

Applicant: Mr Ali Asgari

Description: Demolition of existing garage and erection of replacement building containing store at ground floor level, kitchen at first floor level with link extension to existing building

Site Address: 79 Huddersfield Road, Barnsley

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### **Site Location & Description**

The application relates to a detached, flat roofed garage/store building located to the rear of 79 Huddersfield Road. The building is accessed via a driveway which runs from Huddersfield Road between the application property and the neighbouring building. It sits on a lower level than Huddersfield Road and backs on to a garden/ garden area. 79 Huddersfield Road is a recently extended hot food takeaway which is single storey to the front and 2 storey to the rear due to the land levels. The original building is flat roofed and predominantly constructed from brick. The recent front extension is steel frame with grey cladding and glazing to all 3 sides.

To the right of the property is a hair and beauty salon with a convenience store beyond. To the left, beyond the vehicular access, is a post office building with associated post masters living accommodation. To the front of the property is a forecourt/parking area and to the rear, beyond the rear boundary and a belt of trees, is Wilthorpe Park.

### **Site History**

2018/1209 - Extensions and alterations to building including addition of a hipped roof to create additional kitchen and storage space for A5 retail unit and a one bedroom flat located above – Refused but allowed at appeal

2021/0070 – Ground floor extension to front of hot food takeaway and rebuilding of existing rear/garage/store to the rear – approved

2021/1360 – Erection of a two storey building hosting storage at ground floor and 1no. flat above – refused for the following reasons;

*In the opinion of the Local Planning Authority, the proposed development would be materially detrimental to the amenity of the future occupiers of the property by reason of the substandard internal space standards and lack of outdoor amenity space. In addition, given the level difference and proximity between the front habitable room windows and the rear elevations of neighbouring buildings, the outlook for future residents would be poor. Furthermore, the distance of the development from the adopted highway would result in an excessive 'man carry' distance. As a result the proposal is contrary to the Council's Design of Housing Development SPD, the South Yorkshire Residential Design Guide, and Local Plan Policy GD1 'General Development'.*

*In the opinion of the Local Planning Authority, the proposed development would be an undesirable form of backland development, contrary to the development pattern of the area and harmful to the character and appearance of the area. Furthermore, given the proximity of the proposed building to the existing neighbouring buildings, the development would appear cramped and constrained. As such, it does not accord with Policy D1 of the Barnsley Local Plan 2019, or guidance in the Supplementary Planning Document: Design of Housing Development 2019, which require, among other things, new development to be of high-quality design and to respect and reinforce local character.*

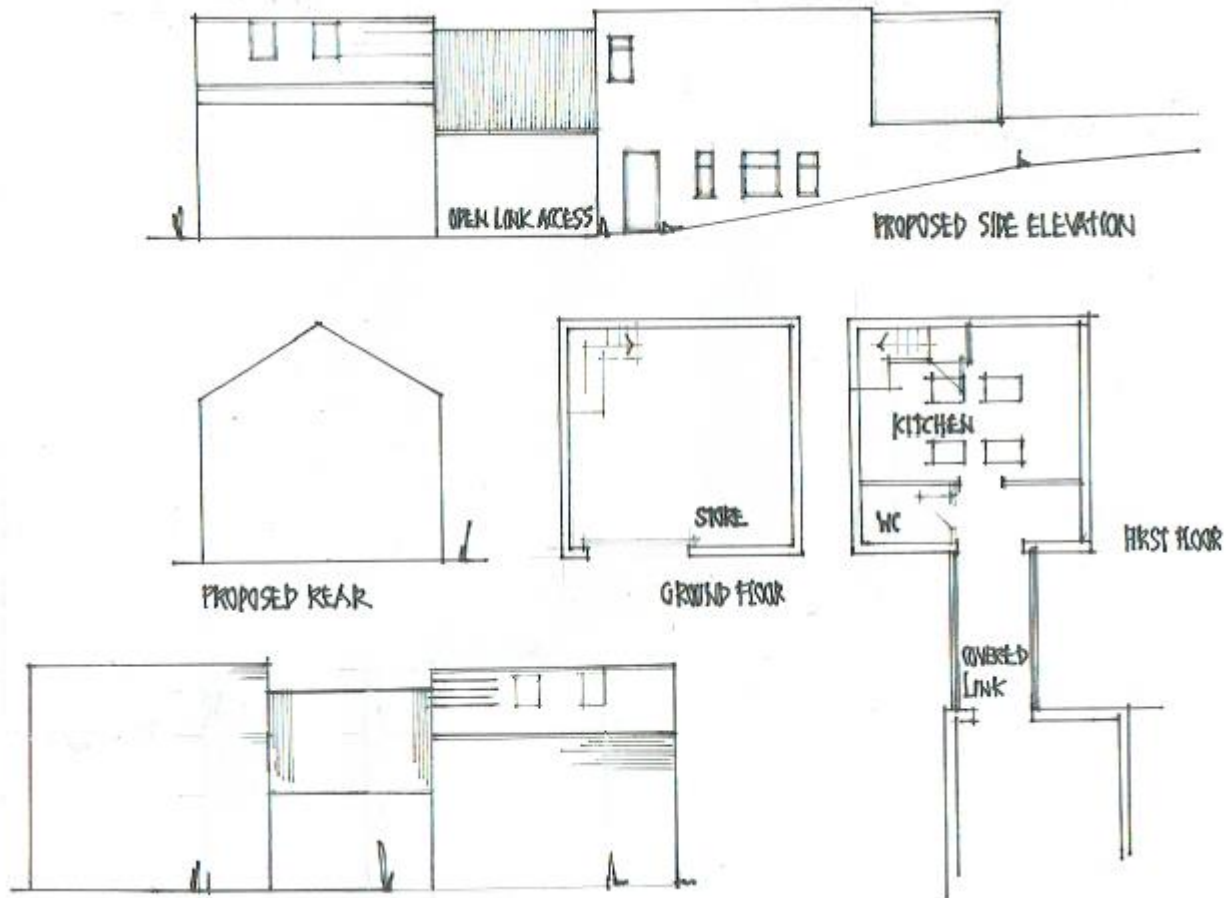
*Despite the site falling within the defined Development High Risk Area due to likely historic unrecorded coal workings at shallow depth the applicant has not submitted sufficient details to enable an adequate assessment to be made of the effect of the proposal on potential risk to surface stability and public safety.*

### **Proposed development**

The applicant seeks permission to demolish the existing store building and erect a 2 storey, pitched roof building on a similar footprint. The building would have a storage area on the ground

floor and a kitchen, associated with the Hot Food Takeaway use, on the first floor. To join the existing ground floor of the takeaway and the first floor kitchen in the proposed building the applicant proposes a 'link' at first floor. The area below the link would remain open to allow access to the neighbouring adjoining properties.

The proposed building would measure circa 8.5m wide and 8.2m deep with an eaves height of 4.7m and ridge height of 7.7m. The link would be 3.5m above ground level and measure 5.6m long, 3m wide and 3.8m tall.



## 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 in the Local Plan, as such, 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*

## **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 decision should help create the conditions in which businesses can invest, expand and adapt.

Para 91 - 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.

## **Consultations**

Highways – No objections

Reg Services – No objections subject to a condition

The Coal Authority – The Coal Authority withdrew their objection following receipt of additional information. As such, they have no objections subject to conditions.

SYMAS – No objections subject to conditions

Ward Councillors – No comments

## **Representations**

Letters were sent to 7 neighbouring properties and a site notice was erected in the immediate area. No written objections have been received but a verbal concerns were raised regarding the potential impact of the building on residential amenity. The objector was invited to put forward comments in writing, but none were forthcoming.

## **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 Principal Town. That is because it is the most sustainable location in spatial policy terms. The site is located within Urban Barnsley and relatively close to Barnsley Town Centre. It is immediately adjacent to existing infrastructure and is within a sustainable location well positioned in relation to public transport and could generate linked trips with neighbouring commercial properties. Substantial weight is afforded to the proposal being in accordance with local plan policy LG2, therefore.

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 proposal would continue the use of the building as a hot food takeaway and allow the business to expand in conjunction with the recently completed front extension.

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'.

### Residential Amenity

The building sits amongst a row of existing commercial properties and is currently used as a hot food takeaway with existing storage facilities, however, it is noted there are some residential properties within the immediate area including accommodation associated with the commercial uses, including the Post Office immediately to the West. Although the post office building does extend beyond the rear elevation of number 79, the proposed building would project beyond its rear elevation which does contain habitable room windows. That projection would be circa 3.5m beyond the 2/3 storey rear elevation and circa 2m beyond the 1/2 storey projection. This is equivalent to the allocable 2 storey rear extensions to the rear of semi detached dwellings. However, in this case the neighbouring properties are detached from each other separated by an access track.

