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| <b>TITLE:</b> | <b>2004/851 ERECTION OF ONE 10 METRE HIGH WIND TURBINE WITHIN FENCED COMPOUND, LAND ADJOINING 4 SWINSHAW COTTAGES, LOVECLOUGH.</b> |
| <b>TO/ON:</b> | <b>DEVELOPMENT CONTROL COMMITTEE / 17 MARCH 2005</b>   |
| <b>BY:</b>    | <b>TEAM MANAGER DEVELOPMENT CONTROL</b>  |

**APPLICANT: MR C J AINSWORTH**

**DETERMINATION EXPIRY DATE: 24 JANUARY 2005**

### **Human Rights**

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights: -

#### **Article 8**

The right to respect for private and family life, home and correspondence.

**Article 1 of Protocol 1** The right of peaceful enjoyment of possessions and protection of property.

### **Site and Proposal**

The application site is located approximately 75 metres north of the gable of 4 Swinshaw Cottages on open land forming part of a field. It lies at a slightly lower level than the land on which Swinshaw Cottages stand but occupies an elevated position above Goodshaw Lane.

Planning permission is sought to erect a freestanding wind turbine on the site within a fenced compound. The shaft will be 9 metres high and constructed of grey galvanised steel, the blades will have a diameter of 5.57 metres and will be constructed of matt black wood epoxy, and the turbine head will be constructed of matt black polypropylene plastic. The turbine is required in order to generate electricity for use by 2 and 3 Swinshaw Cottages.

The site is identified as forming part of a Countryside Area as identified by the Rossendale District Local Plan

## **Relevant Planning History**

2004/019 – Erection of one 10 metre high wind turbine within fenced compound – Withdrawn 1 March 2004

2004/699 – Erection of one 10 metre high wind turbine within fenced compound – Withdrawn 15 November 2004

## **Notification Responses**

The application was advertised by way of site notices and letters sent to surrounding residents. 4 letters of objection have since been received. The objections are:-

- a) that the development would detract from the character and appearance of the area
- b) that noise generated by the turbine would unduly disturb the occupiers of nearby residential properties
- c) that the development may have an adverse effect upon local wildlife
- d) that an approval of this proposal may encourage 'curious onlookers' to visit the site. This would lead to a reduction in highway safety in the locality and to a reduction in the level of privacy currently enjoyed by certain local residents
- e) that the electricity generated by the turbine will be used for business purposes, and
- f) that the values of surrounding properties would be adversely affected if this proposal was to go ahead.

The applicant has submitted a letter and a noise emission report in support of their application in which they state:-

- a) that even taking the worst case scenario the turbine will not generate sufficient noise to disturb nearby residents. The blades have rounded tips and rotate slowly thus keeping air and wind noise to a minimum. Furthermore the turbine will not have a gearbox (which is the usual source of noise) nor will it have any touching parts,
- b) that the turbine will not be unduly visually intrusive. It will not be significantly higher than a telegraph pole, and the black head and rotor blades will help it to merge into the landscape.

## **Consultation**

### **RBC Environmental Health**

No objections subject to a condition limiting noise emissions.

## **Development Plan Policies**

### **Rossendale District Local Plan**

Policy DS1 (Urban Boundary) states that *“the Council will seek to locate most new development within a defined boundary – the urban boundary – and will resist development beyond it unless it complies with policies DS3 and DS5”*

Policy DS5 (Development Outside the Urban Boundary and Green Belt) states that outside the urban boundary development will be restricted to that needed for agriculture, forestry etc and other uses appropriate to a rural area or the rehabilitation and re-use of existing buildings.

