
Delegated report Officer: Neil Thompson

Application ref. DMOT/2021/1569

Non material amendment to planning permission ref. DMPA/2020/0542 seeking to reduce size of building, increase the amount of external battery storage within the acoustic fencing compound, and to rotate equipment in grid compound by 180 degrees at Breach Farm, Cadley Lane, Caldwell, Swadlincote, DE12 6RJ

Valid date:	21/10/2021
Consults expired:	12/11/2021
EIA development?	No
Section 106 agreement?	Not required

This decision is delegated to officers under the terms of the current Scheme of Delegation.

Relevant planning history

9/2017/0541- Construction of a 40MW energy storage facility housed in timber clad buildings. approved.

9/2018/0223- Variation of condition 7 on application on above scheme relating to parking and turning areas. Approved.

DMOT/2020/0440- discharge application for some pre-commencement conditions. Approved.

DMPA/2020/0542- Variation of condition 5 of the above permission relating to wording agreed with Network Rail. Approved.

DMOT/2021/1176- Variation of condition 2 of permission ref. 9/2018/0223 to change the approved plans. Withdrawn.

Responses to consultations and publicity

Environmental Health Officer is satisfied with the submission and the conclusions of the Noise Assessment and that it would comply with the previous condition imposed on the original permission.

Relevant policy, guidance and/or legislation

The relevant Development Plan policies are:

- South Derbyshire Local Plan Part 1 2016 (LP1): Policy S1 Sustainable Growth Strategy; Policy S2 Presumption in Favour of Sustainable Development; Policy SD1 Amenity and Environmental Quality; Policy SD6 Sustainable Energy and Power Generation; Policy BNE1 Design Excellence; Policy INF2 Sustainable Transport and Policy INF8 The National Forest.
- South Derbyshire Local Plan Part 2 2017 (LP2): BNE5 Development in Rural Areas.

The relevant local guidance is:

- South Derbyshire Design Guide Supplementary Planning Document (SPD)

The relevant national policy and guidance is:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

Planning considerations

Taking into account the application made, the documents submitted (and supplemented and/or amended where relevant) and the site and its environs; the main issue central to the determination of this application is whether the proposal can be considered as minor amendments to the previously approved scheme.

Planning assessment

The principle of the development has already been agreed and the development has commenced according to information provided by the agent in April prior to the May deadline.

The main changes to the approved scheme are as follows:-

1. The equipment within the grid compound has been rotated by 180 degrees. This means that the customers compound at the WPD compound have been switched round. The tallest aspect is the transformer which has been moved from the southern end of the compound to the north. The low level disconnector and the surge arrester are in the southern end. The compound itself is in the same location. There is a slightly variation in the height of some of this equipment, but taken as a whole the amendments are neutral in terms of material impact outside of the site boundary.
2. The building towards the eastern end of the site has been made smaller. The approved building was 25m x 45m. This building is now 15.4m x 45m. It is considered that this amendment is acceptable as a minor amendment as it would have less impact on the visual amenity of the site and surrounding area than the approved building.
3. Due to changes within the industry, it has been decided to increase the amount of equipment kept outside the building, due to concerns over potential fire risks. This has meant that the outside area has expanded. This is partly in the area which was covered by the wider approved building. The outside storage area for the batteries would be on the inside of the approved building. This compound containing the batteries also includes the switchroom and air conditioning units. Due to the height of the acoustic fencing at 3m, these would not be visible outside of the site boundary. The overall area of the buildings and the outside area is very slightly larger than that which was approved in the original 2017 application. This has no material impact visually outside of the site boundary.
4. There has also been an amendment to the former single customer and WPD building. The latter element has been moved to the southern end of the grid compound. The former being retained at the northern end. This has no material impact visually outside of the site boundary.

Visually the impact of these amendments overall would have a negligible visual impact on views from the surrounding countryside. There is a footpath which runs to the west of the farm. The development would be viewable, but the changes would not have any material impact on walkers as they pass the site. Therefore, overall, there is a neutral impact on the character and appearance of the countryside.

The effect on nearby residential properties

The proposal would satisfy the requirements of the EHO who has read the submitted Noise Impact Assessment. The proposal would meet the requirements of condition 3 of the original permission. The details of this have been previously discharged with the approval of the EHO. He is satisfied that the Noise report submitted for this scheme also is satisfactory. The non material amendment proposal would thereby have a neutral impact on the environment. The proposal would comply with policy SD1 of the South Derbyshire Local Plan Part 1 2016.

Conclusions

The proposal is considered acceptable as a non material minor amendment. The original conditions on the 2020 variation of condition approval still apply and is not otherwise affected by this permission. The scheme should be carried out in accordance with previous details agreed. It is recommended that the application be granted with the amended drawings as identified in the application.

Recommendation

Approve with Conditions

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

Recommendation made:	26/11/2021
Report agreed:	03/12/2021
Authorised officer:	Steffan Saunders
