
2024/0741

BKUK Group Ltd and Tesco Stores Ltd

Erection of restaurant pod (Use Class E(b)) with associated car parking, refuse area and landscaping.

Car Park of Tesco Supermarket, Wombwell Lane, Stairfoot, Barnsley, S70 3NS

Site Location & Description

The application site consists of existing car park associated with the Tesco Extra supermarket at Wombwell Lane, Stairfoot, and the existing car park access. The application consists of the eastern section of car park which sits between the bus lane entrance and the No.96 Wombwell Lane.

Wombwell Lane borders the eastern boundary, with the residential plot of No.96 to the north. The application site currently provides 102 car parking spaces, however given the site's position in relation to the supermarket building, this area of car park is sparsely used. The site consists of hardstanding with marked spaces; whilst a pedestrian footpath with zebra crossing defines the south-western boundary.

To the immediate south-east is the bus lane entrance, though this is no longer in use and the former bus shelters have been removed. A substation building sits to the north-east of the site, adjacent to No.96, albeit this lies outside the application site boundary.

The Tesco building is circa 115m to the south, with the PureGym building approximately 63m to the north. Customers for both of these uses typically utilise spaces closer to the retrospective building. The site boundary also includes the existing car park entrance which wraps around the petrol station and serves all the surrounding uses.

The wider site is an established retail park which includes a mixture of home retailers and small food outlets. Within the adjacent retail park there is an existing Costa Coffee drive thru and a Greggs outlet.





Site History

The site has a complex planning history, relevant applications include:

2023/0660- Proposed new click and collect parking and canopy above, supported on steel posts and 5x new bollards, Existing Dotcom Parking Zone re-configured with 2x additional parking bays and access gate, Fence, Armco barriers with charging stations re-aligned as and 1x new pedestrian access gate, GRANTED, 6/7/2023

2007/0101 - Erection of single-storey extension and canopy to side, GRANTED, 28/2/2007

2006/1522 - Erection of extensions and installation of mezzanine floor to store, alterations to car park, access, servicing and landscaping and change of use to form park and ride facility, GRANTED, 9/1/2008

B/03/1074/BA- Erection of covered trolley bays within existing car park, GRANTED, 13/8/2003

B/98/0656/BA - Installation of 10 covered trolley bays within existing car park, GRANTED, 8/7/1998

B/96/1267/BA - Erection of extension to supermarket, GRANTED, 28/11/1996

B/87/0702/BA- Erection of food superstore, petrol filling station, associated car parking, GRANTED, 10/7/1987

B/86/1404/BA - Outline for erection of food superstore, petrol filling station, associated car parking and servicing, GRANTED, 4/2/1987

Proposed Development

The application seeks full planning permission for the erection of a new restaurant building (also known as 'restaurant pod') and associated alterations to the car park arrangement. The restaurant will be occupied by Burger King, though the building will be a restaurant (Use Class E(b) rather than a drive-through/takeaway. This means the consumption of food and drink will be predominantly on-site. The building itself will be 232sqm in size with associated outdoor seating area and bin store.

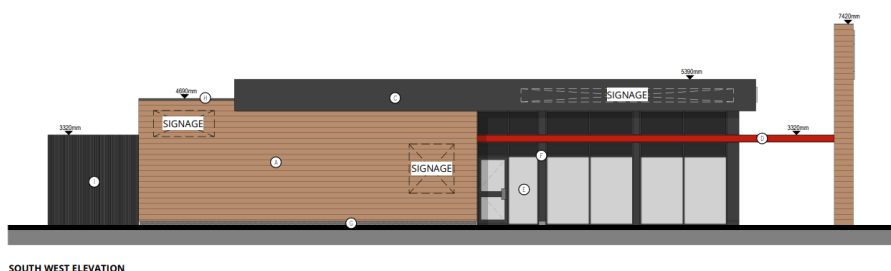
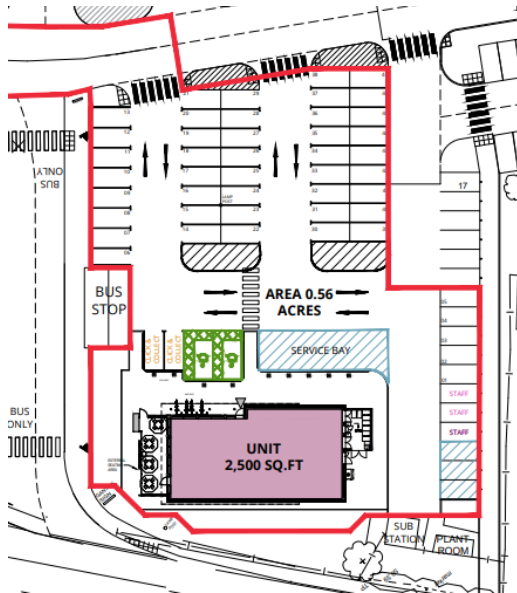
The building would be a single storey structure positioned towards the south-eastern corner of the site, adjacent to the bus lane entrance. The eastern part of the Tesco car park will be rearranged to create a service area; disabled parking bays and 2x click and collect bays. Three spaces will be reserved for staff parking and a new zebra crossing will be installed at the front of the building.