Policy C1 (Countryside Areas) states that *“to enhance rural landscapes known as countryside areas, with major programmes of tree planting and landscape management, with priority being given to locations adjoining the urban fringes, Any development will be required to be in scale and keeping with the character of the landscape and of a standard of design appropriate to the area”*

Policy DC1 (Development Criteria) states that all applications for planning permission will be considered on the basis of a) location and nature of proposed development, b) size and intensity of proposed development; c) relationship to existing services and community facilities, d) relationship to road and public transport network, e) likely scale and type of traffic generation, f) pollution, g) impact upon trees and other natural features, h) arrangements for servicing and access, i) car parking provision j) sun lighting, and day lighting and privacy provided k) density layout and relationship between buildings and l) visual appearance and relation to surroundings ,m) landscaping and open space provision, n) watercourses and o) impact upon man-made or other features of local importance.

Policy DC9 (Wind Farms) states that *“the Council will support proposals for wind farms and individual generators provided:-*

- (a) There is no unacceptable adverse effect on important long distance views;*
- (b) The effect on the landscape, including in particular the visual impact of proposals on ridge top and summit locations, is minimised by careful design and siting;*
- (c) The settings of buildings of architectural or historic importance and scheduled monuments are protected;*
- (d) In the case of a location designated an area of special landscape, moorland area, important wildlife site, local nature reserve or site of special scientific interest, an over-riding need has been demonstrated and no suitable alternative is available”.*

Policy E12 (Noise Attenuation) states that *“the Council will not permit any development proposals which would lead to unacceptable levels of noise to nearby noise sensitive areas”*

#### Lancashire Structure Plan 1991-2006:

Policy 1 (Development in Rural Areas) states that *“C) developments in the open countryside outside green belts will be limited to:*

- i) that needed for the purposes of agriculture, forestry or other uses appropriate to a rural area, including ones which will help diversify the rural economy while being in keeping with the rural environment;*
- ii) the rehabilitation and reuse of buildings subject to this not having adverse effects on the rural economy;*
- iii) the re-use or redevelopment of major developed sites*

Policy 19 (Development and Nature Conservation) states that development that is likely to destroy or damage an Internationally or Nationally Designated Nature Conservation Site, or a designated County Biological Site, will normally be refused.

Policy 54 (Wind Energy) states that “*wind turbines will be permitted outside settlements and other areas of significant development. The location of wind turbines will be assessed against:*

- (a) *The provisions of policy 19; and*
- (b) *The impact on the character of the landscape, in particular the visual impact of proposals on ridge top and summit locations; and*
- (c) *The impact on the local environment; and*
- (d) *Any electromagnetic disturbance which may be caused by the development to existing transmitting or receiving systems and the measures proposed to be taken to remedy or mitigate any such disturbance; and*
- (e) *The cumulative effects of the proposed and existing or committed wind turbine development. In the following areas, proposal for wind farms will be permitted only in exceptional circumstances when alternative suitable sites are unavailable elsewhere:*
  - (i) *Adjacent to the Yorkshire Dales National Park; and*
  - (ii) *Within or adjacent to areas of outstanding natural beauty;*
  - (iii) *Within or adjacent to sites of special scientific interests; and*
  - (iv) *Within or adjacent to national and local nature reserves; and*
  - (v) *Within or adjacent to conservation areas or where the development would affect the settings of listed buildings or archaeological remains of national importance.”*

#### Joint Lancashire Structure Plan 2001-2016 Proposed Changes to Deposit Edition

Policy 25 (Wind Energy) states that “*within the preferred areas shown on Map 19, proposals for wind turbines, wind farms and related development will be supported in principle provided that that they do not have a significant impact on the value of areas and features designated for their landscape interest and on the natural and man-made heritage.*

*Outside the preferred areas shown on Map 19 proposals for wind turbines, wind farms and related development will only be supported provided that there is no net loss in the value of areas and features designated for their landscape interest and natural or man made heritage. The development of offshore wind farms and related development will be supported in principle”*

The reasons and explanations section of the policy states that “*the preferred areas of search have annual average wind speeds of 6.5 metres/second.*

#### **(a) Other Material Planning Considerations**

#### PPG 24 (Planning and Noise) September 1994

Paragraph 12 states that “*local planning authorities should consider carefully in each case whether proposals for new noise-sensitive development would be incompatible with existing activities. Such development should not normally be permitted in areas which are – or are expected to become – subject to unacceptably high levels of noise”*

The glossary section of the guidance states that *“decibels measured on a sound level meter incorporating a frequency weighting (A weighting) which differentiates between sounds of different frequency (pitch) in a similar way to the human ear. Measurements in dB(A) broadly agree with people’s assessment of loudness. A change of 3 dB(A) is the minimum perceptible under normal conditions, and a change of 10 dB(A) corresponds roughly to halving or doubling the loudness of a sound. The background noise level in a living room may be about 30 dB(A), normal conversation about 60dB(A) at 1 metre, heavy road traffic about 80 dB(A) at 10 metres; the level near a pneumatic drill about 100 dB(A).”*

### Planning Policy Statement 22 (PPS 22): Renewable Energy ( August 2004)

PPS 22 replaces PPG 22. The policy statement states as follows *“it is also the Government's view that the broad planning policy framework provided by PPG22 remains appropriate. However, it has concluded that a considerable amount of the material in PPG22, particularly in its annexes, is out of date and/or inappropriate for a shorter, focused statement of national planning policies”*

IN the objectives section it states that the government’s renewable energy policy *“aims to put the UK on a path to cut its carbon dioxide emissions by some 60% by 2050, with real progress by 2020.”*

Paragraph 1 (iv) of the policy statement( Key Principles) states *“the wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale, are material considerations that should be given significant weight in determining whether proposals should be granted planning permission.”*

Paragraph 20 of the PPS states *“of all renewable technologies, wind turbines are likely to have the greatest visual impact. However, in assessing planning applications, local authorities should recognise that the impact of turbines on the landscape will vary according to the size and number of turbines and the type of landscape involved....”*

### **Issues**

#### Principle

Given the nature of this proposal it needs to be judged against the requirements of policies DS.5, C.1 and DC.9 of the Rossendale District Local Plan, policies 1,19 and 54 of the adopted Lancashire Structure Plan, policy 25 of the Draft Deposit Lancashire Structure Plan and Government advice as contained within PPG24 and PPS22. It is contended that that the proposal will meet the requirements of these policies/this advice for the following reasons:-

- a) Wind turbines are generally considered to represent appropriate forms of development to locate within rural areas
- b) The proposal will not affect the setting of any Internationally or Nationally Designated Conservation, County Biological or Geological Site; any National Park, Area of Outstanding Natural Beauty, Site of Special Scientific Interest or Conservation Area; or any scheduled monument or building of architectural or historic importance

- c) The development is considered to be in scale and keeping with the character of the landscape, and of a standard of design appropriate for the area (see Design Issues section below)
- d) The application seeks approval for a sustainable form of development.

In view of this it is considered that no reasonable objection could be raised to this proposal in principle.

### Design Issues

The proposed turbine will stand in open countryside and will be visible in the surrounding landscape. Nevertheless, this is not considered to be an unduly sensitive location – the site does not lie within, or adjoin, any of the sites referred to in the ‘Principle’ section of this report nor does it adjoin any scheduled monument or building of architectural or historic importance. Furthermore, whilst accepting that the turbine will be visible it is contended that it will not occupy an overly prominent position:-

- a) it is not proposed to locate it on top of a ridge or on the summit of a hill,
- b) it will only be visible at a distance of approximately 100 metres from Goodshaw Lane (the main public vantage point from which it will be viewed) and even then it will only be seen through existing vegetation and trees and partly against the backdrop of the hill on which it is to be sited.

The turbine will not be unduly large, standing no more than 12 metres above ground level and having a relatively slim shaft. It is contended that its prominence can be reduced further by requiring, through the imposition of a planning condition, that the shaft is painted/stove enamelled/colour coated matt black, or some other suitable dark colour, to match the remainder of the structure (it is already proposed to paint/stove enamel/colour coat the rotor blades and head of this turbine black as part of the proposal).