Furthermore, the proposed building would replace an existing building (albeit the existing building is single storey) and it would be orientated to the North East of the Post Office. In addition, unlike the existing building, the proposed building would have a dual pitched roof which would slope away from the neighbouring boundary. As such, the proposed building would not result in an overbearing feature or significantly increase overshadowing.

It should also be noted that due to the slope of the land the ground floor of the post office to the rear is an area of under build and actually the lower ground floor. The ground floor of the post office at the Huddersfield Road elevation is actually the first floor to the rear, as such, the majority of the accommodation is on the upper floors.

The proposed building would be closer to the neighbouring building attached to number 79, however, that it a commercial property and would not significantly impact the occupants of that building.

The proposed ground floor of the building would accommodate storage similar to the building it replaces. The upper floor would accommodate a kitchen which would result in some noise and disturbance being generated, however, it would simply accommodate the re-location of the existing kitchen in a long established takeaway, as such, noise and disturbance would not be significantly different from the current situation.

As such, as a result of the comments above, residential amenity would be maintained, in accordance with Local Plan Policy GD1.

## Design & Visual Amenity

The proposed building would be to the rear of existing buildings, built on a lower level than the neighbouring highway and there would only be fleeting glimpses from the highway via the access drive. The proposed building would replace an existing flat roofed storage building which contributes little to the visual amenity of the area and this building has been approved to be demolished and replaced previously, albeit with a single storey structure.

The proposed building is relatively simple in terms of its design and unlike the flat roofed host property does incorporate a pitched roof with front and rear gables which is preferable in design terms. The building is also relatively modest in footprint and height compared to the neighbouring buildings. As such, it would not be an overbearing feature or be detrimental to the visual amenity of the streetscene.

The first floor 'link' is an unusual feature in that it will 'float' over the existing access and be used to join the existing and the proposed buildings together. However, views of this will be extremely limited given the position of the host property, proposed building and neighbouring buildings.

It is acknowledged that there are no buildings to the rear of the site and it backs onto Wilthorpe Park with the application site being on a higher level, however, there are mature trees on the boundary and views from the park are very limited, even during winter months when the trees have lost their leaves. The building would also be circa 20m from the boundary of the park.

There are limited details regarding the materials to be used for the building and the link, as such, a condition will be recommended.

Given the comments above, the visual amenity of the area would be maintained, in accordance with Local Plan Policy D1.

## Highway Safety

The proposed building would be on a similar footprint as the existing storage building and would not impact current parking and turning for the host property or the neighbouring properties, nor would it result in the need for additional parking spaces. As such, highway safety would be maintained, in accordance with Local Plan Policy T4.

Highways DM have been consulted on the application and have raised no objections.

## Coal Mining

The application is accompanied by a Coal Mining Risk Assessment report (4295) prepared by Michael D Joyce Associates, dated April 2023. The report acknowledges that a shallow conjectured coal seam is present beneath the site.

The report states that the shallow coal outcrop beneath the site is unlikely to have been worked due to low economic value in the area and given the relatively small scale of development, mitigation measures such as reinforced foundations can be incorporated which may reduce the risk of future surface subsidence. However, the report author comments that with regards to shallow mining that *"the presence of workings cannot be entirely precluded without drilling the site."*

Given the uncertainty to definitively discount the risk posed to the site from potential shallow mining an intrusive ground investigation must be carried out on the site in order to establish the extent of any unrecorded shallow mine workings and to inform any remedial works and mitigation measures needed to ensure the site is safe and stable.

The Coal Authority and SYMA concur with the report findings and have raised no objections subject to conditions relating to the intrusive investigations.

## 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, GD1, D1 and T4) and is assessed to be a suitable and sustainable form of development that accords with Local Plan Policy SD1 Presumption in favour of Sustainable Development in overarching terms. Similarly in National Planning Policy terms (NPPF) the presumption in favour of sustainable development is considered to apply also (para 11) which is that proposals that accord with an up to date development plan should be approved without delay.

In addition, the site is considered to be suitable in spatial and sustainable development terms for the reason that it would involve development on a brownfield site that is positioned well within Urban Barnsley.

The recommendation is one of approval therefore subject to the conditions listed below.

### **Recommendation**

**Approve** subject to conditions