The building will have a flat roof and be finished in a mixture of materials including wood cladding, aluminium fascia panels and glazing. A canopy will overhang the front, side and rear elevation, whilst a slightly taller feature wall will be positioned on the south-east elevation which will enclose the outdoor seating area. The proposed elevations indicate the position of associated signage albeit this will be subject to a separate advertisement consent.

The colour palette makes reference to the company's branding but primarily utilises natural tones. The main entrance to the building will be via the glazed doorway on the south-western elevation, which faces towards the existing car park. A separate entrance is provided on the south-east elevation.

An enclosed bin store is proposed on the north-west elevation, with a cycle rack to the front of the building. Landscaping is proposed along the south-eastern boundary.

The building will be accessed via the existing car park vehicular entrance off Wombwell Lane, via the signalised junction.





Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The Local Plan was adopted in January 2019 and is also now accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment and mixed use sites).

In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies and are a material consideration in the decision-making process.

The Local Plan review was approved at the full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027 or earlier if circumstances, require it.

Allocation/Designations

The site is a designated Retail Park (Wombwell Lane, Stairfoot) as defined in the adopted Local Plan

The site lies within the Dearne Valley Green Heart Nature Improvement Area.

The site is within a low risk development area as designated by the Mining Remediation Authority, and also within Flood Zone 1 (low risk). The site is within Flood Zone 1 thus low risk of flooding.

Wombwell Lane is a designated 'Air Quality Link Road'.

National Planning Policy Framework – December 2023

The National Planning Policy Framework (NPPF) was revised in December 2023, replacing the previous versions. The NPPF is a material consideration when assessing planning applications. The following sections are relevant to this application proposal:

Section 7 – Ensuring the Vitality of Town Centre

Section 8 – Promoting Healthy and Safe Communities

Section 9- Promoting Sustainable Travel

Section 11- Making Effective Use of Land

Section 12- Achieving Well-designed and Beautiful Places

Barnsley Local Plan

The following Local Plan policies are relevant:

Policy GD1: General Development

Policy D1: High Quality Design and Place Making

Policy SD1: Presumption in favour of Sustainable Development

Policy T4: New Development and Transport Safety

Policy LC1: Landscape Character

Policy POLL1: Pollution Control and Protection

Policy TC1: Town Centres

Policy TC4: Retail Parks

Policy TC3: Thresholds for Impact Assessments

Supplementary Planning Documents

The Council have adopted SPDs to provide further guidance about the implementation of specific planning policies in the Local Plan. The adopted SPDs should be treated as material considerations in decision-making and are afforded full weight. The following SPDs are relevant to this proposal:

Parking, November 2019

Sustainable Travel, July 2022

Shop Front Designs, May 2019

Hot Food Takeaways, May 2019

Hot Food Takeaways (advice note) May 2019

Consultations

Local Ward Councillors- No comments.

Drainage- No objection, no conditions required.

Pollution Control- No objection subject to condition regarding noise levels and hours of construction.

Yorkshire Water- Initially objected due to the proposed building being sited over the public sewerage system. Amended information has been received which proposes to divert the affected

sewers. Yorkshire Water have reviewed the amended information and confirm that this addresses the concerns raised. No objection subject to the conditions attached.

Highways DC – No objection, though concerns raised regarding use of the adjacent bus access which is addressed further below. Condition attached relating to surfacing.

Planning Policy – Retail impact assessment not required and the submitted sequential test is acceptable. Proposal considered to be acceptable subject to it being a restaurant rather than a takeaway use. Expanded upon further below.

Public Health- No response.

SYMCA – No response

Urban Design Officer – No response.

Waste Management – No response.

South Yorkshire Police – Recommendations provided but not considered to be necessary in this instance.

Representations

This application has been advertised in accordance with the Development Management Procedure Order (DMPO) 2015, as follows:

- Neighbour notification letters sent to adjoining properties- consultation expiry date: 23/9/2024
- Site Notice (Public Interest) displayed adjacent to the site- consultation expiry date: 27/9/2024

0 neighbour representations have been received in response to the above publicity.

Assessment

Principle of Development

Section 7 of the NPPF relates to town centres and retail/leisure developments, emphasising the role which town centres play at the heart of local communities.

Local Plan Policy TC4 states that at retail parks, retail warehousing 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.

Local Plan Policy TC1 states that 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.

Paragraph 96(c) of the NPPF planning decisions should enable and support healthy lifestyles which addresses local health and wellbeing needs.

The application has been supported by a retail sequential test at Section 5 of the Planning and Retail Statement. The Policy Officer has reviewed this and agrees that the units available within Barnsley Town Centre are not suitable for the proposed occupier either in regard to the size or physical features. On this basis, the location of the proposed site is acceptable in terms of retail policy.

The building falls below the threshold for an impact assessment as set out in Local Plan Policy TC3.

This proposal relates to a stand-alone restaurant building rather than a drive-thru, and has been described as Use Class E(b) – sale of food and drink. Whilst the proposed use will serve what is considered to be 'fast-food' the proposal has not been described as a hot food takeaway. To be classified as Use Class E(b) the majority of the food and drink must be consumed on-site and cannot be taken away for consumption elsewhere.

Given that no drive-thru provision is proposed and a sufficiently sized seating area will be facilitated, the LPA are accepting of the proposal falling within the described Use Class. An informative is proposed to this effect. On this basis, the requirements of the Hot Food Takeaway SPD do not apply.

The application site lies within an established retail park. Local Plan Policy TC3 supports warehousing uses as well as other uses which does not harm the function of the retail park. 2x small food outlets (Costa Coffee and Greggs) are already located at the retail park, albeit these are located within the southern part of the park. The introduction of an additional food outlet is not considered to detrimentally harm the character or function of the retail park. The restaurant development will likely increase shopping time at the park and therefore further support the wider retail uses.

In accordance with Local Plan Policy TC4, conditions will be attached which restrict the use of the building to Use Class E(b) only. This means planning permission would be required to change the use of the unit and any proposed use can be assessed further in regard to the function and character of the retail park.

In summary the principle of the proposed development is considered to be acceptable at the application site and accords with the relevant retail policies as set out in the adopted development plan, subject to strict accordance with the relevant conditions.

Highway Considerations

NPPF Paragraph 115 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

Local Plan Policy T4 states that new development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement. It follows on state if a development is not suitably served by the existing highway or would add to problems of safety or the efficiency of the highway, developers will be expected to take mitigating action to make sure the necessary improvements go ahead.

Table 1 of the Parking SPD (November 2019) sets out the adopted parking standards for new developments.

The application proposal includes altering the existing supermarket car park to create a new parking arrangement around the proposed restaurant building. The development will result in the loss of 49 parking spaces. However, given the spare capacity within the wider car park, the Highways DC Officer considers that this is acceptable. The submitted highways information adequately demonstrates that the existing car park can facilitate the restaurant, and the associated additional parking demand, without impinging upon visitors to the supermarket or adjacent gym.

The proposed site plan indicates that 53 parking spaces will serve the restaurant, which consists of 45 standard bays; 2x disabled bays and 3x staff parking bays. Naturally there may be some cross over between customers of the adjacent units using these spaces and vice-versa. However, in summary the Highways DC Officer is satisfied with the impact upon parking provision.

Similarly, the application site provides sufficient turning space and acceptable swept path plans have been provided. Utilising the existing vehicular access off Wombwell Lane is also suitable.

The Highways DC Officer did raise some concerns regarding potential misuse of the adjacent bus lane. It is recognised that the bus lane/former park and ride provision at the site has become defunct, and drivers are (on occasions) utilising this access as a rat-run/shortcut into the Tesco site. The Highways DC Officer acknowledged that the position this development (being immediately adjacent to the bus lane) may exacerbate the problem and therefore questioned whether the applicant could stop up this road to prevent use of vehicles. However, the bus lane falls outside of the application site and the applicant has no control over this. Therefore, this request is not considered to be reasonable nor necessary to make the development acceptable.

Taking this into account, the development is acceptable in terms highways impacts subject to the condition relating to surfacing.

Design, Appearance & Impact Upon Residential Amenity

NPPF Paragraph 135 relates to high quality design and states that developments should function well and add to the overall quality of the area; are visually attractive; sympathetic to local character; maintain a strong sense of place whilst optimising the potential of the site and create places which are safe and inclusive and promote well-being.

Local Plan Policy D1 states that development is expected to be of high-quality design and should respect and reinforce the distinctive, local character and features. Development should contribute to place making and make the best use of materials, as well as display architectural quality and express proposed uses through its composition, scale, form, proportions and arrangements of materials, colours and details.

Local Plan Policy GD1 states that proposals for development will be approved if there are no significant adverse effect on the living conditions and residential amenity of existing and future residents. Proposals should be compatible with neighbouring land and should not significantly prejudice the current or future use of neighbouring land.

Local Plan Policy POLL1 states that development will be expected to demonstrate that there would be no unacceptable affect or cause a nuisance to the natural and built environment or to people.

The proposed development consists of a single storey 'restaurant pod'. The building would be a rectangular shape with outdoor seating area to the side. The proposed appearance is considered to be acceptable, utilising natural tones and materials, together with the company branding. The mix of wood cladding, with aluminium cladding and panels provides an interesting but contemporary façade. The overall scale of the building is suitable for its location and will not dominate the appearance of the wider retail park.

The introduction of landscaping along the southern boundary is also welcomed, and will soften the existing paved and bland appearance of the site. This will also provide a net gain in biodiversity which contributes towards the objectives set out in the Local Plan Policy BIO1 and the Biodiversity & Geodiversity SPD in regard to the application site's location within the Dearne Valley Green Heart Nature Improvement Area.

It is recognised that No.96 is located within close proximity to the site, and the introduction of the restaurant use may cause some disturbance, particularly in comparison to the currently underutilised car park. However, no written comments have been received from this resident raising potential concerns.

The siting of the restaurant has been positioned to the south, away from the residential dwelling, with the parking along the adjoining boundary to be retained as existing. Given the separation distance between the restaurant building and the dwelling, together with the proposed scale, no harmful overshadowing or encroachment upon privacy will occur. The application proposal has been supported by an odour assessment and a noise impact assessment, which the Environmental Health Officer has raised no objection to.

The opening hours, as specified in the application form will be conditioned. In summary, the proposed development is considered to be acceptable in terms of design and impact upon residential amenity.

Drainage Considerations

Paragraph 166 of the NPPF states that advice from relevant flood risk management authorities such as lead local flood authorities and internal drainage boards should be taken into account.

Initially Yorkshire Water objected to the development due to the impact the siting of the building would have upon the ability to maintain the existing public sewer which runs through the site. However, it is understood that the applicant has liaised with Yorkshire Water regarding this issue prior to the submission of the application.

On this basis, amended documents were submitted which set out the proposed diversion of the sewer, as shown on the drainage layout plan (Rev: P03m received: 23/10/2024). Yorkshire Water have reviewed the amended information and confirm that the objection is removed based on the proposed diversion and subject to the conditions attached.

For completeness, the BMBC Drainage team have also been consulted on the amended plans and confirm that they have no objection.

Conclusion

The principle of a restaurant use is considered to be acceptable at the application site. The site lies within a designated Retail Park as defined in the adopted Local Plan, whereby uses which complement the retail warehouse function are acceptable. The proposal would not detrimentally harm the function or character of the retail park and will complement the range of amenities available. Additionally, the proposal will create 35 full-time equivalent jobs in a sustainable/well-connected location. This adds to the positive economic impact of the development.

The application site is currently underutilised and is not considered to positively contribute to the appearance of the retail park, consisting of only hard surfacing and paving. The introduction of the restaurant building will add interest, utilising different external materials and colours. The building is of a suitable size and scale and will not over dominate the site.

The Highways DC Officer has no objection to the proposal. The development will be served by a sufficient number of car parking spaces and will not impact of the availability of spaces within the wider retail park.

Subject to strict accordance with the conditions attached and the operation falling within Use Class E(b) the development is acceptable. Albeit advertisement consent is required for any associated signage.

Recommendation

Granted.