APPLICATION NUMBER: 21/00205/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
21/00205/FUL	Michael Atkinson-Smith	29 June 2021

Address: Land at the Junction of Richard Street and Hare Street, Rochdale

Proposal: Construction of energy storage facility and associated equipment together with service access onto Hare Street

PUBLICITY	**Weekly list expired?**	Y	**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/A
	Neighbour comments received?	N

EIA	**Screening opinion completed and saved to Onbase?**	Y

CONDITIONS	**Pre-commencement conditions proposed?**	N/A
	Pre-commencement conditions agreed (or notification period expired)?	N/A

RECOMMENDATION	**REFUSE**

CHECKED AND SIGNED OFF BY: AT **DATE: 30.06.2021**

SITE

The application relates to a square parcel of land at the junction of Richard Street and Hare Street bounded to the northeast by the railway and Metrolink lines leading

to Rochdale Railway Station. To the northwest lies the former canal basin and the Halfpenny Bridge Industrial Estate. The surface of the site is grassland and to the north of the site alongside the railway line are a number of semi-mature trees. The south-eastern and south-western boundaries are open and edged with a low stone kerb and the clear remnants of entrances to a former path that would have traversed the site remain.

The Grade II listed Halfpenny Bridge is immediately adjacent to the eastern corner of the site. The site lies within a designated Mixed Employment Zone and within the area covered by the adopted Milkstone, Deeplish and Newbold SPD and the emerging Rochdale Railway Station SPD.

PROPOSAL

Planning permission is sought for the installation of a 5MW Urban Reserve Energy Storage Facility comprising the following:

- 4 x 1.25 MW Tesla Megapack Units (approximately 7.12m long, 1.6m wide; 2.51m high);
- A customer substation and DNO substation, both of which will be connected to local networks;
- 2 Transformers: 1 High voltage (HV) and 1 Low voltage (LV);
- Two CCTV cameras, one mounted on the customer substation facing towards the gate access and one mounted on the HV Transformer facing towards the megapack units.

The existing palisade fence (approx. 1.8m) on the north-east boundary would be retained and a 2m high timber acoustic fence would be constructed on the north-west, south-east and south-west boundaries to form an enclosed compound. Vehicular access gates would be provided through proposed double gates on the south-eastern boundary providing access onto Hare Street.

RELEVANT PLANNING POLICY AND LEGISLATION

Legislation

Planning (Listed Buildings and Conservation Areas Act) 1990 (as amended)

National Guidance

National Planning Policy Framework (NPPF) – June 2019
National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

SD1 Delivering sustainable development
DM1 General development requirements

SO1 Delivering a more prosperous economy
E1 Establishing thriving town, district and local centres
E2 Increasing jobs and prosperity
E3 Focusing on economic growth corridors and areas

SO3 Improving design, image and quality of place
P1 Improving image
P2 Protecting and enhancing character, landscape and heritage
P3 Improving design of new development

SO4 Promoting a greener environment
G1 Tackling and adapting to climate change
G2 Energy and new development
G3 Renewable and low carbon energy developments
G6 Enhancing green infrastructure
G7 Increasing the value of biodiversity and geodiversity
G8 Managing water resources and flood risk
G9 Reducing the impact of pollution, contamination and land instability

SO5 Improving accessibility and delivering sustainable transport
T2 Improving accessibility

Unitary Development Plan (UDP):

G/D/1 Defined Urban Area
EC/3 Mixed Employment Zones
EM/7 Development and Flood Risk

Supplementary Planning Documents:
Milkstone, Deeplish and Newbold SPD (September 2010)
Rochdale Railway Station SPD (emerging SPD currently out to public consultation)

RELEVANT SITE HISTORY

80/D11267 – Outline Application General Industrial Development. Granted STC

CONSULTATION RESPONSES

Conservation Officer - The proposal seeks to erect a reserve energy storage facility. The proposed development site is located within the setting of Halfpenny Bridge, a Grade II listed building. The bridge is one of the remaining elements that demonstrates the former path of the Rochdale Canal in to the basin, now occupied by the Central Retail Park. The setting of this asset has been significantly compromised through the inclusion of modern industrial and commercial units surrounding the bridge. Further similar development within the immediate setting of the listed building would further compromise this. The erection of a 2.5m high solid fence to surround the site would obscure all views of the asset subsequently causing further harm. This harm is identified as less than substantial (NPPF, paragraph 196). This harm is not justified or mitigated within the application and subsequently, this proposal is recommended for refusal.

Environment Agency - No comments received to date

Greater Manchester Ecology Unit (Trees) - No comments received to date

Greater Manchester Fire and Rescue Service - As part of our operational pre planning we will require site plans, environmental impact assessments, license details and the contact details of the Responsible Person for the site. We have no objections to the above proposal and no further comments to add.

Highways and Engineering - Following construction this proposal will have very little impact upon the highway. We have no objections to these proposals.

Lead Local Flood Authority/Drainage - No details of any drainage has been supplied by the Applicant. Most of the area is labelled as gravel. However, this is less permeable than a grassed area unless an open graded gravel sub-base is provided

as temporary storage of rainfall to allow longer time period to infiltrate. Drainage conditions requiring demonstration of compliance with the NPPG drainage hierarchy, acceptance by United Utilities of any attenuated flow to the public sewer and explanation of how the hard paving at the gate will not shed rainwater runoff to the public highway have been recommended.

Public Protection (Air Quality) - No comments received to date

Public Protection (Environment) - Prior to commencement of the development a Phase I Report (Preliminary Risk Assessment) must be completed to assess the actual and/or potential contamination risks at the site.

Public Protection (Noise / Odours) - No comments received to date

Network Rail - No comments received to date

Strategic Planning - As a major gateway into the Borough, the regeneration and improvement of Rochdale Railway Station, and the surrounding land and buildings, represents a strategic priority for the Council to attract new residents and businesses to the area, contribute to an improved housing offer, create new public realm and open space and to capitalise on the development and regeneration within Rochdale Town Centre. The site is located within the draft Rochdale Station SPD area. One of the key objectives of the Rochdale Station SPD is to improve the urban realm and ensure that development is of a high quality. The aim is to improve the visual amenity of the area and to set a development strategy that looks to create a positive shift.

The site is located directly adjacent to a key connector route within the SPD. The design principles contained within the document are to uplift the public realm quality and improve the pedestrian experience. The result will be to create a welcoming and outward looking sense of place, with a series of connected public spaces and well overlooked streets, enhancing the sense of place and community. The existing proliferation of street furniture and transit infrastructure paraphernalia impacts poorly on the street scene, creating a cluttered environment limiting views across the station gateway and beyond.

The proposal in its current form would exacerbate the existing problems and directly conflict with the aims and objectives of this document. The proposal will result in a low quality environment, negatively affecting the sense of place and exacerbating the issues the Council is seeking to address. Whilst not a statutory consultee, I would advise that the comments above directly relate to an existing draft SPD and as such, although the weight of the document is limited, due consideration should be given to it in the assessment of the application.

Transport for Greater Manchester - I can confirm TfGM have no comments to make in respect to this application.

Transport for Greater Manchester (Metrolink) - The development is located reasonably close to the Oldham and Rochdale Metrolink line and TfGM require assurance that there will be no Electro Magnetic Compatibility impacts on the Metrolink system from the proposed development. A condition requiring an EMC Control Plan and appropriate post-construction testing has been recommended.

United Utilities - No comments received to date

REPRESENTATIONS

Letters of notification were sent to surrounding neighbours, a notice displayed within the vicinity of the site and advertisement placed in the local newspaper. No representations have been received.

ANALYSIS

Principle of Development

Policy G3 of the adopted Rochdale Core Strategy sets out the Council's desire to promote renewable, low and zero carbon energy generating developments in order to help meet CO_2 reduction targets and contribute towards energy security for Greater Manchester and the North West. Paragraph 148 of the NPPF requires that the planning system support the transition to a low carbon future, minimising vulnerability and improving resilience. The 2011 *Overarching National Policy Statement* for Energy (EN-1) which sets out national policy for energy infrastructure in the UK, similarly, echoes support for the development of Energy Storage infrastructure by also seeking to promote resilience in the supply of energy.

Whilst the proposed plant would not represent renewable or zero carbon energy generation itself, energy reserve facilities are seen as critical to supporting such development elsewhere. The development can therefore be viewed as supportive and complementary to overarching energy policy both at a local and national level.

As the application site measures only 0.9ha adopted Rochdale Core Strategy policy E2 would not prohibit the development of the site for a non-employment use, despite it lying within a Mixed Employment Zone as defined by saved Rochdale UDP policy EC/3. Some conflict would arise with Core Strategy policy E3 but again given the scale of the site it is unlikely to be considered unacceptable in principle.

Therefore, on the above basis, the proposed development can be considered acceptable in principle and in accordance with adopted Rochdale Core Strategy polices G3 and E2, saved Rochdale UDP policy EC/3 and the National Planning Policy Framework.

Heritage Impacts

The NPPF states at paragraph 194 that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal (paragraph 196). Paragraph 200 states that local planning authorities should look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance.

The proposed development site is located within the direct setting of the Grade II listed Halfpenny Bridge. The bridge is one of the remaining elements that demonstrates the former path of the Rochdale Canal in to the basin, now occupied by the Central Retail Park. The listing description reads as follows:

Foot bridge. 1831. Wrought and cast iron, stone and brick. A shallow segmental riveted girder supports another which forms the road level. Parapet of stout cast iron railings with crested lattice panels. At west end three fluted column cast iron posts at the head of a flight of stone steps with thick rusticated side walls. The road bed, of York stone paving, continues into a cobbled path at east end. The bridge formerly crossed the Rochdale Canal Branch Arm and is of particular interest as a rare survival of a toll bridge over a canal. Plaque commemorates restoration of 1978.

The Council's Conservation Officer notes that the setting of the designated heritage asset has been significantly compromised through the inclusion of modern industrial and commercial units surrounding the bridge. However, further similar development within the immediate setting of the listed building would cause further harm. An amended plan has been provided to indicate a fence lower in height than originally submitted (2m as opposed to 2.5m) but it remains that the enclosure would obscure all views of the asset, subsequently causing further harm. The structures within the compound, some of which are over 3 metres in height, would also be visible within the setting. No "clear and convincing" justification has been provided to demonstrate that the proposed development could not be provided elsewhere in the locality, avoiding the setting of designated heritage assets.

The proposal would therefore result in less than substantial harm to the setting of the designated heritage asset. It could be argued that public benefits exist in terms of an increased storage of excess renewable generation to satisfy increasing demand and to support the local economy. However, it is not considered that these benefits would outweigh the harm to the heritage asset. Accordingly the application fails to comply with adopted Rochdale Core Strategy policy P2, the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework.

Design and Visual Appearance

Core Strategy policy P3 acknowledges that good design will improve the image and attractiveness of the borough as a place to live, work and visit. Policy DM1 requires that all development proposals are of high quality design and take the opportunity to enhance the quality of the area. In addition, Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments 'are visually attractive as a result of good architecture, layout and appropriate and effective landscaping' and 'create places that are safe, inclusive and accessible'.

Further to the above, Core Strategy policy E1 states that the Council will *'ensure routes to and from local areas… are convenient, attractive and feel safe, creating them or enhancing them where necessary'.*

The proposed development would result in an enclosure being created on space that is currently attractive and open. Given the nature of the site as a gateway into Rochdale Town Centre, it is not considered that the proposed enclosure comprising a timber fence 2m in height would be an appropriate feature of the street scene in this location. The transformers, substations and battery pack structures within the compound would also be visible over the proposed fence, to the further detriment of the street scene. That the site is slightly raised in relation to the surrounding highways would increase the dominance of the structure, and whilst it is acknowledged that a landscape buffer has been proposed, this will not be sufficient to disguise the fence structure and is highly unlikely to maintained in such a way for the lifetime of the development that it would in itself create a positive and attractive feature. In addition, it remains, that if a substantial planting scheme were to be agreed, it would further diminish the views towards Halfpenny Bridge and therefore result in further harm to its setting.

It is acknowledged that the pedestrian environment of Richard Street lacks active frontages and natural surveillance. The provision of the proposed development in this location would cause further harm to this experience; in effect creating a long and desolate stretch of road that would not be pleasant for pedestrian users, especially into the evening.

Therefore, it is considered that the proposed development would result in a significant detrimental impact on the street scene and the pedestrian experience of

Richard Street which acts as a gateway to Rochdale Town Centre in proximity to the main railway station; an area earmarked for significant investment and regeneration. Harm would also arise to the image of Rochdale Town Centre as a safe and welcoming place to reside, invest and do business. On this basis, the application fails to accord with adopted Rochdale Core Strategy policies P1, P2, P3, E1, DM1 and SD1, the Milkstone and Deeplish SPD and the National Planning Policy Framework.

Impact on Surrounding Land Uses

The site is predominantly commercial and light industrial in character and there are no residential dwellings in the immediate vicinity that could be considered to be unduly affected by the proposals in respect of noise and disturbance. The development would not unduly impact upon the ability of existing business to operate satisfactorily within the Mixed Employment Zone.

