

Application Reference Number:		2026/0583.	
Application Type:		Variation of condition(s).	
Proposal Description:		Variation of condition 2 (Approved Plans) of application ref: 2014/1031: Conversion of existing elevations to include new doorways, new windows to ground and first floor to subdivide into 4 units.	
Location:		Taco Bell, Peel Street, Barnsley, S70 2RL.	
Applicant:		Chicken Villas Limited.	
Third-party representations:	None.	Parish:	
		Ward:	Central.

Summary:

Under application 2014/1031 four commercial units – each to have a ground floor and a first-floor level – were approved. The current proposed development would result in four units at ground floor level with a slightly different configuration, and three units at first-floor level through the amalgamation of Units 2 and 3. A new entrance door with a glazed side panel would be installed to Unit 2 and window frames and doors would be re-painted in anthracite grey (RAL 7016) to colour match the existing Costa premises.

The development site is located within an existing settlement and this proposal for commercial development would allow businesses to invest, expand and/or adapt in accordance with NPPF Policy E2(1)(a), would support the overall vitality and viability of Barnsley Town Centre in accordance with NPPF Policy TC2(1)(a) and Local Plan Policies TC1 and BTC18, and make better use of an underutilised building in accordance with NPPF Policy L2(1)(b).

Given that this variation of condition(s) application would not affect the use of the application premises, which could operate various uses under Use Class E lawfully without a requirement to obtain further planning permission, the assessment of this application has adopted a limited scope considering and focusing on the external alterations proposed.

This proposal is considered acceptable in respect of its potential impacts on visual amenity, residential amenity, health and pollution control, highway safety, and biodiversity and geodiversity, in accordance with NPPF Policies DP3, P3, TR3 and TR4, and Local Plan Policies D1, GD1, POLL1, T3, T4 and BIO1, and is attributed substantial, moderate and modest weight respectively in accordance with national decision-making policies.

The benefits of approving this development would not be substantially outweighed by any adverse effects, when assessed against the national decision-making policies, to otherwise justify a refusal in accordance with NPPF Policy S4.

