

KEY INFORMATION

Ward West End

Proposal

Erection of single 31m high wind turbine

Address

6 Tom MacDonald Avenue
Dundee
DD2 1NH

Applicant

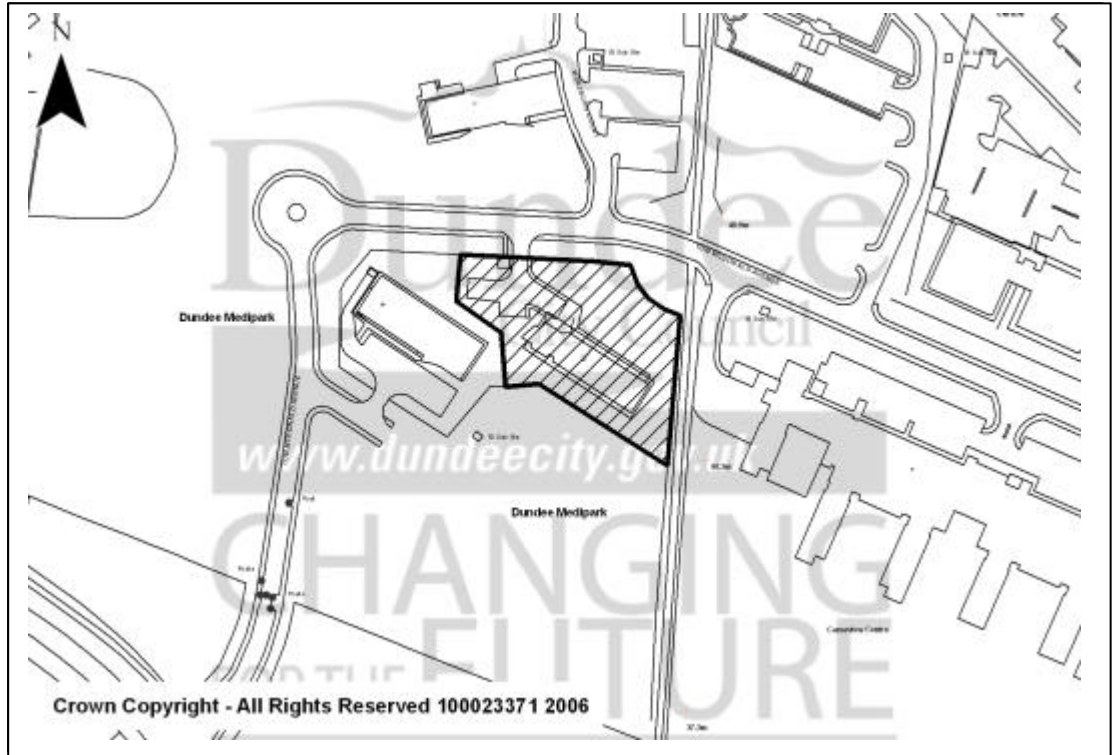
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Agent

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Registered 6 Dec 2007

Case Officer D Gordon



Proposed Wind Turbine in Tom McDonald Avenue

The erection of a single 31m high wind turbine is **RECOMMENDED FOR APPROVAL** subject to **conditions**. Report by Director of Planning and Transportation

RECOMMENDATION

It is considered that the proposal is consistent with the requirements of the development plan and in accordance with the Council's promotion of renewable energies within the city. The application is recommended for **APPROVAL** with **conditions**.

SUMMARY OF REPORT

- Planning permission is sought to erect a 31 metre high wind turbine on a site located to the west of Ninewells Hospital within the Medi-Park. This turbine is to be used in association with an existing business located within the park.
- The application was advertised in the local press as a 'bad neighbour' development under Section 34 of the Act. Two objections to the proposal have been received. These objections raise issues relating to the potential of the development to increase levels in the area to the detriment of surrounding occupiers.
- The proposal raises issues under Policies 1 (Vibrant and Sustainable Communities, 22 (High Amenity Economic Development Areas) and 77 (Renewable Energy and Energy Efficiency) of the Dundee Local Plan Review 2005.
- It is considered that the proposal is consistent with the requirements and aspirations of the relevant development plan policies for the area.
- The application is recommended for approval and there are no material considerations of sufficient weight, including the submitted objections, to justify the refusal of this application contrary to the terms of these policies.

