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**Report of the Head of Strategic Investment**

**STRATEGIC PLANNING COMMITTEE**

**Date: 30-Nov-2017**

**Subject: Planning Application 2017/93205 Development of a 20MW synchronous gas powered standby generation plant Land off Bradford Road, Rear of Batley Frontier, Batley, WF17 6JD**

**APPLICANT**

Gareth Woodberry,  
Shovel Ready Ltd

**DATE VALID**

15-Sep-2017

**TARGET DATE**

15-Dec-2017

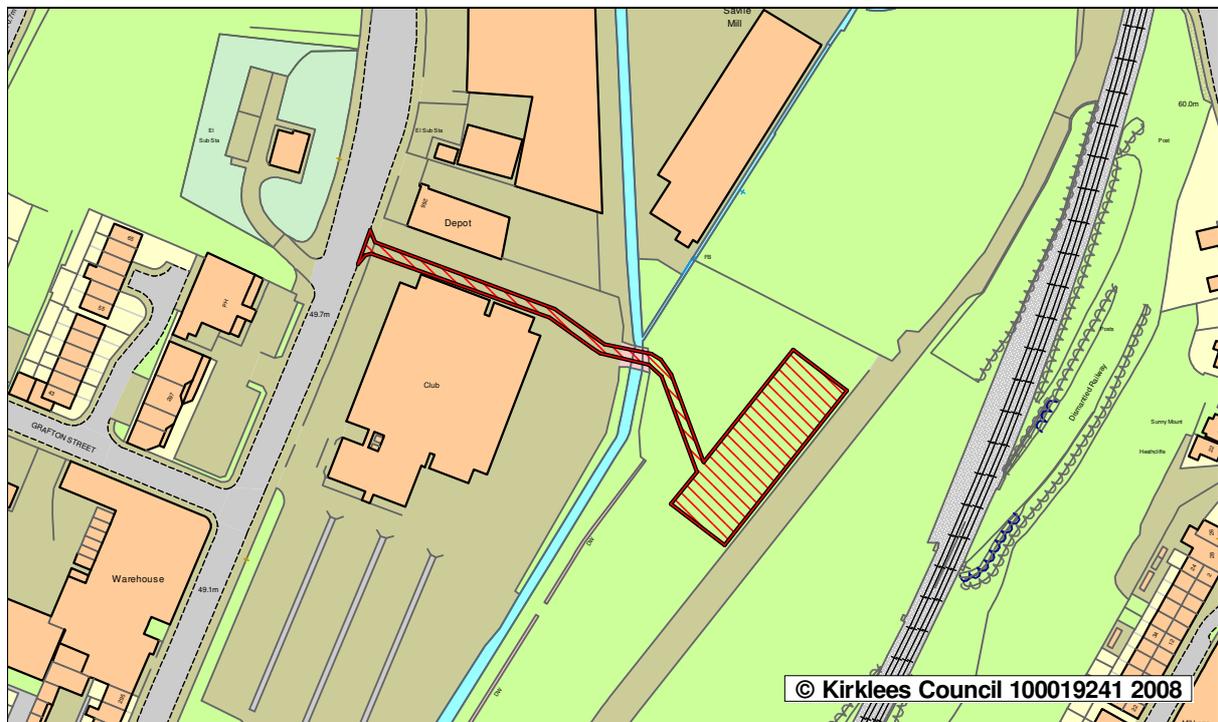
**EXTENSION EXPIRY DATE**

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Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

**LOCATION PLAN**



**Map not to scale – for identification purposes only**

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**Electoral Wards Affected: Batley East**

Yes

Ward Members consulted  
(referred to in report)

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## **RECOMMENDATION:**

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report.

### **1.0 INTRODUCTION**

- 1.1 The application is brought to the strategic planning committee for determination as the proposal involves the generation of more than 5MW of electricity.

### **2.0 SITE AND SURROUNDINGS**

- 2.1 The application site is located approximately 0.5km south east of Batley town centre within an area which is without notation on the proposals map although it falls within a wider regeneration area. The immediate area surrounding the site has a mixed residential/commercial character. Whilst the site is on the periphery of an existing concentration of industrial/commercial uses, residential properties are situated both to the east of the site at a higher level and to the west on the other side of the A652 Bradford road. The main Dewsbury to Leeds railway line runs to the east of the site on an elevated embankment. The site forms part of a hard surfaced yard area measuring approximately 1650m<sup>2</sup> which appears to have been used as an overspill carpark for the former Batley Frontier Club which is now a fitness centre and Gym. A steep vegetated embankment, which includes mature trees, rises to the east of the site towards the railway embankment. Consequently, whilst the nearest residential properties are located approximately 130 metres from the boundary of the site, views of the site from these properties are screened.

