

PLANNING APPLICATION REPORT

ITEM: 05



Application Number: 13/00900/FUL

Applicant: Fulcrum Power Generation Limited

Description of Application: Change of use including installation of up to 52 diesel powered generators and 13 transformers for generation of Short Term Operating Reserve (STOR) electricity of up to 20MW to the Local Distribution Network and associated works

Type of Application: Full Application

Site Address: FORMER TOSHIBA FACTORY SITE, ERNESETTLE LANE
PLYMOUTH

Ward: Honicknowle

Valid Date of Application: 31/05/2013

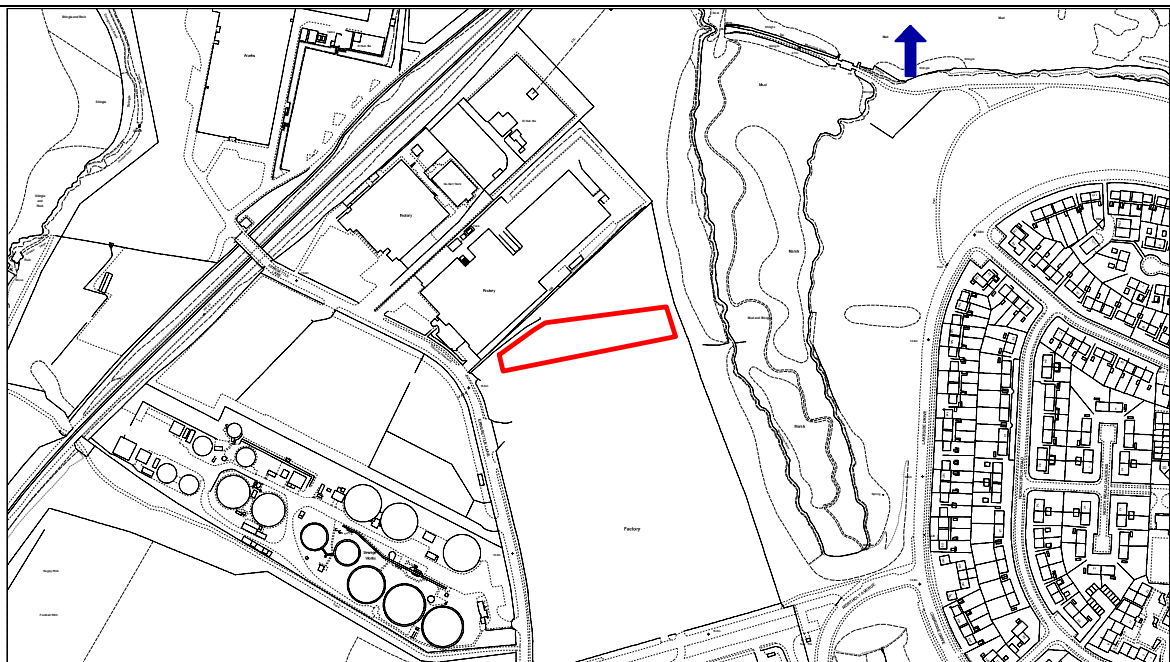
8/13 Week Date: **26/07/2013**

Decision Category: Member Referral

Case Officer : Simon Osborne

Recommendation: Grant Conditionally

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This application has been referred to Planning Committee by Councillor Mark Lowry.

Site Description

The site is located to the east of Ernesettle Lane and forms the northern end of the old Toshiba Factory site within Ernesettle Industrial Estate. The site falls within the setting of the Tamar Valley AONB, is within close proximity of the Tavy and Tamar estuary SSSI, the Tamar Estuaries Complex Special Protection Area (SPA), and Plymouth Sound & Estuaries Special Area of Conservation (SAC).

Proposal Description

The proposed development will comprise up to 52 diesel powered generators and 12 transformers. The generators will operate for a maximum of 200 hours per year, with a desired energy output of up to 20MW. The generators will be located within individual modular acoustic enclosures measuring:

- Length: 4.93 metres;
- Width: 1.65 metres;
- Height: 2.31 metres.

The 52 generators proposed will require approximately 1,102,400 litres of diesel per annum, consisting of up to 52 generators using 106 litres per hour for a maximum of 200 hours per year. The diesel will be stored on-site in two double bunded storage tanks, which will be located in the centre of the Site and will have a storage capacity of approximately 20,800 litres each.

According to the submitted information the National Grid experiences a large fluctuation of demand throughout the day and throughout different times of the year. During periods of high demand, the National Grid aims to either reduce the demand, or increase supply, to maintain a 20% supply margin. These fluctuations are predicted to become greater with the advent of unpredictable renewable generation such as solar and wind. The consequence of this is that the National Grid will require more reserve services, of which STOR is the main contributor.

Pre-Application Enquiry

None.

Relevant Planning History

There is a large amount of planning history relating to the now demolished Toshiba Factory, none of which is considered relevant.

Land adjacent to previous Toshiba Car Park

12/01341/FUL- Change of use of part of main car park at Plymouth Karting to an outdoor kart circuit – PERMITTED

Consultation Responses

Public Protection Service – No objections.

Environment Agency- No objections

Transport – No objections.

MOD – No objections

Natural England – No objections

Representations

11 letters of representation have been received regarding this application, 2 contain observations whilst 9 raise objections. The issues raised are:

- Pollution including air quality, the carcinogenic nature of diesel, pollution from deliveries and light pollution.
- Noise issues
- Should be an employment use.
- Impact on the Special Area of Conservation and Special Protected Area
- Is it necessary?
- Design and Access Statement inaccurate.

Analysis

1. This planning application turns upon the National Planning Policy Framework and policies CS18, CS19, CS22, CS05, CS28 and CS34 of the Plymouth Local Development Framework. The primary issues to consider are the impact on residential amenity, highways issues, impact on the SAC, SPA and AONB, employment issues, as detailed below.

The principle of the use and employment issues.

2. The site occupies a small section at the northern end of the old Toshiba site in Ernesettle Industrial Estate. The site is located at the boundary of the site outside of the footprint of the previous factory and it is not considered by officers to compromise the development of the wider site for employment purposes. Such a use is considered appropriate in an industrial setting and would not adversely impact existing or future units.

Residential amenity – noise and pollution.

3. The site is located approximately 200 metres to the west of the nearest residential dwellings. The proposed development will operate for a maximum of 200 hours per year which represents approximately 6% of the year and would not be operated outside of the hours 07:00 to 22:30. The units would also only operate for a maximum of 2 hours continuously at any one time with an estimated average running time of 55 minutes.

Noise

4. The proposed generators will be enclosed within acoustic containers and the proposal includes an acoustic barrier on the eastern and southern boundaries. Additional information has been provided at the request of the Council's Public Protection Service in order that the noise impact can be fully assessed. The proposed generators would generate levels of 40db at the nearest dwellings. Given the assumed dB drop of 10dB across a window Public Protection Service has confirmed this meets the standards they would normally recommend. As such Public Protection officers raise no objections to the proposal in terms of noise.

Air quality

5. Although there is a potential for the generators to emit pollutants including Nitrogen Dioxide and Particulates, they are emergency backup generators and are not operated constantly. As such the Public Protection Service agrees with the applicant's conclusion that the annual average objectives will not be exceeded, and, due to the irregularity with which they will operate the Public Protection Service also consider it is unlikely that the short-term objectives will be exceeded. Further to the low likelihood of exceedence the nearest residential dwelling is 200m away from the proposed site. Pollution levels will decrease significantly with distance from a source and as such the likelihood of exceedence of the objectives at the nearest residential dwelling is reduced further. On the basis of this information we are satisfied that there is unlikely to be a significant impact on air quality as a result of the proposed development.
6. The information submitted (i.e. letter signed by Philip Starr of Progress Group) confirms that the thermal input will be 49.79MW and therefore, because this is less than 50MW, an Environmental Permit is not required. As such Environment Agency also have no objections.
7. Considering the above it is not considered that the proposal would have a detrimental impact on nearby residential amenity including across the Tamar in Saltash. At the request of officers the applicant has also agreed to plant vegetation on the east and southern boundaries to help reduce any impacts of the proposal.

Impact on the SAC SPA and AONB

8. On the basis of the information provided with this application, Natural England consider that the project is not likely to adversely affect the integrity of Plymouth Sound and Estuaries Special Area of Conservation and Tamar Estuaries Complex Special Protected Area and no further assessment is required.
9. The site is in close proximity to the Tamar-Tavy Estuary SSSI. Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features
10. This site falls within the setting of the Tamar Valley Area of Outstanding Natural Beauty (AONB). Natural England has no comments to make on this proposal as it does not believe that this development is likely to impact on the reasons for which the site is designated.
11. The development has the potential to impact on the Plymouth Sound and Tamar Estuaries European Marine Site which lies just 35m to the west of the site. There is potential for impacts through pollution runoff and noise. However, provided that the mitigation works are implemented as identified, it is considered by officers there will be no detrimental impact on the European Marine Site.

12. As mentioned above at the request of officers the applicant has also agreed to plant vegetation on the east and southern boundaries to help reduce any impacts of the proposal on the wider area.

Highways

13. The proposal will have little impact on the highway network as once constructed there are very few vehicle movements to and from the facility. The generators are diesel powered which will be delivered to the site by fuel tanker. The size of the facility would generate approximately 1 HGV tanker trip per week. The access to the site will utilise existing arrangements so no amendments to the highway are necessary. Transport officers therefore have no objections to the proposal. Transport Officers recommend that a code of practice condition should be attached to any grant of consent to ensure delivery of the units is controlled in a suitable manner during the construction period.

Other issues

14. The initial submitted Design and Access Statement contained some inaccuracies regarding the site, these have now been corrected.

Human Rights

15. Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Local Finance Considerations

Community Infrastructure Levy –None

SI06 Obligations – None

New Homes Bonus - None

Equalities and Diversities

No further issues.

Conclusions

This application is considered to comply with the relevant policies and is therefore recommended for approval.

Recommendation

In respect of the application dated **31/05/2013** and the submitted drawings 4611/01, 4611-03, 4611-04, 4611-05 1203sk069/C, Agents Letter Dated 02/08/13, Oil Spillage Procedure Dated 7/01/13. Agents Letter Dated 04/07/13, PLANT NOISE ASSESSMENT REPORT 19347/PNAI, Generator Details, Planning Statement (Amended), and accompanying Design and Access Statement (Amended), it is recommended to: **Grant Conditionally**

Conditions

DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

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

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: 4611/01, 4611-03, 4611-04, 4611-05 1203sk069/C

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

VEGETATION DETAILS

(3) No development shall commence until details of the proposed vegetation shown on drawing 1203sk069/C have been submitted to and approved in writing by the Local Planning Authority. Details shall include plant locations, types and heights. The development shall not become operational until the vegetation has been planted in accordance with the approved details.

Reason:

To ensure the development will have an acceptable impact on the amenity of the area and on the natural environment in accordance with the NPPF and Policies CS34, CS18, CS19 and CS22

CODE OF PRACTICE

(4) Before any development is commenced, a Code of Practice shall be submitted to and approved by the Local Planning Authority which shall indicate measures to mitigate against adverse effects of noise, dust and traffic generation during the construction of the proposed development. The Code of Practice shall indicate: -

- a. the proposed hours of operation of construction activities;
- b. the frequency, duration and means of operation involving demolitions, excavations, drilling, piling, concrete production and dredging operations;
- c. sound attenuation measures to be incorporated to reduce noise at source;
- d. details of measures to be taken to reduce the generation of dust;
- e. the routes of construction traffic to and from the site including any off site routes for the disposal of excavated material.

The Code of Practice shall be strictly adhered to during all stages of the construction of the proposed development.

Reason:

To protect the amenity of the surrounding area in accordance with the NPPF and policies CS28 and CS34 of the Plymouth Local Development Framework Core - Strategy 2007.

HOURS OF OPERATION

(5) The hours of operation of the installation should be restricted to those hours as set out in the table within 5.4.2 of PLANT NOISE ASSESSMENT REPORT 19347/PNA1 as submitted by the applicant. The generators shall run for a maximum of 200 hours/year and shall have a maximum of 2hrs operational period at any one time.

Reason:

To ensure that the nearby dwellings to the hereby permitted installation do not experience unacceptable levels of noise disturbance to comply with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy 2007

INFORMATIVE: CONDITIONAL APPROVAL (WITH NEGOTIATION)

(1) In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

INFORMATIVE: (NOT CIL LIABLE) DEVELOPMENT IS NOT LIABLE FOR A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION

(2) The Local Planning Authority has assessed that this development, due to its size or nature, is exempt from any liability under the Community Infrastructure Levy Regulations 2010 (as amended).