

Full Planning Application

Amended scheme for small scale gas fired energy reserve facility and ancillary infrastructure (vary conditions 2, 3, 5, 6, 7, 10, 11, 12, 13 & 14 of planning permission APP/2016/0357) (material minor amendment)  
LAND OFF BANCROFT ROAD BURNLEY

**Background:**

The proposal is for amendments to an approved scheme to erect a building to house a gas fired reserve power station with capacity for up to 20MW. The proposal also seeks to discharge a number of conditions that were imposed on the permission in respect of materials, mining investigations, protection measures for trees, landscaping scheme, precautionary measures for bats, noise assessment, stack heights and emissions, ground investigations and boundary treatment.

The approved energy reserve facility is a flexible 'peaking plant' to supply electricity during peaks of demand. The site for the power plant is on approximately 0.23 ha of undeveloped vacant land on the south side of Bancroft Road. The site is rectangular in shape, sitting between Kavia Tooling and Lomax Offshore Couplings Ltd and bounding an area of woodland which is part of the River Don/Brun Valley Biological Heritage Site (BHS). Rectella International Ltd is located on the opposite side of Bancroft Road to the north east side of the site.

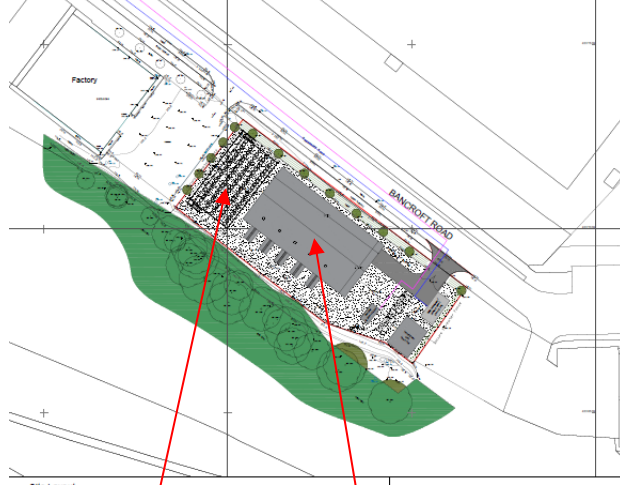
BHS to left hand side and Kavia Tooling in background



The amendments to the approved scheme involves a smaller main building (the engine hall) measuring approximately 35m long x 17.6m wide (compared with 45.5 m x 20.5m as approved) which would be re-sited further away from the site's north west elevation. The height of the building would also be reduced from 10m to 8m and the

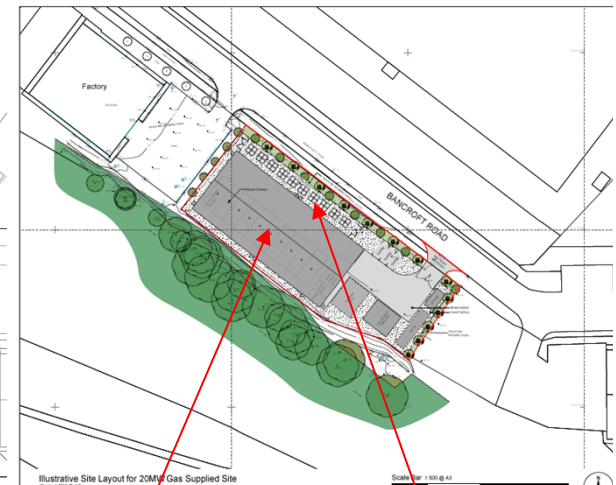
number of exhaust stacks reduced from 10no. to 5no. at a lower height of 11m (approved at 13m high).

### Proposed Amended Site Layout



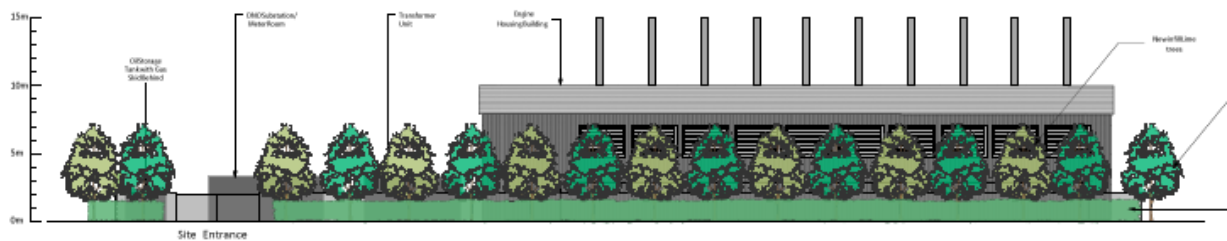
**Radiators Engine hall**

### Approved Site Layout



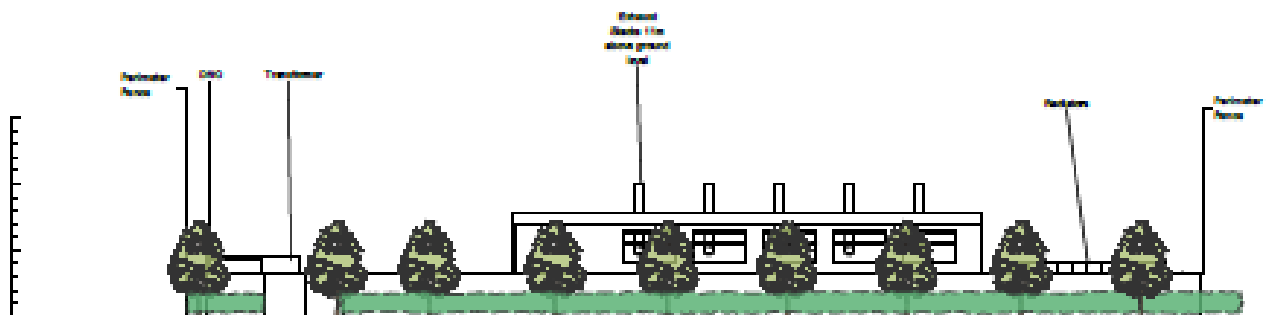
**Engine hall Radiators**

### Approved Street Elevation



External NE Site Elevation (Scale 1:200 @A3)

### Proposed Amended Street Elevation



External NE Site Elevation (Scale 1:200)

Whilst the approved development provided for radiators to the front of the site, the current proposal sites a larger area of radiators which would be elevated above the ground by approximately 4m and positioned between the main building and the site's north western boundary. Similar ancillary structures to house plant and store oil and waste oil would be sited towards the south east side of the site.

The revisions to the approved scheme are a result of a technology provider for the site having been selected and detailed design work being undertaken by that provider. The amended scheme is proposed to utilise 4 x 4.5MW and 1 x 2.67 MW engines rather than 10 x 2MW engines as had been assumed in the original application. The total output of the facility would remain at 20MW and the number of operational hours would also remain at 1500 hours running time per year.

In respect of conditions 2, 3, 5, 6, 7, 10, 11, 12, 13 and 14, these are submitted to in part vary the approved development and to also provide pre-commencement details to address the conditions.

Condition 2 refers to the approved drawing numbers and its variation would permit the changes as set above to the approved plans.

Condition 3 relates to details of external materials, including colour finishes. The applicant has agreed to the use of a dark grey (Merlin Grey) to be used on the walls and roof of the main engine hall; the sub-station structure would be Juniper Green and the exhaust stacks would be stainless steel and unpainted.

Condition 5 requires an intrusive site investigation to detect any coal mining legacies that may affect the stability of the site. Drilled borehole testing found that it was unlikely that unrecorded mining workings exist below the site.

Condition 6 requires details of tree protection measures which are provided within the submitted Arboricultural Impact Assessment and method Statement. This provides for protective fencing to be erected around the mature trees within the adjoining Biological Heritage Site (BHS).

Condition 7 requires a scheme of landscaping which shall include some native planting that would assist in maintaining habitat for wildlife. Details of native shrub planting to the front of the site and a small number of trees to the site's south east boundary.

Condition 10 requires a scheme of precautionary measures to protect bats, birds, badgers, great crested newts and wildlife that may be affected during construction works. A detailed scheme is submitted with this application.

Condition 11 requires a noise assessment, based upon the detailed specifications of equipment and plant. This demonstrates that the maximum sound output would be lower than the previously identified levels and asserts that the identified mitigation measures (cladding materials, silencers) are adequate.

Condition 12 states that the approved development shall have stack heights of 15m and maximum emissions as states in the information submitted by the applicant. The stack heights had been increased from 13m high to 15m high at the request of the Council's Environmental Health Officer for the purposes of assisting the dispersal of emissions from the plant. The applicant seeks approval for a lower height of 11m for a fewer number of stacks which is supported by details of maximum emissions.

Condition 13 requires a ground investigation report, followed if necessary by any remediation of the site. An intrusive site investigation has been submitted which contains recommendations for capping and gas protection measures.

