

BOROUGH OF KETTERING

Committee	Full Planning Committee - 19/01/2016	Item No: 5.2
Report Originator	Alan Davies Development Officer	Application No: KET/2015/0857
Wards Affected	Slade	
Location	Mawsley Lodge Farm, Harrington Road, Loddington	
Proposal	Full Application: 1 no. wind turbine (small scale) with a 24 metre high hub and 27.75 metre tip	
Applicant	Mr I Rhodes	

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 wind turbine hereby permitted shall be installed in accordance with the approved details and maintained thereafter in the approved form. No changes shall be made to the specification, height, location of the turbine or the topography of the development site other than by prior written approval from the Local Planning Authority. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 no further turbines other than those specified in this permission shall be installed on the site without a separate planning permission from the Local Planning Authority.

REASON: To prevent the proliferation of turbines in this rural location which could result in a detrimental impact upon the character of the surrounding landscape contrary to Policy 13 of the North Northamptonshire Core Spatial Strategy.

3. The total noise emitted from this and the previously approved turbine (KET/2013/0202), as measured in the guidelines stated within ETSU-R-97 at any dwelling in existence (at the time of this permission) within a 2km radius of the

proposed turbine outside of the blue line as shown on drawing LA10-2, shall not exceed 35dBLA90, 10 minutes at wind speeds within the site not exceeding 10 metres per second at 10m height. The measurements and/or calculations shall be made in accordance with the methodology detailed in ETSU-R-97. The assessment and rating of noise from wind farms, in particular the noise emission values for the wind turbine, shall include the addition for any tonal penalty as recommended in the same document.

REASON: In the interests of protecting residential amenity in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

4. The noise emitted from the wind turbines as measured in accordance with the guidelines stated within ETSU-R-97, at any dwelling in existence (at the time of this permission) within the blue line as shown on drawing LA10-2, shall not exceed 45dBLA90, 10 minutes at wind speeds within the site not exceeding 10 metres per second at 10m height. The measurements and/or calculations shall be made in accordance with the methodology detailed in ETSU-R-97. The assessment and rating of noise from wind farms, in particular the noise emission values for the wind turbine, shall include the addition for any tonal penalty as recommended in the same document.

REASON: In the interests of protecting residential amenity in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

5. The Local Planning Authority shall be notified in writing if the wind turbine fails to produce electricity for supply to the electricity grid for a continuous period of 12 months. The 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 site restored, in accordance with a scheme that shall first be submitted to and approved in writing by the Local Planning Authority. That scheme shall include the details of the manner, management and timing of the works to be undertaken and details of restoration.

REASON: To ensure the proposal does not have a detrimental impact on quality of life or the natural environment in accordance with Policies 7, 10, 11 of the National Planning Policy Framework and Policy 13 of the North Northamptonshire Core Spatial Strategy.

Officers Report for KET/2015/0857

3.0 Information

Relevant Planning History

KET/2013/0202 – 1 no. 30 metre high wind turbine. Approved 08/05/2013.

KET/2010/0343 – 1 no. 30 metre high wind turbine. Approved 16/07/2010.

Site Description

Officer's site inspection was carried out on 27/10/2015.

The site comprises agricultural land set within open countryside, approximately 300m west of the village of Loddington. The area is undeveloped and rural in appearance and slopes downwards to the south east. The site lies 85 metres to the south of the northern boundary of the agricultural field, the boundary formed by an established hedgerow. To the north of the hedgerow is a public highway, Harrington Road. The access track and buildings associated with Mawsley Lodge Farm stand to the east with further isolated residential properties approximately 350m to the south.

Proposed Development

It is proposed to erect one single wind turbine with a 24 metre high hub and 27.75 metre blade tip. The turbine will be connected to Mawsley Lodge Farm via an underground cable.

Any Constraints Affecting the Site

Open Countryside.

4.0 Consultation and Customer Impact

Loddington Parish Council

Object: The Council are surprised that the site needs to produce 125000kWh to meet the site's future energy demands. The proposal could have a detrimental impact upon the village, including the Conservation Area, its Listed Buildings and areas of Historically and Visually Important Open Space (see Site Specifics LDD). Rothwell Airstrip is not mentioned in the application. According to Civil Aviation guidelines the minimum permitted distance from an aerodrome with a runway of less than 800 metres is 3km. The distance between the airstrip and Mawsley Lodge Farm is 2.6km. Policy 13 of the North Northamptonshire Core Spatial Strategy requires that sustainable development 'conserves and enhances the landscape character'. The Council does not believe that this requirement will be met if this turbine is approved.

Ministry of Defence

No objection. If permission is granted the MOD wish to be notified of the date construction starts and ends, the maximum height of construction equipment and the latitude and longitude of every turbine.

Environmental Health

No objection. Three conditions are proposed to mitigate against the noise impact and thereby protect the amenity of nearby residents.

