

AGENDA



For a meeting of the
DEVELOPMENT CONTROL COMMITTEE
to be held on
TUESDAY, 23 APRIL 2013
at
1.00 PM
in the
COUNCIL CHAMBER, COUNCIL OFFICES, ST PETERS HILL, GRANTHAM
Beverly Agass, Chief Executive

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 Mrs Judy Smith, Councillor Jacky 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:

Meeting Date	Notification Deadline
Tuesday 5 March 2013, 1pm	Monday 4 March 2013, 1pm
Tuesday 19 March 2013, 1pm	Monday 18 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
26 March 2013**

Additional Information

PR1 - East Midlands Regional Spatial Strategy (RSS)

This is to confirm that the East Midlands Regional Spatial Strategy (RSS) was revoked on 12 April 2013.

Consequently, it is no longer part of the Development Plan for the South Kesteven area, which now comprises the Local Plan (Core Strategy and when adopted the Site Allocation and Policies and Grantham Action Area Plan DPDs), and where they have been prepared, neighbourhood plans.

KJC1 - S12/2002

Proposal Outline planning permission for residential development and formation of access

Information Received

The following information has been received from the occupier of a neighbouring property:

You will know that when first considered by Councillors on 5th March it was decided that any decision should be deferred "*For the preparation of an ecological survey with specific reference to bats*". My concern is that no such additional survey may yet have been carried out and that Councillors may be asked to rely on the original "*Habitat Survey and Protected Species Assessment*" submitted by the applicant on 23rd August 2011. This stated that one mature ash tree with a significant amount of deadwood beyond the Northern boundary was identified as having potential as a bat roost, but said that no evidence of protected species was recorded on site. No nocturnal survey had been made. This survey gives a totally misleading impression regarding the presence of bats.

A number of us with properties contiguous with the site in question (such as myself, Mr Brian Cole, Mr Niall Shannon) can testify that we regularly observe bats at twilight on the Southern and Eastern borders of the site. When I spoke with Mr Mark Williets on 11th April I told him that Mr Cole had a short video on a memory stick showing the bats and that this could be made available for viewing.

Comments from Applicants Agent

As part of the application a Phase I Habitat Survey has been undertaken. This survey concluded that the habitats on the site "are considered to be of low/moderate ecological value in a regional context as the habitats and species recorded on site are not notable or rare and are present within the wider area". This Survey formed part of the application submission and was reported in the two previous Committee Reports. Further to the recommendations of that Survey the applicant has also commissioned surveys on the potential for reptiles, badgers and breeding birds. None of these additional surveys found any evidence for protected species, however the applicant would have no objection to a condition on the planning permission requiring updated survey work prior to commencement of development.

The applicant is aware of the comments made in respect of the potential for bats on the site. This issue was investigated during the Phase I survey where it was concluded that there was one tree to the north east of the site which was considered suitable for supporting roosting bats. However, as this tree falls outside of the application site and therefore no threat to any roosting bats it is considered that there is no requirement for additional survey work. The applicant has raised no objection to a condition which will require the placement of bat boxes around the site to provide additional roosting opportunities for bats within the local area.

The proposed development will, as far as practicable, retain existing hedgerows and any loss will be compensated for by the planting of a new native species hedgerow along the northern boundary of the site.

The applicant has already given consideration to the Parish Council's comments regarding a permissive footpath as previously stated in my email to you on 4 March. I can confirm that this view has not changed since it was last raised. It should be noted that there is direct access onto the riverside walk a short distance away on Westborough Lane and I also understand that the gated field to the north of the site also has a path which heads to the river. It is also considered that the provision of a route to the river could lead to concerns about security from the residents of Riverview whose properties back onto this route. May I remind you that the previous applications which the Parish Council refer to involved the larger application site.

The applicant is fully aware of the importance of involving communities with proposals for new development which is why a public exhibition was held prior to the application being submitted, this has been followed by neighbour consultation on the planning application. Having reviewed the comments summarised in the latest committee report (including the three separate comments made by the Parish Council) I have been unable to find any which specifically refer to the need to provide an access from Main Road, through the site, to the river.

Officer Comment

There is a clear distinction between bats traversing through/over a site, and actually roosting. A survey has been undertaken which identifies that a tree outside of the application site has bat roost potential. As this tree is outside the application site it would not be affected by the scheme.

Concern has been raised by the developer in relation to the wording of condition 23. The applicant considers the requirement to retain the hedge to a height of not less than 4 metres would have a detrimental impact on the occupiers of the

existing neighbouring properties and the future occupiers of the proposed development.

As an alternative it is suggested that a more workable condition would be one that requires the hedge to be retained to height to be agreed in writing by the local planning authority.

This would give flexibility to allow parts of the hedge to be maintained at a lower, more workable height, adjacent to the existing residential properties, but maintained to a higher height along the boundary with the proposed development therefore minimising impact of the development on the setting of the adjacent listed building.

Alterations/Additional Conditions

Reworded condition 23:

Notwithstanding condition 7 above, the hedgerow along the southern boundary of the site shall be retained to height in accordance with details submitted to and approved in writing by the local planning authority.

There shall be no vehicular or pedestrian access points onto Water Lane as this would degrade the integrity of this hedgerow.

Reason: In the interests of visual amenity and preserving the setting of the adjacent heritage asset.

Changes to Recommendation

No change to recommendation.

Proposal Outline application for 55 Residential units (including 8 affordable)

Information Received

A letter and photographs have been submitted by the occupier of a neighbouring property (on behalf of herself and neighbours). This person requested to speak at the previous committee. Unfortunately the application was withdrawn from that committee. The person cannot attend this meeting but has requested that her letter be included in the late items paper in full. Please see letter attached at the end of this item.

Officer Comment on Information Received

Taking in point in turn:

Impact on residential amenity from parking/turning area adjacent to Brisson Close

The nearest property, 4 Brisson Close is approximately 14 metres from rear elevation of the bungalow to the parking/turning area. Currently there is limited boundary/screening along this part of the site. It is considered that with improved screening along the boundary adjacent to the parking and turning area coupled with the existing separation distances that the existing occupiers would not experience any significant loss of residential amenity that would justify the refusal of planning permission.

It is considered appropriate to require details of proposed boundary treatments at the time that reserved matters are submitted for approval.

Overlooking/loss of privacy

This matter is discussed in the main body of the report.

Impact on townscape

Impact of the scheme on visual amenity and heritage assets is discussed in the main body of the report.

Ecology

Impact on protected species is discussed in the main body of the report.

Traffic

The submitted traffic assessment is considered acceptable by the local highway authority. Their technical response to the submitted Transport Statement is included in the main body of the report. It is important to have regard to the fact that there is an extant planning permission on the site for 43 units. As such the local highway authority is considering whether or not this scheme would have any significant impact on the highway network beyond the previously approved scheme.

Based on their comments that the scheme would see only a slight increase in vehicle trips over the previously approved scheme it is considered that a refusal of planning permission based on highway safety/capacity could not be justified.

Works to hedges/trees

Issues of removal of trees/hedges on neighbouring land is a private legal matter between the parties involved.

Alterations/Additional Conditions

When an application is made for the approval of reserved matters, that application shall include details of boundary treatments for each individual plot and around the perimeter of the site. The development shall be carried out in accordance with any such details that are approved.

Reason: To ensure a satisfactory form of development.

Changes to Recommendation

No change to recommendation.

S12/0484/MJRO – BARRACK GARDEN/BEACON LANE ALLOTMENTS
ERECTION OF 55 RESIDENTIAL UNITS – YELCON HOMES

I asked to speak to this application at the Committee's meeting on 26 March.

I understand that, having been deferred, it will now be discussed on 23 April when I am unable to attend owing to a prior commitment.

The points I would have made to the Committee for myself and on behalf on Mr & Mrs Stanton of 3 Brisson Close and Mrs Baptie of 5 Brisson Close are as follows:

1 We bought our properties knowing that there was an outline application to develop this site, but also expecting that, as shown in the indicative site plan, any development across the boundary from our homes would be parallel to them and with gardens to their rear, giving at least the minimum separation distance between our homes and any new buildings, and that we would be able to comment on the detailed proposals in due course.

The indicative plan attached to the new application shows instead a dead-end street coming up to the edge of my garden. This road would serve a terrace of four houses with garages and hard standing at right angles to the boundary of 5 Brisson Close, over-bearing it and the two other existing bungalows and overlooking the rears of 3 and 4 Brisson Close in particular; as well as 5 parking spaces, presumably serving these and other homes nearby, including the block of four flats shown to the south of its entrance.



View from 4 Brisson Close into road site – parking places would be this side of apple tree.

