

Application reference number	2025/0683
-------------------------------------	-----------

Application Type	Full planning permission
-------------------------	--------------------------

Proposal Description:	Front extension to retail unit
Location:	77 Huddersfield Road, Barnsley, S75 1AA

Applicant	Mr Ali Asgari
------------------	---------------

Number of Third Party Reps	3	Parish:	n/a
		Ward:	Old Town

SUMMARY

The proposal seeks full planning permission for the erection of a flat roof extension on the front of the retail premises. The proposed extension to the building is considered to be acceptable in design terms and in keeping with the character of the area.

The report demonstrates that any harm generated by the proposal is outweighed by other material planning considerations. The development would not cause an unacceptable level of harm to the appearance of the building and is in keeping with the wider character of the area and will not harm highway safety or suffer from any coal mining related instability issues.

Recommendation: **GRANT Planning Permission**

Introduction

The proposal seeks full planning permission for the erection of a flat roof front extension to the retail premises. The premises are currently vacant and were last used as a hairdressers

Site Description

The property is sited on the main A635 running west out of Barnsley. The site contains a single storey flat roofed retail unit which is indicated to be 40sqm. The property is in the middle of a terrace of three properties, with the units either side being used as a convenience store and a pizza restaurant/takeaway. There are further commercial properties to the west, the entrance to Wilthorpe Park to the east and otherwise the area is residential.

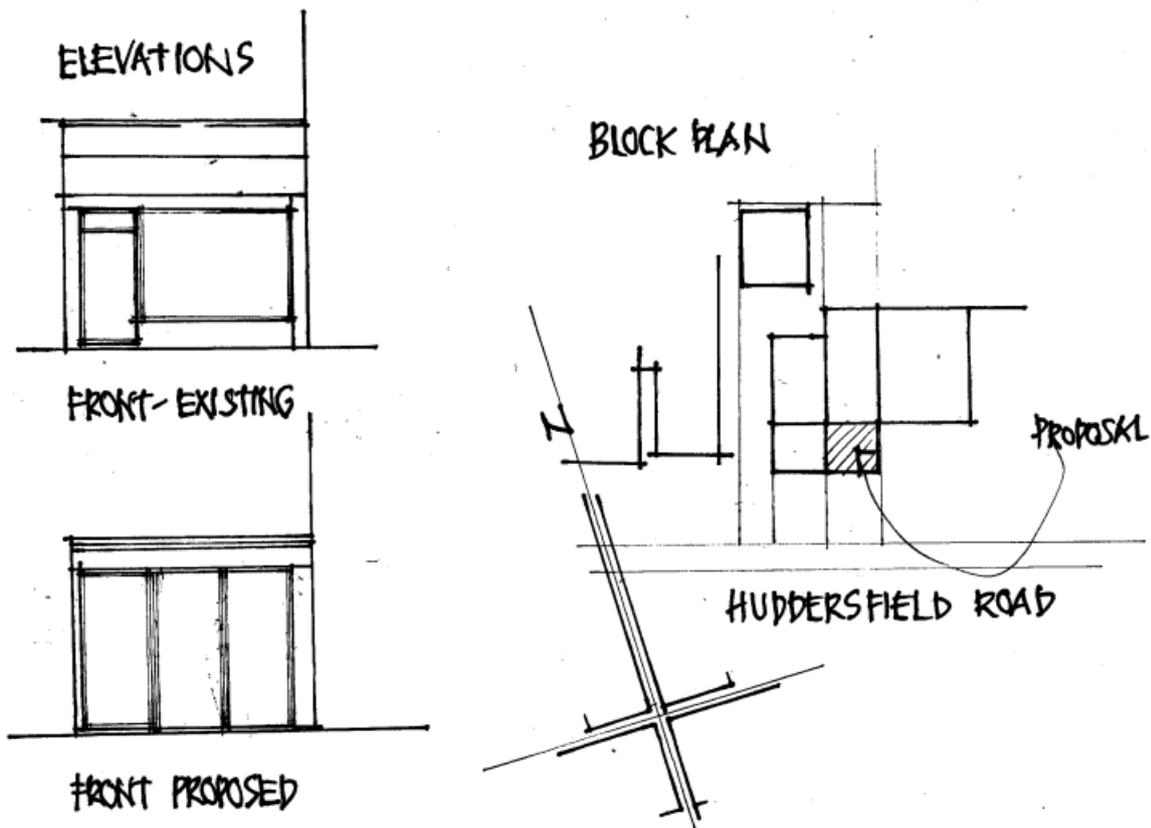
The application site and its adjoining neighbour to the west are unusual in design, as they are single storey with a parapet roof. The adjoining neighbour to the east, like most other

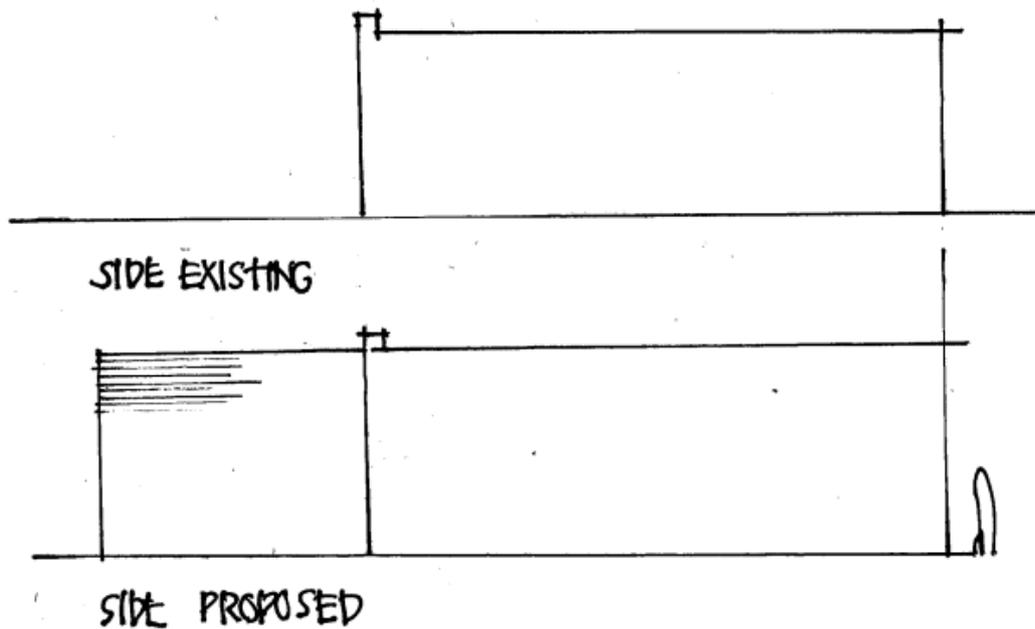
development in the area, takes the form of a 1930s style two storey building with hipped roof.

The adjacent commercial unit to the west has a glazed front extension (with roller shutters) of similar proportions to this proposal.

Proposal

The proposed front extension will measure 4 metres wide by 4 metres deep and will provide 12sqm of internal floorspace. It will have a flat roof to 3.1m in height, the same height as the main roof of the existing building (but not to the height of the small parapet on the front edge of the existing building's roof) and will have brick side walls and a glazed frontage. The application indicates that the premises will continue to be used for a retail (class E(a)) purpose.





Relevant Site History

<i>Application Reference</i>	<i>Application description</i>	<i>Status</i>
B/96/1293	Change of use from hairdressers to hot food takeaway	Refused and appeal dismissed
B/97/0631	Change of use from hairdressers to hot food take away	Refused
B/99/1419	Change of use of hairdressing salon to hot food take-away	Refused
B/02/1541	Erection of rear two-storey extension to salon	Granted

Policy Context

Planning decisions should be made in accordance with the current development plan policies unless material considerations indicate otherwise; the National Planning Policy Framework (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 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 which 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.

Local Plan

The site is identified as urban fabric within the Local Plan and as such the following policies are considered to be relevant to this application:

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

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 and cycles. Also sets criteria in relation to minimum levels of parking; provision of transport statements and of travel plans.

Policy T4 New development and Transport Safety – expects new development to be designed and built to provide safe secure and convenient access and to not cause or add to problems of highway safety or efficiency.

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 – requires the submission of a report where future users or occupiers of development would be affected by contamination or stability issues, to establish the extent of the issues and set out measures to remove, treat or protect from contamination; or address land stability issues.

Policy Poll1 Pollution Control and Protection – sets criteria to ensure that new development does not unacceptably affect or cause nuisance to the natural and built environment or to people; or suffer from unacceptable levels of pollution.

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. NPPF policy of relevance to this application includes:

Paragraph 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, taking into account both local business needs and wider opportunities for development.

Paragraph 116 - 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.

Paragraph 131 – 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

Relevant Consultations:

Highways DC – no objections

Pollution control – No objections subject to a condition relating to hours of construction and an informative about not causing a nuisance.

The Coal Authority – no objections subject to informatives

SYMAS – no objection subject to informatives

Ward Councillors – no comments received

Representations

Neighbour notification letters were sent to eighteen surrounding properties.

Three representations were received from two neighbours. The representations raised the following material planning issues:

- Loss of light and privacy; overbearing impact on and negative impact on enjoyment of neighbours property.
- Noise, disturbance and deliveries from increased commercial activity and potentially antisocial hours will harm residential amenity and the quiet enjoyment of nearby homes. Request refusal or if the application is approved, strict conditions on delivery times and hours of operation (opening and deliveries restricted to 7am to 8pm) are requested.
- Parking, servicing and highway safety – the proposal doesn't appear to provide additional off-street parking or a safe delivery area. This will increase on-street parking and obstruct the carriageway/footway, raising safety concerns for pedestrians and road users
- Design and character are not in keeping with neighbouring properties, appears to be excessive/overdevelopment for the plot and would harm the character of the street.
- Request additional conditions, if the proposal is not refused, requiring a servicing/delivery management plan; retention of appropriate screening/obscure glazing on any windows facing dwellings; and measures to control noise and light spill.
- Work has commenced without the developer serving notice (in breach of the Party Wall Act) or obtaining planning approval for the extension

One of the representations also raised the non-material issue of the impact of the proposal on the value of neighbouring property, but this issue is given no weight.

Assessment

The main issues for consideration are as follows:

- The acceptability of the development in principle
- The impact on the character of the area
- The impact on neighbouring residential properties
- The impact of neighbouring commercial properties
- The impact on the highway network and highways standards
- The impact of ground stability issues.
- Other issues

For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale unless the NPPF establishes a specific weight:

- Substantial
- Considerable

- Significant
- Moderate
- Modest
- Limited
- Little or no

Principle of development

The principle of an extension to this existing building in an area designated as urban fabric in the Local Plan policies map is acceptable subject to assessment of details. The premises are currently vacant and it has been indicated that three additional jobs will be secured as a result of the proposal and therefore the economic benefits of the scheme attract substantial weight in favour of the proposal.

Impact on the character of the area

The proposed extension would be to the front of the unit and would be in a relatively prominent location, viewed from Huddersfield Road. The extension would be set back around 5.6 metres from the footpath serving Huddersfield Road and is a relatively modest addition to a relatively modest building.

It should also be noted that the adjoining restaurant/take-away and the post office and dentists further to the West all have front extensions. While the post office and dentists extensions have a smaller projection, the proposed extension is the same size as the extension on the adjoining restaurant/take-away. The elevations of this existing extension are predominantly glass but the extension has shutter boxes on all elevations which means that while it is capable of appearing lightweight and see-through, it is also capable of appearing as a solid extension.

Furthermore, to the east of this terrace of three commercial units within which the application site is located, Wilthorpe Park has a boundary wall and fencing, containing mature planting and trees, that extends to the back edge of the footpath serving Huddersfield Road. This limits distance views of the proposal and means that the proposal will be viewed, from the east, only at close quarters and in the context of the extension to the adjoining unit.

In addition, the adjoining property at number 75 has a planning permission granted under application reference number 2024/0965 for a single storey front extension with a four metre projection (like the current proposal) and a flat roof, to be built of brick with glazed doors and shop window. If this permitted extension and the proposed extension were both built, it would give this terrace of three commercial properties a degree of consistency which would result in a more pleasing streetscene.

The extension is proposed to have brick side walls and subject to a condition that the bricks match those used in the construction of the existing property, it is considered that the design and appearance of the extension would be acceptable.

For the reasons outlined above, the visual amenity of the streetscene would be maintained to a reasonable degree, in accordance with Local Plan Policy D1 and modest weight in favour of the proposal is given to this material consideration.

Residential Amenity

The proposed extension would not be adjacent to the first floor residential accommodation in the adjoining unit to the east. Given that the extension is a single storey extension at ground

floor and the flat is at first floor, it is considered that the extension would not cause a significant loss of light or privacy or any significant overbearing impact or increase in disturbance to the neighbouring flat.

The application property sits within a parade of commercial uses. While the proposal will allow an intensification of the existing commercial use, it is not considered that this would significantly increase noise and disturbance.

Reflecting the advice of Pollution Control, it is concluded that subject to a condition regarding hours of construction and an informative about not causing a nuisance, the proposal would not harm residential amenity and that the proposal is in accordance with Local Plan Policy GD1 and modest weight in favour of the proposal is given to this material consideration.

Commercial Amenity

The proposed extension would be to the front of the former hairdressers. It would sit to the east of the extension on the adjoining commercial unit and would block sunlight and views from the east facing wall of that adjoining extension. However, the extension is fully glazed on all sides and it is therefore considered that the impact of the proposal would not be significantly harmful given that the existing extension retains glazed walls on the south and west elevations. The proposal is in accordance with Local Plan policy GD1 and modest weight in favour of the scheme is given to this material consideration.

Highway Safety

The proposal is modest in size and it is not likely that any increase in customers or deliveries would add significantly to traffic or on street parking to an extent that would cause conflict with national or local planning policy.

It is concluded that the proposal is in conformity with Local Plan policies T3 and T4 and this material consideration is given limited weight.

Stability

The application site is in a location where there are ground stability issues arising from historic mining activity and the application is supported by a coal authority ground stability no residential report – this does not constitute a coal mining risk assessment. The advice of professional consultees is that given the scale of the development it would be disproportionate to require a coal mining risk assessment and investigative work and permission subject to informative notes is recommended. It is concluded that the subject to these informatives, the proposal is in conformity with Local Plan policy CL1 and this material consideration is given limited weight.

Other

Other issues raised by neighbours have been considered but do not change the conclusions reached here.

PLANNING BALANCE & CONCLUSION

In accordance with Paragraph 11 of the NPPF (2023) the proposal is considered in the context of the presumption in favour of sustainable development. The proposal is considered to be located within a sustainable location, on a site suitable for the proposed extension. In

addition, the development will result in the re-use of a vacant shop and the employment of three people and this attracts substantial weight in favour of the application. The proposal is considered to be acceptable in design and its impact on the character of the area and to safeguard the amenities of residential and commercial property nearby, and these considerations attract modest weight. The proposal will not harm highway safety or ground stability conditions and these considerations weigh to a limited extent in favour of the proposal. Other issues raised by neighbours have been considered but do not change the conclusion reached here and the proposal is therefore, on balance, recommended for approval.

RECOMMENDATION

GRANT PLANNING PERMISSION FOR THE PROPOSED DEVELOPMENT SUBJECT TO CONDITIONS

CONDITIONS

Standard time limit

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.

Plans

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

Block Plan

Location Plan

Plans and Elevations

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.

Hours of construction

During works, construction or demolition related activity shall only take place onsite 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: To reduce or remove adverse impacts on health and quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1

Matching materials

INFORMATIVES

The proposed development lies within an area that has been defined by the Mining Remediation Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Mining Remediation Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure a suitable engineering design which takes account of all relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Mining Remediation Authority Policy in relation to new development and mine entries available at: Building on or within the influencing distance of mine entries - GOV.UK

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: www.gov.uk/geta-permit-to-deal-with-a-coal-mine-on-your-property

What is a permit and how to get one? - GOV.UK (www.gov.uk)

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required. Further information regarding Incidental Coal Agreements can be found here - <https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements>

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242. Further information is available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

It is recommended that measures are taken to prevent a nuisance/or affect the quality of life of local residents. Please note that the Council's Pollution Control Team have a legal duty to investigate any complaints about noise, smoke, odour, light or dust. No waste should be burnt. If a Statutory Nuisance is found to exist, they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in Magistrates' Court. It is therefore recommended that you give serious consideration to the steps that may be required to prevent a noise, light, odour, dust or smoke nuisance from being created.

STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

The above objections, consideration and resulting recommendation have had due regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

It has not been necessary to make contact with the applicant to request amendments to the proposal during the consideration of the application, as it was deemed acceptable.

