

2021/1512

Mr Neil Potter

Change of use from meat processing factory to mixed use development, Class E (Commercial Business and Service apart from Class E(a) display or retail sale of goods)

Potters of Barnsley Ltd, Barnsley Road, Wombwell, Barnsley, S73 8DJ

Background

1993/0336 - Change of use of vehicle fast fit centre to meat products preparation unit – Approved with condition – No vehicle deliveries outside of the hours of 7am to 7pm Mondays to Saturdays and at no time on a Sunday and Bank Holidays.

2003/0967 - Erection of two storey container for store and office use – Approved

2015/0929 - Erection of two storey extension to existing meat production unit to create storage and office accommodation – Approved with conditions

2018/1087 - Discharge of condition 6 (Tree protection measures) of application 2015/0929 – Approved

Description

Potters of Barnsley is a meat processing factory (B2 use) which is set off Barnsley Road, Wombwell. The site currently consists of a parking area to the front and a metal clad factory building on a brick plinth. To the rear is a hard surfaced yard.

To the north east and north west of the site are new build residential properties, to the south east is a car sales business. Adjacent to the site on Barnsley Road are residential properties which consist of semi detached and terraced dwellings. Existing landscaping screens the site along the north east and north western boundaries.







Proposed Development

The applicant is proposing a change of use from meat processing factory (B2) to mixed use development, Class E (Commercial Business and Service apart from Class E(a) display or retail sale of goods). The site has 21 parking spaces which are to be retained as part of the proposal. No hours of opening have been indicated as this is a speculative scheme and no end users have been established at this stage.

In terms of external alterations, the applicant is proposing to repair and replace the existing roof with Kingspan top deck panels in light grey to match existing panels. New Roof Lights are also proposed to every bay. To the main elevation facing Barnsley Road, 3 units are proposed with new frontages. The existing micro rib panels to the front elevation are to be replaced with new grey micro rib panels to form new openings to each grid bay and the installation of new aluminium, grey powder coated curtain wall glazing to each unit. To the rear two units, new roller shutter doors are proposed with new aluminium, grey powder coated curtain wall glazing to each unit. To the north west side elevation a new access stair and door is proposed to the storage area and three new escape doors. To the south east side elevation, three new escape doors are proposed.

The following additional information has been provided by the agent in terms of the current operations at the site:-

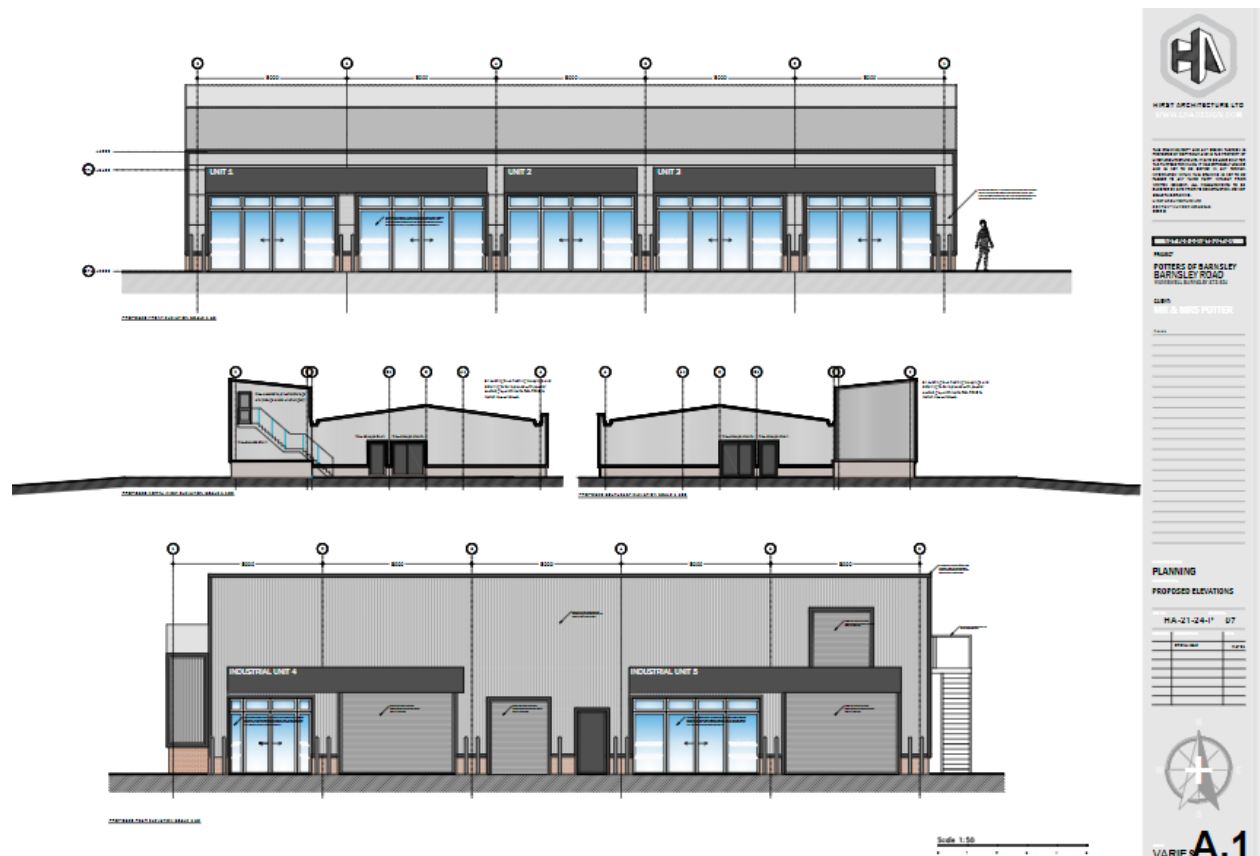
'Parts of the factory are mostly empty, but there are still minor meat processing operations taking place on site as well as storage of materials and refrigeration of products, albeit this is significantly reduced. The main management offices within the building are still used.