Condition 14 requires details of new boundary treatment. Details of a 3.2m open mesh fence (coloured dark green) on all four sides of the development have been submitted.

**Relevant Policies:**

Burnley Local Plan Second Review

GP1 – Development within the urban boundary

GP3 – Design and quality

GP7 – New development and the control of pollution

EW5 – Development and improvement of major industrial estates

E2 – Nature Conservation – County Biological and Geological Heritage Sites and Local Nature Reserves

E3 – Wildlife links and corridors

E5 – Species protection

E6 – Trees, hedgerows and woodlands

Burnley's Local Plan – Submission Document (July 2017)

SP1 – Achieving sustainable development

SP5 – Development quality and sustainability

EMP2 – Protected employment sites

NE1 – Biodiversity and ecological networks

NE4 – Trees, hedgerows and woodland

NE5 – Environmental protection

The National Planning Policy Framework

**Site History:**

APP/2003/0486 - Refurbishment of existing factory buildings including division into smaller units; erection of new industrial units; creche; cafe; technology centre and associated site works. Approved October 2003.

APP/2003/0807 - Proposed two-storey building to form Technology Centre with associated car parking areas. Approved October 2003.

APP/2016/0357 - Small scale gas fired energy reserve facility and ancillary infrastructure. Approved October 2016.

**Consultation Responses:**

LCC Highways

No objection.

Coal Authority

On the basis of the submitted information, there is no objection to the discharge of Condition 5.

Greater Manchester Ecology Unit (GMEU)

The submitted information is satisfactory and there are no objections to the discharge of Condition 10.

Environmental Health

Agree that Condition 11 can be discharged on the basis of the submitted noise assessment subject to further conditions that the proposed mitigation measures are carried out and that on completion of these measures that written confirmation is submitted to the Council. A further request is made for a condition to be imposed to require a scheme to be agreed for the handling of any complaints that may arise in the future regarding noise from the development.

Agree to the removal of Condition 12 relating to air quality and stack height subject to a condition to limit the operational hours of the facility to a maximum of 2500 hours per year and to require the development to be operated and maintained in accordance with the manufacturer/installer's instructions and recommendations. A record of operating hours would need to be kept by the operator to allow a limit on hours to be checked and monitored when required.

Satisfied that the land investigations have been carried out in accordance with condition 13. Due to the presence of asbestos on one trial pit, a further formal capping/covering layer should be laid in areas that are not covered by hardstanding. Gas protection measures are also required and a verification report should be submitted once the measures have been carried out.

#### Publicity

One letter of objection has been received from a solicitor acting on behalf of a neighbouring unit (Kavia Tooling Ltd). Their objection is concerned with the potential impact from vibration on their specialised engineering business. The letter refers to the applicant's own report which affirms that the foundations of the site are not suitable to bear a stratum and as such, driven piled foundations will be necessary. The objector's business uses precision machinery and the letter states that the business will not withstand the vibrations associated with driven piled foundations.

### **Planning and Environmental Considerations:**

#### Principle of proposal

The main considerations relate to the visual impact of the development on the technology park and impact of any changes to the scheme in terms of emissions/air quality and the detailed considerations relating to the individual conditions as listed above. The objections from a neighbouring industrial unit should also be considered.

#### Visual impact

Policy GP3 seeks development to be of good design and quality. The proposed changes to the approved scheme display a similar building on a smaller footprint with a larger area of radiators to the north side rather than to the site's frontage. The overall appearance of the engine house and associated equipment would be similar to the approved scheme. Boundary tree and shrub planting are similarly proposed to the front and side boundaries of the site and would help to integrate the development into its industrial surroundings. Whilst the changes to the scheme are significant, they represent acceptable material minor amendments to the scheme as a whole.

#### Air quality

The National Planning Policy Framework (the Framework) states that the cumulative impacts on air quality should be consistent with local air quality action plans. A revised air quality assessment has been carried out by the applicant to take account of the revised design for five instead of the approved ten engine sets. In both cases, the

output from the engine sets would be 20MW. The revised engine sets would operate up to 2500 hours per year. No hours limit was imposed on the original approval, although the approval requires compliance with the maximum emissions contained within information put forward by the applicant. At that time the applicant had suggested that the power reserve facility would be likely to operate for 1500 hours per year. The Council's Environmental Health Officer has assessed the air quality information submitted with the application and agrees that the level of emissions would remain within acceptable limits but requests that a condition be imposed to limit the operational hours to no more than 2500 hours per year. Suitable conditions can be imposed to restrict the development as requested and the applicant has confirmed that they have no objections to such conditions. The reduced stack height and amended scheme would not therefore have a significant impact on air quality at the site or its surroundings.

### Conditions

The information that has been submitted to comply with the conditions listed above is satisfactory and permits the partial discharge of conditions. In some cases, further conditions are also required to deal with the site remediation, the handling of any noise complaints, a register of operating hours and operating and maintenance schedules. A list of varied and additional conditions is produced below.

### Other issues

The objection from a neighbouring unit is concerned with the potential impact from vibration, primarily from the impact of machinery used to excavate foundations for the development. The applicant asserts that drilled boreholes (required to carry out intrusive site investigations) to a depth of 23m have already taken place on the site. The anticipated depth of foundation piles would be similar to this. The applicant states that as these drilling works did not result in vibrations affecting the neighbouring premises that a drilled pile solution would be expected to result in a similar low risk of vibration.

### Conclusion

There are a significant number of changes to the scheme in terms of a reduced scale and re-siting of the engine house and associated infrastructure but its main elements are not significantly affected. The power output of the proposed reserve facility would be unchanged. Conditions can be varied to take account of further information that has been submitted and some new conditions are also required to deal with issues raised by consultees and to take account of the neighbour objection.

## **Recommendation: Approve with conditions**

### **Conditions**

1. The development must be begun by no later than 20 October 2019.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 9655-0003-01 (1:1250 location plan), received on 28 September 2016; 008b\_STOR\_Bancroft\_LAY (1:500 Site Layout), 001c\_STOR\_Bancroft\_ELEV (1:500 Site Elevations - Internal) and 301RevA (Landscape Proposals), received on 20 December 2017; 001b\_STOR\_Bancroft\_ELEV (1:500 Site Elevations - External), received on 2 January 2018; 009b\_STOR\_Bancroft\_LAY (1:200 site layout),

002c\_STOR\_Bancroft\_ELEV (1:200 Site Elevations - Internal), 001\_STOR\_Bancroft\_Rad (1:100 Heat Dump Radiators), 001\_STOR142DNO (Substation Plan and Elevations), 001a\_STOR150OST/001/Issue no. 001 (Clean Oil Storage Tank), 001b\_STOR150OST/001/Issue no. 1) and EGSF120B (Kiosk) received on 23 January 2018.

3. The steel cladding to be used on the walls and roof of the main engine hall shall be Merlin Grey (BS18B25) and Juniper Green (BS12B29) shall be used on the sub-station and ancillary buildings unless any alternative colour treatment is otherwise submitted to and approved in writing by the Local Planning Authority.
4. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i) the parking of vehicles of site operatives and visitors
  - ii) loading and unloading of plant and materials
  - iii) storage of plant and materials used in constructing the development
  - iv) the erection and maintenance of security hoarding including decorative displays
  - v) measures to control the emission of dust and dirt during construction
  - vi) wheel washing facilities
  - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works
  - viii) details of working hours.
5. The construction of the site shall be carried out with drilled piles only and not driven or impact piling, in a manner which minimises the risk of vibration.
6. Prior to any development being commenced, including any ground clearance works, protective fencing and precautionary measures to safeguard trees and hedges as set out in the Arboricultural and Impact Assessment and Method Statement (carried out by RPS and dated 27 November 2017) submitted with this application shall be implemented in their entirety and shall be thereafter retained during building operations until the completion of the development.
7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of any of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.
8. The approved development shall not operate at a rate exceeding 2,500 hours in any 12 month period. For this purpose, an up to date record of operating hours shall at all times be maintained by the operator and shall at any time be available for inspection or submission to the Local Planning Authority.
9. Prior to any development being commenced, details of a scheme of external lighting shall be submitted to and first approved in writing by the Local Planning

Authority. The submitted scheme shall demonstrate the avoidance of artificial lighting on wildlife, hedgerows and trees within the adjoining River Don-Brun Valley Biological Heritage Site. The development shall thereafter only be carried out in accordance with the approved scheme and no additional external lighting shall at any time be installed without the prior written permission of the Local Planning Authority.

10. The development shall not be carried out otherwise than in full accordance with the protective and mitigation measures contained with the 'Ecological Protection Method Statement' (prepared by RPS, dated December 2017) and this shall be adhered to at all times during the construction of the development.
11. The mitigation measures contained within the Noise Assessment (prepared by RPS, reference no. JAT9549-150-REPT-01-R0, dated 20 December 2017) shall be carried out, completed and confirmed in a report to be submitted to the Local Planning Authority, prior to the development being first brought into use. The approved mitigation measures shall thereafter be retained and adhered to at all times.
12. The approved development shall not be operated otherwise than in compliance with the maximum emission levels contained with the Air Quality Assessment (prepared by RPS, reference JAP10099Rev2, dated 19 December 2017). A copy of the operational limits and maintenance schedule of the approved gas fired energy reserve facility shall be submitted to the Local Planning Authority within 28 days of its complete installation.
13. In accordance with the 'Ground Investigation Factual and Interpretative Report' (prepared by RPS, reference JER6979, dated November 2017) submitted with this application, a further capping layer shall be laid in areas without hardstanding and gas protection measures shall be installed using suitable membranes or other barriers to achieve the targets set out in this statement. Following the completion of the aforementioned measures and prior to the approved development being first brought into use, a verification report of all the remediation measures that have been carried out shall be submitted to and approved in writing by the Local Planning Authority.
14. The development shall be carried out in accordance with the boundary treatment details as indicated on the approved plans and on the details of Euroguard Regular fencing on JSW 91 Issue 01 submitted with this application. The approved fencing shall be pre-coated in a dark green colour prior to its installation and shall be retained thereafter and maintained in the same or similar colour at all times.
15. Prior to any part of the development becoming operational, a scheme shall be submitted to and approved in writing by the Local Planning Authority for the handling, assessment, mitigation and monitoring of any complaints that are made in relation to noise from the approved development to Burnley Borough Council during the operational life of the approved development. The approved scheme shall be implemented in full and shall be complied with at all times.



## Reasons

1. To comply with the date imposed on the original permission as required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. To ensure a satisfactory appearance to the development, in accordance with Policy GP3 of the Burnley Local Plan, Second Review (2006).
4. To ensure that the safety and amenities of other businesses and employees in the vicinity of the construction works are satisfactorily protected, in accordance with Policy GP1 of the Burnley Local Plan, Second Review (2006).
5. To minimise the risk of vibration to the adjoining occupiers where there may be a risk to precision machinery, in order to protect existing businesses at an employment site, in accordance with Policy EW5 of the Burnley Local Plan, Second Review (2006) and Policy EMP2 of Burnley's Local Plan, Submission Document (July 2017).
6. To ensure adequate protection for the long term health of woodland trees/hedges which should be retained in the interests of the visual amenities and biodiversity of the site and its surroundings, in accordance with Policies E2, E3 and E6 of the Burnley Local Plan, Second Review (2006).
7. In order that the landscaping works contribute to a satisfactory standard of completed development and its long term appearance harmonises with its surroundings and enhances biodiversity, in accordance with Policies GP3, E2 and EW5 of the Burnley Local Plan, Second Review (2006).
8. To limit the emissions of nitrogen dioxide to acceptable levels, in order to maintain adequate air quality to protect the local area, in accordance with the National Planning Policy Framework.
9. To safeguard birds, bats and other wildlife that would be adversely affected by excessive lighting, in accordance with Policies E2, E3 and E5 of the Burnley Local Plan, Second Review (2006). The details are required prior to the commencement of development to ensure that the measures identified in the scheme can be properly carried out at the appropriate stage of construction.
10. To provide adequate protection measures for wildlife that is known to be present within the adjoining River Don-Brun Valley Biological Heritage Site or close to the site, in accordance with Policies E2, E3 and E5 of the Burnley Local Plan, Second Review (2006).
11. To safeguard the residential and local amenities of the area, in accordance with Policy GP1 of the Burnley Local Plan, Second Review (2006).
12. To ensure the emission of pollutants does not exceed acceptable levels and to enable the Local Planning Authority to check the operating and maintenance

schedules if it becomes necessary to do so, in order to safeguard against pollution in the local area, in accordance with the National Planning Policy Framework.

13. To ensure the site is made suitable for the construction of the development, in accordance with GP7 of the Burnley Local Plan, Second Review (2006) and the National Planning Policy Framework.
14. To ensure a satisfactory appearance to the development, in accordance with Policy GP3 of the Burnley Local Plan, Second Review (2006).
15. To provide a mechanism for dealing with any complaints relating to noise that may arise as a result of the development, in order to adequately protect the amenities of occupiers within the local area, in accordance with Policy GP1 of the Burnley Local Plan, Second Review (2006).

JFL  
16/4/2018