

2022/0708

Peel Property (Investments) Limited

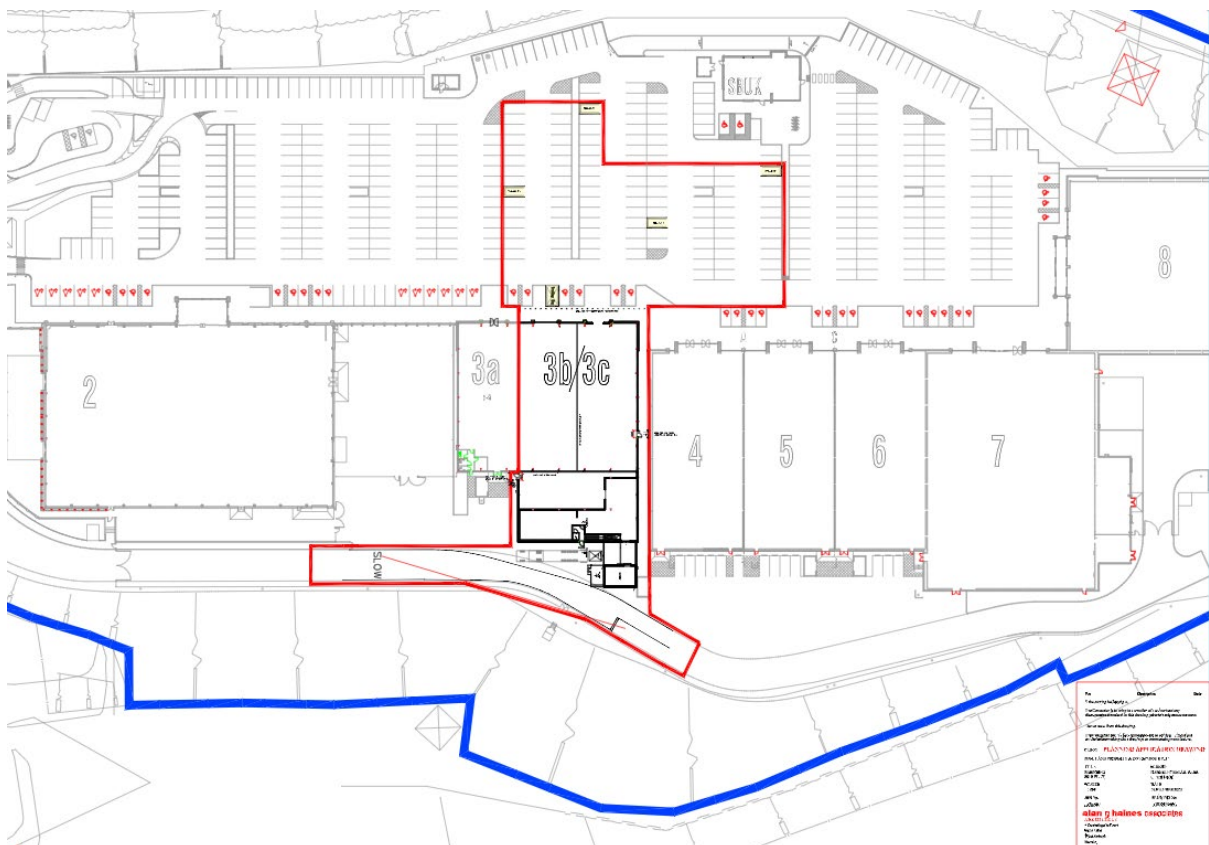
Full planning application for external alterations to amalgamate Units 3B and 3C, construction to both units a rear extension measuring 508sqm, demolition of existing mezzanine floor and construction of a new mezzanine floor measuring 323sqm, together with permission to sell food and drink goods from up-to 1,174 sqm from the combined and extended unit and permission for all other associated works

Units 3B and 3C, Dryden Road, Peel Centre Barnsley, S71 1JE

Site Location and Description

The Peel Centre Retail Park is located off Harborough Hill Road. The units subject to this application are located within the middle of the range of units that front on to the Retail Park Car Park, with servicing to the rear off Dryden Road. The units were previously occupied by Maplin and Poundworld but have both been vacant for over 4 years. The application site also includes a portion of Dryden Road and of the retail centre car park.

Submitted site plan showing the red outlined application site in the context of the wider retail park and the extent of the rear extension.



Photos

Google street view: front elevation of the existing units



Site History

There is a complex history of planning permissions at the retail park. Most recently, a comprehensive planning permission to clarify and amend the conditions restricting the range of goods that may be sold at the retail park was granted in 2016 under 2015/0987 (relating to all the units except units 1a, b and c; and unit 9). This allows any non-food retail goods to be sold at the retail park with no restriction on floor area; and allows food retail use up to a maximum floor area.

Proposed Development

The proposal is to combine two existing vacant units and for the use as a food store by Marks and Spencer. This also requires the construction of an extension to the rear of the building, the creation of a new mezzanine and alterations to the front of the units to reflect the house style of Marks and Spencer, with extended areas of new glazing, white and green cladding and the brickwork to be painted black.

PROPOSED : EXISTING BUILDING REFURBISHED & AMENDED

FRONT ELEVATION

The intention is that the combined units will use the existing balance of 921 sq m of food retail floor space – ie that quantum of food retail floorspace allowed for in the 2015 planning permission that is not already in use elsewhere on the retail park. Consent is sought for an additional 253 sq m of food retail floor space, giving a total of 1,174 sq m of food retail floorspace within an extended retail unit that would have a total floor area of 1,770 sq m. this retail floorspace is said to be an enhanced food offer in relation to the current operation in Barnsley Town Centre, allowing a 50% increase in the number of food and drink lines and several other improvements including to the depth of food ranges and specialist counters. The remaining area will be used for warehousing, offices, staff facilities. The retail unit will also provide a click and collect facility which may be operated for any non-food goods under the terms of the current planning permission (which allows for any non-food goods to be sold on the retail park) and for any food goods under the terms of the planning permission hereby sought.

The applicant has submitted a number of reports in support of the proposal including a Coal Mining Risk Assessment, a Planning, Retail and Economic Statement, a Sequential Test Statement and a Transport Note.

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 3rd January 2019.

Local Plan

The site is designated as a Retail Park on the Local Plan Proposals Maps. 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 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.

CL1 Contaminated and Unstable Land – requires the submission of a report where future users of 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.

Policy AQ1 – Development in Air Quality Management Areas – sets criteria for development which is sensitive to or could cause air pollution in areas sensitive to air 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. 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 86. 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.

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.

Para 174. 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.

Supplementary Planning Documents (SPD):

Parking SPD – sets parking standards that give an indicative figure of what will be considered acceptable but does not prescribe maximum or minimum figures.

Consultations

Highways DC – The proposals comprise the amalgamation and extension of Units 3B and 3C in order to create a foodstore with a total floor area of 1770m², 1174m² of which is to be the sales area. The Transport Note submitted in support of the application indicates that the Retail Park car park has ample spare capacity to accommodate an increase in demand for parking spaces as a result of the proposals (a 2018 survey showed a peak demand of 330 spaces out of the 474 available).

With regard to an increase in vehicle trips on the highway network, bearing in mind that the assessment within the TN utilised a worst case scenario that made no allowance for trips already generated by the existing units nor linked trips, both of which would have a significant effect, it is considered that the proposals would not have a detrimental impact upon the highway and therefore would not result in a residual cumulative impact on the road network that could be classed as severe.

In terms of the revised access and servicing arrangements necessitated by the rear extension, I am mindful that the proposed alterations are on private land well clear of the public highway and are therefore beyond the remit of this Service. Nevertheless, the proposals appear to provide an adequate solution and I would assume the applicant is satisfied that the proposed arrangements allow this unit to be properly serviced and that the servicing arrangements of adjacent units are likewise not adversely affected.

In view of all of the above, the proposals are considered acceptable from a highways development control perspective

Pollution Control – This development is unlikely to have an adverse impact on health and the quality of life of those living and/or working in the locality, so approval is recommended.

SYMAS - Notes that the submitted Coal Mining Risk Assessment concludes that further stabilisation works of shallow coal mining is required for safe development and that this should be required by condition before any foundation work takes place.

The Coal Authority – The submitted Coal Mining Risk Assessment notes that boreholes have encountered two coal seams with evidence of mine workings. The report concludes that drilling and grouting works are required to consolidate and stabilise the shallow workings prior to the commencement of development. A condition is recommended to require the remedial works to be agreed in writing and fully implemented before development commences. Also notes that permission will be required from TCA permissions and licensing team in order to undertake the proposed remedial works.

Highways Drainage - I would confirm that in my opinion the details provided are sufficient and that I have no further observations to make with respect to land drainage. **I am happy for the details to be checked by building control.**

Air Quality Management Officer – no comments received

Waste Management – no comments received

Yorkshire Water – no comments received

Dearne and Dove IDB – no comments received

Sustainability – no comments received

Ward Councillors – No comments received

Representations

The application has been advertised by way of a site notice between 2 and 23 August as well as writing directly to properties in the vicinity inviting comments by 17 August. No representations have been received.

Assessment

Principle of development

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 proposal seeks to use much of the food retail floorspace that was allowed under the existing 2015 consent on the retail park, which was justified in part on the basis that it would provide flexibility when marketing vacant units. As such, it can be argued that the flexibility would be lost and there is a risk that the owners will seek further flexibility in the future. However, it is important to recognise that at that time, the permission was justified in part on the basis of vacant units at the retail park. With this planning permission implemented, the only vacant retail park unit will be the old Pizza Hut which has an unrestricted Class E lawful use. If there is incidence of future vacancy levels, an application for further flexibility would be dealt with on its own merits at that time.

The proposal seeks to increase the amount of floorspace that can be used for retail food sales. It is proposed that the combined units will use 921sq m of consented but currently unused food retail floorspace as well as a proposed increase of 253sq m of food retail floorspace. The principle of whether this increase is acceptable is largely subject to consideration of retail policy.

Retail policy

National and local retail policy indicates that retail development should be located in town centres unless there are no suitable and available land or premises to accommodate the development proposed. The application site is in an out of centre location and accordingly a sequential assessment is required and has been submitted with the application. The assessment considers the availability of premises which are capable of accommodating the proposal as a whole, in or on the edge of the town centre. It concludes that there are no sequentially preferable land or premises and this conclusion is accepted. Accordingly the proposal has passed the sequential test.

The proposal involves an extension to the food retail floorspace that is significantly below the threshold for requiring a retail impact assessment. Even if the entirety of the combined and extended retail units were taken into account – not unreasonable, since the sequential assessment was based on the proposal as a whole – the total size of the unit (at 1,770sq m) is less than the 2,500sq m threshold for requiring a retail impact assessment in this location.

The proposal is on a retail park where new floorspace or uses for other than retail park development are only allowed if the proposal would not adversely affect the role, character and function of the retail park. The submission is made that the food sales are existing and permitted and form part of the role, character and function of the Retail Park. The proposed extensions (including the increase in the size of the existing mezzanine) would increase the total amount of floorspace on the retail park by c5.3% (from 11,833sq m to 12,457 sq m). The proposed increase in the amount of food retail floorspace across the two units, from 1,996sq m to 2,249 sq m is a total increase of 253sq m. This amounts to an increase in the % area of floorspace across the whole retail park used for the sale of food from 16.9% to 18.1%. It is submitted that this is a marginal increase that does not materially adversely affect the role, character and function of the Retail Park and this is accepted. The existing mezzanine (which is to be removed) and the proposed mezzanine both exceed the area which would otherwise be allowed under the 1990 Act and the Development Management Procedure Order 2015 (as amended) as internal operations which do not exceed 200 square meters of increased floor space that is not development requiring permission. It is recommended that a condition is imposed restricting the provision of any further mezzanine floorspace in the interests of clarity.

It is clear that the proposal will take up all the existing capacity for food and drink sales on the site and leave none of the flexibility that was sought and approved under the 2015 permissions. That said, with the grant and implementation of this proposal, the only vacant unit on the site will be unit 9 (the former Pizza Hut) which has an unrestricted Class E lawful development certificate.

Accordingly, the proposal is not in conflict with retail policy and the principle is acceptable. Conditions are recommended to restrict the floor area given over to sale and display of food and drink within the application units and across the retail park as a whole.

Visual amenity

The design and appearance of the proposed alterations to the building is acceptable in this commercial setting. The design of the front elevation reflects the corporate approach of Marks & Spencer and the design of the rear extensions will have materials to match those of the existing building.

Five new trolley bays are proposed and a condition is recommended requiring details to be agreed and implemented.

Residential amenity

As extended, the proposal is nearly 200 metres from the nearest house, which fronts onto Harborough Hill Road. There are no new air conditioning or extract ventilation units proposed as part of the proposal but given the introduction of fridges and freezers into the rear warehouse area, a condition is recommended requiring any new equipment to be agreed before it is installed.

The opening hours are not currently restricted. This is an existing building, in a location where background noise levels from the operation of the retail park car park together with noise from Harborough Hill Road mean that the proposal is not likely to cause any significant adverse effect on living conditions or amenity. Together with the lack of objections from pollution control to the original consultation it is concluded that the proposal is in compliance with Local Plan Policy GD1.

Air Quality

The proposal is close to an existing air quality management area (uphill carriageway of Harborough Hill Road). The submitted transport note indicates that any potential increase in traffic would not be perceptible and accordingly it has been concluded that the proposal is unlikely to have an adverse impact on air quality.

Highways safety

The submitted transport note makes an assessment that the proposal will generate up to 75 two way movements an hour over the peak hour – ie around 1 vehicle every 2 minutes each way. However, this assessment makes no allowance for trips already generated by the existing units nor linked trips, both of which would have a significant effect. It is considered that the proposals would not have a detrimental impact upon the highway and therefore would not result in a residual cumulative impact on the road network that could be classed as severe.

The parking provision within the retail park, with the loss of five parking spaces and the provision of additional floorspace, will remain in line with the range of provision required by the Parking SPD.

In terms of the revised access and servicing arrangements necessitated by the rear extension, it is noted that the proposed alterations are on private land well clear of the public highway. The proposals appear to provide an adequate solution that allows the retail park to be adequately serviced. It is therefore concluded that the proposals will not cause any harm to highway safety.

Stability

Given the advice of the Coal Authority and South Yorkshire Mining Advisory Service, a condition has been agreed with the applicant to secure suitable remedial treatment works before the extension is constructed.

It is concluded that there are no policy or technical conflicts that can't be addressed by conditions and that the proposal is a positive investment in Barnsley, securing economic growth, re-use of vacant retail units, local employment and the retention of M&S in Barnsley albeit in a different format from the existing store, reflecting changing market demands and trends.

Recommendation

Grant subject to conditions