



## GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO. 2020/1249**

**To** TDH Estates Ltd  
11 Old Road North  
Kempsey  
Worcester  
WR5 3JZ

**DESCRIPTION** Conversion of former restaurant into to drive thru coffee shop, changes to the external facing materials and site layout including the reinstatement of drive through lane and the erection of a separate detached building to be used as a hot food takeaway delivery hub

**LOCATION** Former Frankie and Bennys, Doncaster Road, Stairfoot, Barnsley, S70 3PE

Permission is **granted** for the proposals which were the subject of the Application and Plans registered by the Council on 05/11/2020 and described above.

The approval is subject on compliance with the following conditions:

1	<p>The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission. <b>Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.</b></p>
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2	<p>The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless required by any other conditions in this permission. Plan references:</p> <p>1974-P-20 Location Plan 1974-P-21 Block Plan 1974-P-22 Existing Site Plan 1974-P-23 Existing Floor and Roof Plans 1974-P-24 Existing Elevations and Sections 1974-P-25A Proposed Site Plan 1974-P-26 Proposed Floor and Roof Plans 1974-P-27 Proposed Elevations and Sections 1974-P-28B Amended POD Plan Elevations and Sections 1974-P-30 Amended Existing Site Plan</p> <p><b>Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.</b></p>
3	<p>No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:</p> <p>i. The parking of vehicles of site operatives and visitors ii. Means of access for construction traffic iii. Loading and unloading of plant and materials iv. Storage of plant and materials used in constructing the development v. Measures to prevent mud/debris being deposited on the public highway. vi. Details of any variation to the approved parking layout necessary during the construction of the hub.</p> <p><b>Reason: In the interests of highway safety.</b></p>
4	<p>No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:</p> <p>Tree protective barrier details Tree protection plan Arboricultural method statement</p> <p><b>Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality.</b></p>

5	<p>No development above ground level in relation to the delivery hub shall take place before full details of the bricks to be used in the construction of the delivery hub have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved materials and the materials shown on the approved plans.</p> <p><b>Reason: in the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.</b></p>
6	<p>No development above ground level shall take place before the hard surfacing materials to be used have been submitted to and approved in writing by the Local Planning Authority and thereafter only the approved materials shall be used.</p> <p><b>Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.</b></p>
7	<p>The Sheffield Cycle Stands indicated on the approved plan shall be installed before the development is brought into use and shall be retained at all times.</p> <p><b>Reason: To ensure that satisfactory cycle parking provision is made in the interests of encouraging active travel options and in accordance with Local Plan Policy T4 New Development and Transport Safety.</b></p>
8	<p>No part of the development hereby permitted shall be occupied or brought into use until full details of any proposed air conditioning equipment or other external plant has been submitted to and approved in writing by the Local Planning Authority. The approved equipment and plant shall be installed strictly in accordance with the approved details and maintained as such thereafter.</p> <p><b>Reason: In the interests of the residential and visual amenities of the locality and in accordance with the Local Plan Policies D1 High Quality Design and Place Making and Poll1, Pollution Control and Protection.</b></p>
9	<p>No part of the development hereby permitted shall be occupied or brought into use until details of the cooking equipment required in association with the use including the need for the installation of any fume extract system, have been submitted (the specifications for which shall include details of odour reduction and adequate fume dispersion in accordance with DEFRA guidance on `Control of Odour and Noise from Commercial Kitchen Exhaust Systems`) to the satisfaction and written approval of the Local Planning Authority. The works shall be installed prior to commencement of the use hereby approved and thereafter retained unless otherwise agreed by the Local Planning Authority.</p> <p><b>Reason: In accordance with the residential and visual amenities of the locality and in accordance with the Local Plan Policies D1 High Quality Design and Place Making and Poll1, Pollution Control and Protection.</b></p>
10	<p>Upon commencement of development, full details of soft landscaping works, including details of the species, positions and planted heights of proposed trees; together with details of the position and condition of any existing trees and hedgerows to be retained shall be submitted to and approved in writing by the Local Planning Authority.</p> <p><b>Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.</b></p>

