
Ref 2020/0705

Applicant: Mr Smith

Description: Outline application with all matters reserved for the erection of a Car Sales Showroom and forecourt (Sui Generis Use) with associated Car Repair workshop (B2 use) and Car Valeting; with associated offices (class E(g)(i)) within showroom and workshop units; all with associated vehicle display, site servicing and parking areas

Site Address: Land at Pontefract Road, Hoyle Mill, Barnsley, S71 1HF

Site Location & Description

The application relates to a site of approximately 0.5Ha which sits to the South of Pontefract Road, Hoyle Mill. The land has been largely cleared and, although vacant for a number of years, has recently been used for parking and vehicle storage. The site is enclosed by metal fencing and gates to the West and mature planting and trees to the North, East and South. The centre of the site is largely level but there are banked areas adjacent to the North and East boundaries which are largely covered in scrub vegetation.

To the West of the site are retail/warehouse units and associated parking/hardstanding. To the South is a glass merchants and to the East is a row of terraced housing which backs onto the site, with a snooker hall and bistro beyond. To the North of the site, beyond Pontefract Road is an industrial estate.



Site History

04/2023 – Erection of one three storey and two four storey blocks of 42 apartments with associated parking – approved

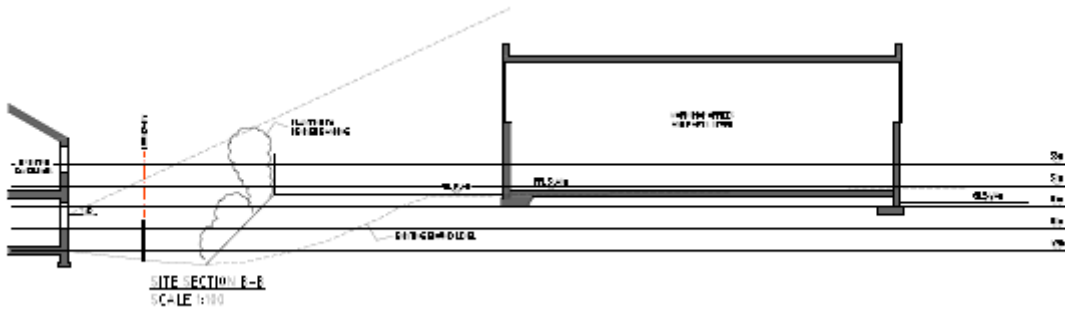
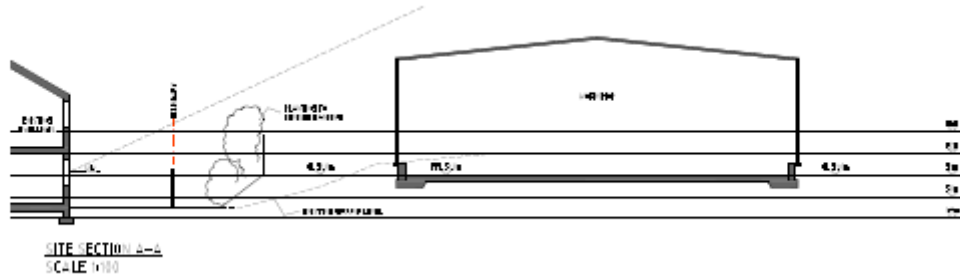
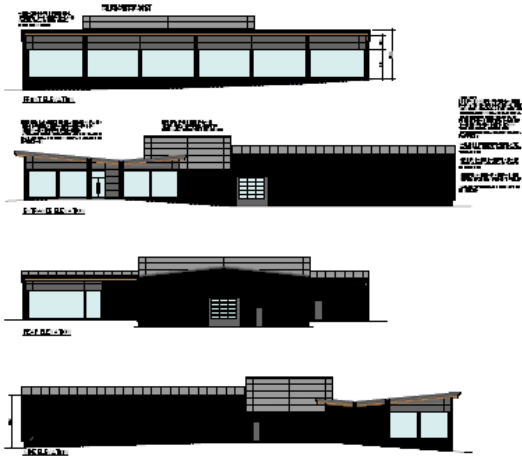
2007/0057 - Residential development comprising 50 no. 2 bed apartments in 3 no. three to four storey blocks. - refuse

2011/1485 - Erection of 1 no. 3 storey and 2 no. four storey blocks of 42 no .apartments with associated parking. (B/04/2023/BA Extension of time limit) – refuse

Proposed development

The applicant seeks outline permission with all matters reserved for the erection of a Car Sales Showroom and forecourt (Sui Generis Use) with associated Car Repair workshop (B2 use) and Car Valeting; with associated offices (class E(g)(i)) within showroom and workshop units; all with associated vehicle display, site servicing and parking areas.

In indicative plans, sections and elevations have been supplied with the application which are shown below;



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

Para 109 - 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 124 - 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

Highways – No objections in principle, requested further information which was submitted

Tree Officer – no comments

Drainage – No objections subject to condition

Yorkshire Water – No objections subject to conditions

Regulatory Services – required additional information which has since been submitted

SYMAS - No objection subject to condition

Coal Authority – Requested further information which was sent on

Air Quality Officer – no objection subject to condition or submission of EVC point and Infrastructure Strategy

Ward Councillors – No comments

Representations

Consultation letters were sent to 30 neighbouring properties. 4 objections have been received as a result; the main points of concern are;

- Increase noise and disturbance
- Loss of privacy
- Loss of habitat for wildlife
- Overbearing/overshadowing
- Increase in pollution
- Increase in rainwater run off
- Light pollution
- Neighbouring residents have been maintaining adjacent banking

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 80 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.

Residential Amenity

The site is bounded by industrial/commercial buildings to the West and the South, as well as on the opposite side of Pontefract Road to the North as such there is a level of noise and disturbance generated within the area, plus Pontefract Road links directly with Barnsley town Centre. However, there are residential properties within close proximity, on a lower level, to the East which need to be carefully considered.

It should be noted that all matters are reserved so residential amenity would be closely assessed at reserved matters stage, however, the principle of the development on this site needs to be considered as well as the indicative layout provided.

A Noise Impact Assessment has been undertaken which concludes '*This assessment has shown that the rated level of noise, falls below the typical background sound level during the operating times. The predicted noise level from proposed operations at the Site are considered to be sufficiently low enough to compliance with 'No Observed Effect Level' as detailed in the PPG and as such noise should not be deemed to be a determining factor in the granting of planning permission for this Site*'.

The Councils Regulatory Services Officer largely agrees with the finding of the report, following the additional information being submitted relating to the valet bay (which is located within the South West corner of the site, away from residential properties). The Regulatory Services Officer initially had concerns that the doors of the workshop building were facing the residential properties and

these doors could be left open while work was taking place, however, the revised plans show that the workshop doors are on the opposite elevation, away from the residential properties.

The Regulatory Services Officer has also requested a condition for the maximum noise levels of the A/C units not to be exceeded as well as full details of external lighting to be submitted.

It is noted that on the indicative plan the side elevations of the workshop building, and the showroom building are relatively close to the terraced row, circa 11m-14m, and would also build on a higher level. This would fall short of the requirements of SPD 'Residential amenity and the Siting of Buildings' which requires a separation distance of 25m, or the distance required by the 25- and 45-degree rules, whichever is greater, unless it can be demonstrated that a design led solution can allow a relaxation. Distances can also be relaxed through factors such as levels and landscaping.

As outlined above, this application is for all matters reserved and the submitted plans are indicative only. The reserved matters application would need to be accompanied by full details including levels etc. plus any design led solutions proposed. In any case, the applicant has supplied full section drawings which show that the existing levels on the site could be lowered and the proposed buildings would comfortably comply with the 25-degree rule. The site plan and sections also show that the large, densely vegetated banking that the dwellings currently back onto could be regraded and re-planted to afford the dwellings more views and light than they currently have.

Given the nature of the area, the proposed details outlined on the indicative plans and providing sufficient details are provided at reserved matters stage, it is evident that a scheme could be accommodated on the site that would maintain the amenity of existing residents and neighbouring land users, in accordance with Local Plan Policy GD1.

Design & Visual Amenity

Again, the submitted plans are only indicative but they demonstrate that the site could accommodate such development. There are numerous industrial and commercial buildings within the immediate area, including Mill Trading Estate Immediately adjacent. The indicative elevations show relatively modest, single storey buildings could be accommodated on the site which would sit comfortably within the local context. It should also be noted that there are several similar car show rooms along Pontefract Road to the West of the site, as such, this area is associated with such uses and buildings.

The indicative plans show the majority of the existing mature landscaping could be retained to the Southern and Eastern boundaries which would aid to soften the development and provide separation to the neighbouring sites. The plans show that the majority of the vegetation to the front of the site, adjacent to Pontefract Road would be lost, which would be regrettable, however, there is still scope on the banking to provide soft landscaping and this would be subject to further information at reserved matters stage. In any case, the neighbouring car showrooms have a similar layout with similar area for landscaping to the front, as such, it would reflect the character of the area.

As outlined above, the indicative plans demonstrate that a development inline with that proposed could be accommodated within the site and still maintain the visual amenity of the area in accordance with Local Plan Policy D1. This will be assessed at detail under the reserved matters application.

Highway Safety

The development would utilise the existing access point from Pontefract Road which already serves the neighbouring trading estate. Highways have raised no objections to the principle of the development. They indicative plans initially did not show parking and delivery detail; however, the plans have since been amended at Highways request. The plans now demonstrate large delivery

vehicles can enter and exit the site in a forward gear and the parking layout shows the development can accord with SPD Parking.

The site layout will be considered in greater detail at reserved matters stage, but the indicative plans show that a development can be accommodated on the site while maintaining highway safety, in accordance with Local Plan Policy T4 and the NPPF.

Trees

As outlined above, the centre of the site has been cleared but there are trees, shrubs and vegetation around the boundary of the site. From assessing the new development proposals, the removal of 9 trees and 1 tree group will be required as they are situated in the footprint of the structure or their retention and protection throughout the development is not suitable. The trees that are required to be removed are T4 to T13. All of the trees to be removed are lower value, retention category 'C'. They are all relatively small, some with significant defects that are likely to limit their longer-term value. Although the trees to be removed are all of lower value, the quantity of removals required will have a limited negative arboricultural impact in the context of the site.

The development of the site provides an excellent opportunity to undertake new tree planting, particularly along the eastern and northern boundaries, as part of a soft landscaping scheme. The planting of suitable new trees, that are in keeping with the surrounding landscape character and tolerant of climate change, can mitigate for the required tree removals and in the longer term improve the sites tree cover. The planting of several larger nursery stock trees would provide trees with established amenity at the outset.

The landscaping details can be considered in more detail at reserved matters stage or through conditions.

Ecology

An Ecological Appraisal was submitted alongside the application, the main findings are outlined below;

No impacts upon designated sites are anticipated because of the nature and scale of the development, distance from designated sites and because the site is surrounded on almost all sides by the built environment and/or roads.

Site habitats are considered to be of importance to nature conservation at the site level only. The site is not considered to be of importance at greater than the site level to any faunal species group.

Potential impacts of the development are considered to comprise:

- *Long-term loss of semi-natural habitats present within the interior of the site.*
- *Potential to damage or destroy active bird nests. Bird nests are subject to strong legal protections as detailed in Appendix 3.*
- *Damage to the root systems of existing trees as a result of construction works.*
- *Temporary increase in vehicle movements onto and out of the site during the period of construction.*
- *Temporary increase in noise, dust and vibration caused by construction work.*
- *Long term increase in human presence on site on completion of the development.*

Given the above, mitigation measures and enhancements have been proposed in section 6.3 and 6.4 of the appraisal, these will be conditioned and include;

In order to avoid or mitigate ecological impacts of the scheme, it is advised that the following recommendations are adopted:

- Vegetation clearance should take place at a time when it will not affect nesting birds (outside March to August). If works are to be undertaken during this time, then they should be preceded by a nesting bird check to be undertaken by an ecologist.
- Boundary trees should be retained. Taking a best practice approach to nature conservation issues, British Standard 5837 (2012): Trees in relation to design, demolition and construction, should be followed. Root Protection Zones (RPZ's) should be calculated and implemented to prevent harm to trees. This should also apply to any trees outwith the site, up to 5 m from the boundary.

In accordance with the environmental aims of the National Planning Policy Framework, it is suggested that the developer follows the recommendations detailed below. These measures could be detailed in an EDS, to be secured by planning condition. Please note that the enhancements have been informed by the results and findings of the data consultation and the field survey.

- Given the close proximity to prime bat foraging habitat. It is advised that an externally mounted woodcrete bat box is installed high on the rear south elevation (east end) of the proposed workshop building with this location not impacted by lighting.

Mining

The applicant has provided a site investigation report by Joyce Associates which concludes the site is not affect by mining legacy risks/shallow mine workings. However, it is noted that the site is covered by a variable thickness of made ground and therefore suitable foundation design and other mitigation will be required.

Given the site is or can be made suitable for the proposed development SYMAS have raised no objections subject to the standard Coal Authority Standing advice.

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 outline 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 conditions: