

# PLANNING & DEVELOPMENT COMMITTEE

LIST A  
ITEM NO: 1

**APPLICATION NO:** M/FP/0216/11/P

**DESCRIPTION:** Anaerobic Biogas production facility and combined heat and power plant(4.25MW)

**LOCATION:** Former D1 Oils Site Forty Foot Road Middlesbrough

**APPLICANT:** B F Bio Oils Ltd

**SUBMITTED BY:** Mr M Harkin

## **REPORT:**

### LOCATION:

1 The site is located on the eastern side of Forty Foot Road. The surrounding area of Riverside Park is largely characterised by industrial uses.

2 The west of the site borders Parson & Crossland, Xena Systems and the United Integrated Services office/workshop accommodation. The east of the site abuts railway lines, which run north to south. The north of the site has recent planning permission for a container terminal and storage yard (see paragraph 5 'relevant planning history'). The south of the site adjoins an open storage compound.

### PLAN STATUS:

3 Middlesbrough LDF, Core Strategy 2008:

DC1 - General Development

CS4 - Sustainable Development

CS5 - Design

CS7 - Economic Strategy

Middlesbrough LDF, Regeneration DPD 2009:

REG12 - Employment Land Allocations

REG13 - Riverside Park - General Development Considerations

### RELEVANT PLANNING HISTORY:

4 M/FP/2503/05/P - 'Proposed Biodiesel manufacturing research and development unit with tank farm'. This relates to the application site itself. Planning permission was granted on 20th February 2006 and the development was implemented on site and brought into operation.

5 M/FP/1360/10/P - 'Use for container operations and storage yard, construction of railway sidings, access, fencing and ancillary buildings'. This relates to the land located directly to the north of the application site. Planning permission was granted earlier this year

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(January 2011) and work on the development has started on site. The proposed development the subject of this report would work in coordination with this storage yard.

## PROPOSAL:

6 The application site is a vacant industrial site located within the heavily industrial Riverside Park. The proposal relates to both the re-use of existing buildings on the site and the provision of a number of new buildings and structures.

7 The proposed development incorporates the following:

- Combined Heat and Power (CHP) Plant facility with associated transformer. This CHP Plant facility would measure 12 metres in width, 15 metres in length, 7 metres in height to eaves and 10 metres in height of the mono-pitched roof.
- Pre-storage tank facility and hygenisation system with lobbied entrance (within existing industrial building adjoining Parson & Crossland).
- 3 no. Digestate Storage Tanks with diameters of 28 metres and a height of 9.1 metres to the 'shoulder' with a 6-metre roof on top.
- 2 no. Primary Fermenter Tanks with a diameter of 20 metres and a height of 20 metres to the shoulder with domed roof to a maximum height of 24.1 metres
- 1 no. Post Fermenter with gas accumulator tank with diameter of 25 metres and height of 8.8 metres to the shoulder with an 8 metre high roof on top.
- 1 no. Glycerin Tank and 1 no. Slurry Tank both with a diameter of 7 metres and a height to top of 15.5 metres.
- 1 no. Emergency Gas Flare of 12 metres in height.
- 1 no. Solid Material Store measuring 10 metres in width, 10 metres in length and 5 metres in height.
- 2 no. Technical Containers measuring 3 metres in width, 12 metres in length and 2 metres in height.
- 1 no. Security Control Weighbridge Building measuring 4 metres in width, 8 metres in length and 3.5 metres in height to top of mono-pitched roof.
- Site office and Welfare Block (within the existing lean-to structure).
- 8 no. on-site staff car parking and a cycle store.
- A service road is proposed around the perimeter to allow large vehicles to all areas of the site. This road is predominantly 4 metres in width.

The on-site buildings would be constructed using facing brickwork and microrib wall cladding in silver/grey. The Plant would consist of profiled metal cladding.

## CONSULTATIONS:

8 In relation to the mandatory consultation exercise, the Council were in receipt of the following comments.

9 The MBC Urban Policy and Implementation service has no objections to the proposed development provided that any potential impacts upon the surrounding environment are minimal.

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- 10 The MBC Highways service has no objection to the proposed development.
- 11 Network Rail has no objection in principle to the proposed development.
- 12 The MBC Refuse service has no objections to the proposed development.
- 13 Northumbrian Water has no objections to the proposed development.
- 14 The Environment Agency has no objection to the proposed development subject to a condition regarding the flood risk assessment.
- 15 The MBC Streetscene service was consulted but no comments have been received.
- 16 The MBC Economic Development service was consulted but no comments have been received.
- 17 Northern Gas Networks were consulted but no comments have been received.
- 18 The Health and Safety Executive does not advise against the granting of planning permission.
- 19 The MBC Designing Out Crime Officer has no objections to the application and does not intend to request Secured by Design conditions.
- 20 The MBC Environmental Protection service has concerns for the potential impact of odours from the site. The initial Odour Assessment did not satisfy Environmental Protection that the odour issue could be contained. Therefore, the agent was contacted to provide further details. A revised Odour Assessment was submitted to MBC on 27th June 2011. The Environmental Protection service had not commented at the time of writing and the Planning Officer will report their comments to Members at the Committee.

### ANALYSIS:

21 The relevant policies in the Middlesbrough Development Plan regarding this application are: DC1 (General Development), CS5 (Design), CS4 (Sustainable Development) and CS7 (Economic Strategy) from the Core Strategy 2008, and REG12 (Employment Land Allocations) and REG13 (Riverside Park - General Development Considerations) from the Regeneration DPD 2009.

22 In general terms, policy DC1 seeks to achieve high quality development, which minimise the impact on the local community. All development must be efficient in its use of resources, including land, and integrate sympathetically into its surroundings and contribute positively to the quality of life and to the environment in Middlesbrough.

Policy DC1 (General Development) states:

'In the determination of planning applications, unless there is a specific and acceptable reason for an exception to be made, all development proposals will be required to take account of, or satisfy, as a minimum the following principles (relevant points for the

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proposal are below):

- a) There is sufficient information supplied to enable the Council to determine the application.
- b) The visual appearance and layout of the development and its relationship with the surrounding area in terms of scale, design and materials will be of a high quality.
- c) The effect upon the surrounding environment and amenities of occupiers of nearby properties will be minimal both during and after completion.
- d) There is limited impact upon the capacity of existing and proposed transportation infrastructure both during and after completion, with no impact upon highway safety being evident at all throughout the development process.
- f) The effects on levels of air, water, land or noise pollution of the environment is limited both during and after completion.'

23 Policy CS4 (Sustainable Development) states:

'All development will be required to contribute to achieving sustainable development principles by, where appropriate (relevant points for the proposal are below):

- a) Contributing to achieving sustainable economic development to support efficient, competitive and innovative business, commercial and industrial sectors.
- h) Making the most efficient use of land, with priority being given to development on previously developed land, in particular vacant and derelict sites and buildings, ensuring there is a sufficient supply of land of a suitable quality in the right locations to meet the development needs of the people of Middlesbrough.'

24 Policy CS5 (Design) states:

'All development proposals will be required to demonstrate a high quality of design in terms of layout, form and contribution to the character and appearance of the area. Proposals will be required to contribute to achieving the following (relevant points for the proposal are below):

- b) Promotion of development and investment in those areas of the town that will benefit most from such action.
- c) Securing a high standard of design for all development, ensuring that it is well integrated with the immediate and wider context, including where appropriate the incorporation of public art.
- f) Ensuring a quality of new development that enhances both the built and natural environments.'

25 Policy CS7 (Economic Strategy) states:

The Council will support and encourage those employment proposals that assist in delivering economic prosperity and developing Middlesbrough's role as part of the heart of a vibrant and prosperous Tees Valley city region. In doing so, regard will be had to the ability of any proposal to contribute to:

- a) the achievement of the priorities identified in policy CS1;
- b) implementation of a comprehensive strategy of environmental, management and

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business improvements in the town centre aimed at raising investment confidence and strengthening the role of the service sector;

c) the successful regeneration of an area. Particular emphasis will be given to improving access to skills, training, education and employment opportunities;

d) developing greater innovation to stimulate increased business start up rates and levels of entrepreneurship.

The majority of this requirement will be accommodated in the following strategic locations:

- Greater Middlehaven,
- Riverside Park,
- Middlesbrough Town Centre,
- Greater Hemlington,
- East Middlesbrough.

26 Policy REG12 (Employment Land Allocations) states:

Land is allocated for employment uses (B1, B2 and B8 Uses) in the [following] locations and as identified on the proposals map.

Riverside Park (including SW Ironmasters), East Middlesbrough Industrial Estate, Lawson Industrial Estate, Cargo Fleet, Letitia, Coulby Newham, Hemlington Grange, Town Centre

27 Policy REG13 (Riverside Park - General Development Considerations) states:

Planning permission will be granted for the development of uses in use classes B1, B2 and B8, provided that the proposed development has no significant detrimental impact upon the amenities or activities of neighbouring properties, provided that in all cases:

a) A high standard of building design and finish is achieved including the provision of landmark buildings at gateway locations;

28 The analysis will now appraise the proposed development against the above policies. The assessment of the proposal is as follows:

29 As is detailed in the 'Proposal' section of this report (paragraph 7), the various proposed structures differ in their size and height. The most prominent structures on site would be the Primary Fermentation Tanks, which have heights of approximately 24 metres. To put this in perspective, the existing Parson and Crossland building, which adjoins Forty Foot Road and is to the west of the proposed site, is 14 metres in height to the ridge of its dual-pitched roof. As a result, the two Primary Fermentation Tanks will clearly rise above this building and be readily visible from several public vantage points.

30 Due to the nature of the proposed use and the requirements of such biogas production facility, the external appearance of the plant is wholly functional in appearance. It is challenging to make such a plant aesthetically pleasing.

31 Nevertheless, given the surrounding manufacturing environment and the character of the Riverside Park Industrial Estate, it is the planning view that the large structures on site, in particular the Fermentation Tanks, will not appear unduly large, incongruous and

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dominant. Instead, the proposed development would sit comfortably within the industrial landscape, which is characterised by varying structures of all sizes. The development is, thus, considered to be in accordance with local policies DC1, CS5 and REG13

32 The proposed Fermentation Tanks will be finished in a silver/grey colour, which the applicant considers appropriate with the finish of the existing industrial buildings on the site. However, if Members have concerns, the applicant has expressed willingness to agree the final colour and finish of the plant and buildings with the Council, as far as is practical.

33 The existing single access and egress point to the application site will continue to be used for the receipt and discharge of feedstock and digestate to and from the local road network. Though, given the proximity to the port and existing rail network, the applicant plans to ensure that as much feedstock as possible is brought to the site by way of sea and rail.

34 Notwithstanding the above, Forty Foot Road serves a number of industrial units within the area and is over 11 metres in width. The highway is more than capable of accommodating all vehicular movement to and from the site. The Council's Highways service has no objections to the development.

35 The proposed development is a great opportunity to bring vacant industrial land and buildings into use and the resultant employment creation is welcomed. The proposal would help boost the local economy and is considered to be in accordance with local policies CS7 and REG12.

36 The proposed plant through its generation of renewable electricity, efficient use of previously developed land and its sustainable location are seen to meet the principles of sustainable development, thus, being in accordance with local policy CS4.

37 The only concern that remains, at the time of writing, is with regard to the potential impact of odours from the site. The initial Odour Assessment submitted with the application was not detailed enough to ease the concerns of the Council's Environmental Health service. A revised Odour Assessment has been submitted, however, comments and other representations have yet to be submitted from the Environmental Health service. Any comments will be forwarded to the Planning and Development Committee to enable Members to consider the application in full.

38 It is the planning view that the proposed development would integrate sympathetically with the surroundings in Riverside Park. The plant and buildings are proposed on previously developed land in a suitable and sustainable location. The development is in an area of high industrial activity and in simple planning terms it is the right use in the right place.

39 With regard to the Middlesbrough Local Development Plan and following the above analysis, it is considered that the application is fully in accordance with policies DC1, CS4, CS5 and CS7 of the Middlesbrough Core Strategy, and policies REG12 and REG13 of the Middlesbrough Regeneration DPD. There are no valid planning or technical objections to the development, and accordingly, it is the recommendation that planning permission is granted subject to the conditions set out below.

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## REASON FOR RECOMMENDATION:

40 The application is satisfactory in that the anaerobic biogas production facility and combined heat and power plant (4.25mw) accords with the principles of National Planning Policy (Planning Policy Statement 1 and Planning Policy Statement 4) and local policy requirements (Policies DC1, CS4, CS5, CS7, REG12 and REG 13 of the Council's Development Plan).

In particular, the anaerobic biogas production facility and combined heat and power plant (4.25mw) are designed so that their appearance is complementary to and harmonises with the surrounding Riverside Park Industrial Estate. The anaerobic biogas production facility and combined heat and power plant (4.25mw) do not significantly affect any landscaping and will not have a detrimental impact upon the amenity of any nearby properties.

The development neither prejudices highway safety nor adequate and safe access to the premises.

The application is therefore considered to be an acceptable and appropriate form of development, fully in accordance with the relevant policy guidance and there are no material considerations that would indicate that the development should be refused.

## OFFICER'S RECOMMENDATION:

Approve Conditionally

## CONDITION(S) / REASON(S):

- 1 The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.  
Reason: The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out in complete accordance with the plans and specifications (Drawing Nos. 10996.23 and 10996.22) received and approved on 19th May 2011.  
Reason: To ensure a satisfactory form of development and for the avoidance of doubt.
- 3 The development hereby permitted shall only be carried out in accordance with the approved flood risk assessment and the following mitigation measure detailed within the flood risk assessment:  
Finish floor levels of new development should be set no lower than 5 metres AOD.  
Reason: To reduce the impact of flooding on the proposed development and future occupants.
- 4 A full and competent site investigation, including risk assessment must be undertaken and submitted to and approved in writing by the Local Planning

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Authority. This must identify any contamination present and specify adequate remediation necessary. The risk assessment and remediation scheme must be approved in writing by the Local Planning Authority and thereafter implemented, prior to the development taking place. Validation of the remediated site shall be provided in the form of a detailed completion statement confirming that works set out and agreed were completed and that the site is suitable for its intended use.  
Reason: In the interests of public safety and to ensure a satisfactory development

- 5 A full and detailed Air Quality Assessment must be undertaken and submitted to and approved in writing by the Local Planning Authority. The Air Quality Assessment shall include details of the pollutants released from the site and the heights of the exhaust stack. The details of the approved Air Quality Assessment must thereafter be implemented as part of the development hereby approved and prior to the operation of the site.  
Reason: In the interests of public amenity and to ensure a satisfactory development

**Committee Date:** 8th July 2011

**Originator:** Peter Wilson

**Contact Officer:** Mr E Vickers