

APPLICATIONS FOR DEVELOPMENT

APPLICATIONS FOR DETERMINATION BY COMMITTEE

Major Proposals/Site Inspections:

11/00313/FUL – FROLESWORTH
Mr R Tallis

Erection of two 34.2m high wind turbines and associated works (revised scheme of 10/01563/FUL, Land west of Frolesworth Lodge, Sharnford Road.

Target Date: 20/05/2011

Recommendation

APPROVE for the following reason and subject to the appended conditions.

JUSTIFICATION

The development would provide energy from a renewable source contributing towards general objectives to achieve this as outlined in documents such as PPS1 – Planning and Climate Change, PPS22 – Renewable Energy and the East Midlands Regional Plan. Furthermore, notwithstanding the size and scale of the proposal, it is not considered that, within the context of benefits towards addressing climate change, it would significantly adversely affect the character and appearance of the landscape or other considerations including ecological or archaeological interests, residential amenity, or give rise to additional traffic which would lead to a road safety hazard. The proposal is therefore considered to comply with the aims and objectives of PPS1 and PPS22, Policies 39 and 40 of the East Midlands Regional Plan and Policies EV/5, EV/16, IN/1 and TR/3 of the Harborough District Local Plan.

Site

The application site is located approximately 1.6km to the southeast of the village of Sharnford and almost 0.5km north west of the village of Frolesworth. The application site itself is located approximately 250m from Frolesworth Lodge, the nearest residential property and owned by the applicant. The landscape is rural, with patchwork arable and grazing farm land, scattered farm buildings, and occasional hedgerows and trees. The two nearest non-associated residential properties are located approximately 475m to the west and 525m to the south east of the proposed turbine locations. The site is not located within an area designated as Particularly Attractive Countryside, and it does not benefit from any National Landscape designations.

There are a number of telegraph poles in the vicinity of the site; most notably a local power line that runs to the south west of the application site. The applicants have chosen the turbine siting to ensure that the turbine is well over topple distance from this feature. These telegraph poles add an element of verticality to the landscape.

The closest road to the site, Sharnford Road, is approximately 250m to the south. There are no public footpaths or bridleways in the immediate vicinity of the site.

The Proposal

The installation consists of two 50kw Hallmark Endurance E-3120 turbine, mounted on a free-standing steel tower with a hub height of 24.6m on a 14.85 cubic metre concrete base. The turbine is of a three blade, horizontal axis design with a rotor diameter of 19m, giving a blade tip height of 34.2m. All elements of the turbine will be coloured white. The turbines will produce electricity which can be drawn on directly by Manor Farm, with any excess being transported to the Grid, predominantly for local supply.

Policy

National Policy:

PPS1: Delivering Sustainable Development & (Supplementary) PPS1. Planning and Climate Change

PPS9: Biodiversity and Geological Conservation

PPG13: Transport

PPS5: Planning for the Historic Environment

PPS22: Renewable Energy & Planning for Renewable Energy: A Companion Guide to PPS22

PPG 24: Planning and Noise

Development Plan:

The Development Plan for the purpose of this application consists of the Regional Spatial Strategy for the East Midlands, adopted in 2009 and the 'saved' policies of the Harborough District Local Plan, adopted in 2001, however, consideration should be given to the Government's intention to abolish the RSS.

Regional Policy: RSS8 – Regional Spatial Strategy for the East Midlands

Policy 1 – Regional Core Objectives

Policy 26 – Protecting and Enhancing the Region's Natural and Cultural Heritage

Policy 27 – Regional Priorities for the Historic Environment

Policy 29 – Priorities for Enhancing the Region's Biodiversity

Policy 31 – Priorities for the Management & Enhancement of Region's Landscapes

Policy 39 – Regional Priorities for Energy Reduction and Efficiency

Policy 40 – Regional Priorities for Low Carbon Energy Generation

Appendix 5 – Renewable Energy Targets

Harborough District Local Plan:

IN/1 – Standards of Development

RM/10 – Maintenance and Protection of Habitats - Ecological and Geological Diversity

EV/5 – Development in the Countryside

EV/11 – Development (affecting) Conservation Areas

EV/16 – Listed Buildings: setting

EV/20 - Landscaping

EV/23 – Control of Pollution and Nuisance

TR/3 – Development Impacts on the Existing Road Network

Local Guidance:

Wind Turbines – A Developer Guidance Note (HDC) – July 2009

Other Documents

UK Renewable Energy Strategy (DECC, 2009)

Meeting the Energy Challenge – a White Paper (HMSO, 2008)

Planning for a Sustainable Future: White Paper (DCLG, 2007)

Wind Energy and the Historic Environment (English Heritage, 2005)

Climate Change Programme (DCLG, 2006)

The Planning for Climate Change Report (IT, 2008)

Harborough District Landscape Character Assessment (2007)

Market Harborough Landscape Character Assessment and Landscape Capacity Study (2009)

ETSU-R-97

Planning for Growth Statement (2011)

Local Development Framework:

Harborough District Council is in the process of producing its Local Development Framework. The draft LDF objectives contained within the Core Strategy includes the desire: *“to minimise energy demand and maximise the use of renewable energy resources”* The Core Strategy has been submitted to the Planning Inspectorate for examination.

Environmental Impact Assessment (EIA):

Taking into account the criteria contained within the Town and Country Planning Environmental Impact Assessment) (England & Wales) Regulations 1999, the development for which planning permission is sought is not one for which an EIA is required.

Consultations / Representations:

Highway Authority:

None received.

Leicestershire County Council (Ecology):

We have no objections to this application, provided that it can be confirmed that the turbine is to be placed at least 10 meters from any feature of ecological value, including hedgerows and trees.

Environmental Health (HDC):

The E-3120 Sound Level Chart shows that sound levels will be inaudible at 140m (wind speed 10m/s). However although it is not clearly stated, my understanding from the data submitted is that “inaudibility” is tested against a background wind noise level of between 43-47dB(A) (see Key Sound Data table). It is likely that the background noise at Frolesworth is somewhat lower than this so the threshold of audibility would differ. Also what is audible / inaudible to one person may not be to another.

In my mind a more sensible approach is to look objectively at the predicted resultant sound levels produced by the turbines at distance. ETSU states that *“For single turbines or wind farms with very large separation distances between the turbines and the nearest properties, a simplified noise condition may be suitable. If the noise is limited to an $L_{A90, 10min}$ of 35dB(A) up to wind speeds of 10m/s at 10m height, then this condition alone would offer sufficient protection of amenity, and background noise surveys would be unnecessary.”*

Therefore the test would be whether or not 35dB(A) is met at the nearest residential properties (noise sensitive properties that do not have any financial involvement in the scheme).

Under the table “Key Sound Data” for wind speed 10m/s it is shown that 35dB(A) is met at 273m. This is only for 1 Turbine so for 2 identical Turbines the sound level would be 38dB(A) at 273m. 35dB(A) would be achieved at 386m (rounded up to 400m). As the nearest noise sensitive property is more than 400m away from the Turbines I am happy that 35dB(A) will be achieved and therefore I have no objections to the proposal.

English Heritage:

Your authority should determine this application with regard to Government Planning Policy with particular reference to PPS5 Planning and the Historic Environment, and to the setting of the Grade II* listed Church of St Nicholas in Frolesworth. The turbine height on which we were previously consulted (application ref 10/01563/FUL) was 24.4 metres to tip / 17.5 metres to hub. The present application is for 34.2 metres to tip and 24.6 metres to hub. This represents a significant increase in height which would warrant a re-assessment of the visual impact of the proposed development upon the Grade II* Church of St Nicholas (See PPS5 policy HE 6). Your authority should satisfy itself that the increase in height from that previously proposed does not result in harm to the significance of the church when viewed from the churchyard and the eastern end of the village.

Your authority should require further visual impact assessment with regard to the effect of the proposed turbines upon the setting of the Grade II* Church of St Nicholas, Frolesworth. Your authority should only grant consent if it is satisfied that this is a reasonable decision in line with Government Planning Policy Statement 5 (Policies HE 9 and 10 with regard to designated assets and their settings).

Civil Aviation Authority:

No comments received.

National Air Traffic Service:

The proposal does not conflict with our safeguarding criteria.

Coventry Airport:

No comments received.

Frolesworth Parish:

The Parish neither support or object to the proposal, but make the following comments: 1) The main differences from the previously withdrawn scheme or the repositioning of the turbines further away from the road, and an increase in height. 2)

The change in position was as a result of the consultation with the Parish and aims to reduce the visual impact of the proposal and effects on road users. 3) The main points in objection to the proposal were as follows. 4) They would become the dominant feature of the village, taller than the church. 5) They are industrial machinery which are inconsistent with the rural setting. 6) They would deter housing development in the village, builders would not be willing to risk capital in building in the village. 7) They would deter businesses from the village. 8) Disturbance to birds and animals. 9) Devaluation of properties in Frolesworth. 10) The proliferation of turbines if these are approved

Representations:

6 letters of objection have been received from the following addresses (1 Bakery Close, Cosby; 35, 20(x2), 38, Twinwell House, Main Street ;) raising the following points: 1) Their height will dwarf the Church. 2) The size and design of the turbine will adversely affect the landscape and character of not only the local area, but much of the surrounding area. 3) The applicant has admitted that his main reason for the proposal is financial. 4) The turbines are only 15% efficient. 5) HDC should not hide behind the demands of government policy as an excuse to do wrong. 6) The applicant has been seduced by Government subsidies. 7) This will set a precedent. 8) Harm to birds and wildlife. 9) Driver distraction. 10) It would deter first step of the ladder housing developers. 10) Solar electricity would have a smaller impact. 11) The proposal is close to Fosse Meadows which is rich in wildlife. 12) Surely South Leicestershire has had its fair share of such constructions and this would clearly be one too many. 13) The ones already in situ near Gilmorton are clearly visible from miles around and look absolutely awful. 14) The last thing I want to see is permission being given for more of these turbines to appear in our landscape. 15) We already have noise from the M1, and these turbines will create more. 16) Even at Cosby, I'm sure that if the wind is in the right direction we will hear them

3 letters of support have been received from the following addresses (114 Hinckley Road, Stoney Stanton; Claybrooke Lodge, Claybrooke Magna; Forest View, Frolesworth) raising the following points: 1) It will be good to support some green and environmentally friendly projects 2) This country needs a safe and sustainable source of power generation for the future. 3) This proposal will reduce CO2 emissions and is well sited to have a minimal impact on the local community. 4) Village is an ideal location. 5) Maybe people are getting used to such elegant structure now that Low Spinney has been built. 5) If only electrical transmission towers could be replaced with single columns as used in wind turbines

1 letters of comment (neither supporting or objection to the proposal) have been received from the following addresses (Wall Cottage, Main Street ;) raising the following points: 1) The power they create will not benefit the village. 2) If this is approved, it will set a precedent for more in the area.

1 letter was received with no postal address, the content of which can be given little weight.

Additional Information Submitted by Agents

The applicants agents have additional noise information at the request of the Environmental Health Officer. The applicants have also carried out a further visual impact assessment in relation to St Nicholas Church following comments from English Heritage.

