
Report of the Head of Development and Master Planning**STRATEGIC PLANNING COMMITTEE****Date: 11-Jul-2019****Subject: Planning Application 2019/90890 Development of a synchronous gas-powered standby generation facility, plus ancillary infrastructure, equipment, and access Land off, Bradford Road, Batley, WF17 6JD****APPLICANT**Gareth Woodberry,
Shovel Ready 9 Ltd**DATE VALID**

18-Mar-2019

TARGET DATE

17-Jun-2019

EXTENSION EXPIRY DATE

16-Jul-2019

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

Electoral Wards Affected: Batley East

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Development and Master Planning in order to:

- 1) Allow the publicity period for the amended red line boundary plan to expire.
- 2) Complete the list of conditions including those contained within this report and issue the decision.

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 in the Local Plan. 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 (approx. 30m) 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 2400m² 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 and then beyond to the rear of residential properties. 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 This is a resubmission of a previous proposal which was approved under planning permission 2017/93205 and seeks to amend the original scheme. It involves a slight increase in the size of the application site and changes to the site layout.
- 3.2 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.

- 3.3 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.
- 3.4 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).
- 3.5 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.
- 3.6 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 3.5 metres in height, within an additional 8.2m stack on top of them (totalling 11.5m in height). The engine units will be 13.2m X 3.4m.
 - a brick built building at the northern end of the site containing the DNO Sub-Station and Private substation / control room/Aux TX Meter building
 - a Gas Governor and Neutral Earthing Housing (NER) and these will be GRP clad buildings
 - 33/11kV transformer
 - The erection of a palisade fence around the perimeter of the site
- 3.7 Demand from the grid will dictate when this facility will operate. However, the applicant has indicated that the facility will only operate between 07:00 and 23:00 hours.

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)

2017/93205 - Development of a 20MW synchronous gas powered standby generation plant (approved 28.12.17)

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 During the assessment of the application negotiations resulted in the submission of amended flood risk information.

- 5.2 The applicant has been requested to amend the application red line boundary to address the issue raised in paragraph 10.20 of this report.

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

6.2 Kirklees Local Plan

LP1 – Presumption in favour of sustainable development
LP7 – Efficient and effective use of land and buildings
LP 21 – Highway safety and access
LP22 - Parking
LP24 – Design
LP27 – Flood Risk
LP 30 – Biodiversity and Geodiversity
LP51 – Protection and improvement of local air quality
LP52 – Protection and improvement of environmental quality

6.3 National Planning Guidance:

NPPF Section 12 Achieving well designed spaces
NPPF Section 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change
NPPF Section 15. Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE

- 7.1 This application was publicised by the erection of 3 site notices in the vicinity of the site the mailing of 110 neighbourhood notification letters and an advertisement in the local press. No representations have been received from the public regarding this matter.
- 7.2 Ward members have been consulted on the application but no response received.

8.0 CONSULTATION RESPONSES

8.1 Statutory:

K C Highways DM – No objection

The Environment Agency – No objection subject to the development being carried out in accordance with the supporting FRA and planning conditions requiring:

- Finished floor levels of any builds and sensitive equipment 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.

K C Lead Local Flood – No objection subject to the inclusion of a planning condition requiring the submission and agreement of a foul, surface water and land drainage scheme prior to development commencing.

8.2 **Non-statutory:**

K C Environmental Health – initial comments received with regard noise – No objection subject to planning conditions which require:

- Details of noise mitigation measures to be submitted and agreed prior to the generators being brought into use.
- That the generators do not operate outside the hours of 07:00 to 23:00 on any day
- Any contamination found on site which has not previously been identified is satisfactorily remediated

Comments on air quality are to follow in the update

Northern Gas Networks – No objection

9.0 **MAIN ISSUES**

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

10.0 **APPRAISAL**

10.1 Principle of development

10.2 The site is located within an area which is without notation on the Local Plan. However, this would not preclude the development of the site as proposed. This type of development is considered to constitute an industrial process and would therefore fall within Class B2 (general industry). Consequently it is considered that this proposal is acceptable in principle subject to their being no conflict with local policies or national planning policy guidance.

10.3 Urban Design issues

10.4 The development comprises a series of eight 2.5 MW gas powered standby generators. each of which would be sited inside a metal container including an 8.2m high exhaust stack, a brick building housing control equipment and switchgear, a transformer and a 2.4 metre security fence.

