
Ref: 2023/1166

Applicant: Mr D Evans (C Soar and Sons Ltd)

Description: Erection of 2no portacabins adjacent to existing industrial unit (Retrospective)

Site Address: Albion Road Works, Hunningley Lane, Stairfoot, Barnsley, S70 3DS

Summary

The proposal seeks retrospective permission for the erection of 2no portacabins. The proposal is acceptable in policy terms being designated as Urban Fabric within the Local plan and is therefore considered to be an acceptable and sustainable form of development in line with paragraphs 7 and 8 of the National Planning Policy Framework (NPPF, 2024). The report demonstrates that any harm generated by the proposal is outweighed by other material planning considerations. The development would not cause an unacceptable level of harm to neighbouring properties, the highway network, trees or the wider character of the area subject to conditions.

Recommendation: **GRANT Planning Permission**

Site Description

The site lies just to the west of the Stairfoot roundabout in Urban Barnsley, in an area of mixed residential and commercial uses. It is accessed from an existing vehicular access south off Hunningley Lane. Roughly triangular in shape and of 0.62 ha in size, it is bounded to the north by Hunningley Lane, to the south-west by residential dwellings which are separated from the site by Kays Terrace and to the east by the former B&Q building which lies off Bleachcroft Way. An MOT testing station lies immediately to the west of the access and within the red line boundary.

The site is enclosed to the north by brick wall with infill palisade fencing adjacent to the access onto Hunningley Lane, with the remainder of this boundary well screened by trees. The site is separated and well screened from the residential properties on Kays Terrace to the south by a mix of brick wall topped with timber fencing.

The site is occupied by 1no industrial building approved under application 2021/0708

Planning History

B/97/1148/BA/LC – Use of land as commercial vehicle breakers yard and component salvage (Certificate of Lawful Use) – Approved January 1997
2020/0289 – Erection of haulage transport depot including 2no buildings, yard, storage of skips and trailers and maintenance of vehicles – Withdrawn
2021/0708 – Erection of haulage transport depot including 2no buildings, yard, storage of skips and trailers and maintenance of vehicles (Resubmission of 2020/0289) – Approved November 2021

Proposed Development

The applicant seeks retrospective permission for the retention of the 2no portacabins erected adjacent to the north-western elevation of the existing unit, previously approved.

The individual portacabins are to measure 14.8m by 4m with a height of 2.9m and are to be positioned together resulting in a floor area of 14.8m by 8m.

The applicant initially sought permission for the erection of an extension to Unit A to provide additional garage space. These plans were amended to reduce the height of the proposed extension in line with the built unit. However, the applicants needs changed and amended plans were submitted to seek retrospective permission for the erection of the portacabins.

Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The Local Plan was adopted in January 2019 and is also now accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment, and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies and are a material consideration in the decision-making process.

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

Site Allocation/Designation

The site is allocated as Urban Fabric as defined in the adopted Local Plan.

National Planning Policy Framework (NPPF) December 2024

The National Planning Policy Framework sets out the Governments 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.

Barnsley Local Plan 2019

The following Local Plan policies are relevant:

Policy GD1 General Development
Policy T3 New Development and Sustainable Travel
Policy T4 New Development and Transport Safety
Policy D1 High Quality Design and Place Making
Policy POLL1 Pollution Control and Protection
Policy BIO1 Biodiversity and Geodiversity
Policy SD1 Presumption in favour of Sustainable Development

Supplementary Planning Documents

Residential Amenity and the Siting of Buildings
Parking

Relevant Consultations

Biodiversity – No objections subject to conditions
Highways – No objections subject to conditions
Drainage – No objections – Building Control to check on site
Forestry – No objections received
Pollution Control – No objections subject to conditions
Yorkshire Water – No objections subject to conditions
Planning Enforcement – No objections received
Commercial Services – No objections received
Ward Councillors – No objections received

Representations

The application was advertised by press notice, by site notice and by individual neighbour notification letter. Individual objections have been received from two residential properties which raised the following points, these comments were made in relation to the original development.

- Overshadowing
- Building higher than fencing
- There were previously 2 residential properties on the site
- Colour of the building
- Conditions of previous application not complied with
- Vegetation (now removed) provided a sound barrier

Following the submission of amended plans the application was advertised by way of a site notice and individual neighbour notification letters, no further comments have been received.

Assessment

The main issues for consideration are as follows

- The acceptability of residential development
- The impact on the character of the area
- The impact on neighbouring residential properties
- The impact on the highway network and highway standards
- The impact on the ecology of the site
- Financial contributions

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 site is allocated in the Local Plan as Urban Fabric, which does not have any specific allocation. Planning permission 2021/0708 established the future use of the site for commercial and industrial uses which argued that Local Plan Policy E4 aims to protect land or premises that are currently, or last used for employment purposes. Historically, a bungalow was located on the site which appeared to be linked to the previous scrap yard use of the site, however this, along with the site was cleared prior to the erection of the building subject to the earlier application (2021/0708). The erection of commercial buildings on site are considered to be an appropriate use subject to it being in compliance with other Local Plan policies and material considerations. The site also lies wholly within the Dearne Valley Green Heart Nature Improvement Area where development should result in no net loss in biodiversity.

Residential Amenity

The adopted SPD Residential Amenity and the Siting of Buildings requires at Para 3.7 “Any building at single or two storey height should be a minimum 25m from the windows of any habitable rooms in any nearby dwelling or the distance required by the 25 and 45 degree rules, for access to daylight, whichever is the greater”. However, it goes on to say that: “Distances between new buildings and existing dwellings may be relaxed depending on a number of factors including site level relationships, (i.e. if at a lower level), existing screening or landscaping between the existing and proposed buildings and location. Each case will be judged on its merits in relation to these varying factors and particularly where a difference in site levels effectively reduces the effect of the height of proposed buildings in relation to existing dwellings.

The portacabins are to be located adjacent to the north-western elevation of the unit approved under application 2021/0708 and to the north of the properties located on Kays Terrace. Three objection letters have been received regarding the development at the site, however as mentioned previously these were in relation to the original scheme for the erection of an extension to the commercial unit.

The portacabins have been installed and due to their minimal height, and the lower land level of the site, sit below the height of the existing boundary fencing, which was installed as part of application 2021/0708. Therefore it is considered that the proposed development would not increase levels of overshadowing or reduce levels of outlook from the properties on Kays Terrace.

Reference has been made to the removal of vegetation at the site, which provided a sound barrier. The removal of the vegetation appears to have been undertaken as part of the development subject to application 2021/0708. This approval also required the erection of a 2m high timber fence or masonry wall to screen the nearby residents on Kays Terrace. It is clear from the case officer's site visit in relation to this application that suitable fencing has been installed in accordance with this condition.

Based on the assessment above, it is not considered that there would be a loss of residential amenity, either in terms of loss of privacy or outlook, and as such the development is in accordance with local Plan Policy GD1, which carries significant weight in favour of the application.

Visual Amenity

The site is set back from the highway and is well screened from all public vantage points; from Hunningley Lane the site is well screened by existing vegetation; and when travelling from the west, the access is screened by the adjacent MOT testing station and solid high

gates; from Kays Terrace, the whole site is well screened by the existing high wall topped by a fence which fronts Kays Terrace.

The portacabins are of a modest height, being only 2.9m in height; the impact is further reduced by the flat design. Objectors have raised concerns about visual impact as the colours used; the colour scheme is the corporate colour of the company, and its use has been established through the approval of the previous application. Nevertheless, as mentioned previously the site is well screened and as such it is not considered that the proposal would lead to significant negative visual impacts, therefore, in accordance with Local Plan Policy D1 which carries significant weight in favour of the application.

Highway Considerations

As mentioned previously the applicant initially sought permission for the erection of a 400m² extension to the existing commercial unit, highways were consulted on this application and raised no objection on highways grounds given that application 2021/0708 demonstrated the site could adequately accommodate HGVs and that the proposed use of the building was primarily for storage, with some vehicle maintenance; given this use and the floor area of the building, any impact upon the highway network would likely be negligible.

A suitable level of parking has been provided, based on the floor area of the development subject to application 2021/0708, 1100m², 1 parking space per 60m² should be provided. The site plan submitted shows the provision of 18 spaces, of which 4 are disabled spaces and 4 provide electric vehicle charging points.

In view of the above, it is considered that the erection of 2no portacabins and associated parking areas would not impede the turning areas within the site and therefore the highway network. As such the proposal is considered acceptable in terms of its impact on the highway network in compliance with Local Plan Policy T4, which carries significant weight in favour of the application.

Biodiversity

National requirements have seen the introduction of Biodiversity Net Gain (BNG). In England; BNG is mandatory under the Town and Country Planning Act 1990, whereby developers must deliver a biodiversity net gain of 10%, resulting in more or better-quality habitat than before a development. These regulations were introduced on 12th February 2024 and applied to any application submitted after this date. This application was submitted prior to this date and therefore the national BNG requirements would not apply.

However, the site is located within the Dearne Valley Green Heart and as such there is a requirement under Local Plan Policy BIO1 and the accompanying Biodiversity and Geodiversity SPD to demonstrate no net loss of biodiversity on the site. The site comprises no habitats of ecological value and therefore the proposed development results in no net loss in biodiversity.

The application was accompanied by a Preliminary Ecological Assessment report (PEA), which sets out that the habitats on site comprise hardstanding and areas of unvegetated hardcore of no ecological value. However, the PEA did outline recommendations to enhance site biodiversity which include the installation of bat and bird boxes on site, these can be secured by condition.

Trees/Forestry

The Forestry officer noted on application 2020/0289 that there are no trees of real note on or surrounding the site. However, those surrounding the site do have value as screening, this

was reiterated through comments received on application 2021/0708, where it was added that the documents provided dealt adequately with the trees and their protection and as such there was no objection to the proposal subject to compliance with the tree protection details.

The location of the portacabin would not impact on the trees surrounding the site, which are located on the northern and eastern boundaries, as such the application is considered acceptable in terms of its impact on trees which gives modest weight in favour of the application.

Conclusion

In accordance with Paragraph 11 of the NPPF (2024) the proposal is considered in the context of the presumption in favour of sustainable development.

All other material planning considerations have been fully explored by the appropriate consultees who have raised no objections to the proposal subject to conditions and holistically this weighs moderately in favour of the application.

Having balanced all material planning considerations, whilst a number of objections have been received in respect to the proposal they have been suitably addressed through the information supplied. As a consequence, the positive aspects of the proposal outlined above are not outweighed by any other material planning considerations.

The proposal is therefore, on balance, recommended for approval subject to conditions.

Recommendation

Grant planning permission subject to conditions.