DESCRIPTION OF PROPOSAL

The proposal seeks permission to erect a 31 metre high wind turbine on a site located within the Medi-Park. The turbine is mounted on a 30 metre tubular tower and is to be fitted with two blades each measuring 9.0 metres with the overall height to the blade tip of 40 metres. The nacelle (which houses the mechanical machinery) is to be mounted on the top of the tower and will contain the generator, gearbox and other operating equipment. The controls for the turbine are to be mounted in an external control cabinet near to the turbine base. The turbine foundation will comprise a 6m x 6m steel reinforced concrete slab. The tower is proposed to be finished in galvanised zinc and the nacelle is painted light blue.

The turbine is rated at 0.08 megawatts.

SITE DESCRIPTION

The site is located within the Medi-Park to the west of Ninewells Hospital on the south side of Tom McDonald Avenue.

The site is adjacent to a small parking/turning area that is located to the north and west of two single story business units that orientate in a north east to south west direction. The site slopes gently from north to south.

The surrounding area accommodates a variety of uses that are predominantly business/medical use in character. Residential properties are located further to the north and west of the site.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

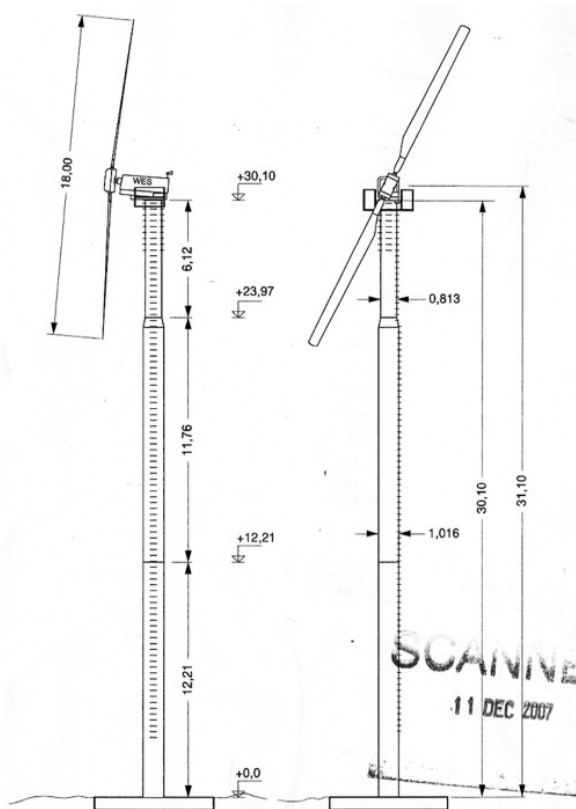
The following policies are of relevance:

Employment Policy 2: Existing Employment Areas. The Council will continue to safeguard and promote land for employment use at existing employment sites located throughout the city.

Environmental Resources Policy 10: Renewable Energy. Proposals for renewable energy development will be

favourably considered where they deliver quantifiable environmental and economic benefits and any significant or cumulative impacts on the natural and historic environment, landscape and local communities can be satisfactorily addressed.

Development proposals will be considered in the context of the wider environmental policies of the Structure Plan. Detailed criteria based policy, locational guidance and, where appropriate, areas of search for individual sources of renewable energy will be established by Local Plans. An Environmental Statement will be required for all large scale proposals or where development is likely to have significant effects on the environment.



Dundee Local Plan Review 2005

The following policies are of relevance:

Policy 1: Vibrant And Sustainable Communities - the City Council will promote vibrant communities, encouraging the development of an appropriate range of services and facilities close to and within housing areas. New development should be in accordance with other policies in the Plan and seek to minimise any affect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell.

Policy 22: High Amenity Economic Development Areas - the Council will encourage the establishment and retention of uses within Class 4 (Business) within the high amenity sites as identified on the Proposals Map. Exceptions where defined in Policy 27 (Ancillary Services within Economic Areas), will only be considered favourably where it can be demonstrated that the development will enhance the attractiveness of the area for business investment.

Policy 77: Renewable Energy And Energy Efficiency - the Council will continue to support the generation of renewable energy via the Waste to Energy plant in Dundee. Small scale wind energy developments will be favourably considered where they are

consistent with other Environmental policies of the Plan; they do not necessitate ancillary developments that may have an adverse environmental impact, e.g. power lines, and where they have no significant adverse or cumulative effects on:

- a neighbouring residential occupiers, other uses or road safety by reason of visual disturbance, noise emission, shadow flicker, reflected light or electromagnetic influences;
- b landscape; and
- c aircraft activity or known flight paths of migratory birds.

Other small scale renewable energy and energy efficiency measures that benefit communities and households in Dundee will also be favourably considered where they are

consistent with Environmental policies of the Plan.

Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

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

National Planning Policy Guideline 6: Renewable Energy. This NPPG sets out the Government's policy on developing renewable energy sources against a background of established land-use planning and environmental considerations.

Planning Advice Note 45: Renewable Energy Technologies (Revised 2002). Annex to Planning Advice Note 45 Renewable Energy Technologies - Planning for Micro Renewables (2006). These documents support the policies in NPPG 6 above by providing information and best practice on renewable developments, particularly larger installations such as wind farms and waste to energy plants.

Planning Advice Note 51: Planning and Environmental Protection. This PAN gives advice on the role of the planning system in controlling pollution and its relationship to a number of environmental protection regimes.

Planning Advice Note 56: Planning and Noise. This advice note demonstrates the role of the planning system in preventing and limiting the adverse effects of noise without prejudicing investment in enterprise, development and transport.

Non Statutory Statements of Council Policy

There are no non statutory Council policies relevant to the determination of this application.

SUSTAINABILITY ISSUES

It is considered that this proposal positively supports the Council's sustainability policies.

SITE HISTORY

99/23853/D - Erection of 84 Bed Psychiatric Unit - Application 29 April 1999.

04/00829/FUL - Erection of Laboratory (Cypex) - Application 22 December 2004.

04/00962/FUL - Erection of Laboratory (Alchemy) - Application 21 January 2005.

07/00845/FUL - Extension to Laboratory (Alchemy) - Application 16 October 2007.

PUBLIC PARTICIPATION

The applicants have undertaken the statutory neighbour notification procedure. In addition, the proposal was advertised in the local press under Section 34 of the Act as a bad neighbour development (development over 20 metres in height).

A letter of objection to the proposed turbine has been received from a neighbouring occupier. This letter advises that while there are no objections in principle to the development, there are concerns about potential noise radiation from the turbine and the impact that this may have on the occupiers of the property.

Concern about the proposal has also been expressed by a resident located some 520 metres to the south of the application site. The resident raises concerns about potential noise and adverse medical impact on householders living within a certain distance of the turbine.

A copy of this objection and representation can be viewed in the Members Lounges. It is intended to comment on the issues raised in the 'Observations' section of this report below.

CONSULTATIONS

The Council's Head of Environmental Health and Trading Standards has advised that, following the submission of a Noise Impact Assessment and subsequent discussions with the applicants noise consultants, he is not in a position to support the planning application. It is considered that the information submitted to assess the impact of any noise generated from the structure does not give sufficient comfort that the turbine can operate without giving rise to a noise problem for the residential properties to the west of the site and in particular the occupants of the nearby psychiatric unit to the east.

Due to the close proximity of the proposed turbine to the helipad at Ninewells Hospital and Dundee Airport, the applicants have undertaken the required consultations with the Civil Aviation Authority and the Ministry of Defence. No adverse comments have, to date, been received. Consultations were also carried out with Search and Rescue Units that use the Ninewells helipad. The applicants

have been advised that the turbine would make a difference to the operation of the helicopters, however, not to the extent that they would be prevented from using the helipad. The approach could be altered and the turbine should be lit at night.

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

The application seeks permission to erect a 31 metre high wind turbine on a site located within the Medi-Park. A more detailed description of the proposed development is contained in the 'Description of Proposal' section of this report above. The turbine is to be used in association with an existing adjacent business.

Policy 1 (Vibrant and Sustainable Communities) seeks, amongst other things, to minimise any affect of new development on the environmental quality enjoyed by residents by virtue of design, layout, parking and traffic movement issues, noise or smell.

The site is located to the west of Ninewells Hospital. The surrounding area accommodates a variety of uses including Class 4 uses and medical related uses. Residential properties are located approximately 160 metres to the west and 185 metres to the north. The Carseview Centre is located approximately 100 metres to the east. The nature of the proposal dictates that there are no issues relating to layout, parking and traffic movement issues or smell.

With regard to design, the applicants have demonstrated, through the submission of photomontages, that the long distance view of the proposed turbine will have a neutral impact on the setting of the city when viewed from the west. In local terms, there is

no question that, due to its proposed height, the structure will form a dominant feature in the area. Due to the location and orientation of the dwelling houses located to the west, it is considered that views and impact of the structure from these dwellings will not be significant. However, the houses located approximately 185 metres to the north will directly overlook the application site and accordingly will have a full view of the turbine. Notwithstanding this, the immediate environment is characterised by business/medical related uses and while the outlook of the residential properties to the north will be affected, it is considered, on balance, that this will not be so significant as to offer resistance of the proposal.