Neighbours

One objection has been received from a neighbouring resident regarding the distance of the turbine from Rothwell Airstrip.

5.0 Planning Policy

National Guidance

National Policy Statement for Renewable Energy Infrastructure (EN-3)
Overarching National Policy Statement for Energy Infrastructure (EN-1)

National Planning Policy Framework

Policy 4: Promoting sustainable transport

Policy 7: Requiring good design

Policy 10: Meeting the challenge of climate change, flooding and coastal change

Policy 11: Conserving and enhancing the natural environment

Policy 12: Conserving and enhancing the historic environment

Development Plan Policies

North Northamptonshire Core Spatial Strategy

Policy 1: Strengthening the Network of Settlements

Policy 5 Green Infrastructure

Policy 9: Distribution and Location of Development

Policy 13: General Sustainable Development Principles

Policy 14: Energy Efficiency and Sustainable Construction

Local Plan

Policy 7: Protecting Open Countryside

Emerging Joint Core Strategy

Policy 26: Renewable and Low Carbon Energy

Other Material Planning Considerations

NPPG: Paragraph 33 of the Renewable and Low Carbon Energy Section
Written Statement (HCWS42) on 18th June 2015 by Greg Clark on Wind
Turbines

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of Development
2. Visual Impact
3. Noise
4. Heritage
5. Other Matters Considered

1. Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that Local Planning Authorities must determine applications for planning permission in accordance with the Development Plan, if regard is had to the plan, unless material considerations indicate otherwise. It is noted that the principle of development for a 30m high wind turbine at the site was established through the grant of planning permission under application KET/2010/0343 which was then renewed under permission KET/2013/0202 and was considered against the current Development Plan and the National Planning Policy Framework. This latest application seeks permission for a second turbine.

Policy 14 of the North Northamptonshire Core Spatial Strategy states in Paragraph 4.14 of the supporting text that proposals for new wind energy development in North Northamptonshire will, in principle, be considered favourably. Policy 13 of the North Northamptonshire Core Spatial Strategy also provides support, subject to specified sustainable development principles being applied. These include requirements for a high standard of design, development that seeks to protect the character and appearance of the surrounding area, the requirement to preserve the historic environment and for any impact resulting from noise generated by development to be mitigated.

Whilst Saved Policy 7 of the 1995 Local Plan for Kettering Borough does not give support to new development within open countryside unless provided for elsewhere within the plan, the support given to renewable energy development through Policies 13 and 14 of the North Northamptonshire Core Spatial Strategy are considered to outweigh the restrictive approach of saved Policy 7 of the 1995 Local Plan for Kettering Borough in this case. Also, it is far more appropriate to locate wind turbine development outside of settlement boundaries, subject to specific material considerations being satisfied. As such it is considered that the proposal is broadly in accordance with the Development Plan.

At the national planning policy level Policy 10 of the National Planning Policy Framework is generally supportive of renewable energy development, subject to impacts of the development being acceptable or capable of being made acceptable. In particular Paragraph 97 sets out that *'local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources'* and that LPA's should

'consider identifying suitable areas for renewable and low carbon energy sources....' Paragraph 98 also states that LPA's should *'approve the application if its impacts are (or can be made) acceptable, unless material considerations indicate otherwise'*.

The Core Planning Principles of the National Planning Policy Framework (Paragraph 17) states that Local Planning Authorities should support the transition to a low carbon future in a changing climate, for example by the development of renewable energy. The applicant has demonstrated in the submitted Design and Access Statement that this proposal will enable the associated dwelling to be almost carbon neutral in terms of electricity requirements and that excess electricity generated will be sold back to the national grid as sustainably generated power. The principle of the proposal is therefore in accordance with the Core Planning Principles of Paragraph 17 of the National Planning Policy Framework.

The Written Ministerial Statement by The Secretary of State on June 18th 2015 states that any new applications for wind energy development should only be granted where development is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan and, following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.

Paragraph 33 of the National Planning Practice Guidance of the Renewable and low carbon energy section (Reference ID: 5-033-150618) states that whether the proposal has the backing of the affected local community is a judgement for the Local Planning Authority. Both National Planning Policy Guidance and the Ministerial Statement are material planning considerations. However, whilst the Local Planning Authority has not allocated or identified the application site as a location suitable for new wind energy development either within an existing or emerging Local Plan or Neighbourhood Plan Policy, the overall policy weight in support of the proposal is considered to be significant. By comparison the Ministerial Statement is not part of the Development Plan and is therefore afforded little weight.

