

Full Planning Committee - 27 March 2012

Agenda Update

At 3pm this afternoon the Government notified all Local Planning Authorities it had withdrawn existing Planning Policy Statements (PPS) and all Planning Policy Guidance notes (PPG's) and replaced them with a single National Planning Policy Framework (NPPF) with immediate effect. In addition, the Government issued a separate detailed planning policy document with regard to Gypsies and Travellers: '*Planning Policy for Traveller Sites*' which also came into effect today.

The statutory basis for determining planning applications has **not** changed - S.38(6) Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Council's Development Plan unless material considerations indicate otherwise. The new NPPF is a statement of national planning policy and as such it is a material consideration in the determination of all planning applications.

With regard to items 5.1 and 5.3, these relate to applications for Gypsy/Traveller sites for which as mentioned earlier there is a new separate detailed planning policy document. In the interests of allowing Members and the wider community to have time to absorb and consider the implications of the new '*Planning Policy for Traveller Sites*' these two items have been withdrawn from the agenda to be considered at a later date.

Your officers have carefully reviewed the applications and agenda reports and (other than items 5.1 and 5.3) they confirm that the recommendations to approve/and to take enforcement action are in accordance with the policy guidance in the NPPF. Accordingly; all references to PPG's and PPS's in reports should also be taken to include reference to the NPPF.

5.2 **KET/2011/0082**
Arable field at Cranford, Cranford

No update

5.4 **KET/2011/0423**
Goodys, Hallwood Road, Kettering

A consultation response has been received from Kettering Borough Council Refuse Department confirming that the details included as part of the application in respect of refuse storage/ collection are acceptable. It is therefore recommended that condition 6 be reworded as follows:-

C6 Development shall not be carried out other than in accordance with the approved scheme for the storage of refuse and recycling. The approved scheme shall be provided before first use of the building and retained as approved thereafter.
REASON: In the interests of general amenity in accordance with policies 13(h) and (l) of the North Northamptonshire Core Spatial Strategy.

5.5 KET/2011/0506

Glendon Farm (land at), Near Burton Latimer

Page 84, condition 1: delete "3 years", replace with "5 years".

Page 89, last paragraph, first line to read: "The proposal is submitted with an Environmental Statement and is significantly"...

KBC Environmental Services Manager recommends that the attached schedule of 6 noise conditions are imposed in order to control noise levels to within existing background noise levels in the interest of residential amenity.

A briefing note from the applicant has been circulated to Members which summarises points already included within the officer report.

It also refers to a community benefit fund of £575,000 the applicant is offering to be administered locally. While it would be a welcome contribution for the benefit of the community it is not a requirement of planning policy and hence not required in order to make the development acceptable and is outside the scope of planning control. A similar community benefit scheme is in operation for the existing wind farm.

5.6 KET/2011/0672

The Dales, Green Lane, Ashley

One further letter of objection raising the following concerns:

- Sustainability.
- Inappropriate siting.
- Additional planting should be required to the northern boundary.

5.7 KET/2011/0744

Dairy Farm, St Andrews Lane, Cranford

No update

5.8 KET/2011/0748

Dairy Farm, St Andrews Lane, Cranford

Reasoned Justification:

"All material considerations have been assessed including the degree of harm to the setting of a heritage asset in the form of a listed building. The public benefits of such harm have been weighed with the benefits of securing repair to a grade II* lb. The proposal is therefore in accordance with national PPS 1, 5, 9, and local policies as set out in Planning Policy 1,2, 27 of The East Midlands Regional Plan, Policy 13 of the North Northamptonshire Core Spatial Strategy and saved Policy RA3 of the Local Plan for Kettering Borough. The proposal is also in accordance with adopted Sustainable Design SPD, and Biodiversity SPD."

5.9 **KET/2012/0014**
106 Dunkirk Avenue, Desborough

No update

5.10 **KET/2012/0016**
172 Neale Avenue (land adj), Kettering

20/03/2012

Additional comments received from objector at No.163 Neale Avenue regarding parking provision at the site.

All issues raised already included in Officer's report.

5.11 **KET/2012/0053**
5 Bramble Close, Kettering

No update

5.12 **KET/2012/0082**
The Elms, Isham Road, Pytchley

No update

5.13 **KET/2012/0104**
27 Kettering Road, Broughton

Broughton Parish Council - response received 26th March 2012.

