

COMMITTEE REPORT

Date: 21 February 2019 **Ward:** Osbaldwick And Derwent
Team: Major and **Parish:** Murton Parish Council
Commercial Team

Reference: 18/02659/OUT
Application at: OS Field 5070 Hull Road Dunnington York
For: Outline application seeking approval for the layout and appearance of an energy storage facility with up to 25 battery storage units along with ancillary structures including switchgear, transformer, standby emergency generator and 2 no. containers enclosed with steel palisade fencing and screened with landscaping
By: Mr Dean Staverley
Application Type: Outline Application
Target Date: 26 February 2019
Recommendation: Approve

1.0 PROPOSAL

1.1 The application is in outline with approval sought for appearance and layout. The proposal is for an energy storage facility of 25 battery storage units housed within steel shipping containers along with ancillary structures including an emergency generator, storage containers, auxiliary transformer and switchgear unit. Each battery storage unit will measure approximately 14m by 2.4m and 2.5m in height. The site will be fenced with a landscape buffer. It is intended that the site will be in operation for 20 to 25 years after which it will be returned to its current state.

1.2 The facility would provide rapid-response electrical back-up to the National Grid by storing energy in times of over provision and releasing it at times of high usage. It would result in the creation of the equivalent of 2 full time jobs.

1.3 Details of access are reserved for future consideration and therefore have not been provided but it is understood that once the facility is installed only limited maintenance visits are anticipated amounting to one or two per week.

SITE AND SURROUNDINGS

1.4 The site is within the general extent of the Green Belt. There is an existing field access from the A1079 to the site which slopes down from the road. The site was most recently used as a Christmas tree plantation and now appears to be left to grass. There is a hedge along the frontage and to the West boundary. The other side of this hedge is an area of local interest for nature conservation and beyond

that a transformer station. To the East of the site a small group of properties front the highway.

2.0 POLICY CONTEXT

2.1 Policies:

Emerging Local Plan

DP2 Sustainable development

CC1 Renewable and low carbon energy generation and storage

GB1 Development in the Green Belt

D1 Placemaking

D2 Landscape and setting

D6 Archaeology

GI4 Trees and hedgerows

ENV5 Sustainable drainage

The City of York Draft Local Plan Incorporating the Fourth Set of Changes April 2005 (DCLP)

GP1 Design

GP9 Landscaping

NE1 Trees, woodlands and hedgerows

GB1 Development in the Green Belt

3.0 CONSULTATIONS

INTERNAL

Design, conservation and sustainable development (Archaeology)

3.1 There have been few archaeological interventions in the vicinity of the site and the site is likely to preserve evidence for a range of undesignated heritage assets dating to the late-prehistoric and Roman periods; and the agricultural and associated uses of the site in the medieval and post-medieval periods. The proposal is likely to require top soil stripping which will have a detrimental impact on any subsurface features remaining on the site. A condition is recommended to ensure archaeological work is undertaken during site stripping.

Design, conservation and sustainable development (Landscape)

3.2 Comments have been provided expressing concern about the visual impact of the proposal. The development will sit on the lower slopes of the York glacial moraine within a field which is part of the wider open countryside that envelops the city and provides York with a distinctive setting. The proposed development would reduce the clean boundary lines between the built edge and open countryside. Views of the development would be fleeting from passing vehicles but more

pronounced for pedestrians and cyclists particularly from Hull Road but also from Murton Way.

Highways network management

3.3 No objections subject to conditions. There is an existing access from Hull Road however details of access have been reserved.

Flood risk management

3.4 Objection in relation to position of development in relation to watercourse. More detail required regarding proposed permeable surfacing.

Public protection

3.5 The proposed energy storage is over 250m from the nearest residential properties and is unlikely to cause noise disturbance to residents. Conditions are recommended.

EXTERNAL

Foss Internal Drainage Board

3.6 Concerns rose in relation to the proximity of the development to a watercourse and the means of disposal of surface water from the site.

Murton Parish Council

3.7 Concerns raised about Green Belt location and impact on historic character and setting of York. Suitable landscaping and paint finish for the structures is requested. Request that the site is returned to its current state following expiry of temporary 20 year period.

Neighbour notification and publicity

3.8 One letter of objection has been received from a neighbouring resident. This raises concerns regarding:

Loss of rural outlook

Noise and disruption

Unsafe highway access

4.0 APPRAISAL

4.1 KEY ISSUES

- o Policy context
- o Principle of the development - Assessment of harm to Green Belt
- o Landscape and visual assessment
- o Very special circumstances

POLICY CONTEXT

Development Plan

4.2 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relate to the general extent of the York Green Belt. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

Local Plan

4.3 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF as revised in July 2018, although the weight that can be afforded to them is very limited.

Emerging Local Plan

4.4 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF as revised in July 2018, the relevant 2018 Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications.

National Planning Policy Framework (2018)

4.5 The revised National Planning Policy Framework was published on 24 July 2018 (NPPF) and its planning policies are material to the determination of planning applications. It is against the NPPF (as revised) and the saved RSS policies relating

to the general extent of the York Green Belt that this proposal should principally be assessed.

GREEN BELT

4.6 As noted above, saved Policies YH9C and Y1C of the Yorkshire and Humberside Regional Strategy define the general extent of the York Green Belt and as such Government Planning Policies in respect of the Green Belt apply. Central Government Planning Policy as outlined in paragraphs 133 to 141 of the National Planning Policy Framework identifies Green Belts as being characterised by their openness and permanence. Substantial weight should be given to any harm to the Green Belt.

4.7 The NPPF states that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open and that, the essential characteristics of the Green Belt are its openness and permanence.

The Green Belt serves 5 purposes:

- o to check the unrestricted sprawl of large built-up areas
- o to prevent neighbouring towns merging into one another
- o to assist in safeguarding the countryside from encroachment
- o to preserve the setting and special character of historic towns
- o and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.8 The NPPF (paragraph 143) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

PRINCIPLE OF THE DEVELOPMENT ASSESSMENT OF HARM TO GREEN BELT

4.9 The NPPF para.145 states that the construction of new buildings within the Green Belt is inappropriate subject to a number of exceptions. These exceptions include buildings for agriculture and forestry; the provision of appropriate facilities for outdoor sport, outdoor recreation, cemeteries and allotments; extension or alteration of a building; replacement of a building; limited infilling of villages; limited affordable housing for local community needs; and redevelopment of previously developed land. The proposal is not considered to fall within any of these exceptions.

4.10 Para.146 of the NPPF details further forms of development which are also not inappropriate in the Green Belt providing they preserve openness and do not conflict with the purposes of including land within it. These include mineral extraction; engineering operations; local transport infrastructure; re-use of buildings; material changes of use of land; and development brought forward under a community right to build order. Likewise the proposal is not considered within any of these exceptions.

4.11 The proposed development is therefore inappropriate development in the Green Belt by definition and, in accordance with para.143 of the NPPF, can only be approved in very special circumstances.

Impact on openness

4.12 The proposal is for the siting of 25 storage containers along with ancillary generators and storage facilities with a landscaped buffer to two sides. The existing site is open agricultural land and slopes down from Hull Road to a drain along the hedge boundary at the bottom of the site. Clearly the proposal will have an impact on openness from the introduction of structures in an area currently free of any development. This harm to openness will be mitigated by the low level of the containers proposed. In addition the development will also be seen as an extension to the nearby transformer station which, although separated from the site by a field, is visible along with the pylons which lead to the transformer station.

Landscape and visual assessment

4.13 The site is within the settlement of Grimston which has been divided by the creation of the A64 and Grimston Bar roundabout. Some evidence of historic field boundaries can be seen and the hedge on the Western boundary forms part of this historic field boundary as well as providing a clear separation between the city and open countryside. As such the site will project further into urban countryside with the potential to extend the urban area further and reduce the current clear boundaries between urban and rural.

4.14 The site sits on the lower slopes of the York glacial moraine and is part of a wider panorama of fields stretching from Hull Road to Heworth and beyond. Due to the limited width of the site and its location tight to the boundary of the transformer station, views of the development from passing vehicles would be fleeting and limited. The development would be more pronounced to pedestrians and cyclists, in particular from Hull Road, and to a lesser degree from Murton Way. Views would also be possible from the A64 travelling South although should be limited because of the location of the containers on the lower, more level part of the site.

4.15 The proposal originally included an earth bund to provide screening to the North-east and South-east of the site. This has been removed as it was considered an anomalous landscape feature which would encroach further into the undeveloped field. An enhanced landscaped belt around the development is now proposed which should help screen the development in a more sensitive manner. Details of this will be conditioned.

4.16 It is intended that the development is not a permanent addition in the landscape but will be removed in approximately 20 – 25 years which is the

anticipated operating life of the energy storage modules. A condition is recommended to ensure that the land is returned to agricultural land at this point.

Other considerations

4.17 A condition is recommended to provide details of how the site will be connected to the neighbouring transformer station in particular the impact on the historic hedge on the West of the site.

4.18 Means of access is a reserved matter however there is an existing field access to the site off Hull Road. The level of traffic to the site is expected to minimal. Once the development is complete then there will only be a couple of maintenance visits a week. It is considered that the level of traffic proposed will not result in a significant impact on highway safety.

4.19 It is proposed to surface the site in a mix of grasscrete and local quarry waste aggregate which would be allowed to green over once construction was complete. There are concerns that, while initially permeable, this surfacing can become compacted over time and thereby impermeable. A condition is suggested that details of the surfacing are agreed.

4.20 There are a small group of residential dwellings clustered next to the field access on Hull Road. These are over 250m from the proposed site compound and approximately 150m from the nearest energy storage contained. These distances are considered sufficient to prevent significant loss of amenity to residents through noise disturbance. It is recognised that there may be some disruption during construction but this would be a short term situation and once construction was complete visits to the site will be minimal. The distances involved will reduce the impact on outlook and the properties do not appear to look directly toward the site but are angled away from it. The introduction of a landscaped buffer and appropriate colour finish to the containers will further help to reduce their visual impact.

Very special circumstances

4.21 The proposal has been identified as representing inappropriate development in the Green Belt by definition. Further harm has been identified as a result of the limited impact on openness of the development and harm to the landscape and visual character of the area. As such the development can only be approved in very special circumstances. The following very special circumstances have been put forward:

Locational need - The proposal is situated adjacent to Osbaldwick substation. Energy storage projects of this type and scale need to be sited in locations where an available connection into the National Grid exists which can accommodate both the import (for charging) and export of electricity at the level which can be provided by the proposed storage facility. A location next to the substation is required to reduce

the need for potentially visually intrusive connection infrastructure while maximising the electrical efficiency of the storage facility and its interaction with the grid. The site is considered the only viable location in York.

Innovation - The scheme represents an early deployment in the UK of a high-tech grid balancing facility which is already being utilised in the USA. Para. 8 of the NPPF refers to the three objectives of planning which support the achievement of sustainable development. The economic objective requires that planning helps to build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure. This proposal is considered to support the achievement of sustainable development by providing a new technology which has only recently been introduced to the UK.

Energy resilience - Following on from this previous point, the proposal will help to provide resilience to the UK's electrical grid helping to facilitate the move to low carbon renewable energies. The development will help to buffer the National Grid against variation in generation as renewable generators respond to varying amounts of sunlight and wind. The 50MW facility would supply enough power to meet the average electricity demands of 116,000 households for an hour, or 58,000 households for two hours etc. There are currently around 83,000 households in York according to the 2011 census, so the battery could supply all of these for over an hour. Para. 148 of the NPPF supports this and states 'The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.' Further support for the proposal is found in policy DP2 'Sustainable development' of the emerging Local Plan. This requires that sustainable design techniques are incorporated in new developments and that development maximises the generation and use of low carbon/ renewable energy resources. While it is recognised that the proposal is not a generator of renewable energy, it will help to maximise use by storing energy in times of high production. Policy CC1 'Renewable and low carbon energy generation and storage' supports proposals for low carbon energy storage and notes that they should be sited a suitable distance from major residential areas.

5.0 CONCLUSION

5.1 The proposed energy storage facility with ancillary compound and structures is considered inappropriate development in the Green Belt by definition. Further harm has been identified as a result of the limited impact on openness and the landscape and visual character of the area. Very special circumstances relating the locational need; innovative nature of the technology proposed; and the sustainability and

energy resilience benefits of the proposal have been put forward. Support has also been found in paragraph nos. 8 and 148 of the NPPF for the scheme as well as policies DP2 and CC1 of the emerging Local Plan.

5.2 It is considered that the very special circumstances are sufficient to clearly outweigh the harm through inappropriateness and identified further harm and the proposal is recommended for approval subject to relevant planning conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 Application for approval of all reserved matters shall be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission and the development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

As part of the reserved matters application the following details are to be submitted:

Access including details of proposed junction with the public highway and internal turning areas;

Landscaping including species, stock size, density (spacing), and position of trees, shrubs and other plants; seeding mix, sowing rate and maintenance regimes;

Scale of the proposed development.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (General Development Procedure) (England) Order 2015.

3 The development hereby permitted shall be carried out in accordance with the following plans and other submitted details:-

Location plan BG/NG/09/01C

Fence detail

Indicative storage unit

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

4 The use hereby approved shall cease within 25 years of the date of this permission and within 6 months of the final use of the energy storage batteries, the site shall be cleared and reinstated in accordance with a scheme which has previously been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and the openness of the Green Belt.

5 Prior to the commencement of development a programme of archaeological work (an archaeological strip map and record and subsequent programme of analysis and publication, if necessary) by an approved archaeological unit shall be submitted to and approved in writing by the Local Planning Authority. The agreed archaeological work shall be carried out prior to the commencement of top soil stripping and in accordance with the approved details.

Reason: The site lies within an area of archaeological interest and the development may affect archaeological deposits which must be recorded prior to destruction.

6 LC4 Land contamination - unexpected contam

7 Prior to first use of the energy storage facility hereby approved a noise assessment should be undertaken to demonstrate that noise levels from the energy storage facility do not increase existing background noise levels at the nearest dwelling. The noise assessment shall be submitted and approved in writing by the Local Planning Authority. Any recommendations within the noise assessment shall be fully implemented prior to first operation and shall be retained and maintained for the lifetime of the development.

Reason: In the interests of residential amenity.

8 Prior to first use of the development hereby approved a management plan for the approved landscaping scheme for a 25 year period from the date of planting shall be submitted and approved in writing by the Local Planning Authority. The landscape scheme approved under the reserved matters shall be implemented within a period of six months of the completion of the development and shall be managed in accordance with the approved management plan for the duration of the development unless the Local Planning Authority agrees alternatives in writing.

Reason: As the landscape scheme is integral to the visual amenity of the development.

9 Prior to installation the structures, including battery containers, storage and utility containers, generators and transformers, and fencing shall be finished in a colour to be agreed in writing by the Local Planning Authority. The structures and fencing shall be retained and maintained in the agreed finish for the lifetime of the development.

Reason: In the interests of visual amenity.

10 Prior to commencement of the development, details of existing and proposed levels including existing and proposed cross-sections of the site, shall be submitted

and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

11 Development shall not begin until details of surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

12 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external surfacing materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

13 Prior to commencement of development, a detailed method statement for the construction of the underground connection to the transformer station to the West of the site will be submitted and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved method statement.

Reason: To ensure that impacts on habitats of ecological value are minimised and appropriately mitigated.

14 Prior to the installation of any lighting within the site, a detailed lighting scheme including lighting levels at the boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. Any lighting shall be carried out in accordance with the approved details.

Reason: The plans do not currently show any lighting to serve the development and without details it is unclear whether the visual qualities of the area will be affected as a result of their levels, number and position.

7.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Requested revisions to remove bund.
Imposed appropriate planning conditions.

Contact details:

Author: Alison Stockdale Development Management Officer (Tues - Fri)

Tel No: 01904 555730