

Applicant: Mr Jonathon Seaman

Description: Retrospective change of use of the building and external forecourt to a car showroom for car sales (Sui Generis use)

Site Address: The Old Garage, Genn Lane, Ward Green, Barnsley, S70 6TF

Site Location & Description

The application is retrospective so the car sales business is already in operation, previously the site accommodated a furniture showroom and sales business. The site contains single storey flat roofed buildings to the South East and a flat roof canopy in the centre of the site. The remainder of the site consists of a forecourt and parking area which is covered in hardstanding. The site is enclosed by dwarf stone walls with metal railings on top and there are 2no. vehicular access points into/out of the site from Genn Lane.

There are residential properties to the North of the site, opposite Genn Lane, and to the East of the site on the corner of Genn Lane and Vernon Road. To the rear (South) of the site is Ward Green Lodge Care Home and to the West is a recreation ground. There is also a church to the South East corner.



Site History

98/1097 – Change of use from car showroom and garage to shop and alterations to form a shop front – approved

2019/1342 – Removal of existing buildings and residential development of 4no dwellings (outline with all matters reserved) – approved subject to conditions

Proposed development

The applicant seeks retrospective approval for a change of use of the existing buildings and external forecourt to a car showroom/sales area for car sales (Sui Generis use).

The letter accompanying the application provides an overview of the business;

The business operates mainly on an online basis and hence the company name anycolourcar.com. All cars are displayed online where customers can view and then make enquiries on that basis.

The business displays a target itinerary of 40 cars for sale and the maximum rotation achieved in a very good week would be 6 sales resulting in 6 cars leaving and 6 cars coming in. However, on average a lower number of sales occur.

Some cars are bought straight off the website without customers ever visiting the showroom.

The business has 6 full time members (plus applicant) of staff working at the site and operates 0930 to 1830 Monday to Friday and 0930 to 1730 on a Saturday only.

The site has the ability to facilitate the following vehicle numbers:

Area	No of Cars
Showroom	9
Garage (used for prepping cars for sale)	2
Display Front	10
Visitor and staff	7
Overspill	3
Display back	16
Total	47

In terms of alterations to the site to accommodate the use, there has just been glazing replaced in existing openings and the buildings have been painted black/dark grey. No new buildings have been erected and no extensions required.

Policy Context

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 81 - '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 92 - Planning policies and decisions should aim to achieve healthy, inclusive and safe places

Para 111 - 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 126 - 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;

- Parking
- Sustainable Travel

Consultations

Regulatory Services – No objections

Highways – no objections

Ward Councillors – No comments

Representations

Consultation letters were sent to 31 neighbouring properties and a site notice erected on Genn Lane. No objections have been received.

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.

The NPPF paragraph 81 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'.

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.

The site has previously been a car sales garage and was most recently used for furniture sales, as such, there is a history of commercial activity on the site, including the use proposed.

Residential Amenity

There are dwellings directly to the North of the site, opposite Genn Lane, there are apartments immediately beyond the Eastern boundary and a care home beyond the rear boundary.

As outlined above, the site has operated for a number of years as a furniture showroom open to the public and prior to that was a car sales business. As such, there is a long history of commercial activity on the site, including being used for the same use currently under consideration. Therefore, the current proposal would not be significantly different, in terms of noise and disturbance generated, to the previous uses, especially given it would operate during sociable hours. As such, residential amenity would be maintained to a reasonable degree, in accordance with Local Plan Policy GD1.

No objections have been received to the planning application and the business has been operating since February 2022.

Design & Visual Amenity

As outlined in the 'proposed development' section above, external alterations to the existing buildings simply comprised of replacement glazing and the painting of the exterior of the existing buildings in a dark colour. All of which could have been done without planning permission. As such, visual amenity has been maintained in accordance with Local Plan Policy D1.

Highway Safety

This proposed car sales site of 1,240m² includes the provision of 47 off-street parking spaces which exceeds, by some margin, the recommended number of spaces contained within the Council's SPD: Parking; 1 space per 50m² equating to 25 spaces. However, it is the level of staff and visitor parking provision that is of most significance for a use of this type and the provision of 3 staff and 3 visitor spaces is commensurate with expectations regarding how the site will operate.

It is considered that the proposed change of use would not adversely impact upon the highway and the proposals are therefore acceptable from a highways development control perspective.

The use would utilise the existing vehicular access points from Genn Lane and use the existing areas of hardstanding, previously used for parking.

Conclusions

Taking into account the relevant development plan policies and other material considerations, it is not considered that there are any significant and demonstrable adverse impacts that would outweigh the benefits associated with the granting of reserved matters planning permission for the scheme. The proposal therefore complies with the development plan as a whole and the advice in the NPPF.

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

Recommendation

Approve subject to condition(s)