
2021/1187

Mr Mark Hepburn

Removal of condition 16 (restriction on site delivery times by HGV's) of planning permission 2020/1249 – Conversion of former restaurant into drive thru coffee shop, changes to the external facing materials and site layout including the reinstallation of drive through lane and the erection of a separate detached building to be used as a hot food takeaway delivery hub.

Starbucks, 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 site currently accommodates the former (now permanently closed) Frankie and Benny's restaurant and car park. The building is buff brick with a pitched, tiled, roof. There is well established planting around the site which goes some way to screen it.

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 reinstallation of drive through lane and the erection of a separate detached building to be used as a hot food takeaway delivery hub

2021/0371 – Partial discharge of conditions 3, 4, 5, 6 and 10 of 2020/1249

2021/0809 – Partial discharge of conditions 8, 9 and 12 of 2020/1249

Proposed Development

This application relates to the previously approved scheme for the conversion of the former restaurant into a drive thru coffee shop. Condition number 16 was applied stating:

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.

This application seeks to remove this condition from the previously approved scheme.

The applicant states on the application form that they wish delivery hours to be extended to 24 hours a day; the condition prohibits deliveries overnight but this is causing congestion within the site which in turn causes pollution. Removal of this condition will result in less congestion primarily through the ability to share HGV deliveries with other franchise stores in the area. The site is adjacent to a dual carriageway and separate from any residential properties, thus one HGV delivery every two days during the night will cause minimal

nuisance to the surrounding area. We would also draw your attention to the fact that other businesses in the nearby vicinity of the retail park are not subject to this restriction.

Policy Context

Planning decision 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 Local Plan was adopted at the full Council meeting held 3rd 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 there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the

development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

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

Consultations

Highways DC – No objections to removal of condition 16

Pollution Control – No objection with the removal of condition 16. There have been no complaints about this location and other business nearby have 24-hour deliveries.

Ward Councillors – No comments

Representations

Neighbour notification letters have been sent to surrounding properties and the application has been advertised by the way of a site notice (28 Sept - 19 Oct); no representations have been received.

Assessment

Planning approval was granted for the conversion of the restaurant to a drive thru in March 2021. The proposal was considered to be acceptable in principle subject to consideration of any adverse impacts including on the amenity of local residents.

The condition was imposed with the agreement of the applicant to limit the effect of the proposed conversion on local residents. The nearest residents are at Waterfield Place – separated from the application site by the commercial properties that front onto the old Doncaster Road – and at the Care Home on the opposite side of Doncaster Road.

There was no such condition on the building when it operated as a restaurant and it is understood that there are no similar conditions on the businesses in the vicinity.

It is concluded that on the basis of the advice of pollution control there is no justification for retaining the condition and it can be removed as it is not necessary or reasonable.

Recommendation

Grant subject to the same conditions as previously with the exception of condition 16 and to reflect those conditions which have been discharged since the principal decision was made.