- 10.5 Whilst the 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.
- 10.6 Consequently it is considered that this proposal would accord Policy LP24 of the Kirklees Local Plan and national policy guidance contained in Section 12 of the NPPF with regard to design principles.
- 10.7 Local Amenity issues
- 10.8 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 Kirklees Local Plan Policy LP24 and Section 12 of the NPPF with regard to its effect on visual amenity
- 10.9 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 effect this development would have.
- 10.10 In summary, the assessment was carried out based on the worst case scenario of all the generators operating at the same time. Table 9 of the supporting noise assessment predicts that the maximum rating levels of noise from all the equipment operating will exceed the measured background level of 39dBA at points R1 & R2 (Mill Lane & Bromley Street) by 8 dBA indicating that it will have an adverse impact at these residential properties. It also predicts that maximum rating level will be 16-22 dBA less than the background levels at R3 & R4 (properties at Bradford Road) indicating a low impact. From the above, Part 7 of the report predicts that if noise from the plant does not exceed the criteria specified in the report then the impact from the proposed development will be between no observed adverse effect level (NOAEL) and Lowest observed adverse effect level (LOAEL). Consequently the noise assessment concludes that noise should not be a constraint to the approval of this development.
- 10.11 Officers have reviewed the aforementioned noise assessment and are concerned that from the information provided, which indicates that the generators could be operational for up to 2500 hours per year, the noise occurring at times when all of the proposed generators are operating will potentially have an adverse impact on the nearest residential properties and that further measures would be required to mitigate this impact. However, it is considered that details of such mitigation measures could be secured prior to any development commencing via planning condition.

10.12 It is therefore considered that, subject to securing additional mitigation measures via planning condition, this proposal would accord with Kirklees Local Plan policy LP 52 and section 15 of the NPPF with regard to impact associated with noise generated by the development.

10.13 Local environmental 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 part of the district's wildlife habitat network in the Kirklees Local Plan.

10.15 The development would not physically impinge on this part of the habitat network 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 Kirklees Local Plan Policy LP30 and Section 15 of the NPPF with regard to its potential effect on local ecology.

10.16 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.

10.17 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.

10.18 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 Kirklees Local Plan Policy LP52 and Section 15 of the NPPF with regard to potential contamination resulting from the development of the site.

10.19 The applicant provided an Air Quality Assessment (AQA) in support of this proposal which has considered the current air quality levels in the area and estimated how these levels would be affected by this proposal in a worst case scenario situation, i.e. that the generators would be running for the maximum 2500 hours per year. However, the applicant has indicated that this is likely to be an over estimate and that the impact associated with this proposal would therefore be reduced.

10.20 The study indicates that the estimated mean background pollutant concentrations of Nitrogen Dioxide (NO₂) in the study area is between 10.3 and 23.6 µg/m³. The AQA has predicted that if operated at 2500 hours per year, any increase in NO₂ concentrations would be limited and result in an increase in levels of 2.2 µg/m³ to 19.1 µg/m³ for the majority of receptors in the immediate vicinity, although these levels would rapidly decrease from the

source of generation. Consequently, the AQA has estimated that the maximum annual mean contribution to NO₂ levels resulting from this process would generally have a negligible effect on local air quality with regard the nearest sensitive receptors. Additional information on air quality will be provided in the committee update.

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 minimal and associated with routine maintenance only.

10.23 Access to the site would be via existing access arrangements provided for the adjacent Gym which currently uses a one way system. The applicant has confirmed that this would be available to use in connection with this proposal. However, the applicant has not included all the land required within the application red line boundary. An amended plan will therefore be required which includes all of the access and egress route prior to the issue of a planning approval.

10.24 It is considered that, subject to the provision of the proposed parking and turning facilities prior to the development being brought into use and securing an amended plan as indicated above, these access arrangements would be satisfactory and the proposal would accord with Kirklees Local Plan Policies LP21 and LP22 with regard to the potential impact this development would have on the local highway network.

10.25 Flood risk and drainage issues

10.26 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.

10.27 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.

10.28 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.

10.29 It is therefore considered that, subject to the inclusion of the aforementioned planning condition requiring the submission of full details of drainage arrangements, this proposal would accord with Kirklees Local Plan Policies LP27 and LP28 and Section 14 of the NPPF with regard to drainage and potential flood risk.

10.30 Representations

10.31 No representations from members of the public have been received in connection with this proposal.

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. Impacts on local amenity associated with this proposal are considered to be acceptable or could be mitigated to an acceptable level. 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 or local flood risk.
- 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 Development and Master Planning)

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 buildings and sensitive equipment 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 drainage scheme
8. Hours of operation restricted to 07:00 to 23:00 on any day

9. Operation of Generators restricted to no more than 2500 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.
11. The submission of a Construction Management Plan
12. Noise Mitigation Condition

Background Papers:

Application and history files.

Website link:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f90890>

Certificate of Ownership – Notice served on site owner 15.03.19