

KEY INFORMATION

Ward Strathmartine

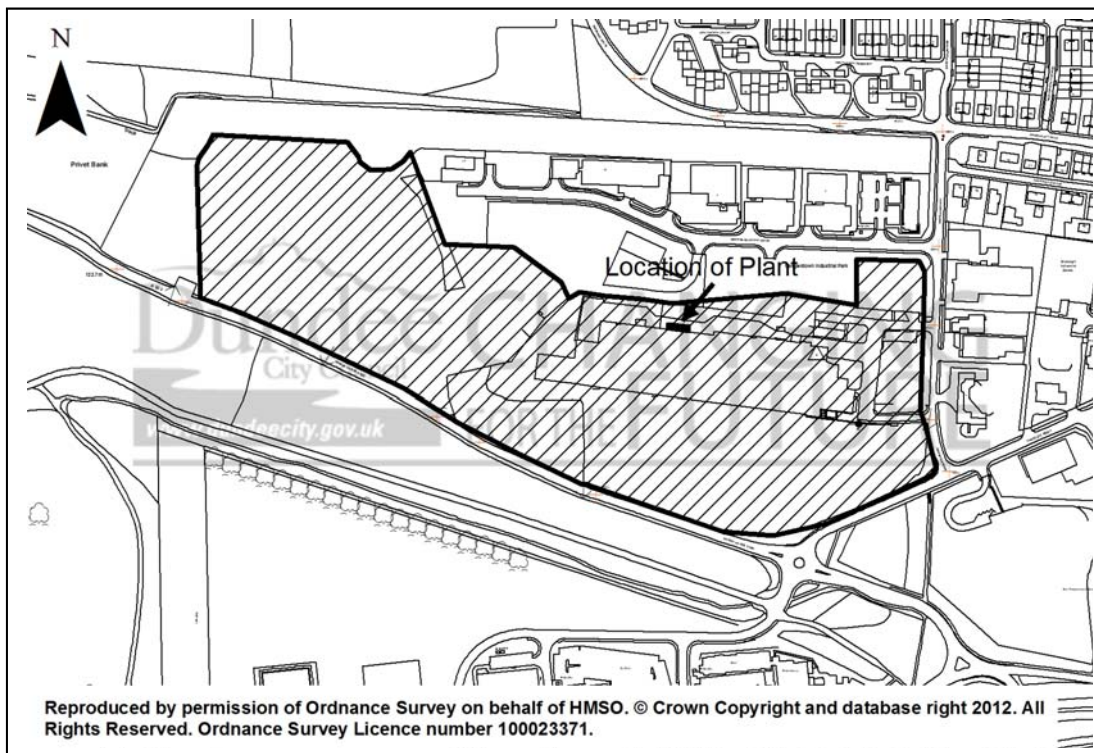
Proposal

Erection of a wood burning plant

Address27 Harrison Road
Dryburgh Industrial Estate
Dundee**Applicant**Joinery and Timber
Creations (65) Ltd
27 Harrison Road
Dundee
DD2 3SN**Agent**James Paul Associates
4 Brook Street
Broughty Ferry
Dundee
DD5 1DP

Registered 31 July 2008

Case Officer Eve Young



Woodburning Plant Proposed at Harrison Road

The erection of a wood burning plant is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of City Development.

RECOMMENDATION

The development fails to comply with the Dundee Local Plan Review 2005 in respect of the impact of the proposed stack on the setting of the B Listed Building. However, there are strong material considerations which support approval of the application, subject to conditions, contrary to the Development Plan. The application is therefore recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for the erection of a wood burning plant at this large manufacturing joinery unit which will burn wood base product off-cuts to produce energy for water heating and space heating in the factory. Disposal on site will prevent transportation of waste to landfill sites. The plant is 20 metres wide by 7 metres deep with a 24 metre high chimney located at the northern side of the existing factory.
- JTC (65) Ltd occupy the former Timex works on the west side of Harrison Road in the Dryburgh Industrial Estate at the north west of the City. The nearest housing lies south of Dalmahoy Drive, approximately 230 metres to the north east of the site.
- One valid objection was received from an adjacent business to the north on air quality grounds. When the application was lodged receipt of a single valid objection required a referral to Committee for a decision, hence this report.
- There have been extensive consultations between the City Council and the Scottish Environment Protection Agency (SEPA). Whilst SEPA did not object it could not confirm that a stack height of 24 metres was acceptable until an operational permit was granted. The applicant asked that the application be held pending the granting of a PPC permit which was approved by SEPA on 10 May 2011. Following the grant of the permit, the Head of Environmental Protection, Dundee City Council sought clarification from SEPA on air quality issues. The Head of Environmental Protection does not object to the application subject to conditions.
- The development fails to comply with the Dundee Local Plan Review 2005 in respect of the impact of the proposed 24 metre high chimney stack on the setting of the B Listed Building. However, it is concluded that there are strong material considerations which support approval of the application contrary to the Development Plan.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of a wood burning plant at this large manufacturing unit. The unit will burn wood base product off-cuts from the joinery company to produce energy for water heating and space heating in the factory. Disposal on site will prevent the transportation of the waste from the factory to landfill sites.

The plant comprises a furnace unit 20 metres wide by 7 metres deep with a 24 metre high chimney located at the northern side of the existing factory.

SITE DESCRIPTION

JTC (65) Ltd occupy the former Timex works on the west side of Harrison Road in the Dryburgh Industrial Estate at the north west of the city. It occupies a prominent position, lying along the crest of the hill overlooking Camperdown Park and the Kingsway. The main building is Listed Category B.

There is a sloping grassed area to the south fronting Coupar Angus Road; an open area to the west extending towards Templeton Woods; Camperdown Industrial Park, a relatively new industrial estate lies to the north bounded by a tree belt along Dalmahoy Drive; and to the east lie commercial and industrial units of Dryburgh Industrial Estate. The nearest housing lies south of Dalmahoy Drive, approximately 230 metres to the north east of the site, with the extensive housing area of Ardler lying beyond Dalmahoy Drive.

POLICY BACKGROUND

TAYplan Strategic Development Plan 2012 - 2032

The following policies are of relevance:

Policy 2: Shaping better quality places.

Policy 6: Energy and Waste/Resource Management Infrastructure.

Dundee Local Plan 2005

The following policies are of relevance:

Policy 24: Principal Economic Development Areas.

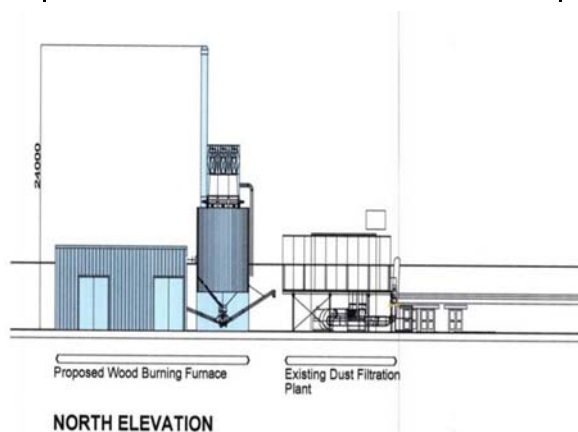
Policy 77: Renewable Energy and Energy Efficiency.

Policy 55: Urban Design.

Scottish Planning Policies, Planning Advice Notes and Circulars

SPP Scottish Planning Policy.

Planning Advice Note (PAN) 51 Planning, Environmental Protection and Regulation.



Non Statutory Statements of Council Policy

The following Planning Advice is of relevance:

Air Quality and Land Use Planning Jan 2007.

SUSTAINABILITY ISSUES

The following sustainability policy implication arises from this application:

The application is for a wood burning plant to deal with wood base product off-cuts from the joinery company to prevent the transportation of the waste from the factory to landfill sites.

SITE HISTORY

This factory has a long history of planning applications for various relatively small developments throughout its recent history. The only applications which are directly relevant are:

06/00359/FUL - extension to factory, new road and waste burning plant. The application was received on 26 March 2006 and was withdrawn on 5 December 2006.

06/01161/FUL - extension to factory and new hardstanding. Application received on 8 December 2006 and withdrawn on 19 October 2007.

06/01166/FUL - erection of wood burning plant. Application received on 8 December 2006 and withdrawn on 7 August 2008.

06/01164/LBC - erection of wood burning plant. Partner Listed Building Application was withdrawn on 8 August 2008.

08/00589/LBC is the partner Listed Building Application to this planning application which has yet to be determined.

11/00236/FULL - new build extension to factory. Declared invalid 18 May 2011 as the development constituted a major application which required the submission of a PAN prior to the submission of a planning application.

11/00244/PAN New office and showroom building. The PAN was submitted on 16 May 2011 but no planning application has been submitted to date.

Environmental Impact Assessment (Scotland) Regulations 2011 - the above regulations have been enacted since the application was submitted. The opinion of the Council is that the development is not likely to have "significant effect" on the environment by virtue of its nature, size or location and is therefore not considered to be EIA development under the terms of the Environmental Impact Assessment (Scotland) Regulations 2011. A screening opinion was issued by the Director, under delegated powers, confirming that an EIA is not required.

PUBLIC PARTICIPATION

The application was notified to neighbouring properties and 1 valid objection was received from an adjacent business to the north on the grounds that the employees in their new premises, which were currently under construction, would be exposed to particulate matter which appeared to exceed the permitted Air Quality limit value.

The application was lodged in 2008 and under the terms of the Council's approved Scheme of Delegation in operation at that time, the receipt of a single valid objection would result in the application being referred to

Committee for a decision. Accordingly, despite the changes to the Scheme of Delegation, this application is referred to Committee.

CONSULTATIONS

As the planning history indicates, there have been a number of planning applications since 2006 which have included a wood or waste burning plant. The proposal has resulted in extensive consultations between the City Council and the Scottish Environment Protection Agency (SEPA).

SEPA has no objections to the application as the supporting information justifies the provision of a 24 metre high chimney.

In the formal response, dated 17 August 2008, SEPA stated:

“SEPA is generally supportive of this type of proposal which will see a move away from the landfilling (no energy recovery) of the waste material produced at the site, to a process which will see some of the energy recovered and used for space heating, subject to load.”

The response went on to state:

“In a previous response, SEPA noted that the increase in stack height to 24 metres would appear to provide a margin of safety in respect of ultra-fine particulate material (PM).”

“Furthermore, SEPA notes that it will regulate the proposed activity under the Pollution, Prevention and Control Regulations (PPC) and is satisfied that sufficient regulatory controls exist within its remit.”

However, as part of that response, SEPA also noted that; “the determination of the PPC permit for the operation of the waste burner may lead to further revision to the stack height.”

As a result of this caveat to the SEPA response, the applicant asked that the application be held in abeyance pending the granting of a PPC permit to determine whether or not the proposed stack height of 24 metres met SEPA’s requirements.

The PPC permit was granted by SEPA on 10 May 2011. SEPA confirms that the stack height was increased to 24 metres to effectively disperse pollutants so that the ground level

concentrations will meet acceptable standards.

The Head of Environmental Protection has reviewed the documents submitted with this application, the documentation submitted to SEPA for the operator’s permit and the relevant Scottish Government guidance on such processes. Following the granting of the permit, further advice has been sought from SEPA with regard to future regulatory controls of the facility.

Operation of the plant has the potential to release detectable odours or visible emissions. However, the PPC permit requires daily checks by the operator and provides SEPA with regulatory powers should offensive odours be detectable outwith the site boundary or emissions are darker than specified in the relevant British Standard.

With regard to the emission of pollutants, the modelling reports included detailed considerations of meteorology; the height and width of existing buildings and the characteristics of the flue gas emissions to determine the most effective chimney height to give the lowest predicted ground level concentration of pollutants and ensure that the health-based National Air Quality Standards are achieved. The operator’s permit sets maximum values for some chimney emissions and this permit is subject to periodic reviews by SEPA which should take into consideration any changes to current process specific guidance and emissions standards. SEPA have advised that the adequate dispersion of pollutants would need to be controlled by a planning condition should there be future changes in building dimensions, that do not house permitted activities, in the vicinity of the chimney that could affect adequate dispersion of pollutants.

On the basis of the submitted information and following the discussions with SEPA, the Head of Environmental Protection does not object to the application.

In respect of appropriate planning conditions, given the regulatory powers available to SEPA, the only recommended conditions relate to the minimum height for the chimney and assessment of the impact of any future changes within the site, in the form of additional or enlarged buildings, which may alter the effective operation of the

chimney and associated abatement plant in respect of air quality matters.

OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider:

- a whether the proposals are consistent with the provisions of the development plan; and if not
- b whether an exception to the provisions of the development plan is justified by other material considerations.

The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy background section above

TAYplan Strategic Development Plan 2012 – 2032

TAYplan takes into account the vision set by the Dundee Council Plan and the Dundee Partnership’s Single Outcome Agreement which seeks a strong and sustainable city economy; offers real choice and opportunity in a vibrant and attractive city with an excellent quality of life.

Policy 2: Shaping better quality places. The policy requires new development to be fit for purpose, supporting more sustainable ways of life for people and businesses. Paragraph D of Policy 2 requires that waste management solutions are incorporated into development to contribute to the Scottish Government’s Zero Waste Plan.

Policy 6: Energy and Waste/Resource Management Infrastructure. Whilst this policy focuses on the renewable energy and waste/resource management sector on a regional scale, it identifies that development proposals should seek to deliver low/zero carbon outcomes.

The proposal complies with Paragraph D of Policy 2 and the reduction of waste transported to landfill also meets the terms of Policy 6. The measures to minimise the impact on air quality also meets the vision to maintain the quality of life in the city.

Dundee Local Plan 2005

The following policies are of relevance:

Policy 24: Principal Economic Development Areas. The site lies within an identified industrial estate, safeguarded for industrial and business use. As the development is for additional plant in association with the main manufacturing use, it does not conflict with the policy.

Policy 77: Renewable Energy and Energy Efficiency. The Council continues to support the provision of renewable energy within the city. The applicants have submitted a scheme that has been specifically designed to achieve a very low carbon footprint and reclaim some energy from the waste produced by the manufacturing process. It is concluded that the principle of the development is in line with the Council's aspirations to promote energy efficiency within the City.

Policy 55: Urban Design. The policy requires that all development should respect the setting of listed buildings. The proposed wood burning plant is located to the rear of the property and connected by ducting through the wall to transfer the waste products. There will be minimal impact on the fabric of the listed building. With regard to the setting of the listed building, this is a large industrial building, on a prominent location on the crest of a hill. The southern elevation is the principal elevation which remains unaffected. The building is now in use by another company under different circumstance from its construction in 1946 when it brought modern American mass production line methods to Dundee. Whilst the chimney stack will be seen, it will be viewed in the context of an industrial building in an industrial location. However it is considered that there will be an adverse impact on the setting of the listed building contrary to Policy 55.

The site is located some 165 metres to the north of the boundary of Camperdown Park but it is considered that the location of the site relative to the main extent of the Park ensures that it will not have an adverse impact on the designed landscape or the setting of Camperdown House.

Policy 1 Vibrant and Sustainable Communities requires new

developments close to and within housing areas to seek to minimise any affect on the environmental quality enjoyed by local residents. The site is not close to or within a housing area as the nearest house is 235 metres away and it is concluded that Policy 1 is not relevant to this application.

It is concluded from the foregoing that the proposal does not comply with Policy 55 of the Dundee Local Plan Review in respect of the impact on the setting of the B Listed Building and is contrary to the development plan.

Statutory Duty

Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997

Section 59 of the Act requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the planning authority shall have special regard to the desirability of preserving the building or its setting. As noted above, it is considered that the proposed development will have no significant impact on the building but will be visible and affect its setting when viewed from the south. However as noted, the listed building is still in use as a manufacturing unit by another company, ie the use for which it was designed and constructed and it is important to the preservation of the building that it remains in a beneficial use to ensure its retention. Other similar industrial listed buildings eg NCR and Van Leer have been demolished as they no longer meet the needs of modern industry. The current operator of the business seeks to minimise costs and improve sustainability by installing this equipment to deal with waste from the joinery production.

It is concluded that the economic and environmental benefits of the proposal outweigh the adverse impact on the setting of the building and will not have a sufficiently permanent detrimental impact on the setting of the building contrary to the statutory duty.

Other Material Considerations

The other material considerations to be taken into account are as follows:

The Proposed Dundee Local Development Plan 2012

This was approved by the Council on 29 October 2012. It sets out the spatial strategy that will guide future development up to 2024 and shows which land is being allocated to meet the City's development needs. The proposed Plan contains policies and proposals covering the principal land use issues in the city and sets out where new development should and should not happen.

The Dundee Local Development Plan will in time replace the Dundee Local Plan Review 2005. Approval of the Proposed Dundee Local Development Plan represents the Planning Authority's settled view as to what the final adopted content of the Plan should be. Whilst the Dundee Local Plan Review 2005 (along with TAYplan) constitutes the adopted Development Plan against which all applications require to be assessed in accordance with Section 25 of the Planning Act, the Proposed Dundee Local Development Plan has the status of a material planning consideration to be taken into account in the assessment of planning applications.

The Dundee Local Development Plan supports sustainable economic growth that encourages businesses to invest and create jobs whilst encouraging a lower carbon, sustainable City where development avoids, mitigates or adapts to the effects of climate change while protecting and enhancing the City's environmental assets.

The relevant policies in the Proposed Dundee Local Development Plan are as follows:

Policy 1 Principal Economic Development Areas. The policy seeks to safeguard existing business uses in such areas.

Policy 40: Waste Management Requirements for Development. The policy requires that development proposals should demonstrate that they adequately address the Council's waste strategy to reduce, collect, sort, recycle and reuse waste. The development meets this requirement.

Policy 44: Air Quality. The policy states that there is a general presumption against development proposals that could significantly increase air pollution unless mitigation measures are adopted to reduce the impact to levels acceptable to the Council. As noted in the Consultations

above, it is considered that the development is acceptable in terms of air quality and it will be the subject of monitoring in accordance with the terms of its permit from SEPA.

It is concluded that the development is in accordance with the main thrust of the policies in the Proposed Dundee Local Development Plan to safeguard and develop the economy using sustainable methods which minimise the impact on the environment.

Air Quality and Land Use Planning - January 2007

This Planning Advice provides guidance to developers and applicants on when and where air quality issues may arise in Dundee. All of Dundee has been designated as an Air Quality Management Area. The document identifies that air quality is a material consideration in determining applications for planning permission when the land use may give rise to air quality issues. Relevant planning applications should be supported by a statement demonstrating what actions have been considered to reduce the impact of the proposal on air quality and what modifications have been made to the proposal to address air quality issues. As noted above, there have been extensive consultations on this proposal between the City Council and SEPA in accordance with the supplementary planning guidance.

Scottish Planning Policy (SPP)

Scottish Planning Policy 1 (The Planning System) advises, amongst other things, that it is for the decision maker to assess both the weight to be attached to each material consideration and whether individually or together they are of sufficient to outweigh the provisions of the Development Plan.

The SPP states that increasing sustainable economic growth is the overarching purpose of the Scottish Government (paragraph 33). It states that the planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places.

Planning Advice Note (PAN) 51

This relates to the planning system in relation to the environmental protection regimes. SPP1 states that "the planning system should not be used to secure objectives that are more properly achieved under other

legislation." However, if a consideration is material in planning terms, it must be taken into account in reaching a decision. A precautionary approach should be taken to manage risk when there is a lack of scientific certainty about an outcome but measures should be proportionate and cost effective. Accordingly, the planning process should include consideration of the potential benefits of the development, the role of the planning system in the control of siting and design and the role of other legislation in the control of emissions or pollutants.

As noted in the Consultations above, the Head of Environmental Protection has considered the impact of the proposed development in terms of:

- 1 Odour and local amenity.
- 2 Visual amenity (in respect of visible emissions) and local amenity.
- 3 Pollutants, air quality and public health.

It is concluded that planning conditions are unlikely to be necessary to address issues which would be the responsibility of SEPA other than to require the operation of the stack and the effectiveness of the abatement technology to be the subject of a further analysis if the company seeks to change the existing circumstances by the development of further buildings within the site. It is concluded that the determination of this application has been carried out in accordance with PAN 51.