Object to the proposal due to the likely adverse impacts upon residential amenity. It is considered that the proposed development will result in the loss of privacy especially for No.25. It will also have an overbearing relationship with adjacent properties. Parking in this location is already inadequate and the creation of additional habitable space can only exacerbate this to the detriment of amenity for all residents. Councillors are also concerned that the accommodation will be used for inappropriate commercial activity given the level of non-residential use already occurring at the property which neighbours have confirmed does presently affect amenity.

5.14 **KET/2012/0132**
Magnetic Park, Desborough

No update

Kettering Borough Council

Environmental Health

Internal Memorandum

To: Tom Shields
From: Mr Chris Stopford
Environmental Services Manager
Copy to: Planning
Our ref: 110202
Your ref: KET/2011/0506
Ext: 01536 534280
Date: 26 March 2012

Applicant: Mr Lindlahr
Location: Burton Wold Wind Farm Extension (South), Land at Glendon Farm, Burton Latimer
Proposal: Full Application - Erection of 5 no wind turbines (100m high to the tip of a rotor blade in vertical position). Provision of crane hardstandings, control building, substation, underground cabling, temporary construction compound, widening of the existing site access, new site access tracks and permanent 65m high anemometer mast

I write further to the review of the five wind turbines on land at Glendon Farm, Burton Latimer. Having reviewed this application I am in a position to recommend conditions for consideration as part of any determination of this application.

Operational Noise Impact

Noise from the future operation of the wind farm has been assessed in accordance with the ETSU-R-97 *The assessment and rating of noise from wind farms*. The assessments being undertaken at Black Lodge Farm, 11C Durrants Drive, Poplar Lodge Farm, Ash Cottage, Top Lodge Farm, and Burton Latimer Cemetery. The assessment demonstrates that the levels of noise from the operation of the wind farm are below the ETSU-R-97 Night-time Absolute Noise Criteria, and Amenity Hours Upper Absolute Noise Criterion. The assessments have been based on the sound power levels for the 2.3 MW Enercon E70 wind turbine, however as the market progresses this may change and therefore conditions are recommended, as below:-

1. Prior to the commencement of the development final details of the wind turbines to be installed and their exact position(s) within the site shall be submitted to and approved in writing by the Local Planning Authority. Where the turbines are not 2.3 MW Enercon E70 wind turbines a full update of the noise assessment, as contained in the Environmental Statement shall be submitted. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General permitted Development) Order 1995 (or as amended) no further wind turbines other than those specified shall be installed on the site, under or in accordance with Part 8 of the Schedule to that Order, without a separate planning permission from the Local Planning Authority.
2. The noise emitted from the combined effects of all 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) not associated with the scheme, shall not exceed the greater of 35 dBLA_{90, 10 minutes} or 5 dBA above background noise (LA_{90, 10 minutes}) at wind speeds within the site not exceeding 10 metres per second for day time periods and shall not

exceed the greater of 43 dBLA_{90, 10 minutes} or 5 dBA above background noise (LA_{90, 10 minutes}) at wind speeds within the site not exceeding 10 metres per second for night time periods. 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 turbines shall include the addition for any tonal penalty as recommended in the same document. The background noise levels shall be those measured and stated within the Burton Wold Wind Farm South, Environment Statement – Chapter 9 Noise and Vibration Assessment, dated April 2011 .

3. Prior to development commencing, a scheme detailing the methodology for the monitoring of noise emitted from the use hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that (a) person(s) agreed by the Local Planning Authority to be suitably competent, shall carry out noise monitoring at the nearest noise sensitive premises outside the curtilage of the development, or other location agreed prior to monitoring with the Local Planning Authority, to ensure compliance with condition 2.

The monitoring required shall be carried out within three months of the commissioning of the turbines, and thereafter at least once every twelve months, and at other times in response to notification by the Local Planning Authority that a complaint has been received relating to noise emissions from the wind turbines.

Within one month of any of the above monitoring or modelling, a report detailing the results of noise monitoring or modelling shall be submitted to the Local Planning Authority.

Note: Pursuant to condition 3, the measurement or noise emissions from the wind turbine (inclusive of existing background noise) shall use an LA90 index over a minimum of 20 periods each of 10 minutes duration, at varying wind speeds across the operational range of the wind turbines at the location hereby approved. Measurement of noise emissions shall be made in consecutive 10 minute periods provided that they fall within the wind speed defined in this clause. 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.

Construction Noise

For a construction project proposed to last some 6 months, with significant vehicular access and heavy plant operations. Details of the assessment of the impact of the likely construction activities for the development are given in Chapter 9 of the Environmental Statement, whilst these are considered acceptable compliance with this assessment should be secured by condition. Therefore the following conditions are recommended:-

4. No construction shall be undertaken as part of this development except in accordance with the noise and vibration assessment and mitigation contained within the Burton Wold Wind Farm South, Environment Statement – Chapter 9 Noise and Vibration Assessment, dated April 2011.
5. All construction works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 07:30 and 19:00 Mondays to Fridays and between the hours of 08:00 and 13:00 on Saturdays and at no times on Sundays and Bank Holidays, without the prior approval of the Local Planning Authority and the completion of any additional measures required by the Local Planning Authority in permitting construction outside the hours specified in this condition

6. No works to decommission to development shall commence until a scheme for the protection of nearby residential dwellings, both outside and within the development curtilage, from noise resulting from the decommissioning of the wind turbine farm, has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be completed before the commencement of the decommissioning of the turbine farm.

Should you require any further information please do not hesitate to contact me.

Mr Chris Stopford
Environmental Services Manager

KET/2011/0744

Dairy Farm, St Andrews Lane, Cranford

Officer Recommendation:

The new NPPF states that less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal, para 134. The restoration of the unused farm buildings, and the funds for repair and restoration of the Dovecote and boundary wall are benefits which have been weighed in favour of the revised scheme as proposed.

Revised justification for granting planning permission:

All material considerations have been assessed including special regard to the architectural and historic interest of the listed buildings, and the duty to preserve or enhance the character of the conservation area. Whilst a degree of harm to the setting of the listed dovecote is recognised, the harm has been outweighed with the public benefits of the proposal in securing repair to a grade II* listed building including attached wall. The proposal is therefore in accordance with the National Planning Policy Framework; and policies 1, 2, 27 of The East Midlands Regional Plan, Policy 13 of the North Northamptonshire Core Spatial Strategy and saved Policy RA3 of the Local Plan for Kettering Borough. The proposal is also in accordance with adopted Sustainable Design SPD, and Biodiversity SPD.

Update on the S106 issues:

The costs for necessary repairs and maintenance over a 5 year period associated with the listed dovecote and adjoining walls is estimated to be approx £20,000. Final estimates are to be agreed with the applicant and form the basis of the S106 obligation, completion of which is the re requisite for the grant of planning permission.

Further comment from the Parish Council:

"Following a discussion at last night Parish Council meeting the following is its response to the re-notification of planning applications KET/2011/0744/8 Dairy Farm, Cranford.

Following further discussions with local residents and consideration of the location, the Parish Council does not object to the three barn conversions, but does object to the one new build. This will be in a direct sight line of the walk from St. Andrews Lane into Craves Field and will affect the setting of the Conservation Area in this respect. It will have an adverse affect on the residents of numbers 4 & 6 St. Andrews Lane"

Additional condition to add:

All proposed roof lights shown on the approved plans shall be a conservation type in accordance with details including identifying their materials, that shall be first submitted to and approved in writing by the Local Planning Authority. The rooflights shall be fitted so that they do not protrude beyond the outer face of approved roofing

KET/2011/0748

Dairy Farm, St Andrews Lane, Cranford

Officer Recommendation:

The new NPPF states that less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal, para 134. The restoration of the unused farm buildings, and the funds for repair and restoration of the Dovecote and boundary wall are benefits which have been weighed in favour of the revised scheme as proposed.

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Following further discussions with local residents and consideration of the location, the Parish Council does not object to the three barn conversions, but does object to the one new build. This will be in a direct sight line of the walk from St. Andrews Lane into Craves Field and will affect the setting of the Conservation Area in this respect. It will have an adverse affect on the residents of numbers 4 & 6 St. Andrews Lane"

Additional condition to add:

All proposed roof lights shown on the approved plans shall be a conservation type in accordance with details including identifying their materials, that shall be first submitted to and approved in writing by the Local Planning Authority. The rooflights shall be fitted so that they do not protrude beyond the outer face of approved roofing materials nor otherwise beyond the plane of the roof slope in which they sit.

Thereafter, the works shall not proceed other than in accordance with the approved details.

REASON: In recognition of the special regard to be paid to the architectural and historic interest of the listed buildings, including setting, and in accordance with CSS Policy 13