
2023/0177

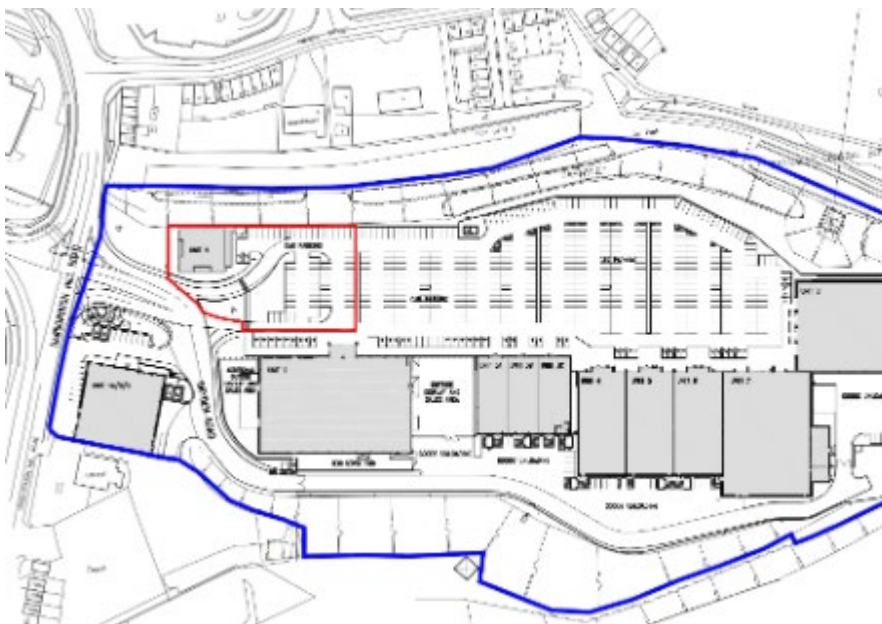
Variation of conditions 2 (approved plans), 10 (facing bricks) and 11 (colour finish of the roof, windows, doors and walls other than brickwork) in relation to planning application 2021/0542 to amend the external materials and layout -Alterations to the building elevations including minor infilling, creation of a new drive-thru lane with associated facilities, alterations to the car parking layout and associated works

Unit 9, Peel Centre, Harborough Hill Road, Barnsley, S71 1JE

Site Location and Description

The site is located near the entrance to the Peel Retail Park off Harborough Road. The existing building is single storey, grey metal clad and roofed, with red detailing and some brickwork elements to the rear (east facing) elevation. It sits alone to the left/north and east of the main access road into the retail park with some landscaping (grass and shrub beds and a single tree) around it and particularly to the rear/north of the building where there is a significant tree belt. The building was previously occupied by Pizza Hut but has been vacant for some time now.

Submitted site location plan showing the red outlined application site in the context of the wider retail park; and showing the nearest dwellings to the north on Harborough Hill Road and also on Twibell Street (beyond the significant tree belt to the immediate north of the retail park).



Site History

Extensive site history on the wider retail park.

In relation to the building subject to this planning application the most relevant site history is:

2021/0542 – planning permission for alterations to the building elevations, including minor infilling, creation of a new drive-thru lane with associated facilities, alterations to the car parking layout and associated works granted 30 June 2022

2020/1222 – lawful development certificate granted to confirm building may be used for any use falling within Class E (ie including shop, restaurant, office, but not pub or take away).

B04/0020 – planning permission granted for erection of single storey pizza hut restaurant

Proposed Development

The application 2021/0542 for alterations to the building elevations and alterations including creation of a drive thru was approved subject to conditions including conditions 2, 10 and 11 which read:

2. 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.

