# SOUTH HOLLAND DISTRICT COUNCIL

**Report of:** **Development Manager**

**To:** **Planning Committee - 04 September 2024**

**(Author:** **Catherine Sutton - Planning Officer)**

**Purpose:** **To consider Planning Application H16-0586-24**

| | | | |
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| **Application Number:** | H16-0586-24 | **Date Received:** | 04 July 2024 |
| **Application Type:** | FULL | | |
| **Description:** | Construction and operation of a micro energy storage facility | | |
| **Location:** | Parkside Crescent Spalding Lincolnshire | | |
| **Applicant:** | AMP Clean Energy | **Agent:** | AMP Clean Energy |
| **Ward:** | Spalding Wygate | **Ward Councillors:** | Cllr J B Whitbourn<br>Cllr A J Spencer |

You can view this application on the Council's web site at
http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H16-0586-24

## 1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The land is South Holland District Council owned.

## 2.0 PROPOSAL

2.1 This is a full planning application for the installation and operation of a micro energy storage facility on land at Parkside Crescent, Spalding. The proposed development would comprise the installation of a concrete plinth foundation, installation of the battery containerised units and associated equipment and the construction of a new fence surrounding the Battery Box.

2.2 The following extract from the planning statement submitted with the application sets out how the proposed energy storage facility works:

2.3 *A Battery Box is an ESS that imports electricity from the local electricity network when demand for electricity is low or when there are high levels of renewable energy available. It then exports that electricity back to the grid when required in periods of high demand. This provides a solution to the growing need for flexibility and helps address concerns regarding grid reliability prompted by an increase reliance on intermittent generation of the electricity system. Battery Boxes connect into the low voltage (LV) network, this is the lowest and most local point in the system where there is an increasing demand for electricity with the electrification of transport and heating systems. Stored electricity from the Battery Box will be exported and consumed in the locality of the box (when it is required).*

## 3.0 SITE DESCRIPTION

3.1 The site is within a residential area with properties to the north, east, south and west along Parkside Crescent. Immediately north and west is an area of public open space. Other street

furniture, such as streetlights, were noted in the vicinity.

## 4.0 RELEVANT PLANNING POLICIES

4.1 **The Development Plan**

South East Lincolnshire Local Plan, March 2019

4.2 If regard is to be had to the development plan for the purpose of any determination to be made under Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

4.3 Policy - 1 Spatial Strategy
Policy - 2 Development Management
Policy - 3 Design of New Development
Policy - 4 Approach to Flood Risk
Policy - 5 Meeting Physical Infrastructure and Service Needs
Policy - 30 Pollution
Policy - 31 Climate Change and Renewable and Low Carbon Energy
Policy - 32 Community, Health and Well-being
Policy - 36 Vehicle and Cycle Parking
Appendix 6 - Parking Standards

4.4 **National Guidance**

4.5 National Planning Policy Framework (NPPF), December 2023

4.6 Section 2 - Achieving sustainable development
Section 4 - Decision-Making
Section 6 - Building a strong, competitive economy
Section 9 - Promoting sustainable transport
Section 10 - Supporting high quality communications
Section 12 - Achieving well-designed and beautiful places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

4.7 Planning Practice Guidance (PPG)

## 5.0 RELEVANT PLANNING HISTORY

5.1 No relevant planning history.

## 6.0 REPRESENTATIONS

6.1 The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

6.2 LCC Highway and Lead Local Flood Authority

6.3 The proposal is for the construction and operation of a micro energy storage facility. The Location is within a public open space close to a substation and it does not obscure visibility in any way. The construction movements will be low - a total of 6 HGV movements over a period of 4 weeks. Operational movements are for maintenance and for faults which will be negligible. The proposal will not have an adverse impact on the public highway. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

6.4 Public Representation

6.5 This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, one letter of representation has been received.

These can be summarised as follows:
-Concerns regarding the noise output and size of the storage facility
-Confirmation wanted if the proposal would replace the existing green unit.

## 7.0 CONSIDERATIONS

### 7.1 Evaluation

7.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

7.3 In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

7.4 The policies and provisions set out in the National Planning Policy Framework (December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

7.5 Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

7.6 Principle of Development and Sustainability

7.7 The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

7.8 Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order.

7.9 The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

7.10 The application site in this instance is within Spalding, a Sub-Regional Centre, and lies within the defined settlement boundaries as detailed by Policy 1. In context of this, the principle of development within this location would typically be considered to be appropriate, comprising an appropriate form of development for the location and would be in accordance with the overall principles of the spatial strategy.

7.11 As such, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan when viewed in principle. This is subject to the assessment

against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, impact on highway safety and flood risk, which are discussed in turn as follows.

7.12 Layout, Design and Consideration of the Character and Appearance of the Area

7.13 Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed and beautiful places' and details that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

7.14 Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2023), states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

7.15 Development proposals should also ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

7.16 Likewise, Policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

7.17 These policies accord with the provisions of the National Planning Policy Framework and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

7.18 Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

7.19 The proposed equipment will be located adjacent an existing secondary substation located off Parkside Crescent. The proposed energy storage facility would comprise a functional appearance, with the apparatus being enclosed by timber/ palisade fencing. It is considered that the proposed energy storage facility would not detract from visual amenity of the site or wider area, being located within this location adjacent to the existing secondary substation.

7.20 Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework (December 2023).

7.21 Impact on Residential Amenity/Land Users

7.22 Paragraph 135 of the National Planning Policy Framework (December 2023) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community

cohesion and resilience.

7.23 Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

7.24 The site is surrounded by residential dwellings. The nearest neighbouring dwelling is located to the east approximately 4m away (27 Parkside Crescent). Notwithstanding this proximity, the development would be of a minor nature.

7.25 This proposal is unlikely to have an impact on pollution, living conditions and the natural environment. Further to the above, the proposal is not considered to result in any undue overshadowing, overbearing impact or loss of privacy to surrounding occupiers.

7.26 SHDC Environmental Health Officers were consulted on the application and have raised no comments.

7.27 As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of Section 12 of the National Planning Policy Framework (December 2023), and Policies 2 and 3 of the Local Plan.

7.28

Highway Safety and Parking

7.29 Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 2023) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

7.30 In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

7.31 The proposal is for the construction and operation of a micro energy storage facility. The proposal would be located within a public open space, close to a substation. This does not obscure visibility in any way.

7.32 The construction movements will be low - a total of 6 HGV movements over a period of 4 weeks. Operational movements are for maintenance and for faults which will be negligible. The proposal will not have an adverse impact on the public highway.

7.33 As Lead Local Flood Authority, Lincolnshire County Council have raised no objections to the proposal.

7.34 The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework (December 2023).

7.35 Flooding Considerations

7.36 Section 14 of the National Planning policy Framework (December 2023) requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to

avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

7.37 Paragraph 168 details "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

7.38 If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

7.39 The site lies within Flood Zone 3 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The maps do not take into account any flood defences.

7.40 The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

7.41 It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

7.42 In this instance, the proposed development comprises the construction and operation of a micro energy storage facility to serve the area. The development has been accompanied by a flood risk assessment, which identifies that the lifetime of the development is 30 years, and following this all infrastructure will be removed. It also explains that should there be a breach of the River Welland flood defences the site would flood, but accepts that failure of the installation due to flooding would have little or no consequence beyond the immediate locale of the site.

7.43 In discussion with the Environment Agency, it has been concluded that the view is that as this ESS will store additional electricity, and due to the small size, failure of this development will have limited impact on the local network.

7.44 The Environment Agency have therefore, raised no objections to these proposals in alternative locations in Flood Zone 3, expressing that "we are therefore satisfied that the critical infrastructure is not raised above the predict flood level".

7.45 Overall, when considering the development on balance, it is considered that the proposal would not comprise 'Essential Infrastructure' and it is considered that the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan and the intentions of the National Planning Policy Framework in this regard.

7.46 **Biodiversity**

7.47 Section 15 of the National Planning Policy Framework (NPPF) seeks to protect sites of biodiversity value, minimise and provide net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures. Policy 28 of the SELLP seeks to protect ecological networks of interconnected designated sites and wildlife-friendly greenspace and promote biodiversity net gain by protecting the biodiversity value of land, maximising opportunities to enhance and connect natural habitats, incorporate

biodiversity conservation features to enhance green infrastructure and ecological corridors, and conserve or enhance habitat to adapt to climate change.

7.48 Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

7.49 For applications that are submitted prior to the introduction of this requirement, a standard biodiversity condition is appropriate and the mandatory 10% requirement would not apply. However, this application was submitted following the introduction of this legislation. As such, unless comprising development that is exempt from this mandatory Biodiversity Net Gain (10%), a condition would be required, as mandatorily set.

7.50 In this instance, a Biodiversity Net Gain Exemption Statement was submitted with the application. It is considered that the application is subject to the de minimis exemption, due to the proposal not impacting a priority habitat and the development impacts less than 25 square metres of onsite habitat.

7.51 In light of this, the development in this instance is exempt from the statutory 10% Biodiversity Net Gain requirements. However, it would remain appropriate, given the context of Section 15 of the NPPF and requirements of Policy 28 of the South East Lincolnshire Local Plan, that a standard condition is attached, requiring a level of Biodiversity Net Gain.

7.52 **Planning Balance**

7.53 As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

7.54 The proposal represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning Policy Framework when viewed as a whole.

7.55 In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

7.56 **Additional Considerations**

7.57 Public Sector Equality Duty

7.58 In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

7.59 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.60 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

7.61 It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

7.62 Human Rights

7.63 In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

7.64 It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

7.65 **Conclusion**

7.66 Taking the above considerations into account, the proposal is considered to be in accordance with Policies 1, 2, 3, 4 and 36 (including Appendix 6) of the South East Lincolnshire Local Plan (SELLP) (2019), along with the identified sections contained within the National Planning Policy Framework (NPPF) (December 2023). The are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

## 8.0 RECOMMENDATIONS

8.1 **Based on the assessment detailed above, it is recommended that the proposal should be approved subject to those conditions listed at Section 9.0 of this report.**

## 9.0 CONDITIONS

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

   Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and/or documents:

   Application Form
   Plan1
   Plan 2
   Plan 3
   Plan 4
   Plan 5
   Plan 6
   Planning Statement by AMP Clean Energy dated July 2024
   Battery Box Briefing Paper
   403.065318.00001 Rev.1 - Battery Noise Assessment
   Flood Risk Assessment dated June 2024
   BNG Exemption Statement

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

3. The materials of the development hereby permitted shall be carried out in accordance with those detailed within the application form and approved plans.

Reason: In the interests of the architectural and visual integrity of the overall development and the visual amenity of the area in which it is set.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

4. Before the commencement of the development hereby permitted beyond oversite, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site (including screening of bin collection points) indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. Such scheme as is approved by the Local Planning Authority shall be carried out and completed in its entirety during the first planting season following practical completion of the development. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set, and that Biodiversity Net Gain will be achieved.
This Condition is imposed in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan, 2019 and the Environment Act 2021.

5. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch

6. Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

For further guidance please visit:
Traffic Management - https://www.lincolnshire.gov.uk/traffic-management
Licences and Permits - https://www.lincolnshire.gov.uk/licences-permits

7. For the avoidance of doubt, condition 4 (Landscaping) seeks to ensure that a Biodiversity Net Gain is achieved on site, alongside obtaining an appropriate scheme of landscaping. This 'net gain' is in respect of Policy 28 and is independent of the mandatory requirements, in which this development is exempt.

