



Date 27th October 2020

Planning and Building Control
Barnsley MBC
PO Box 634
Barnsley
S70 9GG

Dear Sir/Madam

**TOWN AND COUNTRY PLANNING ACT
FORMER LITTLE CHEF, DONCASTER ROAD, STAIRFOOT, BARNLSLEY, S70 3PT
CONVERSION OF EXISTING BUILDING TO DRIVE THRU COFFEE SHOP AND
ERECTION OF HOT FOOD DELIVERY HUB**

I have lodged via the Planning Portal the completed forms and supporting documents to lodge an application for the development as described above. It is proposed to convert the existing building, most recently occupied by Frankie and Benny's involving a number of external alterations and the reintroduction of a drive thru lane to allow occupation by Starbucks, and construction of a new small unit in the car park to act as a local delivery hub for Dominos. The alterations to the existing unit do not alter the existing floor area; the delivery pod is 83.9 sq m GIA (103.4 sq m GEA). The proposals are shown on the submitted plans as listed below

1974-P-20 Location Plan
1974-P-21 Existing Block Plan
1974-P-22 Existing Site Plan
1974-P-23 Existing Floor & Roof Plan
1974-P-24 Existing Elevations & Section A-A
1974-P-25 Proposed Site Plan
1974-P-26 Proposed Floor & Roof Plan
1974-P-27 Proposed Elevations
1974-P-28 Pod Unit Plans, Elevations & Section.

Further details are provided in the Design and Access Statement. Plan 1974-P-29 shows the typical internal layout of the pod unit, for illustrative purposes only.

The Planning History

The earliest recorded planning application on the Council web site is B/89/1436/BA. Unfortunately the system only records the description of development and decision. This application was for

erection of a family restaurant and 32 bed Travelodge. As the site address is given as Little Chef and the Travelodge is built, it is assumed that this was the original consent under which the building was constructed.

Permission was granted under B/98/1200/BA for alterations, extension and external works to form a Burger King restaurant and drive thru. Given the application recorded below it is assumed this was implemented.

Application 2008/0292 is described as alterations to the shop front and removal of drive thru lane to provide terrace area, bin store and landscaping.

In 2015 an application to extend Frankie and Benny's was withdrawn.

It can be seen from the planning history that the subject property has been used by a number of catering companies, both as a restaurant and hot food takeaway, with and without a drive thru lane. The most recent use would have been within use class A3, now class E.

Site and Surroundings

The site extends to around 0.25 ha, forming part of an island site surrounded by major roads, the A635, A633 and Doncaster Road, within the urban area of Barnsley. The existing building is single storey, predominantly brick with a pitched tiled roof. Access is from Doncaster Road to the northern boundary of the site. Car parking and circulation areas are to the north and northwest of the building.

To the north of the site is the Travelodge and areas of informal open space along a former railway line. To the east is highway infrastructure with the roundabout junction of the A635/A633. To the south and south west is a mixed employment area and an Aldi foodstore. Finally to the west is a small traffic island and beyond that a mixed residential area with ground floor retail uses, restaurants and A5 uses.

Planning Considerations

The conversion of Frankie and Benny's to a drive thru Starbucks is not considered to raise any issues of principle. The drive thru coffee shop is generally considered a Class E use, as would have been the case for Frankie and Benny's. Permission is of course required for the external changes although potentially not for the drive thru lane. In any event the drive thru lane has been permitted in the past, meaning its reintroduction can be considered against any change in circumstances but it is a material consideration that this existed in the past.

The proposed new building is located in the north western corner of the site on what is currently parking and circulation areas. Its principle function is to act as a delivery hub for Dominos. Pizzas will be prepared on site and delivered to Stairfoot and the eastern wards of Barnsley. Walk in custom is not expected, the main function of the building is as a delivery hub for Domino's rather than having all deliveries dispatched from the existing town centre store. The Dominos will employ 2 full time and 2 part time staff in the new unit but it will also act as a base for 11 delivery drivers.

Planning Policy

Planning policy relevant to the proposal is contained in the adopted Barnsley Local Plan 2019 and the Hot Food Takeaways SPD and Hot Food Takeaway Planning Advice Note (both May 2019). In

applying these policies to the two elements of the development proposed, it must be borne in mind that one part is an existing building for which no change of use would be required while the other, although sui generis, only shares the characteristics of the former use class A5 to a limited degree, being mainly aimed at deliveries and with limited customers expected on site.

Barnsley Local Plan

In terms of the Barnsley Local Plan the site is included within an area defined on the Proposals Map as “District or Local Centre”. Policy TC1 states that support will be given to maintaining and enhancing the vitality and viability of existing centres. It contains a hierarchy of main town centre, district centres and local centres. Local centres are expected to serve smaller catchments and development will be expected to meet the needs of the local area and not adversely impact on the vitality or viability of other local centres. It goes on to say that all retail and town centre developments will be expected to be appropriate to the scale, role, function and character of the centres in which they are located. However para 15.3 makes clear that the overall approach is that new retail and town centre development should be located within existing centres. Accordingly the proposed delivery hub is supported in principle by this policy.

In terms of the sequential approach and impact test contained in policies TC1 and TC3 as well as the NPPF, neither are required – the site is within a defined centre and is considerably below the threshold size.

Hot Food Takeaways SPD

This SPD is chiefly concerned with the environmental impacts of prospective new hot food take away uses, being concerned with possible noise, smells and traffic issues as well as residential amenity and the clustering of such uses.

In terms of noise and disturbance, it notes that the protection of the living conditions of nearby residents will be a significant issue when considering applications for hot food takeaways and that such uses can pose a particular difficulty at night when background noise levels are low. Permission is therefore unlikely to be granted where premises are located outside of defined shopping centres or concentrations of shops.

The SPD notes that the Council will have regard to the general character of the area including levels of commercial and vehicular activity. In this instance that character is of an existing centre, containing a number of existing late night activities and close to two major traffic routes. The proposal by virtue of its size and location is unlikely to have a material adverse effect on this.

In terms of the concentration of such uses, the SPD notes that there should not be more than one such use in any one length of frontage, in order to protect the street scene, to achieve a diverse mix of shops and maintain a good standard of design. In terms of the existing centre, there are a number of hot food takeaways already present which form part of the character of the street scene and presumably provide for the mix of uses sought by the market in this location. The SPD does not apply to the proposal however as it is not within an existing length of frontage.

To protect residential amenity, new A5 uses should not share a party wall and the discharge stack/extraction system must be located and designed to prevent noise and odour nuisance. In this case there is of course no party wall. The proposed building is around 50m from the nearest residential property which it should be noted is above a hot food takeaway. Accordingly it is unlikely that the proposal will have a material effect on these residents.

The proposed Starbucks is expected to be open from 5am to 10pm while the Dominos will be open from noon til midnight. This is slightly longer in the Dominos case than the hours set in the SPD but is not considered an issue as the Dominos is principally a deliver facility and only limited numbers of customers are expected to attend in person. Moreover the local noise environment will be dominated by traffic noise from the two A roads.

The extent of the impact of cooking smells is largely dependent on location, with adverse impacts being less acceptable in predominantly residential areas or local shopping centres containing flats. The proposal in this instance is not within a residential area and while it is in a local centre assumed to have flats at upper floor levels, the premises is separated to a significant degree. It is considered this matter could be addressed by a pre-commencement condition as intimated in the SPD.

The SPD also comments on the storage of waste. The submitted plans include separate areas for the storage of waste including recyclable wastes.

Finally the SPD addresses customer traffic, on street parking and vehicle turning movements which can cause difficulties where this is on street. In this instance the proposed unit is served by a communal car park with adequate on site parking and maneuvering space.

Hot Food Takeaways Planning Advice Note

Unlike the SPD, the PAN is concerned with the health effects of hot food takeaways. It notes that the NPPF in section 8 and the Local Plan in policy D1 include consideration of healthy lifestyles. It further notes that levels of obesity and excessive weight are a health concern in Barnsley with a high level of adults in Barnsley being overweight (in excess of the national average) and a third of 10-11 year olds. Obesity and overweight issues are considered to be in part of a reflection of local surroundings which offer too many unhealthy fast food options and too few opportunities for individuals to be active.

In relation to hot food takeaways and schools, para 5.5 to 5.8 note that excessive weight in children will be more likely to lead to excessive weight as adults, increasing health concerns around diabetes, heart disease and cancer. Para 5.7 notes that continuing to permit school children access to food sold in hot food takeaways will perpetuate poor food choices. Restricting hot food takeaways within a 10 minute walking distance of schools will limit exposure.

Table 1 shows, by ward, the population, number of outlets and the percentage of excess weight in 4-5 year and 10-11 year olds. There are slightly more wards with more outlets than Stairfoot than wards with lower numbers but generally slightly higher numbers of children with excessive weight.

The PAN goes on to set out 4 considerations when assessing new A5 uses. These are considered in turn below.

Firstly the PAN considers over proliferation of A5 uses. Consideration will be given to the number of hot food takeaways present in each ward, with the greater the number making it more likely that proposals for further A5 uses will be in conflict with the NPPF. However there is no specific criteria or formula for determining how many such uses are acceptable or not acceptable; while criteria in the SPD will tend to restrict future A5 uses on other grounds, the PAN does not set out how this would be done on purely health grounds. It is of course the case that the ward containing the main town centre has significantly more hot food take aways than any other ward. This is entirely predictable and presumably also applies for other defined centres since planning policy for

many years has directed such uses to these locations. It is not clear how an informal policy document can be considered compatible with the encouragement of main town centre uses in designated centres in the development plan.

In this instance it is noted above that the number of outlets in Stairfoot is below average; moreover the proposal is chiefly intended to provide a better delivery service rather than adding to the range of hot food options already available as Dominos already deliver to this area.

The PAN then considers proximity to schools. Proposals within 400 m of a secondary school or advanced learning centre will have regard to the guidance from Public Health England on the link between childhood obesity and proximity to hot food takeaways. In this instance the proposal is considerably beyond 400 m from the nearest secondary school or ALC.

The third consideration in the PAN is locations with high levels of obesity. Proposals for hot food takeaways in wards with more than 32% of 10-11 years being classed as having excess weight are considered to be more likely to conflict with the NPPF. In Stairfoot the proportion given in Table 1 is above 32%. No justification is put forward for the 32%, it may be because this is the approximate median average or it may be coincidence. The PAN also doesn't establish any correlation or causal link between the number of outlets and the proportions of excess weight. There are many wards that have more than average numbers of outlets but a lower proportion of excess weight or have fewer outlets but a higher proportion of excess weight – for example Cudworth has more outlets but a lower proportion while Penistone East and West have fewer outlets but a higher proportion.

Moreover this author has considerable doubts that an assessment based on ward boundaries has merit. Customers of hot food takeaways may use local facilities or they may choose a particular brand or retailer for their takeaways. In a dense urban area such as Barnsley, wards are simply too small to be self contained. A ward based approach also is not consistent with the growth of home delivery options such as Just Eat, Uber Eats and others, nor does it reflect on the ability of restaurateurs to offer a delivery service despite operating under a class E consent (A3 as was). It is noted that strict adherence to the 32% figure would prevent any new A5 uses within the main urban area of Barnsley.

In this instance reference to the proportion of excess weight in Stairfoot is also misleading because the proposal is merely adding a delivery hub to an area already covered by the same retailer, very few or no walk in customers are expected to attend with the majority of business being done by delivery drivers who will simply be attending from a different point of origin. It is therefore hard to see how this would make any material difference to the objectives of the NPPF. This matter was addressed at an appeal in Camden (APP/X5210/W/19/3229023) concerning the change of use of a pub to a Dominos. Clearly the circumstances relating to each application and appeal vary but in para 12 the Inspector gives weight to the Domino's business model in stating "the proposed format of the business would be more directed towards deliveries than walk-in customers. This is reflected in the submitted floor plans that show a small customer area, with the majority of the premises given to the 'bake and serve' area, kitchens and storage." The likely internal layout of the unit is shown on plan P29. In general it should be noted that in a unit of this size there is little accommodation for customers to arrive directly and be served.

Finally the PAN requires the submission of a Health Impact Assessment. This is attached; specific health impacts from Dominos are summarised at the end of the HIA.

Conclusions

The amendments to the existing building to convert Frankie and Benny's to a drive thru Starbucks are relatively minor; the principle of a drive thru lane being added has previously been considered on this site and approved. The new unit would be a sui generis use which although sharing some of the characteristics of a hot food takeaway is principally designed as a delivery hub for Dominos, replacing an existing service which already operates from a unit in the centre of Barnsley. Very few customers are expected on site. While this long letter has considered the Council's informal policy on hot food takeaway and found the proposal broadly acceptable, it is nevertheless not entirely clear that it should be applied to the proposal. General retail policy on town centres is met given the location within a defined local centre and the development can be approved subject to conditions.

The fee for the application is £924 based on an increase in GEA of 103.4 sq m. This will be paid via the Portal.

I look forward to receipt of the acknowledgement.

Yours sincerely