11	<p>All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.</p> <p><b>Reason: In the interests of the visual amenities of the locality, in accordance with Local Plan Policy GD1 General Development.</b></p>
12	<p>Prior to the commencement of the use a scheme describing the methodology to be employed to control litter and minimise waste from being deposited in the street shall have been submitted to and approved in writing by the Local Planning Authority. Such scheme shall, amongst other matters, provide details of the packaging to be used, any litter bins to be provided and any signage to be displayed on the premises advising customer of the need to dispose of litter in appropriate litter bins or other facilities. Any litter bins or other facilities provided pursuant to the requirements of this condition shall be retained and maintained for the duration of the development and the use shall operate in complete accordance with the approved scheme.</p> <p><b>Reason: In the interests of the visual amenity of the locality in accordance with Local Plan Policy Poll1, Pollution Control and Protection.</b></p>
13	<p>The site shall be developed with separate systems of drainage for foul and surface water on and off site.</p> <p><b>Reason: In the interest of satisfactory and sustainable drainage.</b></p>
14	<p>Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.</p> <p><b>Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policy Poll1, Pollution Control and Protection.</b></p>
15	<p>The parking/manoeuvring facilities, indicated on the submitted plan shall be made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.</p> <p><b>Reason: In the interest of highway safety, in accordance with Local Plan Policy T4 New Development and Highway Improvement.</b></p>
16	<p>Any deliveries to the site by HGV's (not including vans or lighter goods vehicles) shall only take place between the hours of 0700 &amp; 1900 Monday to Saturdays and 0900 &amp; 1800 on Sundays or Bank Holidays.</p> <p><b>Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policy Poll1, Pollution Control and Protection.</b></p>

## Informative(s)

*Pursuant to article 31(1)(cc) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, complied with our Planning Service Charter for Business and otherwise actively engaged with the applicant in dealing with the application.*

- 1 On the Statutory Sewer Map there are four sewers recorded to cross the site. It would appear that they are unlikely to be affected by building-over proposals but the developer is advised to liaise with Yorkshire Water to ensure the presence of the sewers is taken into account in the development work.
- 2 The developer is required to consult with Yorkshire Water's Trade Effluent team (telephone 03451 242424) on any proposal to discharge a trade effluent to the public sewer network.
- 3 Foul water from kitchens and/or food preparation areas of any restaurants and/or canteens etc. must pass through a fat and grease trap of adequate design before any discharge to the public sewer network.
- 4 Under the provisions of section 111 of the Water Industry Act 1991 it is unlawful to pass into any public sewer (or into any drain or private sewer communicating with the public sewer network) any items likely to cause damage to the public sewer network interfere with the free flow of its contents or affect the treatment and disposal of its contents. Amongst other things this includes fat, oil, nappies, bandages, syringes, medicines, sanitary towels and incontinence pants. Contravention of the provisions of section 111 is a criminal offence.
- 5 The developer is advised that advertisement consent may be required for signage on the building and in particular for any illuminated or totem signs.

*Please be aware that the Council monitors construction sites and open land within the vicinity such sites in an attempt to prevent fly tipping (i.e. unauthorised deposit of waste on land), which is illegal under the Environmental Protection Act 1990. The penalties for fly-tipping can include:*

- *a fine of up to £50,000 and*
- *up to six months imprisonment on conviction.*

*Therefore, if necessary, please ensure that all demolition waste and waste associated with the construction of the approved development is disposed of via approved methods and that documents are retained to prove this.*

Signed

Dated 03/03/2021



Joe Jenkinson  
Head of Planning and Building Control

The grant of this consent does not constitute or imply permission, approval or consent by the Local Authority for any other purpose.

## **NOTES:-**

### **Appeals to the Secretary of State**

If you are aggrieved by the decision of the Council to grant permission for the proposed development subject to conditions then you can appeal to the Secretary of State for the Environment, Transport and Regions under Section 78 of the Town and Country Planning Act. If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from The Planning Inspectorate, Room 3/24 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

### **Purchase Notices**

If either the Local Planning Authority or the Secretary of State for the Environment, Transport and Regions refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act 1990.

### **Compensation**

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference to the application to him. These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.