
2021/0329

Butlers Automotive

Single storey rear extension to rear and associated works and new 2.4 metre high fence and Gates

Butlers Automotive Ltd, Thomas Street, Barnsley, S70 1LH

Site Location and Description

The site is a retail/industrial unit (used as a vehicle spares shop with storage and distribution) in a mixed commercial area of town. The site fronts onto Thomas Street and backs onto Joseph Street. The existing buildings which comprise the unit are of disparate design and are brick and metal clad, all painted blue and are a range of one and two storey. The site has off street parking and servicing to the side, front and rear of the building.

The site area is 838 square metres.

Thomas Street



Joseph Street



Site History

None relevant

Proposed Development

The applicant seeks permission for an extension to the rear of the building (ie on the Joseph Street frontage). The building currently 'turns it back' Joseph Street and there are areas of outside storage and car parking between the building and the street. The extension will be brick built and will have a blue paint finish to match the existing building and a flat roof. The extension will add 62 square metres of floorspace to be used for storage (The application indicates that the building is currently 27 sq m A1 and 631 sq m B8) Because of the fall of the land the extension will have an area of void underneath it and will appear externally to be single storey at the north end of the street frontage and near double store at the south end of the street frontage.

The application has been amended to include 2.4 metre high green coated paladin fencing and gates which will enclose the parking area to the side/west of the building and secure that side of the building. The fence will be sited on the western boundary and the gates will be set so that they are not closer to either Joseph or Thomas Street than the (extended) building.

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 3th 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, superseding the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011).

Local Plan

The site is within the Southern Fringe Opportunity Site on the Local Plan Proposals Maps. and therefore the following policies are relevant:

Policy SD1 Presumption in favour of Sustainable Development – indicates that we will take a positive approach reflecting the presumption in favour of sustainable development in the National Planning Policy Framework and that we will work proactively with applicants to find solutions to secure development that improves the economic, social and environmental conditions in the area

Policy GD1 General Development – sets a range of criteria to be applied to all proposals for development.

BTC15 Southern Fringe – Allows for a range of uses including employment.

BTC16 Development Site 2 – indicates we will allow mixed use developments that include retail, residential, office and food and drink.

Policy E3 Uses on employment land – indicates we will allow research and development, light and general industry and storage or distribution on allocated Employment Sites or land currently/last used for employment uses; also appropriate scale ancillary uses and other employment generating uses will be considered on their merits.

26. Policy T3 New development and Sustainable Travel – expects new development to be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians of cycles. Also sets criteria in relations to minimum levels of parking; provision of transport statements and of travel plan statements.

Policy D1 High Quality Design and Place Making – indicates that development is expected to be of high quality design and to reflect the distinctive, local character and features of Barnsley.

Policy CL1 Contaminated and Unstable Land – Where future users or occupiers of a development would be affected by contamination or stability issues, proposals must address these issues.

NPPF

The National Planning Policy Framework 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.

Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt (para 81)

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve (para 126)

Planning policies and decisions should prevent new development from being put at unacceptable risk from pollution or land instability; and ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability or contamination. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner (paras 174, 183 & 184)

Supplementary Planning Documents (SPD):

SPD Parking

SPD Sustainable Travel

Consultations

Commercial Services – No response

Highways DC – No response

Pollution Control – No objections

Coal Authority – Material consideration – The submitted coal mining risk assessment identifies that the application site has the potential to have been subject to past coal mining activity due to the presence of coal outcrops and the potential for probable unrecorded shallow workings. It notes that historical borehole data suggest the presence of unrecorded workings to the west of the site and an intact coal seam to the east of the site and that on the basis of the information available the ground conditions would be in accordance with the current CIRIA guidance. The report concludes that the information available does not allude to any significant risk to the proposal; does not suggest that investigatory works are needed; and recommends suitable and robust foundations are designed to mitigate any risk. Conclude no objection. Also note that there is potential for mine gases to exist because of the likely presence of coal at or below the surface and advice that the local planning authority should seek their own technical advice on gas hazards.

SYMAS – Note the coal mining risk assessment and the Coal Authority response. In view of the circumstances, if permission is granted then a condition should be included in the decision notice to require the foundations to be designed by a competent person in consideration of potential mining instability and the presence of fugitive gases.

Ward Councillors – No response

Representations

The application has been advertised via site notice between 31 March and 23 April and by letters direct to neighbours both on the original and amended proposals; no representations have been received.

Assessment

Principle of development

The application site is in a town centre location where a range of uses are considered appropriate, including retail, employment and commercial uses. The site is also in an area where there is a specific development site designation, reflecting the potential for comprehensive redevelopment.

The application site has a designation of urban fabric in the Local Plan where Policy GD1 sets a range of criteria against which planning applications must be judged.

The proposal is for a modest extension to an existing business and the provision of security fencing and gates; this development will not prevent a mixed use redevelopment and there is no scheme in place for the redevelopment of the wider development site. It is concluded that the principle of development is acceptable subject to consideration of details.

Design

The massing and design of the proposed extension broadly reflects the character of the existing range of buildings at the application site. In addition it will have the effect of tidying up an area that is currently used for outside storage and is not particularly attractive. It is considered that the design is acceptable in this mixed commercial setting. The proposed green paladin fencing reflects the fencing used on the adjacent public car park and is considered acceptable in this setting.

The applicant has proposed matching facing materials and a condition is recommended to secure this. It is concluded that the design of the proposed extension and fencing is acceptable and in compliance with Local Plan Policy D1.

Coal mining/instability

The Coal Authority and SYMAS have noted that the submitted coal mining risk assessment concludes, in the opinion of the author of the report, that the available evidence indicates that there is no significant risk to the proposal, does not suggest that investigatory (intrusive) works are needed and recommends suitable and robust foundations are designed to mitigate any risk. SYMAS have recommended a condition to require the foundations to be designed by a competent person in consideration of potential for both mining instability and presence of fugitive gases. It is concluded that the imposition of this condition, which has been agreed by the applicant, addresses the potential instability and fugitive gas issues and will ensure compliance with NPPF and Local Plan policy.

Highways safety/Parking

There has been no response from highways DC.

The proposal will result in the loss of 2 or 3 short parking spaces. The applicant has indicated the parking/servicing provision that will be made available on the remainder of the application site. The proposal is in a town centre location where the parking SPD sets out parking standards but confirms that they do not apply to, but will be used as a basis for considering applications in, the Town Centre. In addition, in the immediate vicinity, the roads have double yellow lines or parking spaces marked and there is a public car park (Burleigh Street East) immediately next to the application site. It is concluded that given the availability of public car parking in the town centre there is no objection to the small loss of parking on the site. A condition is recommended to require the indicated parking/servicing provision to be retained for those purposes.

Recommendation

Grant subject to conditions

Full – 3 Years (M3 Code A1)

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.

Development in accordance with approved plans (M3 Code B12)

The development hereby approved shall be carried out strictly in accordance with the amended plans (Nos.) and specifications as unless required by any other conditions in this permission.

A21-109/01 Site Location Plan

A21-109/02 Existing Plans

A21-109/03 Existing Elevations

A21-109/05 C Proposed Elevations

A21-109/06 B Proposed Parking Arrangements

A21-109/14 B Proposed Plans

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.

e) External materials to match (M3 Code B1)

The external materials shall match those used in the existing building.

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.

Unique

The site has been identified to have some degree of risk from coal mining legacy. The development should ensure that foundations are appropriately designed by a competent person in consideration of potential mining instability and the presence of fugitive gases with due regard to the CIRIA C758D guidelines 'Abandoned Mine Workings Manual'.

Responsibility for securing a safe development rests with the developer and/or landowner.

Reason: In the interests of securing a safe development and to address issues of contaminated or unstable land in accordance with Local Plan policy CL1 and in accordance with NPPF paragraphs 174, 183 and 184.

Unique

The parking/servicing facilities indicated on the approved plans shall be made available for the manoeuvring and parking of motor vehicles and shall be retained for those purposes at all times.

Reason: To ensure the satisfactory provision of off street parking/servicing, in the interests of highway safety and the free and safe flow of traffic and in accordance with Local Plan Policy T4 New Development and Highway Improvement