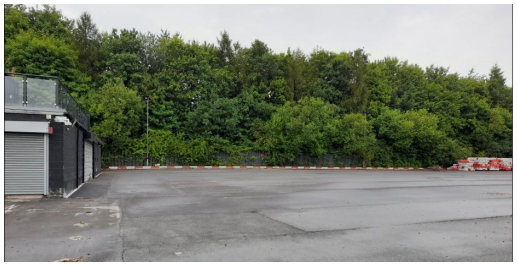
2022/0717
Mr Chris Heath
Change of use from go-karting use to B8 use class (storage and distribution) and the erection of a new detached warehouse building to be used in connection with the existing business
Unit 13 and Unit 14, Beevor Street Industrial Estate, Beevor Street, Hoyle Mill, Barnsley, S71 1HN

Site Location and Description

The site appears to be currently in use for storage and distribution. The site is partly bound by palisade fencing but the south-east boundary (within the car park) is undefined. The main building on the site has a buff brick base with brown and red cladding and roofing over and a smaller building in the rear yard has black cladding and roofing.



The site of the proposed detached warehouse is in the rear parking and servicing area, which is bound by palisade fencing and substantial tree cover on the north west, north and east boundaries.





Site History

2008/1117 – change of use to B8 storage and distribution
2011/0751 – change of use from B8 storage and distribution to go karting track
2012/0233 – erection of go kart support building.
2017/1184 – Variation of condition 5 of 2011/0751 to allow use of petrol go-kart engines.

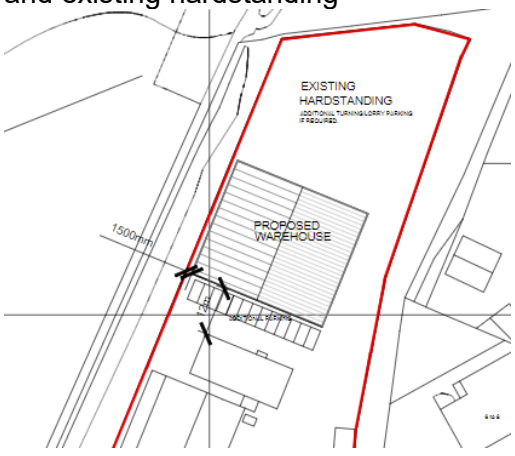
Proposed Development

The application site has been amended in response to representations on behalf of an adjacent land owner.

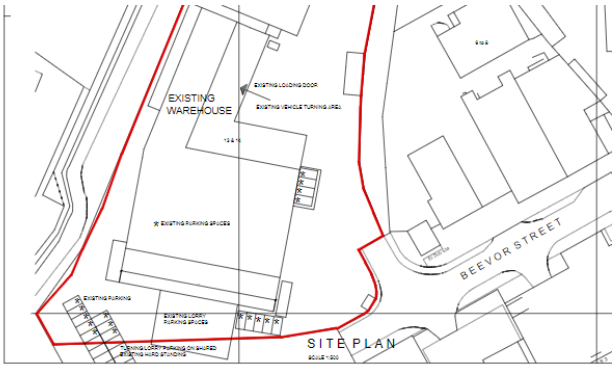
The applicant seeks permission for the change of use of the existing buildings to B8 storage and distribution and the erection of a new warehouse building, providing 944 sqm of floorspace and 9.5 metres total height. It is indicated that the proposal includes the provision of an additional 13 parking spaces (making a total of 30) and that the proposal will result in an increase from 20 – 25 FTE employees. The existing and proposed buildings will be used for the storage of books and other publications. It is proposed to use materials to match the existing building on the new warehouse. The applicant's agent has clarified the servicing and parking requirements as existing (it is clear that the B8 use of the existing building has already commenced) and as a result of the proposed new building. This incudes one articulated lorry delivery on average twice a week and the dispatch of stock once a week on average by articulated lorry. Otherwise the site is serviced by large transit or small box vans. The new warehouse will reduce van movements which are currently required to an offsite warehouse. It is also submitted that the hardstanding to the north of the proposed warehouse will be available for parking or turning of large vehicles but this should not be necessary since the existing turning areas including the hardstanding to the south of the existing warehouse function satisfactorily and enable vehicles to enter and leave the site in a forward gear.

Extracts from plans:

Proposed warehouse
and existing hardstanding



Existing building and parking
area to the south



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.

The new Local Plan was adopted at the full Council meeting held on the 3rd January 2019 after it was found to be sound by the appointed Planning Inspector following the examination process. This means that it now takes on full weight for decision making process in planning law terms as the development plan for the Borough, superseding the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011).

Local Plan

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 E4 Protecting Existing Employment Land – land or premises currently or last used for employment purposes will be retained. Non-employment uses will only take place if they would not result in significant loss of existing jobs or employment potential; there will still be an adequate supply of employment land/premises in the locality; and the land or premises can't support continue employment use.

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 layout plan has been amended to accurately reflect the existing parking arrangements within the site. The plan identifies 17 car parking spaces within the red line boundary, this is the same number as per the plan previously submitted and as such my comments remain the same that the proposals are considered acceptable from a highways development control perspective. (And verbally clarified that although there are continuing doubts over the use of the central area - and the existing layout doesn't work because spaces and manoeuvring require access over third party land - this application can be approved on the basis that a parking layout can be agreed in the rear yard, which is entirely in their control)

Should you be minded to grant permission, please include the following conditions and informative note:

Before works above ground level commence, a scheme to delineate the hardstanding area to the north of the proposed warehouse building shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be fully implemented before the new warehouse building hereby permitted is first brought into use and shall thereafter be retained for the sole use of parking and manoeuvring.

Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Local Plan Policy T4 New development and Transport Safety.

Before the development is brought into use, that part of the site to be used by vehicles shall be surfaced in a solid bound material and adequate measures shall be so designed into the proposed access, parking and manoeuvring areas 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.

The contractor shall ensure that no vehicle leaving the development hereby permitted enters the public highway unless its wheels and chassis are clean. It should be noted that to

deposit mud and debris on the public highway is an offence under provisions of the Highways Act 1980

Enterprising Barnsley – support the application and development to help them successfully reclassify the currently empty unit into B8 use

Yorkshire Water – In relation to waste water, no observation comments are required from Yorkshire Water

Drainage – I would confirm that in my opinion the details provided are sufficient and that I have no further observations to make with respect to land drainage. I am happy for the details to be checked by building control.

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.

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. 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.

Sustainability – no comments received

Ward Councillors – no response

Representations

The application has been publicised by means of direct letters to nearby properties and a site notice displayed 28 July to 18 August; and renotification to nearby properties following the change to the application site and again following changes to the layout of the parking area to the south of the existing building. Six objections have been received raising the following points:

- The application includes land which an adjacent landowner disputes the ownership of and submits that the application should be withdrawn and re-applied with true certification.
- 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.
- The plans do not show the correct amount of parking spaces that currently exist and specifically the parking bays shown as ‘existing parking’ do not currently existing as shown on the revised site plan submitted. They should be shown as proposed and if this is done we would support the application since they would benefit the function of

both sites as a whole and improve highways issues for this proposal and the adjacent proposed developments.

- The site plan should be amended to show the existing and proposed parking correctly and highways statutory consultees should be shown true information of additional spaces proposed to the southern area of the site to assess the impact on the stie highway safety, parking, traffic and access, as a material planning consideration that should be taken into account.
- The application should be assessed in such a way as to prove that the development will not bring any further issues to the southern car park which is shared with other businesses.

Assessment

Principle of Development

As the proposal is for change of use of a building to B8 storage and distribution and a new warehouse building in the same use on an industrial estate the principle of development is acceptable subject to consideration of details.

As noted above, the application site was amended in response to representations that the red outlined area included land in the ownership of a third party but no notice had been served on them/ the certificate of ownership was incorrect. There is now no dispute that the application site includes land in third party ownership. It is not clear what the extent of any land subject to the covenant referred to in one of the representations is, but this would be a private legal matter and not a matter material to the consideration of this application. An informative is recommended advising that the grant of planning permission does not grant rights to carry out works on, under or over land not within the ownership or control of the applicant.

Highway Safety

Highways DC have raised no objections noting the applicant's agents submission in relation to the parking and servicing requirements of the existing and proposed buildings (and that the application has been amended to reflect the existing parking arrangements at the site, as requested in a representation). It is clear that there is some dispute over the parking and access arrangements in the parking area to the south of the existing building, where some of the existing delineation of spaces crosses landownerships and manoeuvring into other spaces requires access over land in separate ownership. Although this situation has apparently operated satisfactorily to date, there is no certainty that this will continue in the future. The proposal has therefore been considered on the basis that the area of existing hardstanding to the north of the proposed warehouse, together with parking and manoeuvring space to the east of the existing building, would provide adequate parking, servicing and manoeuvring space for the proposed development. Accordingly it is concluded that provided conditions are imposed to require the hard surfaced areas of the site to be kept available for parking, servicing and turning; a delineation scheme of the existing hard standing area to the north of the proposed building to be agreed and implemented; and also requiring those parts of the site to be used by vehicles to be surfaced and adequate measures designed to avoid discharge of surface water onto the highway, the proposal is acceptable from a highway safety point of view.

Design

The proposed warehouse building is proposed to have materials to match those used in the construction of the existing buildings on the site. Given the location of the proposed building in the rear yard of the business and screened by substantial boundary tree cover, it would be

acceptable for the proposed building materials to match those used in either of the buildings on the site and in compliance with Local Plan Policy D1. A condition is recommended to secure this.

Residential Amenity

The proposed warehouse building is at some significant distance from the nearest residential properties on Pontefract Road/Elm Row and is separated from them by intervening industrial and commercial buildings and uses and the tree cover around some of the site boundaries. Reflecting the advice of pollution control, any noise generated from the existing building and new warehouse building is unlikely to have any significant adverse effect on health and the quality of life.

Drainage

The submission indicates that surface water will be discharged of to the main sewer and that there is no requirement for foul sewage to be disposed of. Taking into account the advice of Yorkshire Water and Highways Drainage, and that the proposed building will be sited on an existing area of hard surface, it is concluded that the proposal will not increase the amount of surface water discharged from the site.

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.

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 information will be attached to the decision notice.

Recommendation

Grant subject to conditions