2022/0801

SMS Energy Services Ltd
Variation of condition 2 (approved plans) and condition 9 (colours) of planning permission 2017/1306) Variation of condition 2 and 7 of 2017/0117 to allow the amendment of site layout, landscaping and the appearance of the battery containers) (retrospective).

Land West of Hopewell Street, Stairfoot, Barnsley.

Site Location and Description

The site of the development lies adjacent and to the **east** of an existing substation, located within a wider area of scrubland located immediately to the west of Hopewell Street (nearest residential properties), Stairfoot, from which it is accessed via a private track.

The northern boundary of the scrubland is marked by the Trans Pennine Trail which runs towards Barnsley Town Centre to the west and further to the north is the Oaks Business Park, Hoyle Mill. The southern boundary is marked by a railway line some 105-165m away from the application site. Development commenced some time ago and is almost complete. The nearest properties are on Hopewell Street, however, none have windows facing the site.





This application should be considered in conjunction with application (2022/0923) on a small piece of land adjoining the site to the east which shall contain an underground water storage tank necessary for the operation of the site. As a result of the concerns from residents about the visual impact of this application, the applicant was attempted to secure additional land for 2022/0801 to extend planting along the elevation closest to the dwellings as part of the underground tank scheme. Regrettably, agreement with the landowner could not be secured.

Background

2016/0296 was granted on 20 July 2016 subject to conditions, for 'Erection of enclosed battery storage area to assist with the balance of supply and demand of the national grid', on 'Land adjacent to existing Electricity Substation, West of Hopewell Street, Stairfoot, Barnsley. This site lies west of existing substation.

2017/0117 Erection of battery storage facility(east of existing facility). Granted subject to conditions and subject to a S106 agreement to ensure the 2016 permission is not implemented.

2017/1306 Variation of condition 3 and 7 of 2017/0117 (east of existing facility) to allow the amendment of site layout, landscaping and the appearance of battery containers

2020/0836 Application Under Section 93B of the Town and Country Planning Act 1990 (as amended) Extension to Planning Permission 2017/1306 Erection of Battery Storage Facility to extend implementation date to 1 May 2021.

Non-material; amendment 2020/ENQ/00912 – minor alterations to appearance and positioning of plant within the facility.

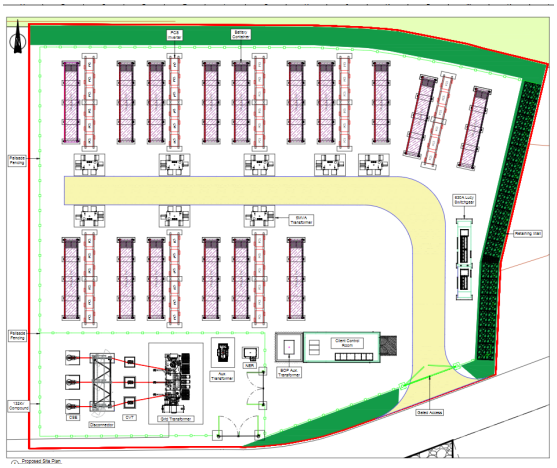
Proposed Development

The following variations are proposed to bring the facility up to date with the latest technology and best available solutions for noise mitigation and site fire safety as follows:

Condition 2 (approved drawings) to bring the facility up to date with the latest technology and best available solutions for noise mitigation and site fire safety , which incorporate or superseded the amendments made by the non-material amendment 2020/ENQ/00912.

Condition 9 to state:
The colour of the proposed battery containers shall be light grey / white and the colour of the palisade fence shall be metallic grey.

The proposed plans additionally propose to change the non-material changes that already have been approved under the non- material amendment NMA 2020/ENQ/00912. These comprise minor amendments to position of battery containers inverters and transformers with an additional 2 battery containers to give a total of 18 within existing area, provision of interior acoustic screen and 3.5m high acoustic fencing of close boarded timber, provision of 4 no CCTV columns within the facility, provision of a pump house and fire suppression water tank within the facility, colour of battery containers to light grey/white with palisade fence to metallic grey to integrate with existing Northern Powergrid substation adjacent. On a site visit it became apparent that most of these amendments have already taken place.



