
2021/1708

Applicant: Nandos Chickenland Ltd.

External alterations to shopfront and formation to external seating area

Unit R4, The Glassworks Development, Kendray Street, Barnsley, S70 1SE

Site Description

The application site is in reference to a new unit in a building for the Glassworks development in Barnsley Town Centre. The building is nearing completion with the future tenants (Nandos) due to occupy the building in the Spring. The unit faces South onto the newly formed public square and is one of four units in the building of varying sizes with the largest being Superbowl UK (R5) attached to the Eastern side of the unit and is now operational.

The building is part of a significant regeneration scheme of Barnsley Town Centre, with the surrounding uses varied but largely centred around retail, entertainment and food and drink – including uses associated with the night time economy including late night food and drink uses. Additionally, the new Library Building 'The Lightbox' is 55m to the South-West. The site is adjacent to the Regent Street/Church Street/Market Hill Conservation Area with the boundary terminating on Eldon Street which is 50m to the West. The Grade-II listed Civic Centre is located on this section of the Conservation Area approximately 55m to the North-West of the unit. The building itself features a flat roof with glass fronted units on the ground floor, constructed from brick and concrete.

A recent planning advertisement consent has been granted by the Authority on the unit (2021/0814).



Planning History

2015/0549: Outline application with all matters reserved comprising of a mixed use development of Barnsley Markets and adjoining land following demolition of existing offices, bridge, part of existing market hall and multi-storey car park to provide a replacement refurbished retail / market floorspace, new retail / food and drink (Use classes A1, A3, A4), a cinema (Use Class D2), a library (Use Class D1), and new public open space, access road and associated servicing arrangements, car parking and a pedestrian footbridge across the adjacent railway to the site of the former CEAG building (Approved with conditions)

2015/0730: Demolition of Council Offices (Kendray Street) / TEC Centre & Retail Units (Eldon St / Kendray St) / Multistorey Car Park & associated structures / Zero Ice (Alhambra Road) (Prior Notification) – (Prior Approval – Not required)

2017/0135 - Proposed refurbishment and extension of Metropolitan Centre containing a mixture of markets, retail, food and drink (A1, A3, A4), and leisure (D2) uses - Reserved matters of outline planning permission 2015/0549 (access, appearance, layout and scale, excluding landscaping) (Planning permission granted)

2017/0586 - Mixed use development of land adjoining Barnsley Markets following demolition of part of existing market hall and multi storey car park to provide new retail/food and drink (Use Classes A1, A3), cinema and leisure use (Use Class D2), new multi storey car park and service road, with access to/from Lambra Road (Approve with conditions)

2018/1569 - Variation of condition 2 (approved plans) of planning permission 2017/0586 to enable changes to the design of the multi storey car park and its access arrangements - Mixed use development of land adjoining Barnsley Markets following demolition of part of existing market hall and multi storey car park to provide new retail/food and drink (Use Classes A1, A3), cinema and leisure use (Use Class D2), new multi storey car park and service road, with access to/from Lambra Road (Approved with conditions)

2021/0814 - Display of various illuminated signs on the north, northeast, east and southeast facing elevation of the Glassworks development including the multiplex cinema and multi-storey car park (Approved with conditions)

Proposed Development

The applicant is seekign approval for the alteration to the shopfront of the building and installation of an external seating area to the front of the unit.

The alterations to the shopfront includes the following:

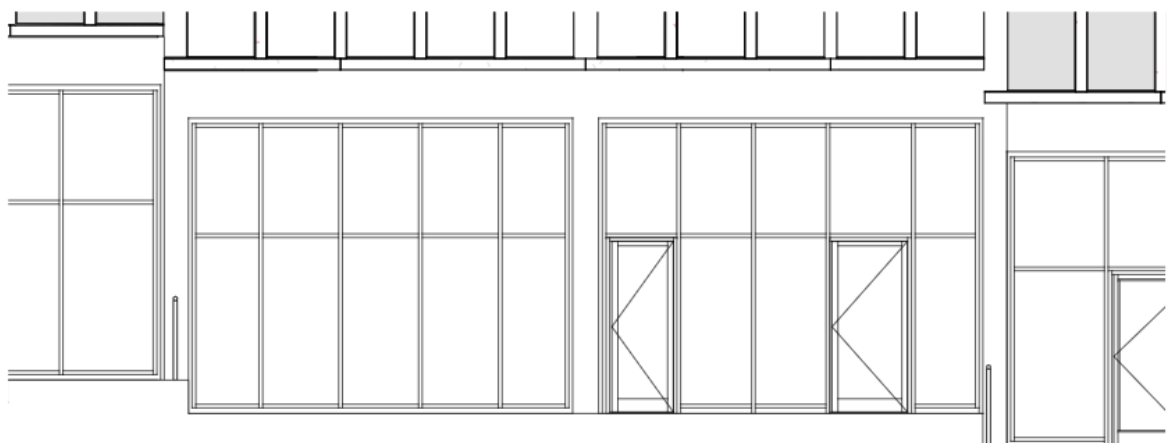
1. Proposed new entrance door to match existing
2. Proposed new service door to match existinig
3. Proposed new internal menu board

The applicant seeks to install an external seating area which includes the following aspects:

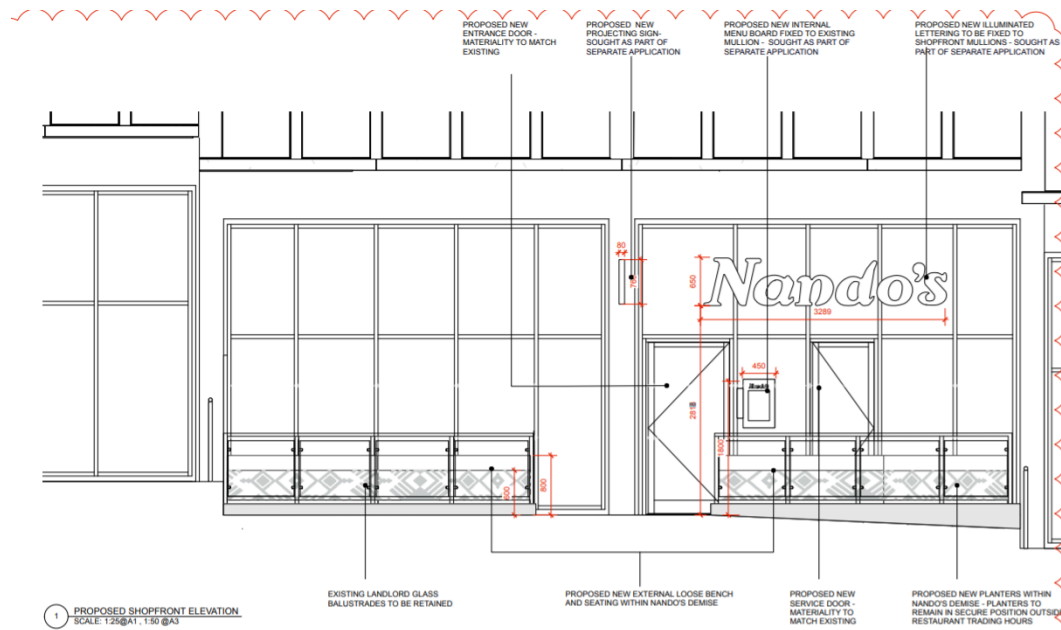
1. 3 x external loose benches
2. 2 x tables with 8 seats
3. Proposed new planters

The plans show the addition of signage to the building including a projecting sign and an illuminated lettering sign to be fixed to the shopfront above the entrance, however these have been covered as part of a seperate adverting consent.

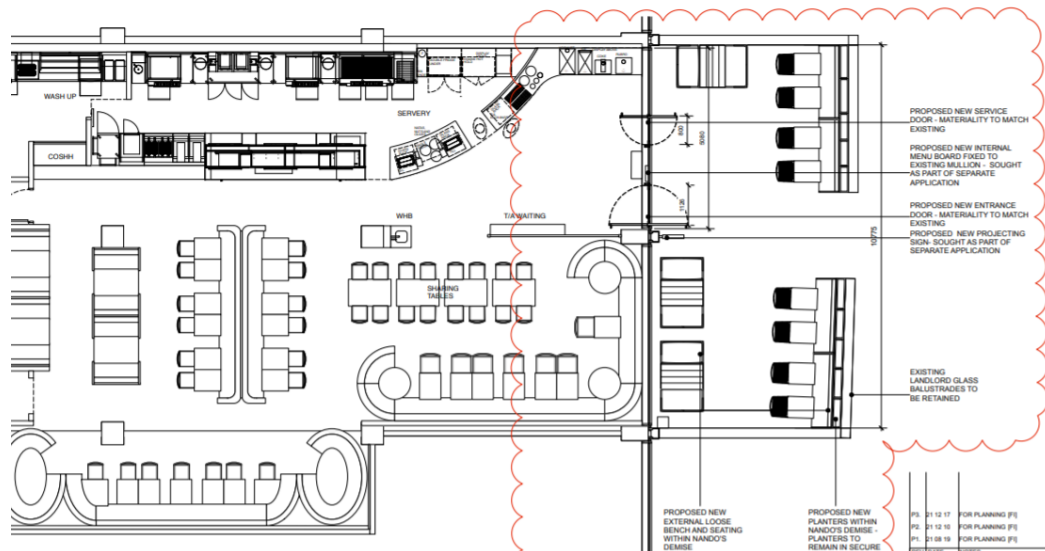
Existing shop front:



Proposed shop front:



Proposed external seating area:



Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The development plan consists of the Core Strategy, saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

Local Plan

The new Local Plan was adopted at the full Council meeting held 3th January 2019 after it was found to be sound by the appointed Planning Inspector following the examination process. This means that it now takes on full weight for decision making process in planning law terms as the development plan for the Borough, superseding the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011).

Relevant Local Plan policies include:

GD1: General Development – Development will be approved if there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents.

D1: High Quality Design and Place Making – Development is expected to be of a high-quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and other features of Barnsley.

TC1: Town Centres – Support will be given to maintaining and enhancing the vitality and viability of the following hierarchy of centres: Town, District and Local. Barnsley Town Centre is the dominant town centre in the Borough. To ensure it continues to fulfil its sub regional role, the majority of new retail and town centre development will be directed to Barnsley Town Centre.

HE1: The Historic Environment – we will positively encourage developments which will help in the management, conservation, understanding and enjoyment of Barnsley's Historic environment, especially of those assets which are at risk.

HE2: Heritage Statements and general application procedures – Proposals that are likely to affect known heritage assets or sites where it comes to light there is potential for the discovery of unrecorded heritage assets will be expected to include a description of the site and its setting.

HE3: Developments affecting Historic Buildings – Proposals involving additions or alterations to listed buildings or buildings of evident historic significance such as locally listed buildings (or their setting) should seek to conserve and where appropriate enhance that building's significance.

T3: New Development and Sustainable Travel – New development will be expected to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cyclists.

T4: New Development and Transport Safety – 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.

BTC12: The Markets Area District – The Local Planning Authority will allow shops, offices, leisure developments, and food and drink uses within the Markets District. Other uses will only be supported where they contribute to the vitality and viability of the Town Centre.

BTC13: Development Site 1 – The Glassworks including former TEC building and CEAG site - We will allow the following types of development:

- Retail, including a department store;
- Offices;
- Leisure;
- Food and drink; and
- Car parking.

The development of the site will be expected to:

- Create new links to and within the town centre and other areas adjacent to the Town Centre such as the Metrodome and Oakwell; and
- Include other uses if they would support the liveliness and economic strength of the town centre.

Residential development will be supported where it would support the vitality and viability of the town centre.

Poll1: Pollution Control and Protection – Development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people.

NPPF

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

In respect of this application, the policies above are considered to reflect the 4th Core Principle in the NPPF, which relates to high quality design and good standard of amenity for all existing and future occupants of land and buildings. They also reflect the advice in paragraph 124 (general design considerations) and paragraph 130, which state that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.

SPDs/SPGs

SPD 'Parking' provides parking requirements for all types of development.

Consultations

Urban Design Officer – Did not directly object to the proposal but requested further information in regards to the external seating area including materials, the glazing on the existing balustrade and more detail of the graphic design for the planters. On receipt of this information, no concerns were raised.

Regulatory Services – No objection

Conservation Officer – No objection

Highways DC – The Highways Authority own the land where the external seating area will be situated and a temporary pavement café license is required. It is usually requested that the external seating area ceases operations at 10pm.

Ward Councillors – No comment

Pollution Control – No comment

Representations

Neighbour notification letters were sent to neighbouring properties and a site notice was placed nearby; no comments were received.

Assessment

Principle of Development

The site is centrally located in Barnsley Town Centre and is a new brand unit in the Glassworks Development with the future tenants (Nandos) being the first occupiers of the building. The proposed alterations to the building are small scale and are to support the approved use and will not result in a change to the character of the building or area. As outlined in Local Plan Policy BTC12: The Markets Area District and Local Plan Policy BTC13: Development Site 1 – The Glassworks, The Glassworks Town Centre redevelopment project has a key role in the redevelopment of Barnsley Town Centre and the LPA will allow shops, offices, leisure developments and food and drink use within the Markets District. The proposed is to support a food and drink use and is in compliance with these policies.

Subject to other Local and National Planning Policies being complied with, the proposed development is considered to be in acceptable in principle.

Visual Amenity and Impact on the Historic Environment

The external alterations to the building are fairly minimal with the re-positioning of the main entrance door, and the insertion of a second service door which would provide direct access from the service area to the external seating area, alongside a small menu board on the frontage. The general structure and appearance of the unit is changed little in the context of what is a new building in a regenerated area.

The external seating area is located within the current boundary of the unit which is bordered by a glass balustrade which is being retained. Other additions to the seating area includes benches, a decorative planter and new screening to the glass balustrade which will remain clear, as requested by the Council's Urban Design Officer. Other information was requested such as the material used for the planters and the detail of the graphic design for the planters including colour. These have been confirmed by the agent and will be conditioned with the Urban Design Officer raising no objection, stating that the main concern was in regards to the clear glazing of the balustrade. The details were confirmed in an email dated 8th February 2022 sent by the agent but will be added as a condition on the decision notice.

The unit is in close proximity to a conservation area to the West, but the frontage of the unit faces South and away from the CA. There is also the grade-II listed Civic Centre – again the proposal faces away from the listed building and the fairly minor alterations will likely not be visible from this building. The Conservation officer has been consulted and has raised no objection to the application and the general impact on the Conservation Area and the Listed Building is considered to be very minimal and does not have a detrimental impact.

The proposed development is in compliance with Local Plan Policies D1, HE1 and HE3 and is acceptable in terms of visual amenity and its impact on the Historic Environment.

Residential Amenity

The site is centrally located, and the Council's mapping system does not show that there are any immediate residential units in close proximity to the unit, however Eldon Street has a large number of three-storey buildings and its likely that there will be some residential units nearby. Additionally, Local Plan Policy BTC13 which relates to this area make it clear that some residential uses will be supported in the future if it supports the viability and vitality of the Town Centre. There is also extant planning permission to redevelop the nearby Civic Centre into residential use. As such, some assessment against Local Plan Policy GD1: General Development is necessary.

The proposed alterations are to support the approved use of the building and the proposed alterations do not alter the general opening hours of the building. Colleagues in Highways (who own the land where the external seating area sits on) have requested that the external seating area should cease at 10pm and the use is then restricted to just the internal area of the building after this time. The proposal will blend into the overall character of the area which is clearly planned to be a mixed-use area, in line with Local Plan Policy BTC13 and the impact on any existing or future residential units is considered to be very minimal. In any case, the unit is clearly centrally located with other, perhaps more disruptive and noisy uses, nearby such as late-night drinking establishments. The proposed is to support the existing/approved use and will not lead to a significant increase in the noise and general disturbance generated by the unit. Further, colleagues in Pollution Colleague have been consulted on the application and have not objected to the proposal.

The proposed development is considered to be in compliance with Local Plan Policy BTC13 and GD1: General Development and is acceptable in terms of residential amenity.

Highway safety

The proposed alterations are to support the approved use of the building and whilst the external seating area technically adds more floorspace to the restaurant, this will not generate a significant increase in the number of customers or vehicular movements to the site. The site is centrally located in very close proximity (approximately 130m) to Barnsley interchange which provides a significant number of local and regional bus and rail services. The site is clearly in a very sustainable location and the proposed development is in compliance with Local Plan Policy T4: New Development and Highway Safety and is considered to be acceptable in terms of highways safety.

On a side note, colleagues in highways have informed the LPA that the section of the site where the proposed external seating area will be located still falls under the ownership of the Highways Authority. This therefore requires the developer/tenant to apply for a pavement café license. This is not a material planning

consideration, but the agent has been informed of this and it will be added as a detailed informative onto any forthcoming decision notice.

Conclusion

The proposed development includes several alterations to the building which can generally be split up into shopfront alterations and the formation of an external seating area to the front of the unit. Specifically, the shopfront alterations include the addition of a new entrance door, a new service door and a small internal menu board. The external seating area is situated within the general boundary of the unit which is currently bounded by a glass balustrade. The balustrade will be retained with new clear decorative glazing, new decorative planters, 3 x loose benches and 8 seats with tables.

The site is in a fairly sensitive location, immediately adjacent to the Conservation Area and near to the Grade-II listed Civic Centre (both approximately 50m to the West). The unit is also located within the new Glassworks Development and associated Local Plan Policies BTC11 and BTC13 are relevant, with food and drink uses are supported. The proposed development supports the future food and drink use without changing the character of the unit or how it would function with the surrounding area. The proposed alterations to the building are minimal and set within the general boundary of the unit and do not drastically change the appearance or character of the unit or building. Further, they are centered on the front-facing (South) elevation of the unit away from the adjacent Conservation Area and Listed Building and the impact on these is also very minimal with the Conservation Officer not objecting. The Urban Design Officer questioned some minor details of the external seating area elements which the agent provided further information/justification for. No objection were raised and a condition will be added covering these elements.

All in all, the proposed development includes fairly minimal additions to the building which will support its use and functionality and will fit in well with the overall Glassworks Development, with no detrimental impact on the character or appearance of the area – or conservation area/listed building to the West. It is in compliance with Local Plan Policies GD1, BTC11, BTC13, D1, Poll1, T4, HE1 and HE3 and is recommended for approval.

Recommendation

Approve subject to conditions