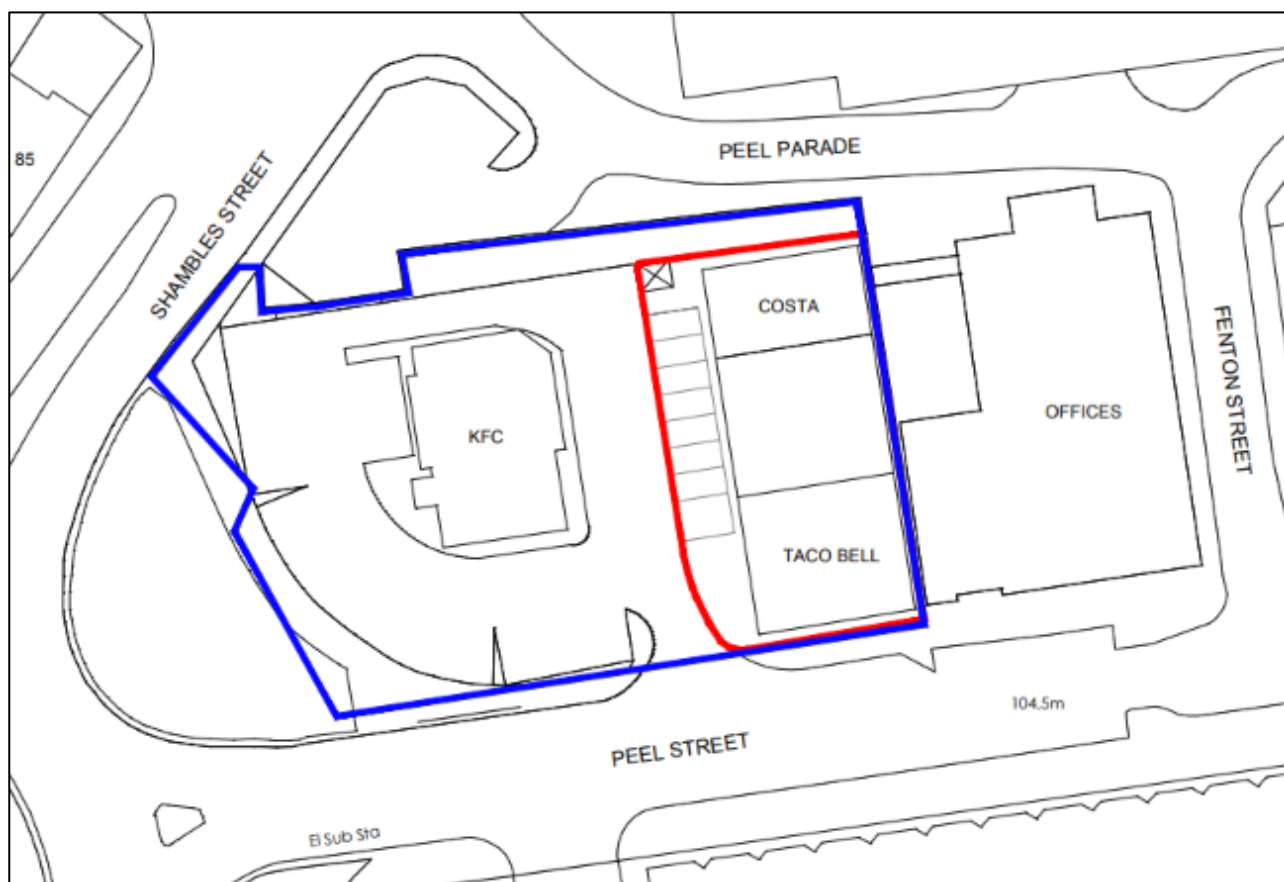
Planning permission should therefore be granted subject to the necessary condition(s) without delay in accordance with NPPF Policy S3(1)(c).

Recommendation: **APPROVE subject to conditions.**

Site Description

This application relates to a two-storey commercial premises comprising multiple units located on Peel Street within Barnsley Town Centre. The premises is located to the east of the KFC drive thru and to the north-west of Lidl and Home Bargains. Job Centre Plus is located to the east and adjacent to the application premises. Townend Roundabout is located to the west seeing several minor and A-roads converge. Peel Street (including Peel Street Arcade) is a primary shopping area in Barnsley Town Centre and comprises a mix of uses, including hot food takeaways, restaurants, convenience stores and a supermarket, a job centre, retail stores, a dentist, hair salons, barbers, and bars. There are dedicated parking spaces on both sides of Peel Street (including loading and disabled spaces). There is a car park serving the Lidl and Home Bargains premises opposite with a dedicated car park serving the application premises and the adjacent KFC drive thru. Additional multi-storey car parks located to the north-east and north-west of the development site are accessed off Peel Parade and Shambles Street respectively. Shambles Street, Racecommon Road, Dodworth Road and Summer Lane all provide access to regular bus services within the local area and within walking and wheeling distance of the development site.

The application premises is constructed of brickwork with a shallow hipped roof with a parapet giving the illusion of a flat roof from street level. The application premises comprises three units (units 2 and 3 appear to have been amalgamated) with ground level glazed frontages to the south and west elevations. A continuous strip of fascia signage is above the ground level frontages on the south and west elevations. The application premises is accessed off Peel Street with existing car parking arrangements shared with the adjacent KFC drive thru.



Planning History

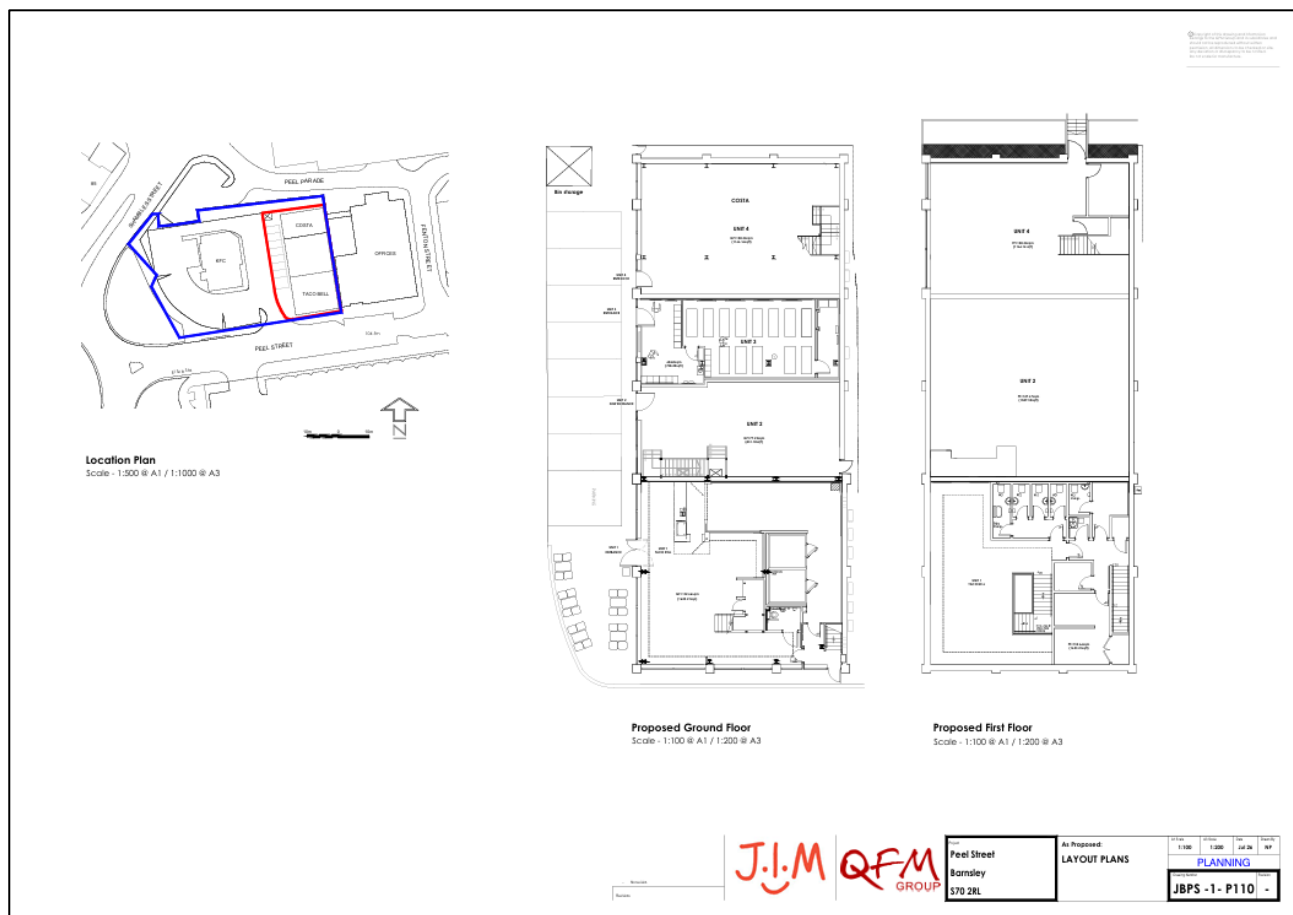
2013/1298	Subdivision of former A1 premises into 3no. A3/ (A5 ancillary) premises including new shop frontages.	Approved.
2014/1031	Conversion of existing elevations to include new doorways, new windows to ground and first floor to subdivide into 4 units.	Approved.

Proposed Development

This application seeks a variation of condition 2 (Approved Plans) of application 2014/1031: Conversion of existing elevations to include new doorways, new windows to ground and first floor to subdivide into four units.

Under application 2014/1031 four commercial units – each to have a ground floor and a first-floor level – were approved. The current proposed development would result in four units at ground floor level with a slightly different configuration, and three units at first-floor level through the amalgamation of Units 2 and 3. A new entrance door with a glazed side panel would be installed to Unit 2 and window frames and doors would be re-painted in anthracite grey (RAL 7016) to colour match the existing Costa premises.

The proposed development also shows the installation of illuminated external fascia signage, illuminated internal neon signage, window manifestations and vinyl graphics. However, this is for indicative purposes only and a separate application for advertisement consent will be required.



Relevant Policies

The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires development proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for Barnsley consists of the Barnsley Local Plan (adopted January 2019).

The Local Plan was adopted in January 2019 and is 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 which are a material consideration in the decision-making process.

The Local Plan review was approved at a full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering on 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, which is due to take place in 2027, or earlier, if circumstances require it.

Development plan policies (or parts of those policies) which are materially inconsistent with national decision-making policies in the NPPF should be given very limited weight. The only exception to this is where they have been examined and adopted or made against the NPPF (August 2026). Other development plan policies should not be given reduced weight simply because they were adopted prior to the publication of the NPPF (August 2026).

The development site located in the Urban Barnsley settlement in Barnsley Town Centre and within the Westgate and Churchfields District.

The following Local Plan policies are therefore relevant in this case:

- *Policy SD1: Presumption in favour of Sustainable Development.*
- *Policy LG2: The Location of Growth.*
- *Policy TC1: Town Centres.*
- *Policy BTC18: Westgate/ Churchfields.*
- *Policy GD1: General Development.*
- *Policy POLL1: Pollution Control and Protection.*
- *Policy T3: New Development and Sustainable Travel.*
- *Policy T4: New Development and Transport Safety.*
- *Policy D1: High Quality Design and Place Making.*
- *Policy BIO1: Biodiversity and Geodiversity.*

Supplementary Planning Guidance

In line with the Town and Country Planning (Local Planning) (England) Regulations 2012, Barnsley has adopted twenty-eight Supplementary Planning Documents (SPDs) following the adoption of the Local Plan in January 2019. The following SPDs are relevant in this case:

- *Biodiversity and geodiversity (Adopted March 2024).*
- *Parking (Adopted November 2019).*

The adopted SPDs should be treated as material considerations in decision making and are afforded full weight.

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF, 2026) sets out the overarching planning framework for England. It has replaced the previous version published in December 2024 and introduced a revised structure comprising national decision-making policies organised by policy code rather than paragraph number. Paragraph 1 confirms that the NPPF is a material consideration of critical importance for making decisions on development proposals in England.

Paragraph 15 confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and NPPF Policy S3 sets out a presumption in favour of sustainable development, with paragraph 17 setting out the three overarching objectives of sustainable development: economic, social and environmental. Relevant policies have been taken into account throughout the assessment of this application according to the issues raised by the proposal.

The following NPPF sections and NPPF policies are relevant in this case:

Section 3: Decision-making policies

- *DM3: Determining development proposals.*
- *DM6: Use of planning conditions and obligations.*
- *DM7: Relationship with other regulatory regimes.*

Section 4: Achieving Sustainable development

- *S3: Presumption in favour of sustainable development.*
- *S4: Principle of development within settlements.*

Section 7: Building a strong, effective economy

- *E2: Meeting the need for business land and premises.*

Section 8: Ensuring the vitality of town centres

- *TC2: Development in Town Centres*

Section 12: Making effective use of land

- *L2: Making effective use of land.*

Section 14: Achieving well-designed places

- *DP3: Key principles for well-designed places.*

Section 15: Promoting sustainable transport

- *TR3: Locating development in sustainable locations.*
- *TR4: Street design, access and parking.*
- *TR6: Assessing transport impacts.*

Section 17: Pollution, public protection and security

- *P3: Living conditions and pollution.*

Section 19: Conserving and enhancing the natural environment

- *N2: Improving the natural environment.*

The National Design Guidance (2019) is a material consideration and sets out ten characteristics of well-designed places based on planning policy expectations. A written ministerial statement states that local planning authorities should take this guidance into account when taking decisions.

Representations

This planning application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended).

Any neighbour sharing a boundary with the site has been sent written notification and the application has been advertised on the Council website.

A site notice was posted nearby which expired 25th August 2026.

No representations were received.

Consultations

No statutory or non-statutory consultees were consulted on this application.

Planning Assessment

For the purposes of considering the balance in this application, the following planning weight is referred to in this report using the following scale unless the NPPF establishes a specific weight:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

Principle of Development

NPPF Policy S3(1): Presumption in favour of sustainable development establishes that decisions on development proposals should apply a presumption in favour of sustainable development. This means that NPPF Policy S4 should be applied when considering development proposals within settlements; and in all locations, development proposals that accord with both an up-to-date development plan and the decision-making policies in the NPPF should be approved without delay.

In this instance, the development site is located within the Urban Barnsley settlement and therefore NPPF Policy S4 is applicable.

NPPF Policy S4(1): Principle of development within settlements establishes: Development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework (NPPF).

NPPF Policy E2(1)(a): Meeting the need for business land and premises establishes that the economic benefits of proposals for commercial development which allow businesses to invest,

expand and/or adapt; especially where this would support the economic vision and strategy for the area.

NPPF Policy TC2(1)(a): Development in town centres states that in considering proposals for development in town centres, substantial weight should be given to the benefits of: Supporting the overall vitality and viability of the centre, including where this can be achieved through the diversification of uses, intensification and provision of residential accommodation (provided this would not conflict with policies in the development plan for specific locations).

NPPF Policy L2(1)(b): Making effective use of land states substantial weight should be given to the benefits where development proposals would achieve one or more of the following: Making better use of vacant and underutilised land and buildings.

Local Plan Policy TC1: Town Centres reflects the aims of NPPF Policy TC2 and establishes that to ensure that Barnsley Town Centre remains the dominant town centre within the borough and is able to continue to fulfil its sub-regional role, the majority of new retail and town centre development will be directed to Barnsley Town Centre.

Local Plan Policy BTC18: Westgate/ Churchfields establishes that within this District priority will be given to office development, although residential, shops, leisure and entertainment uses will also be allowed.

This application seeks a variation of condition 2 (Approved Plans) of application 2014/1031: Conversion of existing elevations to include new doorways, new windows to ground and first floor to subdivide into four units.

The development site is located within an existing settlement and this proposal for commercial development would allow businesses to invest, expand and/or adapt in accordance with NPPF Policy E2(1)(a), would support the overall vitality and viability of Barnsley Town Centre in accordance with NPPF Policy TC2(1)(a) and Local Plan Policies TC1 and BTC18, and make better use of an underutilised building in accordance with NPPF Policy L2(1)(b).

The principle of development is therefore considered acceptable subject to consideration of the following matters and is attributed substantial weight in favour of its approval in accordance with national decision-making policies.

Notwithstanding the above, under application 2014/1031 the subdivision of the application premises to provide four units (Use Class A3) was approved. The change of use to Use Class A3 (and ancillary Use Class A5) from Use Class A1 was approved under application 2013/1298. Use Class A3 was amalgamated under Use Class E alongside other specified uses from 1st September 2020. Use Class A5 is now Sui Generis.

Given that this variation of condition(s) application would not affect the use of the application premises, which could operate various uses under Use Class E lawfully without a requirement to obtain further planning permission, the following assessment will adopt a limited scope considering and focusing on the external alterations proposed.

Impact on Visual Amenity

During the application process, concerns were raised regarding the impact on the character and appearance of Clifton Gardens.

NPPF Policy DP3(1): Key principles for well-designed places establishes development proposals should respond to their context so that they integrate with and enhance their surroundings. This should not preclude innovation or change where appropriate.

