



## GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2013/0480

**To** T J Coates Ltd.  
2 Unity Hall Court  
Haigh Moor Road  
West Ardsley  
Wakefield  
WF8 1ED

**DESCRIPTION** Erection of 1 no. 50Kw wind turbine on a 25m monopole mast.  
**LOCATION** Westfield House Farm, Brockholes Lane, Penistone, Sheffield, S36 9FB

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 08 May 2013 and described above.

The approval is subject on compliance with the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
**Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.**
- 2 The development hereby approved shall be carried out strictly in accordance with the plans (Nos 143-P01 Rev A and 143-P02) and specifications as approved unless required by any other conditions in this permission.  
**Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.**
- 3 If the turbines hereby permitted fail to produce electricity for a continuous period of six months, then within three months of the end of the six months period the turbines and all associated equipment and works shall be removed from the site and the site restored in accordance with a scheme which has previously been submitted to and approved in writing by the local planning authority.  
**Reason: To protect the openness of the Green Belt in accordance with policy CSP34 of the Core Strategy.**
- 4 All cabling between the turbines, associated equipment and the national grid connection shall be placed underground. No development hereby permitted shall be carried out until details of the depth of excavation and subsequent reinstatement of the excavated land have been submitted to and approved in writing by the local planning authority. Development shall be

The grant of this consent does not constitute or imply permission, approval or consent by the Local Authority for any other purpose.

*Stephen Moralee*  
Signed  
Head of Planning, Building Control and Sustainability

Dated 08 September 2014

carried out in accordance with the approved details.

**Reason: In the interests of the visual amenities of the Green Belt in accordance with CSP 34.**

- 5 The noise levels from the turbines hereby permitted shall not exceed the following:
- A day time (0700 to 2300 hours) level of 35dB LA90, 10 mins, or the background, expressed as LA90, 10 mins, plus 5dB, whichever is the higher, measured at no less than 3.5 metres from the façade of any residential property not owned by the turbine operator or a member of their family (but ignoring the effect of that façade).
  - A night time (2300 to 0700 hours) level of 43 dB LA90, 10 minutes, or the background expressed as LA90, 10 mins, plus 5dB, whichever is the higher, measured at 3.5 metres from the window of a habitable room in the façade of any such residential property.
- Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**
- 6 In the event of a complaint being received in writing by the Local Planning Authority in respect of noise from the turbines hereby permitted, the turbine operator shall, at their expense, employ an appropriately qualified consultant approved by the Local Planning Authority to measure the level of noise emissions from the turbines at, and external to, the complainant's property. In the event that access is not possible to the complainant's property, the measurements shall be made from the nearest publicly accessible location that has been agreed in writing with the Local Planning Authority.
- The results of the consultant's assessment shall be provided to the Local Planning Authority within two months of the date of notification of the complaint unless otherwise agreed in writing by the Local Planning Authority. In the event that the consultant's assessment shows noise levels from the turbines being above the levels set out in condition 5, then within a month of the provision of the assessment to the Local Planning Authority a mitigation scheme shall be submitted within a month to and approved in writing by the Local Planning Authority. The mitigation scheme shall identify measures to reduce the noise of the turbines to within the levels set out in condition 5. The approved mitigation measures shall be implemented within a timescale agreed in writing with the local planning authority. If the noise levels from the turbines cannot be brought within the limits set out in condition 5, the turbines shall cease to operate.
- Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**
- 7 No development hereby permitted shall be carried out until details of the colour and finish of the turbine, blades and masts have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- Reason: To ensure an appropriate finish in accordance with policy CSP29 of the Core Strategy.**
- 8 The planning permission hereby granted shall be for a period not exceeding 25 years from the date that electricity is first exported from the turbines hereby permitted to the national grid. The date when electricity is first exported from the turbines shall be notified in writing to the local planning authority within 28 days of that event. At the end of the 25 year period, the turbines shall be decommissioned. Within three months of the decommissioning, the turbines and all associated equipment and works shall be removed from the site and the site restores in accordance with a scheme which shall have been previously submitted to and approved in writing by the Local Planning Authority.
- Reason: To protect the openness of the Green Belt in accordance with policy CSP34 of the Core Strategy.**

9 The scheme shall proceed in accordance with the Ecological Appraisal dated April 2013.

**Reason: In the interests of biodiversity in accordance with CSP 36.**

10 Development shall not be begun until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority.

The CTMP shall include details of:

- construction vehicle routing along public highways within the local authority's boundary
- means of access to the site for construction traffic from the public highway
- proposed accommodation works and where necessary a programme for their subsequent removal and the reinstatement of street furniture and verges etc., where required, along the route and at point of egress from the public highway
- retained areas for vehicle parking, manoeuvring, loading and unloading
- surfacing of access roads from the public highway to the site, this shall extend for a minimum for 10m to prevent loose material being discharged onto the public highway
- the dimensions of turbines and associated components
- the management of junctions to and crossings of the public highway and other public rights of way.
- the scheduling and timing of movements, details of escorts for abnormal loads, temporary warning signs and banksman/escort details

The development shall be carried out in accordance with the approved CTMP.

**Reason: In the interests of highway safety.**

11 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.

**Reason: In the interests of highway safety.**

## Informative(s)

*Pursuant to article 31(1)(cc) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, complied with our Planning Service Charter for Business and otherwise actively engaged with the applicant in dealing with the application.*

1	<p>The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848.</p> <p>Further information is also available on The Coal Authority website at <a href="http://www.coal.decc.gov.uk">www.coal.decc.gov.uk</a></p> <p>Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at <a href="http://www.groundstability.com">www.groundstability.com</a></p>
2	<p>The granting of planning permission does not in any way infer that consent of the landowner is given. Therefore the consent of all relevant landowners is required before proceeding with any development including that of the Council as landowner.</p> <p>If it should transpire that the applicant does not own any of the land included in this consent then it is the responsibility of the applicant to seek all necessary consents and approvals of the landowner.</p>

## **NOTES:-**

### **Appeals to the Secretary of State**

If you are aggrieved by the decision of the Council to grant permission for the proposed development subject to conditions then you can appeal to the Secretary of State for the Environment, Transport and Regions under Section 78 of the Town and Country Planning Act. If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from The Planning Inspectorate, Room 3/24 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions giving under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

### **Purchase Notices**

If either the Local Planning Authority or the Secretary of State for the Environment, Transport and Regions refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act 1990.

### **Compensation**

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference to the application to him. These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.