

WARD: Avonmouth & Lawrence Weston

SITE ADDRESS: 46 Ridingleaze Bristol BS11 0QE

APPLICATION NO: 21/03337/F Full Planning

DETERMINATION DEADLINE: 30 September 2021

Change of use from currently vacant former bookmakers (Sui Generis) to a Hot Food Takeaway (Sui Generis) together with new shopfront and roller shutters to the front elevation and wall mounted extract and boiler flues, fresh air intake grill and condenser to the rear elevation.

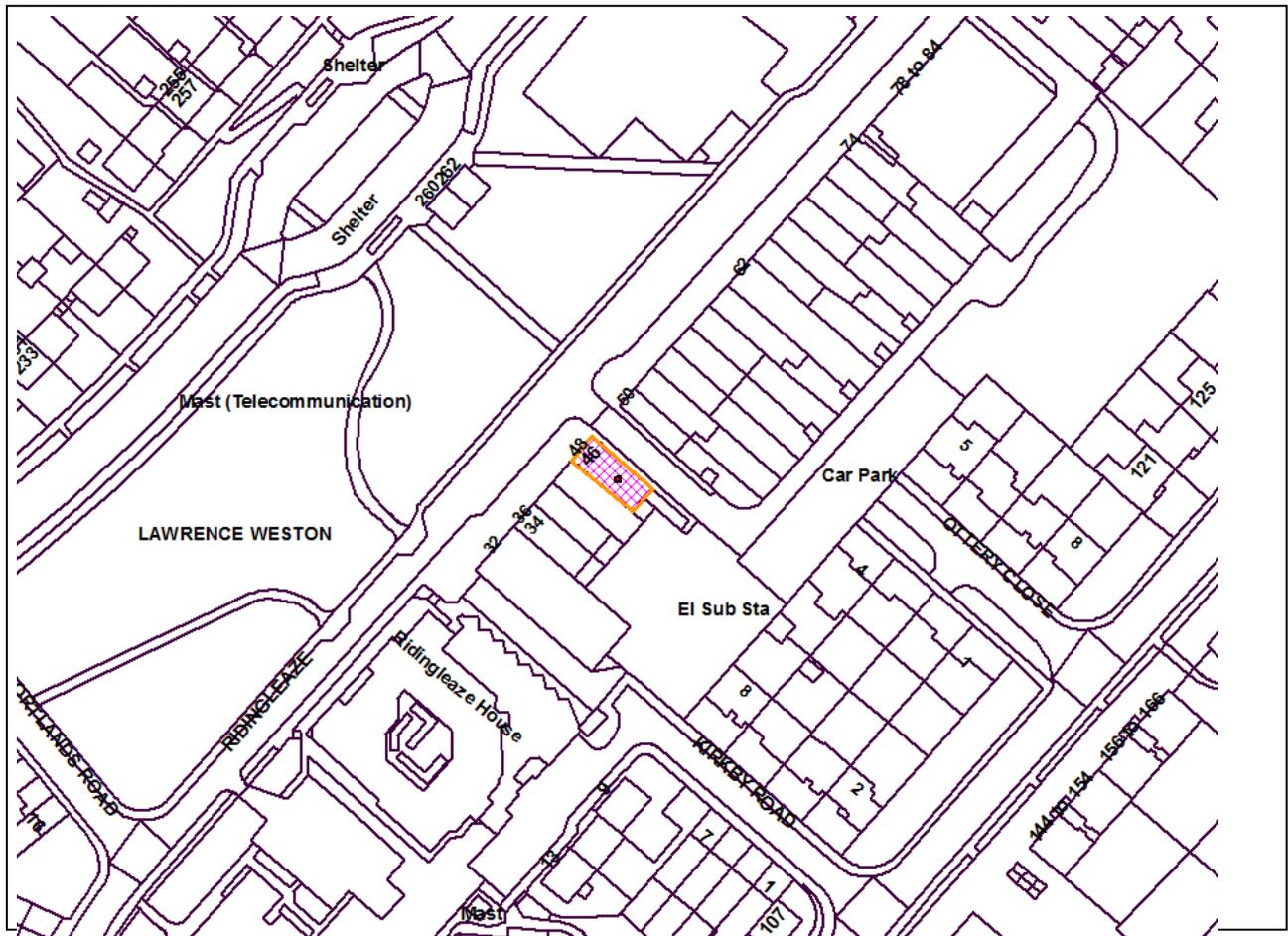
RECOMMENDATION: Grant subject to Condition(s)

AGENT: Tetra Tech
3 Sovereign Square
Sovereign Street
Leeds
LS1 4ER

APPLICANT: Papa John's (GB) Ltd
11 Northfield Drive
Milton Keynes
MK15 0DQ

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

LOCATION PLAN:



Development Control Committee B – 13 October 2021
Application No. 21/03337/F : 46 Ridingleaze Bristol BS11 0QE

SUMMARY

The application relates to a change of use of a unit with the Ridingleaze local centre, in Lawrence Weston, from a bookmakers to a hot food takeaway. This has resulted in a high number of objections from local residents, including the Lawrence Weston neighbourhood forum, on the basis of the overconcentration of takeaways in the area, and subsequently the impact on the vitality and viability of the local centre, amenity and health.

However, having considered the application, officers are of the view that Ridingleaze centre provides for a range of uses, has limited history of vacancies, and that the impacts on amenity and potential anti-social behaviour can be managed. Importantly, it is noted that even if the planning permission were to be granted the number of takeaways in the centre would still be below the benchmark set out in the Lawrence Weston Neighbourhood Development Plan. As such, officers are satisfied that the proposal will not result in a harmful overconcentration.

As such, the application is being reported to committee as officers do not consider that a refusal of the application can be justified, and are recommending approval of the proposals.

SITE DESCRIPTION

The application relates to a commercial unit within the Ridingleaze local centre, in Lawrence Weston. The centre was constructed in the 1960s, and is made up of a linear row of three storey buildings. All of the units retain commercial units on the ground floor, with many of the units having residential use above. The application relates to the ground floor of the building, which is currently vacant, but was most recently used as a bookmakers. The other commercial units are generally occupied by a mix of town centre uses, including a co-op general grocery store, and there is also a Lidl supermarket immediately to the north of the designated centre.

The current local plan designates the site as being within the Ridingleaze local centre, as well as Primary Shopping Area. There are no heritage designations at or near the site.

RELEVANT HISTORY

It appears that this group of buildings was originally permitted in 1966, with the use of the unit as a bookmakers permitted in 1967.

There are no other applications that relate to the ground floor use of the building, although there is a concurrent application for advertisement consent at the property.

APPLICATION DETAILS

The application is for full planning permission to change the use of the property from a bookmakers (sui generis use) to a hot food takeaway (sui generis use). This would provide 83.4 square metres of floorspace in the proposed use. It is proposed that the new unit would operate from 10am to 11pm on Sunday to Thursdays, and 10am to midnight on Fridays and Saturdays.

Also proposed are alterations to the shopfront, to include a new roller shutter to be hidden behind the fascia sign. To the rear it is proposed to add wall mounted boiler and extract flues, fresh air intake grill and condenser.

PRE APPLICATION COMMUNITY INVOLVEMENT

No indication of pre-application community involvement has been submitted with the application. Given the scale and nature of the proposal this is not a validation requirement.

Development Control Committee B – 13 October 2021
Application No. 21/03337/F : 46 Ridingleaze Bristol BS11 0QE

RESPONSE TO PUBLICITY AND CONSULTATION

The application was advertised by a site notice erected close to the site, and by writing to 10 neighbouring properties. As a result, 31 objections were received raising the following issues:

Principle of Development (see key issue A)

- There is already an oversupply of hot food takeaways (particularly pizza takeaways) in the area, and there is a need for more retail instead;
- The proposal for a national chain will displace locally run businesses (Officer comment: The planning system does not seek to control whether commercial units are independent or national chains, and therefore an application cannot be resisted on this basis).
- The proposal could impact on the health of young children - particularly children at the nearby secondary school;
- The proposal is contrary to the Lawrence Weston Neighbourhood Development Plan;
- The proposal is contrary to the Bristol One City Strategy - specifically policies related to access to healthy, locally grown produce (Officer comment: The planning system cannot control the produce sold in any retail outlet);
- The proposals would be contrary to emerging Local Plan policies relating to the provision of a balance of uses within local centres.

Impact on Amenity (see key issue B)

- The proposal would add to noise in the area;
- The proposal would add to anti-social behaviour and littering;
- The proposed hours of use run later than is common in the area;
- The location of the extract/air conditioning will impact on the quality of the adjacent amenity space.

Other comments

- No attempt has been made to consult with the Lawrence Weston Neighbourhood Forum or the director of the Port Communities Resilience Fund (Officer comment: there is no statutory duty for the applicant to consult with these groups given the nature of the application. In addition comments have been received by the neighbourhood forum in relation to the application. The Port Communities Resilience Fund was a project set up to work with the port communities to identify and deliver a set of Capital projects, and has no remit to comment on planning applications).

An objection has also been received from **Lawrence Weston Neighbourhood Forum**, raising the following comments:

We believe our view on the current Application is well founded. - This application is against both spirit & detail of the Neighbourhood Development Plan, (NDP), itself written in accordance with the existing Core Strategy, and to be reflected in the developing Local Plan. - If implemented, the proposal in this application will significantly increase the existing over supply of takeaway food outlets in the local, and nearby neighbourhoods.

We feel this application is not in conformity with our Lawrence Weston Neighbourhood Development Plan or the Bristol Core Strategy:

NDP Policy JSB3 states:

".....proposals for changes of use to fast-food take-away outlets will be resisted....."

NDP Justification JSB3 states:

"Policy BCS7 recognises the role of Ridingleaze as a district centre in a network of 3 centres within Avonmouth and Kingsweston. The policy also recognises the need for a diverse retail offer.

Development Control Committee B – 13 October 2021
Application No. 21/03337/F : 46 Ridingleaze Bristol BS11 0QE

As fast food takeaway outlets account for over 20% of current retail units in Ridingleaze, this neighbourhood plan policy limits further changes of use to Use Class A5 (of The Town and Country Planning (Use Classes) Order 1987 as amended). Further takeaways may result in harm to the vitality, viability and retail function of the centre if the existing proportion of shops is not maintained."

Policy DM10 states

".....This policy aims to ensure that the individual or cumulative impacts of food and drink uses do not harm the character and user's experience of a centre, cause nuisance to residents living in the vicinity of food and drink uses or have specific impacts on health considerations. Development of 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.

Proposals which would result in a harmful concentration of food and drink uses will not be permitted.

.....

Takeaways in close proximity to schools and youth facilities will not be permitted where they would be likely to influence behaviour harmful to health or the promotion of healthy lifestyles."

We can confirm that there are factual errors/omissions with in the applicants planning statement, those being:

1. The applicant claims there are 5 vacant units with in the centre, this is incorrect, as of 04/08/21 there is only 1 vacant unit, that being the one subject to this application. This retail centre continues to see historic high levels of occupancy, with rapid re-lets, and high demand.

There are 19 units in total with 11 of these offering foods, and of these 11, 5 units being Takeaways, those being

- I. Smiler's Café and takeaway
- II. Pecking Chef, Cantonese takeaway
- III. New Horizons takeaway, offering Pizza delivery
- IV. Greggs takeaway, offering Pizza delivery
- V. Simply Fish, Takeaway

2. The applicant also states that the Bristol Gateway School is located within 400 meters of the site, however the applicant fails to mention the following:

- * Our Lady of the Rosemary Primary School, being 321 meters from the site.
- * Lawrence Weston Army Cadets Force, being 319 meters from the site.
- * Lawrence Weston out of School Services (4-12 year olds) being, under 50 meters from the site.
- * Bristol City Councils, Young people and Families centre, under 50 meters from the site.
- * St Bedes Secondary School, 350 meters from the site

Lawrence Weston already suffers from high levels of obesity in children and young people with the Public Health National Child Measurement programme citing 34% of 10/11 year olds, and 25% of 4/5 year olds living in Lawrence Weston measuring as obese, both higher than the Bristol average, that being 10/11 years at 20% and 4/5 years at 9.9%. Lawrence Weston has a much higher proportion than the city average of children, young people and families as stated in the Lawrence Weston NDP

Therefore, we feel an additional fast food takeaway outlet in such close proximity to schools and youth facilities is contrary to planning policies, and would result in a concentration of fast-food takeaways harmful to health., and contrary to policy DM10, and NDP JSB 3

We also believe that, yet another takeaway would result in harm to the vitality, viability and diversity to the retail function of the centre.

Development Control Committee B – 13 October 2021
Application No. 21/03337/F : 46 Ridingleaze Bristol BS11 0QE

The impact of this proposed change of use would cause an increase in noise as a result of Motorcycle deliveries, air pollution from added traffic, and smells from the kitchens extractor fans and flues, especially to the many, above shops, vulnerable family housing tenants, who have little choice over where they live, due to the current housing crisis and their financial circumstances.

The fact that the applicants also intend to operate up to 12 o'clock midnight would also negatively affect those and other surrounding tenants and their children's sleeping patterns. With all other takeaways closing at 10pm this is already a problem that would be made far worse. All of which would cause added nuisance to residents in the vicinity.

We also believe that this proposed change of use will have a negative effect on the local economy. With 4 of the 5 current takeaways being independently owned and ran by local family business's, employing local people, has a positive effect on the local economy and helps keep incomes and profits generated, in the local area.

Trying to compete with a multinational company, following the pandemic crisis for small businesses could cause devastating damage on these already under pressure family ran businesses, and the local circular economy.

The residents of Lawrence Weston, as seen through the making of our NDP, are pro development, but only when developments improve the, viability, vitality, diversity and health and wellbeing of our residents, to ensure we help to create a well-balanced sustainable community.

Therefore, we, the Lawrence Weston planning forum implore the planning department to refuse this application.

OTHER COMMENTS

Transport Development Management has commented as follows:-

No objections.

Pollution Control has commented as follows:-

I do have concerns regarding odour from the extraction system and noise from the premises and shall deal with each of these in turn.

Odour

A low level outlet to the kitchen extract is proposed. Whilst I would prefer to see a higher level terminus for the extraction system, to allow for better dispersal of cooking odours I appreciate that in the circumstances here a low level discharge at the rear of the ground floor is likely to be the most appropriate. A carbon filtration system is proposed and I would just need to ensure, by condition, that this system is properly maintained to prevent odour nuisance.

Noise

Whilst some information has been provided regarding noise levels for the kitchen ventilation system and condenser unit no information has been given regarding the sound insulation between the proposed take away premises and the flats above and only a limited amount of information has been provided in the Noise Management Plan with regards to noise from pizza delivery vehicles. I would therefore need to see further details regarding noise, ideally as part of the application.

As such, if the application is recommended for approval conditions should be added to cover the

Development Control Committee B – 13 October 2021
Application No. 21/03337/F : 46 Ridingleaze Bristol BS11 0QE

following:

- * The requirement for a noise assessment;
- * The requirement for an odour management plan;
- * Noise from plant and equipment to be maintained at 5dB below background noise levels;
- * Deliveries and refuse collection to take place between 0800 and 2000;
- * Opening times as per the application.

Crime Reduction Unit has commented as follows:-

Analysis of crime figures show that there are significant issues within the vicinity of the application site, with the Police actively dealing with two problem solving plans for business in the area.

It is noted that the applicant intends to install roller shutters, but there is little information on how crime or anti-social behaviour will be addressed.

Whilst it is recognised that the nature of the use would not encourage theft and anti-social behaviour experienced by other units, it may result in loitering outside and nuisance behaviour impacting on other businesses and residents. Therefore, the developer should consider the following measures to mitigate the impact:

- * Anti-graffiti coating to be used on the roller shutter;
- * A surveillance camera to be positioned to the front of the unit.

RELEVANT POLICIES

National Planning Policy Framework – July 2021

Bristol Local Plan comprising Core Strategy (Adopted June 2011), Site Allocations and Development Management Policies (Adopted July 2014) and (as appropriate) the Bristol Central Area Plan (Adopted March 2015) and (as appropriate) the Old Market Quarter Neighbourhood Development Plan 2016 and Lawrence Weston Neighbourhood Development Plan 2017 and the Hengrove and Whitchurch Park Neighbourhood Development Plan 2019.

In determining this application, the Local Planning Authority has had regard to all relevant policies of the Bristol Local Plan and relevant guidance.

KEY ISSUES

(A) IS THE PROPOSAL ACCEPTABLE IN LAND USE TERMS?

As stated above, the application site is located in a designated local centre, and is allocated as a Primary Shopping Area. It also is in an area covered by the Lawrence Weston Neighbourhood Development Plan. As a result there are a number of planning policies that need to be considered in relation to the change of use of this unit. For clarity, the Use Class Order has been amended since the adoption of the Local Plan, and as such the Local Plan policies refer to the old use class order. Specifically, this application relates to a takeaway, which was previously considered to be an A5 use, but is now considered a sui generis use, which means that planning permission is required for change of use from or to a takeaway, no matter what the development is changing from or to.

In general, planning policies aim to maintain the vitality and viability of local centres and, as part of this, maintaining the diversity of uses. In particular, policy BCS7 of the Cores Strategy states that retail uses should predominate, and policy DM8 of the Development Management Policies states that

Development Control Committee B – 13 October 2021
Application No. 21/03337/F : 46 Ridingleaze Bristol BS11 0QE

the loss of A1 (retail uses – now covered by use class E(a)) will not normally be permitted. However, in this case the site has a long established use as a bookmakers (which again is regarded as a sui generis use). As such, the existing building is not in use in retail, and furthermore does not benefit from permitted development rights to be used for retail purposes. As such, the proposal would not result in any potential loss of retail from the local centre, and would not be in conflict with these requirements as set out in BCS7 or DM8.

As such, the more relevant policies in this case are policies DM9 and DM10.

DM9 states:

Within Local Centres shown on the Policies Map development will be expected:

- i. To generate a reasonable level of footfall and be of general public interest or service; and*
- ii. To maintain an appropriate balance of uses in the Local Centre; and*
- iii. To help maintain or enhance the function of the centre and its ability to meet day-to-day shopping needs; and*
- iv. Not to harmfully dominate or fragment the centre's retail frontages; and*
- v. To be compatible with a shopping area in that it includes a shopfront with a display function and would be immediately accessible to the public from the street.*

Development in Local Centre frontages will be expected to maintain or provide active ground floor uses. Proposals which would result in the reduction of retail floorspace, including storage or servicing space, will be expected to demonstrate that they will not be detrimental to the continued viability of the retail unit.

DM10 relates specifically to food and drink uses, and states the following:

Development of 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. Proposals which would result in a harmful concentration of food and drink uses will not be permitted.

In order to assess the impact of food and drink proposals on an area the following matters will be taken into account:

- i. The number, distribution and proximity of other food and drink uses, including those with unimplemented planning permission; and*
- ii. The impacts of noise and general disturbance, fumes, smells, litter and late night activity, including those impacts arising from the use of external areas; and*
- iii. The availability of public transport, parking and servicing;*
- iv. Highway safety; and*
- v. The availability of refuse storage and disposal facilities; and*
- vi. The appearance of any associated extensions, flues and installations.*

Takeaways in close proximity to schools and youth facilities will not be permitted where they would be likely to influence behaviour harmful to health or the promotion of healthy lifestyles.

Firstly, it should be noted that planning policies direct this type of use into local centres. The unit would have a large picture window and active frontage, and would encourage footfall. It is noted that it is likely to encourage more footfall outside of '9 to 5' shopping hours, but as part of a balanced local centre this can encourage activity over a longer period, and can contribute positively to the local centre. The centre is also well served by public transport, and the mix of uses in the area would contribute to linked trips, reducing the need for individual car journeys.

In general, it is considered that the local centre is well served by the mix of uses you would expect to serve the local community, including a supermarket and other convenience stores, as well as a mix of

Development Control Committee B – 13 October 2021
Application No. 21/03337/F : 46 Ridingleaze Bristol BS11 0QE

other retail uses, and a cafe. It is noted that the applicant claims in support of the application that there is a relatively high vacancy rate in the local centre. This is not supported by recent site visits, which suggests that the application site is the only vacant unit. This suggests that the centre continues to be healthy in attracting business, although clearly the filling of any vacancy would be beneficial to the centre. Whilst there are notable shortcomings in the offer which have been raised by local residents (butchers/greengrocers etc), the site is not currently in retail use and the Local Planning Authority have no power to direct shops to occupy this location.

However, policy JSB3 of the Lawrence Weston Neighbourhood Development Plan relates specifically to the Ridingleaze Local Centre and states as follows:

Proposals for development which would create improvements to the Ridingleaze district centre will be supported provided that the development would reinforce or contribute to the character and retailing vitality of the centre... In this area, proposals for changes of use to fast-food take-away outlets will be resisted.

As justification for this policy it states that there is a concern that further takeaways would impact on the vitality and viability of the local centre, given that over 20% of the commercial units are in takeaway use. Elsewhere in the Neighbourhood Plan it describes the Local Centre as including 20 units, 5 of which are in use as takeaways, resulting in 25% takeaway use. For clarity, the Lidl Supermarket is not part of the allocated centre, despite the fact that it is by far the largest floorspace of any unit in the area, given that it was been constructed after the publication of the Local Plan.

However, officers have recently visited the centre, and it is not considered that analysis in the Neighbourhood Plan is up to date. The Neighbourhood Plan includes details of the uses in the local centre, showing five units as takeaways, and it is also noted that the comments from the Lawrence Weston forum also identifies five units (although not the same units). There would appear that there are three units where there is some level of disagreement as follows:

- * Smilers Café is identified as a takeaway by the Neighbourhood Forum, but not in the Neighbourhood Plan where it is categorised as a café (under A3 – now class E(b)). Whilst the unit may offer a takeaway service, it appears that the primary use remains as a café.
- * 56 Ridingleaze is listed as a takeaway in the Neighbourhood Development Plan, but is currently used as retail. It appears that the unit was briefly used as a takeaway, but appears to have reverted to retail use in the late 2010s. There is no current permitted development right to allow the conversion back to a takeaway without planning permission.
- * Greggs (42 Ridingleaze) is also listed as a hot food takeaway in the Neighbourhood Development Plan. Whilst it is acknowledged that Greggs does offer a takeaway service, it appears to be primarily a retail unit (use class E(a)), and case law would support the fact that lawful use of that unit would be use class E. In addition, there is no evidence of any planning permission being granted to use this unit as a takeaway, and the lawful use remains as retail.

As such, officers are of the view that there are three units which are currently in lawful takeaway use. These are a fish and chip shop, Chinese takeaway and Kebab shop. The proposed unit would result in four takeaways in the local centre, which are relatively well spread across the centre, with larger 'anchor' retail units at either end. As such, even if planning permission were granted there would still be less takeaways than identified in the Neighbourhood Development Plan, 20% of the 20 units identified in the Neighbourhood Development Plan in takeaway use, and no evidence to suggest that the proposal would impact on the viability or vitality of the local centre.

It is noted that policy DM10, as well as addressing the issue of concentration, also covers impact on amenity and healthy eating. Amenity issues are dealt with in key issue B below, but in respect of healthy eating the following issues are considered to be material:

The policy requirement relates directly to schools and youth facilities, and states that takeaways will

Development Control Committee B – 13 October 2021
Application No. 21/03337/F : 46 Ridingleaze Bristol BS11 0QE

not be permitted 'where they would be likely to influence behaviour harmful to health or the promotion of health lifestyles'. It is noted that the consultation responses have drawn attention to a number of youth facilities within walking distance of the site, including two schools, a playground and a young person's services building.

However, the site is located within an area where there are already a range of uses, offering a mix of healthy and unhealthy choices. The actual offer in any specific unit is outside of the control of the Local Planning Authority. It is arguable that a pizza takeaway, as proposed here, would not necessarily be targeted at school children, being relatively expensive and mainly focused on deliveries. In order to be found to be contrary to the policy it has to be demonstrable that the proposal would 'influence behaviour', and given the wide range of options available to anybody in the local centre officers do not consider that there is any evidence to support this case.

It is noted that in the public comments it has been stated that the proposal would be contrary to the emerging local plan. However, in the 2019 review of the Local Plan, the policies listed above are highlighted for retention, and as such remain the material policies for the determination of this application.

Consequently, whilst the concerns about the proliferation of takeaways are acknowledged, in terms of occupancy and range of facilities Ridingleaze appears to be a vibrant local centre, without a current overconcentration of a single use. Indeed, even if permission were allowed the actual number of takeaways would be below the benchmark set out in the Neighbourhood Development Plan. Equally, given the range of retail offer there is nothing to suggest that permitting this use would result in an unhealthy impact on eating behaviour. As such, there is not in principle objection to the change of use.

(B) WOULD THE PROPOSAL UNACCEPTABLY AFFECT THE AMENITY OF THE AREA?

As stated above, policy DM10 requires consideration of the impacts of food and drink uses on local amenities, including any impacts that result from the concentration of uses. In addition, policy BCS21 of the Core Strategy, as well as requiring development to be of a high quality design, also requires new development to safeguard the amenities of existing development.

The Ridingleaze local centre includes a mix of uses, which includes residential uses on the upper floors. There are also residential uses in the surrounding streets, although to the rear of the unit they are separated from the application site by a car park. As discussed above, officers are satisfied that there is no overconcentration of takeaways, but the individual management of the unit can impact on amenity.

- Noise and cooking odours

The application is supported by details of the extraction equipment and noise management plan, which has been reviewed by the Council's Pollution Control Officers. The extraction equipment will discharge into a small yard to the rear of the site, which is proposed to contain the bin store for the development. Usually, it is recommended that any fumes are discharged at high level, however this is not possible in this case as there is no access to the higher levels of the building.

It is noted that objections have been received on the basis that the location of the extraction equipment would impact on the outdoor amenity space for the flats. It appears that the flats do not have any access to ground level outdoor amenity, and therefore there would be no direct impacts from the location of the flue. However, they do benefit from an extended deck at first floor level, which appears to provide for a degree of communal amenity amongst the flats. The area is relatively large, which means that there area with the highest amenity value is not directly adjacent to the flue. The Pollution Control Officer has confirmed that he is satisfied that the carbon filtration system proposed is appropriate for the use proposed, and is satisfied that it will protect amenity subject to being properly

Development Control Committee B – 13 October 2021
Application No. 21/03337/F : 46 Ridingleaze Bristol BS11 0QE

maintained. This can be secured through condition.

With regard to noise, whilst some information has been provided, it is noted that the Pollution Control Officer has requested additional information, including current levels of sound insulation between the restaurant and flats above, noise levels from plant and equipment and management of Pizza Delivery vehicles. Some additional information has been provided which is currently being considered by the Pollution Control team. However, notwithstanding this it is considered that the additional information could be secured by condition if necessary. Members will be updated on this information at the meeting, along with any additional conditions required if there are still outstanding issues.

- Hours of Use

The applicant proposes for the use to be open from 10am to 11 pm on Sundays to Thursdays, and 10am to midnight on Fridays and Saturdays. It is noted that objectors to the development have made reference to other takeaways in the area closing at 10pm, and therefore the extended hours of use of this unit would impact on residential amenity.

Historically, when the local centre was originally developed, there appears to have been no control over the hours of use. Therefore, it is only those units that have undergone a relatively recent change of use that are subject to controls through conditions. This includes the following:

- * 68 Ridingleaze (Kebab shop) – closes 23:30 Monday to Saturday and 22:30 on Sunday;
- * 72 Ridingleaze (Smilers Café) – closes 5pm.

In addition, a number of units are also restricted by licence – this includes the following:

- * 32 Ridingleaze (Costcutter) – closes 23:00.
- * 50 Ridingleaze (Shop) – closes 22:00.
- * 58 Ridingleaze (Shop) – closes 20:00.
- * 60 Ridingleaze (Shop) – closes 22:00.
- * 66 Ridingleaze (Peking Chef – Chinese takeaway) – closes midnight.
- * 78-84 Ridingleaze (Co-op) – closes 23:00.

As can be seen, there a mix of closing times across the centre. However, this proposal would not extend beyond the latest current opening times. As such, there is likely to be activity at the centre anyway during the proposed opening times, and therefore the proposed opening hours are not considered to justify an objection to the proposal.

- Anti-Social Behaviour

It is noted that the Police Crime Reduction Unit have commented on the relatively high level of anti-social behaviour, and raised concerns about potential for groups of people to gather in the street to the front of the site. To mitigate this they have suggested the provision of CCTV, as well anti-graffiti coating on the proposed shutter. The applicant has confirmed the intention to include these measures, and these can be secured by condition.

Therefore, subject to relevant conditions it is not considered that the proposal would be harmful to the neighbourhood amenity.

(C) WOULD THE PROPOSED DEVELOPMENT HARM THE CHARACTER OR APPEARANCE OF THIS AREA?

Policy BCS21 of the Core Strategy promotes high quality design, requiring development to contribute positively to an area's character, promote accessibility and permeability, promote legibility, clearly define public and private space, deliver a safe, healthy and attractive environment and public realm, deliver public art, safeguard the amenity of existing development and future occupiers, promote diversity through the delivery of mixed developments and create buildings and spaces that are

Development Control Committee B – 13 October 2021
Application No. 21/03337/F : 46 Ridingleaze Bristol BS11 0QE

adaptable to change. The adopted development management policies reinforce this requirement, with particular reference to shopfronts in policy DM29, requiring them to 'have regard to the host building and the wider street scene'.

The proposal involves the provision of a new shopfront to replace the existing. This would include similar proportions and materials as the existing shop front, including large picture windows. It is noted that this also includes a solid roller shutter, which the Local Planning Authority would normally advise against, given the visual impact and the resulting blank frontage when the units are closed. However, in this case it would be replacing an existing roller shutter, and is also noted that roller shutters are common in the area. It is also noted that the Police have identified high levels of anti-social behaviour in the area, and it is likely that a mechanism to defend the unit will be required.

Therefore, it is considered that the changes to the shopfront are consistent with the character of the area. It is noted that there is a separate application for advert consent, but notwithstanding this it is not considered that the proposal would be harmful.

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

Development Plan policies are designed to promote schemes that reflect the list of transport user priorities outlined in the Joint Local Transport Plan, which includes pedestrian as the highest priority and private cars as the lowest (BCS10). In addition, policy DM23 requires development to provide safe and adequate access to new developments.

Given the location within a local centre the area is a focus for public transport, and multi-visit trips, and as such is considered an appropriate location for a use such as this. The applicant states that it is proposed to make three deliveries per week, and delivery vehicles will be on site for a limited time. In addition, the refuse and recycling will be stored to the rear of the site, with good access to the highway. As such the Council's Transport Development Management Officer has confirmed that there is no objection to the proposal on highway safety grounds.

(E) WILL THE PROPOSED DEVELOPMENT MAKE AN ADEQUATE CONTRIBUTION TO THE SUSTAINABILITY AND CLIMATE CHANGE GOALS OF ADOPTED PLANNING POLICIES?

Policies BCS13, BCS14 and BCS15 of the adopted Core Strategy give guidance on sustainability standards to be achieved in any development, and what measures to be included to ensure that development meets the climate change goals of the development plan. Applicants are expected to demonstrate that a development would meet those standards by means of a sustainability statement. However, in the supporting guidance to these policies it states that changes of use which result in no additional floorspace are exempt from the requirement to submit a sustainability statement, as is the case here. As such, there is no objection to the application on this basis.

EQUALITIES IMPACT ASSESSMENT

During the determination of this application due regard has been given to the impact of this scheme in relation to the Equalities Act 2010 in terms of its impact upon key equalities protected characteristics. These characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

It is noted that specific concerns have been raised in this case about high numbers of children in the area, and high degrees of childhood obesity. However, it has been found that there is no evidence to suggest that the proposal would disproportionately impact on these groups, given the range of other facilities in the area. Overall, it is considered that the approval of this application would not have any significant adverse impact upon different groups or implications for the Equalities Act 2010.

Development Control Committee B – 13 October 2021
Application No. 21/03337/F : 46 Ridingleaze Bristol BS11 0QE

CONCLUSION

The application relates to the provision of a new takeaway use within the Ridingleaze local centre. It is noted that there is considerable public concern about the proliferation of takeaways in the local centre, and the impact that this has on amenity, the vitality and viability of the local centre, and health and well-being. However, officers consider that the centre has a healthy mix of uses, with low vacancy rates. Indeed, even if permission is granted the number of takeaways in the centre would be less than the benchmark set in the Lawrence Weston Neighbourhood Development Plan. In addition, subject to appropriate conditions it is not considered that the proposal would be harmful to amenity, highway safety or the character of the area. Therefore, the application is recommended for approval.

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.

RECOMMENDED GRANT subject to condition(s)

Time limit for commencement of development

1. Full Planning Permission

The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Pre commencement condition(s)

2. Further details before relevant element started

Detailed drawings at an appropriate scale, and operational details, of the following shall be submitted to and be approved in writing by the Local Planning Authority before the relevant part of work is begun. The detail thereby approved shall be carried out in accordance with that approval prior to the occupation of the building, and shall thereafter be retained, unless otherwise approved in writing by the Local Planning Authority.

- a) Details of the roller shutter, including the housing within the fascia;
- b) CCTV cameras.

Reason: In the interests of visual amenity and the character of the area, and to mitigate issues related to anti-social behaviour.

Pre occupation condition(s)

3. Odour Management Plan

No building or use hereby permitted shall be occupied or the use commenced until there has been submitted to and approved in writing, by the Local Planning Authority, an Odour Management Plan, setting out cleaning, maintenance and filter replacement policies. The plan should include a written recording system to record and demonstrate when all such work is

Development Control Committee B – 13 October 2021
Application No. 21/03337/F : 46 Ridingleaze Bristol BS11 0QE

carried out. The approved odour management plan shall be complied with throughout the duration of the use.

Reason: To safeguard the amenity of nearby premises and the area generally.

4. Implementation/Installation of Refuse Storage and Recycling Facilities – Shown on Approved Plans

No building or use hereby permitted shall be occupied or use commenced until the refuse store and area/facilities allocated for storing of recyclable materials, as shown on the approved plans have been completed in accordance with the approved plans.

Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, as shown on the approved plans, or internally within the building(s) that form part of the application site. No refuse or recycling material shall be stored or placed for collection on the adopted highway (including the footway), except on the day of collection.

Reason: To safeguard the amenity of the occupiers of adjoining premises; protect the general environment; prevent any obstruction to pedestrian movement and to ensure that there are adequate facilities for the storage and recycling of recoverable materials.

Post occupation management

5. Restriction of noise from plant and equipment

The rating level of any noise generated by plant & equipment as part of the development shall be at least 5 dB below the background level as determined by BS4142: 2014 Methods for rating and assessing industrial and commercial sound.

Reason: To safeguard the amenity of nearby premises and the area generally.

6. Hours open to customers

No customers shall remain on the premises outside the hours of 10:00 to 23:00 Sunday to Thursday and 10:00 to midnight on Fridays and Saturdays.

Reason: To safeguard the residential amenity of nearby occupiers.

7. Use of Refuse and Recycling facilities

Activities relating to the collection of refuse and recyclables and the tipping of empty bottles into external receptacles shall only take place between 08.00 and 20.00 Monday to Saturday and not at all on Sundays or Bank Holidays.

Reason: To safeguard the residential amenity of nearby occupiers.

8. Deliveries to the premises

Activities relating to deliveries shall only take place between 08.00 and 20.00 Monday to Saturday and not at all on Sundays or Bank Holidays.

Reason: To safeguard the residential amenity of nearby occupiers.

Development Control Committee B – 13 October 2021
Application No. 21/03337/F : 46 Ridingleaze Bristol BS11 0QE

List of approved plans

9. List of approved plans and drawings

The development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision.

20190-01 Location and block plan., received 5 July 2021

20190-02 Existing ground floor plan., received 5 July 2021

20190-03 A Existing elevations., received 5 July 2021

20190-10 REV A Proposed plans., received 5 July 2021

20190-11 REV B Proposed elevations., received 23 September 2021

Supporting information - Proposed Extraction System and Plant, received 5 July 2021

Reason: For the avoidance of doubt.

Supporting Documents

3. 46 Ridingleaze

1. Location & block plan
2. Proposed plan
3. Proposed elevations

RIDINGLEAZE

50

48
46

36

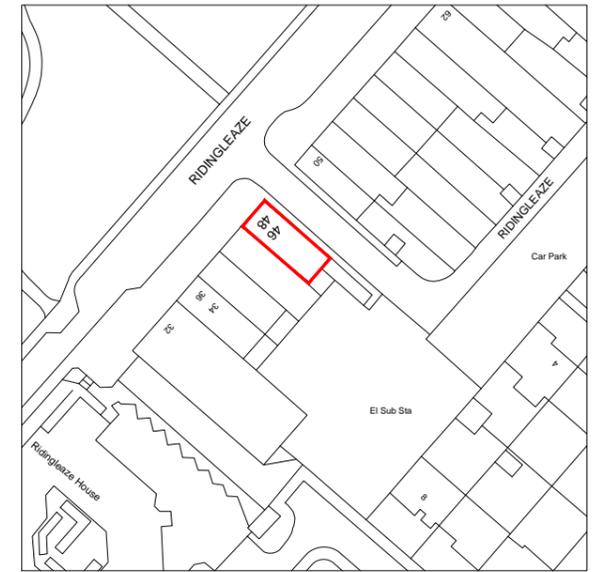
34

32

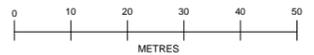
BLOCK PLAN
1:200@A3



El Sub Sta



Serial number: 207694
© Crown copyright and database right 2021
Ordnance Survey licence 100049957
Reproduction in whole or in part is prohibited
without the prior permission of Ordnance Survey

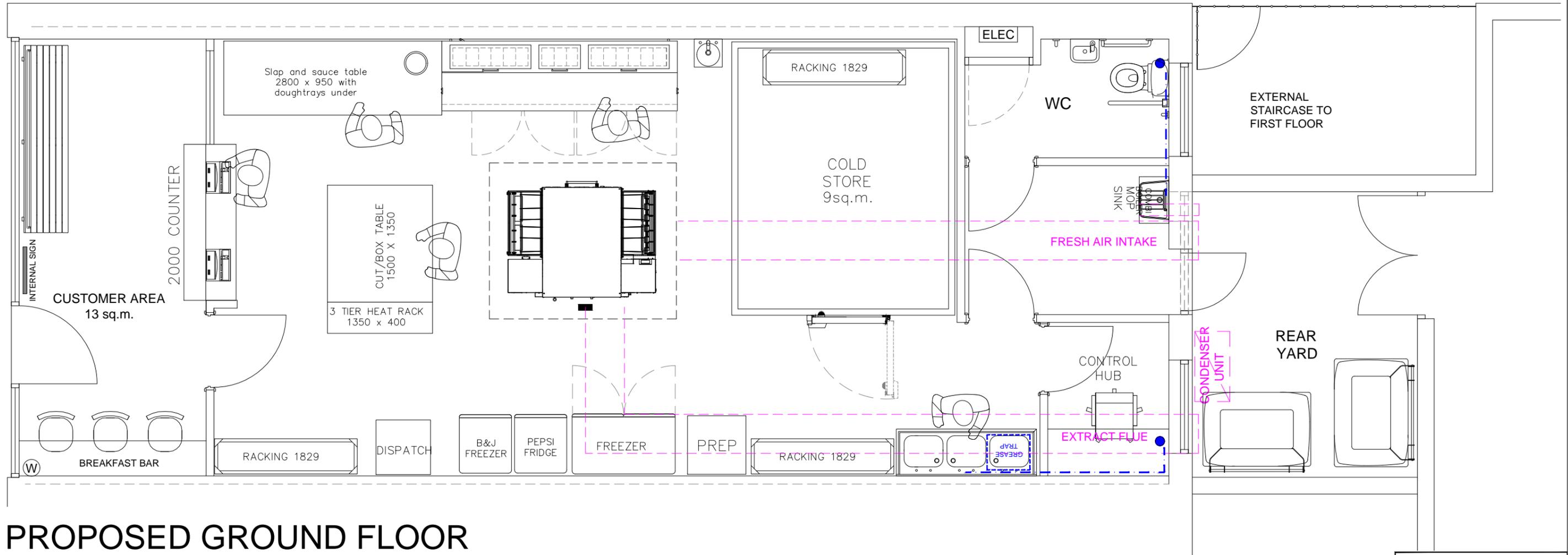


LOCATION PLAN
1:1250@A3

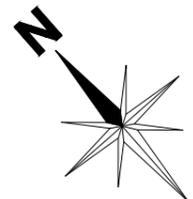
REV	AMENDMENT	DATE	CHKD
 MARTIN ANTHONY DESIGN LIMITED			
CLIENT			
-			
PROJECT			
46-48 RIDINGLEAZE BRISTOL BS11 0QE			
DRAWING TITLE			
LOCATION & BLOCK PLAN			
SCALE	DRAWN BY	CHECKED	DATE
1:1250@A3 1:200@A3	MAS	-	MAR'21
TO BE PRINTED ON A3 AT 100% OR NO SCALING			
DRAWING NUMBER		REVISION	
20190-01		-	

PROPOSED FLOOR PLAN 1:50@A3

CUSTOMER AREA	140 sq.ft.
BACK OF HOUSE	753 sq.ft.
TOTAL	893 sq.ft.



PROPOSED GROUND FLOOR 83.4sq.m / 893sq.ft.



NOTE
DRAWING TO BE READ IN CONJUNCTION WITH AND SUPERSEDED BY SCHEDULE OF WORK DOCUMENT AND SIGNAGE PACKAGE.

CONSERVATION OF FUEL AND POWER
ALL HEATING, COOLING, MECHANICAL VENTILATION AND LIGHTING TO BE DESIGNED IN ACCORDANCE WITH APPROVED DOCUMENT L2B2010. MAIN CONTRACTOR TO PROVIDE STATEMENT OF SUBMISSIONS TO BUILDING INSPECTOR TO DEMONSTRATE COMPLIANCE.

CH - SUSPENDED CEILING HEIGHT
SH - STRUCTURAL / SOFFIT HEIGHT
BH - BEAM HEIGHT

REV	AMENDMENT	DATE	CHKD
A	DRAWING REVISED	12.3.21	MAS

MA DESIGN
MARTIN ANTHONY DESIGN LIMITED

CLIENT

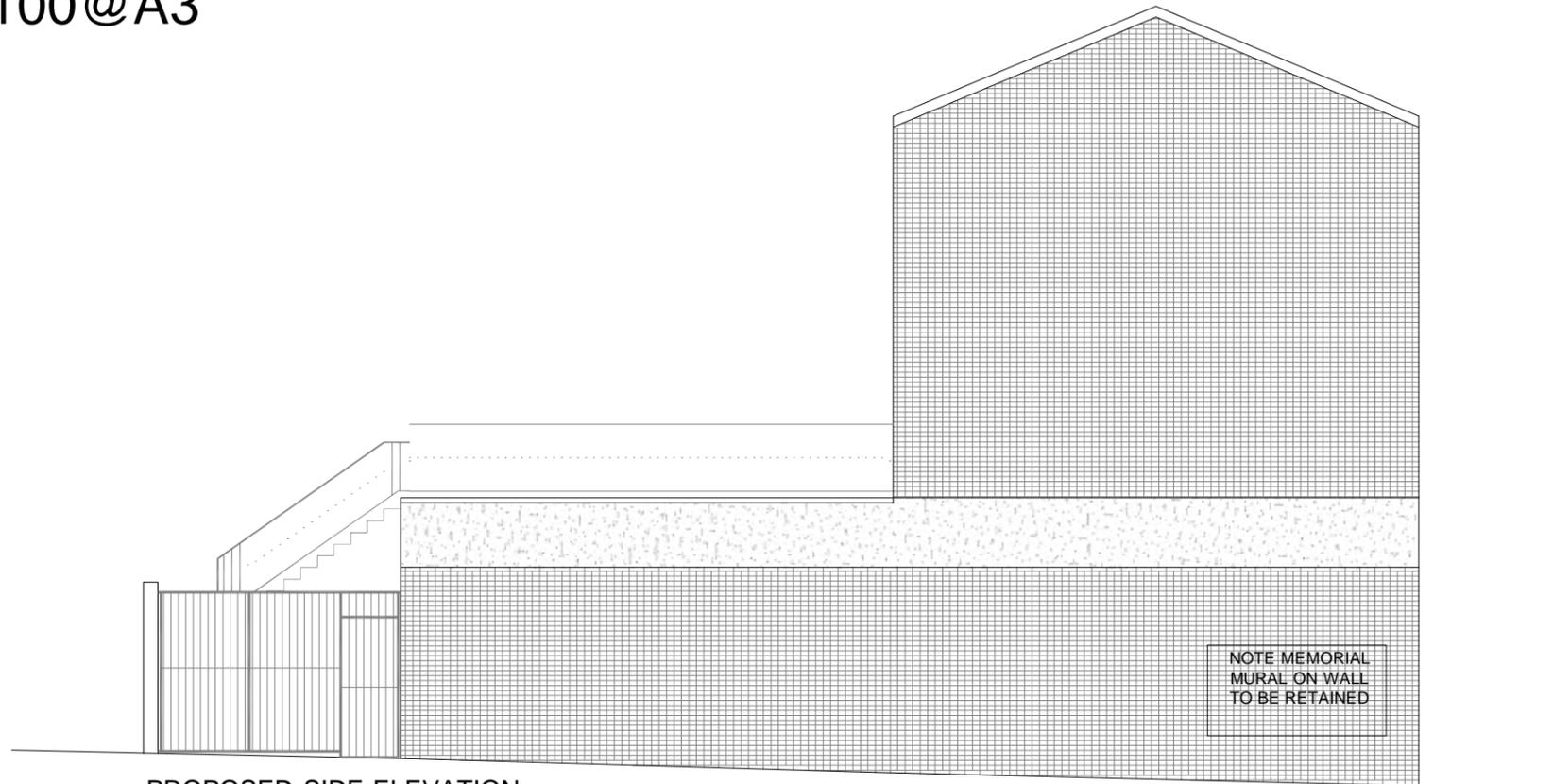
PROJECT
46-48 RIDINGLEAZE
BRISTOL
BS11 0QE

DRAWING TITLE
PROPOSED PLAN

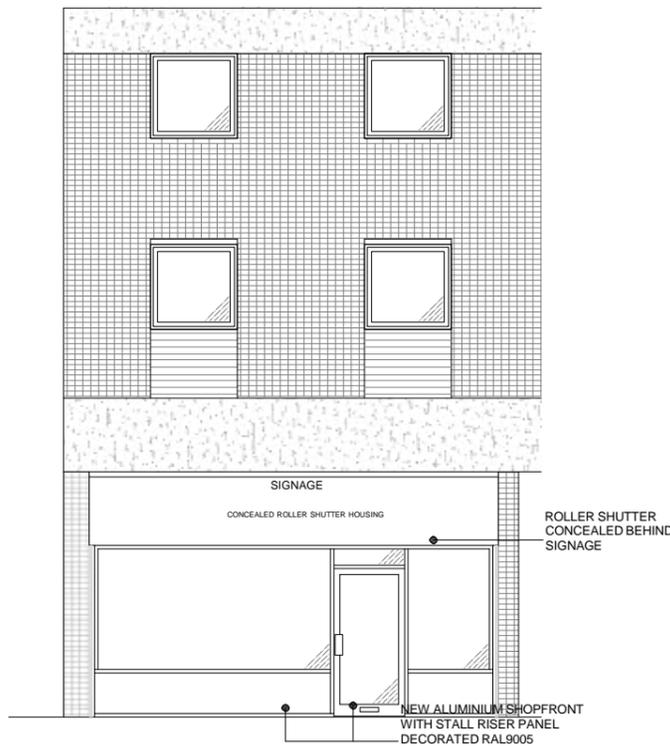
SCALE 1:50@A3	DRAWN BY MAS	CHECKED -	DATE MAR 21
------------------	-----------------	--------------	----------------

TO BE PRINTED ON A3 AT 100% OR NO SCALING
DRAWING NUMBER: 20190-10 REVISION: A

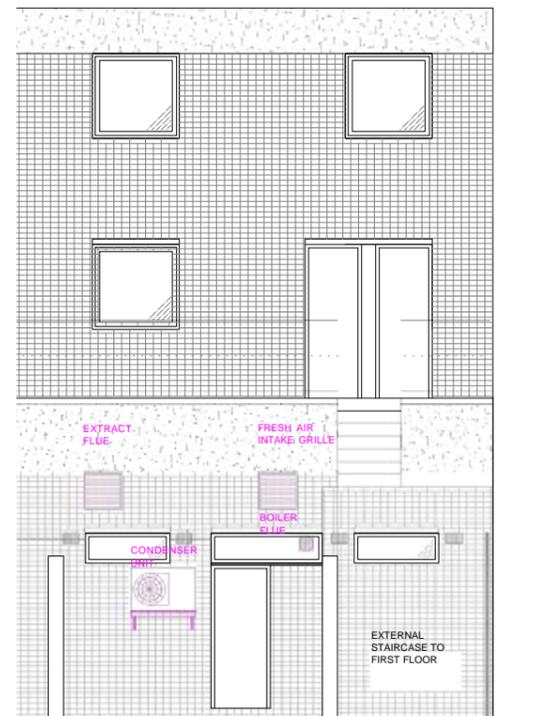
ELEVATIONS 1:100@A3



PROPOSED SIDE ELEVATION
NORTH EAST



PROPOSED FRONT ELEVATION
NORTH WEST



PROPOSED REAR ELEVATION
SOUTH EAST

NOTE
SEE SIGNAGE CONTRACTORS DRAWINGS
FOR SIGNAGE DETAILS

B	DRAWING REVISED	21.9.21	MAS
A	DRAWING REVISED	01.7.21	MAS
REV	AMENDMENT	DATE	CHKD



PROJECT
46-48 RIDINGLEAZE
BRISTOL
BS11 0QE

DRAWING TITLE
PROPOSED ELEVATIONS

SCALE	DRAWN BY	CHECKED	DATE
1:100@A3	MAS		MAR'21
DRAWING NUMBER		REVISION	
20190-11		B	

TO BE PRINTED ON A3 AT 100% OR NO SCALING