

**2021/1062**

(linked advertisement consent 2021/1168)

Installation of heating, ventilation and air condition condensing unit and drive through clearance bar

Starbucks, Peel Retail Park, Harborough Hill Road, Barnsley, S71 1JE.

### Site Location and Description

The site is located within the Peel Retail Park, at a new Starbucks on the edge of the car park. The retail park is entirely commercial in use. The nearest dwellings are separated from the proposed unit by trees and are around 60 metres away.

The site before development of the Starbucks showing the boundary between the site and the nearest houses

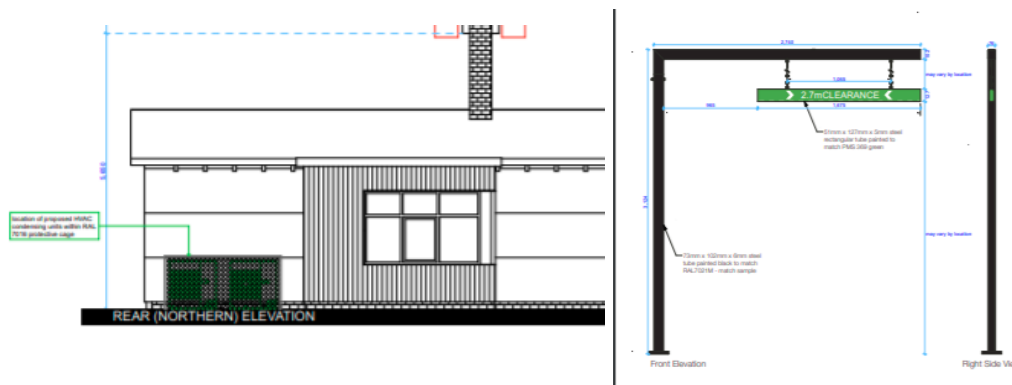


### Site History

2018/1308 – Erection of café/restaurant with drive through facility (Use Classes A3/A5) and associated alternations to site layout

### Proposed Development

The application seeks permission for two heating, ventilation and air conditioning condensing units to be sited inside a protective cage finished in the same colour as the building, adjacent to the north wall of the building; and also for a clearance bar at the entrance to the drive through, painted black with a green 'clearance' sign hung off it.



## **Policy Context**

Planning decisions 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 designated as a Retail Park on the Local Plan Proposals Maps. The following policies are relevant:

**Policy TC4 Retail Parks** – indicates that retail warehouses will be allowed in retail parks and that other uses will be allowed where the role, character and function of the retail park will not be adversely affected.

**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.

**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 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.

**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.

## **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 support the role that town centres play at the heart of local communities, by taking a position approach to their growth, management and adaptation.

Planning policies and decisions should contribute to and enhance the natural and local environment including by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution.

## **Consultations**

**Environmental Health Officer** – Initially expressed concern at the potential of the proposal to have an adverse impact on the health and quality of life of those living and/or working in the locality and recommended approval subject to a condition that noise from fixed building serviced plant associated with the proposed development shall not be audible at neighbouring domestic dwellings. In response, the applicant submitted a specification of the proposed heating, ventilation and air conditioning unit, which lead the Environmental Health officer to require a noise assessment. However, on further reflection, the Environment Health Officer confirmed that given the approximate 60 metre distance from the proposed unit to existing houses and the existence of trees acting as a natural barrier to noise, approval of the application was recommended without a noise assessment.

**Ward Councillors** – No comments received

## **Representations**

The application has been advertised via letters to neighbouring properties and a site notice for local interest (22 Sept to 13 Oct); no representations have been received.

## **Assessment**

### Principle of development

The proposal is in a designated Retail Park and is predominantly surrounded by commercial properties. Planning policies for the retail park indicate that we will support development where the role, character and function of the retail park will not be affected – the proposal will not have any such effect.

### Pollution

At the request of the pollution control officer, further details of the proposed heating, ventilation and air conditioning unit were submitted. On the basis of the submitted information and given the distance between the proposed unit and the nearest houses and the intervening trees, it is concluded that the proposed unit will not adversely affect the residential amenity of neighbours who are around 60m away.

### Visual Amenity

The proposal involves additional structures in relatively unobtrusive parts of the site. They will all reflect the corporate colour style and it is concluded that the design of the proposals is acceptable.

### Highways safety

The proposal includes a clearance bar to exclude vehicles in excess of 2.7 metres in height from using the drive through lane. This is not considered to raise any significant highway safety issue.

**Recommendation**

**Grant** subject to conditions