NPPF Policy DP3(3) establishes that substantial weight should be given to compliance with relevant development plan policies when assessing the design quality of proposals.

Local Plan Policy D1: High Quality Design and Placemaking, establishes support would be given to development if proposals would achieve a high quality of design and would respect, take advantage of, and reinforce the distinctive local character and features of Barnsley.

Under application 2014/1031 four commercial units – each to have a ground floor and a first-floor level – were approved. The proposed development would result in four units at ground floor level with a slightly different configuration, and three units at first-floor level through the amalgamation of Units 2 and 3. A new entrance door with a glazed side panel would be installed to Unit 2 and window frames and doors would be re-painted in anthracite grey (RAL 7016) to colour match the existing Costa premises.

As such, this proposal represents very minor changes to the scheme approved under application 2014/1031 through minor external alterations to the application premises (Units 2 and 3). This proposal is not anticipated to have a significant adverse impact on the local character and would maintain the external appearance of the application premises (as exists) albeit with an additional unit entrance. This proposal is therefore considered to accord with NPPF Policy DP3 and Local Plan Policy D1. In accordance with NPPF Policy DP3(3) substantial weight should be given to compliance with relevant development plan policies when assessing the design quality of proposals.

This proposal also shows the installation of illuminated external fascia signage, illuminated internal neon signage, window manifestations and vinyl graphics. However, this is for indicative purposes only and a separate application for advertisement consent will need to be submitted for this development. An informative could be included on the decision notice to this effect.

This proposal is therefore considered to comply with NPPF Policy DP3: Key principles for well-designed places and Local Plan Policy D1: High Quality Design and Placemaking and is considered acceptable regarding its impacts on visual amenity.

Impact on Residential Amenity, Health and Pollution Control

NPPF Policy P3(1): Living conditions and pollution establishes: Development proposals should be appropriate for their location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, whether these effects are on or off-site; and whether this is as a result of the development itself or the product of preexisting conditions in its vicinity. Within this context development proposals should accord with NPPF Policy P3(2) (a-f) where applicable.

Local Plan Policy GD1: General Development, indicates that support will be given to development if there will be no significant adverse impact on the living conditions and residential amenity of existing and future residents, and the development would be compatible with neighbouring land and will not significantly prejudice the current or future use of the neighbouring land.

Local Plan Policy POLL1: Pollution Control and Protection, establishes that support will be given to development if it is demonstrated that proposals would not be 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 nuisance to the natural and built environment or to people.

It is not considered that this proposal would contribute to significant increased overshadowing, overlooking and loss of privacy, or reduced outlook.

It is not considered that this proposal would contribute to significant increased levels of noise and disturbance given the commercial nature (which includes some late-night uses) of the immediate surrounding area.

It is acknowledged that there could be some disruption and nuisance caused to people in the locality during construction works. However, any impact is anticipated to only be temporary and construction hours could be controlled by condition.

Considering the above, this is considered to weigh moderately in favour of this proposal and its approval.

This proposal is therefore considered to comply with NPPF Policy P3: Living conditions and pollution and Local Plan Policies GD1: General Development and POLL1: Pollution Control and Protection and is considered acceptable regarding its impact on residential amenity, health and pollution control.

Impact on Highways

The development site is served by a dedicated car park shared with the adjacent KFC drive thru and restaurant which is shown to also be under the applicant's ownership. There are dedicated car parking spaces (including loading and disabled spaces) along both sides of Peel Street with multi-storey car parks also nearby. The development site is within walking and wheeling distance of the Barnsley Transport Interchange which provides regular bus and train services. There are also regular bus services to/from surrounding nearby streets. As such, it is considered the development site is in a sustainable location. This proposal is therefore considered to accord with NPPF Policy TR3.

The potential highway impacts associated with the conversion of the application premises to provide four units were considered under application 2014/1031 and were deemed acceptable by Highways Development Control colleagues subject to a condition to secure further details in respect of the parking of all employees' vehicles and the storage of building materials and plant in the interests of maintaining highway safety during the construction period.

Whilst Highways Development Control colleagues have not been consulted on this application given that the proposed development relates to minor external alterations compared with the approved scheme, such a condition could be included on the decision notice should this application be approved. This proposal is therefore considered to accord with NPPF Policy TR4 and Local Plan Policy T4. It is not considered that this proposal would have a severe impact on the transport network (in terms of capacity and congestion, including cumulative impacts) or an unacceptable impact on highway safety to otherwise justify a refusal in accordance with NPPF Policy TR6.

Considering the above, this is considered to weigh moderately in favour of this proposal and its approval.

This proposal is therefore considered to comply with NPPF Policies TR3: Location development in sustainable locations and TR4: Street design, access and parking, and Local Plan Policies T3: New Development and Sustainable Travel and T4: New Development and Transport Safety and is considered acceptable regarding its impact on highway safety.

Impact on Biodiversity and Geodiversity

In England, Biodiversity Net Gain (BNG) became mandatory from 12 February 2024 under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) and means developers must deliver a BNG of 10%. This proposal is not subject to the BNG requirement and falls within one of the listed exemptions.

Considering the above, this is considered to weigh modestly in favour of this proposal and its approval.

This proposal is therefore considered to comply with Local Plan Policy BIO1: Biodiversity and Geodiversity and is considered acceptable regarding its impacts on biodiversity and geodiversity.

Planning Balance and Conclusion

In accordance with the provisions of NPPF Policy S3 and Local Plan Policy SD1 this proposal is considered within the context of the presumption in favour of sustainable development.

This application seeks a variation of condition 2 (Approved Plans) of application 2014/1031: Conversion of existing elevations to include new doorways, new windows to ground and first floor to subdivide into four units.

Under application 2014/1031 four commercial units – each to have a ground floor and a first-floor level – were approved. The proposed development would result in four units at ground floor level with a slightly different configuration, and three units at first-floor level through the amalgamation of Units 2 and 3. A new entrance door with a glazed side panel would be installed to Unit 2 and window frames and doors would be re-painted in anthracite grey (RAL 7016) to colour match the existing Costa premises.

The development site is located within an existing settlement and this proposal for commercial development would allow businesses to invest, expand and/or adapt in accordance with NPPF Policy E2(1)(a), would support the overall vitality and viability of Barnsley Town Centre in accordance with NPPF Policy TC2(1)(a) and Local Plan Policies TC1 and BTC18, and make better use of an underutilised building in accordance with NPPF Policy L2(1)(b).

Given that this variation of condition(s) application would not affect the use of the application premises, which could operate various uses under Use Class E lawfully without a requirement to obtain further planning permission, the assessment of this application has adopted a limited scope considering and focusing on the external alterations proposed.

This proposal is considered acceptable in respect of its potential impacts on visual amenity, residential amenity, health and pollution control, highway safety, and biodiversity and geodiversity, in accordance with NPPF Policies DP3, P3, TR3 and TR4, and Local Plan Policies D1, GD1, POLL1, T3, T4 and BIO1, and is attributed substantial, moderate and modest weight respectively in accordance with national decision-making policies.

The benefits of approving this development would not be substantially outweighed by any adverse effects, when assessed against the national decision-making policies, to otherwise justify a refusal in accordance with NPPF Policy S4.

For the reasons given above, and taking all other matters into consideration, this proposal conforms with all relevant national and local planning policies and supplementary guidance.

Planning permission should therefore be granted subject to the necessary condition(s) without delay in accordance with NPPF Policy S3(1)(c).

RECOMMENDATION: Approve subject to conditions.

Justification

Statement of compliance with Article 35 of the Town and Country Development Management Procedure Order 2015.

In dealing with the application, the Local Planning Authority has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application:

- To agree an amended Construction Management Plan to satisfy the requirements of condition four of application 2014/1031 and to limit potential conflict with the adjacent KFC drive thru.

Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering representations, the determination of the application and the resulting recommendation. It is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.