### **3.0 PROPOSAL**

- 3.1 The proposal is for the provision of a 20MW synchronous gas powered standby generation plant. Gas would be brought into the site via an underground pipeline to power the generators.
- 3.2 The primary function is to provide electricity to the local distribution network at times of peak demand. This mechanism for balancing the system ensures a sufficient supply of electricity is readily available to local homes and businesses at all times.

- 3.3 The proposed development will primarily respond to calls from National Grid in times referred to as 'stress events' – when the electricity networks' reserve power balance has been reduced due to a surge in demand, or reduced availability of large scale generation (i.e. coal, wind, solar).
- 3.4 Accordingly, when required by National Grid, the facility will be turned on remotely, the gas combusted and the combustion gas would spin a turbine to generate up to 20MW electricity which is exported to the local distribution network via the nearest appropriate substation.
- 3.5 The development comprises the following plant and equipment:
- 8 X 2.5 MW Gensets units located parallel to the access road, along the eastern boundary of the site. The engine containers will be 3.2 metres in height, within an additional 8.3m stack on top of them (totalling 11.5m in height). The engine units will be 15.4m X 3.2m
  - A gas module to the south of the site, 3m x 3m x 2.4m
  - A substation / switch room to the east of the gas module, 6m x 5m x 3m
  - A Transformer to the north of the switch room. This will be 5m x 4.2m x 4.9m
  - The erection of a palisade fence around the perimeter of the site
- 3.6 As the demand from the grid will dictate when this facility will operate, the applicant expects that the facility will generally operate between 07:30 and 20:30 hours. However, there may be occasions when it is required to operate outside these times but the applicant has confirmed this will not be between 23:00 and 07:00.

#### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 2007/92671 – Erection of Single Storey and first floor extension (approved 14.02.08)

2011/92411 - Change of use of night club to wedding venue/assembly and leisure (approved 23.11.11)

2016/91202 – change of use from nightclub/music venue to gymnasium (approved 22.06.16)

#### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 N/A

#### **6.0 PLANNING POLICY**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25<sup>th</sup> April 2017, so that it can be examined by an independent

inspector. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Local Plan process the Publication Draft Local Plan is considered to carry considerable weight in the determination of planning applications. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

## 6.2 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

D2 – Development on land without notation on the proposals map

D6 – Development within of adjacent to a green corridor

EP4 – Noise Sensitive Development

EP6 – Assessment of noise generated by development

G6 – Development involving potentially contaminated land

T10 – Highway Safety

T19 – Parking standards

## 6.3 National Planning Guidance:

NPPF Section 7 Requiring Good Design

NPPF Section 10 Meeting the Challenge of Climate Change, Flooding and Coastal Change

NPPF Section 11. Conserving and enhancing the natural environment

## 6.4 Kirklees Publication Draft Local Plan (KPDLP): Submitted for examination April 2017

PLP1 – Presumption in favour of sustainable development

PLP7 – Efficient and effective use of land and buildings

PLP 21 – Highway safety and access

PLP24 – Design

PLP27 – Flood Risk

PLP 30 – Biodiversity and Geodiversity

PLP51 – Protection and improvement of local air quality

PLP52 – Protection and improvement of environmental quality

## **7.0 PUBLIC/LOCAL RESPONSE**

7.1 This application was publicised by the erection of 2 site notices in the vicinity of the site the mailing of 2 neighbourhood notification letters and an advertisement in the local press. No representations from members of the public have been received in connection with this proposal.

7.2 Ward members have been consulted on the application

## 8.0 CONSULTATION RESPONSES

### 8.1 Statutory:

K C Highways DM – No objection subject to a planning condition requiring the implementation of vehicle turning facilities prior to the development being brought into use.

The Environment Agency – No objection subject to planning conditions requiring:

- Finished floor levels of any builds (kiosk) are set no lower than 49.89mAOD.
- Flood Resilience and resistance measures will be incorporated into the proposed development as stated in the supporting FRA.

### 8.2 Non-statutory:

K C Environmental Health – No objection subject to planning conditions which require that:

Noise levels from the generators housed within a container do not exceed 65dB(A)  $L_{A,eq(5min)}$  at 1m from the container in any direction.

The generators are not operated outside the hours of 07:00 to 23:00.

Measures are implemented to deal with any contamination not previously identified.

Also indicated that consideration should be given to requiring damage costs with regard to the proposal's effects on air quality.

K C Flood Management – Object as it is considered that the proposed surface water discharge rate is higher than 3l/s and could be reduced further by re-designing the attenuation measures

Northern Gas Networks – No response

## 9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Local amenity issues
- Local Environment
- Highway issues
- Flood Risk & Drainage issues

## 10.0 APPRAISAL

### 10.1 Principle of development

10.2 The site is located within an area which is without notation on the proposals map and it is therefore considered that any development within this area of

Batley should primarily accord with the criteria stipulated in UDP policy D2 and therefore should not prejudice:

- i the implementation of proposals in the plan;
- ii the avoidance of over-development;
- iii the conservation of energy;
- iv highway safety;
- v residential amenity;
- vi visual amenity;
- vii the character of the surroundings;
- viii wildlife interests; and
- ix the efficient operation of existing and planned infrastructure.

10.3 Due to the stage the emerging Local Plan has reached with regard to the examination process, it must now be given considerable weight in the consideration of planning applications. The implications of this proposal on the emerging plan must therefore be considered. However, the emerging local plan does not identify this site for any specific purpose. It is therefore considered that should this proposal be granted planning permission it would not prejudice the implementation of the emerging local plan.

10.4 It is therefore considered that this proposal is acceptable in principle subject to their being no conflict with local policies or national planning policy guidance.

#### 10.5 Urban Design issues

10.6 The development comprises a series of eight 2.5 MW gas powered standby generators which each of which would be sited inside a metal container and include an 8.3m high exhaust stack, a gas module, a transformer and a small sub-station. The area would be enclosed within a metal palisade security fence.

10.7 Whilst this design of this development reflects its use and is purely utilitarian, it is considered that its location is such that it would not appear out of character with the wider surrounding built environment which includes a range of building designs and a variety of tall structures including Mill chimneys, wind turbines and mobile telephone masts.

10.8 Consequently it is considered that this proposal would accord with policies BE1 or BE2 of the UDP, Policy PLP24 of the KPDLP and national policy guidance contained in Section 7 of the NPPF with regard to design principles.

#### 10.9 Local Amenity issues

10.10 The closest residential properties to the site are located approximately 130m to east off Bromley Street and Mill Lane and approximately 230m to the south

west off Bradford Road. The properties to the east are at a significantly higher level but are screened from the site by a belt of mature trees which limits views from these properties although this screening effect will be reduced when the trees lose their leaves. Having said this the trees would still filter views of the site resulting in the outline of the development being obscured. Existing buildings to the west screen views of the site from residential properties to the west and those properties are unlikely to gain significant views of the development. It is therefore considered that visual amenity of the occupants of those properties would not be significantly affected by this development. Consequently this development accords with UDP policy D2 and Section 7 of the NPPF with regard to its effect on visual amenity

- 10.11 This development would result in the generation of noise when the plant is operating. The applicant has provided a noise assessment in support of the application which has assessed the current noise climate in the area and made predictions regarding the affect this development would have. The noise assessment concludes that this proposal, which would not operate at night, would be able to operate without creating any significant adverse impacts on the closest residential receptors.
- 10.12 Officer's therefore consider that this proposal would accord with UDP policies D2, EP4, EP6, Policy PLP24 of the KPDLP and Section 11 of the NPPF with regard to its potential impact on the nearest noise sensitive properties.
- 10.13 Local environment issues
- 10.14 The site forms part of what was a hard surfaced overspill car park and its potential for wildlife habitat provision is therefore very limited. However, the site is close to the railway line which is identified as a wildlife corridor in the UDP and has been identified in the emerging local plan as part of a local wildlife habitat network.
- 10.15 The development would not physically impinge on the green corridor and due to the nature of its operation, which would be controlled remotely and involve very infrequent visits by members of staff for maintenance purposes, it is considered that this proposal would not detrimentally affect local wildlife using this corridor and would therefore accord with UDP policy D2, KPDLP policy PLP 30 and Section 11 of the NPPF with regard to its potential effect on local ecology.
- 10.16 When operating, this proposal has the potential to affect local air quality through the emission of increased levels of nitrogen dioxide (NO<sub>2</sub>). The applicant has submitted an air quality assessment in support of this proposal which indicates that during an anticipated operation time of 1500 hours per year, NO<sub>2</sub> levels would increase slightly by around 2.2µg/m<sup>3</sup> close to the site. The report concludes that this will only have a negligible to slight adverse impact and is unlikely to cause the annual mean National Air Quality Objective for nitrogen dioxide to be exceeded and as a consequence the effect on air quality will not be significant. Officers consider that this is an accurate assessment of the likely impact of this proposal on air quality.
- 10.17 Consideration has been given to seeking compensation through the development to offset this increase in NO<sub>2</sub> levels but this type of development offers no opportunity to incorporate such measures. Bearing in mind the very slight increase involved and that the overall annual mean

National Air Quality Objective for nitrogen dioxide would not be exceeded, it is considered that this proposal would accord with KPDLP policy PLP 51 and Section 11 of the NPPF with regard to this development's impact on air quality.

- 10.18 Due to the history of the site, it is possible that the site could be contaminated and would therefore require satisfactory remediation during development. The applicant has carried out a Phase 1 contamination report which details a desk top study of the historical uses of the site and a risk assessment based on the proposed future use. It concludes that due to the low sensitivity of the future use, the risk is considered to be negligible.
- 10.19 The report also considers the potential for the future use introducing new contamination onto the site and the measures that will be used to prevent new contamination from occurring. The report assesses that the construction methods which are anticipated would not require significant penetration into the ground. However it also considers the possible need for piles and actions required if unexpected contamination is encountered.
- 10.20 Should planning permission be granted it is proposed to include a planning condition requiring measures to be implemented should unexpected contamination be discovered during construction operations. Subject to these measures, it is considered that this proposal would accord with UDP policy G6, KPDLP policy PLP 52 and Section 11 of the NPPF with regard to potential contamination resulting from the development of the site.
- 10.21 Highway issues
- 10.22 The site would be accessed via an existing surfaced road which crosses Batley Beck and would provide parking and turning facilities within the compound area. As the site would be operated remotely vehicle movements to and from the site would be infrequent.
- 10.23 It is considered that, subject to the provision of the proposed parking and turning facilities prior to the development being brought into use, these access arrangements would be satisfactory and the proposal would accord with UDP policies T10 and T19 and KPDLP policy PLP 21 with regard to the potential impact this development would have on the local highway network.
- 10.24 Flood risk and drainage issues
- 10.25 The majority of this site falls within Flood Zone 1 although part of the access, where it crosses Batley Beck, falls within Flood Zones 2 and 3. However, bearing in mind the type of development involved and that the area where the generators would be sited falls exclusively within Flood Zone 1 (low risk of flooding), it is considered that a sequential test assessment is not required in this instance.
- 10.26 The applicant has provided a Flood Risk Assessment in support of this application which concludes that the proposed development would be operated with minimal risk from flooding and would not increase flood risk elsewhere.

- 10.27 The applicant proposes that surface water would be drained from the site via the nearby Batley Beck and that the proposed surface of the site would be designed to help to attenuate surface water run-off.
- 10.28 However, it is considered that the surface water drainage measures proposed would result in a higher discharge rate than is recommended for this type of development and could be reduced by re-designing site attenuation measures. Having said this, it is considered that this matter could be satisfactorily dealt with by the inclusion of a planning condition requiring the submission of a surface water management scheme prior to development commencing on site.
- 10.29 It is therefore considered that, subject to the inclusion of the aforementioned planning condition, this proposal would accord with KDLP policies PLP27 & 28 and Section 10 of the NPPF with regard to drainage and potential flood risk.

## **11.0 CONCLUSION**

- 11.1 The proposal would provide a useful facility for the generation of electricity at peak times which would help manage demand on the Grid. It is considered that, whilst utilitarian, the design of the proposal is acceptable. Noise generated by the development would not have significant detrimental effects on the nearest sensitive receptors and would result in negligible impacts on air quality in the vicinity of the site. The development is served by existing access arrangements and provides adequate parking and vehicle manoeuvring facilities within the site and it is therefore considered that it would not adversely affect the local highway network. Furthermore it is considered that this proposal would have no significant detrimental impact on the area's local environment.
- 11.3 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.4 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

## **12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)**

1. Standard 3 years to implement permission
2. Standard condition requiring development to accord with approved plans
3. No plant to be installed until its colour has been approved.
4. Development not to be brought into use until vehicle turning facilities have been implemented.

5. The implementation of measures to deal with unexpected contamination during construction including the submission, implementation of a site remediation strategy if required and subsequent validation.

6. Condition requiring:

- Finished floor levels of any builds (kiosk) are set no lower than 49.89mAOD.
- Flood Resilience and resistance measures will be incorporated into the proposed development as stated in the FRA.

7. Condition requiring the submission of a surface water management scheme

8. Hours of operation restricted to 07:00 to 23:00 on any day

9. Operation of Generators restricted to no more than 1500 hours per year and the submission of annual report if required to verify

10. The submission of a scheme indicating how the site will be artificially lit to protect local amenity and ensure the protection of local bat populations.

**Background Papers:**

Application and history files.

Website link:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f93205>

Certificate of Ownership – Notice served on site owner 15.09.17