits through suitable conditions to secure the mitigation measures.

## Noise

Clarification has been requested about the extra information sought by committee (on site background noise survey) and consultee responses to the submitted survey.

The concern of committee was that the initial background noise figures submitted by the applicant were based on a rural average rather than specific measurements taken at the nearest dwelling.

For the avoidance of doubt, officers consulted SK Environmental Protection officers on the appropriate scope and methodology by which an on site background survey should be undertaken. The applicant was advised accordingly. In accordance with the advice given, the applicant commissioned a suitably qualified noise expert (PDA Acoustic Consultants) who carried out a Background Noise Survey and assessment in June 2012 and submitted the results and conclusions of the survey to the Council in August 2012.

An objector also submitted a report commissioned by a noise consultant.

South Kesteven Environmental Protection officers were consulted on the submitted Noise Survey and the objector's report and asked to assess and comment on the noise impact of proposal in the light of the on site background noise figures in the applicant's survey. SK Environmental Protection have commissioned an expert noise consultancy (MAS Environmental) to carry out the assessment on their behalf.

MAS have stated that they do not agree with all aspects of the applicants on site background noise report including the assessment using ETSU-R-97. Their expert opinion is that using ETSU would impose onerous requirements on the applicant as well as allowing a higher noise limit than the BWEA standard. As a result they have used the tighter BWEA standard to assess the acceptability noise.

The BWEA (British Wind Energy Association) Standard has been drawn up by the wind energy industry as a recognition that ETSU-R-97 was not designed for, and is not suitable for assessing noise for small scale wind turbines. It is a tighter standard that allows less noise than ETSU and is considered by MAS to be the appropriate method of noise assessment to use for this proposal.

MAS have concluded that the noise that the turbines would produce at the nearest properties (28 – 29db) is well within acceptable limits. They recommend, in accordance with the BWEA guidance, the following standard condition, commonly used for small turbines such as these, as an additional safeguard to make it clear that the turbine is not permitted to emit a noise level above a specified limit (35db)

*The noise emissions from the wind turbine shall not exceed a sound pressure level  $L_{Aeq,T}$  of 35dB when measured or otherwise determined within the curtilage of any dwelling lawfully existing at the time of this consent at wind speeds up to and including an average level of  $8 \text{ ms}^{-1}$  over the measurement interval.*

*The wind speed is determined at rotor centre height in accordance with the British Wind Energy Association Small Wind Turbine Performance and Safety Standard of 29th February 2008. The time period "T" of the measurement shall equate to a time in seconds that equates to four times the diameter of the rotor diameter as measured in metres, of the turbine. Thus if the blades have a diameter of 10 metres, "T" is 40 seconds. The sound pressure level shall be measured at least 3.5m away from reflecting surfaces other than the ground and at a height of 1.2-1.5m. Adjustment must be made to exclude the contribution of extraneous noise in the determined value.*

*Following notification from the Local Planning Authority (LPA) that a complaint has been received, the wind turbine operator shall, at their own expense, employ a suitably competent and qualified person to measure and assess, by a method to be approved in writing by the LPA, whether noise from the turbine meets the specified level. The assessment shall be commenced within 21 days of the notification, or such longer time as approved by the LPA. A copy of the assessment report, together with all recorded data and audio files obtained as part of the assessment, shall be provided to the LPA (in electronic form) within 60 days of the notification. The operation of the turbine shall cease where there is a failure to conclude on the above assessment within 60 days of the notification or such time period as intended by the local planning authority in writing.*

MAS have confirmed that the noise level would be well below the maximum acceptable level having regard to the on site background noise figures, and in fact would still be well within those limits regardless of how low the background noise level is. In respect of the objector's report, MAS confirms that this mostly questions the legitimacy of ETSU-R-97 and in no way demonstrates that the proposal would lead to unacceptable noise levels at the nearest dwellings. MAS have submitted a noise map which will be reported and presented at committee.

