

PROPOSED CHANGE OF USE PLANNING APPLICATION – 47 HUDDERSFIELD ROAD, MIRFIELD – HIGHWAYS TECHNICAL NOTE 01 (4851)

Introduction

Eddisons have been instructed by Domino's Ltd to advise on the traffic and transportation issues relating to the proposals for the conversion of number 47 Huddersfield Road in Mirfield from Class E to Hot Food Pizza Takeaway (sui generis).

This Transport Note has been produced in response to the comments received from the local highways officers at Kirklees Council (KC), in their Consultation Response dated 8th May 2025 (Planning Ref: 2025/90487).

To address these comments, this Note will consider the following.

- Existing Site and Existing Parking Provision.
- Sites Accessibility by Non-Car Modes.
- Fallback Position.
- Development Proposals.

Existing Site and Existing Parking Provision

The application site is located on the A644 Huddersfield Road and forms part of the designated town centre boundary. The location of the site is displayed on **Plan 1**.

The application site is the ground floor of the building, which is currently vacant and has a lawful use as a bank (Class E), the ground floor unit has a gross floor area of 148sqm. The first floor of the unit is as separate residential flat (Class C3) and this will remain.

Vehicular access to the site is provided off Trinity Street which provides access to an area of hardstanding to the rear of the building which has capacity to accommodate up to 3 vehicles.

Due to the site's location within the centre of Mirfield, Huddersfield Road, Trinity Street, Fenton Street and Knowl Road are subject to a range of parking controls. Double yellow lines prohibiting parking at all times are located on both sides of the Huddersfield Road carriageway in the vicinity of the site, whilst a yellow box marking is provided to the east of the site to protect access for the neighbouring Mirfield Fire Station.

Directly to the west of the application site, double yellow markings are located on either side of Trinity Street to protect the throughflow of traffic. To the north of the application site double yellow markings are provided for on Fenton Street and Knowl Road.

Given the site's location within the town centre, off-street and on-street parking is provided within the vicinity of the application. On-street marked parking bays are located on the northern side of the Huddersfield Road approximately 25 metres west of the application site. These parking bays are subject to parking restrictions Monday to Saturday 0800 to 1800 hours (maximum of 60 minutes with no return within 60 minutes).

Further on-street parking provision is provided on Huddersfield Road approximately 100 metres east of the application, this parking has no restrictions. Whilst the Station Road car park is located 120 metres south-west of the application site, this provides a total of 71 spaces, is free of charge for up to 2 hours and can be accessed via the footway provision located on Huddersfield Road and Station Road.

To ascertain the existing demand for on-street marked parking bays on Huddersfield Road car parking beat surveys were undertaken on Friday 6th and Saturday 7th June 2025 between the 1200 hours and 2200 hours. These survey days were chosen as they are typically the busiest days for Domino's unit, as will be discussed in this note, the peak trading periods for Domino's units is between 1800 and 1800 hours. **Table 1** summarises the parking accumulation for the peak trading periods whilst the full parking survey data is contained within **Appendix 1**.

Time Period	Friday 6 th June 2025	Saturday 7 th June 2025
	Occupied Spaces	Occupied Spaces
1800-1805	5	3
1805-1810	4	3
1810-1815	5	3
1815-1820	7	3
1820-1825	7	3
1825-1830	7	4
1830-1835	6	5
1835-1840	6	6
1840-1845	7	5
1845-1850	7	5
1850-1855	7	5
1855-1900	7	5
1900-1905	7	4
1905-1910	5	4
1910-1915	5	5
1915-1920	5	3
1920-1925	4	4
1925-1930	5	4
1930-1935	4	5
1935-1940	4	5
1940-1945	5	5
1945-1950	4	5
1950-1955	5	5
1955-2000	5	3

Table 1 Summary of Car Park Beat Survey on Huddersfield Road (Capacity 7 Vehicles)

As can be seen in Table 1, the existing marked parking on Huddersfield Road operated with spare capacity during the majority of the survey periods. It is noted that there are short periods of time on Friday around 15-25 minutes where all spaces are occupied, but at all other times there are between 1-3 spare spaces. On a Saturday there is spare capacity throughout the busiest trading period with spare capacity for between 2-3 vehicle available.

It should be noted that this parking survey does not take into account the parking provision provided within the Station Road Car Park or the eastern section Huddersfield, which both within a short walk of the application site.

Non-car Accessibility

Given the sites location within Mirfield town centre, it benefits from being highly accessible by non-car modes, with pedestrian footways located on either side of Huddersfield Road and the surrounding highway network.

The 800 metre and 2-kilometre catchment plan displayed on **Plan 2**, shows that the town centre and the surrounding residential areas of Knowl and Towngate are located within 800 metres of the site. Whilst the entirety of Mirfield and the surrounding areas of Ravensthorpe and Northorpe are within walking distance of the application site. The existing pedestrian infrastructure provides the opportunities for both staff and customers to travel to the application site by foot.

In addition, there are bus stops in each direction located within 180 metres west of the of the application site on Station Road which offers access to the 261 bus service services, which runs between Huddersfield and Heckmondwike. This provision provides the opportunity for staff to travel to the application site by bus, as well as customers as part of their evening commute i.e. pick up order on way home.

Based on the above, it is concluded that given the sites location within Mirfield town centre it is accessible by non-car modes and provides the opportunity for journeys to and from the development to be undertaken by non-car modes.

Fallback Position

As previously stated, the application site was previously occupied as a Bank which will have generated vehicular movements and parking demand on the surrounding highway network.

However, it is important to note that the existing Class E land-use unit could be lawfully used as retail land-use, such as a convenience store or retail unit without the need for planning permission i.e. deliveries and opening hours. In addition, such a use would generate demand for car parking provision on the surrounding highway network at any time. Clearly the level of demand for car parking generated by a convenience store or retail unit would be far more than that would be generated by either the previous Bank or proposed land-use.

As such, it can be concluded that the change of use proposals would result in a reduced demand for car parking when compared to the fall-back position and would not result in a severe impact on the local highway network.

Development Proposals

The proposals are for a change of use of the former retail unit (Class E) to a hot food pizza take-away (Sui Generis). The existing floor area of the unit will be retained as existing, the proposed site plan is displayed in **Plan 2**.

It is proposed that the car park area to the rear of the unit will be used for operational use i.e. unit manager car parking and delivery drivers. Delivery drivers are employed by the Domino's and they do not use aggregates to undertake deliveries. This enables them to monitor the location of delivery drivers to ensure the efficient operation of units. It is proposed that deliveries will be undertaken solely by E-bikes and mopeds, these are provided by Domino's and delivery pick-ups will be undertaken to the rear of the unit.

Given that these will be Domino's employees they will be aware of the delivery strategy for the site. However, to provide the local highway authority with further comfort provision of a Delivery Driver Management Plan such as the one attached in **Appendix 2** could be attached as a condition to a future planning consent for the site.

With regard to staff travel to and from the site, based on experience of over 1,000 sites nationwide, staff are taken from the local area and a large proportion of staff get lifts from family/friends or travel sustainably due to their age and shift patterns.

Domino's Operation

As stated previously, the proposed unit will be occupied by hot food pizza takeaway (Domino's), they have specific traffic generation characteristics which are not reflected in the TRICS database.

Experience of units of this type indicate that on average, approximately 66% to of the total trade are deliveries whilst the remaining 34% of trade are store collections. During the Covid pandemic, the number of store collections reduced further and operators are noticing this this continuing post-pandemic. In addition, based on experience, although the proposed land-use is open between 9am and 11pm, the peak trading period is after 1800 hours when between 60-67% of daily trade occurs.

A large proportion of these orders are made in advance of travelling to the stores i.e. phone orders or internet orders. Therefore, reducing the duration of stay at unit, even if a customer orders on arrival at the unit the duration of stay is between 8 to 10 minutes.

As way of demonstration, **Tables 1** and **2** below provides a summary of the trade breakdown for a typical hot-food takeaway unit between Sunday to Thursday and Friday to Saturday.

It should be noted that delivery drivers complete 2-3 deliveries per trip from the unit, therefore, not all of the deliveries below will be single deliveries and this is can be seen in the Tables below.

Time Period	Collections	Deliveries	Delivery Type	
			Moped	E-Bike
1100-1200	0	0	0	0
1200-1300	1	1	0	1
1300-1400	1	0	0	1
1400-1500	1	0	0	1
1500-1600	1	1	0	1
1600-1700	1	2	1	1
1700-1800	2	6	2	2
1800-1900	2	8	2	2
1900-2000	2	8	2	2
2000-2100	1	7	2	2
2100-2200	1	2	1	1
2200-2300	1	2	1	1
Total	14	37	9	15

Table 1 – Summary of Typical Trade Breakdown – Thursday to Sunday

Time Period	Collections	Deliveries	Delivery Type	
			Moped	E-Bike
1100-1200	0	1	0	1
1200-1300	2	2	1	1
1300-1400	2	2	1	1
1400-1500	1	2	1	1
1500-1600	1	2	1	1
1600-1700	3	8	2	3
1700-1800	4	12	3	4
1800-1900	6	18	4	5
1900-2000	6	22	4	5
2000-2100	3	14	2	4
2100-2200	2	6	1	2
2200-2300	1	4	0	2
Total	31	93	21	30

Table 2 – Summary of Typical Trade Breakdown – Friday and Saturday

As can be seen in **Tables 1 and 2** Friday and Saturday are the busiest trade days, the busiest periods on Friday and Saturday occur between 1800 hours and 2000 hours and therefore outside of the peak periods for traffic movements. During this period there will be 40 deliveries from the site, comprising of a combination of 8 mopeds and 10 E-Bike movements and up to 12 customer collection trips to the unit.

With regard to the customer collections, a large proportion of these will be undertaken by sustainable travel modes or linked trips to surrounding land-uses within the town centre and those undertaken by car will use the parking on the surrounding highway network.

In addition, these customer collections would not necessarily be new demand for hot food takeaways. Instead, it is more likely that this premises would offer an alternative to customers already using the existing hot food takeaways operating on Huddersfield Road and the Mirfield area and would thereby cater for customers who may already be visiting them or have ordered a delivery from them.

Given the nature of the proposed development, any parking demand generated by customer collections will be outside of the traditional peak periods on the network and outside of the parking restrictions on the surrounding highway network. As demonstrated within the previously section, the off-site parking provision will be sufficient to accommodate the likely demand and the impact on the local highway network will be negligible.

As way of demonstration reference has been made to an Appeal Decision for Pizza Hot Food Takeaway, such as the one proposed, off High Street in Treorchy (Appeal Ref: APP/L6940/A/18/3193479). Paragraph 4 of the Appeal Decision states the following regarding demand for parking; **(Appendix 3)**

'4. Evidence from the appellant however substantiates that a worst-case scenario would be a parking requirement of 2-3 spaces at any one time.'

It should be noted that this figure also includes parking required for delivery drivers which will be undertaken on site. Therefore, the actual demand for car parking generated by the proposed land-use is relatively low and can be accommodated on the surrounding highway network safely and efficiently.

Within the KC highways consultation response the following comments are raised regarding car parking on the local highway network.

"The Fire Station is very close by, and this proposal could therefore result in vehicles encroaching back across or into the Fire Station forecourt. Parking on both sides of Huddersfield Road to collect orders will block the road to two-way traffic. Trinity Street at the side of the property is extremely narrow and a two-way cul-de-sac, visibility from Trinity Street

onto Huddersfield Road would be reduced considerably by parked cars. Visibility from the two junctions opposite Fenton Street and Knowl Road could also be reduced.”

As detailed above, the actual demand for parking on Huddersfield Road will be minimal and the delivery driver strategy for the unit i.e. mopeds and E-bikes will ensure that impact on Trinity Street and surrounding highway network is minimised. There is no evidence to suggest that customers will park in locations that will impact on highway safety or the operation of fire station.

The issue of customers parking on double yellow markings has been considered at an appeal for a Dominos unit on Bedminster Parade in Bristol (Appeal Ref: APP/Z0116/A/12/2176015) with the Appeal Decision stating the following in paragraph 8; **(Appendix 4)**.

‘8. Of course, some people might be tempted to park as close as possible to the unit, ignoring traffic restrictions. Yet the appellant’s evidence indicates that customers spend about 5-10 minutes within a Dominos unit on average. It seems to me that most people would be reluctant to park in a hazardous location for this length of time, given that there appear to be reasonable opportunities to park in the general area.’

Further consideration of on-street parking is provided within the Treorchy Appeal Decision which states the following in paragraph 5;

‘5. There are parking restrictions in place to prevent illegal parking and to safeguard provision for residents. From the representations received it would appear that these parking restrictions are not being fully enforced, but that is a separate matter for the relevant enforcement authority. It remains the case that there are provisions in place to ensure the effective control of parking. Moreover, because of the busy traffic flows on High Street and having regard to the signal controlled junction, it would be clearly obvious to most drivers that parking on the restricted sections of the highway would cause serious obstruction to the free flow of traffic in an illegal and anti-social manner. In my view, this would be a significant deterrent for most drivers.’

It is therefore concluded that the operational parking requirements can be accommodated on site whilst any demand generated by customers can be accommodated on the on-street provision within close proximity to the application site, it is highly unlikely to result in any increase in illegal car parking within the vicinity of the site.

Summary

The above note has considered the traffic and transportation issues relating to the proposals for the change of use application of number 47 Huddersfield Road in Mirfield from Class E to Hot Food Pizza Takeaway (sui generis).

The following conclusions have been drawn with regard to the proposed development;

- The site is located within the designated Mirfield town centre boundary and provides the opportunity for trips to and from the site to be undertaken by sustainable modes.
- The current lawful land-use has the potential to generate demand for car parking on the local highway network.
- Car parking provision is provided within walking distance of the application site on Huddersfield Road and the Station Road car park.
- On-site parking provision will be provided on the site for the staff and delivery drivers.
- Given the operational characteristics of the proposals the demand for customer parking will be minimal and any demand can be accommodated on the surrounding highway network.
- The proposals will not give rise to any highway safety concerns.

Based on the above it is concluded that the development is in accordance with the NPPF, as the residual cumulative impacts of the development cannot be considered severe and there remains no material reason why the proposed development should not be granted planning consent on highways or transportation grounds.

PLANS

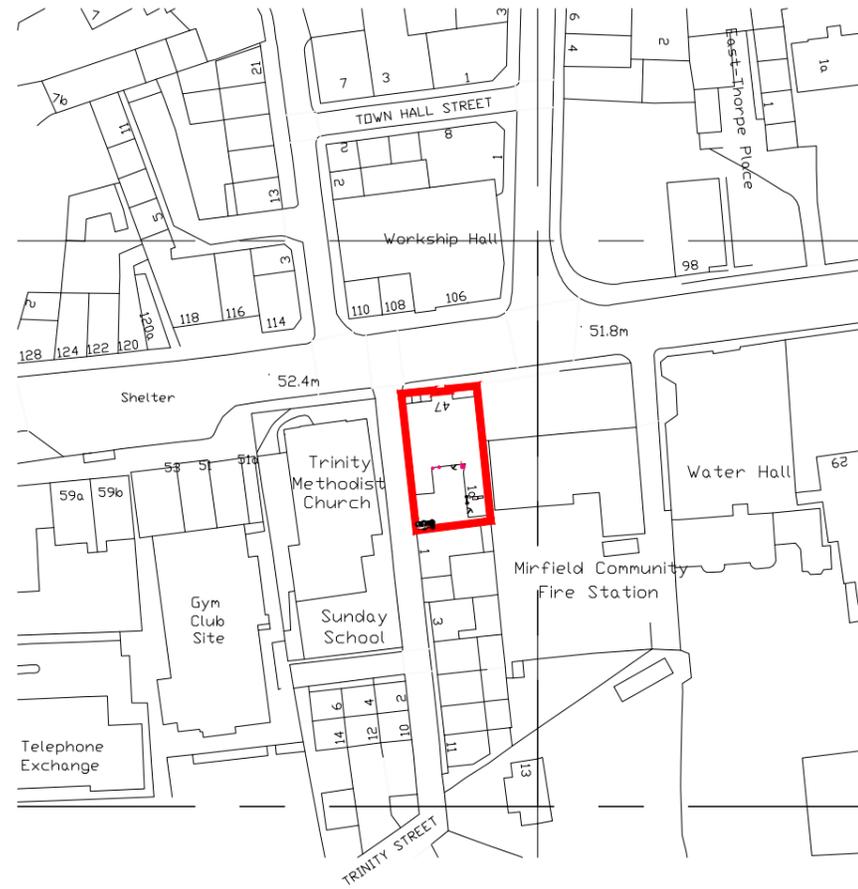
NOTES

- Do not scale from this drawing, except for planning purposes.
- Check all dimensions on site.
- Subject to survey.
- Subject to site inspection.
- Site boundary lines are indicative only.



Application Site

PLAN 1



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Rev	Date	By	Description
01	29/01/25	HCH	First Issue

Revision Schedule



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project
Domino's Mirfield
 47 Huddersfield Road
 Mirfield, WF14 8AE

title
Location Plan

drawing status
Planning

contract no.	scale
-	1:1250 @ A3
client ref.	date
-	29/01/25
drawn by	checked by
HCH	-

drawing number	revision
10131-SD-XX-00-P-A-00001 originator-zone-level-type-role-sheet number	01



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01 - Location Plan
 Scale: 1 : 1250



NOTES

- Do not scale from this drawing, except for planning purposes.
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- Subject to site inspection.
- Site boundary lines are indicative only.

NOTE:

GA: 148m²
(1593R²)

All Works must comply with appropriate building regulations, and in particular Part M access to and use of buildings and Part K Protection from falling, collision and impact.

All proposed wall removals are subject to confirmation and approval by a structural engineer.
Allow for the steel plate on the floor where needed for load. Subject to structural engineer specification.

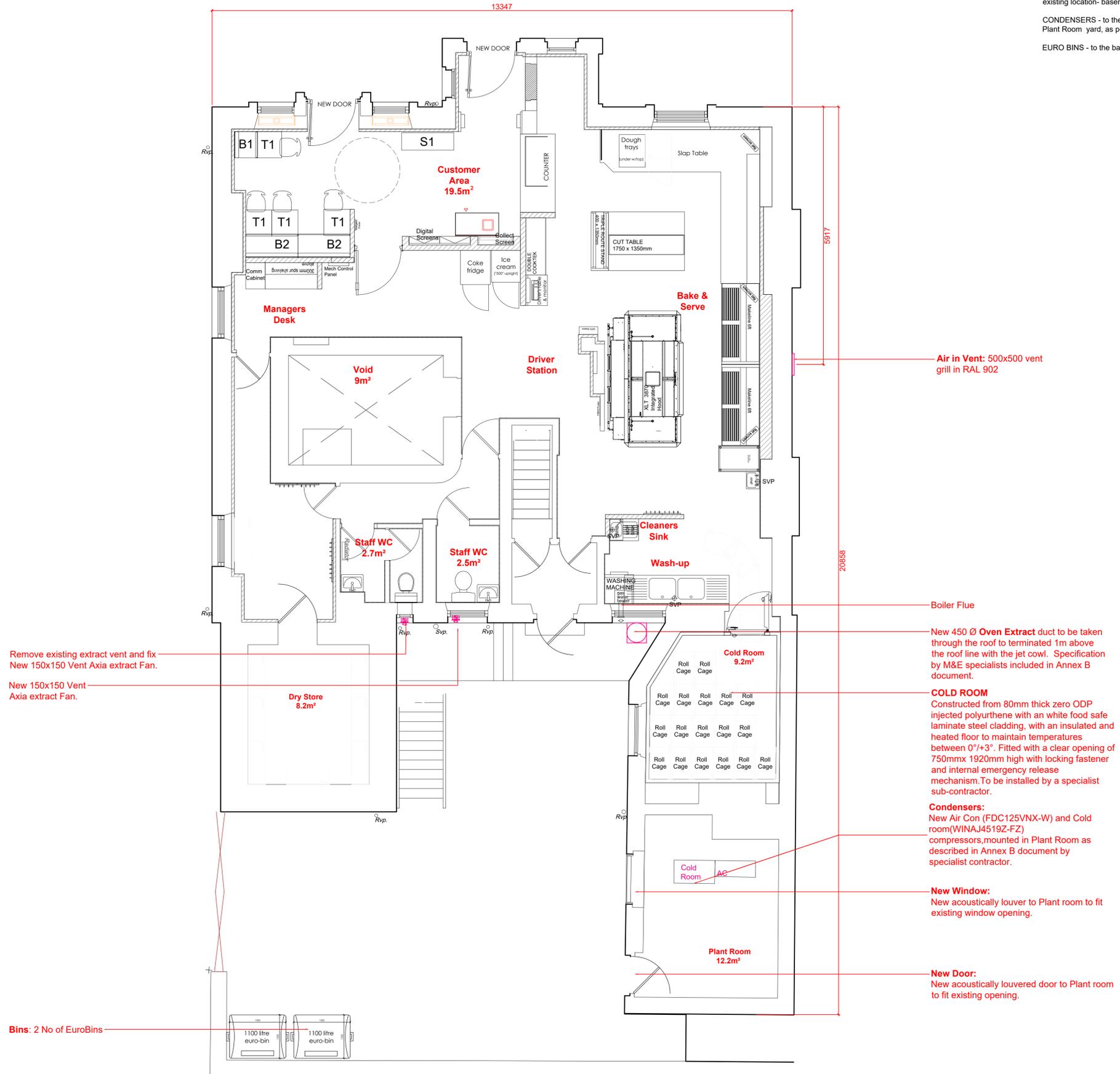
Floor of above flat to receive appropriate sound proofing and fire separation to achieve min 60 min fire resistance treatment as part of Landlords Works.

GAS CUPBOARD - Proposed location - Kiosk in the back yard - TBC

ELECTRIC CUPBOARD - to be retained in existing location- basement

CONDENSERS - to the back of the property in Plant Room yard, as per drawings.

EURO BINS - to the back of the property.



Remove existing extract vent and fix New 150x150 Vent Axia extract Fan.

New 150x150 Vent Axia extract Fan.

Bins: 2 No of EuroBins

Air in Vent: 500x500 vent grill in RAL 902

Boiler Flue

New 450 Ø Oven Extract duct to be taken through the roof to terminated 1m above the roof line with the jet cowl. Specification by M&E specialists included in Annex B document.

COLD ROOM
Constructed from 80mm thick zero ODP injected polyurethane with a white food safe laminate steel cladding, with an insulated and heated floor to maintain temperatures between 0°/+3°. Fitted with a clear opening of 750mmx 1920mm high with locking fastener and internal emergency release mechanism. To be installed by a specialist sub-contractor.

Condensers:
New Air Con (FDC125VNX-W) and Cold room (WINAJ4519Z-FZ) compressors, mounted in Plant Room as described in Annex B document by specialist contractor.

New Window:
New acoustically louver to Plant room to fit existing window opening.

New Door:
New acoustically louvered door to Plant room to fit existing opening.

02	07/02/25	HCH	Changed to comments by Pegasus.
01	31/01/25	HCH	First Issue
Rev	Date	By	Description

Revision Schedule



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project
Domino's Mirfield
47 Huddersfield Road
Mirfield, WF14 8AE

title
Proposed
Ground Floor Layout

drawing status
Planning

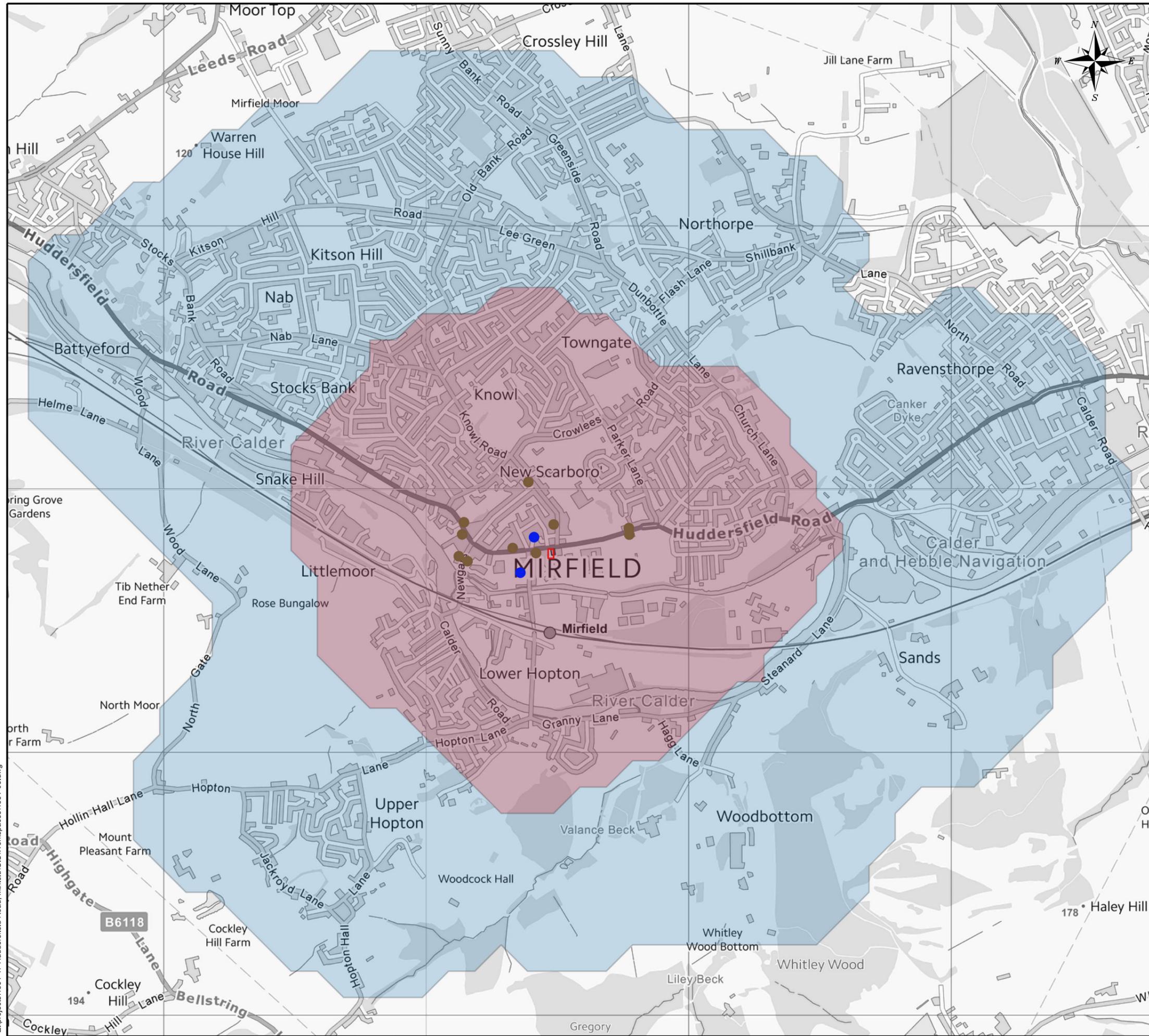
contract no.	scale
-	1:50@ A1
client ref.	date
-	30/01/2025
drawn by	checked by
HCH	-

drawing number	revision
10131-SD-XX-00-P-A-11001	02
project number-originate/zone-level-type-plate-sheet number	



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01 - Proposed Ground Floor Layout
Scale: 1 : 50



NOTES

- Site Location
- 800m Pedestrian Catchment
- 2km Pedestrian Catchment
- Bus Stops Within 400m
- Nearest Car Parks

PLAN 3

REV	DETAILS	DRAWN	CHECKED	DATE
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CLIENT:
DOMINO'S LTD

PROJECT:
HUDDERSFIELD ROAD, MIRFIELD

DRAWING TITLE:
800M & 2KM PEDESTRIAN CATCHMENT

SCALES:
NTS @ A3

DRAWN: RC	CHECKED: TSB	DATE: JUN 25
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Eddisons
340 Deansgate
Manchester
M3 4LY
Email: info@crofts.co.uk
Tel: 0161 837 7380
Web: www.eddisons.com/services/transport-planning

DRAWING NUMBER: 4851-03	REVISION: -
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APPENDICES

APPENDIX 1

Huddersfield Road Car Park Beat Survey

SURVEY CONTROL

Client: Eddisons

Client Contact: Tom Bentley

Survey Location: Mirfield

Date(s) of Survey: Friday 6th June 2025
Saturday 7th June 2025

Notes:

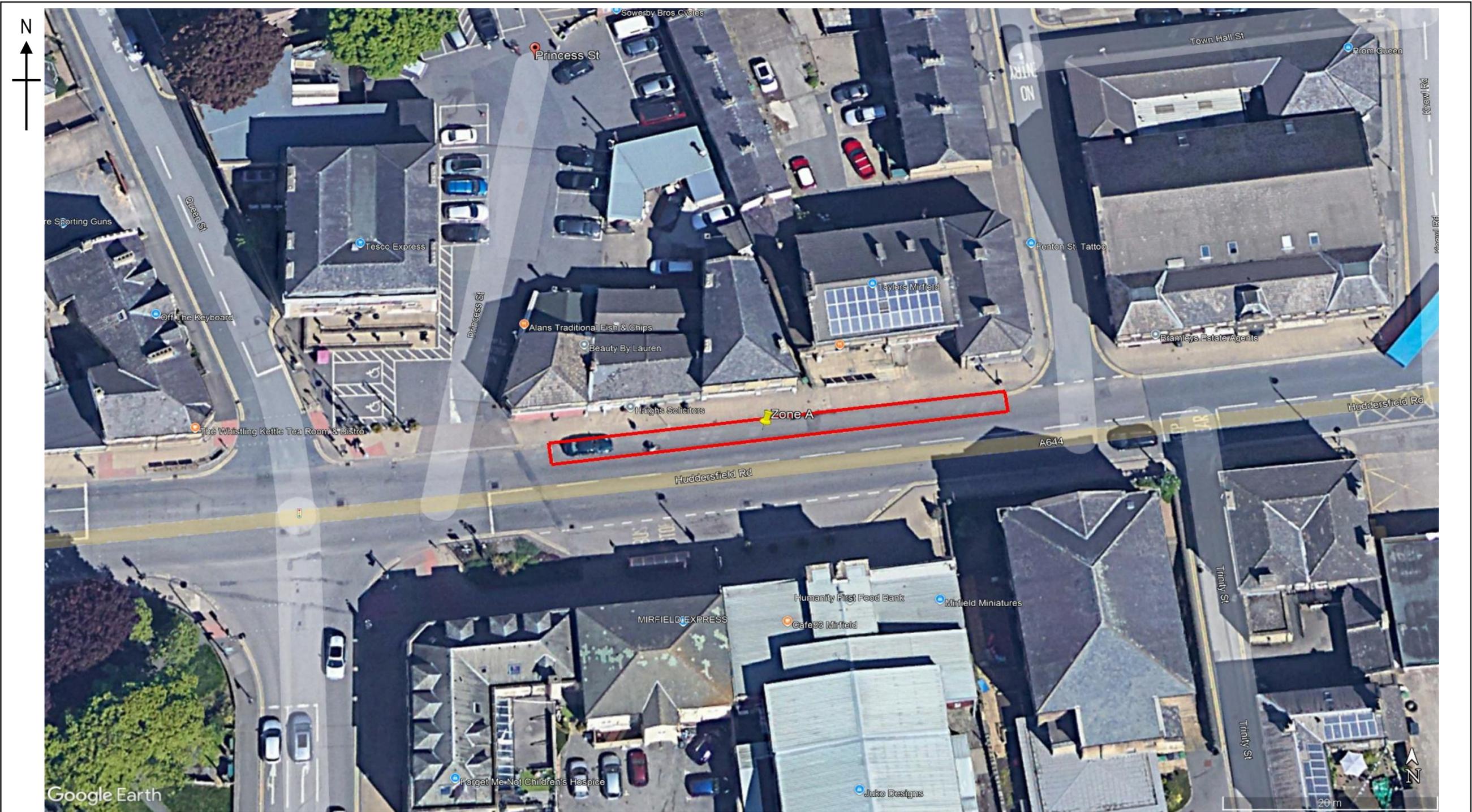
On Site Supervisor(s): Neil Harley

Data Checking: David Cheng

Survey Reference: 25.053 Mirfield

Status: Final

Date of Issue: 10th June 2025



DRAWING TITLE				PARKING REFERENCE	
JOB TITLE				25.043 MIRFIELD	
DRAWN BY	DATE	SCALE	REF		
CC	JUN 2025	NTS	FIGURE 1		

Transport Data Specialists Ltd
 W: www.transportds.co.uk
 E: enquiries@transportds.co.uk
 T: 0777 625 2475 T: 0794 007 1260

25.043 Mirfield - TOTAL NUMBER OF SPACES

Total Number of Spaces				
Zone	S	D	P&C	Total
A	7	0	0	7
Total	7	0	0	7

*Spaces estimated

S - Standard Spaces

D - Disabled Spaces

P&C - Parent & Child Spaces

NB See Map for Locations of Zones

Time Beginning	Huddersfield Road, Mirfield - Friday 6th June 2025		Time Beginning	Huddersfield Road, Mirfield - Saturday 7th June 2025	
	Number of Occupied Spaces			Number of Occupied Spaces	
	Zone A	Total		Zone A	Total
1200	7	7	1200	5	5
1205	7	7	1205	6	6
1210	7	7	1210	6	6
1215	7	7	1215	7	7
1220	7	7	1220	6	6
1225	7	7	1225	7	7
1230	7	7	1230	7	7
1235	7	7	1235	7	7
1240	5	5	1240	5	5
1245	5	5	1245	6	6
1250	4	4	1250	6	6
1255	5	5	1255	6	6
1300	5	5	1300	6	6
1305	5	5	1305	5	5
1310	4	4	1310	6	6
1315	7	7	1315	5	5
1320	7	7	1320	6	6
1325	7	7	1325	6	6
1330	7	7	1330	6	6
1335	7	7	1335	6	6
1340	7	7	1340	6	6
1345	7	7	1345	4	4
1350	7	7	1350	5	5
1355	6	6	1355	5	5
1400	7	7	1400	5	5
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1415	4	4	1415	5	5
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1440	7	7	1440	5	5
1445	6	6	1445	6	6
1450	7	7	1450	4	4
1455	6	6	1455	4	4
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1545	6	6	1545	5	5
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1555	6	6	1555	4	4
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1650	4	4	1650	5	5
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1840	7	7	1840	5	5
1845	7	7	1845	5	5
1850	7	7	1850	5	5
1855	7	7	1855	5	5
1900	7	7	1900	4	4
1905	5	5	1905	4	4
1910	5	5	1910	5	5
1915	5	5	1915	3	3
1920	4	4	1920	4	4
1925	5	5	1925	4	4
1930	4	4	1930	5	5
1935	4	4	1935	5	5
1940	5	5	1940	5	5
1945	4	4	1945	5	5
1950	5	5	1950	5	5
1955	5	5	1955	3	3
2000	4	4	2000	3	3
2005	4	4	2005	3	3
2010	5	5	2010	3	3
2015	4	4	2015	3	3
2020	3	3	2020	3	3
2025	3	3	2025	2	2
2030	3	3	2030	2	2
2035	3	3	2035	3	3
2040	3	3	2040	4	4
2045	3	3	2045	3	3
2050	5	5	2050	3	3
2055	5	5	2055	3	3
2100	4	4	2100	3	3
2105	5	5	2105	3	3
2110	4	4	2110	3	3
2115	3	3	2115	2	2
2120	4	4	2120	1	1
2125	3	3	2125	2	2
2130	3	3	2130	3	3
2135	3	3	2135	2	2
2140	5	5	2140	2	2
2145	4	4	2145	2	2
2150	4	4	2150	2	2
2155	3	3	2155	2	2
2200	5	5	2200	4	4

Notes:
Parking Restrictions -
Monday - Saturday
0800-1800
1 hour
No return within 1 hour

APPENDIX 2

Draft Delivery Driver Management Plan

APPENDIX 3

**Appeal Decision - High Street in Treorchy (Appeal Ref:
APP/L6940/A/18/3193479)**



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 23/04/18

gan **P J Davies BSc (Hons) MA MRTPI**
Arolygydd a benodir gan Weinidogion Cymru
Dyddiad : 10 Mai 2018

Appeal Decision

Site visit made on 23/04/18

by **P J Davies BSc (Hons) MA MRTPI**
an Inspector appointed by the Welsh Ministers
Date : 10 May 2018

Appeal Ref: APP/L6940/A/18/3193479

Site address: HSBC, 11 High Street, Treorchy, CF42 6AG

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by PTB Properties Ltd against the decision of Rhondda Cynon Taf County Borough Council.
 - The application Ref 16/1066/10, dated 27 September 2016, was refused by notice dated 24 July 2017.
 - The development proposed is a change of use from bank (A2) to hot food takeaway (Class A3) and installation of extraction / ventilation equipment.
-

Decision

1. The appeal is allowed and planning permission is granted for a change of use from bank (A2) to hot food takeaway (Class A3) and installation of extraction / ventilation equipment at HSBC, 11 High Street, Treorchy, CF42 6AG in accordance with the terms of the application, Ref 16/1066/10, dated 27 September 2016, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on highway safety, having particular regard to the demand for parking.

Reasons

3. The appeal property is a former bank situated in Treorchy town centre adjacent to a main junction that is subject to high volumes of traffic. It is also on a strategic route for traffic connecting from various settlements in the Rhondda Valley. Within the vicinity of the site, there are double yellow line parking restrictions around the signal controlled junction and extending along High Street on both sides of the road. There are also parking restrictions and residential permit zones on adjoining streets. The closest available parking for customers of the proposed development would be on a short section of Chapel Street, which is limited to one hour waiting between 9am and 5.30pm for non-permit holders. Parking provision is therefore very limited close to the site and I observed a high demand for spaces.
-

4. I share the view that take away customers will generally try and park as close to the premises as possible because they are encouraged by the short term nature of the visit and a desire to keep food hot. Nonetheless, any retail or office use of the building would generate parking demand, and services such as cashpoints or a general convenience store can also attract short term visits. Using TRICS trip rate database, the appellant has made a comparison between trip rates for A1/A2 and A3 uses and concludes that a permitted A1 use would be likely to generate an equal or potentially higher number of vehicular trips. This is not challenged by the Council and I have no reason to disagree with this assessment. In terms of parking demand, the Council does not quantify what it considers to be a greater intensity of short-term on-street parking arising from the proposal. Evidence from the appellant however substantiates that a worst case scenario would be a parking requirement of 2 -3 spaces at any one time. There are also other considerations affecting parking behaviour and demand that should be weighed in the balance.
5. There are parking restrictions in place to prevent illegal parking and to safeguard provision for residents. From the representations received it would appear that these parking restrictions are not being fully enforced, but that is a separate matter for the relevant enforcement authority. It remains the case that there are provisions in place to ensure the effective control of parking. Moreover, because of the busy traffic flows on High Street and having regard to the signal controlled junction, it would be clearly obvious to most drivers that parking on the restricted sections of the highway would cause serious obstruction to the free flow of traffic in an illegal and anti-social manner. In my view, this would be a significant deterrent for most drivers. Similarly, whilst the Council provide a photo of a large HGV delivering to another Domino premises, the highway and parking conditions would deter deliveries by large vehicles. For these reasons I consider that most drivers would be discouraged from parking on the double yellow lines near the site, even for a very short time. I note the advice in 4.13 of Technical Advice Note (TAN) 18 'Transport' that permission should be refused for developments where despite controlled parking, unacceptable road safety or congestion issues will probably remain. However this is aimed at new development whereas the proposal before me concerns an existing building where any use will generate parking demand.
6. The appeal property is within a shopping centre with a public car park approximately 200 metres away. It is a short level walk to the appeal property with formal pedestrian crossings over High Street, and I have no reason to believe that most customers would not use it. Some customers are likely to share trips to the take away facility with other journeys to the centre, and given its proximity to a residential area, it is also not unreasonable to expect some journeys to be made locally on foot. Moreover, the provision of a delivery service would be likely to reduce car journeys to the site. The evidence indicates that Friday, Saturday and Sunday evenings around 7-8pm are busiest for other similar take away facilities operated by the appellant and I have no reason to doubt that this would not be typical of most take away providers generally. During these times when many shops will be closed, there would invariably be less demand for the on street parking spaces that exist on High Street a short distance from the appeal site. The appeal property also benefits from a small service yard to the rear for some albeit limited off-street parking for staff.
7. On balance I consider that it has not been demonstrated that the proposal would result in any material increase in the demand for parking or cause any significant risk to highway safety or residential amenity arising from poor parking behaviour. I therefore find no conflict with the objectives of Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Conditions

8. I have had regard to the Council's suggested conditions. In addition to the time commencement and plans compliance conditions, I have attached conditions relating to HGV deliveries and an amendment to a Traffic Regulation Order in the interests of highway safety. Conditions relating to odour/fume control and waste fats/oil disposal are also necessary to ensure that there is no detriment to residential or environmental amenity.

Other Matters

9. In reaching my decision, I have taken account of the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

Conclusions

10. For the above reasons and having regard to all other matters raised, the appeal is allowed.

INSPECTOR

Schedule of Conditions

- 1) The development shall begin not later than five years from the date of this decision.
- 2) The development shall be carried out in accordance with the following approved plans and documents: B9217-AEW-16063-ZZ-DR-0003; B9217-AEW-16063-ZZ-DR-0004; B9217-AEW-16063-XX-DR-0005; B9217-AEW-16063-XX-DR-0006.
- 3) No HGV delivery shall take place between the hours of 0700-1000 and 1500 – 1900 on any day of the week.
- 4) The development shall not be brought into beneficial use until an amendment to the Traffic Regulation Order (TRO) along Chapel Street to safeguard access to the rear parking area has been completed in accordance with details to be approved in writing by the local planning authority.
- 5) Prior to the commencement of the use hereby permitted, a scheme of odour/effluvia/fume control shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.
- 6) Prior to the commencement of the use hereby permitted, details of a system to prevent waste cooking oil, fats, grease and solid waste from entering the foul drainage system shall be submitted to and agreed in writing by the local planning authority. The use shall thereafter be carried out in accordance with the approved details.



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 23/04/18

gan **P J Davies BSc (Hons) MA MRTPI**
Arolygydd a benodir gan Weinidogion Cymru
Dyddiad : 10 Mai 2018

Appeal Decision

Site visit made on 23/04/18

by **P J Davies BSc (Hons) MA MRTPI**
an Inspector appointed by the Welsh Ministers
Date : 10 May 2018

Cyf yr apêl: APP/L6940/A/18/3193479

Cyfeiriad y safle: HSBC, 11 Stryd Fawr, Treorci, CF42 6AG

Mae Gweinidogion Cymru wedi trosglwyddo'r awdurdod i benderfynu ar yr apêl hon i mi fel yr Arolygydd penodedig.

- Gwneir yr apêl o dan adran 78 Deddf Cynllunio Gwlad a Thref 1990 yn erbyn gwrthod rhoi caniatâd cynllunio.
 - Gwneir yr apêl gan PTB Properties Ltd yn erbyn y penderfyniad gan Gyngor Bwrdeistref Sirol Rhondda Cynon Taf.
 - Gwrthodwyd y cais, Cyf 16/1066/10, dyddiedig 27 Medi 2016, drwy hysbysiad dyddiedig 24 Gorffennaf 2017.
 - Y datblygiad a gynigir yw newid defnydd o fanc (A2) i siop fwyd poeth tecawê (Dosbarth A3) a gosod offer tynnu aer / awyru.
-

Penderfyniad

1. Caniateir yr apêl a rhoddir caniatâd cynllunio ar gyfer newid defnydd o fanc (A2) i siop fwyd poeth tecawê (Dosbarth A3) a gosod offer tynnu aer / awyru yn HSBC, 11 Stryd Fawr, Treorci, CF42 6AG yn unol â thelerau'r cais, Cyf 16/1066/10, dyddiedig 27 Medi 2016, yn amodol ar yr amodau a osodir allan yn y rhestr atodedig.

Prif Fater

2. Y prif fater yw effaith y cynnig ar ddiogelwch ar y ffyrdd, gan roi sylw arbennig i'r galw am barcio.

Rhesymau

3. Mae eiddo'r apêl yn fanc blaenorol wedi'i leoli yng nghanol tref Treorci ger prif gyffordd lle ceir llawer iawn o draffig. Hefyd, mae ar lwybr strategol ar gyfer traffig sy'n cysylltu gwahanol aneddiadau yng Nghwm Rhondda. Yng nghyffiniau'r safle, ceir cyfyngiadau parcio ar ffurf llinellau melyn dwbl o amgylch y gyffordd a reolir gan signalau ac mae'r rhain yn ymestyn ar hyd y Stryd Fawr ar ddwy ochr y ffordd. Yn ogystal, ceir cyfyngiadau parcio a pharthau trwyddedau preswyl mewn strydoedd cyfagos. Ceir y mannau parcio agosaf a fyddai ar gael i gwsmeriaid y datblygiad a gynigir ar ran fer o Chapel Street, sy'n gyfyngedig i un awr o aros rhwng 9am a 5.30pm ar gyfer pobl heb drwyddedau. Felly, mae'r ddarpariaeth barcio yn gyfyngedig iawn ger y safle a sylwais fod galw mawr am leoedd.
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4. Rwy'n rhannu'r farn y bydd cwsmeriaid, yn gyffredinol, yn ceisio parcio mor agos i'r safle ag y bo modd oherwydd cânt eu hannog gan natur fyrdymor yr ymweliad ac awydd i gadw bwyd yn boeth. Serch hynny, byddai unrhyw ddefnydd manwerthu neu swyddfa yn yr adeilad yn creu galw am barcio, ac mae gwasanaethau fel peiriannau arian parod neu siop gyfleustra gyffredinol yn gallu denu ymweliadau tymor byr hefyd. Gan ddefnyddio cronfa ddata cyfraddau teithiau TRICS, mae'r apelydd wedi gwneud cymhariaeth rhwng cyfraddau teithiau ar gyfer defnyddiau A1/A2 ac A3 a daw i'r casgliad y byddai defnydd A1 a ganiateir yn debygol o achosi nifer cyfartal neu o bosibl nifer mwy o deithiau cerbydau. Nid yw'r Cyngor yn herio hyn ac nid oes gennyf unrhyw reswm i anghytuno â'r asesiad hwn. O ran y galw am barcio, nid yw'r Cyngor yn mesur yr hyn y maent yn ei ystyried fel dwysedd uwch o barcio ar y stryd yn y tymor byr a fyddai'n deillio o'r cynnig. Fodd bynnag, mae tystiolaeth gan yr apelydd yn cadarnhau mai'r senario gwaethaf fyddai gofyniad parcio am 2 -3 o leoedd ar unrhyw adeg. Hefyd, mae ystyriaethau eraill sy'n effeithio ar ymddygiad parcio a'r galw am barcio a dylid pwysu a mesur y rhain.
5. Mae cyfyngiadau parcio ar waith i atal parcio anghyfreithlon ac i ddiogelu darpariaeth ar gyfer trigolion. O'r sylwadau a dderbyniwyd, mae'n ymddangos nad yw'r cyfyngiadau parcio'n cael eu gorfodi'n llawn, ond mae hyn yn fater ar wahân ar gyfer yr awdurdod gorfodi perthnasol. Mae'n parhau'n wir fod darpariaethau ar waith i sicrhau rheolaeth effeithiol ar barcio. Ar ben hynny, oherwydd y llifoedd prysur o draffig ar y Stryd Fawr a gan ystyried y gyffordd a reolir gan signalau, byddai'n hollol eglur i'r rhan fwyaf o yrwyr y byddai parcio ar y rhannau cyfyngedig o'r briffordd yn achosi rhwystr difrifol i lif rhydd y traffig mewn ffordd anghyfreithlon a gwrthgymdeithasol. Yn fy marn i, byddai hyn yn rhwystr sylweddol i'r rhan fwyaf o yrwyr. Yn yr un modd, er bod y Cyngor wedi darparu llun o gerbyd nwyddau trwm mawr yn cyflenwi adeilad Domino arall, byddai'r amgylchiadau o ran ffyrdd a pharcio yn rhwystro cyflenwi gan gerbydau mawr. Am y rhesymau hyn, rwyf o'r farn y byddai'r rhan fwyaf o yrwyr yn penderfynu peidio â pharcio ar y llinellau melyn dwbl ger y safle, hyd yn oed am gyfnod byr iawn. Nodaf y cyngor ym mharagraff 4.13 Nodyn Cyngor Technegol (TAN) 18 'Trafnidiaeth' y dylid gwrthod caniatâd ar gyfer datblygiadau lle mae'n debyg y bydd materion annerbyniol yn ymwneud â diogelwch y ffordd neu dagfeydd heb eu datrys o hyd er gwaethaf parcio rheoledig. Fodd bynnag, cyfeiria hyn at ddatblygiadau newydd, ond mae'r cynnig sydd ger fy mron yn ymwneud ag adeilad sy'n bodoli lle byddai unrhyw ddefnydd yn creu galw am barcio.
6. Mae eiddo'r apêl o fewn canolfan siopa gyda maes parcio cyhoeddus tua 200 metr i ffwrdd. Mae'n daith gerdded fer a gwastad i eiddo'r apêl gyda chroesfannau ffurfiol ar gyfer cerddwyr ar draws y Stryd Fawr, ac nid oes gennyf unrhyw reswm i gredu na fyddai'r rhan fwyaf o gwsmeriaid yn ei ddefnyddio. Mae rhai cwsmeriaid yn debygol o rannu teithiau i'r cyfleuster tecawê â theithiau eraill i'r ganolfan, ac o ystyried yr agosrwydd at ardal breswyl, nid yw'n afresymol i ddisgwyl i rai teithiau gael eu gwneud yn lleol ar droed. Ar ben hynny, byddai darparu gwasanaeth cyflenwi yn debygol o leihau teithiau ceir i'r safle. Mae'r dystiolaeth yn dangos mai nosweithiau Gwener, Sadwrn a Sul o gwmpas 7-8pm sydd fwyaf prysur i gyfleusterau bwyd tecawê tebyg a weithredir gan yr apelydd ac nid oes gennyf unrhyw reswm i amau na fyddai hyn yn nodweddiadol i'r rhan fwyaf o ddarparwyr bwyd tecawê yn gyffredinol. Yn ystod yr amseroedd hyn pan fydd nifer o siopau ar gau, mae'n anochel y bydd llai o alw am y manau parcio ar y stryd sy'n bodoli ar y Stryd Fawr ychydig bellter o safle'r apêl. Hefyd, mae gan eiddo'r apêl iard wasanaeth fach yn y cefn sydd â nifer cyfyngedig o fannau parcio oddi ar y stryd ar gyfer staff.

7. Yn gyffredinol, rwyf o'r farn na ddangoswyd y byddai'r cynnig yn arwain at unrhyw gynnydd sylweddol yn y galw am barcio nac yn achosi unrhyw risg sylweddol i ddiogelwch ar y ffyrdd neu i amwynder preswyl a fyddai'n deillio o ymddygiad parcio gwael. Felly, nid welaf unrhyw wrthdaro ag amcanion Polisi AW5 Cynllun Datblygu Lleol Rhondda Cynon Taf.

Amodau

8. Rwyf wedi ystyried yr amodau a awgrymir gan y Cyngor. Yn ogystal â'r amodau yn ymwneud ag amser cychwyn a chydymffurfio â chynlluniau, rwyf wedi atodi amodau sy'n ymwneud â chyflenwi gan gerbydau nwyddau trwm a diwygiad i Orchymyn Rheoleiddio Traffig er budd diogelwch ar y ffyrdd. Hefyd, mae amodau yn ymwneud â rheoli arogl/mygdarth a braster gwastraff/gwaredu olew yn angenrheidiol er mwyn sicrhau na fydd unrhyw amharu ar amwynderau preswyl neu amgylcheddol.

Materion Eraill

9. Wrth wneud fy mhenderfyniad, rwyf wedi ystyried gofynion adran 3 ac adran 5 Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015. Ystyriaf fod y penderfyniad hwn yn unol ag egwyddor datblygu cynaliadwy'r Ddeddf trwy ei gyfraniad tuag at un neu fwy o amcanion llesiant Gweinidogion Cymru a osodir allan fel sy'n ofynnol gan adran 8 y Ddeddf.

Casgliadau

10. Am y rhesymau uchod ac ar ôl ystyried yr holl faterion eraill a godwyd, caniateir yr apêl.

AROLYGYDD

Rhestr o Amodau

- 1) Cychwynnir y datblygiad heb fod yn hwyrach na phum mlynedd o ddyddiad y penderfyniad hwn.
- 2) Gweithredir y datblygiad yn unol â'r cynlluniau a dogfennau cymeradwy canlynol: B9217-AEW-16063-ZZ-DR-0003; B9217-AEW-16063-ZZ-DR-0004; B9217-AEW-16063-XX-DR-0005; B9217-AEW-16063-XX-DR-0006.
- 3) Ni chaniateir unrhyw gyflenwi gan gerbydau nwyddau trwm rhwng oriau 0700 – 1000 a 1500 – 1900 ar unrhyw ddiwrnod o'r wythnos.
- 4) Ni chaiff y datblygiad ei ddefnyddio'n fuddiol hyd nes y cwblheir diwygiad i'r Gorchymyn Rheoleiddio Traffig ar hyd Chapel Street er mwyn diogelu mynediad i'r man parcio yn y cefn, yn unol â manylion i'w cymeradwyo'n ysgrifenedig gan yr awdurdod cynllunio lleol.
- 5) Cyn cychwyn ar y defnydd a ganiateir drwy hyn, rhaid i gynllun ar gyfer rheoli arogleuon/drewdod/mygdarth gael ei gyflwyno i'r awdurdod cynllunio lleol a'i gymeradwyo'n ysgrifenedig ganddynt. Wedi hynny, gweithredir y datblygiad yn unol â'r manylion a gymeradwyir.
- 6) Cyn cychwyn ar y defnydd a ganiateir drwy hyn, rhaid i fanylion system ar gyfer atal olew coginio, brasterau, saim a gwastraff solet rhag mynd i mewn i'r system ddraenio dŵr budr gael eu cyflwyno i'r awdurdod cynllunio lleol a'u cytuno'n ysgrifenedig ganddynt. Wedi hynny, gweithredir y datblygiad yn unol â'r manylion a gymeradwyir.

APPENDIX 4

**Appeal Decision - Bedminster Parade in Bristol (Appeal
Ref: APP/Z0116/A/12/2176015)**



Appeal Decision

Site visit made on 13 November 2012

by Peter Willows BA DipUED MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 November 2012

Appeal Ref: APP/Z0116/A/12/2176015
92 Bedminster Parade, Bristol, BS3 4HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Dominos Pizza UK and Ireland Ltd against the decision of Bristol City Council.
 - The application Ref 11/05363/F, dated 20 December 2011, was refused by notice dated 28 February 2012.
 - The development proposed is change of use from Class A3 (Restaurants) to Class A5 (takeaway); erection of new shopfront; and installation of extraction duct/ventilation to the rear.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use from Class A3 (Restaurants) to Class A5 (takeaway); erection of new shopfront; and installation of extraction duct/ventilation to the rear at 92 Bedminster Parade, Bristol, BS3 4HL in accordance with the terms of the application, Ref 11/05363/F, dated 20 December 2011, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the development on road safety and the safety of pedestrians.

Reasons

3. The appeal building is currently vacant. The previous use of the building is not clear, although planning permission for change of use to a restaurant was granted in 2007. The Council's concerns regarding the use now proposed focus on the possibility of indiscriminate parking on the main road near to the unit, where the Council considers that vehicles could obstruct the nearby light-controlled pedestrian crossing and thereby compromise road safety.
4. It is clear that spaces on the main road outside the appeal unit are very limited, the section of road closest to the unit falling within the controlled area for the crossing. Yet the key trading hours for a takeaway use are likely to be in the evening and the appellant estimates that there are around 145 spaces available within 200m of the site after 18.30. From the information before me and my inspection of the area, I have no reason to doubt that figure. In my judgement, many people would not consider this an unreasonable distance to park from the unit. While I appreciate that local residents will wish to park in

many of the available spaces in the evening, most shops will have ceased trading by that time of day, which would ease pressure on spaces. Thus while the local parking situation is not ideal, it does not strike me as being unduly restrictive in a town centre location of this type.

5. Turning to the question of demand for spaces, the appellant advises that an existing Dominos store at Whiteladies Road, Bristol, generated around 86 orders during the peak trading hour when surveyed recently. Yet this translated into only 23 over-the-counter orders and 42 visiting customers on account of the large number of orders for home delivery. Moreover, over half of those visiting the outlet did so on foot, with only 29% driving and 7% travelling as car passengers.
6. I treat this comparison with a degree of caution, since I have only limited information regarding the Whiteladies Road outlet. Nevertheless, I understand that it is in a location with some similarities with the appeal site and I regard it as the clearest evidence before me regarding likely trading at the proposed unit. While planning permissions run with the land, it appears probable that Dominos would use the appeal unit at least in the first instance. Accordingly, I attach some weight to this evidence. In particular, it seems probable to me that a Dominos at the appeal unit would rely heavily on home delivery, thus limiting visits to the premises and the demand for parking spaces there.
7. Moreover, the appeal unit is in a sustainable location within an established centre, with bus stops directly opposite. Consequently, it appears probable to me that a significant number of customers would walk or travel via public transport. The survey at the Whiteladies Road unit suggests that such a view is not unrealistic. It also seems to me that a central location of this type accords with policy BSC10 of the adopted Core Strategy inasmuch as the policy encourages development to be located where sustainable travel patterns can be achieved.
8. Of course, some people might be tempted to park as close as possible to the unit, ignoring traffic restrictions. Yet the appellant's evidence indicates that customers spend about 5-10 minutes within a Dominos unit on average. It seems to me that most people would be reluctant to park in a hazardous location for this length of time, given that there appear to be reasonable opportunities to park in the general area.
9. I have noted the Council's concerns that delivery vehicles, which the appellant indicates would be mopeds, could pose an additional hazard at the front of the building. However, the unit has a rear service yard which delivery vehicles could use, notwithstanding that it is reached via a cobbled road surface. I agree with the appellant that a management plan could satisfactorily control deliveries, including ensuring that the rear access is used, and could be required by a planning condition.
10. I appreciate that the Council's Policy Advice Note 17 (PAN17) expressly rules out hot food takeaway uses such as this where they are close to pedestrian crossing facilities. However, the document was published in 1999, prior to the National Planning Policy Framework and the Council's Core Strategy, and I have no details regarding how the document was prepared or whether it was subject to public consultation. Accordingly, I attach only limited weight to it, and have considered the proposal before me on its merits.

11. Overall the evidence before me does not show that the change of use proposed would result in excessive numbers of car visits to the unit or parking in unsuitable locations on the road outside it. I therefore conclude that the development would not compromise road safety or the safety of pedestrians. Consequently, I find no conflict with policies M1 (Transport) or S8 (Food and Drink Uses) of the adopted Bristol Local Plan, or with policy BSC10 (Transport and Access Improvements) of the adopted Bristol Development Framework Core Strategy.

Other matters

12. The proposal includes a new shop front and other physical works. However, the Council raises no objection to the proposal on this basis and I see no reason to come to a contrary view. Accordingly, I conclude that the Bedminster Conservation Area, within which the appeal property lies, would be preserved, as would the setting of the adjacent Grade II listed Nat West bank.

Conclusion

13. For the reasons set out above I conclude that the appeal should be allowed. I have attached a condition specifying the approved plans for the avoidance of doubt and in the interests of proper planning. Conditions 3, 4, 5 and 6 are necessary to protect the living conditions of nearby residents. Conditions 7 and 8 are imposed in the interests of road safety.

14. The evidence before me does not show that the use or machinery associated with it is likely to generate excessive noise. Therefore, given the unit's town centre location and the restriction of opening hours in Condition 6, I am not persuaded that further conditions relating to noise assessment and mitigation are necessary. Nor do I consider an odour management plan to be needed, given the requirements of Condition 3.

INSPECTOR

CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 4711-A5-01 A; 4711-A5-02 A; 4711-BP08 AA; 4711-BP09.
- 3) Before the commencement of any works, a scheme showing details of the means of ventilation and dispersal of cooking odours/fumes from the premises, sound attenuation measures associated with the means of ventilation and odour/fume extraction, the position and finish of any external flues or external air conditioning plant and a programme of operation and equipment maintenance for all installed equipment shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be installed in its entirety before the first use of the premises hereby permitted and thereafter shall be retained, maintained and operated in accordance with the approved details
- 4) The use hereby permitted shall not commence until the area proposed for storing refuse/recyclable materials has been completed in accordance with the approved plans. Thereafter all refuse and recyclable materials associated with the development shall be stored within this dedicated area or within the building.
- 5) The collection of refuse and recyclable materials and the tipping of empty bottles into external receptacles shall only take place between 08.00 - 20.00 Monday to Saturday and not at all on Sundays or Bank Holidays.
- 6) The use hereby permitted shall not be open to customers outside 09.00 to midnight, 7 days a week.
- 7) The use hereby permitted shall not commence until a delivery management plan, to include details of the method of deliveries to customers, delivery vehicle types and arrangements for accessing the appeal property and parking at it, has been submitted to and approved in writing by the local planning authority. Deliveries from the property shall be managed in full accordance with the approved delivery management plan at all times.
- 8) The use hereby permitted shall not commence until details of the proposals for servicing and refuse collection at the unit have been submitted to and approved in writing by the local planning authority. Servicing and refuse collection shall be carried out in full accordance with the approved details at all times thereafter.