
2021/1680

Applicant: Marc Thomas/Noriker Power Limited

Erection of DNO substation area of adjacent Battery Storage Site

Stairfoot Battery Storage Site, Unit 1a Oaks Business Park, Oaks Lane, Barnsley, S71 1HT

Site Description

The application site is within Oaks Business Park, Hoyle Mill situated to the front of unit 1 on the very North-East of the business park. Access into the Estate is from the East with a gradual slope from East to West leading up to the industrial park, with the application site on the right-hand side. The Business Park is located approximately 2 miles East from Barnsley Town Centre and is reached primarily from Doncaster Road (c. 380m to the South), Grange Lane c.560m to the East and Pontefract Road c.650m to the North-West. The industrial estate is of a typical layout and appearance largely comprised of detached commercial buildings of varying sizes, shapes and structures, constructed from a variety of materials including red brick and steel cladding. The buildings contain a varying number of units with the application site being in front of units 1 and 2 which make up the entire building. To the West is a longer unit comprised of 5 smaller units. There is some screening to the front of the site with a hedgerow which runs from the entrance of the industrial estate along the entire frontage of the site.

The site falls on the former Barnsley Main Colliery Site, lying within a high Coal Mining Risk Area with 2 x mine entries in very close proximity to the site. The application is in relation to a recent planning approval – 2020/1373 for the erection of an electricity storage unit containing battery containers, transformers, inverters, backup generators, substations, control room and 4m and 2.4m perimeter fences. The previous approval included a substation on the site, but subsequent issues arose in regards to Coal Mining Legacy from the previous use. The development has commenced but the application site under this application reference falls just outside of the previously approved development area, c.8m to the West.

Google Street View of the Site (Dated May 2018):



Site Visit Photographs (January 2022):





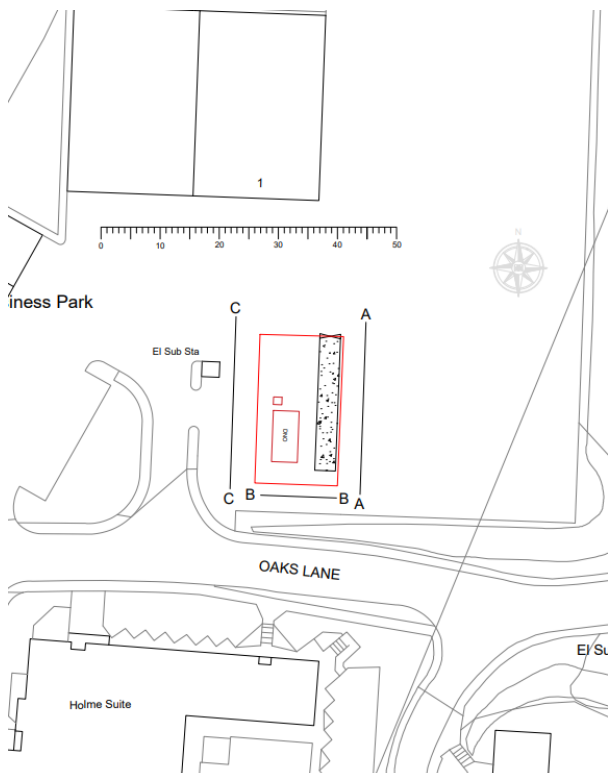
Planning History

B/93/1226/BA – Change of use of land for use within Class B1, B2 and B8 (Historic)

2020/1373 – Electricity storage unit comprising battery containers, transformers, inverters, back up generator, substations, control room and 4m and 2.4m high perimeter fences (Approved with conditions)

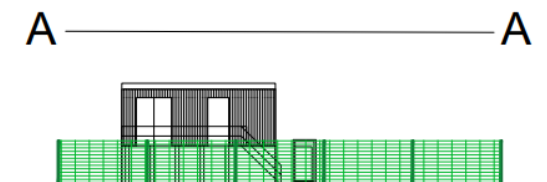
Proposed Development

The applicant is seeking approval for the erection of a Distribution Network Operators (DNO) substation located to the South of the site on the corner of Oaks Lane and the access into the site/carpark. The substation is rectangular in shape, 9.24m in length and 4.35m in width, effectively built on a concrete base with an overall height of 5.75m. The substation will have GRP steps leading up to a platform which provides access into the first floor of the substation. It will be bordered by a 2.4m high security weldmesh security fence. The proposed development also includes a welfare container to the North of the substation including a toilet. The welfare container measures 1.2m x 1.4m with a height of 2.2m

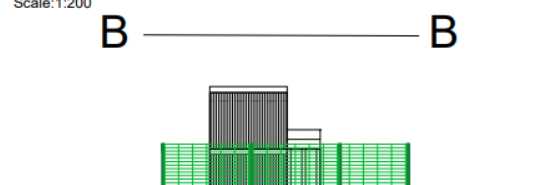


Policy Context

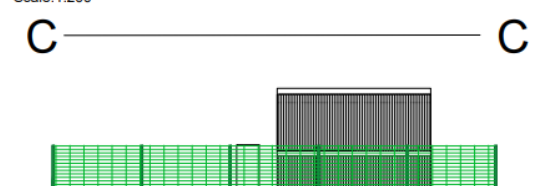
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Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The development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

Local Plan

The Local Plan (adopted January 2019), alongside the Joint Waste Plan and relevant neighbourhood plans, form the statutory development plan for Barnsley. It establishes policies and proposals for the development and use of land up to the year 2033 and will be used when considering planning applications and to coordinate investment decisions that affect the towns, villages and countryside of Barnsley. The Local Plan supersedes the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011). In reference to this application, the following policies are relevant:

GD1: General Development – Development will be approved if there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents.

D1: High Quality Design and Place Making – Development is expected to be of a high quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and other features of Barnsley.

T3: New Development and Sustainable Travel – New development will be expected to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cyclists.

T4: New Development and Transport Safety – New development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement.

CC1: Climate Change – The Council will seek to reduce the causes of and adapt to the future impacts of climate change by the following measures:

- Giving preference to development of previously developed land in sustainable locations;
- Promoting the reduction of greenhouse gas emissions through sustainable design and construction techniques;
- Locating and designing development to reduce the risk of flooding;
- Promoting the use of Sustainable Drainage Systems (SuDS);
- Promoting and supporting the delivery of renewable and low carbon energy; and
- Promoting investment in Green Infrastructure to promote and encourage biodiversity gain.

RE1: Low Carbon and Renewable Energy – All developments will be expected to seek to incorporate initially appropriate design measures, and therefore decentralised, renewable or low carbon energy sources in order to reduce carbon dioxide emissions and should at least achieve the appropriate carbon compliance targets as defined in the Building Regulations.

Poll1: Pollution Control and Protection – Development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people.

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.

In respect of this application, the policies above are considered to reflect the 4th Core Principle in the NPPF, which relates to high quality design and good standard of amenity for all existing and future occupants of land and buildings. They also reflect the advice in paragraph 124 (general design considerations) and paragraph 130, which state that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.

Paragraph 148 – The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to support renewable and low carbon energy and associated infrastructure.

The National Grid published its latest Future Energy Scenarios report in July 2020. The document identifies the changes to the UK energy infrastructure and consumer behaviour that would be required in order to achieve the UK's 2050 decarbonisation target under four scenarios. All scenarios identify that there will be a high flexibility requirement to be supported by an increase in installed electricity storage capacity. The fastest route to carbon neutrality, the Leading the Way scenario, requiring 40,000MW of installed electricity storage by 2050; around 8 times more than the current installed levels.

Consultations

The Coal Authority – Confirms that the application site falls within the defined Development High Risk Area. It is recorded that the potential zone of influence of an off-site mine entry shaft encroached into the site. An untreated or inadequately treated mine entry and its resultant zone of influence pose a significant risk to surface stability but also public safety. The Coal Authority initially objected to the proposal as a CMRA had not been submitted. On receipt of this information, The Coal Authority removed their objection stating that the content and conclusions of the Mining Risk Assessment and subsequent Coal Mining Investigation are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is safe and stable.

SYMAS – It is noted in the planning statement that the proposal has been relocated away from the disused mineshafts for safety reasons. I have checked the distances and it looks like they have achieved a 20m standoff. Suggested to await The Coal Authority's response for confirmation that they are happy with the revised location.

Highways – No objection

Pollution Control – No Objection

Air Quality – No objections

South Yorkshire Police – Whilst the application makes reference to a 2.4m High Security Fence, the weldmesh mentioned within the submitted information is only of a demarcation type which offers very little by way of crime prevention. It is therefore suggested that the fence is replaced by a LPS 1175 LPS3 weldmesh security rated fence. The agent was made aware of the above comments and was asked to change the proposed fencing but the development has commenced with the fencing already sourced. Further information was provided by the agent which stated why the proposed fencing was considered appropriate and that other security measures (such as 24hr CCTV) were proposed/already active. In response to this, SYP stated that the weldmesh fencing that has been ordered is OK as demarcation fence and the type usually used around Schools.

Ward Councillors – No comments

Representations

Neighbour notification letters were sent to neighbouring properties and a site notice was placed nearby; no comments were received.

Assessment

Principle of development

The application site is within the Urban Fabric, but it is located within a well-established industrial estate. The proposed development is a slight amendment from the extant planning approval on/just to the East of the site (2020/1373) with the substation being removed from the previous application and being re-sited approximately 20m to the West due to coal mining risk. The substation is primarily in association with the previously approved/ongoing development and does not significantly change the character of the area or how the development will impact on the industrial estate and is considered to be in acceptable in principle.

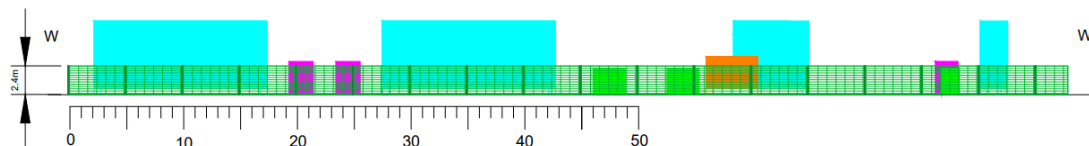
Visual Amenity

The application follows on from 2020/1373 which included the substation but this location was subsequently deemed unsuitable due to coal mining risk. As such, it has effectively been re-sited c.8m to the West which is more visible as it resides on the corner of Oaks Lane and the access into the site. The previous position was further in the site to the East and would be largely screened by a hedgerow which runs on the Southern boundary line of the site. However, the substation will still largely be screened on approach to the site/industrial estate from the East. The height of the substation is fairly high with a height of 5.75m with a fairly large footprint (37.5sqm) but is small in comparison to the other buildings on the industrial estate. Additionally, the size and appearance of the substation has already been approved under 2020/1373.

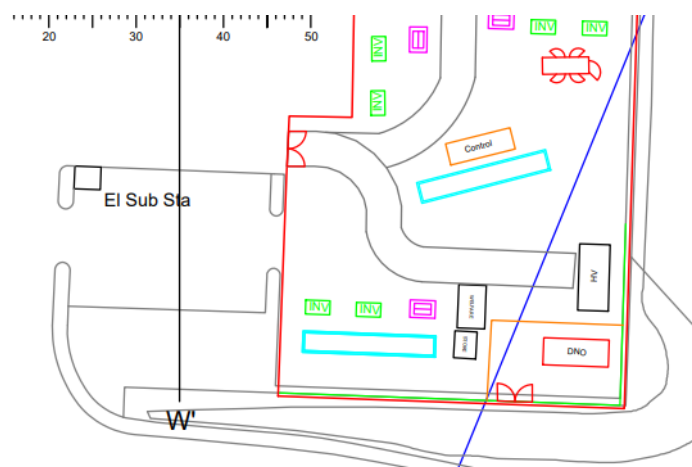
The proposed sub station, when viewed on its own, appears slightly isolated from the other buildings on the industrial estate being at a distance of c. 35m from the nearest unit 1 and around 40m away from the units to the West. However, it should be viewed in the context of an addition to the wider site which is being redeveloped for the battery storage site. The elevation drawings from application 2020/1373 show a partial street scene of the approved storage facility with the previously approved substation to the South (right hand side of the plans) – see screenshot below. The substation will largely blend into the overall site, will be similar in appearance, size and design to the storage facility as a whole and will not appear as an isolated building. Some of the buildings/structures included within the battery storage facilities are effectively two storey, for example the battery container which is larger than the proposed substation.

West-facing elevations of the battery storage facility (approved under 2020/1373):

West view
Scale 1:250



2020/1373 - Approved site plan showing previous location of the substation – bottom right outlined as 'DNO':



Whilst the proposed development is in a more visible location compared to the above and also individually appears as an isolated structure in the chosen location in its current undeveloped form but this is clearly undergoing substantial change with development already commencing for the site. The site is located within a fairly remote industrial estate and is not on a prominent site, with screening to the front (Southern boundary) and to the East, on approach to the state and site. The industrial estate is fairly diverse in terms

of building sizes, structure and external materials and whilst the change in location has a greater impact on the street scene, on the whole it is not considered harmful given the overall location and the pre-existing street scene. The proposed development appears as a standard substation and is in compliance with Local Plan Policy D1: High Quality Design and Place Making.

Coal Mining Risk

The application site falls within a defined Development High Risk Area, with 2 mine shafts in very close proximity to the site – both marked by a red 'X' in the below screenshot. The Coal Authority records indicate the potential zone of influence of an off-site mine entry (shaft, CA ref. 436406-005) may encroach into the site. In addition, the Coal Authority's information indicates that the site lies in an area where historic unrecorded coal mining activity is likely to have taken place at shallow depth.



The Coal Authority initially objected to the proposed due to the fact that a Coal Mining Risk Assessment and other relevant technical information had not been submitted to support the application. On receipt of a mining risk assessment (dated 25th January 2022) and a Coal mining Investigation (dated 8th February 2022), the Coal Authority removed their objection. The response from The Coal Authority stated that the applicant's ethical consultants are able to conclude that the zone of influence of the recorded mine shaft will not encroach into the site and the documents are sufficient in order to meet the requirements of the NPPF in demonstrating the application site is safe and stable. The proposed development is therefore considered to be in compliance with NPPF paragraph 183 and 184 and is acceptable in terms of coal mining risk/land stability.

Residential Amenity

The site is located within a fairly remote and established industrial estate c.185m to the South-East on Hopewell Street. There is some noise and general disturbance associated with substations, but it isn't a particularly noisy use and there will be similar noise and disturbance coming from the existing occupiers of the industrial estate. The proposed development is to support another approved use and the above separation distance is considered to be significant enough to ensure that the proposed development does not result in a significant detrimental impact to neighbouring properties in terms of residential amenity.

Highway safety

The application site falls on an area which is used for parking and will remove a small number of parking spaces. However, Highways have been consulted on the proposal and have not objected due to the fact that the parking area now seems to be unused and there is sufficient parking for the estate. The site visit showed that there are several shared parking areas within the industrial estate and there are no concerns with parking provision. The proposed development does not significantly change the character of the extant approval (2020/1373) and will not result in a significant increase in the amount of vehicular activity within or reaching the site. The proposed development is in compliance with Local Plan Policy T4 and is acceptable in terms of highways safety.

Other Matters

South Yorkshire Police were consulted on the application and initially raised some concerns with the use of a standard weldmesh security fence and suggested a more secure fence which is more commonly used for such sites. These concerns were relayed onto the agent who provided further details about the chosen

fencing stating that the fencing features 30mm projecting spikes which act as a deterrent to any potential intruders and makes it difficult to climb over. The site is also equipped with a 24/7 surveillance (CCTV) system along the entirety of the perimeter fence. The agent also stated that in the past, the company has only ever had incidents whilst the site is under construction, mainly due to the storage of expensive cabling. However, there has been no security breaches on this site since construction started. These comments were passed onto South Yorkshire Police who stated that the fencing was therefore deemed OK but if there were any security breaches in the future in which the fencing is to be replaced, it should be replaced by the requested LPS 1175 LPS3 weldmesh security rated fencing. It is considered that clearly it is in the best interest of the applicant/future operator of the site to make it secure and there has been some thought into the design of the development with fencing and CCTV which will ensure that it is safe.

Conclusion

The application is for the erection of a substation in association with an extant approval (2020/1373), however the application site does not fall within the same red line boundary as 2020/1373. The applicant is seeking approval for the erection of a substation which is to replace and re-position the substation approved under 2020/1373. The substation will effectively be re-positioned c.20m to the West due to concerns with coal mining risk/legacy and the presence of a nearby mine shaft. The proposed position makes the substation more visible within the area as previously it was entirely screened by a significant hedgerow which runs on the Southern boundary line of the site. When viewed individually on a plan, the proposed location of the substation does appear as an isolated structure but development has commenced on the wider site and when the site to the West is complete, the substation will blend into the overall site and industrial estate. It makes up a fairly small proportion of the site and despite being in a much more visible location and being fairly tall, it does not have an intrusive or harmful impact on the area which is a fairly remote industrial estate with a variety of building types, structures and external materials. Colleagues in Pollution Control, SYMAS, The Coal Authority and Highways have all been consulted on the proposal and have not raised any objections to the proposal. South Yorkshire Police were also consulted and recommended the use of a more secure weldmesh fencing but the agent provided details as to why the proposed fencing was secure and other security measures placed on site such as CCTV. These measures were considered appropriate for the safety and security of the site. Finally, the nearest residential properties are c. 185m away to the South-East and in the opinion of the LPA, will not be directly affected by the proposed development.

All in all, the proposed development is in compliance with Local Plan Policy D1, GD1, T4, CC1, RE1 and Poll1 and is recommended for approval.

Recommendation

Approve subject to conditions