
2021/0542

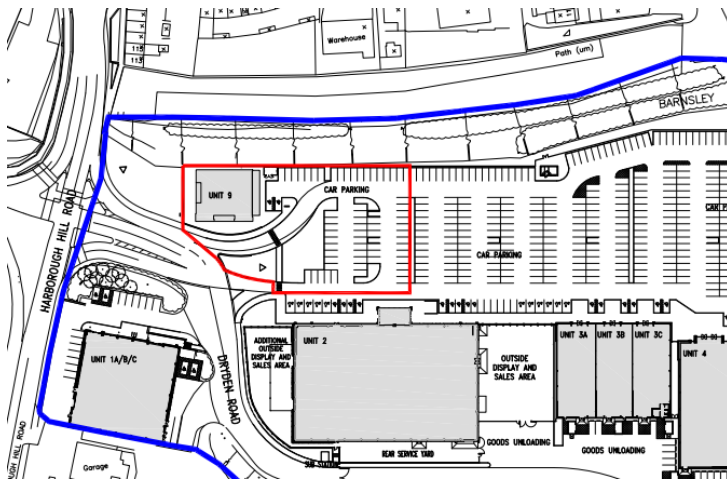
Alterations to the building elevations, including minor infilling, creation of a new drive-thru lane with associated facilities, alterations to the car parking layout and associated works.

Unit 9, Peel Centre, Dryden Road, Barnsley, S71 1JE

Site Location and Description

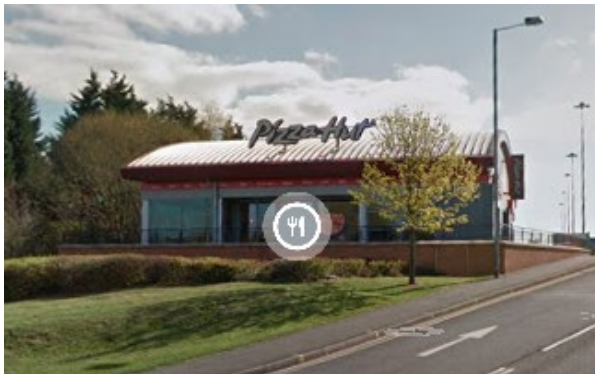
The site is located near the entrance to the Peel Retail Park off Harborough Road. The existing building is single storey, metal clad and roofed and sits alone to the left/north of the main access road into the retail park with some landscaping (grass and shrub beds and a single tree) around it and particularly to the rear/east 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



Photos

Google street views: building from retail park entrance and from within the retail park





Site History

Extensive site history on the wider retail park.

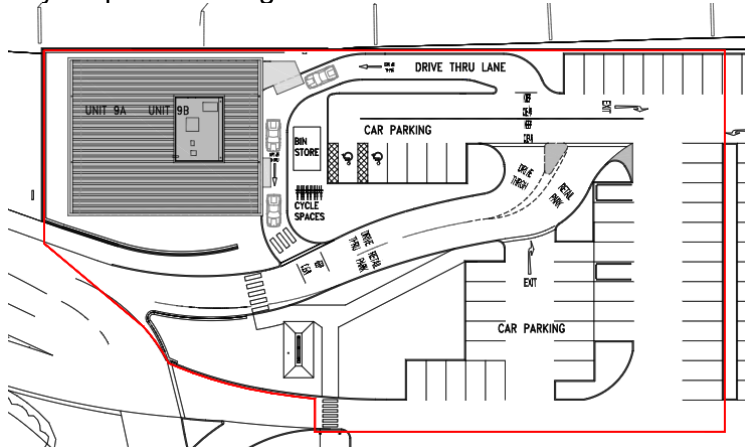
In relation to the building subject to this planning application the most relevant site history is:

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

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).

Proposed Development

Layout plan showing new drive thru lane.



The applicant seeks permission for alteration and extension to the existing building including infilling of areas that are currently covered over by the roof but open to the elements, the creation of two new small extensions to be used as booths for the drive thru, and the creation of a drive thru lane. These works will, together with a proposal to subdivide the building into two units, allow the building to be occupied by one business operating the drive-thru lane and a second business. It is agreed that subdivision of the building into two

business units does not require planning permission as it will not materially change the use of the unit. The applicant has clarified that the units will remain in class E use and that it is not proposed to operate either unit as a hot food takeaway. In particular it is submitted that with the introduction of use Class E there is also a small change in the definition of a café/restaurant to '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' (my emphasis of the change). As such it is now possible for a café/restaurant which includes more than an ancillary amount of eg hot food takeaway sales to operate under use Class E. The applicant submits that national multiple operators such as Greggs and Subway could operate under Class E from either unit, although there is no suggestion that the applicant is looking to accommodate either of these operators.

In addition, the proposal indicates the realignment of some of the parking within the application site, the provision of new cycle parking stands and the replacement of a bin store. The existing arrangement of external roof plant will be retained.

The submitted plans indicate a new silver finish to roof, doors and windows (colour advised to be ral 9006 silver, to be confirmed) and exterior brickwork to match existing

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 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):

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

Sustainable Travel SPD -

Consultations

Highways DC – following extensive negotiations over the layout and the detailed Construction Method Statement, no objections subject to conditions stipulating that the development must be carried out in accordance with the CMS and requiring road markings, linings and signing to be implemented.

Pollution Control – No objections

- Revised comments on CMS – requested hours of construction restricted to 8am to 6pm Mon to Fri and 9am to 2pm Sat and no work on Sun.

Air Quality Management Officer – asks if the applicant has any intention to provide electric vehicle charging infrastructure or points

Waste Management – no comments received

Ward Councillors – No comments received

Representations

The application has been advertised by way of a site notice as well as writing directly to properties in the vicinity. 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 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 permitted (and hereby subdivided) restaurant, but the applicant submits 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.

Visual amenity

The design and appearance of the proposed alterations to the building is acceptable in this commercial setting. The material finishes are not all firmly established, and a condition is recommended requiring them to be as proposed or as otherwise agreed.

The proposed drive thru will result in the loss of some of the existing retail park landscaping and the principle of replacing this has been agreed. A condition is recommended requiring a detailed landscaping scheme to be agreed and implemented to mitigate the loss.

A new bin store is proposed and a condition is recommended requiring details to be agreed and implemented.

Residential amenity

The proposal is around 40 metres from the nearest house which is an end terrace sited to the north fronting onto Harborough Hill Road. There are also other terraced houses on Twibell Street to the north, the closest being within around 54 metres of the proposal. There are no new air conditioning or extract ventilation units proposed as part of the proposal, but it is indicated that any such equipment will be sited in the same place as the existing, concealed from public view but exposed to the sky, within the roof structure. A condition is recommended requiring any new equipment to be agreed before it is installed.

The opening hours are not restricted on the original planning permission for the building. However, since this is an existing business, 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. Pollution control have gone on to request amendments to the CMS specified working hours, which have been agreed and clarified by condition.

Air Quality

The proposal is close to an existing air quality management area (uphill carriageway of Harborough Hill Road). The submitted transport statement indicates that the potential increase in traffic would not be perceptible. The applicant has been requested to confirm whether they would have any intention of providing electric vehicle charging infrastructure or points but in the context that given the small scale of the proposal and the limited impact on traffic levels, this is not a requirement. It is also noted that the Sustainable Travel SPD indicates that 10% of parking for commercial/retail development should be provided with EVCPs, however, since the proposal results in a net loss of parking spaces it is not considered that the SPD requirement applies in this case.

The applicant has confirmed that there are no plans to provide electric vehicle charging points in relation to this development and given the assessment above it is concluded that this is reasonable and there is no justification for requiring them.

Highways safety

The submitted transport statement indicates that the proposal will not result in additional traffic generation that would cause any severe impacts. It also indicates that the loss of parking spaces will not reduce the total provision to less than peak demands. The internal layout makes amendments to the current entry arrangements for all vehicles entering the retail park. These have been the subject of negotiations to ensure that they are satisfactory, including removing a previous give way proposal and thereby ensuring that the free flow of traffic entering the retail park is not impeded; and also provision of additional internal road markings to emphasise the no blocking of the entry lane by any internal movements. In addition, a detailed construction method statement has been agreed and its implementation is dealt with in a recommended condition.

Further conditions are recommended to require all the road markings and revised parking arrangements proposed to be implemented and the submission of details of cycle parking provision to be agreed and implemented.

It is concluded that the proposal will not cause any harm to highway safety.

Recommendation

Grant subject to conditions