The development is located reasonably close to the Oldham and Rochdale Metrolink line and TfGM require assurance that there will be no Electro Magnetic Compatibility (EMC) impacts on the Metrolink system from the proposed development. Details of an EMC Control Plan and appropriate post-construction testing could be secured through condition.

The proposed development would therefore accord with adopted Rochdale Core Strategy policies DM1, G9 and E2 and the NPPF.

Impact on Highways, Parking and Access

Notwithstanding the aforementioned concerns regarding the pedestrian experience of using the highway, the proposed development would not unduly impact the functioning of the highway or result in parking and access issues. No objections have been received from the Council's Highways Officer and the proposal is therefore considered to be acceptable and in accordance with adopted Rochdale Core Strategy policies DM1 and T2 and the NPPF.

Drainage and Flood Risk

The application form states that surface water drainage would take place via the main sewer but no additional drainage details have been provided. The Council's Drainage Officer notes that that the majority surface of the proposed site would be gravel but that this would be less permeable than the grass surface that exists as present, unless an open graded gravel sub-base is provided as temporary storage of rainfall to allow longer time period to infiltrate. Subject to conditions requiring full and acceptable details of the proposed surfacing treatment, to include the method of surface water drainage, demonstration of compliance with the NPPG drainage hierarchy, acceptance by United Utilities of any attenuated flow to the public sewer and explanation of how the hard paving at the gate will not shed rainwater runoff to the public highway, the application would accord with adopted Rochdale Core Strategy policy G8, saved Rochdale UDP policy EM/7 and the NPPF.

Arboricultural and Ecological Impacts

The proposed development site consists of well-kept amenity grassland, with tree growth to the northwest alongside the railway retaining wall and encroaching shrub growth alongside the north eastern boundary fence. Given the scale and extent of the proposed works it is not considered that any significant undue impacts would arise in respect of arboriculture of biodiversity. However, were planning permission to be granted, it would be considered reasonable to require suitable tree protection measures during construction and to restrict any incidental shrub clearance to

outside of the bird nesting season. Subject to such conditions, it is considered that the application would accord with adopted Rochdale Core Strategy policies G6 and G7 and the NPPF.

Other Matters

In the event of planning permission being granted, Greater Manchester Fire and Rescue Service had requested that, as part of their operational planning, they be furnished with any approved site plans, environmental impact assessments, license details and the contact details of the Responsible Person for the site.

Conclusion

It is not disputed that there is a recognised need for more energy storage infrastructure projects to enable an increased storage of excess renewable generation to satisfy increasing demand and to support the local economy. However, the public benefits of such infrastructure are not considered to outweigh the harm to the setting of the Grade II listed Halfpenny Bridge or the significantly detrimental harm to the street scene of Richard Street which functions as a gateway into Rochdale Town Centre.

RECOMMENDATION

REFUSE planning permission for the following reason:

1 The proposed development would result in less than substantial harm to the significance of the Grade II Listed Halfpenny Bridge, and the public benefits of increased energy infrastructure provision would not outweigh the identified harm to the designated heritage asset. The proposal is therefore contrary to policy P2 of the adopted Rochdale Core Strategy, the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and the National Planning Policy Framework.

2 The proposed development would result in a significant detrimental impact on the street scene and the pedestrian experience of Richard Street, which acts as a gateway to Rochdale Town Centre in proximity to the main railway station. The proposal is therefore contrary to the design and visual amenity aims of policies P1, P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Procedure Statement

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application.

Notes for Applicant:

INFORMATIVE:

For the avoidance of doubt, this decision notice relates to the following list of submitted plans / drawings:

- Drawing MIA-01 – Site Location Plan
- Drawing MIA-02– Proposed Site Layout Plan (Rev. 1 received 30.04.21)

- Drawing MIA-03 – Megapack Plan
- Drawing MIA-04 – Megapack Elevations
- Drawing MIA-05 – Customer Substation Plan
- Drawing MIA-06 – Customer Substation Elevations
- Drawing MIA-07– DNO Substation Plan
- Drawing MIA-08 – DNO Substation Elevations
- Drawing MIA-09 – HV Transformer Plan
- Drawing MIA-10 – HV Transformer Elevations
- Drawing MIA-11 – LV Transformer Plan
- Drawing MIA-12 – LV Transformer Elevations
- Drawing MIA-13 –2.0m Acoustic Fence Elevations (Rev. 1 received 30.04.21)
- Drawing MIA-14 – Visibility Splays

Report Author Michael Atkinson-Smith