
2024/0612

Mr Nigel Kaye

Demolition of existing buildings and erection of new storage outbuildings/garages

74A Spring Street, Barnsley, S70 1PB

Site Location & Description

The application site is a parcel of land to the rear of properties on Spring Street and Agnes Road which currently consists of dilapidated storage buildings. The site is addressed as No.74A Spring Street and is accessed via a narrow passage between neighbouring residential properties. A separate slightly wider access is off Agnes Road.

It is understood that the existing buildings have been heavily fire damaged, though were historically used as small B2/B8 uses including a woodworking unit and small car repairs. Since then, the site has appeared in a poor state and in recent months, various boundary treatments have been erected around the site to limit access. Red brick walls with steel frames are all that remain of the former buildings.

The surrounding area is characterised by Victorian style terrace dwellings. There is a row of garages to the east of the site, adjacent to the access off Agnes Road. Other small commercial uses are located along Agnes Road including a convenience store, beauty salons, takeaways and a small pub/bar. Car parking is at a premium in the area, with the only provision being provided on-street.



Site History

2015/1352 - Outline application for the demolition of existing garage block to erect mixed use development comprising of 2 no. ground floor shop units and 2 no. first floor flats (Outline), REFUSED, 12/1/2016

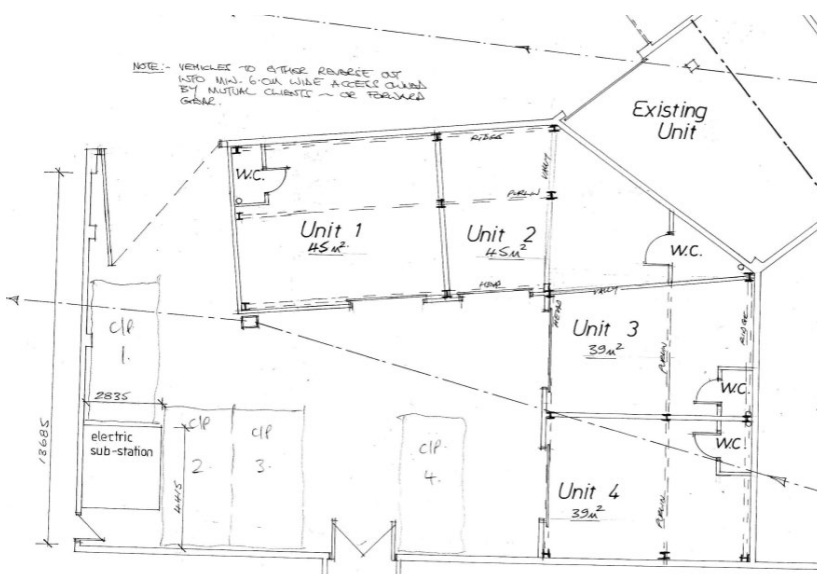
B/04/1648/BA - Residential Development (Outline), REFUSED, 19/10/2004

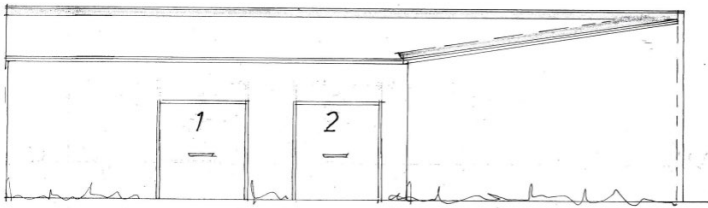
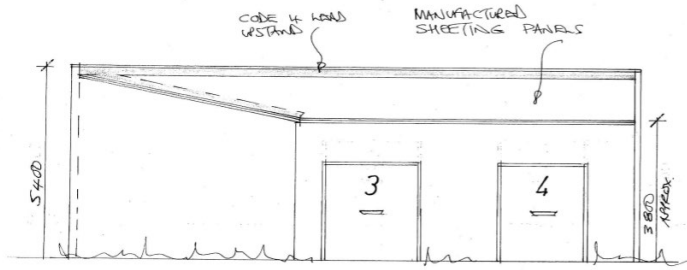
Proposed Development

This application seeks full planning permission to erect a new building of a similar scale and position to the former structure. The building is an L-shaped structure which will be divided into 4 separate units. Each unit has a roller shutter door to the front with a monopitch style roof. The ridge of the roof will be circa 5.4m in height whilst the eaves will be circa 3.8m. The exterior walls will be a mixture of panelling/cladding and reclaimed red brickwork which will enclose the steel frame, with sheet panelling to be used for the roof also.

1 car parking space per unit will be provided within the associated yard. The red line boundary has been amended to clarify the access arrangements which will be taken off both Agnes Road and Spring Street. The site address has also been amended to accurately reflect OS data.

The proposed units are to provide business/storage space for small businesses. The agent has suggested that occupiers such as plumbers/builders will utilise the space for the storage of tools and equipment. The submitted information also suggests that customers are unlikely to visit the premises. The units shall only be used between 07:30 – 18:00 Monday – Friday; 09:00-14:00 on Saturdays and not at all on Sundays or bank holidays.





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 application site lies within the Urban Fabric as defined in the adopted Barnsley Local Plan.

The site is in a low-risk development area as per the Mining Remediation Authority maps. The site is in Flood Zone 1 thus at low risk of flooding as per the Environment Agency maps.

National Planning Policy Framework – December 2024

The National Planning Policy Framework (NPPF) was revised in December 2024, replacing the previous versions. The NPPF is a material consideration when assessing planning applications. The following sections are relevant to this application proposal:

Section 6 – Building a Strong, Competitive Economy

Section 9 – Promoting Sustainable Transport

Section 11- Making Effective Use of Land

Section 12- Achieving Well-designed Places

Barnsley Local Plan 2019

The following Local Plan policies are relevant:

Policy GD1: General Development

Policy D1: High Quality Design and Place Making

Policy SD1: Presumption in favour of Sustainable Development

Policy T4: New Development and Transport Safety

Policy POLL1: Pollution Control and Protection

Supplementary Planning Documents

The Council have adopted SPDs to provide further guidance about the implementation of specific planning policies in the Local Plan. The adopted SPDs should be treated as material considerations in decision-making and are afforded full weight. The following SPDs are relevant to this proposal:

Parking, November 2019

Consultations

Local Ward Cllrs– No response.

Biodiversity Officer – It has been agreed that the proposal meets the de minimis exemption and does not impact any habitat of value. A BNG report or assessment is therefore not required. The Biodiversity Officer is also satisfied that the existing buildings/structures have negligible impact for roosting bats and therefore a bat survey is not required. However, the proposed building should include bird and bat boxes as per the submitted plan. A condition is attached to this effect.

Highways DC- Additional information has been provided to support the application. Based on the submitted documents, the proposal is not considered to significantly intensify the use of the site or the accesses to and from the public highway. No objection in terms of highways impacts subject to the condition attached relating to surfacing.

Drainage – No objection, no conditions required.

Pollution Control- No objection subject to condition relating to hours of construction.

Representations

This application has been advertised in accordance with the Development Management Procedure Order 2015. The application has undergone two rounds of publicity as follows:

First Round – Original Submission

- Site Notice displayed (public interest), consultation expiry: 24/9/2024
- Neighbour Notification letter, consultation expiry: 18/9/2024

2 representations were received in response to the above publicity, the comments summarised as follows:

- In support of the redevelopment of the site, though concerned about access arrangements;
- Incorrect site address;
- Not like-for-like replacement building;
- Additional traffic close to residential properties;
- Access should be taken from Spring Street;
- Increased noise and pollution associated with proposed use;

Second Round – Amended Red Line Boundary & Address

- Site Notice displayed (public interest), consultation expiry: 6/12/2024
- Neighbour Notification letter, consultation expiry: 6/12/2024

1 further representation was received in response to the second round of publicity, summarised as follows:

- Land ownership issues;
- Lack of highways information

Concerns regarding land ownership is not a material planning consideration and is therefore afforded limited weight. Nevertheless, the applicant has provided additional land registry information in support of the application.

Earlier concerns regarding the site address are afforded no weight, with the application amended accordingly to correct this. Other issues will be assessed in the appraisal below.

Assessment

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 falls within urban fabric which has no specific land allocation. New developments are considered acceptable where they do not have a detrimental impact on the amenity of

surrounding residents, visual amenity or on highway safety and accord with the relevant policies quoted below.

The principle of proposed storage/small workshop buildings is therefore acceptable subject to the following considerations with particular regard to highways and amenity.

Design, Appearance and Impact upon Residential Amenity

NPPF Paragraph 135 relates to high quality design and states that developments should function well and add to the overall quality of the area; are visually attractive; sympathetic to local character; maintain a strong sense of place whilst optimising the potential of the site and create places which are safe and inclusive and promote well-being.

Local Plan Policy D1 states that development is expected to be of high-quality design and should respect and reinforce the distinctive, local character and features. Development should contribute to place making and make the best use of materials.

Local Plan Policy GD1 states that proposals for development will be approved if there are no significant adverse effect on the living conditions and residential amenity of existing and future residents. Proposals should be compatible with neighbouring land and should not significantly prejudice the current or future use of neighbouring land.

Local Plan Policy POLL1 states that development will be expected to demonstrate that there would be no unacceptable affect or cause a nuisance to the natural and built environment or to people.

The development consists of an L-shape building which will be subdivided into 4 fairly evenly sized units. The building will have a sloping roof being taller towards the rear of the site. The units will face inwards towards the centre of the site, with a gated access in the north-east corner.

Typically, buildings of this nature would not be positioned amongst residential dwellings. However, given the previous use of the site and the fact that the units are relatively small and will not be of an intensive use, this is considered to be acceptable. Additionally, various outbuildings and garages are located adjacent to the application site, thus non-residential uses would not be an entirely new introduction.

It is recognised that associated traffic movements may cause some disturbance upon adjacent residents. However, retail uses will not be permitted at the site, and therefore the number of comings and goings are expected to be minimal. Nevertheless, to ensure the protection of amenity the operational hours will be secured via condition to prevent any activities at unsociable hours. The uses allowed will also be explicitly stated in the attached conditions, allowing only Use Class E(g) and B2 operations to take place (offices/research, light industrial and general industrial).

The buildings would be finished in reclaimed redbrick with grey cladding and sheet panels. These materials are typical for commercial buildings, and will also be secured via condition.

The height and scale of the proposed building is acceptable. The sloping roof ensures that the development would not appear oppressive when viewed from residential properties. Small outbuildings are located within the rear gardens of the closest dwellings which mitigates any potential overbearing impact.

Due to the sun-path, the development would not cause overshadowing upon adjacent properties or gardens. Given that no windows are proposed, there would be no harmful overlooking introduced.

In summary, the design and appearance of the proposed development is acceptable. The buildings will be finished in materials typical of commercial developments, with the scale and massing appropriate for this constrained site. The Environmental Health Officer has reviewed the application and has not raised any objection in terms of possible impact upon neighbouring residents. Whilst the development may introduce some disturbances, this is considered to be relatively limited given the size of the proposed buildings. The development therefore accords with Local Plan Policy D1 and GD1, and afforded significant weight in the planning balance in terms of design and amenity.

Highways Considerations

NPPF Paragraph 116 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

Local Plan Policy T4 states that 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.

The Highways DC Officer has reviewed the application and has no objection to the proposed development. Given that each unit is below 50sqm, only 1 space per unit is required in accordance with the Parking SPD. This provision is achieved as per the submitted site plan.

The application site boundary has been amended to include two access points, one from Agnes Road and the other from Spring Street. During the course of the application, it is understood that there has been some land ownership issues and neighbour comments have been received raising concerns with the proposed access via Agnes Road. This did result in a fence being erected blocking access between Agnes Road and the site. However, the submitted information suggests that these issues have now been resolved. Nevertheless, land ownership issues is not a material planning consideration and the Highways DC Officer has no objection to the use of either access point given the expected low number of vehicular movements.

A condition is attached which requires the parking area to be surfaced prior to use. On this basis, there is considered to be limited harm in terms of highways impacts. This is afforded significant weight in the planning balance.

Ecology & Biodiversity Considerations

Local Plan Policy BIO1 states that development will be expected to conserve and enhance the biodiversity and geodiversity features by protecting and improving habitats; maximising biodiversity opportunities in and around new developments and encouraging provision of biodiversity enhancements.

BNG became mandatory for all applications in April 2024 except where one of the exemptions (as set out in the PPG) are met. Paragraph 003 of the PPG confirms that the development that does not impact a priority habitat and impacts less than 25 square metres (e.g. 5m by 5m) of onsite habitat, and 5 metres of linear habitats such as hedgerows is subject to the de minimis exemption.

The Biodiversity Officer is satisfied that the development meets the de minimis exemption for BNG. The BNG conditions therefore do not apply in this case.

The Biodiversity Officer has visited the site to inspect the existing buildings/structure proposed for demolition. The Officer is satisfied that the existing buildings have negligible potential for roosting bats due to their exposed nature and features, which offer limited roosting opportunities. On this basis, a bat survey was not required, though a condition is proposed which requires bat and bird boxes to be installed prior to occupation. Evidence to demonstrate that these have been installed will be required to discharge the condition.

The Biodiversity Officer has no objection on this basis, which weighs considerably in favour of the application.

Conclusion

The site has previously been used as a small commercial site, though the previous buildings were damaged by fire and the uses ceased. Ideally, industrial uses should be directed towards employment areas, however the principle of small industrial uses would not be an entirely new operation and is therefore considered to be acceptable in this instance.

Given the close proximity of residential properties, operations shall only occur within the specified hours and operations must fall within the uses stated as per the attached conditions. Subject to strict accordance with these conditions, there is considered to be limited harm upon residential amenity. The units are small in nature and therefore any operation is unlikely to be intensive. To ensure that the units are not amalgamated to form larger units, a restrictive condition is attached.

During the application, neighbours have raised some concerns regarding access and land ownership. However the Highways DC Officer is satisfied with the access points proposed based on the scale of the development.

The Environmental Health Officer and Highways DC Officer have raised no objection to the proposal. The development will improve the appearance of the site and is therefore acceptable on balance.

Recommendation

Approve with conditions