

JD/P22-2206

18th September 2023

Ribble Valley Borough Council
Planning Section
Council Offices
Church Walk
Clitheroe
BB7 2RA

SUBMITTED VIA PLANNING PORTAL

Dear Sir/ Madam,

Town and Country Planning Act 1990 (as amended)
Variation of Condition 4 attached to Planning Permission 3/2023/0055
53 to 57 Berry Lane Longridge PR3 3NH
Planning Portal Reference: PP-12452706

Pegasus Planning Group has been instructed by Domino's Pizza UK and Ireland Ltd, who trade as Domino's Pizza, to submit a planning application to vary Condition 5 of Planning Permission reference 3/2023/0055 relating to delivery hours of a permitted hot food takeaway unit (Sui Generis).

Accordingly, the following documentation has been submitted online via the planning portal (ref: PP-12452706):

1. Completed Application Form and Ownership Certificate;
2. Site Location Plan; and
3. A copy of Decision Notice ref: 3/2023/0055.

The requisite application fee and service charge have been paid via the planning portal.

This application seeks permission to vary Condition 5 of planning permission ref: 3/2023/0055 to allow deliveries between 07:00-23:00. The proposed wording of Condition 5 will read:

"The use hereby approved shall operate in accordance with the submitted Servicing and Delivery Management Plan (June 2023). Deliveries shall be from Berry Lane only and only between the following hours:

07:00 to 23:00

First Floor, South Wing, Equinox North, Great Park Road, Almondsbury, Bristol, BS32 4QL

Offices throughout the UK and Ireland.

Pegasus Group is a trading name of Pegasus Planning Group Limited (07277000) registered in England and Wales
Registered Office: Pegasus House, Querns Business Centre, Whitworth Road, Cirencester, Gloucestershire GL7 1RT

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Monday to Sunday, including Bank Holidays

There shall be no incoming HGV movements operated from the premises or site outside the stated operating hours."

Site Location and Description

The application site comprises a vacant commercial unit which forms part of an existing parade of shops within Longridge Town Centre. The site comprises a two-storey building with a vacant retail unit (Class E) on the ground floor and two one bedroom flats (Class C3) above.

Planning permission ref. 3/2023/0055 was granted on 23rd June 2023 for the change of use of Unit 2 from a retail unit (Class E) to a Hot Food Takeaway (Sui Generis) with installation of extraction equipment and shop front alterations to Units 1 and 2. Condition 5 sets out the permitted delivery hours which are restricted to between 07:00 to 09:00 hours and 18:00 to 21:00 hours every day of the week.

The application site will be occupied by Domino's Pizza as a Hot Food Takeaway (Sui Generis) in accordance with the abovementioned planning permission. The site lies within the defined settlement area of Longridge and fronts onto Berry Lane which constitutes one of the main commercial streets in Longridge.

The site is located within the Longridge Main Town Centre and Longridge Conservation Area. The building is not Listed and there are no Listed Buildings near the site. The local area is therefore characterised by a range of retail and commercial uses which most notably includes a petrol filling station, Booth supermarket and Subway.

The Proposal/Justification

Domino's Pizza is a well-known chain of hot food takeaway outlets and from a planning perspective principally trades from Sui Generis (previously Use Class A5) premises.

As an operator Domino's were originally attracted to the application site due to its location within an established Town Centre and inherent accessibility to daytime and night-time economies.

The extended delivery hours will allow for more flexibility for store deliveries, with the existing window being overly restrictive and overlapping with peak trading hours for the premises. For example, evening deliveries are restricted to 18:00 to 21:00 which is the busiest time for orders.

Planned deliveries would be no more than three times a week and each delivery would on average last for 30-45 minutes. Deliveries would be planned for early morning or later to avoid the store peak trading times and busy traffic periods. Deliveries would be taken from Berry Lane as previously approved and will be undertaken in accordance with the approved Servicing and Delivery Management Plan (June 2023).

Condition 5 of the permission currently restricts the opening hours and delivery of takeaways to between 07:00 to 09:00 hours and 18:00 to 21:00 on any day. Amending these hours would allow for greater flexibility for store deliveries and enable them to be dealt with in a timely manner

This application therefore seeks to amend Condition 5 attached to planning permission reference 3/2023/0055 to enable greater flexibility for servicing deliveries between 07:00–23:00.

Planning History

A search has been undertaken of Ribble Valley Borough Council's planning register for applications determined prior to the change of use (ref. 3/2023/0055) which is the subject of this application.

Planning application ref. 3/2021/1160 was refused in April 2022 for the following:

"Demolition of an extension, polytunnels and storage building and erection of extension to existing retail premises (Use Class E) at ground floor and five apartments above, Conversion of upper floor of existing building to create two apartments".

In terms of other relevant applications, Planning permission 3/2017/0437 was granted in August 2017 at 1 Berry Lane for the *"Change of use from computer shop (A1) to takeaway sandwich shop (A5)"*.

Planning Application 3/2017/0220 was refused in May 2017 at 2A Whittingham Road for the *"Change of use from a shop to a takeaway"*.

The application was refused on highway grounds with the reason for refusal stating *'The proposal, by virtue of its potential detriment to highway safety arising from the lack of parking within the vicinity, is contrary to Policies DMG1 and DMG3 of the Core Strategy. The surrounding shops and businesses all have a distinct lack of parking and it is considered that a further business of this type within the area would create a cumulative impact that would be harmful to highway safety'*.

4.5. An appeal was submitted against this decision and the appeal was allowed ref. APP/T2350/W/17/3178610. Importantly, no condition restricting delivery hours was applied to the permission.

Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan for the site comprises the Ribble Valley Core Strategy (adopted 2014). From a planning perspective, other material considerations include the National Planning Policy Framework (NPPF), National Planning Policy Guidance (NPPG), the Longridge Neighbourhood Plan (adopted 2018) and supplementary planning guidance prepared by the Local Planning Authority.

Planning Assessment

The National Planning Policy Framework (NPPF) published in March 2012 and most recently updated in September 2023 sets out the Government's planning policies at a national level. Paragraph 81 states that to support a competitive economy planning policies and decisions should *"help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future"*.

Key Statement DS1 of the Ribble Valley Core Strategy advises on the development strategy of the Borough. New retail and leisure development will be directed toward the centres of Clitheroe, Longridge and Whalley. Key Statement Policy EC1 seeks to support business growth and the local economy.

Policy DMG1 sets out the general considerations for development. This includes access matters, notably considering traffic and car parking implications and ensuring safe access can be provided which is suitable to accommodate the scale and type of traffic likely to be generated. In terms of amenity, proposals should not adversely affect the amenities of the surrounding area.

Policy DMG3 states that all development proposals will be required to provide adequate car parking and servicing space in line with currently approved standards.

Policy DMB1 advises that proposals that are intended to support business growth and the local economy will be supported in principle. Development proposals will be determined in accord with the Core Strategy.

Planning Assessment

The site forms part of an established commercial area within Longridge Main Town Centre and lies in close proximity to a number of other commercial operators including a petrol filling station, Booth Supermarket, Subway, charity shop and wide range of other shops/services along Berry Lane. As such, the local area is defined by commercial activity and transient vehicle movements, with nearby residential limited to first floor flats.

During the determination of planning permission. 3/2023/0055 it was determined that the Domino's store would not have any adverse impact on the residential amenity of local inhabitants. The extended delivery hours will be during the daytime when other commercial premises in the locality are open and there is a degree of activity in the area, minimising noise impacts from vehicle and delivery movements. The existing approved opening hours of 11:00 to 23:00 will be unaffected by the extension to delivery hours. The current mitigation measures will therefore ensure there is no significant adverse impact upon the residential amenity of any neighbouring dwellings with regards to noise or odour nuisance as a result of the extended delivery hours proposed.



The proposal does not include any changes to the existing access, servicing or parking arrangements beyond the amendments to delivery times. The site previously operated as a retail unit for some time, with delivery vehicles services the site, and with no restrictions to opening hours. We are not aware of any issues that have arisen in terms of highway safety during this period and the proposed change will not introduce servicing at a time when it is not already taking place throughout the Town Centre. Given that there are number of existing commercial premises in the area, the level of vehicular movement that would be generated will not result in a significant increase during the day. Deliveries will occur at most only three times a week, having minimal impact on the local highways network and availability of car parking. Deliveries will also be planned for early morning or later in the evening where possible to avoid the store peak trading times and busy traffic periods where possible, however it is important that there is flexibility in the delivery hours to account for times when this is not possible.

The proposal would not therefore introduce a significant level of activity into the area during the extended delivery hours above that which already exists. As such, there would not be any harmful impact in terms of vehicle noise or road traffic. By virtue of the above the proposal would not have any adverse impact on the residential amenity of any neighbouring properties and is considered acceptable from a highway safety perspective.

Summary

This application seeks to vary Condition 5 of planning permission reference 3/2023/0055 to allow the approved Domino's store to receive deliveries between 07:00 to 23:00 every day.

The extended delivery hours will allow for more flexibility for store deliveries, with the existing window being overly restrictive and overlapping with peak trading hours for the premises. Deliveries are expected to be no more than three times per week, having minimal impact on the highways network in an area defined by regular vehicle movements from the existing commercial activity, notably the adjacent petrol filling station and Booths supermarket.

The store is located within the Longridge Main Town Centre and therefore sits comfortably within its surroundings. Whilst there are some residential dwellings at first floor level within close proximity of the site, the proposal seeks to increase delivery times during the daytime when commercial uses in the vicinity are open and therefore there will already be a degree of activity during these times. Overall, the proposal would not have any adverse impact on the residential amenity of local inhabitants.

For the reasons set out above, it is considered that the proposed extension of delivery hours should be considered acceptable and respectfully request that planning permission is granted.

I trust that the information presented is sufficient to register the application as valid, however, please do not hesitate to contact us with any queries or concerns.

Yours faithfully,



Joe Davis
Senior Planner

