

APPLICATION REPORT - PA/341276/18

Planning Committee, 16 January, 2019

Registration Date: 12/01/2018
Ward: Chadderton Central

Application Reference: PA/341276/18
Type of Application: Removal/Variation of Conditions

Proposal: Variation of condition no 8 relating to the noise generation scheme in relation to PA/338488/16

Location: Stock Lane, Chadderton, Oldham OL9 9EY

Case Officer: Graeme Moore

Applicant UK Power Reserve
Agent : Mr Fagg

THE SITE

The application relates to a 0.43 hectare parcel of land at the junction of Stock Lane, Stockfield Road and Dairy Street, Chadderton. The land comprises a hardstanding surface with a split level single/two storey building located to the south-east corner adjacent to the site entrance off Stock Lane. To the western elevation there is an acoustic fence at an approximate height of 3-4 metres. A second vehicle access is located off Stockfield Road to the north-west corner of the site. Permission was previously granted under PA/338488/16 for the erection of an electricity generation plant and associated ancillary apparatus, and this development has now been implemented.

The perimeter of the site is enclosed by palisade fencing to a height of approximately 2 metres and a grass verge providing a narrow strip of landscaping. Ground level rises gently in northerly and westerly directions across the site, with a low retaining wall flanking the western boundary with Dairy Street.

The site is surrounded by a mix of commercial, industrial and residential uses. These include a group of industrial units at Palm Business Centre to the south; a scaffold storage depot to the east; a combination of leisure, warehousing and retail uses within Stockfield Mill to the north, and rows of two-storey terraced dwellings to the west on Dairy Street and Stockfield Road.

THE PROPOSAL

The application seeks full permission for the variation of the wording of condition 8 of PA/338488/16 - Erection of standby electricity generation plant including associated ancillary apparatus and 2.4m high perimeter fencing (revision of PA/337190/15).

Condition 8 is currently worded as follows:

None of the generators hereby approved shall be installed on the site until a scheme to attenuate noise generated by this equipment (including any associated plant and machinery) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that noise emissions from the generators and any associated plant machinery do not exceed 39 dB(A) Leq (5 minutes) at any time when measured at the boundary of the closest dwellings on Stockfield Road and Dairy Street. The noise attenuation measures contained within the duly approved scheme shall be implemented before any of the generators are first brought into use, and shall be maintained as such thereafter

The applicants applied to vary the wording as follows:

None of the generators hereby approved shall be installed on the site until a scheme to attenuate noise generated by this equipment (including any associated plant and machinery) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that noise emissions from the generators and any associated plant machinery do not exceed 47dBLAeq at any time when measured at the boundary of the closest dwellings on Stockfield Road and Dairy Street. The noise attenuation measures contained within the duly approved scheme shall be implemented before any of the generators are first brought into use, and shall be maintained as such thereafter

RELEVANT HISTORY OF THE SITE:

- PA/338488/16 - Erection of standby electricity generation plant including associated ancillary apparatus and 2.4m high perimeter fencing (revision of PA/337190/15) - Granted, 22/06/2016
- PA/337190/15 – Erection of electricity plant and associated equipment (resubmission of PA/335922/14) – Granted, 28/08/2015.
- PA/335922/14 – Erection of an electricity generation plant – Granted, 12/11/2014.
- PA/56041/09 – Alterations to existing building and the erection of a new storage building – Granted, 10/03/2009.

SITE SPECIFIC LDF POLICIES

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan for Oldham is the Joint Core Strategy and Development Management Policies Development Plan Document adopted 9 November 2011 (DPD) and the saved policies of the 2006 Unitary Development Plan.

The site is currently allocated as a Business Employment Area (BEA) in the adopted DPD.

Joint DPD Policies:

Policy 9 – Local Environment

Policy 18 – Energy

National Policy:

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

CONSULTATIONS

Environmental Health – _Accept the findings of the noise assessment subject to the wording of the condition being amended as follows:

The sound pressure level of the plant shall not exceed 47dBA (5 mins) when measured in free field at the outside any residential property. Unless otherwise agreed in writing with the Local Planning Authority the plant shall only operate between the hours of 06:00 and 23:00. Outside of these hours the plant shall only operate for a maximum of 100 hours per calendar year. Should it be requested the applicant shall provide an operational hours log to the Local Planning Authority

REPRESENTATIONS

A request for the application to be determined by the planning committee was submitted by Councillor Colin McLaren on the grounds that the proposed increase in noise levels will lead to a unacceptable impact on the neighbouring residential properties.

The appropriate neighbouring properties were notified of the application by letter and a site notice posted. No representations have been received.

PLANNING CONSIDERATIONS

Principle of Development

The principle of the development has already been established under the previous approval, PA/338488/16, therefore in consideration of this application the only matter to be addressed is the condition that is proposed for amendment and the impact that the amended condition would have on the amenity of neighbouring residents.

The purpose of the development is to provide a standby electricity source through a series of gas fuelled engine generators which will contribute to the National Grid's Short Term Operating Reserve (STOR) programme by producing energy on demand. The applicant's previous supporting statement, made reference to National Grid's Annual Market Report (2011/12), which indicated that the maximum duration of a "STOR call" (the only time when the generators are operational) in 2011/12 was 5 hours, though the average running time was only 83 minutes.

The average number of STOR calls per day was less than 1 (0.38). Whilst there is no restriction on the timing or duration of STOR calls, it is apparent from the supplied figures that their frequency and duration is very limited. The run data for Stock Lane shows the plant has operated 404 times for a total of 686 hours and 48 minutes in the last year. Furthermore, data supplied by the applicants show that the plant has run for only 37 hours between the hours of 11:00pm and 6:00am in the last 12 months. This is typical of other similar plant across the country.

Noise

Further noise assessment work has been undertaken as part of this application. The applicants state that the planning consent (PA/338488/16) included the installation of a 2.4m acoustic fence around the whole perimeter of the site (Condition 7 of PA/338488/16). Following the determination of the application it was identified that a better solution would be to install an acoustic wall on the western side of the site between the approved development and the residential properties on Dairy Street which would avoid installing a fence close to the residential properties and would acoustically screen first floor windows.

Furthermore, it was identified that an acoustic fence on the northern, eastern and southern boundaries creates no beneficial reduction to noise levels at the nearest receptors. The consent was therefore implemented with an acoustic fence located only on the western side of the facility facing the properties on Dairy Street.

The receptors identified under the previous consent are still relevant and the principal noise-generating apparatus still remains the same, namely, the 10 gas powered engines and roof-level flues.

The applicants consider that unrestricted operation between 07:00 - 23:00 (standard daytime as defined by BS4142), is achievable. This is based on the site currently being just below the background noise level during the day (plant is 46dBA and background is 47dBA LAeq) and a contextual argument that the site is:

- a) an industrial location;
- b) the previous occupier was a builders yard which would have been noisier;
- c) the building has reduced the background noise by screening the residential properties from the wider industrial estate; and
- d) there has been only one complaint during the first year of operation which has been resolved.

Having consulted with Environmental Health extensively as part of this application, the

applicants and Environmental Health have now agreed the following variation of the condition:

"The sound pressure level of the plant shall not exceed 47dBA (5 mins) when measured in free field at the outside of any residential property. Unless otherwise agreed in writing with the Local Planning Authority the plant shall only operate between the hours of 06:00 and 23:00. Outside of these hours the plant shall only operate for a maximum of 100 hours per calendar year.

Should it be requested the applicant shall provide an operational hours log to the Local Planning Authority."

Conclusion:

The proposed development would provide a balance between the needs of the applicant and the requirements of the Council to protect the amenity of the neighbouring residential properties. The proposal is already operating as a standby electricity generation facility to meet local infrastructure requirements during peak periods of energy demand. The development already contributes to the continuity and security of energy provision in the area.

Based upon the information supplied as part of this application and the discussions with the applicant and Environmental Health, it is considered that the development would have no undue impact on the amenity of surrounding uses by reason of its noise, and appropriate mitigation measures would be put in place. The proposed development is therefore in accordance with the requirements of the Joint Core Strategy and Development Management Policies Development Plan Document and the National Planning Policy Framework.

RECOMMENDATION

Approve, subject to the following conditions:

1. This permission relates to the following plans:

Drawing no. 15051.101 Rev 2 – Location plan received 19/04/16.

Drawing no. 15051.102 Rev 5b – Site plan received 19/04/16.

Drawing no. 15051.103 Rev 5b – Full site elevations received 19/04/16.

Document titled 'Appendix 1: Equipment, materials and appearance' received 31/05/16.

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason - For the avoidance of doubt and to ensure a satisfactory standard of development

2. The sound pressure level of the plant shall not exceed 47dBA (5 mins) when measured in free field at the outside of any residential property. Unless otherwise approved in writing by the Local Planning Authority the plant shall only operate between the hours of 06:00 and 23:00. Outside of these hours the plant shall only operate for a maximum of 100 hours per calendar year. When requested the applicant shall provide an operational hours log to the Local Planning Authority

Reason - To protect the amenity of surrounding occupiers and to prevent nuisance arising.

3. Emissions from the generators shall be exhausted through stacks with a height at least 12.6 metres above ground level.

Reason - To ensure the efficient transmission and dispersal of waste gases to avoid the potential for unacceptable air pollution in the interests of public health and to minimise the development's environmental impact.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), no development falling within Schedule 2, Part 15, Class B of that Order shall be carried out on the site unless the prior written approval of the Local Planning Authority has been obtained.

Reason - To protect the amenity of surrounding occupiers and to prevent nuisance arising.

5. Within three months of the date of this permission a final completion report detailing site investigation and assessment into landfill gas risk shall be submitted to the LPA. The final report shall demonstrate the measures taken in order to ensure public safety from the development of the site and to ensure that no harmful landfill gases have been released (the report shall include any subsequent amendments as required by the Authority). On receipt of a satisfactory completion report, the condition can be discharged.

Reason - In order to protect public safety, because the site is located within 250 metres of a former landfill site.

