

Planning & Development  
PO Box 634  
Barnsley  
S70 9GG

25 June 2019

Our Ref: 19/4763

Dear Sir/ Madam

**Section 73 (Variation of Conditions) Application for a food store extension and associated works including replacement cladding at the approved Aldi store at Old Mill Lane, Barnsley, S71 1LL**

On behalf of Aldi Stores Ltd, please find enclosed a planning application pursuant to Section 73 of the Town & Country Planning Act 1990 (As Amended) to vary Condition 2 (approved plans) attached to Decision Notice 2016/1399 which was approved on 23 February 2017.

This application has been submitted via Planning Portal, under reference PP-07960090 on 25 June 2019, and is intended to be determined alongside submitted application ref 2019/0711. These applications are identical with the exception of the replacement cladding, which is specific to this Section 73 planning application only.

This application is submitted alongside the current application (ref 2019/0711) following discussions with the design team and an update issued from head office calling into question the use of the here approved blue cladding on part of the stores more prominent elevations. The blue cladding has been rolled out on other stores across the region but has not had the desired effect of contributing to fresh, modern store. Instead, it is considered to detract wider site appearances as opposed to providing an attractive feature wall – the original purpose for the introduction of the blue cladding. Its use of new stores moving forward is therefore under review. By running both application at the same time, if both applications are approved, one will be implemented following the outcome discussions between Aldi, the design team and the cladding manufacturers. Importantly, running the applications side by side has the potential to avoid any further delays by avoiding the need to submit a further amendment.

Section 73 allows a planning application to be made for the carrying out of development without compliance with one or more conditions attached to a previous planning permission, where there is a relevant condition that can be varied. There is no statutory definition of a 'minor material amendment' (S73) but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.<sup>1</sup>

## Background & Site Context

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<sup>1</sup> Paragraph: 017 Reference ID: 17a-017-20140306

**Directors**  
Helen Cuthbert | Stuart Slatter | Claire Temple | Alastair Close  
Dan Templeton

**Associate Directors**  
Katie Turvey | Heather Vickers

**Consultant**  
Lorna Byrne

**Associates**  
Sally Arnold | Rob Scadding | Alan Williams | David Williams | Penny Moss  
Sam Deegan | Paul Galgey

[www.planningpotential.co.uk](http://www.planningpotential.co.uk)

[info@planningpotential.co.uk](mailto:info@planningpotential.co.uk)

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Planning permission was originally granted for the erection of a retail unit (Use Class A1) with car parking, landscaping and associated works in February 2017, under reference 2016/1399. During the determination of the application, no objections were raised (subject to additional information being submitted where requested) by external statutory consultees, including highways, environmental health, design and retail & spatial policy. The application also received considerable local support. Reasons for support included (inter-alia): increased choice & competition; highly accessible by foot and public transport and; improvements to the existing street scene.

The site of the approved foodstore is a vacant, cleared brownfield site which formerly comprised utilitarian land when it was in use by the National Grid. It is bound by Old Mill Lane (A61) to the west, Old Tannery Road to the south and southeast, and Wickes DIY and a builders merchant to the north. Main roads and commercial properties dominate the surrounding area. The site is without notation as identified within the adopted Local Plan maps (January 2019), but falls within the wider urban fabric, ~750 north of the town centre, connected via good pedestrian and vehicular links courtesy of Old Mill Lane. The site occupies a highly accessible and sustainable out-of-centre location, one which is sequentially preferable and where the principle of retail is established.

The revisions maintain the principles previously accepted and do not require substantial reassessment. The red line/ site area remains the same as that originally approved, as does the vehicular access via the approved modified access off the spur road to the north of the site. The quantum of parking provision remains almost the same, as does the loading bays location.

## Application Proposals

The application seeks approval to substitute the approved plans with a revised set to reflect an increase in floorspace to accommodate a larger sales area and to replace the originally approved blue cladding. To facilitate this, the proposed store is ~0.5m deeper – made possible without the need for any significant re-configurations.

The larger floor plate will allow for gains and improved efficiencies compared to the previously approved floor plan. The modest increase in sales area (~5% increase) will not result in any new and/ or an increase in product lines. The primary purpose of the revised floorspace is to create a better shopping experience for its customers through the creation of wider aisles, deeper shelves and more circulation space.

The quantitative changes are set out below:

|                           | Existing Scheme | Proposed Scheme | Uplift |
|---------------------------|-----------------|-----------------|--------|
| <b>GIA (sqm)</b>          | 1,765           | 1,792           | +27    |
| <b>GEA (sqm)</b>          | 1,822           | 1,870           | +48    |
| <b>Sales area (sqm)</b>   | 1,254           | 1,315           | +61    |
| <b>Car Parking Spaces</b> | 93              | 91              | -2     |

In addition to a modest increase in floorspace, a small number of revisions are also sought. These are reflected in the wider plans pack and include:

- removal of entrance/ exit lobby;
- incorporation of additional pedestrian linkage towards sites south west corner

The amendments necessitate a negligible loss of parking space. However, the provision of spaces for those with young children and who are less mobile remain the same in that they are located closest to the store entrance.

The revisions sought effectively bring the consented store in line with the latest company business model and ensures the store is able to operate efficiently and effectively as possible upon trading. Aldi remain 100% committed to the site, and the revisions sought are needed to ensure the development is able to come forward and provide long-term benefit to the community.

## Relevant Policy

Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Since the determination of the root permission in 2017, Barnsley Metropolitan Borough Council have adopted a new Local Plan (January 2019), which replace the previous Core Strategy. This MMA application is therefore to be determined in accordance with the most recent document.

### Local Plan (January 2019)

Relevant policies include:

- Policy GD1 'General Development'
- Policy TC1 'Town Centres'
- Policy TC3 'Impact Assessments'
- Policy D1 'High Quality Design and Place Making'
- Policy T3 'New Development and Sustainable Travel'

### National Planning Policy Framework (NPPF) (2019)

The National Planning Policy Framework (NPPF) was published in February 2019. Paragraph 8 states that achieving sustainable development means that the planning system has three overarching objectives: economic; social and; environmental.

Paragraph 11 sets out that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving proposals that accord with the Development Plan without delay.

Section 7 of the NPPF ensures the vitality of town centres. Paragraph 86 requires local planning authorities to apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. Paragraph 89 requires an impact assessment for proposals over 2,500 sqm.

## Justification

Barnsley's Retail Study (2014) forms part of the evidence base and provides the most up-to-date retail environment for the area, however, the existing permission on-site which this application seeks to vary, post-dates the evidence base document so we consider both as relevant starting positions.

The Retail Study acknowledges that there will be some limited capacity for new convenience floorspace after the committed developments are built out, a positioned re-affirmed in the up-to-date Local Plan, at paragraph 15.6. Further, the study

identified capacity akin to support a discount foodstore in short to medium term, with the extant Aldi permission considered to fulfil this requirement.

Jumping forward to 2017, the officer's report for the root permission confirmed that the proposed development does not conflict with the town centre first aims of national and local planning policies. The report concluded that planning permission on the site for retail use would bring back into use a prominent and sustainably located brownfield site on a key route into the town centre and that the proposal provide economic benefits are sufficient to clearly outweigh any perceived harm.

#### Sequential and Impact

The site occupies an out-of-centre location, readily accessible to the town centre which the Aldi site had good connectivity with. The root permission was accompanied by a sequential exercise and it was concluded that the site was sequentially preferable, taking into consideration suitability, availability and viability. The additional floorspace sought (+61sqm sales) to create a more efficient and pleasant shopping experience does not require revisions to the site boundary and does not alter the stores identified and agreed catchment. The application site (permitted foodstore) remains sequentially preferable and is therefore in accordance with adopted Local Plan policy TC1. Furthermore, it remains that the retail commitment will provide a local service for which there a need is identified - development in another location would not serve the principal purpose for which the foodstore will serve.

The additional floorspace falls considerably below the default threshold for requiring an impact assessment (500sqm). Notwithstanding this, the additional floorspace (+61sqm/ ~5% additional sales), by way of extension to an existing commitment, will not have an effect on Barnsley Town Centre. To re-iterate, the purpose of the revised floorplate is to provide a more effective service for local people by providing wider aisles, deeper shelves and more circulation space. The additional floorspace will not accommodate a wider range of goods, and is not intended to generate additional trips to and from the store. The revision to the floorplate is compliant with Local Plan policy TC3.

#### Highways & Access

The modest increase in floorspace will have no impact on traffic generation compared to the existing arrangement. The slight increase in the sales area will not accommodate a wider range of products on offer, instead it will allow for a more pleasant shopping environment (wider aisles, more circulation space), and more stock of the established product range to be out on the shop floor at any one time.

Importantly, the additional floorspace has a negligible impact on the parking provision which has previously been assessed by officers. Positively, the application also includes the introduction of another pedestrian linkage towards the sites southwest corner, this further promotes and encourages accessibility.

The amendments do not affect the sites accessibility by a range of non-private modes of transport - in reality it has propensity to increase. The proposed development remains entirely compliant with Local Plan policy T3.

#### Replacement cladding

As outlined previously, this application provides the applicant a degree of flexibility by providing two consents, with one being implemented in the short term following the outcome of discussions regarding the use of blue cladding on a number of future stores. This application seeks to remove the previously approved blue cladding which features on some of the stores elevations and replace. In its place, a complimentary mix of onyx and anthracite horizontal clad panels are proposed – a design which is becoming increasingly popular for Aldi's flagship/ more prominent stores across the wider region and where site constraints and wider context do not preclude the use of such finishes.

The proposed use of the mix cladding is attractive, integrates well with its surroundings and importantly ensures that the scheme retains elements of contrasting colour which provide visual stimulus creates feature walls. The replacement cladding

ensures an attractive, high quality scheme that contributes to place making and helps to transform the physical environment that lacks distinctiveness, all requirements of adopted policy D1.

The replacement cladding also allows additional glazing to be incorporated into the stores elevation with Old Tannery Road, further allowing natural light to permeate into the store and creating a sense of active surveillance out onto the car park.

#### Removal of entrance/ exit lobby

Aldi wish to revert back to an internal lobby as it is a more efficient use of space, providing better external circulation for customer traffic (especially with trolleys). The removal of the external lobby also increases the effectiveness of the canopy by providing more protection to customers when entering the store.

Removal of the lobby necessitates the replacement of the high-level vinyl glazing with silver cladding. This is considered to create a more uniform store frontage, by strengthening the stores symmetry above the shop front level. Full height glazing at the stores ground level over-looking the car park remains, as does the glazing at the same height of the uppermost shop front glazing which runs along the majority of the stores long elevation alongside Old Mill Lane. This glazing ensures a modern and crisp development, creating an airy customer entrance, a sense of active surveillance out onto the car park and allows natural light to permeate into the store.

#### Landscaping

The slightly larger floorplate has resulted in very minor tweaks to the sites landscaping between the store loading bay area and site boundary to the north. Five specimen shrubs are now proposed amongst the ornamental shrub planting in place of the originally approved three no. of trees. The scheme retains landscaping around the perimeter of the development which officer's recognise provide a good volume and variety of species.

### Summary

The site boundary remains the same, as does the approved access arrangement and wider site configuration. Car-parking provision is also largely unaffected by the proposals. The scope and parameters of the changes sought have no material impact over that originally approved, and has no impact on other aspects of the development which have previously been accepted by the Council. The proposal represents a viable and feasible opportunity to provide a better shopping facility once built out and ensure the shopping facility functions as an attractive offer for the local population, helping to maintain and enhance sustainable shopping patterns. The extension will not result in any impact on nearby centres/ stores, nor will it have a negative impact on highways and surrounding amenity. Compliance with Local Plan policy GD1 'General Development' is retained.

The deviations from the approved scheme are not significantly different and the amendments can be progressed by way of an MMA application (under Section 73A of the Town and Country Planning Act 1990). The changes do not fundamentally change the development to warrant enforcement or substantial reassessment under planning policy.

### Application Package

In addition to this cover letter, the following documents are submitted in support of the application. The application fee has been paid via credit card at the time of submission:

- Decision Notice 2016/1399
- 1210-050      Location Plan
- 1210-100D      Proposed Site Layout
- 1210-101C      Proposed GA
- 1210-102D      Proposed Elevations
- 1210-103C      Proposed Section
- 1210-104B      Proposed Roof Plan
- V1210 L01D      Landscape Plan
- 1210SDAR      CGI
- Application Forms, certificate, fee

We trust that the application can be now validated, and await confirmation of this. Should you have any queries, please do not hesitate to contact myself.

Yours sincerely,



Jamie Pert

Planner

**Planning Potential**

Harrogate

Enc.