With regard to noise, the applicants have submitted a Noise Impact Assessment to accompany their application. The applicants advise that the report concludes that the results of the NIA show that it is likely that noise emissions from the wind turbine will not exceed ETSU's noise emission limit of 5dB(A) above background levels at the nearest sensitive receptor for the majority of the time. During the 3 day monitoring period there were occasions on which this limit would have been exceeded slightly, however, this would only occur where background noise levels are particularly low, especially during the night time period. The applicants do not consider these to be significant events. The Council's Head of Environmental Health and Trading Standards advises however that this was based on a prediction methodology which took the separation distance between the turbine and the Carseview Centre as 125 metres, whereas he is of the opinion that it is nearer to 107 metres, thus making a greater number of occasions where the ETSU defined limit would be exceeded.

The Council's Head of Environmental Health and Trading Standards has advised that, following a detailed assessment of the above Noise Impact Assessment, he has concluded that in considering the potential for this turbine to exceed ETSU-R-97 (The Assessment and Rating of Noise from Wind Farms) noise limits during the night coupled with the lack of any significant separation distance, there remains sufficient doubt that the unit

would operate satisfactorily and without impacting on either the residential properties to the west or the occupants of the nearby residential psychiatric unit to the east. In addition, considering the proposal outwith the remit and guidance of ETSU-R-97 ie as a stand alone unit, he initially considered there to be insufficient acoustic data (frequency analysis etc) on which to fully determine the potential of noise on adjacent sensitive properties. However, further information was provided by the applicants' consultant but he was of the opinion that it was insufficient to alter his views. Consequently, he is unable to offer support of the application at this time.

It is clear from the above that insufficient evidence has been submitted by the applicants to fully demonstrate, at this time, that the proposals will not have a detrimental impact on local occupiers, particularly during night time hours when background noise levels are low. However, conversely, there also remains sufficient doubt, that the wind turbine will have such a significant impact. In weighing up the balanced arguments that have put forward in relation to this issue, it is considered that the amenities of the adjacent properties can be adequately protected by attaching appropriate conditions to any permission granted that requires limiting the noise levels of the turbine during both day time and night time hours. In this respect, as this form of condition would protect the environmental qualities of the local area at the appropriate times the proposal is considered to be consistent with the requirements of Policy 1.

Policy 22 (High Amenity Economic Development Areas) of the Local Plan Review encourages the establishment and retention of uses within Class 4 (Business) within high amenity sites as identified on the Proposals Map. It is considered that the introduction of the proposed turbine that will operate in association with an existing use within the Medi-Park is consistent with the requirements and aspirations of this policy.

Policy 77: (Renewable Energy and Energy Efficiency). The Council continue to support the provision of renewable energy within the city. It is considered that the principle of the development is in line with the Council's aspirations to promote the

generation of renewable energy within the city.

The applicants have submitted a Supporting Statement to accompany their planning application that covers development plan policies and pre-application consultations.

It is concluded from the foregoing that the proposal complies with the provisions of the Development Plan.

Other Material Considerations

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

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 Noise Impact Assessment submitted by the agents to accompany this application has concluded that there may be the potential for noise to exceed acceptable levels, but only at certain times and under certain circumstances. It is considered that this matter could be fully controlled through the imposition of appropriate conditions attached to any permission granted which would ensure the protection of the environmental qualities currently enjoyed by neighbouring noise sensitive occupiers. On balance, therefore, it is considered that the concerns expressed by the Head of Environmental Health and Trading Standards are not sufficient, in their own right, to outweigh the provisions of the Development Plan.

National Planning Policy Guideline 6 (Renewable Energy) supports and promotes renewable energy provided there are no adverse impacts on the surrounding environment and amenities. This document advises, amongst other things, that wind turbines should only be permitted where they would not create noise problems for residential and other noise-sensitive properties. This matter has already been fully discussed in the consideration of the development policies above.

Planning Advice Note 45 (Revised 2002): Renewable Energy Technologies and Annex Planning for Micro Renewables 2006. These documents support the principles of NPPG 6 above and also recommends

good practice on controlling noise from wind turbines including suggested conditions that could be attached to planning applications for, amongst other things, single wind turbine developments.

Planning Advice Note 51: Planning, Environmental Protection and Regulation. This PAN advises that noise and nuisance may be considered as a material consideration, both in terms of proposed developments that are likely to cause noise or nuisance and in terms of proposed sensitive developments which may be affected. This matter has been discussed in full and discharged above.

Views of the Objectors

The main issue raised by the objectors relates to the impact the proposed development will have on the environmental qualities of surrounding occupiers, particularly in relation to potential noise nuisance. This matter has been discussed in the policy considerations of the application above.

The applicants have submitted a Supporting Statement to accompany their planning application that covers material considerations including noise, visual impact and shadow flicker.

