

20 February 2023

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Belvedere
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Submitted via the Planning Portal Ref: PP-11947369

Dear Sir or Madam,

Section 73 of the Town and Country Planning Act 1990 (as amended)
Unit 9, Peel Centre, Harborough Hill Road, Barnsley
Application to vary Conditions 2, 10 and 11 of Planning Permission Reference 2021/0542
Application by: PLK CHICKEN UK LTD

Introduction

This application is made on behalf of PLK CHICKEN UK LTD. Following the approval of alterations to the building elevations and creation of a new drive thru lane at Unit 9 of the Peel Centre on 30 June 2022 (ref. 20/3382N), further amendments are required to the building elevations to meet the needs of the incoming tenant.

Application Documents

The application comprises this letter and the following documents:

1. Application forms and certificates
2. A copy of Planning Permission Reference 2021/0542
3. Drawing references:
 - E100 Location Plan
 - E100.1 Approved Site Plan
 - L100 Proposed Site Plan
 - L101 Proposed Site Plan
 - E101 Existing Ground Floor Plan
 - E102 Existing Elevations
 - E103 Approved Ground Floor Plan By Others
 - E104 Approved External Elevations By Others
 - F100 Proposed Ground Floor Plan
 - C100 Proposed External Elevations
 - C101 Proposed External Elevations
 - D100 Detail Drive Thru Window

The Site

The application site is shown in detail on the enclosed Site Location Plan (ref. E100). The site comprises Unit 9 of the Peel Centre which measures approximately 332 sq.m and the associated hardstanding.

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Relevant Planning History

On 22 January 2021 the Council issued a Certificate of Lawful use or development confirming that the existing use of Unit 9 i.e. the application site is for any purpose within Class E is lawful (ref. 2020/1222).

On 30 June 2022 Planning Permission: 2021/0542 was granted for *'Alterations to the building elevations including minor infilling, creation of a new drive-thru lane with associated facilities, alterations to the car parking layout and associated works.'* This application seeks amendments to the alterations approved by that permission to meet the requirements of the incoming tenant.

Proposed Amendments

The proposed amendments are minor and simply seek to make alterations to the approved development for the site to meet the requirements of an incoming tenant. The proposed amendments are summarised as follows. Please see the attached application drawings for full details.

1. New timber effect cladding
2. New grey steelwork frames and panels on the building and canopy
3. New grey steelwork / cladding on the elevations
4. New grey paneling on the drive-thru
5. New white brickwork on elevations
6. New delivery door
7. New vinyl on approved glazing
8. New external seating
9. Removal of doors on the front elevation
10. New door on side elevation for accessing seating area
11. Relocated external bin store
12. Dropped kerbs at pedestrian crossings
13. Height restrictor at drive thru entrance

The proposed amendments are minor and simply seek to make alterations to the approved development for the site to meet the requirements of an incoming tenant.

Condition 2 of Planning Permission 2021/0542 sets out the list of approved plans / drawings for that permission. For ease the plans / drawings listed at Condition 2 are set out below with those to be replaced highlighted in **bold**.

1. Existing Elevations - Drawing Number MH-1238 - 04
2. Existing Floor Plan - Drawing Number MH1238-02
3. Existing Roof Plan - Drawing Number MH1238 - 03
4. Existing Sections - Drawing Number MH1238-05
5. Existing Site Plan - Drawing Number MH1239-01
6. Proposed Roof Plan - Drawing Number MH1238-08
7. Proposed Soft Landscape Plan - Drawing Number MH1238-SK31
8. **Proposed Key Drawing - Drawing Number AGH 996 02**
9. **Amended Proposed Sections - Drawing Number AGH/996/05A**
10. Proposed Specification - Drawing Number AGH/996/06
11. Proposed Pay And Collect Kiosks - Drawing Number AGH/996/07
12. **Amended Site Layout Plan Drawing Number Drawing Number AGH/996/08B**
13. **Amended Elevations Drawing Number AGH/996/10**
14. **Amended Ground Floor Plan - Drawing Number AGH/996/03A**
15. **Amended Location Plan Drawing Number AGH/996/09C**

Conditions on the Existing Permission

Planning Permission Reference 2021/0542 has 12 conditions attached. There is tension between two conditions attached to the existing permission and the proposed scheme which would need to be removed or amended if the application is approved. These are set out below.

Condition 10 states:

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

Condition 11 states:

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

If this application is approved, we consider that the two conditions listed above should be removed or amended to enable the amended scheme to be delivered.

Assessment

Barnsley Council adopted its Local Plan in January 2019. It forms the statutory policy document for determining planning applications in the Borough. Policy SD1 'Presumption in favour of Sustainable Development' establishes a positive approach to considering and deciding development proposals which reinforces the presumption in favour of sustainable development in the National Planning Policy Framework.

Policy SD1 seeks to ensure that the Council works proactively with applicants to find solutions which means that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. It follows that the minor nature of the amendments to the design of the building should be considered positively.

Policy D1 'High Quality Design and Place Making' of the Local Plan states that development is expected to be of high quality design and should follow a number of design principles which makes the best use of high quality materials. The proposed amendments retain the building structure and design rationale approved under the original permission (ref. 2021/0542) but seek positive changes to the scheme to align with the requirements of the incoming operator. It follows that the proposed building elevations remain of high quality in terms of design and materials.

The National Planning Policy Framework was recently amended in 2021 and provides the overarching Framework for deciding planning applications on a national level. Paragraph 81 states that 'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.'

The proposal seeks to meet the requirements of an incoming operator and therefore facilitating the re-letting of the currently vacant unit. The economic benefits arising from the arrival of a new operator are a significant consideration weighing in favour of the proposal.

The proposed amendments to the building elevations are entirely appropriate and suitable within its commercial context and does not raise any concerns in respect of amenity. We therefore conclude that the proposal accords with the NPPF and Local Plan Policy D1.

Summary and Conclusion

The application seeks to vary Conditions 2, 10 and 11 of Planning Permission Reference 2021/0542 to make amendments to the approved scheme for the Unit 9 site to meet the requirements of an incoming tenant.

The proposed changes constitute minor amendments to the appearance and function of the site and do not conflict with any matters raised in respect of the approved scheme. The proposal carries significant economic benefits in that it would allow a vacant unit to be returned to an active and beneficial use. It follows that the proposal should be supported at the earliest opportunity.

We trust that the details included above provide you with sufficient information to register and consider the application. We will endeavour to contact you within the next few days to establish your timetable for decision making.

In the meantime, should you require any clarification or additional information, please do not hesitate to contact either Peter Whittingham or Alex Wylie at these offices.

Yours faithfully



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Encs.

