

**Demolition of Existing Units (Use Class B1 and B8) and
Construction of a New Foodstore (Use Class A1) with Car Parking,
Landscaping and Associated Works at Land East of Sheffield Road,
Birdwell Barnsley, S70 5TR**

Variation to Condition 2 of 2013/0808: Supporting Statement

ON BEHALF OF
Aldi Stores Limited

APRIL 2014

CONTENTS

	<u>Page</u>
1.0 INTRODUCTION	1
2.0 APPLICATION PROCEDURE	2
3.0 THE PROPOSED AMENDMENTS	4
4.0 CONCLUSION	7

APPENDICES

1.0	Decision Notice: 13/0808
-----	--------------------------

1.0 INTRODUCTION

1.1 This Supporting Statement has been prepared by Planning Potential on behalf of Aldi Stores Limited in support of an application submitted under Section 73 of the 1990 Town and Country Planning Act for a minor material alterations to the proposed Aldi Store at Land East of Sheffield Road, Barnsley approved under Planning Permission Ref: 13/0808, dated 25 October 2013.

1.2 The Description of Development read:

'Demolition of existing units (use class B1 and B8) and construction of a new foodstore (use class A1) with car parking, landscaping and associated works'

1.3 The Planning Permission has 18 conditions attached, one of which is proposed to be altered by this Section 73 (Minor Material Amendment) application (Condition 2).

1.4 Condition 2 restricts the design of the development proposal, through a list of approved plans.

1.5 This Statement is provided following discussions with planning officers on the level of proposed changes and the nature of the planning application.

1.6 This Supporting Statement sets out the variation requested to Condition 2; and provides the justification for the change in line with Section 73 of the 1990 Town and Country Planning Act; and the Governments 'Greater Flexibility for Planning Permission Guidance'.

2.0 APPLICATION PROCEDURE

- 2.1 The application is submitted pursuant to Section 73 of the Town & Country Planning Act 1990, which allows a planning application to be made for the carrying out of development without compliance with one or more conditions attached to a previous planning permission. The application process is more commonly known as a variation of condition application.
- 2.2 In November 2009, in its guidance document 'Greater Flexibility for Planning Permissions', the Department for Communities and Local Government (CLG) issued advice relating to the use of Section 73 to make minor material amendments to planning applications. The aim of the guidance was to remove the need to re-apply for full planning permission in order to make minor changes to development already approved. Use of Section 73 in this way is dependent upon the original planning permission including a condition listing the approved plans.
- 2.3 In this case planning permission 13/0808 does include such a condition (Condition 2). Planning Potential on behalf of Aldi Stores Limited therefore proposes to vary Condition 2 to allow minor changes to the scheme, to be made through the submission of revised plans. All of the changes are considered to fall within the definition of a minor material amendment provided within the DCLG guidance which is as follows: "*A minor material amendment is one whose scale and nature results in a development which is not substantially different from the one which has been approved*"
- 2.4 The process still allows for public consultation on the changes and the City Council has discretion over which statutory consultees need to be re-consulted. In this regard Local Planning Authorities are advised to take a proportionate approach.

- 2.5 In accordance with paragraph 7 of CLG guidance published in March 2010 ('Guidance on Information Requirements and Validation') the application is made on the standard application form. In accordance with the guidance a full copy of the original planning application is not submitted, although copies of any previous documents can be provided on request. The guidance also confirms that a design and access statement is not required. The application is supported, however, by a revised site layout plan and this planning statement.
- 2.6 It is considered that the changes proposed by this application are very minor and their scale and nature is such that they too will not impact on the conclusion of the original application.
- 2.7 Paragraph 72 of the CLG guidance provides advice on the determination of Section 73 applications and confirms that the scheme will by definition have been judged to be acceptable in principle at an earlier date. It states further that, "LPAs should, in making their decisions, focus their attention on national or local policies or other material considerations which may have changed significantly since the original grant of permission, as well as the changes sought."
- 2.8 We are not aware of any material change in planning policy or circumstances since the development of the site was last considered in October 2013 that would impact on the consideration of this application.

3.0 THE PROPOSED AMENDMENTS

- 3.1 Since securing the full planning permission under application reference 13/0808 Aldi Stores Limited have undertaken a detailed design review of the approved scheme in response to more efficient construction practices and to meet future tenant operational needs. The process has resulted in a series of proposed minor material changes to the scheme. This includes the following:

VARIATION OF CONDITION 2

- 3.2 Condition 2 states that the development hereby approved shall be carried out strictly in accordance with the amended plans (Nos.0705-100-A, 0705-101, 0705-102-A, 0705-104, 0705-105 Rev A, V0705-L01-A & Birdwell/17), Travel Plan (June 2013), Transport Assessment (June 2013), Air Quality Assessment (AQ0373), Economic, Planning and Retail Statement (July 2013), Design, Access, Site Waste Management and Sustainability Report & Statement of Community Involvement (July 2013) as approved unless required by any other conditions in this permission.
- 3.3 The condition was imposed in the interests of the visual amenities of the locality – in accordance with Core Strategy Policy CSP 29, Design. On this point we note that comments from the Local Planning Authority relating to design, related to the exterior rather than the built foot print. The exterior will not be altered in this respect.
- 3.4 A variation of Condition 2 is required to facilitate the substitution of approved application drawings, with a revised set of drawings as indicated within our covering letter, and attached to this application. Overall, the revision seeks to increase the quantum of development proposed; in line with Aldi Stores Limited operational needs in light of changing consumer shopping habits and the popularity of Aldi as a retail

shopping destination. As a consequence, it has been necessary to increase the scale of the proposed foodstore to meet consumer demands as shown in Table 1 below. Revised elevation drawings have also been supplied to assist the Council in the determination of the application.

Table 1: Proposed Floorspace Amendments

	Approved (sqm)	Revised (sqm)	Difference (+ / -)
Net Floorspace	1125	1254	129
Gross External Area	1571	1739	168
Gross Internal Area	1518	1683	165

3.5 Table 1 above highlights the proposed difference in floorspace from the approved development in comparison to the revised scheme. Overall, given the proposed modest uplift, we consider that the changes identified relate to minor design evolutions or operational requirements and none of them have any bearing on matters of principal or seek to make any fundamental changes that demand substantive re-assessment under planning policy.

3.6 Finally, I note that no changes will be made to the level of car parking proposed; and landscape features will be retained. The design of the building in respect of materials and access have also not been affected by the development proposals.

CONCLUSION

- 4.1 Overall, given the modest uplift proposed through the variation of Condition 2 we consider the variation of this condition acceptable, and in line with the Governments Guidance for 'flexibility' and agenda for sustainable growth, as promoted within the NPPF. The application should be approved without delay.

APPENDIX 1

Decision Notice: 13/0808