



Civic Centre,  
Arnot Hill Park,  
Arnold,  
Nottinghamshire,  
NG5 6LU

# Agenda

## Planning Committee

Date: **Wednesday 18 September 2013**

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Time: **6.00 pm**

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Place: **Council Chamber, Civic Centre.**

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For any further information please contact:

**Lyndsey Parnell**

Members' Services Officer

0115 901 3910

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# Planning Committee

## Membership

**Chair** Councillor John Truscott

**Vice-Chair** Councillor Barbara Miller

Councillor Pauline Allan  
Councillor Roy Allan  
Councillor Peter Barnes  
Councillor Chris Barnfather  
Councillor Denis Beeston MBE  
Councillor Alan Bexon  
Councillor John Boot  
Councillor Bob Collis  
Councillor Andrew Ellwood  
Councillor Cheryl Hewlett  
Councillor Sarah Hewson  
Councillor Jenny Hollingsworth  
Councillor Mike Hope  
Councillor Meredith Lawrence  
Councillor Marje Paling  
Councillor Colin Powell  
Councillor Suzanne Prew-Smith  
Councillor Gordon Tunncliffe

## **AGENDA**

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|-----------|--|------------------|
| <b>1</b>  | <b>Apologies for Absence.</b>  |                  |
| <b>2</b>  | <b>To approve, as a correct record, the minutes of the meeting held on 28 August 2013.</b> | <b>1 - 8</b>     |
|           | <b>Planning Committee Protocol.</b>  |                  |
| <b>3</b>  | <b>Declaration of Interests</b>  |                  |
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| <b>10</b> | <b>Any other items which the Chair considers urgent.</b>                                   |                  |

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## **MINUTES PLANNING COMMITTEE**

**Wednesday 28 August 2013**

Councillor John Truscott (Chair)

Present: Councillor Barbara Miller Councillor Cheryl Hewlett  
Councillor Pauline Allan Councillor Sarah Hewson  
Councillor Roy Allan Councillor Jenny Hollingsworth  
Councillor Peter Barnes Councillor Mike Hope  
Councillor Chris Barnfather Councillor Meredith Lawrence  
Councillor Denis Beeston MBE Councillor Marje Paling  
Councillor Alan Bexon Councillor Colin Powell  
Councillor Bob Collis Councillor Suzanne Prew-Smith  
Councillor Andrew Ellwood Councillor Gordon Tunnicliffe

Absent: Councillor John Boot

Officers in Attendance: J Cole, F Whyley, B Pearson and A Dubberley

### **38 APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillor Boot.

### **39 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 9 AUGUST 2013**

A replacement set of minutes was circulated at the meeting. It was explained that the minute headings and attendance details of councillors had changed and that none of the substantive content had been altered.

#### **RESOLVED:**

That the minutes of the above meeting, having been circulated at the meeting, be approved as a correct record and signed by the Chair.

### **40 DECLARATION OF INTERESTS**

None received.

### **41 APPLICATION NUMBER 2012/1503 - 115 MAIN STREET CALVERTON NOTTINGHAMSHIRE**

**RESOLVED**

**To GRANT APPROVAL of RESERVED MATTERS, as specified below:**

**Approve the Reserved Matters under planning application no: 2012/1503 relating to the Appearance, Landscaping and Scale of the proposed development, subject to the following conditions:**

**Conditions**

1. The development hereby approved shall be built in accordance with layout drawings 102, SK21 Rev M, 101 Rev H, 121 Rev L, 100 Rev F, 124 Rev A; the foul water details only on drainage layout 01287-140; section drawing SK23 Rev C; landscape drawings L01 Rev A, L02 Rev A, L03 Rev A, L04 Rev A, L05 Rev A; housetype drawings 200 Rev D, 201 Rev D, 202 Rev D, 203 Rev C, 205 Rev C, 206 Rev C, 207 Rev C, 208 Rev C, 209, 211 Rev C, 212, 213, 214, 215 Rev C, 216 Rev C, 219, 220, 221, 222 Rev A, 223 Rev A, 225 rev A, 226 Rev A, 227Rev A, 228, 229, 230 Rev A; barn proposal drawings 007, 008, 009, 014, 015, 016 the building programme timetable and the bat mitigation strategy (Revision A) received on 13th August 2013, the materials schedule (Rev B), phasing diagram drawing no.126, the character areas drawing no.127 and wheel washing schedule drawing no.dpc3.
2. All car ports shall have footprints as shown on the approved layout drawings set out under Condition 1 of this consent and shall have maximum eaves and ridge heights and be constructed in the materials shown on drawing no.230 Rev A.
3. As confirmed in the email dated 13th August 2013 the proposed bin stores serving private drives shall be block paved with no form of enclosure. The block paving shall be as per the block paving for private drives indicated on the approved materials schedule (Rev B) and shall be completed prior to any dwellings on the respective private drives first being occupied.
4. Before development commences precise details of the proposed walls and railings proposed to boundaries at plots D01/D02, D06 and plots A1 - A7 inclusive as indicated on drawing no.121 Rev L and the walls and railings to the proposed dwellings on the lower section of the application site (north of Calverton Parish Footpath no.14) as indicated on drawing no.101 Rev G shall be submitted to and approved in writing by the Borough Council. Once approved the proposed walls and railings shall be completed in accordance with the approved details before the dwelling to which they relate is first occupied.
5. The temporary turning facility as shown for indicative purposes only on phase-1 drawing no. 01287-1-100 shall be constructed in

accordance with details to be first submitted to and approved in writing by the Borough Council. The temporary turning facility shall be provided in accordance with the approved details, prior to the commencement of construction work on buildings within phase 1 (the area between Main Street and Dark Lane as shown on drawing no. 01287-1-100)..

6. Once the vehicular turning facilities as shown on layout plans approved under condition 1 have been made available for use, the temporary turning facility approved under condition 5 of this consent shall be removed in accordance with details to be first submitted to and approved in writing by the Borough Council and the land on which the temporary turning facilities were provided shall be developed in accordance with the approved layout plans (under condition 1) and the approved surfacing details.

### **Reasons**

1. For the avoidance of doubt.
2. For the avoidance of doubt.
3. To ensure a satisfactory development in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
4. To ensure a satisfactory development in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
5. To ensure the details of the development are satisfactory, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
6. In the interests of Highway safety.
7. In the interests of Highway safety.

### **Reasons for Decision**

The principle of developing this site for residential purposes, the demolition of existing barns with their partial rebuild for B1(a) office use and the provision of access from Main Street has been established through the grant of outline planning permission under application no: 2005/0910. The proposed development meets with the fundamental aims of the National Planning Policy Framework & Policies ENV1, ENV2, ENV13, ENV14, ENV15, H8 & H16 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008). It also accords

with the aims of Policies 1, 8, 10, 11 and 17 of the Gedling Borough Aligned Core Strategy Submission Documents (February 2013).

### **Notes to Applicant**

As a result of the proposed development being constructed in phases you are advised to enter into separate Section 38 agreements for each of the construction phases. For further advice on this matter I would suggest you contact Nottinghamshire County Council at an early stage.

The technical detailed highway plans submitted with this application need to be considered for technical approval as part of the Section 38 agreement procedure under the Highway Act 1980 for the adoption of the proposed new roads. The Highway Authority have advised that they have previously written to your highway consultant (BSP Consulting) regarding this matter but no response has been received to date. It should be noted that no works shall commence on site until such time Section 278 and Section 38 agreements are in place and the respective highway related conditions attached to the outline consent (2005/0910) and this reserved matters consent have been discharged.

Your attention is drawn to the attached comments of Natural England.

Your attention is drawn to the attached comments of Nottinghamshire County Council's Archaeologist dated 14th August 2013. These comments should be read in conjunction with Condition 21 of Outline Planning Consent no.2005/0910.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk). Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.

The details approved by this application are sufficient to discharge condition nos. 3, 4, 5, 22, 24 and partially discharge condition nos. 1, 6, 9, 16 and 23 of planning application no.2005/0910. The remaining conditions under planning application no.2005/0910 remain applicable and of effect other than where previously approved drawings have been superseded under this reserved matters application.



**APPLICATION NUMBER 2013/0666 - 46 VERNON CRESCENT  
RAVENSHEAD, NOTTINGHAMSHIRE**

**RESOLVED**

**To GRANT PLANNING PERMISSION subject to no further representation being received that raise material planning considerations and the following conditions;-**

**Conditions**

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with the approved revised plans deposited on the 2nd August 2013 and revised glazing detail of the dormer to the garage deposited on the 12th August 2013.
3. The materials to be used in the external elevations of the proposed development shall be of a similar appearance to those used in the construction of the exterior of the dwelling house.
4. The proposed extension shall be rendered to match the existing dwelling within 56 days of the extension first being brought into use.
5. The dormer to the garage roof slope shall be obscure glazed and non opening at all times and shall remain as such for the lifetime of the development.
6. The dormer to the side roof slope serving the ensuite bathroom shall be obscure glazed and top hung opening at all times.
7. Excavation works to extend into the garden area should be carried out by hand and any roots found be severed cleanly and appropriate geotextile root barriers be deployed.

**Reasons**

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure a satisfactory development, in accordance with the aims of policy H10 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008.

4. To ensure a satisfactory development, in accordance with the aims of policy H10 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008.
5. To ensure a satisfactory development, in accordance with the aims of policy H10 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008.
6. To ensure a satisfactory development, in accordance with the aims of policy H10 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008.
7. To safeguard trees.

### **Reasons for Decision**

In the opinion of the Borough Council, the proposed development would have no undue impact on neighbouring residential amenity or the locality in general. The proposal is of a size and design in keeping with the existing dwelling and its wider setting. The development therefore complies with the National Planning Policy Framework (2012) and Policy H10 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008.

### **Notes to Applicant**

The attached permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance you are advised to obtain permission from the owner of the land for such access before beginning your development.

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk). Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).

You are advised that planning permission does not override any private legal matters which may affect the application site, over which the

Borough Council has no jurisdiction (e.g. covenants imposed by former owners, rights of light, etc.).

**43 PLANNING DELEGATION PANEL ACTION SHEETS**

**RESOLVED:**

To note the information.

**44 FUTURE PLANNING APPLICATIONS**

**RESOLVED:**

To note the information.

**45 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT.**

None.

The meeting finished at 6.40 pm

Signed by Chair:  
Date:

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# Agenda Annex

## PLANNING COMMITTEE PROTOCOL

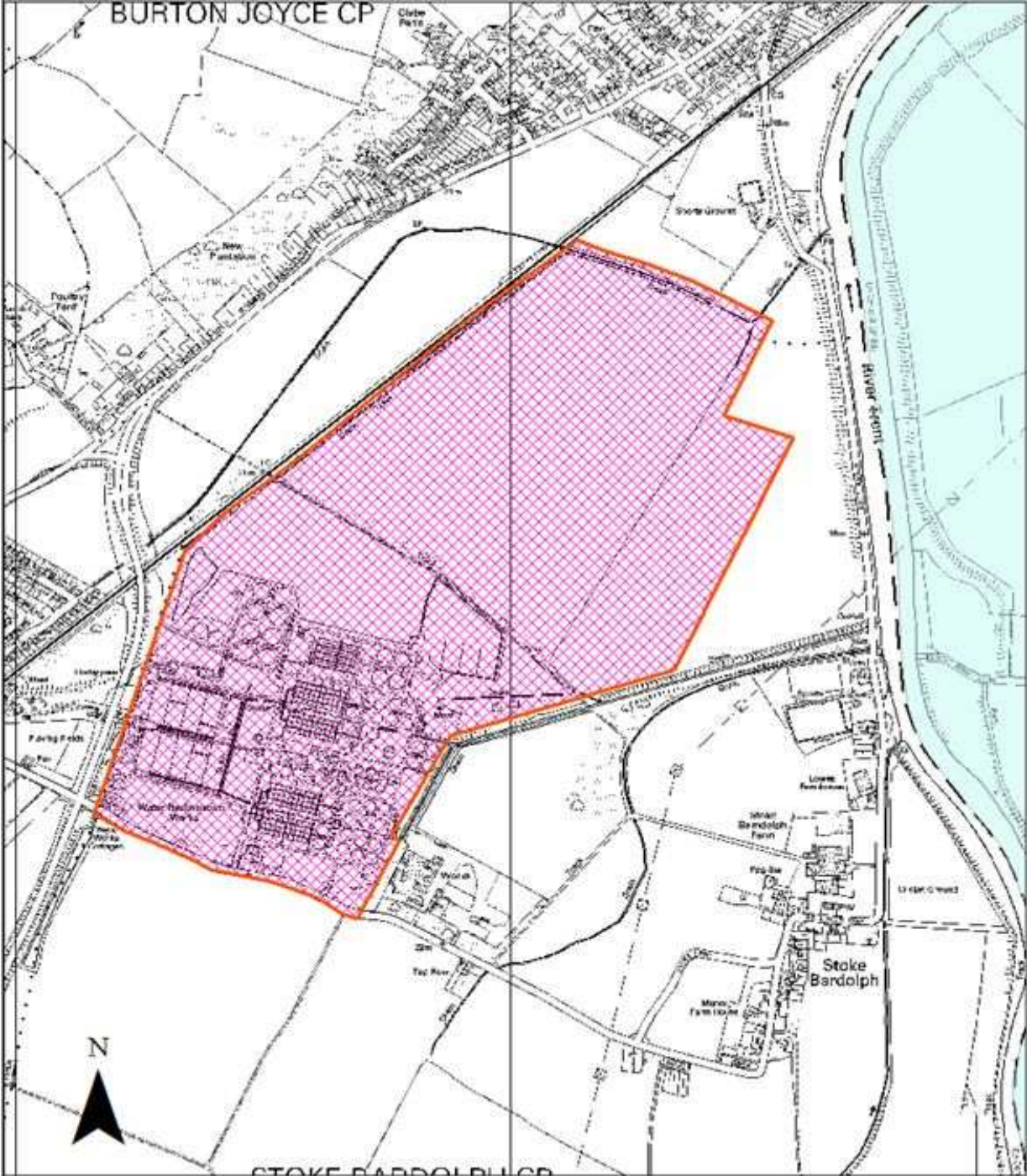
1. This protocol is intended to ensure that planning decisions made at the Planning Committee meeting are reached, and are seen to be, in a fair, open and impartial manner, and that only relevant planning matters are taken into account.
2. Planning Committee is a quasi-judicial body, empowered by the Borough Council to determine planning applications in accordance with its constitution. In making legally binding decisions therefore, it is important that the committee meeting is run in an ordered way, with Councillors, officers and members of the public understanding their role within the process.
3. In terms of Councillors' role at the Planning Committee, whilst Councillors have a special duty to their ward constituents, including those who did not vote for them, their over-riding duty is to the whole borough. Therefore, whilst it is acceptable to approach Councillors before the meeting, no opinion will be given, as this would compromise their ability to consider the application at the meeting itself. The role of Councillors at committee is not to represent the views of their constituents, but to consider planning applications in the interests of the whole Borough. When voting on applications, Councillors may therefore decide to vote against the views expressed by their constituents. Members may also request that their votes are recorded.
4. Planning Committee meetings are in public and members of the public are welcome to attend and observe; however, they are not allowed to address the meeting unless they have an interest in a planning application and follow the correct procedure.
5. Speaking at Planning Committee is restricted to applicants for planning permission, residents and residents' associations who have made written comments to the Council about the application and these have been received before the committee report is published. Professional agents representing either applicants or residents are not allowed to speak on their behalf. A maximum of 3 minutes per speaker is allowed, so where more than 1 person wishes to address the meeting, all parties with a common interest should normally agree who should represent them. No additional material or photographs will be allowed to be presented to the committee.
6. Other than as detailed above, no person is permitted to address the Planning Committee and interruptions to the proceedings will not be tolerated. Should the meeting be interrupted, the Chairman will bring the meeting to order. In exceptional circumstances the Chairman can suspend the meeting, or clear the chamber and continue behind closed doors, or adjourn the meeting to a future date.
7. After Councillors have debated the application, a vote will be taken. If Councillors wish to take a decision contrary to Officer recommendation, a motion to do so will be moved, seconded and voted upon. Where the decision is to refuse permission contrary to Officer recommendation, the motion will include reasons for refusal which are relevant to the planning considerations on the application, and which are capable of being supported and substantiated should an appeal be lodged. The Chairman may wish to adjourn the meeting for a short time for Officers to assist in drafting the reasons for refusal. The Chairman may move that the vote be recorded.
8. Where members of the public wish to leave the chamber before the end of the meeting, they should do so in an orderly and respectful manner, refraining from talking until they have passed through the chamber doors, as talking within the foyer can disrupt the meeting.

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**Application Number:** 2012/1472

**Location:** Severn Trent Water PLC, Stoke Lane, Stoke Bardolph



**NOTE:**  
This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site.  
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## **Report to Planning Committee**

<b>Application Number:</b>	2012/1472
<b>Location:</b>	Severn Trent Water Plc, Stoke Lane, Stoke Bardolph, Nottinghamshire
<b>Proposal:</b>	Erection of a single wind turbine (rated capacity up to 2.5MW) and other ancillary development.
<b>Applicant:</b>	Severn Trent Water Limited
<b>Agent:</b>	Mr Chris Haggon

### **1.0 The Proposed Development**

- 1.1 Full planning permission is sought for the erection of one wind turbine on agricultural land to the east of the existing Severn Trent sewage treatment works. The applicant has advised that the turbine would be operational for 25 years.
- 1.2 Access to the site would be gained off Stoke Lane and through the existing Severn Trent sewage treatment works. The junction access from Stoke Lane into the Severn Trent site would need to be upgraded as part of the proposed development. Alterations would be required to provide the access road from the Severn Trent site to the site of the wind turbine (approximately 500m to the north east of the treatment works). Vegetation including a number of trees would have to be removed in order to create the new access track.
- 1.3 A 33kv electricity substation is proposed to the north of the existing track that forms the northern boundary of the built up element of the sewage treatment works. The substation would measure at its maximum 15m x 9m, with an eaves height of 3m and a ridge height of 6m.
- 1.4 The proposed turbine would have a maximum hub height of 60m and a rotor diameter of 80m giving a maximum tip height of 100m. The turbine would have three blades, each 40m in length. The turbine would have a concrete foundation measuring approximately 18m x 18m and would extend to a depth of 3m below ground level. A temporary site compound and a crane erection area and component lay down area would be constructed adjacent to the site of the proposed wind turbine.
- 1.5 The site compound would provide temporary cabin structures to be used as a site office and parking would also be provided within the area. The site



compound, the component lay down area and the crane erection area would be surfaced with a geo-textile mat with crushed stone laid on top. The construction compound is proposed to be removed upon the completion of the development. The lay down area and the crane hard standing area would be retained and utilised during decommissioning. These areas would be covered in soil and reseeded during the operational phase of the turbine.

- 1.6 Cabling would need to be laid down to connect the turbine to the proposed electricity substation, although the exact route has not been confirmed it is anticipated that the cabling would be buried within or to the side of the access track.
- 1.7 The proposed development would comprise three distinct phases; phase 1 would be the construction phase; phase 2 would be the operational phase and phase 3 would be the decommissioning phase. It is anticipated that the construction phase would last for approximately 4 months. Construction would involve enabling works such as site preparation, upgrading of junctions to create the access, construction of accesses and the site compound, crane erection and component lay down areas. The main construction works would involve constructing the turbine foundations, electricity substation, laying cables, erecting the turbine and undertaking restoration works to remove the site compound, crane erection and component lay down areas.
- 1.8 The operational phase of the development would last for approximately 25 years, when the turbine would be generating electricity. The turbine would generate electricity at a wind speed of 3.5m/s. Should wind speed exceed 25m/s then the turbine would automatically shut down. It is predicted that the turbine would provide enough electricity for approximately 1,526 average U.K. households and provide carbon dioxide reductions of 2,166 tonnes annually. The electricity generated would be exported to the National Grid.
- 1.9 The decommissioning phase is anticipated to take approximately one month. Many of the activities of this phase would be common to the construction phase. Parts of the access track would need to be re-widened and a compound would need to be established for the temporary storage of materials. The site would then need to be restored.
- 1.10 The construction phase would generate the most amount of traffic to and from the site, and also would be the point at which there would be more people working at the site. During the decommissioning of the site the number of vehicles and people to and from the site would again increase.
- 1.11 During the operational phase of the development the site would be visited twice a year for maintenance purposes, by technicians who would use a small van. No other visits would be required unless there was component failure and replacement equipment was required. The turbine would be subject to remote computer checking throughout its operation.

## **2.0 The Site and its Surroundings**

- 2.1 The site where the wind turbine would be located is bounded by a railway line to the north and the sewage treatment works to the south. To the east of the site is the River Trent and to the west is Nottingham Road. The Poplars Sports Ground is also located to the north of the site. The village of Stoke Bardolph lies to the south of the site and the village of Burton Joyce lies to the north of the site, whilst to the west of the site is Gedling.
- 2.2 The site is located within the valley of the River Trent. The view of the site from Nottingham Road and Stoke Lane is closed and small in scale given the flat nature of the landscape in the immediate vicinity of the site. However, the view of the site does become more open and large in scale when seen from the slopes of the River Trent Valley behind the village of Burton Joyce and Shelford.
- 2.3 The Ferry Boat Public House would be the closest property to the wind turbine and would be located approximately 505m from the turbine together with properties on Stoke Lane.
- 2.4 The closest public footpath to the site is located to the east of the site and runs from Stoke Lane, around the western edge of Stoke Bardolph and around the rear of the Ferry Boat Public House.
- 2.5 The turbine is proposed to be located in a field immediately to the rear of the existing Severn Trent sewage treatment works. The site itself is mainly level and was last used for agricultural purposes. In the past the site did comprise of settling ponds, which were filled in and it is known that in recent times slurry was deposited on the site. The agricultural field in which the turbine would be located is defined by a hedgerow to the east, a track (which is also a potential public footpath) to the south, a hedgerow to the west and a drain to the north. Along the access track is a linear broadleaved plantation. The turbines would be accessed from an existing track to the north of the sewage treatment works, and the sewage treatment works themselves are and would continue to be accessed off Stoke Lane, Stoke Bardolph.
- 2.6 The site is within the Nottinghamshire Green Belt. The eastern part of the site lies within Flood Zone 3. The central part of the site is located in Flood Zone 2 and the western part of the site is situated within Flood Zone 1 and is therefore at a low risk of flooding. The turbine would be located in flood zone 3 and is therefore at high risk of fluvial flooding. The site is located within the Trent Washlands Landscape Character Area as identified in the Nottinghamshire Landscape Character Area. The eastern part of the site lies within the river meadowlands character sub type of the Trent Washlands Character Area and the western part of the site falls within the terrace farmlands character sub type. The site also lies above an Aquifer Protection

Zone.

### **3.0 Application Publicity and Procedures**

- 3.1 The application has been advertised as a departure from the Local Plan. Site notices have also been displayed to indicate that the proposed development could have an adverse impact on the setting of listed buildings and conservation areas in the vicinity of the site. The required Press Notices have been advertised within the Nottingham Evening Post.
- 3.2 1218 properties within a 1.2 km radius of the site have been notified of the application, by the Borough Council. The area of neighbour notification also included properties within the districts of Rushcliffe and Newark and Sherwood.

### **Neighbour Notification and General Publicity Responses**

- 3.3 615 letters have been received objecting to the proposal and 9 letters have been submitted in support of the application. The letters of representation raise the following issues:

Adverse impact on the residential amenity of nearby residents in terms of noise, shadow flicker, visual intrusion and the potential impact on health;

Visual impact of the development on the local landscape and local heritage;

Impact on local sports and recreational facilities;

Proximity of the proposal to so many residential properties;

Impact on telecommunications;

Impact on the Green Belt;

Impact on the character of the area;

Impact on local wildlife, in particular on bats and birds;

Queries over the noise, contamination and ecology studies presented as part of the application and their robustness;

Highway and railway safety;

Impact on local hydrology and geology, increased risk of flooding, impact on the Aquifer and potential to cause additional contamination of ground water;

The need to consider other renewable energy sources, that the wind turbines have a small output and the efficiency and reliability of wind turbines is questionable, in addition the sustainability argument for the proposal is flawed as other matters need to be considered, such as impact on local area;

Impact on house prices;

No compensation or real local benefits are proposed as part of the

development;  
Dominance within in the landscape;  
A comparison cannot be made between this site and the Woodborough site for the wind turbine;  
The proposal will set a precedent if granted;  
The safety of the turbine is questioned;  
Impact on walkers and cyclists in the area;  
Impact on aviation;  
Impact on the health of local residents;  
Economic reasons for the turbine have not been demonstrated;  
Turbines are not cost effective;  
Questions are raised in regard to the role of Severn Trent Plc.

3.4 I have also received representations from the following groups:-

Gedling Sports Forum – The recreational function of The Poplars Sports Ground would be eroded and the proposal would not maintain or enhance the recreational character and the quality of the open space. The turbine would be visually distracting to players and spectators. The proposal could lead to the closure or restrictions on the activities of the sports club.

The Gunn and Moore South Nottinghamshire Cricket League – the turbine would have a serious effect on the safety of players. The proposal would create a serious distraction to players, officials and spectators.

