

Applicant: Blue Check Consulting Ltd

Description: Storage and distribution building with associated access road, attenuation tank and landscaping

Site Address: West Road, Pogmoor, Barnsley

Site Location & Description

The application relates to an area of land measuring approximately 0.75Ha. The site sits predominantly between the rear boundaries of the commercial/industrial sites fronting West Road and a railway line. Access is taken from West Road via a track between Barnsley Driving test centre to the West and a disused site to the East. The land is partially overgrown and has more mature landscaping around the boundaries, particularly to the South. In terms of topography, the site generally slopes down to the South and the East. Records indicate the site was previously used for waste transfer.

To the North of the site are neighbouring commercial/industrial units with residential properties beyond West Road. To the East is a plant training business with woodland beyond. To the South is the railway line with a tree belt and residential properties beyond and to the West is a car scrap business with Pogmoor Park beyond.



Site History

02/1145 – Level land to that of adjoining sites by landfill operation – Refused

02/1145 – Change of use from waste transfer station to industrial land - Refused

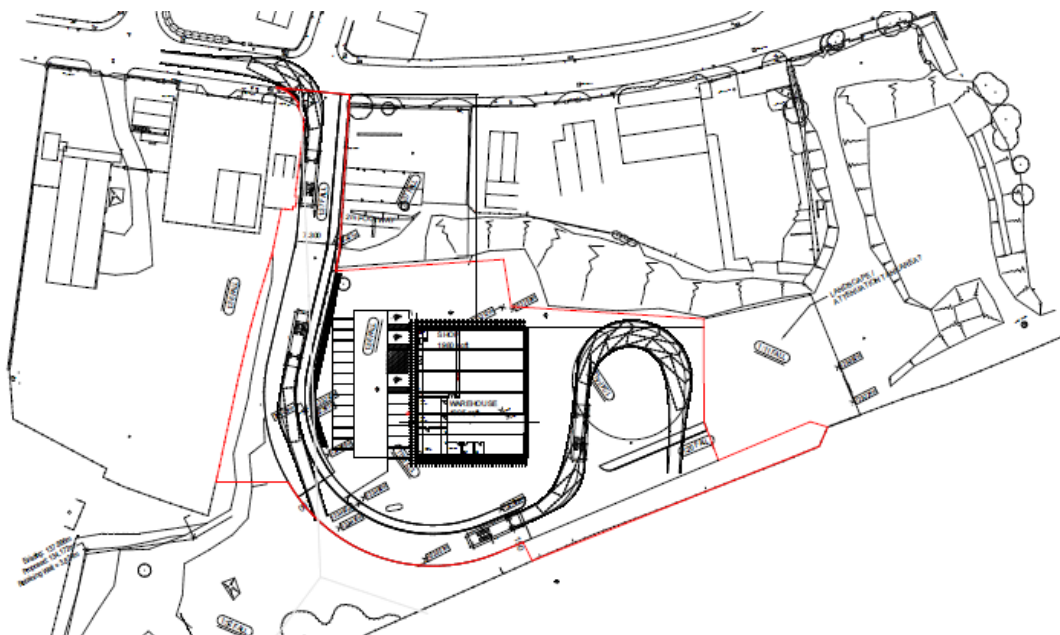
2010/1452 – Erection of a 20 pitch gypsy and traveller site with community centre, site office and associated parking - Withdrawn

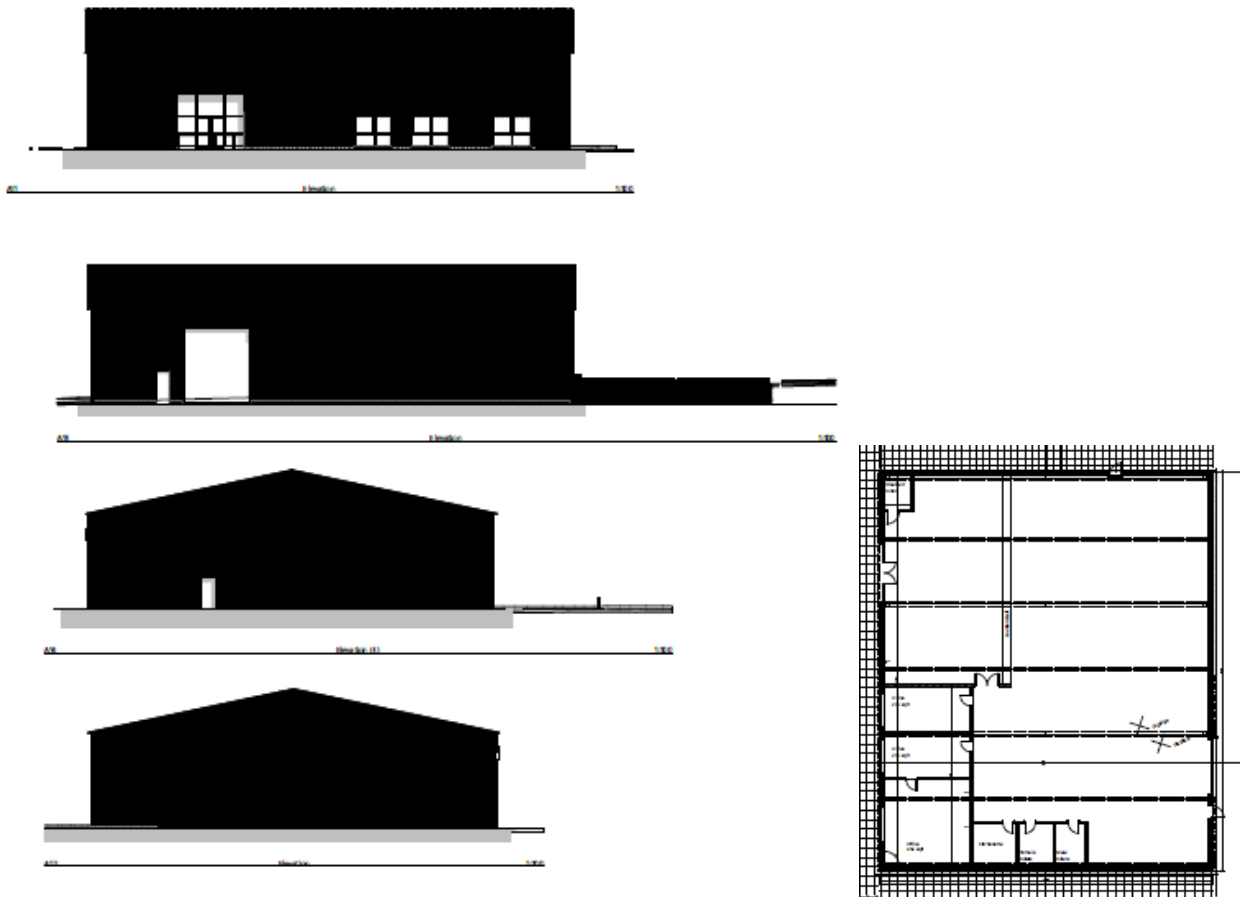
2011/0322 – Mixed use development including commercial space and residential development (outline) – Refused

Proposed development

The applicant seeks permission to erect a storage and distribution building. The building would be used to store and sell power tools predominantly to the trade but also to the general public. The proposed unit has an internal floor area of circa 700m² incorporating a sales area, storage area and offices with associated staff facilities. The building has a simple 'shed' design constructed from profile metal sheeting. The external dimensions are circa 25m wide, 30m long and 8.7m high (6m to the eaves).

Externally the existing access track would be upgraded and lead to a parking area for 21 vehicles (including 3no. disabled) to the front (West) of the building. The access would continue to the South of the building leading to a turning and manoeuvring area for larger vehicles to the rear (East) of the building.





Policy Context

Planning decisions 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 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.

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

Policy T4 New development and Transport Safety

Policy GD1 General Development

Policy D1 High Quality Design and Place Making

Policy Poll1 Pollution Control and Protection

Policy LG2 The Location of Growth

Policy E4 Protecting Existing Employment Land

Policy CL1 Contaminated and Unstable Land

Policy CC1 Climate Change

Policy CC2 Sustainable Design and Construction

Policy CC4 Sustainable Drainage Systems

BIO1 Biodiversity and Geodiversity

NPPF

The 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.

Paragraphs of particular relevance to this application include:

Para 85 - 'planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity'.

Para 96 - Planning policies and decisions should aim to achieve healthy, inclusive and safe places

Para 115 - 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.

Para 131 - The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

SPD's

The following Supplementary Planning Documents are relevant to this application;

- Residential Amenity and the siting of Buildings
- Parking
- Sustainable Travel

Consultations

Biodiversity – Requested additional information but are now satisfied with the level of information and mitigation measures, subject to conditions.