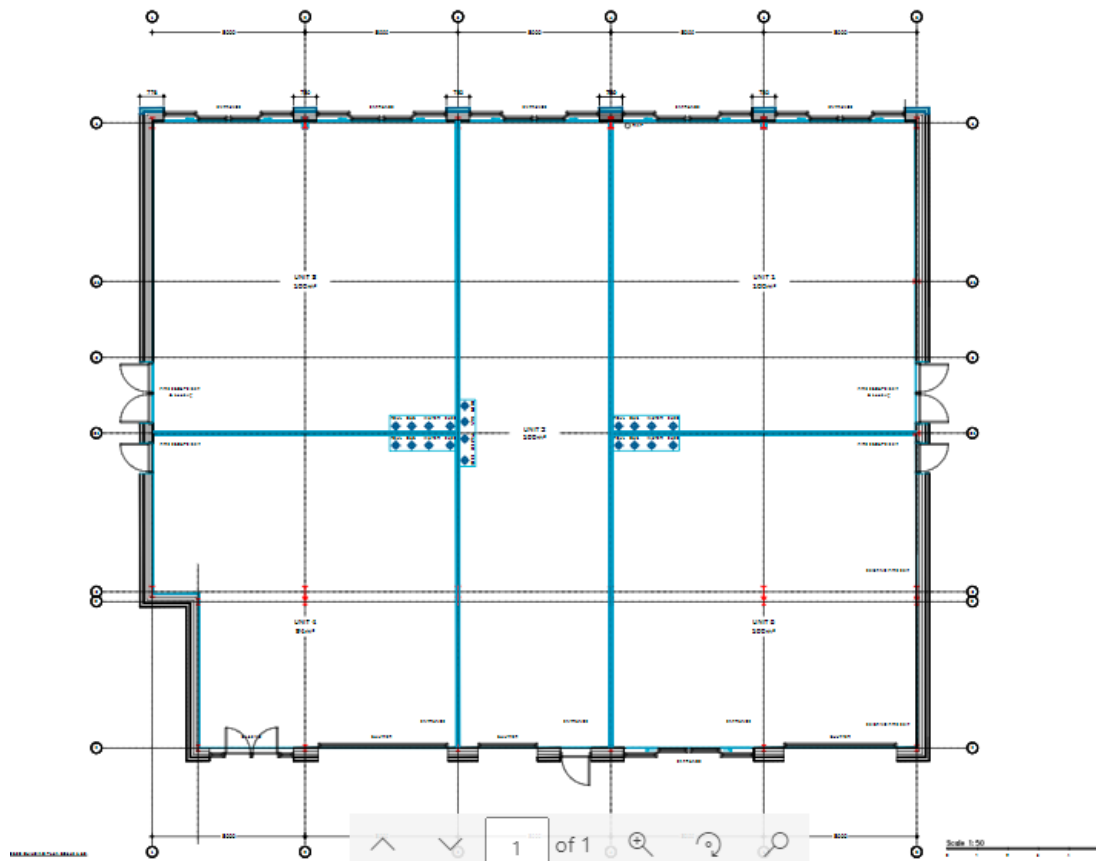
All of Potters operations are currently shared between sites at the moment with the majority of operations from the existing premises "H Potter & Sons" on Wombwell high street where most of the standard meat based products have been produced since circa 1985.

The factory site was mainly used for "The more fancy meat products and specialties" including butchering, baking, packaging, refrigeration and storage. Where as the business has gone

back to its original premises selling only “standard core meat products” within the existing operations at the Wombwell High Street premises.

The factory staff have all been retrained and re-allocated within this business with no job losses. This happened around the time of the first Covid 19 lockdown. Most of the staff were moved to the original premises and others were put into the new online business and delivery. The offices in the factory will move to the existing offices on the Wombwell High Street premises along with some office staff working remotely. There will be no change in employment as a result of this development.’





HIRST ARCHITECTURE LTD

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PROPOSED BUILDING PLAN

POTTERS OF BARNLEY
BARNLEY ROAD
BARNLEY, WEST YORKSHIRE

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10/10/2018

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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.

Local Plan

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

Policy GD1 General Development

Proposals for development will be approved if:

- There will be no significant adverse effect on the living conditions and residential amenity of existing and future residents;
- They are compatible with neighbouring land and will not significantly prejudice the current or future use of the neighbouring land;
- They will not adversely affect the potential development of a wider area of land which could otherwise be available for development and safeguards access to adjacent land;
- They include landscaping to provide a high quality setting for buildings, incorporating existing landscape features and ensuring that plant species and the way they are planted, hard surfaces, boundary treatments and other features appropriately reflect, protect and improve the character of the local landscape;
- Any adverse impact on the environment, natural resources, waste and pollution is minimised and mitigated;
- Adequate access and internal road layouts are provided to allow the complete development of the entire site for residential purposes, and to provide appropriate vehicular and pedestrian links throughout the site and into adjacent areas;
- Any drains, culverts and other surface water bodies that may cross the site are considered;
- Appropriate landscaped boundaries are provided where sites are adjacent to open countryside;
- Any pylons are considered in the layout; and
- Existing trees that are to remain on site are considered in the layout in order to avoid overshadowing.

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.

We will not allow development of new housing or other environmentally sensitive development where existing air pollution, noise, smell, dust, vibration, light or other pollution

levels are unacceptable and there is no reasonable prospect that these can be mitigated against.

Developers will be expected to minimise the effects of any possible pollution and provide mitigation measures where appropriate.

Policy D1 High Quality Design and Place Making

Design Principles:

Development is expected to be of high quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and features of Barnsley.

Policy SD1 Presumption in favour of Sustainable Development

When considering development proposals we will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. We will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy TC1 Town Centres

Support will be given to maintaining and enhancing the vitality and viability of the following hierarchy of centres:

Town: Barnsley Town Centre

District: Cudworth, Hoyland, Wombwell, Goldthorpe, Penistone, Royston

Local: Athersley, Bolton on Dearne (St Andrew's Square), Darfield, Darton, Dodworth, Grimethorpe, Hoyland Common, Lundwood, Mapplewell, Stairfoot, Thurnscoe (Houghton Road), Thurnscoe (Shepherd Lane)

A sequential approach will be used to assess proposals for new retail and town centre development. This will help to achieve the spatial strategy for the borough and will focus development on identified centres in the first instance. Edge of centre and out of centre development will only be allowed where it meets the requirements of NPPF.

Impact assessments will also be required as laid out in policy TC3. These should comply with the requirements of the NPPF.

