

Nelson, Brierfield and Reedley Committee - Planning Update Report - 7th May 2024

23/0507/FUL – Land to the North of Spurn Clough Cottage, Greenhead Lane, Reedley

Public Comments

In addition to the issues summarised in the Committee Report the following additional issues have been raised:

- The development is not green energy. What battery energy storage systems do is store energy that has already been generated from a mixture of sources including coal, gas and nuclear. The energy is bought from the National Grid when prices are low, eg at night, and is then sold back when prices are high.
- This type of battery technology is high carbon in manufacture. The scheme will result in a net increase in emissions.
- This method of energy storage is inherently wasteful resulting in a loss of at least 13% during charging and discharging.

Consultee Comments

Lead Local Flood Authority – No objection to the updated flood risk and drainage assessment subject to conditions.

Officer Comments

Corrections and clarifications: The report states that the facility is to be 48mw, it would actually be 50mw. The report refers to the recently approved site in Nelson being “on a different grid”, that is the incorrect terminology, it is on a different circuit where a known capacity for connection was identified. The nearest dwelling is Plantation Cottage approximately 230m to the north of the applications site but approximately 300m from the proposed battery storage units. These corrections and clarifications do not alter the conclusion of the report.

The proposed main access point is to the southern end of the site and the emergency access to the north. Acceptable visibility spays can be ensured for the main access.

The agent has clarified that the battery storage facility provides a means of allowing electricity from the Grid to be imported and stored at times of low demand / high generation, which can then be exported back into the Grid at times of higher demand / system stress. Demand for electricity can vary dramatically across the day and it is harder to match the amount required with renewable energy sources. This is where the battery storage is vital and helps smooth out the peaks and troughs in power generation and help match it to demand.

Furthermore, The Energy Act 2023 came into force in October 2023 amended the Electricity Act 1989 to include reference to a person who generates electricity from stored energy and defines 'stored energy' as energy that was converted from electricity and is stored for the purpose of its future reconversion into electricity.

As such Policy ENV3 (Renewable and Low Carbon Energy Generation) is considered to apply to this development. The benefits of the scheme outweigh its impacts and it is in accordance with Policy ENV3.

It is recommended that the approval of the application, and any necessary conditions, be delegated to the Assistant Director Planning, Building Control and Regulatory Services subject to the withdrawal of the objection from the Fire Service, any further consultee responses and any conditions necessary.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in all relevant regards. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Delegate Grant Consent

Subject to the following conditions:

- 1 The proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: 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 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan – received 15/03/2024, EUR001-PL-01 Rev A, EUR001-EL-01 Rev A, EUR001-EL-02 Rev A, EUR001-SD-01, EUR001-SD-02, EUR001-SD-03, EUR001-SD-04, EUR001-SD-06, EUR001-SD-07, EUR001-SD-08, EUR001-SD-09, EUR001-SD-10, EUR001-SD-11.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. No development shall take place, including any works of demolition, 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. It shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials

- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
- viii) Details of working hours
- ix) Routing of delivery vehicles to/from site
- x) Details of temporary traffic management on Greenhead Lane including warning signage and temporary speed reduction.

Reason: In the interest of highway safety.

4. Prior to commencement notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device over 1m above road level. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4 m measured along the centre line of the proposed road from the continuation of the nearer edge of the carriageway of Greenhead Lane to points measured 111m to the south of the proposed access and 117m to the north along the nearer edge of the carriageway of Greenhead Lane, from the centre line of the southern access, in accordance with a scheme to be agreed by the Local Planning Authority.

Reason: To ensure adequate visibility at the site access.

5. Prior to the commencement of the development a scheme for the construction of the site accesses shall have been submitted to and approved in writing by the Local Planning Authority, each site accesses shall constructed in accordance with the approved details prior to the first use of that access.

Reason: In the interest of highway safety.

6. The northern site access shall be constructed prior to the commencement of the use of the development hereby approved and maintained thereafter as an emergency access to be used by emergency service vehicles only. It shall be physically closed at all times other than in the event of an emergency in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the construction of the access.

Reason: in the interest of fire safety and highway safety.

7. Any gates at the southern site access shall at all times be set-back at least 10m from Greenhead Lane.

Reason: In the interest of highway safety.

8. Manoeuvring provision for vehicles to enter and leave the site in forward gear shall be laid out in accordance with the approved plans prior to the commencement of the use of the development and maintained free from obstruction and available for manoeuvring purposes at all times thereafter.

Reason: In the interest of highway safety.

9. No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the Local Planning Authority. The detailed surface water sustainable drainage strategy shall be based upon the sitespecific flood risk assessment (18th March 2024 / Flood Risk and Drainage Assessment – Version 1.3 / Weetwood) and indicative surface water sustainable drainage strategy (18th March 2024 / Flood Risk and Drainage Assessment – Version 1.3 / Weetwood) submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

The details of the drainage strategy to be submitted for approval shall include, as a minimum;

a) Sustainable drainage calculations for peak flow control and volume control for the:

- i. 100% (1 in 1-year) annual exceedance probability event;
- ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;
- iii. 1% (1 in 100-year) annual exceedance probability event + 50% climate change allowance, with an allowance for urban creep

Calculations must be provided for the whole site, including all existing and proposed surface water drainage systems.

b) Final sustainable drainage plans appropriately labelled to include, as a minimum:

- i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
- ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels; to include all existing and proposed surface water drainage systems up to and including the final outfall;
- iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
- iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
- v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;

vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;

vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and deliver suitably clean water to sustainable drainage components;

c) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site.

10. No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority.

The details of the plan to be submitted for approval shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include for each phase, as a minimum:

a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.

b) Measures taken to prevent siltation and pollutants from the site entering any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue surface water flood risk on-site or elsewhere during any construction phase.

11. The commencement of use of the development shall not be permitted until a site-specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The details of the manual to be submitted for approval shall include, as a minimum:

- a) A timetable for its implementation;
- b) Details of the maintenance, operational and access requirement for all SuDS components and connecting drainage structures, including all watercourses and their ownership;
- c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
- d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- g) Means of access for maintenance and easements.

Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the sustainable drainage system is subsequently maintained.

12. The commencement of use of the development shall not be permitted until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority

The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems.

13. The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water and any contamination from fire suppression activities has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved prior to the commencement of the use of the development unless an alternative timing had been approved in writing by the Local Planning Authority.

Reason: To ensure a safe form of development posing no unacceptable risk of contamination to the water environment.

14. The development shall be carried out and thereafter maintained in strict accordance with the recommendations of the submitted Ecological Assessment and Biodiversity Management Plan.

Reason: To preserve and enhance the ecological value of the site.

15. Details of the noise mitigation design shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the operation of the development hereby approved. The development shall thereafter be carried out and operated in strict accordance with the approved mitigation design. Operational noise from the Proposed Development at any pre-existing residential receptors as listed in Table B of paragraph 7.6 of the submitted Noise Impact Assessment shall not exceed the maximum permissible levels detailed in Table A of that paragraph when assessed at a height of 1.2m to 1.5m above ground and at least 3.5m away from the nearest reflecting surface other than the ground. This is to be determined either by way of direct measurement at the stated locations, or where extraneous ambient noise precludes this, by way of a combination of measurement and calculation.

Reason: In the interest of residential amenity.

16. The development shall not commence unless and until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a. the exact location and species of all existing trees and other planting to be retained;
- b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
- c. an outline specification for ground preparation;
- d. all proposed boundary treatments with supporting elevations and construction details;
- e. all proposed hard landscape elements and pavings, including layout, materials and colours;
- f. the proposed arrangements and specifications for initial establishment maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its entirety within the first planting season following the commencement of the operation of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

Reason: To ensure that the development is adequately landscaped so as to integrate with its surroundings.

17. Prior to the installation of any external lighting details including type, size, location, intensity, direction and timing of illumination of the proposed external lighting shall have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall thereafter at all times be maintained and operated in strict accordance with the approved details.

Reason: In order to reduce the impact of external lighting on the open rural character of the area.

24/0169/HHO - 42 Clover Hill Road, Nelson

The residential amenity section of the report states that the rear extension would be within the 4m guideline, that is not the case, the total projection of the rear extension would be 5.38m. However, the existing rear outrigger appears to be original and, as such, a similar extension of up to 3m from that original rear wall could be erected under permitted development rights. Taking that fallback position into account, the proposed rear extension is acceptable in terms of residential amenity impact.

The application remains recommended for refusal for the reason given in the report relating to the front dormer.