

PLANNING AND RETAIL STATEMENT BURGER KING, BARNESLEY

20 AUGUST 2024

DOCUMENT CONTROL

Project Title	Burger King, Barnsley
Client Name	BKUK Group Ltd
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SECTION 1 | INTRODUCTION

- 1.1 This Planning and Retail Statement has been prepared by Firstplan, on behalf of BKUK Group Ltd and Tesco Stores Limited, in support of a planning application at land at Tesco Extra Wombwell Lane, Stairfoot, Barnsley S70 3NS for the following:

“Erection of restaurant pod with associated car parking, refuse area and landscaping”.

- 1.2 The proposals will create a new restaurant pod on an underused area of car parking at the Tesco Extra, Barnsley to provide a new leisure offering and attract new footfall at the site. The scheme will generate 35 local job opportunities and would comprise a highly sustainable form of development, as set out within this Statement.
- 1.3 This is consistent with planning policy objectives across the Development Plan. This Statement demonstrates the acceptability of the scheme in relation to the principle, design matters, residential amenity, flood risk, landscaping and highways.
- 1.4 This Statement should be read in conjunction with the architectural drawings prepared by Urban Edge. It takes the following format:
- **Section 2** sets out the relevant background information, including a description of the site and relevant planning history
 - **Section 3** provides a description of the application proposals
 - **Section 4** outlines the national and local planning policies relevant to the application
 - **Section 5** provides a Sequential Assessment
 - **Section 6** assesses the proposed works in the context of the above policy
 - **Section 7** provides conclusions
- 1.5 The application is supported by the following documents:
- Completed Application Forms
 - Architectural drawings prepared by Urban Edge
 - Design & Access Statement by Urban Edge
 - Transport Assessment by i-Transport
 - Drainage Feasibility Proposal prepared by JNP
 - Noise Impact Assessment prepared by Noise Solutions Limited
 - Odour details prepared by Chapman Ventilation

SECTION 2 | SITE INFORMATION & BACKGROUND

a) Application Site Description

- 2.1 The application site relates to an area to the northern end of the existing Tesco Extra car park off Wombwell Lane, Stairfoot. The site being taken by Burger King comprises an irregular shape located to the south side of Wombwell Lane, adjacent to the Petrol Filling Station. It is currently comprised of car parking and has recently been in use as a temporary NHS facility.
- 2.2 The application area is 0.229ha and the red line area is 0.4ha, which encompasses an access route to the public highway. The Tesco Extra superstore opens from 6am – midnight on Monday to Saturday, and 10am – 4pm on Sundays. The wider Tesco site is immediately adjacent to the Wombwell Lane Retail Park to the east. The application site fronts onto Wombwell Lane. Immediately west is a pedestrian footpath leading to the store and beyond this is a terrace of residential dwellings. A substation and plant room are also located immediately north of the site, adjacent to the Wombwell Lane frontage. Immediately east is a bus-only entry and exit route to the foodstore.
- 2.3 The application site and its immediate context are demonstrated in Figure 1.

Figure 1. Aerial View of Site and Photographs



View from Wombwell Lane (NHS Facility before removal)



View from within Car Park

- 2.4 The Barnsley Local Plan has not specifically allocated the application site. It is, however, situated within the “Settlement Boundary” of Barnsley, a wider retail park designation and it is within a “Nature Improvement Area”.
- 2.5 Furthermore, there are no listed buildings on or immediately adjacent to the site, nor is the site within, or in the vicinity of a conservation area. There are a number of trees and soft landscaping adjacent to the site, but the site itself is entirely hardstanding. The site is not within an area at high risk of flooding and is understood to not be within a Coal Mining Risk Area.

- 2.6 There is no relevant planning history for the application site area. However, it is noted that a recent application for the relocation of the Click and Collect facility at the wider Tesco site (ref: 2023/0660) was approved on 30 August 2023. Furthermore, it is also noted that there is an application (ref: 2020/1336) for the redevelopment of Black Bull pub for a drive-thru restaurant, which indicates that the occupation would be by Burger King. It is confirmed that Burger King is no longer progressing with that site.

b) Pre-Application Engagement

- 2.7 Paragraph 39 of the National Planning Policy Framework (NPPF, 2023) recognises that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties.
- 2.8 The application has been subject to formal pre-application discussions assessed via a written response to the application proposals under Barnsley Metropolitan Borough Council reference 2023/ENQ/00436, which was submitted in September 2023, and final formal written advice was provided on 19 December 2023.
- 2.9 The pre-application advice request originally comprised a new Class E(b) / Sui Generis Drive-Thru restaurant on the site. The proposals were considered unacceptable as the inclusion of the Sui Generis element (Hot Food Take Away use) was considered to be against Barnsley's Hot Food Takeaway Supplementary Planning Document and Planning Advice Note.
- 2.10 Table 1 provides a summary of the written feedback:

Subject	Summary of Pre-application Advice	Application Response to Comments
Retail Policy	<p>Confirms that as the proposal is for a main town centre use, a sequential approach will be required. Confirms that an impact assessment will not be required but an assessment of the impact of the proposal on the role, character and function of retail park will be required.</p> <p>Officer's concluded that:</p> <p><i>"I am of the opinion that the proposed development will be unlikely to adversely affect the role, character and function of the retail park, taking into account the fact that the enquiry site could not accommodate a policy compliant retail warehouse".</i></p>	This is set out in Section 5 of this statement.
Health Policy	<p>Outlines that the pre-application proposal was for mixed use as a restaurant and a hot food takeaway (Sui Generis) and in consideration of Barnsley's Hot Food Takeaway SPD and PAN responded with the following assessment of the four tests:</p> <p>Over proliferation: there is no over-proliferation of hot food takeaway uses.</p> <p>Proximity to secondary school or advanced learning centre: there is no such establishment within 400m of the site.</p>	Following receipt of the advice, the applicant has sought to amend the scheme to omit the drive thru lane. Food consumption would now be "mostly on site" and the proposed land use would be as a restaurant (Class E(b)), which does not require assessment against the Hot Food Takeaway SPD and PAN.