Policy TC3 Thresholds for Impact Assessments

Proposals for retail and leisure uses will be required to provide an impact assessment if they are of a scale, role or function where they could have a negative impact on the vitality and viability of the centre and are: Located outside the Primary Shopping Area of Barnsley Town Centre and are: Located outside a District Centre and have a floorspace in excess of 1000 square metres gross

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. If a development is not suitably served by the existing highway, or would create or add to problems of safety or the efficiency of the highway or any adjoining rail infrastructure for users, we will expect developers to take mitigating action or to make a financial

contribution to make sure the necessary improvements go ahead. Any contributions will be secured through a planning obligation or planning condition.

NPPF

The National Planning Policy Framework (NPPF) 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.

Paragraph 86 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre.

Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

Supplementary Planning Documents (SPD):

Parking – sets out parking standards that will be applied to all new development.

Consultations

Highways DC – No objections

Enterprising Barnsley - Enterprising Barnsley actively support this application that will help to create much needed new industrial units in a strategically important area of the borough, that will help to both attract future inward investors and retain growing indigenous local companies. The size of the units proposed help to fill a clear gap in the development pipeline market, that will help to support a number of enquiries that we are having to turn away due to the limited available stock levels in the proposed development size band. This development is essential in helping BMBC and SCR to create future employment opportunities (jobs) as per the existing strategic economic and corporate plans, as well as contributing to a jobs lead recovery from COVID

Pollution Control – No objections subject to no external plant

Drainage – Details to be checked by Building Control

Ward Councillors – No comments received

Representations

Neighbour notification letters were sent to surrounding properties and a site notice was posted adjacent to the site; the following comments have been received:-

1 letter requesting further details of class E uses

1 letter of raising the following concerns:-

- Noise Pollution
- Light Pollution
- Increase in traffic
- Parking issues
- Associated traffic fumes
- Existing condition relating to deliveries should be retained

Assessment

Principle of Development

The proposal lies within an area of Urban Fabric (no specific allocation) on the Local Plan Proposals Map, where development may be considered acceptable where, there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents and where they are compatible with neighbouring land and will not prejudice the current or future use of land. The site is also outside the District Centre of Wombwell.

The Local Plan states that Wombwell is one of the larger district centres. The main retail and service offer is located along High Street. Wombwell is better than average in terms of vitality and viability. Its main strengths are the number and type of shops, the large amount of shopping floorspace within the centre, the number of multiple retailers, the variety of specialist and independent retailers, the market, the low vacancy rates, good pedestrian flows and car parking provision, good bus services, and high quality environment. Aims for the future of Wombwell are to reduce the amount of retail, leisure and office floorspace which exists outside the town centre. The strategic direction for Wombwell is to intensify.

The NPPF and Local Plan Policy TC1 requires that where development is proposed for a town centre use (as defined by the NPPF “main town centre uses” includes retail, leisure, entertainment, cinemas, restaurants, bars, pubs etc, offices, arts, culture and tourism development and located outside of the town centre) a sequential approach is required to ensure the maintenance and enhancement of the vitality and viability of the town centre. Policy TC3 also states that impact assessments are required for uses which are over 1000sqm outside of the District Centre, therefore the proposal does not require an impact assessment.

The proposal involves the change of use of the meat processing factory (B2 Use) to 5 separate units (of less than 100sqm each) to include uses within Class E (with the exception of a) retail). Whilst the proposal does not include retail uses, some of the uses allowed for under Class E are considered to be Town Centre uses as defined by the NPPF. The NPPF defines these uses as leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).

The NPPF states that ‘Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres,

then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

The sequential test guides main town centre uses towards town centre locations first, then, if no town centre locations are available, to edge of centre locations, and, if neither town centre locations nor edge of centre locations are available, to out of centre locations (with preference for accessible sites which are well connected to the town centre). It supports the viability and vitality of town centres by placing existing town centres foremost in both plan-making and decision-taking.

Use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. Robust justification will need to be provided where this is the case, and land ownership does not provide such a justification.'