Site layout 2017/1306 varied by 2020/ENQ00912



Proposed layout

A full suite of plans have been submitted together with the revised noise impact assessment.

Whilst the plans show a landscaped bund to the east of the site which would screen the site, this lies outside the site boundary and is not currently under the control of the applicant.

Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the National Policy Planning Framework (NPPF 2021) does not change the statutory status of the development plan as the starting point for decision making. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

D1 – Design
GD1 General Development
BIO1 Biodiversity – development will be expected to conserve and enhance
POLL1 – Pollution Control and Protection.
T4 – New development and transport safety

National Planning Policy Framework (NPPF):

The NPPF sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development.

Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise.

The NPPF expects that should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Consultations

BMBC – Regulatory Services – No objection but recommend conditions.
BMBC Highways – No objections
BMBC Drainage – No objections subject to conditions as per previous permission
BMBC Biodiversity Officer –No objections
National Grid – No comments received
Ward Councillors – No comments received

Representations

The application has been advertised by site notice and neighbour notification letter. Two representations have been received. Concerns raised included distance to dwellings of the external fence (the distance will remain as previously permitted), and the possibility of landscaping to screen the fence. Landscaping is proposed to the southern boundary, however, the red line boundary of the application follows the fence line leaving insufficient space outside the fence for screening landscaping to the east. The amendments will not result in less landscaping than previously approved and the proposal is not closer to the residential properties than previously approve, nor do any of the properties on Hopewell Street have windows facing the site. However, as a result of the concerns from residents about the visual impact of this application, the applicant attempted to secure additional land for 2022/0801 to extend planting along the elevation closest to the dwellings as part of the underground tank scheme. Regrettably, agreement with the landowner could not be secured.

One objection related to the loss of view from Conway Street some 80m away. However, permission has already been granted on the site and there is no legal right to a view so is not a material planning consideration.

Assessment

Principle of Development

The principle of the development has been established with the previous permissions 2017/0117 and 2017/1306. This application seeks to make a minor material amendment to the permission.

Design/Residential and Visual Amenity

With regard to the design of the facility and visual amenity, none of the residential properties to the east off Hopewell Street and adjacent streets would directly face towards it and none on Hopewell St have windows facing towards the site. There would be minor amendments to the positioning of the battery containers, inverters and transformers within the existing site boundary. These are proposed to be of light grey/white with a grey palisade fence to the compound to integrate more closely with the existing northern powergrid substation rather than the green previously agreed by the non material amendment. In practice, the battery containers will be substantially screened by the acoustic screen and fence so the colour is no longer of material significance. There would be additional fire water suppression tank and pump house to the east of the internal access road. Internal acoustic screens and acoustic fencing will be provided which will attenuate noise further and provide visual screening to the plant and machinery.

A revised noise impact assessment has been submitted with the application documents which indicates that the noise impacts of the compound would be low at the nearest noise sensitive receptors with the implementation of the appropriate barrier and unit attenuation mitigation. This will be conditioned.

Having considered the information, the Council's Regulatory Services is satisfied, subject to limiting hours of construction and with a planning condition requiring a further noise assessment to be undertaken within 6 months of the site becoming fully operational and agree mitigations with the LPA should any be required.

In view of the above, the proposal is considered to be consistent with Local Plan Policy POLL1.

Highway Safety

Highways Development Control have no objections as there are no changes proposed to the access or internal service road from the previously approved permissions.

Other Matters

The current application omits the gabion wall to the east, however, the landscape proposals replicate the details set out in the Ecological Impact Assessment considered previously and the biodiversity officer has no objections.

The previous permissions were subject to a S106 agreement to undertake to not implement planning permission 2016/0296 or seek compensation, statutory or otherwise, for foregoing the right to develop, amongst any other pertinent matters as advised by Legal Services. It is therefore considered appropriate for a deed of variation to be attached to this application.

Recommendation

Grant planning permission subject to the following conditions: