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High Peak Borough Council

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TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2010

FULL PLANNING APPLICATION

PERMISSION

Applicant Mr Warren Ash
The Lodge Lower Eaves Farm
Chapel en le Frith
SK23 9UA

Agent Investment Renewables Ltd
Unit 2
14 Wakefield Road
Grange Moor
Wakefield
WF4 4DS

Application no. HPK/2013/0690

Registered on 19/02/2014

Determined on 07/08/2014

High Peak Borough Council hereby **PERMIT** this application for **FULL PLANNING PERMISSION** for

Proposed Installation of 1 No 15m 5KW Wind Turbine at Lower Eaves, Chapel-En-Le-Frith

in accordance with the submitted application, details and accompanying plans listed below subject to the following conditions and reasons:-

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission unless some other specific period has been indicated in other conditions given.

2. Prior to the commencement of development, a scheme shall be submitted to and approved in writing detailing the means of getting all the equipment/construction traffic to site - including routing of all HGV vehicles, traffic management and all modifications to the public highway, including Public Rights of Way, as may be required. The approved scheme shall be implemented in full.

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Signed on Behalf of High Peak Borough Council

3. No development shall take place until a Written Scheme of Investigation for archaeological monitoring has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and

(a)1. The programme and methodology of site investigation and recording

2. The programme and provision to be made for post investigation analysis and reporting;

3. Provision to be made for publication and dissemination of the analysis and records of the site investigation

4. Provision to be made for archive deposition of the analysis and records of the site investigation

5. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation"

b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a)."

c) Within a period of 12 weeks from completion of the development the archaeological site investigation and post investigation analysis and reporting shall have been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (a) and the provision to be made for publication and dissemination of results and archive deposition shall have been secured."

4. If the wind turbine hereby permitted ceases to be used or is made redundant, the turbine shall be removed within three months and the land restored to its former condition.

5. The noise emissions from the wind turbine shall not exceed a sound pressure level LAeq,T of 35dB when measured or otherwise determined within the curtilage of any dwelling lawfully existing at the time of this consent at wind speeds up to and including an average level of 8 ms-1 over the measurement interval. In the event that the noise levels exceed the permitted levels, the wind turbine shall cease operational use, until the permitted noise levels can be achieved.

The time period "T" of the measurement shall equate to a time in seconds that equates to four times the diameter of the rotor diameter as measured in metres, of the turbine. Thus if the blades have a diameter of ten metres, "T" is 40 seconds. The sound pressure level shall be measured at least 3.5m away from reflecting surfaces other than the ground and at a height of 1.2-1.5m. Adjustment must be made to exclude the contribution of extraneous noise in the determined value.

6. The development hereby permitted shall be carried out in accordance with the following approved plans:Location Plan, Block Plan, 0140-AD-00281, EVN_5kW_F_003, EVN_5kW_F_801.1, EVN_5kW_F_801.2, EVN_5kW_A_901, EVN_5kW_A_902, EVN_5kW_A_903, EVN_5kW_C_901, EVN_5kW_C_902, EVN_5kW_C_903 and EVN_5kW_A_701.

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Reasons

1. The time limit condition is imposed in order to comply with the requirements of sections 91, 92, 93 and 56 of the Town and Country Planning Act 1990 and section 51 of the Planning and Compulsory Purchase Act 2004.

2. In the interests of highway safety, in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.

3. To enable the site's archaeological remains to be properly investigated and recorded, in accordance with Policy BC10 of the High Peak Saved Local Plan Policies 2008.

4. Permission has only been granted to meet a specific justification in an area where wind turbines would not normally be allowed, in accordance with Policy CF10 and Policy OC5 of the High Peak Saved Local Plan Policies 2008.

5. In order to protect the amenities of surrounding residential properties, in accordance with Policies CF10 and GD5 of the High Peak Saved Local Plan Policies 2008.

6. For the avoidance of doubt and in the interests of proper planning.

Summary of reasons for granting permission

The decision to grant planning permission has also been taken having regard to all other relevant material planning considerations and to the following relevant policies and proposals in the Development Plan.

This is considered to be a sustainable form of development and so complies with the provisions of the NPPF.

POLICIES RELEVANT TO THIS DECISION

High Peak Local Plan Saved Policies

CF10 - Renewable Energy
GD5 - Amenity
OC1 - Countryside Development
OC3 - Special Landscape Area Development
OC4 - Landscape Character and Design
OC8 - Sites of Importance for Nature Conservation
OC10 - Trees and Woodlands

National Planning Policy Framework
Paragraphs 17, 96-98, 109

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Notes to Applicant

1. Construction works and Abnormal Load routing are likely to require Traffic Management and advice regarding procedures should be sought from the Highway Authority's Traffic Management Section - contact David Nicholson (01629 538685)

2. The application site is close to a Public Rights of Way. The routes must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Advice regarding the temporary (or permanent) diversion of such routes may be obtained from the Strategic Director of Economy Transport and Environment at County Hall, Matlock (tel: 01529 580000 and ask for the Rights of Way Officer).
3. The wind speed is determined by direct measurements at a height of ten metres above ground level at a location within 100m of the dwelling at which the noise measurements are determined and they are then converted to hub height values using the procedures set out in the performance standard, the British Wind Energy Association Small Wind Turbine Performance and Safety Standard of 29th February 2008.
   The use of the alternative location of wind speed measurements near an affected dwelling is only relevant and to be incorporated where the topography for the proposed development is such that dwellings in the vicinity will experience a similar wind speed profile and the turbine is more than 100m from the dwelling curtilage. Where there is doubt on this then the procedure in the performance standard should be used.
4. The applicant is advised that the Safeguarding Authority for Manchester Airport should be notified one month in advance of the wind turbine becoming operational. They can be contact at Group Planning Director, Group Planning, MAG, 3rd Floor Olympic HOuse, Manchester Airport, Manchester, M90 1QX Tel 0161 489 2767.

Plans
The plans to which this Notice refers are listed below:
Location Plan, Block Plan, 0140-AD-00281, EVN_5kW_F_003, EVN_5kW_F_801.1, EVN_5kW_F_801.2, EVN_5kW_A_901, EVN_5kW_A_902, EVN_5kW_A_903, EVN_5kW_C_901, EVN_5kW_C_902, EVN_5kW_C_903, EVN_5kW_A_701.

Please Note: This decision notice does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Approval under the Building Regulations may also be required. Advice in this respect can be obtained by contacting the Councils Building Control Section on 0845 129 7777.

Any other statutory consent necessary must be obtained from the appropriate authority.

Where a vehicle is often driven across a grass verge or kerbed footway to and from premises adjoining a highway, the occupier of the premises may, be required to pay the cost of construction of a crossing, and/or may be required to comply with conditions, imposed by the Authority. You

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should contact the Highway Authority, Derbyshire, County Council at County Hall, Matlock, Derbyshire, tel. 01629 580000.

This consent is granted subject to conditions and it is the owner(s) and the person(s) responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond. **A fee is payable to us for the discharge of condition. Please refer to our web site : www.highpeak.gov.uk for details.** If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent:
(a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.
(b) Where a condition precedent is breached and the development is unauthorised, the only way to rectify the development is the submission of a new application.

Other conditions on this permission must also be complied with. Failure to comply with any condition may render the owner(s) and the person(s) responsible for the implementation of the development liable to enforcement action.

The permission is granted in strict accordance with the approved plans. It should be noted however that:
(a) Any variation from the approved plans following commencement of the development irrespective of the degree of variation will constitute unauthorised development and may be liable to enforcement action.
(b) Variation to the approved plans will require the submission of a new planning application.

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Signed on Behalf of High Peak Borough Council