

<b>Application Reference Number:</b>	2024/1084
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<b>Application Type:</b>	Change of Use
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<b>Proposal Description:</b>	Change of use of land from Plant Driving Training Centre to siting of containers for B8 Storage
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<b>Location:</b>	Barrett Excavation, West Road, Pogmoor, Barnsley, S75 2DH
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<b>Applicant:</b>	Mr B Sanderson
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<b>Third-party representations:</b>	One	<b>Parish:</b>	None
		<b>Ward:</b>	Old Town

**Summary:**

This planning application seeks a change of use of land from a Plant Driving Training Centre to siting of containers for Storage (Use Class B8).

The site falls within Urban Fabric as allocated by the adopted Local Plan. Development comprising a change of use is considered acceptable in principle if proposals are a suitable location for the use class and would not significantly adversely affect residential and visual amenity and highway safety.

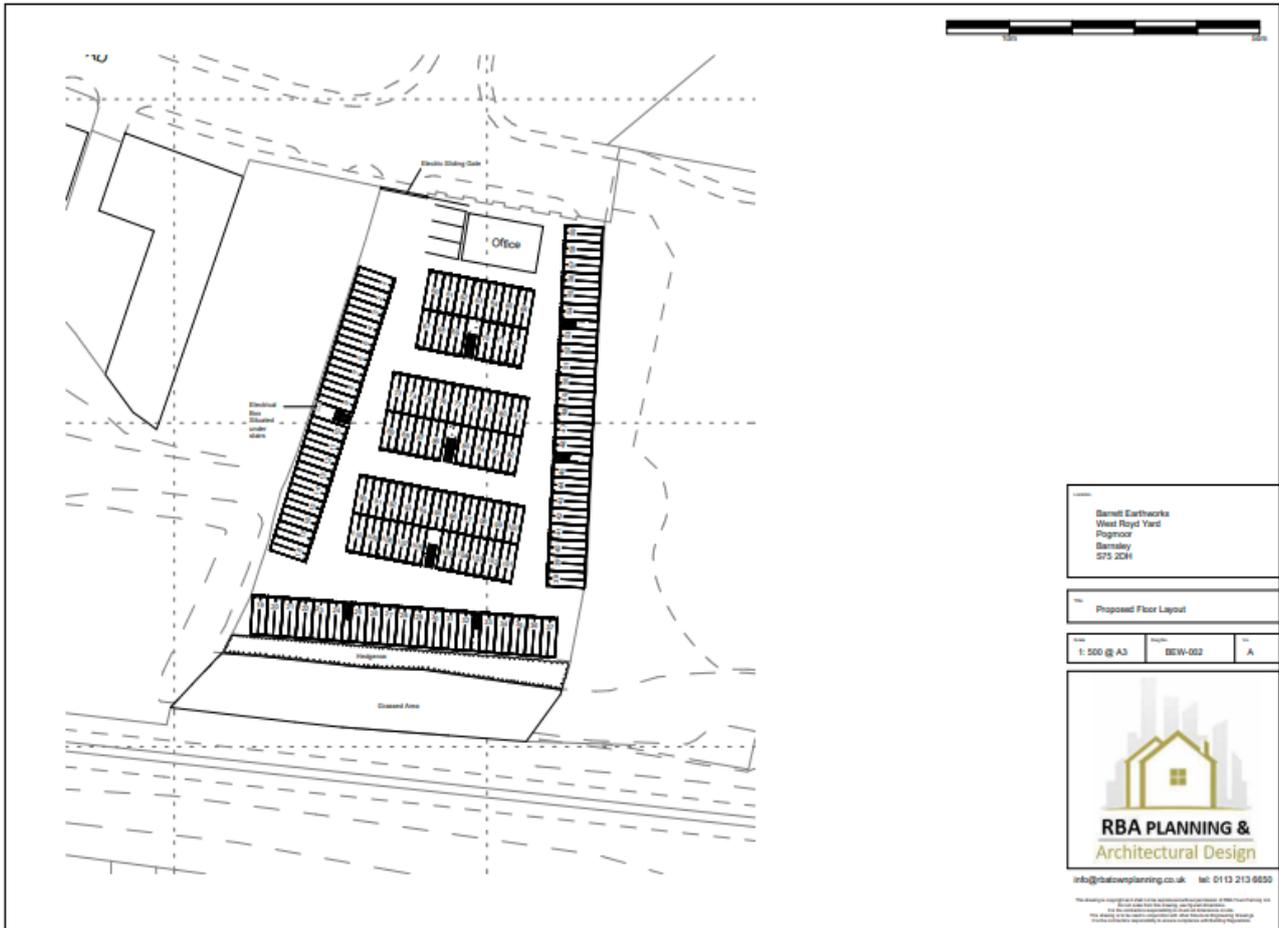
The proposal would have no adverse impact on highway safety, residential or visual amenity and is considered acceptable in policy terms. The proposal is therefore considered to be an acceptable and sustainable form of development in accordance with Section 2 of the National Planning Policy Framework (NPPF, 2024).

**Recommendation:**

Approve subject to conditions

## Site Description

The site is located at the end of West Street in Pogmoor with the access being the last exit off West Street. The last use of the site was a Plant Driving Training Centre therefore the land was mainly empty and open. To the north of the site is a recreation ground. To the east of the site is a footpath (Barnsley Ex Co Bo 242) and open space. To the south of the site is a railway line. To the west of the site are commercial uses. It is noted this application is retrospective.



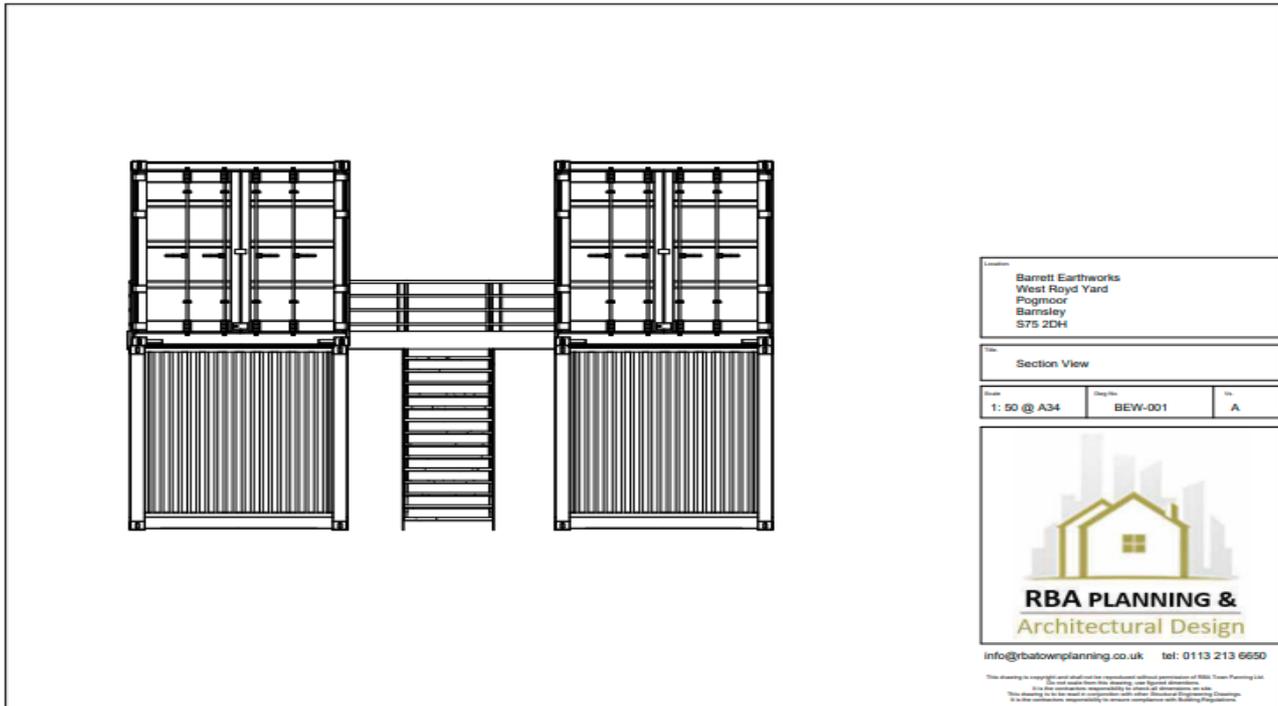
## Planning History

There are various planning applications associated with the site.

Application Reference	Description	Status
B/83/1387/BA	Use of land as Parks Maintenance Depot and erection of boundary wall	Approved with Conditions
B/95/1419/BA	Change of use from Grounds Maintenance Depot to Use Classes B1 and 2	Approved with Conditions
2005/1896	Change of use from B1 & B2 to a mixed use comprising of vehicle repairs and haulage depot and raise height of boundary wall from 1.1 metres high to 2 metres high	Approved with Conditions
2008/1145	Excavation and removal of former Ash Tip, Import Fill, re-level and surface for any future proposed development - resite of workshop with site boundary	Approve for a Temporary Period
2011/0323	Mixed use development including commercial space and residential development (Outline)	Refuse

## Proposed Development

This planning application seeks a change of use of land from a Plant Driving Training Centre to siting of containers for Storage (Use Class B8). It is proposed to site a total of 110 containers at double height (5.2 metres), with sufficient space to enable access to a maximum of a Luton/Long Wheelbase 3.5 tonne type vehicle. The containers will be of a green finish with steel steps leading to the second level, the containers at this level will face each other and have a covered walkway.



## Relevant Policies

### The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Barnsley consists of the Barnsley Local Plan (adopted January 2019). The Local Plan review was approved at the full Council meeting on 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027 or earlier if circumstances, require.

### **Local Plan Allocation – Urban Fabric**

To the extent that development plan policies are material to an application for planning permission the decision on the application must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004). In reference to this application, the following policies are relevant:

**Policy SD1: Presumption in favour of Sustainable Development** – States that proposals for development will be approved where there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents. Development will be expected to be compatible with neighbouring land and will not significantly prejudice the current or future use of neighbouring land. Policy GD1 below will be applied to all development.

**Policy 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. Development will be expected to be compatible with neighbouring land and will not significantly prejudice the current or future use of neighbouring land.

**Policy 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.

**Policy BIO1: Biodiversity and Geodiversity** – Development will be expected to conserve and enhance the biodiversity and geological features of the borough.

**Policy 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.

**Policy T3: New development and Sustainable Travel** – Expects new development to be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cycles. Also sets criteria in relation to minimum levels of parking; provision of transport statements and of travel plans.

**Policy 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.

#### National Planning Policy Framework (NPPF) and the National Planning Practice Guidance

In December 2024, The Government published a revised National Planning Policy Framework ("NPPF") which is the most recent revision of the original Framework, published first in 2012 and updated a number of times, providing the overarching planning framework for England. It sets out the Government's planning policies for England and how they are expected to be applied. The NPPF must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.

This revised document has replaced the earlier planning policy statements, planning policy guidance and various policy letters and circulars, which are now cancelled. Central to the NPPF is a presumption in favour of sustainable development which is at the heart of the framework (paragraph 10) and plans and decisions should apply this presumption in favour of sustainable development (paragraph 11). The NPPF confirms that there are three dimensions to sustainable development: economic, social and environmental; each of these aspects are mutually dependent. The most relevant sections are:

- Section 2 - Achieving sustainable development
- Section 4 - Decision making
- Section 12 - Achieving well-designed places

The National Design Guidance (2019) is a material consideration and sets out ten characteristics of well-designed places based on planning policy expectations. A written ministerial statement states that local planning authorities should take it into account when taking decisions.

#### Supplementary Planning Documents:

In line with the Town and Country Planning (Local Planning) (England) Regulations 2012, Barnsley has adopted twenty eight Supplementary Planning Documents (SPDs) following the adoption of the Local Plan in January 2019.

The most pertinent SPD's in this case are:

- Biodiversity
- Parking
- Sustainable Travel

The adopted SPDs should be treated as material considerations in decision making and are afforded full weight.

### **Consultations**

The LPA's Biodiversity Officer was consulted and raised no objections subject to conditions.

The LPA's Contaminated Land Officer was consulted and raised no objections.

Enterprising Barnsley were consulted and raised no objections.

Highways Development Control (DC) were consulted and raised no objections subject to conditions.

Highways Drainage were consulted and raised no objections subject to conditions.

Old Town Ward Councillors were consulted and raised no objections.

Planning Policy were consulted and raised no objections.

Pollution Control were consulted and raised no objections subject to conditions.

Public Rights of Way were consulted and raised no objections subject to an informative.

Yorkshire Water were consulted raised no objections.

### **Representations**

The application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015.

Neighbour notification letters were sent to surrounding properties, and a site notice was erected at the site. One objection was received and in summary raised the following material planning considerations.

- Access issues
- Development is out of place
- Drainage
- Emergency access
- Environmental Concerns
- Increased congestion in the area
- Increase in pollution
- Lack of parking
- Noise and disruption
- Roads are not suitable for frequent heavy vehicle traffic
- Safety hazards for pedestrians
- Scale and design of the development are concerning
- Strain on local infrastructure
- Visual impact on character of the area

## Assessment

The main issues for consideration are as follows:

- The acceptability of the change of use of land
- The impact on the character of the area
- The impact on residential amenity
- The impact on highway safety
- The impact on biodiversity

For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

### Principle of Development

The application site is allocated as Urban Fabric in the adopted Local Plan was last used as industrial land but without any significant buildings on site. The change of use to storage containers (B8) would be acceptable in principle provided that the use does not have a significant detrimental effect on residential amenity, visual amenity or highway safety.

### Design and Visual Amenity

The proposed storage containers are to be located on a vacant plot of land that was previously a plant driving training centre. This existing use required the land to be predominantly vacant. The storage containers when taken into context of the 110 proposed are of a substantial size but given the location and size of the plot they will not have a significantly detrimental impact on the surrounding area.

The storage containers are designed to be double stacked with a total height of 5.2 metres. The site is located on a predominantly industrial street with the adjacent uses featuring buildings of a similar height therefore providing some screening of the proposal from the wider area.

The storage containers are to be constructed from steel with a corrugated green finish, this material is considered acceptable given its common use in the construction of storage containers and the use of similar corrugated style buildings in the street scene.

Green colours are also considered to subdue the appearance of industrial buildings when viewed from a distance. The site is well screened to east, separated by the highway to the north, railway line to the south and to the west the buildings are of a similar nature. This weighs modestly in favour of the proposal.

Furthermore, the introduction of lighting will not be harmful and are smaller than the streetlights at the entrance of the site and on West Road as they are attached to the containers. The proposed development is in line with Local Plan Policy D1 and is considered to be acceptable in terms of design and visual amenity This weighs significantly in favour of the proposal.

### Residential Amenity

The application site is located on a predominantly industrial street that includes various uses. It is therefore considered that the proposed use is compatible with the existing uses. There are no residential properties within close proximity of the site. The nearest residential properties are approximately 45 metres away; however, these are separated by the railway line and therefore would not lead to the proposal having a significant detrimental impact in terms of residential amenity.

With regards the proposed lighting it is adjustable and could therefore be adjusted in the event of complaints. Furthermore, the lighting to the south of the site is facing away from the residential properties. Therefore, it is deemed the proposal does not conflict with Local Plan Policies GD1 and Poll1. This weighs significantly in favour of the proposal.

### Highways Safety

There will be no impact upon highway safety. No objections were raised to the application from a highways point of view. It is noted that the storage containers will be delivered in phases to meet demand and will be supplied and put in place via HIAB. Given the low level of trip generation expected as part of the development it is therefore considered that the proposals won't adversely impact upon the highway and are acceptable from a highway's perspective. This weighs significantly in favour of the proposal.

It is unclear however as to the proposed surfacing within the site, and as such, it is advised that the site should be hard surfaced in a bound material for the first 10 metres into the site to prevent the migration of any loose materials that may be used within the site. This will be covered by a condition.

Furthermore, a condition is also included for the submission of a construction method statement. As above it is noted that the site will be phased, however, during the initial construction phase it is necessary to understand the number of vehicles expected to arrive at any one time.

### Impact upon Biodiversity

A Biodiversity Net Gain (BNG) report and copy of the statutory metric have been provided with the application. Habitats present on site comprise modified grassland, ruderal/ephemeral, developed land, buildings and a non-native hedgerow. Condition assessments for the area of modified grassland and ruderal/ephemeral habitats for the baseline have not been submitted, however, they have been inputted to the metric as high.

Therefore, we can accept the absence of condition assessments in this instance. The BNG report states that there is a net loss of 58.41% (habitat units), 0% net gain in hedgerow units and the trading rules have not been met.

Post development information has been provided within the metric, which is welcomed. This confirms that an area of modified grassland and 13 trees will be created on site. However, this does not achieve the minimum requirement of 10% net gain. As such, the applicant will have to either seek to secure the required gains at a suitable area offsite, where practicable this should be located as close to the development site as possible. If this is the preferred option, then a S106 agreement would be required to legally secure this.

Additionally, the applicant may choose to purchase units from a habitat bank. If this option is preferred, then it is advised that where possible local based providers should be used. A precautionary method statement has been advised to ensure no harm to any species that may be present within habitats on site. As the site is located directly adjacent to the wooded railway line a sensitive lighting scheme will be conditioned to ensure impacts to foraging and commuting bats are kept to a minimum. This weighs moderately in favour of the proposal.

## Planning Balance and Conclusion

For the reasons given above, and taking all other matters into consideration, the proposal complies with the relevant plan policies and planning permission should be granted subject to necessary conditions. Under the provisions of the NPPF, the application is considered to be a sustainable form of development and is therefore recommended for approval.

### **Recommendation**

Approve subject to conditions

### **Justification**

#### **STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015**

In dealing with the application, the Local Planning Authority has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application:

- Clarification of management plan and access arrangements
- Lighting amendments and discussion

Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering objections, the determination of the application and the resulting recommendation. It is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.

### **Conditions**

The Biodiversity Gain Plan shall be prepared in accordance with the Ecological documents submitted with the application [Amended Biodiversity Metric Rev 2, Amended Biodiversity Net Gain Report & Biodiversity Baseline Habitat Plan] by [Sam Toon BSc (hons) - Estrada Ecology Ltd] and dated [16/05/2025].

**Reason: In the interests of clarification and to help deliver a biodiversity net gain on site in accordance with Schedule 7a of the Town and Country Planning Act 1990.**

The development hereby approved shall be carried out strictly in accordance with the amended plans:

BEW-001 Rev. A  
BEW-002 Rev. A  
ES001BAR Rev. A

and specifications as approved unless required by any other conditions in this permission.

**Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.**

The external materials shall match those specified within the plans outlined above.

**Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1.**

Prior to the commencement of any development on site a Biodiversity Mitigation and Enhancement Scheme should be submitted to and approved in writing by the Local Planning Authority. The scheme should include the following.

- Precautionary Working Measures to ensure small mammals and amphibians are not injured and/or killed during site clearance works; and
- A sensitive lighting scheme for bats.

**Reason: In the interests of Biodiversity Conservation.**

No development shall take place unless and until full foul and surface water drainage details have been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the Local Planning Authority.

**Reason: To ensure the proper drainage of the area.**

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:

- i. The parking of vehicles of site operatives and visitors
- ii. Means of access for construction traffic
- iii. Loading and unloading of plant and materials
- iv. Storage of plant and materials used in constructing the development
- v. Measures to prevent mud/debris being deposited on the public highway.

**Reason: In the interests of highway safety.**

Before the development is brought into use, that part of the site to be used by vehicles shall be surfaced in a bound, solid material for the first 10m into the site and adequate measures shall be so designed into the proposed access to avoid the discharge of surface water from the site on to the highway.

**Reason: To ensure adequate provision for the disposal of surface water and to prevent mud/debris from being deposited on the public highway and to prevent the migration of loose material on to the public highway to the detriment of road safety.**

All external lighting shall be installed to the specification, locations and directions as set out in the Proposed Lighting Layout Plan ES100 BAR REV A . Lighting shall be angled downwards at all times to avoid obtrusive light spill. Thereafter the lighting shall be retained for the duration of the development and at no time shall exceed with the number of lights or strength (lumens). The lighting scheme shall be thereafter maintained and not altered unless otherwise agreed in writing with the Local Planning Authority.

**Reason: To minimise the risk of obtrusive light pollution which could impact on local residents, in accordance with Local Plan Policy POLL1.**

During works, construction or demolition related activity shall only take place onsite between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.

**Reason: To reduce or remove adverse impacts on health and quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1.**

**Informatives**

The granting of planning permission does not in any way infer that consent of the landowner is given. Therefore, the consent of all relevant landowners is required before proceeding with any development, including that of the Council as landowner.

If it should transpire that the applicant does not own any of the land included in this consent, then it is the responsibility of the applicant to seek all necessary consents and approvals of the landowner.

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The Town and Country Planning Act has been amended to make every grant of planning permission deemed to have been granted subject to the following General Biodiversity Gain Condition:  
The development may not be begun unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority; and
- (b) the planning authority has approved the plan.

The purpose of the General Biodiversity Gain Condition is to secure the 'Biodiversity Objective', which requires the post-development biodiversity value to exceed the pre-development biodiversity value of the on-site habitat by at least 10%.

Biodiversity net gain can be achieved through habitat creation or enhancement on-site or off-site; the purchase of biodiversity units from a habitat bank; or as a last resort through the purchase of statutory credits; or a mixture of these.

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The General Biodiversity Gain Condition has a separate legal basis in contrast to other planning conditions and will apply to all planning permissions, unless exempt. The General Biodiversity Gain Condition will therefore not appear on the decision notice along with the list of planning conditions imposed on the application, rather it will be referenced separately.

The General Biodiversity Gain Condition cannot be varied or removed by an application under section 73 of the Town and Country Planning Act. It also cannot be discharged as part of the grant of planning permission.

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The works should be undertaken outside of the bird nesting season (March-August inclusive). Should this not be possible then a suitably qualified ecologist should undertake a nesting bird check no more than 48 hours prior to the start of works. Should active nests be found, works should cease until the nests are no longer active and the chicks have fledged and the ecologist has deemed the area to be free of nesting birds.

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If a protected species (such as any bat, great crested newt, badger or any nesting bird) is discovered using a feature on site that would be affected by the development or related works all activity which might affect the species at the locality should cease. You should then seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 (as amended), the Protection of Badgers Act 1992 and the Wild Mammals Act 1996. This advice note should be passed on to any persons or contractors carrying out the development/works.

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A public right of way (Barnsley Ex Co Bo 242) runs adjacent to the proposed development site. Safe public access on the right of way should remain available whenever possible, with no obstruction of or encroachment onto the width of the path and no building debris, storage of materials or parked

vehicles limiting access at any time. Appropriate measures should be taken to protect the public, including fencing if necessary. If safe public access is not possible at any time then a temporary closure must be arranged, providing at least 4 weeks' notice and details of how public access will be managed. For further information contact [publicrightsofway@barnsley.gov.uk](mailto:publicrightsofway@barnsley.gov.uk).

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It is recommended that measures are taken to prevent a nuisance/or affect the quality of life of local residents. Please note that the Council's Pollution Control Team have a legal duty to investigate any complaints about noise, smoke, odour, light or dust. No waste should be burnt. If a Statutory Nuisance is found to exist, they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in Magistrates' Court. It is therefore recommended that you give serious consideration to the steps that may be required to prevent a noise, light, odour, dust or smoke nuisance from being created.