

<b>Application Number:</b>	2013/0491	<b>Application Type:</b>	Full
<b>Proposal:</b>	Installation of a wind turbine (17.3m high to blade tip)	<b>Location:</b>	Thorn House Farm, Pinch Clough Road, Whitewell Bottom
<b>Report of:</b>	Planning Unit Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	10 December 2013
<b>Applicant:</b>	Mr A Mullineau	<b>Determination Expiry Date:</b>	10 January 2014
<b>Agent:</b>	Mr M Coates		

<b>Contact Officer:</b>	Richard Elliott	<b>Telephone:</b>	01706-238639
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REASON FOR REPORTING	Tick Box
<b>Outside Officer Scheme of Delegation</b>	
<b>Member Call-In</b> Name of Member: Reason for Call-In:	<b>YES</b> <b>Cllr Jim Pilling</b> The new application is for a turbine smaller than those previously submitted and has been re-sited away from the footpath.  Would also wish Members to consider the benefits of the turbine to the agricultural enterprise of the applicant.
<b>3 or more objections received</b>	
<b>Other (please state):</b>	

## 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.

## 1. RECOMMENDATION

That Permission be granted subject to the Conditions set out in Section 10.

## **2. SITE**

Thorn House Farm is a traditional farm house elevated high above and screened from Burnley Road East (B6238), in an area designated as countryside. It is accessed via a narrow unadopted lane rising steeply upwards from the east side of the main road. Running along the front of the farm house on a N-S axis is a bridleway forming part of the Mary Townley Loop, beyond which open fields rise upwards to the east.

The application site is located in a field approximately 80 metres to the east of the house, and has a public footpath following the field boundary on a NE-SW axis approximately 15m to the east of it.

The nearest residential properties (other than that of the applicant) front Burnley Road East, although being located within the basin of the valley these are at a much lower level than the site and are screened from it by mature trees. There are a number of farmhouses in the vicinity, including Lower Slack Farm (approx 230m to the east) and Salisbury Farm (approximately 190m to the north). Views of the applicant's property are possible, at distance, from properties on the rising land to the other side of the valley.

## **3. RELEVANT PLANNING HISTORY**

2011/0353 Erection of Wind Turbine 45 metres in Height to Blade Tip  
Refused by Officers for the following reasons:

- 1) The proposed turbine, given its size and siting in relation to nearby residential properties, the Mary Townley Loop bridleway and public footpaths, would appear as an overly large and incongruous feature that would harm to an unacceptable extent the intrinsic character and appearance of the countryside and the visual amenities of the area, most particularly for local residents and recreational users. The scheme is therefore considered to be contrary to PPS1 / PPS7 / PPS22, Policies RDF2 / EM1 / EM17 of the Regional Spatial Strategy and Policies DS5 / DC1 of the Rossendale Local District Plan.
- 2) The applicant has not provided the level of detail required to determine that the turbine would not be unduly detrimental to neighbours in terms of noise, the submission lacking site-specific information on this matter or result in unacceptable distraction of motorists at that point on Burnley Road East (B6238) to the north of the site and heading south when the turbine would come partially in to view for a short period following a bend in the road. Accordingly, the application is considered contrary to PPS1 / PPG13 / PPG22, Policies RT4 / EM17 of the Regional Spatial Strategy for the North West of England, and Policy DC1 of the Rossendale District Local Plan.
- 3) The applicant has not carried out a suitable ecological assessment in support of the application to allow a determination to be made that no significant harm would be caused to ecology and biodiversity within the area. Accordingly the application is considered to be contrary to PPS1/ PPS9 / PPS22, Policies EM1 / EM17 of the Regional Spatial Strategy and Policy DC1 of the Rossendale Local District Plan.

An Appeal in respect of this proposal was subsequently dismissed, the decision letter of the Inspector stating:

- Although characterised within the Julie Martin Study as ‘Enclosed Uplands’ of moderate-low sensitivity to wind energy developments the particular siting of the turbine is more sensitive than the study suggests. Furthermore the turbine would be in a particularly prominent position. There would be a number of clear uninterrupted views of it from the valley floor. It would be a significant dominating feature harmful to the character and appearance of a locality in a sensitive location on the fringe between the *settled valley* and *enclosed uplands*
- Using the average household consumption figures of 4100kWh a year (to be found in the companion guide to PPS22) indicates that most of the energy produced by the turbine would be exported to the grid. Even though there is an acknowledged need for renewable energy generally, the electricity would supply only one local property, the bulk of it would be sold to the national grid. The location appears to have been chosen because the appellant owns the land. There do not appear to be any site specific reasons why a turbine of the size proposed needs to be constructed in the location shown.
- Information regarding the effect on neighbours in terms of noise was not specific to the turbine proposed and it was not appropriate to impose a noise condition.
- Issues relating to shadow flicker could be suitably addressed by condition.
- Although seen from some properties a large and incongruous feature the turbine wouldn’t affect outlook such as to harm living conditions.
- It was not considered that the turbine would result in unacceptable risks to riders/horses or drivers when travelling along Burnley Road East.
- A lack of information was submitted to say that nature conservation interests would be safeguarded.

The inspector concluded:

*“The turbine would be located in a sensitive location and harm the character and appearance of the locality, without evidence to the contrary there is also the potential for further harm because of noise and impact on ecological interests. In these respects the proposal would be contrary to policies 1, 14, 18, 19, 20, 23 and 24 of the Council’s Core Strategy (CS) and policies RDF2 and EM1 of the North West of England Plan Regional Spatial Strategy in so far as they reflect the principles of the CS policies. Whilst there is an acknowledged need to provide energy from renewable sources at national regional and local level, the benefits from the proposal are not in this case sufficient to overcome the identified objections. For these reasons, I shall dismiss the appeal.”*

2012/0316 Erection of wind turbine maximum height 27m.  
Refused by Officers for the following reasons:

1. The proposed turbine, given its size and siting in a particularly prominent and sensitive location (on the fringe between the settled valley and enclosed uplands in close proximity to the Mary Townley Loop bridleway and public footpaths), would appear as an overly large and incongruous feature that would harm to an unacceptable extent the intrinsic character and appearance of the countryside

and the visual amenities of the area, most particularly for local residents and recreational users. In this instance the Council is not satisfied that the benefits of the proposal outweigh its harm; with the bulk of the electricity to be generated to be sold to the national grid there do not appear to be any site specific reasons why a turbine of the size proposed needs to be constructed in the location shown.

2. The applicant has not provided the level of detail required to determine that the turbine would not be unduly detrimental to neighbours in terms of noise, the submission lacking site-specific information on this matter and with background noise levels taken near to the applicants property only and with no information as to prevailing wind speeds at that time or information as to why background noise levels taken where over 10dBA above indicative noise levels for rural areas as indicated within the companion guide to PPS22 (page 168) it is not possible to conclude that the development would comply with ETSU and not cause undue disturbance to neighbours.

An Appeal in respect of this proposal was subsequently dismissed, the decision letter of the Inspector stating:

- The proposed wind turbine would be about 70m from the bridleway and about 35m from the footpath. The proposed wind turbine is smaller than that which was the subject of a previous application, which was dismissed at appeal. Nevertheless, in views east from the bridleway the wind turbine would be a prominent and intrusive feature.
- It is the proximity of the turbine to the footpath that is of greatest concern. Small turbines such as that proposed have fast spinning blades and, with a top blade height of about 27 metres and given that it would be as close as about 35m, the turbine would be seriously intrusive in views from part of the footpath.
- The turbine, when in operation, would be threatening for users of the footpath as they cross the field to the east of Thorn House Farm. In close views from within the landscape the proposed turbine would be a dominant and intrusive feature that would undermine appreciation of, and would significantly harm the character and appearance of, the upland landscape. The proposal thus conflicts with, in particular, Policies 19 and 20 of Rossendale Borough Council's Core Strategy (CS).
- [Lower Slack Farm] has a conservatory on its rear elevation and from here, and from the rear garden immediately adjacent to the conservatory, which would be the most used part of the garden during summer months, there would be direct views of the proposed turbine.
- Lower Slack Farm is on slightly higher ground than the site of the proposed turbine and there are expansive views from the garden area particularly to the south and west. The wind turbine, given its proximity, location and fast spinning blades, would be intrusive in these views. It is the spinning blades that would draw attention to the turbine and, unlike users of the footpath and bridleway who can move on through the landscape, the turbine would be a permanent intrusive feature that the residents of Lower Slack Farm could not ignore. Contrary to the view of the previous Inspector, the proposed turbine, for this reason, would have a significant adverse effect on the living conditions of residents of Lower Slack Farm.

