

WARD: Easton **CONTACT OFFICER:** Ben Burke
SITE ADDRESS: 441 Stapleton Road Easton Bristol BS5 6NA

APPLICATION NO: 14/01183/F Full Planning
EXPIRY DATE: 14 May 2014

Proposed change of ground floor retail use (Use Class A1) to a mixed restaurant/takeaway use (Use Class A3/A5)

RECOMMENDATION: Refuse

AGENT: P J Orchard Architects
9 West Hill Gardens
Portishead
North Somerset
BS20 6LJ

APPLICANT: Mr N. Younis
c/o Agent

The following plan is for illustrative purposes only, and cannot be guaranteed to be up to date.

LOCATION PLAN:

comtop
v4_0408



Development Control Committee B – 9 July 2014
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BACKGROUND

The application was originally scheduled for Committee A (18.06.14), but was deferred due to the large number of agenda items.

COMMITTEE REFERRAL

This application has been referred to committee by Councillor Afzal Shah (Easton) who states that: 'We do not agree that the highway issue is valid because of the road layout and the permission on adjacent properties. We also believe parking is available in close proximity and the area is well served by public transport. The new application is an asset to the local area.'

This application follows the withdrawal of a previous application for the same development (13/04896/F).

APPLICATION AND SITE DESCRIPTION

The proposal is for the change of use of the ground floor from retail (Use Class A1) to a restaurant/takeaway (Use Class A3/A5). The proposal is described as either a café/restaurant or hot-food takeaway use. The layout, other than the kitchen, has not been provided; but given the relatively small size of the unit, it is most likely to be an A5 use. No details have been provided of staff numbers and proposed opening hours (with these parts having been left blank on the application form). An external extraction flue is proposed at the rear.

The property is located within the Stapleton Road District Centre and an identified Secondary Shopping Frontage. There are residential flats above the majority of units within the centre. The site backs onto a car park (associated with no.433 adjacent). The property is currently vacant but was last used as a barbers/hairdressers shop (A1 use class). The upper floors of the application premises are vacant but were last in residential use, and there is an extant permission for their conversion to residential flats. There are five vacant units out of 11 within the immediate frontage.

RELEVANT HISTORY

Application site:

13/04896/F, Change of ground floor use (Class A1) to a restaurant/takeaway (Class A3/A5),
Date Closed, 5 February 2014, WITH

13/04899/F, Sub-division of maisonette into 2no self-contained flats, consisting of a one bedroom flat (C3 Use Class) and a three bedroom flat (C4 Use Class), Date Closed, 21 February 2014, PG

Adjoining Sites:

12/05189/F, 435 Stapleton Road, Change of use of disused ground floor unit (use Class A2) to a takeaway/restaurant (use Class A5/A3) and introduce a first floor access directly from the main road to maintain as an A2 use, 12 February 2013, PG

13/01781/F, 443 Stapleton Road, Proposed change of use of first and second floor offices to 4no. self-contained flats, Date Closed, 27 June 2013, PG

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RESPONSE TO PUBLICITY AND CONSULTATION

Site notice displayed (02.04) and occupants of 15 surrounding properties consulted by letter - no responses received.

OTHER COMMENTS

Transport Development Management (TDM):

As this is a main road it is likely that any takeaway would give rise to car trips. However parking is not permitted in the vicinity, due to the adjacent traffic signals and bus stops, and there are double yellow lines on Robertson Road. In our experience takeaway uses without parking lead to violations which are almost impossible to police but nevertheless cause obstruction to cars, pedestrians and buses. Therefore we recommend that A5 use should not be permitted at this location.

The proposed A3 use also seems poor, as there are no facilities for loading from the street and the restrictions on Robertson Road also prevent loading apart from off-peak loading at a point some distance from the shop. It seems that this rank of shops is best suited to A2 use, which has the lightest levels of loading and servicing, or a limited range of A1 uses.

The current use of this shop is A1. Some A1 uses would need as much servicing as an A3 unit. However I think the use classes are not really compatible in transport terms, as there are many A1 uses which do not give rise to large servicing requirements (as with the current use and adjacent A1 outlets on this rank). Therefore the owner of a unit with A1 permission would have a range of possible businesses they could carry on at the site despite the traffic restrictions outside. By contrast an A3 use would be bound to have a high servicing requirement, as restaurants inevitably require fresh food deliveries and daily refuse collection.

Policy DM23 (as for the equivalent Local Plan Policy M1) requires developments to have suitable facilities for loading and servicing, so we recommend refusal of the application.

RELEVANT POLICIES

National Planning Policy Framework – March 2012

Bristol Local Plan, Adopted December 1997

ME4	Controlling the Impact of Noise
M1	Transport Development Control Criteria
S6	Frontages: Secondary
S8	Control of Food and Drink Uses

Bristol Core Strategy (Adopted June 2011)

BCS7	Centres and Retailing
BCS8	Delivering a Thriving Economy
BCS10	Transport and Access Improvements
BCS23	Pollution

Bristol Site Allocations and Development Management Policies (emerging)

DM1	Presumption in favour of sustainable development
DM8	Shopping areas and frontages
DM10	Food and drink uses and the evening economy
DM14	The health impacts of development
DM23	Transport development management

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DM32 Recycling and refuse provision in new development
DM35 Noise mitigation

KEY ISSUES**(A) WOULD THE CHANGE OF USE BE ACCEPTABLE IN PRINCIPLE AND WITHIN THE CENTRE AND SECONDARY SHOPPING FRONTAGE?**

The site falls within the Stapleton Road District Centre as defined by the Core Strategy (BCS7) and is designated as a secondary shopping frontage on the Proposals Map of the Bristol Local Plan 1997 and the Development Management Policies document. Bristol Core Strategy Policy 7 states that 'retail shops will predominate in the designated primary shopping areas of the City and Town Centres, supported by a wider range of appropriate uses in the other parts of these centres' (which includes secondary frontages). It also specifies that 'the role of District and Local Centres in meeting the day-to-day shopping needs of their catchments will be maintained.' Policy S6 of the Local Plan concerns Secondary Shopping Frontages and states that within the secondary retail frontages permitted uses will be, amongst others, food and drink uses. The proposal, being a food and drink use, falls within this category and is, therefore, deemed an acceptable secondary shopping frontages use. Development Management policy 8 states that within Secondary Shopping Frontages the development of retail or other related uses will be acceptable where they would help to maintain or enhance the function of the centre; and that, in all cases, proposals will be expected to meet five criteria. The proposal will be assessed against these, as follows:

(i) Stapleton Road is a very long centre, which is fragmented in terms of the secondary frontages. The primary part of the frontage is located at the far western end (closest to the city centre), at the opposite end to the application property. The immediate shopping frontage concerned (425-443) is relatively evenly distributed between retail (A1) and financial and professional service uses (A2). It should be noted that there is also an extant unimplemented planning permission for the conversion of the ground floor unit of no. 435 from A2 to A3/A5 use (12/05189/F). There are a range of uses within the other parts of the secondary frontage including a significant A1 presence. The proposal would slightly weaken the retail presence of the immediate frontage, but, given the number of A1 uses within the whole frontage, it would not harm the centre's vitality, viability or diversity, or its retail function. As the proposal is considered to comprise an A5 use, it is likely that all or most of the trade would be within the evening and at night; as such, the proposed use itself would not directly complement the retail function of the centre. However, the bringing of a vacant unit back into use and the resultant improvement of its appearance would have some complementary impact on the retail function.

(ii) Being located within the far eastern end of the frontage; the unit would not harmfully dominate or fragment the frontage.

(iii) The proposal would maintain an appropriate balance and diversity of uses in all parts of the Secondary Shopping Frontage, as identified under criterion (i) above.

(iv) The proposal would be likely to generate a reasonable level of footfall within the evening and night time and be of general public interest and service.

(v) The scheme maintains a shopfront with a display function and would be immediately accessible to the public from the street.

The proposal is consistent with policy S6 and DM8, as outlined above. It should also be recognised that there are five vacant units out of eleven within the immediate frontage, as well as a significant proportion of vacant units with the overall secondary frontage; and that the proposal, in bringing such a unit back into use, would improve the vitality and viability of the centre. It is therefore considered that the change of use is acceptable in principle within the centre and secondary shopping frontage.

Development Control Committee B – 9 July 2014**Application No. 14/01183/F: 441 Stapleton Road Easton Bristol BS5 6NA****(B) WOULD THE PROPOSAL DETRIMENTALLY AFFECT THE AMENITY OF LOCAL RESIDENTS AND/OR THE VISUAL AMENITY OF THE AREA?**

Policy S6 of the Bristol Local Plan considers the 'control of food and drink uses' and has two criteria. The first states that such uses will be permitted in shopping centres and parades (amongst others) and the second details that food and drink uses which would give rise to environmental conditions which would harm the amenity of nearby residents, will not be permitted, and requires five criteria to be assessed. Development Management policy 10 is entitled 'Food and Drink Uses and the Evening Economy.' The policy states that the food and drink uses will be acceptable; provided that they would not harm the character of the area, residential amenity and/or public safety, either individually or cumulatively; and that proposals resulting in a harmful concentration will not be permitted. It further states that to assess the impact, six criteria need to be considered. The criteria largely replicate and expand upon those of policy S6; so will be used to make an assessment, as follows:

(i) Within the immediate parade concerned, there are currently no food and drink uses; although no.435 has an unimplemented extant consent for a mixed A3/A5 use. On the opposite side of the road there is a Public House (A4 use class) and a hot food take away (A5 use class). Within the adjacent parade there is a large ground floor restaurant at the corner of Robertson Road and Stapleton Road, which appears to be vacant. Further to the west (towards the centre) within the secondary frontage, there is a modest number of hot food takeaway/restaurant units and a disused Public House. Given that food and drink uses do not dominate the centre, the proposal, comprising one unit, would have a negligible impact on the proportion of food and drink uses within the centre and secondary frontage.

(ii) There are residential flats above the shops within the immediate parade and the wider area generally. The agent has not provided proposed opening hours; it therefore falls to the Council to determine appropriate hours. The site falls within a centre and secondary frontage on a major transport route, where background noise levels will be higher than in a quiet residential area. Given this, it is considered that opening hours of 0800-2300 Mondays to Sundays would be appropriate and ensure that residents above will not suffer undue and unreasonable noise disturbance. The means of odour control and extraction is currently being considered, and could be controlled by condition, if required. Members will be updated on this issue at the committee meeting.

(iii-v) This criterion concerns transport issues which will be assessed under a separate key issue.

(vi) The proposed flue, being at the rear, would not appear prominent from public vantage points or from surrounding properties and would, therefore, be acceptable in appearance.

The policy also details that takeaways in close proximity to schools and youth facilities, will not be permitted where they would be likely to influence behavior harmful to health or the promotion of healthy lifestyles. The site is not within close proximity of any schools, so is consistent with this part of the policy. The proposal, subject to the said conditions, is acceptable on this key issue.

(C) WOULD THE PROPOSED DEVELOPMENT SATISFACTORILY ADDRESS TRANSPORT AND MOVEMENT ISSUES?

Development Management policy 23 concerns 'Transport Development Management' and states that 'development should not give rise to unacceptable traffic conditions' and will be expected to adhere to four criteria. There are a number of parking restrictions within the vicinity of the site which include traffic signals, a bus stop and double yellow lines on Robertson Road. There are also loading restrictions outside the site, which extend all the way along this part of Stapleton Road and on both sides of Robbers Road (located to the east) up to Chester Street. There is a parking bay on the immediate frontage, beyond the demarked bus cage (4-5 spaces); and on the opposite side of the road and to the east on Stapleton and Fishponds Roads. The highway restrictions in place require that no loading or parking (within demarked areas) occurs between the hours of 0700-1000 and

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16:30-18:30 Monday to Friday. Given the restrictions in place, loading is severely restricted within the vicinity of the site, potentially requiring delivery vehicles to set down some distance away from the site. This issue applies equally to A5 and A3 uses at the site. As outlined in TDM's comments, some A1 uses would require as much servicing as A1 uses (the current use); however, there are many A1 uses, such as the previous barber/hairdressers use, which do not give rise to such substantial servicing requirements. As such, potential occupants of A1 units are able to assess the transport constraints of premises, to determine their suitability; and there are a range of A1 uses which could safely operate where there are significant restrictions.

With regard to the above, parking for customers is also very limited and restricted within the locality. TDM has commented that 'takeaway uses without parking leads to violations which are almost impossible to police but nevertheless cause obstruction to cars, pedestrians and buses.' It is considered that this is the case for the site. Our experience is that customers of takeaways, driving to premises, will generally not want to spend time searching for lawful parking within the wider area and may well risk unlawful parking on restricted areas close to the site, on the basis that they expect their turnaround to be relatively quick. Whether this is the case or not, this poses a danger to highway and pedestrian safety. It may be that a number of customers will be local and arrive on foot, but it is likely that a certain potentially substantial number will arrive by car. It is recognised that there is an extant consent for mixed A3/A5 use at 435 Stapleton Road (12/05189/F). However, this is a different site and all applications are required to be considered on their own individual merits. In conclusion, the proposal would fail to satisfactorily address transport and movement issues and be detrimental to highway safety.

CONCLUSION

The proposal is acceptable on all the key issues except transport. In respect of this issue, it is considered that, as a result of there being very limited and restricted parking (on-street) and servicing adjacent to the site, and within the locality; the proposal would result in obstructions to vehicle movements on the highway, including the alighting and pulling out of buses to and from the adjacent bus cage, as well as the movement of pedestrians. It would, therefore, give rise to unacceptable traffic conditions harmful to both highway and pedestrian safety. Given that this is a significant and serious issue, refusal is recommended on these transport grounds.

COMMUNITY INFRASTRUCTURE LEVY

How much Community Infrastructure Levy (CIL) will this development be required to pay?

Development of less than 100 square metres of new build that does not result in the creation of a new dwelling; development of buildings that people do not normally go into, and conversions of buildings in lawful use, are exempt from CIL. This application falls into one of these categories and therefore no CIL is payable.

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RECOMMENDED REFUSE

The following reason(s) for refusal are associated with this decision:

Reason(s)

1. The proposal, as a result of there being very limited and restricted parking (on-street) and servicing adjacent to the site, and within the locality, would result in obstructions to vehicle movements on the highway, including, amongst other things, the alighting and pulling out of buses to and from the adjacent bus cage and the movement of pedestrians. The proposal would, therefore, give rise to unacceptable traffic conditions harmful to both highway and pedestrian safety. Therefore, the proposal is contrary to policies BCS10 of the Bristol Local Plan - Core Strategy (June 2011), saved policy M1 of the Bristol Local Plan 1997 and policy DM23 of the Bristol Local Plan - Site Allocations and Development Management Policies Publication Version (March 2013).

Advice(s)

1. Refused Applications Deposited Plans/Documents

The plans that were formally considered as part of the above application are as follows:-

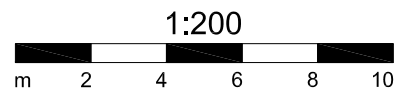
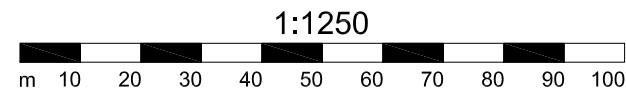
PL01 Existing elevations and floor plans, received 19 March 2014

PL02 Proposed elevations and floor plans, received 19 March 2014

PL03 Location plan and block plan, received 19 March 2014

LOCATION PLAN

SCALE 1:1250



BLOCK PLAN

SCALE 1:200



NOTES.
 THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION UNLESS MARKED FOR CONSTRUCTION.
 THE CONTRACTOR IS RESPONSIBLE FOR ALL DIMENSIONS AND THE CORRECT SETTING OUT ON SITE.
 ONLY FIGURED DIMENSIONS ARE TO BE USED, IF IN DOUBT ASK.
 ALL MATERIALS AND WORKMANSHIP TO COMPLY WITH THE CURRENT BRITISH STANDARDS AND CODES OF PRACTICE.



Rev Date Description

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Project

441 STAPLETON ROAD
 EASTVILLE
 BRISTOL
 BS5 6NA

Drawing Title

CHANGE OF USE FROM A1 TO
 A3/A5 USE
 LOCATION & BLOCK PLANS

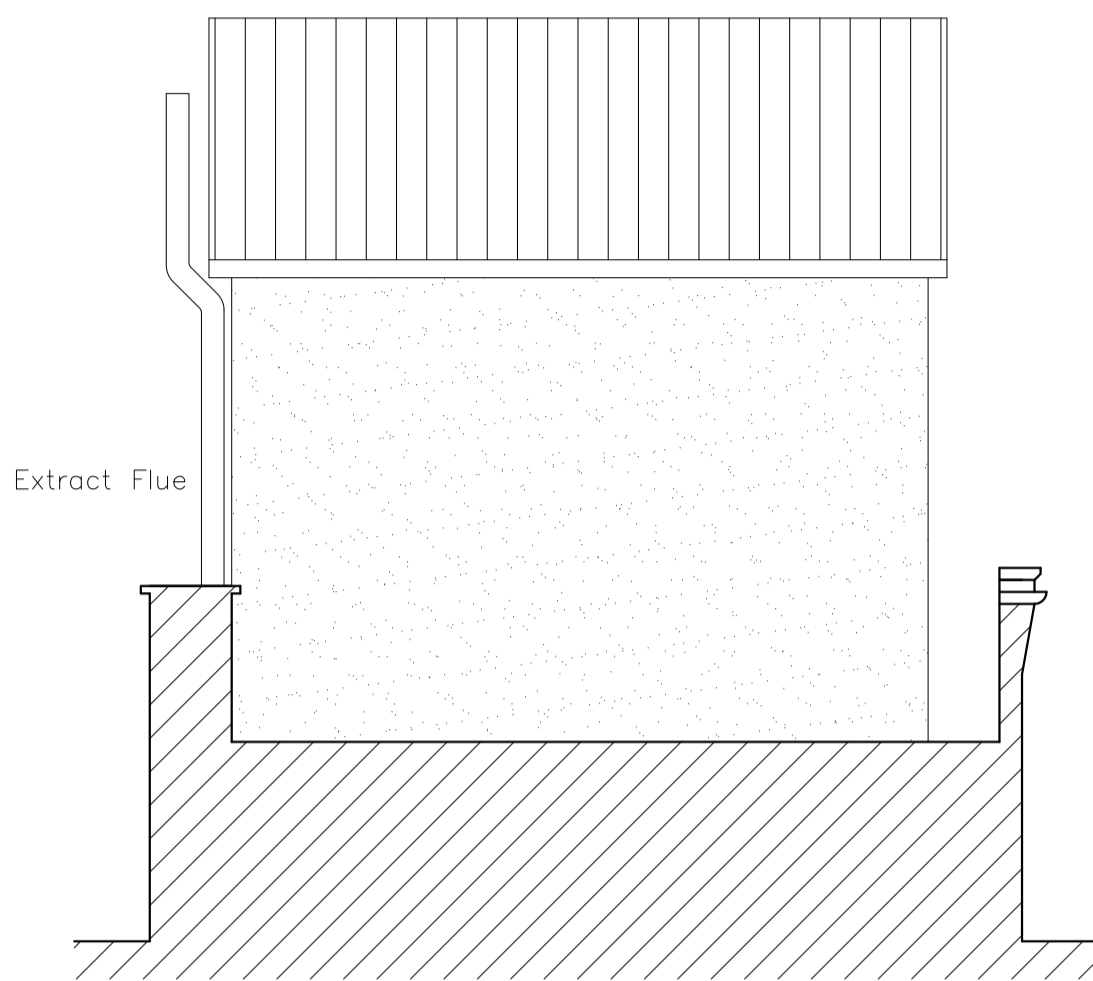
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Date Aug 2013	Drawing Number PLO3
Drawn S.Moyse	Checked PJO

Proposed Elevations

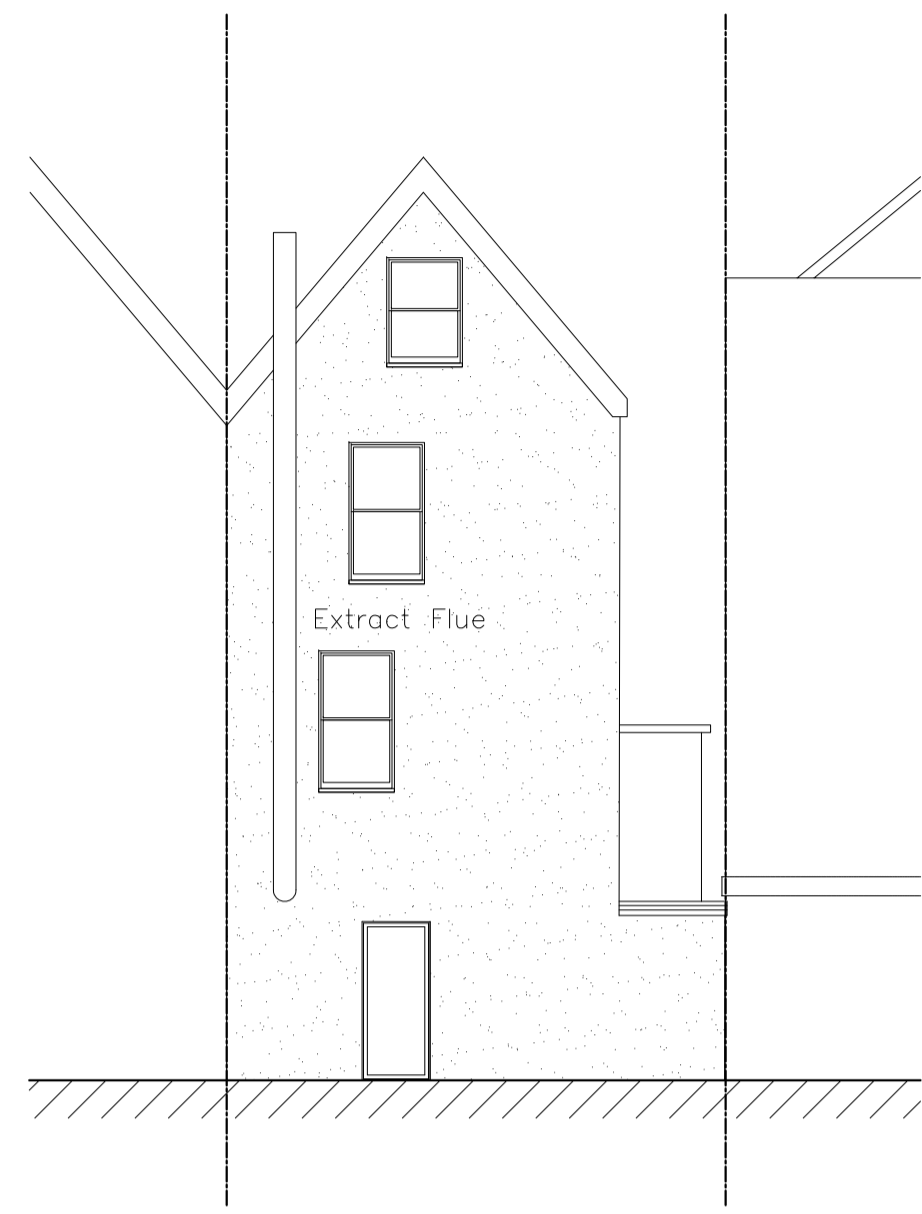
NOTES:
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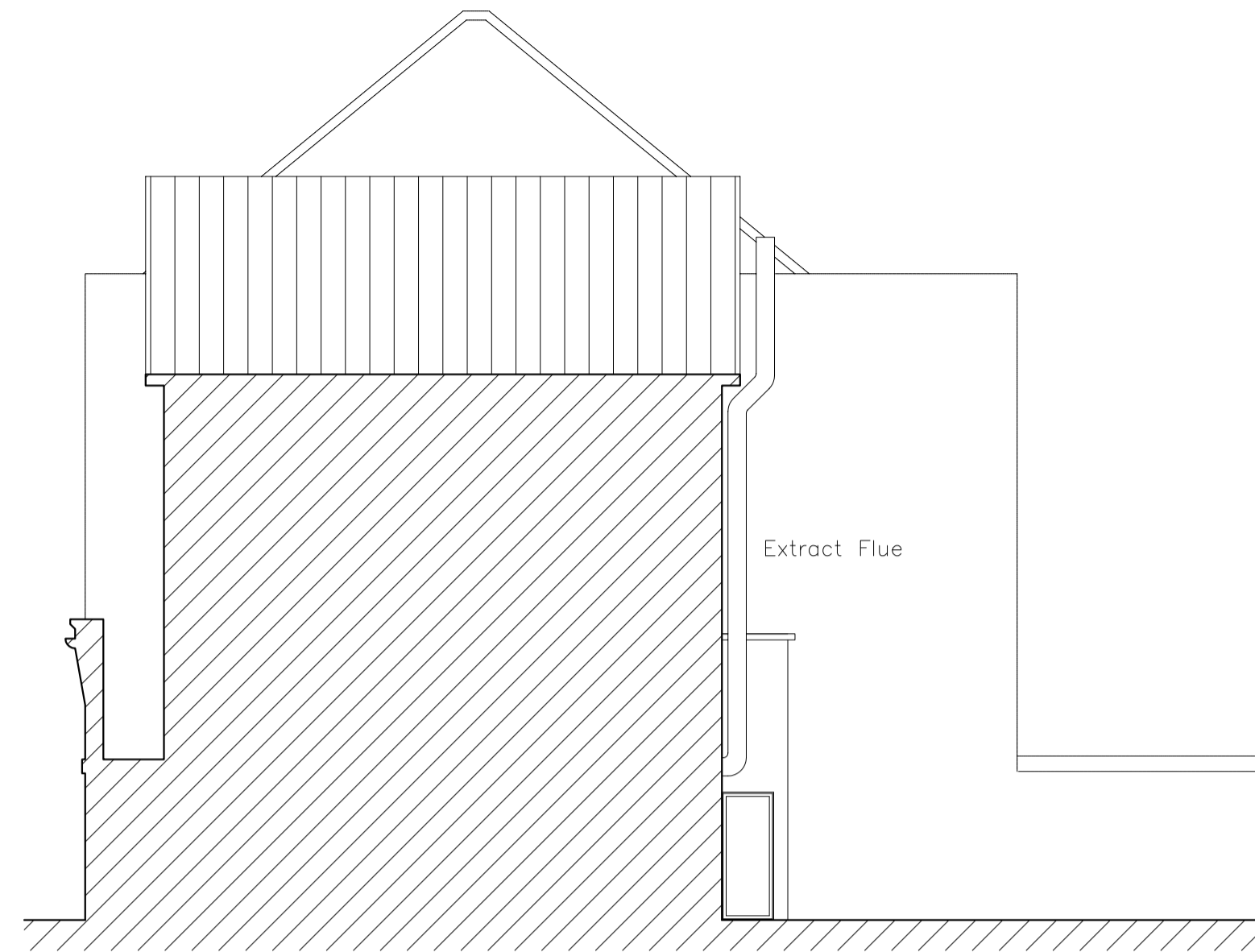
Proposed North (Front) Elevation
 (1:500 @ A1, 1:100 @ A3)



Proposed East (Side) Sectional Elevation
 (1:500 @ A1, 1:100 @ A3)

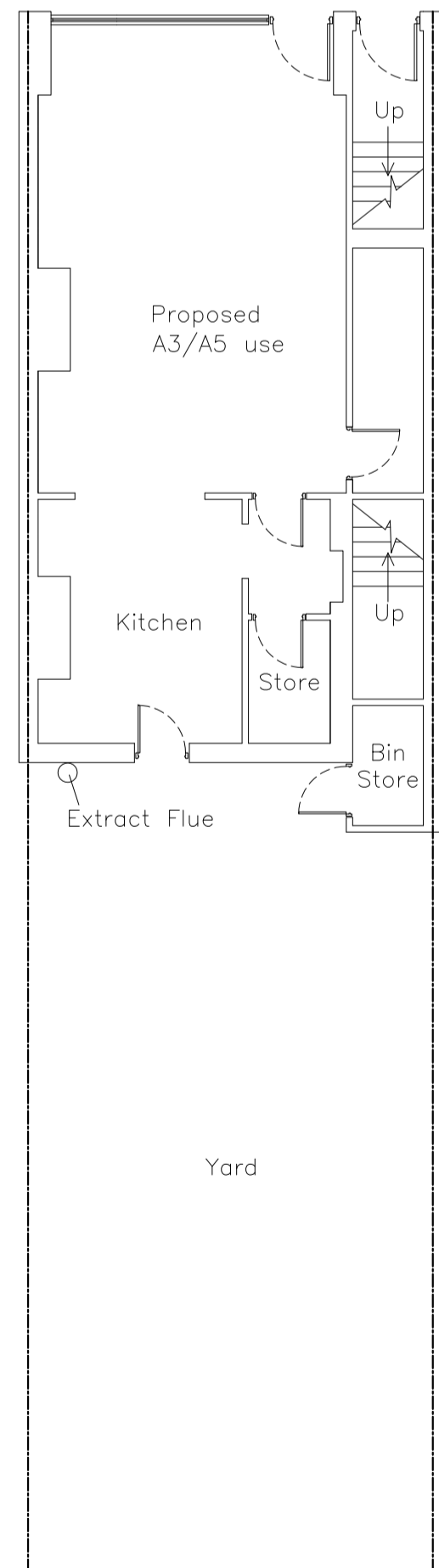


Proposed South (Rear) Elevation
 (1:500 @ A1, 1:100 @ A3)

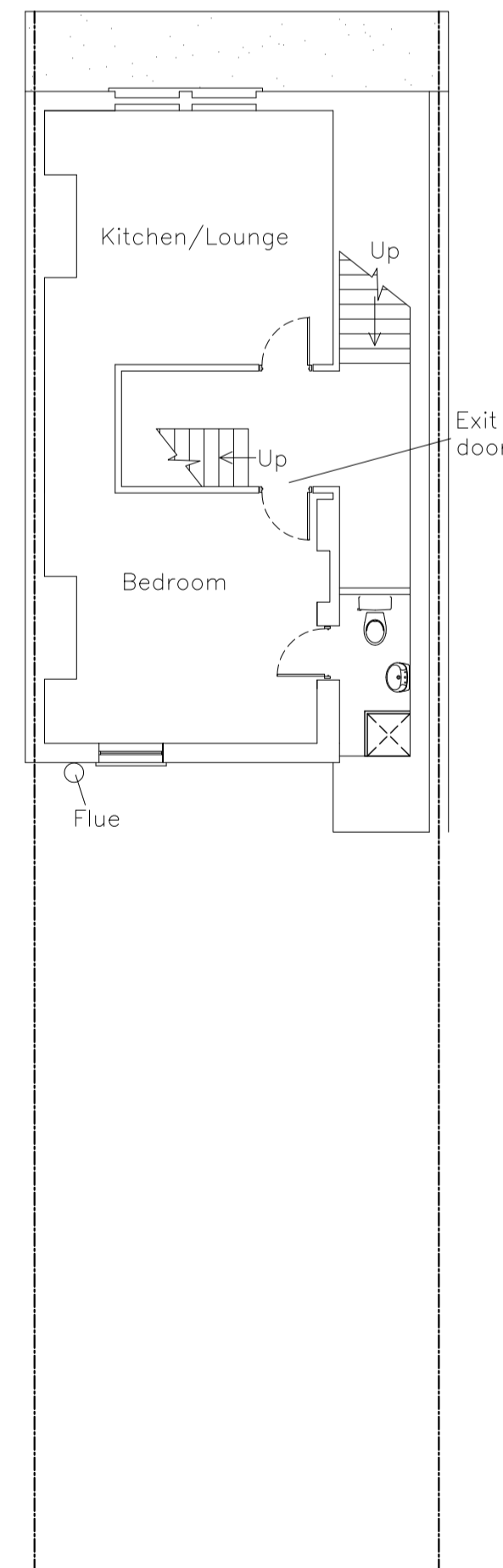


Proposed West (Side) Sectional Elevation
 (1:500 @ A1, 1:100 @ A3)

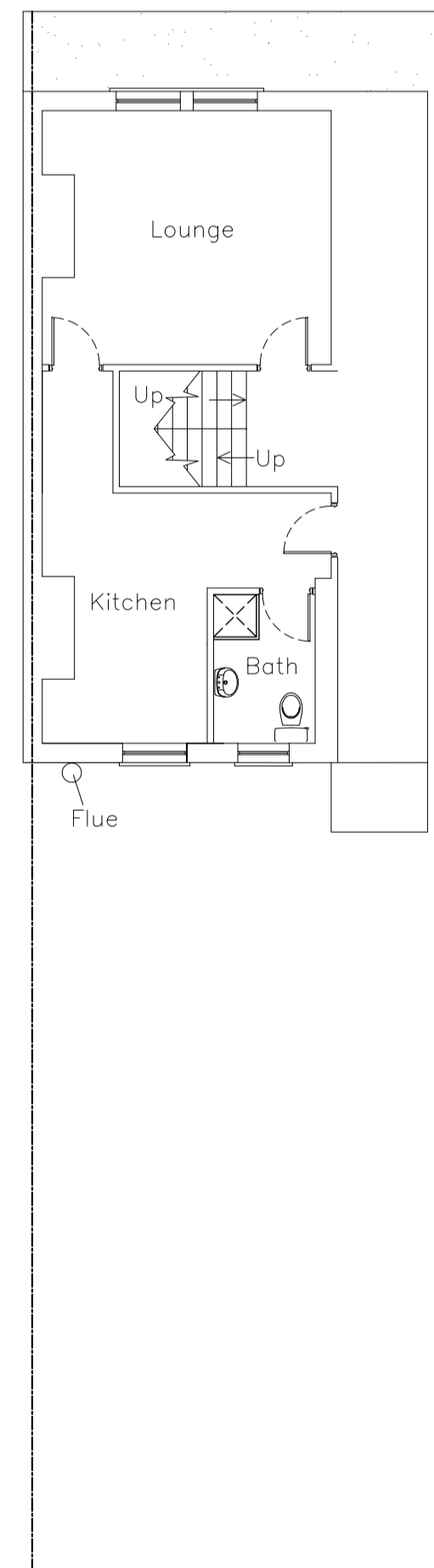
Proposed Plans



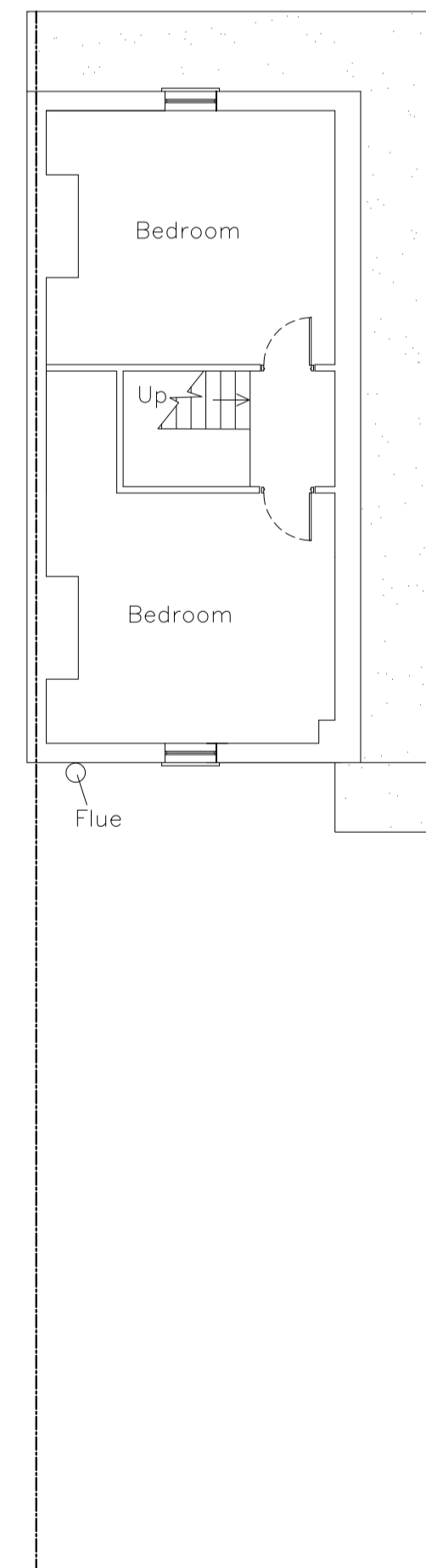
Proposed Ground Floor Plan
 (1:500 @ A1, 1:100 @ A3)



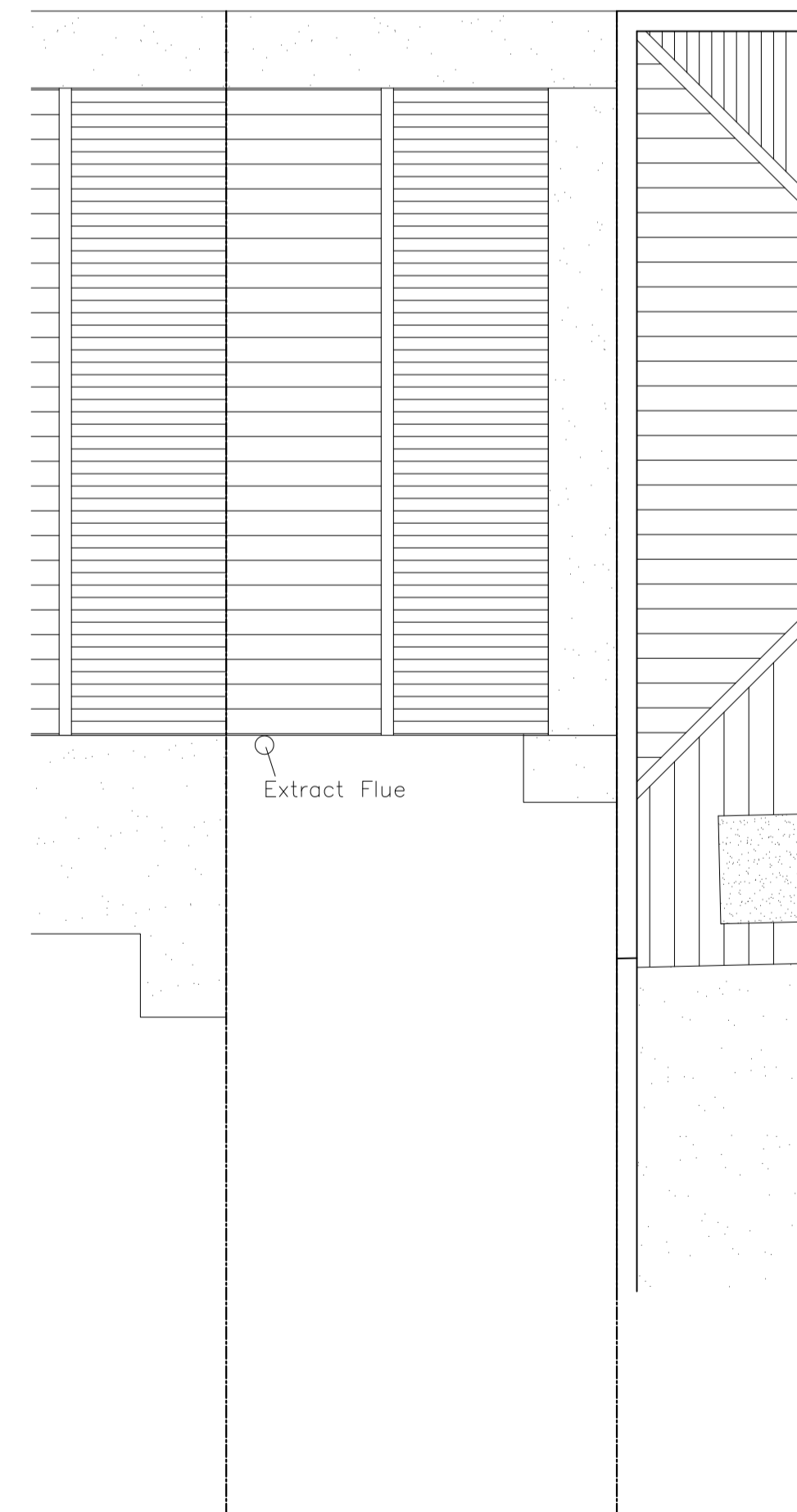
Proposed First Floor Plan
 (1:500 @ A1, 1:100 @ A3)



Proposed Second Floor Plan
 (1:500 @ A1, 1:100 @ A3)



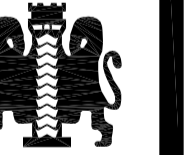
Proposed Third Floor Plan
 (1:500 @ A1, 1:100 @ A3)



Proposed Roof Plan
 (1:500 @ A1, 1:100 @ A3)

Rev	Date	Description

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Project
 441 STAPLETON ROAD
 EASTVILLE
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Drawing Title
 CHANGE OF USE FROM A1 TO
 A3/A5 USE
 PROPOSED ELEVATIONS AND
 PLANS

Scale As Shown	Job Number .
Date Aug 2013	Drawing Number PLO2
Drawn S.Moysse	Checked PJO