Regulation by SEPA

The Head of Environmental Health notes that SEPA have issued a permit under the Pollution, Prevention and Control Regulations which requires daily checks by the operator of odours and visible emissions. Operator's permits are subject to periodic reviews and any changes to process guidance and other controls can be evaluated by SEPA at that time.

Objection

1 valid objection was received from an adjacent business to the north on the grounds that the employees in their new premises, which were currently under construction, would be exposed to particulate matter which appeared to exceed the permitted Air Quality limit value.

The premises referred to in the objection are now occupied by the same company. As noted above in the Planning History and Consultations, this proposed development has been the subject of extensive consultations with SEPA and the Head of Environmental Protection. It is concluded that the development will not result in a significant increase in air pollution and that the operation of the plant will be the subject of monitoring under the terms of the permit from SEPA. It is concluded that the objection is not supported for this reason.

Conclusion

This development has been proposed since 2006 when consultants for the applicant carried out an initial air dispersal modelling exercise which identified that air quality problems may potentially exist if the initial proposal for the plant, with a 17 metre high chimney stack, was carried out. Increasing the stack height results in reduced ground level concentrations of pollutants and once the stack height reaches 24 metres, the maximum ground level concentrations fall by a significant amount. As a result, this planning application was lodged for revised proposals including a 24 metre high chimney stack.

Having indicated that they had no objections to the application, SEPA included a caveat that the final height of the stack would be defined as part of the application for a permit. At the request of the applicant, the application was held in abeyance pending the granting of the permit in 2011, to ensure that the proposed stack height was acceptable to SEPA. Thereafter, once the permit was granted in May 2011, the Head of Environmental Protection had further consultations with SEPA before making final observations on air quality issues which conclude that planning conditions are not required to control the operation of the plant but that future development within the site may affect the operation of the stack and the abatement measures and this should be the subject of an appropriate investigation as part of any future planning application.

As noted in the report, the development fails to comply with the Dundee Local Plan Review 2005 in respect of the impact of the proposed 24 metres high chimney stack on the

setting of the B Listed Building. Section 25 of the Act requires that the weight given to the material considerations, both in support of the application or against it, are carefully considered to determine whether planning permission can be granted contrary to the Plan.

The following material considerations weigh in favour of the development: the economic and sustainability objectives of the Dundee Local Development Plan 2012; the compliance with the Council's Planning Advice on Air Quality; SPP and PAN51 and the monitoring of the operations through the PCC permit issued by SEPA.

The objection weighs in support of the development plan for refusal of the application.

Design

The proposed wood burning plant comprises a burner unit with a 24 metre high chimney stack. The application site is a large industrial unit within an industrial estate where the provision of equipment of this nature is not out of place. The stack is a functional piece of equipment appropriate to the location.

CONCLUSION

It is concluded that the strong material considerations in support of the development are sufficient, in this particular case, to justify approval of the application subject to conditions, contrary to the Development Plan.

RECOMMENDATION

Recommendation

It is recommended that consent be GRANTED subject to the following conditions:

- 1 The chimney stack hereby approved shall be 24 metres high.
- 2 Within 120 metres of the site of the proposed chimney, and on land within the control of the applicant, should any additional buildings or extensions to existing buildings be proposed which would have a finished roof height higher than the existing main factory building, the effectiveness of the abatement technology and the chimney height hereby approved shall be

the subject of a revised modelling assessment and the resulting report including details of any necessary mitigation measures shall be submitted as supporting justification with any subsequent planning application.

- 3 In the event that the equipment hereby approved becomes obsolete or redundant, it must be removed and the site reinstated to the satisfaction of the Planning Authority within 6 months of the redundancy.

Reasons

- 1 In order to ensure the effective operation of the plant in the interests of air quality and the protection of public health.
- 2 In order to assess the impact of any such proposed development on the operation of the existing pollutant abatement measures serving the wood burning plant and ensure that the abatement measures will operate as effectively as the arrangements hereby approved in respect of the impacts on air quality.
- 3 In order to restore the setting of the statutorily listed building when viewed from the south.