
APPLICATION NO.	23/01080/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	20.06.2023
APPLICANT	Mr Warren Cann
SITE	SHB Hire Ltd, Mill Lane, Nursling, SO16 0YE, NURSLING AND ROWNHAMS
PROPOSAL	Erection of an electricity substation
AMENDMENTS	19/06/2023- Updated acoustic design specification
CASE OFFICER	Mr Mark Staincliffe

Background paper (Local Government Act 1972 Section 100D)

[Click here to view application](#)

1.0 INTRODUCTION

- 1.1 The application has been called to Southern Area Planning Committee at the request of members because it raises issues of more than local public interest.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The application site is situated to the northern side of Mill Lane and within Nursling & Rownhams Parish.
- 2.2 The site is situated within the northern part of the existing SHB Hire site and is currently lawfully used for the storage of vehicles. Adjacent to the site is the recently approved and implemented battery storage facility, as well as being in close proximity to an area that was formally wooded and forming part of the Big Wellow Wood SINC. It is evident that trees were felled and the land striped prior to the submission of previous applications.

3.0 PROPOSAL

- 3.1 Erection of an electricity substation.

4.0 HISTORY

- 4.1 17/00584/FULLS- Erection of a flexible electricity generation unit with woodland restoration- *ALLOWED AT APPEAL*
- 4.2 19/02772/FULLS- Erection of a battery storage facility- *PERMISSION SUBJECT TO CONDITIONS*

5.0 CONSULTATIONS

- 5.1 **Highways**- No objection
- 5.2 **Landscape**- No objection
- 5.3 **Environmental Health**- No objection subject to conditions

6.0 **REPRESENTATIONS** Expired 17.07.2023

6.1 **Nursling and Rownhams Parish Council-** No objection

6.2 **Public Consultation-** The application generated 17 letters of objection. A summary of the points raised are set out below:

- The Site of Importance for Nature Conservation (SINC) and woodland was unlawfully felled and cleared in 2016
- The applicant was instructed to restore the woodland by the planning inspector. This has not been done.
- If permission is granted they must be required to undertake the woodland restoration in the next planting season.
- A 2m high metal fence has been installed without permission around the battery storage site.
- Cumulative Industrial development is encroaching onto existing Rights of Way.
- Development is noisy and unsightly
- Highway report claims that there will be no significant change in vehicle count- Can this be guaranteed?
- Granting permission will result in more fly tipping in the area,
- Site area on application form is different to the area quoted in the covering letter.
- In the covering letter it states the current use of the land is storage and maintenance of vehicles, on application form it states only vehicle storage
- The site can be seen from the footpath
- The site is in close proximity to biodiversity and the River Test.
- The applicant and land owner are not the same. Incorrect certificate has been signed on the application form
- Inappropriate development within a SINC

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Policy Statement for Energy (EN-1)

7.2 Test Valley Borough Revised Local Plan (2016)(TVBRLP)

COM2 (Settlement Hierarchy)

SD1 (Presumption in Favour of Sustainable Development)

E1 (High Quality Development in the Borough)

E2 (Protect, Conserve and Enhance the Landscape Character of the Borough)

E5 (Biodiversity)

E6 (Green Infrastructure)

E8 (Pollution)

LHW4 (Amenity)

T1 (Managing Movement)

T2 (Parking Standard)

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

Principle of Development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. In consequence, the starting point is the development plan. The development plan comprises the TVBRLP.

8.2 The site lies outside the defined settlement boundary of Nursling and is therefore within the 'countryside'. For development outside settlement boundaries (unless covered by other Local Plan policies) (criterion a), it must be essential to be located in the countryside (criterion b), or there are material considerations to justify permission contrary to this Policy.

8.3 In order to meet the government's targets under the Climate Change Act 2008 of reducing carbon emissions by 80% below 1990 levels by 2050 the energy balance is becoming increasingly reliant on renewable energy sources (such as wind and solar). With a heavy reliance on climatic conditions, these sources can be more unpredictable. Coupled with the phasing out of coal power stations, there is a growing need for new power plants that can respond quickly to local demands and provide a secure supply of energy. Battery storage facilities are an efficient and responsive technology that is able to store energy oversupply that can be delivered to the network at times of peak demand and at very short notice.

8.4 As set out in Paragraph 4.2 above, planning permission was granted under planning application 19/02772/FULLS for a battery storage facility on land immediately adjacent to this application site. All pre-commencement conditions relating to application 19/02772/FULLS have been discharged and upon visiting the site it appears as if works have been commenced on site.

8.5 The proposed electricity substation is required and directly related to the extant permission for the battery storage facility and is necessary to improve the efficiency and speed of the electrical connection between the approved battery storage facility and the national electricity grid. Furthermore, the land on which the development is to be located is currently used for the storage of commercial vehicles and is therefore previously developed land (PDL). As such it is considered that as the proposal is directly related to an extant planning permission and it is also considered that the proposed development is essential and therefore conforms to Policy COM2 of the TVBRLP.

8.6 Character and Appearance

As set out in paragraph 8.4 above, there is an extant permission for a battery storage facility to the North of the application site which will be enclosed by an acoustic fence. It is acknowledged that the current application would be additional built development, however, the area of land covered by the current application is currently lawfully used for the storage of vehicles and has been for a period in excess of ten years.

8.7 As with the extant permission on the adjacent site- The acoustic fencing surrounding the substation would be visible through the depot gateway onto Mill Lane, where it would be seen at a distance in excess of 200m, against a background of the battery facility and a foreground of the buildings, various hire vehicles and ancillary external storage. A substantial electricity pylon rises above trees on the horizon with various overhead lines in evidence. Given this industrial context, it is considered that the proposal would not stand out as a discordant feature.

8.8 As identified by local residents, there would also be views of the development from the Test Way long distance footpath at the point where it meets Mill Lane. These views are already heavily influenced by the hire depot with its main building, lorry trailers and security lighting columns all visible and this will be further industrialised following the completion of the battery storage facility. Having regard to these immediate surroundings, the distance at which the views are obtained and the mellow appearance of the proposed acoustic fencing in comparison to the existing storage on site as well as it being located next to the extant site for the battery storage facility. It is considered that there would be no significant harm to local landscape character.

8.9 Having taken into consideration the location of the proposal next to the extant permission for the battery storage facility and on an area of land currently used for the storage of vehicles, it is concluded that the application would not have a material adverse impact on the appearance of the immediate area or landscape character. It would thus comply with Policy E2 insofar as it seeks to ensure the protection, conservation and enhancement of the landscape of the Borough.

8.10 Highways

Hampshire County Council Highway Officer has raised no objection to the proposed development. There will obviously be an element of disturbance during the construction of the development, but once running the facility will generate minimal traffic movements and utilises an existing access to the site. As a result the development is considered to have no significant adverse impact on highways or pedestrian safety and complies with the relevant policies of the TVBLP including Policy T1.

8.11 Amenity of Neighbouring Properties

Discussions have taken place between the Council and applicant in relation to noise disturbance and proposed mitigation. Additional information has been provided setting out the noise generated by the plant and the extent and design of the proposed acoustic fence. The additional information addresses the concerns originally highlighted. Subject to the imposition of appropriate

conditions to ensure the site is constructed and operated in accordance with the submitted proposals the development would not have an adverse impact on the amenity of neighbouring properties and comply with policy E8 of the TVBRLP.

8.12 Previously Developed Land

The NPPF at paragraph 85 encourages the use of previously developed land over green field sites. Numerous comments have been received relating to the loss of a SINC and the felling of numerous trees. For the avoidance of doubt the application site has, for a very long period of time, been used for storage purposes and did not form part of a woodland or SINC. It is a Brownfield site historically used for commercial purposes. This proposed development did not and will not result in the loss of any trees or SINC.

8.13 Ecology

All objections to the proposed development have raised concern about the behaviour of the applicant with regards to unlawful felling of trees and the destruction of a SINC. As a matter of fact the application site did not form part of the SINC or woodland being referred to in the representations.

8.14 The Council's ecologist was notified of the application and noted that the site is an existing hard surfaced area and has historically being used for storage purposes. For these reasons no objection is raised and the proposed development would not result in conflict with Policy E5 of the TVBRLP

8.15 **OTHER MATTERS**

8.16 Restoration of SINC

Planning application 19/02772/FULLS was submitted in November 2019 for the erection of a battery storage facility and this was granted planning permission on 13 March 2020 and this was subject to conditions.

8.17 Condition 3 of planning permission 19/02772/FULLS requires the following:

No development shall commence until a detailed Big Willow Wood SINC Biodiversity Restoration, Enhancement and Management Plan has been submitted to and approved in writing by the local planning authority. The submitted Plan shall build on the details contained within the Woodland Restoration and Management Plan (SLR Ref 422.06725.00001 Version 3 dated May 2017) and further botanical survey work of adjacent retained habitats, to demonstrate how the local ecological network will be enhanced. It shall further make provision for the relocation of the existing perimeter fencing on the northern and western site boundaries closer to the electricity generation unit compound. The Plan shall also include timescales for implementation of the restoration measures and provision for regular monitoring over a minimum ten year period, with periodic review and reporting to the local planning authority. Remedial works shall be undertaken where a need for these is identified. The Plan shall subsequently be implemented in accordance with the approved details, with the long-term management provisions fully implemented unless subsequently varied on the basis of proper monitoring and review.

The details relating to this condition have been agreed and the condition discharged. The restoration and phasing of it is of no relevance to the determination of the current application and is a separate and distinct planning matter. Were restoration not to be undertaken in accordance with the agreed details this would be a matter for the Council's planning enforcement team.

8.18 Felling of Trees

An area of land adjacent to the site did once contain woodland and prior to submission of the 2017 planning application, clearance of the site occurred. This included the removal of trees and woodland. It is understood that a notice was served on the site owner by the Forestry Commission, and not the Planning Inspector, to restock the woodland or allow regeneration of it. From an enforcement perspective the council have no powers to pursue compliance with that notice. Any concerns that local residents have in that regard should be directed to the Forestry Commission.

8.19 Metal Fence

The metal fence does not fall within the red outline of the application site. The current planning application does not seek planning permission for it.

8.20 Fly Tipping

It is unclear how the granting of planning permission would or may result in an increased frequency of fly tipping incidences. Furthermore, incidences of fly tipping on the public highway or public land will, if reported, be investigated by the relevant authority, but such a function does not fall within the realms of the Town and Country Planning Act.

8.21 Site Area

The site area identified on the application form is different to the area quoted within the agent's covering letter. Having reviewed both documents the statement within the representations is correct. The site area listed on the application form does equate to the site outlined in red on the site location plan. The area quoted in the covering letter is the area of land occupied by the proposed development. The submitted plans and supporting documentation is clear about what is proposed and where it is. There is no reason why the application can not be moved forward to determination.

8.22 Use of the Land

Following an officer visit to the site it is clear that parking of vehicles takes place on site. It was also possible that some minor vehicle maintenance was being undertaken. However, this minor discrepancy in the uses currently being undertaken in no way diminishes the material considerations in the determination of the application as it is agreed that the land, for the purposes of planning, is PDL. The application has been considered on this basis.

8.23 Land Ownership

As originally submitted the wrong ownership certificate had been signed. This was corrected by the applicant's agent and the correct certificate was signed. A new round of public consultation was undertaken after receipt of the correct ownership certificate. A valid application has been received.

9.0 CONCLUSION

- 9.1 Having taken into consideration the extant planning permission for a battery storage facility on land adjacent to the site and the need for the plant, it is considered that the proposal is essential to be located in a countryside location and therefore Policy COM2 compliant. As set out in the report, no significant visual harm would occur and the proposal would provide additional capacity to the existing electricity network which is a significant benefit of the scheme. The development is therefore development plan compliant and planning permission should therefore be granted.

10.0 RECOMMENDATION

PERMISSION subject to:

1. The development hereby permitted shall be begun within three years from the date of this permission.
Reason: To comply with the provision of 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 not be carried out except in complete accordance with the details shown on the submitted plans, numbers
AUG1217NURSLING-306-A 1/3
AUG1217NURSLING-306-A 2/3
AUG1217NURSLING-306-A 3/3
AUG1217NURSLING-402-B
AUG1217NURSLING-403-A
Reason: For the avoidance of doubt and in the interests of proper planning.
3. Prior to first use of the transformer hereby approved the proposed acoustic fence shall be installed in accordance with the specification given in section 4.3 of the Ian Sharland Limited Acoustic Design Specification v.2 and the locations shown in Figure 2 of the Ian Sharland Limited Acoustic Design Specification v.2 and in the location shown on Substation - Plan View. Once installed the acoustic fencing shall be retained in perpetuity and maintained to ensure that it performs to the acoustic performance set out in the Ian Sharland Limited Acoustic Design Specification v.2.
Reason: To ensure a safe living/working environment in accordance with Test Valley Borough Revised Local Plan 2016 policy LHW4 & E8.
4. No development shall take place (other than any approved demolition and site clearance works) until an assessment of the nature and extent of any contamination and a scheme for remediating the contamination has been submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken by a competent person, and shall assess the presence of any contamination on the site, whether or not it originates on the site. The assessment shall comprise at least a desk study and qualitative risk assessment and, where

appropriate, the assessment shall be extended following further site investigation work. In the event that contamination is found, or is considered likely, the scheme shall contain remediation proposals designed to bring the site to a condition suitable for the intended use. Such remediation proposals shall include clear remediation objectives and criteria, an appraisal of the remediation options, and the arrangements for the supervision of remediation works by a competent person. The site shall not be brought in to use until a verification report, for the purpose of certifying adherence to the approved remediation scheme, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a safe living/working environment in accordance with Test Valley Borough Revised Local Plan 2016 policy E8.

5. No external lighting shall be installed unless in accordance with details that have been submitted to and approved in writing by the local planning authority they shall thereafter be retained as such. The details shall include plans and details sufficient to show the location, type, specification, luminance and angle of illumination of all lights/luminaires and a light spread diagram.

Reason: To safeguard the amenities of the area and protected species in accordance with Test Valley Borough Revised Local Plan (2016) Policies E8 & E2 & E5

6. No work relating to the construction of the development hereby approved, including deliveries, collections or site preparation prior to construction, shall take place before the hours of 07.30 nor after 18.00 on Mondays to Fridays; before the hours of 08.00 nor after 13.00 on Saturdays; and at all on Sundays and Bank/Public Holidays, unless otherwise agreed with the Local Planning Authority.

Reason: In order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general having regard to Test Valley Borough Revised Local Plan (2016) Policy E8

Note to applicant:

1. In reaching this decision Test Valley Borough Council (TVBC) has had regard to the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.