

TO:- Planning Committee

Councillor Michael Lawrence , Councillor Philip Davis , Councillor Penny Allen , Councillor Len Bates B.E.M. , Councillor Barry Bond M.B.E. , Councillor Mike Boyle , Councillor Jo Chapman , Councillor Bob Cope , Councillor Brian Cox , Councillor Mark Evans , Councillor Rita Heseltine , Councillor Diane Holmes , Councillor Kath Perry M.B.E. , Councillor Robert Reade , Councillor Ian Sadler , Councillor Christopher Steel , Councillor Wendy Sutton , Councillor Victoria Wilson

Notice is hereby given that a meeting of the Planning Committee will be held as detailed below for the purpose of transacting the business set out below.

Date: Tuesday, 28 March 2023

Time: 18:30

Venue: Council Chamber Community Hub, Wolverhampton Road, Codsall, South Staffordshire, WV8 1PX



D. Heywood
Chief Executive

A G E N D A

Part I – Public Session

- | | | |
|----------|---|---------------|
| 1 | Minutes | 3 - 6 |
| | To approve the minutes of the Planning Committee meeting of 24 January 2023 | |
| 2 | Apologies | |
| | To receive any apologies for non-attendance. | |
| 3 | Declarations of Interest | |
| | To receive any declarations of interest. | |
| 4 | Determination of Planning Applications
Report of Development Management Team Manager | 7 - 92 |

RECORDING

Please note that this meeting will be recorded.

Any person wishing to speak must confirm their intention to speak in writing to Development Management by 5pm on the Thursday before Planning Committee

- E-mail: SpeakingatPlanningCommittee@sstaffs.gov.uk
- Telephone: (01902 696000)
- Write to: Development Management Team
South Staffordshire Council
Wolverhampton Road
Codsall
WV8 1PX

PUBLIC ACCESS TO AGENDA AND REPORTS

Spare paper copies of committee agenda and reports are no longer available. Therefore should any member of the public wish to view the agenda or report(s) for this meeting, please go to www.sstaffs.gov.uk/council-democracy.

Minutes of the meeting of the **Planning Committee** South Staffordshire Council held in the Council Chamber Community Hub, Wolverhampton Road, Codsall, South Staffordshire, WV8 1PX on Tuesday, 24 January 2023 at 18:30

Present:-

Councillor Penny Allen, Councillor Len Bates, Councillor Barry Bond, Councillor Jo Chapman, Councillor Bob Cope, Councillor Brian Cox, Councillor Philip Davis, Councillor Mark Evans, Councillor Rita Heseltine, Councillor Diane Holmes, Councillor Michael Lawrence, Councillor Kath Perry, Councillor Ian Sadler, Councillor Christopher Steel, Councillor Wendy Sutton, Councillor Victoria Wilson

34 MINUTES

RESOLVED: That the minutes of the Planning Committee held 13 December 2022 be approved and signed by the Chairman.

35 APOLOGIES

Apologies for non-attendance were received from Councillors M Boyle and R Reade.

36 DECLARATIONS OF INTEREST

There were no declarations of interest.

37 DETERMINATION OF PLANNING APPLICATION

The Committee received the report of the Development Management Manager, together with information and details received after the agenda was prepared.

22/00727/FUL – SAUNDERS BROTHERS SALVAGE, PRESTWOOD DRIVE, STOURTON, DY7 5QT – APPLICANT – MR ROBERT SAUNDERS – PARISH - KINVER

John Jowitt (Agent, PJ Planning) spoke in support of the application.

Councillor Hingley (Ward Member) spoke in support of the application.

Councillor Sisley (Ward Member) had indicated his support for this application.

Councillor Allen agreed that the current use of the site (storage containers) was less visually intrusive than the previous salvage yard.

Councillor Cope understood the reason for diversification, but agreed the application impacted on spatial openness of the site and represented a disregard for planning regulations.

The Chairman accepted that considered on its own merits, the proposed use contravened planning regulations and that very special circumstances which would be required for approval had not been demonstrated by the

applicant.

Councillor Wilson sympathised with the applicant but agreed the application represented inappropriate use of the green belt.

RESOLVED that the application be REFUSED.

22/00781/FUL - FEATHERSTONE HALL FARM, NEW ROAD, FEATHERSTONE, WV10 7NW – APPLICANT – MR HODGKISS – PARISH – FEATHERSTONE AND BRINSFORD

Councillor B Cope supported the application.

RESOLVED that the application be APPROVED unanimously, subject to Section 106 Agreement for Cannock Chase SAC mitigation payments of £290.58 per dwelling.

22/00925/FUL – 36 SNEYD LANE, ESSINGTON, WV11 2DU - APPLICANT – MR SARHAJPAL - PARISH – ESSINGTON

Nicholas Clarke spoke against the application.

Councillor Steele regretted that his request for a site visit had been declined.

It was explained that loss of light is a material planning consideration but only in a room deemed habitable according to planning core strategy. The impacted room was a landing and as such not a habitable room and it did not warrant a site visit.

RESOLVED that the application be APPROVED subject to the conditions set out in the Planning Officers report.

22/01009/FUL – PENDEFORD HALL LANE, COVEN, WV9 5BD – APPLICANT - MR ROBIN WINWOOD – PARISH – BREWOOD AND COVEN

Councillors Holmes and Sutton, local members, supported the application.

RESOLVED that the application be APPROVED unanimously, subject to Section 106 Agreement for SAC Cannock Chase Mitigation measures and to an amendment to condition 3 as follows:

3. The development hereby permitted shall not be brought into use until the access drive parking and turning areas have been provided in accordance with the approved plan.

22/01056/COU – 2 PENDFORD MILL LANE, BILBROOK, WV8 1JB – APPLICANT – SEP PROPERTIES LTD – PARISH – BILBROOK

Stacey Pester (Pegasus Group Agent) spoke in support of the application.

A statement from Mr Andrew Onions and Ms Androulla Gavriel was read out objecting to the application.

Councillor Sadler, ward member, had concerns about traffic on an awkward junction and had received a number of concerns from local residents.

Councillor Allen shared the concerns of Bilbrook Parish Council regarding there being insufficient parking for staff and customers. The Development Management Team Manager explained that although the application was short on the standard requirement for parking, its central location allowed for the reduction.

Councillor Sadler proposed a motion to refuse the application.

Councillor Allen seconded the motion.

The motion was defeated.

RESOLVED That the application be APPROVED subject to the conditions set out in the Planning Officers report.

Councillors Allen, Sadler and Steele voted against the application.

38 MONTHLY UPDATE REPORT

The Committee received the report of the Lead Planning Manager informing the committee on key matters including training; changes that impact on National Policy; any recent appeal decisions; relevant planning enforcement cases (quarterly); and latest data produced by the Ministry of Housing Communities and Local Government.

RESOLVED That the Committee note the update report.

The Meeting ended at: 20:35

CHAIRMAN

SOUTH STAFFORDSHIRE COUNCIL**PLANNING COMMITTEE – 28 March 2023****DETERMINATION OF PLANNING APPLICATIONS****REPORT OF DEVELOPMENT MANAGEMENT TEAM MANAGER****PART A – SUMMARY REPORT****1. SUMMARY OF PROPOSALS**

To determine the planning applications as set out in the attached Appendix.

2. RECOMMENDATIONS

2.1 That the planning applications be determined.

3. SUMMARY IMPACT ASSESSMENT

POLICY/COMMUNITY IMPACT	Do these proposals contribute to specific Council Plan objectives?	
	Yes	The reasons for the recommendation for each application addresses issued pertaining to the Council's Plan.
	Has an Equality Impact Assessment (EqIA) been completed?	
	No	Determination of individual planning applications so not applicable- see below for equalities comment.
SCRUTINY POWERS APPLICABLE	No	
KEY DECISION	No	
TARGET COMPLETION/ DELIVERY DATE	N/A	
FINANCIAL IMPACT	No	Unless otherwise stated in the Appendix, there are no direct financial implications arising from this report.
LEGAL ISSUES	Yes	Town and Country Planning Act 1990 Planning (Listed Buildings and Conservation Areas) Act 1990 Planning (Consequential Provisions) Act 1990 Planning (Hazardous Substances) Act 1990 Planning and Compensation Act 1991 Planning and Compulsory Purchase Act 2004

OTHER IMPACTS, RISKS & OPPORTUNITIES	Yes	Equality and HRA impacts set out below.
IMPACT ON SPECIFIC WARDS	Yes	As set out in Appendix

PART B – ADDITIONAL INFORMATION

4. INFORMATION

All relevant information is contained within the Appendix.

Advice to Applicants and the Public

The recommendations and reports of the Development Management Team Manager contained in this schedule may, on occasions, be changed or updated as a result of any additional information received by the Local Planning Authority between the time of its preparation and the appropriate meeting of the Authority.

Where updates have been received before the Planning Committee's meeting, a written summary of these is published generally by 5pm on the day before the Committee Meeting. Please note that verbal updates may still be made at the meeting itself.

With regard to the individual application reports set out in the Appendix then unless otherwise specifically stated in the individual report the following general statements will apply.

Unless otherwise stated any dimensions quoted in the reports on applications are scaled from the submitted plans or Ordnance Survey maps.

Equality Act Duty

Unless otherwise stated all matters reported are not considered to have any adverse impact on equalities and the public sector equality duty under section 149 of the Equality Act 2010 has been considered. Any impact for an individual application will be addressed as part of the individual officer report on that application.

Human Rights Implications

If an objection has been received to the application then the proposals set out in this report are considered to be compatible with the Human Rights Act 1998.

The recommendation to approve the application aims to secure the proper planning of the area in the public interest. The potential interference with rights under Article 8 and Article 1 of the First Protocol has been considered and the recommendation is considered to strike an appropriate balance between the interests of the applicant and those of the occupants of neighbouring property and is therefore proportionate. The issues arising have been considered in detail

in the report and it is considered that, on balance, the proposals comply with Core Strategy and are appropriate.

If the application is recommended for refusal then the proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The recommendation to refuse accords with the policies of the Core Strategy and the applicant has the right of appeal against this decision.

Consultations Undertaken

The results of consultations with interested parties, organisations, neighbours and Councillors are reported in each report in the Appendix.

CONSULTEES

CH – County Highways
CLBO – Conservation Officer
CPO – County Planning Officer
CPRE – Campaign to Protect Rural England
CPSO – County Property Services Officer
CA – County Archaeologist
CS – Civic Society
EA – Environment Agency
EHGS – Environmental Health Officer
ENGS – Engineer
FC – The Forestry Commission
HA – Highways Agency
LPM – Landscape Planning Manager
HENGs – Engineer
NE – Natural England
PC – Parish Council
OSS – Open Space Society
STW – Severn Trent Water
SWT – Staffordshire Wildlife Trust

5. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

N/A

6. PREVIOUS MINUTES

Details if issue has been previously considered

7. BACKGROUND PAPERS

Background papers used in compiling the schedule of applications consist of:-

- (i) The individual planning application (which may include supplementary information supplied by or on behalf of the applicant) and representations received from persons or bodies consulted upon the application by the Local Planning Authority, and from members of the public and interested bodies, by the time of preparation of the schedule.
- (ii) The Town and Country Planning Act, 1990, as amended and related Acts, Orders and Regulations, the National Planning Policy Framework (NPPF), the Planning Practice Guidance Notes, any Circulars, Ministerial Statements and Policy Guidance published by or on behalf of the Secretary of State for the Department for Communities and Local Government.
- (iii) The Core Strategy for South Staffordshire adopted in December 2012 and Supplementary Planning Documents
- (iv) Relevant decisions of the Secretary of State in relation to planning appeals and relevant decisions of the courts.

These documents are available for inspection by Members or any member of the public and will remain available for a period of up to 4 years from the date of the meeting, during the normal office hours. Requests to see them should be made to our Customer Services Officers on 01902 696000 and arrangements will be made to comply with the request as soon as practicable. The Core Strategy and the individual planning applications can be viewed on our web site www.sstaffs.gov.uk

Report prepared by: Kelly Harris - Lead Planning Manager

App no	Applicant/Address	Parish and Ward Councillors	Recommendation	Page
22/00494/FUL NON MAJOR	Mr Warren Haynes 5 Sandy Lane Brewood Staffordshire ST19 9ET	BREWOD & COVEN Cllr J Bolton Cllr D Holmes Cllr W Sutton	APPROVE – Subject to conditions	13-24
22/01193/VAR MAJOR	Mr James Stone - Anglo Renewables Field At (Penn 1) Penstone Lane Lower Penn	LOWER PENN Cllr R Reade Cllr B Bond Cllr D Kinsey	APPROVE – Subject to conditions	25-58
22/01194/VAR MAJOR	Mr James Stone - Anglo Renewables Field At (Penn 2) Penstone Lane Lower Penn	LOWER PENN Cllr R Reade Cllr B Bond Cllr D Kinsey	APPROVE – Subject to conditions	59-92

22/00494/FUL
NON MAJOR

Mr Warren Haynes

BREWOD & COVEN

Cllr W Sutton
Cllr J Bolton
Cllr D Holmes

5 Sandy Lane Brewood Staffordshire ST19 9ET

First floor front/side extension above existing ground floor bedroom along with rendering and cladding of the exterior and excavation of earth at front of property to create extra vehicular parking with new retaining wall, external staircase and associated landscaping.

Pre-commencement conditions required:	Pre-commencement conditions Agreed	Agreed Extension of Time until
Yes		31st March 2023

1. SITE DESCRIPTION

1.1 This application relates to a one and half storey dormer bungalow located on land fronting Sandy Lane within the Conservation Area in the village of Brewood. The dwelling sits at a higher level in relation to the highway and has a steep driveway with a detached garage outbuilding set into the lower land level at the front of the site and parking for two vehicles on the raised parking area forward of the front elevation. To the rear, the dwelling benefits from a private garden. The dwelling is located within a predominately residential area in heart of the Conservation area with the village centre just west of the site and surrounding listed buildings with the most relevant being the immediate neighbouring dwellings, numbers 7 and 9 Sandy Lane, both of which are grade II listed.

Date of site visit - 7 June 2022 and 3 October 2022

2. APPLICATION DETAILS

2.1 First floor front/side extension above existing ground floor bedroom along with rendering and cladding of the exterior and excavation of earth at front of property to create extra vehicular parking with new retaining wall, external staircase and associated landscaping.

2.1.1 This application proposes a scheme of modernisation and extension works to the main dwelling along with works to the lower ground level at the front of site. The latter of which will include the rendering of the existing garage and the creation of a lower level parking space, reconfiguring the front of the site following the earlier removal of a large section of sandstone walling and excavation of the area (which had been carried out without planning consent prior to the submission of this application).

2.1.2 Firstly, to consider the works to the main dwelling. The dwelling already benefits from an approved certificate of lawfulness (application reference 22/00352/LUP) for the single storey rear extension that the application intends to erect utilising the dwellings permitted development rights. This application now seeks permission for a first-floor extension above the existing front ground floor bedroom to extend the bathroom at first floor in addition to extending the existing catslide roof adjoining this to provide a porch area. The bathroom extension will feature a new front gable with a maximum ridge height of 6.9 metres and an eaves height of 4.7 metres. The catslide roof will extend the existing roof plane with an eaves height of 2.67 metres with an open front and side with a wooden beam supporting the corner of the roof. Finally, the applicant

proposes to render the ground floor of the building and clad the upper front gable and dormer windows with wooden cladding to modernise the buildings appearance.

2.1.3 To the front of the site, the existing garage will be retained in situ but the existing stone cladding will be removed and replaced with render in any earthy tone which will be finished with a new sedum green roof. To the east of this, where the land has been previously excavated, the applicant intends to erect a new external hidden staircase to provide access to the upper level, retaining the open area to the front of the retaining wall for parking. The height of the existing, unauthorised retaining wall at the rear of the parking area will be reduced by a course of bricks and the wall to the south-east, on the boundary with no.7, will be reduced in height significantly to follow the land level of the retained boarder. The wall to the rear shall be rendered to match the garage in an earthy tone, whilst the side boundary wall will be clad in sandstone to match the wall it replaced previously. Planting beds will also be introduced to help screen both walls at the lower level. At the upper level, a slim open metal balustrade is proposed to the retaining wall for safety, which will measure 0.8 metres in height, set back slightly from the wall edge to allow for a planting bed to the front to soften its appearance.

2.1.4 Throughout the course of the application multiple amendments were made to both the proposals for the dwelling and to the parking area after the case officer expressed concerns that the design as originally proposed was inappropriate in this sensitive location, creating an incongruent feature within the street scene and causing substantial harm to the character of the Conservation Area and settings of the nearby listed buildings.

2.2 Applicants submission

2.2.1 The application is submitted with a brief heritage statement setting out in the impact of the proposals on the conservation area.

3. SITE HISTORY

Planning Applications

22/00352/LUP Single storey rear extension to detached house as detailed on Barnett Ratcliffe Architects drawings 2201/09/PL/01 and 02 **Approved** 6th May 2022

4. POLICY

4.1 Constraints

Conservation Area Name: Brewood Conservation Area:

Within Development Boundary Name: Brewood Development Boundary:

Newt - Strategic Opportunity Area Name: West Staffordshire Pondscape (North):

Newt - Impact Risk Zone White Name: Impact Risk Zone White:

SAC Zone- 13km Buffer Buffer Zone: 13km

4.1.1 Policies

National Planning Policy Framework

Chapter 12: Achieving well designed spaces

Chapter 16: Conserving and enhancing the historic environment

National Planning Practice Guidance

Core Policy 2: Protecting and Enhancing the Natural and Historic Environment

Policy EQ3: Conservation, Preservation and Protection of Heritage Assets

Core Policy 4: Promoting High Quality Design
Policy EQ9: Protecting Residential Amenity
Policy EQ11: Wider Design Considerations
Policy EQ12: Landscaping
Core Policy 11: Sustainable Transport
Policy EV12: Parking Provision

Statutory duties under Planning (Listed Buildings and Conservation Areas) Act 1990

4.1.2 Supplementary Planning Documents

Supplementary Planning Document - Sustainable Development 2018
Supplementary Planning Document - Design Guide 2018

5. CONSULTATION RESPONSES

All consultation periods have expired unless noted otherwise.

Site Notice Expires	Press Notice Expires
13 June 2022	20 September 2022

Councillor Joyce Bolton - Brewood And Coven Ward

No Response Received

Councillor Wendy Sutton - Brewood And Coven Ward

No Response Received

Councillor Diane Holmes - Brewood And Coven Ward

30th September 2022

Regarding the above application for works to 5, sandy Lane, Brewood, I feel strongly that the original sandstone wall should be reinstated.

This property is situated in Brewood Conservation area and Sandy lane has sandstone walling on both sides of the road in places.

This has changed the street scene considerably, to its detriment.

Brewood & Coven Parish Council

31st January 2023

The Parish Council still strongly object to this planning application and the amendments.

We strongly object to the destruction of the old sand stone wall and its seriously detrimental changes to the street scene - is the centre of the conservation area. The minor changes are inadequate. We hope for that the restoration of the wall would be insisted upon.

Conservation Consultation

1st February 2023

Amended plans have been submitted following on from previous comments. There are no further objections to the works that are proposed to the house, which has been amended in line with discussions.

The other element of the scheme relates to the garage and car parking space to the front of the property. There have been amendments to the proposed scheme in order to bring the height of the wall down in line with the neighbouring wall. Whilst the works that have been carried out already are not in keeping with the surroundings, the proposals now will aim to make the works more in keeping with the character of the area.

The stone facing will need to match in with the surroundings. Details of this will be needed in order to ensure this. The garage itself is already in existence and it is proposed to render the wall and paint them in a colour to match in with the surrounding stonework. This will be acceptable, however details of the colour (RAL number etc.). These details can either be submitted prior to determination or covered by a condition at the time of determination.

Conditions:

No development hereby approved shall be commenced, until details of all external materials to be used in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Planning Enforcement

No Response Received

County Highways

2nd February 2023

Recommendation Summary: Conditional

Site Visit Conducted on: 31-Jan-2023

1. The development hereby permitted shall not be brought into use until the existing access to the site within the limits of the public highway has been reconstructed and completed.
2. The existing garage indicated on the approved plan shall be retained for the parking of motor vehicles and cycles. It shall at no time be converted to living accommodation without the express permission of the Local Planning Authority.
3. The development hereby permitted shall not be brought into use until the parking area has been provided in accordance with the approved plans.
4. The development hereby permitted shall not be brought into use until a surface water drainage interceptor has been provided across the access immediately to the rear of the highway boundary unless otherwise agreed in writing by the Local Planning Authority.

Reasons.

1. In the interest of highway safety and to comply with Staffordshire County Council requirements for a vehicular access crossing.
- 2 - 4. In the interest of highway safety. To comply with the principles set out in the National Planning Policy Framework.

Informative for decision Notice.

The existing dropped crossing to the site shall be reconstructed. Please note that prior to the access being reconstructed you require Section 184 Notice of Approval from Staffordshire County Council. The link below provides a further link to 'vehicle dropped crossings' which includes a 'vehicle dropped crossing information pack' and an application Form for a dropped crossing.

<http://www.staffordshire.gov.uk/transport/staffshighways/licences>

Notes to Planning Officer.

- i). The proposed development is located on a busy through route of the village. The road is subject to a speed limit of 30 mph and there are no recorded vehicular accidents at this location in the last 5 years. Work has already commenced on the site frontage with regards to the garage. The need for a retrospective application for a Section 184 is required and should be applied for and approved in writing before any further works take place.
- ii). This Form X supersedes previous recommendation dated 14th October 2022.

Brewood Civic Society

30th January 2023

Brewood Civic Society wish to repeat our previous objection. We strongly object to the removal of the Sandstone Wall and the significant impact on the Conservation Area and the rural street scene of Sandy Lane.

This latest amendment does nothing to reinstate the street scene destroyed by the original demolition and excavation carried out without planning permission in the Conservation Area.

The impact on the street scene is caused by the removal of the Sandstone wall. This 'rustic' weathered wall with its planting above, hid the double garage and sloping drive from view. No other properties in Sandy Lane have frontages anything like this proposal. Any rebuilding of the Sandstone Wall must be in a style of the original. Sandstone facing on a vertical flat wall would never be acceptable.

6. APPRAISAL

- Policy & principle of development
- Layout, design & appearance
- Access, parking & highway safety
- Residential Amenity
- Heritage Assets
- Human Rights

6.1 Policy & principle of development

6.1.1 The application has been called into planning committee by Councillor Holmes due to concerns over a detrimental on the street scene and to the character of the Brewood Conservation Area.

6.1.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made, in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan for South Staffordshire District comprises the Core Strategy (2012-2028) and the Site Allocations Document (2012-2028).

6.1.3 The property is within the development boundary where proposals such as this can be considered to be an acceptable form of development, providing there is no adverse impact on neighbouring properties or the amenity of the area. Additionally, as the proposal affects a building within a Conservation Area, such development should also seek to preserve or enhance the relevant heritage asset(s) (which is considered in further detail below).

6.2. Layout, Design and Appearance

6.2.1 Policy EQ4 of the Core Strategy advises that “the design and location of new development should take account of the characteristics and sensitivity of the landscape and its surroundings, and not have a detrimental effect on the immediate environment and on any important medium and long distance views”. Core Policy 4 similarly seeks to promote high quality design and respect and enhance local character and distinctiveness of the natural and built environment. Policy EQ11 advises that new development should seek to achieve creative and sustainable designs that consider local character and distinctiveness, whilst having regard to matters of use, movement, form and space. Finally, the Council's Design Guide SPD amplifies the principles set out in Policy EQ11 of the Core Strategy.

6.2.2 The NPPF (Section 12) advises that “good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”. The document continues to state that “development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design”.

6.2.3 Paragraph 130 of the NPPF also attaches great importance to the design of the built environment, which should contribute positively to making places better for people. As well as understanding and evaluating an area’s defining characteristics, it states that developments should:

- function well and add to the overall quality of the area;
- establish a strong sense of place;
- respond to local character and history, and reflect local surroundings and materials;
- create safe and accessible environments; and
- be visually attractive as a result of good architecture and appropriate landscaping.

6.2.4 Policy EQ3 of the adopted Core Strategy, informed by the NPPF, states that special care and consideration must be taken to ensure no harm is caused to the character or appearance of a heritage asset. Heritage assets are buildings, sites, monuments, places, areas or landscapes identified as significant features in the historic environment.

6.2.5 In this case, the property is located with the Brewood Conservation Area which is collectively a heritage asset. It is also located in close proximity to a number of Grade II listed buildings, the closest of which being numbers 7 and 9 Sandy Lane. The dwelling itself lies towards the western end of Sandy Lane, in the heart of the Conservation Area just outside of the village centre. Dwellings in this location are generally traditional period properties bounded by sandstone walling with a landscaped grassed seating area opposite.

6.2.6 Originally the plans provided for a very modern flat roofed design to the main dwelling with large expanses of glazing and a front balcony feature, along with an extension to the garage to double its footprint, however, these were amended following concerns expressed by the case officer that these would create an unduly prominent and incongruous feature within the street scene that would be detrimental to both the character of the Conservation area and to the setting of the nearby listed buildings. Whilst the amended plans for the dwelling do seek to significantly alter the character and appearance of the dwelling with the introduction of the front gable feature and rendering and cladding details to the front elevation, the existing building does not add positively to the street scene and the amendments to the plans enhance the appearance of the building using more traditional design features and materials that are reflected elsewhere within the nearby street scene. The amendments to the design also ensure the proposed increase in the bulk and massing of the extension is located to the western side of the site, limiting any potential impact on the setting of the neighbouring listed building with rendering to the ground floor elements to better reflect the materials of the surrounding buildings. On this basis, the proposals for the works the main dwelling are considered acceptable as they will not result in any harm to the character of the surrounding heritage assets or to the wider street scene.

6.2.7 Notwithstanding the above, there were concerns with the proposals to create the lower ground floor parking area. Previously, the sandstone walling extended up to the highway boundary, with a sloping land bank and large mature shrubs which helped to screen both the garage and the dwelling from wider views with the garage itself set into this landbank. This not only limited the visibility of the garage from outside of the site, in particularly screening it from wider views within Sandy Lane, but it also limited the impact of the structure on the setting of the listed building. Prior to the submission of the application, both the sandstone walling and the earth were removed to level off the land without the benefit of planning permission with the resultant impact that both the retaining wall (that was inserted without permission) and the existing garage are now very prominent and incongruous features within the street scene. The sandstone walling is a key feature within this part of the Conservation area, adding heavily to its character which the removal of this diminished causing harm to both the Conservation area and the setting of the adjacent listed building. Any works in this area should therefore seek to mitigate the harm, protecting and enhancing the character and should not cause any further harm.

6.2.8 During the course of the application, the applicant has worked closely with the LPA and multiple amendments have been received to the plans to attempt to address the harm caused and resolve the planning breach. It is now proposed that the excavated area will provide a lower parking bay with an external staircase to the upper floor to help address some of the access issues to the dwelling owing to the steep driveway incline which can be hard to traverse, particularly in the winter months. The surrounding retaining walls that were erected as part of the unauthorised works will be reduced in height to the minimum heights possible to support the retained earth, particularly the wall to the eastern side boundary which will be significantly reduced to follow the retained landbank. To help the proposals assimilate within the street scene the wall to the east will be clad in sandstone to mirror the walling that was removed, with the garage and surrounding wall area being rendered in an earthy tone to match those of the surrounding boundary walls. A metal balustrade will be introduced to the upper floor level for safety reasons, however, this will be 0.8 metres in height (the minimum requirement for safety) and simple in design to allow for open views to the listed building beyond. To further soften the impact of the walls, planting is proposed to both rear and side elevations at lower ground floor with further planting proposed to the front of the railing at upper level (which will be set back slightly to accommodate this) to trail down and further mitigate the walls impact.

6.2.9 Objections have been received from the Civic Society and Parish Council regarding the harm caused by the by the removal of the sandstone walling and earth bank and whilst it is acknowledged that these proposals will not provide the level of screening that the previous sloping side garden and mature landscaping did, the proposals must now be considered on their own merit to assess what harm they will cause. In its current form, the garage does not add positively to the street scene but this is an existing structure and does not require permission for its retention. The refurbishment of this structure with a new sedum roof and earthy toned rendering will improve its appearance and help it assimilate better within the area, having a positive impact on the conservation area when assessed against what was there previously. I do still have concerns that the new retaining walls could be a prominent feature within the street scene. That said, I also note the presence of a number of large outbuildings that are sited within front gardens, alongside the highway boundary both within Brewood village itself and Sandy Lane, in particular that serving no.22 Sandy Lane and the adjacent boundary wall of no.20 that sits at a similar height. Although, these dwellings do sit further down in the street scene, occupying a less prominent position, further out in the Conservation Area and are not surrounded by listed buildings like the host dwelling. However, as amended, the plans do seek to minimise the harm to the street scene, reducing the wall to the lowest possible measurements to retain the landbank and the materials proposed have been carefully selected to respect the surrounding historical character and existing materials within the street scene, with landscaping introduced to further soften the walls putting the focus back on the surrounding listed buildings. The cladding of the wall to the east with sandstone will replicate what was there previously, albeit not extending to the highway. It is worthy of note that it was a small section only of the Sandstone wall that is lost and, whilst disappointing, this has to be weighed against all the material

considerations of the scheme. In isolation, and when considered against the improvements to the existing garage, this is not considered to justify refusal of the proposed development. I also note the Conservation Officer has not raised any objections to the amended proposals in principle although he has noted that the materials used here will be a key consideration in their acceptability. These can be successfully secured by way of appropriate condition. In view of the above, on balance, and when considering all the heritage assets, it is not considered that the proposals would be significantly detrimental to either the street scene or the wider heritage assets to warrant the refusal of the application. However, as the materials will be a key consideration in the proposals acceptability this will be secured by condition on any approval granted. On this basis, the proposals are considered acceptable under policies EQ11 and EQ3 and the guiding principles of the underlying NPPF.

