

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00713/PRA56	Majid Mir	25 October 2023

Address: Electricity Sub Station William Street Littleborough

Proposal: Prior approval for the replacement of the existing sub station

PUBLICITY	Weekly list expired?	N/A	Site notice expired?	Y
	Neighbour letters expired?	Y	Press Notice expired?	N/A

DELEGATION	Significant departure from local plan?	N	Contrary to national policy?	N
	Applicant a Council Member or officer?	N	Contrary to previous decision?	N
	Major with 10 or more objections and recommending approval?	N	Called in or Planning Panel objection?	N

COMMENTS	Planning Panel comments received?	N
	Neighbour comments received?	N

EIA	Screening opinion completed and saved to Onbase?	n/a
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CONDITIONS	Pre-commencement conditions proposed?	n/a
	Pre-commencement conditions agreed (or notification period expired)?	n/a

RECOMMENDATION	PRIOR APPROVAL NOT REQUIRED
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CHECKED AND SIGNED OFF BY: RG

DATE: 27 October 2023

SITE

The application relates to an existing substation located off William Street. The site is located at the junction between William Street and Buttersworth Street. There is a gate and access is restricted along Buttersworth Street when travelling south. To the north there are residential properties that front on to Featherstall Road. To the south, west and east are commercial or industrial uses. Falcon Trunking Systems Limited wraps around the east and south of the application site.

The supporting report states that the land is owned by Electricity North West Ltd and is classed as operational land.

PROPOSAL

The application seeks prior approval to construct a new substation consisting of a switch housing and chamber to house transformers, and installation of new boundary treatment following demolition of the existing substation and part of the existing boundary treatment.

RELEVANT PLANNING POLICY AND LEGISLATION

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 15, Class B

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

RELEVANT SITE HISTORY

Not applicable.

CONSULTATION RESPONSES

GM Ecology

Bats

A valid bat report has been provided. No evidence of bats roosting was recorded.

Whilst one of the surveys was outside the optimal time period, I am satisfied that adequate survey information has been provided for the LPA to be satisfied that the development is very unlikely to have an adverse effect on any local bat populations. No further survey information is required. I recommend an informative along the following lines is applied to any permission.

Whilst the building to be demolished has been found to be very low risk for bats, the applicant is reminded that under the 2019 Regulations it is an offence to disturb, harm or kill bats. If a bat is found during demolition all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.

Contributing to and Enhancing the Natural Environment

Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. As potential bat roosting features will be lost and bat recorded in the locality during the roost survey, I accept the mitigation and enhancement recommendations of the consultant in section 6.4 of the report are reasonable and can be conditioned as part of any permission.

Highways

The application itself would appear to have no overall impact on the highway network therefore we raise no objection to it.

The relocated vehicular access point into the substation will require the construction of a new vehicle crossing within the adopted footway which will need a separate approval from the Council as Highway Authority. The new vehicle access crossing must be in place prior to the development being brought into use.

Natural England

No response received to date,

REPRESENTATIONS

The application has been publicised with neighbour notification letters and a site notice was placed in the vicinity of the site. No responses were received.

ANALYSIS

Schedule 2, Part 15, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows for the permitted development by statutory undertakers for the generation, transmission, distribution or supply of electricity for the purposes of their undertaking consisting of—

- (a) **the installation or replacement in, on, over or under land of an electric line and the construction of shafts and tunnels and the installation or replacement of feeder or service pillars or transforming or switching stations or chambers reasonably necessary in connection with an electric line;**
- (b) the installation or replacement of any electronic communications line which connects any part of an electric line to any electrical plant or building, and the installation or replacement of any support for any such line;
- (c) the sinking of boreholes to ascertain the nature of the subsoil and the installation of any plant or machinery reasonably necessary in connection with such boreholes;
- (d) the extension or alteration of buildings on operational land;
- (e) the erection on operational land of the undertaking of a building solely for the protection of plant or machinery;
- (f) **any other development carried out in, on, over or under the operational land of the undertaking.**

Development is not permitted by Class B if—

B.1 (a) in the case of any Class B(a) development—

- (i) it would consist of or include the installation or replacement of an electric line to which section 37(1) of the Electricity Act 1989 (consent required for overhead lines)¹⁴⁷ applies;
- or
- (ii) it would consist of or include the installation or replacement at or above ground level or under a highway used by vehicular traffic, of a chamber for housing apparatus and the chamber would exceed 29 cubic metres in capacity;

The application does not include details of the installation or replacement of an electric line. The application proposes a new switch house and building to house transformers. The proposal would not be sited on the highway.

(b) in the case of any Class B(b) development—

- (i) the development would take place in a National Park, an area of outstanding natural beauty, or a site of special scientific interest;
- (ii) the height of any support would exceed 15 metres; or
- (iii) the electronic communications line would exceed 1,000 metres in length;

Not applicable.

