



Z A N D E R
P L A N N I N G

Planning Statement (Revised)

Wombwell Lane Retail Park, Barnsley

Ediston Real Estate

October 2019

Planning Statement (revised)

**Proposed drive thru coffee shop together with access, parking,
landscaping and engineering work**

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October 2019

Date : 26 October 2019

Version : Final

Authorised by :

A handwritten signature in black ink, appearing to read 'Alex Mitchell'. The signature is written in a cursive, flowing style with some capital letters.

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Appendix 1 Pre-Application Feedback

1. Introduction

- 1.1 Zander Planning has been appointed by **Ediston Real Estate** to provide a supporting planning statement for the proposed erection of a drive thru coffee shop and associated works on land in Wombwell Lane Retail Park, Stairfoot, Barnsley.
- 1.2 The planning application description proposes the following:
- “Erection of drive thru coffee shop (with associated external seating, retail sales and takeaway) together with parking, landscaping and engineering works”
- 1.3 This Planning Statement has been prepared to assess the application proposal against the relevant provisions of the statutory development plan and other material considerations.
- 1.4 This report addresses the above requirements, and is structured as follows:
- Section 2 describes the site location and physical characteristics;
 - Section 3 provides a description of the proposed development
 - Section 4 reviews the policy framework, identifying policies and other material considerations relevant to the determination of the application;
 - Section 5 provides a sequential analysis of potential premises and sites within centres and in edge of centre sites;
 - Section 6 assesses the proposal and draws together our conclusions on the main planning issues. This includes a review of the recent appeal decision at the Peel Centre Retail Park, Barnsley.

2. Site and Surrounding Area

The Location and Site

- 2.1 The application site consists of land currently used for car parking within Wombwell Lane Retail Park. Wombwell Lane Retail Park is located within the Urban Area of Barnsley, in the area known as Stairfoot.
- 2.2 The site has two access points taken from the A633 Wombwell Lane, which is a main arterial route out of Barnsley to the south. One of the access points is a traffic-controlled junction shared with the adjacent Tesco Extra store.
- 2.3 Wombwell Lane Retail Park consists of six retail warehouse units with shared car parking. The Retail Park is not fully occupied. In total there are four retailers occupying the units as follows:
- Dunelm Mill
 - Harveys
 - Pets at Home
 - B&M
- 2.4 Adjoining the retail park, and sharing access from Wombwell Lane, is a Tesco Extra and petrol filling station. In the wider area, there are further DIY specialist retail units to the south and food retailers, car showrooms/workshops and restaurants and drive thru's to the north. The application site benefits from a predominantly retail setting.

The Site

- 2.5 The application site extends approximately 0.15ha and is presently occupied by car parking which is utilised as part of the wider car park for the existing Retail Park.

Planning History

- 2.6 The site has a fairly complex planning history going back several years with different consents for different parts of the retail park. For this reason, the owners sought a fresh planning permission for the whole site and all previous planning permissions are now superseded by this new permission.

2009/0595

- 2.7 Planning permission was granted on 14 September 2009 for the existing development and continuation of use for 9,335sq.m of non-food retail floorspace, which includes 916sq.m mezzanine of non-food floorspace, garden centre and 437 parking spaces.
- 2.8 This consent was granted with a number of conditions, notably:
- No retail unit shall be used for the sale of food, clothing or toys
 - No retail unit shall have a gross floorspace less than 464.5sqm (5,000sq.ft) and no subdivision to form units smaller than 464.5sqm (5,000sq.ft).

2011/0347

- 2.9 Planning permission was granted on 10 May 2011 for the sub-division of Unit 3 to form 2 units. This has been implemented and the units are occupied. The permission restricts the units to a minimum size of 464.5sqm (5,000sq.ft).

2016/0508

- 2.10 Planning permission was granted on 2 August 2016 to vary the planning condition relating to application 2009/0595. This sought to vary condition 1 that restricted the range of goods. Planning permission was granted that allows ancillary food retail, defined at no more than 15% of the floorspace of any unit and capped at 600sq.m over the whole retail park. This planning permission is now the main consent for the retail park, and it is noted that this also removed the reference to the restriction on clothing and toys.

3. Development Proposals

- 3.1 Planning Permission is sought for the erection of a drive thru coffee shop with ancillary external seating/takeaway, together with parking, landscaping and engineering works.
- 3.2 The floorspace of the proposed Costa Coffee shop extends to approximately 167 sq.m (1,800sqft) GIFA . The proposed unit has a drive thru and external seating areas.
- 3.3 Vehicular access to the shared car park will be as existing for the Retail Park. Similarly, pedestrian access is as existing. The proposed development will result in the reconfiguration of car parking at the Retail Park, with the overall net loss of 43 spaces from the Retail Park.
- 3.4 The proposed drive thru coffee shop is to be situated in the eastern boundary of the Retail Park, adjacent to Wombwell Lane, resulting in the loss of car parking which is furthest from the neighbouring premises within the Retail Park.
- 3.5 The design of the proposed drive thru coffee shop is modern and complements the existing retail development.

Proposed Costa Coffee Drive Thru

- 3.6 Costa Coffee was founded in 1971 by Italian brothers Sergio and Bruno Costa as a wholesale operation supplying roasted coffee to caterers and specialist Italian coffee shops. The company was acquired in 1995 by, and is now a subsidiary of, the Whitbread Company. Costa Coffee outlets provide a high-quality product served by specially trained staff in a welcoming environment.
- 3.7 Costa Coffee shops generally trade as a mixed Class A1/A3 use on the basis that the levels of seating and related consumption of food and drink on the premises take up a significant proportion of the units floorspace and therefore A3 use. Also Costa Coffee also sell consumable and comparison merchandise within the premises, including coffee beans, coffee machines, mugs, luxury chocolates and branded merchandise. This is a retail use that would fall within Class

A1 retail use. The sale of cold food and drinks for consumption off the premises also would fall within Class A1 use.

- 3.9 The only hot food which is sold on the premises is soup/pasta/paninis/toasties/sandwiches that are heated rather than cooked on the premises but these typically comprise a very small percentage of all sales. The preparation of the soup, pasta and paninis etc does not require a separate kitchen for preparation or any extractor equipment to discharge odour and fumes. They are simply warmed in a microwave or on a griddle behind the main server. All other food is cold such as sandwiches and cakes. Most hot food is consumed on the premises. There are limited hot food takeaway sales therefore A5 use is not a significant component of the proposed use.

4. Planning Policy Context

- 4.1 The planning application requires to be assessed against the Development Plan.
- 4.2 Barnsley Metropolitan Borough Council has recently approved a new Local Plan on 3 January 2019.

National Planning Policy Framework 2019 (February 2019)

- 4.3 The National Planning Policy Framework provides national policy guidance for all aspects of sustainable development and directing development to ensure a strong economy, healthy living and safeguarded greenspace.
- 4.4 In terms of ensuring the vitality of town centres, retailing and associated uses, the following section from National Planning Policy Framework applies:

“Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:

- a) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;
- b) define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre;
- c) retain and enhance existing markets and, where appropriate, re-introduce or create new ones;
- d) allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead. Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability, so town centre boundaries should be kept under review where necessary;
- e) where suitable and viable town centre sites are not available for main town centre uses, allocate appropriate edge of centre sites that are well connected to the town centre. If sufficient edge of centre sites cannot be identified, policies should explain how identified needs can be met in other accessible locations that are well connected to the town centre; and

f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.

Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

This sequential approach should not be applied to applications for small scale rural offices or other small scale rural development.

When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of:

- a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused.” (paras. 85-90)

- 4.5 The National Planning Policy Framework identifies Main Town Centre uses in the Glossary as including drive thru restaurants.

Barnsley's Local Plan 2019

- 4.6 Barnsley's statutory development plan consists of the Local Plan 2019, the Joint Waste Plan and the Oxspring Neighbourhood development plan.
- 4.7 The adopted Local Plan 2019 acknowledges that Barnsley's economy is too small for the size of the borough. The town is unable to maintain enough jobs and businesses to support its working population. Therefore significant intervention in the local economy is needed. The Jobs and Business Plan sets out the business goals for Barnsley to close the economic performance gap as:
- More new businesses;
 - More job opportunities;
 - Diversification of the business base towards higher productivity sectors; and
 - Better skills and training for Barnsley people.
- 4.8 It identifies five key steps as part of our action plan are:-
- Invest in infrastructure;
 - Attract inward investment;
 - Improve the town centre;
 - Grow existing businesses; and
 - Encourage higher productivity start-ups.
- 4.9 The adopted Local Plan retains the previous Core Strategy spatial strategy and settlement hierarchy for Barnsley which is to focus development in the following areas:
- Urban Barnsley;
 - The Principal Towns (Wombwell; Hoyland; Penistone; Goldthorpe (Dearne Towns); Cudworth and Royston; and
 - Development in villages will be encouraged where it meets local needs and supports vitality, the local village economy and viability of the local community. (para 5.4)
- 4.10 It states that locating growth in all the Principal Towns is considered necessary not only to maintain the viability of those settlements but also to accommodate the growth anticipated for the borough.

- 4.11 Policy TC1 Town Centres states that support will be given to maintaining and enhancing the vitality and viability of the following hierarchy of centres:

Type of Centre..... Centre

Town Barnsley Town Centre

District..... Cudworth, Hoyland, Wombwell, Goldthorpe, Penistone, Royston

Local Athersley ,Bolton on Dearne (St Andrew's Square), Darfield, Darton, Dodworth, Grimethorpe, Hoyland Common, Lundwood, Mapplewell, Stairfoot, Thurnscoe (Houghton Road), Thurnscoe (Shepherd Lane)

Barnsley Town Centre is the dominant town centre in the borough. To ensure it continues to fulfill its sub regional role the majority of new retail and town centre development will be directed to Barnsley Town Centre.

The District Centres have an important role serving localised catchments and meeting more local needs. To ensure they fulfil this role and continue to complement and support the role of Barnsley Town Centre new retail and town centre development will also be directed to the District Centres.

The Local Centres serve smaller catchments and development here will be expected to meet the needs of the local area and not adversely impact on the vitality or viability of other nearby centres.

All retail and town centre developments will be expected to be appropriate to the scale, role, function and character of the centres in which they are proposed.

A sequential approach will be used to assess proposals for new retail and town centre development. This will help to achieve the spatial strategy for the borough and will focus development on identified centres in the first instance. Edge of centre and out of centre development will only be allowed where it meets the requirements of NPPF.

Impact assessments will also be required as laid out in policy TC3. These should comply with the requirements of the NPPF.

- 4.12 Barnsley's Local Plan, adopted January 2019, identifies the application site as a Retail Park where land is suitable for retail warehouses, within the settlement boundary of Barnsley. The following policy applies.

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- 4.13 **Policy TC4 states that** In the retail parks identified on the Policies Map only retail warehouses will be allowed. Uses other than retail warehouses will be allowed where the role, character and function of the retail park will not be adversely affected. Except where justified, planning permissions on these retail parks will be subject to conditions to limit:
- The minimum size of units to at least 920 square metres gross; and
 - The type of goods which can be sold from the units to bulky comparison goods
- 4.14 In relation to the proposed development of a drive thru coffee shop within the boundaries of Wombwell Retail Park, it is noted that now adopted Policy TC4 was subject to change as a result of the proposed modification recommended by the Inspector and promoted by the Council.
- 4.15 The reason for this amendment to the policy was described as “clarity” in relation to the function and purpose of retail parks.
- 4.16 Prior to adoption, the previous wording of Policy TC4 did not recognise that planning consent has been granted for other uses, now established in Retail Parks in Barnsley, such as leisure, restaurants and drive thru’s. The now adopted policy recognises and promotes some flexibility in relation to potential acceptable uses appropriate within a Retail Park.
- 4.17 Similarly, policy criteria restricting unit size does, in our opinion, not recognise the established character and function of Wombwell Lane Retail Park, but the wording does provide some flexibility that justification can be provided to remove the need to apply these policy restrictions.
- 4.18 In this context, it is considered that Policy TC4 recognises and now allows flexibility in terms of potential uses and size of premises that would be permitted within established Retail Parks.
- 4.19 In relation to Wombwell Lane Retail Park, the consent for this site is not restricted to bulky goods and there is a range of retailers selling a range of goods from the fully occupied Retail Park. In addition, the consent covering Wombwell Lane Retail Park allows for units of a size of 465sqm (5000sqft) which is less than that promoted in Policy TC4.
- 4.20 We believe that there is sufficient flexibility in Policy TC4 to support the introduction of a drive thru coffee shop in Wombwell Lane Retail Park as a use other than a retail warehouse. Consideration of the proposed development against the Local Plan Policy TC4 can be detailed as follows:

4.21 The policy states that uses other than retail warehouses will be accepted where this does not adversely affect the function, role or character of the retail park.

4.22 In this context, consideration requires to be given to the following:

- **Function** – the primary function of Wombwell Lane Retail Park is to provide complementary retail goods at a location that it either not suitable or available in the town centre. Traditionally retail parks such as this one was designed to cater for ‘bulky goods’. This meant in broad terms providing large format stores with car parking to allow ease of purchase with large bulky items. Whilst the new Local Plan policy still seeks to restrict new development at retail parks to bulky goods, the consent at Wombwell Lane no longer restricts the types of comparison goods. This change has not materially changed the function of the retail park as it is still occupied by a large proportion of bulky goods operators. The function of the retail park is also enhanced by the presence of a Tesco Extra and PFS on the adjacent site and accessed from the same junction. This type of store also caters for large shopping trips usually via the car. The retail park has a floorspace of 7500sq.m and the proposed coffee shop extends to 167sq.m. This represents just over 2% of the consented floorspace. It is not unusual for café facilities to be provided at retail parks either as standalone units or as part of a retail unit to promote a complementary service to the wider retail park. Given the function of the retail park to cater for predominately car-based retail purchases then providing a drive thru coffee shop is appropriate as it will serve customers already making the choice to travel to this location. In addition, the proposed use will not be replacing any existing retail floorspace so the level of retail activity would not change. If approved the function of the retail park is not going to change as it will still predominately cater for the sale of retail goods from large format units, from 98% of the floorspace.
- **Role** – as with the function, the role of the retail park is to provide a complementary offer different to that available into the town centre, focused on car-based customers and large format units. The introduction of the proposed coffee shop will not alter that role as the main activity on the site will still be the provision of large format retail floorspace (at 98% of the floorspace). The proposed coffee shop is providing a complementary role within the established retail park. Indeed, the proposed coffee shop will be operated by Costa and they already have a unit in the town centre. The proposed drive thru is complementary to the one in the town centre, rather than competing as it provides a different offer.

- **Character** - drive thru restaurants/coffee shops have been accepted as an appropriate use in other retail parks throughout the Country, including the recent appeal decision approving permission for a drive thru restaurant at the Peel Centre Retail Park in Barnsley (APP/R4408/W/19/3228051). The fact that the Inspector suggested changes to the policy affecting retail parks in the Local Plan prior to its adoption to allow 'other uses that are not retail warehouses' reinforces that such uses can be appropriate. This is supported in the recent appeal decision at the Peel Centre Retail Park (as identified above). The character of the site will not change as a result of the proposal. The proposed coffee shop, as noted above, will only account for around 2% of the floorspace at the retail park. Its location next to the entrance, largely mirrors the character of the adjacent site with the PFS unit siting in isolation within the car park area. In addition, the location of the proposed drive thru coffee shop within Retail Park will benefit from accessibility from a main arterial route (A633) into Barnsley and Wombwell.

4.23 Overall, having regard to the function, role and character of Wombwell Lane Retail Park, the proposed coffee shop will not have any significant or material effect on these factors and in particular will not adversely affect the function, role and character of the retail park in line with Policy TC4.

4.24 In addition to Policy TC4, the following policies are also relevant in relation to the site and the development proposed.

4.25 **Policy TC3** relates to the requirement of an impact assessment for development proposals. It states, that proposals for retail and leisure uses will be required to provide an impact assessment if they are of a scale, role or function where they could have a negative impact on the vitality and viability of the centre and are:

Located outside the Primary Shopping Area of Barnsley Town Centre and are:

- Within the catchment of Barnsley Town Centre, and
- Have a floorspace in excess of 2,500 square metres gross

Located outside the Primary Shopping Area of a District Centre and are:

- Within the catchment of a District Centre, and
- Have a floorspace in excess of 1,000 square metres gross

Located outside a Local Centre and are:

- Within the catchment of a Local Centre, and
- Have a floorspace in excess of 500 square metres gross

4.26 In this context, the proposal is outwith the designated centres in Barnsley, but is significantly less than the prescribed floorspaces over which an impact assessment would be required. In addition, in the context of the potential impact of the development on Barnsley Town Centre, it is noted that paragraph 16.10 of the adopted Local Plan recognises that “Barnsley has a low retail vacancy level compared to regional and national figures”. Based on the size of the unit proposed, no impact assessment is required to support this proposal.

4.27 **Policy D1 High Quality Design and Place Making** sets out the design principles which all developments should adhere to within the local plan area of Barnsley. It is considered that the proposed development is of a scale and massing that is appropriate within the confines of the retail park and the wider retail and industrial uses in the surrounding area.

4.28 As previously stated, the proposed unit will adopt a modern design complementary to the existing retail development and is therefore seen to accord with the principles of Policy D1.

4.29 **Policy T3 New Development and Sustainable Travel** states that new development will be expected to:

- Be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cyclists;
- Provide at least the minimum levels of parking for cycles, motorbikes, scooters, mopeds and disabled people set out in the relevant Supplementary Planning Document;
- Provide a transport statement or assessment in line with guidance set out in the National Planning Policy Framework and guidance including where appropriate regard for cross boundary local authority impacts; and
- Provide a travel plan statement or a travel plan in accordance with guidance set out in the National Planning Policy Framework including where appropriate regard for cross boundary local authority impacts. Travel plans will be secured through a planning obligation or a planning condition.

Where levels of accessibility through public transport, cycling and walking are unacceptable, we will expect developers to take action or make financial contributions in accordance with policy I1.

If it is not possible or appropriate for the minimum amount of parking for cycles, motorbikes, scooters and mopeds to be met on site, the developer must provide, or contribute towards, off-site parking, or improve or provide other forms of travel.

- 4.30 In relation to the development proposed, it is considered that the proposed development benefits from being within a highly accessible location adjoining the A633, with the site being accessible by foot, cycle, car and bus – providing access by a variety of modes of transportation.
- 4.31 In addition, it is considered that the introduction of a drive thru coffee shop at the Retail Park will be complementary to the wider function of the Retail Park and surrounding retail uses, and will provide the opportunity for linked trips to the location, benefitting from the existing trade and custom in the area.
- 4.32 Policy T3 relates to Supplementary Planning Guidance regarding parking standards for development. Parking provision is established on site and is deemed to be sufficient for the existing retail units and the drive thru coffee shop.
- 4.33 It is noted that the proposed allocated car parking for the coffee shop is above the minimum parking standards set out in the Supplementary Planning Guidance.
- 4.34 In addition, the loss of car parking within the wider Retail Park is minimal, and the overall parking spaces provided within the Retail Park are above the minimum parking requirement standards set out in Supplementary Planning Guidance.
- 4.35 Pre-Application feedback from the Council indicated that there is no policy objection to the loss of the parking arising from the redevelopment of this part of the retail park car park. Therefore, the proposed development is found to be in accordance with Policy T3.

5. Sequential Analysis

- 5.1 As part of this application submission, a Sequential Analysis has been prepared in support of the siting and location of a drive thru coffee shop within Wombwell Lane Retail Park. However it should be noted that in pre-application submissions (2018/ENQ/00115) it was confirmed by the Council that no sequential assessment would be required provided the application is accompanied by a submission that the proposal would not adversely affect the role, function and character of the retail park, in compliance with Policy TC4. This was also the Council's stance at the recent appeal at the Peel Centre Retail Park. However the Inspector considered Policy TC1 should also be considered in addition to Policy TC4. On that basis an assessment has been undertaken.
- 5.2 The application site extends 0.15ha and is located within the established Retail Park, with shared car parking associated with the adjoining retail units.
- 5.3 The application seeks to provide a drive thru coffee shop, which is recognised as a "town centre use" by Barnsley Metropolitan Borough Council, that extends approximately 167sqm.
- 5.4 This Assessment seeks to justify the proposed location in the context of policy principle of town centre first and the acceptability of the site for the proposed use. Firstly, consideration is given to the application site and its surroundings in terms of its physical characteristics and policy allocation. Secondly, alternative sites are identified and assessment in terms of potential ability to accommodate the development proposed.

Area Assessment

- 5.5 The application site is located within the established Wombwell Lane Retail Park. Situated to the west of the A633 Wombwell Lane, Stairfoot.
- 5.6 Beyond the retail park boundaries, the wider locale is predominantly occupied by retail and commercial premises, trade units, and bulky goods providers. In addition, there are established smaller retail premises selling food and comparison goods, including Greggs, on land to the south of the retail park.
- 5.7 Further to the north, there is a McDonalds drive thru restaurant, Frankie & Benny's and Aldi foodstore which are located at the gyratory system near the centre of Stairfoot. There are a range of uses within the wider area including bulky goods retail, commercial and public houses as well as industrial operations.

