

BOROUGH OF KETTERING

Committee	Full Planning Committee - 21/10/2014	Item No: 5.3
Report Originator	Alan Davies Development Officer	Application No: KET/2014/0401
Wards Affected	Rothwell	
Location	Woodfield Farm, Glendon Road, Rothwell	
Proposal	Full Application: 1 no. 60kW wind turbine	
Applicant	Mr P Blott	

1. PURPOSE OF REPORT

- To describe the above proposals
- To identify and report on the issues arising from it
- To state a recommendation on the application

2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED subject to the following Condition(s):-

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

2. The blade tip of the wind turbine hereby permitted shall not exceed 32m in height above ground level.

REASON: In the interests of protecting the natural environment, to minimise visual impact and impact to neighbouring amenity in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

3. The Local Planning Authority shall be notified in writing if the wind turbine hereby permitted fails to produce electricity for a continuous period of 12 months. This wind turbine and its associated ancillary equipment shall be removed from the site within a period of 6 months from the end of that 12 month period and the land restored to its former condition.

REASON: To prevent unnecessary landscape impact in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

4. The noise emitted from the wind turbine as measured in accordance with the guidelines stated within ETSU-R-97, at any dwelling in existence (at the time of this permission) not associated with the scheme, shall not exceed 35 dBLA90, 10 minutes at wind speeds within the site not exceeding 10 metres per second. The measurements and or calculations shall be made in accordance with the methodology detailed in ETSU-R-97.

REASON: In the interests of protecting residential amenity in the accordance

with Policy 13 of the North Northamptonshire Core Spatial Strategy.

5. At least 3 months before the development commences the developer shall provide the Local Planning Authority with written confirmation of the following details: i) the date when development is expected to commence; and ii) the maximum extension height of any construction equipment. Within fourteen days of the "first export date" the developer shall provide the Local Planning Authority with written confirmation of the following details: iii) the date of completion of construction; and iv) the position of that structure in terms of latitude and longitude.

REASON: In the interests of air safety in accordance with Section 4 of the National Planning Policy Framework.

6. No development shall commence on site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

REASON: To ensure that features of archaeological interest are properly examined and recorded in accordance with Paragraph 141 of the National Planning Policy Framework and Policy 13 of the North Northamptonshire Core Spatial Strategy.

7. The Local Planning Authority shall be notified in writing of the date when electricity from the development is first supplied to the grid and the development shall be removed from the site following the expiry of 25 years from that date: the turbine shall be decommissioned and the turbine and all related above-ground structures shall be removed from the site. Following the removal of the turbine and structures the land shall be re-instated in accordance with a Decommissioning Method Statement that shall first be submitted for the approval of the Local Planning Authority at least 18 months before the date of the decommissioning of the turbine. That method statement shall include details of the manner, management and timing of the re-instatement works to be undertaken. The removal works and the reinstatement of the site shall not be carried out other than in accordance with the approved scheme.

REASON: In recognition of the expected life of the proposal and to prevent an unacceptable impact on the landscape and the surrounding environment in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

Officers Report for KET/2014/0401

This application is reported for Committee decision because the proposal is a contentious application which, in the opinion of the Head of Development Services, is a matter for the decision of the Committee.

3.0 Information

Relevant Planning History

KET/2001/0942 – Resubmission: construction of replacement single dwelling. Approved 09/04/2002.

KET/2001/0527 – Construction of replacement single dwelling. Refused 02/08/2001.

KET/1998/0144 – Outline for demolition of existing farmhouse and associated buildings and erection of new dwellinghouse. Approved 23/06/1998.

Site Description

Officer's site inspection was carried out on 30/06/2014.

