APPLICATION NUMBER: 20/01363/ANM

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
20/01363/ANM	Mubeen Patel	19 November 2020

Address: Land Rear of the Royal Toby Hotel, Manchester Road Rochdale, OL11 3HF

Proposal: Application for non-material amendments to planning permission 19/01147/FUL to change the approved 4 x 1MW battery containers to 2 x 2MW battery containers, within an increase in height from 2.8m to 2.9m.

PUBLICITY	**Weekly list expired?**	N/a	**Site notice expired?**	N/a
	Neighbour letters expired?	N/a	**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/a

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

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

RECOMMENDATION	APPROVE

CHECKED AND SIGNED OFF BY: KN DATE: 19/11/2020

SITE

The proposed development site comprises approximately 0.55 Ha of vacant land allocated as part of a wider Primary Employment Zone within the Rochdale Borough Unitary Development Plan. The surface cover of the site comprises landscaped / rough grassland, with individual trees and a band of TPO woodland partly within and to the north of the site. No hardstanding or building structures are present. The application site is mainly flat with land adjacent to the south falling in gradient.

An existing electrical substation is situated in close proximity to the east. The access route to the public highway extends through the car park of the adjacent pub (Royal Toby) to the west. The nearest residential properties are located to the north along Gipsy Lane on other side of the mentioned TPO trees. The site is situated within a primarily industrial and commercial area where the nearest commercial properties include The Royal Toby Hotel, a truck parts business and a car sales business to the south.

Planning permission was granted in March 2020 (19/01147/FUL) for the 'Construction of a battery energy storage facility including 2.4m high boundary fencing, gates, car parking and landscaping' at the site.

PROPOSAL

This Section 96A application seeks amendments to the approved plans, as follows:

- change of the approved 4x 1MW battery containers to 5 no. x 4MW battery sets each comprising 2 x 2MW Battery Containers and 6 x Inverter Modules.
- Increase in the containers height from 2.8m to 2.9m, which is offset through decreased width and depth.

The application also proposed re-routing the cable from the site to the substation to run along Royle Barn Road, instead of wrapping around Castleton transforming station. However, this is outside of the red line boundary of the application site and therefore does not form part of the original application and has not been considered. The description of the application is also altered to reflect this.

RELEVANT PLANNING POLICY

Legislation

Town and Country Planning Act 1990 – Part III Section 96A

National Guidance

National Planning Policy Framework (NPPF) – February 2019

National Planning Practice Guidance (NPPG)

RELEVANT SITE HISTORY

19/01147/FUL - Construction of a battery energy storage facility including 2.4m high boundary fencing, gates, car parking and landscaping – Approved - 05.03.2020.

CONSULTATION RESPONSES

None.

REPRESENTATIONS

In line with the Council's code of publicity for this level of application, no letters of notification were issued.

ANALYSIS

Paragraph 002 to section 17a of the National Planning Practice Guidance (NPPG) states that:

> *'There is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990'.*

Therefore, the purpose of the application is to seek the Council's determination as to whether the changes to the previously approved plans are sufficiently material in their nature and in the context of the approved development so as to require a fresh planning permission or not. Non-material amendment applications are not an application for planning permission, do not result in the issuing of a new planning permission and relate only to the amendments sought.

Paragraph 008 to section 17a of the NPPG states that in making decisions on non-material amendment applications, the local planning authority should take into account:

> *'the effect of the change, together with any previous changes made under section 96A. They must also take into account any representations made by anyone notified, provided they are received within 14 days of notification. As this is not an application for planning permission, section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply.'*

Paragraph 011 to section 17a of the NPPG states that the issuing of an approval for a non-material amendment application:

> *'…only relates to the non-material amendments sought and the notice of the decision should describe these. It is not a reissue of the original planning permission, which still stands. The two documents should be read together.'*

Section 96A of the Town and Country Planning Act 1990 also allows for new conditions to be imposed, or existing conditions to be removed or altered in the issuing of a decision for a non-material amendment application.

The applicant has indicated that the modifications are required due to availability issues of the approved battery systems which are not presently obtainable. As such, it is proposed to change the 4x 1MW battery containers to 2x 2MW battery containers.

The change would have minimal alterations to the appearance of the system, with a slight increase in the height of the containers from 2.8m to 2.9m, and the increase in the actual number of batteries, however these would be smaller and overall take up slightly less floor space with a decreased width and depth.

In terms of noise, the proposed changes are not considered to significantly increase nuisance to neighbouring residential occupiers, and Conditions 11 (Plant Noise) and 9 (Acoustic Fencing) of approval 19/01147/FUL would still need to be adhered.

Given the details and information submitted, the proposed changes are not considered to materially alter the design of the development and would not result in a significant change in the relationship with surrounding properties.

Summary

The effects of the proposed amendments to planning approval 19/01147//FUL would not, either in isolation or combination, materially alter the development's impact in terms of its design, relationship with neighbouring uses or impact on the character and appearance of the surrounding area. The amendments would result in no greater material impact than the development as previously approved and, therefore, constitute a non-material amendment to the original planning permission for the purposes of Section 96A of the Town and Country Planning Act 1990.

RECOMMENDATION

AC

1 For the avoidance of doubt, this permission relates to the following drawings:

- Planning Arrangement 1:500 - 21225-0201 P12
- Planning Arrangement 1:200 21225-0200 P12
- Site Elevations 1:200 - 21225-0300 P5

Notes for Applicant:

INFORMATIVE:

This decision notice is to be read alongside that issued with planning permission 19/01147/FUL and all conditions that were imposed on the previous planning permission remain.

Report Author Mubeen Patel