Other Information

History:

10/01563/FUL - Erection of two 24.4m high wind turbines and associated works - Withdrawn

The application is being presented before the Planning Committee due to level of counter-representations received.

Policy Overview

National Guidance:

The Energy White Papers of 2003 and 2007 provide the broad context for planning policies concerned with renewable energy. These state that renewable energy is key to the Government's strategy for tackling climate change and deploying cleaner sources of energy. It has a target that aims to see renewables grow as a proportion of the UK's electricity supplies to 10% by 2010, with an aspiration for this level to double by 2020.

In addition, key principle (ii) in **PPS1 – Delivering Sustainable Development** states: *“Regional Planning Bodies and local planning authorities should contribute to global sustainability by addressing the causes and potential impacts of climate change – through policies that reduce energy use and emissions and promote the development of renewable energy.”*

PPS22: Renewable Energy (published in August 2004) and its companion guide - **Planning for Renewable Energy: A Companion Guide to PPS22** (published in December 2004) – provide guidance to be used in the determination of renewable energy proposals.

PPS22 outlines the potential role of renewable energy in reducing greenhouse gas emissions and encourages local planning authorities to include renewable energy policies in their Development Plans. It highlights issues that should be considered when assessing the merits of a renewable energy project. The guidance notes that (para 1(iv)):

“The wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale, are material considerations that should be given significant weight in determining whether proposals should be granted planning permission.”

It recognises such development will almost always have some local environmental effects. The importance of minimising any impacts is stressed. The PPS notes that (para 20):

“Of all renewable technologies, wind turbines are likely to have the greatest visual and landscape effects. However, in assessing planning applications, local authorities

should recognise that the impact of turbines on the landscape will vary according to the size and number of turbines and the type of landscape involved, and that these impacts may be temporary if conditions are attached to planning permissions which require the future decommissioning of turbines.”

In respect of the historic environment the statutory requirements of Sections 66(1) and 72(1) of the **Planning (Listed Buildings and Conservation Areas) Act 1990** are of particular relevance. The first requires that special regard shall be paid to the desirability of preserving Listed Buildings or their settings or any other features of special architectural or historic interest which they possess. The second requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The closest conservation area is Leire at approximately 2.6km to the east of the site.

PPG24: Planning and Noise guards against harm upon residential amenity which stems from noise. Para 10 of the PPG states:

“Much of the development which is necessary for the creation of jobs and the construction and improvement of essential infrastructure will generate noise... Nevertheless, local planning authorities must ensure that development does not cause an unacceptable degree of disturbance...they may wish to consider the use of appropriate conditions.”

Although there is no specific guidance within PPG24 with regards to Wind Turbines, the general principles of the guidance still apply. For detailed guidance in relation to Noise and Wind Turbines, EHOs are pointed towards ETSU – R – 97, and it is upon this document that the advice set out in the relevant section earlier in this report has been given by HDC’s Environmental Services department.

PPG8: Telecommunications guards against interference of signals caused by wind turbines and states:

“In any development, significant and irremediable interference with other electrical equipment of any kind can be a material planning consideration...The Radiocommunications Agency (RA) has statutory powers for dealing with this type of interference.... Only if there is clear evidence that significant electromagnetic interference will arise, or will probably arise, and that no practicable remedy is available, will there generally be any justification for taking it into account in determining a planning application....”

Regional Policy:

Regional Spatial Strategy for the East Midlands (RSS8)

There are six main policies within RSS8 which relate to Renewable Energy and Biodiversity within the Region (Policy 1, Policy 26, Policy 27, Policy 31, Policy 39 and Policy 40). Renewable Energy targets for the Region which are set out in Appendix 5 of RSS8.

Appendix 5

Renewable Energy Targets (Policy 39) Note that all targets are indicative

Renewable energy Technology	Current Capacity (2006) GWh/y	Current Capacity (2006) MWe	Target for 2010 GWh/y	Target for 2010 MWe	Target for 2020 GWh/y	Target for 2020 Mwe	Indicative Target for 2026 GWh/y	Indicative Target for 2026 MWe
On shore Wind	142	54 ¹	319	122	460	175	460	175
Biomass Wet agricultural waste	0	0	42	5	42	5	77	10
Biomass Poultry Litter	0	0	118	15	210	27	210	27
Biomass Energy Crop	38	5	344	46	1,012	136	1,114	150
Hydro	14	3	39	9	62	14	73	16
Micro-generation Wind	0 (negligible)	0 (negligible)	9	10 ²	1,832	2,091	1,832	2,091
Micro-generation PV	0 (negligible)	0	52	59 ³	1,018	1,162	1,018	1,162
Landfill Gas ⁴	438	53	438	53	438	53	358	43
Anaerobic Digestion	11	1	39	5	64	8	72	9
Total ⁵ (%)	3%		6%		20%		20%	

- Includes 2 wind farms in construction in 2006 (now in operation).
- Micro wind corresponds to 2000 installations of 5kw turbines
- PV corresponds to approximately 2kw PV on half of the new properties to 2010
- Landfill gas is not a natural renewable resource but it is eligible for renewable obligations certificates. Note that landfill gas contribution will begin to tail off after 2020 due to reduced organic waste going to landfill.
- In addition to the Regional onshore targets offshore generation targets are 1,315GWh/y for 2010; 3,000GWh/y for 2020; and 3,483GWh/y by 2026. Percentages are electricity generation as a % of regional electricity consumption.

Renewable targets based on modified scenario 4d of BFF report, with reduced 2010 targets to be more realistic.

As set out, Appendix 5 of RSS8 sets out that the East Midlands is to provide a minimum of 122W of installed capacity from on-shore wind by 2010 and 175MW by 2020. Based on agreed figures submitted to the Low Spinney Inquiry, it is not disputed that there are deficits against both the 2010 and the 2020 targets. It is also apposite to note that the 2020 target, in particular, is could be revised significantly upwards, given the nature of Government thinking set out in the UK Renewable Energy Strategy.

Local Policy:

Harborough District Local Plan:

There are no specific saved policies within the Harborough District Local Plan which relate to Wind Turbines or Renewable Energies. However, it is considered that there are a number of Policies which do have an influence upon the consideration of such an application: IN/1, EV/4, EV/5, EV/16, RM/10, EV/23 and TR/3.

Policy IN/1 states that the District Council will grant planning permission for new development which achieves a good standard of layout and design, is in keeping with the scale and character of its surroundings and where the appropriate criteria, are met.

Policy RM/10 relates to habitats and protected species and states that the District Council will grant planning permission for development that maintains or improves the ecological and geological diversity of the district are met:

Policy EV/5 relates to development in the open countryside and states that development in the countryside will be strictly controlled. The District Council will refuse planning permission for development proposals in the countryside unless the appropriate criteria are met.

Policy EV/16 which relates to Listed Buildings states that proposals for development on land within the curtilage of a Listed Building or within the setting of a Listed Building or a building of character in a conservation area should respect the setting of the building.

Policy EV/23 which relates to the control of noise and pollution states that where appropriate the District Council will impose conditions on planning permissions to ensure that development does not have an adverse effect on the character of its surroundings, or harm the amenities of nearby uses, through noise, smell, dust, dirt, grit, air or soil pollution, or an unacceptable level of traffic.

Policy TR/3 addresses the impact of development upon the Highway network and states that the District Council will refuse planning permission for new development where the traffic flow generated by the development would create a substantial adverse effect on the existing road network unless satisfactory and environmentally acceptable improvements can be implemented to alleviate the impacts of the development.

Planning Considerations

The government supports the generation of electricity by renewable energy sources. The supplement to PPS1 'Planning and Climate Change' places spatial planning in a key position to create a successful response to climate change. It has key planning objectives which include a role for planning authorities to prepare and deliver spatial strategies that make a full contribution to delivering the Government's climate change programme and energy policies.

Current national policy and regional policy is clearly very supportive of the principle of renewable energy development. Each proposed development will present material considerations which must be assessed individually and then balanced together before making a final judgement on the merits of the detailed proposal in question. Each of the principal land-use planning considerations is assessed in turn under the following section headings:

- Landscape and Visual Impact
- Visual Intrusiveness and Impact to Residential amenity
- Access and Parking
- Visual distraction to road users
- Noise
- Conservation
- Ecology
- Shadow flicker & TV signal interference
- Other Matters

Landscape:

The application is for the erection of two wind turbines with a maximum overall height of 34.2 metres to the tips of the blades (24.6metres in height to the hub of the turbine). The application site is not in an area which benefit from any local, regional or national landscape designation. The proposed turbines could be considered to be alien to the landscape, and any other environment, and the siting of the turbines on elevated ground, do nothing to help minimise any visual harm to the surrounding area from any public vantage points. Having said this, just because the structures will be visible does not automatically mean that they will cause adverse harm to the character of the countryside. Therefore, despite the fact that the proposal will undoubtedly introduce an alien feature to the surrounding landscape, the benefits of renewable energies are, in this particular instance, felt to out weigh any significant harm and therefore although the proposal because of its intrusiveness does not completely comply with Policies EV/5 and IN/1 of the Harborough District Local Plan, the design is considered to be acceptable.

The proposal lies within 6.5km of the Low Spinney wind farm and there is significant potential for both schemes to be visible in the same view when looking from the west of the site. However, given the scale of this proposal, and the distances involved between the schemes, it is not considered that there would be any significant detrimental impact caused by the cumulative impact of the two schemes. This view is reinforced by the Inspectors consideration of the same issue in the Low Spinney case, where the cumulative impact of (amongst others) Low Spinney and Swinford, both 125m to tip and 7km apart, was considered at para 30 of the report which stated:

“My attention has been drawn to a number of projects at various stages of the planning process, in the vicinity of the appeal site. In my view, neither those constructed or permitted are sufficiently close to the appeal site to lead to any harmful cumulative impact.”

It is therefore considered that there would be no detrimental cumulative impact arising from the proposal.

Visual Intrusiveness and Impact to Residential Amenity:

It is a well held planning principle that there is no “right to a view” such that an attractive or cherished outlook from a private property can be protected from development that would adversely affect it. The fact that the proposed wind turbine may be seen from a number of dwellings and viewpoints in the surrounding area, and in some cases could be prominent and would significantly change views of the countryside, is not determinative in itself. A change in the view is simply that and how it is perceived depends in part on how the viewer is disposed to the development in question.

However, private and public interests may coincide where a proposal would have such a severe adverse impact on the outlook from a property that it would make it a significantly less attractive place to live, as perceived by a reasonable observer without strong views for or against the type of development in question. In such a situation, protecting the amenities of a dwelling may be a legitimate and material planning consideration.

The Inspector’s comments at an appeal in South Cambs are helpful in this regard:

12.34 *“...the outlook from private property is a private interest, not a public one, and the public at large may attach very different value judgements to the visual and other qualities of wind turbines than those who face the prospect of having to live close to them. Equally, however, people pass through a diverse variety of environments when going about their daily lives, whether by car or when using the local rights of way network, and I find nothing generally objectionable in turbines being part of that broad experience” (South Cambs)*

Thus the size and scale of the proposal and its relationship to nearby amenities must be considered in order to assess, for example, any overbearing or oppressive effect. In this instance, the residential properties most likely to be affected are Frolesworth Lodge (applicant's), and The Homestead. A number of principal windows of these homes look out in the direction of the wind turbine, however, it is not considered that the proposal will have an impact upon the residential amenity. This is because the size, scale, proximity of the proposal relative to these properties is unlikely to be an intrusive presence.

Access and Parking:

The application does not propose the loss of any parking, and the highways officers comments have not been sought given the type of application. However it is officers opinion that the application would not be significantly detrimental to the highway safety and the application is therefore considered to be in accordance with Policy TR/10 of the Harborough District Local Plan.

Visual Distraction to Road Users:

PPS22 Companion Guide discusses this matter: *“Concern is often expressed over the effects of wind turbines on car drivers, who may be distracted by the turbines and the movement of the blades. Drivers are faced with a number of varied and competing distractions during any normal journey, including advertising hoardings, which are deliberately designed to attract attention. At all times drivers are required to take reasonable care to ensure their own and others safety. Wind turbines should therefore not be treated any differently from other distractions a driver must face and should not be considered particularly hazardous. There are now large numbers of wind energy developments adjoining or close to road networks and there has been no history of accidents at any of them”.*

Notwithstanding the proximity of the proposed development to the Sharnford Road, in light of the above matters it is not considered that the proposal would cause any significant distraction to drivers that could justify refusal on these grounds. No objection has been received from the Highways department. The application is therefore considered to be acceptable from a highway safety perspective.

Noise:

The Companion Guide to Planning Policy Statement 22: Renewable Energy (PPS22), issued in December 2004, states that the 1997 report by ETSU for the Department of Trade and Industry (DTI), *“The Assessment and Rating of Noise from Wind Farms”* (ETSU, 1997), should be used to assess and rate noise from wind energy developments.

Since the release of the ETSU guidance there has been further work undertaken into the effects of noise from wind farms commissioned by both the DTI and DEFRA. Following the release of reports into wind turbine noise undertaken by Hayes McKenzie and Salford University the Government issued a robust advice note in 2007 stating that ETSU-R-97 should continue to be followed for the assessment of noise from wind farms. Paragraph 10 of Planning Policy Guidance Note 24 "*Planning and Noise*" (PPG24) also gives guidance.

Noise from turbines is measured in accordance with a specific methodology in ETSU. The recommendations of this report established accepted background noise levels and the extent to which they may be reasonably exceeded, i.e. by setting a 5 dB (A) level above background levels (at both day and night) at the nearest noise sensitive properties. Furthermore, ETSU states that, particularly with small turbines, if it can be proven that the proposal will not create noise levels of in excess of 35dB (A) at the closest property, then a full ETSU compliant survey is not required. The applicants survey states that, 35dB (A) would be achieved at 386m. The closest non financially involved property is approximately 475m from the closest turbine, and as such, the Environmental Health Officers are content that 35dB (A) can be achieved at the property. It is therefore considered that the proposal is in accordance with the aims and objectives of PPS22 and its associated companion guide.

Conservation Issues:

English Heritage were consulted on the previous, smaller, proposal, and raised no concerns over the proposal. The current proposal is for taller structures, and EH have requested that a new assessment is carried out in relation to St Nicholas' Church in Frolesworth. HDC Have recently had a decision for a 60m turbine near Tilton on the Hill (APP/F2415/A/10/2134781) upheld on the basis of the impact of the turbine upon the setting of the Grade I Church within its landscape. This is a major consideration for this scheme, and as such, the applicant have been requested to carry out a further visual impact assessment in relation to the Church. This assessment has been completed and has concluded that there will be no significant impact upon the Listed Church. Officers have no reason to consider otherwise, and as such, it is considered that the proposal would be in accordance with Policy EV/16 of the Harborough District Local Plan.

Ecology:

The proposed turbine is located adjacent to existing hedgerows which can often be used as forage routes for both bats and birds. LCC Ecology are content that, provided the turbine is in excess of 10m from the hedgerow, they would have no objection to the proposal. Condition 3 is recommended to ensure that this is the case.

Interference and Shadow Flicker:

If a reduction in television reception quality occurs in the surrounding area, it is most likely to be noticed when the wind energy development becomes operational. To mitigate this, a planning condition might be imposed, requiring the applicant to assess current television signals in advance of development and take measures necessary to mitigate post-development where effects are attributable to the wind energy development. However, there is no evidence that this is required and

therefore a commensurate approach to this proposal. Such a condition might require the applicant to meet the cost of investigating and rectifying any problems should they arise.

Shadow flicker occurs when turbine blades intersect the line of sight between a window of a building and the sun, causing a flickering effect in the affected room. The probability of this happening and its severity depends on a number of factors including: the relationship between the turbine, the dwelling and the path of the sun; the height of the turbine, rotor diameter and its distance from the dwelling; the time of year; and the proportion of daylight hours when the turbine is operating.

In the UK, only properties within 130 degrees either side of north, relative to the turbines, can be affected. Generally the residential property must also be within a distance of 10 times the rotor diameter of the turbine, i.e. within 192 metres in this instance. As there are no none financially involved residential dwellings within 192m radius of the proposed wind turbine, it is considered that the application is in accordance with the guidance contained in PPS22 in terms of shadow flicker.

Other Matters:

A number of representations have raised concerns regarding land/property value; however, these are not planning considerations and cannot influence the determination of the Planning Application

Conclusion:

Planning Policy establishes a welcoming stance to renewables projects in general where (mirroring PPS22) environmental, economic and social impacts can be addressed satisfactorily. Saved policies in the HLP do not refer to renewables projects at all. As matters currently stand, there is an absence of specific development plan policy at local level related to wind energy. There is general policy related to development and the open countryside. The broad thrusts of national planning guidance (PPG's and PPS's) acting in combination with adopted RSS and policy related development and open countryside provides the policy basis for the determination of applications for wind turbine proposals.

The need to maintain continuity and security of energy supply nationally, regionally and locally in the face of diminishing resources of fossil fuels is indisputable. More particularly, wind energy is an integral component of the Government's desired energy mix for reasons of diversity and security of supply, and sustainability. These points are made in PPS22 and reflected in RSS8. Whether the claimed output and carbon savings from this scheme are achieved, compliance with Government aims is not in question. Paragraph 3 of PPS22 also affirms that the fact that a target has been reached should not be used in itself as a reason for refusing planning permission for further renewable energy projects.

As discussed above, the electricity generation / renewable energy delivery benefits offered by development are relatively small but still of significant weight. It is with this in mind and that no significant harm to any material interest is identified that officers recommend that the application should be approved subject to the conditions set out below.

Conditions / Reason:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Written confirmation of the date of the first export to grid of the wind farm shall be provided to the planning authority within one month of the date of the first export to grid of the development.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
2. The planning permission is for a period from the date of this permission until the date occurring 25 years after the date of first export to the grid of the development. Written confirmation of the date of first export to the grid of the Development shall be provided to the Planning Authority no later than 1 calendar month after that event.
Reason: To ensure that the turbines are removed from the site at the end of their operational life in the interests of protecting the character of the countryside from derelict and unkempt structures and to meet the aims and objectives of with PPS22.
3. No development approved by this permission shall commence until full details of the turbine including their colour, finish, precise location (no closer to the hedgerow than 10m), air safety lighting and the warranted sound power level and full details of the control cabinet (including appearance and siting) have been submitted to and approved by the local planning authority.
Reason: In the interests of the amenity of the area and to ensure that environmental and natural heritage assets on the site are protected and to meet the aims and objectives of with PPS22.
4. Prior to the erection of the turbine hereby permitted, details of the materials to be used in the construction of the external surfaces of the hereby approved control cabinet and any other ancillary structures approved as part of this consent shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
Reason: In the interests of protecting the character of the area in accordance with PPS1 and PPS22.
5. All construction and decommissioning works shall be carried out only between the hours of 07:00 to 19:00 Monday to Friday, 07:00 - 16:00 Saturdays and at no times on Sundays and Bank Holidays; without the prior approval of the Local Planning Authority. Notwithstanding the hours stated above, the Local Planning Authority may approve deliveries outside these hours on prior application from the Developer.
Reason: In the interest of protecting local amenity in accordance with PPS1 and PPG24
6. Noise levels at the properties known as The Homestead and Home Farm shall not exceed an $L_{A90\ 10min}$ level of 35dB(A) up to wind speeds of 10m/s at 10m height.

Reason: To ensure that the residential amenity of surrounding properties is not adversely affected by the Wind Turbine by means of unacceptable noise and to ensure compliance with the aims and objectives of PPS22, its companion guide and ETSU-R-97.

7. No lighting, symbols, signs or logos or other lettering, other than those required for health and safety, traffic management and aviation safety, shall be displayed on any part of the turbine or any other building or structures without the written consent of the Planning Authority.

Reason: In the interests of the amenity of the area

11/00438/FUL – DRAYTON
Mr & Mrs Robinson

Erection of two barns and a temporary agricultural dwelling (revisions to the withdrawn application no.10/01157/FUL),
New Dwelling, Medbourne Road.

Target Date: 22/06/11

Recommendation

APPROVE for the following reason and the appended conditions and reasons:

The proposed temporary agricultural dwelling complies with Paragraph 12 of Annex A to PPS7. Furthermore, the proposed agricultural buildings are of a scale based on the requirements of the enterprise. Alternative sites were considered by the applicant but for a variety of reasons these were not considered appropriate. The site proposed is therefore the best available. The agricultural and economic development potential of the proposal is considered to be of sufficient weight to outweigh the harm to the character and appearance of the countryside. For these reasons the application is recommended for approval as it complies with PPS1, PPS4, PPS7 and Ministerial Planning for Growth statement (March 2011).

Site:

The application site is sited approximately 220m to the west of Drayton on agricultural land to the south of Medbourne Road. The land is predominantly Grade 3, and is a mixture of grass leys, permanent pasture and arable. The topography of the site is variable. It slopes down away from Medbourne Road towards the River Welland 450m to the south. The site lies approximately between the 60m and 70m contours. To the north of the site and Medbourne Road lies Home Farm with several agricultural buildings and an agricultural dwelling. The topography rises steeply to the north of Medbourne Road to a final height of 145m near Stoke's Building's.

The application site boundary abuts native hedgerows on two sides. The northern boundary adjacent to Medbourne Road comprises a 3m high hedge. To the west of the site there are three mature ash trees situated within the hedgeline. The eastern boundary of the site comprises a hedge trimmed to approximately 2m in height. The southern and western boundaries of the site comprise open arable land.

The site and surrounding land is within an area designated in the Local Plan as 'Particularly Attractive Countryside'. To the south of the site is a flood plain and to the north is an active badger sett.