The application site is an agricultural field set within Woodfield Farm, Glendon Road, which is approximately 600m to the east of the edge of Rothwell and 1000m west of Glendon Hall. The northern boundary of the site faces onto Glendon Road and the vehicular access to the site has an ironstone feature wall and entry gates. This leads on to the house itself which sits back from Glendon Road by approximately 75m. Surrounding the house is agricultural land on all sides. 100m to the northeast of the Farmhouse, which is in fact a modern dwelling, is Oddstones, the nearest residential neighbour to the application. The surrounding land slopes downwards to the east and west along Glendon Road and towards both Rothwell and Glendon. The site also slopes downwards towards the south.

Proposed Development

It is proposed to install one 60kW wind turbine with a hub height of 22m and a blade tip height of 34m. The turbine will be a 'Tozzi Nord' turbine which will sit on a concrete base measuring 7m x 7m. The concrete base will be 1.25m deep. The turbine will be an off-white colour. No additional structures will be required with this proposal.

Any Constraints Affecting the Site

Nene Valley Nature Improvement Area Boundary

4.0 Consultation and Customer Impact

Rothwell Town Council

Objection. 'Rothwell Town Council objects to this proposal because the wind turbine and the noise would have a detrimental impact on our historic market town and on the landscape and wildlife in the area, and

would be too close to existing houses and the bridleway and stables in Violet Lane.

National Air Traffic Services

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS has no safeguarding objection to the proposal.

Ministry of Defence

The Ministry of Defence has no objections to the proposed development. If planning permission is granted we would like to be advised of the following: the date construction starts and ends, the maximum height of construction equipment and the latitude and longitude of the turbine.

English Heritage

No objection but general advice given in terms of determining the potential impact upon the Grade II* Glendon Hall, which is 1000m away to the east. The guidance emphasises the need to preserve the listed building or its setting or any features of special architectural or historic interest which it possesses.

NCC Archaeology

The County HER indicates scattered evidence for archaeological activity in the area. There is therefore potential for remains of archaeological interest to survive on the site. In this instance a condition for an archaeological programme is recommended. The proposed development will have a detrimental impact upon any archaeological deposits present. This does not however represent an over-riding constrain on the development provided that adequate provision is made for the investigation and recording of any remains that are affected.

Environment Agency

No comment.

Environmental Health

The noise assessment by Lifelong Energy dated 29/08/2014 gives a noise prediction based on the manufacturer's information. It predicts that the noise level at the nearest receptor will be approximately 35dB (A). The ETSU guidance recommends that for single wind turbines such a prediction should be accepted provided that the noise levels are predicted to be no more than 43 dB (A) at night time. In this case the guidance is applicable as the predicted noise level is somewhat lower than the ETSU standard. A condition is recommended requiring the exact turbine in the application to be installed.

Neighbours

Ten objections to the proposal have been received from neighbouring

residents. The comments include the following points:

- The proposal will have an adverse impact on surrounding properties and the Grade II* listed Glendon Hall.
- It will negatively impact highway safety.
- Will result in overshadowing of Oddstones.
- It is development of the open countryside.
- The turbine will generate electricity far in excess of the personal and business needs of the applicant.
- Property values will be affected by this project.
- Burton Wold wind farm already meets the 2020 wind-generated energy target for the Borough and so this single turbine is not necessary.
- You can see the turbine from my property (various comments).
- Noise from the turbine may affect my Sleep Apnoea.
- Shadow flicker will affect several properties to the north.
- The turbine will not benefit the 'farm business' as claimed.

5.0 Planning Policy

National Planning Policy Framework

Section 1. Building a strong, competitive economy

Section 3. Supporting a prosperous rural economy

Section 10. Meeting the challenge of climate change, flooding and coastal change

Section 11. Conserving and enhancing the natural environment

Section 12. Conserving and enhancing the historic environment

Development Plan Policies

North Northamptonshire Core Spatial Strategy

Policy 9. Distribution & Location of Development

Policy 13. General Sustainable Development Principles

Policy 14: Energy Efficiency and Sustainable Construction

Local Plan

7. Environment: Protection of the Open Countryside

SPG's

North Northamptonshire Biodiversity SPD

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of development
2. Design, character and appearance
3. Residential amenity
4. Biodiversity
5. Heritage

1. Principle of development

The application site is located outside of any designated settlement boundary and within open countryside. Policy 7 of the 1995 Local Plan for Kettering Borough restricts development in the open countryside and Policy 9 of the North Northamptonshire Core Spatial Strategy state that development outside of settlement boundaries should be strictly controlled. Therefore existing development plan policies which seek to prevent development within the open countryside appear to be contrary to this proposal. However, wind turbines, by their very nature, create some noise and stand out. Suitable sites in existing urban areas are limited and therefore sites within the open countryside are often the most suitable. National planning policy is generally supportive of such proposals as they seek to realign energy generation to more sustainable and less carbon-based forms such as wind, tidal and solar.

Section 10 of the National Planning Policy Framework specifically supports the delivery of renewable and low carbon energy and associated infrastructure. It states that this is central to achieving sustainable development across the country. Paragraph 98 of Section 10 adds that when determining applications Local Planning Authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy and must instead recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. It continues that an application should be approved, unless material considerations indicate otherwise, if the impact of the proposal is, or can be made acceptable. Matters such as whether the land is currently farmed or whether the electricity will be used by the applicant or sold to the national grid are not material considerations in the determination of this application.

The National Planning Practice Guidance (2014) identifies particular planning considerations when determining applications for wind turbines including assessing the noise impact, safety (i.e. aircraft safety), interference with electronic equipment (TV, radio etc), risk to birds and bats, impact on the setting of heritage assets, shadow flicker, energy output, the cumulative landscape impact and the eventual decommissioning. Those aspects above that are relevant to this proposal are discussed in further detail later in this report and several conditions are proposed in order to ensure that the negative impact of this turbine is mitigated. With the imposition of said conditions it is considered that the proposal complies with the guidance set out in the NPPG.

Despite the location of the proposal in open countryside the benefits it

will deliver by generating renewable energy, as well as its small scale (34m to the blade tip), the proposal is considered to be fully in accordance with national planning guidance contained with Section 10 of the National Planning Policy Framework. Development Plan Policy 9 of the North Northamptonshire Core Spatial Strategy and Policy 7 of the 1995 Local Plan for Kettering Borough deal with a general principle controlling development in open countryside. It is considered that the proposal which, by its very nature, is far more suitable in less-densely populated areas will help to achieve nationally and regionally set targets to reduce carbon emissions, subject to satisfying the planning considerations identified above.

2. Design, character and appearance

Policy 13(h) of the North Northamptonshire Core Spatial Strategy requires development to respect and enhance the character of its surroundings. It must also be 'in accordance with the Environmental Character of the area'. Policy 13(o) meanwhile requires that development conserves and enhances the landscape character. Therefore the onus is on the developer to ensure any proposals do not result in a detrimental impact upon the surrounding landscape.

The application site is in a rural location in the open countryside in an agricultural field which although not currently farmed is part of Woodfield Farm. There are no designated archaeological sites, Scheduled Ancient Monuments, Conservation Areas or historic parks within a 1000m radius of the site. There are no SSSI's or designated Wildlife Sites in close proximity to the site either. The closest Listed Building is Glendon Hall, a Grade II* building that is approximately 1000m east of the site. The photomontages submitted with the application help to assess the visual impact of the design of the turbine and how it will affect the surrounding landscape. An assessment of how the proposal will affect Glendon Hall is included in section 5 of this report and therefore this section deals solely with the design and how it impacts upon the surrounding landscape. Ten objections to the proposal have been received and whilst not all objections are material planning considerations all of them have referred to the visual impact this turbine will have upon the character of the local landscape.

The proposed turbine is 34m in height to the blade tip, although the hub will be at a height of 22m, which is more perceptible due to the additional bulk of the structure at this level. The hub will be higher than existing trees surrounding the proposal and as a result, as Photomontage 3 demonstrates, both the hub and the blades will be visible from certain locations within a 1000m radius from the turbine, dependent upon the topography and existing visual barriers. The turbine will be clearly visible from the dwelling associated with the application site, although the impact upon the next nearest dwelling, Oddstones, will be somewhat minimised by existing mature vegetation surrounding the boundary of the property, which will visually screen at least the bottom half of the turbine.

The blades above the hub of the turbine will be visible from the rear garden of Oddstones. Whilst there is no 'right to a view' in planning and therefore objections based on this proposal spoiling views from this dwelling are not material planning considerations, Policy 13 of the North Northamptonshire Core Spatial Strategy does however require the Local Planning Authority to consider whether any new development would have an overbearing impact upon neighbouring residents. The top half of the proposed turbine, including its hub, would be visible above the vegetation along the boundary. However, it will be approximately 210m away which is considered to be a significant distance to minimise the impact of overbearing.

The turbine would be approximately 10m higher than existing telegraph poles within the vicinity. Due to the ground levels in this location which fall towards the south and east and the dense hedgerows along either side of Glendon Road only intermittent views of the top part of the turbine would be visible from the public highway as Photomontage 1 shows. In some fields of vision, such as the locations of Photomontages 2 (outskirts of Rothwell), 5 (Glendon Hall) and 6 the turbine would be hidden from view due to the topography of the land. Photomontages 3 and 4 show that the turbine would be visible – although Photomontage 3 – which is taken from Glendon Hill Farm would appear to be set in the distance and would not have an overbearing impact upon the residents of Glendon Hill Farm.

Photomontage 4, which is taken from the northeast on Glendon Road, is the public area that will have the greatest visual impact. It is however not considered that this view would cause visual detriment to any designated heritage assets or local residents. As the proposal is relatively small and a slender structure the design and cumulative visual impact upon all neighbours and public highway in the area is considered to be acceptable.

There are no affected footpaths within a 1000m radius of the site. The proposal is therefore unlikely to have a significant impact on the character of the area to warrant the refusal of planning permission due to the ground levels and the abovementioned intermittent screening. The proposal is thus considered to be in accordance with Section 10 of the National Planning Policy Framework and Policy 13 of the North Northamptonshire Core Spatial Strategy in respect of design and appearance.

3. Residential amenity

Policy 13(l) of the North Northamptonshire Core Spatial Strategy requires that development does not result in an unacceptable impact upon neighbouring amenity or the wider area. The closest residential properties to the application site are the applicant's own dwelling, Woodfield Farm, which is approximately 140m to the north, 'Oddstones' approximately 210m to the north and Glendon Hill Farm, approximately

350m to the northwest. Due to the distance of the proposal from the residential properties, despite the occupants having views to the turbine, due to the height of the turbine, existing mature vegetation and the distance away from the properties the turbine will not have a significant impact on the amenity of these properties.

The greatest impact upon amenity will be upon the dwelling to the immediate north, which is the applicant's own property. The greatest impact will be from shadow flicker, but this will only have a minor impact and it only occurs infrequently when the sun is shining and at a low level in the sky. As such the detriment is considered to be minimal and in any event the turbine can be controlled to prevent instances of shadow flicker occurring in the first place. The location of both 'Oddstones' and Glendon Hill Farm, which will not be within 130 degrees either side of north of the turbine means that neither of these properties will experience shadow flicker from the turbine. The angle from the properties and the distances involved also means that the turbine will not have an overbearing impact on these dwellings as a result of its size or location. As such it is considered that the proposed location and type of turbine will not have a detrimental impact upon the amenity of residents in this respect.

With regards to noise Environmental Health raise no objections as the predicted noise generated is somewhat lower than that considered to be acceptable in the ETSU guidance, which is nationally-set guidance for determining the acceptability of the noise impact from wind turbines. A condition has been recommended requiring that this exact model is installed. However, that is not considered to be a justified condition as the manufacturers specification could change in the intervening period, thus resulting in a permission that cannot be implemented. As such it is considered that a condition requiring the noise output of the turbine to be restricted to a maximum level of 35dB (A) in line with the manufacturers own data should be imposed. Provided that this condition is complied with the impact upon the amenity of residential neighbours will be minimal. The proposal is therefore considered unlikely to have a significant detrimental impact on the amenity of neighbouring properties in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

4. Biodiversity

Section 11 of the National Planning Policy Framework requires development to minimise its impact upon biodiversity with particular regard to protected species and the impact upon Sites of Special Scientific Interest (SSSIs). The submitted Design and Access Statement includes a short section on Ecology and Nature Conservation. Following national guidance in Natural England's Technical Information Note TIN051 the site has been assessed through Natural England's interactive mapping system (MAGIC). The conclusion of the assessment is that the site is not situated in a protected habitat area, nor is it close to one. As a result the Design and Access Statement

concludes that the development does not present a risk to protected sites.

The Local Wildlife Trust has been consulted upon this application but has yet to respond. However, the response from the Local Wildlife Trust is likely to consider whether the site has been assessed against 'Bats and onshore wind turbines Guidance' Technical Information Note (TIN051), produced by Natural England, and as it has the response is likely to be positive. This will be updated at committee.

Natural England refers to Paragraph 118 of the National Planning Policy Framework which states that Local Planning Authorities should aim to conserve and enhance biodiversity. Given the size and scale of the turbine, its limited impact on biodiversity and its positive contribution to the production of renewable energy the proposal is considered acceptable. In accordance with Section 10 of the National Planning Policy Framework it is considered that no additional biodiversity enhancements will be required in this instance. The proposed development is therefore considered to be in conformity with Section 11 of the National Planning Policy Framework too and also Policy 13(o) of the North Northamptonshire Core Spatial Strategy.

5. Heritage

Within a 1500m radius of the site there is only one designated heritage asset: the Grade II* Listed Glendon Hall. This is approximately 1000m to the east of the proposed turbine. The impact, as a result, will be the visual impact upon the setting of the historic building only. English Heritage have provided some guidance as how to best assess the impact and refer to the requirement for Local Planning Authorities to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses. In order to do this the applicant has provided a photomontage taken from the grounds of Glendon Hall. It demonstrates that whilst a small section of the tip of the blade will be visible from the westernmost point of the grounds of Glendon Hall it will merge into the landscape and will appear as a small, distant object on the horizon. It is not considered that such a small, unobtrusive object will have a detrimental impact upon the setting of Glendon Hall.

However, the setting of a Listed Building is not solely what can be seen from the setting, but it is also what objects can be viewed from certain vantage points towards the Listed Building and its setting. As Glendon Hall does not have an imposing impact upon its setting and surrounding landscape – and the turbine is equally small – there will not be any vantage points in which the turbine and the Hall will be viewed together. Therefore it is considered that the proposal will not have a detrimental impact upon the setting of this Grade II* Hall as required by Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is therefore considered to accord with Section 12 of the National Planning Policy Framework and Policy 13 of the North

Northamptonshire Core Spatial Strategy.

Other Matters

Consideration has been given to the presence of a single turbine relative to any others approved. The nearest approved turbines will be at Rushton, but that is 4km away and there is no continuous footpath or direct road link between the two, therefore the proposed turbine will not be viewed in the same vistas as the approved wind farm. At the end of the expected lifetime of the structure, which is considered to be 25 years, the structure will be removed from site and all supporting structures decommissioned, which is required by condition.

Conclusion

On balance the proposal is considered to accord with Sections 10, 11 and 12 of the National Planning Policy Framework, Policies 1, 9, 13 and 14 of the North Northamptonshire Core Spatial Strategy and Policy 7 of the 1995 Local Plan for Kettering Borough. The proposal is therefore recommended for approval.

**Background
Papers**

Title of Document:

Date:

Contact Officer:

Alan Davies, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: