
2022/0107

Mr Matthew Shields

Erection of 2no industrial units intended for uses classes B2 (General Industrial), B8 (Storage and Distribution) or E (g) (Uses which can be carried out in a residential area without detriment to its amenity) purposes

Vanat Site off Beevor Street, Hoyle Mill, Barnsley, S71 1HN

Site Location and Description

The site appears to be part of a wider area of land currently in use for parking and storage. It is surrounded by existing industrial units to the north and south and is bound by a landscaped embankment to the west, with access to the east off Beevor Street

Site History

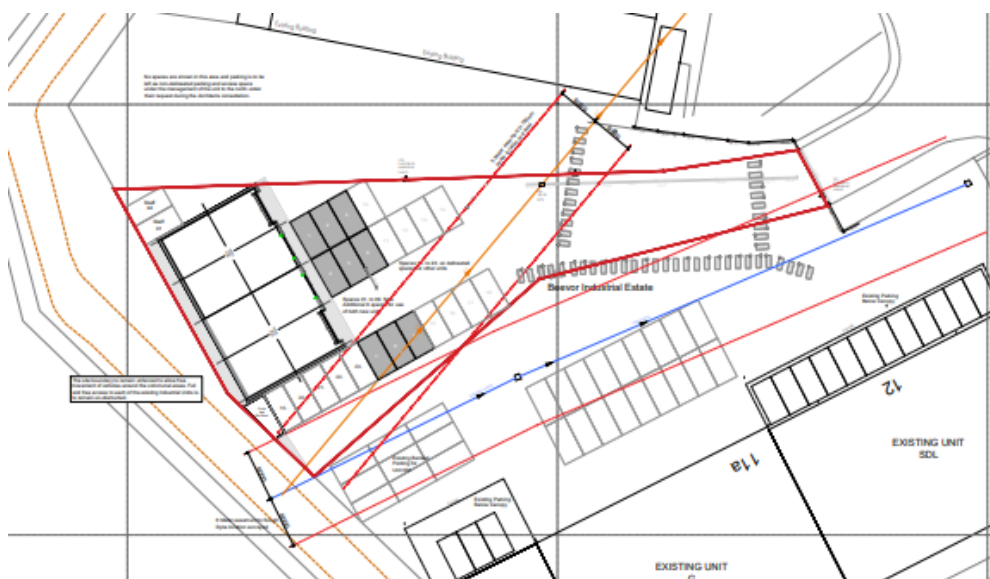
2008/1544 – Erection of industrial building (outline) granted

Proposed Development

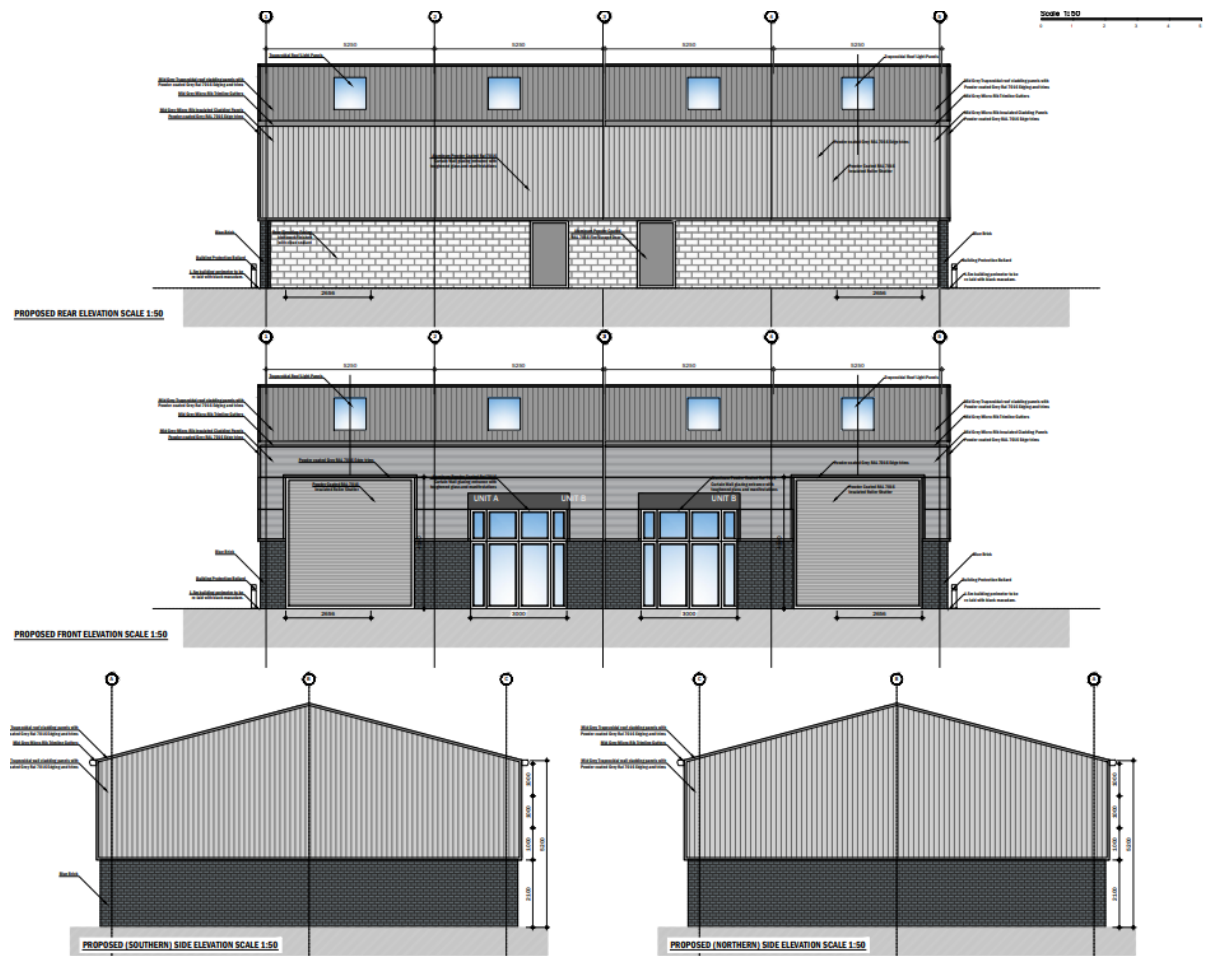
The applicant seeks permission for the erection of two industrial units in a single building to be used for general industrial, storage and distribution or office/research and development (formerly B1) uses. The application has been amended to reflect the comments of Yorkshire Water in relation to the need for the building to be sited clear of a sewer under the site and its easement; and also to address the need to secure adequate parking/servicing/manoeuvring space.

As amended the proposal includes 130m² at ground floor and 60m² mezzanine at first floor in each unit; the use of blue brick at the base and grey metal cladding over on the walls and roof; up to 25 car parking spaces.

Proposed layout plan (and showing the easement for the sewer)



Proposed elevations:



The application is supported by information submitted to address the issues raised by objectors in relation to the rights of different landowners around the development site.

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.

Local Plan

The Local Plan was adopted by the Council in January 2019. Council has also adopted a series of Supplementary Planning Documents which are other material considerations.

The Local Plan review was approved at the full Council meeting held 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 it.

The site is within an area designated as Urban Fabric within the Local Plan Proposals Maps and therefore the following policies are relevant:

Policy SD1 Presumption in favour of Sustainable Development – indicates that we will take a positive approach reflecting the presumption in favour of sustainable development in

the National Planning Policy Framework and that we will work proactively with applicants to find solutions to secure development that improves the economic, social and environmental conditions in the area

Policy GD1 General Development – sets a range of criteria to be applied to all proposals for development.

Policy D1 High Quality Design and Place Making – indicates that development is expected to be of high quality design and to reflect the distinctive, local character and features of Barnsley.

Policy E3 Uses on employment land – indicates we will allow research and development, light and general industry and storage or distribution on land currently/last used for employment uses.

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 – expects new development to be designed and built to provide safe secure and convenient access and to not cause or add to problems of highway safety or efficiency.

Policy Poll1 Pollution Control and Protection – sets criteria to ensure that new development does not unacceptably affect or cause nuisance to the natural and built environment or to people; or suffer from unacceptable levels of pollution.

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.

Para 111 indicates that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe

Para 185 indicates that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment and should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Supplementary Planning Documents

Parking – gives guidance on parking standards

Consultations

Highways DC – The information submitted in support of the application concludes that:

- The adjacent units do not have a legal right to park on land within the ownership of the applicant and vice versa
- The adjacent units within the Industrial Estate do have a legal right to utilise land within the ownership of the applicant to adequately access/egress their land and vice versa.

The proposals include 9 parking spaces designated for the proposed development which is in line with Council's parking standards. There are an additional 16 parking spaces indicated as being provided within the site. However as the submission indicates that the adjacent units have no legal right to park within the application site, any displacement of vehicles currently parking within the site cannot count against the proposal and it is therefore not necessary for the applicant to provide these spaces. As such, the parking arrangements are acceptable.

The evidence submitted in support of the application indicates that there is an area of 'common yard' over which the application site and the existing units have a right of access but that a plan of this common yard does not exist. However, there is sufficient space within the application site for the parking of 9 cars and access/manoeuvring by a service vehicles. In addition, the proposals do not prevent the adjacent units from gaining adequate access/egress.

It is likely that the applicant will have to consider the health and safety issues of potentially convoluted manoeuvres within the application site but as this area does not form part of the public highway, ultimately the responsibility for safe design lies with the designer under CDM regulations. Decisions relating to the design of this area should be fully documented within the projects health and safety file.

In view of the above I do not wish to raise an objection on highway safety grounds. Should you be minded to grant permission, please include a condition requiring the proposed vehicle parking and turning areas to be laid out, surfaced, drained and maintained

Enterprising Barnsley – actively support the application that will help to create much needed new industrial unit, of a size where there is a clear gap in the market, in a strategically important area of the borough

Yorkshire Water – If planning permission is to be granted, conditions and informatives should be attached in relation to the easement for the sewer that crosses the site and in relation to drainage of the site.

Drainage – I am happy for the details to be checked by building control.

South Yorkshire Mining Advisory Service – The proposed new warehouse will not lie within the Coal Authority Referral area and there is therefore no requirement for an associated coal mining risk assessment. SYMAS historical ordnance survey records indicate the land has a former industrial use being occupied by a malthouse previously. Made ground may be present on the stie and the applicant is advised to ensure foundations of the units are appropriately designed. If planning permission is granted the Coal Authority standing advice should be attached.

It should be noted that two disused mine entries are located within the overall site. Should any substantial ground works or development be proposed within the hatched areas

illustrated (Coal Authority High Risk Referral Areas) then consultation with the Coal Authority should be undertaken and a Coal Mining Risk Assessment may be required. It should also be noted that no disused mine entry or associated cap should be investigated or interfered with without the prior consent of the Coal Authority. Provided the development involves the warehouse in the location given alone, then SYMAS would have no objections and only the coal authorities Standing Advice would be required within a future decision notice if granted.

Pollution control – The development is unlikely to have an adverse impact on health and the quality of life of those living and/or working in the locality, so approval is recommended.

Public Rights of Way – A PROW runs around the boundary of the site. This should remain safely open and unaffected throughout works. If the application is accepted an informative is recommended in relation to the public right of way.

The Coal Authority – the development does not fall within the defined Development High Risk Area and an informative with the Coal Authority's Standing Advice should be included on any planning permission.

South Yorkshire Police – recommends that a planning condition is imposed to require the development to be designed and built to Secured by Design Standards or that as a minimum windows and doors are designed to comply with specified standards.

Ward Councillors – no response

Representations

The application has been publicised by means of direct letters to nearby properties and a site notice; and renotifications to nearby properties and objectors following changes to the application layout and information submitted in support of the application and in response to objections. Ten comments/objections have been received raising the following points:

- The application encroaches onto land that is jointly and severally owned by all the tenants/owners of the units on Beevor Industrial Estate and has been since it was completed in late 1990 as per the covenant, which allows for access and egress across an area including the application site. The proposal will restrict rights of access to our property
- The proposed units will increase traffic and cause problems for businesses who use this common area and is fundamentally in conflict with the nature of common land. The development will make it impossible to trade from our units, prevent access by large vehicles including HGVs and emergency vehicles to the full length of the adjacent warehouse, and unavoidably restrict large vehicular movements on the estate.
- We dispute the boundary lines, which encroach onto land that is used by all the businesses on the industrial estate. The application has been submitted with incorrect ownership/status information and this has not been resolved.
- The application site has been used and maintained by us for around 32 years, we are seeking legal advice about adverse possession (we appreciate this is not a planning issue) and also claim an easement by prescription.
- Note that existing car parking has not been shown; the layout plan appears to propose to change the parking layout outside of the application site which does not reflect our intentions as land owner; and query what car parking provision has been allowed for the spaces lost and justification provided for loss of spaces - the application site is marked out for parking, many of the spaces are usually occupied and the area is commonly used for lorry parking and manoeuvring.

- Query whether the applicant owns any adjacent land and note that no areas have been edged blue on the submitted plans.
- The application appears to propose the relocation of existing shared parking onto land outside the applicants ownership; and it appears difficult to access the proposed northern unit without crossing land outside the application site – should the red line be amended and appropriate notices served?
- Confirm that title documents for an adjacent property contain reference to the common yard (but do not submit a plan of this area) and assert that the whole of the application site is included in the 'common yard'

Assessment

Principle of development

As the proposal is new industrial units on an industrial estate the principle of development is acceptable subject to consideration of details.

Highway safety

Highways DC have raised no objections subject to a condition requiring the proposed parking and turning areas to be laid out in accordance with the approved plan. There is a dispute between the applicant and adjacent landowners about the extent of private rights for parking and servicing both on the application site and in the wider shared parking area. While such private rights are not ordinarily a planning matter, they have had to be addressed to a degree in order to establish that the applicant had control of sufficient land to properly access the application site and its parking provision. It is concluded that the applicant has provided sufficient evidence that there is confidence that the application site and its parking can be properly accessed and that the application is in compliance with Local Plan policy T3. The recommended condition and informative are proposed.

Otherwise, the assertions made by objectors that the application site is subject to private access rights secured by covenant or otherwise are a private legal matter which are not material to this planning application. The information submitted indicates that the applicant owns the application site and no evidence has been submitted to refute this. It is for the applicant to determine whether they have rights to develop the site and an informative is recommended to advise of this. The application includes the potential for parking to be provided on the application site for the benefit of other owners/operators on the industrial estate but there are no planning reasons to require this to be provided and it remains under the control of the applicant whether they choose to provide this.

Design

The proposed warehouse building is proposed to have materials comprising a blue brick plinth and grey cladding over which is appropriate and acceptable and in compliance with Local Plan Policy D1. The advice of the South Yorkshire Police has been considered and it is concluded that it is proportionate to recommend in an informative that secured by design standards are in particular and in particular to ensure that doors and windows comply to minimum standards PAS24, LPS1175SR2 (or equivalent).

Residential amenity

The proposed industrial units are at some significant distance from the nearest residential properties on Pontefract Road/Elm Row and are separated from them by intervening industrial and commercial buildings and uses. Reflecting the advice of pollution control, any

noise generated from the proposed buildings is unlikely to have any significant adverse effect on health and the quality of life.

Drainage

Taking into account the advice of Yorkshire Water and Highways Drainage, conditions are recommended to require surface water drainage details to be submitted and agreed and to restrict further development within the easement of the public sewer which crosses the site and the proposed informative is also recommended.

Other

Public rights of way have confirmed that the existing PROW which runs around the boundary of the site should remain unaffected throughout the works and their recommended informative will be attached to the decision notice.

The Coal Authority and South Yorkshire Mining Advisory Service have recommended that the proposal does not require a coal mining risk assessment as it does not lie within a high risk or referral area. Their recommended informatives will be attached to the decision notice.

The proposal is for uses falling within use classes B2, B8 and E(g) only – this latter being the old use class B1. A condition is recommended to restrict the uses as applied for and to require a further planning permission for the use of the building for any other use within Class E, being predominantly uses suited to a town centre or otherwise more sustainable location.

None of the other issues raised by the proposal change the overall conclusion that the proposed development is in conformity with the development plan as a whole.

Recommendation

Grant subject to conditions