

Application Number:	2011/455	Application Type:	Full
Proposal:	Erection of wind turbine (20m high to blade-tip)	Location:	Swinshaw Farm, Goodshaw Lane, Loveclough
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	15 November 2011
Applicant:	Mr Ken Ainsworth	Determination Expiry Date:	16 November 2011
Agent:	ATC Construction Design		

Contact Officer:	James Dalglish	Telephone:	01706-252586
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REASON FOR REPORTING

Outside Officer Scheme of Delegation

Member Call-In

Name of Member:

Reason for Call-In:

3 or more objections received

YES

Other (please state):

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.

RECOMMENDATION
That permission be granted subject to the Conditions set out in Section 9 of the report.

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1. SITE

Swinshaw Farm is located to the east side of Burnley Road (A682), in the area of Countryside to the north of the settlement of Loveclough. The farm buildings here consist of a stone-built house, and three adjacent agricultural buildings of stone and metal construction. The farm is in a relatively isolated location, accessed from a narrow private road rising upwards from the northern end of Goodshaw Lane, use of which is shared with Hart Hill Farm, its buildings approximately 200m to the east.

The application site forms part of a field on the higher ground approximately 300m to the east of Burnley Road, 280m metres to the north east of the complex of buildings at Swinshaw Farm and ???m north of Hart Hill Farm, situated at the summit of a small hill.

Running approximately 150m to the north of the application site is a Public Footpath, and approximately 100m to the west lies a water treatment works, with an associated tall metal flue, and the industrial buildings of Oak Mill. Together these features constitute a relatively conspicuous industrial feature on the landscape. There are no houses in the immediate vicinity of the proposed turbine site, the nearest being the terraced dwellings along Burnley Road, located approximately 250m to the west.

2. RELEVANT PLANNING HISTORY

2010/0172 10m high wind turbine at No. 3 Swinshaw Cottages
Approved on a site 670m north of the site of the current application.
Not yet implemented.

3. THE PROPOSAL

The applicant seeks permission to erect a wind turbine with a 15m high column and 3-bladed rotor having a diameter of 9 metres. The turbine would be coloured light grey.

4. POLICY CONTEXT

National Planning Guidance

PPS1 Sustainable Development
PPS7 Rural Areas
PPS22 Renewable Energy
PPG24 Noise

Development Plan Policies

Regional Spatial Strategy for the North West of England (2008)

DP1-9 Spatial Principles
RDF2 Rural Areas
EM1 Environmental Assets
EM17 Renewable Energy

RBC Core Strategy DPD (2011)

- AVP4 Rawtenstall, Crawshawbooth, Goodshaw and Loveclough
- Policy 1 General Development Locations and Principles
- Policy 18 Biodiversity, Geodiversity and Landscape Conservation
- Policy 19 Climate Change and Low and Zero Carbon Sources of Energy
- Policy 20 Wind Energy
- Policy 24 Planning Application Requirements

Rossendale District Local Plan (1995)

- DS5 Development outside the Urban Boundary and GreenBelts
- DC1 Development Criteria

Other Considerations

- Draft National Planning Policy Framework (2011)
- LCC Landscape Strategy for Lancashire (2005)
- Julie Martin Associates Landscape Capacity Study for Wind Energy Development in the South Pennines (2010)
- Maslen Environmental Renewable and Low Carbon Energy Study (2010)

5. CONSULTATION RESPONSES

RBC (Environmental Health)

No objection

6. REPRESENTATIONS

To accord with the General Development Procedure Order 3 site notices were posted on 30/09/11 and 71 neighbours were notified by way of letter on 27/09/11.

Three letters of objection have been received, on the following grounds:

- The turbine will have a harmful effect on the landscape and will contribute to the clustering of wind turbines in the area.
- The colour of the turbine will clash with the colour of the surrounding grass and trees.
- The turbine is too close to the road and nearby houses.
- The noise of the turbine will disturb the tranquillity the surrounding rural area.

7. ASSESSMENT

The main considerations of the application are: 1) Principle; 2) Countryside; 3) Ecology; 4) Neighbour Amenity; & 5) Highway Safety.

Principle

In accordance with Government guidance, RSS and Core Strategy policies are supportive of proposals for energy generation from renewable sources.

PPS22 states that small scale projects can provide a limited but valuable contribution to overall outputs of renewable energy and to meeting energy needs both locally and nationally. It also states that the impact of turbines on the landscape will vary according to their size and number and the type of landscape involved, and that these impacts may be temporary if conditions are attached to planning permission which requires the future de-commissioning of turbines.