2. Visual Impact

The proposed turbine will be smaller in size and scale than one recently erected by the applicant less than 100 metres away. Permission for that turbine was initially granted in 2010 under KET/2010/0343 and subsequently in 2013 when that original planning permission was not implemented. The 2013 permission approved a turbine with a 42 metre high blade height and 30 metre hub height. This latest proposal is for a turbine with a hub height of 24 metres and a blade tip height of 27.75 metres. The applicant has submitted four visuals with the application that demonstrate how the proposal will look next to the recently erected larger turbine, thereby enabling an assessment of the cumulative visual impact of the two turbines to be made. It is considered that the visual impact of the proposal is acceptable, the latest proposal appearing less dominant and noticeable in the landscape than the existing turbine in all views towards the site, and both turbines appearing far less dominant within

the landscape than the existing electricity pylons nearby.

In addition to the four visual representations of the two turbines post-installation the applicant has submitted a supporting Planning Statement which has objectively assessed the visual impact of the proposal and has concluded that viewpoint D, which is the property known as Langham House within the village of Loddington, will experience the greatest impact visually. This is considered to be minor-negligible based on the distance between the property and the proposed turbine and the scale of the proposal. The other area that will be affected slightly is Harrington Road itself and the users of this road. This has been identified as a minor impact and would certainly not be harmful, again primarily due to the distance between the proposal and the road and also the scale of the turbine: 27.75 metres to the tip. Therefore it is considered that neither the proposal nor the cumulative impact of the proposal in combination with the previously consented larger turbine would conflict with Policy 7 of the National Planning Policy Framework and Policy 13 of the North Northamptonshire Core Spatial Strategy in respect of visual impact.

3. Noise

The supporting information contains sufficient information to consider the noise impact of the proposed turbine which has been fully assessed by Environmental Health. The conclusions drawn indicate that with the imposition of three conditions the noise impact of the turbine and the cumulative impact of the two turbines can be controlled to an acceptable level. As such the proposal does not conflict with Policy 11 of the National Planning Policy Framework and Policy 13 of the North Northamptonshire Core Spatial Strategy in respect of noise.

4. Heritage

The application site is 550 metres from Loddington Conservation Area and at least 600 metres from the nearest Listed Building, St Leonard's Church. Due to the topography of the area, the areas of mature vegetation between the proposed turbine and the designated heritage assets and the small scale of the turbine it will not be visible from these assets or visible within the setting of these assets. As such, as assessed in the accompanying document with this application, the proposal will have no direct impact upon the assets or their settings. The cumulative impact of the existing and proposed turbines has also been considered. The submitted visuals demonstrate that the turbines will not be visible from any of the nearby heritage assets and as such the cumulative impact upon heritage is also considered to be negligible and certainly not a justified reason for refusal. It is considered that the supporting Design and Access Statement has adequately assessed the impact upon heritage and no further reports are required. The proposal is therefore considered to accord with Policy 12 of the National Planning Policy Framework and Policy 13 of the North Northamptonshire Core Spatial Strategy in respect of heritage.

5. Other Matters Considered

The objections to the proposal from Loddington Parish Council include the impact upon designated heritage assets and visual/landscape impact. The objections to the proposal on the grounds of the heritage and visual impacts

have been considered. However, as assessed above in Sections 2 and 4 of this report it is considered that the proposal will not have unacceptable impacts upon heritage or the visual appearance of the area. Whilst the proposed turbine will be visible and therefore will have an impact it is located on flat ground, relatively well screened and is of a scale to not become a dominant, alien feature in the landscape. The cumulative impact of this turbine along with the existing will not alter the character of the area, although should further turbines be proposed the impact would have to be fully-assessed at that point. As such it is acknowledged that the proposal, which will be one of two turbines in this area, will have a visual impact, but that in this particular location it will not be harmful to the landscape character.

In terms of the impact upon Rothwell Airstrip the Ministry of Defence were consulted and have not objected to the proposal. The Civil Aviation Authority are no longer consulted on small scale turbine applications and instead produce guidance in the form of CAP 764 which obliges licensed aerodrome operators, such as Rothwell Airstrip, to designate and inform Local Planning Authorities of 'Obstacle Limitation Surfaces'. Chapter 5, as referred to by a local objector, simply requires operators of unlicensed airstrips within 4km of a proposed turbine to engage with the Local Planning Authority and applicant to ensure that the proposal will not affect the use of the airstrip. The suggested means of engagement is for the airstrip operator to subscribe to the Local Planning Authority's weekly list. In this particular case the operator of the airstrip has not made representations to the Local Planning Authority and the guidance is clear; an unlicensed airstrip falling within a radius of 4km from the airstrip does not indicate that the proposal should be refused. It is simply a guide for the operators of airstrips as to when to engage with the Local Planning Authority regarding wind turbines.

Conclusion

The objections of Loddington Parish Council have been considered and the matters raised have been addressed. The above, detailed assessment demonstrates that the proposal is in accordance with the policies of the Development Plan and the National Planning Policy Framework. The advice in the National Planning Practice Guidance and the Ministerial Statement is not considered to outweigh the Development Plan in this case. 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: