
2021/1194

Applicant: The Feel Good Group

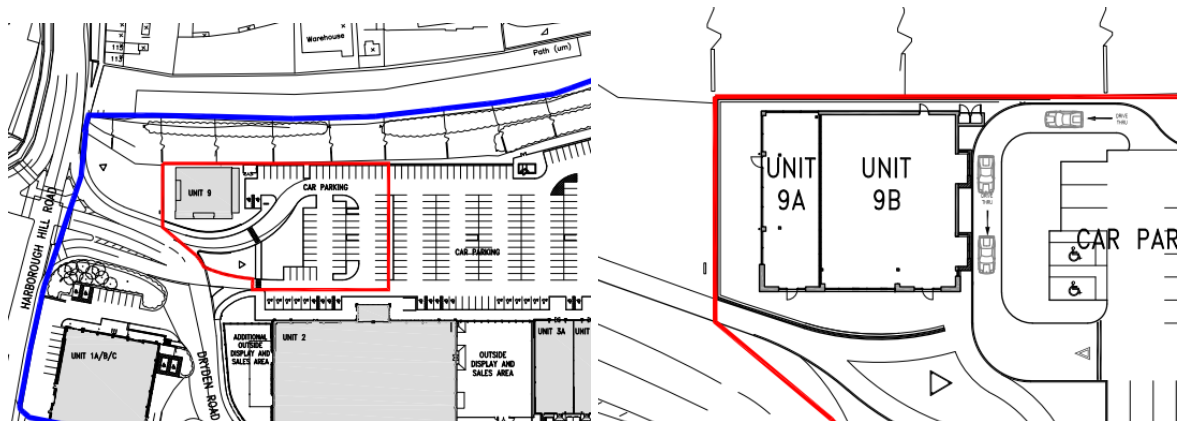
Proposed subdivision and change of use from Class E Restaurant use to dual use for either Class E use or Sui Generis tanning shop within new unit 9A so that the existing (class E) use of the site remains protected.

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

Site Location and Description

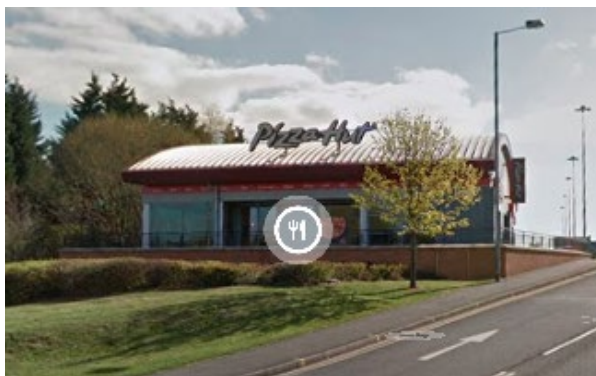
The site is located near the entrance to the Peel Retail Park off Harborough Road. The existing building is single storey, metal clad and roofed and sits alone to the left/north of the main access road into the retail park with some landscaping (grass and shrub beds and a single tree) around it and particularly to the rear/east of the building where there is a significant tree belt. The building was previously occupied by Pizza Hut but has been vacant for some time now.

Submitted site location plan showing the red outlined application site in the context of the wider retail park and proposed site plan showing the location of unit 9A



Photos

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





Site History

Extensive site history on the wider retail park.

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

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

2020/1222 – lawful development certificate granted to confirm building may be used for any use falling within Class E (ie including shop, restaurant, office, but not pub or take away).

2021/0542 – Alterations to the building elevations including minor infilling, creation of a new drive-thru lane with associated facilities, alteration to the car parking layout and associated works.

Proposed Development

The works permitted under planning permission 2021/0542 will, together with a proposal to subdivide the building into two units, allow the building to be occupied by one business operating the drive-thru lane and a second business. It is agreed that subdivision of the building into two business units does not require planning permission as it will not materially change the use of the unit.

The applicant seeks permission to use unit 9A of the subdivided building as a tanning salon. The proposal has been amended to request a flexible use which would allow the authorised Class E use to remain if the use as a tanning salon ends.

It is submitted that the retail element of the tanning salon, the sale of tanning SPF, fake tan products, skin care and body products normally accounts for 25% of sales. Therefore although the tanning booths are the primary function of the unit, retail sales are an important element and the use presents like a retail premise with an active glazed frontage to the sales/reception area.

It is proposed that the salon will operate 9am to 8pm Mon to Fri, 9am to 6pm Sat and 11am to 6pm Sun.

Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making.

The new Local Plan was adopted at the full Council meeting held on 3rd January 2019.

Local Plan

The site is designated as a Retail Park on the Local Plan Proposals Maps. The following policies are relevant:

Policy TC1 Town Centres – indicates that new retail development will be directed to centres in order to maintain and enhance their vitality and viability and that a sequential approach will be used to assess proposals for new retail and town centre development outside the designated centres.

Policy TC4 Retail Parks – indicates that retail warehouses will be allowed in retail parks and that other uses will be allowed where the role, character and function of the retail park will not be adversely affected.

Policy SD1 Presumption in favour of Sustainable Development – indicates that we will take a positive approach reflecting the presumption in favour of sustainable development in the National Planning Policy Framework and that we will work proactively with applicants to find solutions to secure development that improves the economic, social and environmental conditions in the area

Policy GD1 General Development – sets a range of criteria to be applied to all proposals for development.

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.

Consultations

Highways DC – No comments received

Pollution Control – The development is unlikely to have an adverse impact on health and quality of life of those living and/or working in the locality so approval is recommended.

Ward Councillors – No comments received

Representations

The application has been advertised by way of a site notice as well as writing directly to properties in the vicinity. No representations have been received.

Assessment

Principle of development

The proposal is in a Retail Park where Local Plan policy indicates that uses other than retail warehouses will be allowed where the role, character and function of the retail park will not be adversely affected.

The original restaurant permission was not controlled by the sort of planning conditions that are normally applied to a retail warehouse because of the small size of the building on land that was otherwise unused. It has been concluded that subdivision of the building into two separate class E uses does not require planning permission as it will not materially change the use of the unit.

The proposed tanning salon use requires planning permission because it is sui generis. The proposal involves a small-scale unit, and it does not affect any of the units on the site that are operating as retail warehouses. It is considered that this proposed use will not adversely affect the role character and function of the retail park.

Residential amenity

The proposal is around 40 metres from the nearest house which is an end terrace sited to the north fronting onto Harborough Hill Road. There are also other terraced houses on Twibell Street to the north, the closest being within around 54 metres of the proposal

The opening hours are not restricted on the original planning permission for the building. However, this is an existing building, in a location where background noise levels from the operation of the retail park and its car park together with noise from Harborough Hill Road mean that the proposal is not likely to cause any significant adverse effect on living conditions or amenity. Together with the lack of objections from pollution control it is concluded that the proposal is in compliance with Local Plan Policy GD1.

Highway safety

This is a minor proposal for a change of use of a small retail unit which it is considered will not cause any harm to highway safety.

Recommendation

Grant subject to conditions