In conclusion, the results of the on site background noise survey and the assessment by MAS have demonstrated that the noise that would be produced by the turbines would be very low at the nearest receptors and well within acceptable limits. The condition would provide an additional safeguard, particularly if a fault caused the turbines to create more noise. It is considered therefore that the noise from the proposed turbines would not be detrimental to the residential amenities of the occupiers of the nearest dwellings.

## Epilepsy

The companion guide to PPS22 states: "Around 0.5 % of the population is epileptic and of these around 5 % are photo-sensitive. Of photo-sensitive epileptics less than 5 % are sensitive to lowest frequencies of 2.5-3 Hz, the remainder are sensitive only to higher frequencies. The flicker caused by wind turbines is equal to the blade passing frequency. A fast-moving three-bladed machine will give rise to the highest levels of flicker frequency. These levels are well below 2 Hz. The new generation of wind turbines is known to operate at levels below 1 Hz." Taking the above into account, and in the absence of any further government guidance that contradicts this, it is considered that there is no compelling evidence that this proposal would have an unacceptable impact on sufferers of epilepsy either living locally or visiting the area.

## Other Issues Raised by Objector's Planning Consultant

Many of the issues raised relate to the objector's disagreement with the assessment of the various impacts discussed in detail in the committee report, or the degree of weight that has been given to each material consideration. Consultee responses relating to noise and ecology which were not included in the committee report are discussed in detail above. The officer comments on the other points raised that have not already been discussed are set out below:

- An indicative plan submitted by the applicant showing the likely route of the grid connection will be presented at committee. As stated in the committee report, any works required for the grid connection which require planning permission will require a separate application. Although for large scale wind energy developments, it may be desirable for the grid connection to be included as part of the application, in many cases, only indicative details are all that is required to allow a degree of flexibility as the exact route may not be known. Only in the case where there is reasonable doubt as to whether a grid connection would be possible or acceptable in planning terms would it be reasonable to require this information in detailed form to be included in the planning application "up front". In relation to this proposal there is no fundamental reason to believe that this is the case. The indicative plan shows a straightforward route for a cable across the applicant's land to his farmstead.
- Since the application was originally discussed at committee in March only the relevant consultees have been reconsulted on the extra information requested by committee - LWT and NE have been consulted on the Phase 1 Habitat Survey, and SK Environmental Protection (through MAS Environmental) have been consulted on the Noise Report. Notwithstanding the length of time since the application was submitted, there is no need to reconsult other consultees. There has been no significant changes to the context of the application site or amendments to the scheme that would warrant a reconsultation. It should also be noted that consultees are aware that if planning permission is granted, there is a three year period in which to implement the permission, and an unlimited period to complete the scheme once a start has been made and all relevant conditions discharged. This will be factored into their consultation responses.
- Section 10 of The NPPF states that in determining wind energy developments, the approach of the NPSs EN-1 and EN-3 should be taken. It does not distinguish between large or small scale schemes. Whilst these NPSs are intended for major infrastructure projects, clearly the government view is that the general approach in the NPSs to assessing the different types of impact should be followed. This should also be read in conjunction with the Development Plan which as stated in the committee report is in accordance with the NPPF. Once an assessment of the impact has been made using the approach identified in the NPSs (and

any other relevant guidance), a reasoned judgement has to be made as to whether or not the impacts accord with or conflict with the Development Plan policies.

- The original committee report of March 2012 did not suggest that the general presumption in favour should always outweigh the impacts or local landscape issues but that this should be given significant weight and wind energy proposals refused if their impacts are unacceptable when balanced against this presumption. As stated by Mrs Justice Lang and in the committee report, the decision maker must weigh up the impacts against the need for renewable energy set out by the government in the NPPF having regard to the development plan.
- In respect of horses, the committee report makes it clear that each case has to be assessed on its own merit. The reference to the Baumber appeal case highlights that there is no compelling evidence that wind turbines and countryside activities are incompatible or that set distances are necessary from riding routes. As stated in the committee report there are no equestrian facilities such as riding schools, stables or paddocks immediately adjacent to the site.
- The committee report makes it clear that the LCC position statement on wind turbines carries little or no weight. For the avoidance of doubt it is a political statement and not planning policy.
- All information or consultee responses necessary to determine the application that were outstanding when the committee report was published have now been received and are discussed in detail above.

**Changes to recommendation:** That the application be approved subject to the following amended schedule of conditions:

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

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The Delivery of components shall be in accordance with the Traffic Management Statement submitted 05 October 2011.

Reason: In the interests of highway safety.

3. The development shall not commence until details of the external finish and colour of the proposed turbines have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details, and there shall be no subsequent change to the finish or colour of the turbine without the local planning authority's prior approval in writing.

Reason: To minimise the impact on the landscape and the setting of nearby heritage assets in accordance with PPS5 (Historic Environment), policies 26 and 27 of the East Midlands Regional Plan and Policy EN1 of the South Kesteven Core Strategy.

4. In the event that the wind turbines are no longer used for the generation of electricity, they shall be removed as soon as practicably possible, and the land restored to its original condition.

Reason: In the interests of the visual amenities of the area and in accordance with Policy EN1 of the South Kesteven Core Strategy.

5. Before the development is commenced, a monitoring programme for bird and bat collisions at the site shall be submitted to and agreed in writing by the Local Planning Authority. The monitoring programme shall be carried out in accordance with the agreed details. In the event that the monitoring programme indicates a significant detrimental impact on the local or migrating bird populations as a result of the turbines, details of alterations to the operation of the turbines shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the turbines shall be operated in accordance with the approved details.

Reason: In order to ensure that any detrimental impact on birds can be minimised.

6. The noise emissions from the wind turbine shall not exceed a sound pressure level  $L_{Aeq,T}$  of 35dB when measured or otherwise determined within the curtilage of any dwelling lawfully existing at the time of this consent at wind speeds up to and including an average level of 8 ms<sup>-1</sup> over the measurement interval.
7. The wind speed is determined at rotor centre height in accordance with the British Wind Energy Association Small Wind Turbine Performance and Safety Standard of 29th February 2008. The time period 'T' of the measurement shall equate to a time in seconds that equates to four times the diameter of the rotor diameter as measured in metres, of the turbine. Thus if the blades have a diameter of 10 metres, 'T' is 40 seconds. The sound pressure level shall be measured at least 3.5m away from reflecting surfaces other than the ground and at a height of 1.2-1.5m. Adjustment must be made to exclude the contribution of extraneous noise in the determined value.

Following notification from the Local Planning Authority (LPA) that a complaint has been received, the wind turbine operator shall, at their own expense, employ a suitably competent and qualified person to measure

and assess, by a method to be approved in writing by the LPA, whether noise from the turbine meets the specified level. The assessment shall be commenced within 21 days of the notification, or such longer time as approved by the LPA. A copy of the assessment report, together with all recorded data and audio files obtained as part of the assessment, shall be provided to the LPA (in electronic form) within 60 days of the notification. The operation of the turbine shall cease where there is a failure to conclude on the above assessment within 60 days of the notification or such time period as intended by the local planning authority in writing.

Reason: In order to protect the occupiers of nearby dwellings from unacceptable noise and disturbance.

8. Before the development is commenced, the developer shall provide written confirmation to the MOD (Defence Infrastructure Organisation) of the date of the start of construction and the maximum height of any construction equipment to be used. When the development is completed, the developer shall provide written confirmation to the MOD (Defence Infrastructure Organisation) of the date of completion, and the exact height and latitude and longitude of the position of the turbines, no more than 14 days after this date. The development approved by this permission shall be carried out in accordance to these details.

Reason: In order that this information can be plotted on MOD flying charts to ensure that military aircraft avoid the area.

9. The development hereby permitted shall be carried out in accordance with the mitigation measures specified in the amended Extended Phase 1 Habitat Survey, prepared by Wold Ecology Ltd - May 2112 (received 20 September 2012) and Additional Measures for Mitigation of Barn Owls (received 01 October 2012).

Reason: In order to ensure that local biodiversity and ecology is not adversely affected.

10. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application: Drawing 001 (1:2500 Site Location Plan; Drawing 002 (1:500 Block Plan); Overalls/Planning (Elevations) all received 09 September 2011

Reason: To define the permission and for the avoidance of doubt.

SP1 – S12/2016

**Proposal:** 3 X 15 metre high wind turbines.

**Summary of information received:**

The Parish Council has stated that it has no objections. It has previously requested an extension of time and further information on impacts relating to noise, vibration, flicker, environment and precedence.

**Officer comments on information received and issues raised:**

No further comments.

**Changes to recommendation:**

None.

KJC1- S12/1331

**Proposal:** Reserved Matters Application for the construction of 105 Dwellings, Poplar Farm.

**Information Received**

One letter has been received from the occupier of a nearby residential property. It is taken in full below:

Balmoral Drive is intended to be a main feeder road for the Poplar Farm development and it is therefore very desirable to avoid parking along it. The row of houses proposed to front onto Balmoral Drive are all 4 bedroom and given the experience on similar estates in the district, it could be expected that most of the houses are very close to the road and there is no possibility of parking a car in front of the houses. They are only planned to have a single garage and the drive leading to the garage. Again, experience on similar estates is that householders will generally not park cars in garages, but instead use it for storing garden equipment, children's cycles etc. This layout will inevitably result in a significant level of permanent on-street parking.

If councillors look at the site plan and the drawings of proposed ground levels, they will see that there is easily enough space for the row of houses along Balmoral Drive to be set back a further 2 metres from the road on their existing plots and still leave reasonable sized back gardens and not have any effect on the rest of the site. This would enable the developer to provide additional parking spaces in front of the houses. The increased depth of front gardens would also allow them to plant some shrubbery. I would have thought that such a change would benefit the developer as most potential buyers would see it as an improvement and increase the saleability of the houses.

**Officer Comments**

Parking Provision

The applicants have provided clarification of the available parking for the properties that front Balmoral Drive.

On a plot by plot basis the provision is as follows	
Plots 1/13/14	4 spaces per dwelling
Plots 2/9/18	6 spaces per dwelling
Plots 3/5/7/8/17/19	2 spaces per dwelling
Plots 4/6/10//11/12/15/16/20/21	3 spaces per dwelling

It is clear from this information that there is adequate parking to serve each property. This is confirmed by the comments of the local highway authority, as they have not raised an objection to the development.

The local highway authority has powers to restrict on street parking should there be a requirement to do so.

#### Relocation of properties

As there is adequate parking provision it is considered that there is no reason to relocate any of the properties that front Balmoral Drive to facilitate additional on site parking. However, notwithstanding this the developers have explored relocation of the properties. But site constraints prevent this.

They state:

#### **“RE SITING OF GARAGES/DWELLINGS TO PLOTS 1-21 TO FACILITATE ADDITIONAL OFF STREET PARKING**

The Members requested if the detached garages where possible could be relocated to provide additional off street parking, you will be aware the one of the major constraints in designing this layout is the steepness of the site and to facilitate any development fronting Balmoral Drive we have had to incorporate a considerable retaining wall to the rear of plots 1-21. The influence of repositioning garages further into the rear gardens would have an adverse affect on the height of the retaining structure by making it higher than the existing design and also would in reality make the driveway gradients steeper than that acceptable. There would also be a similar adverse affect on levels should the dwellings be re- positioned further from the road which was also discussed at Committee.

The issue from a our perspective is that the layout submitted has had to take into account the major Engineering constraints to deliver a feasible proposal that meets with Planning/Design/Engineering criteria and due to the severity of the contours it is not practical to re- position dwellings without having a major affect on the layout that as designed works both in Design and Engineering terms”.

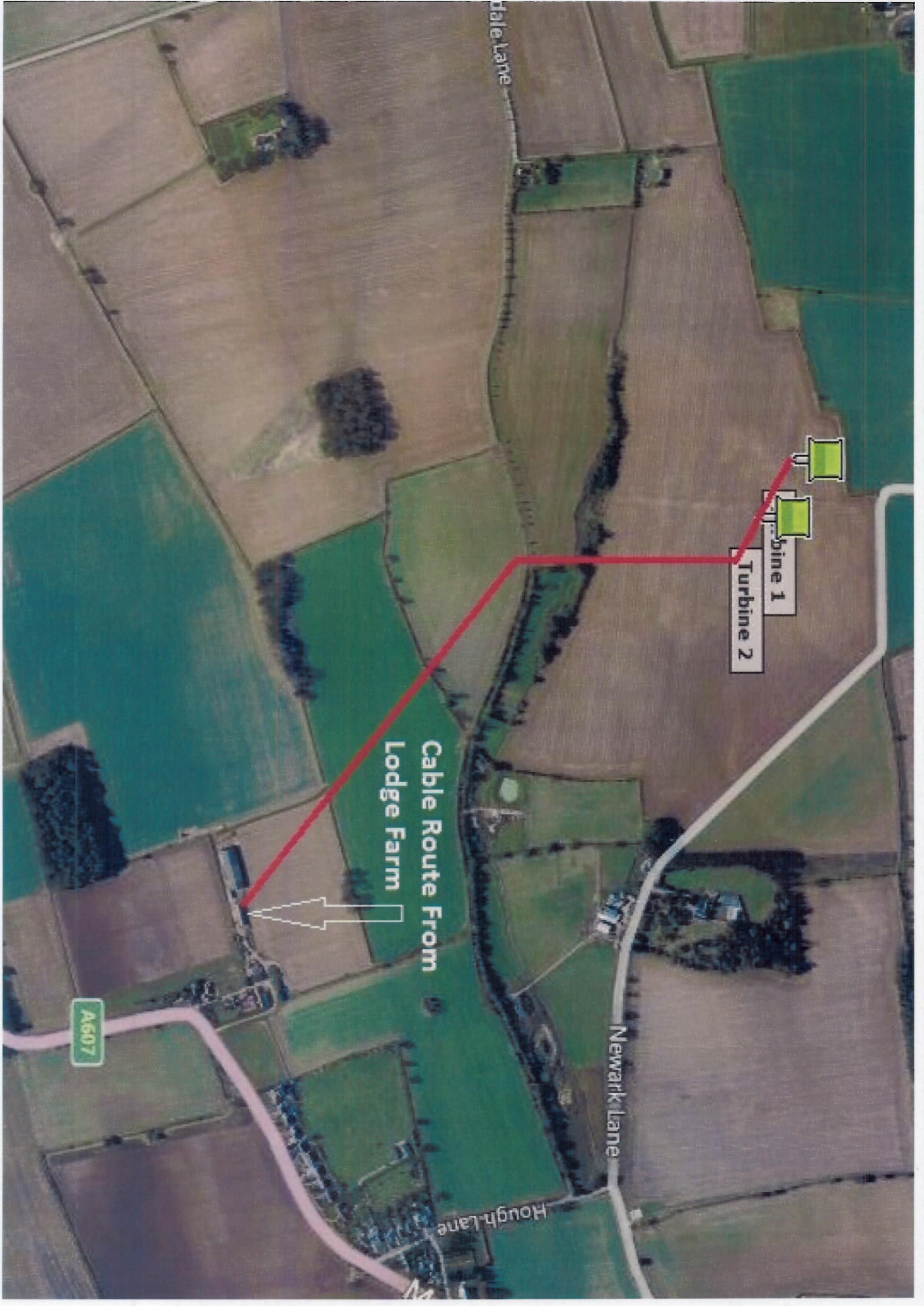
#### **Alterations/Additional Conditions**

The development hereby permitted shall be undertaken in accordance with the following list of approved plans:

Site layout plan PC0279/100/01 RevD and Engineering Layout E/3477/EL/20

**Changes to Recommendation**

No change to recommendation.



dale lane

Turbine 1  
Turbine 2

Cable Route From  
Lodge Farm

Newark Lane

Hough Lane

A607