6.3. Access, Parking & Highway Safety

6.3.1 Paragraph 110 of the NPPF requires that consideration should be given to the opportunities for sustainable transport modes, that safe and suitable access to a development site can be achieved for all people, and that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Paragraph 111 goes on to state that development should only be refused on transport grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development are severe.

6.3.2 Paragraph 105 of the NPPF seeks to ensure that developments which would generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

6.4 Off Street Car Parking

6.4.1 Appendix 5 of the Core Strategy provides guidance on the Council's off street car parking requirements for new development.

6.4.2 The proposals do not affect the parking arrangements to the upper level of the site, nor do they result in the loss of the existing garage and the dwelling will continue to provide the required three parking spaces in addition to the proposed new parking available at lower ground level. No objections have been raised by the Highways Officer, subject to conditions being inserted on any approval to ensure the proposals are completed prior to use, so there are no highways concerns arising in respect of this application.

6.5. Residential Amenity

6.5.1 Paragraph 185 of the NPPF advises that "Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development".

6.5.2 The extension will be located to the western side of the building adjacent to no. 3 Sandy Lane. This neighbouring dwelling is a gable fronted bungalow, with a single storey side projection that adjoins the side elevation of the host dwelling, setback from its principle elevation and roughly in line with the rear elevation of the host dwelling which appears to provide a porch and covered entrance way to this dwelling. There will be sufficient separation from the main part of the neighbouring dwelling provided by this single storey side projection to ensure there is no detrimental impact through loss of light or overbearing on the neighbouring dwelling as a result of the proposals. Whilst the extensions do seek to increase the bulk and massing of the building near this single storey projection, given the setback of the neighbouring building in relation to the proposals, it will not result in any further material loss of light or overbearing impact on the neighbouring

window in this extension than that which already exists from the host dwelling itself which will already significantly overshadows this window. There remains sufficient separation distance between the host dwellings and the remaining neighbouring dwellings and therefore in view of the siting and scale of the proposals, neither the extensions to the main dwelling or the works to the front of the site to provide the lower parking area will have any detrimental impact on any neighbouring through loss of light, overbearing impact, loss of privacy or overlooking.

6.5.3 The council's adopted Space About Dwellings standards require that dwellings with 4 bedrooms provide a garden length of 10.5 metres and an area of 100 square metres. The dwelling does not currently meet the required standards for a 4 bed dwelling providing a garden length of 8.5 metres and an area of 92 square metres however, the proposals do not propose the addition of any further bedrooms nor do they result in the loss of garden space (as the rear extension will be constructed separately utilising the dwelling permitted development rights and as such is not under consideration here) so they will not worsen the existing situation. No other technical infringements of Space about Dwellings result from the proposal. As such, there are no concerns regarding the Councils space abouts dwellings standards resulting from the application.

6.5.4 In view of the above, and as no neighbouring objections have been received there are no objections under policy EQ9 or appendix 6 of the adopted core strategy.

6.6 Heritage Assets

6.6.1 Special Duty as regards conservation areas and listed buildings

6.6.2 When making a decision on all listed building consent applications or any decision on a planning application for development that affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and case law makes it clear that 'decision makers should give "considerable importance and weight" to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise'.

6.6.3 When considering any planning application that affects a conservation area a local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Case law has made it clear that the "statutorily desirable object of preserving the character of appearance of an area is achieved either by a positive contribution to preservation or by development which leaves character or appearance unharmed, that is to say preserved."

6.6.4 The Local Planning Authority has balanced up the relevant material planning considerations and conclude that the impact of the development as proposed would have a neutral impact on the conservation area and neighbouring listed building. This amounts to less than substantial harm and when weighed against the benefits of improving the existing garage the development is considered acceptable.

6.7. Human Rights

6.7.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with an individual's rights under Article 8 of Schedule 1 to the Human Rights Act, which provides that everyone has the right to respect for their private and family life, home and correspondence. Interference with this right can only be justified if it is in accordance with the law and is necessary in a democratic society. The potential interference here has been fully considered within the report in having regard to the representations received and, on balance, is justified and proportionate in relation to

the provisions of the policies of the development plan and national planning policy.

7. CONCLUSIONS

The NPPF states that there are three dimensions to sustainable development, namely economic, social and environmental and that these should be considered collectively and weighed in the balance when assessing the application.

The proposed development is considered acceptable in principle and is not considered to cause harm to either visual or residential amenity. There would be no material harm to neighbouring amenity and there would be no adverse effect on the street scene. The development also raises no material concerns in relation to parking or highway safety. The proposal is therefore considered compliant with both national and local planning policy and associated guidance.

On balance subject to the conditions the development causes no harm to the setting of nearby listed buildings and the character of the conservation area is unharmed.

8. RECOMMENDATION - APPROVE Subject to Conditions

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
2. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.
3. No further development shall be carried out up on the site, until details of all external materials to be used in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
4. Within 1 month of the date of this permission a landscape scheme shall be submitted to the Local Planning Authority for approval. The approved scheme shall be implemented concurrently with the development and completed within 12 months of the completion of the development. The Local Planning Authority shall be notified when the scheme has been completed. Any failures shall be replaced within the next available planting season and the scheme shall be maintained to the satisfaction of the Local Planning Authority. The planting shall be retained and maintained for a minimum period of 10 years by the property owner from the notified completion date of the scheme. Any plant failures that occur during the first 5 years of the notified completion date of the scheme shall be replaced with the same species within the next available planting season (after failure).
5. Within 3 months of the date of this permission the existing access to the site, within the limits of the public highway, shall be reconstructed and completed in accordance with plan number 2201/09/PL/06 revision C and retained throughout the life of the development.
6. The development hereby permitted shall not be brought into use until the parking area has been provided in accordance with the approved plans.
7. Within 3 months of the date of this permission surface water associated with the driveway hereby approved shall be disposed of internally within the site to ensure no surface water run off onto the public highway. This shall be maintained for the lifetime of the development.

Reasons

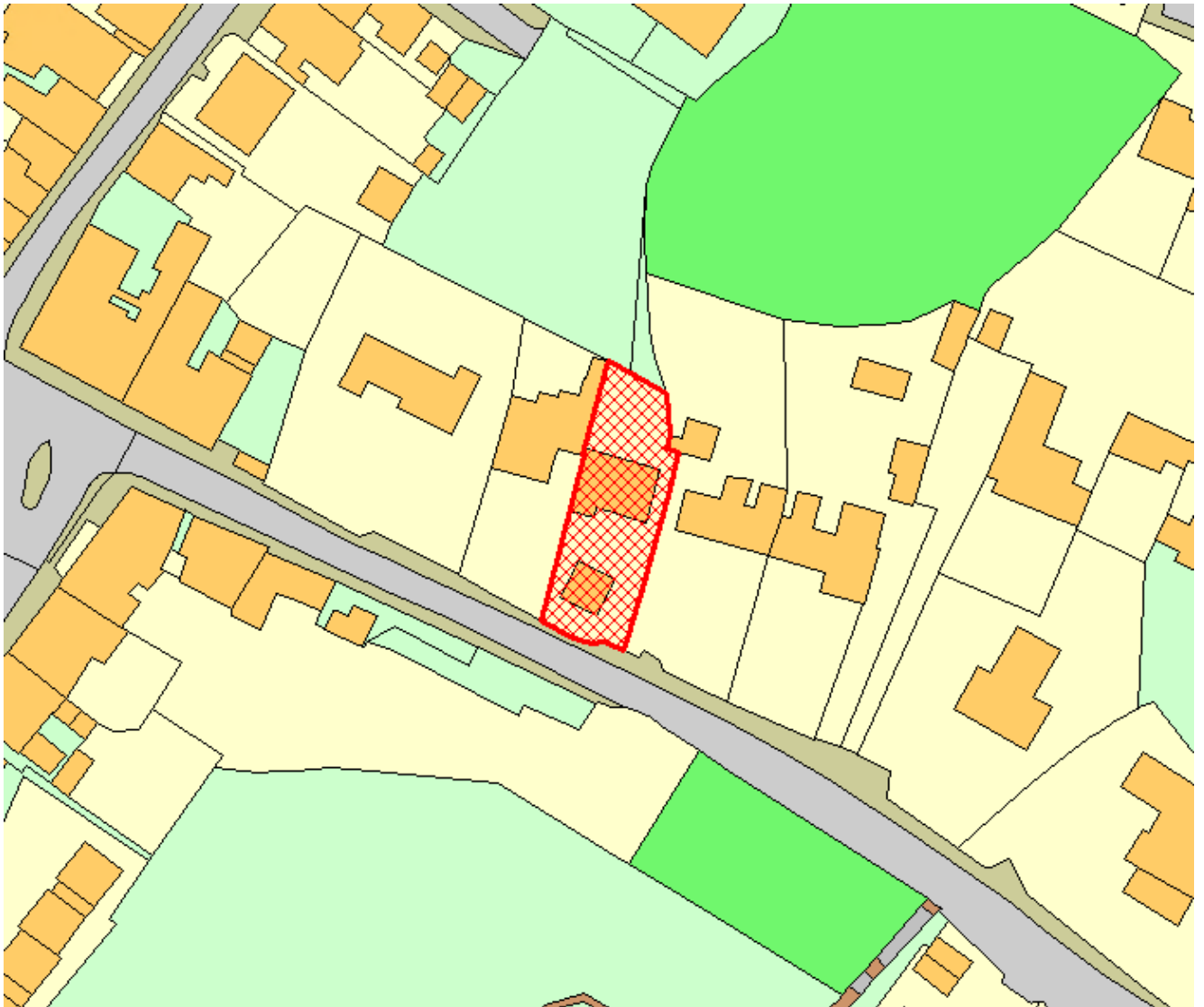
1. The reason for the imposition of these time limits is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In order to define the permission and to avoid doubt.
3. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
4. To safeguard the visual amenity of the area, since development of this type would detract from the overall visual appearance of the residential area in accordance with policy EQ11 of the adopted Core Strategy.
5. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
6. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
7. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.

Proactive Statement - In dealing with the planning application the Local Planning Authority has worked in a positive and proactive manner by agreeing amendments to the application and in accordance with paragraph 38 of the National Planning Policy Framework 2021.

INFORMATIVE - The existing dropped crossing to the site shall be reconstructed. Please note that prior to the access being reconstructed you require Section 184 Notice of Approval from Staffordshire County Council. The link below provides a further link to 'vehicle dropped crossings' which includes a 'vehicle dropped crossing information pack' and an application Form for a dropped crossing.

Plans on which this Assessment is based

Plan Type	Reference	Version	Received
Street Scene	2201-09-PL07	Rev D	13 January 2023
Proposed Plans and Elevations	2201-09-PL06	Rev C	13 January 2023
Proposed Plans and Elevations	2201-09-PL05	Rev A	22 September 2022



5 Sandy Lane, Brewwood, Staffordshire ST19 9ET

22/01193/VAR
MAJOR

Mr James Stone

LOWER PENN

Cllr R Reade
Cllr B Bond
Cllr D Kinsey

Field At (Penn 1) Penstone Lane Lower Penn

Variation of Condition 2 (approved plans) pursuant to 22/00044/FUL for Proposed battery energy storage facility, new compound, with associated infrastructure, fencing, access road, drainage and landscaping.

Pre-commencement conditions required:	Pre-commencement conditions Agreed	Agreed Extension of Time until
Y	Y	31 March 2023

1. SITE DESCRIPTION

1.1 The application site is a 1.9ha area of agricultural land located within the Green Belt. The site is fairly level with a slight slope from north to south. Overhead power lines associated with the existing 4.3ha electricity substation to the west, pass over the site and to the north and south of the site. A hedge and trees run along the northern and western boundary of the site.

1.1.1 The area immediately to the south and east is open agricultural land with a single dwelling, Blackpit Lane which is a sunken single-track road, and further east the Staffordshire Railway Walk. There is no existing formal vehicular access to the site. Agricultural fields lie directly to the north with Penstone Lane and a row of dwellings beyond. The Staffordshire and Worcestershire Canal, a Conservation Area and Local Wildlife Site, lies approximately 250m to the west of the site, adjacent to the existing substation.

Date of site visit - 19 January 2023

2. APPLICATION DETAILS

2.1 Planning permission was granted under 22/00044/FUL for a battery storage energy facility. This application seeks to amend the proposal, alongside application 22/01194/VAR, to provide additional storage capacity and utilise a single point of connection to the Penn substation. Most of the amendments are within the 22/01194/VAR application. Here, the changes comprise an amended layout, reduced height of substation infrastructure, the addition of a customer switch room and control building within the battery compound and the removal of a Distribution Network Operator (DNO) control room from the substation area.

2.1.1 As shown on the submitted plans the proposals consist of:

- Battery storage compound containing battery units and Power Control System (PCS) Units and Auxiliary transformers enclosed by a 3m high closed board fence.
- Substation compound containing transformer, disconnectors, circuit breakers and associated infrastructure enclosed by 2.4m palisade fencing.
- 2x customer switch room & control buildings.
- An access track from Penstone Lane.
- Hedge, scrub, wildflower planting and infiltration basin.

2.1.2 The battery storage compound would contain 16 battery units, associated PCS units and a customer switch room & control building, enclosed by 3m high closed board fencing. The battery and PCS units would measure 3m in height and the control room would measure 3.25m in height. The units would be painted dark grey/green.

2.1.3 The substation compound would be located to the southwest of the battery compound. The infrastructure would measure an average of 5.4m in height with a maximum of 6.4m in height. A customer switch room & control building would be located adjacent to the northwest of the substation infrastructure. The compound would be enclosed by a 2.4m palisade fence.

2.1.4 A landscape scheme has been proposed (Plan ref 211111-105 B Landscape Mitigation Strategy Plan) which shows native hedge planting (at least 3m in height) a wildflower sward in-between the battery compound and substation compound, low scrub/shrub planting to the east of the compounds and two infiltration basins planted with wetland / marginal wildflower & grass mix.

2.1.5 Vehicular access to the site would remain as previously approved from Penstone Lane to the north creating a new access and 4.5m wide track of crushed stone to the site. This application relies on the previously submitted Transport Statement which assessed the cumulative traffic impact of both proposals as they would be constructed concurrently. Therefore, during construction of both proposals there would be approximately 346 HGV vehicles (692 two-way movements) accessing the site over a three-to-five-month period. Overall trip generation would equate to an average of circa 8-12 two-way vehicle trips per day over a 5-day week. It is proposed to route construction traffic to and from the northwest, i.e., past the substation access. Beyond the substation access, site traffic would need to turn west onto Dimmingsdale Road and right at the junction of Dimmingsdale Road and Langley Road. A Construction Traffic Management Plan (CTMP) would be prepared and agreed with the local highway authority prior to any works commencing on site.

2.1.6 The proposed battery storage facility would be a largely automated system. It is envisaged that two visits a week would be undertaken by staff in light goods vehicles to maintain and service the facility including the replacement of battery components– equivalent to four two-way vehicle trips per week. Operational traffic might also include occasional HGV access to replace battery components.

2.2 Planning Agent submission

2.2.1 The applicant has submitted the following amended documents with the application:

- Updated Noise Assessment
- Updated Landscape and Visual Appraisal
- Updated FRA and Drainage Assessment
- Ecological Addendum
- Amended Appendix 1 (Landscaping/Ecology Plan) of the Landscape and Mitigation Strategy
- Updated Biodiversity Metrics

2.2.2 The applicant has submitted the following amended plans with the application:

- 1872-01C LOCATION PLAN
- EPC-0339-PL-C-LA-OSL-01 SITE LAYOUT
- EPC-0339-C-E-LA-AR ACCESS ROAD ELEVATION
- EPC-0339-C-E-LA-ATX AUXILIARY TRANSFORMER PLAN AND ELEVATIONS
- EPC-0339-C-E-LA-BATT BATTERY UNIT PLAN AND ELEVATIONS
- EPC-0339-C-E-LA-CCR CUSTOMER SWITCH AND CONTROL ROOM ELEVATIONS

- EPC-0339-C-E-LA-ELV SUBSTATION LAYOUT
- EPC-0339-C-E-LA-ELV-SUB SUBSTATION ELEVATIONS
- EPC-0339-C-E-LA-FG FENCE AND GATE ELEVATIONS
- EPC-0339-C-E-LA-PCS TWIN SKID UNIT PLAN AND ELEVATIONS

2.2.3 The following documents submitted with the original application should be read in conjunction with this application:

- Sequential Site Selection Report
- Fire System Safety Design
- Battery Safety Management Plan (dated 01.04.2022)
- Supporting Planning Statement (dated 06.09.2021)
- Planning Statement Addendum (dated 06.09.2021)
- Supporting Policy Statement (11.04.2022)
- Design and Access Statement (dated 06.09.2021)
- Preliminary Ecology Appraisal (dated 06.2021)
- Transport Statement (dated 21.07.2021)
- Statement of Community Involvement (dated 02.09.2021)
- Historic Environment Desk Based Assessment (dated 09.2021)

3. SITE HISTORY

2015, Erection of combined hard flood defence and perimeter fence to a height of 3.4m and erection of 3.4m high flood gate to the west and south and raised kerb, Approved [15/00666/LUP].

2016, Emergency standby electricity generation facility comprising: modern modular dual fuel generator units (up to 14 in total), transformers, fuel storage tanks, boundary treatment, highway access and associated works. Approved [16/00663/FUL]

2017, Emergency standby electricity generation facility comprising: natural gas generator units (up to 10 in total), transformers, boundary treatment including acoustic screening, access improvements and associated works, approved [17/00854/FUL]

2018, Emergency standby electricity generation facility comprising: natural gas generator units (up to 10 in total), transformers, boundary treatment including acoustic screening, access improvements and associated works, approved [18/00674/FUL]

2022, Proposed battery energy storage facility, new compound, with associated infrastructure, fencing, access road, drainage and landscaping (amended description), awaiting determination, approved [22/00045/FUL]

2022, Proposed battery energy storage facility, new compound, with associated infrastructure, fencing, access road, drainage and landscaping (amended description) approved [22/00044/FUL]

2023, Variation of Condition 2 (approved plans) pursuant to 22/00045/FUL for Proposed battery energy storage facility, new compound, with associated infrastructure, fencing, access road, drainage and landscaping, awaiting determination, [22/01194/VAR]

4. POLICY

4.1 Constraints

Flood Zone 2 - 1 in 1000 year
Flood Zone 3 - 1 in 100 year
Newt - Impact Risk Zone Green
Newt - Impact Risk Zone White
D Class Road 4130

4.1.1 South Staffordshire Core Strategy (2012)

GB1 - Development in the Green Belt
Core Policy 2 - Protecting and Enhancing the Natural and Historic Environment
EQ1 - Protecting, Enhancing and Expanding Natural Assets
EQ3 - Conservation, Preservation and Protection of Heritage Assets
EQ4 - Protecting and Enhancing the Character and Appearance of the Landscape
Core Policy 3: Sustainable Development and Climate Change
EQ5 - Sustainable Resources and Energy Efficiency
EQ6 - Renewables Energy
EQ9 - Protecting Residential Amenity
EQ10 - Hazardous and Environmentally Sensitive Development
EQ11 - Wider Design Considerations
EQ12 - Landscaping
EV8 - Agriculture
Core Policy 11 - Sustainable Transport
EV12 - Parking Provision
CS1: Designing Out Crime
Green Belt and Open Countryside SPD, 2014
South Staffordshire Design Guide SPD 2018
Sustainable Development SPD 2018

4.1.2 National Planning Policy Framework

12. Achieving well-designed places.
13. Protecting Green Belt Land
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and Enhancing the Natural Environment

4.1.3 National Policy Statement for Energy (EN - 1) (July 2011)

Para 2.2.20 - Security of energy supplies
Para 3.3.29 - Reducing demand
Para 3.3.31 - More intelligent use of electricity

4.1.4 Draft National Policy Statement for Energy (EN - 1) (September 2021)

Para 3.3.24 - 3.3.29 - The role of storage

4.1.5 National Planning Policy Guidance

4.1.6 Planning law requires that applications for planning permission be determined in accordance with the development plan unless materials considerations indicate otherwise.

4.1.7 The law makes a clear distinction between the question of whether something is a material consideration and the weight which it is to be given. Whether a particular consideration is material will depend on the circumstances of the case and is ultimately a decision for the courts. Provided regard is had to all material considerations, it is for the decision maker to decide what weight is to be given to the material considerations in each case, and (subject to the test of reasonableness) the courts will not get involved in the question of weight.

5. CONSULTATION RESPONSES

All consultation periods have expired unless noted otherwise.

Site Notice Expires	Press Notice Expires
9 February 2023	7 February 2023

Lower Penn Parish Council

13th February 2023

The Parish Council also feels that the amalgamation of the two sites into one and the addition of extra lithium battery storage units is more than an amendment to the current planning approval and should be submitted as a whole new application so the extra units and the extra impact on the local neighbourhood can be fully discussed.

Lithium battery storage is becoming more contentious by the day. There is a second reading of a bill in Parliament in March 2023 whereby lithium storage sites may be reclassified as hazardous with new policy being implemented. As there is relatively little policy surrounding these storage facilities perhaps it may be worthwhile waiting to see what happens with this Bill before agreeing to this even bigger industrial sized development in Lower Penn.

Please note that Lower Penn Parish Council objects strongly to the above applications on the following grounds:

The tide is turning in regards to lithium battery storage farms with more evidence suggesting these schemes are not green and that it is not appropriate to dump toxic, hazardous infrastructure in the middle of green belt. The second reading of a bill covering this topic will be debated in parliament in March 2023. Meanwhile the residents in Lower Penn along with villages all over the UK are left with a planning system that is not fit for purpose when assessing these developments because there is scant policy set out in the NPPF. This lack of policy is a field day for speculative developers and greedy landowners looking to make a quick profit at the expense of local people, wildlife and green spaces.

The NPPF is currently being redrafted to take into account the concerns of local people when assessing planning applications and to give us more of a say. However none of this has been taken into account when granting the original approval for this site and we would like this noted.

The material change to the original planning application which increases the volume of lithium battery to be stored, multiplies the risks involved. We feel strongly that this extra risk should be scrutinised properly by way of a brand new application rather than by an amendment to the existing plans.

As per our last objection we still have concerns over;

1. the noise local people are subjected too, the existing sub station can already be heard by nearby houses. The addition of 5 more freight sized batteries will increase this noise.

2. The industrial lorries that will be visiting the site moving on a network of roads that are only suitable for lorries under 7.5 tonnes. Again more batteries will increase the visits.

3. The fire hazard these lithium batteries pose to the public. This very issue is being debated in parliament next month. Have the fire service been consulted? Would it not be prudent to do so before agreeing to any new proposals bearing in mind the health and safety of residents should be paramount.

4. The detrimental impact another increase of batteries will have on the wildlife and habitat of the area together with quiet enjoyment of the two nearby nature walks, Canal Walk and South Staffordshire Railway Walk, which will be blighted by this development both visually and by the noise emanating from the site.

5. A recent flood at the very place these lithium batteries will be sited shows the importance to have emergency planning protocols in place for the safety of the public.

Councillor Robert Reade - Wombourne North and Lower Penn Ward

No Response Received

Councillor Dan Kinsey - Wombourne North and Lower Penn Ward

5th February 2023

These sites remain a significant concern to the public, and I am concerned about the intended increase in the number of battery containers. The footprint, regardless of the arguable merits of any changes, still represents unacceptably high harm to the openness of the greenbelt and the character of the area.

Facilities such as this have so far been regarded as non-hazardous, and when being assessed previously, have been supported on grounds of the Government's net zero ambition. There remains no clear strategy for the siting of these facilities, and despite these vagaries they are considered to meet special circumstances. Parliament is due to address facilities of this nature, establishing them to be, rightly, hazardous sites which potentially alters the balance.

In the meantime, I believe this to be good reason not to grant permissions that further endanger environments in which they are placed.

While on the face of it this appears to be a minor rationalisation, it is in my opinion a very substantial change to the nature of the two sites granted permission under 22/00044/FUL and 22/00045/FUL. This is not the redesign of one site, but the merging of two distinct sites with proposals to increase overall capacity by 30%. A substantial increase. As such, I would consider this is not something that should be dealt with as a minor amendment, but instead should be resubmitted as a full application for one site.

Councillor Barry Bond - Wombourne North and Lower Penn Ward

6th February 2023

I concur with the comments made by Councillor Kinsey regarding this application to increase the size of the installations.

County Highways

27th January 2023

Recommendation Summary: Conditional

Site Visit Conducted on: 26-Jan-2023

- 1. The development hereby permitted shall not commence until the access to the site within the limits of the public highway has been completed.*
- 2. The development hereby permitted shall not be commenced until the access drive rear of the public highway has been surfaced and thereafter maintained in a bound material for a minimum distance of 20.0m back from the site boundary.*
- 3. The development hereby permitted shall not be commenced until the access drive, parking, servicing and turning areas have been provided in accordance with the approved plans.*
- 4. The development hereby permitted shall not be commenced until an off-site traffic management scheme comprising of;*
 - Means of safe passage of all construction traffic to the site.*
 - adequate signage.*
 - Means of preventing deleterious material from being deposited upon the highway.*

has been submitted to and approved in writing by the Local Planning Authority. The approved traffic management scheme shall thereafter be implemented prior to any works commencing on site.

Reasons.

- 1. In the interest of highway safety and to comply with Staffordshire County Council requirements for a vehicular access crossing.*
 - 2 - 4. In the interest of highway safety.*
- To comply with the principles set out in the National Planning Policy Framework.*

Informative for Decision Notice.

The new access shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application Form. Please complete and send to the address indicated on the application Form or email to (nmu@staffordshire.gov.uk).

The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.
<https://www.staffordshire.gov.uk/transport/staffshighways/highwayscontrol/HighwaysWorkAgreements.aspx>

Note to Planning Officer.

The proposed development is located in a rural area and will be accessed off an unclassified road subject to the National Speed limit of 60 mph. There are no recorded vehicular accidents at this location in the last 5 years. The proposed development is similar to the one submitted in 2016 and 2022.

County Ecologist

3rd February 2023

I have been commissioned by South Staffordshire Council to review the planning application documentation for the above application.

Documents and plans reviewed:

- Revised site plans*
- Revised Biodiversity Metric*
- Ecological Addendum (Harris Lamb, December 2022)*

Assessment of Submitted Documents and Plans

The revised site layout would increase hardstanding and battery units. A revised biodiversity metric has been submitted that indicates that overall, Penn 2 and Penn 1 will deliver a biodiversity net gain of nearly 9%. However, I am concerned that the site will see further losses to habitat provision and consider that the delivery of 8.94% habitat units across the two sites should now be secured by condition. As the metric is not clear on what contribution each site makes, both applications will need the condition.

Conclusions and Recommendations

If minded to approve a condition is recommended:

1 Field at Penn 1 site, cumulatively with Field at Penn 2 site (ref 22/01194/VAR) to deliver a minimum Biodiversity Net Gain of 8.94%, as measured by the Defra Biodiversity Metric, with the baseline established by the Preliminary Ecological Appraisal (Harris Lamb, July 2021).

Staffordshire County Council Flood Risk Management Team

8th February 2023

The LLFA recommends Conditional Approval for the proposed development. We are satisfied that the proposal for which the application for the original planning conditions is to be varied to similarly aligns with the original application. As such, the LLFA is satisfied with the proposals to this point and recommends that the following condition shall be attached to any approval notice.

We ask to be consulted on the details submitted for approval to your Authority to discharge this condition and any subsequent amendments/alterations. Please also consult us again on any future major changes to the proposed development or drainage scheme.

Staffordshire County Council Flood Risk Management position

*The proposed development will only be acceptable if the following planning condition is imposed:
Condition:*

No development shall take place until a fully detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- Surface water drainage system(s) designed in full accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (SuDS), (DEFRA, March 2015).*
- Sustainable Drainage Systems designed and implemented in full concordance with the Staffordshire County Council (SCC), SuDS Handbook.*
- Provision of evidence of compliance with the principles of the drainage hierarchy, as described in Part H of the Building Regulations. Satisfactory evidence of fully compliant infiltration testing in full accordance with BRE 365 best practice guidance, in order to confirm or not as to the viability of infiltration as a means of surface water discharge.*
- SuDs designed to provide satisfactory water quality treatment, in accordance with the CIRA C753 SuDS Manual Simple Index Approach and SuDs treatment design criteria. Mitigation indices are to exceed pollution indices for all sources of runoff.*
- Limiting any off-site conveyance of surface water discharge from the site to the rate generated by all equivalent rainfall events up to 100 year plus (40%) climate change in accordance with the guidance in the SCC SuDS Handbook. Provision of appropriate surface water runoff attenuation storage to manage all surface water discharge on site.*

- Detailed design (plans, network details and full hydraulic modelling calculations), in support of any surface water drainage scheme, including details on any attenuation system, SuDS features and the outfall arrangements. Calculations should demonstrate the performance of the designed system and attenuation storage for a range of return periods and storm durations, to include, as a minimum, the 1:1 year, 1:2 year, 1:30 year, 1:100 year and the 1:100-year plus (40%) climate change return periods.
 - Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system. Finished floor levels to be set higher than ground levels to mitigate the risk from exceedance flows.
 - Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained for the lifetime of the development. To include the name and contact details of the party(/ies) or body(/ies) responsible.
- The development shall thereafter proceed in accordance with the approved details.

Reason

To reduce the risk of surface water flooding to the development and properties downstream of the development for the lifetime of the development.

Condition

The applicant and developer are to ensure that adequate and satisfactory provision for the management and control of surface water are in place as part of any temporary works associated with the permanent development, to ensure that flood risk is not increased prior to the completion of the approved drainage strategy and flood risk assessment.

Reason

To reduce the risk of surface water flooding to the development and surrounding properties during construction.

County Planning

16th January 2023

I refer to your consultation email received on 13th January 2023

The County Council as the Mineral and Waste Planning Authority has no comments on this application as the site is:

- Not within or near to any permitted waste management facility; or
- Exempt from the requirements of Policy 3 Mineral Safeguarding in the Minerals Local Plan for Staffordshire (2015 - 2030); or
- Is development subject to our standing advice for development proposals within mineral safeguarding areas.

Staffordshire Fire and Rescue Service

No objection – Guidance provided in relation to fire mains, hydrants and vehicle access, and sprinklers.

Designing Out Crime Officer

26th January 2023

The response highlights guidance and recommendations aimed at reducing opportunities for crime and ensuring that high level of physical security is incorporated in this development.

Environmental Health Protection

24th January 2023

I have reviewed the above consultation regarding application for variation planning condition 2 (plans) under 22/00044/FUL. I confirm that I have no concerns regarding the proposed variation. I noticed the applicant has provided a noise report (Amended) which I consider satisfactory. Therefore, I do not have any adverse comments regarding this application.

Cadent Gas Limited (formerly National Grid)

No Response Received

Severn Trent Water Ltd

3rd March 2023

With regards to the below letter, we have no further comments to add from a catchment/groundwater protection perspective.

The comments we provided on the previous version of the application, regarding the installation of a pollution capture membrane and the applicant providing details of their proposed train of treatment, still remain valid. I trust these comments were taken onboard.

We also discussed a local agreement being put in place with the fire authority regarding no use of AFFF in the unlikely event of a fire at the site.

Western Power Distribution

No Response Received

NatureSpace Partnership Newt Officer (Staffordshire)

18th January 2023

Response: No further information required

This planning application is for the Variation of Condition 2 (approved plans) pursuant to 22/00044/FUL for Proposed battery energy storage facility, new compound, with associated infrastructure, fencing, access road, drainage and landscaping at Field At (Penn 1) Penstone Lane, Lower Penn.

- The development falls within the green impact risk zone for great crested newts. Impact risk zones have been derived through advanced modelling to create a species distribution map which predicts likely presence. In the green impact zone, there is suitable habitat and a high likelihood of great crested newt presence.

- Due to the scale and size of the development and the location of the ponds we do not expect newts to be a constraint for this development.

Conclusion and recommendation for conditions:

I am satisfied that if this development was to be approved, it is unlikely to cause an impact on great crested newts and/or their habitats.

However, as the application site lies within a green impact zone as per the modelled district licence impact map, which indicates that there is potential suitable habitat for GCN within the area surrounding the application site. Therefore, I recommend the use of the following informative:

The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstruct access to a resting or sheltering place. Planning approval for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.

Conservation Consultation

31st January 2023

The proposed changes to the previously approved scheme, will increase the capacity of the site, whilst not increasing the footprint of the development and reducing the overall height of the substation towers. Therefore, the scheme will have no greater impact than the one already approved. There are no conservation objections to the scheme.

Environment Agency

10th February 2023

Thank you for referring the above application which was received on 08 February 2023. The Environment Agency has no additional comments to make further to those within our letter referenced UT/2022/119873/01-L01 dated 16 June 2022 in relation to consultation 22/00044/FUL:

Although the proposed development is located in Flood Zone 1, according to our Flood Map for Planning (Rivers and Sea), the proposed access road lies in Flood Zones 2 and 3 of the Warstones Brook. We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The planning practice guidance (PPG) to the National Planning Policy Framework states that, in determining whether a development is safe, the ability of users to safely access and exit during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise Local Planning Authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. This does not mean we consider that the access is safe or the proposals acceptable in this regard. As such, we recommend you consult with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with the guiding principles of the PPG.

Health and Safety Executive

14th March 2023

The proposed development site which you have identified does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site.

Wolverhampton City Council

10th February 2023

On behalf of the City of Wolverhampton Council I would like to raise our concerns about the proposed alterations to the approved battery storage sites at Penstone Lane.

The proposed development, while not exceeding the original site area would result in an increased capacity within the site. There are concerns that this will increase the risk of fire and the ability to respond in an accident.

Together with the approved development for battery storage at Langley Road there is potentially a cumulative impact with the three sites being near each other and all located on the south-west side of Wolverhampton.

We ask therefore that in your assessment you consider the cumulative impact of these three developments and reconsult the fire service and water authority to ensure the impacts of the increased capacity are fully

considered and where necessary, any mitigation recommendations or conditions are included in any subsequent approval.

Contributors

A total of 16 public representations have been received of which 16 object.

Summary of main points/concerns raised:

- Several comments state that their previous reasons for objecting still stand.
- The reason(s) for the submission of two applications is questioned.
- Criticism of the type of application being submitted and that a new application should be submitted.
- Requests to delay a decision until the outcome of the private members bill which relates to battery storage planning applications.
- Industrial application does not belong in a rural greenbelt setting.
- Impact on the environment and disruption to our daily lives and physical and mental wellbeing.
- The impacts of the new proposals have not been properly assessed - of fire safety, noise pollution, natural environment, water pollution, green belt...)
- Lack of protection to the ancient hedgerows and to the protected bat species resident in this area.
- Increased the risk of hazardous events such as runaways, fires, and serious chemical contamination due to accidents or technical faults.
- Impacts on Green Belt and landscape character.
- Inappropriate access road to the site.
- Heavier traffic causing increase traffic accidents e.g. at Penstone lane/Dene Rd junction.
- Flawed original noise impact assessment report and a new one should be required.

6. APPRAISAL

6.1 The application is referred to planning committee as it is not listed as an acceptable type of development within the Green Belt under Core Strategy Policy GB1: Development in the Green Belt.

6.2 Key Issues

- Principle of development
- Design/layout and impact upon landscape character and heritage assets
- Access, parking & highway safety
- Ecology, trees, and landscaping
- Drainage and flooding
- Impact on Neighbouring amenity/Noise and Health
- Other matters
- Human Rights

6.3 Principle of development

6.3.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made, in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan for South Staffordshire District comprises the Core Strategy (2012-2028) and the Site Allocations Document (2012-2028).

6.3.2 The application site is within the West Midlands Green Belt. The main issue in establishing the principle

of the development are firstly, whether or not the proposal constitutes inappropriate development in the Green Belt for the purposes of Core Strategy policy GB1 and the National Planning Policy Framework (NPPF); secondly, if the development is deemed inappropriate, whether the harm by reason of inappropriateness, and any other identified harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

6.3.3 Whether or not the proposal constitutes inappropriate development.

6.3.4 Paragraph 147 of the NPPF states that 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'. Paragraph 149 states, 'a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt'. There are exceptions to this as set out within Paragraphs 149 & 150 of the NPPF and Core Strategy Policy GB1. However, the erection of a battery based electrical storage facility does not fall within any of the exceptions listed in local or national policy and is therefore considered to be inappropriate development.

6.3.5 Impact on the openness of the Green Belt

6.3.6 One of the five purposes of the Green Belt is to assist in safeguarding the countryside from encroachment and the NPPF states that, 'the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'.

6.3.7 The National Planning Practice Guidance (22 July 2019) provides guidance on matters which may need to be taken into account in assessing the impact on the openness of the Green Belt. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects - in other words, the visual impact of the proposal may be relevant, as could its volume;
- the duration of the development, and its remediability - taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation.

(Paragraph: 001 Reference ID: 64-001-20190722 Revision date: 22 07 2019)

6.3.7 The site is an area of agricultural land which slopes slightly to the east and north. There is no previously developed land within the site. The proposed developed part of the site would comprise a battery storage compound enclosed by 3m high closed board fencing. The battery units within would measure up to 3m in height. An associated substation and buildings are proposed adjacent to the battery compound, enclosed by a 2.4m palisade fence. An access track is proposed from Penstone Lane to the site, constructed of crushed stone.

6.3.8 Spatially the proposal reduces the openness of the Green Belt, as an area of undeveloped land would become developed. The main spatial and visual difference between this proposal and the previously approved scheme is that the battery storage units now extend approximately 6m further to the east and the substation infrastructure is slightly lower in height than previously.

6.3.9 The development would be partially visible from Union Lane where the bridge crosses the canal and further to the east through a gap in the hedge along Blackpit Lane. Views are limited however as Blackpit Lane is slightly below the level of the fields in which the site is located. Views from Penstone Lane would be screened by intervening trees and hedgerows and combined with the distance, it would be a challenge to identify the proposal. There would be views of the site from the South Staffordshire Railway Walk where there are occasional gaps in the vegetation along the path to see through to the site.

6.3.10 As with the previous proposals, views of the development itself such as the battery units which measure 3m in height, would be limited by the proposed hedgerow planting once established at a minimum of 3m in height. The most visible element would be parts of the substation infrastructure which reach up to 6m in height. However, the overall height of the substation infrastructure is now lower than the previous scheme and similar structures of a greater height are already visible within the existing Penn Substation which covers a substantially larger area of 4.3ha. Against this backdrop and surrounding pylons, the proposed development would, in my view, be seen in this context and as before the visual impact would be limited in the medium to longer term once the proposed landscape mitigation is established.

6.3.11 Regarding the level of activity likely to be generated, the construction period would generate a reasonable level of traffic activity including large HGV vehicles accessing the site which would impact visually through onsite activity and use of the proposed access from Penstone Lane. However, as this activity would be a temporary disruption for 3-5 months, the impact on the openness and permanence of the green belt would be temporary. Once the site was established where the number of vehicle trips would be four two-way vehicle trips per week and the occasional HGV, the degree of activity would be minimal and have little impact on openness.

6.3.12 With regard to the duration of the development, and its remediability, if the site were no longer needed it would be relatively straightforward to remediate the land to its existing state. The application states that the proposed development is for a period of 35 years which, whilst not permanent, is a considerable amount of time. Any permission should include a condition requiring the remediation of the land should the use cease and prior to expiry of the 35-year permission.

6.3.13 Overall, it is considered that in addition to the definitional harm already identified, there would also be a degree of harm arising from the loss of openness and from being contrary to one of the purposes of including land within the Green Belt, which is encroachment of development into the countryside.

6.4 Other Considerations

6.4.1 The proposed scheme is designed to store energy within the batteries and would be able to release or absorb energy from the power network.

6.4.2 One of the key commitments in the governments' National Policy Statement (NPS) for Energy (2011 and draft 2021) and Energy White Paper 2020 is to create an efficient electricity market which needs to adapt as the deployment of renewable generation increases. Balancing supply and demand become more complex because most renewables are, by their nature, intermittent and generate electricity only when the wind blows or the sun shines. The Energy White Paper states that 'increasingly, flexibility will come from new, cleaner sources, such as energy storage in batteries...Storing excess low-carbon generation over longer periods of time could enable us to decarbonise the energy system more deeply at lower costs' (page 33).

6.4.3 Paragraph 3.3.24 of the draft Energy NPS states, 'Storage has a key role to play in achieving net zero and providing flexibility to the energy system, so that high volumes of low carbon power, heat and transport can be integrated. There is currently around 4GW of electricity storage operational in GB, around 3GW of which is pumped hydro storage and around 1GW is battery storage'.

6.4.4 Paragraph 3.3.25 of the draft Energy NPS states, 'Storage is needed to reduce the costs of the electricity system and increase reliability by storing surplus electricity in times of low demand to provide electricity when demand is higher. Storage can provide various services, locally and at the national level. These include maximising the usable output from intermittent low carbon generation (e.g. solar and wind), reducing the total amount of generation capacity needed on the system; providing a range of balancing services to the NETSO and Distribution Network Operators (DNOs) to help operate the system; and reducing constraints on

the networks, helping to defer or avoid the need for costly network upgrades as demand increases'.

6.4.5 The provision of low carbon energy is central to the economic, social and environmental dimensions of sustainable development set out in the National Planning Policy Framework (NPPF Para 8 and 152). The policy support for renewable energy and associated development given in the NPPF is caveated by the need for the impacts to be acceptable, or capable of being made so. Nevertheless, the energy storage benefit of the proposal as part of the wider national strategy of decarbonising the country's energy system must be accorded substantial weight.

6.4.6 Public objections have been received questioning why the proposal cannot be located on a brownfield site and therefore avoiding any harm to the Green Belt. However, brownfield land is more often than not found in urban residential areas and is usually prioritised for other forms of development, notably residential and employment development. A site would need to be found that in close proximity to an available grid connection, with a large site area, connection to suitable substation, close to primary highway network, sufficient distance from residential areas to meet noise requirements and also avoiding areas of statutory protection, ecological importance and flood risk. This is set out in the submitted Sequential Site Selection Process document. There is no requirement for such proposals to undertake a sequential test. However, I am satisfied that the site chosen, adjacent to an existing Penn Substation to the North, is appropriate and brownfield sites are unlikely to be suitable or available for such a use.

6.4.7 In summary, the proposal is inappropriate development and there would also be a degree of harm arising from the loss of openness and from being contrary to one of the purposes of including land within the Green Belt. This would be limited once the construction of the site is complete and the proposed planting is established. Nevertheless, this harm by reason of inappropriateness and harm to openness is given substantial weight in accordance with Paragraph 148 of the Framework.

6.4.8 Paragraph 151 of the Framework accepts that very special circumstances will need to be demonstrated if developments are to proceed in the Green Belt. It states that very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. The proposed scheme would make a valuable contribution to cutting greenhouse gas emissions, by increasing the opportunity to store energy, and this also attracts substantial weight.

6.4.9 National policy advises that developments should be located where impacts are, or can be made, acceptable. I consider that the location of the proposed development, adjacent to the existing Penn Substation, together with the existing and proposed landscaping means that this would be the case here. Additionally, whilst the proposed development would be located at the site for a number of years, it is reversible and capable of being removed from the site. The remediation of the site in the event of the use ceasing should be included as a condition.

6.4.10 Therefore, I consider that the significance of such projects in supporting the governments national strategy of decarbonising the country's energy system, and that the impacts can be made acceptable, are sufficient to outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the proposal do exist and the scheme would not conflict with Core Strategy Policy GB1 or the National Planning Policy Framework.

6.4.11 Concurrent with this application is planning application 22/01194/VAR which is a similar proposal to here and lying adjacent. The two proposals would be brought forward together and therefore it is necessary to consider the combined impacts of both applications as well as individually. The impacts of planning application 22/01194/VAR on Green Belt openness would be similar to here as described in the officer report for that application. When combined, I am of the view that the level of harm to openness would increase but still be relatively limited in the medium to longer term due to the existing context of the site including the existing

substation/pylon backdrop and also the proposed planting largely screening both sites from external views. The benefits would also increase with 129MW of electricity storage supporting the governments national strategy of decarbonising the country's energy system. For this reason, I consider that implementing both proposals would not conflict with Core Strategy Policy GB1 or the Framework.

6.4.12 In summary, the proposed changes to the original schemes including the additional battery units but with removal of one of the substations which would have been the most visible element of the scheme alongside a reduction in height of the remaining substation, would balance each other out, resulting in a similar impact on the Green Belt as the original proposal alongside an appropriate landscape scheme. The additional benefits of the scheme are that the storage capacity would increase from 100MW to 129MW which contributes further to the governments national strategy of decarbonising the country's energy system. As a result, I consider that this application, and in combination with application 22/01193/VAR would cause no greater harm to the Green Belt than the original applications and the additional capacity would provide further benefits as set out above.

6.5. Design/layout and impact upon landscape character and heritage assets

6.5.1 Policy EQ4 and EQ12 state that the intrinsic rural character and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced.

6.5.2 Paragraph 174 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

6.5.3 Chapter 16 of the NPPF and Policy EQ3 of the adopted Core Strategy state that care and consideration must be taken to ensure no harm is caused to the character or appearance of a heritage asset. Heritage assets are buildings, sites, monuments, places, areas or landscapes identified as significant features in the historic environment.

6.5.4 The character of the landscape here reflects its location within the countryside but also its proximity to the urban areas to the west and the industrial history of the wider area. Adjacent to the site is agricultural land and Penn Substation with electricity pylons and overhead cables on its eastern side which run further east over Penstone Lane and beyond to the urban area of Upper Penn. Staffordshire and Worcestershire Canal is located approximately 250m to the west of the site and Staffordshire Railway walk approximately 300m to east.

6.5.5 The site has a degree of enclosure from tree/vegetation cover located along field boundaries and roads and the existing substation to the northeast. There are no prolonged views into the site, with views being glimpses through vegetation from Staffordshire Railway Walk. By reason of separation distance, design and existing vegetation the proposed development would not have an adverse effect on visual amenity and would in time be screened by hedgerows. The remaining visible infrastructure would, in my view, be limited and unassuming in the context of the existing Penn Substation infrastructure visible to the rear and surrounding electricity pylons and overhead powerlines.

6.5.6 There would be some harm to landscape character in the short term during the construction phase and prior to the proposed screening becoming established. However, this would temporary and in the medium to longer term the impact on landscape character would, in my view, not amount to a harmful impact.

6.5.7 The proposals are within the setting of the Staffordshire and Worcestershire Canal Conservation Area including the bridge and lock which are Grade II Listed. An Historic Environment Desk-Based Assessment has been submitted which concludes that the Site provides a neutral contribution to the setting of the Conservation Area and would not result in harm to any designated heritage assets.

6.5.8 The council's conservation officer has commented that, 'the scheme will have no greater impact than the one already approved. There are no conservation objections to the scheme.'

6.5.9 As a result, I consider that the proposal would not harm the rural character and local distinctiveness of the area in accordance with Core Strategy Policies EQ3, EQ4 and EQ12, subject to conditions such as securing appropriate landscaping, boundary treatment and materials.

6.6 Access, Parking & Highway Safety

6.6.1 Section 9 of the NPPF requires LPAs to consider and promote sustainable forms of transport whilst addressing community needs and creating places that are safe, secure and attractive, which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards. Local Plan policy CP11 and EV11 echo these themes.

6.6.2 The proposals in terms of access have not changed compared to the previous application. Vehicular access to the site would be from Penstone Lane to the north creating a new access and 4.5m wide track of crushed stone to the site. The proposed development is similar in scale to the previous application and therefore the previously submitted Transport Statement is sufficient in assessing the cumulative traffic impact of this proposal and 22/01194/VAR.

6.6.3 During construction of both proposals there would be approximately 346 HGV vehicles (692 two-way movements) accessing the site over a three-to-five-month period. Overall trip generation would equate to an average of circa 8-12 two-way vehicle trips per day over a 5-day week. It is proposed to route construction traffic to and from the northwest, i.e., past the substation access. Beyond the substation access, site traffic would need to turn west onto Dimmingsdale Road and right at the junction of Dimmingsdale Road and Langley Road. A Construction Traffic Management Plan (CTMP) would be prepared and agreed with the local highway authority prior to any works commencing on site.

6.6.4 I acknowledge the objections to the proposal which include concerns that the proposals will cause traffic congestion, highway safety issues and disturbance during construction works. However, Staffordshire County Highways have considered the proposal and do not object, subject to conditions ensuring highway safety and minimising disturbance during construction.

6.6.5 In conclusion, I consider that the proposals (and in combination with 22/01194/VAR) would be acceptable with regard to highways and access impacts subject to the Highways Authority conditions being attached to any permission.

6.7 Ecology, trees, and landscaping

6.7.1 South Staffordshire Core Strategy policy EQ1: Protecting, Enhancing and Expanding Natural Assets states that permission will be granted for development that would not cause significant harm to species that are protected or under threat and that wherever possible, development proposals should build in biodiversity by incorporating ecologically sensitive design and features for biodiversity within the development scheme.

6.7.2 Policy EQ4 Protecting and Enhancing the Character and Appearance of the Landscape of the adopted Core Strategy that states (in part): 'The intrinsic rural character and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced. Trees, veteran trees, woodland, ancient woodland and hedgerows should be protected from damage and retained unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved'.

6.7.3 Policy EQ11 states that 'design should seek to retain existing important species and habitats and maximise opportunities for habitat enhancement, creation and management in accordance with Policy EQ1'.

6.7.4 The area of the site proposed for development comprises working arable land which is of low ecological value. To create access to the site, a short section of hedgerow would be removed to access Penstone Lane. Public representations raise concerns that the proposals would harm the environment. However, the scheme proposes native hedge planting, a wildflower sward and low scrub/shrub planting. The submitted biodiversity metric spreadsheet demonstrates that this would result in a net gain in biodiversity. The Council's ecology officer has no objections to the proposals subject conditions to secure the net gain in biodiversity, and also requiring a lighting strategy, a Construction Environmental Management Plan (CEMP) to ensure that flora and fauna are protected during construction, tree/hedgerow protection measures, a pre commencement badger survey, and installation of bird and bat boxes on nearby trees.

6.7.5 Public representations raise concerns that ecological damage is caused elsewhere due to mining for materials. This is a matter for the government's overall strategy for reducing use of fossil fuels. The resulting national policy position is clear that battery storage of electricity is a key part of the overall objective moving to a low carbon economy. The impact of the scheme on ecology is therefore assessed on a site impact basis as above.

6.7.6 In conclusion, the necessary protection methods, mitigation, and enhancement can be secured via conditions to ensure that the proposals are in accordance with Core Strategy Policies EQ1, EQ4, and EQ11.

6.8 Drainage and flooding

6.8.1 Policy EQ7 states that the Council will permit developments which do not have a negative impact upon water quality. All planning applications are expected to include a suitable Sustainable Drainage (SUDS) scheme.

6.8.2 Core Policy 3 of the Core Strategy states that 'the Council will require development to be designed to cater for the effects of climate change, making prudent use of natural resources, enabling opportunities for renewable energy and energy efficiency and helping to minimise any environmental impacts by...

j) guiding development away from known areas of flood risk as identified in the Strategic Flood risk assessment, surface water management plan and consistent with the NPPF,

k) ensuring the use of sustainable drainage (SUDS) in all new development and promoting the retrofitting of SUDS where possible,

l) ensuring that all development includes pollution prevention

6.8.3 The main site is within Flood Zone 1 which has a low risk of flooding. A small part of the access track is within Flood Zones 2 and 3 of the Warstones Brook. The submitted Flood Risk Assessment suggests that a flood warning management strategy should be prepared so that all users of the site are aware of the potential flood risks and can act appropriately in the event of flooding impacting the site. Additionally, I consider that a similar strategy is prepared in consultation with the Staffordshire Fire and Rescue Service. These can be added as conditions to be agreed prior to the operation of the site.

6.8.4 The Lead Local Flood Authority comments state, 'We are satisfied that the proposal for which the application for the original planning conditions is to be varied to similarly aligns with the original application. As such, the LLFA is satisfied with the proposals to this point and recommends that the following condition shall be attached to any approval notice'. This condition includes a fully detailed surface water drainage scheme to reduce the risk of surface water flooding to the development and properties downstream of the development for the lifetime of the development.

6.8.5 Severn Trent Water previously supported the proposed approach to dealing with water runoff and maintain their view here subject to the previous conditions being retained. The scheme proposes infiltration basins at the most downgradient contours from the battery storage and transformer compounds which would capture contaminated runoff from the site and include pollution capture membranes underneath. These would also be placed underneath the filter drains and battery storage/transformer compounds. Filtered water would then either infiltrate into the ground or be removed and appropriately disposed of by a management company.

6.8.6 Public representations raise concerns that water may drain into nearby watercourses to the west. However, the topography of the site slightly slopes north away from the river and canal and therefore drainage into a watercourse is unlikely.

6.8.7 It is noted that The Sustainable Drainage Systems (SuDS) incorporated within the proposed drainage strategy have been selected with the CIRIA SuDS Manual Simple Index Approach.

6.8.8 As a result, I am satisfied that the application deals with flooding and drainage in accordance with Core Strategy Policy EQ7, subject to the conditions set out within the consultee responses from the The Lead Local Flood Authority and Severn Trent Water.

6.9 Impact on Neighbouring amenity/Noise and Health

6.9.1 Core Strategy Policy EQ10 states that public, land uses and the natural environment will be protected from the actual or potential effects of hazardous or other activities likely to be detrimental to public health or amenity.

6.9.2 As set out within Policy EQ9 of the Core Strategy, new development should avoid harming the amenity of neighbouring properties and should not have any adverse impacts such as loss of privacy, loss of light or overlooking to neighbouring properties.

6.9.3 A number of objections have been received from the public raising concerns regarding the safety of the proposals and impacts on health. These include battery safety e.g., fire/explosion risk.

6.9.4 An updated Noise Impact Assessment has been submitted which shows that the cumulative impact of this application and 22/01194/VAR is low with the exception of receptor 10 (residential property 'Arawak' 150m to the east of the Penn 1 site) which had a high impact similarly to the previous applications. As previously proposed, a 3.0m high acoustic grade fence is proposed around the battery element of the development to reduce the impact to 'low' for all receptor sites. A 'low' impact is classed as a noise level less than 5db above the background noise level and increases up to this level are unlikely to be noticeable.

6.9.5 The Council's Environmental Health Officer has reviewed the application and considers the updated noise report to be satisfactory. Any permission should include the previous conditions relating to the control of noise, dust and working hours during construction and operation to safeguard the amenity of residents.

6.9.6 The concerns regarding fire/explosion risk were addressed within the previous application. The applicant previously submitted a Battery Safety Management Plan setting out how the development would be managed from a fire safety risk mitigation perspective. The Council's Environmental Health Officer and Staffordshire Fire and Rescue Service have not raised any concerns in this regard. I am therefore satisfied with the approach to managing risk including the suggested conditions within the Battery Safety Management Plan which should be attached to any permission.

6.9.7 In conclusion, I consider that, subject to the above conditions, the proposal would not be harmful to the

health/amenity of neighbours in accordance with Core Strategy Policy EQ10.

6.10 Other Matters

6.10.1 The Parish council response to the application considers that a new application should be submitted so the extra units and the extra impact on the local neighbourhood can be fully discussed.

6.10.2 The applications are submitted under section 73 of the Town and Country Planning Act 1990. A Section 73 application is an application for a fresh and independent planning permission without complying with one or more conditions from the original planning permission. In this case that condition is Condition No. 2 of the previous decision notice which relates to the approved plans. Whilst the focus is on the conditions, when determining a Section 73 application, the Local Planning Authority must still consider material planning considerations and policies as at the date of the new planning applications. The application is, for all intents and purposes, treated as a fresh application. The detailed consideration of the proposals as set out in the previous sections of this report reflects this.

6.10.3 Another matter that is raised in public comments received is an upcoming second reading (24th March) of a Private Members Bill (under the Ten Minute Rule) named Lithium-Ion Battery Storage (Fire Safety and Environmental Permits) Bill. The parliament.uk website states that ‘Ten Minute Rule bills are often an opportunity for Members to voice an opinion on a subject or aspect of existing legislation, rather than a serious attempt to get a bill passed...It is a good opportunity to raise the profile of an issue and to see whether it has support among other Members’.

6.10.4 The Bill proposes to reclassify lithium-ion battery storage facilities as hazardous so that the Environment Agency, the Health and Safety Executive and the fire and rescue services would be statutory consultees when planning applications are considered. Whilst they are not currently statutory consultees for this type of application, I have consulted them in any case and the responses are set out in Section 5 of this report. It is also noted that the applicant has submitted a Battery Safety Management Plan and any approval would include the following condition:

‘The site shall be operated in accordance with the technical and safety information within the submitted Outline Battery Safety Management Plan. This shall include approaching Staffordshire Fire and Rescue Service and Severn Trent to develop a Tactical Information Record for Lower Penn Battery Storage Facility 2; which will facilitate Fire and Rescue responders to the site with technical and tactical information about the site and best approaches in the event of a fire event. The Tactical Information Record shall include the avoidance of firefighting products (e.g. Aqueous Film Forming Foam) containing perfluoroalkyl and polyfluoroalkyl substances (PFAS) where possible. This shall be completed prior to the operation of the site’.

6.10.5 As the proposed consultees in the Bill have been consulted and there is no certainty that the Bill will progress or if it does how long the process would be or what effect it would have on this scheme, I do not consider that a delay to making a decision here is reasonable.

6.11 Human Rights

6.11.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with an individual’s rights under Article 8 of Schedule 1 to the Human Rights Act, which provides that everyone has the right to respect for their private and family life, home and correspondence. Interference with this right can only be justified if it is in accordance with the law and is necessary in a democratic society. The potential interference here has been fully considered within the report in having regard to the representations received and, on balance, is justified and proportionate in relation to the provisions of the policies of the development plan and national planning policy.

7. CONCLUSIONS

7.1 The proposed varying of Condition 2 (plans) of permission 22/00044/FUL results in inappropriate development (as before) and the impact on openness would be moderate until proposed planting is established, reducing to a limited impact in the medium/longer term. This harm by reason of inappropriateness and harm to openness is given substantial weight.

7.1.1 National policy advises that developments should be located where impacts are, or can be made, acceptable. I consider that the impacts can be made acceptable due to the location of the proposed development adjacent to an existing Penn Substation, together with the existing and proposed landscaping. Additionally, whilst the proposed development would be located at the site for a number of years, it is reversible and capable of being removed from the site.

7.1.2 The additional energy storage capacity provided here and the significance of such projects in supporting the governments national strategy of decarbonising the country's energy system, and that the impacts can be made acceptable, are sufficient to outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the proposal do exist and the scheme would not conflict with Core Strategy Policy GB1 or the Framework.

7.1.3 Subject to various conditions, the proposal to vary condition 2 of 22/00044/FUL is in accordance with the relevant policies of the South Staffordshire Core Strategy 2012, and the relevant provisions of the NPPF 2021.

8. RECOMMENDATION - APPROVE Subject to Conditions

Subject to the following condition(s):

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which the original permission was granted under permission 22/00044/FUL which is 28.09.2022.
2. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.
3. Before works above slab level, full details of facing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.
4. Before the commencement of any construction related activity on site, an Arboricultural Method Statement, providing comprehensive details of all underground service/utility runs, ground protection measures, 'No-Dig' construction types, construction methods within the Root Protection Areas of retained trees and a finalised Tree Protection Plan shall be submitted and approved in writing by the Local Planning Authority. Subsequently, all measures within the approved method statement and Tree Protection Plan shall be adhered to until all construction related activity has been completed.
5. The development hereby permitted shall not commence until the access to the site within the limits of the public highway has been completed in accordance with the approved plans

6. The development hereby permitted shall not be commenced until the access drive rear of the public highway has been surfaced and thereafter maintained in a bound material for a minimum distance of 20.0m back from the site boundary.
7. The development hereby permitted shall not be brought into use until the access drive, parking, servicing and turning areas have been provided in accordance with the approved plans.
8. The development hereby permitted shall not be commenced until an off-site traffic management scheme comprising of;
 - Means of safe passage of all construction traffic to the site.
 - adequate signage.
 - Means of preventing deleterious material from being deposited upon the highway.Has been submitted to and approved in writing by the Local Planning Authority. The approved traffic management scheme shall thereafter be implemented prior to any works commencing on site.
9. Before any construction works hereby permitted are commenced, a Construction Environment Management Plan (CEMP) and Habitat Management Plan (HMP) detailing, in full, measures to protect existing habitat during construction works and the formation of new habitat to secure net gain of the site's Biodiversity Value, shall be submitted to and approved in writing by the Local Planning Authority. Within the CEMP/HMP document the following information shall be provided: Construction phase lighting, Reasonable Avoidance Measures, Method Statements for Reptiles and amphibia, nesting birds, badgers and hedgehogs, descriptions and mapping of all exclusion zones (both vehicular and for storage of materials) to be enforced during construction to avoid any unnecessary soil compaction on area to be utilised for habitat creation; Details of both species composition and abundance where planting is to occur; Proposed management prescriptions for all habitats for a period of no less than 25 years; Assurances of achievability; Timetable of delivery for all habitats; and A timetable of future ecological monitoring to ensure that all habitats achieve their proposed management condition as well as description of a feed-back mechanism by which the management prescriptions can be amended should the monitoring deem it necessary. All ecological monitoring and all recommendations for the maintenance/amendment of future management shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken and thereafter maintained in accordance with the approved CEMP and HMP.
10. The approved CEMP and HMP, cumulatively with Field at Penn 1 site (ref 22/01193/VAR) shall deliver a minimum Biodiversity Net Gain of 8.94%, as measured by the Defra Biodiversity Metric, with the baseline established by the Preliminary Ecological Appraisal (Harris Lamb, July 2021).
11. Prior to commencement of any site works, submission of a pre-commencement badger survey to be agreed by the local planning authority and thereafter the development shall be carried out in accordance with the agreed survey.
12. Prior to operation of the development the applicant shall install acoustic mitigation, designed specifically to mitigate the frequencies emitted by the plant and equipment. The proposed solution is to be approved by the Local Planning Authority prior to installation and once installed, shall thereafter be maintained for the life of the development.
13. No development shall take place until a fully detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- Surface water drainage system(s) designed in full accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (SuDS), (DEFRA, March 2015).
- Sustainable Drainage Systems designed and implemented in full concordance with the Staffordshire County Council (SCC), SuDS Handbook.
- Provision of evidence of compliance with the principles of the drainage hierarchy, as described in Part H of the Building Regulations. Satisfactory evidence of fully compliant infiltration testing in full accordance with BRE 365 best practice guidance, in order to confirm or not as to the viability of infiltration as a means of surface water discharge.
- SuDs designed to provide satisfactory water quality treatment, in accordance with the CIRA C753 SuDS Manual Simple Index Approach and SuDs treatment design criteria.

Mitigation indices are to exceed pollution indices for all sources of runoff.

- Limiting any off-site conveyance of surface water discharge from the site to the rate generated by all equivalent rainfall events up to 100 year plus (40%) climate change in accordance with the guidance in the SCC SuDs Handbook. Provision of appropriate surface water runoff attenuation storage to manage all surface water discharge on site. Detailed design (plans, network details and full hydraulic modelling calculations), in support of any surface water drainage scheme, including details on any attenuation system, SuDS features and the outfall arrangements. Calculations should demonstrate the performance of the designed system and attenuation storage for a range of return periods and storm durations, to include, as a minimum, the 1:1 year, 1:2 year, 1:30 year, 1:100 year and the 1:100-year plus (40%) climate change return periods.
- Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system. Finished floor levels to be set higher than ground levels to mitigate the risk from exceedance flows.
- Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained for the lifetime of the development. To include the name and contact details of the party(/ies) or body(/ies) responsible.

The development shall thereafter proceed in accordance with the approved details.

14. The applicant and developer are to ensure that the management and control of surface water (as agreed under Condition 12) are in place as part of any temporary works associate with the permanent development, to ensure that flood risk is not increased prior to the completion of the approved drainage strategy and flood risk assessment.
15. Prior to occupation, a lighting design strategy for biodiversity for shall be submitted to and approved in writing by the local planning authority. The strategy shall:
 - a) identify those areas/features on site that are particularly sensitive for bat species and that are likely to cause disturbance along routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the approved specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy throughout the life of the development. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

16. Prior to operation of the site, details to be submitted of the type and location of 3 number bird boxes and 3 number bat boxes to be installed on retained trees.
17. Prior to operation of the site, a proactive maintenance schedule for all aspects of the operational plant and equipment shall be provided, in accordance with the manufacturer's instructions. This schedule shall be followed throughout the lifetime of the plant and equipment to ensure the efficient operation of the plant, and records of relevant maintenance kept for inspection if requested.
18. Prior to operation, a SuDS Operations and Maintenance Plan shall be submitted to and approved by the Local Planning Authority. This shall include installation of pollution capture membranes beneath the infiltration swales, filter drains and battery storage/transformer compounds. Following a fire/contamination event, the impacted areas of the site shall be removed and replaced (i.e., dig out contaminated swales, gravel and membranes). Thereafter the development shall be carried out in accordance with the Approved SuDS and Maintenance Plan.
19. The site shall be operated in accordance with the technical and safety information within the submitted Outline Battery Safety Management Plan. This shall include approaching Staffordshire Fire and Rescue Service and Severn Trent to develop a Tactical Information Record for Lower Penn Battery Storage Facility 2; which will facilitate Fire and Rescue responders to the site with technical and tactical information about the site and best approaches in the event of a fire event. The Tactical Information Record shall include the avoidance of firefighting products (e.g. Aqueous Film Forming Foam) containing perfluoroalkyl and polyfluoroalkyl substances (PFAS) where possible. This shall be completed prior to the operation of the site.
20. Prior to operation of the development, a landscape scheme, detailing native species planting / seed mixes and how these will be managed via a Landscape Ecological Management Plan or similar, shall be submitted to the Local Planning Authority for approval. All measures within the approved landscaping / tree planting scheme, including aftercare provision, shall be implemented within 6 months of completion of construction related activity and maintained as specified. Any trees that die or become unsuitable for retention within 5 years of the initial planting date will be replaced on a like for like basis.
21. No tree shall be removed without a bat roost assessment which must be submitted to the Local Planning Authority for approval.
22. The noise level from the operation of the battery storage plant and associated plant and machinery between the hours 07:00 and 23:00 shall not exceed 39dB L(A)_{eq} 1-hour as measured 1m from the boundary of nearest residential receptors. The noise level from the operation of the battery storage plant and associated plant and machinery between the hours 23:00 and 07:00 shall not exceed 35dB L(A)_{eq} 15-minute as measured 1m from the boundary of nearest residential receptors.
23. Operational hours of any demolition and construction activity, including vehicle movements to and from the site are restricted to 0800 to 1800 Monday to Friday and 0800 to 1300 Saturday, and at no time on Sundays or Bank and Public Holidays.

24. No development shall take place until mitigation details for dust arising from construction activities have been submitted to and approved by the Local planning Authority.
25. The planning permission hereby granted is for a period of 35 years and 6 months after the date the development is first operational as an energy storage site, notice of which will be supplied in writing to the Local Planning Authority within 14 days. When the use shall cease and the batteries, transformer units, inverters, all associated structures and fencing approved and landscaping initially required to mitigate the landscape and visual impacts of the development shall be removed.

A Decommissioning Method Statement to be submitted and approved by the Local planning Authority at least 12 months prior to the expiry of the planning permission. The scheme shall include a programme of works to remove the batteries, transformer units, inverters, all associated structures and fencing. The developer shall notify the Local Planning Authority in writing no later than twenty working days following cessation of import/export electricity to the grid for energy storage use. The site shall subsequently be restored in accordance with the submitted scheme and timescale, to be within 12 months of cessation of use.

If the development ceases to import/export electricity to the grid and operate as an energy storage facility for a continuous period of 24 months, then a scheme shall be submitted to the Local Planning Authority for its written approval for the removal of the batteries, transformer units, inverters, all associated structures and fencing and the restoration of the site to agricultural use. The approved scheme of restoration shall then be fully implemented within 6 months of that written approval being given.

If within 12 months of completion of the development, no operational use has commenced the batteries, transformer units, inverters, all associated structures and fencing approved shall be dismantled and removed from the site in accordance with Decommissioning Method Statement to be submitted and approved by the Local planning Authority.

If a permanent cessation of construction works occurs for a period of 6 months prior to completion and the battery facility coming into operational use, the batteries, transformer units, inverters, all associated structures and fencing approved shall be dismantled and removed from the site in accordance with Decommissioning Method Statement to be submitted and approved by the Local planning Authority.

Reasons

1. The reason for the imposition of these time limits is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In order to define the permission and to avoid doubt.
3. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
4. To protect the existing trees on the site during construction work in accordance with policy EQ12 of the adopted Core Strategy
5. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.

6. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
7. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
8. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
9. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
10. In order to provide ecological enhancements in accordance with EQ1 of the adopted Core Strategy.
11. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
12. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
13. To reduce the risk of surface water flooding to the development and properties downstream of the development for the lifetime of the development.
14. To reduce the risk of surface water flooding to the development and surrounding properties during construction.
15. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
16. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
17. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
18. To avoid pollution of the water environment in accordance with policy EQ7 of the adopted Core Strategy.
19. To ensure that all safety concerns around the facility are addressed in so far as is reasonably practicable.
20. To safeguard the amenity of the area and build biodiversity into the development scheme in accordance with policy EQ11, EQ1 and EQ4 of the adopted Core Strategy.
21. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
22. To protect the amenity of neighbouring residents so they can use their gardens and homes without undue disturbance from any noise associated with the operations, plant and equipment in accordance with policy EQ9 of the adopted Core Strategy.
23. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.

24. To prevent dust being emitted across the site boundary during dry periods safeguarding the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
25. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.

Proactive Statement - In dealing with the application, the Local Planning Authority has approached decision making in a positive and creative way, seeking to approve sustainable development where possible, in accordance with paragraph 38 of the National Planning Policy Framework, 2021.

INFORMATIVES

Highways Authority

The new access shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application Form. Please complete and send to the address indicated on the application Form or email to (nmu@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.

<https://www.staffordshire.gov.uk/transport/staffshighways/highwayscontrol/HighwaysWorkAgreements.aspx>

Great Crested Newts

The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstruct access to a resting or sheltering place. Planning approval for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.

Western Power Distribution

Western Power Distribution (WPD) has Extra High Voltage (EHV) (132kV) network installed on this site. WPD MUST be contacted in all instances for safety guidance, proximity clearances and clear working methodologies related to locating equipment and safe working practices prior to any physical (or survey) works at this site. Any alteration, building or ground works proposed within 50 meters of any network, apparatus or equipment that may or may not directly affect cables or conductors, must be notified in detail to Western Power Distribution. For further information contact - Western Power Distribution, Tipton Projects Team, Toll End Road, Tipton, West Midlands, DY4 0HH or via telephone on: Emergency contact number (West): 0330 123 5008 General Enquiries: 0845 724 0240. WPD accepts no responsibility for works undertaken by any party on this site without written prior consent from an authorised WPD employee (approval subject to submission of working method statements and compliance with network safety requirements. All attendees on this site are advised and encouraged to familiarise themselves with ENA GS6 (Avoidance of Danger from Overhead Lines) prior to taking site access.

When working in proximity to overhead lines, the minimum statutory clearances required, are shown in the table below for the voltage to which the line is designed. In order to allow for construction tolerances and compliance with HSE Note of Guidance, WPD strongly recommend that clearances are increased to the figures shown in the right hand column.

Description of Clearance	Minimum Clearance from 132kV Lines (Meters)	Recommended Clearances from 132kV Lines (Meters)
Line Conductors to Ground (other than a road)	6.7	7.0
Line Conductors to road surface (not a high load route or motorway)	6.7	7.3
Line Conductor to building or other structure	3.6	6.6
Line conductor to plant during construction	3.2*	-

*Any part of the barrier required by HSE GS6 which may be stood on must be at least 3.6m from the conductors.

The use of any plant that is capable of extending and infringing Clearance to the conductors must be strictly controlled. Any plant working beneath or immediately to the side of the conductors must not be capable of extending above 4m and must have the appropriate restrictors fitted to prevent inadvertent contact with the overhead Conductors.

Please note that the overhead conductors are live at 132,000 volts.

Staffordshire Police

I support the intention to install CCTV in these proposals. I recommend that vulnerable areas are covered and where possible alarmed. Views from boundary corners and down straight lengths of the boundary should be considered. Where privacy requirements allow, this should include vehicle and pedestrian access points for both sites.

I recommend that the Customer Switchroom and Control Building, DNO Control Room and any other vulnerable structures are protected by Monitored Alarm Systems to BS EN 50131-1:1997 Grade 3 and BS 8418 with a unique reference number aimed at achieving Police Response.

1.1 Alarm System and CCTV.

I recommend that the Customer Switchroom and Control Building, DNO Control Room and any other vulnerable structures are protected by Monitored Alarm Systems to the following standards with a unique reference number aimed at achieving Police Response.

Secured By Design Commercial Developments 2015.
Section 64 Intruder alarms systems.

Section 64.1 (Security Systems Policy and Police Response)

A suitably designed, fit for purpose, monitored intruder alarm system must be installed. For police response, the system must comply with the requirements of the Security Systems policy, which can be found at www.securedbydesign.com

Section 64.2 (Loss Prevention Certification Board component requirements)

System designers may wish to specify component products certificated to the following standards:

LPS 1602 Issue 1.0: 2005 Requirements for LPCB Approval and Listing of Intruder Alarm Movement Detectors

LPS 1603 Issue 1.0: 2005 Requirements for LPCB Approval and Listing of Alarm Control Indicating Equipment

I support the intention to install CCTV in these proposals. I recommend that vulnerable areas are covered and where possible alarmed. Views from boundary corners and down straight lengths of the boundary should be

considered. Where privacy requirements allow, this should include vehicle and pedestrian access points for both sites.

Section 49 Closed circuit television (CCTV).

Section 49.1 (As part of a Security Plan and Security Management)

CCTV is not a universal solution to security problems. It can help deter vandalism or burglary and assist with the identification of offenders once a crime has been committed, but unless it is monitored continuously and appropriately recorded, CCTV will be of limited value in relation to the personal security of staff and visitors. That being said, the provision and effective use of CCTV fits well within the overall framework of security management and is most effective when it forms part of an overall security plan.

Section 49.3

The CCTV system must have a recording capability, using a format that is acceptable to the local police. The recorded images must be of evidential quality if intended for prosecution. Normally this would require a full 'body shot' image of a suspect. It is recommended that fixed cameras are deployed at specific locations for the purpose of obtaining such identification shots. An operational requirement must take account of this fact and decisions made as to what locations around the building are suitable for obtaining this detail of image. The recording of vehicle licence plates may also be practical and useful.

Section 49.4 (Matters requiring discussion with installer)

Whilst the location of cameras is a site specific matter it would be normal practice to observe the main entrance to the premises and the reception area. Early discussions with an independent expert and potential installers can resolve a number of matters including:

- monitoring and recording requirements
- activation in association with the intruder alarm
- requirements for observation and facial recognition/identification
- areas to be monitored and field of view
- activities to be monitored
- the use of recorded images
- maintenance of equipment and the management of recording
- subsequent ongoing training of Operatives

Section 49.5 (Required Minimum Standard for installation)

CCTV systems must be installed to BS EN 50132-7: 2012+A1:2013 CCTV surveillance systems for use in security applications

Section 49.6 (Lighting must support the proposed CCTV system)

The design of a CCTV system should be co-ordinated with the existing or planned lighting system for the buildings and the external grounds, to ensure that the quality of the lighting is sufficient to support the CCTV.

Section 49.8 (Data Protection, Human Rights and Information Commissioners registration)

CCTV systems may have to be registered with the Information Commissioner's Office (ICO) and be compliant with guidelines in respect to Data Protection and Human Rights legislation. Further information is available at this website: www.ico.gov.uk

Section 49.9 (CCTV Management and Operation Code of Practice and Best Practice in relation to use of data as evidence)

For guidance on the use of CCTV images as legal evidence see also BS 7958: 2009 Closed circuit television (CCTV). Management and operation. Code of practice. This document provides guidance and

recommendations for the operation and management of CCTV within a controlled environment where data that may be offered as evidence is received, stored, reviewed or analysed. It assists owners of CCTV systems to follow best practices in gaining reliable information that may be used as evidence.

Section 49.10 (Installation standard for detector operated systems)

Remotely monitored detector activated CCTV systems must be installed in accordance with BS 8418: 2015 Installation and remote monitoring of detector operated CCTV systems - Code of practice

1.2 Proposed Security Fence.

I support the intention to install a Palisade fence to a height of 2.4m. This boundary should be manufactured and installed to LPS 1175 Security Rating 1.

Secured By Design. Commercial 2015.

Note 43.16: The above LPS standard (LPS 1175 Security Rating 1) relates to both the height and penetrative resistance of the fence i.e. SR 3 is substantially more resistant to penetration than SR1. Such penetrative resistance may not always be required even though a height of 2.4m is necessary. In such circumstances, SBD will allow the extension in height of a certificated SR 1 fence.

Section 43.17 All fencing systems and gates as described in paragraphs 43 and 44 (Secured By Design. Commercial 2015) must be installed by the manufacturer or to the exact installation specifications provided by the manufacturer. BS 1722 offers installation advice. Consideration must given to the provision of a strip foundation if there is a perceived risk of the fence being bypassed or undermined by the removal of substrate, guidance is also provided in BS 1722.

This fencing must be installed by the manufacturer or to the exact installation specifications provided by the manufacturer. BS 1722 offers installation advice.

Gates.

All gates installed within a secure fencing system as described above must be certificated to the same standard as the adjoining fencing and be of the same height and similar style. It should not be possible to lift the gate from its hinges, and the hinges and lock cylinder should be protected in such a way as to prevent their use as climbing aids.

Care should also be taken in the design to ensure that cross sections do not inadvertently aid climbing. It should not be possible to pass under the gate when in the closed position.

Note: If gates are installed with locks that are remotely operated, they must form part of the manufacturer's Secured By Design certificated range.

1.3 Lighting (Recommended minimum guidance)

The proposed lighting layout should be aimed at removing opportunities for criminals to act unobserved during the hours of darkness. The entire site should be illuminated, with higher lighting levels provided for vulnerable areas. This is of greater importance where this lighting is intended to support CCTV. Note: Taking into account the location and the use of CCTV, motion sensor activated lighting is probably the most appropriate lighting for these proposals.

Secured By Design. Commercial (2015 V2).

Security Lighting. Section 39. External Lighting.

Section 39.2 In terms of security, the objective of lighting commercial units after dark is to deter or detect an intruder (See Section 2 paragraphs 48 for standards and values).

Section 39.3 Lighting design should be co-ordinated with a CCTV installation (when specified) and the landscape designed to avoid any conflicts and to ensure that the lighting is sufficient to support a CCTV system. Light fittings should be protected where vulnerable to vandalism.

39.4 A lighting scheme should provide uniformed lighting levels with good colour rendition and be sufficient to cater for lawful after dark activity around the industrial or warehouse unit and site. It should not cause glare or light pollution and should support both formal and informal surveillance of the site.

Section 39.5 External illumination when the building is unoccupied is recommended for entrance gates and routes to the main entrance and doors, car parks (if occupied by vehicles) and observable building elevations.

Section 39.6 In some circumstances, and especially where security guards are monitoring the building from outside, it may be useful to direct lighting at the building to aid intruder detection.

Section 39.7 The use of bollard lights may be useful for way finding, however bollard lights fail to properly model the facial features of pedestrians and are vulnerable to vandalism and vehicle collision. Therefore, their use for security purposes is discouraged.

Section 48. External lighting standard requirements.

Section 48.1 All street lighting for both adopted highways and footpaths, private estate roads and footpaths and car parks must comply with BS 5489-1:2013.

Section 48.2 Landscaping, tree planting and lighting schemes shall not be in conflict with each other.

2. Further Information.

Please note that relevant help and information may be gained from the following web sites:

www.securedbydesign.com

(The official Police Security Initiative and Police Preferred Specified security product scheme).

www.gov.uk/data-protection

(Online notification of CCTV schemes, Data Protection Principles and relevant Codes Of Practice).

www.bsi-global.com

(Standards, Training, Testing, Assessment and Certification).

www.bregroup.com

(Offer quality of performance and protection certification for fire, security and environmental products and services).

www.nsi.org.uk

(Independent UKAS-accredited certification body in the security and fire sector).

www.ico.gov.uk

(Independent authority upholding information rights in the public interest and data privacy for individuals).

Staffordshire Fire and Rescue Service

FIRE MAINS, HYDRANTS AND VEHICLE ACCESS

Appropriate supplies of water for fire fighting and vehicle access should be provided at the site, as indicated in Approved Document B Volume 2 requirement B5, section 15 and 16.

I would remind you that the roads and drives upon which appliances would have to travel in order to proceed to within 45 metres of any point within the property, should be capable of withstanding the weight of a Staffordshire firefighting appliance G.V.W. of 17800 Kg.

AUTOMATIC WATER SUPPRESSION SYSTEMS (SPRINKLERS)

I wish to draw to your attention Staffordshire Fire and Rescue Service's stance regarding sprinklers. Staffordshire Fire & Rescue Service (SFRS) would strongly recommend that consideration be given to include the installation of Automatic Water Suppression Systems (AWSS) as part of a total fire protection package to:

- Protect life, in the home, in business or in your care.
- Protect property, heritage, environment and our climate;
- Help promote and sustain business continuity; and
- Permit design freedoms and encourage innovative, inclusive and sustainable architecture.
- Increase fire fighter safety
- The use of AWSS can add significant protection to the structural protection of buildings from damage by fire.

Without this provision, the Fire and Rescue Service may have some difficulty in preventing a complete loss of the building and its contents, should a fire develop beyond the stage where it cannot be dealt with by employees using first aid fire fighting equipment such as a portable fire extinguisher.

SFRS are fully committed to promoting Fire Protection Systems for both business and domestic premises. Support is offered to assist all in achieving a reduction of loss of life and the impact of fire on the wider community.

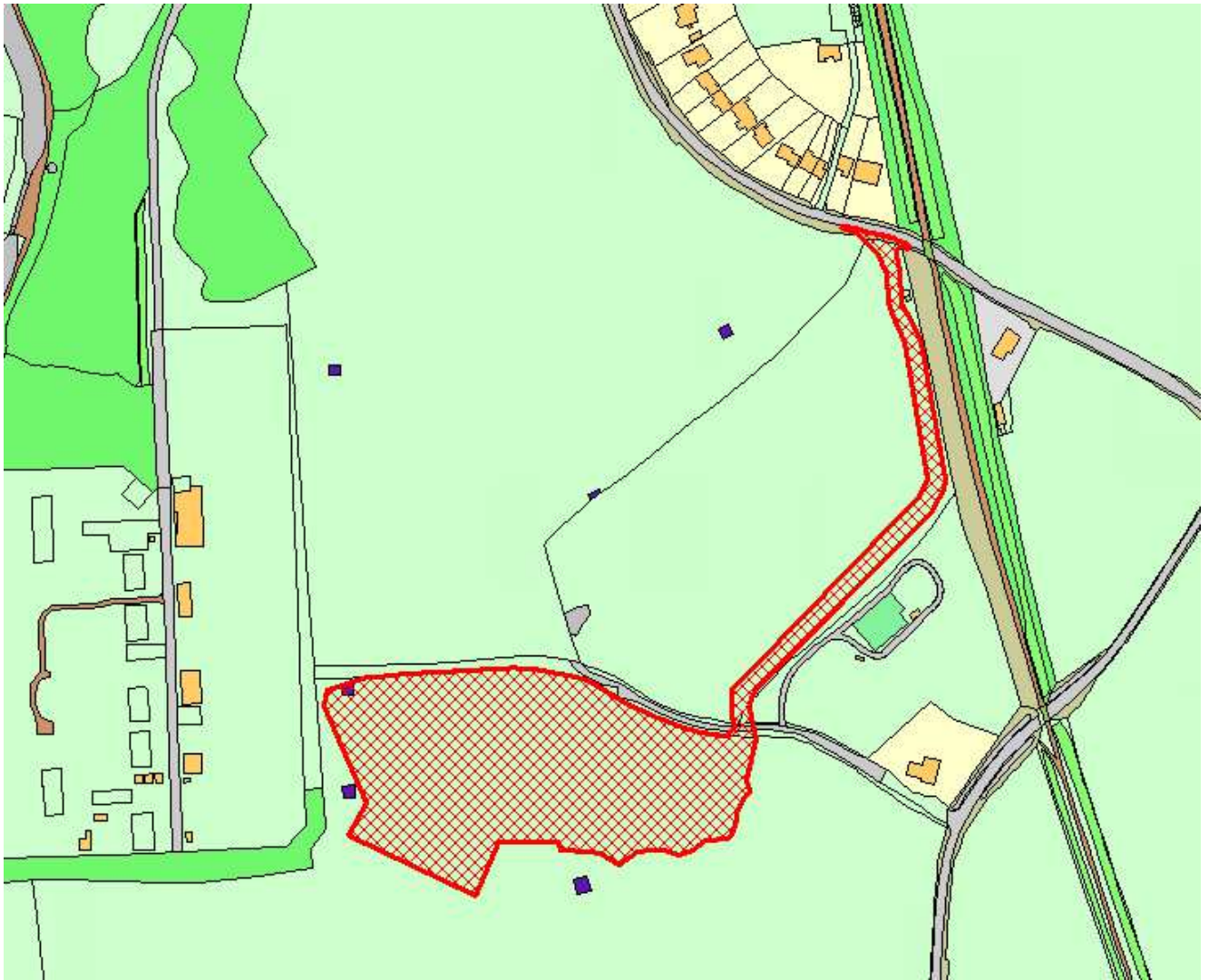
Early consultation with the Fire Service when designing buildings which incorporate sprinklers may have a significant impact on reducing financial implications for all stakeholders.

Further information can be found at www.bafsa.org.uk the website of the British Automatic Fire Sprinklers Association Ltd.

Plans on which this Assessment is based

Plan Type	Reference	Version	Received
Location Plan	P1872-01	C	28 December 2022
Network Overall Layout	EPC-0339-PL-C-LA-OSL-01	REV 2	28 December 2022
Access Road Elevations	EPC-0339-C-E-LA-AR	REV 03	28 December 2022
Auxiliary Transformer Plan and Elevations	EPC-0339-C-E-LA-ATX	REV 01	28 December 2022
Battery Unit Plans and Elevations	EPC-0339-C-E-LA-BATT	REV 03	28 December 2022
Customer Switchgear and Control Room Elevations	EPC-0339-C-E-LA-CCR	REV 03	28 December 2022

Substation Site Layout - Plan & Elevations	EPC-0339-C-E-LA-ELV	REV 03	28 December 2022
Substation 2 Site Layout - Outline Elevations	EPC-0339-C-E-LA-ELV-SUB	REV 2	28 December 2022
Fence and Gate Elevations	EPC-0339-C-E-LA-FG	REV 03	28 December 2022
Twin Skid Unit Plans and Elevations	EPC-0339-C-E-LA-PCS	REV 03	28 December 2022
Flood Risk Assessment	PBS2-BWB-ZZ-XX-RP-YE-0001_FRA		4 January 2023
Noise Impact Assessment & Appendix A-D			4 January 2023
Landscape and Visual Appraisal			28 December 2022
Landscape Mitigation Strategy Plan	21111-105	C	6 March 2023
Ecology Update	15122022		28 December 2022
Biodiversity Metrics			4 January 2023



Field At (Penn 1), Penstone Lane, Lower Penn

22/01194/VAR
MAJOR

Mr James Stone

LOWER PENN
Cllr R Reade
Cllr B Bond
Cllr D Kinsey

Field At (Penn 2) Penstone Lane Lower Penn

Variation of Condition 2 (approved plans) pursuant to 22/00045/FUL for Proposed battery energy storage facility, new compound, with associated infrastructure, fencing, access road, drainage and landscaping.

Pre-commencement conditions required:	Pre-commencement conditions Agreed	Agreed Extension of Time until
Y	Y	31 March 2023

1. SITE DESCRIPTION

1.1 The application site is a 1.9ha area of agricultural land located within the Green Belt. Overhead power lines associated with the existing 4.3ha electricity substation to the northwest, pass over the site from north to south. A tree belt forms the northern boundary of the site with the existing substation beyond.

1.1.1 The area immediately to the south and east is open agricultural land, with a single dwelling and Blackpit Lane which is a sunken single-track road beyond. Further to the east is the Staffordshire Railway Walk. There is no existing formal vehicular access to the site. The Staffordshire and Worcestershire Canal, lies approximately 120m to the west of the site boundary.

Date of site visit - 19 January 2023

2. APPLICATION DETAILS

2.1 Planning permission was granted under 22/00045/FUL for a battery storage energy facility. This application seeks to amend the proposal to provide an additional energy storage capacity and utilise a single point of connection to the Penn substation. Changes from 22/00045/FUL include the addition of 10 battery units to provide the additional storage capacity and the removal of the substation as it would no longer be needed.

2.1.1 As shown on the submitted plans the proposals consist of:

- Battery storage compound containing battery units and Power Control System (PCS) Units and Auxiliary transformers enclosed by a 3m high acoustic fence and hedge planting along the south and east fence boundary.
- 2 x customer switch room & control buildings.
- An access track from Penstone Lane
- Tree, hedge, scrub and wildflower planting and infiltration basin

2.1.2 The battery storage compound would contain 26 battery units and associated PCS units enclosed by 3m high closed board fencing. The battery and PCS units would measure 3m in height from ground level.

2.1.3 A landscape scheme has been proposed (Plan ref 211111-105 B Landscape Mitigation Strategy Plan) which shows 522 metres in length of native hedge planting (maintained to at least 3m in height) a wildflower

sward, trees and low scrub/shrub planting to the south and east of the site and an infiltration basin planted with wetland / marginal wildflower & grass mix.

2.1.4 Vehicular access to the site would remain as previously approved from Penstone Lane to the north creating a new access and 4.5m wide track of crushed stone to the site. This application relies on the previously submitted Transport Statement which assessed the cumulative traffic impact of both proposals as they would be constructed concurrently. Therefore, during construction of both proposals there would be approximately 346 HGV vehicles (692 two-way movements) accessing the site over a three-to-five-month period. Overall trip generation would equate to an average of circa 8-12 two-way vehicle trips per day over a 5-day week. It is proposed to route construction traffic to and from the northwest, i.e., past the substation access. Beyond the substation access, site traffic would need to turn west onto Dimmingsdale Road and right at the junction of Dimmingsdale Road and Langley Road. The application states that a Construction Traffic Management Plan (CTMP) would be prepared and agreed with the local highway authority prior to any works commencing on site.

2.1.5 The proposed battery storage facility would be a largely automated system. It is envisaged that two visits a week would be undertaken by staff in light goods vehicles to maintain and service the facility including the replacement of battery components– equivalent to four two-way vehicle trips per week. Operational traffic might also include occasional HGV access to replace battery components.

2.2 Planning Agent submission

2.2.1 The applicant has submitted the following amended documents with the application:

- Updated Noise Assessment
- Updated Landscape and Visual Appraisal
- Updated FRA and Drainage Assessment
- Ecological Addendum
- Amended Appendix 1 (Landscaping/Ecology Plan) of the Landscape and Mitigation Strategy
- Updated Biodiversity Metrics

2.2.2 The applicant has submitted the following amended plans with the application:

- P1900-01G REV G LOCATION PLAN
- EPC-0339-PL-C-LA-OSL-02 REV 3 NETWORK OVERALL LAYOUT
- EPC-0339-C-E-LA-FG REV 0.3 FENCE AND GATE ELEVATIONS
- EPC-0339-C-E-LA-ATX REV 0.2 AUXILLIARY TRANSFORMER PLAN AND ELEVATIONS
- EPC-0339-C-E-LA-BATT REV 0.4 BATTERY UNIT PLANS AND ELEVATIONS
- EPC-0339-C-E-LA-CCR REV 0.4 CUSTOMER SWITCHGEAR AND CONTROL ROOM ELEVATIONS
- EPC-0339-C-E-LA-PCS REV 0.4 TWIN SKID UNIT PLANS AND ELEVATIONS

2.2.3 The following documents submitted with the original application should be read in conjunction with this application:

- Sequential Site Selection Report
- Fire System Safety Design
- Battery Safety Management Plan (dated 01.04.2022)
- Supporting Planning Statement (dated 06.09.2021)
- Planning Statement Addendum (dated 06.09.2021)
- Supporting Policy Statement (11.04.2022)

- Design and Access Statement (dated 06.09.2021)
- Preliminary Ecology Appraisal (dated 06.2021)
- Transport Statement (dated 21.07.2021)
- Statement of Community Involvement (dated 02.09.2021)
- Historic Environment Desk Based Assessment (dated 09.2021)

3. SITE HISTORY

2015, Erection of combined hard flood defence and perimeter fence to a height of 3.4m and erection of 3.4m high flood gate to the west and south and raised kerb, Approved [15/00666/LUP].

2016, Emergency standby electricity generation facility comprising: modern modular dual fuel generator units (up to 14 in total), transformers, fuel storage tanks, boundary treatment, highway access and associated works. Approved [16/00663/FUL]

2017, Emergency standby electricity generation facility comprising: natural gas generator units (up to 10 in total), transformers, boundary treatment including acoustic screening, access improvements and associated works, approved [17/00854/FUL]

2018, Emergency standby electricity generation facility comprising: natural gas generator units (up to 10 in total), transformers, boundary treatment including acoustic screening, access improvements and associated works, approved [18/00674/FUL]

2022, Proposed battery energy storage facility, new compound, with associated infrastructure, fencing, access road, drainage and landscaping (amended description), awaiting determination, approved [22/00045/FUL]

2022, Proposed battery energy storage facility, new compound, with associated infrastructure, fencing, access road, drainage and landscaping (amended description) approved [22/00044/FUL]

2023, Variation of Condition 2 (approved plans) pursuant to 22/00044/FUL for Proposed battery energy storage facility, new compound, with associated infrastructure, fencing, access road, drainage and landscaping, awaiting determination, [22/01193/VAR]

4. POLICY

4.1 Constraints

Flood Zone 2 - 1 in 1000 year
Flood Zone 3 - 1 in 100 year
Newt - Impact Risk Zone Green
Newt - Impact Risk Zone White
D Class Road 4130

4.1.1 South Staffordshire Core Strategy (2012)

GB1 - Development in the Green Belt
Core Policy 2 - Protecting and Enhancing the Natural and Historic Environment
EQ1 - Protecting, Enhancing and Expanding Natural Assets
EQ3 - Conservation, Preservation and Protection of Heritage Assets
EQ4 - Protecting and Enhancing the Character and Appearance of the Landscape
Core Policy 3: Sustainable Development and Climate Change

EQ5 - Sustainable Resources and Energy Efficiency
EQ6 - Renewables Energy
EQ9 - Protecting Residential Amenity
EQ10 - Hazardous and Environmentally Sensitive Development
EQ11 - Wider Design Considerations
EQ12 - Landscaping
EV8 - Agriculture
Core Policy 11 - Sustainable Transport
EV12 - Parking Provision
CS1: Designing Out Crime
Green Belt and Open Countryside SPD, 2014
South Staffordshire Design Guide SPD 2018
Sustainable Development SPD 2018

4.1.2 National Planning Policy Framework

- 12. Achieving well-designed places.
- 13. Protecting Green Belt Land
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and Enhancing the Natural Environment

4.1.3 National Policy Statement for Energy (EN - 1) (July 2011)

Para 2.2.20 - Security of energy supplies
Para 3.3.29 - Reducing demand
Para 3.3.31 - More intelligent use of electricity

4.1.4 Draft National Policy Statement for Energy (EN - 1) (September 2021)

Para 3.3.24 - 3.3.29 - The role of storage

4.1.5 National Planning Policy Guidance

4.1.6 Planning law requires that applications for planning permission be determined in accordance with the development plan unless materials considerations indicate otherwise.

4.1.7 The law makes a clear distinction between the question of whether something is a material consideration and the weight which it is to be given. Whether a particular consideration is material will depend on the circumstances of the case and is ultimately a decision for the courts. Provided regard is had to all material considerations, it is for the decision maker to decide what weight is to be given to the material considerations in each case, and (subject to the test of reasonableness) the courts will not get involved in the question of weight.

5. CONSULTATION RESPONSES

All consultation periods have expired unless noted otherwise.

Site Notice Expires	Press Notice Expires
9 February 2023	7 February 2023

Lower Penn Parish Council

03rd February and 13th February 2023

The Parish Council also feels that the amalgamation of the two sites into one and the addition of extra lithium battery storage units is more than an amendment to the current planning approval and should be submitted as a whole new application so the extra units and the extra impact on the local neighbourhood can be fully discussed.

Lithium battery storage is becoming more contentious by the day. There is a second reading of a bill in Parliament in March 2023 whereby lithium storage sites may be reclassified as hazardous with new policy being implemented. As there is relatively little policy surrounding these storage facilities perhaps it may be worthwhile waiting to see what happens with this Bill before agreeing to this even bigger industrial sized development in Lower Penn.

Please note that Lower Penn Parish Council objects strongly to the above applications on the following grounds:

The tide is turning in regards to lithium battery storage farms with more evidence suggesting these schemes are not green and that it is not appropriate to dump toxic, hazardous infrastructure in the middle of green belt. The second reading of a bill covering this topic will be debated in parliament in March 2023. Meanwhile the residents in Lower Penn along with villages all over the UK are left with a planning system that is not fit for purpose when assessing these developments because there is scant policy set out in the NPPF. This lack of policy is a field day for speculative developers and greedy landowners looking to make a quick profit at the expense of local people, wildlife and green spaces.

The NPPF is currently being redrafted to take into account the concerns of local people when assessing planning applications and to give us more of a say. However none of this has been taken into account when granting the original approval for this site and we would like this noted.

The material change to the original planning application which increases the volume of lithium battery to be stored, multiplies the risks involved. We feel strongly that this extra risk should be scrutinised properly by way of a brand new application rather than by an amendment to the existing plans.

As per our last objection we still have concerns over;

- 1. the noise local people are subjected too, the existing sub station can already be heard by nearby houses. The addition of 5 more freight sized batteries will increase this noise.*
- 2. The industrial lorries that will be visiting the site moving on a network of roads that are only suitable for lorries under 7.5 tonnes. Again more batteries will increase the visits.*
- 3. The fire hazard these lithium batteries pose to the public. This very issue is being debated in parliament next month. Have the fire service been consulted? Would it not be prudent to do so before agreeing to any new proposals bearing in mind the health and safety of residents should be paramount.*
- 4. The detrimental impact another increase of batteries will have on the wildlife and habitat of the area together with quiet enjoyment of the two nearby nature walks, Canal Walk and South Staffordshire Railway Walk, which will be blighted by this development both visually and by the noise emanating from the site.*

5. A recent flood at the very place these lithium batteries will be sited shows the importance to have emergency planning protocols in place for the safety of the public.

Councillor Robert Reade - Wombourne North and Lower Penn Ward

No Response Received

Councillor Dan Kinsey - Wombourne North and Lower Penn Ward

5th February 2023

These sites remain a significant concern to the public, and I am concerned about the intended increase in the number of battery containers. The footprint, regardless of the arguable merits of any changes, still represents unacceptably high harm to the openness of the greenbelt and the character of the area.

Facilities such as this have so far been regarded as non-hazardous, and when being assessed previously, have been supported on grounds of the Government's net zero ambition. There remains no clear strategy for the siting of these facilities, and despite these vagaries they are considered to meet special circumstances. Parliament is due to address facilities of this nature, establishing them to be, rightly, hazardous sites which potentially alters the balance.

In the meantime, I believe this to be good reason not to grant permissions that further endanger environments in which they are placed.

While on the face of it this appears to be a minor rationalisation, it is in my opinion a very substantial change to the nature of the two sites granted permission under 22/00044/FUL and 22/00045/FUL. This is not the redesign of one site, but the merging of two distinct sites with proposals to increase overall capacity by 30%. A substantial increase. As such, I would consider this is not something that should be dealt with as a minor amendment, but instead should be resubmitted as a full application for one site.

Councillor Barry Bond - Wombourne North and Lower Penn Ward

6th February 2023

I concur with the comments made by Councillor Kinsey regarding this application to increase the size of the installations.

County Highways

27th January 2023

Recommendation Summary: Conditional

Site Visit Conducted on: 26-Jan-2023

- 1. The development hereby permitted shall not commence until the access to the site within the limits of the public highway has been completed.*
- 2. The development hereby permitted shall not be commenced until the access drive rear of the public highway has been surfaced and thereafter maintained in a bound material for a minimum distance of 20.0m back from the site boundary.*
- 3. The development hereby permitted shall not be commenced until the access drive, parking, servicing and turning areas have been provided in accordance with the approved plans.*
- 4. The development hereby permitted shall not be commenced until an off-site traffic management scheme comprising of;*
 - Means of safe passage of all construction traffic to the site.*
 - adequate signage.*
 - Means of preventing deleterious material from being deposited upon the highway.*

has been submitted to and approved in writing by the Local Planning Authority. The approved traffic management scheme shall thereafter be implemented prior to any works commencing on site.

Reasons.

1. In the interest of highway safety and to comply with Staffordshire County Council requirements for a vehicular access crossing.

2 - 4. In the interest of highway safety.

To comply with the principles set out in the National Planning Policy Framework.

Informative for Decision Notice.

The new access shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application Form. Please complete and send to the address indicated on the application Form or email to (nmu@staffordshire.gov.uk).

The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.

<https://www.staffordshire.gov.uk/transport/staffshighways/highwayscontrol/HighwaysWorkAgreements.aspx>

Note to Planning Officer.

The proposed development is located in a rural area and will be accessed off an unclassified road subject to the National Speed limit of 60 mph. There are no recorded vehicular accidents at this location in the last 5 years. The proposed development is similar to the one submitted in 2016 and 2022.

County Ecologist

3rd February 2023

I have been commissioned by South Staffordshire Council to review the planning application documentation for the above application.

Documents and plans reviewed:

- Revised site plans*
- Revised Biodiversity Metric*
- Ecological Addendum (Harris Lamb, December 2022)*

Assessment of Submitted Documents and Plans

The revised site layout would increase hardstanding and battery units. A revised biodiversity metric has been submitted that indicates that overall, Penn 2 and Penn 1 will deliver a biodiversity net gain of nearly 9%. However, I am concerned that the site will see further losses to habitat provision and consider that the delivery of 8.94% habitat units across the two sites should now be secured by condition. As the metric is not clear on what contribution each site makes, both applications will need the condition.

Conclusions and Recommendations

If minded to approve a condition is recommended:

1 Field at Penn 2 site, cumulatively with Field at Penn 1 site (ref 22/01193/VAR) to deliver a minimum Biodiversity Net Gain of 8.94%, as measured by the Defra Biodiversity Metric, with the baseline established by the Preliminary Ecological Appraisal (Harris Lamb, July 2021).

Staffordshire County Council Flood Risk Management Team

8th February 2023

The LLFA recommends Conditional Approval for the proposed development. We are satisfied that the proposal for which the application for the original planning conditions is to be varied to similarly aligns with the original application. As such, the LLFA is satisfied with the proposals to this point and recommends that the following condition shall be attached to any approval notice.

We ask to be consulted on the details submitted for approval to your Authority to discharge this condition and any subsequent amendments/alterations. Please also consult us again on any future major changes to the proposed development or drainage scheme.

Staffordshire County Council Flood Risk Management position

The proposed development will only be acceptable if the following planning condition is imposed:

No development shall take place until a fully detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- Surface water drainage system(s) designed in full accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (SuDS), (DEFRA, March 2015).*
- Sustainable Drainage Systems designed and implemented in full concordance with the Staffordshire County Council (SCC), SuDS Handbook.*
- Provision of evidence of compliance with the principles of the drainage hierarchy, as described in Part H of the Building Regulations. Satisfactory evidence of fully compliant infiltration testing in full accordance with BRE 365 best practice guidance, in order to confirm or not as to the viability of infiltration as a means of surface water discharge.*
- SuDs designed to provide satisfactory water quality treatment, in accordance with the CIRA C753 SuDS Manual Simple Index Approach and SuDs treatment design criteria. Mitigation indices are to exceed pollution indices for all sources of runoff.*
- Limiting any off-site conveyance of surface water discharge from the site to the rate generated by all equivalent rainfall events up to 100 year plus (40%) climate change in accordance with the guidance in the SCC SuDs Handbook. Provision of appropriate surface water runoff attenuation storage to manage all surface water discharge on site.*
- Detailed design (plans, network details and full hydraulic modelling calculations), in support of any surface water drainage scheme, including details on any attenuation system, SuDS features and the outfall arrangements. Calculations should demonstrate the performance of the designed system and attenuation storage for a range of return periods and storm durations, to include, as a minimum, the 1:1 year, 1:2 year, 1:30 year, 1:100 year and the 1:100-year plus (40%) climate change return periods.*
- Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system. Finished floor levels to be set higher than ground levels to mitigate the risk from exceedance flows.*
- Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained for the lifetime of the development. To included the name and contact details of the party(/ies) or body(/ies) responsible.*

The development shall thereafter proceed in accordance with the approved details.

Reason

To reduce the risk of surface water flooding to the development and properties downstream of the development for the lifetime of the development.

Condition

The applicant and developer are to ensure that adequate and satisfactory provision for the management and control of surface water are in place as part of any temporary works associated with the permanent development, to ensure that flood risk is not increased prior to the completion of the approved drainage strategy and flood risk assessment.

Reason

To reduce the risk of surface water flooding to the development and surrounding properties during construction.

County Planning

16th January 2023

I refer to your consultation email received on 13th January 2023

The County Council as the Mineral and Waste Planning Authority has no comments on this application as the site is:

- Not within or near to any permitted waste management facility; or*
- Exempt from the requirements of Policy 3 Mineral Safeguarding in the Minerals Local Plan for Staffordshire (2015 - 2030); or*
- Is development subject to our standing advice for development proposals within mineral safeguarding areas.*

Staffordshire Fire and Rescue Service

No objection – Guidance provided in relation to fire mains, hydrants and vehicle access, and sprinklers.

Designing Out Crime Officer

26th January 2023

The response highlights guidance and recommendations aimed at reducing opportunities for crime and ensuring that high level of physical security is incorporated in this development.

Environmental Health Protection

30th January 2023

I have reviewed the above consultation regarding application for variation planning condition 2 (plans) under 22/00045/FUL. I confirm that I have no concerns regarding the proposed variation. I noticed the applicant has provided a noise report (Amended) which I consider satisfactory. Therefore, I do not have any adverse comments regarding this application.

Cadent Gas Limited (formerly National Grid)

No Response Received

Previous response to 22/00045/FUL dated 8th August 2022:

After receiving the details of your planning application at Field At (Penn 2) Penstone Lane Lower Penn WV4 4YA we have completed our assessment. We have no objection to your proposal from a planning perspective.

Severn Trent Water Ltd

3rd March 2023

With regards to the below letter, we have no further comments to add from a catchment/groundwater protection perspective.

The comments we provided on the previous version of the application, regarding the installation of a pollution capture membrane and the applicant providing details of their proposed train of treatment, still remain valid. I trust these comments were taken onboard.

We also discussed a local agreement being put in place with the fire authority regarding no use of AFFF in the unlikely event of a fire at the site.

Western Power Distribution

No Response Received

NatureSpace Partnership Newt Officer (Staffordshire)

18th January 2023

Response: No further information required

This planning application is for the Variation of Condition 2 (approved plans) pursuant to 22/00044/FUL for Proposed battery energy storage facility, new compound, with associated infrastructure, fencing, access road, drainage and landscaping at Field At (Penn 2) Penstone Lane, Lower Penn.

- The development falls within the green impact risk zone for great crested newts. Impact risk zones have been derived through advanced modelling to create a species distribution map which predicts likely presence. In the green impact zone, there is suitable habitat and a high likelihood of great crested newt presence.

- Due to the scale and size of the development and the location of the ponds we do not expect newts to be a constraint for this development.

Conclusion and recommendation for conditions:

I am satisfied that if this development was to be approved, it is unlikely to cause an impact on great crested newts and/or their habitats.

However, as the application site lies within a green impact zone as per the modelled district licence impact map, which indicates that there is potential suitable habitat for GCN within the area surrounding the application site. Therefore, I recommend the use of the following informative:

The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstruct access to a resting or sheltering place. Planning approval for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.

Conservation Officer

31st January 2023

The proposed changes to the previously approved scheme, will increase the capacity of the site, whilst not increasing the footprint of the development and reducing the overall height of the substation towers. Therefore, the scheme will have no greater impact than the one already approved. There are no conservation objections to the scheme.

Environment Agency

10th February 2023

Thank you for referring the above application which was received on 08 February 2023. The Environment Agency has no additional comments to make further to those within our letter referenced UT/2022/119875/01-L01 dated 16 June 2022 in relation to consultation 22/00045/FUL:

Although the proposed development is located in Flood Zone 1, according to our Flood Map for Planning (Rivers and Sea), the proposed access road lies in Flood Zones 2 and 3 of the Warstones Brook. We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The planning practice guidance (PPG) to the National Planning Policy Framework states that, in determining whether a development is safe, the ability of users to safely access and exit during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise Local Planning Authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. This does not mean we consider that the access is safe or the proposals acceptable in this regard. As such, we recommend you consult with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with the guiding principles of the PPG.

Health and Safety Executive

14th March 2023

Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

Wolverhampton City Council

10th February 2023

On behalf of the City of Wolverhampton Council I would like to raise our concerns about the proposed alterations to the approved battery storage sites at Penstone Lane.

The proposed development, while not exceeding the original site area would result in an increased capacity within the site. There are concerns that this will increase the risk of fire and the ability to respond in an accident.

Together with the approved development for battery storage at Langley Road there is potentially a cumulative impact with the three sites being near each other and all located on the south-west side of Wolverhampton.

We ask therefore that in your assessment you consider the cumulative impact of these three developments and reconsult the fire service and water authority to ensure the impacts of the increased capacity are fully considered and where necessary, any mitigation recommendations or conditions are included in any subsequent approval.

Contributors

A total of 12 public representations have been received of which 12 object.

Summary of main points/concerns raised:

- Several comments state that their previous reasons for objecting still stand.
- The reason(s) for the submission of two applications is questioned.
- Criticism of the type of application being submitted and that a new application should be submitted.
- Requests to delay a decision until the outcome of the private members bill which relates to battery storage planning applications.
- Industrial application does not belong in a rural greenbelt setting.
- Impact on the environment and disruption to our daily lives and physical and mental wellbeing.
- The impacts of the new proposals have not been properly assessed - of fire safety, noise pollution, natural environment, water pollution, green belt...)
- lack of protection to the ancient hedgerows and to the protected bat species resident in this area.
- Increased the risk of hazardous events such as runaways, fires, and serious chemical contamination due to accidents or technical faults.
- Impacts on Green Belt and landscape character.
- Inappropriate access road to the site.
- Heavier traffic causing increase traffic accidents e.g. at Penstone lane/Dene Rd junction.
- Flawed original noise impact assessment report and a new one should be required.

6. APPRAISAL

6.1 The application is referred to planning committee as it is not listed as an acceptable type of development within the Green Belt under Core Strategy Policy GB1: Development in the Green Belt.

6.2 Key Issues

- Principle of development
- Design/layout and impact upon landscape character and heritage assets
- Access, parking & highway safety
- Ecology, trees, and landscaping
- Drainage and flooding
- Impact on Neighbouring amenity/Noise and Health
- Other Matters
- Human Rights

6.3 Principle of development

6.3.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made, in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan for South Staffordshire District comprises the Core Strategy (2012-2028) and the Site Allocations Document (2012-2028).

6.3.2 The application site is within the West Midlands Green Belt. The main issue in establishing the principle of the development are firstly, whether or not the proposal constitutes inappropriate development in the Green Belt for the purposes of Core Strategy policy GB1 and the National Planning Policy Framework (NPPF); secondly, if the development is deemed inappropriate, whether the harm by reason of inappropriateness, and any other identified harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

6.3.3 Whether or not the proposal constitutes inappropriate development.

6.3.4 Paragraph 147 of the NPPF states that 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'. Paragraph 149 states, 'a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt'. There are exceptions to this as set out within Paragraphs 149 & 150 of the NPPF and Core Strategy Policy GB1. However, the erection of a battery based electrical storage facility does not fall within any of the exceptions listed in local or national policy and is therefore considered to be inappropriate development.

6.3.5 Impact on the openness of the Green Belt

6.3.6 One of the five purposes of the Green Belt is to assist in safeguarding the countryside from encroachment and the NPPF states that, 'the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'.

6.3.7 The National Planning Practice Guidance (NPPG 22 July 2019) provides guidance on matters which may need to be taken into account in assessing the impact on the openness of the Green Belt. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects - in other words, the visual impact of the proposal may be relevant, as could its volume;
- the duration of the development, and its remediability - taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation.

(Paragraph: 001 Reference ID: 64-001-20190722 Revision date: 22 07 2019)

6.3.8 The site is an area of agricultural land which gently slopes up from south to north. There is no previously developed land within the site. The proposed developed parts of the site would comprise two battery storage compounds enclosed by 3m high closed board fencing. The battery units would measure up to 3m in height. An access track is proposed from Penstone Lane to the site, constructed of crushed stone.

6.3.9 Spatially the proposal would reduce the openness of the Green Belt, as an area of undeveloped land would become developed. The main spatial and visual difference between this proposal and the previously approved scheme is the addition of 10 battery units each measuring 13.9m x 3m and 3m in height and the removal of the substation compound which measured 20m x 50m and contained structures ranging in height from 4m to a maximum of 6.4m.

6.3.10 The development would be partially visible from Union Lane where the bridge crosses the canal and further to the east through a gap in the hedge along Blackpit Lane. Views are limited however as Blackpit Lane is below the level of the fields in which the site is located. There would be no views of the development from Penstone Lane with the existing substation and trees and hedgerows located in between. There would be views of the site from the South Staffordshire Railway Walk through occasional gaps in the vegetation.

6.3.11 As with the previous proposals, views of the development itself such as the battery units which measure 3m in height, would be limited by the proposed hedgerow planting once established at a minimum of 3m in height. The most visible element within the previous scheme, the substation infrastructure, would no longer be present. In my view, these proposed changes to the original scheme would balance each other out resulting in a similar impact to the original scheme. As before, I consider that against the backdrop of the existing Penn Substation and surrounding pylons, the proposed development would, in my view, be seen in this context and the visual impact would be limited in the medium to longer term once the proposed landscape mitigation is established.

6.3.12 Regarding the level of activity likely to be generated, the construction period would generate a

reasonable level of traffic activity including large HGV vehicles accessing the site which would impact visually through onsite activity and use of the proposed access from Penstone Lane. However, as this activity would be a temporary disruption for 3-5 months, the impact on the openness and permanence of the green belt would be temporary. Once the site was established where the number of vehicle trips would be four two-way vehicle trips per week and the occasional HGV, the degree of activity would be minimal and have little impact on openness.

6.3.13 With regard to the duration of the development, and its remediability, if the site were no longer needed it would be relatively straightforward to remediate the land to its existing state. The application states that the proposed development is for a period of 35 years which, whilst not permanent, is a considerable amount of time. Any permission should include a condition requiring the remediation of the land should the use cease and prior to expiry of the 35-year permission.

6.3.14 Overall, it is considered that in addition to the definitional harm already identified, there would also be a degree of harm arising from the loss of openness and from being contrary to one of the purposes of including land within the Green Belt, which is encroachment of development into the countryside.

6.4 Other Considerations

6.4.1 The proposed scheme is designed to store energy within the batteries and would be able to release or absorb energy from the power network.

6.4.2 One of the key commitments in the governments' National Policy Statement (NPS) for Energy (2011 and draft 2021) and Energy White Paper 2020 is to create an efficient electricity market which needs to adapt as the deployment of renewable generation increases. Balancing supply and demand become more complex because most renewables are, by their nature, intermittent and generate electricity only when the wind blows or the sun shines. The Energy White Paper states that 'increasingly, flexibility will come from new, cleaner sources, such as energy storage in batteries...Storing excess low-carbon generation over longer periods of time could enable us to decarbonise the energy system more deeply at lower costs' (page 33).

6.4.3 Paragraph 3.3.24 of the draft Energy NPS states, 'Storage has a key role to play in achieving net zero and providing flexibility to the energy system, so that high volumes of low carbon power, heat and transport can be integrated. There is currently around 4GW of electricity storage operational in GB, around 3GW of which is pumped hydro storage and around 1GW is battery storage'.

6.4.4 Paragraph 3.3.25 of the draft Energy NPS states, 'Storage is needed to reduce the costs of the electricity system and increase reliability by storing surplus electricity in times of low demand to provide electricity when demand is higher. Storage can provide various services, locally and at the national level. These include maximising the usable output from intermittent low carbon generation (e.g. solar and wind), reducing the total amount of generation capacity needed on the system; providing a range of balancing services to the NETSO and Distribution Network Operators (DNOs) to help operate the system; and reducing constraints on the networks, helping to defer or avoid the need for costly network upgrades as demand increases'.

6.4.5 The provision of low carbon energy is central to the economic, social and environmental dimensions of sustainable development set out in the National Planning Policy Framework (NPPF Para 8 and 152). The policy support for renewable energy and associated development given in the NPPF is caveated by the need for the impacts to be acceptable, or capable of being made so. Nevertheless, the energy storage benefit of the proposal as part of the wider national strategy of decarbonising the country's energy system must be accorded substantial weight.

6.4.6 Public objections have been received questioning why the proposal cannot be located on a brownfield

site and therefore avoiding any harm to the Green Belt. However, brownfield land is more often than not found in urban residential areas and is usually prioritised for other forms of development, notably residential and employment development. A site would need to be found that in close proximity to an available grid connection, with a large site area, connection to suitable substation, close to primary highway network, sufficient distance from residential areas to meet noise requirements and also avoiding areas of statutory protection, ecological importance and flood risk. This is set out in the submitted Sequential Site Selection Process document. There is no requirement for such proposals to undertake a sequential test. However, I am satisfied that the site chosen, adjacent to the existing Penn Substation to the North, is appropriate and brownfield sites are unlikely to be suitable or available for such a use.

6.4.7 In summary, the proposal is inappropriate development and there would also be a degree of harm arising from the loss of openness and from being contrary to one of the purposes of including land within the Green Belt. This would be limited once the construction of the site is complete and the proposed planting is established. Nevertheless, this harm by reason of inappropriateness and harm to openness is given substantial weight in accordance with Paragraph 148 of the Framework.

6.4.8 Paragraph 151 of the Framework accepts that very special circumstances will need to be demonstrated if developments are to proceed in the Green Belt. It states that very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. The proposed scheme would make a valuable contribution to cutting greenhouse gas emissions, by increasing the opportunity to store energy, and this also attracts substantial weight.

6.4.9 National policy advises that developments should be located where impacts are, or can be made, acceptable. I consider that the location of the proposed development, adjacent to the existing Penn Substation, together with the existing and proposed landscaping means that this would be the case here. Additionally, whilst the proposed development would be located at the site for a number of years, it is reversible and capable of being removed from the site. The remediation of the site in the event of the use ceasing should be included as a condition.

6.4.10 Therefore, I consider that the significance of such projects in supporting the governments national strategy of decarbonising the country's energy system, and that the impacts can be made acceptable, are sufficient to outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the proposal do exist and the scheme would not conflict with Core Strategy Policy GB1 or the National Planning Policy Framework.

6.4.11 Concurrent with this application is planning application 22/01193/VAR (Penn 1) which is a similar proposal to here and lying adjacent. The two proposals would be brought forward together and therefore it is necessary to consider the combined impacts of both applications as well as individually. The impacts of planning application 22/01193/VAR on Green Belt openness would be similar to here as described in the officer report for that application. When combined, I am of the view that the level of harm to openness would increase but still be relatively limited in the medium to longer term due to the existing context of the site including the existing substation/pylon backdrop and also the proposed planting largely screening both sites from external views. The benefits would also be greater with an increase in energy storage capacity from 100MW to 129MW supporting the governments national strategy of decarbonising the country's energy system. For this reason, I consider that implementing both proposals would not conflict with Core Strategy Policy GB1 or the Framework.

In summary, the proposed changes to the original schemes including the additional battery units but with removal of one of the substations which would have been the most visible element of the scheme alongside a reduction in height of the remaining substation, would balance each other out, resulting in a similar impact on the Green Belt as the original proposal alongside an appropriate landscape scheme. The additional benefits of

the scheme are that the storage capacity would increase from 100MW to 129MW which contributes further to the governments national strategy of decarbonising the country's energy system. As a result, I consider that this application, and in combination with application 22/01193/VAR would cause no greater harm to the Green Belt than the original applications and the additional capacity would provide further benefits as set out above.

6.5. Design/layout and impact upon landscape character and heritage assets

6.5.1 Policy EQ4 and EQ12 state that the intrinsic rural character and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced.

6.5.2 Paragraph 174 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

6.5.3 Chapter 16 of the NPPF and Policy EQ3 of the adopted Core Strategy state that care and consideration must be taken to ensure no harm is caused to the character or appearance of a heritage asset. Heritage assets are buildings, sites, monuments, places, areas or landscapes identified as significant features in the historic environment.

6.5.4 The character of the landscape here reflects its location within the countryside but also its proximity to the urban areas to the west and the industrial history of the wider area. Adjacent to the site is agricultural land and Penn Substation with electricity pylons and overhead cables on its eastern side which run further east over Penstone Lane and beyond to the urban area of Upper Penn. Staffordshire and Worcestershire Canal is located approximately 120m to the west of the site and Staffordshire Railway walk approximately 300m to east.

6.5.5 The site has a degree of enclosure from tree/vegetation cover located along field boundaries and roads and the existing substation to the northeast. There are no prolonged views into the site, with the main views through gaps in vegetation from Staffordshire Railway Walk. By reason of separation distance, design and existing vegetation the proposed development would not have an adverse effect on visual amenity and would in time be screened by hedgerows. The remaining visible infrastructure would, in my view, be limited and unassuming in the context of the existing Penn Substation infrastructure visible to the rear and surrounding electricity pylons and overhead powerlines.

6.5.6 There would be some harm to landscape character in the short term during the construction phase and prior to the proposed screening becoming established within 5-8 years. However, this would temporary and in the medium to longer term the impact on landscape character would, in my view, not amount to a harmful impact.

6.5.7 The proposals are within the setting of the Staffordshire and Worcestershire Canal Conservation Area including the bridge and lock which are Grade II Listed. An Historic Environment Desk-Based Assessment has been submitted which concludes that the Site provides a neutral contribution to the setting of the Conservation Area and would not result in harm to any designated heritage assets.

6.5.8 The council's conservation officer has commented that, 'the scheme will have no greater impact than the one already approved. There are no conservation objections to the scheme.'

6.5.9 As a result, I consider that the proposal would not harm the rural character and local distinctiveness of the area in accordance with Core Strategy Policies EQ3, EQ4 and EQ12, subject to conditions such as securing appropriate landscaping, boundary treatment and materials.

6.6 Access, Parking & Highway Safety

6.6.1 Section 9 of the NPPF requires LPAs to consider and promote sustainable forms of transport whilst addressing community needs and creating places that are safe, secure and attractive, which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards. Local Plan policy CP11 and EV11 echo these themes.

6.6.2 The proposals in terms of access have not changed compared to the previous application. Vehicular access to the site would be from Penstone Lane to the north creating a new access and 4.5m wide track of crushed stone to the site. The proposed development is similar in scale to the previous application and therefore the previously submitted Transport Statement is sufficient in assessing the cumulative traffic impact of this proposal and 22/01193/VAR.

6.6.3 During construction of both proposals there would be approximately 346 HGV vehicles (692 two-way movements) accessing the site over a three-to-five-month period. Overall trip generation would equate to an average of circa 8-12 two-way vehicle trips per day over a 5-day week. It is proposed to route construction traffic to and from the northwest, i.e., past the substation access. Beyond the substation access, site traffic would need to turn west onto Dimmingsdale Road and right at the junction of Dimmingsdale Road and Langley Road. A Construction Traffic Management Plan (CTMP) would be prepared and agreed with the local highway authority prior to any works commencing on site.

6.6.4 I acknowledge the objections to the proposal which include concerns that the proposals will cause traffic congestion, highway safety issues and disturbance during construction works. However, Staffordshire County Highways have considered the proposal and do not object, subject to conditions ensuring highway safety and minimising disturbance during construction.

6.6.5 In conclusion, I consider that the proposals (and in combination with 22/01193/VAR) would be acceptable with regard to highways and access impacts subject to the Highways Authority conditions being attached to any permission.

6.7 Ecology, trees, and landscaping

6.7.1 South Staffordshire Core Strategy policy EQ1: Protecting, Enhancing and Expanding Natural Assets states that permission will be granted for development that would not cause significant harm to species that are protected or under threat and that wherever possible, development proposals should build in biodiversity by incorporating ecologically sensitive design and features for biodiversity within the development scheme.

6.7.2 Policy EQ4 Protecting and Enhancing the Character and Appearance of the Landscape of the adopted Core Strategy that states (in part): 'The intrinsic rural character and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced. Trees, veteran trees, woodland, ancient woodland and hedgerows should be protected from damage and retained unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved'.

6.7.3 Policy EQ11 states that 'design should seek to retain existing important species and habitats and maximise opportunities for habitat enhancement, creation and management in accordance with Policy EQ1'.

6.7.4 The area of the site proposed for development comprises working arable land which is of low ecological value. To create access to the site, a short section of hedgerow would be removed to access Penstone Lane. Public representations raise concerns that the proposals would harm the environment. However, the scheme proposes tree and native hedge planting, a wildflower sward and low scrub/shrub planting. The submitted biodiversity metric spreadsheet demonstrates that this would result in a net gain in biodiversity. The Council's

ecology officer has no objections to the proposals subject conditions to secure the net gain in biodiversity, and also requiring a lighting strategy, a Construction Environmental Management Plan (CEMP) to ensure that flora and fauna are protected during construction, tree/hedgerow protection measures, a pre commencement badger survey, and installation of bird and bat boxes on nearby trees.

6.7.6 Public representations raise concerns that ecological damage is caused elsewhere due to mining for materials. This is a matter for the government's overall strategy for reducing use of fossil fuels. The resulting national policy position is clear that battery storage of electricity is a key part of the overall objective moving to a low carbon economy. The impact of the scheme on ecology is therefore assessed on a site impact basis as above.

6.7.7 In conclusion, the necessary protection methods, mitigation, and enhancement can be secured via conditions to ensure that the proposals are in accordance with Core Strategy Policies EQ1, EQ4, and EQ11.

6.8 Drainage and flooding

6.8.1 Policy EQ7 states that the Council will permit developments which do not have a negative impact upon water quality. All planning applications are expected to include a suitable Sustainable Drainage (SUDS) scheme.

6.8.2 Core Policy 3 of the Core Strategy states that 'the Council will require development to be designed to cater for the effects of climate change, making prudent use of natural resources, enabling opportunities for renewable energy and energy efficiency and helping to minimise any environmental impacts by...

j) guiding development away from known areas of flood risk as identified in the Strategic Flood risk assessment, surface water management plan and consistent with the NPPF,

k) ensuring the use of sustainable drainage (SUDS) in all new development and promoting the retrofitting of SUDS where possible,

l) ensuring that all development includes pollution prevention

6.8.3 The main site is within Flood Zone 1 which has a low risk of flooding. A small part of the access track is within Flood Zones 2 and 3 of the Warstones Brook. The submitted Flood Risk Assessment suggests that a flood warning management strategy should be prepared so that all users of the site are aware of the potential flood risks and can act appropriately in the event of flooding impacting the site. Additionally, I consider that a similar strategy is prepared in consultation with the Staffordshire Fire and Rescue Service. These can be added as conditions to be agreed prior to the operation of the site.

6.8.4 The Lead Local Flood Authority comments state, 'We are satisfied that the proposal for which the application for the original planning conditions is to be varied to similarly aligns with the original application. As such, the LLFA is satisfied with the proposals to this point and recommends that the following condition shall be attached to any approval notice'. This condition includes submission of a fully detailed surface water drainage scheme to be agreed with the Local planning Authority. The scheme would reduce the risk of surface water flooding to the development and properties downstream of the development for the lifetime of the development.

6.8.5 Severn Trent Water previously supported the proposed approach to dealing with water runoff and maintain their view here subject to the previous conditions being retained. The scheme proposes infiltration basins at the most downgradient contours from the battery storage and transformer compounds which would capture contaminated runoff from the site and include pollution capture membranes underneath. These would also be placed underneath the filter drains and battery storage/transformer compounds. Filtered water would then either infiltrate into the ground or be removed and appropriately disposed of by a management company.

6.8.6 Public representations raise concerns that water may drain into nearby watercourses to the west. However, the topography of the site slightly slopes north away from the river and canal and therefore drainage into a watercourse is unlikely.

6.8.7 It is noted that The Sustainable Drainage Systems (SuDS) incorporated within the proposed drainage strategy have been selected with the CIRIA SuDS Manual Simple Index Approach.

6.8.8 As a result, I am satisfied that the application deals with flooding and drainage in accordance with Core Strategy Policy EQ7, subject to the conditions set out within the consultee responses from the The Lead Local Flood Authority and Severn Trent Water.

6.9 Impact on Neighbouring amenity/Noise and Health

6.9.1 Core Strategy Policy EQ10 states that public, land uses and the natural environment will be protected from the actual or potential effects of hazardous or other activities likely to be detrimental to public health or amenity.

6.9.2 As set out within Policy EQ9 of the Core Strategy, new development should avoid harming the amenity of neighbouring properties and should not have any adverse impacts such as loss of privacy, loss of light or overlooking to neighbouring properties.

6.9.3 A number of objections have been received from the public raising concerns regarding the safety of the proposals and impacts on health. These include battery safety e.g., fire/explosion risk.

6.9.4 An updated Noise Impact Assessment has been submitted which shows that the cumulative impact of this application and 22/01193/VAR is low with the exception of receptor 10 (residential property 'Arawak' approx. 210m to the east of the Penn 2 site) which had a high impact similarly to the previous applications. As previously proposed, a 3.0m high acoustic grade fence is proposed around the battery element of the development to reduce the impact to 'low' for all receptor sites. A 'low' impact is classed as a noise level less than 5db above the background noise level and increases up to this level are unlikely to be noticeable.

6.9.5 The Council's Environmental Health Officer has reviewed the application and considers the updated noise report to be satisfactory. Any permission should include the previous conditions relating to the control of noise, dust and working hours during construction and operation to safeguard the amenity of residents.

6.9.6 The concerns regarding fire/explosion risk were addressed within the previous application. The applicant previously submitted a Battery Safety Management Plan setting out how the development would be managed from a fire safety risk mitigation perspective. The Council's Environmental Health Officer and Staffordshire Fire and Rescue Service have not raised any concerns in this regard. I am therefore satisfied with the approach to managing risk including the suggested conditions within the Battery Safety Management Plan which should be attached to any permission.

6.9.7 In conclusion, I consider that, subject to the above conditions, the proposal would not be harmful to the health/amenity of neighbours in accordance with Core Strategy Policy EQ10.

6.10 Other Matters

6.10.1 The Parish council response to the application considers that a new application should be submitted so the extra units and the extra impact on the local neighbourhood can be fully discussed.

The applications are submitted under section 73 of the Town and Country Planning Act 1990. A Section 73 application is an application for a fresh and independent planning permission without complying with one or more conditions from the original planning permission. In this case that condition is Condition No. 2 of the previous decision notice which relates to the approved plans. Whilst the focus is on the conditions, when determining a Section 73 application, the Local Planning Authority must still consider material planning considerations and policies as at the date of the new planning applications. The application is, for all intents and purposes, treated as a fresh application. The detailed consideration of the proposals as set out in the previous sections of this report reflects this.

6.10.1 Another matter that is raised in public comments received is an upcoming second reading (24th March) of a Private Members Bill (under the Ten Minute Rule) *named Lithium-Ion Battery Storage (Fire Safety and Environmental Permits) Bill*. The parliament.uk website states that ‘Ten Minute Rule bills are often an opportunity for Members to voice an opinion on a subject or aspect of existing legislation, rather than a serious attempt to get a bill passed...It is a good opportunity to raise the profile of an issue and to see whether it has support among other Members’.

6.10.2 The Bill proposes to reclassify lithium-ion battery storage facilities as hazardous so that the Environment Agency, the Health and Safety Executive and the fire and rescue services would be statutory consultees when planning applications are considered. Whilst they are not currently statutory consultees for this type of application, I have consulted them in any case and the responses are set out in Section 5 of this report. It is also noted that the applicant has submitted a Battery Safety Management Plan and any approval would include the following condition:

‘The site shall be operated in accordance with the technical and safety information within the submitted Outline Battery Safety Management Plan. This shall include approaching Staffordshire Fire and Rescue Service and Severn Trent to develop a Tactical Information Record for Lower Penn Battery Storage Facility 2; which will facilitate Fire and Rescue responders to the site with technical and tactical information about the site and best approaches in the event of a fire event. The Tactical Information Record shall include the avoidance of firefighting products (e.g. Aqueous Film Forming Foam) containing perfluoroalkyl and polyfluoroalkyl substances (PFAS) where possible. This shall be completed prior to the operation of the site’.

6.10.3 As the proposed consultees in the Bill have been consulted and there is no certainty that the Bill will progress or if it does how long the process would be or what effect it would have on this scheme, I do not consider that a delay to making a decision here is reasonable.

6.11 Human Rights

6.11.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with an individual’s rights under Article 8 of Schedule 1 to the Human Rights Act, which provides that everyone has the right to respect for their private and family life, home and correspondence. Interference with this right can only be justified if it is in accordance with the law and is necessary in a democratic society. The potential interference here has been fully considered within the report in having regard to the representations received and, on balance, is justified and proportionate in relation to the provisions of the policies of the development plan and national planning policy.

7. CONCLUSIONS

7.1.1 The proposed varying of Condition 2 (plans) of permission 22/00045/FUL results in inappropriate development (as before) and the impact on openness would be moderate until proposed planting is established, reducing to a limited impact in the medium/longer term. This harm by reason of inappropriateness and harm to openness is given substantial weight.

7.1.2 National policy advises that developments should be located where impacts are, or can be made, acceptable. I consider that the impacts can be made acceptable due to the location of the proposed development adjacent to an existing Penn Substation, together with the existing and proposed landscaping. Additionally, whilst the proposed development would be located at the site for a number of years, it is reversible and capable of being removed from the site.

7.1.3 The additional energy storage capacity provided here and the significance of such projects in supporting the governments national strategy of decarbonising the country's energy system, and that the impacts can be made acceptable, are sufficient to outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the proposal do exist and the scheme would not conflict with Core Strategy Policy GB1 or the Framework.

7.1.4 Subject to various conditions, the proposal to vary condition 2 of 22/00045/FUL is in accordance with the relevant policies of the South Staffordshire Core Strategy 2012, and the relevant provisions of the NPPF 2021.

8. RECOMMENDATION - APPROVE Subject to Conditions

Subject to the following condition(s):

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which the original permission was granted under permission 22/00045/FUL which is 29.09.2022.
2. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.
3. Before works above slab level, full details of facing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.
4. Before the commencement of any construction related activity on site, an Arboricultural Method Statement, providing comprehensive details of all underground service/utility runs, ground protection measures, 'No-Dig' construction types, construction methods within the Root Protection Areas of retained trees and a finalised Tree Protection Plan shall be submitted and approved in writing by the Local Planning Authority. Subsequently, all measures within the approved method statement and Tree Protection Plan shall be adhered to until all construction related activity has been completed.
5. The development hereby permitted shall not commence until the access to the site within the limits of the public highway has been completed in accordance with the approved plans
6. The development hereby permitted shall not be commenced until the access drive rear of the public highway has been surfaced and thereafter maintained in a bound material for a minimum distance of 20.0m back from the site boundary.
7. The development hereby permitted shall not be brought into use until the access drive, parking, servicing and turning areas have been provided in accordance with the approved plans.
8. The development hereby permitted shall not be commenced until an off-site traffic management scheme comprising of;

- Means of safe passage of all construction traffic to the site.
 - adequate signage.
 - Means of preventing deleterious material from being deposited upon the highway.
- Has been submitted to and approved in writing by the Local Planning Authority. The approved traffic management scheme shall thereafter be implemented prior to any works commencing on site.

9. Before any construction works hereby permitted are commenced, a Construction Environment Management Plan (CEMP) and Habitat Management Plan (HMP) detailing, in full, measures to protect existing habitat during construction works and the formation of new habitat to secure net gain of the site's Biodiversity Value, shall be submitted to and approved in writing by the Local Planning Authority. Within the CEMP/HMP document the following information shall be provided: Construction phase lighting, Reasonable Avoidance Measures, Method Statements for Reptiles and amphibians, nesting birds, badgers and hedgehogs, descriptions and mapping of all exclusion zones (both vehicular and for storage of materials) to be enforced during construction to avoid any unnecessary soil compaction on area to be utilised for habitat creation; Details of both species composition and abundance where planting is to occur; Proposed management prescriptions for all habitats for a period of no less than 25 years; Assurances of achievability; Timetable of delivery for all habitats; and A timetable of future ecological monitoring to ensure that all habitats achieve their proposed management condition as well as description of a feed-back mechanism by which the management prescriptions can be amended should the monitoring deem it necessary. All ecological monitoring and all recommendations for the maintenance/amendment of future management shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken and thereafter maintained in accordance with the approved CEMP and HMP.
10. The approved CEMP and HMP, cumulatively with Field at Penn 1 site (ref 22/01193/VAR) shall deliver a minimum Biodiversity Net Gain of 8.94%, as measured by the Defra Biodiversity Metric, with the baseline established by the Preliminary Ecological Appraisal (Harris Lamb, July 2021).
11. Prior to commencement of any site works, submission of a pre-commencement badger survey to be agreed by the local planning authority and thereafter the development shall be carried out in accordance with the agreed survey.
12. Prior to operation of the development the applicant shall install acoustic mitigation, designed specifically to mitigate the frequencies emitted by the plant and equipment. The proposed solution is to be approved by the Local Planning Authority prior to installation and once installed, shall thereafter be maintained for the life of the development.
13. No development shall take place until a fully detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:
 - Surface water drainage system(s) designed in full accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (SuDS), (DEFRA, March 2015).
 - Sustainable Drainage Systems designed and implemented in full concordance with the Staffordshire County Council (SCC), SuDS Handbook.
 - Provision of evidence of compliance with the principles of the drainage hierarchy, as described in Part H of the Building Regulations. Satisfactory evidence of fully compliant infiltration testing in full

accordance with BRE 365 best practice guidance, in order to confirm or not as to the viability of infiltration as a means of surface water discharge.

- SuDs designed to provide satisfactory water quality treatment, in accordance with the CIRA C753 SuDS Manual Simple Index Approach and SuDs treatment design criteria.

Mitigation indices are to exceed pollution indices for all sources of runoff.

- Limiting any off-site conveyance of surface water discharge from the site to the rate generated by all equivalent rainfall events up to 100 year plus (40%) climate change in accordance with the guidance in the SCC SuDs Handbook. Provision of appropriate surface water runoff attenuation storage to manage all surface water discharge on site. Detailed design (plans, network details and full hydraulic modelling calculations), in support of any surface water drainage scheme, including details on any attenuation system, SuDS features and the outfall arrangements. Calculations should demonstrate the performance of the designed system and attenuation storage for a range of return periods and storm durations, to include, as a minimum, the 1:1 year, 1:2 year, 1:30 year, 1:100 year and the 1:100-year plus (40%) climate change return periods.

- Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system. Finished floor levels to be set higher than ground levels to mitigate the risk from exceedance flows.

- Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained for the lifetime of the development. To include the name and contact details of the party(/ies) or body(/ies) responsible.

The development shall thereafter proceed in accordance with the approved details.

14. The applicant and developer are to ensure that the management and control of surface water (as agreed under Condition 12) are in place as part of any temporary works associated with the permanent development, to ensure that flood risk is not increased prior to the completion of the approved drainage strategy and flood risk assessment.
15. Prior to occupation, a lighting design strategy for biodiversity for shall be submitted to and approved in writing by the local planning authority. The strategy shall:
 - a) identify those areas/features on site that are particularly sensitive for bat species and that are likely to cause disturbance along routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the approved specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy throughout the life of the development. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

16. Prior to operation of the site, details to be submitted of the type and location of 3 number bird boxes and 3 number bat boxes to be installed on retained trees.

17. Prior to operation of the site, a proactive maintenance schedule for all aspects of the operational plant and equipment shall be provided, in accordance with the manufacturer's instructions. This schedule shall be followed throughout the lifetime of the plant and equipment to ensure the efficient operation of the plant, and records of relevant maintenance kept for inspection if requested.
18. Prior to operation, a SuDS Operations and Maintenance Plan shall be submitted to and approved by the Local Planning Authority. This shall include installation of pollution capture membranes beneath the infiltration swales, filter drains and battery storage/transformer compounds. Following a fire/contamination event, the impacted areas of the site shall be removed and replaced (i.e., dig out contaminated swales, gravel and membranes). Thereafter the development shall be carried out in accordance with the Approved SuDS and Maintenance Plan.
19. The site shall be operated in accordance with the technical and safety information within the submitted Outline Battery Safety Management Plan. This shall include approaching Staffordshire Fire and Rescue Service and Severn Trent to develop a Tactical Information Record for Lower Penn Battery Storage Facility 2; which will facilitate Fire and Rescue responders to the site with technical and tactical information about the site and best approaches in the event of a fire event. The Tactical Information Record shall include the avoidance of firefighting products (e.g. Aqueous Film Forming Foam) containing perfluoroalkyl and polyfluoroalkyl substances (PFAS) where possible. This shall be completed prior to the operation of the site.
20. Prior to operation of the development, a landscape scheme, detailing native species planting / seed mixes and how these will be managed via a Landscape Ecological Management Plan or similar, shall be submitted to the Local Planning Authority for approval. All measures within the approved landscaping / tree planting scheme, including aftercare provision, shall be implemented within 6 months of completion of construction related activity and maintained as specified. Any trees that die or become unsuitable for retention within 5 years of the initial planting date will be replaced on a like for like basis.
21. No tree shall be removed without a bat roost assessment which must be submitted to the Local Planning Authority for approval.
22. The noise level from the operation of the battery storage plant and associated plant and machinery between the hours 07:00 and 23:00 shall not exceed 39dB L(A)eq 1-hour as measured 1m from the boundary of nearest residential receptors. The noise level from the operation of the battery storage plant and associated plant and machinery between the hours 23:00 and 07:00 shall not exceed 35dB L(A)eq 15-minute as measured 1m from the boundary of nearest residential receptors.
23. Operational hours of any demolition and construction activity, including vehicle movements to and from the site are restricted to 0800 to 1800 Monday to Friday and 0800 to 1300 Saturday, and at no time on Sundays or Bank and Public Holidays.
24. No development shall take place until mitigation details for dust arising from construction activities have been submitted to and approved by the Local planning Authority.
25. The planning permission hereby granted is for a period of 35 years and 6 months after the date the development is first operational as an energy storage site, notice of which will be supplied in writing to the Local Planning Authority within 14 days. When the use shall cease and the batteries, transformer units, inverters, all associated structures and fencing approved and landscaping initially required to mitigate the landscape and visual impacts of the development shall be removed.

A Decommissioning Method Statement to be submitted and approved by the Local planning Authority at least 12 months prior to the expiry of the planning permission. The scheme shall include a programme of works to remove the batteries, transformer units, inverters, all associated structures and fencing. The developer shall notify the Local Planning Authority in writing no later than twenty working days following cessation of import/export electricity to the grid for energy storage use. The site shall subsequently be restored in accordance with the submitted scheme and timescale, to be within 12 months of cessation of use.

If the development ceases to import/export electricity to the grid and operate as an energy storage facility for a continuous period of 24 months, then a scheme shall be submitted to the Local Planning Authority for its written approval for the removal of the batteries, transformer units, inverters, all associated structures and fencing and the restoration of the site to agricultural use. The approved scheme of restoration shall then be fully implemented within 6 months of that written approval being given.

If within 12 months of completion of the development, no operational use has commenced the batteries, transformer units, inverters, all associated structures and fencing approved shall be dismantled and removed from the site in accordance with Decommissioning Method Statement to be submitted and approved by the Local planning Authority.

If a permanent cessation of construction works occurs for a period of 6 months prior to completion and the battery facility coming into operational use, the batteries, transformer units, inverters, all associated structures and fencing approved shall be dismantled and removed from the site in accordance with Decommissioning Method Statement to be submitted and approved by the Local planning Authority.

Reasons

1. The reason for the imposition of these time limits is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In order to define the permission and to avoid doubt.
3. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
4. To protect the existing trees on the site during construction work in accordance with policy EQ12 of the adopted Core Strategy
5. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
6. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
7. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
8. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.

9. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
10. In order to provide ecological enhancements in accordance with EQ1 of the adopted Core Strategy.
11. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
12. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
13. To reduce the risk of surface water flooding to the development and properties downstream of the development for the lifetime of the development.
14. To reduce the risk of surface water flooding to the development and surrounding properties during construction.
15. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
16. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
17. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
18. To avoid pollution of the water environment in accordance with policy EQ7 of the adopted Core Strategy.
19. To ensure that all safety concerns around the facility are addressed in so far as is reasonably practicable.
20. To safeguard the amenity of the area and build biodiversity into the development scheme in accordance with policy EQ11, EQ1 and EQ4 of the adopted Core Strategy.
21. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
22. To protect the amenity of neighbouring residents so they can use their gardens and homes without undue disturbance from any noise associated with the operations, plant and equipment in accordance with policy EQ9 of the adopted Core Strategy.
23. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
24. To prevent dust being emitted across the site boundary during dry periods safeguarding the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
25. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.

Proactive Statement - In dealing with the application, the Local Planning Authority has approached decision making in a positive and creative way, seeking to approve sustainable development where possible, in accordance with paragraph 38 of the National Planning Policy Framework, 2021.

INFORMATIVES

Highways Authority

The new access shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application Form. Please complete and send to the address indicated on the application Form or email to (nmu@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.
<https://www.staffordshire.gov.uk/transport/staffshighways/highwayscontrol/HighwaysWorkAgreements.aspx>

Great Crested Newts

The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstruct access to a resting or sheltering place. Planning approval for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.

Western Power Distribution

Western Power Distribution (WPD) has Extra High Voltage (EHV) (132kV) network installed on this site. WPD MUST be contacted in all instances for safety guidance, proximity clearances and clear working methodologies related to locating equipment and safe working practices prior to any physical (or survey) works at this site. Any alteration, building or ground works proposed within 50 meters of any network, apparatus or equipment that may or may not directly affect cables or conductors, must be notified in detail to Western Power Distribution. For further information contact - Western Power Distribution, Tipton Projects Team, Toll End Road, Tipton, West Midlands, DY4 0HH or via telephone on: Emergency contact number (West): 0330 123 5008 General Enquiries: 0845 724 0240. WPD accepts no responsibility for works undertaken by any party on this site without written prior consent from an authorised WPD employee (approval subject to submission of working method statements and compliance with network safety requirements. All attendees on this site are advised and encouraged to familiarise themselves with ENA GS6 (Avoidance of Danger from Overhead Lines) prior to taking site access.

When working in proximity to overhead lines, the minimum statutory clearances required, are shown in the table below for the voltage to which the line is designed. In order to allow for construction tolerances and compliance with HSE Note of Guidance, WPD strongly recommend that clearances are increased to the figures shown in the right hand column.

Description of Clearance	Minimum Clearance from 132kV Lines (Meters)	Recommended Clearances from 132kV Lines (Meters)
Line Conductors to Ground (other than a road)	6.7	7.0
Line Conductors to road surface (not a high load route or motorway)	6.7	7.3
Line Conductor to building or other structure	3.6	6.6
Line conductor to plant during construction	3.2*	-

*Any part of the barrier required by HSE GS6 which may be stood on must be at least 3.6m from the conductors.

The use of any plant that is capable of extending and infringing Clearance to the conductors must be strictly controlled. Any plant working beneath or immediately to the side of the conductors must not be capable of extending above 4m and must have the appropriate restrictors fitted to prevent inadvertent contact with the overhead Conductors.

Please note that the overhead conductors are live at 132,000 volts.

Staffordshire Police

I support the intention to install CCTV in these proposals. I recommend that vulnerable areas are covered and where possible alarmed. Views from boundary corners and down straight lengths of the boundary should be considered. Where privacy requirements allow, this should include vehicle and pedestrian access points for both sites.

I recommend that the Customer Switchroom and Control Building, DNO Control Room and any other vulnerable structures are protected by Monitored Alarm Systems to BS EN 50131-1:1997 Grade 3 and BS 8418 with a unique reference number aimed at achieving Police Response.

1.1 Alarm System and CCTV.

I recommend that the Customer Switchroom and Control Building, DNO Control Room and any other vulnerable structures are protected by Monitored Alarm Systems to the following standards with a unique reference number aimed at achieving Police Response.

Secured By Design Commercial Developments 2015.
Section 64 Intruder alarms systems.

Section 64.1 (Security Systems Policy and Police Response)

A suitably designed, fit for purpose, monitored intruder alarm system must be installed. For police response, the system must comply with the requirements of the Security Systems policy, which can be found at www.securedbydesign.com

Section 64.2 (Loss Prevention Certification Board component requirements)

System designers may wish to specify component products certificated to the following standards:

LPS 1602 Issue 1.0: 2005 Requirements for LPCB Approval and Listing of Intruder Alarm Movement Detectors
LPS 1603 Issue 1.0: 2005 Requirements for LPCB Approval and Listing of Alarm Control Indicating Equipment

I support the intention to install CCTV in these proposals. I recommend that vulnerable areas are covered and where possible alarmed. Views from boundary corners and down straight lengths of the boundary should be considered. Where privacy requirements allow, this should include vehicle and pedestrian access points for both sites.

Section 49 Closed circuit television (CCTV).

Section 49.1 (As part of a Security Plan and Security Management)

CCTV is not a universal solution to security problems. It can help deter vandalism or burglary and assist with the identification of offenders once a crime has been committed, but unless it is monitored continuously and appropriately recorded, CCTV will be of limited value in relation to the personal security of staff and visitors. That being said, the provision and effective use of CCTV fits well within the overall framework of security management and is most effective when it forms part of an overall security plan.

Section 49.3

The CCTV system must have a recording capability, using a format that is acceptable to the local police. The recorded images must be of evidential quality if intended for prosecution. Normally this would require a full 'body shot' image of a suspect. It is recommended that fixed cameras are deployed at specific locations for the purpose of obtaining such identification shots. An operational requirement must take account of this fact and decisions made as to what locations around the building are suitable for obtaining this detail of image. The recording of vehicle licence plates may also be practical and useful.

Section 49.4 (Matters requiring discussion with installer)

Whilst the location of cameras is a site specific matter it would be normal practice to observe the main entrance to the premises and the reception area. Early discussions with an independent expert and potential installers can resolve a number of matters including:

- monitoring and recording requirements
- activation in association with the intruder alarm
- requirements for observation and facial recognition/identification
- areas to be monitored and field of view
- activities to be monitored
- the use of recorded images
- maintenance of equipment and the management of recording
- subsequent ongoing training of Operatives

Section 49.5 (Required Minimum Standard for installation)

CCTV systems must be installed to BS EN 50132-7: 2012+A1:2013 CCTV surveillance systems for use in security applications

Section 49.6 (Lighting must support the proposed CCTV system)

The design of a CCTV system should be co-ordinated with the existing or planned lighting system for the buildings and the external grounds, to ensure that the quality of the lighting is sufficient to support the CCTV.

Section 49.8 (Data Protection, Human Rights and Information Commissioners registration)

CCTV systems may have to be registered with the Information Commissioner's Office (ICO) and be compliant with guidelines in respect to Data Protection and Human Rights legislation. Further information is available at this website: www.ico.gov.uk

Section 49.9 (CCTV Management and Operation Code of Practice and Best Practice in relation to use of data as evidence)

For guidance on the use of CCTV images as legal evidence see also BS 7958: 2009 Closed circuit television (CCTV). Management and operation. Code of practice. This document provides guidance and recommendations for the operation and management of CCTV within a controlled environment where data that may be offered as evidence is received, stored, reviewed or analysed. It assists owners of CCTV systems to follow best practices in gaining reliable information that may be used as evidence.

Section 49.10 (Installation standard for detector operated systems)

Remotely monitored detector activated CCTV systems must be installed in accordance with BS 8418: 2015 Installation and remote monitoring of detector operated CCTV systems - Code of practice

1.2 Proposed Security Fence.

I support the intention to install a Palisade fence to a height of 2.4m. This boundary should be manufactured and installed to LPS 1175 Security Rating 1.

Secured By Design. Commercial 2015.

Note 43.16: The above LPS standard (LPS 1175 Security Rating 1) relates to both the height and penetrative resistance of the fence i.e. SR 3 is substantially more resistant to penetration than SR1. Such penetrative resistance may not always be required even though a height of 2.4m is necessary. In such circumstances, SBD will allow the extension in height of a certificated SR 1 fence.

Section 43.17 All fencing systems and gates as described in paragraphs 43 and 44 (Secured By Design. Commercial 2015) must be installed by the manufacturer or to the exact installation specifications provided by the manufacturer. BS 1722 offers installation advice. Consideration must be given to the provision of a strip foundation if there is a perceived risk of the fence being bypassed or undermined by the removal of substrate, guidance is also provided in BS 1722.

This fencing must be installed by the manufacturer or to the exact installation specifications provided by the manufacturer. BS 1722 offers installation advice.

Gates.

All gates installed within a secure fencing system as described above must be certificated to the same standard as the adjoining fencing and be of the same height and similar style. It should not be possible to lift the gate from its hinges, and the hinges and lock cylinder should be protected in such a way as to prevent their use as climbing aids.

Care should also be taken in the design to ensure that cross sections do not inadvertently aid climbing. It should not be possible to pass under the gate when in the closed position.

Note: If gates are installed with locks that are remotely operated, they must form part of the manufacturer's Secured By Design certificated range.

1.3 Lighting (Recommended minimum guidance)

The proposed lighting layout should be aimed at removing opportunities for criminals to act unobserved during the hours of darkness. The entire site should be illuminated, with higher lighting levels provided for vulnerable areas. This is of greater importance where this lighting is intended to support CCTV. Note: Taking into account the location and the use of CCTV, motion sensor activated lighting is probably the most appropriate lighting for these proposals.

Secured By Design. Commercial (2015 V2).

Security Lighting. Section 39. External Lighting.

Section 39.2 In terms of security, the objective of lighting commercial units after dark is to deter or detect an intruder (See Section 2 paragraphs 48 for standards and values).

Section 39.3 Lighting design should be co-ordinated with a CCTV installation (when specified) and the landscape designed to avoid any conflicts and to ensure that the lighting is sufficient to support a CCTV system. Light fittings should be protected where vulnerable to vandalism.

39.4 A lighting scheme should provide uniformed lighting levels with good colour rendition and be sufficient to cater for lawful after dark activity around the industrial or warehouse unit and site. It should not cause glare or light pollution and should support both formal and informal surveillance of the site.

Section 39.5 External illumination when the building is unoccupied is recommended for entrance gates and routes to the main entrance and doors, car parks (if occupied by vehicles) and observable building elevations.

Section 39.6 In some circumstances, and especially where security guards are monitoring the building from outside, it may be useful to direct lighting at the building to aid intruder detection.

Section 39.7 The use of bollard lights may be useful for way finding, however bollard lights fail to properly model the facial features of pedestrians and are vulnerable to vandalism and vehicle collision. Therefore, their use for security purposes is discouraged.

Section 48. External lighting standard requirements.

Section 48.1 All street lighting for both adopted highways and footpaths, private estate roads and footpaths and car parks must comply with BS 5489-1:2013.

Section 48.2 Landscaping, tree planting and lighting schemes shall not be in conflict with each other.

2. Further Information.

Please note that relevant help and information may be gained from the following web sites:

www.securedbydesign.com

(The official Police Security Initiative and Police Preferred Specified security product scheme).

www.gov.uk/data-protection

(Online notification of CCTV schemes, Data Protection Principles and relevant Codes Of Practice).

www.bsi-global.com

(Standards, Training, Testing, Assessment and Certification).

www.bregroup.com

(Offer quality of performance and protection certification for fire, security and environmental products and services).

www.nsi.org.uk

(Independent UKAS-accredited certification body in the security and fire sector).

www.ico.gov.uk

(Independent authority upholding information rights in the public interest and data privacy for individuals).

Staffordshire Fire and Rescue Service

FIRE MAINS, HYDRANTS AND VEHICLE ACCESS

Appropriate supplies of water for fire fighting and vehicle access should be provided at the site, as indicated in Approved Document B Volume 2 requirement B5, section 15 and 16.

I would remind you that the roads and drives upon which appliances would have to travel in order to proceed to within 45 metres of any point within the property, should be capable of withstanding the weight of a Staffordshire firefighting appliance G.V.W. of 17800 Kg.

AUTOMATIC WATER SUPPRESSION SYSTEMS (SPRINKLERS)

I wish to draw to your attention Staffordshire Fire and Rescue Service's stance regarding sprinklers. Staffordshire Fire & Rescue Service (SFRS) would strongly recommend that consideration be given to include the installation of Automatic Water Suppression Systems (AWSS) as part of a total fire protection package to:

- Protect life, in the home, in business or in your care.
- Protect property, heritage, environment and our climate;
- Help promote and sustain business continuity; and
- Permit design freedoms and encourage innovative, inclusive and sustainable architecture.
- Increase fire fighter safety
- The use of AWSS can add significant protection to the structural protection of buildings from damage by fire.

Without this provision, the Fire and Rescue Service may have some difficulty in preventing a complete loss of the building and its contents, should a fire develop beyond the stage where it cannot be dealt with by employees using first aid fire fighting equipment such as a portable fire extinguisher.

SFRS are fully committed to promoting Fire Protection Systems for both business and domestic premises. Support is offered to assist all in achieving a reduction of loss of life and the impact of fire on the wider community.

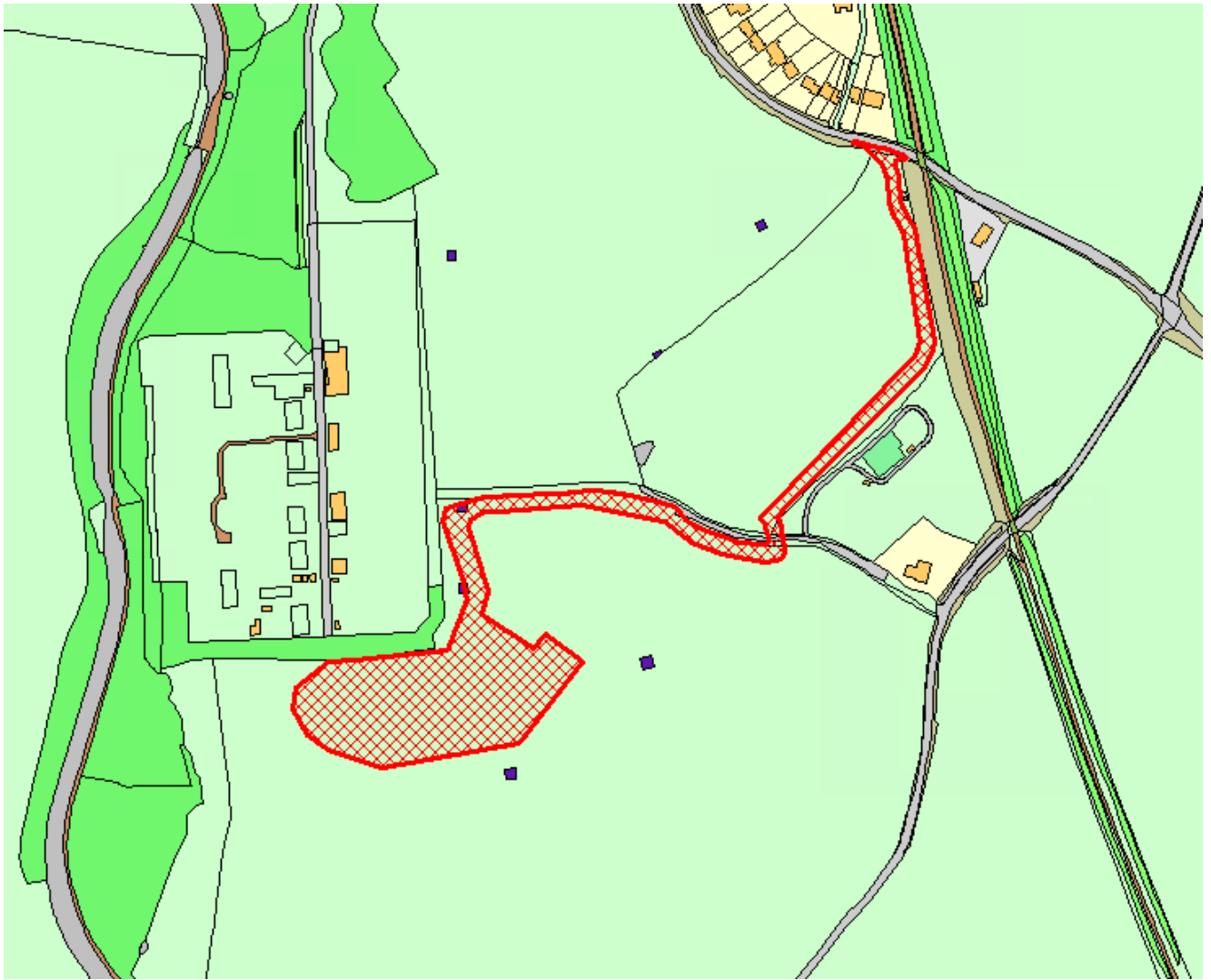
Early consultation with the Fire Service when designing buildings which incorporate sprinklers may have a significant impact on reducing financial implications for all stakeholders.

Further information can be found at www.bafsa.org.uk- the website of the British Automatic Fire Sprinklers Association Ltd.

Plans on which this Assessment is based

Plan Type	Reference	Version	Received
Location Plan	P1900-01G	REV G	28 December 2023
Network Overall Layout	EPC-0339-PL-C-LA-OSL-02	REV 3	28 December 2023
Fence and Gate Elevations	EPC-0339-C-E-LA-FG	REV 0.3	28 December 2023
Auxiliary Transformer Plan and Elevations	EPC-0339-C-E-LA-ATX	REV 0.2	19 January 2023
Battery Unit Plans and Elevations	EPC-0339-C-E-LA-BATT	REV 0.4	19 January 2023
Customer Switchgear and Control Room Elevations	EPC-0339-C-E-LA-CCR	REV 0.4	19 January 2023
Twin Skid Unit Plans and Elevations	EPC-0339-C-E-LA-PCS	REV 0.4	19 January 2023
Flood Risk Assessment	PBS2-BWB-ZZ-XX-RP-YE-0001_FRA		4 January 2023
Noise Impact Assessment & Appendix A-D			4 January 2023
Landscape and Visual Appraisal			28 December 2022

Landscape Mitigation Strategy Plan	21111-105	C	6 March 2023
Ecology Update	15122022		28 December 2022
Biodiversity Metrics			4 January 2023



Field At (Penn 2), Penstone Lane, Lower Penn

SOUTH STAFFORDSHIRE COUNCIL

PLANNING COMMITTEE – 28th March 2023

Planning Performance report

REPORT OF THE LEAD PLANNING MANAGER

PART A – SUMMARY REPORT

1. SUMMARY OF PROPOSALS

1.1 This report has been updated to be reflective of the current and most relevant issues.

1.2 A monthly report to ensure that the Committee is kept informed on key matters including:

1.3 Monthly Updates on:

- Procedural updates/changes
- Proposed member training
- Monthly application update
- Update on matters relating to Department for Levelling Up, Housing and Communities (DLUHC)
- Any recent Planning Appeal Decisions

1.4 Quarterly Updates on:

- The latest data produced by the Department for Levelling Up, Housing and Communities (DLUHC)

2. RECOMMENDATION

2.1 That Committee notes the content of the update report.

3. SUMMARY IMPACT ASSESSMENT

POLICY/COMMUNITY IMPACT	Do these proposals contribute to specific Council Plan objectives?	
	Yes	
	Has an Equality Impact Assessment (EqIA) been completed?	
	No	
SCRUTINY POWERS APPLICABLE	Report to Planning Committee	
KEY DECISION	No	

TARGET COMPLETION/ DELIVERY DATE	28 th March 2023	
FINANCIAL IMPACT	No	There are no direct financial implications arising from this report.
LEGAL ISSUES	No	Any legal issues are covered in the report.
OTHER IMPACTS, RISKS & OPPORTUNITIES	No	No other significant impacts, risks or opportunities have been identified.
IMPACT ON SPECIFIC WARDS	No	District-wide application.

PART B ADDITIONAL INFORMATION

Monthly Updates

4. Procedure updates/changes

- 4.1 Fees for pre-applications enquires will be rising by 5% for all application types (excluding householder pre-application enquiries). This is necessary to reflect the level of officer time being put into these enquiries and still ensure we are reflective of charges within the Staffordshire region. This Fee increase will com in from 1st May 2023 and will be advertised on the Council's website and social media channels from week commencing 3rd April 2023.
- 2.1 From week commencing 3rd April 2023 officer will no longer be sending out a notification to members to advise that applications will be refused. This part of the process is not a constitutional requirement and has been carried out as a matter of custom and practice. As it is carried out at the end of the application assessment it adds delay to the determination process.

5. Training Update

- 5.1 Planning Services has recently undertaken Parish training for legal agreements and S106 money. These were well attended and the mandatory nature of the training was understood by attendees.
- 5.2 Mandatory "Planning Committee" training will be scheduled for 25th May 2023. This will be for new and existing planning committee members
- 5.3 Planning Advisory Service will be offering members training on Planning Committee process and procedures. This has been scheduled for a full day on the 7th June 2023.

6. Monthly Planning Statistics

February 2023	
Applications received	101
Application determined	65
Pre-application enquiries received	7
Pre-application enquiries determined	14

7. Update on matters relating to Department for Levelling Up, Housing and Communities (DLUHC)

- 7.1 Levelling -up and Regeneration Bill: Reforms to National Planning Policy. This consultation closed on the 2nd March 2023 and the Authority made representations to the proposed changes. Feedback from for consultation is still being analysed.
- 7.2 Currently compiling a response “Increasing planning fees and performance: technical consultation”. This report will be presented to CLT and informal cabinet in due course, response due 23rd April 2023.

8. Appeals

- 8.1 This section provides a summary of appeals decision received since the last report. Appeal decision letters are contained within appendix 1

8.2 **Planning reference:** 22/00434/VAR

Site Address: Kings Lodge, Bridgnorth Road, Staffordshire, Stourton DY7 5BJ

Date of Inspectors Decision: 16.01.2023

Decision: Dismissed (Appendix 1)

This appeal related to the variation of conditions 2 (plan numbers) and 3 (matching materials) with regards to planning approval 18/00375/FUL. This application was approved by officers on the 21st August 2018 and related to rebuild an existing dwelling with extensions and modifications.

The main issue was:

- the effect that varying conditions 2 and 3, as imposed on permission reference 18/00434/VAR, would have on character and appearance.

The proposed variation would have altered the finished appearance of the dwelling to one that would be more of a contemporary appearance. Officer considered this inappropriate in design terms with regards to both the original building and surrounding area. The original design reflected traditional features of the existing dwelling which was considered to be an appropriate design approach. The Inspector noted “The appearance of the resulting building would no longer reflect the original dwelling and would not, unlike the permitted replacement, be sympathetic to its character and appearance as a result of the loss of traditional features and their replacement with more contemporary ones. Moreover, given its somewhat prominent siting, the changes to the appearance of the replacement building would be visible in public views and consequently affect the way in which it would be experienced and contribute to, the character and appearance of the wider area. Given there is an extant permission for a high-quality design, I find that the proposal before me would materially diminish the quality of the development and would, as a result, be unacceptable.”

8.3 Planning Reference: 21/01333/FUL
Site Address: The Hayloft, Fairfiled Lane, Otherton ST19 5NX
Date of Inspectors Decision: 24.01.2023
Decision: Dismissed (Appendix 2)

This was a planning appeal against the refusal of planning permission for a detached single storey dwelling with detached garage.

The main issues were:

- Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- Whether the appeal site is a suitable location for the development proposed, having regard to local and national policy relating to, accessibility to services, and reliance on private motor vehicles;
- The effect on flooding;
- The effect of the proposal on the character and appearance of the area; and
- Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

The application was refused by officers who expressed concerns that the development was inappropriate development in the Green Belt as it did not constitute “infill” development. The Inspector agreed with this view noting “The site is within a group of buildings to the rear of two properties and is accessed from Fairfield Lane via a shared driveway. It is not, therefore, a gap between buildings that form a built-up frontage to Fairfield Lane. Accordingly, whilst limited in scale, the proposal is at odds with the definition of limited infilling as set out in CS Policy GB1. It does not, therefore, constitute ‘limited infilling’.” The Inspector also noted that the development would result in a loss of openness to the Green Belt, would not represent an accessible development in a rural area and does not provide enough benefits to amount to any very special circumstances to outweigh the harm.

The Inspector did agree with the Counsel that the proposed development would be detrimental to the character and appearance of the area or that there would be a risk to the development from surface water flooding. The inspector noted “The existing dwellings are predominantly of brick and render construction, although there are examples of wood clad buildings in the area. The introduction of a timber framed and wooden clad dwelling of a contemporary design and comparable scale and massing would not be a visually incongruous addition to the area and would not appear out of place”. The inspector was not persuaded with the information submitted that a flood risk assessment should have formed part of the application.

- 8.4 **Planning Reference:** 21/00871/TTREE
Site Address: 62 Suckling Green Lane
Date of Inspectors Decision: 26.01.2023
Decision: Dismissed (Appendix 3)

This appeal related to the felling of a Beech tree.

The main issues were:

- the effect of the proposed felling of the tree on the character and appearance of the area; and whether or not the reasons given provide sufficient justification for its felling.

The proposed felling of the tree was refused by the Councils Arboricultural Officer as insufficient grounds to justify its loss. The Inspector agreed with the Council noting "With any application to fell a protected tree, a balancing exercise needs to be undertaken. The essential need for the works applied for must be weighed against the resultant loss to the amenity of the area. In this case, the felling of the tree would result in considerable harm to the character and appearance of the area and, in my judgement, notwithstanding any stress unfortunately caused to the appellant, her family or interested parties, insufficient justification has been demonstrated for the tree's proposed felling".

- 8.5 **Planning Reference:** 22/00193/FUL
Site Address: The Farm Shop, Wrottesley Park Road, Perton, Staffordshire WV6 7HL
Date of Inspectors Decision: 26.01.2023
Decision: Dismissed (Appendix 4)

This appeal related to the siting of shipping containers. Some of the containers had already been installed upon the site so this was considered to be part retrospective.

The main issues were:

- Whether the development is inappropriate development in the Green Belt, including its effect on openness, having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies;
- The effect of the development on the character and appearance of the surrounding area; and
- If inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

This application was refused by officer based on conflict with Green Belt policy. The Inspector supported the officer's view that the development represented inappropriate development in the Green Belt and that no very special circumstances exist to justify granting planning permission. There would be harm to the character and appearance of the area and on the openness of the Green Belt.

8.6 Planning Reference: 22/00451/FUL

Site Address: 2 Longridge Farm, Levedale Road, Longridge, Stafford ST18 9AL :

Date of Inspectors Decision: 6.01.23

Decision: Dismissed (Appendix 5)

The proposal was for a proposed rear garden room.

The main issues were:

- Effect of the proposal on the character and appearance of the area with particular regard to the host property as a non-designated heritage asset.

The inspector agreed with the Council that the increase in floor area would be proportionate within the open countryside setting but also that the scale and design of the proposed garden room would be incongruous and have an unbalancing impact on the host property. The inspector noted “in my judgement the garden room would be incompatible with and would detract from the simplicity of the existing structure. It would be harmful to the agricultural character of the property and the wider building group and hence the significance of the property as a non-designated heritage asset.

9. Quarterly Updates

9.1 Planning Statistics from DLUHC

Description	Target	Q1 April-June	Q2 July- September	Q3 October- December	Q4 January- March	Cumulative
22-23 Major	60%	75%	100%	100%		93% (to date)
21-22 Major		100%	100%	100%	85%	93%
20-21 Major		100%	75%	100%	90%	93%
22-23 Minor	70%	89%	90%	86%		88% (to date)
21-22 Minor		82%	84%	81%	89%	84%
20-21 Minor		80%	93%	70%	72%	78%
22-23 Other	70%	93%	96%	96%		95% (to date)
21-22 Other		88%	87%	83%	87%	86%
20-21 Other		85%	95%	87%	82%	87%

Starts for the rolling 24 month to September 2022

Total (overall) -	87%
Major -	93%
Minor -	82%
Other -	89%

This category includes Adverts/Change of Use/Householder/Listed Buildings.

Position in National Performance Tables

Majors	113 th from 329 authorities
Non-Major	165 th from 329 authorities

Report prepared by:

Helen Benbow

Development Management Team Manager

Appeal Decision

Site visit made on 29 November 2022

by Samuel Watson BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2023

Appeal Ref: APP/C3430/W/22/3303046

Kings Lodge, Bridgnorth Road, Staffordshire, Stourton DY7 5BJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Andrew Jay against the decision of South Staffordshire District Council.
- The application Ref 22/00434/VAR, dated 9 May 2022, was refused by notice dated 24 June 2022.
- The application sought planning permission to rebuild existing dwelling with extensions and internal modifications without complying with conditions attached to planning permission Ref 18/00375/FUL, dated 21 August 2018.
- The conditions in dispute are Nos 2 and 3 which state that:
 - (2) The development shall be carried out in accordance with the approved drawings: Project no. 17-110-5, 6A, 7A and 8A received on 01/05/2018.
 - (3) The materials to be used on the walls and roof of the extension shall match those of the existing building unless otherwise agreed in writing by the Local Planning Authority.
- The reasons given for the conditions are:
 - (2) In order to define the permission and to avoid doubt.
 - (3) To safeguard the visual amenity of the area and the existing building in particular in accordance with policy EQ11 of the adopted Core Strategy.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect that varying conditions 2 and 3, as imposed on permission reference 18/00434/VAR, would have on character and appearance.

Reasons

3. The appeal site is a large spacious plot off Bridgnorth Road, it contains two detached buildings, the appeal building to the front and a long liner building towards the rear. The site is located within a rural setting interspersed with sporadic development. At time of visit works were underway on the host dwelling, they appeared to be a significant way along.
4. Although only limited details have been provided for the now replaced dwelling, I understand that it was built in red sandstone ashlar and was of a traditional style. Given its positioning, and the relatively low and open boundary treatment along the frontage, it would have been a prominent and modestly

interesting feature in public views. I am mindful that it was not statutorily listed or otherwise designated.

5. The extant permission¹, that this proposal would amend, would have resulted in the replacement of the original building with a larger one that reflected some of the traditional features and incorporated more modern ones too. I note in particular the archways over the front porch, as well as over the north and south gables. Moreover, as part of this, the ashlar blocks taken from the original dwelling would have, in part, been reused. In my mind therefore, the extant permission is for a high-quality dwelling that makes use of vernacular materials and traditional features that are characteristic of the area.
6. Paragraph 135 of the National Planning Policy Framework (the Framework) states that "Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to the approved details such as the materials used)".
7. The proposal before me does not include the more traditional features noted above, and instead relies primarily upon very contemporary design cues. Of particular note are the half-rooflights across the west elevation, the significant wall of glazing in the northern gable, and the use of timber cladding and render to replace the proposed stonework. The appearance of the resulting building would no longer reflect the original dwelling and would not, unlike the permitted replacement, be sympathetic to its character and appearance as a result of the loss of traditional features and their replacement with more contemporary ones. Moreover, given its somewhat prominent siting, the changes to the appearance of the replacement building would be visible in public views and consequently affect the way in which it would be experienced and contribute to, the character and appearance of the wider area. Given there is an extant permission for a high-quality design, I find that the proposal before me would materially diminish the quality of the development and would, as a result, be unacceptable.
8. I note the concerns raised by the appellant that a significant portion of the ashlar blocks are no longer suitable for structural roles and that it would not be possible to find matching replacements. However, I understand from my observations on site and the evidence before me that the blocks would serve as a cosmetic facing only, with the structure of the replacement dwelling having already been completed in breezeblocks. Moreover, I understand that potential remediation works to damaged blocks, and the replacement of those that could not be suitable refurbished, has already been considered. No substantive evidence has been submitted to demonstrate that the refurbishment or replacement of the ashlar blocks could not be carried out and I therefore find it has not been justified.
9. In light of the above, the proposed variation of conditions 2 and 3 would erode the quality of the original permission to the detriment of the character and appearance of the site and its surroundings. The proposal would therefore conflict with Policy EQ11 of the Core Strategy Development Plan Document which requires, amongst other matters, that the design of any proposal is of a high quality that takes account of the local character and distinctiveness, including traditional design and forms of construction. The proposal would also

¹ Ref 18/00375/FUL

conflict with the design aims of the Framework set out under Section 12, including Paragraph 135 as outlined above.

Conclusion

10. The proposal would result in character and appearance harm and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR

Appeal Decision

Site visit made on 3 January 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2023

Appeal Ref: APP/C3430/W/22/3306088

The Hayloft, Fairfield Lane, Otherton ST19 5NX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs Markwell against the decision of South Staffordshire District Council.
- The application Ref 21/01333/FUL, dated 17 December 2021, was refused by notice dated 13 April 2022.
- The development proposed is the erection of a detached single storey dwelling with detached garage.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - Whether the appeal site is a suitable location for the development proposed, having regard to local and national policy relating to, accessibility to services, and reliance on private motor vehicles;
 - The effect on flooding;
 - The effect of the proposal on the character and appearance of the area; and
 - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

3. The appeal site is located within the Green Belt. The Framework establishes that new buildings in the Green Belt are inappropriate other than for specified exceptions that are set out in paragraph 149. One such exception, 149(e), is limited infilling in villages.
4. Policy GB1 of the South Staffordshire Local Plan Core Strategy Development Plan Document 2012 (CS) broadly conforms to the general thrust of the

Framework. It states that planning permission will normally be permitted within the Green Belt where the proposal is for certain purposes, including limited infilling.

5. The term 'limited infilling' is not defined in the Framework, it is therefore a matter of judgement for the decision maker in the context of any relevant development plan policy or guidance. In that regard, CS Policy GB1 clarifies it as the filling of small gaps (1 or 2 buildings) within a built-up frontage of development which would not exceed the height of the existing buildings, not lead to a major increase in the developed proportion of the site or have a greater impact on the openness of the Green Belt and the purpose of including land within it.
6. The site is within a group of buildings to the rear of two properties and is accessed from Fairfield Lane via a shared driveway. It is not, therefore, a gap between buildings that form a built-up frontage to Fairfield Lane. Accordingly, whilst limited in scale, the proposal is at odds with the definition of limited infilling as set out in CS Policy GB1. It does not, therefore, constitute 'limited infilling'.
7. The group of buildings within which the appeal site is located forms part of Otherton. At the time of my site inspection, I noted that there is an undeveloped area of land on Boscomoor Lane that creates a break in the built form and separates Otherton from Penkridge. Furthermore, a more significant area of undeveloped land lies between the appeal site and the edge of Penkridge on either side of Lyne Hill Lane. As such there is not a continuum of built development between Otherton and Penkridge.
8. Additionally, the buildings within Otherton have a more informal and rural appearance that is in marked contrast to the suburban and planned character of the nearest residential development within Penkridge. Moreover, the narrow, winding Boscomoor Lane is currently devoid of pavements restrictions that are present in the settlement area.
9. I have had regard to Staffordshire County Council describing Fairfield Lane as within Penkridge within the draft Traffic Regulation Order provided. I also note that the site is closer to Penkridge than 'central' Otherton as identified on Google Maps. However, these matters do not alter my findings set out above which, combined with the limited number of buildings and the absence of local services and amenities within Otherton, leads me to the conclusion that the appeal site would not be within a village for the purposes of Green Belt policy, notwithstanding that it is within Penkridge district and in the Penkridge South East ward.
10. Accordingly, the proposal would not fall within the scope of limited infilling within a village for the purposes of paragraph 149(e) of the Framework.
11. The appellant suggests that the proposed development should be considered as a rural exception site for the provision of rural affordable housing, as the dwelling would be affordable in comparison to many much larger rural properties in the area. However, in the absence of evidence to the contrary, the proposed development does not meet the definition of affordable housing as set out in Annex 2 of the Framework and does not meet any identified local community needs. As such the proposed development does not fall within the paragraph 149(f) of the Framework which identifies, as an exception, limited

affordable housing for local community needs under policies set out in the development plan.

12. For these reasons, the appeal proposal would be inappropriate development in the Green Belt which is, by definition, harmful. It would therefore conflict with CS Policy GB1, the Green Belt and Open Countryside Supplementary Planning Document (SPD) as well as the Framework.

Openness

13. The Framework, at paragraph 137, sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Openness has both spatial and visual aspects.
14. The proposed development would be viewed from the adjoining dwellings. There would also be very limited views of the proposed development from Fairfield Lane, and other public views of the site would be from some distance away from the nearest residential development in Penkridge and in gaps in the hedges along Lyne Hill Lane. However, the significant increase in the massing of built form arising from the proposal, when compared with the modest proportions of the existing animal shelter on site, would be discernible from such views.
15. I therefore conclude that it would result in a loss of openness of the Green Belt in this locality. It would conflict with CS Policy GB1, the SPD as well as the Framework which also requires development to not impact on openness.

Suitable location

16. CS Core Policy 1 (CP1) sets out a Spatial Strategy (SS) to deliver the rural regeneration of South Staffordshire. The overall strategy of the CS, therefore, is to direct new development to the larger settlements, which have access to a wider range of facilities. This is consistent with the aims of the Framework to actively manage patterns of growth to locations which allow a choice of sustainable transport modes, whilst recognising that such options vary between urban and rural areas. As such this policy can be attributed significant weight due to its consistency with the Framework, notwithstanding its age.
17. The appeal site lies outside of the identified service villages and, therefore, the areas identified for rural housing as set out in Policy CP1. The journey from the appeal site to the amenities and services within Penkridge would require journeys that are, in part, along an unlit rural road without footways. This would be a deterrent to pedestrians, in particular during times of darkness and inclement weather. The narrowness and the bends along the first stretch of the route may be off-putting for many less confident cyclists as well as pedestrians. Furthermore, on my visit I noted that the nearest bus stop is some distance from the site, on Wolgarston Way, and for the same reasons it is unlikely that they will be used.
18. Consequently, the private motor vehicle would most likely be the predominant means of transport for residents of the appeal site for most journeys. For this reason, I do not consider that the proposal represents accessible development in a rural area.

19. I find that the site is not a suitable location for the development proposed in respect of its accessibility to services and the consequent reliance on private motor vehicles. The proposal would be contrary to CS Policy CP1, and to the Framework, therefore.

Flood Risk

20. Paragraph 168 of the Framework states that some minor development meet the requirements for site-specific flood risk assessments (FRA) set out in footnote 55. In Flood Zone 1, as in this case, the footnote indicates that an assessment should accompany all proposals that introduce a more vulnerable use on land that may be subject of other sources of flooding. As the proposal involves a change from a paddock to a dwelling, a more vulnerable use is proposed.
21. The Council has confirmed that the site is identified as an area where flooding incidents have been recorded including internal property flooding. However, no reference has been made to any reported flooding of the appeal site and the recorded flooding incidents referenced are said to be within 500m of the site and therefore possibly some distance away.
22. The appellant has referred to extensive work to line the channel of the local brook and remove blockages, and that there have been no flooding incidents since such work was carried out, which the Council do not dispute. The appellant further indicates that no flooding has occurred at any of the properties on Fairfield Lane which are at a materially higher level than the one property that has been affected by flooding.
23. Based on the information before me, I am not persuaded that a site-specific FRA is required to support this proposal. The appellant has indicated that care has been taken to prevent any increase in surface water runoff including use of permeable materials and rainwater capture and harvesting mechanisms. Such matters could be secured by condition on any planning permission granted.
24. Accordingly, I conclude that the development would not be at risk of surface water flooding and would not increase flood risk elsewhere. The proposal consequently complies with the relevant parts of CS Policy EQ7, which, amongst other things, requires applications to include a suitable Sustainable Drainage Scheme. The proposal also complies with the Framework, which require that development should be made safe for its lifetime without increasing flood risk elsewhere.

Character and appearance

25. The appeal site is a paddock which, other than a small animal shelter, is open in appearance. As indicated above, it is within a group of buildings, bordered by dwellings on three sides and a paddock to the rear. It sited to the rear of two properties and is accessed from Fairfield Lane via a shared driveway. Due to the position of the site and existing boundary treatments the site is not prominent in public views from Fairfield Lane and other locations.
26. Otherton, in the vicinity of the appeal site, comprises of single and two storey dwellings of traditional but varied design. The proposed development would be a single storey dwelling that would be in keeping with the scale of neighbouring properties. The proposed dwelling and garage would occupy a greater proportion of the site when compared to the existing animal shelter and would,

as I have already stated, result in a loss of openness. Nonetheless, the introduction of a further development into the group of buildings would not materially change the density of the built form or appear as an unusually cramped development relative to the plot and to the size of the surrounding plots.

27. The existing dwellings are predominantly of brick and render construction, although there are examples of wood clad buildings in the area. The introduction of a timber framed and wooden clad dwelling of a contemporary design and comparable scale and massing would not be a visually incongruous addition to the area and would not appear out of place.
28. Consequently, the proposal would not harm the character and appearance of the area. It would therefore accord with the design aims of CS Policies EQ4, EQ11 and EQ12.

Other Considerations

29. The proposal is described as built of ecologically sound principles incorporating the highest standard of insulation, a ground source heat pump and electric car charging point amongst other such features. However, as all dwellings should be constructed to such principles this only carries limited weight in favour of the proposal.
30. It has been advanced that the appeal proposal could meet the particular mobility needs of the appellant and would be appropriate to meet the needs of others who have mobility issues. The evidence before me, however, does not convey that those needs demand this particular location. Therefore, this attracts moderate weight in favour of the appeal proposal.
31. I acknowledge the economic and social benefits resulting from the construction and occupation of the proposed development. However, given the scale of the development these would be limited.

Green belt balance

32. Paragraph 147 of the Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the Framework advises that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless that harm, and any other harm, are clearly outweighed by other considerations.
33. I have concluded that the appeal scheme would be inappropriate development and would, by definition, harm the Green Belt. I have also found harm to the openness of the Green Belt. The proposed development would also cause harm in terms of its unsuitable location in respect of its accessibility to services and the consequent reliance on private motor vehicles. The lack of harm to the character and appearance of the area, and to flooding are neutral factors.
34. The other considerations I have identified are of limited to moderate weight in favour of the proposal. Consequently, these considerations, along with all other matters identified in the evidence, do not clearly outweigh the identified harm to the Green Belt, either individually or collectively, so as to amount to the very special circumstances necessary to justify the development.

Other Matters

35. The appeal site lies within the 0-15 kilometre zone of influence for the Cannock Chase Special Area of Conservation (SAC). However, there is no need for me to consider the implications of the proposal upon the SAC because the scheme is unacceptable for other reasons.

Conclusion

36. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.

37. I therefore conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR



Appeal Decision

Site visit made on 14 November 2022

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2023

Appeal Ref: APP/TPO/C3430/8916

62 Suckling Green Lane, Codsall WV8 2BT

- The appeal is made under regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against a refusal to grant consent to undertake work to a tree protected by a Tree Preservation Order.
- The appeal is made by Mrs Fiona Pedley against the decision of South Staffordshire Council.
- The application Ref: 21/00871/TTREE, dated 15 August 2021, was refused by notice dated 2 November 2021.
- The work proposed is Beech Tree T1 – Fell.
- The relevant Tree Preservation Order (TPO) is the South Staffordshire District Council Tree Preservation Order No. 167, 1997, which was confirmed on 18 August 1997 and thereafter varied on 24 June 2005.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: the effect of the proposed felling of the tree on the character and appearance of the area; and whether or not the reasons given provide sufficient justification for its felling.

Reasons

3. The tree is growing at the northeast corner of the plot that contains 62 Suckling Green Lane. I observed the specimen to be well-balanced and to be in good overall health with a large and vigorous crown. Despite being stepped back from the highway, the tree is visible from a range of publicly accessible vantage points close by. This includes from locations upon Suckling Green Lane, Farway Gardens and Beech Gardens. Accordingly, the tree makes a valuable contribution to the often-verdant local landscape.
4. For these reasons, the proposal, which would result in the loss of the tree, would cause considerable harm to the character and appearance of the area. Therefore, any reasons given to justify the proposed felling of the tree need to be clear and convincing. It is to those reasons, the second main issue, to which I now turn.
5. The main reasons given for the removal of the tree include the potential for physical damage to be caused to 2 Farway Gardens (No 2), risk to life in adverse weather conditions, subsidence risk due to prevailing ground

- conditions compounded by the proximity of the tree to No 2, and the effects of garden overshadowing.
6. The tree is situated close to No 2 and I observed overhanging branches to reach near to the guttering and roof of the property. However, proximity to property alone rarely represents a valid reason to fell a protected tree. Upon inspection, I was unable to identify any physical damage caused and the tree exhibited no obvious signs of instability with its main elements appearing structurally sound. No detailed survey information has been submitted to demonstrate otherwise. Of relevance also, to guard against any potential future damage to property, there would exist the opportunity to seek to reduce the tree's crown as an alternative approach to felling.
 7. Despite references made to branches having been brought down during stormy weather and to the future implications of climate change, any fear that the tree poses a threat to life (including during high winds) has not been adequately substantiated. This is especially so given the tree's seemingly sturdy and healthy condition.
 8. A subsidence report, dated 5 June 2013, has been submitted which identifies that the site is at high risk. Nevertheless, no evidence to demonstrate that No 2 is being actively impacted upon by subsidence has been submitted. Moreover, as highlighted by the Council, it is not uncommon for mature trees in areas at high risk to co-exist near to property without subsidence issues prevailing. Further, as indicated in the subsidence report, the removal of the tree could lead to heave such that its felling could actually exacerbate rather than alleviate possible risks of structural damage to No 2.
 9. The appeal tree, being positioned alongside and overhanging the southern boundary of the rear garden of No 2, inevitably casts shade. Nevertheless, the garden is generously sized and there is no detailed evidence before me to indicate shading of it to be at an unduly high or unacceptable level. I was able to observe a grassed lawn of sizeable expanse and some other surviving low-level planting in proximity to the appeal tree. I thus do not accept any assertion made that shading causes a significant portion of the garden to be unusable. Furthermore, as beech trees are deciduous, any shading effect would reasonably be anticipated to be limited during winter months. As such, no excessive loss of light to the appellant's property and garden is caused. This finding similarly applies to other close by properties.
 10. Guidance adopted by Leeds City Council, updated January 2011, appears before me. This document is primarily geared towards guiding the location of new development relative to existing trees or new planting and sets out guideline separation distances dependent on the particular tree species involved. The guidance does not relate to South Staffordshire and, in any event, is of limited relevance to any proposal to remove a protected tree.
 11. I note support for the felling of the tree from interested parties. Nuisance caused by falling debris, including leaves and husks, has been referenced. However, whilst such events may create an inconvenience and generate associated maintenance costs, they are part of the natural process of trees and go hand-in-hand with living in an area where mature trees are present and provide an attractive place to live and work. This similarly applies to any inconveniences created by bird droppings. Further, any alleged link between the tree and possible vermin in the locality has not been clearly substantiated.

12. With any application to fell a protected tree, a balancing exercise needs to be undertaken. The essential need for the works applied for must be weighed against the resultant loss to the amenity of the area. In this case, the felling of the tree would result in considerable harm to the character and appearance of the area and, in my judgement, notwithstanding any stress unfortunately caused to the appellant, her family or interested parties, insufficient justification has been demonstrated for the tree's proposed felling.
13. Accordingly, for the reasons set out above and having considered all matters raised, I conclude that the appeal should be dismissed.

Andrew Smith

INSPECTOR

Appeal Decision

Site visit made on 14 February 2023

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 6 March 2023

Appeal Ref: APP/C3430/D/22/3308395

2 Longridge Farm, Levedale Road, Longridge, Stafford ST18 9AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr & Mrs Graham Cook against the decision of South Staffordshire District Council.
- The application Ref 22/00451/FUL, dated 11 April 2022, was refused by notice dated 19 July 2022.
- The development proposed is rear garden room extension.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area with particular regard to the host property as a non-designated heritage asset.

Reasons

3. The appeal site is located within open countryside, with a limited number of surrounding properties. It is a single storey dwelling forming part of a larger barn conversion scheme comprising a range of simple linear buildings in an L-shaped form. The previous conversion has maintained the agricultural appearance of the structures including limited openings and attractive projecting brick eaves detailing.
4. The appeal building's significance lies in its robust, linear and simple form, use of traditional materials, its connection to the wider group of buildings and their association with agriculture.
5. While the parties agree that the proposed increase in floor area would be proportionate and that the proposal would not be seen from any public area, due to its projection out from the rear of the building and its width, the extension would unbalance and would be incongruous with the existing narrow, linear structure. Further, although the large areas of glazing would result in the garden room being distinguishable from the original building, the proposal's scale and form would appear domestic and due to its height, the flat roof of the structure would awkwardly abut the eaves, intersecting the existing eaves detailing and interfering with the building's strong horizontal emphasis. Consequently, in my judgement the garden room would be incompatible with and would detract from the simplicity of the existing structure. It would be harmful to the agricultural character of the property and the wider building

group and hence the significance of the property as a non-designated heritage asset.

6. Whilst I appreciate the need to work from home, I have no substantive evidence that the proposed extension, which does not expressly indicate the creation of a home working space, is the only way to provide the required accommodation. In any case this matter does not outweigh the harm I have identified.
7. Overall, for the reasons given above, I conclude that the proposal would harm the character and appearance of the area with particular regard to the host property as a non-designated heritage asset. This would conflict with Policies EQ3, EQ4 and EQ11 of the South Staffordshire Council Core Strategy (December 2012) which collectively requires the conservation and enhancement of the historic environment and that new development respects rural and local character and distinctiveness. The proposal would also conflict with the South Staffordshire Design Guide (2018) where it seeks to ensure the simplicity of barns are maintained with minimal fussy adornments so as not to disguise the buildings history. Similarly, it would conflict with the Framework which seeks to ensure developments are sympathetic to local character and history.

Other Matters

8. The appeal site forms part of the setting of the adjacent Grade II listed property, Longridge House. In accordance with the statutory duty imposed by section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving the setting of the listed building in the determination of this appeal. The rural, agricultural outlook contributes to its significance. Despite the likely, previous association of the barn to the listed property, due to the intervening brick boundary wall, existing 1980's extension and limited height of the proposal there would be no harm to the setting of the listed building.
9. I recognise that there have been no objections raised by neighbours in relation to the proposed development, but this does not alter my conclusions on the main issue.

Conclusion

10. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework that would outweigh the conflict. Therefore, the appeal is dismissed.

K Allen

INSPECTOR

Appeal Decision

Site visit made on 14 February 2023

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 3 March 2023

Appeal Ref: APP/C3430/W/22/3308340

The Farm Shop, Wrottesley Park Road, Perton, Staffordshire WV6 7HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr G Beard against the decision of South Staffordshire District Council.
- The application Ref 22/00193/FUL, dated 21 February 2022, was refused by notice dated 25 July 2022.
- The development is the siting of storage containers.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A number of containers identified as 'existing containers' on the submitted site plan have already been installed, therefore, with regard to this appeal, I am considering this part retrospectively. The same plan identifies an area for 'additional proposed containers' and are yet to be installed and are also the subject of this appeal.
3. Reason for Refusal No.4 refers to the application plans and No.5 relates to the Council working proactively with the applicant. However, as these reasons do not relate to the planning merits of the case before me, I haven't explored them further.

Main Issues

4. As the site lies within the West Midlands Green Belt, the main issues are:
 - Whether the development is inappropriate development in the Green Belt, including its effect on openness, having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies;
 - The effect of the development on the character and appearance of the surrounding area; and
 - If inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

5. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. It goes on to state that 'inappropriate development' in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. Policy GB1 of the South Staffordshire Core Strategy 2012 (CS) seeks to protect the Green Belt from inappropriate development, unless the development accords with the Framework or other types of development listed in the policy. I am satisfied that CS Policy GB1 is broadly consistent with the Framework.
7. The appeal site is a strip of land to the north-east of The Farm Shop and contains 19 storage containers located to either side of an area of hardstanding with space to accommodate the additional containers identified on the proposed site plan. It is at right-angles to Wrottesley Park Road running away from the road with a conifer tree plantation to the rear and on the northern side. Between the containers and Wrottesley Park Road is an area of new hedging and several young conifer trees which largely reflect the proposed site plan. There is an area of mature trees to the rear of the Farm Shop, extending around to the conifer tree plantation, and the surrounding land is otherwise in agricultural use with an attractive rural character. On the opposite side of Wrottesley Park Road is a more extensive tract of woodland.
8. Paragraphs 149 and 150 of the Framework set out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. Under Paragraph 150, certain other forms of development are not inappropriate development in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Paragraph 150 e) refers to material changes in the use of the land and is relevant to this appeal.
9. It has been established that openness has both a spatial and visual aspect. In spatial terms, the footprint, height and volume of the containers has affected the openness of the Green Belt when compared to the previous undeveloped nature of the appeal site which was agricultural land without buildings. This impact would be exacerbated further by the installation of the proposed containers and collectively they would have a substantial footprint. The extensive area of hardstanding also impacts on that openness. Although the footprint of the containers and associated development may be considered a small proportion of the overall land area, and may be the smallest size required for their purpose, nevertheless, in spatial terms the development has reduced the Green Belt's openness.
10. Whilst the site is largely screened from more distant views of the wider landscape by existing trees, in closer views the development is readily seen from public vantage points. From Wrottesley Park Road opposite, the two rows of containers and central track are clearly viewed by road users and pedestrians, with the roadside trees only providing limited filtering of views which would diminish when the trees are not in leaf. Likewise, the containers are clearly in view from the Farm Shop car park and the open grassed area to

the side. The development is visually detached from other buildings and structures which makes the visual harm even more apparent. Also, there is the potential for more distant views to be revealed with the cutting of Christmas trees.

11. The planting immediately to the front of the containers alongside Wrottesley Park Road would assist in partly screening one viewpoint from the roadside but there would be no planting along the southern side leaving this widely visible from public vantage points. There is the potential to provide additional screen planting to assist in mitigating the visual harm, limiting to some extent public views. However, a reliance on screening by planting to mitigate an otherwise inappropriate development is not an effective means of managing visual impact. Also, limiting visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt.
12. The development has introduced built form where previously there was none and by virtue of its physical presence results in a substantial loss of spatial and visual openness of the Green Belt. I find therefore that the appeal development does not preserve the openness of the Green Belt. Furthermore, it fails to safeguard the countryside from encroachment. Hence, there is conflict with the fundamental aim and one of the purposes of including land within the Green Belt contrary to paragraphs 137 and 138 of the Framework respectively. Therefore, it does not fall within the cited exceptions of the Framework. I conclude the appeal development is inappropriate development in the Green Belt for the purposes of CS Policy GB1 and the Framework. Inappropriate development and loss of openness are, by definition, harmful to the Green Belt and the Framework directs that substantial weight should be given to this harm.

Character and appearance

13. The surrounding countryside is characterised by its predominantly agricultural and wooded landscapes with Wrottesley Park, a local wildlife site, located across Wrottesley Park Road. Although I have noted the screening of distant views by the existing trees, and the development is associated with the farm shop alongside, the containers are not typical of structures seen en-mass in rural locations. The metal containers have an industrial and utilitarian appearance, out of keeping and incongruous in this rural location. Furthermore, their siting away from other structures, in a visibly detached location, exacerbates their presence and incongruity. Whilst the visual impact of the development has been minimised to some extent by the dark green of the containers and landscaping, the development is clearly apparent in local views and is an unexpected and discordant element in this agricultural landscape and clearly visible to passers-by. The development as a whole is not absorbed into the local landscape and is an incongruous and unwelcome intrusion into the area's rural character.
14. As such the development has a harmful effect on the character and appearance of the surrounding area and conflicts with CS Policies EQ4 and EQ11 which seek to respect local character and distinctiveness and take account of the sensitivities of the landscape. It also conflicts with one of the main objectives of the Framework which is to protect and enhance the natural environment.

Other considerations and very special circumstances

15. Very special circumstances would need to exist to justify granting permission for the development because it would constitute inappropriate development in the Green Belt and harm the openness. Paragraph 148 of the Framework advises that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless that harm, and any other harm, is clearly outweighed by other considerations.
16. The appellant advises that the site is an established small-scale retail hub with an existing Farm Shop, Christmas tree sales and consents for other buildings and extensions. The storage containers are to support farm diversification and partly serve the existing businesses operating on the site, acting as overflow storage for the Farm Shop and to store equipment associated with the Christmas tree farm. The containers also offer self-storage to local businesses and individuals, and the appellant states that with limited demand in the area the storage business has been successful.
17. The appellant states that the site offers convenient and easily accessible storage. Vehicular movements associated with the site are minimal with cars and vans generally visiting only weeks or months at a time. Heavy goods vehicles are unlikely to visit, reflecting the size of the storage units. The development therefore presents no highway issues or causes visual harm from vehicle movements. Furthermore, the hard surfacing is a permeable hardcore which presents no risk of flooding.
18. I have no evidence of what proportion of the containers are to support the existing businesses on the site or whether they represent largely stand-alone self-storage. In addition, there is no explanation as to why the site is visibly detached from the existing buildings and beyond the site of previously approved buildings and extensions. Furthermore, whilst the containers are temporary in nature and moveable, the permission sought is not a temporary consent so the harm to the Green Belt would be permanent.
19. Whilst the Framework and Local Plan Policy support the development and diversification of agricultural and other rural businesses, the appeal site is within the Green Belt with national and local policies to protect the countryside from encroachment and preserve openness. Whilst there may be a need to locate this development outside a settlement boundary, there is no compelling business case to demonstrate that the development will support the rural economy, that there is a demonstrable need in this particular area or evidence to demonstrate why this development could not be located elsewhere where it would not harm the Green Belt or convince me that the harm identified under the main issues would be justified. The other considerations in this case therefore carry limited weight.
20. Taken as a whole, I find that the other considerations in this case do not clearly outweigh the significant harm that I have identified. In concluding, therefore, the harm by reason of inappropriateness, and any other harm, would not be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal. As such, the proposal would be in conflict with CS Policy GB1 and the Framework.

Conclusion

21. For the reasons given above, having regard to the development plan as a whole and all other relevant material considerations, including the Framework, the appeal is dismissed.

G Bayliss

INSPECTOR