Countryside

In accordance with PPS7, all development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness. Planning authorities should continue to ensure that the quality and character of the wider countryside is protected and, where possible, enhanced. Paragraph 16 also states that planning authorities should provide for the sensitive exploitation of renewable energy sources in accordance with the policies set out in PPS22.

As identified in the JMA Wind Energy Study, which forms part of the evidence base of the Council's Core Strategy DPD, the site is categorised as 'Enclosed Uplands' within the 'Forest of Rossendale' capacity area. The overall sensitivity assessment for this category is 'Moderate-Low' and the study recognises that "the least sensitive areas are the central parts of each of the upland blocks" where there tend to be fewer constraints in terms of skylines, visibility, landscape quality, deep peat and other biodiversity interests".

The proposed turbine is classed as 'very small' within the above referenced study (25m or less). The landscape is fairly open to the east, with open fields beneath a moderate rise in elevation beyond Hart Hill Farm. The wind turbine would not dominate the main skyline when viewed against this rise, instead being set to a degree against the moorland backdrop.

The turbine would to a limited degree be read in conjunction with the industrial developments to the west, in particular the metal flue associated with the water treatment works. In addition the wider landscape does contain other features on the skyline of significantly greater prominence than the proposed turbine, most notably Scout Moor Wind Farm to the south.

Accordingly, it is considered that the turbine would not have a significantly detrimental impact within the landscape character area or within the wider landscape as a whole.

Nevertheless, to reduce the long term impacts of turbines on the open nature of the countryside, it is considered appropriate to attach conditions requiring that the turbine is of appropriate colour and is removed when use ceases / at the end of its expected life (25 years), in accordance with the advice given within PPS22.

Ecology

The land is not specifically designated for its ecological value. There are no known ecological features on the site, nor is the area likely to be unduly disturbed by its construction. It is therefore considered that the scheme is acceptable in terms of ecology.

Neighbour Amenity

The nearest residential neighbours to the site are over 250m away. The Council's Environmental Health Section has raised no objection to the scheme. I am satisfied from the information provided that no neighbour will be unduly affected in terms of noise, shadow flicker or outlook.

Highway Safety

I am satisfied that the scheme would not have an unduly detrimental effect on the highway network. The scheme is considered acceptable in highway safety terms.

8. SUMMARY REASON FOR APPROVAL

Subject to the conditions, it is considered that the proposed development will not detract to an unacceptable extent from the essentially open and rural character of the countryside, the ecological interest of the area, the amenities of neighbours or highway safety. The proposal has been considered with particular regard for PPS1 / PPS7 / PPS22, Policies DP1-9 / RDF2 / EM1 of the Regional Spatial Strategy, Policies AVP4 / 1 / 18 / 19 / 20 / 24 of the Core Strategy and Policies DS5 / DC1 of the Rossendale Local District Plan.

9. CONDITIONS

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

Reason : Required by Section 51 of the Planning and Compulsory Purchase 2004 Act.

2. The development shall be carried out in accordance with the approved plans and supporting information (date stamped 21 September 2011), unless otherwise required by the conditions below or otherwise first agreed in writing by the Local Planning Authority.

Reason : To ensure the development complies with the approved plans and for the avoidance of doubt.

3. The turbine shall have a maximum height above ground level of 20m to blade-tip-height and, notwithstanding the details submitted, the head, blades and mast shall be coloured a non-reflective light grey.

Reason : In the interests of protecting the essentially open and rural character of the Countryside, in accordance with Policy RDF2 / EM1 of the Regional Spatial Strategy, and Policy 1 / 18 / 24 of the Rossendale Core Strategy.

4. The Local Planning Authority shall be notified of the date at which the turbine first generates electricity within 28 days of this event. The turbine shall be removed from the site and the land reinstated to its former condition no later than twenty-five years from the date of first electricity generation or 9 months without electricity generation, whichever date is the earlier.

Reason : In the interests of protecting the essentially open and rural character of the Countryside, in accordance with Policy RDF2 / EM1 of the Regional Spatial Strategy, and Policy 1 / 18 / 24 of the Rossendale Core Strategy.

5. Any works of construction and removal/reinstatement associated with the turbine shall not take place except between the hours of 8:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No works shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

Reason : To safeguard the amenities of neighbours, in accordance with Policy 24 of the Rossendale District Local Plan.