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- 5.8 Planning consent was granted in 2014 for two drive thru's and the subdivision of cash & carry into 4 retail warehouses at Blakemore's Cash & Carry – located to the north of Tesco. This consent has not been implemented, but it does show that consents have been granted for similar developments out with designated centres within the lifetime of the previous and emerging (now adopted) SDP.
- 5.9 The nearby designated Stairfoot Local Centre is a linear centre, situated along A635 Doncaster Road. This local centre consists of smaller retail, service and community units providing limited goods and services that meet the daily needs of local residents. It includes a McColls, a local bakery and pharmacy.

Methodology of Sequential Analysis

- 5.10 The proposed development consists of a coffee shop with a drive thru. In considering whether there are any sequentially preferable sites, a methodology for the analysis has been applied.
- 5.11 The proposed development will create a coffee shop and drive thru extending 167sqm. It is proposed that this drive thru coffee shop will provide a function that complements and supports the wider function of the Retail Park, without the loss of any established retail floorspace with the established Retail Park.
- 5.12 With the inclusion of a drive thru and associated car parking, a development site of approximately 0.15ha would be required.
- 5.13 The sequential approach requires identification of available and suitable sites, firstly within the defined centre, then edge of centre, then out of centre sites. Alongside this approach, consideration must be given to the characteristics of the proposed development and the commercial requirements of the development, as follows:
- Unit extending 1800sqft or thereabouts
 - Site approximately 0.15ha or thereabouts
 - Prominent location on key routes (A road)
 - Sufficient land and circulation for drive thru
 - Available on-site parking
 - No ownership constraints

Identification of Sites/Premises

- 5.14 Internet searches have been undertaken for properties and land for sale/to let in the local area, in addition to the current adopted and emerging local development plan. The following sites and premises are being actively marketed or promoted for development, and were identified and considered as potentially suitable in the search for sequentially preferable locations for development:

Vacant Centre Units/Sites

- 62-64 Doncaster Road
- 32 Market Street, Barnsley
- 9 Market Street, Barnsley
- Gateway Plaza (various units), Barnsley
- 29/31 New Street
- 2 New Street
- 514 Doncaster Road, Stairfoot
- 27-31 Regent Street
- 1-3 Regent Street
- 11 Regent Street South
- 11-13 New Street
- 64 Sheffield Road
- 56-58 Doncaster Road
- Westville Road
- Old Mill Lane, Barnsley
- Peel Trade Park, Twibell Street

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- Rock House, Barnsley Road, Cudworth
 - 166 Barnsley Road, Darfield
 - The Former Wombwell Lane Service Station, Wombwell Lane
 - 34 High Street, Wombwell (Former Post Office)
 - 18 High Street, Wombwell

Development Opportunity Sites

- Oakwell Lane, Barnsley

LDP Land Allocations

- Better Barnsley
- Heelis Street/New Street/Gala Bingo/Burleigh Court
- Courthouse
- Land between the Transport Interchange & Harborough Hill

Assessment of Alternative Sites/Premises

- 5.15 As part of this process, we have only identified premises and sites that were of a similar size or character that could be considered for the proposed development at Wombwell Lane Retail Park. Further to the identification of sites/premises, these now have to be assessed in relation to the details of the development proposed at the retail park.

62-64 Doncaster Road

- 5.16 The premises for sale consist of two adjoining retail units that extend, in total, 2,713sqft. It also includes a self-contained flat in the sale situated above the retail premises.
- 5.17 The units themselves are ground floor, mid terrace with residential properties above. There is no on-site car parking and no space to accommodate a drive thru at these premises.
- 5.18 Due to the issues highlighted above, the premises are not suitable either individually or combined to accommodate the development proposed.

32 Market Street

- 5.19 As part of a retail terrace, this unit would be unable to accommodate the proposed drive thru facility. In addition, at 127sqm this unit is too small to accommodate the scale of coffee shop proposed.
- 5.20 The premises are not suitable for the development proposed.

9 Market Street

- 5.21 Whilst this unit extends 2,230sqft and would be able to accommodate the proposed coffee shop, its location as a mid-terrace unit within a pedestrianised area means it would be unable to accommodate the proposed drive thru facility or the associated car parking.
- 5.22 The premises are therefore not suitable for the development proposed.

Gateway Plaza

- 5.23 This is a new mixed-use development that has a number of established retail units still available for let. However, these units are unable to accommodate the drive thru element of the proposal. In addition, the unit sizes marketed are either too large or too small for the coffee shop proposal.
- 5.24 The units available at Gateway Plaza are not suitable to accommodate the development proposed.

29/31 New Street

- 5.25 The premises, located within the designated principal centre of Barnsley, do not have the land to accommodate the proposed drive thru facility. In addition, the unit extends 295sqm, which is larger than that proposed at Wombwell Lane Retail Park.
- 5.26 The premises are not able to accommodate the proposed development.

2 New Street

- 5.27 The premises, extending 1,588sqft, were previously occupied by a bank.
- 5.28 The unit is slightly smaller than the required 1,800sqft, and as part of a wider retail terrace, would be unable to accommodate any car parking or the proposed drive thru facility.

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- 5.29 The premises are not suitable for the development proposed.

514 Doncaster Road, Stairfoot

- 5.30 The premises, extending 2415sqft is larger than required for the proposed coffee shop. Whilst the overall square footage appears sufficient to accommodate the proposed development, the building extends over 4 floors rather than the single storey design promoted at Wombwell Lane Retail Park.
- 5.31 In addition, as a mid-terrace building, the premises would be unable to accommodate the proposed drive thru facility.
- 5.32 Therefore, the premises are not suitable to accommodate the development proposed.

27-31 Regent Street

- 5.33 This is a mid-terrace, 2 storey premises extending 5984 sqft.
- 5.34 The premises themselves are larger than the proposed floorspace of the coffee shop, and the proposed use could not therefore occupy the premises in its entirety.
- 5.35 In addition, as a mid-terrace property, the premises are unable to accommodate the proposed drive thru facility.
- 5.36 Therefore, the premises are not suitable to accommodate the development proposed.

1-3 Regent Street

- 5.37 The premises for sale include 3 ground floor units with offices on the first and second floor. The size of the ground floor retail units could potentially accommodate the proposed coffee shop. However, it cannot accommodate the proposed drive thru facility.
- 5.38 In addition, it is noted in the particulars for these properties that there are tenants in some of the units, and these would not be available for use.
- 5.39 Therefore, the premises are not suitable to accommodate the development proposed.

11 Regent Street South

- 5.40 The premises for sale extend over 2 floors and promote retail and office uses. At 840-3940sqft there is the potential that the premises could accommodate the proposed coffee shop function.

However, it is confirmed in the particulars that there are occupiers in situ in the building which restricts the potential use of the building for the proposed coffee shop.

- 5.41 Therefore, the premises are not suitable to accommodate the development proposed.

11-13 New Street

- 5.42 Incorporating 2 ground floor retail units, there is the potential that the premises could accommodate the proposed coffee shop.

- 5.43 However, it is confirmed in the particulars that there are established occupiers in situ in the premises for sale, and therefore they are unavailable for occupation.

- 5.44 Therefore, the premises are not able to accommodate the development proposed.

64 Sheffield Road

- 5.45 This property is a mid-terrace retail unit currently for sale. On review, the sale of the premises is with a tenant in situ, and the premises are therefore not available. In addition, site constraints mean the premises do not appear able to accommodate the proposed drive thru facility.

- 5.46 Therefore, the premises are not suitable to accommodate the development proposed.

56-58 Doncaster Road

- 5.47 This is a retail and residential opportunity for sale. Major refurbishment of these premises would be required to accommodate the proposed coffee shop.

- 5.48 As a mid-terrace property, the premises are not able to accommodate the drive thru facility.

- 5.49 Therefore, these premises are not suitable to accommodate the development proposed.

Westville Road

- 5.50 This unit is a converted chapel that has been utilised for commercial purposes. This is a stand-alone retail unit with limited off-street parking. Extending 10,656sqft the unit is much larger than that required for the proposed erection of a drive thru coffee shop. The unit is too large for the development proposed, and due to site constraints does not appear to be able to accommodate a drive thru facility.

- 5.51 Therefore, these premises are not suitable to accommodate the development proposal.

Old Mill Lane, Barnsley

- 5.52 This retail unit available to let was formerly occupied by Carphone Warehouse. Situated on the A61 the premises have good connections for passing trade. It is also within a wider retail/commercial area.
- 5.53 This is a stand-alone unit, extending 1,550sqft, which is smaller than that sought in the development proposed.
- 5.54 The unit benefits from on-site parking which would suit the development as proposed in this application.
- 5.55 However, the size of the unit and its situation on site means that it does not appear to be able to accommodate the proposed coffee shop and drive thru facility as promoted in the application.
- 5.56 Therefore, these premises are not suitable to accommodate the development proposed.

Peel Trade Park

- 5.57 There are a number of units available at this location, extending from 3,800 – 5,600sqft. This is part of a wider Trade Park, and the available units are created by subdivision of a larger property into smaller units.
- 5.58 The units themselves as proposed are much larger than that promoted in the application. In addition, the siting and layout of the units within the same building means that the proposed drive thru facility could not be accommodated.
- 5.59 Therefore these premises are not suitable to accommodate the development proposed.

Rock House, Barnsley Road, Cudworth

- 5.60 This is a stand-alone retail unit situated on the edge of Cudworth Town Centre. The unit extends 10,565sqft and is therefore significantly larger than that required for the development proposed. It is in a good location in terms of accessibility to the wider road network but lacks off street parking and space on site to accommodate a drive thru facility.
- 5.61 Therefore these premises are not suitable to accommodate the development proposed.

166 Barnsley Road, Darfield

- 5.62 This vacant unit was previously a local Co-op store. Extending 2,413sqft, this unit is slightly larger than that required for the proposed development. Whilst the unit would be able to accommodate the proposed coffee shop, the site does not extend to allow the provision of off-street parking or the creation of a drive thru facility.
- 5.63 Therefore, the premises are not suitable to accommodate the development proposed.

The Former Wombwell Lane Service Station, Wombwell Lane

- 5.64 This unit extends 1,782sqft and as such could potentially accommodate the proposed coffee shop. However, the location of the unit on the site means that it would be unable to accommodate the proposed drive thru facility and would provide limited off-street parking required in association with the proposed unit.
- 5.65 Therefore, these premises are not suitable to accommodate the development proposed.

34 High Street, Wombwell (Former Post Office)

- 5.66 The former post office extends approximately 1,263sqft and is therefore too small to accommodate the proposed development.
- 5.67 In addition, the location of this mid-terrace property does not lend itself to accommodating a drive thru facility.
- 5.68 Therefore, these premises are not suitable to accommodate the development proposed.

18 High Street, Wombwell

- 5.69 This retail unit extends 1,047.5sqft and is smaller than the required floorspace for the proposed development. In addition, this is a mid-terrace unit which would be unable to accommodate the drive thru facility and car parking provision as proposed in this application.
- 5.70 Therefore, these premises are not suitable to accommodate the development proposed.

Oakwell Lane, Barnsley

- 5.71 This site is promoted for residential or commercial development, extending 9,500sqft. The site itself is significantly larger than that required for the proposed development and would likely need

to be integrated into the wider development proposals for the site. Therefore, it would be unlikely to be delivered within an appropriate timescale for the development proposed.

Barnsley Town Centre Regeneration

5.72 The adopted local plan promotes the wider regeneration of Barnsley Town Centre. Whilst there may be opportunities that arise in the future, this is an ongoing project subject to development which also includes wider improvements to the town centre beyond retail development and does not fit with the requirements and timescales of Costa.

5.73 In addition, Costa already has a presence in Barnsley Town Centre.

Heelis Street/New Street/Gala Bingo/Burleigh Court

5.74 This site is allocated for retail, residential and office development. Residential development is being undertaken on site, but it is considered that the scale of the development is above the requirements for the drive thru coffee shop and will not be progressing with the timescale requirements for the proposed development.

Courthouse

5.75 This allocation does not incorporate retail development as a primary use, and therefore the proposed use is not supported by the policy allocation on the site. It is considered that the scale and nature of the development opportunities in this location is above the requirements of the proposed drive thru coffee shop and will not progress within the timescales required for the proposed development.

Land between the Transport Interchange and Harborough Hill

5.76 Extending 1.6ha, this site is much larger than the required 0.15ha promoted for the drive thru coffee shop. This could not be taken forward as a stand-alone proposal and would need to be part of the larger development opportunities to be promoted for the site.

5.77 It is considered that this proposed site will not come forward within a timescale suitable for the proposed drive thru coffee shop promoted in this application and has therefore been discounted.

Conclusions

5.78 Sites and premises that could potentially accommodate the proposed development opportunity have been identified and assessed in terms of suitability and availability.

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- 5.83 It is considered that no sequentially preferably sites or premises have been identified that would be suitable for the proposed use in relation to its scale, accessibility or timescales for the development proposed.
- 5.84 This is supported by the recent appeal decision for the Peel Centre Retail Park (Appeal Ref: APP/R4408/W/19/3228051) where the Inspector considered that there were no sequentially preferable sites which could accommodate a drive thru development in Barnsley, and no alternative sites had been promoted by the Council.

6. Assessment of Proposal

- 6.1 The proposal involves the erection of a drive thru coffee shop within the car park of Wombwell Lane Retail Park. The function of the coffee shop is predominately aimed at complementing the wider role of the retail park and the wider retail uses in this area.
- 6.2 In addition, it should be noted that Costa Coffee already has premises within the town centre of Barnsley, providing for that particular catchment and customer base. The proposed drive thru coffee shop offers a different form of offer and therefore not in direct competition.
- 6.3 Of relevance to the assessment and consideration of this application is the recent appeal decision issued by the Planning Inspectorate on 8th October 2019 allowing the proposed development of a Class A3/A5 drive thru unit measuring 167sqm with associated physical works at the Peel Centre, Harborough Hill Road, Barnsley (Appeal Ref: APP/R4408/W/19/3228051). This decision represents a significant material consideration in the assessment of this application.
- 6.4 This appeal was determined in accordance with the Barnsley Local Plan (January 2019) which was adopted during the consideration of the application. The proposed development was refused by Barnsley Metropolitan Borough Council and the main issues under consideration at the appeal centred around the role, character and function of Peel Centre Retail Park and the vitality and viability of Barnsley Town Centre.
- 6.5 In terms of the relevance of this appeal decision in relation to the planning application currently before you for Wombwell Lane Retail Park, both applications promote a drive thru coffee shop within the boundaries of an established Retail Park, and therefore are assessed against the same planning policy as set out in the adopted Barnsley Local Plan 2019.
- 6.6 Of most relevance to the consideration of this application is the Inspectors consideration of adopted Local Plan policies TC1 and TC4. Specifically, the Inspector did not agree with the Council's case that Policy TC4 did not allow the creation of new units for uses other than retail warehousing. The Inspector concluded that the wording of Policy TC4 in relation to the conditions were relevant to planning permission for retail warehousing, and that Policy TC4, due to its wording, does allow for uses other than retail warehousing where the role, character and function of the retail park will not be adversely affected. Specifically, it is stated:

"The Council argues that this sentence permits changes of use to other than retail warehousing within existing buildings, but not such uses within new buildings. However, there is nothing

explicit either in the policy itself or the supporting text which supports this position. In simple terms, the proposal, being for a food and drink use, would fall within 'uses other than retail warehouses', and so would be supported by Policy TC4 subject to it not adversely affecting the role, character and function of the retail park."

- 6.7 Similarly to Wombwell Lane Retail Park, Peel Centre Retail Park has had conditions relaxed to allow for uses other than retail warehousing for "bulky goods". In the appeal case, the appellant promoted the development of a drive thru restaurant (also extending 167sqm) as a complementary use to the retail park, serving the needs of the customers already visiting the centre and enhancing the "experience" of visiting the retail park. New development means that the proposal would not result in the loss of any retail floorspace and would not impede or undermine the operation of the existing retail units.
- 6.8 In this context, the Inspector states "*...I see no tangible different to the overall role, character and function of the retail park in having a food and drink use, albeit one with seating areas and a drive thru, located in a standalone building as opposed to inside an existing building... The amount of development would be insignificant in the overall context of the retail park, and would have very limited effect on its overall role, character and function."*
- 6.9 It was considered that the proposed use would be acceptable in the retail park and would not its role, character or function and so would accord with Policy TC4 of the Local Plan.
- 6.10 This is exactly the same context as the proposal at Wombwell Lane Retail Park, where a drive thru coffee shop (extending 167sqm) is promoted within the car park of an established retail park. The Retail Park itself already promotes the sale of goods other than bulky goods generally found in retail warehousing, and conditions applied to the planning permissions for the retail park have been relaxed to extend the potential range of goods which can be sold from this location. It is considered that the proposed drive thru unit will complement the established retail park, with no loss of floorspace dedicated to the sale of retail goods. As with the Peel Park proposal, the amount of development proposed is insignificant in the overall context of the retail park and as a consequence would have very limited effect on its role, character and function. The loss of car parking has been addressed with the Council through pre-application discussions and no concerns were raised regarding this matter. Therefore it can be concluded that the proposal can accord with Policy TC4 of the Local Plan.

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- 6.11 The promotion of the drive thru unit, as recognised by the Inspector in the Peel Centre Retail Park decision, could have a positive effect on the retail park, and may assist in attracting new retailers to the vacant units which would add to the overall vitality and viability of the retail park.
- 6.12 In terms of Policy TC1 and the vitality and viability of Barnsley Town Centre, no sequential analysis was provided by the appellant as part of the Peel Park appeal although consideration was given to this matter. No sequentially preferable sites were identified during the appeal by any of the parties.
- 6.13 On this basis, a sequential analysis has been undertaken to support the application for Wombwell Lane Retail Park (see Section 5). In this instance no premises or sites have been identified that could potentially accommodate a development of this nature.
- 6.14 In addition, it is also our argument that the proposed drive thru coffee shop is 'locationally specific' in that it would assist in meeting the need for a complementary food and drink offer in the retail park to enhance the vitality of the wider Retail Park.
- 6.15 In terms of the impact of the development on the vitality and viability of Barnsley Town Centre, it was considered by the Inspector that a proposed drive thru unit would not be of a scale whereby it would cause any significant harm to the vitality and viability of the town centre.
- 6.16 We believe that a similar approach must be taken in the consideration of this application. The proposed development is of a scale and size that would not harm the role, character or function of the retail park, and would not harm the vitality and viability of the designated centres. Given the scale and location of the proposed drive thru it would not add significantly to the offer at the retail park that would in turn draw substantial numbers of people from existing centres. As noted, the proposed coffee shop is predominately aimed at those who have already made the choice to visit the retail park. The proposal can therefore be considered to accord with Policy TC1.
- 6.17 In addition, the proposal is in accordance with Policy TC4 as the development promotes a use that is acceptable in a retail park and would not harm the role, character or function of the Retail Park.

Examples of Other Similar Consents

- 6.18 As previously identified in this report, there are examples of consents granted and developments taking place for retail units and drive thru restaurants/cafes within the vicinity of Wombwell Lane Retail Park – outwith designated town centres.

-
- 6.19 Land to the south at Wombwell Lane was granted planning consent in 2012 for the erection of 2no. retail units (2012/0815) which have since been developed and include Greggs as an occupier. This site is outwith any designated town centres, and is part of a wider industrial/trade counter area which is subject to the same policy allocation in the current Unitary Development Plan.
- 6.20 To the north of Tesco, planning consent was granted for the erection of two “drive thru” restaurant/café units with access and parking, extension of curtilage for relocated service yard and subdivision of existing Blakemore’s retail warehouse into 4no. separate retail warehouse club units including installation of 4no. separate shopfronts (2013/1331). This site is within a designated Employment Area and outwith designated centres identified in the adopted Local Plan.
- 6.21 Planning permission was granted for application 2018/0745 on 14th June 2018. This granted consent for the development of an A3 café and drive through facility with provision of associated access parking and substation at The Oval, Rockingham Roundabout, Hoyland, Barnsley.
- 6.22 This site is within a wider area designated for Employment Uses, and therefore promoting acceptance for a town centre use outwith the designated town centres as identified in the Barnsley Local Plan.
- 6.23 Taking into account examples of consents granted for similar uses outwith designated centres, it is considered that justification has been provided in this report for the development proposed, and that there is evidence of support within the local area for similar developments outwith town centre boundaries. Specifically it demonstrates that drive thru uses such as the one proposed can and have been accepted outwith the designated centres.

Assessment of Planning Policy

- 6.24 Consideration of the proposal against national and local planning policy is required.
- 6.25 Paragraph 86 of NPPF (2019) requires a sequential test to be applied 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.
- 6.26 Pre-Application Discussions with the planning authority confirmed that in relation to the emerging Local Plan at that time, *“If lodged after (LP approval) (as qualified) then no sequential assessment would be required provided that the planning application is accompanied by a submission that the proposal would not adversely affect the role, character and function of the*

retail park. If the submission does not convince that the proposal would not adversely affect the retail park then we would require a sequential assessment” (See Appendix 1)

- 6.27 It is considered that the proposed development of a drive thru coffee shop complies with current adopted Policy TC4 as it involves a non-retail warehouse use that does not adversely affect the function, role and character of the retail park as set out in Section 4 of this report.
- 6.28 For this reason, it is in accordance with an up-to-date Local Plan and in meeting the requirements of Policy TC4. The Councils advice relating to the sequential assessment (Policy TC1) has been superseded by the Inspectors findings in relation to the Peel Park appeal. As such a sequential assessment has been undertaken and no sequentially preferable sites have been identified. The proposal is also of a scale and location that would not cause any significant harm to the vitality and viability of existing centres. As such the proposal can be considered to comply with Policy TC1.
- 6.29 Overall the Local Plan 2019 promotes a more flexible approach to potential development and uses appropriate within designated Retail Parks as opposed to only allowing retail warehouse units.
- 6.30 Assessment of the proposed drive thru coffee shop proposal at Wombwell Lane Retail Park against the local planning policy TC1 and TC4 can be concluded as follows:
- The proposal given its scale will not cause any significant harm to existing centres.
 - A sequential assessment has been undertaken and no sequentially preferable opportunities have been identified. This is supported by the recent appeal decision at Peel Park that confirmed no sequentially preferable sites had been identified during the appeal.
 - The proposed drive thru coffee shop is a different offer to that within the existing centres and is therefore not in direct competition.
 - The proposal would not harm the role, character or function of the retail park.
 - The proposed unit will be a new development and would not result in the loss of class 1 retail floorspace from the existing Retail Park.
 - The proposed coffee shop would only occupy 2% of the overall retail park floorspace and therefore is insignificant in the context of the retail park and relevant centres.
 - There is no identified impact on the wider function or use of the retail park as a result of the proposed development. The proposed drive thru coffee shop can be accommodated with minimal impact to the parking provision on site, and with its drive thru function complements the wider function of the retail warehouses.

-
- The proposal will assist in maintaining the vitality and viability of the retail park.
 - Within other locations in Barnsley, drive thru's have been consented and established, and provide clear examples that the introduction of drive thru restaurants/cafes complement the wider function of the Retail Parks and retail/commercial areas without impacting on the wider function or character or existing centres.

Conclusions

6.31 Taking all these matters into account, it is our opinion that the proposed development is consistent with the Local Plan 2019 for the following reasons;

- the application promotes a use appropriate within the established Retail Park in compliance with Policy TC4;
- the proposal complements the function of the established Wombwell Lane Retail Park;
- the proposal can be justified through planning policy as set out in the Local Plan 2019 as it will not adversely affect the function, role or character of the retail park as per Policy TC4;
- No sequentially preferable sites have been identified, or during the recent appeal at Peel Park, that could accommodate the development proposed in accordance with Policy TC1;
- The proposed development is not of a scale or size that would impact on the vitality or viability of the designated centres in accordance with Policy TC1;
- Precedence has now been set by the recent appeal decision at the Peel Centre Retail Park, which supports other uses in retail parks where it does not have an impact on the role, character and function of the retail park, and does not have a significant impact on designated centres;
- All detailed matters have been addressed in supporting information to show that the proposed development can be accommodated at this location.

6.32 On the basis of the above, the proposed development should be viewed favourably and granted planning permission.



Z A N D E R
P L A N N I N G

Appendices

Appendix 1

From: Alex Mitchell alex@zanderplanning.co.uk 
Subject: Fwd: 2018/ENQ/00115 pre-application enquiry proposed Drive thru coffee shop, Stairfoot Retail Park
Date: 16 September 2019 at 21:29
To: Elaine Anderson laine20181@hotmail.co.uk, Elaine Anderson Elaine@zanderplanning.co.uk

A

Alex Mitchell MRTPI **Director - Zander Planning Ltd**

07775 706252

alex@zanderplanning.co.uk

Begin forwarded message:

From: "Ward , Elaine" <ElaineWard@barnsley.gov.uk>
Subject: RE: 2018/ENQ/00115 pre-application enquiry proposed Drive thru coffee shop, Stairfoot Retail Park
Date: 25 October 2018 at 08:11:02 BST
To: Alex Mitchell <alex@zanderplanning.co.uk>

Hi Alex

I have only just received an amended reply from our policy team (attached), which I hope is self explanatory and clarifies the policy position for you. It also discusses the earlier permissions granted nearby. However, I attach the officer/committee reports as requested for completeness.

Kind regards

Elaine Ward

BSc(Hons) Dip URP MRTPI
Senior Planning Officer (InnerTeam)
Planning and Building Control
Barnsley MBC
PO Box 634
BARNSELEY
S70 9GG

*Sat Nav reference: S70 2DR

 01226 774731

 01226 772591

 elaineward@barnsley.gov.uk



Please consider the environment before printing this email

From: Alex Mitchell [<mailto:alex@zanderplanning.co.uk>]

Sent: 03 October 2018 12:29

To: Ward , Elaine

Subject: Re: 2018/ENQ/00115 pre-application enquiry proposed Drive thru coffee shop, Stairfoot Retail Park

Hi Elaine - thanks for your email and note your comments.

In terms of the issues you have identified I can confirm we are undertaking parking surveys relating to the loss of parking and have undertaken a sequential test so these matters will be covered in any submission

However in terms of your comments re policy I wish to seek clarification on these as I do not think they are as black/white as you suggest.

In relation to the emerging Local Development Plan, it has undergone its Examination, and the Inspector has gone back to the Council (pre-Examination Report) to notify them that changes to the Plan (known as Main Modifications) were necessary to address issues of soundness (following an objection by Peel I understand). The proposed changes (Main Modifications) were subject to consultation in July/August 2018 and these responses are submitted as part of the ongoing examination with the anticipated timescale of adoption by late 2018.

The Main Modifications included a change to Policy TC4 Retail Park (as attached) which now includes a statement regarding other uses within a retail park. I consider this change, in the context of the objection, seeks to add flexibility to the policy to allow such other uses, like the one proposed, that are common place in retail parks. Therefore the policy context is not one that directly indicates refusal as you indicate but now indicates such uses could indeed be acceptable. The policy requires to consider the role, function and character of the retail park and this will not change as a result of this proposal. It is modest in floorspace terms and it is not uncommon for retail units to have internal cafes for customers. It is also relevant that this policy also covers the other retail park in Barnsley and they already have drive-thru restaurants as these are still considered under the same policy i.e. retail park.

Also we are aware that other similar uses have been granted previously nearby. In this regard it would be helpful if you could provide copies of the committee/delegated reports for the below applications as these are not available online.

2012/0815

Land at Wombwell Lane, Stairfoot (land to south of retail park)

Erection of 2.no retail units

Approved with conditions 10/09/2012

2013/1331

Blakemore Cash & Carry, Stairfoot Business Park

Erection of two "drive thru" restaurant/café units with access and parking, extension of curtilage for relocated service yard and subdivision of existing 'Blakemore's' retail warehouse into 4.no separate retail warehouse club units including installation of 4no. separate shopfronts

Approved with conditions 25/03/2014

I look forward to hearing from you in this regard. Many thanks Alex

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Revised Post
Main M...rk.docx



Officer Report -
2012 0815.doc



Officer Report -
2013 1331.doc

2018/ENQ/00115 – Drive thru coffee at WW lane retail park

Application form states 400m² site area; 170m² floor space.

Site plan references loss of 48 car parking spaces.

Policy:

NPPF2

Para 86 – LPA should apply a sequential test to planning application for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan.

Para 89 – Planning applications for retail, leisure and office developments outside town centres and not in accordance with an up to date local plan require an impact assessment if the development is over 2,500sq m (or a locally set threshold).

UDP

Designation ‘other shopping and commercial area’

Saved UDP policy – BA26 – allocated for large scale retailing of comparison goods

Core Strategy

Policy CSP25 – New Development and Sustainable Travel – new development will be expected to provide not more than the maximum number of car parking spaces as set out in SPD and no less than the minimum number of cycle and disabled parking spaces

Policy CSP31 – Town Centres – including reference to use of sequential approach

Emerging Local Plan

Designation - retail park

Policies:

TC1 – Town Centres – including reference to use of sequential approach

TC3 – Thresholds for Retail Impact Assessments – Proposals for retail and leisure uses which are located outside a Local Centre and within the catchment of the centre (800 metre radius of the centre) and have a floorspace in excess of 500 square metres gross will require an impact assessment.

TC4 – Retail Parks – retail warehouses will be allowed and other uses allowed where role character and function of retail park won’t be adversely affected. Except where justified, permissions will be subject to conditions to limit the minimum size of units and the sale of bulky comparison goods.

SPDs

Car parking – sets out maximum car parking spaces that will be allowed, 1 space per 14-25m² on units over 1000m²

Comment

The pre application specifies that the proposal is for a drive thru coffee shop, for which there is a policy conflict with the NPPF and current development plan policy and accordingly a sequential assessment would be required to demonstrate if there is a sequentially preferable unit within a town centre location within the catchment area of the proposed store. Government policy in the NPPF is clear that where an application fails to satisfy the sequential test it should be refused.

However, the emerging Local plan policy (as published in the Main Modifications consultation over the summer which ended on 28 August 2018) includes a policy TC4 Retail which indicates that in retail parks other uses will be allowed where the role, character and function of the retail park will not be affected. The weight that can be given to this emerging policy is limited by the stage of production of the Local Plan. If the proposal is considered before the Inspectors report is received then I would advise that limited weight should be given to this emerging policy and accordingly a sequential assessment would be required.

If however the proposal is considered after the Inspectors report is received, and assuming that the Main Modifications version of policy TC4 is not further amended, then significant weight would be given to the emerging policy. In those circumstances, I would suggest that the applicant should make a submission as to why the proposal would not adversely affect the role, character and function of the retail park.

For information, the enquirer cites other non-retail warehouse developments on retail parks in the Borough. I understand that the decisions on these developments will have predated both the Publication Local Plan and the Main Modifications consultation.

There is no policy objection to the loss of parking arising from the proposed redevelopment of this part of the retail park car park. The proposed layout ought to address the SPD requirements for cycle parking within the site.

From: Alex Mitchell alex@zanderplanning.co.uk
Subject: Fwd: 2018/ENQ/00115 Pre-application enquiry, Drive thru at Stairfoot roundabout
Date: 16 September 2019 at 21:58
To: Elaine Anderson laine20181@hotmail.co.uk, Elaine Anderson elaine@zanderplanning.co.uk

A

Begin forwarded message:

From: "Ward, Elaine" <ElaineWard@barnsley.gov.uk>
Subject: 2018/ENQ/00115 Pre-application enquiry, Drive thru at Stairfoot roundabout
Date: 8 November 2018 at 11:53:48 GMT
To: "alex@zanderplanning.co.uk" <alex@zanderplanning.co.uk>

Good morning Alex

Please find attached below, final comments from my Policy colleagues. This is the third reply to you on this enquiry, and it is considered that the Council has responded to all your additional questions in detail. I trust that you have now received sufficient information and clarification to enable your client to decide whether or not to make an application. It is not intended to provide any further advice in relation to this enquiry which will now be closed.

- 1 is the policy response saying, that if lodged before the policy changes are confirmed by the Inspector then a Sequential assessment will be required. If lodged after (assuming no change to the wording) then no sequential assessment will be required as the TC4 policy as drafted would allow for other uses such as the one proposed (subject to the criteria in TC4). Is there any timescale for the Inspectors report?
 - a. To clarify, if the application is determined before the Inspectors report is received then I am of the opinion that a sequential assessment would be required. If lodged after (as qualified) then no sequential assessment would be required provided that the planning application is accompanied by a submission that the proposal would not adversely affect the role, character and function of the retail park. I must apologise that my comments could have been clearer. If the submission does not convince that the proposal would not adversely affect the retail park then we would require a sequential assessment.
- 2 There is a significant change in position relating to weight. In your initial response it was stated that 'substantial weight' would be given to the emerging L.P. The response now says 'limited' That is a significant different

emerging LP. The response now says "mixed". That is a significant difference - can you explain why this has changed? Given the advanced stage of the process and these changes were actually recommended by the Inspector I would suggest that significant weight should be placed on the emerging LP policy.

a. I must apologise that the initial response was in error, we could not give substantial weight to the emerging Local Plan before the Inspectors Report is received. While the changes reflected the discussion at the examination hearings, they did not fully reflect the objections made to the policy in the submission Local Plan and I could not therefore presume that the Inspector would agree the changes fully. I therefore have to disagree that significant weight should be placed on this policy in the emerging Local Plan.

3 The policy response indicates that the other consents granted are not relevant as they pre-date the Local Plan. This is not the case. The revised policy response in effect states that the current adopted Local Plan should be given significant weight over the emerging. Both the applications you forwarded were assessed against the adopted LP and both were considered acceptable. This does not tally with the feedback that the adopted LP does not support the proposal. There is clear evidence of 2 similar developments nearby that have indeed been supported. Interesting the development at Blackmore Cash and Carry did not undertake any sequential assessment for the drive thru. Given your comments re NPPF and this says development not undertaking a sequential approach should be refused I am struggling to understand why there appears to be a different approach being taken elsewhere.

a. The first application referred to was accompanied by a sequential assessment. The second application referred to was not accompanied by a sequential assessment but the Planning Regulatory Board report on the application notes that the Authority were aware that there were no sequentially preferable sites available in the catchment area. Both applications were determined in the context of NPPF policy which indicated that a sequential test should be applied to applications for main town centre uses that are not in an existing centre or in accordance with an up to date local plan; and Core Strategy policy which indicated that a sequential approach would be used to assess proposals for new retail and town centre development. In both cases a consideration of whether there was a sequentially preferable location for the proposal concluded that there was not.

Please note that the views expressed in this email are the informal opinions of officers based on the information available at present. They are not binding on the council, who will determine your planning application.

Kind regards

Elaine Ward

BSc(Hons) Dip URP MRTPI
Senior Planning Officer (InnerTeam)
Planning and Building Control

Planning and Building Control

Barnsley MBC

PO Box 634

BARNSLEY

S70 9GG

*Sat Nav reference: S70 2DR



01226 774731



01226 772591



elaineward@barnsley.gov.uk



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