- Taking into account ETSU guidance for single turbines, a condition could be attached to a planning permission for the proposed wind turbine that would adequately protect nearby residents from the potentially harmful effect of noise created by the single turbine when in operation.
- The renewable energy credentials of the proposed scheme, the possible local employment that would be created on the land, and all other matters mentioned in support of the appeal, have been taken into account but they do not, either individually or collectively, outweigh the significant harm that the turbine would cause to the character and appearance of the landscape and to the living conditions of nearby residents.
- There are no ecological, highway safety or other safety matters that would justify, or contribute to, a conclusion that planning permission should be refused.

2013/0188 Erection of wind turbine maximum height 20.5m  
Withdrawn

2013/0242 Erection of Agricultural Building  
Approved under delegated powers

#### **4. PROPOSAL**

The applicant seeks permission for a 10Kw wind turbine on a 12m high monopole mast. The turbine would have a maximum height of 17.3m to blade tip from ground level. It will be a 3-bladed machine with blades 4.8m long fixed to a small nacelle giving a total blade diameter of only 9.6m.

It would be 66m from the Mary Townley Loop Bridleway to the east, which runs immediately past the farmhouse frontage. The turbine would be approximately 225m to the west of Lower Slack Farm and proposes tree planting in between. It would also be approximately 190m from Salisbury House to the north.

The Applicant advises that :

*“In comparison, the WES30 which was dismissed at appeal in January 2012 was two and a half times taller to hub height and slightly greater than this to blade tip. The WES18 which was dismissed at appeal in March 2013 is approximately 1.5 times taller to both hub and tip.*

*It is also important to note that the overall scale of the turbine has been significantly reduced. The power rating of the re-designed turbine is only 10Kw compared to the 250KW and 80Kw machines proposed previously. Because the motor is 25 times smaller the size of the nacelle, the size of the blade sweep and the weight of the machine is a fraction of those previously proposed. Consequently, the overall bulk of the machine is proportionately much less than those previously proposed because the blades don't need to capture as much wind to generate a much smaller power output and the mast does not have to carry the same loads. The result is a much lighter and shorter mast of slender proportions and a much more modest looking nacelle.*

*The blade sweep of the Evoco 10kW wind turbine (72sqm) is approximately one tenth of a WES30 (at 707sqm) and three and a half times smaller than a WE18 (at 255sqm).”*

*The re-designed turbine has also been re-positioned 15m north west of the previous site so that it is further away from the nearest footpath. The stand-off distance from the base of the turbine has*

been increased by 10.5m from 32m to 42.5m. However, when you factor in the significant reduction in the blade diameter of the machine (and even allowing for the lower mast height) this increases the actual distance from a person of an average height using the footpath to the moving blades from 22m to 42m”.

The applicant has also stated :

*“The proposed development, although modest in scale, will stimulate economic growth and create jobs. A wind turbine is an essential part of the applicant’s business plan to modernize and grow the farm business. It will lower overheads and the savings made on the purchase of electricity/ solid fuel will be used to service a bank loan which will fund the construction of a new agricultural building. The new building will accommodate 40 beef finishing cattle and this will rise to approximately 100 over the next 5 years creating 1 new full time job. The cattle will be fed by a hydroponic fodder system. This type of system uses electricity to grow fodder in controlled conditions and it is estimated that this will use approximately 10,000 kWh per year. The house and farm currently use about 25,000Kwh of electricity per year but also use oil and solid fuel for heating and hot water. This increases their overall consumption to approximately 50,000Kwh per year. The proposed Evoco 10 will generate a minimum of 28,000 Kwh per year and supply almost 60% of the farm’s entire energy needs. An expansion of the business is expected to increase electricity demand from 50,000 kWh to 60,000kWh per year.”*

## 5. **POLICY CONTEXT**

### **National**

National Planning Policy Framework (2012)

Section 7 Requiring Good Design

Section 10 Climate Change, Flooding and Coastal Change

Section 11 Conserving and Enhancing the Natural Environment

Rossendale Core Strategy DPD (2011)

AVP3 Waterfoot, Lumb, Cowpe and Water

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

### **Other Material Planning Considerations**

DCLG ‘Planning practice guidance for renewable and low carbon energy’ (2013)

## 6. **CONSULTATION RESPONSES**

### **LCC (Highways)**

No objection to the previous turbine applications, but requested a wheel washing condition and the submission of a Traffic Management Plan. Comments on the current application are awaited.

### **Rossendale Ramblers**

Object – The turbine is too close to FP167 and Bridleway 15.

### **LCC Ecology**

No objection to previous turbine applications subject to conditions to ensure vegetation clearance works avoid March to August, unless the absence of nesting birds has been confirmed by further surveys or inspections.

## NATS

No objection

### 7. **NOTIFICATION RESPONSES**

To accord with the General Development Procedure Order a site notice was posted on 21/11/13 and 35 letters were sent to neighbours on 19/11/13.

One objection has been received to date. The objector (address unknown) states the following as summarised:

- In it's current proposed position this will be more than twice the height of the existing building and will be visible from a great distance up, down and across the valley.
- The positioning will be un-sightly and will detract from the value of my property in the event of a future sale.
- The noise will adversely impact on the wellbeing of my family by forcing us to use our garden less
- I don't believe that planning should allow an installation for the financial benefit of one individual at the expense of many others.

Cllr Jim Pilling has expressed support for the scheme as advised previously in the report. In full he states:

“The new application is smaller. The visual impact is “medium to low”. The proximity of the footpath falls 10 metres outside the limiting distance allowed (1.5 x height of turbine), I believe this was a major consideration last time and so this issue has been addressed. The turbine is intended to power an hydroponic barley growing area. It is intended to introduce beef cattle to the 19 acre site. However, there is insufficient grazing area to make it economically viable. It would not be possible to grow enough fodder for the winter months. With the proposed scheme there would be enough resources to support 40 beef cattle. This can only help the local economy.”

### 8. **ASSESSMENT**

The main considerations of the application are :

1) Principle; 2) Visual Amenity; 3) Neighbour Amenity; 4) Access/Parking; 5) Ecology.

#### Principle

Government guidance and Core Strategy policies are supportive of proposals for energy generation from renewable sources. However, policy recognises the need to balance the need for development with the need to protect the landscape, ecology and neighbour amenity. Government guidance states : “*..all communities have a responsibility to help increase the use and supply of green energy, but this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities.*”

#### Visual Amenity

My view of the sensitivity of the site remains unchanged from previous assessments and that of a previous Appeal Inspector, that this specific area of the Enclosed Uplands Landscape Character Type has a higher sensitivity value than the rating of Moderate-Low

given within the Julie Martin Study. I am mindful that previously the Inspector considered that; *“..it is the landscape that is visible from the location of the turbine that is important and from where this landscape can be appreciated.”*

This turbine is classed as ‘very small’ within the Julie Martin Study and would be significantly smaller than those for which permission was previously sought. I consider that its size would provide a more functional and physical association with Thorn House Farm.

Due to its height and position it would still have some prominence, and there would be areas where this turbine could be viewed with other existing turbines (for example the turbine to the east and those further in the distance to the south, including a windfarm). I share the view of the previous Inspector that a turbine here will be sufficient distance away from other turbines it will not have significant cumulative effect, particularly so given its height of only 17m. There is also a telecommunications mast on the opposite side of the valley and other man-made structures, including telegraph poles can be seen. Having regard to the above, I do not consider that either individually or cumulatively, it would have an unduly harmful effect on the landscape.

The previous Inspector opined that a turbine of 27m height, in the position then proposed, would be intrusive when viewed from the Mary Townley Loop, most particularly in those areas immediately to the west of the turbine location. The submitted cross section taken from the Mary Townley Loop to the west demonstrates that it would be visible, but I am now satisfied that it would not be unduly intrusive from the Loop as re-positioned and with a height of 17m.

Significant regard must be had to the inspector’s comments when determining the previous Appeal, for the 27m turbine. He opined:

*“It is the proximity of the turbine to the footpath that is of greatest concern. Small turbines such as that proposed have fast spinning blades and, with a top blade height of about 27 metres and given that it would be as close as about 35 metres, the turbine would be seriously intrusive in views from part of the footpath. The turbine, when in operation, would be threatening for users of the footpath as they cross the field to the east of Thorn House Farm. In close views from within the landscape the proposed turbine would be a dominant and intrusive feature that would undermine appreciation of, and would significantly harm the character and appearance of, the upland landscape.”*

This turbine would be 10m lower than that previously considered and 42m from the public footpath. The reduction in height and the clarification over the distance (which would be outside of the fallover distance) leads me to conclude that although it will have a clear visual impact for users of the footpath, the impact would only be significant along a small section of the footpath/footpath network and I do not consider that this would now be to a degree considered ‘threatening’ .

