

PLANNING SUPPORTING STATEMENT

**2 The Parade
Shirehampton
Bristol
BS11 9TS**

PROPOSAL

This application seeks consent for a change of use from the existing daytime coffee shop use (as granted Ref: 06/04907/F) dated 19.07.2007 to a Hot Food Takeaway which falls within the newly created Sui Generis Use Class with the intended hours of operation until 23.00 daily.



Source: Google Maps

SITE LOCATION AND SURROUNDINGS

This premises comprises a ground floor daytime coffee shop / café set on the ground floor of 2 The Parade Shirehampton, which is within a rank of other retail units (1 to 6 The Parade and 1 11A High Street). It is designated as a primary shopping frontage under the Bristol Local Plan, a Town Centre as defined within the Bristol Development Framework Core Strategy (June 2011), and a Centre as defined within the Site Allocations and Development Management Policies Publication Version (March 2013). The property falls within the Shirehampton Conservation Area.

The upper floors of the premises are occupied as single flat.

The premises have immediately outside its entrance a wide pavement frontage and there are approximately 20 dedicated off-street parking for customers immediately outside of the premises. In addition, there are a set of 2 secure Sheffield Bike Stands at the end of the rank of shops.

PHYSICAL ALTERATIONS

No changes are proposed to the shopfront. There is an existing commercial flue within the premises which terminates at roof height and has been in place for c16 years. This is above the existing flat roof and essentially hidden from view.

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HOURS OF OPERATION

The premises currently trade (Pre COVID-19) between the hours of 0800 and 1700 daily. The proposed hours of operation would be: -

0800 – 2300 Monday to Sunday

EXISTING USE OF THE PREMISES

The premises previously operated as an A3 Coffee Shop / Café, with the Hours of Operation conditioned to 0830 to 1700 hours Monday to Sunday with no work activities to be carried out in the premises except between the hours of 0800 and 1800 hours.

The premises have, in the main, been unable to operate properly since March 2020 due to COVID-19 and the business is currently unviable and needs to change the way in which it operates in order to remain as a trading business in this location and contribute to the vitality of the shopping parade.

RELEVANT POLICIES

National Planning Policy Framework (March 2012) & Bristol Core Strategy (Adopted June 2011)

BCS7	Centre's and Retailing
BCS10	Transport and Access Improvements
BCS2	Bristol City Centre

Bristol Site Allocations and Development Management Policies (Adopted July 2014)

DM1	Presumption in Favour of Sustainable Development
DM7	Town Centre uses
DM8	Shopping Areas and Frontages
DM10	Food and Drink Uses and the Evening Economy
DM23	Transport Development Management
DM32	Recycling and Refuse Provision in New Development
DM35	Noise Mitigation

RELEVANT PLANNING HISTORY

04/02164/F – Change of Use from A1 retail to A3 Hot Food Takeaway – REFUSED

05/00796/Z – Appeal against Enforcement Notice for use as a hot food takeaway. – DISMISSED

06/01169/F – Change of Use from Class A1 (Retail) to Use Class A5 (Hot Food Takeaway). Proposed hours of operation 11.00 to 19.00 –REFUSED

06/04907/F – Change of Use from Use Class A1 (retail) to Use Class A3 (coffee shop). Shopfront alterations. GRANTED subject to conditions.

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POLICY ASSESSMENT AND JUSTIFICATION

Policy BCS7 of the Bristol Core Strategy states that uses which contribute to maintaining the vitality, viability and diversity of centres will be encouraged and that active ground floor uses will be maintained and enhanced throughout the centres. In addition, this policy identifies that retail shop uses will predominate in the designated primary shopping areas of the Town Centres, supported by a wider range of appropriate uses in the other parts of these centres.

Policy DM7 in the Site Allocations and Development Management Policies (2014) further states that retail and other main town centre uses should be located within the centres identified on the Policies Map.

Policy DM9 in the same document provides specific guidance for Local Centres and states that 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. In addition to the above, the impact of food and drink uses, such as the A5 use proposed, must also be assessed against Policy DM10 of the Site Allocations and Development Management Policies (2014).

This is based around similar criteria however the policy states that the 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 considered:

- i) The number, distribution and proximity of other food and drink uses, including those with unimplemented planning permission; and
- ii) 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) iii) The availability of public transport, parking and servicing; and
- iv) iv.) Highway safety; and
- v) v) The availability of refuse storage and disposal facilities; and
- vi) 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. The policy goes on to explain that 'where they are located close to locations where young people gather, takeaway uses (Use Class A5) have the potential to influence behaviour harmful to health or to the promotion of healthy lifestyles. Therefore, the policy takes those health considerations into account. Close proximity is defined as a distance of up to 400 metres for the purpose of these considerations. The policy criteria set out above are therefore addressed in turn. Impact on the Function of the Centre The property is at present subject to A1 consent, however, is currently used as a catering company kitchen.

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The proposal seeks to convert the unit to a hot food takeaway (Sui Generis Use, formally A5).

- vii) Being within a designated Local Centre, Policy BCS7 dictates that retail and other appropriate uses should predominate and changes of use will only be permitted where the proposed use is appropriate. The presence of A5 type uses within centres is accepted as an appropriate use that can complement existing retail facilities subject to meeting the policy requirements set out above. Whilst they may not always be the primary reason for attracting customers to a shopping centre, they are commonly found in these locations, and will attract a high level of footfall and customer flow through certain parts of the day (particularly evenings) which will help maintain the viability of the centre.

Being within a designated Local Centre, Policy BCS7 dictates that retail and other appropriate uses should predominate and changes of use will only be permitted where the proposed use is appropriate.

The presence of Sui Generis (Formally A5 uses) within centres is accepted as an appropriate use that can complement existing retail facilities subject to meeting the policy requirements set out above. Whilst they may not always be the primary reason for attracting customers to a shopping centre, they are commonly found in these locations, and will attract a high level of footfall and customer flow through certain parts of the day (particularly evenings) which will help maintain the viability of the centre.

Policy BCS23 in the Core Strategy states that the locating of development should take account of the impact of the proposed development on the viability of existing surrounding uses by reason of its sensitivity to noise pollution. Policy DM35 in the Site Allocations and Development Management Policies states that any scheme which will have an unacceptable impact on environmental amenity by reason of noise will be expected to provide an appropriate scheme of mitigation. In addition,

Policy DM10 of the Site Allocations and Development Management Policies advocates that the 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.

The application site is set within a busy commercial section of a B-Road that serves as a key commuter route between Shirehampton and central Bristol. There is residential accommodation above the applicant site and additional units. The principle of a food and drink use has been established by the grant of permission to operate as a coffee shop and the Council's Pollution Control Team raised no objections to the principle of development in this instance or the proposed ventilation/extraction equipment which was and remains in place at the premises.

The building is of modern construction and fabricated in concrete meaning noise insulation pre-exists, however, Rockwool Insulation has been installed between the suspended ceiling and flooring of the residential unit on the first floor to provide adequate noise insulation.

The proposed hours of operation are 0800 to 2300 Monday to Sunday. This is considered acceptable in this instance given the location of the premises within a designated local centre on a main route, and in recognition of other nearby evening uses, the proposed hours of operation should be considered acceptable.

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The refuse storage facilities are already in place with secure covered bins in the rear courtyard. Given that the premises are currently in use by a catering company, it is considered that the existing arrangements would serve the proposed new use class adequately.

Policy BCS10 of the adopted Core Strategy and Policy DM23 in the Site Allocations and Development Management Policies set out the development control criteria that development should satisfy in regard to parking, transport and highway safety. The application site is situated on a busy, main route into the city centre. While takeaway uses can sometimes be problematic in such locations, as they would be expected to generate more calling traffic than the existing retail use, in this case there are no objections. The site is also adjacent to a bus stop.

The location of the premises is such that the proposal would not give rise to highways safety issues as there is available on street parking nearby on The High Street and nearby roads.

Due to the location of the premises, located with an existing residential area nearby, it is likely that the majority of customers will arrive on foot. That said, there are dedicated off street parking spaces immediately outside of the premises and secure Sheffield Bike Stands on this rank of shops. The premises have a suitable and dedicated waste storage area at the rear of the premises.

CONCLUSION

There is a lot of site history attached to these premises and this is part of the problem from my client's point of view. Unfortunately, the planning history and failed attempts to operate as a hot food takeaway and understandably, the weight of this history makes it difficult for the LPA to reach a different conclusion to those previously reached.

However, it should be borne in mind that the premises have been granted permission to operate as a food and drink premises albeit to only operate between the hours of 0830 and 1700 and there has been no substantive review of the use or hours of operation for some 15 years in 2006. It is appreciated that the property history cannot be ignored and is of relevance, but this must be balanced against a backdrop of significant changes to the economic climate and the way in which other similar uses in the locality have been able to respond to this.

To help illustrate this there has been an approval of a hot food takeaway at the opposite end of the High Street at Number 48 High Street, Ref: 09/00146/F. So, within this context my client feels left behind in terms of his ability to trade and compete and it seems unjust given the approval. Whilst this cannot be the sole determining factor, it is, nonetheless an important factor.

The proposed use is compatible with this local Centre location and will contribute to the vitality, viability and diversity of the shopping rank as a whole and will offer a new cuisine to this area of Shirehampton. The proposal meets all the relevant criteria of saved policies contained within The Bristol Local Plan (December 1997), Policy BCS7 of the Bristol Development Framework Core Strategy (June 2011) and emerging policy DM8 and DM9 of the Site Allocations and Development Management Policies document (March 2013) and should therefore be approved.

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