Having regard to the above, it is considered, on balance, that the proposed turbine will be acceptable in design terms and that, sited in the position proposed, it will not appear as an unduly intrusive feature in the landscape. In view of this it is considered that, despite the concerns of the objectors to the contrary, no reasonable objection could be raised to this proposal on design/appearance grounds.

### Amenity Issues

Concern has been expressed, by objectors to the proposal, that the turbine will generate an unacceptable level of noise. The applicant argues that it will not do so and that local residents will not suffer any such disturbance should this application be approved. This is because of the way this particular type of turbine is designed (see ‘Notification Responses’ section above) and because it is to be located approximately 75 metres away from the nearest dwelling. In support of their claims the applicant has submitted a noise emission report and this has been considered by Environmental Health. They accept its findings and recommend approval subject to a condition designed to ensure that noise emitted by the turbine is kept to an acceptable level.

## Other Issues

Local residents have raised a number of concerns about the proposal (see 'Notification Responses' section above). However, these are not accepted for the reasons given above and below.

- a) the site is not known to be the habitat of any protected wildlife
- b) it is contended that the level of privacy, currently enjoyed by existing residents, would not be significantly affected should this application be approved nor would highway safety be compromised
- c) no evidence has been submitted to support the allegation that electricity, generated by the turbine, would be used for business purposes. Even if this was the intention, and even if the business use was to be of such a scale that it would require planning permission, this would not represent a justifiable reason for refusing this application since it relates solely to a proposal to erect a wind turbine. Should the applicant subsequently use their property for business purposes without the necessary planning approval, the Local Planning Authority could, if it considered it expedient to do so, pursue the alleged breach through the normal enforcement procedure
- d) concern about the likely effect that this proposal may have upon property values is not a planning matter and can not be taken into consideration when determining this application.

## **Recommendation**

That planning permission be granted for the following reason and subject to the following conditions.

## **Summary of Reasons for Conditional Approval to appear on Decision Notice**

It is considered that the development satisfies the requirements of policies DS.1, DS.5, C.1, DC.1, DC.9 and E.12 of the Rossendale District Local Plan. It is considered to represent an appropriate form of development to locate within this Countryside Area; it will not detract from the appearance of the locality, and it will not give rise to any undue disturbance of nearby local residents subject to the imposition of a condition limiting noise emissions.

## **Conditions**

01 The development permitted shall be begun before the expiration of five years from the date of this permission.

Reason: The condition is required by virtue of Section 91 of the Town and Country Planning Act 1990.

02 The shaft, blades and head of the turbine shall be painted/stove enamelled/colour coated matt black unless otherwise agreed in writing with by Local Planning Authority. The shaft, blades and head shall be painted that colour within one month of the erection of the turbine, or stove enamelled/colour coated that colour prior to it being erected, and shall thereafter be retained at all times.

Reason: In the interests of visual amenity, and in order to accord with the requirements of policies C.1, DC.1 and DC.9 of the Rossendale District Local Plan.

03 Details of the height, design and position of the proposed fenced compound shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. The approved compound shall be constructed in accordance with the approved details and in the approved position, and shall thereafter be retained at all times.

Reason: In the interests of visual amenity, and in order to accord with the requirements of policies C.1, DC.1 and DC.9 of the Rossendale District Local Plan.

04 The turbine hereby approved shall be installed, maintained and operated such that the level of noise that it emits does not at any time exceed 35 dB (A) LA90 10 min at wind speeds of 10m/s when measured one metre from the gable of 4 Swinshaw Cottages.

Reason: In order to safeguard the amenities of nearby residents, and in order to accord with the requirements of policies DC.1 and E.12 of the Rossendale District Local Plan.

#### Local Plan Policies

DS.1  
DS.5  
C.1  
DC.1  
DC.9  
E.12

#### Adopted and Draft Structure Plan Policies

Policy 1 (Adopted)  
Policy 19 (Adopted)  
Policy 54 (Adopted)  
Policy 25 (Draft)