
2021/0624

Hot food takeaway delivery hub (amendment to previously approved application 2020/1249)

Former Frankie and Benny's, Doncaster Road, Stairfoot, Barnsley, S70 3PE.

Site Location and Description

The site is located within the Stairfoot Local Centre in a predominantly commercial area, but with a care home on the opposite side of the Doncaster Road (A635) and houses beyond the immediate area. The site itself is on an 'island' bound by the Old Doncaster Road, the new Doncaster Road (A635), Stairfoot roundabout and Grange Lane (A633). The remaining land within this island previously held the Black Bull Hotel which has been demolished and is the subject of a separate application for a restaurant with drive thru.

The application site is limited to the site of the proposed delivery hub and its immediate environs, the wider site currently accommodates the former Frankie and Benny's restaurant and car park which has permission for conversion to a Starbucks Drive Thru. There is well established planting around the site which goes some way to screen it.

Street view snips of the site and the immediate area:



The character of this area is formed by older stone buildings and more modern red and buff brick buildings – photos below show stone shops above the site on Doncaster Road; and Aldi and Care Home on the opposite side of Doncaster Road



Site History

2008/0292 – Alterations and removal of existing drive through lane to provide for terrace (the site being a former drive thru Burger King and before that a Little Chef). This application was for occupation by Frankie and Benny's.

2020/1249 – Conversion of former restaurant into 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 foot takeaway delivery hub.

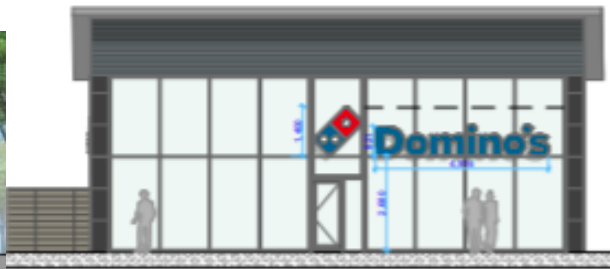
Proposed Development

The application seeks permission to site a 'delivery hub' building in the car park, to be used by Domino's pizza. This will have buff brick slip walls, with grey cladding above the eaves and on the monopitch roof. The proposal is an amendment to the permission granted under

2020/1249 – that earlier permission was for a single storey building measuring 10m by 8.4m with a height of 3.95m (eaves) and 4.9m (apex). The current proposal is for a two storey building measuring 13.99m by 9.4m with a height of (approx) 4.9 (eaves) and 6.7 (apex). The applicant has clarified that the hub will be used in the manner previously agreed, as a delivery hub and not as a hot food takeaway; and has amended the originally proposed walling (grey cladding) materials to buff bricks as previously agreed. The first floor (mezzanine) is proposed to be used for dry storage with staff access only.

Previous scheme

Current proposal



Policy Context

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

The new Local Plan was adopted at the full Council meeting held 3th January 2019 after it was found to be sound by the appointed Planning Inspector following the examination process. This means that it now takes on full weight for decision making process in planning law terms as the development plan for the Borough, superseding the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011).

Local Plan

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

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

Policy Poll1 Pollution Control and Protection – sets criteria to ensure that new development does not unacceptably affect or cause nuisance to the natural and built environment or to people; or suffer from unacceptable levels of pollution.

Policy T4 New development and Transport Safety – expects new development to be designed and built to provide safe secure and convenient access and to not cause or add to problems of highway safety or efficiency.

Policy SD1 Presumption in favour of Sustainable Development – indicates that we will take a positive approach reflecting the presumption in favour of sustainable development in the National Planning Policy Framework and that we will work proactively with applicants to

find solutions to secure development that improves the economic, social and environmental conditions in the area

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

Policy D1 High Quality Design and Place Making – indicates that development is expected to be of high quality design and to reflect the distinctive, local character and features of Barnsley.

NPPF

The National Planning Policy Framework sets out the Government’s planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt (para 81)

Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a position approach to their growth, management and adaptation. (para 86)

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve (para 126)

Supplementary Planning Documents (SPD):

SPD Parking - Gives guidance on parking standards, including giving an indicative figure of what will be considered acceptable but does not prescribe maximum or minimum figures.

SPD – Sustainable Travel - seeks contributions for sustainable and active travel on major developments. Sets out the number of electric vehicle charging points to be provided on developments as a minimum.

