
2018/0966

Applicant: Balmoral Park Limited, C/o Fairhurst

Description: Proposed extension to existing industrial unit.

Site Address: Balmoral Industrial Tanks, Barrowfield Road, Thurnscoe, Rotherham, S63 0EW

This application is presented to Planning Board because it is recommended for approval subject to a S106 Agreement for a contribution towards off site biodiversity improvements and as a small part of the development encroaches into the Green Belt.

Site Location and Description

Thurnscoe Business Park lies to the south east of Thurnscoe, between its urban settlement and Goldthorpe. The site forms part of the former Hickleton Colliery and which was subject to a land reclamation scheme in the early 1990s

There is a large, modern industrial unit with associated office, reception and welfare facilities on the site. The building is 144m by 42m and located centrally within the plot, with the parking provision of 73 vehicles (including 3 disabled, 4 motorcycle and 24 bicycle spaces) to the west and the service yard to the east.

The building has a double pitched roof with a central valley, with a height of 8.2m to the eaves and 10.1m to the ridge and consists of profile cladding and low level blockwork. The cladding is Goosewing Grey with contrasting panels in Anthracite Grey.

The site is bounded to the south with Phoenix Park which is an area used by walkers, cyclists and horse riders and forms part of the reclamation scheme.

There are other industrial premises on the estate to the north with residential properties approximately 200m to the north when measured from the centre of the site.

Proposed Development

It is proposed to erect a large extension to the existing building, measuring 120m x 42m. The proposal is a seamless extension to the existing building. All materials are proposed to match.

Development commenced on site in advance of the planning application being submitted.

Planning History

2017/0013 – Erection of 1 no. industrial unit with associated office, reception and welfare facilities. Approved 21 April 2017.

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 development plan consists of the Core Strategy and the saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

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 allocated in the Local Plan for Employment.

Policy D3 Thurnscoe Business Park 6 ha. Development will be expected to:

- Consider the impact on the amenity of Phoenix Park and include appropriate mitigation where necessary;
- Where possible retain the grassland which is relatively species rich in places. Where this is not possible other areas of native wildflower grassland will be expected to be created elsewhere on the site;
- Consider wetland creation as part of the development; and
- Give consideration to the Thurnscoe Dike culvert which runs through the site.

In addition, part of the site is located in the Green Belt where policy GB1 and National Planning Policy Section 13 applies protecting the openness of the Green Belt from inappropriate development except in Very Special Circumstances.

Other relevant Local Plan Policies are:

- Policy SD1 Presumption in Favour of Sustainable Development;
- Policy GD1 General Development;
- Policy LG2 The Location of Growth;
- Policy E6 Uses on Employment Land;
- Policy D1 High Quality Design and Place Making;
- Policy BIO1 Biodiversity and Geodiversity;
- Policy CC1 Climate Change;
- Policy CC2 Sustainable Design and Construction;
- Policy CC3 Flood Risk;
- Policy CL1 Contaminated and Unstable Land; and
- Policy Poll1 Pollution Control and Protection.

National Planning Policy Framework (NPPF)

Section 6, Building a strong, competitive economy:

- The planning system should do everything it can to support sustainable economic growth.
- Local planning authorities should plan proactively to meet the development needs of business

Section 13, Green Belt:

The construction of new buildings is inappropriate development in the Green Belt which is by definition harmful and should not be approved except in very special circumstances. Substantial weight is given to any harm to the Green Belt when considering proposals for inappropriate development in the Green Belt.

Section 15, Conserving and enhancing the natural environment:

Planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and / or land owner.

Supplementary Planning Documents (SPD)

Parking – sets out parking standards that will be applied to all new development.

Consultations

Biodiversity – Concerned that the development has commenced without appropriate assessment of the ecology / habitat on site.

Coal Authority – Objecting due to the extension being located within close proximity of an existing mine shaft and insufficient supporting information provided to confirm that (a) the building needs to be located where it is and (b) that the approach to constructing the extension has allowed for / fully assessed the location of the mine shaft.

Air Quality – No Objections

SYMAS – No Objections

Contaminated Land – No Objections

Drainage – No objection subject to a suitable condition restricting development from the easement of the watercourse.

Enterprising Barnsley – Support

Highways – No Objection subject to conditions

Pollution Control – No Objection

YW – No Comments

Representations

The application has been publicised as being of local interest by way of site notice, press notice and neighbour notification. One letter has been received querying that the development has already commenced.

Assessment

Principle of Development

The majority of the site is allocated for employment in the new Local Plan. In addition, the application is for an extension to an existing use approved under application 2017/0013. As such the proposed development on this part of the site is acceptable in principle.

A small corner of the extension and surrounding hard landscaping infringes into the Green Belt. As the proposed is inappropriate development in the Green Belt it has been necessary for the applicant to demonstrate Very Special Circumstances. These are:

The existing facility, relocated from Wombwell in 2018, created 34 jobs from director level to apprentices and represents a £10m investment by Balmoral. This extension is a further investment of £6m to develop and launch a new product: a glass fused steel tank. This investment will allow the business to compete on a global scale and create a minimum of 25 additional jobs and 2-4 new apprenticeships.

A number of options for the design of the new extension were considered to avoid the need to purchase additional land, outside of the current employment allocation. All the options involved a separate building informed by the shape of the site, the form of the existing building and the requirements for the extension. The final design is stated to be the only option that provides sufficient space for the manufacturing process and equipment required, whilst also allowing a linear manufacturing process within a single building. This offers a number of benefits, which are stated as necessary to allow the business to remain competitive, including:

- Better management of staff and ability to create a multi-skilled workforce;
- Improved process control, in particular the ability to control temperature throughout the process as products remain in the same building;
- Increased efficiencies associated with a single building and single linear process;

The total quantum of land that is located in the green belt and affected by this development is 0.2ha. A small corner of the extension projects into this area with an area of hardstanding providing access around the perimeter of the building. Levelling works have been undertaken in the area with Phoenix Park, which sits along the southern boundary of the site, at a higher level. The impact on the Green Belt is therefore limited by the scale of development located within it and the overall visibility of it given the change in levels.

It is therefore accepted that although substantial weight must be afforded to any harm to the Green Belt from inappropriate development, the scale and nature of development and impact on the openness of the Green Belt is such that, when weighed against the economic benefits of the proposed sufficient very special circumstances exist to outweigh the limited harm to openness and the purposes of including land in the Green Belt.

Design

The site and building has be built and maintained to a high standard with the proposed extension in keeping in terms of design, scale and materials. There are therefore no concerns in design terms.

Residential Amenity

The nearest residential property is located approximately 200m from the centre of the site and as such the proposed building would not result in the loss of outlook or result in an increase in overshadowing to a detrimental level.

Regulatory Services have raised no new issues regarding potential noise associated with the proposed manufacturing process.

Highway Safety

The applicant has now provided an additional 17 no. off street parking spaces which can be accessed and exited in forward gear, to accommodate the additional staffing numbers. In light of the above, there are no highway objections to the proposed development.

Biodiversity/Trees/Landscaping

The development has commenced on site prior to any assessment of the ecological and habitat value of the site. As such it is not possible to properly assess if the proposed development complies with Local Plan Policy BIO1 in relation to mitigating and enhancing biodiversity. In order to adequately mitigate this, the applicant has agreed to a contribution of £25,000 towards improvements / enhancements off site. This is likely to be utilised in the adjacent Phoenix Park.

Other Issues

Drainage - The site is crossed by a private surface water sewer and culverted water course. The Authority's drainage team and Yorkshire Water have been consulted on the application and have raised no objections to the application subject to the inclusion of conditions.

Land Stability – The development site is located on land which has been remediated previously in order to support future development with the nearest mine shafts infilled and capped. The land has been allocated for employment and the proposed is for an extension to an existing industrial building. However, the proposed extension is located close to one of the capped mine shafts and the applicant has not provided any new information to demonstrate that the design and construction of the extension has considered the location of the mine shaft and any land stability issues associated with it. This lack of information is the reason for the objection from the Coal Authority. Additional information has been requested from the applicant, however, their position remains that the site is remediated and as such suitable for development. Paragraph 178 of the NPPF requires that planning decisions ensure that land is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. Paragraph 179 confirms that, where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer or land owner. Therefore, taking account of the previous remediation work undertaken on site, the location of the mine shaft in relation to the extension and the fact that ultimately it is for the developer / landowner to ensure the development is safe, the Council are minded to approve the application in this case. An informative will be added to the decision notice to reflect this.

Conclusion

In summary the majority of the development would take place on land allocated for employment purposes in the Local Plan. As such the proposed development on this part of the site is acceptable in principle.

A small part of the extension and associated hard standings (0.2ha) would encroach into the Green Belt which represents an inappropriate form of development. However the scale and nature of development and impact on the openness of the Green Belt is such that, when weighed against the economic benefits of the proposed sufficient very special circumstances exist to outweigh the limited harm to openness and the purposes of including land in the Green Belt. Therefore the development is judged to be acceptable in Green Belt planning policy terms also.

The assessment has covered all other material considerations including the scale and design of the development, potential impacts on residential amenity and parking/highway safety. In the opinion of Officers no other material considerations exist that warrant a decision at variance to the above. It should be noted however that the applicant has embarked on the development without supplying all of the information requested by the Coal Authority to demonstrate that the development would not be affected by a former mine entry in the vicinity of the development. Ultimately the NPPF makes clear that responsibility for securing a safe development rests with the developer and/or landowner. As such the decision notice would need to include an informative note to make that clear to the applicant.

Recommendation

Grant planning permission subject to conditions and S106 Agreement (mitigating and enhancing biodiversity)

- 1 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.
- 2 The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved:
123754/0001 Rev A - Redline
653-31 Ground Floor Plan
653-32 Elevations
653-33 Section
653-34 Roof Plan
Barnsley Upper Yard (issued 7th December 2018)
123754/2000 Rev E - Drainage Layout
unless required by any other conditions in this permission.
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.
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no building or structure shall be placed or erected within 3 metres, measured horizontally, of any sewer or culverted watercourse.
To prevent damage to the existing sewer, watercourse or culverted watercourse.
- 4 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.
Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Local Plan Policy T4 New Development and Transport Safety.

- 5 Pedestrian intervisibility splays having the dimensions of 2 m by 2 m shall be safeguarded at the drive entrance/exit such that there is no obstruction to vision at a height exceeding 1m above the nearside channel level of the adjacent highway.
Reason: In the interest of road safety in accordance with Local Plan Policy T4 New Development and Transport Safety.
- 6 All surface water run off shall be collected and disposed of within the site and shall not be allowed to discharge onto the adjacent highway.
Reason: In the interests of highway safety in accordance with Local Plan Policies T4 New Development and Transport Safety and POLL1 Pollution Control and Protection.
- 7 Vehicular and pedestrian gradients within the site shall not exceed 1:20 to ensure safe and adequate access.
Reason: In the interest of road safety in accordance with Local Plan Policy T4 New Development and Transport Safety.
- 8 Any gates must be hung so as to open inwards into the site and not out onto the adopted highway.
Reason: In the interest of road safety in accordance with Local Plan Policy T4 New Development and Transport Safety.

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