	<p><u>Location where there are high levels of obesity:</u> Suggested that this test has not been addressed and outlined proposals for hot food takeaways in wards where more than 32% of 20-22 year-old pupils are classed as having excess weight would be contrary to the NPPF.</p> <p><u>Health Impact Assessment:</u> Confirmed applications for hot food takeaways will be required to include a Health Impact Assessment.</p>	
Highways	Requested additional information, amendments and clarification including in relation to the swept path analysis of the refuse collection vehicles that will service the site, of the clearance from all parking bays and of the parking provision required on the busiest days will be required to be submitted with any future planning application.	A revised transport assessment and swept path analysis is submitted which accompanies the application. The assessment is summarised in Section 6 of this statement.
Drainage	Confirmed Yorkshire Water had been consulted and that a surface water management plan following sustainable drainage principles is needed.	A surface water management plan has been undertaken by JNP which accompanies this application.
Landscaping	Confirmed that a proposed landscaping scheme would be welcome as part of a full submission. It noted that this area is almost entirely unrelieved by planting.	A proposed landscaping scheme has been undertaken which accompanies this application, which enhances landscaping on site.
Noise / residential amenity / pollution	Welcomes the intention to submit a Noise Impact Assessment as part of a full submission, as well as odour report.	The application is accompanied by a Noise Impact Assessment and odour details.
Ecology	Confirmed that an ecological assessment will not be needed, but encouraged measures to enhance ecology.	The application includes a landscaping scheme, which has selected species suitable to the growing environment, but also to enhance ecology on site.
Design	<p>Noted that the proposed pod would be contemporary in design and consistent with other developments in the surrounding area.</p> <p>Considered the layout, form and scale as acceptable in principle.</p> <p>Flagged comments received from South Yorkshire Police in relation to design principles to enhance the security of the development.</p>	Full details of the proposed restaurant pod are submitted with the application. The key change to the design and layout is the omission of the drive-thru lane that was proposed at the pre-application stage.

Table 1. Summary of Pre-application Advice

- 2.11 In summary, it was concluded that while the proposal appears capable of complying with many of the policies of the development plan, the proposal was considered to conflict with national and local planning policy in relation to health as a hot food takeaway use was proposed.
- 2.12 Following this feedback, the Applicant has revisited the proposals and has therefore sought to make a number of changes to the scheme including more significantly, the omission of the hot food takeaway use and drive thru lane. The proposals have therefore been reduced to comprise the construction of a Class E restaurant.

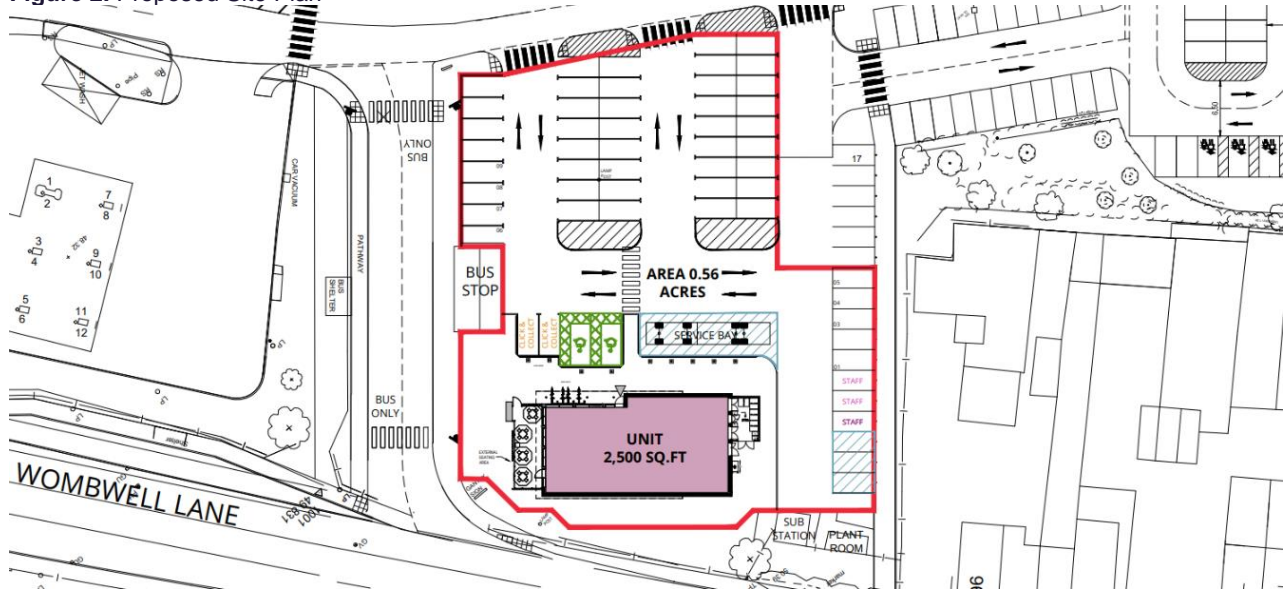
SECTION 3 | APPLICATION PROPOSALS

3.1 This application seeks planning permission for:

“Erection of restaurant pod with associated car parking, refuse area and landscaping”.

3.2 The proposals include construction of a new restaurant pod on an underused area of car parking at the Tesco Extra, Barnsley to provide a new leisure offering and attract new footfall at the site. Extracts of the proposed site plan and elevations are provided in Figure 2. below.

Figure 2. Proposed Site Plan



3.3 The restaurant will extend to 232sqm with an external dining terrace and will generate approx. 35 local job opportunities and would comprise a highly sustainable form of development. The proposed hours of use would be between 8am-11pm daily.