The applicant has submitted a sequential test and within this document, the applicant has provided an assessment of the available units of this size with permitted class E uses (apart from a – Retail) of approx. 100sqm within Wombwell District Centre. This assessment has assessed identified 7 units of a similar size. Two of these units were unavailable and for the other 5 the report concludes as follows:

"All sites have suitability issues including physical constraints, limitations, and accessibility issues. The sites evaluated would require significant un-viable alterations to be made to meet just some of the needs of the application, these alterations are not commercially feasible over the application site.

Site re-development and preparation costs of the available sites evaluated would have to consist of major alterations to the existing buildings which are not viable. Market factors such as attractiveness of the locality and potential for market demand are an issue.

All sites are considered to not be flexible within Use Class E (minus Use Class E(a) Retail) due to the physical constraints of the buildings.

For any of the sites to be sequentially preferable there must be other units immediately adjacent that are available and preferable of which there are none that meet the full criteria of the proposed development.

All of the sites evaluated did not meet the basic requirements of the application.

It is considered that the assessment has demonstrated that there are no suitable vacant units of a similar size which could potentially accommodate the uses proposed. Based on the assessment and given that the site is well connected to the existing centre, and does not propose retail units, it is agreed that the proposal would not significantly harm the vitality or viability of the Local Centre and is considered acceptable and justified when measured against policies TC1 and TC3. In addition the comments of Enterprising Barnsley are noted which state that:

"The size of the units proposed help to full fill a clear gap in the development pipeline market, that will help to support a number of enquiries that we are having to turn away due to the limited available stock levels in the proposed development size band. This development is essential in helping BMBC and SCR to create future employment opportunities (jobs) as per the existing strategic economic and corporate plans, as well as contributing to a jobs lead recovery from COVID"

This adds further weight to the applicant's argument there are few other spaces to occupy and would also fulfil a recognised need which adds support to the application.

A condition should be applied which states that no change of use to Class E(a) which would otherwise be permitted by Part 3 of Schedule 2 to that Order shall be carried out, in order to protect the vitality and viability of Wombwell District Centre from retail development located outside of the District Centre, in accordance with Policy TC1 of the Local Plan.

Other issues such as the impact upon residential amenity and highway safety and compliance with policy GD1 are assessed below:-

Residential Amenity

The main issue is considered to be the impact of the change of use upon residential amenity due to the proximity of the surrounding residential properties. The Council's Regulatory Services team have been consulted and have no objection to the proposal subject to no external plant being installed without prior approval, which can be secured by condition.

The current use of the site is a B2 General Industry Use which covers a wide variety of industrial uses. The applicant proposes to change the building into 5 separate Class E uses (with the exception of Class E (a) retail. The potential uses covered by Class E (except retail) are:-

- E(b) Sale of food and drink for consumption (mostly) on the premises
- E(c) Provision of:
 - E(c)(i) Financial services,
 - E(c)(ii) Professional services (other than health or medical services), or
 - E(c)(iii) Other appropriate services in a commercial, business or service locality
- E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink,)
- E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)
- E(f) Creche, day nursery or day centre (not including a residential use)
- E(g) Uses which can be carried out in a residential area without detriment to its amenity:
 - E(g)(i) Offices to carry out any operational or administrative functions,
 - E(g)(ii) Research and development of products or processes
 - E(g)(iii) Industrial processes

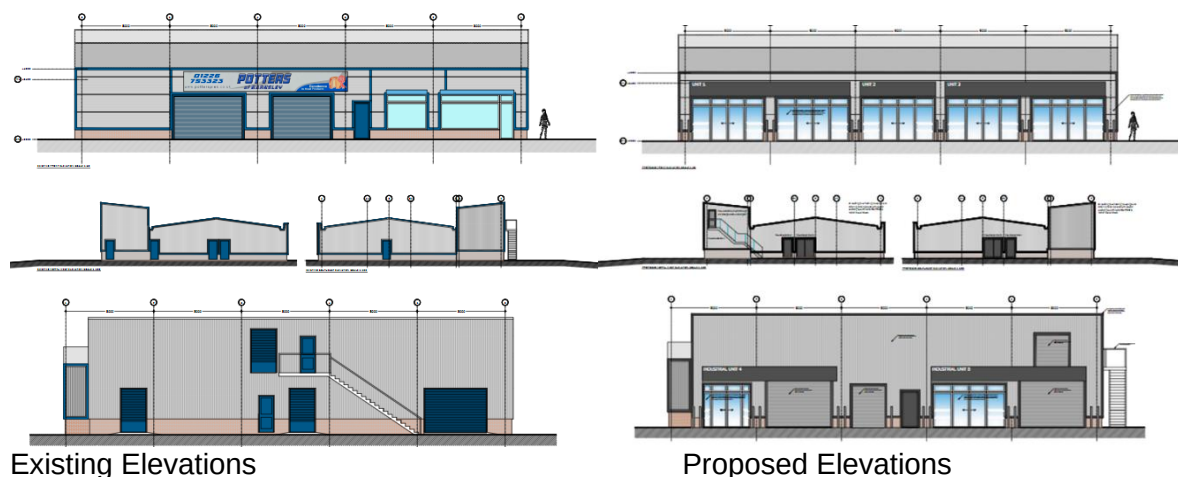
Given the small scale of the individual units and the current permitted B2 use of the site, it is felt that the above uses would be acceptable within this existing building. There are no planning conditions for the current use which limit the opening/operating hours of the current meat processing factory. The original planning permission in 1993 has a condition which limits vehicle deliveries outside of the hours of 7am to 7pm Mondays to Saturdays and at no time on a Sunday and Bank Holidays, which should also be applied to this proposal. Given that no end user has been identified for the units, and this is a speculative scheme, it is felt that a condition should be included which limits the operating hours from 7-7, which would be reasonable in line with the current delivery condition for the B2 use. This would prevent any disturbance to surrounding residents outside normal working hours. A condition should also be applied requiring any external plant details to be submitted and agreed. Once the uses are established, then the users could apply to vary the operating hours with additional information which would give the authority opportunity to full consider the potential impacts at that stage.

It is acknowledged that there are some residential properties within the vicinity however it is considered that the proposed uses would not have a significant detrimental impact on amenity of the adjacent residential property by way of noise/disturbance, given the small scale of the units and compared to the current use permitted B2 use of the site. The proposal is considered to be acceptable when measured against policy GD1 of the Local Plan and Poll1, subject to conditions.

Visual Amenity

In terms of external alterations, no extensions to the building are proposed. The applicant is proposing to repair and replace the existing roof with Kingspan top deck panels in light grey to match existing panels. New Roof Lights are also proposed to every bay. To the main elevation facing Barnsley Road, 3 units are proposed with new frontages. The existing micro rib panels to the front elevation are to be replaced with new grey micro rib panels to form new openings to each grid bay and the installation of new aluminium, grey powder coated curtain wall glazing to each unit. To the rear two units, new roller shutter doors are proposed with new aluminium, grey powder coated curtain wall glazing to each unit. To the north west side elevation a new access stair and door is proposed to the storage area and three new escape doors. To the south east side elevation, three new escape doors are proposed.

The proposed alterations and materials are considered to be acceptable and will improve the appearance of the building. No alterations are proposed to the car parking or external areas and existing screening landscaping will remain. Any separate signage, subject to the size and illumination, may require separate consent. The proposal is therefore considered to be acceptable in terms of visual amenity in accordance with policy D1 of the Local Plan.



Highway Safety

The Highways Officer has been consulted as part of the application and has provided the following comments: 'The proposed change of use will see the creation of five separate units of Class B1/E use totalling 494m² GFA. The site layout plan shows that no changes are proposed in terms of access, egress or vehicle parking arrangements. 21 parking spaces are indicated within the site, and this is sufficient for the proposed use in line with the Councils' parking standards.'

The Highways Officer is satisfied that the proposal meets the required standards set within the Parking SPD, therefore there should be no significant impact upon parking provision in the

area. The proposals do not affect the current access, parking and turning arrangements of the site or adversely impact upon the highway and are therefore considered acceptable from a highways point of view in accordance with policy T4 of the local Plan.

Conclusion

In conclusion, the proposal is considered to be acceptable when measured against policies GD1 and TC1 of the Local Plan and would not have a significant detrimental impact on the existing Local Centre, wider street scene, highway safety or residential amenity and as such is acceptable, subject to conditions.

Recommendation

Approve subject to conditions