With regard to noise and visual impact, these matters have been fully discussed and discharged above.

With regard to Shadow Flicker, the agents have submitted a shadow flicker analysis, in accordance with the "Planning for Renewable Accompanying Guidelines to PPS22", to accompany the application providing information on the potential shadow flicker. The applicants advise that the report assumes the worst case scenario as it does not take into account screening from vegetation cover within the affected zone and the window dimensions have been exaggerated to the size of the side of the building. The results advise that there is a potential impact from shadow flicker on nearby residential properties to the west at different times of the year and at different times of the day. In order to address this, the report recommends mitigation measures, including fitting a light meter to the turbine to ensure that the blades of the turbine are feathered to prevent rotation, when sunlight is strong enough to cause a problem. The

blades on this particular model do not feather however, rotate so that they turn out of the wind and hence stop operating.

The applicants have confirmed that they will be willing to fit a light meter to the turbine to monitor any potential for shadow flicker and the turbine rotated out of the wind to cease when operating when a potential problem may occur.

It is concluded from the foregoing that insufficient weight can be accorded to any of the material considerations such as to justify the refusal of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be approved.

Design

There are no specific design issues relating to the design of the single turbine proposed.

CONCLUSION

The proposal to provide a wind turbine within the Medi-Park to serve an existing adjacent business is acceptable in principle and is considered to be in accordance with the aspirations of the relevant land use policies of the development plan. However, following considerable discussions between this Council and the applicants' noise consultants; it is considered that insufficient evidence has been submitted at this time to fully demonstrate the impact of the development on the adjacent occupiers. While the main thrust of current government advice on renewable energy developments is the provision and support of such proposals, it is recognised that these developments should not be to the detriment of the local environment and amenities. It is considered that the imposition of appropriate conditions, as suggested by Planning Advice Note 45, would protect the neighbouring properties from the risk of any unacceptable noise levels in this business park environment. The proposal is considered to be in accordance to Policy 1 of the Dundee Local Plan Review 2005 and there are no material considerations of sufficient weight to justify refusal of the application contrary to the terms of this policy.

RECOMMENDATION

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

- 1 The development hereby permitted shall be commenced within five years from the date of this permission.
- 2 At wind speeds not exceeding 10m/s as measured or corrected to 10 metres above ground level and at 1 metre distant from the facade of the nearest noise sensitive property; noise from the turbine shall not exceed an La90, 10min of 46dB(A) daytime or the day background noise level plus 5 dB(A), whichever is the greater and 38 dB(A) night time plus 5dB(A). For the avoidance of doubt day time hours shall be from 0700 - 2159 hrs and night time hours 2200 - 0659 hrs.
- 3 Before development commences, written details of a monitoring plan for the turbine, that includes noise levels, shall be submitted to and approved in writing by the planning authority and the development thereafter shall thereafter operate only in full accordance with such approved details.
- 4 The wind turbine hereby permitted shall be shut down on each and every occasion when shadow flicker, as described in the Shadow Flicker Analysis Report submitted by MacAuley Enterprises Limited, on behalf of the applicants, dated 6th November 2007, is produced at the predicted affected properties. The blades of the turbine shall remain stationary until such times as conditions are such that shadow flicker will not occur at the predicted affected properties.
- 5 That if any time the turbine is not operational for a continuous period of 12 months, it shall be deemed to have ceased to be required and, unless otherwise agreed in writing with the planning authority, the turbine and ancillary equipment shall be dismantled and removed from the site within the following 2 months and the ground fully reinstated to the satisfaction of the planning authority.

- 6 That written details of aviation obstruction lighting required for the turbine and how it is to be maintained shall be submitted to and approved in writing by the planning authority prior to the commencement of works and if approved, these works shall be carried out only in full accordance with such approved details.
- 7 That details of any external lighting required during construction and / or during the operation of the wind turbine shall be submitted to and approved in writing by the planning authority prior to the commencement of development and shall thereafter be carried out only in full accordance with such approved details.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To protect adjacent occupiers from noise emissions generated by the wind turbine.
- 3 To ensure that the turbine operates in a manner and to a standard that will not adversely impact on the environmental qualities of adjacent occupiers by virtue of an increase in noise.
- 4 In order to ensure that the environmental qualities currently enjoyed by local occupiers are not adversely prejudiced by unacceptable levels of shadow flicker arising from the operation of the wind turbine.
- 5 In order to remove a prominent structure that is no longer operationally required in association with the existing business premises.
- 6 In the interests of aviation safety.
- 7 In the interests of safeguarding helicopter flights from the existing helipad located at Ninewells Hospital.