Nottinghamshire Cricket Board Ltd – the proposal will have a negative impact on sports facilities and cricket.

Burton Joyce Cricket Club – the visual distraction of the turbine would result in a significant impact and will result in a detrimental impact on the ground facilities. Turbine rotation turbulence does not seem to have been addressed as part of the proposal. Should the turbine be erected it is likely that players would leave the Club and this would lead to the demise of the Club.

Burton Joyce Preservation Society (BJPS) – the BJPS can see no justification for this application to be treated any differently to the previous application for two turbines on this site, and it should be refused.

Whilst the BJPS accepts that the impact of a single, slightly smaller (100 metres) turbine will be less than that of the two turbines previously proposed, it continues to have very serious concerns over the effect that the turbine would have on a significant number of Burton Joyce residents due to noise and shadow flicker and the effect it would have on the Poplars Sports Ground.

In addition, the BJPS does not believe that the new proposal addresses any of the reasons for refusal of the previous application, as set out by Gedling Borough Council (GBC) – the site is in the Green Belt, a single turbine will adversely affect the Trent Washlands Area, it will have an adverse impact on various Listed Buildings

and buildings of Local Interest in the vicinity and it will erode the recreational character of the Poplars Sports Ground. Comparison with the proposed turbine at Woodborough is meaningless, as each application must be considered on its own merits (or lack of them).

Whilst the BJPS support renewable energy projects in principle, and commend Severn Trent Water for its innovative activities in its use of methane from the sewage treatment works at Stoke Bardolph as an energy source, the BJPS continue to contend that this is an inappropriate site for a wind turbine.

As BJPS commented on the previous application, wind turbines are best located on high ground, where it is more economical to access prevailing winds using smaller turbines. Due to its location in the Trent valley, this turbine will have to be considerably larger, and costlier to construct, than an equivalent turbine on higher ground.

As such, the BJPS can only reiterate its objections, as follows:

### 1. The Poplars Sports Ground

Several of the clubs that regularly use the sports ground categorically stated that they will move elsewhere, or close down, if the turbines originally proposed were granted permission. The sports ground was developed by the Parish Council during the 1990's with massive support, fund-raising and voluntary effort from the residents of Burton Joyce and was supported by GBC, the County Council, Lottery funding and STWA. It is now a thriving and financially sound facility providing a much-needed and long-awaited village amenity.

Whilst the Constraints Map suggests that the proposed single turbine would be outside the field of view of cricketers and archers, the BJPS consider that it would still represent a considerable distraction to users of the facility. No doubt Sport England will comment in more detail on the effect of the turbine on the cricket square, but BJPS consider the arguments put forward on the previous application to be dubious and subjective, with inappropriate examples and comparisons. BJPS does not feel that the new application addresses these issues and it is extremely concerned that users of the Sports Ground will desert the facility if planning permission is granted.

Although the risk to life and limb may not be great, there have been several incidents highlighted in the media and on YouTube of catastrophic failures. These have included poor installation/structural, mechanical, electrical and fire problems with debris falling to the ground. However small the risk might be, it would be considered, with hindsight, that a turbine situated so close to a high usage sports ground just downwind was a most inappropriate siting.

### 2. Noise

Whilst noise nuisance was not one of the reasons for refusal of the previous application, many Burton Joyce residents are concerned that there will be a serious loss of amenity, particularly at night, due to the noise generated by the turbine.

BJPS understands that, due to the size and speed of the blades, the noise from the turbines will not be constant, but will rise and fall as each blade passes in front of the tower – this will be much more noticeable than the steadier level of background noise and could be likened to the unsettling effect of a dripping tap.

BJPS considers the imposition of an additional noise nuisance of this type on any household to be totally unacceptable. Furthermore, it believes that this noise nuisance will affect a very large proportion of the properties in Burton Joyce, due to the height of the turbine and the village's location downwind and within 2 km of them.

Many properties in Burton Joyce are located on hillsides, where they are not shielded by trees or other buildings. The images included in the Design and Access Statement show clearly that the turbine will be clearly visible from the top of the hills to the north-west of Burton Joyce, demonstrating the lack of noise protection to houses on the hillside – these are well outside the area considered to be at risk in the analysis presented by the applicant.

BJPS understands that there are no turbines of this size in onshore locations within 2km of a community the size of Burton Joyce anywhere in the country and is therefore concerned that all the noise data is based on 'typical' turbines, not on one of the size now proposed. Noise levels are notoriously difficult to predict, even for carefully designed enclosed spaces such as concert halls, and BJPS does not accept that the residents of Burton Joyce should act as guinea pigs for what, in the absence of more definitive information, can only be described as an experiment. What sanctions will local residents have if the turbines are built and noise levels are found to be significantly higher than predicted, affecting even more residents than is already anticipated?

### 3. Shadow Flicker

As BJPS stated in its previous submission, it considers that any occurrence of shadow flicker in a dwelling represents an unacceptably serious loss of amenity to residents affected, regardless of the duration of its occurrence. STW acknowledged in the previous application that a significant number of properties in Burton Joyce fall within the zone where shadow flicker will occur, and the new proposal will not change this. The original shadow flicker assessment states that, theoretically, it could affect properties to the west and north of the turbines for up to 96 hours a year over more than 100 days. The new proposal may reduce this threat to a certain extent, but the mere fact that STW has had to consider switching off the turbines when shadow flicker may affect residents, indicates that a turbine of the size proposed should not be located so close to a residential area.

BJPS continues to believe that the above concerns demonstrate that this revised proposal is still totally inappropriate in this location, due to the size of the turbine, its proximity to Burton Joyce and the Poplars Sports Ground and its location in open Green Belt countryside in a major river valley.

BJPS would again urge the Borough Council in the strongest possible terms to reject this application.

Carlton le Willows Academy – a letter has been submitted on behalf of the governing body of the Academy, objecting to proposed wind turbine.

Whilst the need for the county to invest in renewable forms of energy is appreciated, it is believed that this proposal is inappropriate because the turbines would be situated too close to the school and, as such, would potentially have a detrimental impact on the quality of teaching and learning.

The main areas of concern are in relation to any possible noise that would be emitted by the turbine and also the adverse effects of shadow flicker.

In summary, all renewable energy projects need to be sympathetically sited and a balance needs to be achieved between the benefits of renewable energy to the wider population and the detrimental impact upon the local population.

#### Burton Joyce Bowls Club

The turbine is too close to a large centre of population and too close to the Poplars Sports ground. The proposal is inappropriate within the environment that is used for recreational purposes. The Club has also raised issues in relation to the likely impact of noise and shadow flicker and the overwhelming visual impact of the turbine. The Club also point out that there is already a Biomass Crop Digester in the area that is a reliable and significant renewable energy source, therefore the need for additional localised generation would be an excessive burden on local residents and the land.

#### Newark Club Cricket Alliance

The turbine will result in a detrimental impact on The Poplars Sports Ground. The turbine will be a distraction to cricketers when the blades are turning and also if the sun catches the blades. This could also result in a health and safety hazard.

#### Support

The following letter of support for the turbine has been received from the following organisation:-

Nottingham Pro-Wind Alliance (NPWA) - a letter has been submitted on behalf of the NPWA in support of this proposal.

Climate change, depleting fossil fuel resources and the need to guarantee a home grown energy supply for the future have made a strong argument for the need to develop our renewable energy capacity in this country. There are duties across all communities in the UK to seek means for developing properly designed renewable energy projects of all types. There is an urgent need for the UK to develop renewable energy, including wind power, in order to meet our national commitments of 15% of energy supply from renewables by 2020. The NPWA welcomes Gedling Borough Council planning policy ENV5, which supports renewable projects, and also the wider East Midlands Regional Plan, that goes further by saying that 'local planning authorities need to accept that far more energy generation schemes using renewable technologies need to be accepted if renewable energy targets are to be

achieved’.

Small scale wind power installations, such as this proposal, can make valuable contributions to achieving this goal. The proposed single 2.5MW turbine should generate 1,400 to 2,000 MWh per year and save 2,166 tonnes of CO<sub>2</sub> each year over its 24 years’ life. This is truly significant, and if brought into context with other renewables projects, including similar small scale wind turbine developments, can give a vision of a locally generated, low carbon energy supply for the future.

Considering specific issues, the NPWA raises the following points:

### 1. Visual Impact

It can be seen that Severn Trent Water (STW) has taken significant steps to address the conflict which led to refusal of the original scheme for two wind turbines at Stoke Bardolph.

Attention has been paid to the turbine location and specification to reduce the visual impact of the development from receptor points in the locality, at the local sporting facilities, and within the wider Trent valley area.

Regarding the local sporting facilities, particularly Poplars Sports Ground, the NPWA notes that attention has been given to ensure minimal effect upon the sports played there, particularly orientation of the turbine location with respect to the cricket pitch and archery range. Mitigation of visual distractions by means of inhibiting turbine operation during specific events is also proposed. As the new scheme is for one and not two turbines, the impact upon the openness of the area by the development will be much less than what was proposed under the previous application. It is also noted that the significant reduction in turbine height will reduce considerably the distance from which the turbine will be seen. It is arguable too that the visual impact of wind turbines is frequently overstated – in practice, they are often accepted very quickly, causing negligible nuisance. A recent example is Low Spinney Farm in Leicestershire, where objectors to the development subsequently acknowledged that their concerns had not materialised. Similarly successful wind turbine developments in Nottinghamshire include Hockerton and at B&Q’s distribution centre at Worksop. In their 2012 report objecting to the original scheme, Burton Joyce Parish Council used ‘cropped’ images of original photographs – thus giving an unrepresentative perspective of the turbine’s size, and creating an impression that the turbines were bigger than they actually would be.

### 2. Green Belt Development

Although wind turbines are ‘inappropriate’ development in the Green Belt, the benefit in terms of reducing carbon emissions should be accepted as the ‘very special circumstances’ required to allow such a development. NPWA agrees with the applicant that the thin form of the turbine would not block or restrict views across the Trent valley. Furthermore, the key purpose of the Green Belt - to prevent encroachment onto the countryside by urban development – will not be compromised by the erection of a single wind turbine.



Planning approval has already been given elsewhere in the county for wind turbine erection in the Green Belt, including Lindhurst (Rainworth) and Newthorpe (Giltbrook). Also of note is a development consisting of 26 wind turbines approved (and built) at Scouts Moor, in the Boroughs of Rochdale and Rossendale (the Rochdale turbines being located in the Green Belt). Here, the Secretary of State agreed with the Inspector that the development would retain a sense of openness as the turbines were visible but will not obstruct views. They said that visual permeability is relevant when considering openness; and that wind turbines are slim by design, and help retain the openness and character of the landscape setting.

Finally, NPWA agrees with the applicant that there are social, environmental and economic benefits that this turbine would bring. It is also noted that STW has committed to a Community Benefit Fund. The consequences of inaction and continued rises in CO2 emissions have been in the news recently. If Gedling Borough Council is to play its part in meeting national, regional and local targets to achieve reductions in climate change emissions and to increase generation of electricity from renewable sources, then this is the sort of proposal which it should be supporting. Accordingly, the NPWA urges the Borough Council to approve the proposed development.

### Statutory and Technical Bodies Consultation Responses

3.5 The responses of the statutory and technical bodies that commented on the application are summarised below under the headings of ecology; cultural heritage and landscape; hydrology, geology, hydrogeology and contamination; noise and shadow flicker; sport and recreation; telecommunications; transport; parish councils and other local authorities.

#### Ecology

Nottinghamshire County Council (Arboricultural Advice) – observes that no trees of significance are affected by this proposal.

Natural England (NE) – observes that this proposal does not appear to fall within the scope of the consultations that NE would routinely comment on. However, this should not be interpreted as a statement that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated sites, landscapes or species. It is for the local authority to determine whether or not this application is consistent with national or local policies on biodiversity and landscape, views on which should be sought elsewhere.

NE would expect the local planning authority to assess and consider the possible impacts resulting from this proposal on protected species, local wildlife sites, biodiversity enhancements and the local landscape when determining this application.

Further information is provided with regard to publications which have been developed specifically with respect to renewable energy and ecological matters.

Nottinghamshire Wildlife Trust (NWT) – makes the following comments in respect of ecology and ornithology:

## 1. Ecology

### Bats

The NWT welcomes additional activity surveys in 2012, but would wish to have seen 'at height' surveys repeated also, due to the limited range of the 2009 survey.

Mitigation and monitoring should be secured by condition.

### Badgers

Any mitigation in relation to this species should be secured.

### Habitats

The NWT generally welcomes the proposed mitigation measures, but would like to see a plan showing habitats lost and created (or enhanced) as a result of the project.

The report mentions that created species-rich grassland and hedgerows would be managed to increase their biodiversity value. It is recommended that a management plan for this should be produced.

The report suggests that 270 square metres of plantation woodland would be removed, although it was understood that the turbine access track would generally follow existing tracks, which may require upgrade or widening. Clarification on this point is requested.

### Otter

Although the proposed turbine is some 250 metres away from the River Trent, the outlined precautionary working methods should be secured by condition.

### Reptiles

The proposed mitigation and enhancement measures should be secured by condition. It is also suggested that the coppicing of some scrub in the compound area might open up habitats.

## 2. Ornithology

The proposed bird mitigation measures during construction and operation should be secured by condition.

The NWT welcomes the intention to implement habitat enhancement measures, including the two 0.25 hectare rotational mitigation plots to be managed to provide appropriate breeding habitat for Lapwing. Reference to Natural England advice on

such areas is provided and assurance is sought that the plots would be maintained in line with published guidance and for the duration of the operational phase.

### 3. River Trent

The River Trent corridor leading east of Nottingham City has been identified in the emerging core strategy as having considerable nature conservation, recreation and environmental education interest and is considered to be a major area for protection and enhancement of habitats. Developing the area for tourism and educational use will enable it to deliver a range of economic, social and environmental benefits and provide a practical example of sustainable development. It would be disappointing if the current application set a precedent for wind energy production along the River Trent, thus reducing opportunities for habitat creation along this bird migration corridor for fear of encouraging birds into the area and increasing the risk of bird strikes.

Initially The NWT placed a holding objection in relation to this application, pending the submission of a habitat loss/gain plan in order to help secure the mitigation and compensation measures.

However, following the submission of further information including the habitat creation plan the holding objections is removed subject to the development being carried out in accordance with the Ecological Report.

County Council Nature Conservation Officer - Initially the County Council Nature Conservation Officer raised concern about the quality and extent of surveys submitted in relation to habitat, birds and bats. Following the submission of further information the County Council Nature Conservation Officer concluded that the development would not cause any significant impacts, but did request that a condition be imposed to secure adequate post-construction monitoring of impacts of the proposal on birds. They also requested that an Environmental Management Plan be submitted.

#### Cultural Heritage and Landscape

English Heritage – do not wish to comment in detail but recommend that consideration is given to the likely cumulative impacts and impact interactions that will result from other wind turbine developments within the area. It is considered that the proposal is harmful to a number of heritage assets, designated and undesignated, including the setting of the Church of St Peter and St Paul (Grade II\*) within Shelford. The proposal must be assessed as to whether the public benefits of the proposal outweigh the harm to the historic environment

Nottinghamshire County Council Archaeology – Within the Trent Valley area there are likely to be archaeology of significance, however in regard to this site and the past activity such remains are likely to have been significantly disturbed. No objection was raised in relation to the proposal, but was requested that a condition be attached to ensure that a suitable archaeological watching brief was undertaken.

Nottinghamshire County Council Landscape and Reclamation Team- The County

Council consider the proposed turbine would have a 'significant visual impact' within a localised area on a specified number of residential receptors, traveller receptors over a limited distance on an 'A' road, and recreational receptors on a long distance footpath and the immediate Public Rights of Way network. The effects on visual amenity are major to major/moderate for these receptors, and Nottinghamshire County Council would add "are major to major/moderate adverse", which is the highest end of the scale of impact. Nottinghamshire County Council accept that these visual impacts are contained by the ridgelines that bound the Trent but nevertheless localised impact extends from this point up and down the valley for a distance of up to 3.5 kilometres. The physical impact of the proposal is minimal and has been quantified by the applicant and is further reduced by the mitigation proposals described. The impact on the character is as described in the Landscape and Visual Impact Assessment (LVIA) document as adding '*a new characteristic*' to the surrounding Policy Zone of the Trent Washlands Landscape Character Area (County Level) which Nottinghamshire County Council would agree with. At a wider scale of 1.5 – 2 kilometres, new landscape regional landscape sub-types will be developed – '*Floodplain Valleys with Wind Turbine*' and '*Wooded Village Farmlands with Wind Turbine*'. This would have a significant effect on localised parts of the landscape character of these sub types, which we would also agree with. There would be limited but significant effects on a small part of the Lambley and Burton Joyce MLA at its southern extension, to the area above and surrounding Gedling House. There would be limited but significant effects on a small part of the Bulcote Conservation Area both from important views out of the village and from residences on the fringe of the CA. It is accepted by NCC that there are likely to be limited points on the ridgelines where the proposals can be viewed. The cumulative impacts have been described from both fixed points and where sequential visual impacts are possible. Cumulative impacts are possible from limited areas which include from the village of Stoke Bardolph for some residents (Viewpoint 7), and from the Trent Valley Way west of Newton (Viewpoint 7) and from a bridleway at Lambley airfield (Viewpoint 8). Sequential cumulative impacts are possible from limited properties in Burton Joyce, Stoke Bardolph and Shelford, as well as the local road network including the A612, the Newark –Nottingham railway line and the public rights of way network including the Trent Valley Way. This cumulative assessment assumes that all currently planned turbines will go ahead which is not necessarily the case. Nottinghamshire County Council agrees that the visual impact of the proposals is 'significant' over a localised area, in our opinion from 7 of the 12 viewpoints within 3.5 kilometres of the site, as also stated in the LVIA report. Although the scale of turbine has been reduced and the number has reduced to a single structure we do not think that this is sufficient to reduce the visual impacts to an acceptable level and consider that this constitutes 'harm' to the visual amenity. However, the County Council does agree with the report submitted that significant effects upon the openness of the Green Belt would not occur as a result of the proposed development. On the grounds of impact on visual amenity Nottinghamshire County Council do not support this application. However this conclusion must be balanced against all other issues to be considered by Gedling Borough Council as part of the application including long term benefits in terms of production of renewable energy and reduction in greenhouse gas emissions.

Gedling Borough Council Conservation Consultant (CC) - The Conservation

Consultant is about the impact of the proposed development on local heritage assets and also on the historic value of the landscape. The reduction in height and change in position may lessen the impact in terms of Gedling House and Shelford Church, but there would still be an impact on the local interest and listed buildings in Stoke Bardolph. However, the decision making framework provided in the National Planning Policy Framework at paragraphs 131 to 135 would indicate that the impact on these lesser assets would need to be assessed against the public benefit of the proposal. Considering the proposal in these terms may indicate that the harm done could be outweighed by the public benefit of generating electricity from a renewable source.

### Hydrology, Geology, Hydrogeology and Contamination

Environment Agency - Initially the Environment Agency objected to the proposal in the absence of an acceptable Flood Risk Assessment (FRA)

However, following further consideration of the application the Environment Agency no longer objects to the proposed development but recommends that if planning permission is granted conditions covering the submission of a land contamination and remediation plan, foundation construction details and storage of any fuels and chemicals are attached to any decision notice.

Gedling Borough Council Public Protection Service- Observe with regard to land contamination issues, that the site of the proposed turbine has been used in the past for the spreading of sewage sludge, which in itself can potentially cause land contamination issues.

The development itself does not introduce any sensitive receptors, and therefore the site would be suitable for use. However, there are two issues that may require addressing during the development. Firstly, the health and safety of site workers and, secondly, the disposal of earth removed during the construction of foundations for the turbine.

1. The applicant should therefore be aware of their responsibilities to ensure that site workers are not exposed to any potential contamination in the ground.
2. It is recommended that a Site Waste Management Plan is drawn up to ensure the correct management of wastes from the site.

### Noise and Shadow Flicker

Gedling Borough Council Public Protection Service- After considering the noise report, I can advise that Public Protection would offer no objection to the above development. The report demonstrates that that proposed turbine will comply with the noise limits provided in the ETSU-R-97 assessment. In order to ensure that enforcement action can be taken in the event that these limits are exceeded, it is proposed that a condition is attached to any approval, to specify the limits deemed acceptable at the nearest properties. A suitably-worded condition should be drafted to secure this.

## Sport and Recreation

Sport England – The applicants have submitted a comprehensive sports assessment of the impacts of the proposed single wind turbine which is a resubmission of an earlier proposal which proposed two wind turbines. The submitted application proposes a single turbine in approximately the same location as the original wind turbine closest to Stoke Lane, the wind turbine has however been reduced in height from 132 m to tip, to a maximum tip height of up to 100m. The original application was refused for a number of reasons including the ‘impact on the recreational function of the Poplars Sports Ground’.

The Sports impact assessment assesses:-

1. Shadow Throw effects: the turbine casting shadows across sports facilities.
2. Noise effects: emanating from the moving blades when operational.
3. Visual Distraction effects: the potential for the moving blades to disrupt play on four sports venues within the study area, Venue 1: The Poplars Recreation Ground, Venue 2: Gedling Town Football Club, Venue 3: Carlton le Willows Academy and Venue 4. Carlton Town Football Club. In addition to the above Sport England does not consider that Health and Safety (e.g. topple over, ice throw) is an issue given the distance of the wind turbine from the poplars Recreation Ground which is the nearest facility. At 370m this facility is considerably further away than the fall over distance plus 10% which is often regarded as a reasonable standard (Paragraph 51 of the Companion guide to PPS22)

The applicants report concludes that :-

The proposal would not give rise to any direct effects upon sporting facilities. There will be no direct loss of any facility as a result of the proposal. With regard to indirect effects, the proposal is capable of harming sporting amenity by way of shadow throw, noise and visual distraction. An assessment of the effects of the proposal finds:

*Shadow Throw:* subject to a planning condition that would secure the ‘*shut down*’ of the turbine during archery competition events held at The Poplars Sport Ground, the effect of the proposal would not be significant.

*Effects of Visual Distraction:* the effect of the proposal would not be significant.

*Noise Effects:* the effect of the proposal would not be significant.

Sport England are content that the impact of the installation on venues 2, 3 and 4 would be minimal and that the operation of the turbine would not lead to the loss of these sport facilities.

There is however, greater potential for a greater impact on the Polars Recreation Ground from shadow throw and visual distraction. The report indicates that there will be periods of time during the winter that shadow throw will occur across pitches

closest to the south western boundary to the site. Sport England do not consider that this impact even in the worst case scenario would be significant enough to prejudice the playing of football on these pitches. The impact of shadow throw on archery, in Sport England's view has been addressed by the proposed use of conditions to ensure that the wind turbines are shut down during Archery competitions.

Visual distraction to archery is not considered to be an issue on the identified practice range, which is understood to be used for a number of events. The whole use of the area for competitions would in Sport England's view be addressed by the shutdown referred to above.

Sport England agrees with the findings of the Sports Impact Assessment report in relation to Cricket.

This being the case Sport England does not wish to raise an objection to this application, providing that a suitably worded condition is attached to any decision notice to secure the shutdown of the wind turbine.

Canal & River Trust (CRT) – no comments to make.

Nottinghamshire County Council Rights of Way Officer- no comments received

#### Telecommunications and Transportation

Police Air Traffic- No objections subject to the attachment of a condition in relation to night lights

Ministry of Defence- the MOD has no objection to the proposal, but requests that the MOD are advised of the progress of developing the site should Planning Permission be granted.

East Midlands Airport – no comments received

Civil Aviation Authority – no comments received

NATS- no comments received

Notts City Airport - the Airport have no objection to the building of 1x 100m wind turbine at the location.

Network Rail (NR) – with reference to the railway, NR has no objection in principle to the proposed development. The four main items of concern to NR when considering wind turbines on land adjacent to the railway are:

1. AC power transients.
2. Lightning strikes.
3. The physical proximity of turbines to the railway.

#### 4. The transport of material to the site.

Given the closest infrastructure for the scheme is the 33kv building which lies in excess of 100 metres from the closest railway infrastructure, the first three of the above points should not be of relevance in this situation. However, with regard to the construction traffic, NR's concern would be the route that construction traffic would take to and from the development site during the construction phase with regard to railway bridges or level crossings along the route.

It is therefore requested that NR be informed of abnormal loads with a minimum of 6 weeks' notice. There may also be a requirement for bridge/level crossing protection measures to be put in place at the applicant's expense. As such, NR would request that the applicant contact its Asset Protection Project Manager to confirm that any proposed route is viable and to agree a strategy to protect its asset(s) from any potential damage caused by abnormal loads.

NR would also like to advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.

Nottinghamshire County Council Local Highway Authority -From a County Highway point of view the principle of erecting a wind turbine within the grounds of the STW site at Stoke Bardolph is acceptable. The location of the turbine is well away from the public highway, so there are no issues with regards overhang or obstruction / distraction from "flicker". Obviously due to its height, once erected the wind turbine will be visible from the surrounding highway network, however, we do not consider this to be a safety concern that would warrant a reasonable highway objection. The abnormal load should be via the A1 & A46 Trunk Road network which is what is proposed within the submitted documents. Section 4.2.2 of Appendix 1 is now out of date as it refers to the A46 improvement scheme being on-going. These works are now complete and provide a direct route to the site with minimum disruption on the County road network.

The applicant will also need to enter into a Section 278 Agreement to undertake works at the access point on Stoke Lane. As well as this the applicant will need to enter into a unilateral undertaking with the Highway Authority under a section 106 Agreement to indemnify the Council against any damage to the highway caused by construction traffic, provide a construction traffic management plan and a detailed route for the proposed abnormal loads which would need to be approved by the Highway Authority.

A condition in relation to the proposed access works should be attached as part of any Planning Permission granted.

Highways Agency - the Highways Agency are content that the proposed development is not now expected to have a material impact on the strategic road network. Therefore, under Article 25 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the Highways Agency has no objections to the proposal and I enclose our revised TR110 form for



your records.

## Parish Councils

Burton Joyce Parish Council -In summary BJPC opposes this planning application for a proposed wind turbine for the following reasons:

### Continued failure to maintain the openness of the Green Belt

Despite the minor reduction on height and the removal of T1 the proposed development is still very large in a flat landscape and it remains totally out of scale with the surrounding villages and rural landscape. Whilst the most northerly edge closest to urban development is less affected (due to the removal of T1). T2 continues to dominate the southerly and easterly aspects towards Shelford and Stoke Bardolph. As such, BJPC considers that the applicant has failed to modify the application sufficiently to maintain the openness of the Greenbelt and the planned development is still in breach of RLP policies ENV26 and ENV5.

### Very special circumstances for development in Green Belt remain unproven

GBC previously ruled that (in line with the NPPF) the previous application had not demonstrated the requirement to establish a very special need to develop on the Green Belt. BJPC considers that the new planning application is virtually the same as that which was previously refused but will provide less than half the renewable energy. BJPC considers that, in spite of the applicants voluminous number of pages submitted, the revised application does not demonstrate any new 'special circumstances' for installing a huge industrial structure in the Green Belt. To simply reduce the number of structures is no argument for mitigation, nor does the reduction create a new 'very special circumstance' (as defined by the NPPF or in the GBC ruling) in its own right.

### Adverse effect on the Trent Wash-lands character continues

The turbine which will impact the most on the character of the landscape continues to be the retained T2 turbine. The original decision notice stated that the first proposal was in contravention of ENV1 and would adversely affect the appearance of the landscape and wash-lands character due to its scale, bulk, form and layout. Whilst it is acknowledged that the number of proposed turbines has been reduced and the proposed height of this at 100m is less than the original 132m, BJPC considers that the retention of T2 will still adversely affect the Trent Wash-lands character and the issues with regard to the scale, bulk, form and layout remain unresolved.

### Continued Impact on the Shelford and Stoke Bardolph historical assets.

It is acknowledged that the removal of the proposed T1 reduces the impact on Gedling House. However, the turbine which will continue to have the most impact on the settings of Shelford Church and buildings within Stoke Bardolph is T2. BJPC considers that the position of T2 has barely changed and its height at 100m will continue to impact on the historical assets of Shelford and Stoke Bardolph due to its

scale and bulk. BJPC feels that the impact on these valued buildings and rural locations still does not comply with ENV22 and ENV21.

#### Erosion of the recreation function of the Poplars Sports Ground

Whilst the removal of T1 has reduced the visual congestion issues for the Archery Club, the continued presence of T2 will remain a distraction to all of the participants of the various sports played at the Poplars Sports Ground - particularly the cricket players and their spectators. BJPC considers that the proposed installation of T2 will degrade the Poplars Sports Ground facility in general and the rotational distraction, bulk, form and visual impact to remains a threat to the future viability of this popular and well-used village amenity.

#### Additional Reason for Refusal

The recent planning application at Teal Close, Netherfield 2013/0546 revealing plans by Severn Trent's land division to progress to an outline planning permission for 850 house and industrial units affects this application. Like the turbine, Teal Close also bridges the urban rural gap but is agreed that this is a necessary evil in the requirement for new housing. This turbine application completes the coalescence, impacts on openness and bridges completely urban Netherfield with the village of Burton Joyce, Stoke Bardolph. The NPPF states: *the essential characteristics of Green Belts are their openness and permanence. A new reason for refusal should therefore be set as:*

that proposed wind turbine would prejudice the deliverability and viability of future residential development of a site identified in the Council's emerging Aligned Core Strategy as a strategic allocated housing site known as Teal Close. The proposal is, therefore, contrary to the aims of policies 2 and 7 of the Greater Nottingham Aligned Core Strategies (Submission Version Feb 2013), guidance in the Replacement Local Plan Framework (2005) and to guidance within the NPPF.

#### New Developing Government strategy from Department of Communities and Local Government.

At the time of going to print with this objection document, it has been noted that the DCLG announced on the 6th June 2013, a revision to their policy on the interaction between wind farm developers, the local community and planning control. Government press releases would indicate that this is a highly relevant and material objection to this application. Due to time constraints the impact of this new development will be addressed within an addendum to this objection and forwarded at a later date.

For the reasons demonstrated within this document BJPC is of the view that this wind turbine application would unacceptably degrade the quality of life and the ability of residents to enjoy their local environment should it be constructed.

BJPC maintains that that a reduction from two turbines to a smaller, single one would not simply reduce the impact or the reasons for refusal by 50%. The reasons for the original rejection were equally attributable to each of the two individual turbines and not because there were two of them. Individually they both were inappropriate development in the Green Belt, so one is still inappropriate

development in the Green Belt. Both affected the Trent Washlands character and if anything the retained T2 is closer and contributed more to the original refusal notice than T1.

It is BJPC's strong contention that the adverse impact of this scheme has not been addressed satisfactorily within the new application and continues to be sited in a totally inappropriate location, that cannot be sustained within the landscape or community. As such we ask that this planning application be rejected.

Colwick Parish Council – no comments received.

Lambley Parish Council -no comments received.

East Bridgford Parish Council -no comments received.

Lowdham Parish Council -no comments received.

Gunthorpe PC -no comments received.

Shelford and Newton Parish Council -Object to the proposal on landscape grounds. The proposal would create an unacceptable visual intrusion on the local landscape. The proposal would detract from the rural feel of Trent Valley. The proposal would have a detrimental impact on people enjoying leisure activities in the Trent Valley. There will be cumulative effects from developments which erode the landscape

Holme pierrepont Parish Council -no comments received.

Bulcote Parish Council – observes that the height, scale and location of the proposed Wind Turbine in such close proximity to housing, roads and public amenities is totally inappropriate for the Burton Joyce and Bulcote rural locations.

Caythorpe Parish Council – objects to the proposed development on the following grounds:

Visual impact

Precedent for further applications

Adverse effect on environment

Radcliffe-on-Trent Parish Council – objects on the grounds of height and visual intrusion.

Stoke Bardolph Parish Council – observes that although many of the concerns raised in the previous application have been reduced due to moving the wind turbine and also reducing its height, the land in question is still Green Belt. Therefore, the Parish Council will be supporting Burton Joyce Parish Council to oppose the application.

Local Authorities

Nottinghamshire County Council Planning Policy- The County Council advised that great weight is attached to the need for renewable energy within National Planning Policy, but they did highlight the issues raised by the County Council Landscape team in relation to visual landscape impact of the proposal.

Newark & Sherwood District Council (NSDC) – observe that the proposed turbine is approximately 3 kilometres to the south-west of the NSDC border. The distance from the proposed site to this is such that it is not considered there would be any adverse impacts in terms of noise, shadow flicker or other such effects from wind turbines.

NSDC recognises the support afforded to renewable energy developments within the National Planning Policy Framework and the need to apply material weight to the environmental benefits of the development. Notwithstanding this, of concern to the Council is that due consideration is made to the potential visual and cumulative impact of the turbine development.

With respect to cumulative impact, NSDC has provided a copy of a map layer created by NSDC, which shows the approximate locations of other wind turbine developments granted planning permission in Newark and Sherwood District. The planning permission closest to Stoke Bardolph is Hill Farm at Epperstone.

Rushcliffe Borough Council – is concerned that the proposed turbine would be extremely visible from the Trent Valley Way to the south-east and would appear almost immediately behind the tower of the St Peter and St Paul's Church in Shelford. It would, therefore, have a significant effect on the setting of this Grade II\* heritage asset and, on this basis, Rushcliffe Borough Council objects to the proposed development.

Gedling Borough Council (Planning Policy)- The proposal is for the construction of a wind turbine with a height to tip of up to 100m on a site located within the Green Belt. There are also a number of heritage assets in the area. Permission was refused on the same site in April 2012 for two turbines up to 132m to tip in height.

The following policies are relevant:

- NPPF paragraphs 80-92 (Protecting Green Belts);
- NPPF paragraphs 93-108 (Meeting the challenge of climate change, flooding and coastal change);
- NPPF paragraphs 126-141 (Conserving and enhancing the historic environment);
- RLP Policy ENV5 (Renewable Energy);
- RLP Policy ENV21 (Setting of Listed Buildings);
- RLP Policy ENV22 (Local Interest Buildings); and
- RLP Policy ENV26 (Control over Development in the Green Belt);

In accordance with Paragraphs 214-215 of the NPPF due weight should be given to the policies of the Replacement Local Plan in accordance with their degree of consistency with the framework. Consideration will also need to be given to whether

policies are out of date in line with paragraph 14 of the NPPF. Overall, it is considered that, in terms of this decision, ENV5 and ENV21 should be given limited weight while ENV22 and ENV26 should be given significant weight.

Government has legislated to abolish the East Midlands Regional Plan and the revocation order has been laid in Parliament and will come into force imminently and for all intents and purposes the East Midlands Regional Plan is no longer part of the development plan. Although the East Midlands Regional Plan itself has been revoked the evidence base used to inform it remains a material consideration where it is relevant and up to date. The following relevant policies formed part of the Regional Strategy:

RSS Policy 39 (Regional Priorities for Energy Reduction and Efficiency);  
RSS Policy 40 (Regional Priorities for Low Carbon Energy Generation).

Additional information has been provided by the PPS22 Companion Guide and the Greater Nottingham Landscape Character Assessment (2009).

Gedling Borough Council at its meeting on 13<sup>th</sup> February 2013 approved the Gedling Borough Aligned Core Strategy Submission Documents which it considers to be sound and ready for independent examination. Consequently, Gedling Borough in determining planning applications may attach greater weight to the policies contained in the Aligned Core Strategy Submission Documents than to previous stages, as it is at an advanced stage of preparation. The level of weight given to each policy will be dependent upon the extent to which there are unresolved objections (the less significant the unresolved objections, the greater weight that may be given). It is considered that the following policies are relevant:

Policy 1: Climate Change;  
Policy 3: The Green Belt;  
Policy 10: Design and Enhancing Local Identity; and  
Policy 11: The Historic Environment.

After reviewing the ACS Publication Version Summary of Representations (Feb 2013) and the Schedule of Proposed Changes (Feb 2013) it is considered that none of the unresolved objections are significant in terms of this proposal.

#### Planning Policy comments on Planning Policy Background

##### National

As paragraph 91 of the NPPF identifies, elements of many renewable energy schemes will comprise inappropriate development within Green Belts and will need to demonstrate 'very special circumstances' to proceed. In the case of renewable energy generation these very special circumstances may include the wider environmental benefits associated with renewable energy production.

Wind turbines are thought to be an 'engineering use' as opposed to a 'building' and as such would be classed as inappropriate development within the Green Belt unless they maintain the openness of the Green Belt and do not conflict with the purposes of maintaining land within it (NPPF Paragraph 90).

One of the core principles of the NPPF is that planning should support the transition to a low carbon future and encourage the use of renewable energy (paragraph 17). Planning plays a key role in supporting the delivery of renewable and low carbon energy (paragraph 93) and there is a responsibility on all communities to contribute to energy generation from these sources (paragraph 97). When determining applications local planning authorities should, inter alia (NPPF paragraph 98):

- Not require applicants to demonstrate the overall need for renewable energy;
- Recognise that small scale projects provide a valuable contribution to cutting greenhouse emissions; and
- Approve applications if the impacts are or can be made acceptable.

In terms of impacts the NPPF (paragraph 97) indicates that the approach taken in the National Policy Statement for Renewable Energy should be followed. This looks at the impacts on the following issues:

- Biodiversity & Geological
- Historic Environment
- Landscape and Visual
- Noise and Vibration
- Shadow Flicker
- Traffic and Transport

National targets for renewable energy are as follows

Source	Target
UK Renewable Energy Strategy	15% of energy from renewable sources by 2020
Climate Change Act 2008	reduce UK 'carbon account' 80% by 2050 from 1990 baseline

Paragraphs 126-141 of the NPPF set out the approach to the protection of the historic environment and heritage assets. Of relevance to this proposal, paragraph 132 identifies that substantial harm to the significance of Grade II listed buildings should be exceptional while substantial harm to the significance of Grade I or II\* buildings should be wholly exceptional. Great weight should be given to the conservation of assets, the more important the asset the greater the weight.

Paragraph 133 goes on to say that where there is substantial harm or total loss of significance consent should be refused unless it is demonstrated that there are substantial public benefits. Where the harm to designated assets is less than substantial, the harm should be weighed against the public benefits of the proposal (paragraph 134). A balanced judgement will be required where there is harm to the significance of non-designated assets (such as locally listed buildings).

A letter from the applicant dated 11<sup>th</sup> April refers to the following documents:

The Energy Bill 2012 (Nov 2012)  
 Electricity Market Reform: Policy Overview (Nov 2012)  
 Annual Energy Statement 2012 (Nov 2012)  
 UK Renewable Energy Roadmap Update (Dec 2012)

These documents are not planning documents, make no reference to the delivery of Renewable Energy in specific areas or locations and do not override the NPPF and the need to protect the openness of the Green Belt. As they are national documents they will also apply to offshore wind farms. However, taken as a whole together with the NPPF, they do indicate the importance the Government attaches to the continued provision of renewable energy.

Regional

RSS Policy 39 (Regional Priorities for Energy Reduction and Efficiency) required, inter alia, that Local Authorities promote a reduction of energy use in line with the 'energy hierarchy'. The energy hierarchy adopts a sequential approach to energy requiring:

1. Reduce the use of energy;
2. Use energy more efficiently;
3. Move to energy from renewable sources; and
4. Use remaining fossil fuels more cleanly.

This approach required that steps to reduce energy consumption and use it more efficiently were taken before renewable energy was considered.

In relation to onshore wind energy, RSS Policy 40 (Regional Priorities for Low Carbon Energy Generation) identified that when establishing criteria for policies local planning authorities should consider the following:

- Landscape and visual impact informed by Landscape Character Assessments;
- The effect on the natural and cultural environment;
- The effect on the built environment;
- The number and size of turbines proposed;
- The cumulative impacts of wind generation projects, including 'intervisibility';
- The contribution of wind generation projects to the regional renewable target;
- and
- The contribution of wind generation projects to national and international environmental objectives on climate change.

Included in the RSS were targets for renewable energy and onshore wind. Appendix five of the RSS set out the following target for onshore wind:

Period	Target for onshore Wind
Up to 2010	122MWe

Up to 2020	175MWe
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Local

Policy ENV5 (Renewable Energy) of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008) states permission will be granted for renewable energy schemes provided the proposals:

- a. Do not adversely impact the amenity of nearby properties;
- b. Do not adversely impact the openness of the Green Belt; and
- c. Are designed, sited and landscaped to minimise impact upon the character of the area.

As noted above, limited weight should be given to ENV5.

In relation to heritage, ENV21 identifies that planning permission will not be granted for development which adversely affects the setting of a Listed Building. Only limited weight should be given to this policy as the NPPF is more up to date and better reflects current government policy on the protection of listed buildings. ENV22 on Local Interest Buildings is up-to-date and consistent with the NPPF and should therefore be given significant weight. It identifies that planning permission for development which affects a Local Interest Building will be granted provided:

- a. The appearance or character of the building and its setting are safeguarded; and
- b. Any significant harm caused by the development would be outweighed by significant local community or environmental benefits;

Gedling Borough Council Replacement Local Plan Policy ENV26 (Control over development in the Green Belt) identifies that development in the Green Belt is inappropriate unless it is for one of the approved purposes (including agriculture and outdoor sport and recreation). The applicant will need to demonstrate 'very special circumstances'. Significant weight should be given to ENV26.

The Nottinghamshire Landscape Character Assessment (2009) is an up-to-date evidence document which provides useful information on the way that development can be designed to reduce its impact on or improve the landscape. The NPPF (paragraph 113) allows for 'criteria based policies' on local landscapes based on 'robust evidence' such as landscape character assessments to be adopted through Local Plans. Policy 10.5 of the Aligned Core Strategy sets out that the Greater Nottingham Landscape Character Assessment (2009) will form the basis of future planning policy regarding landscape in Gedling Borough. Use of Landscape Character Assessments in assessing proposals for renewable energy schemes is supported by paragraph 5.15 of the Practice Guidance for PPS22.

Planning Policy Comments on the Planning Application

The key determination is whether the impacts of the proposal are acceptable or can be made acceptable. The following issues will need to be considered:



## Green Belt

Amenity of residents or users of nearby properties (including noise, vibration and shadow flicker)

Character of the area

Biodiversity & Geological

Historic Environment

Landscape and Visual Impact

Traffic and Transport

## Green Belt

Planning Policy's opinion is that, given the nature and scale of existing development in the area, the proposal would constitute encroachment. Also, given its scale, it would not maintain the openness of the Green Belt. It should, therefore, be classed as inappropriate development in the Green Belt.

The applicant must demonstrate very special circumstances as to why permission should be granted for inappropriate development. If very special circumstances are demonstrated that outweigh the impact on the Green Belt then it is considered that the impact on the Green Belt is acceptable. Due to existing development in the area, and the narrowness of the gap between the urban area and Burton Joyce, the Green Belt in this location is sensitive. It is considered that there would need to be very significant very special circumstances to outweigh the likely significant harm to the impact on the Green Belt in this location.

Mitigation measures to reduce the impact of the proposal are not capable of being very special circumstances but may help mitigate the impact on issues such as landscape or heritage. Paragraph 91 of the NPPF indicates that weight may be given to the wider environmental benefits associated with renewable energy generation as a very special circumstance. The wider environmental benefits could include the protection of habitats and species from climate change and the reduced need to extract fossil fuels.

The lack of an alternative site is one of the very special circumstances usually considered. In the case of wind turbines, there is nothing to stop these alternative sites being developed in addition to sites in the Green Belt, provided the sites are suitable for the proposals. Therefore the availability of a suitable non-green belt site is not a ground for refusal as shown at appeals at Enifer Downs (ref 2071880) and Carsington Pastures (ref 2054080).

The applicant, in their Planning Statement, puts forward the following as very special circumstances to outweigh the harm to the Green Belt:

Combating the effects of climate change (reducing CO<sub>2</sub> emissions);

Natural resource depletion;

Income, employment and expenditure;

Security of Energy Supply;

Implications for Food Security;

Implications for Human Health;

Implications for Infrastructure, Industry and Human Settlements;

## The Achievement of Renewable Energy Targets; The Unique Customer Benefits.

The applicant refers to the UN Intergovernmental Panel on Climate Change Assessment Report (2007) which identifies that “*warming of the climate system is unequivocal*”. The applicant identifies that electricity generation is a major contributor to climate change and releases large volumes of CO<sub>2</sub> into the atmosphere. The use of renewable energy reduces the amount of CO<sub>2</sub> released. In an email dated 9<sup>th</sup> May 2013 the applicant identified that the proposed turbine would generate sufficient energy to power 1,526 average UK homes and would remove 54,150 tonnes of CO<sub>2</sub> emissions over the 24 year period of operation. Weight can be given to the reduction in CO<sub>2</sub> as a very special circumstance.

The applicant also refers to the impacts of climate change on habitats, species, food security, human health, infrastructure, industry and settlements as separate very special circumstances. It is considered that these are either wider environmental benefits or benefits of combating climate change which will both be given weight as very special circumstances.

The applicant points to a joint report of the Department of Energy & Climate Change and Renewable UK (a renewable energy trade association) which has assessed the economic benefits of onshore wind turbines (DECC “Onshore Wind: Direct & Wider Economic Benefits” May 2012). The report shows that the economic benefits of the development, construction and operation of onshore wind turbines are as follows<sup>1</sup>:

	<b>Costs per MW (weighted)</b>			
<b>Stage</b>	<b>Local</b>	<b>Regional<sup>2</sup></b>	<b>National<sup>3</sup></b>	<b>Total</b>
Development	£8,742	£44,722	£106,330	£108,759
Construction	£77,240	£343,606	£529,383	£1,182,612
Operation/Maintenance	£15,181	£34,215	£47,610	£52,659
Decommissioning	No figures available			
<b>Total</b>	<b>£101,163</b>	<b>£422,543</b>	<b>£683,323</b>	<b>£1,344,030</b>

The table shows that about 7.5% of the cost of installing and operating onshore wind turbines are retained in the local authority within which they are erected, with the majority of this coming through the construction phase (manufacture of parts, assembly, transport and logistics). Based on the average figures produced in the

<sup>1</sup> Adapted from DECC “Onshore Wind: Direct & Wider Economic Benefits” May 2012 (tables 4-1, 4-4 and 4-8)

<sup>2</sup> Includes spending retained at the local level

<sup>3</sup> Includes spending retained at the local and regional level

DECC report this could result in around £250,000 being retained in Gedling Borough over the 25 year life span of a 2.5MW turbine. It is considered that the contribution to the local economy from wind turbines is capable of being a very special circumstance. The contributions to the regional and national economy are wider economic benefits and weight is given to this as a very special circumstances.

The increase in renewable energy generation will have knock-on benefits in terms of resource depletion and energy security. There will be less need for the use of fossil fuels which will prolong the life of existing supplies. Generating electricity in the UK will also reduce dependency on foreign sources of energy (such as gas) resulting in less vulnerability to price spikes and supply issues. It is considered that these are wider economic benefits, which carries weight as a very special circumstance.

In terms of contributing to the renewable energy targets figures provided by the applicant (letter dated 9<sup>th</sup> May 2013) indicate, as of April 2013, there is just under 177MW of installed capacity from onshore turbines in the East Midlands. Overall the East Midlands have met the targets for onshore wind generation in the Regional Strategy.

It is noted that the Regional Strategy has been revoked. The Inspector in a recent appeal (Thacker Bank, ref 2176754) considered that the revocation of the RSS would not have a significant bearing on the outcome of the appeal as the RSS was consistent with the NPPF and the RSS targets were based on a robust evidence base.

A report into renewable energy targets to inform the incomplete review of the RSS (Faber Maunsell "Reviewing Renewable Energy Targets for the East Midlands" 2009) found that there is capacity in the East Midlands region for a higher level of onshore wind energy generation than provided for in the Regional Strategy. The report was identified as up to date and treated as a material consideration in the recent Thacker Bank appeal.

The proposals will contribute towards the national targets for renewable energy and carbon reduction set out above. The Inspector in the Thacker Bank appeal found that "*the East Midlands Region, and indeed the country as a whole, are currently a long way off meeting the 2020 [i.e. the targets of the UK Renewable Energy Strategy] renewables targets*". The applicant has identified that the proposed turbine would generate sufficient energy to power 1,526 average UK homes and would remove 54,150 tonnes of CO<sub>2</sub> emissions over the 24 year period of operation.

While the Faber Maunsell report was carried out at the regional scale, and the increased targets it identifies have not been tested at examination, it has been given weight in an appeal decision. It is likely that an increase in the regional target could potentially lead to an increase in the amount of installed onshore wind capacity within Gedling Borough. Overall, therefore, it is considered that the contribution to renewable energy targets carries weight as a very special circumstance.

The applicant also identifies a number of 'unique customer benefits' which will result from the proposal. These relate to the provision of clean water and water treatment services and the threat to the ability to provide these caused by climate change. It is

considered this is a benefit of combating the effects of climate change which will be given weight as a very special circumstance.

The Borough Council has participated in the preparation of the 'Low Carbon Energy Opportunities and Heat Mapping for Local Planning Areas Across the East Midlands' (March 2011) known as the Heat Mapping Exercise. This document sets out an evidence base of the technical potential for renewable and low carbon energy technologies within the East Midlands. Its aim is to assist local planning authorities across the region in developing policies and strategies that support low carbon energy deployment up to 2030.

In relation to Gedling Borough, the Heat Mapping Exercise (March 2011) identifies the location proposed in this application as one of the few in Gedling Borough capable of accommodating wind turbines of the height proposed. It is important to note, however, that the Heat Mapping Exercise (March 2011) only considered 'technical' capacity and not 'deployable' capacity and did not take into account policy restrictions such as Green Belt. Whether or not proposals for turbine(s) on site were acceptable would need to be tested against the Development Plan through a planning application.

Given that turbines can only be developed where it is technically feasible (due in part to the wind), and the identification in the NPPF that there is a responsibility on all communities to contribute to energy generation from renewable sources (paragraph 97), weight should be given to the findings of the Heat Mapping Exercise (March 2011).

In conclusion on the impact on openness, weight can be given to the following as very special circumstances:

- Reduction in CO<sub>2</sub> emissions;
- Contribution to renewable energy targets;
- Combating climate change;
- Economic benefit to the local economy;
- Wider economic benefits;
- Wider environmental benefits; and
- The findings of the Heat Mapping Exercise.

Collectively, the NPPF and other national documents referred to above indicate the importance attached by Government to renewable energy and indicate that significant weight that should be attached to the reduction in CO<sub>2</sub>, contribution to renewable energy targets and combating climate change.

It is considered that only limited weight can be given to the economic benefit to the local economy. The information suggests that only 7.5% of the costs of a wind turbine will be retained in the local authority area, which is not seen to be significant enough, on its own to justify inappropriate development. Without other factors very special circumstances would not be demonstrated.

Limited weight should also be given to the wider economic and environmental benefits. These are secondary benefits which have a dispersed effect. Without

other factors very special circumstances would not be demonstrated.

While weight should be given to the findings of the Heat Mapping Exercise, this should be balanced against the fact that the gap between the main urban area and Burton Joyce is one of the most sensitive parts of the Green Belt in Gedling Borough. Overall it is considered that significant weight should be given to the Heat Mapping Exercise as a very special circumstance. The findings are site specific and show that there are limited opportunities to deliver renewable opportunities of this scale. Additionally, paragraph 97 of the NPPF requires LPAs to recognise the responsibility on all communities to contribute to the generation of renewable energy.

It should be determined whether the impact on the openness of the Green Belt in this sensitive location is outweighed by the very special circumstances as a whole identified above.

In making this determination reference should also be made to the previous application. The previous application for two turbines up to 132m was refused partly on grounds of impact on openness. This proposal is for a single turbine up to 100m. The proposal will have a smaller impact on openness than the previous proposal as a result of its height but also as the issue of 'intervisibility' between turbines is no longer an issue.

#### Amenity of residents or users of nearby properties

Public Protection and other appropriate bodies should be consulted regarding any potential impact from the turbine in terms of noise, vibration and shadow flicker. This should include the impact on the nearby Poplars Sports Ground which was one of the reasons for refusal in the previous scheme.

#### Character of the area

The character of the area is largely considered through the assessments related to the Green Belt and the Landscape & Visual Impact. The impact on any other elements of the character of the area should be considered.

#### Biodiversity & Geological

The County Ecology team and Nottinghamshire Wildlife Trust should advise on the impact of the turbine on wildlife, specifically birds and bats.

#### Historic Environment

The adverse impact on a number of listed and local interest buildings was a reason for refusal in the previous scheme. English Heritage and the Borough Councils Conservation adviser should be consulted regarding the significance, reason for designation and harm from the current proposal to any heritage assets in the area. The public benefits of the proposal, which may be similar to the 'very special circumstances' identified above, and whether these outweigh any harm to the significance of the heritage assets should be considered.

#### Landscape and Visual

The County Council Landscape and Ecology teams should be consulted regarding these issues along with the Borough Councils Urban Design adviser.

The Landscape Character Assessment is also a useful as a source of information. This considers the landscape condition and landscape sensitivity of the area. The LCA places the site within the Stoke Bardolph Village Farmlands policy zone which is assessed as having a 'poor' landscape condition and a 'low' sensitivity. It recommends the following actions to help create a landscape:

- Create new hedgerows and restore existing hedgerows – seek opportunities to restore historic field pattern;
- Seek opportunities to restore arable land to permanent pasture/wet grassland;
- Enhance visual unity through appropriate small scale tree and woodland planting;
- Create woodland to contain and soften urban development, preferably in advance of development;
- Conserve the rural character of the landscape by concentrating new development around existing settlements;
- Conserve historic field by containing new development within historic enclosed boundaries, restoring hedgerow boundaries where necessary;
- Strengthen the continuity and ecological diversity of stream corridors;
- Conserve the character and setting of village settlements.

#### Traffic and Transport

County Highways should be consulted on the implications for the Highways network especially during the construction phase of the development. However, it is considered unlikely that the operation of the turbine will have a major impact on the highways network.

#### Planning Policy Conclusion

In conclusion, the impact of the proposal on the following should be identified following consultation with appropriate bodies:

- Openness of the Green Belt
- Amenity of residents or users of nearby properties (including noise, vibration and shadow flicker)
- Character of the area
- Biodiversity & Geological
- Historic Environment
- Landscape and Visual
- Traffic and Transport

It should be determined whether the impact on the openness of the Green Belt in this sensitive location, and any other harm, is outweighed by the very special circumstances as a whole identified above.

In terms of the Green Belt, the sensitive location means that the proposal is likely to result in significant harm to the openness of the Green Belt. However, significant weight should be given to the reduction in CO<sub>2</sub> emissions, the contribution to renewable energy targets, combating climate change and the findings of the Heat Mapping Exercise. Additionally, limited weight should be given to the economic benefits to the local economy, the wide economic benefits and the wider

environmental benefits.

Whether the other impacts are acceptable or capable of being made acceptable should also be considered.

#### **4.0 Planning History**

4.1 Planning permission was refused for the erection of two turbines at this site. The turbines subject to the previous application 2010/0289 would have had a height of 132m from ground to blade tip. The previous proposal was refused on the following grounds:-

- 1 The proposed development would not fall within the categories of appropriate development within the Green Belt as set out in Policy ENV26 of the Gedling Borough Replacement Local Plan and would not in the opinion of the Borough Council maintain the openness of the Green Belt at the application site. The development would therefore be contrary to Policy ENV5 (b) in this respect.
- 2 In the opinion of the Borough Council the proposed development would not maintain the openness of the Green Belt at the application site and would conflict with the purpose of assisting in safeguarding the countryside from encroachment and therefore in terms of the National Planning Policy Framework (NPPF), paragraph 90, the proposed development is considered to be inappropriate development. Paragraph 87 of the NPPF states that 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.' Paragraph 91 of the NPPF advises that for renewable energy projects 'developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources'. Paragraph 88 of the NPPF advises that 'very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations'. The Borough Council does not consider that the very special circumstances (of contributing to the increased production of energy from renewable sources) put forward by the applicant to justify the proposal would, in this instance, outweigh the harm to the Green Belt at this location due to the impact on openness and the harm caused to the purpose of safeguarding the countryside from encroachment.
- 3 In the opinion of the Borough Council the proposed development would have an adverse direct and localising influence on the Trent Washlands Character Area and would have an adverse visual impact on the appearance of the landscape that would affect an area within approximately 3km of the application site. Due to the scale of the proposed development there is in the opinion of the Borough Council no opportunity to minimise the impact through additional landscaping. The proposed development would therefore be contrary to Policy ENV5 (c) of the Gedling Borough Replacement Local Plan which requires development for renewable energy to be designed, sited and landscaped to minimise any impact on the character of the area. The

proposed development would also by reason of its scale, bulk, form, layout and materials affect the appearance of the landscape and as a result it would be contrary to Policy ENV1 (a) of the Gedling Borough Replacement Local Plan which states that planning permission will be granted for development provided that it has regard to the appearance of the area and does not adversely affect the area by reason of its scale, bulk, form, layout or materials.

- 4 In the opinion of the Borough Council the proposed development would have an adverse impact on the setting of the Church of St Peter and Paul at Shelford (Grade II\*), Gedling House (Grade II), Lowes Farmhouse (Grade II) and the local interest buildings of the Ferry Boat Public House, 27/28 Stoke Lane, 35/37 Stoke Lane, St Luke's Church and Stoke House located within Stoke Bardolph. In line with paragraph 133 of the National Planning Policy Framework, the Borough Council has given consideration to whether the proposed development will result in substantial harm to or loss of significance of a designated heritage asset, local planning authorities should in these instances refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. In this instance, the Borough Council does not consider that the impact on the heritage assets named above would be outweighed by the economic, environmental and social benefits put forward by the applicant. As a result of the harm to the setting of a number of listed buildings the proposed development would be contrary to Policy ENV21 of the Gedling Borough Replacement Local Plan. Also, due to the adverse impact on the setting of a number of local interest buildings (without the harm being outweighed by significant community or environmental benefits) the proposed development would also be contrary to Policy ENV22 of the Gedling Borough Replacement Local Plan.
- 5 Paragraph 64 of the National Planning Policy Framework advises that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. In the opinion of the Borough Council, the proposed development by reason of its design would erode the recreational function of the Poplars Sports Ground and would not maintain or enhance the recreational character and quality of the open space. The Borough Council also considers that the operation of the turbines would be visually distracting to players and spectators of Cricket and Archery who play and visit the site.

## **5.0 Assessment of Application Planning Considerations**

- 5.1 The most relevant planning policies in the determination of this application are contained within the National Planning Policy Framework (NPPF), the Gedling Borough Replacement Local Plan and the Emerging Gedling Borough Aligned Core Strategy. The Government has legislated to abolish the East Midlands Regional Plan; whilst the Plan has been revoked the evidence base used to inform its production is still relevant and up to date.
- 5.2 The following paragraphs of the NPPF are of relevance to this application:-



80-92 Protecting Green Belts  
93-108 Meeting the challenge of climate change, flooding and coastal change  
126-141 Conserving and enhancing the historic environment

5.3 The following policies of the Gedling Borough Replacement Local Plan and the Aligned Core Strategy are also of relevance to this application:-

RLP Policy ENV5 Renewable Energy  
RLP Policy ENV21 Setting of Listed Buildings  
RLP Policy ENV22 Locally Interest Buildings  
RLP Policy ENV26 Control over Development in the Green Belt  
ACS Publication Version (Feb 2013) Policy 1 Climate Change  
ACS Publication Version (Feb 2013) Policy 3 The Green Belt  
ACS Publication Version (Feb 2013) Policy 10 Design and Enhancing Local Identity  
ACS Publication Version (Feb 2013) Policy 11 The Historic Environment

As noted in the comments received from Planning Policy consideration needs to be given to whether the policies of the RLP are consistent with the NPPF. Overall, it is considered that, in terms of this decision, ENV5 and ENV21 should be given limited weight whilst significant weight should be given to policies ENV22 and ENV26 of the RLP. Weight should be given to the policies of the emerging ACS, as it is considered that none of the unresolved objections following the review of the ACS Publication Version Summary of Representations and the Schedule of Proposed Changes (Feb 2013) there are no unresolved objections that are significant in relation to this proposal.

- 5.4 The background information and research undertaken to inform the production of the Regional Spatial Strategy (RSS) Policy 39 Regional Priorities for Energy Production and Efficiency and Policy 40 Regional Priorities for Low Carbon Energy Generation are still of relevance. Of particular relevance is the 'Low Carbon Energy Opportunities and Heat Mapping for Local Planning across the East Midlands' (March 2011). This document sets out the evidence base for the technical potential for low carbon technologies in the East Midlands.
- 5.5 Another document that is relevant to this application is the information contained Greater Nottingham Landscape Character Assessment (2009).
- 5.6 New Guidance on Planning for Renewable and Low Carbon Energy was issued by the Government in July (2013). This guidance replaces the Planning Policy Statement 22 Companion Guide which is now cancelled. The new guidance focuses on providing information on how renewable and low carbon energy generation can be incorporated in Local Plans. The guidance highlights that renewable energy is important to secure the UK's energy supply reduce greenhouse emissions and stimulate investment in new jobs and businesses. In terms of wind turbines the guidance identifies a number of planning considerations and provides information on how these should be assessed.

5.7 The main planning considerations in the determination of this application are:-

Renewable Energy  
Green Belt  
Local Landscape  
Cultural Heritage  
Recreation  
Nature Conservation  
Local Residents (Visual impact, Shadow Flicker and Noise)  
Safety  
Flood Risk, Contamination and Hydrology  
Transport and Communication

Each of these issues is considered in turn below.

## **6.0 Renewable Energy**

6.1 Paragraph 98 of the NPPF states that when determining planning applications, local authorities should:-

‘not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application if its impacts are (or can be made) acceptable.’

6.2 Therefore the Council as local planning authority cannot ask the applicant to demonstrate that there is a need for the development. In relation to previous decisions relating to wind turbines the planning policy has not enabled the Council to consider the level of energy to be produced by the proposal. However in July of this year the Government published its Planning Practice Guidance for Renewable and Low Carbon Energy. Paragraph 38 of this does however state that the likely energy output of a wind turbine can be useful information in considering the energy contribution to be made by a proposal, particularly when a decision is finely balanced. In an e-mail received by the Council from the Applicant 9<sup>th</sup> May 2013 it was confirmed that the proposed turbine would generate sufficient energy to power 1,526, average UK homes annually. The proposal would also result in removal of 54,150 tonnes of CO<sub>2</sub> emissions as a result of switching fossil fuels for renewable energy.

6.3 It should be noted that the Government places great weight on the need for the provision of renewable energy. This drive for renewable energy production can be seen within the NPPF at paragraph 97 which states that:-

To help increase the use and supply of renewable and low carbon energy, local authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources.

6.4 The need for renewable energy is also set out within other Government documents, The Energy Bill (Nov 2012), Electricity Market Reform: Policy

Review (Nov 2012), Annual Energy Statement 2012 and the UK Renewable Energy Roadmap Update (Dec 2012).

## **7.0 Green Belt**

- 7.1 Paragraph 91 of the NPPF indicates that many elements of renewable energy schemes will comprise inappropriate development within the Green Belt, and as such very special circumstances will need to be demonstrated for the development to proceed. The erection of Wind Turbines are classified as engineering operations rather than as buildings and are therefore considered to be inappropriate development unless they maintain the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. The most relevant purpose for including land in Green Belt at the application site is to save the countryside from encroachment. Policy ENV26 of the RLP identifies development which is appropriate within the Green Belt, wind turbines are not included within the list of appropriate development and therefore, for the purposes of Policy ENV26 the proposal is inappropriate development within the Green Belt.
- 7.2 I note the comments made by the County Landscape Team who do not consider that the proposed development would have a significant impact on the openness of this location. I agree that given the slim nature of the proposal and the fact the landscape would be visible around that there would be limited impact on the Green Belt at this location. However, because there would be some impact on the openness of the Green Belt, the development would be inappropriate.
- 7.3 This part of the Green Belt is sensitive, because of its proximity to the built up area of Gedling Village, Burton Joyce and the Greater Nottingham Conurbation in general. In relation to this proposal I do not consider that the nature of the proposed wind turbine would result in a significant encroachment into the Green Belt. This is because the visual and physical impact of the proposed turbine would not be of such that it would add greatly to the sense of the area being built up.
- 7.4 I do concur with the view of Planning Policy that reference does need to be made to the previous decision in light of the above opinion that the wind turbine now proposed would have limited impact on the openness of the Green Belt and would also cause only a degree of encroachment. The proposed wind turbine would be 32m lower than the previous turbines proposed, which would result in a reduced impact on the openness of the Green Belt and in terms of its presence within the area. In addition only one turbine is proposed which further reduces the impact on openness as the issue of 'intervisibility' between the two turbines would no longer be present. This is because the presence of two turbines would cause a visual interaction between the turbines which would act to diminish the openness of the Green Belt when viewed by passers-by. The 'intervisibility' that would be caused by two turbines would also have led to a perception of significant encroachment into the Green Belt at this location.
- 7.5 As it has been recognised in paragraph 7.2 and 7.3, above, that there would be

some impact on the openness of the Green Belt at this location and a degree of encroachment into the countryside consideration does need to be given to paragraph 88 of the NPPF. Paragraph 88 of the NPPF advises that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm are clearly outweighed by other considerations. Very special circumstances, in my opinion, are those that are unique to the site and difficult to replicate. Policy ENV26 of the RLP also requires the establishment of very special circumstances.

- 7.6 As set out in the comments from Planning Policy the applicant in their Planning Statement have put forward the following as other considerations:-

- Combatting the effects of climate change;
- Natural resource depletion;
- Income, employment and expenditure;
- Security of energy supply;
- Implications for food security;
- Implications for human health;
- Implications for infrastructure, industry and human settlements;
- Achievement of renewable targets;
- Unique customer benefits
- Contribution of proposal to reducing greenhouse emissions and relationship to climate change
- Economic benefits of developing, constructing and operating onshore wind turbines
- The mapping exercise by Faber Maunsell 'Reviewing Renewable Energy targets for the East Midlands' which identifies application as one of the few areas in Gedling Borough capable of accommodating wind turbines.

- 7.7 The mapping exercise, referred to in the last bullet point, was undertaken in March 2011 to assist East Midlands Regional Spatial Planning. The exercise identifies the location of this application as one of the few areas in the Gedling Borough capable of accommodating wind turbines of the height proposed. The study looked at technical feasibility and also discounted areas of high landscape sensitivity, high ecological sensitivity and made use of buffers in order to avoid important transport links and areas used by air traffic, areas of large population, listed buildings and National Grid Transmission lines. However, the study did not consider policy restrictions such as Green Belt.

- 7.8 With regard to the other considerations put forward by the applicant I concur with the conclusions of Planning Policy that the following are most relevant to the determination of this application:-

- The wider economic benefits of the proposal;
- The wider environmental benefits, combatting climate change and reduction in CO<sub>2</sub> emissions;
- Contribution to renewable energy targets;
- The findings of the Faber Maunsell 'Reviewing Renewable Energy

targets for the East Midlands'

- 7.9 In line with the NPPF significant weight should be attached to the reduction in CO<sub>2</sub> contribution to renewable energy targets and combatting climate change. In my view weight should be given to the findings of the study that the application site is one of the few areas in the Borough capable of accommodating this size of wind turbine. Weight has to be attached to the study because wind turbines can only be developed where it is technically feasible to do so and paragraph 97 states that there is a responsibility on all communities to contribute to energy generation from renewable sources.
- 7.10 However, I consider that limited weight should be given to the economic benefit to the local economy and also to the wider economic and environmental benefits. This is because the benefits to the local economy would be negligible. With regard to the wider economic and the overall environmental benefits associated with renewable energy schemes it is my view that they are too general to be given any considerable weight.
- 7.11 The other considerations set out in paragraph 7.9, do in my view, when combined together carry considerable weight.
- 7.12 In my opinion, when all these other considerations are balanced against the impact that the proposed development would cause to the openness of the Green Belt at this location and the limited extent of encroachment that would result (as described in paragraph 7.2 and 7.3 above), that they do clearly outweigh the harm to the Green Belt. The design of the proposal and its effect on the surrounding area and the other considerations would be difficult to replicate and are unique to this application. I therefore consider that in this instance very special circumstances do exist which would allow this development to go ahead.

## **8.0 Visual impact and impact on the Landscape**

- 8.1 Policy ENV5 of the RLP advises that renewable energy schemes should not adversely affect the character of prominent ridge lines and should be designed, sited and landscaped so as to minimise any impact upon the character of the area. However, due to the wording of the policy and its inconsistency with the NPPF, little weight should be attached to it in relation to determining this application.
- 8.2 Policy 10 of the ACS requires all new development Outside of settlements to be assessed with reference to the Greater Nottingham Landscape Character Assessment.
- 8.3 The Planning Practice Guidance for Renewable and Low Carbon Energy provides guidance on the issues to be considered in relation to the landscape and visual impacts of turbines. The visual impacts are concerned with the degree to which proposed renewable energy will become a feature in particular views, or sequence of views, and the impact that this will have on people experiencing those views. The landscape impacts are the effects of the

proposed development on the fabric, character and quality of the landscape and the degree to which the turbine will become a defining characteristic in the landscape.

- 8.4 The Landscape Character Assessment places the site within the Stoke Bardolph Village Farmlands policy zone, which is assessed as having a poor landscape condition and a low sensitivity.
- 8.5 The County Council Landscape Team in their comments advise that turbine would have a significant visual impact within a localised area. The impact would be contained by the ridgelines that bound the Trent and would extend for a distance of 3.5 kilometres around the Valley.
- 8.6 With regards to the impact on the character of the area, the Landscape Team have advised that the proposal would add a new characteristic to the area. Within a distance of 1.5 to 2 kilometres two new regional landscape sub-types would be created 'Flood Plain Valleys with Wind Turbine' and 'Wooded Village Farmlands with Wind Turbine'.
- 8.7 The Landscape Team have also commented that there would be limited but significant impacts on the landscape character of the Lambley and Burton Joyce mature landscape area and in relation to views out of the Bulcote Village and residences on the fringe of the Conservation Area.
- 8.8 There would be certain locations where cumulative impacts (viewpoints of this proposal and other wind turbine development could be seen). The County Council conclude that these impacts will range from moderate to significant.
- 8.9 In drawing their conclusions the County Council Landscape Team advise that in visual terms the proposal would have an impact on visual amenity, but that this needs to be balanced against other issues including the long term benefits of the production of renewable energy and reduction in greenhouse gases.
- 8.10 I concur with the County Landscape Team that there would be an impact on the visual landscape and also on the character of the landscape. However, I consider that these impacts need to be balanced against the significant weight to be given to renewable schemes. I also consider that it should be noted that landscapes do change over time and that whether development is considered to be 'bad' or 'good' affects the perception of whether the impact of development is acceptable to those viewing it.
- 8.11 In light of the above considerations whilst there would be an impact on the landscape in visual terms and its character would change, it is my opinion that the change would not be unacceptable particularly given the need for renewable energy.

## **9.0 Cultural Heritage**

- 9.1 Planning Policy have advised that limited weight should be given to Policy ENV21 of the RLP, but that weight should be given to Policy ENV22 Local

Interest Buildings. Policy ENV22 states that:-

'Planning permission for development that would affect a local interest building or its setting will be granted provided:-

The appearance or character of the building and its setting are safeguarded:  
and

Any significant harm caused by the development would be outweighed by significant local community or environmental benefits'

9.2 Paragraphs 132 and 133 of the National Planning Policy Framework advise that:-

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important an asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, should be wholly exceptional.

Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that harm or loss.'

9.3 The previous application for two wind turbines was refused because of the impact of the development on the Church of St Peter and St Paul Shelford (Grade II\* Listed Building), Gedling House (Grade II Listed Building), Lowes Farm House (Grade II Listed Building) and number of local interest buildings including the Ferry Boat Public House, Nos 27, 28, 35 and 36 Stoke Lane, St Luke's Church and Stoke House.

9.4 The most important asset that could be affected by this proposal is the Church at Shelford. I note the comments of Rushcliffe Borough Council, English Heritage and the Council's Conservation Consultant. The main view of the Church setting that would be affected is the view of the Church from the Trent Valley Way Footpath west of Newton. The reduction in the number of turbines from two to one and the siting of the single turbine that forms this application does in my opinion reduce the impact on the setting of the Church from this vantage point along the Trent Valley Way. I concur with the views expressed in the Environmental Report chapter on Archaeology and Cultural Heritage, that the Church and turbine, would be seen as two elements within a wide panorama that contains many different features, including industrial and semi-industrial developments. As a result of the reduction in the number of turbines and the position of the proposed turbine I consider that the impact on the setting of this Church would be less than substantial harm.

- 9.5 With regard to Gedling House, I consider that because only one turbine is now proposed and because of the other semi-industrial/industrial features in the landscape that there would be less of an impact on the setting of this house when viewed from the west. As a result there would be less than substantial harm on the setting of this building.
- 9.6 The proposed wind turbine would be sited to the rear of Lowes Farm House and would be seen behind trees, although there would be views of the turbine behind the building. I consider that there would be substantial harm to the setting of this building.
- 9.7 With regard to the Local Interest buildings, the settings of these buildings would be affected still because the turbine would be seen within the views of these premises. I consider that the settings of these buildings would be substantially harmed.
- 9.8 In accordance with Policy ENV22 and the NPPF the substantial harm to the settings of these listed and local interest buildings needs to be weighed against the public benefits of this proposal. I consider that the weight to be given to the contribution that this proposal would make to reducing CO<sub>2</sub> emissions, combatting climate change, and to renewable energy targets would outweigh the harm caused to Lowes Farm House and also the local interest buildings.
- 9.9 I note that no issues have been raised in relation to archaeology and that this was not an issue in relation to the previous application.

## **10.0 Recreation**

- 10.1 Paragraph 70 of the NPPF advises that planning decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet day to day needs.
- 10.2 A sport impact assessment has been submitted as part of the application, which has been reviewed by Sport England. I note that Sport England in their comments advise that there is still potential for the proposed turbine to affect the Poplars Recreation Ground in relation to shadow throw and visual distraction. Sport England does not consider that this impact even in the worst case scenario would be significant enough to prejudice the playing of football on these pitches. The impact of shadow throw on archery, in Sport England's view has been addressed by the proposed use of conditions to ensure that the wind turbines are shut down during Archery competitions.
- 10.3 Visual distraction to archery is not considered to be an issue on the identified practice range, which is understood to be used for a number of events. The whole use of the area for competitions would in Sport England's view be addressed by the shutdown referred to above.
- 10.4 Sport England agrees with the findings of the Sports Impact Assessment report



in relation to Cricket. This being the case Sport England does not wish to raise an objection to this application, providing that a suitably worded condition is attached to any decision notice to secure the shutdown of the wind turbine. I consider that an appropriately worded condition could ensure that the turbine is shut down at appropriate times and that this condition should be a pre-commencement condition requiring the submission of a protocol to indicate on shut down would be achieved and that the protocol would need to be adhered to during the lifetime of the turbine. I therefore consider that the potential impact on sport and recreation at the Poplars could be adequately mitigated.

10.5 With regards to informal recreation pursuits in the area, I do not consider that the proposed development would cause any detrimental impact on users of public footpaths or the River Trent.

### **11.0 Nature Conservation**

11.1 Paragraph 118 of the NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles, where significant impacts cannot be adequately mitigated then permission should be refused and if the proposal affects a Site of Special Scientific Interest or ancient woodland the benefits of the development would need to outweigh the harm to the nature conservation interest.

11.2 A phase 1 habitat survey was submitted as part of the application and whilst the County Council Nature Conservation Officer did initially query the level of detail submitted as part of the application, the submission of additional information was sufficient to overcome their concerns.

11.3 Given that no objections have been received from the ecological bodies in relation to the potential impact of the proposed turbine on nature conservation interests in the area, I do not consider that there would be any adverse impacts. Any impacts that would be caused would in my view be adequately mitigated by the proposed habitat to be created around the site and also the proposed area of land to be provided on rotational basis for lapwing. I concur with the views of the County Council Nature Conservation Officer, that conditions should be attached to enable post-construction monitoring of nature conservation interests in the area. I also consider that a habitat management plan should also be submitted.

### **12.0 Local Residents (Visual impact, Shadow Flicker and Noise)**

12.1 The Planning Practice Guidance for Renewable and Low Carbon Energy (July 2013) provides guidance on how shadow flicker and noise should be assessed as part of an application.

12.2 With regard to shadow flicker paragraph 35 of the document advises that under certain combinations of geographical position and time of day, the sun may pass behind rotors of a wind turbine and cast shadow over neighbouring

properties. When blades rotate, the shadow flickers on and off. Only properties within 130 degrees either side of north, relative to the turbine would be affected. The guidance goes on to advise that modern wind turbines can be controlled so as to avoid shadow flicker.

- 12.3 The Guidance states that the report The Assessment and Rating of Noise from Wind Farms (ETSU-R-97) should be used by local planning authorities when assessing and rating noise from wind energy developments.
- 12.4 The closest properties to the proposed turbine are along the part of Nottingham Road between the Woodside Road and Crow Park Drive junctions (these properties are approximately 780m away from the turbine), properties on Mill Field Close which are site approximately 700m away and the Poplars Sport Ground which is approximately 520m away from the turbine. With regard to the previous application the closest residential property was approximately 550m away from the proposed turbines.
- 12.5 In relation to the visual impact of the proposed turbines on local residents, I would refer to the conclusions drawn in relation to the previous application for two wind turbines. For the properties closest to the proposed wind turbines, the turbines are likely to be significant and prominent features in the landscape for the occupants of these properties. However, on balance given the distances between the properties and the proposed turbines I do not consider that the turbines would be visually intrusive or overbearing enough to be a reason for refusal.
- 12.6 I still concur with these conclusions in relation to the single turbine that forms part of this application. I consider that the impact on local residents would be even less given that only one turbine is now proposed and given the reduction in height.
- 12.7 The shadow flicker assessment that has been submitted as part of this application indicates that only properties on Nottingham Road would be likely to be affected by any potential shadow flicker. However, the impact would be at the very edge of the affected area. Consideration has been given to the impact on these properties along Nottingham Road. For this assessment the number, size and orientation of windows along this stretch of Nottingham were taken into account. From this further assessment it was found that no properties would be affected by shadow flicker.
- 12.8 The noise assessment submitted by the applicant has been reviewed by Public Protection. Public Protection has not raised any objections to the assessment. The noise assessment submitted by the Applicants, concludes that predicated turbine noise levels and measured background noise levels indicate that for receptors neighbouring the proposal, noise levels will meet the quite day-time and night time criteria within ETSU-R-97 during turbine operation.
- 12.9 To ensure that noise levels do accord with ETSU-R-97 it is recommended that a condition be imposed on any planning consent.

12.10 Given the siting and height of the proposed turbine I consider that the application is acceptable in terms of impact of the development on local residents.

### **13.0 Flood Risk, Contamination and Hydrology**

13.1 Paragraph 103 of the NPPF states that when determining planning applications, local authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site specific flood risk assessment, following a Sequential Test, and if required an Exception Test, it can be demonstrated that there are overriding reasons to prefer a different location and development is appropriately flood resilient and resistant.

13.2 The Environment Agency Flood zone map shows that part of the site is located in Flood Zone 3 and therefore at highest risk of flooding from the River Trent. The central part of the site is in Flood Zone 2 and the western part of the site is in Flood zone 1 and therefore at low risk of flooding. The turbine itself is proposed to be located towards the southern edge of Flood Zone 3.

13.3 As part of the application a Flood Risk Assessment was submitted, this assessment is considered to be appropriate by the Environment Agency. I therefore consider that with appropriate conditions to ensure that the development is carried out in accordance with submitted Flood Risk Assessment that the development would accord with the requirements of paragraph 103 of the NPPF.

13.4 Paragraph 121 of the NPPF indicates that planning decisions should ensure that the site is suitable for its new use taking account of ground conditions.

13.5 A ground conditions assessment and hydrology report has been submitted as part of the application. This assessment has been reviewed by both Public Protection and the Environment Agency, who do not raise any objections to the proposed development, providing that conditions are attached in relation to foundation construction and the submission of a scheme to deal with contamination.

13.6 Given that conditions could be attached to any decision notice that would adequately mitigate any potential issues in relation to contamination and impact on ground water, I consider that the proposed development is acceptable.

### **14.0 Transport, Communication and Safety**

14.1 The Planning Practice Guidance for Renewable and Low Carbon Energy provides guidance on how safety is to be assessed in relation to wind turbines. The document requires consideration to be given to fall over distance, power lines, air traffic safety, defence, radar and the strategic road network.

14.2 I note that the Highway Authority have raised no objections to the proposed development in relation to the traffic that would be associated with the

construction, operational and decommissioning stage of the proposal. I do however note that they have suggested that conditions be attached to control abnormal loads during construction and decommissioning and to ensure that the necessary works to the Stoke Lane/Severn Trent access junction are undertaken. I also note that the County Council have requested a Section 106 agreement to indemnify the Council against any damage to the highway caused by construction traffic, to provide a construction traffic management plan and detail an approved route for abnormal roads. In my view these aspects could be dealt with by planning condition rather than through a s106 agreement.

14.3 I note that no objections have been received from local airport operators or the MOD in relation to impact of the development on air traffic. I also note that as part of preparing the application that the Applicants also consulted with these organisations and that no objections were received.

14.4 As part of preparing the application, the Applicants also consulted with the Office of Communications and local mobile phone network providers. These consultations resulted in no objections being received. With regard to potential impact on television signals the applicant has indicated that they would accept planning conditions usually used in order to prevent any adverse impacts.

14.5 With regard to fall over distance, it is recommended that wind turbines are sited at a minimum distance of the height of the wind turbine from ground tip plus 10% from any buildings. In relation to the proposed turbine this distance would be 110m, no properties are located within this distance from the turbine.

14.6 The closest National Grid power line, lies within 400m of the proposed wind turbine. The National Grid buffer distance between wind turbines and power lines is 3 times the rotor distance, in this instance this would be 240m. The proposed turbine would therefore be at sufficient distance so as not to cause any potential safety issues in relation to the power line.

## **15.0 Other Issues Raised**

15.1 I note that Burton Joyce parish Council have raised the issue that this development would prejudice the development proposed at Teal Close. However, given the distance of this development, more than 1km away, and given that the proposed development would not raise any significant adverse impacts for existing residents in the area, I do not consider that the proposed turbine would prejudice the development at Teal Close.

## **16.0 Conclusion**

16.1 At the heart of the NPPF is a presumption in favour of sustainable development, for decision making purposes this means approving development proposals that accord with the development plan, and where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:

Any adverse impacts of doing so would significantly and demonstrably

outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

Specific policies in this framework indicate development should be restricted.

16.2 In light of the considerations given above in relation to:-

Renewable Energy and Green Belt  
Local Landscape  
Cultural Heritage  
Recreation  
Nature Conservation  
Local Residents (Visual impact, Shadow Flicker and Noise)  
Safety  
Flood Risk, Contamination and Hydrology  
Transport, Communication and Safety

I consider that on balance and taking into account the benefits that would be generated as a result of this proposal that it would constitute sustainable development. In reaching this conclusion I have also had regard to paragraph 98 of the NPPF which advises that when determining planning applications, local planning authorities should approve the application if its impacts are, or can be made acceptable. Given the considerations set out in sections 6.0 to 15.0, above, I consider that it has been demonstrated that the impacts of the proposal are acceptable and that the recreational impacts of the development can be made acceptable through the use of a shutdown condition.

16.3 This application has been advertised as a departure, however, the application is only required to be referred to the Secretary of State if the development by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt. Given the conclusions drawn in the Green Belt section of this report, I do not consider that this proposal would have a significant impact on the openness of the Green Belt. I therefore do not consider that this application should be referred to the Secretary of State.

**Recommendation:**

**GRANT PLANNING PERMISSION, subject to the following conditions;**

**Conditions**

1. The development hereby permitted shall begin not later than three years from the date of this decision. Written confirmation of the date when electricity is first exported to the grid from the wind turbine hereby permitted (First Export Date) shall be submitted to the Local Planning Authority within one month of the date of this taking place.

2. This permission shall endure for a period of 25 years from the first export date (of electricity to the grid), after which the use shall cease, and the turbine, ancillary structures, crane erection and lay down areas shall be removed from the site, and the land restored in accordance with details to be approved in writing under condition 45 below. The site shall be decommissioned in accordance with the details to be approved under condition 45.
3. The development hereby permitted shall be carried out in accordance with the following approved plans except insofar as may be otherwise required by other conditions of this planning permission: Figure 1.3 Rev P5 Detailed Proposed Site Layout Plan (During Construction); Figure 1.4 Rev P1 Detailed Proposed Site Layout Plan (Post Construction); Figure 2.1 R0 Constraints Map (100m to tip); Figure 4.1 Rev P0 Site Entrance Access; Figure 4.2 Rev P3 Road Works Within Compound; Figure 4.3 Rev P1 Road Works Within Compound Near AMP5; Figure 4.4 Rev 0 Typical Widening of Existing Tarmac Site Road; Figure 4.5 Rev 0 Typical Access Track Details New Stone Road; Figure 4.6 Rev P0 Typical Turbine Pile Foundation; Figure 4.8 Rev P0 Indicative 33kV Substation Plan & Elevations; Figure 4.9 Rev 0 Typical Cable Trench Details.
4. The wind turbine shall be of a 3-bladed configuration and not exceed an overall height of 100m measured from ground level to the tips of the turbine blades. The blades of the turbine shall not have a rotor diameter of more than 80m. The hub height of the turbine shall be no more than 60m measured from ground level to the top of the hub. The turbine shall not display any prominent name, logo, symbol, sign or advertisement on any external surface unless otherwise agreed in writing by the Local Planning Authority. The turbine shall not be illuminated and there shall be no permanent illumination on the site, unless otherwise agreed in writing by the Local Planning Authority or required to satisfy any other condition of this planning permission.
5. The 33KV substation to be provided in accordance with figure 4.3 revision P shall have the following maximum dimensions; it shall be no wider than 9m, no longer than 15m and it shall have a ridge height of no more than 6m.
6. The wind turbine and its associated hard standing areas shall be provided in the position indicated in Figure 1.3 Rev P5 subject to a micro siting allowance of 30m as shown on Figure 2.1 R0 Constraints Map (100m to tip) (showing a zoomed in area indicating the extent of the 30m micro siting area by way of a red dashed line).
7. Before the development hereby approved is commenced, and any associated materials transported to the site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include the following: (i) A comprehensive study of the agreed delivery route as shown on Drawing No. TNEI-SB-Map 1 (as included in submitted Environmental Report Volume 4, Appendix I) to the application site including identification of the route where highway accommodation works will be required including the clearance of any vegetation and removal of street furniture; (ii) A schedule indicating the time for off peak construction

deliveries; (iii) Details of measures to be taken to manage and control construction traffic on the agreed construction route and site access to include advance notification signage, abnormal load traffic warning signs and any temporary speed limits/traffic regulation orders; (iv) Details of measures to be taken to manage the proposed hedge and tree cutting including signage. (vi) details specifying how any damage caused by construction traffic to the highway along the agreed route shall be made good. The Construction Traffic Management Plan shall thereafter be implemented as approved prior to any construction works taking place on site and as required during the construction of the development.

8. Before the development hereby approved is commenced the existing vehicular access into the site from Stoke Lane shall be widened and suitably constructed in accordance with figure 4.1 revision P0 so as to allow access for abnormal load, to the satisfaction of the Local Planning Authority.
9. Before the development hereby approved is commenced, Network Rail shall be given a minimum of 6 weeks' notice of any abnormal load vehicles transporting materials to the site.
10. Before the development hereby approved is commenced, a scheme for the installation of appropriate lighting of the turbine at night to assist air traffic shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved details prior to the first export of electricity and shall be retained in accordance with the approved details for the lifetime of the development, unless otherwise prior agreed in writing by the Local Planning Authority.
11. Before the development hereby approved is commenced, and any associated materials transported to the site, the parking, turning and servicing areas for the turbine delivery vehicles and staff shall be provided in accordance with the plans to be first submitted to and approved in writing by the Local Planning Authority. The parking, turning and servicing areas as approved shall thereafter be retained for the life of the development.
12. Prior to the commencement of the development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with the contamination of the site shall each be submitted to and approved, in writing, by the local planning authority: 1) A preliminary risk assessment which has identified; (a) All previous uses; (b) Potential contaminants associated with those uses; (c) A conceptual model of the site indicating sources, pathways and receptors; and (d) Potentially unacceptable risks arising from contamination at the site. 2) A site investigation scheme, based on the details provided in Appendix 6 of the submitted Environmental Report (with particular reference to letter report by Grontmij (ref 102766/I/01 dated 10th February 2010)) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. 3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation

strategy giving full details of the remediation measures required and how they are to be undertaken. 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components shall require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

13. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
14. The development hereby permitted shall not be commenced until such time as a scheme for the storage of oil, fuel and chemicals has been submitted to, and approved in writing by, the Local Planning Authority. Any such scheme shall be supported, where necessary, by detailed calculations; include a maintenance programme; and establish current and future ownership of the facilities provided. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or any details as may subsequently be agreed in writing by the Local Planning Authority.
15. Before the development hereby approved is commenced, a Site Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Site Waste Management shall be implemented in accordance with the approved details.
16. Before the development hereby approved is commenced, drainage plans for the disposal of surface water, including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details and timetable.
17. Before the development hereby approved is commenced, a schedule of tree and hedgerow pruning works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall contain details of the works to be undertaken and a timescale for the works to be carried out. Pruning works shall be completed in accordance with the approved schedule.
18. No tree or hedgerow removal, other than that identified on Figure 1.3 Rev P5; Figure 1.4 Rev P1; and Figure 4.2 Rev P3 shall be undertaken, without the prior written consent of the Local Planning Authority and no other tree or hedgerow pruning works other than that agreed within the approved schedule of tree and hedgerow pruning shall be undertaken without the prior written consent of the Local Planning Authority.
19. Before the development hereby approved is commenced, a landscape and planting scheme and maintenance schedule (covering a minimum period of 5



years) shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall exclude those areas to be covered by the Habitat Management Plan required under condition 21 below. The landscaping and planting scheme shall be implemented in accordance with the approved details within eight months of the completion of the construction works. The maintenance of the site shall be carried out in accordance with the approved details. Any tree, hedge or shrub planted as part of the approved landscape and planting scheme (or replacement tree/hedge) on the site, which dies or is lost through any cause during a period of 5 years from the date of first planting, shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

20. Before the development hereby approved is commenced, a scheme setting out the protocol for wind turbine shut down during archery tournament events held at The Poplars Sports Ground shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Burton Joyce Archers). The protocol shall be adhered to for the lifetime of the development, unless otherwise prior agreed in writing by the Local Planning Authority. The wind turbine shall be operated and shut down in accordance with the details of the approved protocol, unless otherwise prior agreed in writing with the Local Planning Authority.
21. Prior to the commencement of the development hereby approved, a habitat management plan shall be submitted to and approved in writing by the Local Planning Authority. The habitat management plan shall include details of species/seed mixes, establishment methods and maintenance regimes. The habitat management plan shall cover a period of 25 years. The habitat management plan shall cover the areas of habitat to be created within the red line shown on location plan figure 1.1 revision c, and the specific areas shown on drawing 5581-06-N-N/A submitted on the 13th march 2013 (which shows the creation of a species- rich neutral grassland, creation of 150m of new hedgerow and at least 4,100 square metres of broadleaved woodland). The habitat management plan shall also cover the provision of two 0.25ha rotational mitigation plots to be located 1.5 miles to the north east of the development site within the blue line shown on location plan figure 1.1 revision c so as to promote nesting Lapwing. Precise details of the location of these rotational plots shall be submitted as part of the management plan, together with a schedule of works setting out a timescale for creating the new habitat and maintenance regimes. The habitat shall be provided and maintained in accordance with the approved Habitat Management Plan.
22. No construction or decommissioning works shall be undertaken after sunset and no high powered lights, fires shall be used during the construction or decommissioning period. Any trenches or holes created during construction works or decommissioning works shall be closed or covered overnight, where this is not possible due to size holes will be angled at a maximum of 45 degrees or large planks left in holes overnight.
23. Prior to the commencement of the development hereby approved, a scheme

setting out a monitoring programme in relation to Bats, following the same methods used within the 2012 summer transect surveys and remote monitoring surveys submitted as part of the application, shall be submitted to and approved in writing by the Local Planning Authority. The monitoring programme shall cover a period of three years from the first export date of electricity to the grid. A minimum of 3 transect surveys per year between April and October including 1 dawn survey shall be carried out. The findings and the results of the surveys, together with any proposed mitigation measures and timescales for carrying out any mitigation shall be submitted as a report to the Local Planning Authority and shall be approved in writing by the Borough Council. The reports shall be submitted within three months of each survey being undertaken. Any further mitigation required shall be carried out in accordance with the approved details in relation to each survey undertaken.

24. No fencing shall be erected around any watercourses or water bodies within the red line shown on location plan figure 1.1 revision c, at any time during the construction, operation or decommissioning phase of the proposed development, unless otherwise prior agreed in writing by the Local Planning Authority.
25. Prior to the commencement of the development hereby approved a verification statement shall be submitted confirming that the Clerk of Works appointed to oversee the construction works has been inducted by an appropriately qualified ecologist prior to the start of works to ensure that they are aware of their responsibilities in relation to the protection of wildlife.
26. Prior to the commencement of development precise details of at least four new hibernacula to be provided within the red line on location plan figure 1.1 revision c including their location shall be submitted to and approved in writing by the Local Planning Authority. The hibernacula shall be provided in accordance with the approved details, prior to the first export date of electricity.
27. No construction works or decommissioning works shall be undertaken during the bird breeding season (March to June inclusive) and no clearance works shall take place during bird breeding season, unless a checking survey by an appropriately qualified ornithologist has shown active nests to be absent immediately to the start of either construction or decommissioning works.
28. Prior to the commencement of the development hereby approved, a scheme setting out a monitoring programme in relation to ornithology, shall be submitted to and approved in writing by the Local Planning Authority. The monitoring programme shall have first been agreed in writing by Natural England/ and or the RSPB, and confirmation of this shall be submitted with the scheme to be submitted to the Council. The monitoring programme shall indicate the methods to be used to carry out surveys, the timings of the surveys and length of time that monitoring shall be undertaken and shall provide for the production of reports following each survey detailing the findings of the survey and any mitigation measures proposed to address any issues raised. Monitoring shall be undertaken in accordance with the agreed

monitoring programme. The findings and the results of the surveys, together with any proposed mitigation measures and timescales for carrying out any mitigation shall be submitted as a report to the Local Planning Authority and shall be approved in writing by the Borough Council. The reports shall be submitted within three months of each survey being undertaken. Any further mitigation required shall be carried out in accordance with the approved details in relation to each survey undertaken.

29. Should construction or decommissioning works take place during December-February inclusive, then prior to works commencing a watching brief will be implemented to ascertain if the site is being utilised by Lapwing, should Lapwing be present then a report setting out appropriate mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works. Any mitigation measures approved shall be carried out in accordance with the approved details.
30. Prior to the erection of the wind turbine, details of the size, design and colour finish of the turbine tower; nacelle and blades shall be submitted to and approved in writing by the Local Planning Authority. The size and appearance of the turbine shall be in accordance with the parameters set out in condition 4 above. Development shall thereafter be carried out in accordance with the approved details.
31. Prior to the erection of the substation, details of the colour and type of materials to be used for the external walls and roof shall be submitted to and approved in writing by the Local Planning Authority. The size of the substation shall be in accordance with the parameters set out in condition 5 above. Development shall thereafter be carried out in accordance with the approved details.
32. All cables within the development site from the turbine to the substation shall be set underground.
33. Prior to the first export date, a scheme providing a baseline survey and the investigation and alleviation of any electro-magnetic interference to terrestrial television caused by the operation of the wind turbine shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall also include full contact details of who to contact in relation to the development should the Local Authority receive a complaint from a local resident within 12 months of the first export date. The scheme shall provide for the investigation by a qualified independent television engineer of any complaint of interference with television reception at a lawfully occupied dwelling (defined for the purposes of this condition as a building within Use Class C3 and C4 of the Use Classes Order) which lawfully exists or had planning permission at the date of this permission, where such complaint is notified to the developer by the Local Planning Authority within 12 months of the first export date. Where impairment is determined by the qualified television engineer to be attributable to the development, mitigation works shall be carried out in accordance with the scheme which has been approved in writing by the Local Planning Authority.

34. Prior to first export date (of electricity to the grid), final details of the exact position of the wind turbine and associated hard standing areas in the form of revised layout plans shall be submitted to and approved in writing by the Local Planning Authority. The wind turbine and associated areas of hard standing shall be sited in accordance with the approved details.
35. Before the first export date (of electricity to the grid), the widened part of the access track, turning head, component lay down area and crane erection area will be buried in situ and the site compound will be removed in accordance with the details indicated on Figure 1.4 Rev P1 and Figure 4.5 Rev 0.
36. The Applicant must notify East Midlands Airport in writing that the wind turbine is in operation. This shall be done within 1 month, of the turbine commencing operation and the Local Authority shall be sent a copy of the notification made to East Midlands Airport.
37. The rating level of noise immissions from the combined effects of the wind turbine (including the application of any tonal penalty), when determined in accordance with the attached Guidance Notes, shall not exceed the values for the relevant integer wind speed set out in Tables 1 and 2 attached to these conditions (37 to 44) at any dwelling which is lawfully existing or has planning permission at the date of this permission and the wind turbine operator shall adhere to this condition and condition 38 to 44 below.
38. The wind farm operator shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1 (d). These data shall be retained for a period of not less than 24 months. The wind farm operator shall provide this information in the format set out in Guidance Note 1 (e) to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.
39. No electricity shall be exported until the wind farm operator has submitted to the Local Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with condition 37 above and the protocol required to be approved under condition 41 below. Amendments to the list of approved consultants shall be made only with prior written approval of the Local Planning Authority.
40. Within 21 days from the receipt of a written request from the Local Planning Authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the wind farm operator shall, at its expense, employ a consultant approved by the Local Planning Authority under condition 39 above to assess the level of noise immissions from the wind farm at the complainant's property in accordance with procedures described in the attached guidance notes. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the Local Planning Authority, the noise giving rise to the complaint contains or is likely to contain

a tonal component.

41. The assessment of the rating level of noise immissions, following a complaint received by the Local Planning Authority and it making a written request to the wind farm operator, shall be undertaken in accordance with an assessment protocol that shall have been submitted to and approved in writing by the Local Planning Authority prior to the first export date of electricity. The protocol shall include the proposed measurement locations identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken, whether noise giving rise to the complaint contains or is likely to contain a tonal component, and also the range of meteorological and operating conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment rating level of noise immissions. The proposed range of conditions to be utilised in the assessment of the rating level of noise immissions to be carried out by an approved independent noise consultant, (from the list required to comply with condition 39 above) following a complaint received by the Local Planning Authority and it making a written request to the wind farm operator, shall be those that prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Local Planning Authority required to have been made under condition 40, and such others as the independent consultant considers likely to result in a breach of the noise limits.
42. Where a dwelling to which a complaint is related is not listed in the tables attached to conditions 37 to 41 and 43 to 44 of this permission, the wind farm operator shall submit to the Local Planning Authority for written approval proposed noise limits selected from those listed in the tables to be adopted at the complainant's dwelling for compliance checking. The proposed noise limits shall be those limits selected from the tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainants dwelling. The rating level of noise immissions resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the Local Planning Authority for the complainant's dwelling.
43. The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes within two months of the date of the written request of the Local Planning Authority for compliance measurements to be made under condition 40 above, unless the time limit has been extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1 (e) of the Guidance Notes. The instrument used to undertaken the measurements shall be calibrated in accordance with Guidance Note 1 (a) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultant's assessment of the rating level of noise immissions.

44. Where a further assessment of the rating level of noise immissions from the wind farm is required pursuant to Guidance Note 4 (c), the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to condition 41 above unless the time limit has been extended in writing by the Local Planning Authority.
45. If the wind turbine hereby approved ceases to operate for a continuous period of 6 months unless otherwise approved in writing by the Local Planning Authority, a scheme for the decommissioning and removal of the wind turbine and any other ancillary equipment, including a timetable for its removal, shall be submitted to and approved in writing by the Local Planning Authority, within 3 months of the end of the 6 month cessation period. The approved scheme shall thereafter be implemented in accordance with the approved details.
46. Prior to the decommissioning of the site a scheme setting out a programme of works required to undertake decommissioning works, together with details of any access widening required, alteration to junctions, details of the abnormal load routes together with details of how any required off-site traffic management measures along the proposed route of decommissioning traffic, details of how the site shall be restored and landscaped once structures have been removed and a schedule of works required and timescales for undertaking the restoration shall be submitted to and approved in writing by the Local Planning Authority. The site shall be decommissioned in accordance with the approved details.
47. No development shall take place within the application site until details of a scheme for archaeological mitigation has been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in full accordance with the approved details.

## **Reasons**

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. This is a temporary permission and condition 2 is attached for the avoidance of doubt.
3. For the avoidance of doubt
4. For the avoidance of doubt
5. For the avoidance of doubt
6. To define the nature of the planning consent and for the avoidance of doubt, should site circumstances require alteration to the exact position of the turbine.

7. In the interests of highway safety
8. In the interests of highway safety
9. In the interests of highway safety
10. To safeguard air traffic in the local area.
11. In the interests of highway safety
12. To ensure that the site is adequately remediated and does not pose a risk for adjoining land.
13. To ensure that piling or other foundation designs do adversely disturb land in manner that would affect the quality of ground water.
14. To ensure that the storage of oil, fuel or chemicals does not adversely affect the local water environment
15. To ensure that waste from the site is managed in an appropriate manner
16. To ensure the correct disposal of surface water so as to not adversely affect the local water environment
17. To safeguard the appearance of the site
18. For the avoidance of doubt and to safeguard the appearance of the site
19. To ensure that the site is adequately landscaped
20. To ensure that the operation of the wind turbine does not prejudice the use of the Poplars Sports Ground for Archery
21. To ensure that new habitat is created and established in order to promote biodiversity
22. To ensure that there is no adverse effect on local fauna within the site and the surrounding area.
23. To ensure that there are no adverse impacts on the local bat population as a result of the operation of the wind turbine
24. To ensure that no fences are erected around water courses or water bodies which could affect the movement of fauna within the local area and have an adverse impact on their welfare
25. In the interests of safeguarding the biodiversity of the site
26. To ensure that new habitat is created and established in order to promote

biodiversity

27. To ensure that there would be no adverse impacts on birds during the breeding season
28. To ensure that there would be no adverse impacts on birds as a result of the operation of the turbine
29. To ensure that there would be no adverse impacts on wintering birds using the site should construction or decommissioning works take place
30. To ensure that the precise details of the turbine are defined in order for the Local Planning Authority to control the nature of the development
31. To ensure that the precise details of the substation are defined in order for the Local Planning Authority to control the nature of the development
32. To safeguard the appearance of the site
33. To ensure that any adverse impacts on terrestrial television reception in the area is appropriately mitigated
34. To ensure that the precise details of the development are defined in order for the Local Planning Authority to control the nature of the development
35. To safeguard the appearance of the site
36. To ensure that East Midlands Airport are advised that the turbine has commenced operation
37. In the interests of safeguarding aural amenity
38. In the interests of safeguarding aural amenity
39. In the interests of safeguarding aural amenity
40. In the interests of safeguarding aural amenity
41. In the interests of safeguarding aural amenity
42. In the interests of safeguarding aural amenity
43. In the interests of safeguarding aural amenity
44. In the interests of safeguarding aural amenity
45. To ensure that the site is decommissioned appropriately should the turbine cease to operate for a continuous period of 6 months.
46. To ensure that when the site ceases operation at the time stated within



condition 2 above that decommissioning works take place in an appropriate manner and that the site is restored to a suitable condition.

47. To ensure that any archaeological remains located within the site will be recorded and conserved in an appropriate manner

### **Reasons for Decision**

Paragraph 98 of the NPPF advises that when determining planning applications for renewable energy schemes, local planning authorities should approve the application if its impacts are, or can be made acceptable. In the opinion of the Borough Council it has been demonstrated that the impacts of the proposal are acceptable and that the recreational impacts of the development can be made acceptable through the use of a shutdown condition.

### **Notes to Applicant**

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.

The applicants are asked to note the additional information contained within the attached responses received from Network Rail, the MOD, the Environment Agency and the Local Highway Authority which require the applicant to carry out necessary action to satisfy the requirements of other legislative regimes or advice to be taken into account during the construction, operational and decommissioning phases of the proposed development

Two tables are attached to conditions 37 to 44 which set out the noise level limits to be used between 07:00 and 23:00 and between 23:00 and 07:00 at the property grid references stated should complaints be received. Attached to this decision are Guidance Notes that have been produced by the Institute of Acoustics that should be read in conjunction with conditions 37 to 44.

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The tables set out below relate to conditions 37 and 44 of Planning Permission 2012/1472 and should also be read in conjunction with the attached Guidance Notes

**Table 1 - Between 07:00 and 23:00 - Noise level dB L<sub>A90</sub>, 10-minute**

Location (easting, northing grid coordinates)	Standardised wind speed at 10 metres height (m/s) within the site averaged over 10-minute periods											
	1	2	3	4	5	6	7	8	9	10	11	12
	L <sub>A90</sub> Decibel Levels											
Property on Linden Grove (463182, 342279)	45	45	45	46	46	46	46	47	47	47	47	48
Property on Nottingham Road (463866, 343151)	45	45	46	47	47	48	48	49	50	50	51	51
Property at Millfield Close (464312, 343222)	47	48	48	49	50	51	52	53	54	54	55	56
The Holmes (465123, 343128)	38	40	41	42	44	45	46	47	49	50	51	53
Public House on Stoke Lane (464699, 342121)	44	45	46	46	47	48	49	49	50	51	52	52
Top Row (463903, 341513)	46	47	47	48	49	50	51	52	52	53	54	55

**Table 2 - Between 23:00 and 07:00 - Noise level dB L<sub>A90</sub>, 10-minute**

Location (easting, northing grid coordinates)	Standardised wind speed at 10 metres height (m/s) within the site averaged over 10-minute periods											
	1	2	3	4	5	6	7	8	9	10	11	12
	L <sub>A90</sub> Decibel Levels											
Property on Linden Grove (463182, 342279)	43	43	43	43	43	43	43	43	43	43	43	43
Property on Nottingham Road (463866, 343151)	43	43	43	43	43	43	43	43	43	43	43	43
Property at Millfield Close (464312, 343222)	43	43	43	43	43	44	45	46	48	49	49	49
The Holmes (465123, 343128)	43	43	43	43	43	43	43	44	45	46	46	46
Public House on Stoke Lane (464699, 342121)	44	45	45	46	46	47	48	48	49	49	49	49
Top Row (463903, 341513)	46	47	47	47	48	48	49	49	49	50	50	50

Note to Tables 1 & 2: The geographical coordinates references set out in these tables are provided for the purpose of identifying the general location of dwellings to which a given set of noise limits applies. The standardised wind speed at 10 metres height within the site refers to wind speed at 10 metres height derived from those measured at hub height, calculated in accordance with the method given in the attached Guidance Notes.

### Guidance Notes for Noise Conditions

These notes are to be read with and form part of the noise condition. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise immissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Guidance Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Guidance Note 3. Reference to ETSU-R-97 refers to the publication entitled "The Assessment and Rating of Noise from Wind Farms" (1997) published by the Energy Technology Support Unit (ETSU) for the Department of Trade and Industry (DTI).

#### Guidance Note 1

(a) Values of the  $L_{A90,10\text{ minute}}$  noise statistic should be measured at the complainant's property, using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated in accordance with the procedure specified in BS 4142: 1997 (or the equivalent UK adopted standard in force at the time of the measurements). Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3.

(b) The microphone should be mounted at 1.2 – 1.5 metres above ground level, fitted with a two-layer windshield or suitable equivalent approved in writing by the Local Planning Authority, and placed outside the complainant's dwelling. Measurements should be made in "free field" conditions. To achieve this, the microphone should be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the wind farm operator shall submit for the written approval of the Local Planning Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.

(c) The  $L_{A90,10\text{ minute}}$  measurements should be synchronised with measurements of the 10-minute arithmetic mean wind and operational data logged in accordance with Guidance Note 1(d), including the power generation data from the turbine control systems of the wind farm.

(d) To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed in metres per second and wind direction in degrees from north at hub height for each turbine and arithmetic mean power generated by each turbine, all in successive 10-minute periods. Unless an alternative procedure is previously agreed in writing with the Planning Authority, this hub height wind speed, averaged across all operating wind turbines, shall be used as the basis for the analysis. All 10 minute arithmetic average mean wind speed data measured at hub height shall be 'standardised' to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres. It is this standardised 10 metre height wind speed data, which is correlated with the noise measurements determined as valid in accordance with Guidance Note 2, such correlation to be undertaken in the manner described in Guidance Note 2. All 10-minute periods shall commence on the hour and in 10- minute increments thereafter.

(e) Data provided to the Local Planning Authority in accordance with the noise condition shall be provided in comma separated values in electronic format.

(f) A data logging rain gauge shall be installed in the course of the assessment of the levels of noise immissions. The gauge shall record over successive 10-minute periods synchronised with the periods of data recorded in accordance with Note 1(d).

#### Guidance Note 2

(a) The noise measurements shall be made so as to provide not less than 20 valid data points as defined in Guidance Note 2 (b)

(b) Valid data points are those measured in the conditions specified in the agreed written protocol under paragraph (d) of the noise condition, but excluding any periods of rainfall measured in the vicinity of the sound

level meter. Rainfall shall be assessed by use of a rain gauge that shall log the occurrence of rainfall in each 10 minute period concurrent with the measurement periods set out in Guidance Note 1. In specifying such conditions the Local Planning Authority shall have regard to those conditions which prevailed during times when the complainant alleges there was disturbance due to noise or which are considered likely to result in a breach of the limits.

(c) For those data points considered valid in accordance with Guidance Note 2(b), values of the  $L_{A90,10 \text{ minute}}$  noise measurements and corresponding values of the 10- minute wind speed, as derived from the standardised ten metre height wind speed averaged across all operating wind turbines using the procedure specified in Guidance Note 1(d), shall be plotted on an XY chart with noise level on the Y-axis and the standardised mean wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) should be fitted to the data points and define the wind farm noise level at each integer speed.

**Guidance Note 3**

(a) Where, in accordance with the approved assessment protocol under paragraph (d) of the noise condition, noise immissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty is to be calculated and applied using the following rating procedure.

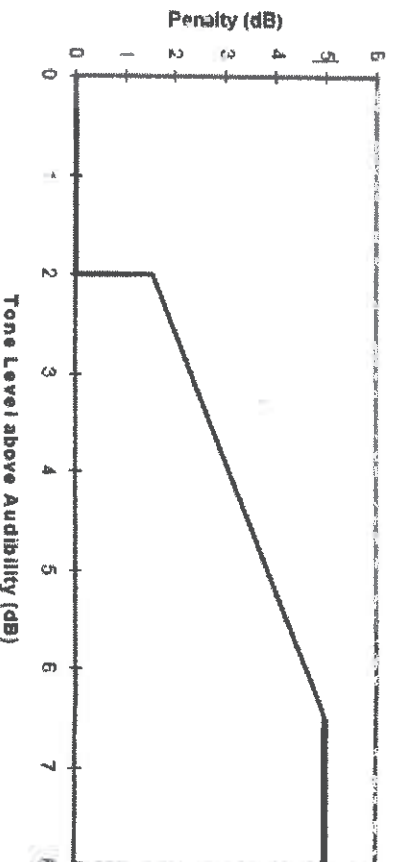
(b) For each 10 minute interval for which  $L_{A90,10 \text{ minute}}$  data have been determined as valid in accordance with Guidance Note 2 a tonal assessment shall be performed on noise immissions during 2 minutes of each 10 minute period. The 2 minute periods should be spaced at 10 minute intervals provided that uninterrupted data are available ("the standard procedure"). Where uncorrupted data are not available, the first available uninterrupted clean 2 minute period out of the affected overall 10 minute period shall be selected. Any such deviations from the standard procedure, as described in Section 2.1 on pages 104-109 of ETSU-R-97, shall be reported.

(c) For each of the 2 minute samples the tone level above or below audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104-109 of ETSU-R-97.

(d) The tone level above audibility shall be plotted against wind speed for each of the 2 minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be used.

(e) A least squares "best fit" linear regression line shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the "best fit" line at each integer wind speed. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in Guidance Note 2.

(f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below.



#### Guidance Note 4

- (a) If a tonal penalty is to be applied in accordance with Guidance Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Guidance Note 2 and the penalty for tonal noise as derived in accordance with Guidance Note 3 at each integer wind speed within the range specified by the Local Planning Authority in its written protocol under paragraph (d) of the noise condition.
- (b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Guidance Note 2.
- (c) In the event that the rating level is above the limit(s) set out in the Tables attached to the noise conditions or the noise limits for a complainant's dwelling approved in accordance with paragraph (e) of the noise condition, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise immission only.
- (d) The wind farm operator shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:
- (e). Repeating the steps in Guidance Note 2, with the wind farm switched off, and determining the background noise (L3) at each integer wind speed within the range requested by the Local Planning Authority in its written request under paragraph (c) and the approved protocol under paragraph (d) of the noise condition.
- (f) The wind farm noise (L1) at this speed shall then be calculated as follows where L2 is the measured level with turbines running but without the addition of any tonal penalty:

$$L_1 = 10 \log \left[ 10^{L_2/10} - 10^{L_3/10} \right]$$

- (g) The rating level shall be re-calculated by adding arithmetically the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise L1 at that integer wind speed.
- (h) If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with note 3 above) at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (e) of the noise condition then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Tables attached to the conditions or the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (e) of the noise condition then the development fails to comply with the conditions.

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**Application Number:** 2013/0718

**Location:** 13 Main Street, Calverton, Nottinghamshire



**NOTE:**  
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## **Report to Planning Committee**

<b>Application Number:</b>	2013/0718
<b>Location:</b>	13 Main Street, Calverton, Nottingham, NG14 6FJ
<b>Proposal:</b>	Construct two storey side extension.
<b>Applicant:</b>	Ms Lorraine Brown
<b>Agent:</b>	Anthony Bradley

**This application is being brought to Committee due to the applicant being a member of staff at Gedling Borough Council.**

### Site Description

The application site, no.13 Main Street, Calverton relates to an end terrace property sited within the Calverton Conservation Area as identified on the proposals map of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008). The property is set back from the adjoining highway with an area of vehicle parking to the west of the dwelling. The property has a residential neighbouring property to the east and a garage block site to the west. The property benefits from a long rear amenity area that backs onto no.16 Church Meadow.

### Proposed Development

Planning permission is sought for the erection of a two storey side extension. The extension would incorporate an open carport at ground level with living accommodation above.

The proposed extension would project from the west side elevation of the existing property by some 6 metres with a total depth of 8.65 metres. The front elevation roof would be a pitched, sloping away from the highway, with the rear elevation forming a rear facing gable projection. The ridge and eaves heights of the extension would be 7.05 metres and 4.83 metres respectively. The ridge of the extension would be set slightly lower than the existing ridge of the property and the front elevation of the extension would be set back slightly from the front elevation of the existing dwelling.

The rear elevation of the extension would incorporate two Juliet Balconies at first floor level. The materials proposed for the construction of the development would match the existing property.

### Consultations

Calverton Parish Council - The statutory consultation period for representations is until 13<sup>th</sup> September 2013 and any consultation responses will be reported verbally at Committee.

Nottinghamshire County Council (Highway Authority) – The statutory consultation period for representations is until 20<sup>th</sup> September 2013 and any consultation responses will be reported verbally at Committee.

Nottinghamshire County Council (Archaeology) - The statutory consultation period for representations is until 13<sup>th</sup> September 2013 and any consultation responses will be reported verbally at Committee.

Conservation Consultant – No objections are raised to the well-designed extension. The materials should be secured by condition.

Nottinghamshire Building and Preservation Trust – The statutory consultation period for representations is until 13<sup>th</sup> September 2013 and any consultation responses will be reported verbally at Committee.

Neighbouring Properties were notified and a Site Notice posted - The statutory consultation period for representations is until 13<sup>th</sup> September 2013 and any consultation responses will be reported verbally at Committee.

### **Planning Considerations**

The main planning considerations in the determination of this application are whether the proposal would have any material impact on the amenities of neighbouring properties as well as whether the proposal would have a detrimental impact on the character and appearance of the site or the wider Conservation Area. The impact on highway safety would also have to be carefully considered.

At the national level the National Planning Policy Framework (March 2012) is relevant in the determination of this application. Section 12 (Conserving and enhancing the historic environment) of this document is particularly relevant in this instance. Paragraph 134 advises that in determining planning applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets; the positive contribution that conservation of heritage assets can make to sustainable communities; and the desirability of new development making a positive contribution to local character and distinctiveness.

At the local level the following policies of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008) are relevant:

- ENV30 (Development within the defined infill boundary of Green Belt Wash Villages)
- ENV15 (New Development in Conservation Area).

Under the Local Plan, development should be of a high standard of design and extensions to dwellings should be in keeping with the scale and character of the

existing dwelling and should not cause unacceptable harm to the amenity of neighbouring residents. Appropriate parking provision should be made. In addition extensions to buildings are appropriate within the infill boundaries of the Green Belt Wash Villages provided the proposals would not adversely affect the appearance of the village or harm neighbouring amenity.

New development in a Conservation Area will be permitted providing the siting and design of the proposal respects the character and appearance of the building and the Conservation Area; the scale, design and proportions of the proposal are sympathetic to the characteristic form in the area and compatible with adjacent buildings and spaces; and, the use and application of building materials and finishes respects local traditional materials and building techniques.

I am mindful of the comments of the Conservation Consultant in which the extension is considered to be well-designed. In my view the proposed development would respect the character and appearance of the Conservation Area and would incorporate detailing that mirrors some of the existing dwellings original features. The scale, design and proportions of the proposal would be sympathetic to the character of the area and the existing dwelling, and would not cause loss of historic value or features of characteristic value to this part of the Conservation Area. Should planning permission be forthcoming I recommend that a condition be attached requiring details and samples of the materials to be used on the external elevations of the extension to ensure a sympathetic match with the existing dwelling. As such, I am of the opinion that the proposal would accord with the aims of Policy ENV15 of the Replacement Local Plan.

I am satisfied, due to the relationship between the application dwelling and the neighbouring properties and the extensions modest dimensions that the proposal would not have any material overbearing, overshadowing or overlooking impact on neighbouring amenity. I would note that the development incorporates Juliette balconies and should planning permission be forthcoming the approval would be conditioned for the development to be constructed in accordance with the approved plans to ensure that the balustrades are fixed across the French Doors to prevent any future undue overlooking impact on neighbouring amenity.

When considering car parking provision the Borough Council's Parking Provision for Residential Developments SPD requires 2no off street car parking spaces to serve a 3 bedroom dwelling in a rural area. I also note that the development would only allow for 1no off street car parking space within the curtilage of the dwelling. Paragraphs 4.4 and 4.5 of the SPD recognise that there are circumstances that require a departure from this provision. When considering the development on its own merits I note that there is an existing hard surfaced access strip crossing a highway verge that is currently used for the parking of vehicles away from highway, I also note that a property within the same row of terraces uses a similar access strip for off street car parking. Given that the access strip would easily accommodate an additional vehicle to the space provided I am satisfied that any additional car parking requirement above the 1no space provided for the dwelling could be accommodated in this location without causing an adverse impact on the free flow of traffic.

Given the above considerations I consider the proposal to accord with the aims of

Policies ENV30 and ENV15 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008). I therefore recommend that planning permission be granted.

### **Recommendation:**

**Delegate to the Corporate Director to GRANT PLANNING PERMISSION subject to no further representation being received that raise material planning considerations and the following conditions;-**

### **Conditions**

1. The development must be begun not later than three years beginning with the date of this permission.
2. This permission relates to the approved plans received on 10th July 2013 drawing no's: 001, 002, 003, and 004.
3. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details and a sample of the materials to be used in the external elevations of the proposed extension. Once approved the development shall be constructed in accordance with these approved details.

### **Reasons**

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).

### **Reasons for Decision**

In the opinion of the Borough Council the proposed development results in no significant impact on neighbouring properties or the Calverton Conservation Area. The proposed development therefore accords with policies ENV15 and ENV30 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008).

### **Notes to Applicant**

The attached permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance you are advised to obtain permission from the owner of the land for such access before beginning your development.

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk). Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).



**Application Number:** 2011/1328

**Location:** Poets Corner, Newstead Abbey Park, Nottingham

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## **Report to Planning Committee**

**Application Number:** 2011/1328

**Location:** Poets Corner, Newstead Abbey Park, Nottingham

**Proposal:** Erection of domestic wind turbine on 15 metre high mast with 9 metre diameter rotor blade

Planning permission for the above development was refused on 16<sup>th</sup> May, 2012 on the grounds that in the opinion of the Borough Council the proposed development would have an adverse impact on the character and significance and historic value of the landscape of Newstead Abbey Park which is designated as Grade II\* on the Register of Parks and Gardens.

An appeal against this decision was subsequently lodged with the Planning Inspectorate.

This appeal has been dismissed. In reaching this decisions, the Inspector concluded that the proposed wind turbine would have an adverse impact on the Grade II\* Registered Park and Garden and on the setting of the Abbey, and the harm is not outweighed by the limited public benefits of generating electricity from this small turbine.

**Recommendation:**

To note the report.





## **Report to Planning Committee**

**Subject:** Probity in Planning for Councillors and Officers

**Date:** 18 September 2013

**Author:** Council Solicitor and Monitoring Officer

### **1. PURPOSE OF THE REPORT**

To inform members of the Planning Committee that the Local Government Association (LGA) has issued an updated Guide on Probity in Planning for Councillors and Officers.

### **2. BACKGROUND**

2.1 In April 2013, LGA published an update to the 2009 version of the Probity in Planning guide to reflect changes introduced by the Localism Act 2011. It clarifies how councillors can get involved in planning discussions on plan making and on applications, on behalf of their communities in a fair, impartial and transparent way.

2.2 A copy of the guidance is attached at Appendix 1.

2.3 The guidance has been endorsed by the Standards Committee, which has specifically requested that it is referred to the Planning Committee to endorse and determine what action the Council should take in light of the guidance. On the request of Standards Committee, a copy of the guidance has been circulated to all Councillors.

2.4 The Council already has some protocols/guidance in place to cover some but not all of the issues covered in the guidance. As members are aware, the Council has an approved Code of Conduct and a requirement to register and declare interests, which apply in all case. There is also a corporate complaints and compliments system which applies to all council activities.

The issues covered in the guidance which are specific to the planning process are as follows:

#### Development proposals submitted by Councillors and Officers and Council Development

The Council does not have a specific protocol to deal with all these types of development proposals, but paragraph 12.2.4 of the Gedling Borough Council

Code of Practice For Members In Dealing With Planning Applications (Appendix 2) does make it clear that members should not play a part in determining proposals submitted by them, as applicant or agent. In practice development proposals submitted by Councillors and Officers and the Council itself are dealt with by Committee and not determined under delegated powers.

#### Lobbying of and by Councillors

Guidance on lobbying of and by Councillors is contained in paragraph 12.3 of the Gedling Borough Council Code of Practice For Members In Dealing With Planning Applications (Appendix 2).

#### Pre-application discussions

The Planning Committee approved a Protocol for Pre-Application Briefings (Appendix 3) on 13 March 2013.

Members are to note that the Council does have a Statement of Community Involvement which is currently in the process of being revised.

#### Public Speaking at Planning Committee

The Planning Committee Protocol (Appendix 4) governs who can speak at Planning Committee.

#### Decisions which differ from a recommendation

Paragraph 12.4 of the Gedling Borough Council Code of Practice For Members In Dealing With Planning Applications (Appendix 2) includes some brief guidance on making decisions which differ from the officer recommendation.

#### Committee site visits

Paragraph 12.5 of the Gedling Borough Council Code of Practice For Members In Dealing With Planning Applications (Appendix 2) includes guidance on site visits.

#### Annual review of decisions

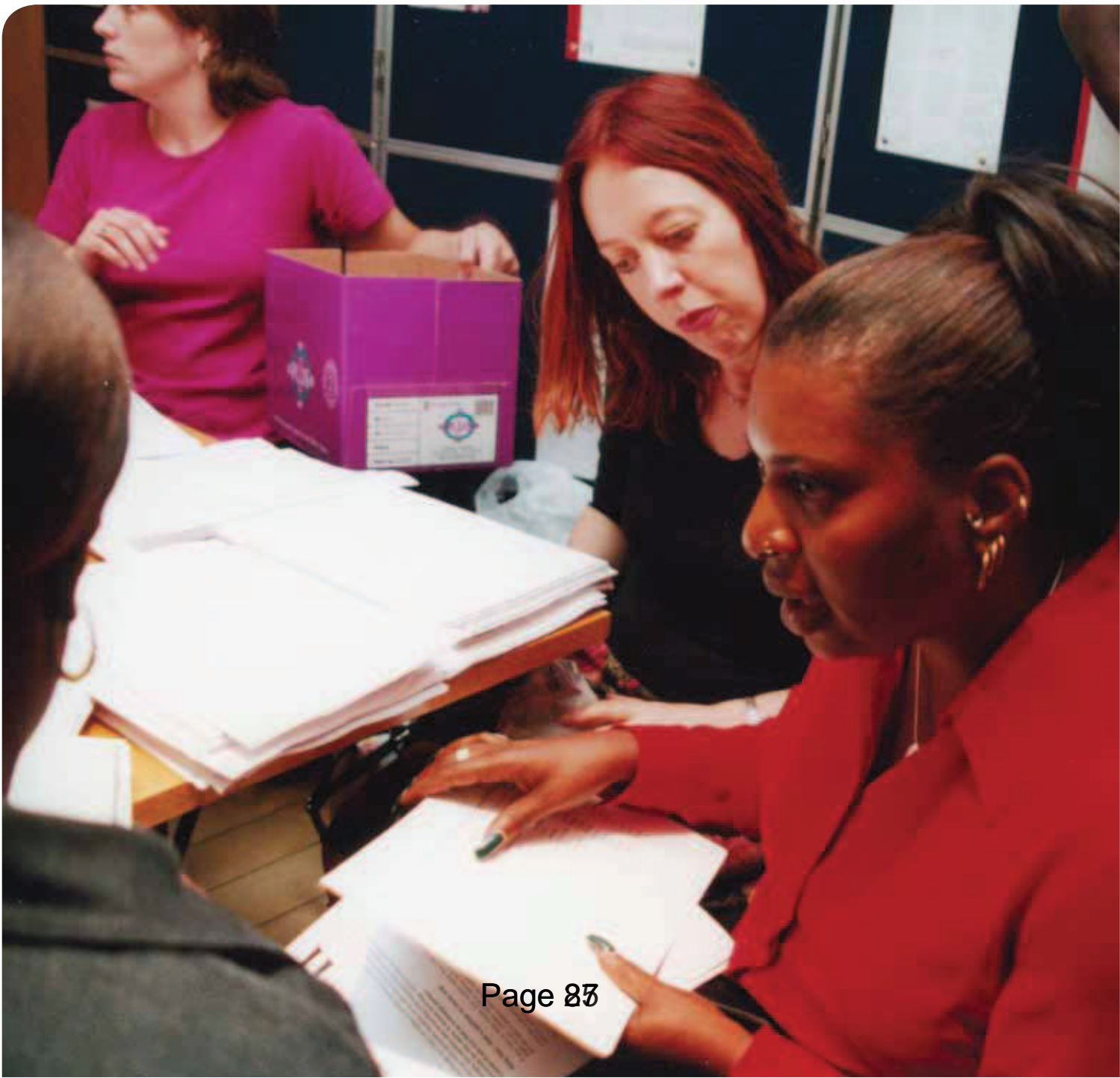
The Council does not have any specific guidance or process for annual review of decisions.

### **3. RECOMMENDATION**

It is recommended that the Committee notes and endorses the contents of the guidance and decides whether any action should be taken to review current guidance or introduce new guidance.

# Probity in planning

for councillors and officers





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This publication was prepared by Trevor Roberts Associates for the Planning Advisory Service. It also includes contributions from officers from various councils.

**April 2013**

## Foreword

This 2013 update to the 2009 version of the Local Government Association's Probity in Planning guide reflects changes introduced by the Localism Act 2011. It clarifies how councillors can get involved in planning discussions on plan making and on applications, on behalf of their communities in a fair, impartial and transparent way.

This guide has been written for officers and councillors involved in planning. Councillors should also be familiar with their own codes of conduct and guidance.

This guide is not intended to nor does it constitute legal advice. Councillors and officers will need to obtain their own legal advice on any matters of a legal nature concerning matters of probity.

## Introduction

Planning has a positive and proactive role to play at the heart of local government. It helps councils to stimulate growth whilst looking after important environmental areas. It can help to translate goals into action. It balances social, economic and environmental needs to achieve sustainable development.

The planning system works best when officers and councillors involved in planning understand their roles and responsibilities, and the context and constraints in which they operate.

Planning decisions involve balancing many competing interests. In doing this, decision makers need an ethos of decision-making in the wider public interest on what can be controversial proposals.

It is recommended that councillors should receive regular training on code of conduct issues, interests and predetermination, as well as on planning matters.

## Background

In 1997, the Third Report of the Committee on Standards in Public Life (known as the Nolan Report) resulted in pressures on councillors to avoid contact with developers in the interests of ensuring probity. In today's place-shaping context, early councillor engagement is encouraged to ensure that proposals for sustainable development can be harnessed to produce the settlements that communities need.

This guidance is intended to reinforce councillors' community engagement roles whilst maintaining good standards of probity that minimizes the risk of legal challenges.

Planning decisions are based on balancing competing interests and making an informed judgement against a local and national policy framework.

Decisions can be controversial. The risk of controversy and conflict are heightened by the openness of a system which invites public opinion before taking decisions and the legal nature of the development plan and decision notices. Nevertheless, it is important that the decision-making process is open and transparent.

One of the key aims of the planning system is to balance private interests in the development of land against the wider public interest. In performing this role, planning necessarily affects land and property interests, particularly the financial value of landholdings and the quality of their settings. Opposing views are often strongly held by those involved.

Whilst councillors must take account of these views, they should not favour any person, company, group or locality, nor put themselves in a position where they may appear to be doing so. It is important, therefore, that planning authorities make planning decisions affecting these interests openly, impartially, with sound judgement and for justifiable reasons.

The process should leave no grounds for suggesting that those participating in the decision were biased or that the decision itself was unlawful, irrational or procedurally improper.

This guidance is not intended to be prescriptive. Local circumstances may provide reasons for local variations of policy and practice. Every council should regularly review the way in which it conducts its planning business.

This guidance refers mainly to the actions of a local authority planning committee as the principal decision-making forum on planning matters. It is recognised, however, that authorities have a range of forms of decision-making: officer delegations; area committees; planning boards, and full council.

This guidance applies equally to these alternative forms of decision-making. Indeed, it becomes very important if the full council is determining planning applications referred to it, or adopting local plans and other policy documents, that councillors taking those decisions understand the importance of this guidance. The guidance also applies to councillor involvement in planning enforcement cases or the making of compulsory purchase orders.

## The general role and conduct of councillors and officers

Councillors and officers have different but complementary roles. Both serve the public but councillors are responsible to the electorate, whilst officers are responsible to the council as a whole. Officers advise councillors and the council and carry out the council's work. They are employed by the council, not by individual councillors. A successful relationship between councillors and officers will be based upon mutual trust, understanding and respect of each other's positions.

Both councillors and officers are guided by codes of conduct. The 2011 Act sets out a duty for each local authority to promote and maintain high standards of conduct by councillors and to adopt a local code of conduct. All councils had to adopt a local code by August 2012.

The adopted code should be consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

It should embrace the standards central to the preservation of an ethical approach to council business, including the need to register and disclose interests, as well as appropriate relationships with other councillors, staff, and the public. Many local authorities have adopted their own, separate codes relating specifically to planning although these should be cross referenced with the substantive code of conduct for the council.

Staff who are chartered town planners are subject to the Royal Town Planning Institute (RTPI) Code of Professional Conduct, breaches of which may be subject to disciplinary action by the Institute. Many authorities will have adopted a code of conduct for employees and incorporated those or equivalent rules of conduct into the contracts of employment of employees.

In addition to these codes, a council's standing orders set down rules which govern the conduct of council business.

Councillors and officers should be cautious about accepting gifts and hospitality and should exercise their discretion. Any councillor or officer receiving any such offers over and above an agreed nominal value should let the council's monitoring officer know, in writing, and seek advice as to whether they should be accepted or declined. Guidance on these issues for both councillors and officers should be included in the local code of conduct

Employees must always act impartially and in a politically neutral manner. The Local Government and Housing Act 1989 enables restrictions to be set on the outside activities of senior officers, such as membership of political parties and serving on another council. Councils should carefully consider which of their officers are subject to such restrictions and review this regularly.

Officers and serving councillors must not act as agents for people pursuing planning matters within their authority even if they are not involved in the decision making on it.

Whilst the determination of a planning application is not a 'quasi-judicial' process (unlike, say, certain licensing functions carried out by the local authority), it is a formal administrative process involving the application of national and local policies, reference to legislation and case law as well as rules of procedure, rights of appeal and an expectation that people will act reasonably and fairly. All involved should remember the possibility that an aggrieved party may seek a Judicial Review and/or complain to the Ombudsman on grounds of maladministration or a breach of the authority's code.

Finally, as planning can sometimes appear to be complex and as there are currently many changes in planning taking place, the LGA endorses the good practice of many councils which ensures that their councillors receive training on planning when first appointed to the planning committee or local plan steering group, and regularly thereafter. The Planning Advisory Service (PAS) can provide training to councillors (contact [pas@local.gov.uk](mailto:pas@local.gov.uk)).



## Registration and disclosure of interests

Chapter 7 of the 2011 Act places requirements on councillors regarding the registration and disclosure of their pecuniary interests and the consequences for a councillor taking part in consideration of an issue in the light of those interests. The definitions of disclosable pecuniary interests are set out in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. A failure to register a disclosable pecuniary interest within 28 days of election or co-option or the provision of false or misleading information on registration, or participation in discussion or voting in a meeting on a matter in which a councillor or co-opted member has a disclosable pecuniary interest, are criminal offences.

For full guidance on interests, see Openness and transparency on personal interests: guidance for councillors, Department for Communities and Local Government, March 2013. (This guidance note does not seek to replicate the detailed information contained within the DCLG note). Advice should always be sought from the council's monitoring officer. Ultimately, responsibility for fulfilling the requirements rests with each councillor.

The provisions of the Act seek to separate interests arising from the personal and private interests of the councillor from those arising from the councillor's wider public life. Councillors should think about how a reasonable member of the public, with full knowledge of all the relevant facts, would view the matter when considering whether the councillor's involvement would be appropriate.

Each council's code of conduct should establish what interests need to be disclosed. All disclosable interests should be registered and a register maintained by the council's monitoring officer and made available to the public. Councillors should also disclose that interest orally at the committee meeting when it relates to an item under discussion.

A councillor must provide the monitoring officer with written details of relevant interests within 28 days of their election or appointment to office. Any changes to those interests must similarly be notified within 28 days of the councillor becoming aware of such changes.

A disclosable pecuniary interest relating to an item under discussion requires the withdrawal of the councillor from the committee. In certain circumstances, a dispensation can be sought from the appropriate body or officer to take part in that particular item of business.

If a councillor has a (non-pecuniary) personal interest, he or she should disclose that interest, but then may speak and vote on that particular item. This includes being a member of an outside body; mere membership of another body does not constitute an interest requiring such a prohibition.

It is always best to identify a potential interest early on. If a councillor thinks that they may have an interest in a particular matter to be discussed at planning committee he or she should raise this with their monitoring officer as soon as possible.

See Appendix for a flowchart of how councillors' interests should be handled.

## Predisposition, predetermination, or bias

Members of a planning committee, Local Plan steering group (or full Council when the local plan is being considered) need to avoid any appearance of bias or of having predetermined their views before taking a decision on a planning application or on planning policies.

The courts have sought to distinguish between situations which involve predetermination or bias on the one hand and predisposition on the other. The former is indicative of a 'closed mind' approach and likely to leave the committee's decision susceptible to challenge by Judicial Review.

Clearly expressing an intention to vote in a particular way before a meeting (predetermination) is different from where a councillor makes it clear they are willing to listen to all the considerations presented at the committee before deciding on how to vote (predisposition). The latter is alright, the former is not and may result in a Court quashing such planning decisions.

Section 25 of the Act also provides that a councillor should not be regarded as having a closed mind simply because they previously did or said something that, directly or indirectly, indicated what view they might take in relation to any particular matter.

This reflects the common law position that a councillor may be predisposed on a matter before it comes to Committee, provided they remain open to listening to all the arguments and changing their mind in light of all the information presented at the meeting. Nevertheless, a councillor in this position will always be judged against an objective test of whether the reasonable onlooker, with knowledge of the relevant facts, would consider that the councillor was biased.

For example, a councillor who states "Windfarms are blots on the landscape and I will oppose each and every windfarm application that comes before the committee" will be perceived very differently from a councillor who states: "Many people find windfarms ugly and noisy and I will need a lot of persuading that any more windfarms should be allowed in our area."

If a councillor has predetermined their position, they should withdraw from being a member of the decision-making body for that matter.

This would apply to any member of the planning committee who wanted to speak for or against a proposal, as a campaigner (for example on a proposal within their ward). If the Council rules allow substitutes to the meeting, this could be an appropriate option.

Authorities will usually have a cabinet/ executive member responsible for development and planning. This councillor is able to be a member of the planning committee. Leading members of a local authority, who have participated in the development of planning policies and proposals, need not and should not, on that ground and in the interests of the good conduct of business, normally exclude themselves from decision making committees.

## Development proposals submitted by councillors and officers, and council development

Proposals submitted by serving and former councillors, officers and their close associates and relatives can easily give rise to suspicions of impropriety. Proposals could be planning applications or local plan proposals.

Such proposals must be handled in a way that gives no grounds for accusations of favouritism. Any local planning protocol or code of good practice should address the following points in relation to proposals submitted by councillors and planning officers:

- if they submit their own proposal to their authority they should play no part in its consideration
- a system should be devised to identify and manage such proposals
- the council's monitoring officer should be informed of such proposals
- such proposals should be reported to the planning committee and not dealt with by officers under delegated powers.

A councillor would undoubtedly have a disclosable pecuniary interest in their own application and should not participate in its consideration. They do have the same rights as any applicant in seeking to explain their proposal to an officer, but the councillor, as applicant, should also not seek to improperly influence the decision.

Proposals for a council's own development should be treated with the same transparency and impartiality as those of private developers.

## Lobbying of and by councillors

Lobbying is a normal part of the planning process. Those who may be affected by a planning decision, whether through an application, a site allocation in a development plan or an emerging policy, will often seek to influence it through an approach to their ward member or to a member of the planning committee.

As the Nolan Committee's 1997 report stated: "It is essential for the proper operation of the planning system that local concerns are adequately ventilated. The most effective and suitable way that this can be done is through the local elected representatives, the councillors themselves".

Lobbying, however, can lead to the impartiality and integrity of a councillor being called into question, unless care and common sense is exercised by all the parties involved.

As noted earlier in this guidance note, the common law permits predisposition but nevertheless it remains good practice that, when being lobbied, councillors (members of the planning committee in particular) should try to take care about expressing an opinion that may be taken as indicating that they have already made up their mind on the issue before they have been exposed to all the evidence and arguments.

In such situations, they could restrict themselves to giving advice about the process and what can and can't be taken into account.

Councillors can raise issues which have been raised by their constituents, with officers. If councillors do express an opinion to objectors or supporters, it is good practice that they make it clear that they will only be in a position to take a final decision after having heard all the relevant arguments and taken into account all relevant material and planning considerations at committee.

If any councillor, whether or not a committee member, speaks on behalf of a lobby group at the decision-making committee, they would be well advised to withdraw once any public or ward member speaking opportunities had been completed in order to counter any suggestion that members of the committee may have been influenced by their continuing presence. This should be set out in the authority's code of conduct for planning matters.

It is very difficult to find a form of words which conveys every nuance of these situations and which gets the balance right between the duty to be an active local representative and the requirement when taking decisions on planning matters to take account of all arguments in an open-minded way. It cannot be stressed too strongly, however, that the striking of this balance is, ultimately, the responsibility of the individual councillor.

A local code on planning should also address the following more specific issues about lobbying:

- Planning decisions cannot be made on a party political basis in response to lobbying; the use of political whips to seek to influence the outcome of a planning application is likely to be regarded as maladministration.
- Planning committee or local plan steering group members should in general avoid organising support for or against a planning application, and avoid lobbying other councillors.
- Councillors should not put pressure on officers for a particular recommendation or decision, and should not do anything which compromises, or is likely to compromise, the officers' impartiality or professional integrity.
- Call-in procedures, whereby councillors can require a proposal that would normally be determined under the delegated authority to be called in for determination by the planning committee, should require the reasons for call-in to be recorded in writing and to refer solely to matters of material planning concern.

As previously outlined, councillors must always be mindful of their responsibilities and duties under their local codes of conduct. These responsibilities and duties apply equally to matters of lobbying as they do to the other issues of probity explored elsewhere in this guidance.

## Pre-application discussions

Pre-application discussions between a potential applicant and a council can benefit both parties and are encouraged. However, it would be easy for such discussions to become, or be seen by objectors to become, part of a lobbying process on the part of the applicant.

Some councils have been concerned about probity issues raised by involving councillors in pre-application discussions, worried that councillors would be accused of predetermination when the subsequent application came in for consideration. Now, through the Localism Act and previously the Audit Commission, the LGA and PAS recognise that councillors have an important role to play in pre-application discussions, bringing their local knowledge and expertise, along with an understanding of community views. Involving councillors can help identify issues early on, helps councillors lead on community issues and helps to make sure that issues don't come to light for the first time at committee. PAS recommends a 'no shocks' approach.

The Localism Act, particularly S25, by endorsing this approach, has given councillors much more freedom to engage in pre-application discussions. Nevertheless, in order to avoid perceptions that councillors might have fettered their discretion, such discussions should take place within clear, published guidelines.

Although the term 'pre-application' has been used, the same considerations should apply to any discussions which occur before a decision is taken. In addition to any specific local circumstances, guidelines should include the following:

- Clarity at the outset that the discussions will not bind a council to making a particular decision and that any views expressed are personal and provisional. By the very nature of such meetings not all relevant information may be at hand, nor will formal consultations with interested parties have taken place.
- An acknowledgement that consistent advice should be given by officers based upon the development plan and material planning considerations.
- Officers should be present with councillors in pre-application meetings. Councillors should avoid giving separate advice on the development plan or material considerations as they may not be aware of all the issues at an early stage. Neither should they become drawn into any negotiations, which should be done by officers (keeping interested councillors up to date) to ensure that the authority's position is co-ordinated.

- Confirmation that a written note should be made of all meetings. An officer should make the arrangements for such meetings, attend and write notes. A note should also be taken of any phone conversations, and relevant emails recorded for the file. Notes should record issues raised and advice given. The note(s) should be placed on the file as a public record. If there is a legitimate reason for confidentiality regarding a proposal, a note of the non-confidential issues raised or advice given can still normally be placed on the file to reassure others not party to the discussion.
- A commitment that care will be taken to ensure that advice is impartial, otherwise the subsequent report or recommendation to committee could appear to be advocacy.
- The scale of proposals to which these guidelines would apply. Councillors talk regularly to constituents to gauge their views on matters of local concern. The Nolan Committee argued that keeping a register of these conversations would be impractical and unnecessary. Authorities should think about when, however, discussions should be registered and notes written.

Authorities have other mechanisms to involve councillors in pre-application discussions including:

- committee information reports by officers of discussions to enable councillors to raise issues, identify items of interest and seek further information
- developer presentations to committees which have the advantage of transparency if held in public as a committee would normally be (with notes taken)
- ward councillor briefing by officers on pre-application discussions.

Similar arrangements can also be used when authorities are looking at new policy documents and particularly when making new site allocations in emerging development plans and wish to engage with different parties, including councillors, at an early stage in the process.

The Statement of Community Involvement will set out the council's approach to involving communities and other consultees in pre-application discussions. Some authorities have public planning forums to explore major pre-application proposals with the developer outlining their ideas and invited speakers to represent differing interests and consultees. As well as being transparent, these forums allow councillors and consultees to seek information and identify important issues for the proposal to address, although still bearing in mind the need to avoid pre-determination.

## Officer reports to committee

As a result of decisions made by the courts and ombudsman, officer reports on planning applications must have regard to the following:

- Reports should be accurate and should include the substance of any objections and other responses received to the consultation.
- Relevant information should include a clear assessment against the relevant development plan policies, relevant parts of the National Planning Policy Framework (NPPF), any local finance considerations, and any other material planning considerations.

- Reports should have a written recommendation for a decision to be made.
- Reports should contain technical appraisals which clearly justify the recommendation.
- If the report's recommendation is contrary to the provisions of the development plan, the material considerations which justify the departure must be clearly stated. This is not only good practice, but also failure to do so may constitute maladministration or give rise to a Judicial Review challenge on the grounds that the decision was not taken in accordance with the provisions of the development plan and the council's statutory duty under s38A of the Planning and Compensation Act 2004 and s70 of the Town and Country Planning Act 1990.

Any oral updates or changes to the report should be recorded.

## Public speaking at planning committees

Whether to allow public speaking at a planning committee or not is up to each local authority. Most authorities do allow it. As a result, public confidence is generally enhanced and direct lobbying may be reduced. The disadvantage is that it can make the meetings longer and sometimes harder to manage.

Where public speaking is allowed, clear protocols should be established about who is allowed to speak, including provisions for applicants, supporters, ward councillors, parish councils and third party objectors.

In the interests of equity, the time allowed for presentations for and against the development should be the same, and those speaking should be asked to direct their presentation to reinforcing or amplifying representations already made to the council in writing.

New documents should not be circulated to the committee; councillors may not be able to give proper consideration to the new information and officers may not be able to check for accuracy or provide considered advice on any material considerations arising. This should be made clear to those who intend to speak.

Messages should never be passed to individual committee members, either from other councillors or from the public. This could be seen as seeking to influence that member improperly and will create a perception of bias that will be difficult to overcome.

## Decisions which differ from a recommendation

The law requires that decisions should be taken in accordance with the development plan, unless material considerations (which specifically include the NPPF) indicate otherwise (s38A Planning & Compensation Act 2004 and s70 of the Town and Country Planning Act 1990).

This applies to all planning decisions. Any reasons for refusal must be justified against the development plan and other material considerations.

The courts have expressed the view that the committee's reasons should be clear and convincing. The personal circumstances of an applicant or any other material or non-material planning considerations which might cause local controversy will rarely satisfy the relevant tests.

Planning committees can, and often do, make a decision which is different from the officer recommendation. Sometimes this will relate to conditions or terms of a S106 obligation. Sometimes it will change the outcome, from an approval to a refusal or vice versa. This will usually reflect a difference in the assessment of how a policy has been complied with, or different weight ascribed to material considerations.

Planning committees are advised to take the following steps before making a decision which differs from the officer recommendation:

- discussing the areas of difference and the reasons for that with planning officers beforehand (as part of a standard 'call-over' meeting where all items on the agenda are discussed)
- recording the detailed reasons as part of the mover's motion
- adjourning for a few minutes for those reasons to be discussed and then agreed by the committee
- where there is concern about the validity of reasons, considering deferring to another meeting to have the putative reasons tested and discussed.

If the planning committee makes a decision contrary to the officers' recommendation (whether for approval or refusal or changes to conditions or S106 obligations), a detailed minute of the committee's reasons should be made and a copy placed on the application file. Councillors should be prepared to explain in full their planning reasons for not agreeing with the officer's recommendation. Pressure should never be put on officers to 'go away and sort out the planning reasons'.

The officer should also be given an opportunity to explain the implications of the contrary decision, including an assessment of a likely appeal outcome, and chances of a successful award of costs against the council, should one be made.

All applications that are clearly contrary to the development plan must be advertised as such, and are known as 'departure' applications. If it is intended to approve such an application, the material considerations leading to this conclusion must be clearly identified, and how these considerations justify overriding the development plan must be clearly demonstrated.

The application may then have to be referred to the relevant secretary of state, depending upon the type and scale of the development proposed (s77 of the Town and Country Planning Act 1990). If the officers' report recommends approval of such a departure, the justification for this should be included, in full, in that report.



## Committee site visits

National standards and local codes also apply to site visits. Councils should have a clear and consistent approach on when and why to hold a site visit and how to conduct it. This should avoid accusations that visits are arbitrary, unfair or a covert lobbying device. The following points may be helpful:

- visits should only be used where the benefit is clear and substantial; officers will have visited the site and assessed the scheme against policies and material considerations already
- the purpose, format and conduct should be clear at the outset and adhered to throughout the visit
- where a site visit can be ‘triggered’ by a request from the ward councillor, the ‘substantial benefit’ test should still apply.
- keep a record of the reasons why a site visit is called.

A site visit is only likely to be necessary if:

- the impact of the proposed development is difficult to visualise from the plans and any supporting material, including photographs taken by officers
- the comments of the applicant and objectors cannot be expressed adequately in writing or
- the proposal is particularly contentious.

Site visits are for observing the site and gaining a better understanding of the issues. Visits made by committee members, with officer assistance, are normally the most fair and equitable approach. They should not be used as a lobbying opportunity by objectors or supporters.

This should be made clear to any members of the public who are there.

Once a councillor becomes aware of a proposal they may be tempted to visit the site alone. In such a situation, a councillor is only entitled to view the site from public vantage points and they have no individual rights to enter private property. Whilst a councillor might be invited to enter the site by the owner, it is not good practice to do so on their own, as this can lead to the perception that the councillor is no longer impartial.

## Annual review of decisions

It is good practice for councillors to visit a sample of implemented planning permissions to assess the quality of the decisions and the development. This should improve the quality and consistency of decision-making, strengthen public confidence in the planning system, and can help with reviews of planning policy.

Reviews should include visits to a range of developments such as major and minor schemes; upheld appeals; listed building works and enforcement cases. Briefing notes should be prepared on each case. The planning committee should formally consider the review and decide whether it gives rise to the need to reconsider any policies or practices.

Scrutiny or standards committees may be able to assist in this process but the essential purpose of these reviews is to assist planning committee members to refine their understanding of the impact of their decisions. Planning committee members should be fully engaged in such reviews.

## Complaints and record keeping

All councils should have a complaints procedure which may apply to all council activities. A council should also consider how planning-related complaints will be handled, in relation to the code of conduct adopted by the authority.

So that complaints may be fully investigated and as general good practice, record keeping should be complete and accurate. Every planning application file should contain an accurate account of events throughout its life. It should be possible for someone not involved in that application to understand what the decision was, and why and how it had been reached. This applies to decisions taken by committee and under delegated powers, and to applications, enforcement and development plan matters.

## List of references

Probity in planning: the role of councillors and officers – revised guidance note on good planning practice for councillors and officers dealing with planning matters  
Local Government Association, May 2009  
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The Localism Act 2011  
<http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>

National Planning Policy Framework  
Department for Communities and Local Government, March 2012  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

Committee on Standards in Public Life (1997) Third Report: Standards of Conduct in Local Government in England, Scotland and Wales, Volume 1 Report Cm 3702-1:  
<http://www.public-standards.gov.uk/our-work/inquiries/previous-reports/third-report-standards-of-conduct-of-local-government-in-england-scotland-and-wales/>

Royal Town Planning Institute Code of Professional Conduct:  
<http://www.rtpi.org.uk/membership/professional-standards/>

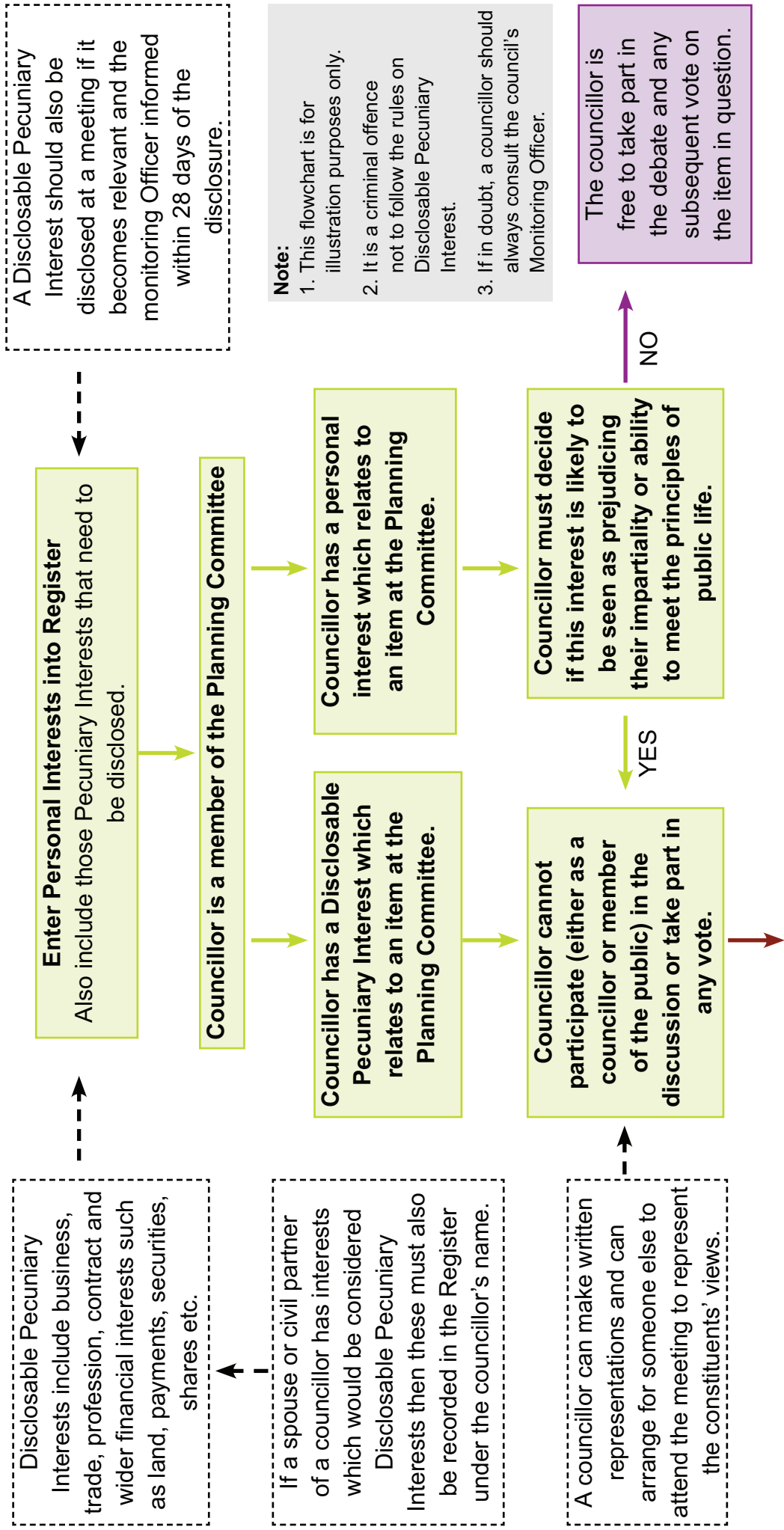
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Openness and transparency on personal interests: guidance for councillors,  
Department for Communities and Local Government, March 2013  
<https://www.gov.uk/government/publications/openness-and-transparency-on-personal-interests-guidance-for-councillors>

The Planning System – matching expectations to capacity  
Audit Commission, February 2006  
[http://archive.audit-commission.gov.uk/auditcommission/sitecollectiondocuments/AuditCommissionReports/NationalStudies/Planning\\_FINAL.pdf](http://archive.audit-commission.gov.uk/auditcommission/sitecollectiondocuments/AuditCommissionReports/NationalStudies/Planning_FINAL.pdf)

‘Standards Matter’ Kelly Committee Jan 2013  
<http://www.official-documents.gov.uk/document/cm85/8519/8519.pdf>

# Flowchart of councillors' interests





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We consider requests on an individual basis.

**EXTRACT FROM THE COUNCIL'S CONSTITUTION**

**12. Gedling Borough Council Code of Practice For Members  
In Dealing With Planning Applications**

**12.1 Introduction**

12.1.1 This Code is based upon the Guidance Note issued by the Local Government Association on preparing a Local Code of Good Practice for Councillors dealing with planning matters. It has been prepared by the Standards Committee in consultation with the Planning and Highways Committee and has been adopted by the Council. Failure on the part of any Member to comply with this Code may comprise conduct which could reasonably be regarded as bringing his office or the Council into disrepute and may accordingly be a breach of Clause 4 of the Members' Code of Conduct.

**12.2 Conflicts of Interest and Predetermination**

12.2.1 A Member of the Planning Committee who is also a member of another body, whether within the Council such as the Cabinet or a committee, or outside the Council such as a parish council or charitable body, should comply with the requirements of the Council's Members' Code of Conduct with regard to the declaration of interests and the participation or non-participation in the consideration of any planning application submitted by that body.

12.2.2 A Member of the Planning Committee should avoid indicating or suggesting the likely decision on a planning application or committing themselves to a view on the application before its consideration by the Committee.

12.2.3 If any member of the Planning Committee has expressed a view on a planning application to be considered by the Planning Committee on any occasion and in any forum in advance of consideration of the matter by the Planning Committee, then they should regard themselves as having fettered their discretion and they may not vote on that application. The Member may nevertheless participate in any debate on the application where such participation would not be in breach of the Members' Code of Conduct.

12.2.4 Where a Member is the applicant for Planning Permission or is the agent or a relative (as defined in the Members' Code of Conduct) of the applicant, that Member should play no part in the decision-making process for those proposals. Any such planning

application should be dealt with by the Planning Committee itself and not dealt with by officers under delegated powers.

12.2.5 The right of an applicant to address the Planning Committee before consideration of the application by the Planning Committee should not apply where the applicant is a member of the Council. In that case, the Councillor may write to the Committee with such representations as they wish to make.

### **12.3. Lobbying of and by Councillor**

12.3.1 When being lobbied by any party on a planning application, Members of the Planning Committee should avoid expressing any opinion which might be taken as indicating that they have already made up their mind on the issue before considering the matter in committee – they should restrict themselves to giving procedural advice, including advice on how and to whom those lobbying can communicate.

12.3.2 A Member of the Planning Committee who is also a Ward Member for the area in which the site concerned is located and who has expressed a public view in favour of or against the proposed development may declare their view and participate in the debate in the Committee, but not vote.

12.3.3 The consideration of planning applications by the Planning Committee should not be subject to whipping arrangements on behalf of the political groups and Members may not decide in group meetings before the Committee how they should vote on the matter in Committee.

12.3.4 Unless they are a Ward Member representing constituency views a Member should avoid organising support for or against a planning application and should avoid lobbying other Members on such applications.

12.3.5 Members should not put improper pressure on officers for a particular recommendation.

### **12.4. Decisions Contrary to Officer Recommendations**

12.4.1 The Planning Committee should only make planning decisions on the basis of land use planning grounds and in accordance with Article 11 of the Articles of the Constitution.

12.4.2 If the Planning Committee makes a decision contrary to the officers' recommendation, the Minutes should contain a detailed note of the Committee's reasons for the decision, which should be clear and convincing and should not normally be based merely on the personal circumstances of an applicant.

12.4.3 In any case in which Members wish to add to or amend conditions proposed by officers, officers should be given a reasonable opportunity to draft suitable conditions reflecting Members' wishes.

## **12.5 Site Visits**

12.5.1 A site visit is only likely to be necessary if:

- 12.5.1.1 the impact of the proposed development is difficult to visualise from the plans and any supporting material, including photographs taken by officers; or
- 12.5.1.2 there is a good reason why the comments of the applicant and objectors cannot be expressed adequately in writing or the proposal is particularly contentious; or
- 12.5.1.3 the proposed development is particularly significant in relation to the locality.
- 12.5.1.4 site visits should consist simply of an inspection by a viewing sub-committee or committee or viewing group with officer assistance. Any site visit should be run on the strict lines of a planning inspector's site inspection.

## **12.6 Member Training**

12.6.1 All Members of the Council will receive training with regard to the planning system. Only Members who are willing to accept within a reasonable time such training will be permitted to serve on the Planning Committee.

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## Protocol for Pre-Application Briefings

### 1. Guidance

- 1.1 Existing responsibilities for Members involved in the planning process may be found in Part 3 of the Council's Constitution.
- 1.2 Additionally, Members may refer to other national publications including:
- Member Engagement in Planning Matters (Local Government Association)
  - Positive Engagement – a guide for Planning Councillors (CLG, PAS, POS, LGA)

### 2. Aims for the Pre-Application Briefing process

- 2.1 The process is intended to improve Members' awareness of forthcoming proposals, result in more informed applications, ensure that community views are represented and improve decision making.

### 3. Process

- 3.1 Ward Members will be advised of pre-applications that the Council has received in their areas. For Householder and Minor pre-application enquiries Members would be invited to make comments in a similar way to statutory consultees and other technical bodies to make written comments on proposals, Members will have 21 days from being notified of pre-applications to make any comments. Comments should be in writing or e-mailed to the case officer. Comments will be summarised and reported back to prospective applicants as part of any written advice to prospective applicants.
- 3.2 The opportunity to brief Members before an application is submitted will be offered to the prospective developers of;
- Major applications (1000 m<sup>2</sup>, 10 or more houses)
  - Other applications raising contentious, significant and unusual issues as agreed by Service Manager, Planning & Economic Development and Chair of Planning Committee.

Pre-application briefings are not compulsory and developers do not have to agree to attend one.

- 3.3 In relation to complex minor and major development proposals Members can, if they wish, make a request for a pre-application briefing session. The request for a briefing session would need to be agreed with the Planning Committee Chair and Service Manager, Planning & Economic Development and the person making the pre-application enquiry (the prospective applicant). The request will also need to be made in writing (e-mail would be acceptable) within 10 days of the Member receiving notification of the pre-application and should

be sent to Service Manager, Planning and Economic Development and/or Development Manager.

- 3.4 Briefing sessions will not be held unless the prospective applicant agrees. Briefing sessions will not be compulsory.
- 3.5 Where a prospective applicant has declined a request for, or an offer of a briefing session, a similar opportunity to make written comments that is provided for Householder and Minor Pre-application enquiries will exist for Members. Members will need to make their comments in writing to the case officer within 7 days of being notified that no briefing session is to be held.
- 3.6 In making written Comments Planning Committee Members should not indicate any view in relation to the prospective grant or refusal of any planning application that comes out of the pre-application process.

#### **4. Briefings**

- 4.1 Pre-application briefings will consist of a session of up to 45 minutes, and the following will be invited;
  - Chair of Planning Committee
  - Vice Chair of Planning Committee
  - Members of Planning Committee
  - Portfolio Holder
  - Ward members (including members from neighbouring wards if the development affects those) At least two senior Planning Officers (one to chair the meeting)
  - Developer and their associates
- 4.2 The briefing would be chaired by the Senior Planning Officer who will explain the role of Members at the briefing. It should be explained that the main purpose is to learn about the emerging development proposal, and to identify outstanding issues to be dealt with. Planning Committee Members will not be in a position to indicate any view in relation to the prospective grant or refusal of any planning application which may emerge from the pre-application stage, as they need to balance all material considerations before reaching a view on any application in due course. Where non Planning Committee Members are present, they can express initial views on behalf of communities. It should be noted that those making the pre-application enquiries do not have to take any Member's views or comments on board and if a subsequent planning application is submitted, the application would be assessed against local and national planning policy.

- 4.3 The briefing will not be open to the public because of the confidential nature of pre-application discussions. Ward Members can attend but must adhere to any requests for confidentiality.
- 4.4 The Senior Planning Officer present will explain the purpose of the briefing and advise how it will be conducted. Members will be advised as to the confidentiality status of the proposal (unless the prospective applicant advises otherwise).
- 4.5 Prospective applicants will be given the opportunity to make a presentation that should describe their proposal and should explain how the proposal relates to both relevant national and local policy, how it meets local needs and preferences and any other relevant material considerations. The format and length of the presentation should be agreed with the Senior Planning Officer beforehand (to ensure that it will not lead members into negotiations and to check for accuracy) and should be limited to the development proposal. They should not normally last longer than 20 minutes.
- 4.6 Members will be able to ask questions following the presentation. Questions and comments should focus upon clarifying aspects of the proposal or to flag up issues of concern but must not develop into negotiations, or debate on the merits of the proposal. At this stage no formal planning application will have been made by the prospective applicant, however Planning Committee Members at the pre-application briefing may ultimately have to determine any future application that comes forward. The briefing is not for Planning Committee Members to make any decisions or debate on a prospective application and Planning Committee Members should not be indicating any pre-determined views on any future application. It is equally important at this stage for Members not to have closed minds as to the merits of the proposal. Any comments or issues raised by Members at the briefing do not have to be taken on board by the prospective applicant in any future application that is put forward.
- 4.7 The Senior Planning Officer will then conclude the briefing. After the prospective applicants have left the briefing Members can then discuss the proposals with officers and may advise officers of any concern they have and any elements which they feel would benefit from negotiation with the developer. They will then be guided by professional officers as to what negotiations would be reasonable and would align with policy. Negotiations will be undertaken by professional officers only.
- 4.8 A Planning Officer will record the briefing and take a note of all persons present, the issues discussed and the follow up actions. This will be placed on the file by the officer involved.
- 4.9 The attendance of Members in pre-application briefings will be recorded in any subsequent Committee Report.

March 2013

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**PLANNING COMMITTEE PROTOCOL**

1. This protocol is intended to ensure that planning decisions made at the Planning Committee meeting are reached, and are seen to be, in a fair, open and impartial manner, and that only relevant planning matters are taken into account.
2. Planning Committee is a quasi-judicial body, empowered by the Borough Council to determine planning applications in accordance with its constitution. In making legally binding decisions therefore, it is important that the committee meeting is run in an ordered way, with Councillors, officers and members of the public understanding their role within the process.
3. In terms of Councillors' role at the Planning Committee, whilst Councillors have a special duty to their ward constituents, including those who did not vote for them, their over-riding duty is to the whole borough. Therefore, whilst it is acceptable to approach Councillors before the meeting, no opinion will be given, as this would compromise their ability to consider the application at the meeting itself. The role of Councillors at committee is not to represent the views of their constituents, but to consider planning applications in the interests of the whole Borough. When voting on applications, Councillors may therefore decide to vote against the views expressed by their constituents. Members may also request that their votes are recorded.
4. Planning Committee meetings are in public and members of the public are welcome to attend and observe; however, they are not allowed to address the meeting unless they have an interest in a planning application and follow the correct procedure.
5. Speaking at Planning Committee is restricted to applicants for planning permission, residents and residents' associations who have made written comments to the Council about the application and these have been received before the committee report is published. Professional agents representing either applicants or residents are not allowed to speak on their behalf. A maximum of 3 minutes per speaker is allowed, so where more than 1 person wishes to address the meeting, all parties with a common interest should normally agree who should represent them. No additional material or photographs will be allowed to be presented to the committee.
6. Other than as detailed above, no person is permitted to address the Planning Committee and interruptions to the proceedings will not be tolerated. Should the meeting be interrupted, the Chairman will bring the meeting to order. In exceptional circumstances the Chairman can suspend the meeting, or clear the chamber and continue behind closed doors, or adjourn the meeting to a future date.
7. After Councillors have debated the application, a vote will be taken. If Councillors wish to take a decision contrary to Officer recommendation, a motion to do so will be moved, seconded and voted upon. Where the decision is to refuse permission contrary to Officer recommendation, the motion will include reasons for refusal which are relevant to the planning considerations on the application, and which are capable

of being supported and substantiated should an appeal be lodged. The Chairman may wish to adjourn the meeting for a short time for Officers to assist in drafting the reasons for refusal. The Chairman may move that the vote be recorded.

8. Where members of the public wish to leave the chamber before the end of the meeting, they should do so in an orderly and respectful manner, refraining from talking until they have passed through the chamber doors, as talking within the foyer can disrupt the meeting.

12 January 2011

## **ACTION SHEET PLANNING DELEGATION PANEL 16th August 2013**

2012/1472

Severn Trent Water Plc Stoke Lane Stoke Bardolph

Erection of a single wind turbine (rated capacity up to 2.5MW) and other ancillary development.

The proposed development raises complex planning issues.

**Application to be determined by Planning Committee.**

2013/0294

54 Northcliffe Avenue Mapperley Nottinghamshire

Retain patio extension (as built), with sight screen to No 56.

The proposed development would have no undue impact on the appearance of the dwelling or wider area or on the residential amenity of adjacent properties.

**The Panel agreed to delegate the decision to the Corporate Director**

Decision to be issued following completion of paperwork.

Objectors to be notified by standard letter following issue of decision

**SS**

2013/0497

Land South Of Colwick Loop Road Colwick Nottinghamshire

Construction of A4 public house with restaurant facilities & associated managerial residential accommodation at first floor (full application) & A3 restaurant or A5 hot food takeaway (outline application)

The proposed development raises complex planning.

**Application to be determined by Planning Committee**

**16th August 2013**

**ACTION SHEET PLANNING DELEGATION PANEL 23rd August 2013**

2013/0516

Gedling Garage 2A Cavendish Avenue Gedling  
Side extension to motor vehicle repair garage

The proposed development would have no undue impact on neighbouring properties, the area in general or highway safety.

**The Panel agreed to delegate the decision to the Corporate Director**

Decision to be issued following completion of paperwork.

Objectors to be notified by standard letter following issue of decision **SS**

2013/0531

130 Nottingham Road Ravenshead Nottingham  
Replacement single storey extension and remedial works to rear elevation of existing house

The proposed development is acceptable in terms of Green Belt policy and results in no undue impact on neighbouring properties.

**The Panel agreed to delegate the decision to the Corporate Director**

Decision to be issued.

Parish to be notified by standard letter following issue of decision **SS**

2013/0685

6 Beechwood Road Arnold Nottinghamshire  
Change of use to A3 and A5

The proposed development is acceptable in policy terms, results in no undue impact on neighbouring properties, the area in general or highway safety.

**The Panel agreed to delegate the decision to the Corporate Director**

Decision to be issued following completion of paperwork.

Objectors to be notified by standard letter following issue of decision **SS**

2013/0690

5A Old Brickyard Nottingham NG3 6PB



Residential development comprising of the creation of 3no. flats above the existing supermarket.

The proposed development would have no undue impact on neighbouring properties or the area in general.

**The Panel agreed to delegate the decision to the Corporate Director**

Decision to be issued following completion of paperwork.

Objector to be notified by standard letter following issue of decision **SS**

2013/0674

180 Porchester Road Carlton Nottinghamshire

Matters 4,5,6,7,9 10 2011/0311 (Demolition of existing property and erection of 5 dwellings)

The proposed development would have no undue impact on neighbouring properties, the area in general or highway safety.

**The Panel agreed to delegate the decision to the Corporate Director**

Decision to be issued following completion of paperwork.

Objector to be notified by standard letter following issue of decision **SS**

2013/0689

2 The Elms Colwick Nottingham

Demolition of existing dwelling and erection of 2no semi detached dwellings

The proposed development would have no undue impact on neighbouring properties, the area in general or highway safety.

**The Panel agreed to delegate the decision to the Corporate Director**

Decision to be issued following completion of paperwork.

Objector to be notified by standard letter following issue of decision **SS**

2013/0717

18 Grange Close Lambley Nottinghamshire

Alterations and extensions to rear and front of existing bungalow

The proposed development would have no undue impact on neighbouring properties, the area in general or highway safety.

**The Panel agreed to delegate the decision to the Corporate Director**

Decision to be issued following completion of paperwork.

Parish and objectors to be notified by standard letter following issue of decision **SS**

2013/0708

44 Vernon Crescent Ravenshead Nottingham

Proposed new Dormer roof and 2 storey side extension

Withdrawn from the Agenda.

2013/0752

14 Hillside Avenue Mapperley Nottinghamshire

Retention of balcony to first floor rear elevation

The proposed development would have no undue impact on neighbouring properties.

**The Panel agreed to delegate the decision to the Corporate Director**

Decision to be issued following completion of paperwork.

Objectors to be notified by standard letter following issue of decision **SS**

**AJ/23rd August 2013**

**ACTION SHEET PLANNING DELEGATION PANEL 30th August 2013**

2013/0721

2 Winster Avenue Carlton Nottinghamshire

Retain timber decking and access stair to garden level

The development has no significant adverse impact on the residential amenity of neighbouring properties.

**The Panel agreed to delegate the decision to the Corporate Director**

Decision to be issued following completion of paperwork. **SS**

2013/0723

143A Plains Road Woodthorpe Nottinghamshire

Vary condition 2 of 2012/0666

The proposed development would have no adverse impact on the residential amenity of neighbouring properties or on the appearance of the surrounding area.

**The Panel agreed to delegate the decision to the Corporate Director**

Decision to be issued following completion of paperwork. **SS**

2013/0769

Land To Rear Of 148 Chapel Lane Ravenshead

Extension of time to implement previous permission 2010/0565 (Erect one detached dwelling on land to rear)

**This application was withdrawn from the agenda**

**JC 30th August 2013**

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## PLANNING COMMITTEE – 18<sup>th</sup> September 2013

### ITEM FOR INFORMATION

The following planning applications or details have been submitted and are receiving consideration. They may be reported to a future meeting of the Planning Committee and are available for inspection online at: <http://pawam.gedling.gov.uk:81/online-applications/>

Alternatively, hard copies may be viewed at Gedling1Stop or by prior arrangement with Development Control.

<u>App No</u>	<u>Address</u>	<u>Proposal</u>	<u>Possible Date</u>
2013/0546	Land Off Teal Close	Housing and Employment	TBC
2013/0497	Land South of Colwick Loop Road	Public House and ancillary development	TBC
2013/0500	Land South of Colwick Loop Road	A1 retail unit and employment uses	TBC

Please note that the above list is not exhaustive; applications may be referred at short notice to the Committee by the Planning Delegation Panel or for other reasons. The Committee date given is the earliest anticipated date that an application could be reported, which may change as processing of an application continues.

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