

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

21 APRIL 2010

**REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES**

09/2974/FUL

**Viewley Hill Farm, Calf Fallow Lane, Norton
Erection of 16m high wind turbine**

Expiry Date 22 April 2010

SUMMARY

Planning permission is sought for the erection of a wind turbine having a height of 16 metres within an agricultural field at Viewley Hill Farm. The turbine would be rated at 10 kW capacity and should provide enough electricity for 6 households. The turbine tower is 12 metres tall and the blades consist of a 4 metre radius resulting in a maximum height of 16 metres to the tip. The turbine will be connected to an 11 kV transformer located approximately 15 metres away at the top to the field.

A 31 signature Pro forma petition letter objecting to the proposal has been received and a further 9 individuals objections have been received largely on the ground of impact upon landscape, wildlife and species, noise pollution, shadow flicker, disruption to users of the surrounding highways and property prices.

No objections have been received from statutory consults however various conditions have been recommended.

In view of all of the above, it is considered that the proposed development would not have a significant detrimental impact on residential amenity or on the wider landscape character in general. As such, it is considered the proposed development accords with national, regional and local planning policies as outlined below.

RECOMMENDATION

Planning application 09/2974/FUL be Approved with Conditions subject to

01 *The development hereby approved shall be in accordance with the following approved plan(s); unless otherwise agreed in writing with the Local Planning Authority.*

<i>Plan Reference Number</i>	<i>Date on Plan</i>
<i>SBC0001</i>	<i>7 December 2009</i>
<i>SBC0002</i>	<i>25 February 2010</i>

Reason: To define the consent.

02. This consent is granted for a temporary period of 25 years from the date hereof when, unless the renewal of consent has been sought and granted previously, the turbines and their ancillary development hereby approved shall be removed and the land reinstated to its former condition in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Reinstatement works shall be undertaken within a 6 month period immediately following the expiry of this permission.

Reason: The development is such that it could not be approved for permanent development.

03. Notwithstanding details hereby approved, all construction operations on site including decommissioning or removal work and delivery of materials on site, but excluding activities associated with abnormal loads, shall be restricted to 8.00 a.m. - 6.00 p.m. on weekdays, 9.00 a.m. - 1.00 p.m. on a Saturday and no Sunday or Bank Holiday working unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to limit the impact of construction traffic and site operations on the amenity of the surrounding area in accordance with saved Policy GP1 of the Stockton on Tees Local Plan.

04. No development shall commence until full details of the design, finish and colour of the turbine hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The turbine shall not exceed 12 in height to the hub, with each blade not exceeding 4m in length and the overall height to tip of blade not exceeding 16m. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of landscape impacts.

05. Unless a further permission is granted, not later than 12 months before the end of the period of this permission, a decommissioning and site restoration scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the management and timing of any works and a Traffic Management Plan to address traffic issues during the decommissioning period. The decommissioning and site restoration shall be completed, in accordance with the approved scheme, within 24 months of the end of the period of the permission.

Reason: In order to adequately control the impact of the turbine and their associated development on the landscape.

06. Prior to the commencement of development, a baseline television reception study in the area shall be undertaken by a qualified television engineer and submitted in writing to the Local Planning Authority with a scheme of works to mitigate the effects of the development on domestic television signals in the area. Any claim by a person for domestic television picture loss or interference at their household within 12 months of the final commissioning of the wind farm, shall be investigated by an independent qualified engineer approved by the Local Planning Authority, at the expense of the wind turbine operator and the results shall be submitted in writing to the Local Planning Authority within 1 month of the claim. Should any impairment to the television reception be determined as attributable to the wind farm operation on the basis of the baseline study, such impairment shall be mitigated within 2 months in accordance with the approved scheme of mitigation.

Reason: In the interests of protecting local amenity

07. At the reasonable request of ,and following a justified complaint to, the Local Planning Authority, the operator of the development shall measure and assess [at its expense] the level of noise emissions from the wind turbine generator following the procedures described in `The Assessment and rating of the Noise from Wind Farms ETSU R 97`

The level of noise emissions (LA90, 10 minute) from the combined effects of the wind turbine generator on the wind farm when measured in accordance with section A of the guidance note shall not exceed 35dB (A) or 5dB (A) above background noise level (LA90, 10 minute) at wind speed within the site not exceeding 10 metres per second measured at any residential dwelling (lawfully in existence at the time of the permission).

Reason: To protect the amenity of residential properties

INFORMATIVES

The proposed scheme has been considered against the policies and documents identified below in respect to its contribution to renewable energy targets, impacts on the traffic, transport and highway related matters, landscape and visual impact, noise pollution, nature conservation and ornithology, cultural heritage and archaeology, air traffic safety, wind turbine icing, shadow flicker, communication interference, tourism, horses, safety, loss of agricultural land, drainage and other matters. There are no material planning considerations, which indicate that a decision should be otherwise, therefore the application is recommended for approval.

Stockton on Tees adopted Core Strategy
CS3 - Sustainable Living and Climate Change

Regional Spatial Strategy
Policy 39 - Renewable energy generation
Policy 40 - Planning for Renewables
Policy 41 - Onshore Wind Development

Planning Policy Statement 1: Delivering sustainable development and companion guide Planning and Climate Change
Planning Policy Statement 7: Sustainable Development in Rural Areas
Planning Policy Statement 9: Biodiversity and Geological Conservation
Planning Policy Statement 22: Renewable Energy
Planning policy Guidance 24: Planning and Noise

PROPOSAL

1. The applicant is seeking permission of the erection of a 16 metre high wind turbine to be located within an agricultural field. The field slopes steeply away from the access lane at the top. The proposed turbine will be located towards the top of the hill approximately 12 metres from the access road. The location was chosen to maximise the wind availability however owing to the sloping ground levels the proposal will not be located at the summit of the hill. The proposed blades will measure approximately 4 metres meaning a blade rotation of 8 metres.
2. The turbine will be rated at a 10 kW capacity which should provide sufficient electricity to power approximately 6 households.

CONSULTATIONS

3. The following Consultees were notified and comments received are set out below:-

The RSPB

Thanks for consulting RSPB regarding this proposal. Having looked at the proposal location, we consider that a 16m high turbine in this location would not be a significant risk to birds, either through collisions to flying birds or by displacing birds from the surrounding area.

Tees Valley Wildlife Trust

Thanks for consulting the Wildlife Trust on this application.

We have checked the application site against our records of Local Wildlife Sites and protected species and we do not believe that the proposal will have a significant and adverse effect on wildlife. We have no further comments to make on the application.

The Ramblers Association

We thank the council for consulting the Ramblers' Association of the proposed development (message 12/3/2010).

We have no comments.

Acting Head of Technical Services

I refer to your memo dated: 3 March 2010.

General Summary

Urban Design has no objections to the application as detailed in the comments below.

Highways Comments

Details of how the wind turbine will be transported to the site are needed to determine if there will be any adverse effect on the highway network. It is noted that the proposed wind turbine does not directly affect any Public Rights of Way.

Landscape & Visual Comments

The wind turbine is situated away from the top of the ridge line reducing its visual impact. It is not a high structure for a wind turbine and will be viewed against several pylon towers in the local area of a much greater height. The development lies within the Cleveland community forest area but is not listed as an area of green wedge or a special landscape area. The colour should be confirmed and a grey colour is preferred to soften the impact.

When viewed from the south where longer distant views are most prominent the turbine will be partly softened by a back drop of trees and hedges including vegetation in the adjacent boundary field hedges and the tree belts to the north along Wynyrd Road and those forming Corners Plantation. Such a view would be gained from the track that leaves Calf Fallow Lane to the west where the higher ground affords views across the area toward the proposed turbine site at an approximate distance of 0.75 kilometres. Similar views will be gained from the farms to the west and footpaths to the east.

Views from the north are generally softened by existing hedges and trees both and as the turbine is away from the highest ground on land sloping south only partial views of the turbine will be afforded.

Views from the nearby properties closest to the application - Wolviston Mill, Viewly farm Cottage and Rosedene and views from the adjacent public footpaths will be affected but the presence of existing trees and hedges will help to soften the impact of the development.

For the reasons discussed while we acknowledge the potential visual impact of the development of the turbine we do not believe is substantial enough to warrant an objection to the development.

Environmental Health Unit

I have no objection in principle to the development, however, I do have some concerns and would recommend the conditions as detailed be imposed on the development should it be approved.

Noise disturbance from wind turbines

CE Electric UK

No Comments

National Grid

No Comments

National Air Traffic Services

No objections

PUBLICITY

4. Neighbours were notified and comments received are below:-

A Pro forma petition letter of objection was received. The objections stated include

- the impact upon the character and appearance of the area
- Precedent for further turbines
- Proximity to settlements
- Impact upon bats and 'little' owls
- Noise pollution
- Danger to wildlife
- Loss of radio and television reception
- Light shadow flicker in close proximity to the footpath and bridleway which could cause accidents
- Impact upon property prices
- This type of application devalues the potential contribution from wind turbines in well designed wind farms which are appropriately located

Barry Forster, 9 Westminster Oval, Norton
Mr D Thomson 1 West Minster Oval, Norton
Owner/Occupier 22 Chelsea Gardens, Norton
Owner/occupier 3 Westminster Oval, Norton
Jack Wood, The Cottage Viewly Hill Farm
Victoria Conner Blakeston Hall, Blakeston lane Thorpe Thewles
John Cotterill 18 Kelling Close Billingham
Ms. W Lacy, Follyfoot Banks Calf Fallow Lane
Mrs O Steel 67 Bright Street, Hartlepool
Mr F A Atkinson 17 Chelsea Gardens Norton
Owner/Occupier 5 Chapel Terrace, Rookhope, Bishop Auckland
K Bingham, West Newlands Farm, Blakeston Lane
Mike Black Burn, 55 Station Road, Norton

Edmundson, The Granary, The Barnes
Anonymous
Mr & Mrs Edwards 29 Westminster Oval Norton
1 Butts lane Hart Village Hartlepool
S C Jones 24 Chelsea gardens Norton
A Atkinson 51 Station Road Norton
Mr H Luke 31 Glaisdale Avenue Newham Grange
Mr and Mrs N Atkinson 19 Westminster Oval
Anonymous
Paul Greenwood, 19 Cranbourne Road Bamford, Rochdale, Lancs.
S Cotterill 7 Monseaton Drive
W M Trendall 8 Bedford Street Stockton-on-Tees
L Davison, 8 Bedford Street Stockton
Mrs M Steel, Bradley Farm, Sandy Lane West
Erskine, Four Acres, Calf Fallow Lane, Norton
Anonymous
David Waller, Windy Hill, Calf Fallow Lane, Norton

5. A further 9 individual objections were received from The Cottage, Viewly Hill Farm, Rosedene House, Viewly Hill Farm, 18 Killing Close, High Grange, Dinley Hill Birtley, Hexham, Wolviston Mill Cottage, Mill Lane, Norton

- The following reasons have been stated for objection:
- Impact upon landscape and lack of screening
- Impact upon walkers who use the area
- Impact upon wildlife including owls, bats, kestrels
- Noise
- Pollution
- The access road is dangerous and may create problems for maintenance
- The applicant does not live at the address, this may impact on the maintenance of the turbine
- The application is outside the limits to development
- Had the boundary of the limits of the local plan been extended the area would be within Billingham beck valley green wedge and as such would be subject to greater restrictions
- The structure would appear overbearing for neighbouring properties
- The land is agricultural land
- The shadow flicker would impact upon the bridle path close to the application site and the surrounding residential properties
- Precedent for further development
- Impact upon television and radio reception and aviation radar
- Piecemeal approach to turbine development is detrimental to the development of properly managed wind farms
- There are more appropriate locations within the borough for turbines
- Detrimental impact upon the community
- Impact upon the overhead lines in close proximity to the site

Concerns have also been raised regarding the position of the site notices.

6. PLANNING POLICY

7. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for

the area, unless material considerations indicate otherwise. In this case the relevant Development Plans is the Core Strategy Development Plan Document, Stockton on Tees Local Plan (STLP) and the Regional Spatial Strategy (RRS).

8. The following planning policies are considered to be relevant to the consideration of this application:-

Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change

All new residential developments will achieve a minimum of Level 3 of the Code for Sustainable Homes up to 2013, and thereafter a minimum of Code Level 4.

All new non-residential developments will be completed to a Building Research Establishment Environmental Assessment Method (BREEAM) of 'very good' up to 2013 and thereafter a minimum rating of 'excellent'.

The minimum carbon reduction targets will remain in line with Part L of the Building Regulations, achieving carbon neutral domestic properties by 2016, and non domestic properties by 2019, although it is expected that developers will aspire to meet targets prior to these dates.

To meet carbon reduction targets, energy efficiency measures should be embedded in all new buildings. If this is not possible, or the targets are not met, then on-site district renewable and low carbon energy schemes will be used. Where it can be demonstrated that neither of these options is suitable, micro renewable, micro carbon energy technologies or a contribution towards an off-site renewable energy scheme will be considered.

For all major developments, including residential developments comprising 10 or more units, and non-residential developments exceeding 1000 square metres gross floor space, at least 10% of total predicted energy requirements will be provided, on site, from renewable energy sources.

All major development proposals will be encouraged to make use of renewable and low carbon decentralised energy systems to support the sustainable development of major growth locations within the Borough.

Where suitable proposals come forward for medium to small scale renewable energy generation, which meet the criteria set out in Policy 40 of the Regional Spatial Strategy, these will be supported. Broad locations for renewable energy generation may be identified in the Regeneration Development Plan Document.

Additionally, in designing new development, proposals will:

Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;

Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;

Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;

Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.

The reduction, reuse, sorting, recovery and recycling of waste will be encouraged, and details will be set out in the Joint Tees Valley Minerals and Waste Development Plan Documents.

SITE AND SURROUNDINGS

9. The application site is within an agricultural field located to the west of Viewley Hill Farm. There is a track to the north of the proposed location of the turbine which provides access to Wolviston Mill farm which is a livery yard. There are mature trees and hedges adjacent to the field boundary to the north. The surrounding area is predominantly agricultural and horsiculture. There are residential properties to the east and west of the application site.
10. The closest residential property, Viewley Hill Cottage, is to the east of the site and located approximately 160 metres away. The host dwelling to the east is located approximately 180 metres. There is a further residential property to the east, Rosedene which is located approximately 260 metres from the location of the proposal. The residential property to the west, Wolviston Mill, is situated upon a lower level than the application site and is located approximately 140 metres from the location of the proposed turbine.

MATERIAL PLANNING CONSIDERATIONS

11. The consideration of wind turbine proposals is a balance between Government Policy and commitment to the development of renewable energy resources, with a general aim of reducing carbon dioxide emissions in line with international agreements, and the protection of the environment and residential amenity of any neighbouring occupiers. In assessing the application careful consideration was given to the responses from specialist consultees, interested parties and local residents. It is considered that the key issues in this case are:

- Whether the development is in accordance with National and Local Policy
- Landscape and Visual Impact
- Impact of noise on residential amenity
- Impact on Nature Conservation
- Safeguarding issues
- Health, Safety and other issues

12. NATIONAL AND LOCAL POLICY

Achieving the commitments as contained within PPS 22 and the Energy White Paper will require at least 40% of electricity to be generated from renewable sources by 2060. In the shorter term the Government is committed to the achievement of 10% renewable electricity by 2010 and is aiming for 20% by 2020. The Regional Spatial Strategy for the north east has a sub regional target for Tees Valley for the provision of 138 MW generation by 2010 of which this proposal would provide for approximately 0.96%.

13. This guidance states that renewable energy development should be capable of being accommodated throughout England in locations where the technology is viable and environmental, economic and social impacts can be satisfactorily addressed. There is an acceptance that turbine siting will always be a compromise between maximising energy capture and minimising visual impact.
14. The Regional Spatial Strategy includes a plan which identifies the broad areas of least constraint for onshore and off shore wind resource areas, which is intended as a guide to appropriate turbine locations. These generally fall along the east coast, having a medium resource area being identified between Hartlepool and Stockton. The application site lies to the south of the identified area. The RSS states however that this does not remove the need to consider the potential for onshore wind developments in other parts of the region.

Proposals for onshore wind development within and outside these broad areas should be assessed against the criteria contained within policy 41 of the RSS.

15. Policy 41 of the Regional Spatial Strategy lists criteria against which such proposals should be considered which are replicated within Policy 2A of the Tees Valley Structure Plan, although also indicates the need to consider the cumulative impact of such proposals.

Landscape and visual impact

16. Wind turbines, by their very nature, have a visual impact but the visual impact will affect each resident differently, having individual perceptions as to whether they are a positive addition to the landscape or merely a blot on the landscape.
17. Owing to its elevated position the proposed turbine will be visible from various points on Calf Fallow Lane, however this does not necessarily mean that it will be visually harmful. Therefore the issue is whether the turbines would have an oppressive and overbearing impact on residential properties and the amenity of the surrounding area.
18. The Councils Landscape Architects consider that that in view of existing pylons within the landscape setting (which are stated as being of a greater height), the overall height of the proposed turbine, the distance from the surrounding houses, and the position away from the summit, the turbine would not dominate the views of residents.
19. When viewed from the south, on the opposite side of the valley, where longer distant views are afforded the turbine will be partly softened by a back drop of trees and hedges including vegetation in the adjacent boundary field hedges and the tree belts to the north along Wynyard Road and those forming Corners Plantation. Such a view would be gained from the track that leaves Calf Fallow Lane to the west where the higher ground affords views across the area toward the proposed turbine site at an approximate distance of 0.75 kilometres. Similar views will be gained from the farms to the west and footpaths to the east. Owing to the large separation distance from properties to the south and the topography of the land it is not considered that the proposal will appear unduly dominant.
20. Views from the north are generally softened by existing hedges and trees both and as the turbine is away from the highest ground on land sloping south only partial views of the turbine will be afforded.
21. Views from the nearby properties closest to the application - Wolviston Mill, Viewly farm Cottage and Rosedene and views from the adjacent public footpaths will be affected but the presence of existing trees and hedges will help to soften the impact of the development.
22. As such while the Councils Landscape Architects acknowledge the potential visual impact of the development of the turbine it is not considered to be substantial enough to warrant an objection to the development. A condition is recommended to ensure the colour of the proposal minimises the impact upon the surrounding area.
23. It is considered that as a result of the overall height of the turbine and the intervening distances between the turbine and residential properties that the proposed development would not have a significant impact on the visual amenity of the area, being in accordance with Policy CS3 of the adopted Core Strategy.
24. In terms of the cumulative impact of wind turbines on the landscape there are no other approvals or applications within this particular area of Stockton for turbines of a similar or greater magnitude. As such, given the scale of the proposed development, it is considered that this proposal would not have an undue cumulative impact.

Noise

25. The applicant has submitted information regarding the noise levels which are set out in the table below;

26. Noise levels at 12 metres away from generator (average value of three point- right, left, rear)

27. Wind Speed (m/s)	db
3	21.3
4	21.7
5	29.4
6	30.6
7	41.4
8	44.5
9	50.3
10	54.8
11	58.4
12	59.4

28. The table below indicates the predicted noise generated by the proposed wind turbine against other well-known noise sources in order to help give an understanding of the likely level of noise:

29. Source / Activity

30. Indicative noise level db(A)

- Threshold of pain = 140
- Jet aircraft at 250m = 105
- Pneumatic drill at 7m = 95
- Truck at 30 mph at 100m = 65
- Busy general office = 60
- Car at 40 mph at 100m = 55
- Quiet bedroom = 35
- Rural night-time background = 20 - 40
- Threshold of hearing = 0

31. Source: TNEI Services - reproduced from PPS 22 Companion Guide

32. The location of the proposed turbine is approximately 180m from the nearest residential property, Viewly Hill Cottage. The Councils Environmental Health Officer has assessed the information and has raised no objection or concern in respect to the proposed development. A condition is recommended to ensure that the noise emission shall not exceed 35dB (A) or 5dB (A) above background noise level (LA90, 10 minute) at wind speed within the site not exceeding 10 metres per second measured at any residential dwelling to ensure that the proposal does not result in a detrimental impact upon the amenity of surrounding residential properties.

Impact on nature conservation

33. The site is located on an open field away from any areas of nature conservation interest and should not result in the destruction of any designated habitat. RSPB were consulted regarding the application and have raised no objections on the grounds that it is not considered that a 16m high turbine in this location would not be a significant risk to birds, either through collisions to flying birds or by displacing birds from the surrounding area.

34. Tees Valley wild life also checked the application site against records of Local Wildlife Sites and protected species and do not consider that the proposal will have a significant and adverse effect on wildlife. As such no objections are raised.

Air Traffic Safety

35. National Air Traffic Services (NATS) have advised that they have considered the proposed development from a technical safeguarding aspect and does not conflict with their criteria. Accordingly NATS have no safeguarding objection to the proposal.

TV Interference

36. Although technological advances in transmission are taking place which should eventually eliminate problems of interference with wind turbines and similar structures, wind turbines can cause interference to television reception. In such circumstances transmission interference could be mitigated against through the provision of a more sensitive receiver for householders, moving antenna to receive from a different source transmitter, a local rebroadcast facility could be provided or an alternative means of transmission such as satellite or cable could be used by affected households.
37. Owing to the minimal scale of the proposed turbine it is not considered that the proposal will result in a significant impact upon transmission. However due to the nature of the proposal it is impossible to accurately predict the precise impact on television reception and should planning permission be granted a suitable condition is recommended that would require any television interference problems to be rectified by the developer through an agreed mitigation scheme.

National Grid, Mobile Operators and other links

38. The proposed turbine will be a minimum distance of the maximum turbine height + 20m away from the adjacent power lines in order to safeguard in the event of the turbines collapse. The environmental report submitted advises that the pylons are 77m away which achieves this distance. A condition has been attached to ensure this.

Other Matters

Highway Safety

39. The Acting Head of Technical Services has raised no objections providing that information is submitted which outlines how the turbine will be transported to the site in order to assess the impact upon the highway network. The applicant has confirmed that the turbine will be delivered in sections by a delivery van and will not involve and abnormal loads. As such it is not considered that the proposed development will result in a significant impact upon the highway network.

40. It is also noted that the proposal will not directly affect any public rights of way.

Impact upon horses

41. Guidance from the British Horse Society in relation to wind farms indicates that;
42. *'as a starting point when assessing a site and its potential layout, a separation distance of 4 times the overall height should be the target for National Trails and Ride UK routes, as these are likely to be used by equestrians unfamiliar with turbines, and a distance of 3*

times overall height from all other routes, including roads, with the 200m recommended in the Technical Guidance to PPS 22 being seen as the minimum, where it is shown in a particular case that this would be acceptable. The negotiation process recommended in PPS 22 should indicate whether, in the particular circumstances of each site, these guidelines can be relaxed or need strengthening to minimise or eliminate the potential difficulties.'

43. However, the companion guide to PPS 22 advises;
44. *The British Horse Society, following internal consultations, has suggested a 200 metre exclusion zones around bridle paths to avoid wind turbines frightening horses. Whilst this could be deemed desirable, it is not a statutory requirement, and some negotiation should be undertaken if it is difficult to achieve this.*
45. The nearest bridleway to the site is located to the south of the site and is separated from the proposal by agricultural land. As such it exceeds the upper guideline of the British Horse Societies Distance criteria. As such it is considered that there would not be any significant undue impact on horse riding along the local highway network.

Shadow Flicker

46. Shadow flicker occurs when the turbine rotor is positioned between the sun and a receptor, in particular a narrow opening such as a window of a nearby residence. The probability of this occurring and the extent of such an effect depends on a number factors including the orientation of the dwelling relative to the turbine, distance from the turbine, turbine hub height, rotor diameter, time of year and the proportion of daylight hours when the turbine operates.
47. Guidance states that it is accepted that shadow flicker does not occur at distances greater than the equivalent of ten times the rotor diameter, which in this case would be 200m. In view of the nearest property on Harrowgate Lane being 330m away it is considered shadow flicker would not be an issue.

Property Prices

48. This is an issue that it is impossible to address as house prices are influenced by many factors. As such this issue cannot be treated as a material planning consideration when assessing the planning application.

Site Notices

49. Concerns have been raised regarding the position of the site notices however, in addition to the consultations, two site notices were placed at the entrance to Calf Fallow Lane from Billingham and Norton. The position of the notices were chosen to maximise publicity as it was considered that the positions would be visible from public highways rather than on the farm site which is down a narrow track.

CONCLUSION

50. The impacts of the proposal have been considered against national, regional and local planning guidance and whilst it is considered the erection of wind turbines of the scale proposed will have an impact on many of the above referenced matters and in particular on the character and appearance of the landscape, given the small scale of the development and distance from surrounding residential properties it is considered that the impacts are acceptable for the reasons cited within the main body of this report. It is

considered however, that in order to adequately control and mitigate the impacts of the development that a wide range of conditions are required to be imposed.

51. It is considered that the proposals accord with the guidance of PPS 1, PPS 7, PPS9, PPS 22 and PPS 24, Regional Spatial Strategy Policies 39, 40 and 41 and adopted Core Strategy policy CS3.

**Corporate Director of Development and Neighbourhood Services
Contact Officer Miss Helen Turnbull Telephone No 01642 526063**

IMPLICATIONS

Financial Implications: None

Environmental Implications: None

Human Rights Implications:

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report

Community Safety Implications:

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report.

Background Papers: Application 09/2974/FUL

WARD AND WARD COUNCILLORS

**Ward Northern Parishes
Ward Councillor Councillor J Gardiner**