2022/0241

Mr P Sherburn

Lawful development certificate for proposed development of extension to existing band seal factory and associated external work including formation of hard standing landings and ramped access

Naylor Drainage, Clough Green, Cawthorne, Barnsley, S75 4AD

Background

The site has a long planning history, however the following applications are the most recent:-

2006/1369 – Erection of extensions to existing buildings and crane track and enclose crane track - Approved

2021/0205 – Installation of combined head and power unit, associated transformer and grp station – Approved

2021/1403 - Extension to existing factory and associated external works – Approved with conditions

Description

The application relates to an existing industrial site located within the Green Belt, approximately 1 mile south west of Cawthorne Village. The site is occupied by Naylors, a manufacturer known for producing clay pipes and building/construction products. The site extends to 18.9 hectares and comprises a number of buildings, the largest of which extends to approx 19,000sqm. The building which is the subject of this application is used as a band seal factory and is located to the north eastern corner of the site. The hard standing surrounding the building appears to be used for external storage purposes.

The site is accessed just off the junction of Lane Head Road and North Lane and the existing access and parking areas are to be retained. The closest residential properties to the building are approx. 100m away to the north east, set off Lane Head Road.





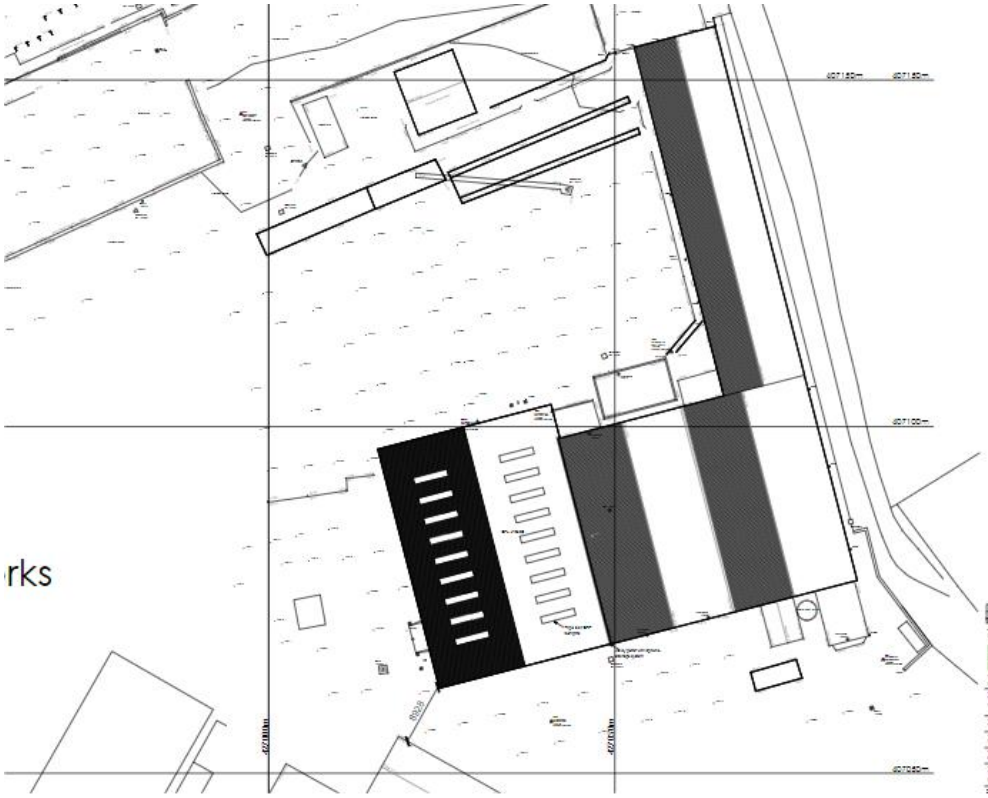


Proposed Development

The applicant seeks a lawful development certificate for the erection of an extension to the existing factory and associated external works. The scheme would extend the building to the west, to occupy an area which appears to be used as an outdoor storage area. The proposed extension would be rectangular in shape in order to provide additional space for the band seal factory. The extension will be used to extend the existing industrial processes which are already undertaken in the existing building (class use B2).

The existing building external footprint is approx 1870sqm and the proposed external floorspace is approx 925sqm, which is less than 50% of the existing building and is less than 1000sqm.The extension is less than the height of the building being extended as over 10m away from the site boundary

The extension would be constructed of matching materials and would utilise the existing access and parking facilities. The alterations also include associated external work which involve the formation of hard standing landings and ramped access to the doors.



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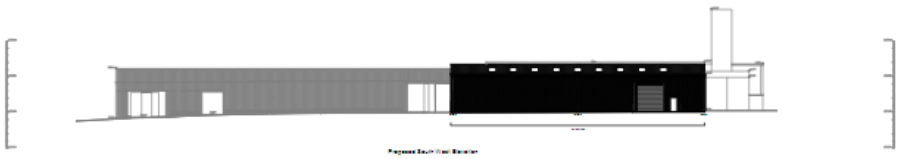

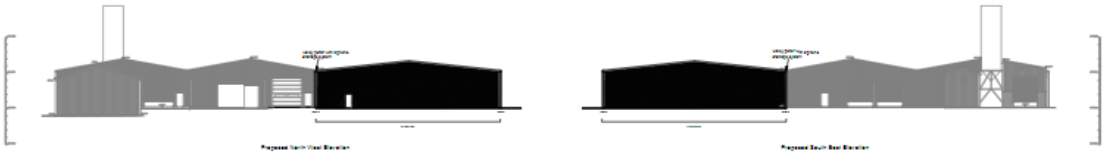

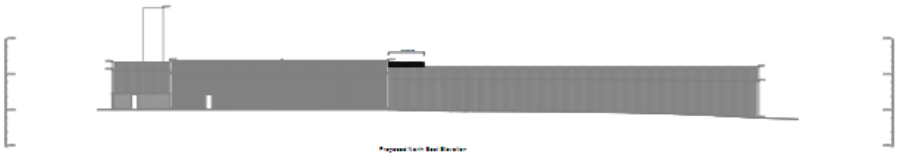


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Policy Context

The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) allows for the "erection, extension or alteration of an industrial building or a warehouse" under Class H, Part 7 where certain criteria are met.

Class H – extensions etc of industrial and warehouse
Permitted development

H. The erection, extension or alteration of an industrial building or a warehouse.
Development not permitted

H.1 Development is not permitted by Class H if—

(a) the gross floor space of any new building erected would exceed—
(i) for a building on article 2(3) land or on a site of special scientific interest, 100 square metres;
(ii) in any other case, would exceed 200 square metres;

(b) the gross floor space of the original building would be exceeded by more than—
(i) in respect of an original building or a development on article 2(3) land, 10% or 500 square metres (whichever is lesser);
(ii) in respect of an original building or a development on a site of special scientific interest, 25% or 1,000 square metres (whichever is the lesser);
(iii) in any other case, 50% or 1,000 square metres (whichever is the lesser);

(c) the height of any part of the new building erected would exceed—

(i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres;
(ii) in all other cases, the height of the highest building within the curtilage of the premises or 15 metres, whichever is lower;

(d) the height of the building as extended or altered would exceed—
(i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres;
(ii) in all other cases, the height of the building being extended or altered;

(e) any part of the development would be within 5 metres of any boundary of the curtilage of the premises;

(f) the development would lead to a reduction in the space available for the parking or turning of vehicles; or

(g) the development would be within the curtilage of a listed building.

Conditions

H.2 Development is permitted by Class H subject to the following conditions—

(a) the development is within the curtilage of an existing industrial building or warehouse;

(b) any building as erected, extended or altered is only to be used—
(i) in the case of an industrial building, for the carrying out of an industrial process for the purposes of the undertaking, for research and development of products or processes, or the provision of employee facilities ancillary to the undertaking;
(ii) in the case of a warehouse, for storage or distribution for the purposes of the undertaking or the provision of employee facilities ancillary to the undertaking;

(c) no building as erected, extended or altered is used to provide employee facilities—
(i) between 7.00pm and 6.30am, for employees other than those present at the premises of the undertaking for the purpose of their employment; or
(ii) at all, if a quantity of a dangerous substance is present at the premises of the undertaking in a quantity equal to or exceeding the quantity listed in the entry for that substance in Parts 2 or 3 of Schedule 1 to the Control of Major Accident Hazards Regulations 199982;

(d) any new building erected is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the existing industrial building or warehouse; and

(e) any extension or alteration is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the building being extended or altered.

Interpretation of Class H

H.3 For the purposes of Class H, where 2 or more original buildings are within the same curtilage and are used for the same undertaking, they are to be treated as a single original building in making any measurement.

H.4 For the purposes of Class H—
"dangerous substance" has the meaning given in regulation 2 of the Control of Major Accident
Hazards Regulations 1999;
"employee facilities" means social, care or recreational facilities provided for employees of the undertaking, including crèche facilities provided for the children of such employees; and

“original building” does not include any building erected at any time under Class H.

Class J – hard surfaces for industrial and warehouse premises

Permitted development
J. Development consisting of—
(a) the provision of a hard surface within the curtilage of an industrial building or warehouse to be used for the purpose of the undertaking concerned; or
(b) the replacement in whole or in part of such a surface.

Development not permitted

J.1 Development is not permitted by Class J if the development would be within the curtilage of a listed
building.

Conditions

J.2 Development is permitted by Class J subject to the following conditions—
(a) where there is a risk of groundwater contamination the hard surface must not be made of porous
materials; and
(b) in all other cases, either—
(i) the hard surface is made of porous materials, or
(ii) provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the industrial building or warehouse.

Consultations

Legal Officer - This is a case of applying the limitations in Class H of Part 7. Subject to checking the plans against the requirements an LDC can be granted.

Assessment

Permitted development rights allow the “erection, extension or alteration of an industrial building or a warehouse” under Class H, Part 7 and Class J Part 7 – “hard surfaces for industrial and warehouse premises” where certain criteria are met as follows:-

b) The existing building external footprint is approx 1870sqm and the proposed external floorspace is approx 925sqm, which is less than 50% of the existing building and is less than 1000sqm.

d) and e) the extension is less than the height of the building being extended as over 10m away from the site boundary

f) The extension does not reduce parking or turning space.

g) The extension is not located near a Listed Building.

In terms of the conditions the following are in compliance:-

The extension will only be used to extend the existing industrial processes which are already undertaken in the existing building(class use B2).

The extension will be constructed using materials which have a similar external appearance to those used for the building being extended.

The proposed hardstanding landings would not be within the curtilage of a Listed Building and sufficient drainage would be provided.

Having checked these specifications, as well as other supplementary specifications of the plans within Class H Part 7 and Class J Part 7 of the GPDO, the proposed works would comply with this legislation and it would fall within permitted development rights and therefore the lawful development certificate should be granted.

Recommendation

Approved subject to condition