2 A road in this position designed to serve 4 properties and 5 parking spaces would cause a considerable loss of amenity to all three existing

properties. There would be noise and fumes from cars, vans, motorbikes, etc., starting up, turning round, accelerating and braking, all within 50 feet of our main living spaces, which are at the backs of our bungalows. Mrs Baptie and I both also have out bedrooms on this side, so would be disturbed by vehicle lights in hours of darkness. There would also be disturbance from service vehicles reversing into the street, such as refuse collection vehicles.



View from patio of 4BC to proposed terrace – this would be on the line of but immediately behind the trees from left edge to centre (all of which would be 'lost to development'). The nearest corner of the terrace would be a metre or two behind the sycamore centre right.

3 The proposal to build a terrace of houses to within a few metres of the rear boundary of 5 Brisson Close would also lead to a considerable loss of privacy and amenity to myself and my neighbours to each side. This is



View towards proposed flats – new hedge is forward of the mesh fence, which is on the site.

because the upper rooms would give clear sight into our principal living rooms as well as our gardens. We also have concerns about overlooking from the upper flats in the block indicated on the south side of the entrance to the dead-end street which would be greater than from houses in this location.

Again, we would ask the Committee and the Council to consider this when discussing this application and the subsequent detail of any development on the site. We would ask them to require bungalows only across the boundary from existing bungalows on this side of the site.

4 Apart from these concerns about the direct impact of the revised proposal on my property:

a) I do not believe that the application takes sufficient account of the importance of this site in the townscape of Grantham, particularly with regard to its impact on views from the historic centre to the 'green rim' at Hall's Hill and vice versa. This is not addressed in the Heritage Impact Assessment.



View of site from Hall's Hill – it is the band between the evergreens above the near roofs and the white playing field pavilion. The trees at the top of Sedgwick Meadows are just right of the KGS buildings. My home is the pale roof about halfway down the right side of the photo.



View from Grantham House across the Witham and Sedgwick Meadows to Sandon Road – the roofs of 2.5 storey houses would block the view through the canopy of trees to the skyline.



View from Sandon Road towards Hall's Hill. This would be blocked by the proposed construction of 2.5 (or 3.5) storey houses on the other side of the playing fields.

b) I also have concerns that an environmental survey conducted on a cold day in February 2010 does not accurately reflect the ecological value of the site.

c) Finally, the applicants' traffic survey is more than 5 years old and was carried out at 2pm during the school and college holidays. It does not record the current real weight of traffic on the short stretch of Beacon Lane between the traffic lights at the Barracks and the bend into New Beacon Lane, especially at the start and end of the school and working days, nor the increase in traffic using this route into Grantham to avoid queues on Belton Lane generated by new development on the Sunningdale estate.

d) Overall the impression of the application is of rabbit-hutches shoe-horned into too small a space to maximise the profits of an incoming developer who thinks it is 'good enough for Grantham'. The question is, does the Committee agree with the applicant?

In addition to these points that I would have made on 26 March, I have read the report that was to have been considered then and have seen the developers' comments reflected in the second paragraph on p70 about the boundary with Brisson Close. I can confirm that my neighbours and I have carried out work on hedges and trees wholly within the boundaries of our properties, including the removal or lopping (after consultation with the Trees Officer) of three self-seeded sycamores.

In my case, I also replaced a length of exhausted privet and a fence

(installed for convenience some feet forward of the actual boundary by the developer of Brisson Close) with a new, mixed native hedge which I hoped would have a higher ecological value* than what was removed, or than the standard six-foot lap fence I expected the developer to install on the rear boundary of the gardens shown in the existing outline consent. The planting includes nut and damson trees in the length between my living room windows and the flats indicated in that layout (with the intention of providing some screening, at least in summer), but I have delayed any similar planting in the other half of the hedge (a) so that I could position any trees once I knew what windows were across the boundary, and where, and (b) because there are a number of wild cherry seedlings on the boundary which, if left by the developer's boundary treatment, would serve the purpose.

* While it is permeable to the old allotments I have enjoyed a wealth of wildlife including hedgehogs, the occasional deer and birds including bullfinch, goldcrest, green and great spotted woodpeckers and wood warbler in the summer, though I expect this variety to change as a result of development. On the other hand, I won't be sorry to lose the rats that infest the derelict shacks!

H C Harding
4 Brisson Close
Grantham
NG31 9EL

AH1 – S11/2619

Proposal Full planning application submission in relation to the proposed change of use of part of the lands at Manor Farm, Braceborough for use as an air strip along with the erection of a building for aircraft/agricultural storage.

Information Received

The local resident points out that they have already made representations concerning this application and its actual and potential negative impacts on the surrounding people, properties and environment and that these facts and views have not changed. The representation thus reiterates that there is no need for this planned application to proceed as there are several existing residents raising objection to the scheme in terms of the negative impacts on residential and equine amenities and their ability to enjoy the peace of the natural countryside. It is also pointed out that there is local provision already in place to enable the pilot to safely pursue his hobby elsewhere in a location where neighbours (apparently) willingly accept the "downsides" of having such an activity on their doorstep. It also considered that it is obscene that the costs of the additional reports (commissioned by the Council) in relation to the environmental impacts of the scheme are not being met by the applicant.

Officer Comment on Information Received

It is considered that the points made by the local resident have already been fully addressed in the report prepared for the Committee

Alterations to Conditions

None

Changes to Recommendation:

None.

SP1 - S13/0322

Proposal

Erection of one dwelling-outline application with details of layout provided.

Information Received

Representations have been received from the occupiers of 23, 25 and 27 The Leas. The objections are summarized as of loss of privacy, proximity of the development, construction noise and disturbance, and precedence. It is suggested that if permission is granted the conifers which provide screening on the boundary with the properties to The Leas should be retained.

Officer Comments

It is recommended that an additional condition (as set out below) be imposed which requires the retention and protection of existing hedging on the boundaries of the site. Such a condition will assist in protecting amenities of the occupiers of neighbouring dwellings.

All existing hedges or hedgerows on the site boundaries shall be retained at a height to be agreed in writing by the Local Planning Authority. All hedges and hedgerows on or immediately adjoining the site shall be protected from damage for the duration of works on the site, by the erection of protective fencing in accordance with BS 5837:2012. Any parts of hedges or hedgerows removed without the Local Planning Authority's consent or which die or become seriously diseased or otherwise damaged within five years following completion of the approved development, shall be replaced as soon as is reasonably practicable and in any case, by no later than the end of the first available planting season, with plants of such size and species and in such positions as specified by the Authority.

Reason: To ensure the continuity of amenity afforded by existing hedges or hedgerows in accordance with policy EN1 of the adopted South Kesteven Core Strategy (July 20100).

Changes to Recommendation

The condition set out above is added to the recommendation.

SP2 - S13/0671

Proposal Erection of permanent storage unit.

Information Received

The District Archaeologist has stated that the planning application does not affect any known archaeological sites and therefore no archaeological intervention is required.

Officer Comments

No additional material considerations are raised by the representations.

Changes to Recommendation

No change to recommendation.

PWM1 - S12/2411

Proposal: Wind turbine (500kw, hub height 50m, height to blade tip 74m and rotor diameter 48m) and associated works

Summary of information received:

Revocation of RSS8

On the 20th March 2013, the East Midlands Regional Plan (RSS8) was formally revoked by the government. As a result the Development Plan for the South Kesteven area now comprises the South Kesteven Core Strategy.

National Trust (comments included in full)

Thank you for your letters of 1st March regarding additional information received relating to the above application for planning permission and more recently regarding the intention for the application to be considered by the Council's Planning Committee on 23rd April.

In terms of the relevant background to this application attention is drawn to the Trust's earlier submissions in its letter of 14th December 2012. In particular it is considered that the advice under the headings...:

- National Trust
- Belton Estate
- National Trust Approach to Renewable Energy
- Assessment of Impacts upon Belton
- Development Plan considerations

...remains largely as set out in that letter.

The principal differences since that time are twofold; namely a) the availability of additional visual assessments of the proposed turbine, and b) the ability to assess on site the impact of the turbine erected at Frinkley Farm.

Having reviewed the latest information National Trust remains concerned about the adverse visual impact of the proposed turbine upon the setting of cultural heritage assets upon the Belton Estate.

It is our view that the turbine erected at Frinkley Farm is quite prominent, especially when in sunlight, and that the moving rotors are a distracting element that draw the eye towards them and away from a full appreciation of the topographic and landscape setting in which Belton sits.

The proposed turbine would add to the distractions in the wider landscape and result in cumulative adverse impacts that in our view would result in harm to the heritage assets at Belton. We are not convinced that there would be an absence of any visibility from the whole of the roof of Belton House, in particular for the half of the year when deciduous trees are not in full leaf. More particularly the turbine would be a noticeable feature in views from below Bellmount Tower and from its purpose-designed viewing gallery. It is also likely that there will be some limited views of the turbine from within the parkland, especially when trees are not in leaf.

Turning to the Belton Setting Study it is firstly noted that the area of land on which the turbine would sit cannot itself be seen from either Belton House or Bellmount Tower. However, the turbine itself would be visible, in particular from the latter from where it would appear as a discordant feature significantly breaching the skyline over a subsidiary ridge line.

The application site is within the setting of Belton in respect of 'element five' – tall structures. Table 2 in the Setting Study states that these "Areas beyond the ridge lines and tree screens that contain the significant views" are "**exceptionally sensitive**" to tall structures where development "rises over the ridge line or ridge top tree line" (see also para 3.6.5 of the Study) – as is the case with the proposed turbine (for example, as demonstrated by the applicant's amended photomontages). It is noted that the Study's assessment of tall structures relates to those that are more than c. 32 metres high (9 x 3.5 metres – para 3.5) compared with the turbine height of 74 metres to blade tip.

In terms of assessing the impact of the proposed turbine it is noted that there are two railway lines and more particularly a run of pylons interposed between the proposed turbine and Belton; however, none of these existing features has a detrimental impact, for example as shown on the latest photomontages, but rather is contained within the topography. The turbine, despite being noticeably shorter than some on-shore turbines currently being proposed elsewhere, would nonetheless – like that at Frinkley Farm – be clearly visible from the Belton Estate, especially so from Bellmount Tower.

Although the erection of a single turbine would 'appear narrow in view' and 'appear isolated' (para 3.5.5, Setting Study) in this instance it would be clearly visible in views along the avenue from Bellmount Tower looking westwards towards Belton House. It is our view that the turbine, although not directly behind the House in this view, would nonetheless hang heavily over that primary view.

Overall therefore National Trust concludes that the proposed turbine would intrude into an exceptionally sensitive part of the setting of Belton and that in some views there would be a cumulative impact with the existing harmful

turbine at Frinkley Farm. As a result we consider that there would be clear harm to the collective heritage assets at Belton and in particular the views from Bellmount Tower which was purpose-built as a viewing tower.

We do not necessarily disagree with much of the assessment in the Committee report at page 127, i.e.:

“It is considered that the setting and significance of Belton House and Park would be harmed by the introduction of a second wind turbine into the designed vista, although by virtue of the significant distances involved, which lessen the impact, the harm would be less than substantial, and significantly less than the harm which would have resulted from the Thackson’s Well windfarm proposal.”

Nonetheless we are unable to agree that the level of harm is so insubstantial that it would be outweighed by the modest benefits of the renewable energy generated.

Having regard to the extent of the impact of the proposed turbine and relevant national and local planning policy in respect of both renewable energy development and cultural heritage considerations we are of the view that in this instance the adverse impacts of the proposed turbine at Marston Green are such that permission should be refused.

I would be grateful if you would ensure that these views are brought to the attention of Planning Committee members when they consider the planning application.

Further Representations from Members of the Public

20 x further letters of objections have been received, some of which were submitted following the submission of extra information and restated earlier objections. The issues raised have been discussed in the main report. Further clarification was sought on the choice of turbine and 2 local businesses have raised further concerns about shadow flicker.

Further Representation from Marston Parish Council

Marston PC have asked the following question: “how can members disclose interests for the Marston Turbine S12/1124 if they do not know who owns the farm/parcel of land at Marston and who are the local farmers in partnership with Yew Tree Farms?”

Issues raised by Members on Committee Site Visit

On the site visit Members requested clarification on the following: the height of the nearby pylons and details of how the proposal would be connected to the grid beyond the site.

Further Information submitted by the applicant

The applicant has submitted the following statement in response to the issues raised by objectors and others:

Yew Tree Farms is a local farm business based in Rutland with land across the County including the site at Green Lane and land to the east of Marston.

The smaller turbine (Enercon E33) that was originally planned is no longer available to purchased as it was discontinued last December. The proposed turbine is therefore the smallest Enercon turbine that is available. Our client has chosen an Enercon turbine as they are well established and proven to perform. There is also guaranteed operation and maintenance available for the proposed turbine going forward. With regards to grid connection capacity there is only 500kw of capacity available.

Unfortunately we do not know the height of the nearby pylons.

A substation building containing the turbine and distribution network electrical equipment will be located adjacent to the turbine foundation. Underground cables will link the wind turbine to the ground mounted substation building and the electricity distribution network. As discussed during our telephone conversation earlier today the grid connection design won't be fully determined until a later stage once planning permission has been granted and it becomes a project. The connection to the grid from the substation building to the point of connection will be part of the grid connection works covered by or under Western Power Distribution (WPD). WPD undertake their connection works under their provisions. WPD or an appointed Independent Connection Provider will therefore provide the cable from the substation building right up to the Point of Connection to the grid.

Officer comments on information received and issues raised

Revocation of RSS8

At the time of writing the original report, the East Midlands Regional Plan was still in force and on that basis, the relevant policies of the East Midlands Regional Plan were taken into account in the assessment of this planning application and in making the recommendation.

Notwithstanding the above, the removal of the regional layer of policy does not fundamentally change the assessment of this application or the recommendation. This is because the relevant policies of RSS8 referred to in the original report were consistent with planning policy at both national level (NPPF) and local level (South Kesteven Core Strategy) in respect of this application. Taking the above into account, it is recommended that all references to the policies of RSS8 be removed from both the summary and conditions.

Heritage

The comments from the National Trust (NT) were submitted at a very late stage in the process and further emphasise how finely balanced this case is in heritage terms. NT agree with the assessment of the Council's officers and English Heritage (EH) that there would be harm to the setting of Belton House and that it would be "less than substantial". However, whilst EH do not offer an opinion on whether the harm is outweighed by the public benefits, NT consider that it is not and that the proposal should be refused. Officers continue to be of the view that on balance the degree of harm is not quite sufficient to outweigh the public benefits and to warrant refusal although it would not be unreasonable to take a different view.

Identity of Applicant

The agent has confirmed that the applicant/landowner is a farming business based in Rutland who own and farm land east of Marston as well as the application site itself. The applicant has not stated that they are acting in partnership with any other local farmers in respect of this proposal although they do use as a justification the argument that the market tends to require high environmental standards. The design and access statement refers to buyers requesting support from suppliers to help meet environmental commitments. This is assumed to refer to the overall carbon footprint that the finished product has. Notwithstanding the above, the identity or motive of the applicant (which has been questioned by objectors) has no bearing on the acceptability or otherwise of this proposal or any other renewable energy proposal. National Planning Policy is very clear that the applicant does not have to demonstrate or justify the need for renewable energy as this is already enshrined in planning policy. It does not matter whether the end user is on or adjacent to the site or whether the power is fed directly into the national grid. The key point that is emphasised in planning policy is that any power generated from renewable sources, reduces the need for power which would otherwise have been generated from carbon sources. This is seen as a public benefit which should be given due weight.

Type of Turbine

The choice of turbine is considered to be a reasonable response by the applicant to the constraints of the site, availability of turbines and the operational requirements of the owner. It is considered unlikely that a different model of turbine with a 500kw rating would significantly reduce the impact.

Grid Connection

In respect of the grid connection, the substation and cable route to the site boundary is clearly shown on the plans. Any works beyond the application site can be carried out by the power distribution company under their “permitted development rights” as a statutory undertaker. This is also covered by other legislation in a similar way to sewage or other service connections to new developments.

Shadow Flicker

Whilst this has already been covered in the main report, it is important to note that the shadow flicker modelling plan is based on a worst case scenario which assumes a terrain free of obstacles such as vegetation, buildings and other structures. It also assumes permanently clear skies, the rotors being orientated in a particular direction and that the turbine would actually be operating on any given day. The advice given in the companion guide to PPS22 states that shadow flicker only occurs within buildings through narrow window openings during very limited periods of the year. There are no domestic properties within the shadow flicker zone shown on the plan. The nearest properties are industrial and storage premises (and associated yards) which are themselves partially screened by vegetation so would not be affected in the same way as a domestic dwelling with narrow windows. In any case only part of Marston Agricultural Services premises is shown to be within the zone which theoretically could be affected for between 20 & 60 hours per year. QK Cold Stores is well beyond this zone. Taking the above into account, the turbine would only cast shadows on Marston Agricultural Services on extremely limited occasions throughout the year. Shadow flicker would not in itself be sufficient to justify refusal as this could be controlled by condition if the evidence suggested that it would have serious adverse effects. However in this case it is considered that the impact from shadow flicker on these premises would be negligible and would not warrant such a condition.

Changes to recommendation

All references to the policies of RSS8 to be removed from the summary and conditions