Existing Elevations - drawing number MH-1238 - 04

Existing Floor Plan - drawing number MH1238-02

Existing Roof Plan - drawing number MH1238 - 03

Existing Sections - drawing number MH1238-05

Existing Site Plan - drawing number MH1239-01

Proposed Roof Plan - drawing number MH1238-08

Proposed Soft Landscape Plan - drawing number MH1238-SK31

Proposed Key Drawing - drawing number AGH 996 02

Amended Proposed Sections - drawing number AGH/996/05A

Proposed Specification - drawing number AGH/996/06

Proposed Pay and Collect Kiosks - drawing number AGH/996/07

Amended Site Layout Plan drawing number drawing number AGH/996/08B

Amended Elevations drawing number AGH/996/10

Amended Ground Floor Plan - drawing number AGH/996/03A

Amended Location plan drawing number AGH/996/09C

Reason: In the interests of the visual amenities of the locality in accordance with Local Plan Policy D1 High Quality Design and Place Making.

10. The facing bricks used in the development hereby permitted shall match those used in the existing building.

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.

11. The colour finish of the roof, windows, doors and walls other than brickwork shall be as specified Ral 9006 silver or otherwise shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

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.

The conditions were imposed to ensure that the development took the form envisaged when planning permission was granted and to secure an acceptable appearance to the completed development.

It is stated on the covering letter submitted with the application that the reason for the proposed variation is to meet the requirements of an incoming tenant. The proposed amendments are summarised as follows:

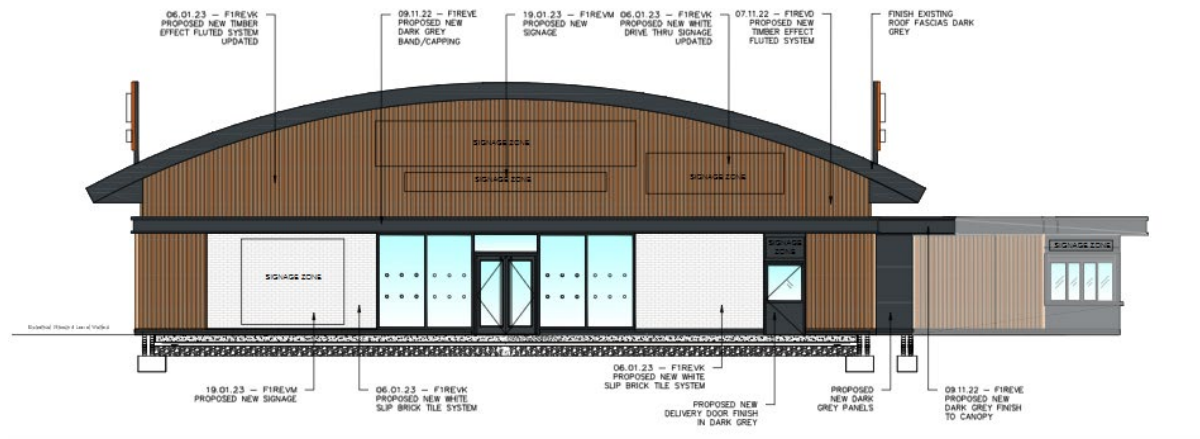
- New timber effect cladding; dark grey steelwork/cladding/panelling (specified to be RAL 7016); new white brickwork
- New door and removal of doors on front elevation

- New vinyl on approved glazing
- New external seating, relocated bin store, dropped kerbs at pedestrian crossing and height restrictor at drive thru.

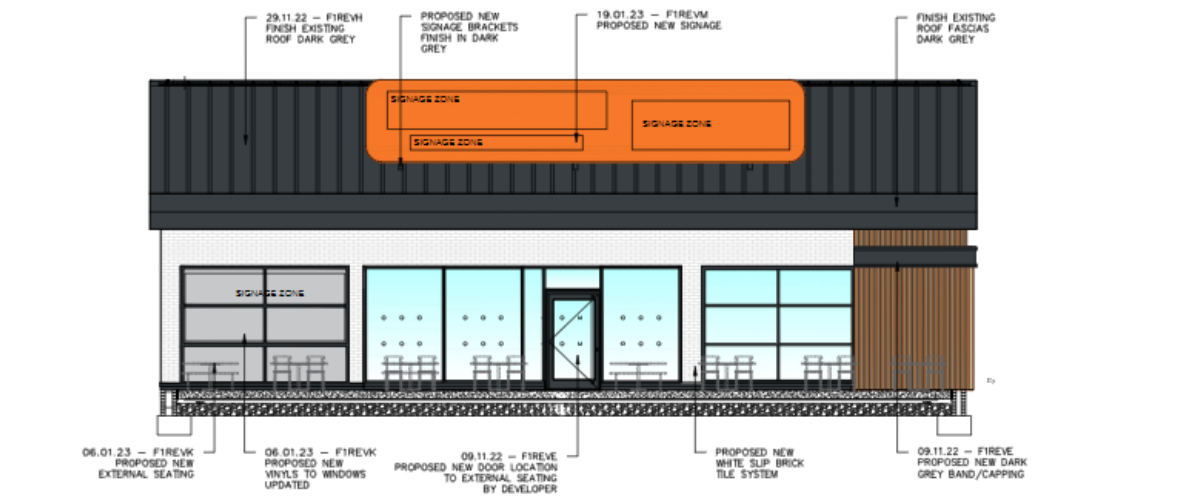
In all other respects the proposal is unchanged from the previous permission.

The submission includes the following drawings showing the changes to the appearance of the building.

Main front elevation (facing Harborough Hill Road)



Main side elevation (facing south over the internal access road to the retail park)



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.

Local Plan

The Local Plan was adopted by the Council in January 2019. The Council has also adopted a series of Supplementary Planning Documents which are other material considerations.

The Local Plan review was approved at the full Council meeting held on 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.

The site is in an area designated as Urban Fabric on the Local Plan Proposals Maps reflecting the existing built-up character. The following policies are relevant:

Policy TC1 Town Centres – indicates that new retail development will be directed to centres in order to maintain and enhance their vitality and viability and that a sequential approach will be used to assess proposals for new retail and town centre development outside the designated centres.

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 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.

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

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.

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.

Para 111 establishes that development should only be prevented or refused on highway grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Supplementary Planning Documents (SPD):

SPD Parking - Gives guidance on parking standards, including giving an indicative figure of what will be considered acceptable but does not prescribe maximum or minimum figures.

Consultations

Highways DC – There are no material changes to the highway layout approved under 202/0542. No objections as long as the conditions pertinent to highways on that consent (No's 3-7) are re-imposed.

Pollution Control – confirmed no objections as long as the specified construction hours condition is re-imposed

Air Quality Management Officer – no comments received

Ward Councillors – No comments received

Representations

The application has been advertised by way of a site notice (8 – 29 March) and letters to nearby properties; no representations have been received.

Assessment

Principle of development including retail policy

The proposal is in a Retail Park where Local Plan policy indicates that uses other than retail warehouses will be allowed where the role, character and function of the retail park will not be adversely affected.

The scale of development proposed to a restaurant that is not restricted in use by the sort of planning conditions that are normally applied to a retail warehouse, does not cause any material conflict with the retail park policy. The extensions and alterations to provide a drive thru are acceptable in principle subject to detailed consideration. The drive thru introduces a new takeaway use to the existing restaurant use, but the applicant submitted with the 2021/0542 application that the 2020 use classes order permits within Class E (the authorised use of the unit) use for 'the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises. The applicant submits that this allows a degree of takeaway use that goes beyond merely ancillary sales without any control by the local planning authority. It would therefore appear that class E allows a mixed use of restaurant and takeaway without any planning control or consideration against planning policy or our hot food takeaway SPD and PAN.

The proposal is therefore supported in land use planning policy terms and permission has previously been granted. Consideration needs to be given to the impact of the revisions to conditions 2, 10 and 11 in terms of the changes to the appearance of the development.

Visual amenity

The design and appearance of the proposed alterations to the building is acceptable in this commercial setting. The building is proposed to have a material palette of dark grey and timber effect cladding and white bricks. The appearance has been changed from that indicated on the previous application reflecting a change in tenant.

The approved plans condition number 2 will be amended to refer to the new plans. Conditions 10 and 11 will be removed as they are now redundant.

Otherwise, it is recommended to re-impose the previous conditions and informatives and amend condition 2 as referred above.

Other considerations

There are no proposals which change the previous conclusions in relation to residential amenity, air quality or highways. All conditions other than 2, 10 and 11 will be re-imposed as previously, meeting the requests of the highways and pollution control officers.

Recommendation

Grant subject to conditions