Drainage – No objections subject to conditions and informatives

Enterprise Barnsley – support the application

Highways – requested vehicle tracking information but have no objections following the receipt of that information, subject to conditions.

Reg Services – questioned the reference of a Noise Assessment in the D&A statement but none submitted with the application.

SYMAS – No objections subject to a pre-commencement condition

The Coal Authority – No objections subject to a pre-commencement condition

Representations

Consultation letters were sent to 47 neighbouring properties and a site notice was erected within close proximity of the site. 2 letters of objection have been received as a result; the main points of concern are;

- Questions raised over the end users and how the site would operate
- Disruption to existing wildlife
- Increased noise and disturbance through construction work
- Increased noise and disturbance from the end users of the site
- Lack of consultation of the application

Assessment

Principle of Development

Local Plan Policy LG2 'The Location of Growth' states that priority will be given to development in Urban Barnsley. Urban Barnsley will be expected to accommodate significantly more growth than any individual Principle Town. Policy E4 'Protecting Existing Employment Land' goes on to state 'land or premises currently or last used for employment purposes will be retained in order to safeguard existing or potential jobs'. As outlined above, the last known use of the site was as a waste transfer station.

The NPPF paragraph 85 states that 'planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity'.

The proposal includes an element of trade/retail sales. Policy TC1 'Town Centres' aims to maintain and enhance the vitality and viability of town, district and local centres by directing new retail development to those centres. However, the retail element of this proposal is ancillary to the main storage/distribution use and would occupy less than 20% of the total floor space.

Economic/commercial 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.

Residential Amenity

The site is predominantly shielded from the residential properties on the North Side of West Road by the immediately adjacent commercial/industrial uses between the site and West Road, which include car sales/repairs, welding services, electrical services, a scrap yard and driving assessment centre. There would also be a separation distance of circa 80m to the residential properties to the North.

There are a number of residential properties to the south of the site on Grosvener Walk and Grosvener Gardens. The site would be separated from those dwellings by a tree belt and a railway line. There is also circa 30m between the site boundary and the rear boundaries of those properties.

Given the above, the relatively modest building, in comparison to the site size and the neighbouring commercial building sizes, would not be an overbearing feature in terms of residential amenity. The building would also be located relatively centrally within the site so as not to negatively impact the users of the neighbouring commercial/industrial units. It would also meet the requirements set out in SPD 'Residential Amenity and the Siting of Buildings'.

It is acknowledged that the proposal would result in some noise and disturbance through commercial activities and vehicular movements. However, it is proposed to be predominantly for storage and distribution with a small trade/public sales area. As such, it would not be a highly noise generating business, especially compared to the previous use of the site as a waste transfer station, and the neighbouring industrial uses including welding services and a scrap yard. In addition, the applicant has stated that the use would only take place during sociable hours and that would be conditioned. As such, given that the site is within an existing commercial/industrial location, the proposed use would not be significantly detrimental to residential amenity in terms of noise and disturbance, in accordance with Local Plan Policies Poll1 and GD1.

Design & Visual Amenity

The site is in a relatively non-prominent position, located to the rear of the commercial/industrial units on West Road and on a lower level. As such, there would be limited views of the site from public vantage points. It is acknowledged that a trainline runs along the Southern boundary of the site, however, views from the trains would be fleeting and obscured by the tree belt.

In any case, the proposed building would be located centrally within the site and would be relatively modest compared to the overall site area and the size of the neighbouring commercial/industrial buildings. Furthermore, the design of the commercial 'shed' like building is simple and is constructed from a metal frame with metal profile sheet cladding. This reflects the design and appearance of some of the neighbouring buildings within the immediate area.

Externally, the building would have a car park to the West and a turning/manoeuvring area to the East with landscaping around the boundaries of the site.

As a result of the comments above, the building would sit comfortably within its surroundings and maintain visual amenity to a reasonable degree, in accordance with Local Plan Policy D1.

Highway Safety

There is a historical use associated with this site in the form of skip storage/hire and haulage operation. There are a number of industrial/commercial units along West Road and the site benefits from an existing access.

The application is accompanied by a site plan and Transport Statement which highlight an intention to widen the access quite considerably. Initially the Highways Officer requested tracking information, including paths for vehicles both entering and exiting the site, as it was not clear whether the proposed access would be adequate. However, following the submission of additional information the Highways Officer is satisfied that the proposed access is adequate for vehicles entering and exiting the site.

In terms of parking, there are 21 spaces proposed to the front (West) of the building including 3no. dedicated disabled spaces. SPD parking states there should be 1 space per 3 staff or 1 space per 60m² gross floor area upto 300m² and 1 space per 100m² thereafter. Given there are the equivalent of 4 full time staff proposed and the building is 700m² then the parking provision would need to be between 2-9 spaces. It is acknowledged that there is a small retail element (131m²) which the SPD requires 1 space per 20m² which results in 7 spaces. As such, the proposed 21 spaces exceeds the requirement of the SPD for both the storage/distribution and retail elements.

The site plan also shows a large manoeuvring/turning area to the rear (east) of the building which allows larger delivery vehicles to enter and exit the site in a forward gear.

As such, highway safety would be maintained, in accordance with Local Plan Policy T4 and NPPF paragraph 115.

Biodiversity

The Biodiversity Officer had initial concerns with the documents submitted with the application but these have since been amended and updated.

The applicants have submitted an Ecological Impact Assessment (EclA) and a small sites metric plus a Landscape and Ecological Management Plan (LEMP). The conclusion of the information is that 27 new trees are to be planted in order to achieve a net gain on the site. The biodiversity Officer concurs with the proposals, subject to conditions to secure the works.

The Biodiversity Officer has also recommended a condition to secure precautionary measures to avoid potential impacts to protected and priority species during construction works and also for bird and bat boxes to be incorporated into the scheme.

Trees

An arboricultural report has been submitted alongside the application which identifies 24 items of woody vegetation, comprising 12 individual trees and 12 tree groups or hedges. 2 trees are category 'U' with the remaining in category 'C'. As such, no trees on the site are of arboricultural significance and they are generally self-set with the majority on the Southern boundary.

As the majority of the existing trees are adjacent to the boundaries of the site and the proposed works are relatively central within the site, the vast majority of the trees would be retained. Only the 2no. category 'U' trees adjacent to the access road would be removed to accommodate the widening of the access. Furthermore, as outlined in the Biodiversity section above, 27 new trees are proposed across the site to achieve a Biodiversity Net Gain. Therefore, the loss of the 2no. category 'U' trees would be more than compensated for.

A condition will be recommended to ensure the retained trees would be protected during the construction phase.

Mining Legacy

The application site falls partly within the defined Development High Risk Area; therefore within the site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

Coal Authority Records indicate that off-site mine shaft 432406-008 is located adjacent to the north western site boundary, with its potential zone of influence extending into the site. The application is accompanied by a number of documents including a Phase I Desk Study report (March 2023). Based on a review of relevant sources of coal mining and geological information, Section 11.3 of the report notes that the Barnsley Coal seam has been worked at shallow depth beneath the site and acknowledges the presence of the recorded mine entry close to the site boundary.

The report goes on to recommend the undertaking of intrusive ground investigations, in the form of the drilling of boreholes, in order to establish the depth and condition of the Barnsley Coal seam / associated workings and to inform any stabilisation workings which may be necessary prior to development.

Both SYMAS and The Coal Authority concur with the report findings and have raised no objections subject to a condition for the intrusive works to be carried out.

Drainage

The site is within Flood Zone 1 and therefore has a low probability of flooding. The application has also been accompanied by a Flood Risk Assessment and Drainage Strategy. Both the Councils

Drainage Officer and Yorkshire Water have raised no objections to the proposal subject to conditions. Yorkshire Water have highlighted some amendments required in the submitted documents but they are content that they can take place as part of a discharge of conditions application.

Conclusions

Taking into account the relevant development plan policies and other material considerations the application is in accordance with the development plan (most notably policies LG2, E4, GD1, D1, BIO1 & Poll 1) and the relevant SPD's including Residential Amenity and the Siting of Buildings & Parking and is assessed to be a suitable form of development. The application is also considered acceptable in relation to the other considerations set out in the assessment section of the report including design/appearance/layout, residential amenity, highways matters, biodiversity, drainage and mining legacy subject to appropriately worded conditions.

Based upon the above the proposals are in compliance with the development plan meaning that the presumption in favour of sustainable development set out in Local Plan policy SD1 and in paragraph 11 is considered to apply. In such circumstances proposals that accord with an up to date development plan should be approved without delay.

As such the scheme is considered to accord with policies and guidelines and is recommended for approval.

Recommendation

Approve subject to conditions

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
2. The development hereby approved shall be carried out strictly in accordance with the plans (Nos. Dwg No. 1 (Rev A), Dwg No. 2 (dated 17/10/2023) & Dwg No. T1 (dated 11/04/2024) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.
3. Upon commencement of development details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.
4. Upon commencement of development a plan indicating the position of boundary treatment(s) to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details and shall thereafter be retained.
Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property in accordance with Local Plan Policies GD1 General Development Policy and D1 High Quality Design and Place Making
5. The use hereby permitted shall be carried on only between the hours of 07.30 to 18.00 Mondays to Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.

6. Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.
7. All in curtilage planting, seeding or turfing comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following occupation; and any trees or plants which die within a period of 5 years from first being planted, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: In the interests of the visual amenities of the locality, in accordance with Local Plan policies GD1 'General Development' and D1 'High Quality Design and Place Making'.
8. The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.
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.
9. All surface water run off shall be collected and disposed of within the site and shall not be allowed to discharge onto the adjacent highway.
Reason: In the interests of highway safety in accordance with Local Plan Policies T4 New Development and Transport Safety and POLL1 Pollution Control and Protection.
10. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed in writing. The agreed drainage shall be implemented prior to occupation and retained as such thereafter.
Reason: In the interest of satisfactory and sustainable drainage
11. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:
 - i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
 - ii) the means of discharging to the public sewer network at a rate not to exceed 3.5 litres per second.
Reason: to ensure that no surface water discharges take place until proper provision has been made for its disposal.
12. No construction works in the relevant area(s) of the site shall commence until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times.
Reason: In the interest of public health and maintaining the public sewer network.
13. No above ground development shall commence until;
 - a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity and to establish whether recorded mine shaft 432406-008 is present within the site; and
 - b) any remediation works and/or mitigation measures to address land instability arising from shallow coal mining legacy and recorded mine shaft 432406-008, as may be necessary, have

been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: Land stability NPPF sections 189 a,b,c. 190 and 180 e & f

14. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: Land stability NPPF sections 189 a,b,c. 190 and 180 e & f

15. The landscape proposals and LEMP shall be updated in line with recommendations made within the EclA and small sites metric.

Reason: In the interest of Biodiversity and in accordance with Local Plan Policy BIO1.

16. The development shall proceed in accordance with the recommendations set out within the EclA and LEMP including the precautionary measures to avoid potential impacts to protected and priority species during construction works, and, the recommendations for the installation of bat and bird boxes. Furthermore, the LEMP also sets out that monitoring over the 30 year management period will take place in years 2, 5, 10, 20 and 30 and that monitoring reports will be submitted to the LPA.

Reason: In the interest of Biodiversity and in accordance with Local Plan Policy BIO1.

17. Prior to the commencement of development or other operations being undertaken on site in connection with the development, the following documents prepared in accordance with BS5837 (Trees in Relation to Construction 2005: Recommendations) shall be submitted to and approved in writing by the Local Planning Authority:

Root protection areas (RPA)

Tree constraints plan (TCP)

Tree protection plan (TPP)

Arboricultural implication assessment (AIA)

Arboricultural method statement (AMS)

No development or other operations shall take place except in complete accordance with the approved methodologies.

Reason: To ensure the continued well being of the trees in the interests of the amenity of the locality.

18. The rating level (LArTr) of the noise emitted from external building services plant shall not exceed 50dB LAeq (15min) measured at the boundary of the nearest noise sensitive premises.

Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1 Pollution Control and Protection.

19. The proposed development shall achieve BREEAM standard of 'very good' or equivalent. Upon completion of the development, an energy performance certificate shall be provided to the Local Planning Authority demonstrating that the required standard has been achieved and the measures provided to achieve the standard shall be retained as operational thereafter.

Reason: In the interest of sustainable development and Climate Change, in accordance with Local Plan Policy CC1.

20. Any mobile plant (forklift trucks etc.) that are permanently located at the site, shall be fitted with white noise vehicle reversing alarms. Furthermore, Vehicles on the site should not be left with their engines idling when they are not in use

Reason: In the interests of the amenities of local residents, in accordance with Local Plan Policy GD1 'General Development'.

21. The trade/retail sales area shall remain ancillary to the storage/distribution business and not occupy more than 20% of the total internal floor area.

Reason: To maintain the vitality and viability of the Town, District and Local centres, in accordance with Local Plan Policy TC1 'Town Centres'.