SPD – Hot Food Takeaways - Explains the main issues that are likely to apply to a planning application for a hot food takeaway

Hot Food Takeaways planning advice note - Explains and includes exclusion zones around schools where new takeaways won't be allowed.

Good Practice Planning Guidance: Barnsley MBC Air Quality and Emissions Good Practice Planning Guidance.

Consultations

Highways DC – No response.

Forestry Officer – No response.

Environmental Health Officer – No response

Ward Councillors – No comments received

Representations

The application has been advertised via letters to neighbouring properties and a site notice (local interest) – 2 June to 23 June; no representations have been received.

Assessment

Principle of development

The proposal is in a designated Local Centre and is predominantly surrounded by commercial properties. Planning policies for the local centre indicate that we will support development that will meet the needs of the local area and is appropriate to the local centre.

Retail policy

The principle of the delivery hub has recently been accepted, there has been no material policy change since that planning permission was granted.

Since the development proposed involves a small scale town centre use (or associated use) in a designated local centre the principle of development is acceptable. The takeaway delivery hub requires detailed assessment given the advice in the Hot Food Takeaway SPD and PAN.

Health

The submission includes a health impact assessment of the proposed hot food takeaway delivery hub which clarifies that the proposal is for deliveries. As the proposed delivery hub is not a hot food takeaway then the policy and advice in the Hot Food Takeaway SPD and PAN can be given very little weight in consideration of the proposal. It is concluded that as the primary use is for cooking orders taken over the internet/phone which will be delivered to customers, then this is a 'sui generis' use. Any small scale collection of orders would not change the primary use of the building which would remain 'sui generis'. If circumstances change and the property becomes used more intensively as a hot food takeaway then a further planning permission will be required for this change of use. Accordingly, no condition is proposed limiting the use since planning permission would be required for such a change of use.

Although the proposed Hub is not a conventional town centre use, it is sited in an unobtrusive part of the local centre, not on a main shopping street and complements other town centre uses.

Pollution

Reflecting the advice given on the previous application, conditions are recommended in the interests of both residential and visual amenities of the area to:

- require that full details of any proposed air conditioning and fume extraction are agreed before the development is first brought into use
- limit the hours when HGVs may be used for deliveries
- Limit the hours of construction
- Require the parking facilities to be made available and retained, and

On the previous scheme, consideration was given to the air quality implications of the proposed use but it was concluded that it would not be reasonable to require any mitigation measures such as EVCPs since the hub has provision for parking by delivery drivers only

(and would arguably reduce the distance travelled by delivery drivers since they currently operate only from the town centre branch of Dominoes).

Visual Amenity

The proposed Hub has been amended from a metal clad building to incorporate the use of buff bricks on the elevations below eaves level. The increased size of the proposed building is considered to be acceptable in this setting.

As with the previously approved scheme for a delivery hub, there is no impact on landscaping, the hub being sited on the car parking area with a small portion extending onto the grassed area but with no impact on the existing shrubs and trees.

It is concluded that the design of the scheme is acceptable.

Highways safety

The proposal has a limited impact on traffic to the site and on the existing car parking area - the Hub (and the associated changes to the car parking resulting from the revision to the layout of the adjacent car park to the former Frankie and Bennys) result in the loss of only 7 spaces, with three dedicated spaces set aside only for delivery drivers. This remains an acceptable level of provision for the scale of development and a condition is imposed requiring the delivery drivers spaces to be made available and retained.

Recommendation

Grant subject to conditions

Time

The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.

Plans

Amended Approved Plans – numbers:

94.20/02.1 Existing Site

94.20/04.1 C Proposed Planning

94.20/02/1 Site and Location Plan

Upon commencement

No development above ground level in relation to the delivery hub shall take place before full details of the materials 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.

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.

No development above ground level shall take place before any 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.

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

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.

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.

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.

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.

No agreement required

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.

Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policy Poll1, Pollution Control and Protection.

The parking 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.

Reason: In the interest of highway safety, in accordance with Local Plan Policy T4 New Development and Highway Improvement

Any deliveries to the site by HGV's (not including vans or lighter goods vehicles) shall only take place between the hours of 0700 & 1900 Monday to Saturdays and 0900 & 1800 on Sundays or Bank Holidays.

Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policy Poll1, Pollution Control and Protection.