- (c) in the case of any Class B(d) development—
 - (i) the height of the original building would be exceeded;
 - (ii) the cubic content of the original building would be exceeded by more than 25% or, in the case of any building on article 2(3) land, by more than 10%, or
 - (iii) the floor space of the original building would be exceeded by more than 1,000 square metres or, in the case of any building on article 2(3) land, by more than 500 square metres;

Not applicable.

- (d) in the case of any Class B(e) development, the building would exceed 15 metres in height, or

Not applicable.

- (e) in the case of any Class B(f) development, it would consist of or include—
 - (i) the erection of a building, or the reconstruction or alteration of a building where its design or external appearance would be materially affected, or
 - (ii) the installation or erection by way of addition or replacement of any plant or machinery exceeding 15 metres in height or the height of any plant or machinery replaced, whichever is the greater.

The boundary treatment would see the existing external wall of the switch house which also forms part of the boundary treatment replaced with matching palisade fencing. The machinery and fencing would not exceed a height of 15m.

The structure would have a flat roof, constructed using brick and concrete. The brick structure is of a similar height to the existing structure and similar to those found in the vicinity. The brick structure would not be too dissimilar in appearance to the existing structure. It is noted that the overall alterations by setting back the structures and not having a large brick wall adjoining the highway would soften the visual impact caused by the existing switch house elevation.

Conditions

B.2 Development is permitted by Class B subject to the following conditions—

- (a) in the case of any Class B(a) development consisting of or including the replacement of an existing electric line, compliance with any conditions contained in a planning permission relating to the height, design or position of the existing electric line which are capable of being applied to the replacement line;
- (b) in the case of any Class B(a) development consisting of or including the installation of a temporary electric line providing a diversion for an existing

electric line, on the ending of the diversion or at the end of a period of 6 months from the completion of the installation (whichever is the sooner) the temporary electric line is removed and the land on which any operations have been carried out to install that line is restored as soon as reasonably practicable to its condition before the installation took place;

- (c) in the case of any Class B(c) development, on the completion of that development, or at the end of a period of 6 months from the beginning of that development (whichever is the sooner) any plant or machinery installed is removed and the land is restored as soon as reasonably practicable to its condition before the development took place; and
- (d) in the case of any Class B(e) development, approval of details of the design and external appearance of the buildings must be obtained, before development is begun, from—
 - (i) in Greater London or a metropolitan county, the local planning authority,
 - (ii) in a National Park, outside a metropolitan county, the county planning authority,
 - (iii) in any other case, the district planning authority.

Assessment

Height design or position of the existing electric line which are capable of being applied to the replacement line

The application does not propose alterations to the existing lines.

Temporary electric line providing a diversion for an existing electric line

The application does not propose temporary electric lines.

Ecology

The application was supported by a bat survey was provided The survey found no bats emerged from the substation building and recommended that the building can be demolished without any further consideration for the species. However, the report added that although no bats were identified roosting within the building, there will be a loss of potential roosting features that the buildings provide. Furthermore, common pipistrelle and noctule bats were recorded using the site for foraging purposes. GMEU are satisfied that the development is very unlikely to have an adverse effect on any local bat populations and as such concluded no further survey information is required.

The supporting report recommended that 'measures should be undertaken to mitigate the loss of suitable roost features and roosting habitat for bats should be enhanced within the wider site with the provision of bat boxes incorporated into the new buildings'. This would fall outside the remit of the part 15 of the GDPO. It is however considered appropriate to included advisory notes with any decision notice informing the applicant of their legal requirements.

RECOMMENDATION

PRIOR APPROVAL NOT REQUIRED.

Notes for Applicant:

1. For the avoidance of doubt, the decision relates to the following drawings:-

Existing site layout. Drawing number: 304884-00091. Rev: 003
Proposed site layout. Drawing number: 304884-00092. Rev: 004
Existing site elevations. Drawing no: 304884-00093. Rev: 002
Existing & proposed south elevations. Drawing no: 304884-00095. Rev: 002
Proposed site elevations. Drawing no: 304884-00094. Rev: 004
Proposed transformer bund elevations. Drawing no: 304884-00103, Rev: 001
Proposed switch house elevations. Drawing no: 304884-00096. Rev: 001
2. All British birds' nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981 (as amended). Prior approval does not provide a defence against prosecution. The applicant is reminded that, under the Wildlife and Countryside Act 1981 (as amended) it is an offence to remove, damage, or destroy the nest of a wild bird, while the nest is in use or being built. Prior approval does not provide a defence against prosecution under this act. If a birds nest is suspected work should cease immediately and a suitably experienced ecologist employed to assess how best to safeguard the nest(s).
3. Under the Wildlife and Countryside Act 1981 it is an offence to capture, injure or kill a bat, deliberately disturb a bat, or damage or destroy a bat roost. Prior Approval consent does not provide a defence against prosecution under this act. If a bat is found during demolition all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.
4. There may be impacts on protected species and a mitigation licence may be required from Natural England. Further information can be found [here](https://www.gov.uk/guidance/wildlife-licences) (<https://www.gov.uk/guidance/wildlife-licences>).