

**Planning, Transport & Sustainability Division**  
**Planning and Rights of Way Panel 13<sup>th</sup> September 2016**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Southern Water and Marwood Group, Western Avenue			
<b>Proposed development:</b> Installation of a generator compound			
<b>Application number</b>	16/00665/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Stuart Brooks	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	28.06.2016	<b>Ward</b>	Millbrook
<b>Reason for Panel Referral:</b>	Referred by the Planning & Development Manager due to wider public interest	<b>Ward Councillors</b>	Cllr Taggart Cllr Furnell Cllr Denness
<b>Referred to Panel by:</b>	Cllr Denness	<b>Reason:</b>	Concerns about air quality and noise issues

<b>Applicant:</b> Peakgen Power Ltd	<b>Agent:</b>
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<b>Recommendation Summary</b>	<b>Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report</b>
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**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). Policies - SDP1, SDP5, SDP7, SDP9, SDP15, SDP16 of the City of Southampton Local Plan Review (Amended 2015) and CS9, CS13, CS19 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

<b>Appendix attached</b>			
1	Development Plan Policies		

## **Recommendation in Full**

- (i) Delegate to the Planning and Development Manager to grant planning permission subject to:
  - a. The completion of a S.106 Legal Agreement to secure provision of a tree replacement plan identifying the trees to be replaced at a ratio of two replacements for each tree removed and the contribution towards any off site provision, as necessary, required in accordance with saved Policy SDP12 of the Local Plan Review (as amended 2015), CS13 of the Southampton Core Strategy and the adopted SPD relating to Planning Obligations (September 2013).
  - b. Associated British Ports (ABP) raising no objection to the application following expiration of the consultation period.
- (ii) That the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

### **1. The site and its context**

- 1.1 This application site is located within the ward of Millbrook on the southern side of the mainline railway within operational port area, accessed from Dock Gate 20 along First Avenue. The application relates to land at the north-west corner of the Southern Water Sewerage Treatment Plant which is an area of hard-standing currently used for storage. The surrounding area is mainly industrial and commercial uses and the operational docks. There are 2 residential properties (former Southern Water houses) 300m to the east, located on the opposite site of the Southern Water facility.
- 1.2 To the north of the facility, beyond the railway line, lies the Millbrook Trading Estate along Third Avenue, and recreational fields. The nearest residential properties in this area are located on the opposite side of Millbrook Road West at a distance of 288m to the north. The nearest commercial premises are the reception office of the Southern Water works, approximately 100m to the south of the proposed compound, the Solent Plumbing Supplies building, some 50m to the north (over the railway line).

### **2. Proposal**

- 2.1 An electricity provider (Peakgen Power Ltd) seeks permission for a compound to generate electrical energy to feed into the grid at times of shortage, with a maximum operation period of approximately 110 hours in a year (not exceeding 2 hours per day) and combined electrical output of 20MW. The generators are proposed to supply short-term power to the national grid during periods when peak demand on the network exceeds supply, typically between the peak demand hours of 16.00-19.00. The generators themselves will only be expected to operate within the hours of 07.00 – 23.00, and expected demand (operation) is just 2 hours per week. Operation outside these hours will be exceptional and only in an emergency, required by the national grid.
- 2.2 This will consist of the installation of ten high-efficiency diesel and/or gas powered generators which are housed in insulated container units with five fuel storage containers, five transformers and two switchgear containers. A total of 40 solar panels will be installed on the roofs of the switchgear containers and a number of the generator containers. These will be used to provide power

required for the on-site auxiliary equipment with any excess fed into the electrical network.

- 2.3 The power generating equipment will be contained within a compound measuring 45 by 30m (0.14ha), covering a total of 14% of the existing Southern Water facility (1ha site). The generators, switchgear and fuel store are to be housed in containers similar in style to a shipping container. These containers are polyester powder-coated in a green finish. The compound is to be enclosed with metal palisade and/or wooden acoustic fencing where appropriate.

### **3. Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.3 Saved policy SDP15 (Air Quality) supports the grant of planning permission where the effect of the proposal would not contribute significantly to the exceedance of National air Quality Strategy Standards.
- 3.4 Saved policy SDP16 (Noise) states that noise generating uses will only be permitted if it would not cause an unacceptable level of impact.
- 3.5 The site falls within land which has been safeguarded for port uses only by policy CS9 (Port Uses) of the Core Strategy, however, this would not compromise the sustainability of the port uses given that the site has been historically used as water treatment facility. Furthermore, this is not considered to be a policy departure given that the compound has been historically established as a separate use to the port.
- 3.6 The future use of the Waste Water Treatment facility is safeguarded under the Hampshire, Portsmouth, Southampton and New Forest National Park Minerals and Waste Plan (adopted 2013). The applicant, therefore, has to demonstrate that the surplus land will not compromise the future operation of this facility.

### **4. Relevant Planning History**

- 4.1 The Southern Water Treatment facility was most recently granted permission to upgrade its water treatment facilities in 2011.

### **5. Consultation Responses and Notification Representations**

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, and erecting a site notice (10.05.16). At the time of writing the report **2** representations have been received from surrounding residents, and an objection has received from Cllr Moulton (Freemantle Ward). The Chair of the Panel has called in the application to be considered by the Panel. The following is a summary of the points raised:

- 5.1.2 **There is a lack of information submitted with the application to show that**

**the proposal would not adversely affect noise and air quality issues with respect to the City's environmental problems. The burning of diesel fuel would contribute to the City's air quality problems, affecting nearby residents and businesses. There is no direct relation or need to the docks or the water treatment works being provided by this development.**

#### 5.1.3 Response

Since the submission of the application, the applicant has commissioned a noise and air quality impact assessment. The Environmental Health team are satisfied the noise and emissions from the generators would be within acceptable limits, and the level of emissions would not affect the Council meeting its air quality objectives. This is discussed in more detailed below.

### 5.2 **Consultation Responses**

#### 5.2.1 **SCC Highways** – No objection

#### 5.2.2 **SCC Environmental Health (Pollution & Safety)** – No objection subject to conditions

#### 5.2.3 **Network Rail** – No objection subject to conditions

#### 5.2.4 **SCC Trees** – No objection subject to conditions

#### 5.2.5 **SCC Policy** – No objection subject to that the loss of the land associated with the Waste Treatment Facility would not compromise the future operation of the facility given that it is safeguarded land.

### 6. **Planning Consideration Key Issues**

#### 6.1 The key issues for consideration in the determination of this planning application are:

- Principle of Development;
- Impact on Character and Amenity;
- Impact on Air Quality and;
- Impact on Highway Safety.

#### 6.2 Principle of Development

#### 6.2.1 The compound will be provided on surplus land belonging to the Southern Water facility. The facility is being operated by a private electrical provider using diesel/gas powered generators on an infrequent basis to assist in backing up the national grid at times of power shortages, for example during the winter. Although the compound is located within land safeguarded by Policy CS9 for port use only, the site forms part of an existing Southern Water facility which operates separately from the port and docks. Furthermore, as the land is surplus, the operational requirements of Southern Water, would not be compromised by the development. Therefore, the proposal is acceptable in principle, subject to an assessment of the material considerations as set out below.

#### 6.3 Impact on Character and Amenity

#### 6.3.1 The site is located on the southern side of the mainline railway, near Dock Gate 20, with a separation distance of 280m to the nearest residential properties to the north (adjacent to Millbrook Road West), 300m between the ex-Southern Water houses to the east, and a recreation ground on the north side of the railway line. The nearest commercial premises are the reception office of the Southern Water works, approximately 100m to the south of the proposed

compound, the Solent Plumbing Supplies building, some 50m to the north (over the railway line).

6.3.2 The submitted noise report states that the predicted noise levels would fall significantly below the guidance levels for residential properties (40db at the façade of the former Southern Water houses), whilst the impact on neighbouring commercial units would be low given the high level of existing ambient noise level in the background in the order of 55-60db.

6.3.3 The appearance of the compound and the use itself, which consists of 10 containers enclosed by a security fence, would not be out of character with the industrial nature of the surrounding area. The Tree Team have raised no concern at the removal of the existing trees adjacent to the railway line, subject to the trees being replaced on a 2 for 1 basis on site, or a commuted sum being secured from the developer to fund the planting of trees in other suitable locations within the city.

#### 6.4 Impact on Air Quality

6.4.1 Policy SDP15 of the Local Plan requires potentially polluting developments to assess their air quality impact by detailed air dispersion modelling and appropriate monitoring. A detailed Air Quality Assessment has been submitted with the planning application. In assessing the air quality impact of new development, account needs to be taken of existing Air Quality Management Areas (AQMA). The Council has set these areas to monitor and assess air quality where the air quality objectives are not being met and exceed local and national policy objectives. An AQMA is located to the north of the application site, along Millbrook Road West, where the cause of the pollution is attributed to the linear heavily trafficked road into the port and a high number of HGVs using this road. In particular, a standard is set for an annual mean of 40ug/m<sup>3</sup> of Nitrogen Dioxide.

6.4.2 The modelling carried out in the Air Quality Assessment concluded that the predicted concentrations at positions of relevant public exposure did not breach any of the applicable air quality objectives. The assessment investigates both options for gas and diesel generators. In particular, the operation of the generators would emit a maximum of 0.49ug/m<sup>3</sup> at the nearest residential area. This equates to 1.2% of the annual mean NO<sub>2</sub> air quality objective, where the policy objective is set at 40ug/m<sup>3</sup>.

6.4.3 The Environmental Health team have carefully considered the proposal in line with the Council's air quality policy objectives and its commitments to ensuring continual improvements in air quality across the city and specifically in the vicinity of the A33 where elevated levels are currently predicted to persist above EU limit values beyond 2020. The modelling of the noise and air quality impacts to nearby occupiers is considered by the Environmental Health team to not affect these commitments. A condition is recommended to request that a technical specification for the plant and type of fuel used is agreed. That specification must include a maintenance program to ensure those standards will be maintained throughout the life of the plant. The maximum hours of the operational use of the generators will also be specified to ensure that the air emissions and noise impacts do exceed the levels predicted by the modelling carried out.

#### 6.4 Impact on Highway Safety

6.4.1 The compound will share the same access with the Southern Water facility, where the operation of the generators would generate a low level maintenance traffic. The Highway Officer has raised no concerns with regards to impact on highway safety from the access and parking arrangements.

#### 7. Summary

7.1 In summary, the small scale operation of the generators would not significantly affect the Council's continued commitments to ensuring air quality improvements within the local area, whilst the noise and air emitted by the generators would have negligible and harmless impact when compared to the existing levels experienced.

#### 8. Conclusion

8.1 In conclusion, the proposed development is considered to have an acceptable impact in accordance with the Council's policies and guidance.

### **Local Government (Access to Information) Act 1985**

### **Documents used in the preparation of this report Background Papers**

1(a), (b), (c), (d), 2 (a), (b), (c), (d), (e), 4(g), (vv), 6(a), (b)

### **SB for 13/09/16 PROW Panel**

### **PLANNING CONDITIONS**

#### **01. Full Permission Timing Condition**

The development hereby permitted shall begin no later than three years from the date on which this planning permission was granted.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

#### **02. Noise - plant and machinery**

The use hereby approved shall be implemented in accordance with findings of the acoustics report by Ian Sharland (Ref: M3670M-01 dated 6th June 2016) and thereafter maintained and retained as approved and the predicted noise levels shall not be exceeded as set out in report.

Reason: To protect the amenities of the occupiers of existing nearby properties.

#### **03. Limit of operational hours**

The generators hereby approved shall be operated for a maximum period of 110 hours per annum. The operators shall maintain a record of the hours operated in a log book to be made available on request for inspection by the Local Planning Authority. The log book records shall be kept available for a minimum 2 years.

Reason: In the interests of controlling the impact on air quality of the surrounding area in accordance with the findings of the air quality modelling carried out by the applicant.

#### **04. Plant specification and maintenance plan**

Prior to the first operational use of the power generators hereby approved, details shall be submitted to and agreed in writing by the Local Planning Authority to provide a technical specification for the plant and type of fuel. The specification shall include a maintenance program to ensure that the plant equipment will be maintained throughout its life. The power generators shall thereafter be operated and maintained in accordance with the approved details.

Reason: To ensure that the Council continues its commitment to air quality improvement within an area of the city that has exceeded local and national air quality standards by considering all practicable means of reducing emissions at source.

#### **05. Arboricultural Method Statement**

No operation in connection with the development hereby permitted shall commence on site until a site specific Arboricultural Method Statement in respect of the protection of the trees during all aspects of work on site is submitted and agreed in writing by the Local Planning Authority. It will be written with contractors in mind and will be adhered to throughout the duration of the demolition and development works on site. The Method Statement will include the following:

1. A specification for the location and erection of protective fencing around all vegetation to be retained
2. Specification for the installation of any additional root protection measures
3. Specification for the removal of any built structures, including hard surfacing, within protective fencing areas.
4. Specification for the construction of hard surfaces where they impinge on tree roots
5. The location of site compounds, storage areas, car parking, site offices, site access, heavy/large vehicles (including cranes and piling rigs)
6. An arboricultural management strategy, to include details of any necessary tree surgery works, the timing and phasing of all arboricultural works and protection measures.
7. Specification for soft landscaping practices within tree protection zones or the canopy of the tree, whichever is greatest.

Reason: To ensure that provision for trees to be retained and adequately protected throughout the construction period has been made.

#### **06. Replacement trees**

Any trees to be felled pursuant to this decision notice will be replaced with species of trees to be agreed in writing with the Local Planning Authority prior to the commencement of development at a ratio of two replacement trees for every single tree removed. The trees will be planted within the site or at a place agreed in writing with the Local Planning Authority. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting. The replacement planting shall be carried out within the next planting season (between November and March) following the completion of construction. If the trees, within a period of 5 years from the date of planting die, fail to establish, are removed or become damaged or diseased, they will be replaced by the site owner / site developer or person responsible for the upkeep of the land in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a

positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990

#### **07. Tree Survey**

No operation in connection with the development hereby permitted shall commence on site until an accurate plan showing the position of all trees on site has been submitted and agreed in writing with the Local Planning Authority.

Reason: To ensure easy identification of all trees to be retained pursuant to any other condition of this decision notice.

#### **08. Protection of railway**

Prior to the first commencement of development hereby approved, details shall be provided and agreed in writing by the Local Planning Authority with respect to:

- a. A lifting plan for the erection of the generators, insulated container, fuel storage container and switch gear container units adjacent to Network Rail land.
- b. Details of foundations for the generators and other containers.
- c. A Risk Assessment and Method Statement for all activity adjacent to Network Rail land.

The development shall then implemented in accordance with the agreed details.

Reason: In the interests of safeguarding operational railway land.

As the proposed application site is adjacent to the operational railway, Network Rail will require the developer to contact our Asset Protection Team at [AssetProtectionWessex@networkrail.co.uk](mailto:AssetProtectionWessex@networkrail.co.uk) and sign an Asset Protection Agreement prior to the commencement of any works taking place on site.

#### **09. Approved Plans**

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of proper planning.



**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS9	Port of Southampton
CS13	Fundamentals of Design
CS19	Car & Cycle Parking

City of Southampton Local Plan Review – (as amended 2015)

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP15	Air Quality
SDP16	Noise

Supplementary Planning Guidance

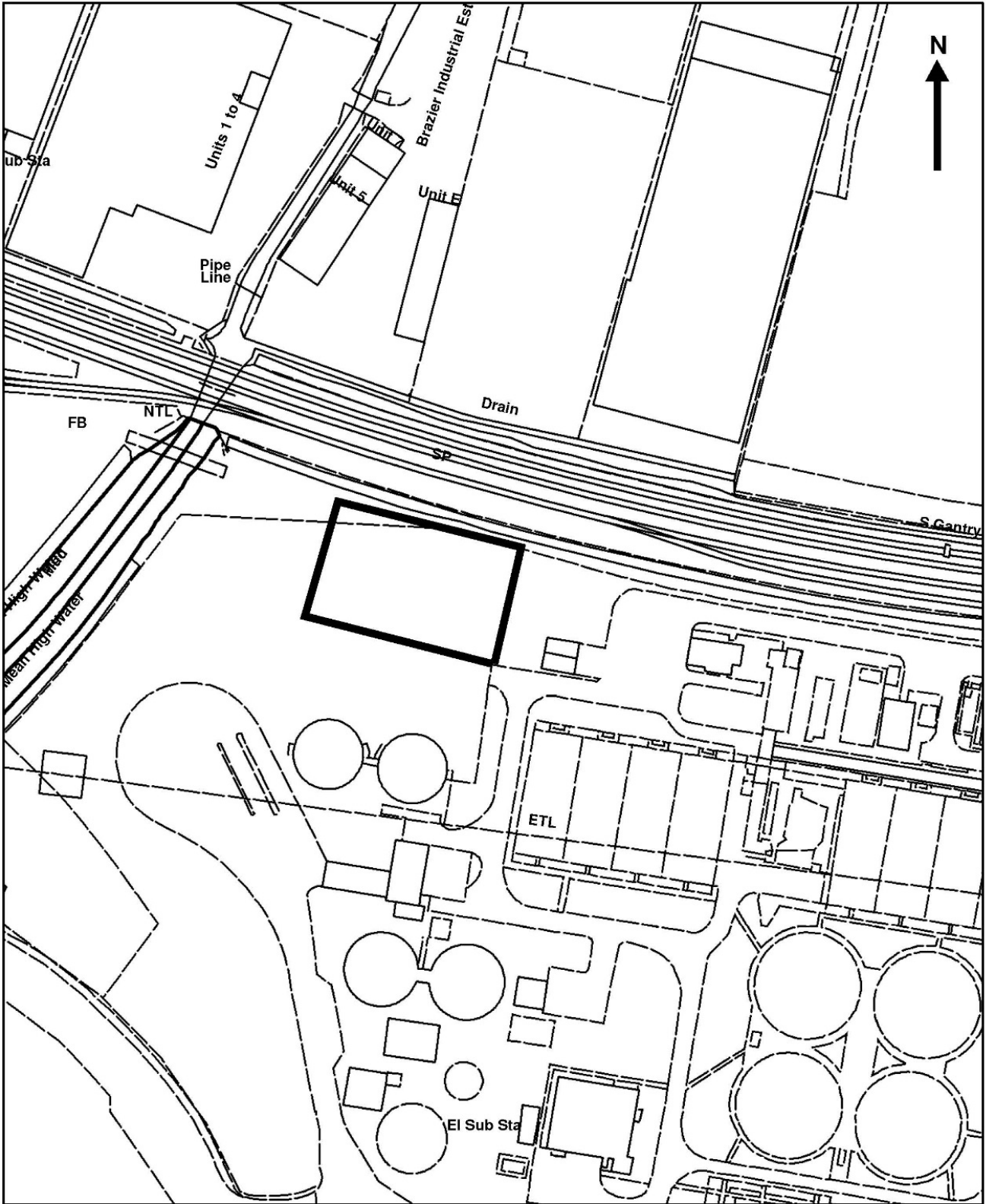
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)

Hampshire, Portsmouth, Southampton and New Forest National Park Minerals and Waste Plan (adopted 2013)

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