The Proposal:

This is a revised planning application to that previously withdrawn and proposes to relocate the agricultural business from Caldecott to Drayton. This will involve (following amended plans) building a new livestock building and a general purpose building to store bulk feedstuffs and machinery. In addition to the buildings, it is proposed to construct a temporary agricultural dwelling

Background:

The applicant's purchased 62.32hectares (154acres) of land off of the Medbourne Road at

Drayton in December 2009. In addition, the applicant's own a further 12.55ha (31 acres) of land at Caldecott in Rutland which is situated approximately 2miles away and rent a further 21.44ha (53 acres) on various Farm Business Tenancy at Stoke Dry. In addition three blocks of grasskeeping are currently taken 16.99ha (942 acres) at Caldecott. In addition there are two areas of grass keeping in Cambridgeshire. The applicant's intend to relocate their business to the Medbourne Road site.

Planning application 10/01157/FUL was withdrawn as the case officer considered there was no justification for an agricultural dwelling or for the size of the barns proposed. As there was no justification for the dwelling, an objection was raised from the Highway Authority. Furthermore, no evidence had been provided to demonstrate that the development would not adversely affect archaeological remains, protected species or the character and appearance of the countryside.

The current application has been submitted following pre-application advice with the case officer. Alternative sites within the applicant's ownership at the Medbourne Road site (62.32hectares) have been considered, but have been ruled out for a variety of reasons. Firstly, land to the south of the site is located within a floodplain, secondly, land to the north is occupied by an active badger sett, thirdly, land to the north-west is situated at a higher ground level than the proposed site.

Amended Plans & Additional Information

In light of the comments received from the case officer, statutory consultees and third party objections, amended plans and additional supporting information have been received (3rd & 6th June 2011) since the original submission. A further public consultation period on the amended plans ends 17th June and if received any additional responses can be considered and reported as an supplementary item to committee.

Amendments

- Amendment to Block Plan which shows the removal of the permanent dwelling and the indicative location of the temporary dwelling.
- Amendment to Livestock Building to allow adequate airflow. The livestock building has now been split into two clear sections; the southern section remains as per the original submitted plans, with a roofed area for livestock. The northern half of the building has now been amended to form a walled but open yard with no roof.
- Amendment to the general purpose building. This has been reduced in size to 465sqm.

Additional supporting Information

- Rebuttal letter to third party & parish objections prepared by SSR Planning
- Letter from applicant's vet with regard to the livestock building
- Letter from Samuel Rose with regard to the temporary agricultural dwelling
- Letter from Lockhart Garratt with regard to landscape impact
- Letter and ecological survey from Ecological Link with regard to bats and other protected species

Supporting Documents

In addition to the additional supporting documents submitted, the following documents were originally submitted in support of the application:

- Design & Access Statement, prepared by SSR Planning (March 2011)
- Agricultural Appraisal, prepared by Samuel Rose (March 2011)
- Landscape & Visual Impact Assessment, prepared by Lockhart Garratt (February 2011)
- Archaeological Geophysical Survey, prepared by Northamptonshire Archaeology (March 2011).
- Phase 1 Habitat Survey & Great Crested Newts Assessment, prepared by Ecological Link (July 2010)

Policy

National

Planning Policy Statement 1: Delivering Sustainable Development (PPS1)

Planning Policy Statement 4: Planning for Sustainable Economic Development (PPS4)

Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7)

Planning Policy Statement 9: Biological & Geological Conservation (PPS9)

Planning Policy Guidance 13: Transport (PPG13)

Planning Policy Statement 25: Development & Flood Risk (PPS25)

Ministerial Statement: Planning for Growth (March 2011)

Circular 06/05: Biodiversity

Circular 11/95: Conditions

Harborough District Local Plan:

IN/1 – Standards of Development

EV/4 – Area of Particularly Attractive Countryside

EV/5 – Development in the Countryside

TR/3 – Development impacts on the existing road network

RM/2 – Land Liable to Flood

Supplementary Planning Guidance Notes:

SPG Note 1: Design Principles to be applied in Harborough District

SPG Note 2: Residential development

SPG Note 4: Residential Development in the Countryside

SPG Note 6: Agricultural & Equestrian Buildings and Development for Sport & Recreation in the Countryside

LDF Evidence Documents

Harborough District Landscape Character Assessment – September 2007

Emerging Core Strategy

Policy 8: Protecting & Enhancing Green Infrastructure

Policy 11: Promoting Design and Built Heritage

Policy 17: Countryside, Rural Centres and Rural Villages

Consultations:

Environment Agency

Not consulted on this application on the basis of their previous comments on the withdrawn application - "I have reviewed the above application and feel that, as presented, it does not fall under either of the above categories (i.e. a high risk to the environment/ those that are able to offer significant environmental benefit) and therefore we do not wish to comment further on the proposals"

Kettering BC

No objection due to the nature of the proposal

Corby BC

It is considered that the layout and arrangement of the buildings are a significant improvement from the previously submitted scheme. It is considered that due to the location of the development there should be demonstrable reasoning for the siting away from the village of Drayton

Independent Agricultural Advisor

I advise that there is no agricultural support for the proposed permanent dwelling as the unit and the agricultural activity concerned have not been established on the application site for a period of three years, and the application is unable to satisfy the criteria in paragraphs 3-11 of Annex A to PPS7.

However, if the LPA are prepared to allow consent for the agricultural buildings on the application site, I consider there would (after these buildings have been erected) be support for a temporary agricultural dwelling for a period of three years to enable the Applicants to establish the unit and the agricultural activity concerned and enable three year's accounts to be available to show whether the enterprise can then sustain the cost of a permanent dwelling in the long term. As discussed any consent should be made the subject of a Grampian Condition ensuring any temporary dwelling is not brought onto the site until the farm buildings have been erected and are capable of being occupied by the livestock.

LCC Highways

Subject to the proposal receiving a favourable agricultural appraisal, the Highway Authority has no justifiable objection to this proposal. If there is no justification for the dwelling then as previously recommended by this authority in respect of the withdrawn application 10/01157/FUL there will be a reason to refuse on sustainability grounds. The Highway Authority consider that a vehicular access can be provided which meets all relevant design criteria and visibility splay requirements.

LCC Ecology

Original Comments

We note from the report submitted with the application (Ecology Link, July 2010) that a badger sett was recorded on the site boundary. We are satisfied that provided all development works are kept at least 30 meters away from the sett, badgers should not be impacted as a result of this development. However, we would recommend that any excavations left overnight either be covered or fitted with a series of ramps to aid the escape of otherwise trapped mammals.

The Great Crested Newt report (Ecology Link, July 2010) submitted with the application indicates that great crested newts were found within pond 3, but as this is a minor development over 500 meters from the application site, these newts are unlikely to be impacted by the development. The development will not impact on any hedgerows or ditches, and as the current land-use of the application site is an arable field, a sub-optimal habitat for great crested newts, we do not feel that it poses a risk to any local populations of this species.

We do not require any further ecological surveys, and we have no objections to the proposal.

Amended Comments 'A' (following the submission of an ecology report from Clear Ecology (5th May 2011) on behalf of an objector.

Many thanks for sending through the comments from Clear Ecology. Please find our comments on this below.

Desk Study

Our triggers do not indicate that a Desk Study must be submitted, but state that 'the survey may be informed by the results of a search for ecological data from a local environmental records centre'. For a development such as this, situated within an arable field, we would not usually expect to see a desk survey completed.

If the Leicestershire and Rutland Environmental Records Centre (LRERC) had been consulted, the designation of 'Area of Particularly Attractive Countryside' would not have been given, as LRERC does not hold this information. In addition, we understand that this is a landscape designation, not an ecological one.

Badgers

The survey submitted with the application was completed within the last two years, which is our usual criteria for accepting a survey. A 30 meter buffer is being maintained between the badger sett and the development, so it was not considered necessary to request a further survey at this time.

However, we do accept the point that if the development does not commence within the next year, a re-survey for this species may be appropriate.

Great Crested Newts

We acknowledge the lateness of the surveys, but we accepted the justification of this. I also believe that Natural England were in agreement with this justification.

We accept that Pond 4 and 5 may have held water earlier in the year, but feel that if it was dry at the time of the survey, it was unlikely to support breeding great crested newts that year. We would be interested to read the response from the applicants ecologist on this matter.

Further, updated great crested newt surveys would be welcomed, but our current triggers do not require these.

We are interested in the record of great crested newts found at 'Appleton'. This pond is not marked on the OS maps and we were unaware of its existence. We would be interested to receive this as a record and any validation that this has received from a licensed great crested newt ecologist.

Pond 3 is situated over 500 meters from the development and there is no direct connection between this and the application site, with the majority of the habitat connecting the two areas being intensively arable. We feel that it is unlikely that any great crested newts would travel from this pond to the area of the development to forage.

The development is proposed on sub-optimal habitat for great crested newts as the footprint appears to be on arable land. No hedgerows appear to be directly impacted in the current application.

Hedgerows

The bat survey of Drayton House submitted with the letter from Clear Ecology indicate that there is evidence of a bat roost within Drayton House. This is the first time we have seen this report and we agree that a foraging survey for bats should be completed prior to the determination of the application. This may help to establish the sensitivity of the site for any lighting (although we note that no specific proposals have been submitted with this application).

We would be interested to see the results of the Wildlife Trust survey.

Reptiles

We accept that the field to the north of the application site is ideal habitat for reptiles, particularly grass snake. However, the development site, being arable, is sub-optimal. Reptiles are therefore unlikely to be impacted as a result of this development.

Red Kite

This is a small development and, given the range of suitable habitat in the area the local population is unlikely to be affected by this development.

Bats

We take on board the comments relating to this species, please see our comments concerning hedgerows above.

Ecological Management and Enhancement

We welcome the proposals from Mr and Mrs Blackman to improve habitats for biodiversity on their land.

In summary of the above, we would welcome bat foraging surveys of the hedgerows surrounding the site and an assessment that the development may have on the foraging routes of the bats from the roost at Drayton House. In our view, the footprint of the development is relatively small, on arable land of a low ecological value. Even if protected species are present within the vicinity, the population is unlikely to be affected by the proposed development.

Amended Comments 'B' (following the submission of additional information from Ecology Link (June 2011))

We note from the Bat Survey Report (Ecology Link, June 2011) that the hedgerows surrounding the application site were used by foraging bats. We would therefore recommend that a condition is placed on any permission granted requesting that any external lighting associated with the development should be approved by the LPA. Details of this should be submitted on a plan, with the proposed lighting clearly marked. In addition, the spread of the light should be indicated. Where appropriate lighting should all be directed away from the hedgerows. If this is not possible, baffles should be fitted to the lights to minimise/stop the light spillage onto the hedgerows.

We are satisfied with all of the ecological matters surrounding this application, provided that our advice above and that concerning badgers (in our letter dated 21 April 2011) is followed. We feel that any further discussion on this application will not be beneficial, as we are satisfied with the ecological aspects of the development.

LCC Archaeology

The submission of the Geophysical Survey report (Northamptonshire Archaeology report 11/76) is welcomed and we would request that the applicant submits digital and colour hard copies of both this and the geophysical survey report of the adjacent field (Holmes 2010) to the Leicestershire and Rutland Historic Environment Record (HER).

The geophysical survey has identified a number of anomalies of potential archaeological origin within the site. However, the nature and significance of these features is not currently fully understood from the geophysical survey results alone. In addition, significant archaeological remains may be present that the geophysical survey has failed to identify, such as features of small size, shallow depth, cut features containing a backfill of similar nature to the surrounding geology, or remains that do not take the form of cut or upstanding features, such as flint-working scatters. In line with current English Heritage guidelines (*Geophysical Survey in Archaeological Field Evaluation*, 2008) we recommend that geophysical survey should be followed up by a limited programme of trial trench evaluation to ground-truth the results and interpretations. This serves both to clarify the nature and significance of anomalies identified by the survey and to confirm the effectiveness of the survey within areas where no anomalies were identified.

To ensure that any archaeological remains present are dealt with appropriately, the applicant should provide for a programme of exploratory trial trenching prior to the start of development. This work is required to identify and locate any archaeological remains of significance, and propose suitable treatment to avoid or minimise damage by the development. Further design, civil engineering or archaeological work may then be necessary to achieve this. This Department's Historic & Natural Environment Team (HNET) will provide a formal Brief for the work at the applicant's request.

If planning permission is granted the applicant must obtain a suitable written Specification for the investigation and recording from an archaeological organisation acceptable to the planning authority. This should be submitted to HNET, as

archaeological advisors to your authority, for approval before the start of development.

HDC Contaminated Land Officer

No comments to make on the application

HDC Environmental Health Officer

As far as I can see from the plans the properties to the North remain a similar distance away (approx 170m). The distance to the main residential area to the North-East is now approximately 225m away which is clearly greater than previously. I do not feel that the size of the barns is that relevant in view of my concerns. I am not objecting to the application but I would still recommend that they undertake a management plan as previously advised. I would be happy for a condition to be placed on the application as oppose to it being agreed prior to determination.

Bringhurst, Drayton & Nevill Holt Parish Meeting

Objects to the proposal on the following grounds (please note these are a summary of the objections received, if you wish to see the objections in full they are available on the planning file):

(1) The building of two barns and an agricultural dwelling at the location would have a hugely adverse visual impact when viewed from many points along this section of the Valley (2) The landscape is one of broad open arable fields free from buildings other than those of Drayton itself – this would be changed if the farm buildings were permitted (3) The *revised* plan with its re-located barns has in the opinion of The Parish Meeting worsened the impact since they are in a more open and visually obtrusive location (4)The location for revised plan for the development still adversely impacts on the public footpaths including the Jurassic Way which pass near the proposed development (5) The proposed route for the access to the development is across open land for a distance of approximately 150metres unsightly and contributes further to the adverse visual impact (6)The photographs supplied in LVIA submitted by the do not adequately portray the landscape and should not be considered as truly representative therefore (7)The financial test for new agricultural dwellings in PPS7 is not met for this site (8)It is appreciated that the land will still be used for an agricultural pursuit and as such planning permission is not required, however the only grounds for justifying the agricultural dwelling is if the style of farming is altered. Previously arable farming has been the preferred option for the land in this part of the Welland Valley. The land has previously been successfully farmed remotely as an arable enterprise and has not required a dwelling on that site (9)The proposed access point to Medbourne Road is on to an unclassified and unlit country road where the upper national speed limit of 60mph applies (10) The Highways Authority previously expressed reservations about the suitability of an agricultural and residential development at this location. The Parish Meeting cannot see how the revised plan changes this view (11) There is potential for additional access to this land from Hall Lane in Drayton. Hall Lane is a quiet unclassified, low trafficked, no through road. The lane is most unsuitable for any large vehicles and particularly heavy vehicles or farm machinery (12) Surprised that a flood risk assessment was deemed unnecessary by the applicant. During the past winter months on a number of occasions the fields at and near to the planned location were seen to be waterlogged with standing water covering a large area (13)Surprised by

the assertion in the planning documents submitted by the applicant that the area has low ecological value. On the contrary it is known that there is a wide range of wildlife at the location, including a variety of both land animals such as deer and badgers; it is known that four types of bats have been observed in the vicinity together with a wide variety both of hedgerow birds, and birds of prey such as Buzzards and Red Kites (14) The applicant's submission is believed to be inadequate and gives an inaccurate summation of the ecology of the area. Whilst some of these creatures are not protected as such it is believed that a more thorough report is necessary to gain a better appraisal of the ecology of the location.

Alan Duncan MP

"...I know this area well and am wary about developments on this scale in such a picturesque area of the countryside... It is a wholly inappropriate proposal which is a clear abuse of the flexibility which is sometimes afforded to agricultural applications. The applicant is failing to take into account the sensitivities of his neighbours and has had ample opportunity to apply for the same sort of buildings at a better location nearby".

Representations:

8 letters of objection have been received from the following individual households: 16 Hall Lane; 17 Main Street; Northfield House (2 letters submitted); Appleton; Drayton House* (2 letters submitted), Plough Cottage, Field House & The Maltings (Please note these are a summary of the objections received, if you wish to see the objections in full they are available to view on the planning file).

(1) There is no proven functional need for this development. (2) This application is not supported by a sound financial business case (3) The development proposed is for a significant dwelling, it does not provide appropriate accommodation for a key worker to support the proposed new business (4) There are already a large number of properties available in the village with easy access to the site (5) There will be significant visual impact in an area of outstanding landscape from a number of key vantage points within the village (6) There is a high probability of noise pollution affecting the neighbouring properties (7) With the intensity of cattle rearing that is proposed for this new business there is a high probability of this development generating unpleasant odours, there is no mention of how this will be assessed or controlled (8) There is a risk of a significant traffic hazard on the Drayton to Medbourne road during and after the construction phase (9) There will be a significant increase in traffic using Hall Lane which is unsuitable for large farm machinery (10) There will be a significant impact upon wildlife habitats in the proposed site and surrounding area (11) A flood risk assessment has not been completed for this development (12) Concern that all the slurry and farm waste could enter the water table and the River Welland and therefore pose a continuous threat to wildlife (13) It will have an adverse visual impact upon the beautiful rolling countryside surrounding it (14) The entrance to the proposed site is situated on a blind hill and close to a bend and the road is subject to 60mph speed limit (15) The proposals are in direct conflict with policies EV/4 and EV/5 of the Local Plan (16) The proposed buildings are to be on an open site, in a position which maximises, not minimises, their intrusion on the landscape (17) The applicants have lived separately from their land holding for more than a year and operate four of five holdings,

including one at Cambridge....It would clearly be very convenient to live on site, but that is quite different to the assertion that this is essential... (18) The proposals do not meet the tests in PPS7 Annex A (19) I support the objections raised by the Parish Council and trust this planning application will be rejected (20) The panoramic views within the LVIA do not show the landscape as seen by the human eye (21) The proposals will not be adjacent to Home Farm (22) The development will be visible from all rooms at the rear of houses and gardens along Hall Lane.

* Mr & Mrs Blackman (Drayton House) have commissioned various reports including a Landscape and Visual Impact Assessment a Transport report and an Ecology report in support of their objections. These documents have been taken into consideration along with other material considerations. These reports are available for inspection at the Council Offices on prior request.

Other Information

History

10/01157/FUL – Erection of two barns and an agricultural dwelling (Withdrawn)

Reason for Committee Decision:

This application is being reported to the Planning Committee due to the level of counter representation received and because it has been called in by Cllr Galton.

Planning Considerations:

Policy Assessment:

As this application relates to erection of two agricultural barns and a temporary agricultural dwelling within an area of particularly attractive countryside, local plan policies IN/1, EV/4, EV/5 and TR/3 are most relevant, together with SPG Notes 4 and 6. National policies relevant to this application are PPS1, PPS4, PPS7 and PPG13. In addition, local plan policy RM/2 and national policies PPS9 and PPS25 are also relevant.

Agricultural Buildings

Two agricultural buildings are proposed, one for livestock and the other for storage. The buildings will be located to the south and east of but within close proximity to the temporary agricultural dwelling, which will aid the supervision of the livestock. The livestock building will be adjacent to an existing hedgerow to the east and the general purpose building will be located to the south west of the livestock building.

The livestock building (for cows and ewes) will have a floor area of 671sqm with an eaves height of 4.9m and an overall ridge height of 7.4m.

The general purpose building will accommodate the storage of straw, fertiliser and machinery associated with the business. This building will have a floor area of 448sqm with an eaves height of 4.9m and an overall ridge height of 6.6m. It is worth noting, that this building as amended now falls within Agricultural Permitted Development in accordance with Part 6 of the Town & Country Planning (General Permitted Development) Order 1995.

The scale and design of the barns proposed are considered to be appropriate for the needs of the business. With regard to materials and finishes, the buildings have been designed to reflect the appearance of the nearby Home Farm. The livestock building will be constructed of block walls, Juniper Green coated steel cladding and natural grey fibre cement sheets roof cladding and the general purpose building

Temporary Agricultural Dwelling

Paragraph 12 of PPS7 Annex A makes clear if a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, it should normally, for the first three years, be provided by a caravan, a wooden structure which can be easily dismantled, or other temporary accommodation. It should satisfy the following criteria:

(i) clear evidence of a firm intention and ability to develop the enterprise concerned;

The business has invested significantly in stock, building herd numbers up to 85 Suckler cows and 300 Ewes and the associated youngstock. The business will demonstrate further investment with the erection of the farm buildings which form part of this application.

(ii) functional need;

The year round rearing of Suckler cows to achieve consistent marketable supply to the consumer together with breeding sheep enterprise requires a trained stockman to be on site at all times. This ensures that there is minimal loss of life during parturition, optimum fertility within the herd and consistent herd and flock monitoring. In addition to this the added benefits to living on site allows the stockman to be on hand in emergencies i.e. fire, loss of water supply, theft from the premises or trespass.

(iii) clear evidence that the proposed enterprise has been planned on a sound financial basis;

The accounts submitted in the original appraisal show a rising trend in profitability and net worth of the business. In addition to this, the market outlook for the red meat sector is promising with strong domestic demand coupled with import demand from economies such as China outweighing importable supply.

(iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned;

The need requires a stockman to live within sight, sound and smell of the livestock, whether grazing or housed. There are no houses within 500m that are either on the market, have prospects of coming onto the market or are available to house a farm worker. The nearest dwelling is circa 230m away being Home Farm. However, this farmhouse is not for sale and nor is it within sight and sound of the proposed buildings. As such the need cannot be

fulfilled by another existing dwelling.

The Council's Independent Agricultural Advisor has conducted a desktop agricultural appraisal of the enterprise and has concluded that if the LPA are prepared to allow consent for the agricultural buildings on the application site, he considers there would (after these buildings have been erected) be support for a temporary agricultural dwelling for a period of three years to enable the Applicants to establish the unit and the agricultural activity concerned and enable three year's accounts to be available to show whether the enterprise can then sustain the cost of a permanent dwelling in the long term. The advisor suggests a Grampian Condition is imposed on any permission granted to ensure the temporary dwelling is not brought onto the site until the farm buildings have erected and are capable of being occupied by the livestock.

The fifth criterion of paragraph 12 refers to the 'other normal planning requirements', to which the rest of this report refers

Impact on the Area of Particularly Attractive Countryside

The application site falls within the Welland Valley Landscape Character Area as identified in 'The Landscape Character Assessment' (2007). The capacity of the Welland Valley is Medium, which is described as an area able to accommodate development or change with some degradation of existing landscape character. It states that in these areas mitigation measures would be required to address adverse landscape impact.

The site is close to the built form of the village of Drayton, so it will not appear an isolated development. The development would be sited at the base of a steep south to north incline which will minimise the buildings prominence in the landscape.

The development has been sited close to existing hedgerows, which assists in mitigating the development, although it is recognised that the buildings would appear most exposed during the winter months. To enhance and soften the visual appearance of the development the Landscape Assessment submitted suggest that a small number of native broadleaved trees (e.g. ash/willow) be planted in the vicinity of the buildings. A planting and landscape scheme can be dealt with by way of condition.

The scale of the buildings are based on the requirements of the enterprise but have been kept to a minimum where possible. The proposed temporary dwelling will be single storey and will adjacent to the barns.

The land use will remain essentially agricultural in character with existing site field boundaries remaining. The application site is located at a lower altitude to Home Farm to the north and will therefore be less visible in terms of cross valley views.

The proposed development will have an impact on the character and appearance of the area, and will be visible from several publicly accessible viewpoints: including Medbourne Road, Nevill Holt Road, Ashley Lane (within Corby BC jurisdiction); Public Footpath B73 (located 250m to the east of the site and separated by three field boundaries) and Public Bridleway. However taking account of potential for sustainable economic development and for the reasons given, it is not considered

that the construction of a farm within a rural landscape would have a materially harmful impact upon the character and appearance of the landscape to warrant refusal. Furthermore, alternative sites have been considered and this is considered the best location available within the applicant's ownership.

Impact on Residential Amenity

The buildings will be visible from several private residential dwellings along Hall Lane including Welland House; Appleton; Field House; Drayton House and Fair View.

The buildings will be located 225m from the nearest residential properties within Drayton. These dwellings have principal windows that look out directly into the line of the proposals. Long distance views would be affected, but no property has a 'right to a view'. Furthermore, given the intervening vegetation, the topography of the surrounding land and the scale of the development (maximum height of the two barns proposed is 7.4m) it is not considered that these properties would be so adversely affected to warrant refusal.

Noise & Pollution

The Environmental Health department has assessed the application and have requested that a condition is imposed on any grant of permission requesting a noise and odour management plan.

Protected Species

Two ecological reports prepared by Ecology Link (July 2010 & June 2011) concluded that there are no ecological constraints to prevent the development of the site. LCC Ecology have assessed the survey submitted and have concluded they are satisfied with its content subject to the recommendations outlined in the survey. These recommendations have been conditioned. Notwithstanding objections received a reasonable approach consistent with Circular 06/05 allows for an informed decision.

Trees/Hedgerows

All existing trees and hedgerows within the application site and within the ownership of the applicants are proposed to be retained. To ensure the hedgerows and trees are retained a condition seeking their retention is proposed.

Vehicular Access & Parking

The site would be served by an existing access point located off Medbourne Road. A new access drive is proposed from the point of access to the site. Ideally this drive would follow the line of the hedgerow, however, due to an active badger sett, the drive will be positioned diagonally across the field. The Highway Authority has assessed the application and have concluded that they have no justifiable objection to this proposal subject to the proposal receiving a favourable agricultural appraisal – the proposed temporary agricultural dwelling complies with paragraph 12 of Annex A to PPS7. Furthermore, the Highway Authority consider that a vehicular access can be provided which meets all relevant design criteria and visibility splay requirements. They have suggested several conditions if permission is granted.

Conclusion:

The proposed temporary agricultural dwelling complies with Paragraph 12 of Annex A. The proposed agricultural buildings are of a scale based on the requirements of

the enterprise. Alternative sites were considered by the applicant but for a variety of reasons these were not considered appropriate. The site proposed is therefore the best available. The economic and agricultural development potential is considered to be of sufficient weight to outweigh the harm to the character and appearance of the countryside. For these reasons the application is recommended for approval.

Conditions/Reasons

1. The development hereby approved shall be begun within 3 years from the date of this permission. Reason:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 and to enable the Local Planning Authority to review the position at the end of this period.
2. The development hereby permitted shall be in accordance with the submitted plans and drawing reference 11/00438A/FUL; Reason:- For the avoidance of doubt.
3. The temporary agricultural dwelling hereby approved, shall not be brought onto the site until the farm buildings hereby approved have been erected and are capable of being occupied by the livestock. Reason: A temporary agricultural dwelling would not be justified without the farm buildings being erected and to accord with Annex A of PPS7.
3. No development shall commence on site until details (e.g. size, design) of the temporary agricultural dwelling hereby approved have been submitted to and approved in writing by the Local Planning Authority. Thereafter the temporary agricultural dwelling shall be implemented as approved. Reason: To ensure the temporary agricultural dwelling is appropriate for the size of the enterprise and to protect the character and appearance of the countryside and to accord with local plan policies EV/4 and EV/5 and Annex A to PPS7
5. The temporary agricultural dwelling hereby approved is limited to a three year period commencing on the day it is sited on site, which will be agreed with the Local Planning Authority. After which date the use shall cease and removed from the site and the site left in a tidy condition to the satisfaction of the Local Planning Authority. Reason: In order to establish the long term viability of the use with respect to PPS7 Annex A can be assessed during this period, and that any future application can be decided on this assessment.
6. The occupation of the temporary agricultural dwelling shall be limited to Mr and Mrs Robinson who shall be solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 336(1) of the Town and Country Planning Act 1990, or a dependent of such a person residing with him/her, or a widow or widower of such a person. Reason: To accord with Policy EV/5 of the Harborough District Local Plan and Annex A to PPS7.
7. No development shall commence on site until representative samples of the materials to be used externally in the construction of the approved agricultural building(s) have been deposited with and approved in writing by the Local

Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. Reason:- In the interests of visual amenity and to ensure that the development will harmonise with its surroundings and to accord with Policy IN/1 of the Harborough District Local Plan.

8. No development shall commence on site until a management plan demonstrating how odour/fly problems affecting the local community will be prevented has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained in perpetuity Reason:- In the interests of the amenity of the surrounding locality and to secure a satisfactory standard of development and to accord with Policy IN/1 of the Harborough District Local Plan.
9. No external lighting shall be installed on the agricultural buildings hereby approved Reason:- To prevent intrusive light pollution that is out of keeping with the character of the area and in the interests of nature conservation and to accord with Policy IN/1 of the Harborough District Local Plan.
10. No development shall commence on site until full details of both hard and soft landscape works, including a programme of implementation, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented during the first available planting season after the agricultural buildings have been erected in accordance with the approved details and retained in perpetuity Reason:- To enhance the development and to safeguard the appearance of the area and to accord with Policy IN/1 of Harborough District Local Plan.
11. The existing hedges together with the trees on the site shall be retained and in no way disturbed. Any proposed alterations to the hedges or trees, including any pruning or selective removal and/or replacement, shall be submitted in the form of a detailed scheme to the Local Planning Authority and be approved in writing. The detailed scheme shall be carried out as approved and maintained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. Reason:- To ensure that the existing trees and/or hedges on the site can be retained, to enhance the development and to safeguard the appearance of the area and to accord with Policies IN/1 and EV/19 of the Harborough District Local Plan.
12. The development shall be implemented in accordance with the recommendations outlined in the Phase 1 Habitat Survey dated 2nd July 2010 and the Great Crested Newts Report dated July 2010 both prepared by Ecology Link and retained in perpetuity. Reason: In the interests of wildlife and nature conservation and to accord with the aims and objectives of PPS9.
13. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 10 metres behind the Highway boundary and shall be hung so as to open inwards

only. Reason: To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.

14. The gradient of the access drive shall not exceed 1:12 for the first 5 metres behind the Highway boundary. Reason: To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety.
15. Before first use of the development hereby permitted the access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 10 metres behind the Highway boundary and shall be so maintained at all times. Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)
16. The vehicular access shall be a minimum of 6.0 metres wide for at least the first 5 metres behind the Highway boundary and have 6 metres radii at its junction with the adopted road carriageway. The access drive once provided shall be so maintained at all times. Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway.
17. No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
 - The programme and methodology of site investigation and recording
 - The programme for post investigation assessment
 - Provision to be made for analysis of the site investigation and recording
 - Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - Provision to be made for archive deposition of the analysis and records of the site investigation
 - Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: To ensure satisfactory archaeological investigation and recording in accordance with PPS5

18. No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (17). Reason: To ensure satisfactory archaeological investigation and recording in accordance with PPS5

19. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (1) and the

provision made for analysis, publication and dissemination of results and archive deposition has been secured. Reason: To ensure satisfactory archaeological investigation and recording in accordance with PPS5

11/00618/FUL – WISTOW
Airvolution Energy Ltd

Erection of 60m high temporary
meteorological mast, Land at Croft
Farm, Glen Road, Newton Harcourt.

Target Date: 30/06/11

Recommendation:

APPROVE subject to the appended conditions and reasons.

The development hereby approved would not have an adverse affect on the visual amenity of the surrounding area or the character of the open countryside. The proposal is therefore considered to comply with PPS22 and Policy 40 of RSS8, and no other material considerations indicate that the policies of the development plan should not prevail.

Site:

The application site is located between Newton Harcourt and Leicester in an area of open countryside and forms part of a farm. It is not within a Conservation Area and is not within an area which is designated as an Area of Particularly Attractive Countryside.

The Proposal:

The application relates to the erection of a 60m high meteorological mast. The proposal would be secured by 4 sets of guy wires to anchor points at a radius of 35 - 42m. It would provide meteorological monitoring equipment for the purpose of gathering meteorological data.

Policy:

National Policy:

PPS1 Supplement: Planning and Climate Change

PPS22: Renewable Energy

Planning for Renewable Energy: A Comparison Guide to PPS22.

RSS8:

Policy 39: Regional Priorities for Energy Reduction and Efficiency

Policy 40: Regional Priorities for Low Carbon Energy Generation

Local Guidance:

Wind Turbines. A Developer Guidance Note

Harborough District Local Plan:

IN/1 – Standards of Development

EV/4 – Countryside Character

Consultations / Representations:

Highway Authority

No objections.

HDC Environmental Services:

No objection to the proposal

Parish:

No comments received

Representation:

5 letters of representation received from one household (Pinetree Cottage; The Newton; Windyback; Newton Willow; Ashdown, Glen Road) raising the following points: 1) We can not see the benefits to the scheme for the community. 2) Commercial operators are allegedly looking to give community benefits, we would suggest its more likely massive profits which is driving it. 3) When the wind fails to blow, the turbines stop creating electricity. 4) The whole thing is a gigantic scam dreamt up to fleece the tax payer. 5) The height of the mast will spoil the lovely picturesque landscape in our village. 6) Its obvious that this is a precursor to a planning application for turbines which will cause massive public outcry. 7) This will have the impact of more cost to the Local Authority which will inevitably be borne by the tax payer. 8) Now is the time to deny this application to avoid what will be a costly, time consuming and bitter battle to prevent our environment being blighted for the fiscal gain of the land owner. 9) It will stick out like the proverbial sore thumb. 10) The erection of this pole will make this village look like an industrial area. 11) The subsequent turbines will be noisy. 12) This will have an effect on the value of our property.

Other Information:

Public Rights of Way:

None affected by the proposal, although there is one footpath to the north and east of the site.

History:

None relevant.

Planning Considerations:

Policy Assessment:

As this application is for the erection of a meteorological anemometer mast, PPS22 and its companion guide and RSS8 Policy 40 are considered most relevant. This policy requires that the proposal should not have a detrimental effect on the visual amenities of the surrounding area.

The Development Plan for the purpose of this application consists of the Regional Spatial Strategy for the East Midlands, adopted in 2009 and the 'saved' policies of the Harborough District Local Plan, adopted in 2001, however, consideration should be given to the Government's intention to abolish the RSS.

HDC have produced a guidance note for developers relating to the considerations relating to wind turbines. This guidance states that the Council would expect local wind monitoring to be carried out prior to the submission of a planning application.

Residential Amenity:

The whole of the village of Newton Harcourt and the area known as Glen Rise are within approximately 1km of the proposal, and there is one isolated dwelling to the north of the proposal. Although the mast will be visible from a number of these properties, residents do not have a legal right to a view, and as such it is not considered that it will have an adverse impact upon the residential amenity of any of the properties within the area. The application is therefore considered to be in accordance with PPS22 and Policy IN/1 of the Harborough District Local Plan.

Highways:

Access to the site is proposed via an existing track off of Glen Road at the western end of the village. The access will only be required for the erection and dismantling of the mast, and as such, the proposal will not create a substantial level of traffic. The application is therefore considered to be in accordance with Policy TR/3 of the Harborough District Local Plan.

Impact Upon Character of the Area:

The proposed mast is 60m in height and is to be located in a relatively elevated position within the local countryside. A location in the open countryside is difficult to avoid for this form of development. It is considered that despite the height of the mast, the proposed structure is relatively unobtrusive and will not have a significantly materially detrimental impact upon the visual amenity of the countryside or the character of the locality. A temporary permission for 18 months is being sought by the applicant, however, Officers feel that a 12 month consent, in line with other similar consents within the District, would be reasonable to allow adequate time to carry out the site assessment. A condition is also recommended to ensure the land be restored to its agricultural use within 1 month of the expiry of the consent. It is considered that approval of this proposal would not result in a proliferation of development in the open countryside, and it is not considered that it will be visually obtrusive within the landscape. The application is therefore considered to be in accordance with Policy PPS22 of the Harborough District Local Plan.

Other Issues:

Concerns have been raised through representation that wind turbines will have an impact upon the countryside. Officers are mindful of this, however, the application for determination is for the erection of an anemometer, and not a proposed wind farm.

Conclusion:

The proposal is lightweight in construction and due to its limited time period is not considered to be obtrusive within the surrounding countryside. Furthermore, the proposal is necessary in order to facilitate any future application for a windfarm in the locality.

Conditions:

1. The development hereby approved shall be begun within 3 years from the date of this permission. Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 and to enable the Local Planning Authority to review the position at the end of this period.

2. The mast hereby approved shall be removed within 12 months of the completion of its erection. The site shall then be returned to agricultural use within 1 month and the land re-instated to its condition period to the development.
Reason: To ensure a satisfactory character of the surrounding locality and to ensure compliance with PPS22 and Policy 40 of RSS8.

11/00629/FUL – BROUGHTON ASTLEY
Mr & Mrs Butler

Erection of an outbuilding for gym
and games room ancillary to
dwelling, at 112 Station Road

Target Date: 29.06.2011

Recommendation

APPROVE subject to the appended conditions and for the following reason:

The development hereby approved, by virtue of its design, size and siting, would not adversely affect the amenity of local residents nor result in a sub-standard level of off street parking, nor an unacceptable reduction in open space around the dwelling, and would be subordinate to the main dwelling and of harmonious design, form and materials. The proposal is therefore considered to comply with Policies IN/1 and HS/12 of the Harborough District Local Plan, and no other material considerations indicate that the policies of the development plan should not prevail.

Site:

The application site is a residential property to the south of Station Road in Broughton Astley and within the defined Limits to Development. The site is comprised of a single, detached dwelling, accessed from Station Road, with a characteristically large and deep rear garden. The application site is bounded by residential development either side and to the rear. A planning application for a detached, single storey dwelling in the garden of 112 was refused by Planning Committee in July 2010.

The Proposal:

The current proposal is for the erection an outbuilding, to provide a gym and games room ancillary to the main dwelling.

Policy

National:

PPS1 – Delivering sustainable development

Regional Spatial Strategy for the East Midlands (RSS8):

Policy 4 – Promoting better design

Harborough District Local Plan:

IN/1 – Standards of development

RM/10 – Maintenance/protection of habitats

HS/7 – Form/setting/character

HS/12 – Residential extensions and outbuildings

TR/10 – Parking requirements

Local Guidance:

SPG Note 1 – Design principles

SPG Note 5 – Extensions to dwellings

Consultations / Representations:

Highway Authority:

No comments received

Parish:

Objects to the proposal: “(1) The proximity of the proposed development to neighbouring properties in Knighton Close is likely to cause noise and additional light disturbance, particularly as it is proposed use is as a leisure facility [sic]. (2) That this application will continue to encourage and set a precedent for future backland development of neighbouring rear gardens and would be contrary to policies IN/1, HS/7 and HS/8 of HDC Local Planning Policy.”

Representations:

In addition to that of the Parish, four letters of objection have been received, raising the following points:

(1) Proposed structure is substantially similar to the dwelling refused in 2010 and is effectively a “dwelling waiting to happen”: One of the reasons for the refusal of that planning application was that the form and character of the area would be significantly altered; the proposed structure would have foundations, foul and surface water drainage, electricity, bathroom with shower and a food prep area with sink, plus external decking; “the plan indicates a detached dwelling described as an outbuilding for a gym and games room... the plan indicates a habitable dwelling”; the plan is a “Trojan horse”

(2) How can the Regulatory Board ensure that the building is not used as a dwelling in the future? Does the Regulatory Board have the authority to impose a condition preventing the building from ever being used as a dwelling? Please can the Regulatory Board take the necessary steps to ensure that a permanent building is not allowed [at this site?]

(3) The Planning Committee’s refusal of a planning application for three dwellings on land rear of 118-124 Station Road (approx. 30 metres away from this application site) has been appealed and is currently being assessed by a Planning Inspector. Approval of this current application would “send totally the wrong message to the Appeal Inspector... [the appellants] will be able to use any such decision to enhance their case...” [*Officer comment. This is not the case – the appellant and the Council have both submitted their statements and the deadline for the submission of any further information has now passed; it is anticipated that the Inspector’s decision will be made within 3-4 weeks.*]

(4) Impact to neighbours: Any permanent building would intrude and dominate, and cause harm to neighbours’ outlook, which currently includes an ancient hedgerow; lighting would also adversely affect neighbours; overlooking and loss of privacy from proposed windows to northern and eastern elevations; excessive noise/development would result in noise nuisance; even if the applicant removed the sink and bathroom from the proposal the building would still cause noise nuisance

(5) Loss of trees: Inadequate information is given re trees to be removed; the way the applicant has worded their statement re trees in the application form would allow them to remove all trees and “further destroy the form and character of the area”

(6) Impact to character of local area / Loss of openness: this area of “...open gardens, unimpaired by permanent buildings, is the last green oasis in this part of Broughton Astley”; the proposal would significantly change the character of the area; would not assimilate comfortably with its surroundings; visually intrusive

(7) Garden grabbing – should be refused, as it has been previously, both at 112 and 118-124 Station Road; the Localism Bill has “significantly changed” planning in this regard; the Planning Committee may “like to consider the [letter from] the Chief Planner dated 19.1.2010 which advises LPAs that they “can if appropriate resist development on existing gardens”; “is also another example of increasing Housing Density by selling off gardens”; represents a “garden development”

(8) Impact to flooding

(9) Impact to local wildlife, including squirrels, hedgehogs, pipistrelle bats, foxes, woodpeckers, wrens, gold crest, bull finch, blackbird, etc.

(10) Impact to health and safety – the wooden cladding may cause a fire risk to neighbouring properties

(11) Loss of hedgerows: objectors refer to guidance in the Hedgerow Regulations 1997 [Officer comment: Neither the hedges or trees at this site are protected and currently all could be removed without needing any form of planning approval.]

Other Information

This application is being reported to the Planning Committee for determination because five or more letters of counter representation have been received.

Planning history:

10/00585/FUL – Erection of detached dwelling, formation of new access and associated hardstanding and landscaping – refused, 23.7.10

01/00777/FUL – Erection of garage to side, ground floor extension to rear and first floor extension – granted, conditions, 02.08.01

Planning Considerations:

Policy Assessment:

As this application is for the erection of an outbuilding ancillary to an existing dwelling, Policy HS/12 is considered most relevant. This policy requires a number of criteria to be met, such as the proposal must not have a detrimental impact on the residential amenity of neighbouring properties, the proposal must be subordinate in scale, form and design to the main building, not have a detrimental effect on the visual amenities of the surrounding area and not result in a sub-standard level of on-site parking.

Principle: Is the proposal “permitted development”?

The proposed outbuilding would be L-shaped, with a maximum width of 10.0 metres, and a maximum depth of 9.0m, its longest element running left-to-right (as one looks from the existing dwelling), with a depth of 5.0m and the ‘forward-projecting’ element having a width of 4.0m. The building would have an eaves

height of 2.5 metres and a ridge height of 3.6m. It would be situated 2.5m from the property's rear and side boundaries.

The plans show an area of decking, which can be classed as hardstanding, but which constitutes permitted development. The floor plans show the building to be intended for use as a games room and gym, with a shower room, sink and work surface.

Under Part 1 Class E of Schedule 2 of the General Permitted Development Order, the applicant may construct a building of up to 50% of the total area of the rear garden, provided the building is single storey only, of no greater height than 4.0 metres (in the case of a building with a dual pitched roof), is more than 2.0 metres away from any 'curtilage' (typically garden) boundary, and has an eaves height that does not exceed 2.5 metres.

The proposed building fulfils all of these criteria. Class E permits "any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse..." The building's use as a gymnasium and games room falls within the definition of "incidental to the enjoyment", and the building could be constructed under the property's permitted development rights, i.e. planning permission is not required for the construction of this building, and this is an important material consideration.

Nevertheless, the applicant has submitted the proposal for the Council's assessment, and it is noted that the plans show a shower room and sink area. However, the plans submitted do not show an independent use, and the garden is land-locked, i.e. there is no separate access. There would need to be a separate access for the building to be used independently from the main dwelling.

Importantly however, through the submission of this planning application, the Local Planning Authority has an opportunity to control the use of building, and a condition may reasonably be imposed to ensure that its use remains ancillary to the main dwelling in perpetuity.

In addition, the applicant has submitted the proposal as a householder application, paying a householder application fee of £150, and proposes that the building be ancillary to the main dwelling. The application has to be assessed on this basis.

Design and Visual amenity:

Although of significant size, given its location relative to the main dwelling, it is considered that the proposed building would be a subordinate addition to the main dwelling that is of harmonious design and form. As an application has been

submitted, a condition may reasonably be imposed to ensure that materials match those of the main dwelling. Given its form, massing and location, the proposed building would have little or no material impact to the wider area, and thus the proposal is considered not to adversely affect the visual amenity or character of the locality. The application is therefore considered to be in accordance with Policy HS/12 (1, 2 and 4) of the Harborough District Local Plan.

Residential amenity

Although in light of recent planning history one can understand the general concerns of neighbouring residents, the current proposal could be built under the property's permitted development rights, and therefore it is unreasonable for the LPA to object on grounds of impact to outlook, privacy, or loss of light to neighbours. Any objections on these grounds carry no material weight.

Similarly, permission is not required for the removal of any trees or hedges, and any such works – if indeed they are intended – do not form part of this application.

Further, any consideration relating to “garden grabbing” is immaterial – the proposal is not for a new dwelling and the building's use can be conditioned accordingly.

Similarly, loss of openness is immaterial – the applicant would likely be able to build a larger structure under their permitted development rights, i.e. one which remains incidental to their enjoyment of the dwelling (the proposal has a height of 3.6m – the applicant could build up to 4.0m height).

Lastly, since the building itself would be permitted development, fire risk and noise are not material considerations in this instance, and the owner's responsibilities to wildlife are covered by the Wildlife and Countryside Act 1981.

In summary therefore, the proposal would not have any significant impact on neighbouring residents that warrants refusal of this application or that could be substantiated at appeal. The application therefore accords with Policies IN/1 and HS/12 of the Harborough District Local Plan in amenity terms.

Access and Parking

The proposed building would create no demand for additional parking that can be addressed within the planning process. The proposal would have no material impact to highway safety, the Highway authority has raised no objections to the application, and the proposal therefore accords with Policies IN/1 and TR/10 of the Harborough District Local Plan.

Conclusion:

The proposal would constitute a subordinate and harmonious outbuilding to the existing dwelling, would not adversely affect residential amenity as there are no issues of overlooking created and will not be overbearing or cause undue loss of light, and there is satisfactory parking provision; and thus the proposal would

comply with Policies IN/1 and HS/12 of the Local Plan and SPG5 Extensions to dwellings.

Conditions / Reason:

1. The development hereby permitted shall be begun within three years from the date of this permission. Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 and to enable the Local Planning Authority to review the position at the end of this period.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: “1 of 5”, “2 of 5”, “3 of 5”, “4 of 5”, “5 of 5” (all dated 18th April 2011) and the Location Plan. Reason: For the avoidance of doubt.
3. The materials to be used in constructing the external surfaces of the outbuilding hereby approved shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority. Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings and to accord with Policy IN/1 of the Harborough District Local Plan.
4. The proposed outbuilding shall remain ancillary to the existing dwelling currently known as 112 Station Road, and use of the building shall be restricted to purposes which are incidental to the enjoyment of the adjoining dwellinghouse. Reason: To safeguard the form and character of the surrounding area and the living conditions of neighbouring residents, and to accord with Policies IN/1, HS/7 and HS/12 of the Harborough District Local Plan.

Notes to applicant:

You are advised that this proposal may require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section, Harborough District Council (Tel. Market Harborough 828282). As such please be aware that complying with building regulations does not mean that the planning conditions attached to this permission have been discharged and vice versa.

A watching brief for all protected species of wildlife (protected by law under the Wildlife and Countryside Act 1981) should be maintained throughout the development. In the event of any protected species being discovered, works should cease immediately whilst expert advice is sought.

11/00639/FUL – Gilmorton
Mr JP Mulliner & Miss LR Ingham

Division of single dwelling into two
dwellings (revised scheme of
10/00884/FUL), Washbrook Lodge
Lutterworth Road

Target Date: 30th June 2011

Recommendation

APPROVE subject to the appended conditions and for the following reason:
The development by virtue of its sympathetic nature and the extent of the alterations proposed, would not adversely affect the character and appearance of the building or the surrounding countryside, nor give rise to road safety hazard, nor adversely affect the amenity of local residents. The proposal is therefore considered to comply with Policies IN/1, EV/5, EV/7 and TR/3 of the Harborough District Local Plan and Supplementary Planning Guidance Note 8 and no other material considerations indicate that the policies of the development plan should not prevail.

Site

The site is within a complex of existing agricultural buildings, barn conversions and dwellings located to the south of Gilmorton. The surrounding countryside is generally flat, with Gilmorton village on higher ground. Washbrook Lodge is a two and single storey barn, converted to a dwelling in 2003. It has two access roads, to south and north, parking space to the south and garden/yard to the north. The site is within the open countryside and not in a Conservation Area.

The Proposal

The application is to divide the existing dwelling into two, to form two dwellings which are semi-detached. No external changes are proposed. The amenity space will similarly be divided. The division entails a simple straight line through the dwelling, including one ground floor doorway being blocked up, and a 1.8m closeboarded fence erected dividing amenity, parking and turning spaces for each property to north and south of the dwelling.

Reason for Reporting to Planning Committee

The application is reported to the Planning Committee as the recommended decision is contrary to advice given by a statutory consultee (Highways).

Policy

National Policy:

PPS7 – Sustainable Development in Rural Areas
PPS4 – Planning for Sustainable Economic Growth
PPS3 – Housing

Harborough District Local Plan:

IN/1 – Standards of Development
EV/5 – Development in the Countryside

EV/7 – Conversion of Buildings in the Countryside

Guidance:

“Planning for Growth” ministerial statement 23rd March 2011
SPG note 8 – New Uses for Old Buildings, A Guide to their Conversion

Consultations / Representations

Leicestershire County Highways:

“The Applicant has failed to demonstrate that their proposal will be in a location where services are readily and safely accessible by walking, cycling and public transport. Leicestershire County Council policy contained in the Local Transport Plan 3 seeks to deliver new development in areas where travel distances can be minimised and genuine, safe and high quality choices are available (or can be provided) for people to walk, cycle and use public transport facilities and services nearby. The LTP3 reflects Government guidance contained in PPS1, PPS7 and PPG13.” (3rd June 2011)

Gilmorton Parish Council:

No comments received by expiry of consultation period.

Representations:

None received

History:

03/00361/FUL – Conversion of barn to single dwelling – approved
10/00639/FUL – Division of single dwelling into two dwellings – withdrawn
Various approvals from 2005 for an office building; latest consent
07/00773/FUL lapsed 28th Jan 2011

Planning Considerations

Policy Assessment:

As the proposal is for the creation of a dwelling (conversion) in the countryside, policies EV/5 and EV/7 are considered most relevant. These policies require a number of criteria to be met, including that the building must be capable of conversion without any major reconstruction; any significant historic features of the building are retained; no substantial additions or alterations are proposed; the development does not adversely affect the character and appearance of the countryside or residential amenity; should not adversely affect areas of ecological or archaeological significance; should not generate traffic that would be of a level or type harmful to the character and appearance of the area; and adequate parking should be provided within the site.

Principle of Development

Given that the site currently has residential use, and the barn already converted, the principle of conversion under EV/7 is accepted. The Council cannot demonstrate a 5 year housing land supply based on targets in the RSS. Since the Council supports the levels of District housing provision set out in the RSS this shortfall is an important material consideration and the proposal, although modest, will help to address this.

This carries considerable weight within terms of Planning Policy Statement 3 (particularly paragraphs 68-71) in favour of the proposal. Government restated by letter 10th November 2010 that its intention to revoke the RSS is a material consideration.

Design & Impact on the Countryside

The design of the dwellings is unaltered from the existing single dwelling, with the addition of a 1.8m timber closeboarded fence between the two dwellings; a length of 34m to north and 10.5m to south. The existing boundary fence is of matching design and height and will screen the new fence, thus ensuring that no additional harm to the countryside occurs.

Residential Amenity

No letters of objection were received, neither do the parish make any comments. Ewe Cottage has first floor windows to the west elevation, which appear to serve principal rooms. These currently overlook a gravel parking area: the scheme proposes this area as garden, and given the concrete yard to the north, will be private amenity space. Notwithstanding any potential overlooking, there is already some shortfall in advised separation distances, and this relationship is often the case with barn conversions. The proposal is therefore considered acceptable to residential amenity.

Access and Parking

Highways have objected to the proposal, stating that the location is unsustainable, and the proposal conflicts with their recently adopted policy LTP3. In the light of the emerging Core Strategy, and existing national policy, sustainability of new development is a material consideration. The Ministerial Statement of 23rd of March is also a material consideration, supporting the swift and favourable determination of planning applications, in order to promote economic growth. In his report for a recent appeal decision (on reference 10/00470/FUL for Land Adj Railway, Broughton Lane, Leire – a similar site adjacent to a village which was partly refused as unsustainable), the inspector states that the location “would not necessarily been fatal to the proposal if it was in other respects policy compliant”. Therefore, given the existing complex of residential properties (4 dwellings), and that the proposal complies with EV/7, the proposal is on balance considered acceptable.

Conclusion

It is considered that the proposal complies with Policies EV/5 and EV/7, would not adversely affect the character and appearance of the building or the surrounding countryside, nor give rise to road safety hazard, nor adversely affect the amenity of local residents.

Conditions / Reason

1. The development hereby permitted shall be begun within three years from the date of this permission. Reason:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 and to enable the Local Planning Authority to review the position at the end of this period.
2. The development hereby permitted shall be in accordance with the submitted plans and drawing reference Job number 2259, drawing numbers 1A, 2A, 3A and 4. Reason:- For the avoidance of doubt.
3. The extent of the residential curtilage shall be that shown on the site plan drawing 4 and annotated "New boundary..." Reason:- For the avoidance of doubt and in the interests of preventing encroachment into the open countryside and to accord with Policies IN/1 and EV/5 of the Harborough District Local Plan.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that order, permission shall be required from the District Planning Authority for any development of the types specified in Schedule 2, Parts 1 and 2.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that order, permission shall be required from the District Planning Authority for the insertion of any additional window, door, rooflight or other opening.
6. Car parking provision shall be made and retained in perpetuity within the curtilage of each dwelling on the basis of 2 spaces for dwellings with up to three bedrooms and 3 spaces for dwellings with four or more bedrooms.
7. Turning facilities shall be provided prior to the first occupation of the dwelling and shall be retained in perpetuity within the site in order to allow vehicles to enter and leave in a forward direction.

Notes to Applicant

1. You are advised that this proposal may require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section, Harborough District Council (Tel. Market Harborough 821090). As such please be aware that complying with building regulations does not mean that the planning conditions attached to this permission have been discharged and vice versa.
2. If the permitted plans involve the carrying out of building work along or close to the boundary, you are advised that under the Party Wall Act 1996 you have a duty to give notice to the adjoining owner of your intentions before commencing this work.