In short, there would inevitably be some harm to views from specific areas of the adjacent footpath and generally. However, this visual impact would not outweigh the benefits of this renewable energy scheme.

#### Neighbour Amenities

In considering noise impacts for the larger 27m turbine the inspector stated; *“..taking into account ETSU guidance for single turbines, a condition could be attached to a planning permission for the proposed wind turbine that would adequately protect nearby residents from the potentially harmful effect of noise created by the single turbine when in operation..”*



*Imposition of a suitable condition would also alleviate concerns regarding shadow flicker.”* I have no reason to doubt that the proposed scheme will be acceptable in terms of noise and shadow flicker.

The applicant has demonstrated that there would be no direct views to the turbine from Lower Slack Farm located to the east to the due to trees on the boundary and the farmhouse faces south. However, they have also proposed planting within the field between the turbine and Lower Slack Farm that would further restrict views. Given the above, the reduction in height of the turbine from previous applications and that the turbine would be at a lower level than Lower Slack Farm I do not consider there would be unduly detrimental impacts to residents of this property.

In relation to Salisbury Farm there is some screening on their boundary that would restrict direct views of the turbine from the rear of the property. Furthermore, at a distance of 190m, and with a turbine height of 17m, I do not consider that there would be significant harm to the neighbours amenities. The applicant has proposed tree planting on a field boundary between this property and the turbine which would again lessen the impacts.

The scheme is considered acceptable in terms of neighbour amenity.

#### Access / Parking

I am satisfied that the scheme would not have an unduly detrimental effect on users of the main road given its distance away from the road and the amount of screening for the most part existing between the site and the road, nor would the turbine unduly affect horses/riders. The turbine would also be outside of fall-over distances from the nearby footpaths and bridleways.

The Highway Authority previously requested further details that could be provided via conditions, relating to provision of wheel-washing facilities and the submission of a Traffic Management Plan. Given the relatively small scale turbine and its components, and the distance between the site and Burnley Road East I do not consider there to be need for either a traffic management plan or a wheel washing condition.

The scheme is considered acceptable in highway safety terms.

#### Ecology

LCC Ecology has advised in relation to previous turbine applications that the proposal would not have an adverse impact on biodiversity within the area, but a condition should be attached to a permission to ensure construction avoids impacts on nesting birds. The appropriate condition is recommended.

## **9. SUMMARY REASON FOR APPROVAL**

The proposed turbine is acceptable in principle. It is considered that, subject to the conditions, the wider environmental benefits associated with increased production of energy from the turbine will outweigh the limited harm it will cause to the landscape and visual amenity, and the scheme is considered acceptable in terms of neighbour amenity, highway safety and ecology. The proposal has been considered with particular regard the National Planning Policy Framework (March 2012), and Policies AVP3 / 1 / 18 / 19 / 20 / 24 of the Council's adopted Core Strategy DPD (2011).

## **10.RECOMMENDATION**

That Permission be granted, subject to the Conditions below.

### **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 submitted drawings and supporting information dated 15 November 2013 by the Local Planning Authority, and shall be to a height of no greater than 17.3m from ground level, unless otherwise required by the conditions below or otherwise first agreed in writing by the Local Planning Authority.  
Reason : For the avoidance of doubt.
3. The turbine hereby permitted shall operate at all times with the level of noise emissions, with correction for any tonal components, that accords with the 'Assessment & Rating of Noise from Wind Farms' (ETSU-R-97).  
Reason : In the interests of protecting neighbour amenity and the rural character of the Countryside, in accordance with Policies 1 / 18 / 20 / 24 of the Council's adopted 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 Policies 1 / 18 / 20 / 24 of the Council's adopted Core Strategy.
5. Vegetation clearance works or other works that may affect nesting birds, including ground nesting birds, shall be avoided between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections, the results of which have been agreed in writing by the Local Planning Authority.  
Reason: To protect ecological interests in accordance with Policy 18 of the Council's adopted Core Strategy.
6. Any works associated with the construction of the turbine hereby permitted 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, with no works to take place on Sundays, Good Friday, Christmas Day or Bank Holidays.  
Reason: To safeguard the amenities of neighbours and pedestrian/highway safety, in accordance with Policies 1 / 20 / 24 of the Council's adopted Core Strategy.