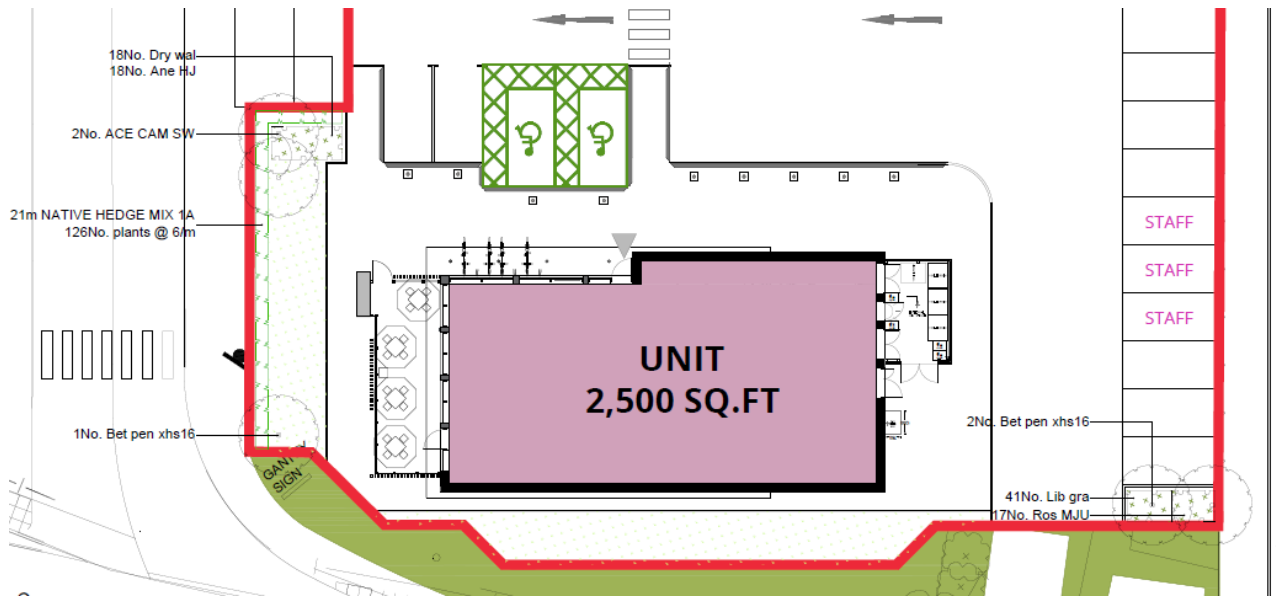
3.4 The application area is in an area that currently provides 110 car parking spaces with survey data evidencing this is not required to service the Tesco foodstore. In total, 53 spaces (2 being blue badge) are proposed within the site demise.

3.5 Accommodation for 7 cycle parking spaces is also provided, together with a dedicated servicing bay.

3.6 No loss of landscaping is proposed as there is currently none within the red line area. An indicative landscaping scheme is also proposed, which is shown on the accompanying application drawings by Urban Edge and an extract provided in Figure 3.

3.7 The scheme includes 5 new trees and a variety of hedge mixes, shrubs and herbaceous plants.

Figure 3. Proposed Landscape Plan



3.8 The building has been designed to be visually attractive and consistent with Burger King's current brand standard. The building will be finished in a wood effect cement board/composite cladding to provide an attractive, yet durable finish. Metal cladding will be provided to the bin store and restaurant fascia and to a decorative red ban/canopy to provide further visual interest. The building will be attractive in views from Wombwell Lane and from within the car park with the external dining area providing additional vitality and vibrancy to the Wombwell Lane frontage. Extracts of the elevations are provided at Figure 4.

Figure 4. Extract of Proposed Elevations



SECTION 4 | PLANNING POLICY SUMMARY

- 4.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions must be made in accordance with the Development Plan, unless material considerations indicate otherwise.
- 4.2 The statutory development plan for the Barnsley Metropolitan Borough Council and in turn, the proposed development consists of:
- National Planning Policy Framework; and
 - Barnsley Local Plan.
- 4.3 The relevant policies are listed as follows.

a) National Planning Policy Framework

- 4.4 The NPPF published in September 2023 and provides overarching planning policy guidance for development across England. Paragraph 7 states that:

“The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.”

- 4.5 Paragraph 10 sets out at the heart of the framework is a presumption in favour of sustainable development and Paragraph 11 notes that for decision-taking, sustainable development means approving development proposals that accord with an up-to-date development plan without delay.
- 4.6 In terms of decision making, Paragraph 38 sets out that Local Planning Authorities should approach decisions on proposed development in a positive and creative way. It states that decision-makers at every level should seek to approve applications for sustainable development where possible.
- 4.7 Paragraph 47 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise.
- 4.8 Paragraph 87 of the NPPF states that a sequential assessment is required for planning applications for ‘main town centre uses’ that are not in an existing centre and are not in accordance with an up to date Local Plan. In order to satisfy the requirements of paragraph 87 of the NPPF we undertake a proportionate sequential assessment in Section 5 of this report.
- 4.9 Paragraph 90 of the NPPF requires an impact assessment to be undertaken for planning applications for retail and leisure development over 2,500 sq.m gross (or any alternative lower threshold defined in a development plan), which is not within an existing centre and not in accordance with an up-to-date Local Plan.

b) Barnsley Local Plan

- 4.10 Appropriate consideration has been given to the following policies:
- GD1 – General Development
 - D1 – High-Quality Design and Place Making
 - T3 – New Development and Sustainable Travel

- T4 – New development and Transport Safety
- D1 – High Quality Design and Place Making
- TC1 – Town Centres
- TC3 – Thresholds for Impact Assessments
- TC4 – Retail Parks
- BIO1 – Biodiversity and Geodiversity
- CC1 – Climate Change
- CC3 – Flood Risk
- CC4 – Sustainable Drainage Systems
- RE1 – Low Carbon and Renewable Energy
- Poll1 – Pollution Control and Protection
- AQ1 – Development in Air Quality Management Areas

c) Supplementary Planning Guidance and Planning Advice Notes

- Biodiversity and Geodiversity SPD
- Parking SPD

SECTION 5 | RETAIL POLICY CONSIDERATIONS

- 5.1 The National Planning Policy Framework (NPPF) (as amended, 2023) requires applications for development which do not fall within a policy-defined centre to demonstrate compliance with the 'sequential test', in order to establish whether there are any sequentially preferable sites that could accommodate the proposed development.

a) Confirmation of the Sequential Status of the Site

- 5.2 According to the adopted Planning Policy Map, the application site is located outside of any designated town, district or local centre. The Retail Park centre designation (in which the site is located) sits outside of the hierarchy of centres.
- 5.3 As confirmed within the pre-application written response, it was acknowledged that in accordance with the provisions of **Policy TC3 Thresholds for Impact Assessments**, an impact assessment will not be required. In accordance with the provision of **Policy TC4 Retail Parks** an assessment of the impact of the proposal on the role, character and function of retail park will be required.
- 5.4 In relation to this point, it was confirmed in the pre-application written response that *"Your submission includes a brief assessment of the impact of the proposal, and I am of the opinion that the proposed development will be unlikely to adversely affect the role, character and function of the retail park, taking into account the fact that the enquiry site could not accommodate a policy compliant retail warehouse."* Further discussion of this is set out within Section 6.
- 5.5 This section will address the sequential approach to site selection. It was further confirmed that the scope of the impact assessment should follow the sequential site assessment undertaken in the previous Costa Coffee application (ref: 2019/1159) at the Wombwell Lane Retail Park and the same methodology will be adopted (i.e. identifying and assessing vacant sites, opportunity sites and LDP allocations) in order to ensure consistency in approach.

b) The Requirements of the NPPF

- 5.6 Paragraph 91 of the NPPF (2023) states that: *'Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.'*
- 5.7 The sequential test is applicable to all 'main town centre uses'. The NPPF defines these as: *'Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, **restaurants**, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).'* The application falls within the 'main town centre use' category.

c) Planning Practice Guidance 'Town Centres and Retail'

- 5.8 The Planning Practice Guidance 'Town Centres and Retail' (as revised 2020) (paragraphs 9-12) provides further details on the application of the sequential test and notes that a sequential assessment should *be 'proportionate and appropriate for the given proposal'*. This is an important consideration for the submitted application, given

the principle of use for the type of development proposed by the application has been firmly established by historical planning approvals. The sequential assessment has been proportionately prepared on this basis and is in line with the Government's Planning Practice Guidance 'Town Centres and Retail', which confirms that the sequential approach requires a thorough assessment of the suitability, viability and availability of locations for main town centre uses.

- 5.9 The NPPG sets out a 'checklist' of considerations which should be taken into account when determining whether a proposal complies with the sequential test, as follows:

With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. It is important to set out any associated reasoning clearly is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal. If there are no suitable sequentially preferable locations, the sequential test is passed.

- 5.10 In the consideration of alternative sites, paragraph 86 of the NPPF requires consideration of sites which may become available 'within a reasonable period'. The PPG states that 'when considering what a reasonable period is for this purpose, the scale and complexity of the proposed scheme and of potentially suitable town or edge of centre sites should be taken into account'. In the case of the application scheme, the application responds to an active requirement by an established national operator with an identified commercial demand for representation in the Barnsley, Stairfoot area to trade from a vacant unit which is currently available for occupation and, therefore, any alternative sites are considered to be required to be 'available' at the time of the application submission, rather than at an indeterminate point in the future.
- 5.11 The PPG also confirms that: 'use of the sequential test should also recognise that certain main town centre uses have particular market and locational requirements which means that they may only be accommodated in specific locations'. This is of particular relevance in the case of the application proposals, which are specifically seeking a restaurant with adequate parking facilities and good roadside visibility in order to meet an identified need by the operator for a facility of this nature to serve residents in the Barnsley area. Burger King would not consider a site that cannot accommodate adequate parking to support its restaurant dine in facility, as this is a fundamental commercial requirement for the operation to be commercially viable. Additionally, the main dine in function is required to ensure the operation of the unit would remain within Class E(b) restaurant use for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises.

d) Development Plan Requirements in Respect to the Sequential Test

- 5.12 Policy TC4 'Retail Parks' of the adopted Barnsley Local Plan requires developments located within retail parks identified on the Policies Map, that an assessment of the impact of the proposal on the role, character and function of retail park will be required.

e) Review of Case Law

- 5.13 After the publication of the original iteration of the NPPF (in 2012), a number of appeals and 'called in' decisions have provided further clarity to the interpretation of the requirements of the NPPF in respect of the sequential test, and these decisions have informed our approach to undertaking the sequential assessment.

- 5.14 The Supreme Court Case involving Tesco and Dundee Council (2012) concluded that the application of the sequential approach requires flexibility and realism from developers and retailers as well as planning authorities. Whilst not dismissing the requirement for developer/retailer flexibility, the commercial requirements of a 'business model' is acknowledged in the judgement. Paragraph 28 of this decision states that: *'if a planning authority were to refuse an out-of-centre scheme on the ground that an admittedly smaller site is available within the town centre may be to take an entirely inappropriate business decision on behalf of the developer.'* (our emphasis, underlined)
- 5.15 This view was endorsed in the High Court judgement case Zurich Assurance Limited/Threadneedle Property Investment v North Lincolnshire Council (2012). It affirmed that: *'it is also important to mark that developers, and planning authorities work in the real world'*. On account of these matters, there is no requirement under case law to require an operator to locate in a more sequentially preferable location if this is against their business model / commercial interests.

f) Demonstration of Flexibility

- 5.16 As set out above, the NPPF requires applicants to demonstrate flexibility (in terms of altering the format and scale of development) in considering alternative sites.
- 5.17 The application seeks to provide a restaurant to facilitate the proposed occupancy by Burger King. For the purposes of the sequential test, consideration has been given to the plot size required to deliver a restaurant with adequate parking, transport connections, accessibility and prominence.
- 5.18 Any alternative site would need to be able to deliver upon the principal objectives of the planning application (i.e., deliver a new Burger King restaurant unit with parking provision in an accessible and prominent location) to be met, reflecting the considerations in respect of business models as set out above.
- 5.19 On this basis, we have considered sites that could accommodate the quantum of site area (ha) shown in Table 2, applying a flexibility of +/- 20% (site area) to sequential sites. This shows that in the case of the application proposals, it is appropriate to consider a site within a minimum site area of 0.17ha and a maximum site area of 0.26ha, although there is more flexibility in the 'upper' limit as any additional site area would likely be used to accommodate additional customer parking provision.

	Site area (ha)	Commercial unit size (sq.m)
Application proposal	0.217	232
Flexibility consideration	+/- 20%	+/- 20%
Application proposal with flexibility	Between 0.17ha and 0.26ha	Between 186 and 278 sq.m

Table 2. Site parameters for sequential assessment

- 5.20 Notwithstanding the requirement to demonstrate flexibility, there are a number of fixed requirements that Burger King requires for their restaurants (i.e. that for which the planning application seeks consent):
- An area of land greater than 0.2 hectares to provide sufficient space for vehicle parking;
 - There is a sufficient critical mass with other retail and leisure units in close proximity;
 - No immediate boundaries with residential development to assist with negating effects on amenity;
 - Good access to the local highway network;
 - A site with high levels of visibility to passing trade;
 - Ready access to utilities and services; and
 - Readily available for development within a 6-month window from the grant of planning permission.


- 5.21 On the basis that there are no sites of a significant size allocated for development in site search area, as per the previously accepted sequential assessment for the previous Costa Coffee application (ref: 2019/1159) at the Wombwell Lane Retail Park, it is anticipated that the same methodology will be adopted (i.e. identifying and assessing vacant sites, opportunity sites and LDP allocations) in order to ensure consistency in approach. This approach has also been considered acceptable via pre-application discussions.

g) Area of Search

- 5.22 Similar to the approach taken within the Costa Coffee application (ref: 2019/1159), internet searches have been undertaken for properties and land for sale/to let in the local area, in addition to the current adopted and emerging local development plan. The sites and premises identified are being actively marketed or promoted for development and were identified and considered as potentially suitable in the search for sequentially preferable locations for development.
- 5.23 Searches were made for retail and suitable buildings on Rightmove, Completely Retail, Carver Commercial and Johnson Fellows for units of a similar size with the above flexibility parameters considered. Floor areas above ground floor level only have not been considered as these would be unsuitable given the fixed requirements set out in paragraph 5.20. The search included sites for sale and to let.

h) Site Assessment

5.24 Site 1 – Wellington House, Market Street, Barnsley, S70 1WA


Location	Town Centre
Site	
Description	<ul style="list-style-type: none"> Office floorspace within a Grade II-listed property. 40+ car parking spaces shared across premises.
Availability	<ul style="list-style-type: none"> Available as a whole or in smaller suites on individual floors. The site is marketed for office use and not any other use such as restaurant space. Suites available: <ul style="list-style-type: none"> Ground Floor: 1,109 sq m/11,937 sq ft Suite 5 on first floor: 160 sq m/1,722 sq ft

Suitability	<ul style="list-style-type: none"> The ground floor footprint is too large for the proposed restaurant. Car parking would not be guaranteed to be dedicated to the ground floor.
Viability	<ul style="list-style-type: none"> The building is purpose built and fitted out for office use and would require significant refurbishment work to be suitable for a restaurant. This is unlikely to be feasible given the building is statutorily listed.
Conclusion	For the reasons as set out the site is not considered to be a sequentially preferable alternative to the application site. It has been assessed as unsuitable and unviable.

5.25 Site 2 – Queens Court, Regent Street, Barnsley, S70 2EG


Location	Town Centre
Site	
Description	<ul style="list-style-type: none"> Queens Court Business Centre is located within a restored Victorian hotel in Barnsley's busy town centre. Offers 12 office suites with accommodation ranging from 39 sq m (428 sq ft) to 1,517 sq m (16,330 sq ft)
Availability	<ul style="list-style-type: none"> 3 office suites currently available to let across first and second floor levels. There is no ground floor space available.
Suitability	<ul style="list-style-type: none"> The available floorspace is not suitable for a restaurant use as there is no ground floorspace available to provide direct access and a shopfront to the street. No dedicated car parking.
Viability	<ul style="list-style-type: none"> The upper floors of the property do not provide the necessary visibility and prominence for a restaurant use to attract passing trade.
Conclusion	For the reasons as set out the site is not considered to be a sequentially preferable alternative to the application site. It has been assessed as unviable and unsuitable.

5.26 **Site 3 – Unit 1 To 3, 20-22 Peel Street, Barnsley, S70 2QX**


Location	Town Centre
Site	
Description	<ul style="list-style-type: none"> • Located on Peel Street, the main retailing thoroughfare immediately to the west of Barnsley Town Centre. The premises form part of a parade of terraced retail units.
Availability	<ul style="list-style-type: none"> • Unit 1 - Ground floor 40.9sqm • Unit 3 – Ground floor 109sqm
Suitability	<ul style="list-style-type: none"> • Neither unit is large enough to accommodate the proposed restaurant. • No dedicated parking available
Viability	<ul style="list-style-type: none"> • Operating a restaurant from such a small space would not be viable.
Conclusion	For the reasons as set out the site is not considered to be a sequentially preferable alternative to the application site.

5.27 **Site 4 – Units 2&8 Barnsley Interchange, Midland Street, Barnsley S70 1SE**

Location	Town Centre
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Site	
Description	<ul style="list-style-type: none"> The property available to let comprises a prominent ground floor retail unit extending to 42 sq m/461 sq.ft. together with first floor ancillary accommodation extending to 61 sq m/652 sq.ft. The property is situated within Barnsley Interchange, the central bus and rail transport hub located in the heart of Barnsley town centre.
Availability	<ul style="list-style-type: none"> The property is being actively marketed and therefore is considered to be available.
Suitability	<ul style="list-style-type: none"> The available floor area is too small to accommodate the proposed restaurant even when accounting for flexibility in format.
Viability	<ul style="list-style-type: none"> The unit is divided over two floors with only 40% of the floor area on the ground floor. This would not be viable to operate as a restaurant.
Conclusion	For the reasons as set out the site is not considered to be a sequentially preferable alternative to the application site.

5.28 Site 5 – 17 Market Street, Barnsley, S70 1SL

Location	Town Centre
Site	
Description	<ul style="list-style-type: none"> Mid terrace retail unit available on a busy pedestrianised shopping parade

Availability	<ul style="list-style-type: none"> The property is understood to be available immediately and comprises ground floor area extending to 112.8sqm and first floor area of 70 sq m.
Suitability	<ul style="list-style-type: none"> Even when applying flexibility, the combined floorspace area is too small to accommodate the proposed restaurant. No dedicated parking available for the floorspace to support operator need.
Viability	<ul style="list-style-type: none"> The unit is too small and constrained for a restaurant use.
Conclusion	For the reasons as set out the site is not considered to be a sequentially preferable alternative to the application site. It has been assessed as unviable and unsuitable.

5.29 Site 6 – Mclintocks Business Centre, Summer Lane Barnsley S70 2NZ

Location	Edge of Centre	
Site		
Description	<ul style="list-style-type: none"> Multi let premises. Property is prominently located on the West side of Summer Lane in Barnsley, on the edge of the centre opposite the new Gateway Plaza development comprising a mix of retail, bars, restaurants, apartments and office space. First, second, third and fourth floors available only. 	
Availability	<ul style="list-style-type: none"> The floorspace is being actively marketed and is therefore considered to be available. 	
Suitability	<ul style="list-style-type: none"> Ground floor is not available for let. The upper floors would be unsuitable for a restaurant use with no dedicated access and shopfront to the ground floor. 	
Viability	<ul style="list-style-type: none"> The upper floors of the property do not provide the necessary visibility and prominence for a restaurant use to attract passing trade. 	
Conclusion	For the reasons as set out the site is not considered to be a sequentially preferable alternative to the application site. It has been assessed as unviable and unsuitable.	

i) Barnsley Local Plan Development Sites

Heelis Street/New Street/Gala Bingo/Burleigh Court

- 5.25 The site is allocated for a mix of retail, residential and office development in the Local Plan. This site contains a number of industrial and commercial buildings, some of which have been cleared, and an area of surface level car parking. Given the size of the site and the mix of uses envisaged, the site would need to be comprehensively redeveloped rather than developed in a piecemeal fashion. The proposed restaurant use would need to form part of a scheme as it would not be viable to come forward as a stand alone development. We understand that there are no current development proposals for the site and therefore this site is not considered to be available for the proposed restaurant within the required timeframe.

Courthouse Campus

- 5.26 This allocation does not incorporate retail or leisure uses as a primary use. Accordingly, the proposed use is not supported by the policy allocation on the site. Furthermore, as per the above, a restaurant use would need to form part of a development scheme for the redevelopment of the site. We understand that there are no current development proposals for the site and therefore this site is not considered to be available for the proposed restaurant within the required timeframe.

Land between the Transport Interchange and Harborough Hill Road

- 5.27 This allocation allows ancillary retail uses, but at the time of writing it is understood that no planning permission has been obtained for the redevelopment of the site. As per the above, a restaurant use would need to form part of a development scheme for the redevelopment of the site. The site is therefore not considered to be available as a planning permission will not come forward within a timescale suitable for the intended operator.

j) Conclusion

- 5.28 Overall, the above analysis demonstrates that none of the vacant units which are currently being marketed or promoted through the Local Plan are of sufficient size or have the physical ability to accommodate a standalone restaurant with adequate customer parking and good highway links, which, as this report has set out, is a fundamental component of the overall application scheme which cannot be removed.

SECTION 6 | PLANNING ASSESSMENT

6.1 This section of the Statement demonstrates the acceptability of the application proposals in the context of the relevant planning policy and guidance outlined in Section 4. The principal planning considerations in this case are as follows:

- Principle of the Development
- Transport and Highway Considerations
- Design and Landscaping Considerations
- Amenity Considerations
- Flood Risk and Drainage

6.2 These points are addressed in turn below:

a) Principle of the Development

6.3 The proposals will facilitate Burger King's occupation of this underused part of the site as well as provide a complimentary food offering and attract additional customer footfall to the area and provide an active frontage onto Wombwell Lane, which should be supported. The proposals will also result in the creation of up to 35 local jobs.

6.4 The application site forms part of the "Wombwell Lane, Stairfoot" retail park designation under Policy TC4, which identifies the site as being suitable for "retail warehouses". The Policy goes on to state that:

"Uses other than retail warehouses will be allowed where the role, character and function of the retail park will not be adversely affected".

6.5 In terms of **role**, the proposals will provide a complementary food offering to the existing retail park and its customers. It is considered to preserve and enhance the role of the Wombwell Lane Retail Park and would make it more desirable for customers. Furthermore, owing to the relationship with the retail park and the situation on the roadside, it is not considered that this would further affect the role of any nearby centres.

6.6 In respect of the **function** of the retail park, this would also be unchanged, and it would remain a retail and foodstore shopping destination. The proposals would provide a complementary offering to customers who would already be visiting the site by car to purchase bulky goods and food shopping or visiting the Petrol Filling Station. The development is further limited to a redundant part of the customer car park, which would not affect the wider operation of the retail park.

6.7 The proposals would further cause no harm to the predominantly retail **character** of the park and would again, provide a complimentary offering to customers which would be wholly ancillary in scale.

6.8 Overall, it is considered that the role, character and function of the retail park will not be adversely affected. Indeed, this was the view agreed by Officers during pre-application engagement with the written advice confirming:

"I am of the opinion that the proposed development will be unlikely to adversely affect the role, character and function of the retail park, taking into account the fact that the enquiry site could not accommodate a policy compliant retail warehouse".

- 6.9 The proposals relate to a Class E use only under Class E(b) for “the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises”. Accordingly, the Council’s Hot Food Takeaway SPD and PAN are not engaged.
- 6.10 The principle of the development should therefore be supported.

b) Transport and Highways Considerations

- 6.11 Policy T3 ‘New Development and Sustainable Travel’ requires new developments to be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cyclists as well as provide a transport statement or assessment in line with guidance set out in the National Planning Policy Framework.
- 6.12 Policy T4 ‘New development and Transport Safety’ requires that new development be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement.
- 6.13 The accompanying Transport Assessment considers the policy context, existing conditions, site layout, trip assessment and parking demand, as well as the viability of the proposal. The report demonstrates the acceptability of the proposals with regard to access/circulation, traffic generation, parking and servicing.
- 6.14 During pre-application engagement, the proposals were supported by a Transport Technical Note, which demonstrated that there would be no negative transport impacts. In response to the note provided, the Council’s Highways Team requested that:

“additional information, amendments and clarification including in relation to the swept path analysis of the refuse collection vehicles that will service the site, of the clearance from all parking bays and of the parking provision required on the busiest days will be required to be submitted with any future planning application”.

- 6.15 Servicing and delivery will take place within the site (red-line) where a dedicated space will be located as shown on the submitted site layout plan. Swept path analysis has also been undertaken to demonstrate that an HGV can be accommodated within the site and enter and exit the site via the existing access points.
- 6.16 The loss of 49 parking spaces will be largely offset through the re-provision of 45 dedicated parking spaces, of which 2 are blue badge spaces. The unit will also be provided with a dedicated servicing and loading bay within the car park area.
- 6.17 With regard trip generation, a survey of another similar Burger King restaurant was undertaken. Across both a weekday and weekend day, 20% of all vehicle trips were recorded as being a linked trip with the adjacent Tesco store. Applying this to the anticipated vehicle demand, circa one additional vehicle every four minutes can be expected to be ‘new’ to the local highway network as a result of the proposal. Outside these daily peaks, demand for visiting the site is forecast to be lower. Accordingly, this level of change is unlikely to result in material impacts on the local highway network.
- 6.18 The application submission is supported by a Transport Assessment by i-Transport, which concludes:

“On the basis of the above, it is concluded the proposal will not result in a material impact on the surrounding local highway network or its safe operation.

Accordingly, the development is acceptable in transport terms.”

- 6.19 The application should be considered acceptable in this regard.

c) Design and Landscaping Considerations

- 6.20 Policy D1 'High Quality Design and Place Making' requires development to be of a high quality and expects development to respect, take advantage of and reinforce the distinctive local character and features of Barnsley.
- 6.21 As demonstrated in the supporting plans and drawings by Urban Edge, the proposed building has been designed to a high quality with robust and durable materials selected, which will enhance the aesthetic appearance of the wider site. The combination of wood effect cladding and rendered panels provide a contemporary and sleek appearance across the proposed building. The aluminium roof will be powder coated with a light grey finish to match the windows and doors. Overall, the proposed building has been designed to be a modern and attractive addition to the street scene, which is complimentary to and in keeping with the character of the wider context.
- 6.22 The proposals will efficiently use the land by developing this currently underused part of the existing car park. The positioning and orientation of the building have been considered to ensure that there are no impacts on the use of the wider Tesco car park and retail park overall. The proposed location on the northern side of the existing car park will complement the existing layout and provide a new active and attractive frontage onto Wombwell Lane.
- 6.23 The proposals will provide visual interest and activity in an area of the car park that is empty and doesn't provide an active frontage onto Wombwell Lane.
- 6.24 During pre-application engagement, Officers confirmed:
- "Subject to the submission of a detailed landscaping scheme, I consider that the layout, form and scale are acceptable in principle".*
- 6.25 The proposals are supported by a detailed landscaping scheme, which proposes five new trees, and a variety of hedge mixes, shrubs and herbaceous plants. These have been selected for their suitability for the growing environment and to support local wildlife. This will significantly increase the level of landscaping within a site that current is entirely tarmac.
- 6.26 In accordance with the adopted policy, the proposals should, therefore, be acceptable with regard to design.

d) Amenity Considerations

- 6.27 Policy GD1 'General Development' states developments will be approved if there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents.
- 6.28 The application site is located within an area comprising commercial uses. The closest residential properties are located to the north of the site at 96 Wombwell Lane, beyond the pedestrian footway. As a result, there is some spatial separation, and no harmful impacts are envisaged with regard outlook or general disturbance.
- 6.29 A noise assessment has been undertaken to accompany this application. The report concludes that noise from the proposals should not be a reason for refusal of planning permission.
- 6.30 Regarding odour, specialist odour mitigation is proposed to tackle any odours at the source and ensure neighbours' amenities are protected. An odour assessment accompanies this application which recommends a high level of odour control. The proposed installation includes both ESP and UV filtration by Purified Air, which would be installed and maintained in line with the manufacturer's recommendations.

- 6.31 Overall, the restaurant plant would be appropriately attenuated and mitigated in line with Burger King's standard practices to ensure there are no harmful odours or noise emanating from the site; however, given the spatial separation to the nearest dwelling, there would be no harmful impact in this regard.
- 6.32 Suitable measures would also be put in place for car park and litter management to ensure no harmful impacts regarding anti-social behaviour or litter. Similarly, the outdoor dining area is situated away from the nearest properties and will be screened by the proposed building. Accordingly, there is not considered to be any harmful impacts from the proposed operation.
- 6.33 In addition, given the scale and location of the building, it would further have no harmful impact with regard to daylight, outlook, dust, fumes or light pollution.
- 6.34 The proposals are therefore not considered to have any harmful impact on the amenity of local residents, neighbours or users of the site. Likewise, the scheme would not harm the characteristics of the locality through increased activity, disturbance, noise, dust, fumes, litter, drainage or light pollution. The development is, therefore, considered to be in accordance with Policy GD1.
- 6.35 In accordance with the adopted policy, the proposals should therefore be acceptable.

e) Flood Risk and Drainage

- 6.36 The Government's Flood Risk Map for Planning identifies the site as entirely situated within Flood Zone 1 considered to have a low level risk of flooding. An extract of the Government's Flood Risk Map is in Figure 5 below.

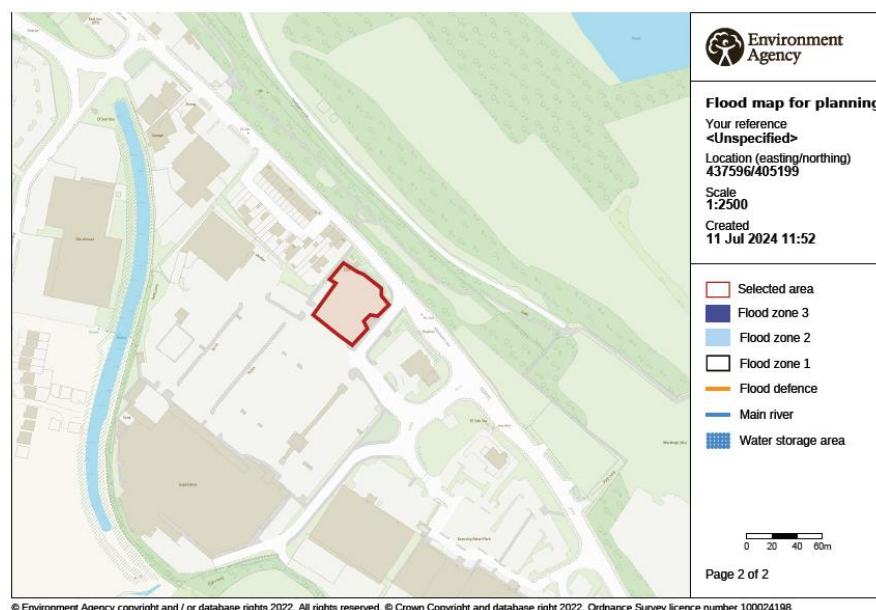


Figure 5. Extract of Flood Risk Map for Planning for application site

- 6.37 Notwithstanding, a drainage strategy statement has been undertaken to accompany this application which confirms the new building and associated external works will discharge surface water into the existing underground surface water sewerage system. Due to the existing underground utilities, it is not possible to provide SUDs features such as permeable paving/tarmac. However, it concludes that:

“The proposed drainage solution for the new development will not increase surface water runoff from the site or increase flood risk onsite or offsite”.

- 6.38 Overall, the proposed drainage solution for the new development will not increase surface water runoff from the site or increase flood risk onsite or offsite and should be acceptable in this regard.

f) Other considerations

- 6.39 Given there are no impacts to any existing habitats on site and the nature of the proposals, there would be no biodiversity or climate change impacts as a result of the application, which is consistent with the NPPF guidance.
- 6.40 The development should also be exempt from mandatory Biodiversity Net Gain as it falls within the de minimis threshold.
- 6.41 The proposed building is situated well away from street trees and would have no impact on their health or longevity.
- 6.42 In addition, there will be no harmful impacts with regard to air quality.

SECTION 7 | CONCLUSIONS

7.1 This Planning and Retail Statement has been prepared by Firstplan, on behalf of BKUK Group and Tesco Stores Limited in support of a planning application at Tesco Extra Wombwell Lane, Stairfoot, Barnsley S70 3NS for the following:

“Erection of restaurant pod with associated car parking, refuse area and landscaping”.

7.2 The proposals will allow for the creation of a new restaurant pod on an underused area of car parking at the Tesco Extra, to provide a new leisure offering and attract new footfall. The scheme will generate 35 local job opportunities and would comprise a highly sustainable form of development, as set out within this Statement.

7.3 This is consistent with planning policy objectives across the Development Plan. This Statement demonstrates the acceptability of the scheme in relation to the principle, design matters, residential amenities, flood risk, landscaping, and highways.

- The proposals will create a new restaurant facility in an underutilised area on the retail park site.
- The development site is in a highly sustainable location and will not result in a material impact on the surrounding local highway network or its safe operation.
- The proposals are demonstrated to result in no negative impacts on the Town Centre and Local Centres in the Barnsley area and the schemes passes the sequential assessment.
- The proposals will make efficient use of the site, creating a high-quality, modern and attractive development which will complement the local area.
- The proposals are not considered to have any harmful impact on the amenity of local residents, neighbours or users of the site.
- The proposals will enhance onsite landscaping and ecology, and would not harm any trees off-site.
- There will be no increase in flood risk or surface water runoff.

7.4 In light of the above, the application proposals are consistent with the relevant planning policies and guidance at the national and local levels.

7.5 This application should therefore be considered acceptable by the Council, and we respectfully request that planning permission be granted.

