

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	3/2011/0178
FULL APPLICATION DESCRIPTION:	ERECTION OF 1 NO. WIND TURBINE ON 35M TOWER WITH OVERALL HEIGHT OF 60.75M
NAME OF APPLICANT:	Crook Golf Club Ltd
ADDRESS:	Crook Golf Club, Low Job's Hill, Crook
ELECTORAL DIVISION:	Crook South
CASE OFFICER:	Colin Harding colin.harding@durham.gov.uk 03000 263945

DESCRIPTION OF THE SITE AND PROPOSALS

The site

1. The application site is located on land approximately 180m to the north west of Crook Golf Club Clubhouse.
2. Low Job's Hill runs in a north/south direction approximately 350m to the west of the proposed turbine, whereas the A690 runs in an east/west direction approximately 0.5km to the south.
3. The nearest settlements are Crook to the west and Helmington Row approximately 0.7km to the south east.
4. A number of individual residential properties lie within close proximity to the application site, these include properties on South Terrace and High Job's Hill to the north west of the site, Job's Hill to the south and scattered properties including Alma House and Hill House to the east.
5. The application site does not include any area designated for its landscape, historic or ecological value. Further afield there are designated sites of historic interest within the wider vicinity of the site. Crook Conservation Area lies 0.3km to the north and west and includes Crook Market Place, as well as Church Hill and parts of High Job's Hill, which are included in order to protect the setting of Our Lady and St Cuthbert's Church, itself a Grade II Listed Building.
6. Public Rights of Way nos. 34 and 102 Crook skirt the field within which the turbine would be sited, to the north and east.
7. The application site lies in an area where wind turbines are already features in the landscape, with the sizeable Tow Law complex to the north west of the site.

8. Planning permission is sought for the erection of a single wind turbine located in an area of rough grassland and gorse within the grounds of Crook Golf Club.
9. The proposed turbine would be of a maximum height of 35m and maximum overall tip height of 60.75m. The proposed wind turbine would have a generating capacity of approximately 500kW. The turbine would operate at all times when wind speeds are suitable, with the exception of downtime for maintenance.
10. The turbine type would be of a typical modern design incorporating a tubular tower and three blades attached to a nacelle housing the generator and other operating equipment. The turbine would be off-white in colour.
11. The generated electricity is to be utilised in the existing Golf Club and where surplus is produced, this will be exported to the National Grid.
12. Vehicular access to the application site would be taken off Low Job's Hill, utilising the existing Golf Club access, therefore no highways works are proposed.
13. The turbine would have a typical operational life of 20 - 30 years. On a day to day basis the turbine would operate automatically, responding by means of anemometry equipment and control systems to changes in wind speed and direction. These systems are designed to control issues such as rotor speed, direction and angle as well as generator temperature. The turbine would be removed at the end of its operational and the site reinstated to its original appearance, unless otherwise agreed.
14. The application has been supported by a number of technical documents including: a Design and Access Statement, Wind Turbine Technical Description, Coal Mining Risk Assessment, Noise Assessment, Shadow Flicker Report and Photomontages.
15. The current proposal represents an amendment to the application as originally submitted. that proposed a 40m high turbine with a maximum overall tip height of 67m. This has been reduced to a 35m turbine with an overall height of 60.75m following discussions between officers and the applicant.
16. The application is reported to committee at the request of Councillor Eddie Murphy due to the height and scale of the proposal and its impact upon the visual amenity of the surrounding area.

PLANNING HISTORY

17. 3/2010/0119 – Erection of wind turbine– Withdrawn May 2010

PLANNING POLICY

NATIONAL POLICY:

18. *Planning Policy Statement 1: Delivering Sustainable Development* sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.
19. *Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS4)* outlines the Government's objectives to help achieve sustainable economic growth including the

positive approach to be taken to development that helps to build prosperous communities, promote regeneration and tackle deprivation.

20. *PPS 5: Planning for the Historic Environment* – explains Government policy in respect of the conservation of the historic environment.
21. *Planning Policy Statement 7 (PPS7)* sets out the Government's planning policies for rural areas, including country towns and villages and the wider, largely undeveloped countryside up to the fringes of larger urban areas.
22. *Planning Policy Statement 9 (PPS9)* sets out planning policies on protection of biodiversity and geological conservation through the planning system.
23. *Planning Policy Guidance Note 14: Development on Unstable Land* - sets out the broad planning and technical issues to be addressed in respect of development on unstable land.
24. *Planning Policy Statement 22 (PPS22)* sets out the Government's policies for renewable energy.
25. *Planning Policy Guidance 24 (PPG24)* outlines the considerations to be taken into account in determining planning applications both for noise-sensitive developments and for those activities which generate noise.
26. *The emerging National Planning Policy Framework (NPPF)*, currently in draft form, is a material consideration in the determination of planning applications, and advances a presumption in favour of sustainable development to encourage economic growth.

The above represents a summary of those policies considered most relevant. The full text can be accessed at:

<http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>

REGIONAL PLANNING POLICY

27. *The North East of England Plan - Regional Spatial Strategy to 2021 (RSS)* July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.
28. In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when Orders have been made under section 109 of the Localism Act 2011, and weight can now be attached to this intention. The following policies are considered relevant;
29. *Policy 2 – Sustainable Development* promotes sustainable development and construction through the delivery of identified environmental, social and economic objectives.
30. *Policy 3 – Climate Change* requires new development to contribute towards the mitigation of climate change and assist adaption to the impacts of climate change.
31. *Policy 6 – Locational Strategy* – places particular importance on the conservation and enhancement of the Region's Biodiversity.

32. *Policy 8 – Protecting and Enhancing the Environment* seeks to maintain and enhance the quality, diversity and local distinctiveness of the North East environment.
33. *Policy 31 – Landscape Character* –requires proposals to have regard to landscape character assessments.
34. *Policy 32 – Historic Environment* – recognises that a number of elements constitute the historic landscape, including particular landscapes, buildings, semi-natural and natural features.
35. *Policy 33 - Biodiversity and Geodiveristy* advises that planning proposals should ensure that the Regions ecological and geological resources are protected and enhanced to return key biodiversity resources to a viable level.
36. *Policy 40 – Planning for Renewables* – states that in assessing proposals for renewable energy development significant weight should be given to the wider environmental, economic and social benefits arising from higher levels of renewable energy.
37. *Policy 41: Onshore Wind Energy Development* – sets out broad areas of least constraint for medium scale wind energy development.

The above represents a summary of those policies considered most relevant. The full text can be accessed at:

<http://www.gos.gov.uk/nestore/docs/planning/rss/rss.pdf>

LOCAL PLAN POLICY:

38. The following policies of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 are considered relevant in the determination of this application:
39. *Policy GD1 (General Development Criteria):* All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
40. *Policy ENV1 (Protection of the Countryside):* The District Council will seek to protect and enhance the countryside of Wear Valley.
41. *Policy ENV2 (The North Pennines Area of Outstanding Natural Beauty):* Priority will be given to the protection and enhancement of the landscape qualities of the North Pennines Area of Outstanding Natural Beauty. Development which adversely affects the special scenic quality and the nature conservation interest of the AONB will not be permitted.
42. *Policy ENV3 (Area of Landscape Value):* Development will not be allowed which adversely affects the special landscape character, nature conservation interests and appearance of the Area of Landscape Value.
43. *Policy BE1 (Protection of Historic Heritage):* The District Council will seek to conserve the historic heritage of the District by the maintenance, protection and enhancement of features and areas of particular historic, architectural or archaeological interest.
44. *Policy BE5 (Conservation Areas):* The character of each Conservation Area will be protected from inappropriate development.
45. *Policy BE8 (Setting of a Conservation Area):* Development which impacts upon the setting of a Conservation Area and which adversely affects its townscape qualities, landscape or historical character will not be allowed.

46. *Policy T1 (General Policy – Highways)*: All developments which generate additional traffic will be required to fulfil Policy GD1 and :
- i) provide adequate access to the developments;
 - ii) not exceed the capacity of the local road network; and
 - iii) be capable of access by public transport networks.
47. *Policy MW4 (Renewable Energy Allocation)*: Proposals for the development of wind turbines will be allowed on land identified on the Proposals Map, provided that they fulfil the following criteria:
- i) they do not adversely affect the amenity, health and safety of neighbouring properties and residents by reason of noise, vibration, visual dominance, shadow flicker or reflected light; and
 - ii) no electromagnetic interference is likely to be caused to existing transmitting or receiving systems and that measures will be taken to remedy or mitigate any such interference.

Proposals for the erection of wind turbines which adversely affect the scenic quality of the AONB will not be permitted. Sites with planning permission for turbines or operational turbines will be safeguarded from development which would prejudice the generation of electricity.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www2.sedgefield.gov.uk/planning/WVCindex.htm> for Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

48. *Durham Tees Valley Airport* raises no objections as the development is unlikely to affect operations at Durham Tees Valley Airport.
49. *Newcastle International Airport* raise no objections
50. *NATS Safeguarding (Air Traffic Control)* raise no objections
51. *Ministry of Defence* raises no objections, although they do request that in the interests of air safety that the turbine is fitted with aviation lighting.
52. *Natural England* raises no objections.
53. *Coal Authority* raise no objections as the content and conclusions of the Coal Mining Risk Assessment meet the requirements of PPG14 in demonstrating that the application site is, or can be made safe and stable for the proposed development.

INTERNAL CONSULTEE RESPONSES:

54. The *Landscape Section* has commented that as a result of the reduction in turbine height it would no longer be overbearing in views from the closest residential properties at South Terrace. These are also sufficiently far away for issues of cumulative impact to be of little concern. It is acknowledged that in further views the turbine will be clearly visible, but this will be sufficiently distant, and seen in a landscape busy with trees and settlements such that it will not have a significantly adverse visual impact. (The turbine will often not be visible in the conservation area, and when it is, will always be visible in views that are visually cluttered with trees, buildings, street lights etc. is this needed)

55. The *Environmental Health and Public Protection Section* have commented that subject to noise conditions being attached to any grant of planning permission no objections are raised to the scheme.
56. The *Design and Conservation* team has raised no objections, commenting that the applicant has provided photomontages of the view of the proposed turbine from Crook Conservation Area. These generally indicate that although visible from the conservation area, it would not have an overbearing impact upon its setting and would be partially screened by trees surrounding the proposed site and by buildings within the conservation area.
57. The *County Ecologist* has commented that the proposed location has taken into consideration the guidance from Natural England in terms of proximity to foraging/commuting routes and hence, the likely risk of impact on bats is low.
58. The *Public Rights of Way Section* raise no objections.
59. The *Spatial Policy Team* have commented that given the development's scale and its relative proximity to the Conservation Area, together with the visibility of the scheme from the surrounding area, the decision turns on whether the development is suitable in this location and its landscape, visual, environmental and amenity effects are acceptable.

PUBLIC RESPONSES:

60. Nearby residential occupiers were notified by letter about the proposal which was also publicised by a site notice and press advert..
61. As a result a total of 34no. letters of objection were received, as well as 2no. separate petitions of objection containing a total of 146no. signatures. It is noted that some petition signatories also sent individual letters. Furthermore 47no. letters of support were received.
62. It is worth noting that in general the individual letters of objection were received from those residents closest to the site. The letters of support were received from a much wider area, including Brandon, Meadowfield, Chester le Street, Bishop Auckland and Newcastle. It should also be noted that one letter of support was received from the agent, who is himself a local resident.
63. The main concerns raised by objectors relate to : the proximity of the turbine to homes, devaluation of property, noise and subsequent loss of sleep as a result of the turbine, impact on health, adverse visual and landscape impact, that the turbine constitutes a piecemeal approach to renewable energy generation, loss of tranquillity of the countryside, cumulative impact of turbines in the immediate local area, potential adverse impact upon the safety and wellbeing of golfers, adverse impact upon ecology and protected species, television interference and shadow flicker as a result of the turbine, that approval of the application will set a precedent for future proposals in the immediate local area, doubts over the efficiency of the proposed turbine and flaws in the financial case presented by the Golf Club, loss of human rights, land stability due to former mine workings and its suitability for hosting a wind turbine, impact upon the existing Public Rights of Way and a conflict of interest between the applicant and agent.
64. The main reasons for support can be summarised as general support for renewable energy and CO2 reduction schemes, investment in the local area, that the proposal will assist in securing the long term future of the Golf Club and the preservation of sports facilities following the closure of Glenholme Leisure Centre.
65. Following the receipt of amended plans, a further consultation exercise was carried out. This produced a further 27no. letters of objection and a further petition of 5no. signatures. A large proportion of these letters are from previous objectors and reiterate concerns raised during the initial consultation process, although some are new objections. Consequently the issues raised are largely the same as those raised previously.

APPLICANTS STATEMENT:

66. Crook Golf Club is the largest community amateur sports club in the Three Towns Partnership. It has Community Amateur Sports Club (CASC) status and a result its land and assets are vested in the local community. Its membership is in excess of 400 members.
67. The Club employs 11 staff, one member of greens staff accepted voluntary redundancy in December 2010. The annual turnover of the club is approximately £360,000, the vast majority of this income is spent in the local community. The turnover and membership has been falling over the last 6 years.
68. The Club was the first golf club in County Durham to be awarded the Golf Mark accreditation for its outstanding work with club juniors and other children in local schools. The club has a healthy junior section of approximately 60 in number between the ages of 8 and 16. The Club is keen to continue this support and with increased income from the wind turbine will be able to offer free membership to a further 40 juniors under the age of 18.
69. The club already has established links with other local sports clubs and if successful in implementing this project will establish a locally based Sports Trust and an associated Sports Benefit Fund. The Golf Club will donate 10% of the income from the turbine, net of costs, to the Sports Benefit Fund. It is expected that in year 4 of operation of the turbine this will be in the region of £30,000 based on predicted tariffs and wind speeds. This amount will increase with inflation and the expected increases in electricity costs. The donations will be made annually and last for at least 20 years.
70. The Club is an important venue for community based events such as weddings, christenings and birthday celebrations. It offers open access to its clubhouse, liberal access is also provided to its well kept and attractive golf course via public footpaths
71. The “clean energy” supplied by this embedded turbine will be directly used by houses and businesses in the local area. It will reinforce the local electricity supply, reduce carbon emissions in the range of 200-300 tonnes and provide the electricity needs of around 320 homes.
72. The planning application forms sustainable development and attracts substantial policy support at national, regional and local levels. If the application is successful, it will ensure the ongoing viability of Crook Golf Club and many other local sports clubs in the local area. These clubs are essential to the fabric of the local community and make essential contributions to its health and social characteristics, in particular by offering well supported and supervised activities to young people.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at Crook Civic Centre.

PLANNING CONSIDERATIONS AND ASSESSMENT

73. Having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase act 2004 ,the relevant development Plan policies, relevant guidance and all other material considerations including representations received it is considered that the main planning issues in this instance relate to principle of development, landscape and visual impact, residential amenity issues such as noise and shadow flicker, impact on nature conservation, aviation, TV and other communication interference, economic/community benefits, and highway safety.

Principle of development

74. The application site is currently undeveloped, being a field located within the ownership of Crook Golf Club, but does not form part of the actual course itself. The land has no designation within the Wear Valley District Local Plan.
75. Policy MW4 of the Wear Valley District Local Plan states that proposals for the development of wind turbines will be allowed on land identified on the Proposals Map providing that they do not affect the amenity or health and safety of neighbouring occupants or cause electromagnetic interference.
76. The application site lies outside of the area identified in Policy MW4 as being broadly suitable for wind turbine development, however, Policy MW4 does not state or imply that wind turbine proposals in other locations are unacceptable. It would appear reasonable to apply the same assessment criteria contained within Policy MW4 to those sites which lie outside of the identified area.
77. This approach is reflected in the requirements of Policy GD1 of the Wear Valley District Local Plan which states that amongst other criteria, that development should be appropriate in its mass and scale and not to have a detrimental impact on the landscape quality of the surrounding area.
78. The proposal does however lie within an area identified in the RSS as a 'broad area of least constraint for medium scale wind energy development'. The RSS identifies the area as having potential for medium scale development, which it identifies as being 'up to 20-25 turbines'. At present the area contains 35 turbines in 8 developments (Tow Law, High Hedley, High Hedley II, Broomhill, West Durham, Langley, Holmside and the Greenhouse).
79. The sub-regional renewable energy target for County Durham given in the RSS was 82MW installed renewable energy capacity by 2010. At the time of writing this report the County has around 165MW of renewable electricity operational or approved. This will meet around 55% of County Durham's household electricity consumption or 22% of the County's overall electricity. County Durham's 2010 target has therefore been exceeded by a substantial margin and the aspiration to double that target by 2020, included in the emerging County Durham Plan, has already been achieved.
80. Nevertheless, these RSS targets are 'thresholds' not 'ceilings', and their relevance is more in relation to large scale wind farms for energy suppliers, not smaller individual turbines which are intrinsically linked to the site. In this instance the development of a wind turbine on this site is intrinsically linked to the Golf Club itself, with the applicant stating that its operation will secure the financial future of the Club and the role it plays within the local community. The suggested number of turbines given in the RSS is for larger turbines and was not based on an assessment of the capacity of the landscape. The RSS makes reference elsewhere to the need for the location and design of proposals to be informed by landscape character and sensitivity assessments, particularly *the Landscape Appraisal for Onshore Wind Development (GONE 2003)*, which identifies the application site area as belonging to the 'Coalfield Upland Fringe' landscape type which it assesses as being of 'low-medium' sensitivity to wind energy development. It also makes reference to the assessment of planning proposals, as being the 'appropriate level' at which to deal with the issue of the capacity of individual 'broad areas of least constraint'. Ultimately, the intention to abolish the RSS also suggests little weight should be given to the targets therein.
81. Of more relevance is Government guidance contained within Planning Policy Statement 22: Renewable Energy (PPS22), which generally supports onshore wind development. The guidance states that renewable energy development should be accommodated in locations where it is technically viable and where the various impacts referred to above can be satisfactorily addressed. There is an acceptance that there will always be a compromise between maximising the capture of energy and the visual impact that will result.

82. Furthermore, the emerging National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development to encourage economic growth, particularly where it is supported by Local Plan policy. This draft guidance is a material consideration in determining planning applications, and this proposal is considered to be in general conformity with the sustainability aims of the NPPF.
83. The principle of a single wind turbine in this location is therefore considered to be in accordance with national and local planning policies, subject to further consideration of landscape and amenity issues.

Landscape and Visual Impact

84. Non-domestic scale wind turbines will always have some visual impact upon the landscape within which they are located and could have an impact on the amenities of people who live in the locality. The degree of impact however, depends on the size of the turbines, form and character of the landscape and the perceptions of the public who are affected by the development.
85. In order to assess the visibility of the turbine from both far and near, Zones of Theoretical Visibility (ZTV) have been submitted as part of the planning application. The potential impact of the turbine has been assessed by producing photomontages of various viewpoints of the application site based on the ZTVs.
86. The assessment of the landscape impact has been assisted by the comprehensive comments of the Durham County Landscape Architect. This section of the report will be split into the following five sections:
- Physical Impacts
 - Impact on Landscape Character
 - Cumulative Impacts
 - Impact on Designated Landscapes
 - Impact on Heritage Assets

Physical Impacts

87. The physical impacts of the development would be relatively minor, with the turbine itself being of a small footprint and located within an area characterised by grassland and gorse scrub. Whilst an amount of this would be lost in order to facilitate the development, the overall physical impact on the character and appearance of the area would not be significant.

Impacts on landscape character

88. The Zone of Theoretical Visibility shows that the proposed turbine would be widely visible across the higher ground of the southern part of the West Durham Coalfield. It would also be visible at greater distances (12 – 17km) from the Wear Lowlands east of the River Wear and moorlands on the eastern edge of the North Pennines.
89. Views are typically wide panoramas taking in visually complex settled landscapes with wind turbines, communication masts and overhead services prominent on skylines. The scale of the impact on the landscape would be strongly influenced by distance, as considered below.

Longer distance views (>4 km)

90. In general it is considered that the turbine would have a low impact where it would be visible at distances beyond around 4 km from the site, being a relatively small feature in visually complex views.

91. Views from the north would be limited, due to the location of the turbine on the southern flank and a ridgeline.
92. In views from the eastern moors of the North Pennines at distances of 10 – 17km it is considered that the turbine would have low impact being a small feature on a distant horizon, which also contains existing turbines and other vertical elements.
93. In views from the higher ridges of the coalfield at distances of 5 – 10km it is considered that the turbine would similarly have a low impact as a small feature on a distant horizon already containing turbines and other vertical elements.
94. In views from the south, across the Wear Valley from Bishop Auckland and Hamsterley at distances of 12-15km it is considered that the turbine would have a low impact as it would appear as a small feature viewed on a skyline containing other vertical structures seen across a complex and visually cluttered lowland landscape.

Middle distance views (1.5 – 4 km)

95. In general it is considered that the turbine would have a moderate impact at middle distances between around 1.5 and 4 km from the site.
96. In views from the west it could be a relatively prominent feature lying on a ridge that forms a strong skyline in views across Crook from Pea Hill. The skyline to the north presents a relatively unbroken ridge, although the Tow Law turbines do break it. To the south the turbine would be viewed against a landscape of trees and further turbines towards the north sea coast.
97. It is therefore considered that whilst there would be prominent middle distance views of the turbine, these are limited to specific directions. The view demonstrated by photomontage Viewpoint 8 is considered to be very much a “worst case scenario” given the relative height of the viewpoint and the backdrop to the turbine, and is a view that would quickly be lost as the viewer would descend to the east, down High West Road.

Near views (<1.5 km)

98. Within around 1.5 km of the site it is considered that the turbine could have the potential to be viewed as a prominent or dominant feature. Impacts on the character of the local landscape would be generally moderate or high. This level of impact is usually true for development of this nature wherever it occurs. However, whilst the turbine would be situated within close proximity to Crook, the local topography works to its advantage to a certain extent. The potential impact of the turbine could be considerably less than perhaps might be expected, particularly in views from within Crook itself and from the A690 at Helmington Row, as evidenced by Photomontages 1, 2, 3, 4 and 7 where the turbine is either partially concealed by topography, or read against it.
99. There would clearly be some impact on the local landscape, as is always the case for development of this kind. Whether the impact would be sufficient to bring it into conflict with Policy GD1 is a matter of judgement. In this respect, it is considered that the impact would not be sufficiently detrimental to the landscape quality of the surrounding area and therefore an objection on those grounds would be difficult to sustain in the current favourable policy environment.

Cumulative landscape impact

100. There are clusters of wind turbine development in the area, mainly to the north and north west of the application site.
101. In terms of the relationship of the proposed turbine with these clusters, cumulative impacts would be low. In far views, the turbine would appear to be of a similar scale to the existing

turbines and would assimilate well as a minor landscape feature on a distant horizon. In closer views, the topography of the site and its surroundings would result in a situation whereby it would be difficult to view both the proposed turbine and those which currently exist, as essentially they would be located on the other side of the ridge. It is therefore considered that the scheme would not result in an overall level of cumulative impact that was unacceptable.

Impact on designated landscapes

102. The proposed turbine would not be located within any designated landscapes.
103. It could however be visible from parts of the North Pennines Area of Outstanding Natural Beauty (AONB) west of the A68 and moorland ridges on Wolsingham Park Moor at distances between 10 and 15 km. It could also be visible from a number of areas within the Area of High Landscape Value (ALV).
104. Views towards the site from these areas are however across the very different landscapes of the coalfield already containing turbines and other vertical elements, which are seen as small features on a distant horizon and have a low impact.
105. Accordingly, it is considered that the proposed turbine would not have a substantial impact on landscapes of the AONB and ALV. The proposal is therefore in accordance with local plan policies ENV2 and ENV3, as well as RSS policy 8c.

Impact on heritage assets

106. In considering whether to grant planning permission for development which affects a heritage asset or its setting, regard must be given to the desirability of preserving the heritage asset or its setting. s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The site lies relatively close to Crook Conservation Area and would be visible from within it. Regard was also given to the impact of the turbine upon the Grade II listed church on Church Hill, although the ZTV has since demonstrated that the turbine would be almost entirely screened from this position and any impact would therefore be minimal.
107. Submitted photomontages have demonstrated that the turbine would be visible from Crook Market Place, however, it would be screened by trees from a variety of angles as well as buildings.
108. Policy HE1.3 of PPS5 states that where conflict between climate change objectives and the conservation of heritage assets is unavoidable, the public benefit of mitigating the effects of climate change should be weighed against any harm to the significance of heritage assets. The public benefit of the proposals is discussed in greater detail below, however given the relatively minor impact of the turbine upon the wider conservation area, it is considered that it would be unreasonable to resist the proposal simply due to its minor impact upon a designated heritage asset, in this case Crook Conservation Area.

Impacts on residential amenity

109. The evidence of past appeal decisions suggests that while there may be a consensus that turbines are likely to be overbearing at distances closer than four times the turbine height, and unlikely to be overbearing at distances of greater than around seven times their height, at distance ranges in between, the acceptability of their impact is influenced by site-specific factors and by the judgements of individual decision-makers.

110. There are a number of properties within that distance range of the proposed turbine. Houses on South Terrace lie at a minimum of approximately 384m (around 6.4 x tip height) to the west of the turbine and would be the properties most affected by this proposal. Significant weight should be given to any major impact upon the residential amenity currently enjoyed by occupiers of these properties. The main aspect of these properties is to the east although there are windows facing towards the site and there would be direct views from within their rear gardens which lie at a minimum of approximately 344m (around 5.7x tip height) from the turbine. Whether the effect of the turbine would be overbearing is a matter of judgement with the height of the turbine potentially being exacerbated by the difference in topography, although the rear gardens do contain a significant amount of mature vegetation to provide some mitigating screening and distraction. It is considered that although the turbine would undoubtedly be prominent from these properties, it would not be overbearing.
111. Properties further to the north of Job's Hill would have a similar relationship to the properties on South Terrace, albeit at an increased distance and more oblique angles. Oak Ridge, for example would be located approximately 500m at around 8.3 x tip height. Officers consider that the turbine would not appear as being overbearing from these properties.
112. Detached properties to the north east, notably Alma House and Hill House lie approximately 515m (around 8.6 x tip height). The rear elevations of the buildings face towards the site and there would be direct views of the turbine from these properties. It is considered that the impact of the turbine on these properties would not be overbearing due to the separation distance involved exceeding the distance in relation to blade diameter as suggested by Planning Inspectors and the intervening topography.
113. There are a number of properties to the south of the application site, at Helmington Row. Again, it is the case that the rear elevations of these properties would face towards the application site but at a distance of around 600m (10 x tip height). It is considered that this would be an acceptable relationship.

Noise

114. Paragraph 10 of PPG24 asserts that much of the development which is necessary for the creation of jobs and the construction of infrastructure will generate noise. It cautions that the planning system should not place unjustifiable obstacles in the way of such development but advises that local planning authorities should ensure that development does not cause an unacceptable degree of disturbance.
115. The PPS22 Companion Guide states that well-specified and well-designed wind turbines should be located so that increases in ambient noise levels around noise-sensitive developments are kept to acceptable limits with regard to existing background noise. This will normally be achieved through good design of the turbines and through allowing sufficient distance between the turbines and any noise-sensitive development so that noise from the turbines will not normally be significant. The Guide also indicates that the noise levels from turbines are generally low and, under most operating conditions, it is likely that turbine noise would be completely masked by wind-generated background noise.
116. The Guide commends the use of 'The Assessment and Rating of Noise from Wind Farms' (ETSU-R-97). It describes a framework for the measurement of wind farm noise and gives indicative noise levels calculated to offer a reasonable degree of protection to wind farm neighbours. ETSU-R-97 states that for single turbines noise levels should be limited to an La90,10min of 35dB at wind speeds of 10m/s at sensitive receptors and that background measurements should not be necessary. The limit of 35dB is derived from the sleep disturbance criteria contained within PPG24.
117. The applicant has modelled the potential noise impact of the turbine upon nearby residential properties in line with advice contained within PPS22 and ETSU-R-97.

118. The modelling suggests that the proposed wind turbine will not exceed the relevant ETSU-R-97 noise limits at any of the nearest residential dwellings, with nos.19 and 20 South Terrace most affected, experiencing noise levels of 34.98dB at wind speeds of 10m/s. The Council's Environmental Health Officers have been consulted on the application and have raised no objections to the scheme, subject to appropriately worded planning conditions being attached to any grant of planning permission.
119. The question of infrasound and low-frequency sound has been raised in representations received. The PPS22 Companion Guide asserts that there is no evidence that ground transmitted low frequency noise caused by wind turbines is at a sufficient level to be harmful to health. Following this review the Government re-stated that ETSU-R-97 should be used for the assessment and rating of noise from wind farms. The same advice pertains to the phenomenon of aerodynamic modulation.
120. It is considered that the development would comply with the noise levels established in the ETSU-R-97 guidelines. Such compliance could be ensured by condition. It is considered that any detrimental effect on local residents through noise associated with the proposed wind turbine would not be sufficient to refuse planning permission.

Shadow Flicker

121. Under certain combinations of geographical position and time of day, the sun may pass behind rotors of a wind turbine and cast a shadow over neighbouring properties. When the blades rotate, the shadow flicks on and off; the effect is known as 'shadow flicker'. It only occurs inside buildings where the flicker appears through a window or narrow opening. Shadow flicker effects cannot therefore occur outside in open spaces. There will not be any adverse impact on users of public rights of way near the site from this effect.
122. A property must be within 10 rotor diameters of the turbine, some 515m in this case, in order to experience shadow flicker. The applicant has identified a number of buildings, which could potentially experience shadow flicker. If it does occur, it is considered that agreed measures would provide appropriate mitigation, the most suitable being computer programming of the turbine to cease operation at times when shadow flicker would occur. The applicant has indicated a willingness to do so, indeed, the Golf Clubhouse itself is one of the buildings that could potentially suffer from shadow flicker.
123. Subject to the use of appropriate conditions, it is considered that any detrimental effect on local residents through incidences of shadow flicker would not be sufficient to refuse planning permission.

Impact on Nature Conservation

124. The proposed wind turbine does not directly affect any designated sites of nature conservation interest and the County Ecologist was consulted at a pre-application stage to ascertain any requirements with regards to protected species risk assessments or surveys. It was indicated at this time that providing the development was in accordance with Natural England Guidelines in relation to wind turbines that no further work would be required.
125. The Natural England Guidelines state that there should be differentiation between impact upon individual casualties and mortality that affects larger populations. Whilst these matters are still under research, it is noted that most bat activity occurs along linear features such as tree lines or wooded areas and that activity significantly decreases more than 50m from such features. Standoff distances for any proposed turbine from such features can be calculated using specific formula, as the applicant has done in this instance with input from the County Ecologist, and has achieved a site which is considered to be unlikely to have a detrimental impact upon populations of protected species in accordance with PPS9 and Natural England Guidance Notes TIN051 and TIN059.

Aviation

126. Due to the height of the turbine and its location on high ground consultation was undertaken with both Newcastle and Tees Valley airports, as well the MOD and NATS safeguarding who all provide air traffic control services in the UK.
127. No objections have been raised on aviation grounds by any of these organisations or agencies and the application is considered to be acceptable in this regard.

TV and other Communication Interference

128. Due to the operation and scale of wind turbines, schemes have the potential to interfere with analogue TV signals.
129. It should be noted that loss of TV reception is most likely to be an issue for properties using analogue signals. It is anticipated that roll-out of digital services will occur by the end of September 2012, with the signal strength of digital broadcasts being increased by up to ten times current levels when this occurs. For those houses currently using satellite or cable TV there will be no significant impacts to TV reception.
130. Should it be demonstrated that the wind turbine has an adverse effect on television reception; the applicant will undertake suitable mitigation measures, at their expense, to return reception to its pre-development quality. Such measures could include re-aligning existing aerials, fitting a booster unit to the aerial, or supply of a cable or satellite service, all within reason given the digital switchover. The use of an appropriate planning condition will be attached to any grant of planning permission to ensure such mitigation occurs.

Economic/Community Benefits

131. In support of the proposal the applicant has stated that the development would help secure the future of Crook Golf Club, an organisation that has seen a downturn in revenue in recent years.
132. It is acknowledged that many of the letters of support for the application relate to the retention of the Golf Club as a community asset.
133. In line with government advice and the localism agenda, it is acknowledged that the contribution that the Golf Club makes to the community should be afforded some weight, although this needs to be considered against the impacts of the turbines on those living nearby that don't use the golf club
134. In addition to the community role played by the Golf Club plays, the proposal would also contribute renewable energy to the grid which could be used by over 300 homes in Crook.
135. The applicant refers to a sport benefit fund which would be created for the use of a local Sports Trust, in association with other local sports groups. It is proposed that 10% of the income from the turbine after net costs would be donated to the fund. It is envisaged that by year 4 of the turbine's operation it could generate as much £30,000 a year. It should be noted however that this is a voluntary offer that the Council cannot secure or control and therefore while it would be welcomed; it has not carried any significant weight in assessing this proposal.
136. A number of objectors have raised the management of the Golf Club and the relationship between the Golf Club and the agent as matters for concern. It is not the role of the Local Planning Authority to become involved in the internal politics or operation of the Golf Club, and such matters have not influenced the consideration of the proposal

Highways

137. The Highway Authority has raised no concerns with regards to the proposal which will make use of the existing access from Job's Hill during construction and any impact would be very short term.
138. The proposal is therefore considered to be in accordance with Policy T1 of the Wear Valley District Local Plan.

Other Issues

139. Health – Concerns have been raised with regard to potential noise impacts and other effects on residential amenity and the perceived wellbeing of nearby residents. As stated previously in this report, the impact of the development in terms of noise and shadow flicker has been assessed and it has been concluded that there will be no unreasonable impacts on adjacent residents.
140. Land Stability – The site lies within an area of previous known mine workings. The applicant has submitted a coal mining risk assessment with the application which has been appraised by The Coal Authority who concur with its findings that the safety and stability of the development should not be compromised by the shallow mine workings, subject to suitable remediation. A condition is proposed to secure investigative works to identify the level of remediation required and the subsequent implementation of these remediation measures.
141. Public Rights of Way – The proposed wind turbines are to be located a sufficient distance from any public footpath or other right of way, to ensure there will be no impact on users sufficient to warrant refusal of the application.
142. Other Representations – Various letters of representation have been received from members of the public. It is considered that the majority of issues raised have been covered in this report. However some representations received have raised issues that are not considered to be relevant to the determination of the planning application. Issues in relation to the economic viability, reliability, and success of wind turbines have not been discussed in any detail; this is because it is established Government policy that where all other environmental and social impacts are controlled, Councils should support wind turbine proposals. Furthermore, issues relating to property values are not material planning considerations. The reference to the Wind Turbines (Minimum Distances from Residential Premises) Bill is noted, however this Bill is still at an early stage in the House of Lords and has not even reached committee stage or been considered in the House of Commons. It is considered therefore to carry extremely limited weight in the consideration of this application.

