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**2017/1601**

**Applicant:** Barnsley Metropolitan Borough Council, C/o IBI Group

**Description:** Erection of an electrical substation.

**Site Address:** Land at Kendray Street, Barnsley, S70 2JL

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No comments have been received at the time of writing the report. However as the consultation period will still be open when the report is published Councillors shall be provided with a further update at the Board meeting.

### **Site Description**

The application site comprises part of the land located off Eldon Street and Kendray Street in the Town Centre which previously hosted a roof top car park, its associated access ramp and ground floor retail units that were located in the foreground of the former Council central offices and TEC centre. These have now been demolished to make way for the construction of a new building forming part of the Glassworks Town Centre redevelopment scheme.

### **Proposed Development**

The proposal is to construct an electricity substation to serve the new central library which is under construction a short distance away from the site to the south west on May Day Green.

The substation would initially be constructed as a stand-alone building. However in the future it would be enclosed within one of the new buildings to be constructed as part of the town centre re-development. This will be a two storey building which is going to house retail units, food and drink outlets and a leisure unit that is currently envisaged as a bowling alley.

The substation would measure 16m<sup>2</sup> in floor area. Maximum dimensions would be 6.2m x 4.3m on the ground by 3.6m in height with blockwork walls. In the future it would be enclosed so that only one side would be seen externally on the north west side facing Eldon Street.

The plans indicate that the building would be constructed out of similar materials to the new building which is going to surround the substation in the future. Once the new building has been constructed the only noticeable change would be the addition of louvered entrance doors and a vent to the elevations currently approved. The doors would measure an area of approximately 2.5m square.

### **History**

The site is located within the area forming phase 2 of the Town Centre redevelopment scheme. The relevant previous planning history is as follows:-

Outline planning application 2015/0549 was approved 08/07/2015 with all matters reserved. This approved *a mixed use development of Barnsley Markets and adjoining land following demolition of existing offices, bridge, part of existing market hall and multi-storey car park to provide a replacement refurbished retail / market floorspace, new retail / food and drink (Use classes A1, A3, A4), a cinema (Use Class D2), a library (Use Class D1), and new public open space, access road and associated servicing arrangements, car parking and a pedestrian footbridge across the adjacent railway to the site of the former CEAG building.*

Reserved matters approval of access, appearance, layout and scale of the refurbishment and extension of Metropolitan Centre containing a mixture of markets, retail, food and drink (A1, A3, A4), and leisure (D2) uses was given 20<sup>th</sup> April this year under application 2017/0135. This is now known as phase 1 of the Glassworks.

Approval over the reserved matters for the new central library was approved 27/10/2016 and under applications 2016/0924 and 22/02/2017 (amended plans -ref 2016/1504).

Reserved matters approval was granted by the Council on 27<sup>th</sup> September of last year for the phase 2 part of the Town Centre development which consists of the following:-

*Mixed use development of land adjoining Barnsley Markets following demolition of part of existing market hall and multi storey car park to provide new retail/food and drink (Use Classes A1, A3), cinema and leisure use (Use Class D2), new multi storey car park and service road, with access to/from Lambra Road.*

Application 2015/0730 had earlier determined that Prior approval was not required for the Demolition of Council Offices (Kendray Street) / TEC Centre & Retail Units (Eldon St / Kendray St) / Multistorey Car Park & associated structures / Zero Ice (Alhambra Road) on 23<sup>rd</sup> September 2016. This enabled the demolition work to proceed as a form of Permitted Development.

## **Policy Context**

Planning decision should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The development plan consists of the Core Strategy and the saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

The Council has submitted our emerging Local Plan to the Secretary of State but we are at an early stage in the examination process. It establishes policies and proposals for the development and use of land up to the year 2033. The document is a material consideration and represents a further stage forward in the progression towards adoption of the Local Plan. As such increasing weight can be given to the policies contained within the document although, in accordance with paragraph 216 of the NPPF, the extent of this will depend on:

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

### Saved UDP Policies

UDP notation: Principal Shopping Frontage  
/Public Car Park/TC58/16 Lambra Road (0.53ha B1 business)

### Local Development Framework Core Strategy

CSP8 'The Location of Growth'  
CSP26 'New Development and Highway Improvement'  
CSP29 'Design'  
CSP31 'Town Centres'  
CSP40 'Pollution Control and Protection'

## Publication version of the Draft Local Plan

Proposed designations: The Markets Area/Better Barnsley Development Area/Primary and Secondary Shopping Frontages/Priority and Gateway Sites for Public Improvements/Proposed Cycle Routes

BTC12 The Markets Area District – The Council will allow shops, offices, leisure developments, and food and drink uses within the Markets District. We will allow residential development on upper floors, but not at ground level if it would harm the vitality and character of the town centre. We may allow other uses if they would support the liveliness and economic strength of the town centre.

BRC13 Development Site 1 – Better Barnsley including former TEC building and CEAG site – The Council will allow the following types of development:-

- Retail, including a department store
- Offices
- Leisure
- Food and drink
- Residential
- Car Parking

Development will be expected to:-

- Create new links to and within the town centre and other areas adjacent to the Town Centre such as the Metrodome and Oakwell
- Provide residential development in the upper floors only, and not at ground level if it would harm the vitality and character of the town centre
- Include other uses if they would support the liveliness and economic strength of the town centre

TC2 Primary and Secondary Frontages – Within the primary and secondary shopping frontages in Barnsley Town Centre and the District Centres ground floor uses should be predominately retain in nature. Financial and professional services (class A2) and food and drink (classes A3 to A5) uses will also be acceptable. Other uses may be acceptable, especially where they diversity and improve provision in a centre, providing that it can be demonstrated that the vitality and viability of the primary shopping area is concerned.

BTC7 Gateways – Development must satisfy a range of criteria relating to design quality, place shaping and improving public spaces

## NPPF

The National Planning Policy Framework 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. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

## **Consultations**

Civic Trust - No objections have been received at the time in writing.

Highways - Advise that it shall be necessary to ensure that the doors do not open out into the adopted highway. In addition they would wish to see a construction method statement due to the location of the site.

Pollution Control – No objections

Ward Councillors – No objections have been received at the time in writing.

## **Representations**

The application has been publicised via neighbour notification letters and a site notice. No representations have been received at the time of writing the report. However, the consultation period for representations does not expire until the day after the date of Planning Board. Members will be verbally updated at Planning Board of any further representations that have been received at that point but Officers would be recommending that any decision that is made is delegated to Officers to take account of any late representations received.

## **Assessment**

### Principle of Development

The construction of a substation has been identified as essential infrastructure which is necessary to serve the new central library which is presently under construction.

The substation would occupy a small ancillary space which was not earmarked to include any residential or leisure floor space within the new building that is due to be constructed on the site. Whilst the development would occupy part of the ground floor that is primary shopping frontage the small size of the loss would be more than compensated for by the amount of new retail and other A class uses that would form part of both phases of the Glassworks town centre redevelopment scheme. This is a minor issue therefore in context.

### Visual amenity

In the short term the development would be a utilitarian addition to the town centre. However this would be temporary and would be less noticeable in the context of all of the other demolition and construction work associated with the town centre redevelopment works taking place over the course of the next few years.

In the fullness of time the substation would be fully enclosed within one of the new buildings and so longer term it does not raise any significant visual amenity considerations. At that point it would become a small amendment to the elevations which have already been approved for the site. This was already due to have doors and roller shutters in this location. Also the surrounding walling material would remain unchanged and so the differences would be barely discernible in the context of the future building. Overall the development is acceptable in the context of policy CSP29 'Design'.

### Residential Amenity

There are no residential properties in the immediate vicinity and in any case the development would not give rise to any amenity impacts.

## Highway Safety

Highways require reassurances that the entrance doors would not open out into an areas of adopted highway. In addition they require a construction method statement to detail how the compound would be set up in the context of the changing areas of the town centre. Furthermore details of future servicing requirements should be provided. Suitable conditions would be necessary therefore.

## Conclusion

The development would provide essential power supply to serve the new central library. In the short term the development would be a utilitarian addition to the town centre. However in the fullness of time it would become fully enclosed within one of the new buildings and so longer term it does not raise any significant visual amenity considerations. Overall therefore the development has been assessed to be acceptable in the context of the relevant planning policy assessment considerations, subject to the imposition of the conditions requested by highways.

## **Recommendation**

That Members delegate the decision to Officers to grant planning permission with conditions subject to consideration of any representations received during the consultation period.

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
**Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.**
  
- 2 The development hereby approved shall be carried out strictly in accordance with the following plans and specifications as approved unless required by any other conditions in this permission:-  
  
BBTC\_IBI\_XX\_A\_F100\_PL\_00\_11 rev P02 'Site Location - Substation Library  
  
BBTC-IBI\_D2\_A\_F100\_SK06\_21072017 rev A 'Library Substation - Existing and Proposed Site Plan  
  
BGW2-IBI-ZA-XX-XX-A-G300-0001 rev 7 'Library Substation - Phase 1  
**Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.**
  
- 3 Upon commencement of development details shall be submitted to and approved in writing by the Local Planning Authority of the design of the external service doors to ensure that they do not open out into the adopted highway. Thereafter the development shall be constructed in accordance with the approved details.  
**Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**

- 4 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
  - Means of access for construction traffic
  - Loading and unloading of plant and materials
  - Storage of plant and materials used in constructing the development
  - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - Wheel washing facilities

**Reason: In the interests of highway safety, residential amenity and visual amenity, in accordance with Core Strategy Policies CSP 26 and CSP 40.**

- 5 Upon commencement of development details shall be submitted to and approved in writing by the Local Planning Authority of future service arrangements for the substation to ensure that they do not interfere with the free movement of pedestrian and vehicular traffic. Thereafter the development shall be constructed in accordance with the approved details.

**Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**

