

**PLANNING APPLICATIONS COMMITTEE**

19 June 2013

**PRESENT** – The Mayor (Councillor Johnson); Councillor Baldwin (in the Chair); Councillors Cartwright, Cossins, L. Haszeldine, Knowles, Long, Macnab and J Taylor. (9)

**APOLOGIES** – Councillors Lee, D.A. Lyonette and Regan (3)

**ABSENT** – Councillor Stenson (1)

**ALSO IN ATTENDANCE –**

**OFFICERS** – Roy Merrett, Development Manager, Stephen Pollock, Environmental Health Officer and Andrew Errington, Lawyer (Planning) within the Resources Group.

**PA9. DECLARATION OF INTERESTS** – There were no declarations of interest reported at the meeting.

**PA10. PROCEDURE** – The Borough Solicitor’s representative gave a short presentation which outlined the procedure to be followed during consideration of the applications for planning permission before this Committee.

**RESOLVED** – That the procedure be noted.

**PA11. APPLICATIONS FOR PLANNING PERMISSION**

**Planning Permission Granted**

**12/00751/FUL - Moor House, Bishopton Lane, Great Burden.** Erection of six wind turbines and ancillary works without complying with condition 22 of planning permission 11/00160/FUL, and substituting an alternative condition with revised wording.

(In reaching its decision, the Committee took into consideration 14 individual letters and E-mails and approximately 85 pro-forma notes signed by some 145 individuals of objection that had been received, the views of Sadberge Parish Council who supported the revised wording subject to the Council enforcing the condition in a timely manner when required to do so, the views of Bishopton Parish Council who also supported the revised wording, the views of East and West Newbiggin Parish Meeting and Little Stainton Parish Meeting, both of whom felt the original condition should remain, the views of the Seven Parishes Action Group which supported all the objecting Parishes, the revised comments of the Council’s Environmental Health Officer and the comments of the Council for the Protection of Rural England, all of which had been received. In addition, the Committee also took into consideration the views of the applicant’s agent and a representative of Sadberge Parish Council, who spoke in support of the revised wording, both of whom Members heard).

The Development Manager re-iterated that the revised condition wording was not considered to meet all of the tests in the Circular guidance for imposing conditions however, it was not considered possible to devise a more suitable condition; that the developer had effectively agreed to be bound by the condition which, subject to evidence, ultimately gave the Local Planning Authority the power to take action; that the revised wording was more effective than the original in that there would potentially be a shorter investigation period (under the previous wording this could potentially be up to six months) therefore potentially more responsive mitigation.

**RESOLVED** – That, taking the above into account, planning permission be granted subject to a section 106 agreement in the same terms as attached to planning permission Ref No. 11/00160/FUL and with conditions attached as to planning permission Ref No. 11/00160/FUL but, on the balance of considerations, with a revised condition number 22 as follows :-

22. In the event of a complaint from a resident local to the consented wind farm relating to noise and, in the opinion of the Local Planning Authority, there is clear evidence\* that this is a consequence of the level or characteristics of noise attributable to the operation of the said wind farm such that harm to living conditions is being caused to the aforementioned complainant, the operator shall within two weeks (unless otherwise agreed in writing with the Local Planning Authority) of the Local Planning Authority communicating its aforementioned opinion, submit measures to be agreed in advance with the Local Planning Authority to address either before, or at the time of their occurrence, the characteristics identified as causing the said harm. Such measures will include a timescale for their implementation and measures to monitor and demonstrate their effectiveness. Thereafter the wind farm shall be operated in accordance with any such measures agreed under the terms of this condition.

\*Such evidence will have been gathered in accordance with the procedures set down in the current EMP agreed under the terms of this consent.

**Reason** – In order to protect residential amenity

(NOTE – In granting approval to the revised condition, the Planning Committee noted that the applicant agreed, at the meeting, to the revision and agreed to be legally bound by it).