CONCLUSION

143. There is strong and consistent policy support for renewable energy projects and the proposed wind turbine would make a contribution towards the overall supply of renewable energy. The key consideration in determining the application is whether or not this policy support for the turbine outweighs any adverse environmental or social impacts the proposal may have.
144. The submission provides information in relation to landscape and visual amenity, ecology, noise and shadow flicker together with measures to mitigate any impacts identified. It is considered that the impacts associated with the development can be adequately mitigated through the use of appropriate planning conditions.
145. In terms of visual impact, the proposed wind turbine, would undoubtedly have some impact on the landscape due to its scale and design and would be a highly visible feature in the

immediate locality. However it would also be viewed alongside existing wind turbine development in the area, and would be smaller. There has been some reduction in the size of the proposal since it was first submitted and the overall impact that the proposed development would have on the wider landscape is considered acceptable.

146. The proposed wind turbine is linked to the commercial viability of Crook Golf Club, which performs an important role within the community and weight should be attached to this.
147. The proposed development is considered to accord with the relevant national, regional and local planning policies. Subject to the suggested conditions it is recommended that planning permission be approved.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions and reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References:
 - Crook Golf Club – Design and Access Statement received 13th January 2012
 - EWT Sound Power Level Data – Received 13th January 2012.
 - EWT Directwind 52/54*500 Technical Specification – Received 13th January 2012
 - PR02 – ZTV Comp – 60.75m Total Height received 13th January 2012
 - Photomontages Viewpoints 1, 2, 3, 4, 5, 6, 7, 8, 9a, 9b all received 13th January 2012
 - Photomontages 10 and 11 received 26th January 2012
 - PR 02 – Noise Reference Map received 13th January 2012
 - Site Location Plan 1:1250 received 13th January 2012
 - Site Location Plan 1:7500 received 13th January 2012
 - PR02 – Potential Shadow Flicker received 13th January 2012
 - PR02 – Predicted Noise Levels – EWT D52 received 13th January 2012.
 - Proposed Turbine Elevations – PR02-Directwind D52 – 35m Tower received 13th January 2012.

Reason: To define the consent and ensure that a satisfactory form of development is obtained.

3. The planning permission is for a period from the date of this permission until the date occurring 25 years after the date of commencement of development. Written confirmation of the date of commencement of development shall be provided to the Local Planning Authority no later than 1 calendar month after that event.

Reason: To define the consent.

4. All electrical cabling between the turbine and the on-site connection building shall be located underground. Thereafter the excavated ground shall be reinstated to its former condition within 3 months of the commissioning of the wind turbine to the satisfaction of the Local planning authority.

Reason: In the interests of the visual amenity of the area and to comply with Policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007

5. The applicant shall provide written confirmation of the following details to the Ministry of Defence and Civil Aviation Authority prior to commencement of development:
 - i) Proposed date of Commencement of the Development
 - ii) The maximum extension height of any construction equipment.

Within 28 days of the commissioning of the turbine, the applicant shall provide written confirmation of the following details to the Ministry of Defence and Civil Aviation Authority:

- i) Date of completion of construction
- ii) The height above ground level of the highest potential obstacle (anemometry mast or wind turbine).
- iii) The position of that structure in latitude and longitude
- iv) The lighting details of the site

Thereafter, the development shall only be carried out in accordance with these details.

Reason: In interest of security and air safety.

6. Not later than 6 months after the development hereby approved ceases to become operational, a scheme for the restoration of the site, including the dismantling and removal of all elements above ground level, and the removal of the turbine base to a depth of 1.0m, shall be submitted to and be approved in writing by the Local Planning Authority. The approved scheme shall be carried out and completed within 12 months from the date that the planning permission hereby granted expires, or from the date of any earlier cessation of use as required by Condition 7 below, whichever is the earlier.

Reason: In the interests of the visual amenity of the area and to comply with Policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

7. If, prior to the expiry of the planning permission hereby approved, the wind turbine hereby permitted ceases to operate for a continuous period of 6 months, then the works agreed under the terms of Condition 6 above shall be completed within 12 months of the cessation of operations.

Reason: In the interests of the visual amenity of the area and to comply with Policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

8. The development hereby permitted shall not commence until a scheme to secure the investigation and alleviation of any electro-magnetic interference to television and radio reception, caused by the operation of the wind turbine, has been submitted to and approved in writing by the local planning authority. The procedure set out in the approved scheme shall be followed at all times.

Reason: In the interests of preserving the amenity of residents in accordance with Policies GD1 and MW4 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

9. In relation to the development hereby permitted, construction machinery may be operated, construction processes may be carried out and construction traffic may enter or leave the site between the hours of 0800 hours and 1800 hours Monday to Friday and between the hours of 0800 hours and 1400 hours on Saturdays and at no other times nor on Sundays or Bank Holidays.

Reason: In the interests of the amenity of the area and to comply with Policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

10. The rating level of noise emissions from the wind turbine (including the application of any tonal penalty) shall not exceed 35dB at any residential property. Within 28 days from the

receipt of a written request from the Local Planning Authority, following a complaint to it, the wind turbine operator shall, at its own expense, employ an independent noise consultant approved by the Local Planning Authority to assess the level of noise emissions from the wind turbine at the complainant's property following the procedures described in the attached guidance notes entitled 'Noise Conditions Guidance' and in accordance with ETSU-R-97.

Reason: In order to prevent noise disturbance in accordance with Policy GD1 and MW4 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

11. No development shall commence until there has been submitted to the Local Planning Authority details of a nominated representative for the development to act as a point of contact for local residents together with arrangements for notifying and approving any subsequent change in the nominated representative. The nominated representative shall have responsibility for dealing with any noise complaints made during the construction, operation and decommissioning of the wind turbine development and liaison with the Local Planning Authority.

Reason: In order to prevent noise disturbance in accordance with Policy GD1 and MW4 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

12. The development hereby permitted shall not commence until a scheme to avoid the incidence of shadow flicker at any dwelling or other sensitive property has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved and as necessary.

Reason: In the interests of preserving the amenity of residents in accordance with Policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007

13. Prior to the commencement of development, intrusive site investigation works shall be undertaken, in accordance with recommendations contained with the "Dunelm Report – Mining Risk Assessment – Proposed Wind Turbine, Crook Golf Club", the results of which shall be submitted to and approved in writing by the Local Planning Authority. If the results of the intrusive site investigation identify the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, details of these shall also be submitted to and approved in writing by the Local Planning Authority and remediation works carried out prior to the installation of the wind turbine hereby approved.

Reason: In the interests of land stability in accordance with Policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007

14. Prior to the commencement of development, details of an aircraft recognition beacon to be installed on the turbine shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the turbine shall only be erected in accordance with the details and the beacon shall remain operational thereafter.

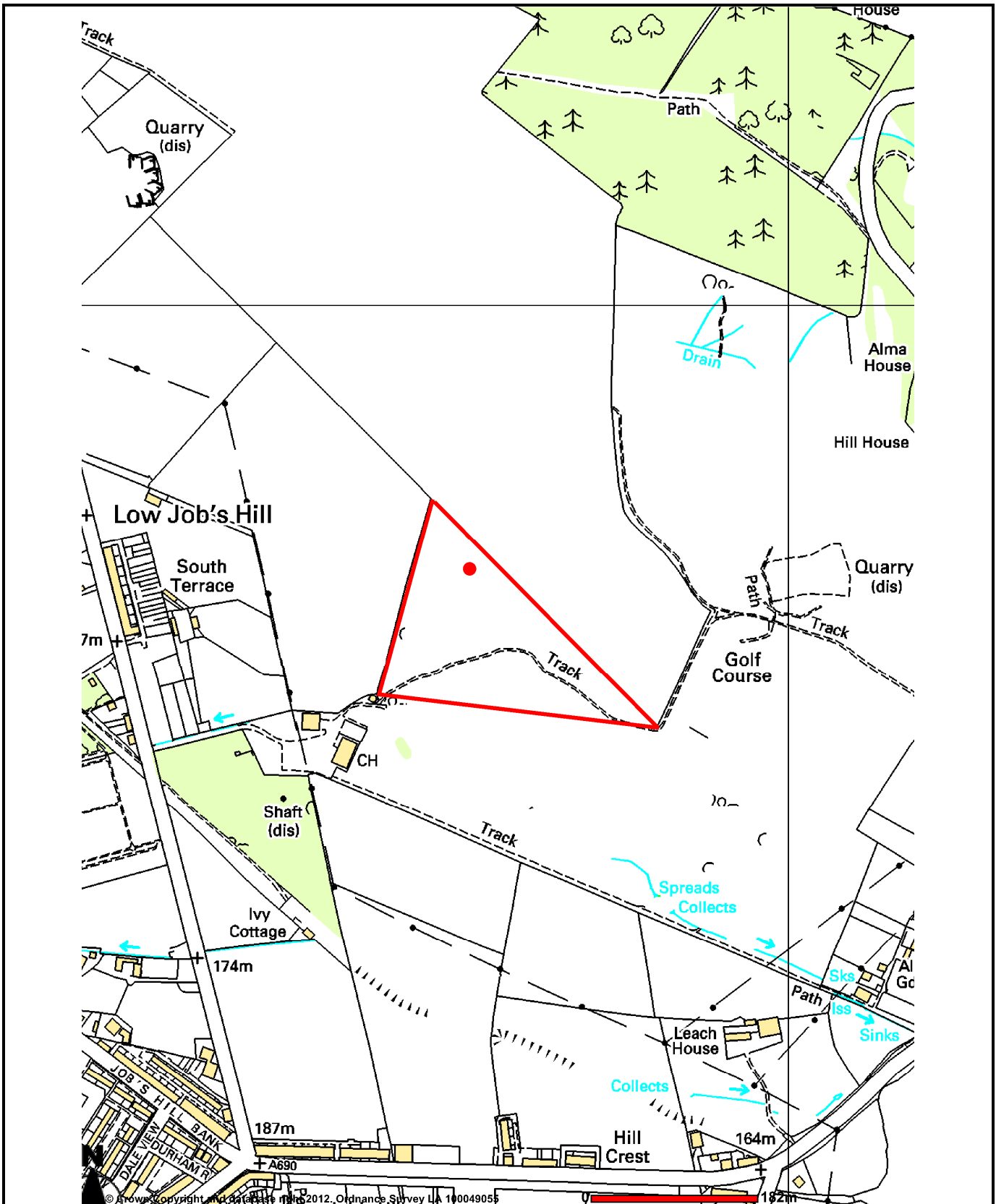
Reason: In interest of security and air safety.

BACKGROUND PAPERS

- Submitted Application Forms and Plans
- Design and Access Statement
- Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007
- Planning Policy Statements/Guidance, PPS1, PPS3, PPS4, PPS5, PPS9, PPG13, PPG17, PPS22, PPS23, PPG24
- Consultation Responses

- Public Consultation Responses
- Regional Spatial Strategy for the North East
- Wind Farm Development and Landscape Capacity Studies: East Durham Limestone and Tees Plain (NEA / ARUP 2008) and Addendum (ANEC / ARUP October 2009)

- The Assessment and Rating of Noise from Wind Farms' (ETSU-R-97)
- the Landscape Appraisal for Onshore Wind Development (GONE 2003)



Planning Services

Proposed 1no. Wind Turbine, Crook Golf Club, Low Jobs Hill

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Comments

Date March 2012

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