The following links are provided to assist in any future submissions of details for Condition 4:
- https://www.plantlife.org.uk/learning-resource/road-verge-green-space-management-best-practice/
-https://www.plantlife.org.uk/learning-resource/road-verge-and-greenspace-grass-cuttings/

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Background papers:- Planning Application Working File

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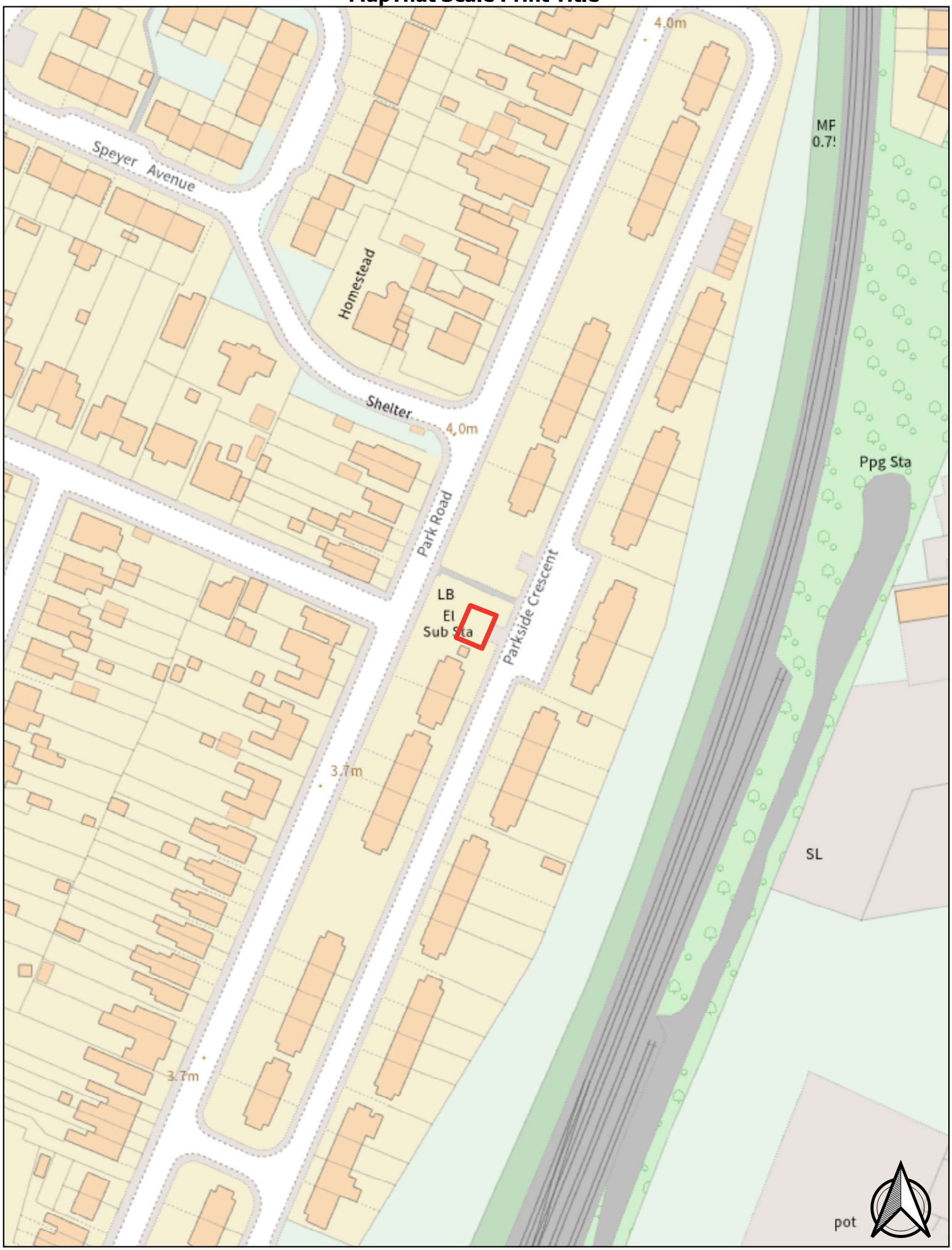
**Lead Contact Officer**


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|---|---|
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**Appendices attached to this report:**

Appendix A Plan A

# MapThat Scale Print Title




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