

# List of planning applications and other proposals submitted under the planning acts to be determined by the director of environment and community services

## CIRCULATED SCHEDULE NO. 01/19

**Date to Members: 04/01/2019**

**Member's Deadline: 10/01/2019 (5.00pm)**

The reports listed over the page form the 'Circulated Schedule' a procedure agreed by Council in July 2018. Under the arrangement certain reports are circulated on a weekly basis. The reports assess the application, considers representations which have been received, and make a recommendation regarding the proposal.

Having considered the reports, those applications that Councillors feel should be referred to the relevant Planning Committee must be notified to the Strategic Planning section by email within five working days of the publication of the schedule (by 5pm) in line with the procedure set out below. If there has been no valid Member request for referral within the time period, the decision notices will be issued in line with the recommendation in this schedule.

Before referring an item to the Committee, it is recommended that Members speak to an officer about the issue, to explore whether any problems can perhaps be resolved without the need for referral to a Committee.

**PLEASE NOTE: The circulated schedule process is only open to elected Members of South Gloucestershire Council.**

## NOTES FOR COUNCILLORS

### – formal arrangements for referral to committee

**If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate planning committee then a referral should:**

- a) Be made in writing using the attached form by emailing [MemberReferral@southglos.gov.uk](mailto:MemberReferral@southglos.gov.uk) identifying the application reference and site location
- b) Within 5 working days of the date of this schedule e.g. if the schedule is published on a Friday, comments have to be received by end of the following Thursday (see cover page for the date)
- c) The request in writing must be made in writing by at least two or more Members, not being Members of the same ward
- d) In addition, the request in writing must have the written support of at least one of the Development Management Committee Chair and Spokes Members
- e) The referral should include the reasons for the referral why it would not be appropriate to permit the proposal to be determined under the delegated arrangements; the issue the proposal raises in relation to the relevant policy context and the balanced consideration that has been given to the extra costs and delay to the referral
- f) Indicate whether you have discussed the application(s) with the Case Officer and/or Development Manager
- g) Indicate whether you have discussed the application(s) with ward Member(s) if the site is outside of your ward

**The Circulated Schedule will always contain the following applications unless the application is required to be determined by Committee:**

- 1) Any application submitted by, or jointly, or on behalf of the Council.
- 2) Any application submitted by or any matter directly affecting or involving any

Member of the Council and any application(s), submitted by an Officer of the Council working in the Strategic Planning area (specifically the Policy and Specialist Advice, Development Management, Strategic Major Sites and Planning Enforcement, Validation & Registration and Planning Technical Support teams) or any Member or Officer of the Council acting as a planning agent.

- 3) Any application requiring a new planning agreement.
- 4) Any applications requiring a modification of an existing planning agreement where in the opinion of the Director, there would be a detriment to the public benefits secured.

5) Any application where the proposed decision of the Director would, in his opinion, be contrary to the policies of the Council as expressed in the Development Plan and/or any emerging plan and require referral to the Secretary of State following approval in principle by the Council for the purposes of development control decision making.

6) Any applications, except those listed below a-f where three or more representations contrary to the Officers recommendation are received within the notification period other than from officers of the Council acting in their professional capacity.

7) Any applications, except those listed below a-f where a representation is received within the notification period which is contrary to the officers recommendation from the Parish or Town Council within whose boundary the proposal lies wholly or in part.

8) Any applications, except those listed below a-f where a representation is received within the notification period which is contrary to the officer's recommendation from any Member of South Gloucestershire Council.

Applications that will not appear of the Circulated Schedule procedure as a result of representations received:

a. All applications, where approval is deemed to be granted upon the expiry of a defined period

b. All applications to be determined the lawfulness of a proposed or existing use of a site

c. All applications for non-material amendments

d. All applications to discharge planning conditions

e. All applications solely required because of the removal of Permitted Development Rights or Article 4 direction

f. Any footpath stopping up or diversion required to implement an approved scheme

### **Additional guidance for Members**

Always make your referral request by email to [MemberReferral@southglos.gov.uk](mailto:MemberReferral@southglos.gov.uk) (not individual email addresses), where referrals can be picked up quickly by the Technical Support Team.

When emailing your circulated referral request, please ensure you attach the written confirmation from the Supporting Member(s) and Supporting Chair or Spokes

Please note a copy of your referral e mail will appear on the website.

Before referring an application always contact the case officer or Development Manager first to see if your concerns can be addressed without the application being referred.

If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward Member(s) to see what their views are, before referring the application.

Always make your referral request as soon as possible, once you have considered all the application details and advice of the case officer. Please do not leave it to the last minute.

A template for referral is set out below:

## Referral from Circulated Schedule to Development Management Committee

1. Application reference number:
2. Site Location:
3. Reasons for referral:

The referral should include the reasons for the referral indicating why it would not be appropriate to permit the proposal to be determined under the delegated arrangements; the issues the proposal raises in relation to the relevant policy context and the balanced consideration that has been given to the extra costs and delay of the referral

4. If the site is outside your ward have you contacted the ward Member(s) to inform them of the referral?

5. Have you discussed the referral with the case officer or Development Manager?

a) Referring Member:

b) Details of Supporting Member(s) (cannot be same ward as Referring Member)

c) Details of Supporting Chair or Spokes Member of the Development Management Committee

**Do you consider this is an application of strategic importance such that you would request the Director to consider using his discretion to refer the matter to the Strategic Sites Delivery Committee? If so please set out your reasons:**

**Date:**

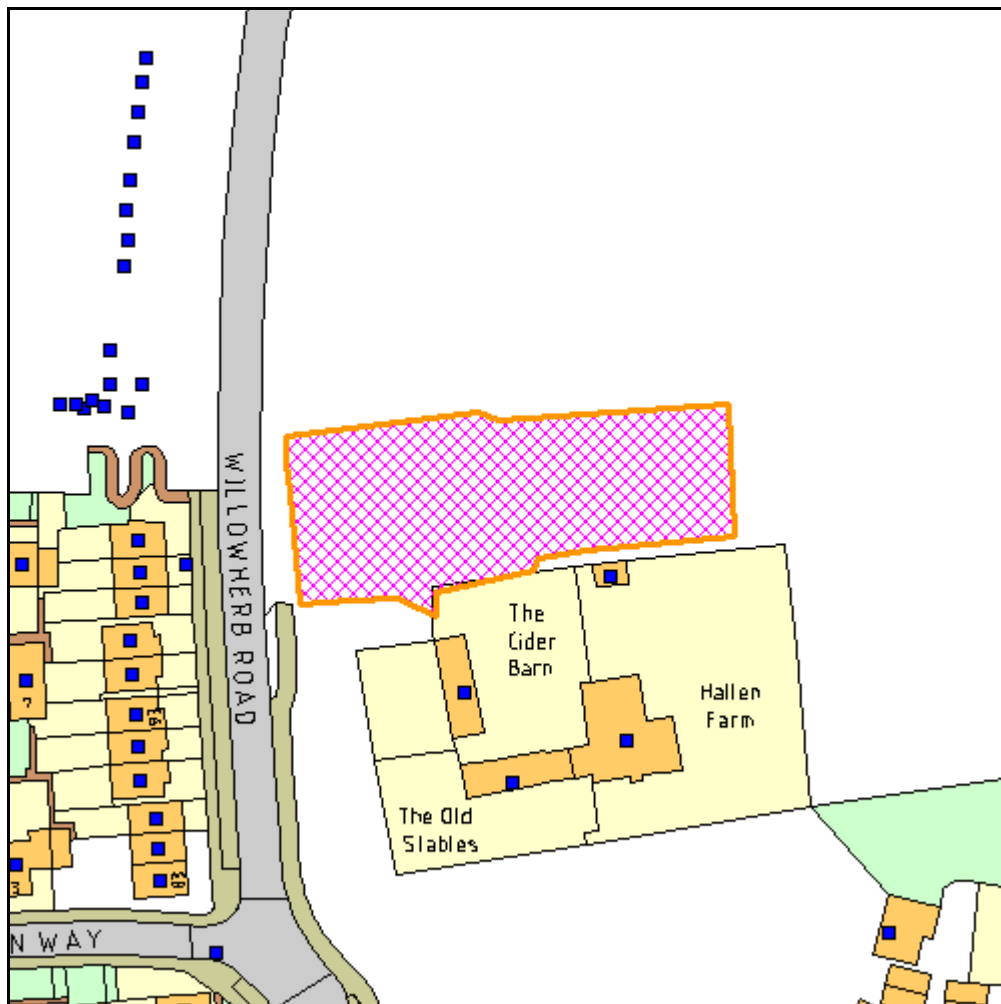
To be emailed to [MemberReferral@southglos.gov.uk](mailto:MemberReferral@southglos.gov.uk)

# CIRCULATED SCHEDULE - 04 January 2019

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	<b>PK18/2772/RM</b>	Approve with Conditions	The Nursery The Local Centre Willow Herb Road Emersons Green South Gloucestershire	Emersons Green	Emersons Green Town Council
2	<b>PK18/3739/RM</b>	Approve with Conditions	Willowherb Road Lyde Green Centre South Gloucestershire BS16 7LG	Emersons Green	Emersons Green Town Council
3	<b>PT18/1491/O</b>	Approve with Conditions	Willow Brook Centre Savages Wood Road Bradley Stoke South Gloucestershire BS32 8BS	Bradley Stoke Central And Stoke Lodge	Bradley Stoke Town Council
4	<b>PT18/4678/F</b>	Approve with Conditions	Land Off Morton Way/Badger Road Thornbury South Gloucestershire BS35 1LR	Thornbury North	Thornbury Town Council

**CIRCULATED SCHEDULE NO. 01/19 – 04 JANUARY 2019**

<b>App No.:</b>	PK18/2772/RM	<b>Applicant:</b>	Clipper Properties Ltd
<b>Site:</b>	The Nursery The Local Centre Willow Herb Road Emersons Green South Gloucestershire	<b>Date Reg:</b>	27th June 2018
<b>Proposal:</b>	Approval of Reserved Matters to be read in conjunction with Outline planning permission PK04/1965/O (partial) for access, appearance, landscaping, layout and scale for the erection of a single-storey nursery development with associated play area and car park to the nursery site fronting Willow Herb Road including bin store	<b>Parish:</b>	Emersons Green Town Council
<b>Map Ref:</b>	368451 177793	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>	Major	<b>Target Date:</b>	24th September 2018



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 100023410, 2008. **N.T.S.** **PK18/2772/RM**

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

## **INTRODUCTION**

This application appears on the Circulated Schedule due to the receipt of more than three objections.

### **1. THE PROPOSAL**

1.1 The application seeks reserved matters consent for the erection of an 81 place nursery. The reserved matters, which comprise landscaping, appearance, layout and scale, should be read in conjunction with outline planning permission PK04/1965/O for an urban extension on 99 hectares of land including residential development of up to 2550 dwellings. This outline consent included details of access to the site as a whole off the Rosary roundabout. The site has the benefit of an approved Detailed Masterplan and approved Design Code.

1.2 The nursery would be some 500 sqm in area, with external play areas to the east and south of the building which would be located towards the rear of the site, with car parking for parents and staff located to the front of the building. A sloped pedestrian access would be located in the north western corner of the site, leading from school square and Willowherb Road to the nursery entrance. Vehicular access would be gained from Willowherb Road via a widened existing access road to the Hallen Farm properties.

1.2 The site is located within the centre of the Emersons Green East (EGE) urban extension, which includes a Section 106 obligation relating to the provision of a nursery in the original outline consent. The proposed nursery, long with the school, school square, community hall and shop, form a local centre within the Emersons Green Urban Extension. The site is within the central character area defined in the EGE Design Code and abuts school square and the school on the northern boundary which is a key space area. The southern boundary abuts the residential properties around a courtyard comprising Hallen Farm Grade II listed buildings.

#### *1.3 Revisions to the scheme*

Since the development proposal was originally submitted, it has been significantly amended in the following summarised ways:

- Revised elevations
- Revised roof design
- Revised footprint
- Revised location of pedestrian access
- Revised vehicular access
- Revised boundary treatments

## 2. POLICY CONTEXT

### 2.1 National Guidance

National Planning Policy Framework 2018  
National Planning Policy Guidance

### 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1 High Quality Design  
CS2 Green Infrastructure  
CS5 Location of Development  
CS7 Strategic Transport Infrastructure  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage  
CS29 Communities of the East Fringe of Bristol Urban Area

South Gloucestershire Local Plan: Policies Sites and Places Plan (Nov 2017) (PSP).

PSP2 Landscape  
PSP6 - Onsite Renewable and Low Carbon Energy  
PSP8 Residential Amenity  
PSP10 Active Travel Routes  
PSP11 Transport Impact Management  
PSP17 Heritage Assets and the historic environment  
PSP20 Flood Risk, surface water and watercourse management  
PSP21 Environmental pollution and impacts

*Other material considerations*

Approved Masterplan and Design Code or Emersons Green East

### 2.3 Supplementary Planning Documents

Adopted South Gloucestershire Design Checklist SPD

## 3. RELEVANT PLANNING HISTORY

- PK04/1965/O Urban extension on 99 hectares of land comprising of :- Residential development of up to 2550 dwellings; up to 100,000m<sup>2</sup> of B1, B2, B8 and C1 employment floorspace. Up to 2,450 m<sup>2</sup> of small scale A1, A2, A3, A4 and A5 uses. One, 2 - form entry primary school, a land reservation for a second 2 - form entry primary school and a land reservation for a secondary school. Community facilities including a community hall and cricket pavillion (Class D1) and health centre. Transportation infrastructure comprising connections to the Folly roundabout on Westerleigh Road and the Rosary roundabout on the Ring Road and the construction of the internal road network. A network of footways and cycleways. Structural landscaping. Formal and informal open space. Surface water attenuation areas. (Outline) with means of access to be determined.  
Approved 14<sup>th</sup> June 2013.



- Development Control East Committee on 15<sup>th</sup> February 2013 approved the Detailed Masterplan associated with outline planning permission PK04/1965/O at Emersons Green East.
- Environmental Impact Assessment was carried out for the Outline planning permission for this development and officers can confirm that the current RM application does not raise any issues that would call into question the EIA conclusions.
- PK15/4232/RVC Development as above for PK04/1965/O, with Variation of Condition relating to trigger for construction of Tiger Tail on M32 attached to approved Outline application.  
Permission granted 9.5.16

#### 4. **CONSULTATION RESPONSES**

##### 4.1 Emersons Green Town Council

No Objection, however the Town Council do not feel that the resident's previous objections concerning the shared access from Willowherb Road have been addressed. Any access to the nursery should be wide enough to accommodate 2 vehicles to safely pass each other driving into and out of the site. If safe vehicular access cannot be achieved then alternative access should be looked at. The SGC Conservation officer's views should be sought regarding the impact of the nursery on the Grade 11 listed buildings.

##### 4.2 Other Consultees

###### Lead Local Flood Authority (SGC Drainage)

Following an objection to the lack of information submitted with the original scheme, the SGC Drainage and Flood Risk Management Team now has no objection in principle to this application. The submitted Drainage Statement (October 2018) answers the previous queries and shows the proposed surface water drainage to be in compliance with the approved overall drainage strategy for Lyde Green.

###### SGC Highway Engineer

No objection to the revised scheme. Detailed comments can be found in the *Analysis* section of this report.

###### SGC Conservation Officer

Refusal was recommended to the *originally* submitted scheme on the grounds of poor design and the resultant adverse impact on the setting of the listed farmhouse and curtilage listed barns. Following submission of the revised scheme however, the Council's Conservation officer has stated that following the design amendments the only outstanding concern is the bin storage area.

###### SGC Landscape Architect

No objection to the revised scheme. Detailed comments can be found in the *Analysis* section of this report.

### SGC Waste

No objection. Detailed comments can be found in the *Analysis* section of this report.

### Crime Prevention Design Advisor

The steps leading down to the public square could be a focal point for anti-social behaviour. The boundary between the nursery and the school will need to be non – climbable.

*(These comments relate to the originally submitted scheme.)*

## **Other Representations**

### 4.3 Local Residents

Letters have been received from 6 local residents, objecting to the proposal on the following grounds: *(NB The comments relate to both the originally submitted scheme and the revised scheme).*

- The entrance to the nursery is single track with not enough space for cars to pass each other ( only 3.6m wide)
- Access will create conflict for adjacent residential drive which should be a separate access
- Limited space in the car park for turning
- Insufficient car parking
- Delivery vehicles and rubbish collection will be an issue
- Planting would soften the impact of the new development with the adjacent old listed buildings
- no footway along nursery driveway
- no transport statement
- no floorplans
- no information with which to determine the parking requirement
- concerns over noise from outdoor play
- query whether the Council will adopt the private road
- lack of safe pedestrian and public transport access
- building out of keeping with the area
- fence would be prominent and out of keeping
- revised plans are an improvement, but bin store could be moved to give more room for the access, and soft planting between the nursery and the courtyard entrance would help.
- Residential courtyard will be used for turning vehicles

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The principle of development has been established with the approval of outline planning permission PK04/1965/O, which covers a substantial part of the Emersons Green East (EGE) development, allocated by Policy M2 in the South Gloucestershire Local Plan. The outline planning permission reserved all matters for future consideration, except means of access off the Rosary roundabout, which has been approved in detail.

- 5.2 The DC East Committee, in February 2013, approved the site wide detailed masterplan, and subsequently officers approved the design code under delegated powers for the whole of the outline application site.
- 5.3 The Section 106 obligation attached to the Outline planning permission requires the provision of a nursery by the developer, and therefore the proposal is acceptable in principle.
- 5.4 Urban Design and Heritage
- 5.5 Due to the proximity of the adjoining listed Hallen Farm buildings, consideration of the design of the proposal is inextricably linked to the effect of the setting of the heritage asset.
- 5.6 In accordance with the Design and Access Statement approved at outline stage, the approved design code seeks to deliver a series of three distinct character areas – southern, northern and central, each of which contains sub areas- spine, core or edge. The idea is to provide continuity and consistency in some elements within the character areas and within the sub areas, with the aim of creating a development that is harmonious yet legible and varied.

Condition 6 attached to the outline planning permission requires applications for the approval of reserved matters to be in accordance with the approved Design and Access Statement parameter plans, masterplan and design code. The design has been significantly modified during the period of assessment of the application.

The only relevant approved parameter plan shows the application site falling in an area up to 2 storeys in height. The proposal at 1/1.5 storeys in height complies with this parameter. The detailed design of the Emersons Green local centre, including the nursery school, is not covered by the approved Design Code. The applicant has however, produced a Local Centre Indicative Design Guide to guide the development of the Local Centre. Although there is no requirement in the original consent for the document to be submitted, the Indicative Design Guide has been produced in consultation with the Local Planning Authority, and provides parameters and architectural principles to set a framework for high quality development of the Local Centre; accordingly, it is a material consideration when considering the proposed development. The Indicative Design Guide sets out that the development principle is to create a strong continuous frontage along the central spine road and central square. It also sets out the following key layout principles:

- Create a well-defined and enclosed central square (School Square) with an active frontage;
- Provide an interesting and varied roofline with emphasis at key locations;
- Promote active frontages with legible, inclusive accesses from foot/cycleway and streets;
- Sensitively respond to the adjacent grade II listed farmhouse mitigating adverse effects and helping to preserve/enhance the significance of the setting of the farm buildings and maintain the historic boundaries of the farmhouse boundary walls;

- Address existing constraints on site and maximise the developable area;
- Ensure the parking areas are designed with sufficient landscaping to create well defined routes and spaces;
- Promote surveillance to footpath/cycle links and parking areas.

Specifically in relation to the nursery, the Design Guide highlights the need for sensitivity in scale and materiality/ detailing to adjacent listed building to the south; formal language and materiality (use of brick) on the elevation fronting the Square; more informal (use of cladding) and reduced scale to sides/rear in relation to adjacent Hallen Farm; enclosed perimeter boundary with external play space.

With regard to the originally submitted scheme, the Council's Conservation officer objected to the proposal. There was concern that there were no visualisations provided to demonstrate how the structure and the associated walling/fencing will be viewed from the public square and the likely impact on views to the listed farmhouse and the submitted elevations did not include any surrounding buildings. The historic wall and visible roofs/gables of the farmhouse and buildings provide a pleasant backdrop to the square and contribute to a sense of time-depth in the area. They have always been recognised as important prominent buildings in the wider site-planning for EGE, and new development should ensure that the setting and prominence of the buildings, including views to and across them, are not compromised.

The original design of the nursery was considered to lack any architectural flair or interest and read as a set of boxes incorporating materials that did not reflect the local vernacular, nor the new palette of materials used elsewhere in the development. There was also concern regarding the proposed high retaining wall to school square topped by green weld-mesh fencing. The originally proposed pedestrian access from the square for parents with buggies was via a long ramp which exits directly into the reversing zone for cars.

Following advice from officers, the application was significantly revised; changing the design of the building, the location of the pedestrian access and route through the site, the boundary treatments and the parking layout and dimensions of vehicular access. The long high retaining wall adjacent school square has now been largely replaced by a grass slope contained by a low natural stone wall. The proposed bin store is bound by a natural stone wall on the Willowherb Road side. Additional supporting documents were submitted including a new Design and Access Statement, new Statement of Significance, listed wall engineering report and street view photomontages.

The survey of the adjacent listed wall recommended that the new nursery building be positioned away from this boundary and the building's proposed finished floor level be kept as high as possible in order to preserve the integrity of the wall. The proposed site layout adheres to these restrictions by positioning the building closer to the northern boundary, whilst maintaining clear (1m wide) access routes to both northern and southern boundaries - beside the listed wall and also the proposed building - for maintenance. Due to the raised level of the site in relation to School Square, it would have been preferable to reduce the finished floor levels by lowering the existing ground

levels, however the bedrock is very close to the surface on the site so this would have been prohibitively expensive. The secure external play area extends around the building to the east and south to allow free movement of the children throughout the day and maximise natural light levels. The building will contain four 'group' rooms, which will all have direct access onto the external play area.

The main entrance has been positioned so that it is clearly identifiable to visitors. It will also have good surveillance of the car park to ensure the security of the children. Access for vehicles and cycles is to be provided from Willowherb Road via the access road at the southwest corner of the site. Within the proposed car parking area, adjacent to Willowherb Road, 10no. staff parking spaces (2no. of which are accessible) and 3no. parent drop-off spaces are to be provided. There will also be 8no. cycle spaces provided. (Access is discussed further below under *Transport*.) The drop-off spaces have been designed to allow for ample space around the vehicles, so that it is easier for parents to manoeuvre prams and car seats, etc. Pedestrian access will now be via a shallow gradient ramp from the north-west corner of the site. This provides direct access for pedestrians from Willowherb road and School Square and enables prams and wheelchairs to reach the main entrance with ease. The overall building height has been kept low, so as not to impose on the surrounding buildings. An offset pitched roof has been included to soften the overall form of the building. This roof relates to the neighbouring structures by being higher at the primary school side and gently sloping to the south to address the listed stone wall and listed buildings beyond.

The proposed materials palette has been designed to complement the neighbouring buildings and wider housing development as a whole. The revised scheme now includes elements of natural stone to make reference to the neighbouring heritage asset and establish the building within its context.

All external walls to the proposed building will have light buff tone brickwork or render as their main material. The final colours will be chosen to compliment the brickwork used on the neighbouring primary school building. Roofs are to be profiled metal sheeting similar to those used in the immediate vicinity. Doors and windows will be uPVC or powder-coated aluminium. Retaining and external walls to the parking area will be formed of natural stone (the plans clarify that as much material as possible sourced from excavation of existing rock on-site) and with coursing to match the neighbouring listed wall. The applicant has stated that the rear play area is designed by "play specialists" and will be finished with a combination of artificial grass, and 'Soft Pour' safety surface, all to be surrounded with a metal post and mesh fence. The car parking area will be mainly laid to tarmac with parking bays delineated with white lines. Pedestrian and vehicular areas will be separated by white lines. Pedestrian and vehicular areas will be separated by kerbs.

New embankments have been included at the boundaries with the public square and Willowherb Road, in order to deal with the change in level between the site and the wider area. The junction between the roadway into the Nursery and the access to the existing residential properties buildings will be delineated with concrete sett pavers. This emphasises that the entrance to the residential

courtyard is private. Revised plans have increased the width of the pavers, and indicate the location of signage at the entrance to emphasise the route to the nursery rather than into the residential courtyard. This is considered to satisfactorily overcome the residents concerns.

The only outstanding concern of the Council's Conservation Officer is the proposed bin store, which, as the front of the site is prominent in views from the street and in terms of the setting of the listed buildings. Improvements to its appearance have been made, through the inclusion of a high natural stone boundary wall around the southern and western sides, and this will screen views of the bins. However it was not possible to relocate the bin store, due to the need to enable their collection from Willowherb Road, without the need for the bin lorry to enter the site. It is considered that this safety consideration is paramount in the determining of the location of the bin store.

The most substantial impact of the proposed nursery will be its proximity to the listed building and associated structures and the impact this will have on the setting of the heritage asset. The proposed development is however to the north – rear – of the listed building, whereas the principal views towards and from the farmhouse are from the west, south –west and south. Officers accept that these views will be largely unaffected by the nursery development. The submitted Statement of Significance sets out that the main mitigating factors which include the impact of the recently constructed new development on the former farmland, together with the location of the nursery in relation to the listed building. The nursery will be set back some 30m from Willowherb Road, so views of the nursery will be partly obscured from views towards the heritage asset from the south west, south and south east. The nursery will impact on view of the listed wall, but this is in the context of surrounding new development.

Officers consider that the proposed development when considered purely in terms of the heritage impact would result in harm to the setting and thus significance of the designated assets identified; and the level of harm would be less than substantial. For the reasons discussed above, the level of harm is considered to be at the lower part of the spectrum.

However it is inevitable that the development of the urban extension and the introduction of a new urban setting to the designated heritage assets will result in irreversible changes to the way in which they are experienced. Such change will naturally be negative since the significance of the asset is partly due to the farmland context.

Paragraph 196 of the NPPF (2) states that '*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing optimum viable use.*

As part of this balancing exercise, a number of mitigating factors or 'public benefits' have been identified in the application. This includes retaining sightlines, the location of the nursery at the rear of the listed building, and the

public benefits of making efficient use of development land in the urban extension. However, as the principle of the development has already been approved as part of the Outline planning permission, this balancing exercise is not a requirement of the analysis.

#### *Urban Design and Heritage Conclusion*

Following the receipt of revised plans there have been significant improvements to the layout and design of the scheme. The scheme is now considered to fully comply with the masterplan and design codes as well as Policy CS1 and CS9 of the Core Strategy and PSP1 and PSP17 of the PSP.

#### Landscaping

The Council's landscape architect has been largely concerned with the hard landscaping aspect of the proposal as originally submitted. There was concern over levels differences and how they were handled, particularly in relation to the square and the ramped entrance. Further the bin store detail and relationship of the site frontage to the street and the use of reconstituted stone next to the natural local stone of the farm walls. The revised plans include the removal of the high retaining wall adjacent to School Square. Further, the revised plans include the use of a small wall at the base of the bank down to school square to form a neat edge. It is in local stone to match that at the front, with a broad coping that could act as informal seating for waiting parents. This would stop soil migrating down the bank, protect planting from trampling and reduce the appearance of the higher section of the bank.

The proposed scheme is now considered satisfactory in landscape terms, subject to a condition requiring the close boarded fencing to be stained dark brown so that it integrates with the adjacent dark reddish brown natural stone and subject to details of planting to be approved. The proposal is therefore in compliance with Policy PSP2 of the PSP, and CS2 of the Core Strategy.

#### Transportation

In terms of pedestrian access to the site, the proposal has been amended to provide a convenient and safe route from the north western corner, close to School Square and to provide a convenient gently sloped access from Willowherb Road. The access route is straight to the nursery access without the need to cross the car park.

In terms of public transport, the site lies adjacent to bus stops, serving the local centre, with Primary School, community Centre and future convenience shop. The site is therefore considered to be in a highly sustainable location with opportunities for linked trips.

The proposed development includes 5 cycle stands, which is in compliance with the Council's cycle parking standard in Policy PSP16.

The proposed vehicular access off Willowherb Road is the source of a number of objections from local residents. Since the application was originally submitted, the access has been amended in a number of ways.

The width of the access road has been widened to 5m at its entrance to the site, and this will enable two cars to pass.

It is acknowledged that there have been some local concern regarding the number of car parking spaces. The Highway Authority has advised as follows. The site is most certainly in a highly sustainable location close to the homes where the children attending the nursery may live, and within walking distance to the nearby school where shared trips is likely to occur. The site is on a bus route with the existing bus stops being located close by. In terms of transportation and highway safety, officers are mindful that the nursery operates a series of sessions (am or pm or full day) so it is not the case that all parents will be arriving and departing at the same time. It is also more probable that some of the children will be siblings. The site is located within a residential area, so some staff may be local and as such they may travel on foot or use public transport facilities. Likewise, those parents who live locally may decide to walk their children to the nursery from the nearby residential streets. There is no specific parking standards for the day nurseries within the SG Local plan - The South Gloucestershire Council parking guidance for a day nursey suggests parking to be 1 space per 2 staff and there is a requirement for adequate and safe space for the pickup/set down of children. The proposal includes 13no. parking spaces - 10 staff parking spaces and 3 drop off spaces is to be provided. The drop-off spaces have been designed to allow for ample space around the vehicles, so that it is easier for parents to manoeuvre prams and car seats, etc. Proposal would also include adequate space for manoeuvring of vehicles on site.

To improve sustainability and to further encourage alternative modes of travelling to the site, the Highway Authority has recommended that a planning condition is imposed so that the applicant submits a travel plan before operation of this use on site. Subject to this, and the requirement that the parking spaces are provided, the proposal is acceptable in transportation terms.

#### Residential amenity

It is acknowledged that a local resident has raised concerns regarding noise and disturbance arising from outdoor children's play. The principle of the nursery being part of the local centre has already been established, but moreover it is not unusual for nurseries to be located adjacent to residential properties, as it is not considered to be an unneighbourly use. Furthermore, the tall listed wall would separate the nursery from the courtyard that forms part of the group of residential properties. It is considered therefore that there would not be a significant impact on residential amenity resulting from the proposal.

#### Drainage

As noted in the consultation section of this report, the LLFA requested additional information in order to be able to confirm whether the Folly Brook Drainage Strategy for EGE has been complied with. The applicant has now provided this information.

The approved Drainage Strategy and Flood Risk Assessment for the Folly Brook Catchment (October 2012 & April 2013 Addendum) divides the EGE area into 3 sub catchments each discharging into separate tributaries of the Folly Brook. A key element of the Drainage Strategy is to increase the capacity of the on-site watercourses to allow the development runoff to be conveyed



downstream to the downstream reservoir and the other on-site attenuation features.

The Drainage Strategy includes a matrix table indicating percentages of impervious area used for each catchment. This matrix is intended as a baseline against which all Reserved Matters applications can be checked. It has now been confirmed by the LLFA that the submitted drainage details are in accordance with the overall Surface Water Drainage Strategy for Emersons Green East, and the only condition required is that of compliance with the submitted drainage scheme.

### Sustainability

Under the terms of the Energy Statement approved as part of the Outline planning permission for the wider development, the building will be required to achieve a BREEAM rating of 'Very Good'. The design and access statement states that the building would be insulated to better U values to the requirements of Building Regulations, and sustainable materials would be used.

### Waste Collection

The Council's Waste Officer has confirmed that for a nursery of this size three euro bins for non-recyclable bins should be sufficient as there is likely to be a number of disposable nappies being used but in addition they would also need to accommodate a 1100 litre bin for paper and cardboard, 2 x 240 litre bins for plastic and cans, 1 x 240 for glass and 2 x 140 litre bins for food waste. The applicant has however stated that they intend to use the three euro bins for their recyclable waste too and that if they need more collections they will pay a private waste contractor to empty them more frequently. In response to this, the Council's Waste Officer has confirmed that if an operator is using a commercial provider then there is no objection, although it would be prudent to have some additional space in case there is a need for future waste services.

In terms of the location of the bin store the Waste Officer has confirmed that the distance from the bin store to the public highway is satisfactory and will keep the operation of collecting the waste away from the nursery in order to minimise the interaction of the collection vehicle and parents and children, which is of paramount importance.

The bin store is therefore considered acceptable, however it is considered that in the event that the operator considers that more space is required that the bin store is enlarged in accordance with details to be agreed by the Local Planning Authority, in order to avoid the visual detraction of the area and the listed building setting that would arise from unscreened bins in this prominent location.

### Impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate

discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities.

Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers. The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to this planning application, it is considered to have a neutral impact.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the development plan as set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 That the Reserved Matters submitted in accordance with Conditions 1, 2 10 and 24 associated with Outline Planning Permission PK15/4232/RVC (previously PK04/1965/O) dated 9<sup>th</sup> May 2016 be APPROVED, subject to the following conditions:

**Contact Officer: Helen Ainsley**  
**Tel. No. 01454 863788**

## **CONDITIONS**

1. The bin storage shown on the drawings hereby approved shall be provided before the building is first used, and thereafter retained for that purpose. There shall be no storage of bins other than within the bin storage area, and in the event that a larger bin storage area is required, the applicant shall submit proposed details to the Local Planning Authority which shall have been approved in writing prior to its construction.

### Reason

To ensure appropriate bin storage is provided, in the interests of visual amenity and the setting of the adjacent heritage asset and in accordance with Policies CS1 and CS9 of the adopted Core Strategy, and Policy PSP17 of the adopted South Gloucestershire Local Plan: Policies Sites and Places Plan (Nov 2017).

2. Prior to the first use of the development hereby approved, the close boarded fencing adjacent to the car parking space no. 13 and the close boarded fencing forming part of the bin store shall be stained in a dark brown colour, and retained as such thereafter.

Reason

To protect the character and appearance of the area and in accordance with Policy PSP2 and PSP17 of the adopted South Gloucestershire Local Plan: Policies Sites and Places Plan (Nov 2017) and CS1 and CS2 of the adopted South Gloucestershire Core Strategy.

3. Prior to the first use of the development hereby approved, detailed planting plans to include tree and shrub planting shall have been submitted to and approved in writing by the local Planning Authority. All planting, seeding or turfing comprised in the approved landscaping details shall be carried out no later than the first planting and seeding season following the first use of the development hereby approved, and any trees or plants (retained or planted) which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting seasons with others of a size and species as shall reasonably be specified by the Local Planning Authority.

Reason

To protect the character and appearance of the area, and in accordance with Policy PSP2 of the adopted South Gloucestershire Local Plan: Policies Sites and Places Plan (Nov 2017) and CS2 of the adopted South Gloucestershire Local Plan: Core Strategy.

4. Sample panels of all proposed brickwork, stonework and render types shall be erected on site, and all approved in writing by the Local Planning Authority prior to construction above Damp Proof Course Level of the building hereby approved. The approved sample panels shall be kept on site for reference until the building is complete. Development shall be carried out in accordance with the agreed samples.

Reason

To ensure a good quality of external appearance and to accord with the approved Design Code and Policy PSP1 of the adopted South Gloucestershire PSP, and CS1 of the adopted South Gloucestershire Core Strategy.

5. Surface water drainage shall be carried out in accordance with the submitted Drainage Strategy (Phoenix Design October 2018) and Orme Drawing no. 852/sk104 prior to the completion of the development hereby approved.

Reason

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and to ensure that a satisfactory means of drainage is provided, and to accord with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy and Policies Sites and Places Policy PSP20.

6. The off-street parking facilities (for all vehicles, including cycles) and turning areas shown on the plan hereby approved shall be provided prior to the first use of the nursery, and thereafter retained for that purpose.

Reason

In the interests of the amenities of the area and highway safety and to accord with Policy CS8 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

7. Prior to the erection of any external lighting, details of the location, design, times of illumination and measures to control light spillage shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

In the interests of the amenities of the area and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

8. Prior to the first use of the nursery hereby approved a draft "Nursery Travel Plan" shall be submitted to and approved in writing by the Local Planning Authority. Within 30 days of the first use of the nursery, a full "Nursery Travel Plan" shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in full thereafter. For the avoidance of doubt the Nursery Travel Plan shall as a minimum include: measures to control and manage the dropping off and picking up of children at the start and end of the nursery; measures to reduce single occupancy car use and promote walking, cycling and the use of public transport; appropriate periods for review; details of monitoring and reporting back to the Council; a timetable for implementation.

Reason

To encourage means of transportation other than private car and to reduce the impact on neighbouring occupiers and to accord with Policy CS8 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

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

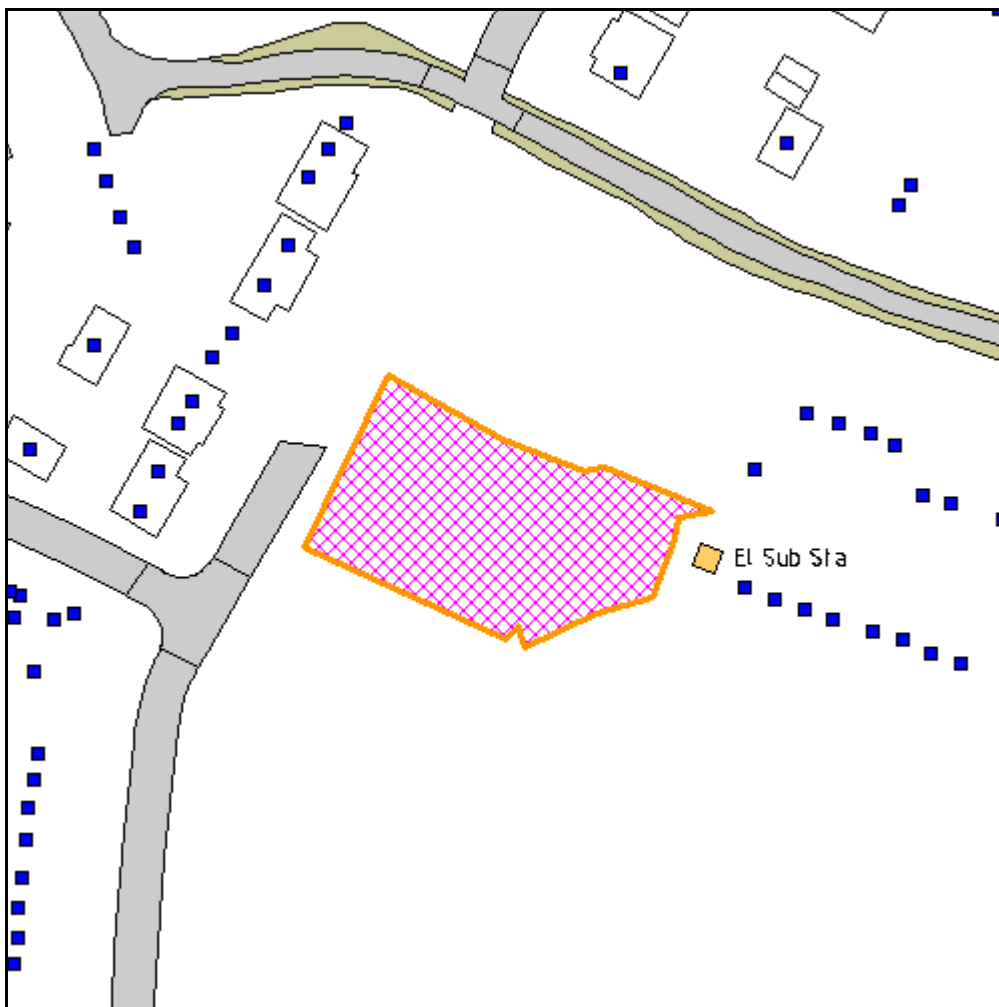
Drawing numbers 3213\_PA- 015, 016, 017, 020, 021 and 023. All received 21.12.18

Reason

For the avoidance of doubt and to ensure that the scheme is implemented in full accordance with the plans submitted and assessed.

**CIRCULATED SCHEDULE NO. 01/19 – 04 JANUARY 2019**

<b>App No.:</b>	PK18/3739/RM	<b>Applicant:</b>	Sainsbury's Supermarkets Ltd
<b>Site:</b>	Willowherb Road Lyde Green Centre South Gloucestershire BS16 7LG	<b>Date Reg:</b>	11th September 2018
<b>Proposal:</b>	Erection of 1no. convenience store at Lyde Green Local Centre with parking and associated works . (Approval of Reserved Matters - appearance, landscaping, layout and scale; to be read in conjunction with Outline Planning Permission PK15/4232/RVC, formerly PK04/1965/O).	<b>Parish:</b>	Emersons Green Town Council
<b>Map Ref:</b>	367460 177392	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>	Minor	<b>Target Date:</b>	2nd November 2018



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 100023410, 2008. **N.T.S.** **PK18/3739/RM**

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

## **REASON FOR REPORTING TO THE CIRCULATED SCHEDULE**

This application has been referred to the circulated schedule because objections have been received from members of the public which are contrary to the officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks reserved matters consent for the erection of 1no. convenience store with parking and associated works . The reserved matters for appearance, landscaping, layout and scale should be read in conjunction with Outline planning Permission PK15/4232/RVC, formerly PK04/1965/O). The outline consent reserved all matters apart from access.
- 1.2 The application site comprises the Lyde Green Local Centre. The site is located directly to the north of the recently constructed community centre on the corner of the junction of Willowherb Road and Thistle Close. Residential properties are located to the east and west of the site on the opposite side of the road. The site is rectangular in shape and is approximately 1475 square metres in area. The site is secured by timber and herras fencing and slopes down fairly steeply from south to north. An existing access off Thistle Close, shared with Lyde Green Primary School and community centre, will serve the proposal.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework July 2018  
National Planning Practice Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design  
CS4a Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage  
CS14 Town Centres and Retail  
CS29 Communities of the East Fringe of Bristol Urban Area

South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017

PSP2 Landscape  
PSP3 Trees and Woodland  
PSP8 Residential Amenity  
PSP11 Transport Impact Management  
PSP16 Parking Standards

PSP17 Heritage Assets and the Historic Environment  
PSP19 Wider Biodiversity  
PSP20 Flood Risk Surface Water and Watercourse Management  
PSP21 Environmental Pollution and Impacts  
PSP31 Town Centre Uses  
PSP32 Local Centres Parades and Facilities  
PSP47 Site Allocations and Safeguarding

- 2.3 Supplementary Planning Guidance  
The South Gloucestershire Design Checklist SPD (adopted)

### **3. RELEVANT PLANNING HISTORY**

- 3.1 PK16/1664/RM, (Community Centre) Erection of community centre and outdoor changing facility, including car parking and landscaping. (Approval of Reserved Matters only to be read in conjunction with Outline Planning Permission PK15/4232/RVC). Approved on 5<sup>th</sup> September 2016.
- 3.2 PK15/2842/R3R (Primary School) - erection of a new primary school with access, parking, landscaping and associated works. (approval of Reserved Matters to be read in conjunction with Outline Planning Permission PK04/1965/O), approved on 27<sup>th</sup> October 2015.
- 3.3 PK04/1965/O – (Lyde Green Outline Consent) Urban extension on 99 hectares of land comprising of :- Residential development of up to 2550 dwellings; up to 100,000m<sup>2</sup> of B1, B2, B8 and C1 employment floorspace. Up to 2,450 m<sup>2</sup> of small scale A1, A2, A3, A4 and A5 uses. One, 2 - form entry primary school, a land reservation for a second 2 - form entry primary school and a land reservation for a secondary school. Community facilities including a community hall and cricket pavillion (Class D1) and health centre. Transportation infrastructure comprising connections to the Folly roundabout on Westerleigh Road and the Rosary roundabout on the Ring Road and the construction of the internal road network. A network of footways and cycleways. Structural landscaping. Formal and informal open space. Surface water attenuation areas. (Outline) with means of access to be determined.  
Approved 14th June 2013.
- 3.4 Development Control East Committee on 15th February 2013 approved the Detailed Masterplan associated with outline planning permission PK04/1965/O at Emersons Green East.
- 3.5 Environmental Impact Assessment was carried out for the Outline planning permission for this development and officers can confirm that the current RM application does not raise any issues that would call into question the EIA conclusions.

### **4. CONSULTATION RESPONSES**

- 4.1 Emersons Green Town Council  
No Objection, to the proposed store. However, Members still have concerns that the lane alongside the proposed building will be subjected to anti-social

behaviour, and suggest that alternative options for this be considered. For example, to make the area a 'green corridor' with vegetation/hedgerows or to gate either end and for the area not to be a public right of way. Members would also reiterate the comments of the Police.

4.2 Landscape Officer

Recommend the inclusion of a trees within the soft landscape area by the car park entrance; the replacement of some of the ground cover with a line of hedging to reduce the visual dominance of the cars and maximise the biodiversity of the site; the retaining wall should be natural pennant stone to mitigate its impact in a prominent position in the streetscene.

4.3 Crime Prevention Officer

No objection

4.4 Drainage Officer

No objection in principle to this application

4.5 Transportation Officer

No objection subject to conditions

4.6 Environmental Protection Officer

No objection subject to a restriction on times of deliveries

4.7 Economic Development Officer

No objection

4.8 Highway Structures Officer

If the application includes a structure that will support the highway or support the land above a highway. No construction is to be carried out without first providing the Highway Structures team with documents in accordance with BD2/12 of the Design Manual for Roads and Bridges that will allow formal Technical Approval of the proposals to be carried out. The applicant will be required to pay the fees associated with the review of the submission whether they are accepted or rejected.

Or

If the application includes a boundary wall alongside the public highway or open space land then the responsibility for maintenance for this structure will fall to the property owner.

### **Other Representations**

4.9 Local Residents

39 letters of support have been received from members of the public. These letters of support highlight that the proposal would be helpful and easily accessible to local community within walking distance without having to drive, the fact that there is a lack of shops in the area, it would be easier for disabled and elderly people to access than the larger store.



3 members of the public neither support nor object to the scheme, and 5 members of the public object to the scheme. The following is a summary of the reasons given for objecting:

Part of Thistle Close and Willowherb Road should have double yellow lines;  
Potential for conflict between resident's cars and delivery vehicles and customer cars due to existing on street parking at Thistle Close.  
Trolleys should be fitted with tokens to encourage people to return them;  
Path between the store and community centre would be vulnerable to anti-social behaviour;  
Proximity to school- should there be restrictions on products sold  
Should be in a location that is more accessible for large vehicles  
Should be a clause to prevent a costa takeaway coffee machine in the premises as there is already one in the community centre;  
Already have a large Sainsbury's barely a mile away therefore, another supplier would be preferred to provide greater competition  
Traffic calming measures required to Willowherb Road  
Insufficient number of parking spaces  
Street furniture to deal with rubbish;  
What will opening times be?;  
Store and ATM will be a magnet for anti-social behaviour.

#### Lyde Green Community Association

We are in support of the application in principle subject to the following scheme improvements being agreed:

Anti-social behaviour issues created by the creation of an alleyway between the community centre and the proposed retail unit need to be addressed. We agree strongly with the Police Architectural Liaison Officer's concerns;

Consideration should be given to features such as steps, ramps and railings to prevent people congregating and loitering which could lead to anti-social behaviour;

The proposed wall and railings are bland and lack character and will be prominent from views from the surrounding area. This part of the scheme should be improved;

School square will not be of use to users of the convenience store; therefore, adequate parking and pedestrian access will need to be provided within the site boundary. Can pedestrian and cycle access from the wider local centre be considered in an improved scheme both in terms of access through the car park and personal safety;

We request that deliveries avoid unsociable hours as much as possible and please can deliveries be serviced by smaller vehicles (not HGV);

What steps are being taken to minimise damage to the access road and community centre car park, how will any maintenance costs/repairs be covered by Sainsbury's and how will disruption/blocking of the entrance to the community centre car park be avoided?;

Adequate consultation with residents should be carried out;

We request that the applicant commits to work with local residents and community groups once they are operational to address any teething problems and that they are good neighbours. We invite Sainsbury's to attend a quarterly Lyde Green Partnership meeting where members of the community get together to collectively solve issues and ensure that Lyde Green is a great place to live.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

The principle of the development has been established with the approval of outline planning permission under application PK04/1965/O, which covers a substantial part of the Emersons Green East (EGE) development allocated by policy M2 in the 2006 Local Plan (superseded by PSP47 in the 2017 Local Plan). This consent is for a mixed use development including up to 2,450m<sup>2</sup> of small scale A1, A2, A3, A4 and A5 uses. The DC East Committee, in February 2013, approved the site wide detailed masterplan, and subsequently officers approved the design code under delegated powers for the whole of the outline application site.

5.2 Condition 17 of the outline consent restricts the total retail floor space (Class A1, A2, A3, A4 and A5) at Lyde Green to no greater than 2450sqm. In addition, condition 18 stipulates that there can be only one retail unit (Class A1) up to 500sqm, with any additional A1 use class no greater than 200sqm.

5.3 The proposal has a gross internal floor area of 374 square metres, and with no other units within Use Class A at Lyde Green, the proposal is not considered to conflict with conditions 17 or 18 of the outline consent, and the proposed A1 use proposed falls within the scope of the approved outline consent. In addition, policies PSP31 and PSP32 of the 2017 Local Plan, allow for main town centre uses within local centres where they are of a scale and size appropriate to the location. In addition, the provision of convenient and accessible local shopping facilities to meet the day to day needs of residents and contribute to social inclusion is encouraged in policy CS14 of the Core Strategy (2013). The scale of the retail unit proposed is considered appropriate to serve the needs arising from the local population of the Lyde Green development and is not of a scale which would have a detrimental effect on the vitality and viability of the Emersons Green Town Centre; the principle of the development is therefore, considered to be acceptable.

5.4 A number of objections/comments have been received from members of the public which are beyond the scope of this application. It is therefore, expedient to highlight that the application seeks reserved matters consent and the scope of matters that can be considered is restricted to those relating to scale, layout, appearance and landscaping. A number of issues raised in the objections/comments received have already been accepted by virtue of the approval of the principle of the development and are matters that are beyond the scope of the application. Concerns raised regarding the proximity of the

convenience store to a school are noted; however, the relationship has already been accepted in principle by virtue of the approval of the outline consent and the approved parameter plans and masterplan. Accordingly, there are no objections on this basis. Considerations relating to the concerns over the proposed retail supplier, restrictions on the sale of coffee from the site, and tokens for trolleys are beyond the scope of this application, as they do not directly relate to matters concerning the reserved matters - scale, layout, appearance and landscaping.

#### 5.5 Compliance with Parameter Plans/Masterplan

The proposal is considered to be in accordance with the parameter plans and masterplan, which provide an indication of the location of the local centre and the units that comprise the local centre, and stipulate a maximum building height of up to four-storeys. There has been a reconfiguration of the arrangement of the units which form the local centre; however, there is no objection on this basis.

#### 5.6 Urban Design

The Design Code specifies that a contemporary architectural response is required. Given the guidance within the EGE Design Code relating to the Central Key Space, the key parameters are considered to be the following:

Provide a strong and continuous frontage to the central Spine Road;  
Provide an interesting and varied roofline with emphasis at key locations;  
Promote active frontages with legible, inclusive accesses from foot/cycleway and streets;  
Promote surveillance to footpath/cycle links and parking areas

#### 5.7 Layout and Scale

The proposed retail unit is located on the junction between Willowherb Road and Thistle Close. With the car park located to the rear of the building, the proposal will provide a continuous strong frontage directly onto Willowherb Road. The customer entrance was originally proposed on the southeast elevation directly opposite the car park. This was considered unacceptable, as it would present an inactive frontage to Willowherb Road, which is a main vehicular/pedestrian route. The entrance has instead been moved to the corner of the northeast and northwest elevation, which will provide an active frontage to Jenner Boulevard and will be visible from the approach from the car park. A retaining wall is proposed to the northeast edge of the site opposite Thistle Close, and two steps up to the entrance from the street. The use of a retaining wall provides a level pedestrian access into the store from the car park area. A section plan submitted demonstrates that the retaining wall will be less than a metre high and will provide a comfortable relationship with the adjacent footpath on Thistle Close and will not be adversely overbearing for pedestrians. It is considered that the proposal provides a far better and less contrived layout than previously proposed, which involved the use of 1:19 and 1:15 ramps and two separate sets of steps. The extent of under build and the number of steps required to access the building from Willowherb Road, has been significantly reduced in the proposed plans compared to the pre-application proposals.

Accordingly, it is considered that the proposal will provide a far less contrived transition between the different levels of the site and will provide an acceptable relationship between the car park, entrance and Willowherb Road.

5.8 The building is single storey in height; however, the northern end of the building has been lifted by virtue of a mono-pitch roof to give extra height and interest at the junction between Willowherb Road and Thistle Close, which is considered to be acceptable.

5.9 Appearance/Detailing

The plans have been amended to demonstrate which areas of the building will comprise clear glazing to allow for views into the building and which areas of glazing will be obscured due to the operational requirements of the store. The western elevation of the building which fronts onto Willowherb Road will comprise three full height windows, as well as a recessed entrance, which will contain clear glazing to allow for views into the building. Although three additional smaller windows in the western elevation are proposed with obscure glazing for security reasons as they serve private areas of the store, it is considered that the treatment of the western elevation is acceptable and will provide a sufficiently active frontage to Willowherb Road. The northern elevation of the store contains clear glazing to provide an active frontage to the entrance area from views from Thistle Close. A dark grey band is proposed around the building at the top of the windows. The revised plans demonstrate that the band will project 100mm from the face of the building to provide additional interest and articulation. The colour of the band is Dark Earth to match the colour of the proposed powder coated aluminium window and door frames. The plans demonstrate that the window reveals will be 100mm from the face of the building, which will help give the building a good sense of depth and quality. The building comprises a through coloured render finish to dark grey – RAL7036. The building is surrounded by larger scale buildings, and officers questioned the original light grey render colour and whether an alternative colour may emphasise the building better in the streetscene. The dark grey colour proposed is considered to be an improvement over the original colour proposed. Vertical strips of timber cladding with a natural clear finish are proposed between the windows on the building to add interest to these areas. Hit and miss timber fencing is also proposed to the rear of the building to screen views of the plant area. A sample of the timber cladding, and details of the colour that it will weather to has not been submitted as requested. A condition for samples of materials to be agreed is therefore, attached.

5.10 A render retaining wall to match the building with railings over is proposed to Thistle Close. The railings proposed are similar to those used at the adjacent community centre building and are considered to be acceptable. Given the prominence of the retaining wall from Thistle Close, Officers requested the use of natural pennant stone rather than render for the wall to enhance the character and appearance of the streetscene. The applicant has not acceded to this request but has agreed to construct the retaining wall from brick rather than render which is considered to be more appropriate given the exposed location of the wall in the street. A condition is attached on this basis.

- 5.11 The plans show advertisement signs on the building. The suitability of the advertisements is a matter that is beyond the scope of this application. A separate advertisement application will be required to be submitted to allow the advertisements to be considered under separate advertisement regulations. An informative note is attached on this basis. An objection received on the basis of the requirement for street furniture to deal with rubbish is noted. A condition is attached to deal with this matter.
- 5.12 **Security/Crime Prevention**  
The Crime Prevention Officer objected to the original plans submitted on the basis that the details did not demonstrate that anti-social behaviour, crime and safety issues were adequately addressed in the proposals. Similar concerns were also raised by members of the public through the consultation process. The main issue was that the siting of the building creates a 2metre wide alleyway between the adjacent community centre, which would have poor surveillance and a lack of street lighting. In addition to this, a retaining wall adjacent to the alley could allow for informal seating/loitering and encourage anti-social behaviour.
- 5.13 The comments of the Town Council are noted; however, according to the agent, it is not possible to block the lane between the community centre and the retail unit because the land is outside of their control. In addition, they will not be willing to accept a Grampian condition to do the same given the uncertainty and potential issues that this would bring in terms of the requirement to block a lane that is out of their control. They have instead proposed a comprehensive CCTV scheme to cover the alleyway between the community centre and the store, as well as the entrance area of the store, and the proposed cycle parking area. An indicative lighting scheme has also been submitted and the applicant has agreed to a condition requiring a detailed lighting design to be agreed with the Council to help deter loitering in the more sensitive areas around the building. Anti-ram raid bollards are proposed to the southeast elevation to protect this area of the store where there is level access from the car park. Additional details have also been provided regarding security measures which will protect the ATM from risk of crime.
- 5.14 A significant level of weight must be given to the fact that the Crime Prevention Design Officer is now satisfied with the revised scheme and has raised no objections to the proposal. Accordingly, it is considered that the revised scheme is acceptable in respect of security and crime prevention.
- 5.15 **Landscaping**  
An existing surface water drain, which extends along the northern edge of the site prevents the planting of a tree in any of the green areas at the corners of the car park, as requested by the Planning Officer. The revised plans do however propose a Portuguese Laurel hedge to the eastern corner of the car park, which will provide some screening of cars from views from Thistle Close. A number of low maintenance perennial plants and shrubs are proposed in the green areas at the corners of the car park.

5.16 Sustainability

The supporting details submitted indicate that the building will achieve a BREEAM rating of very good as specified by the Energy Statement approved for the wider development. The design and access statement states that the building would be highly insulated to better U Value requirements of the Building Regulations.

5.17 Highway Safety/Parking

The unit will be serviced via a car park and vehicular access off Thistle Close. A dedicated area will be marked out adjacent to the service yard within the car park to ensure this area remains clear for daily deliveries. The applicant has confirmed that the deliveries to the convenience store will be made using an 11-metre rigid body vehicle, and a swept path analysis plan submitted demonstrates that this vehicle can access and manoeuvre within the site adequately.

5.18 The customer car park would be located to the east of the building and would consist of 15 spaces including one accessible space. A level pedestrian route would be provided leading to the main entrance door. The proposal includes provision of three cycle hoops for up to 6 customer bicycles and undercover parking provision for 2 bicycles for employees. The Highway Authority is satisfied that the provision complies with PSP Policy 16. Conditions are attached to ensure that off street parking for cars and bicycles are provided prior to the first occupation of the building, and that the turning and service area is marked out and maintained free from obstruction and kept for delivery purposes thereafter.

5.19 It is noted that concerns have been raised by members of the public regarding on street parking at Thistle Close. The location of the local centre and the means of vehicular access to the site from Thistle Close have already been approved in principle by virtue of the previously agreed parameter plans and masterplan. Off-street parking for the store has been proposed, which is considered to be adequate in relation to the scale of the store. In addition, the application site is located in a highly sustainable location where a large number of trips could be made by walking or cycling; therefore, it is not considered that there would be a significant increase in traffic or on-street parking as a result of the proposal. It is however, noted that existing on-street parking narrows down the highway in Thistle Close and could result in congestion between vehicles accessing the store from Willowherb Road, including delivery vehicles, and resident's vehicles. A condition to require the applicant to apply for a Traffic Regulation Order (TRO) to Thistle Close is not considered to pass the tests of appropriateness for applying conditions. The condition would need to be a negatively worded Grampian condition given that the Thistle Close highway is outside the control of the applicant, and the condition would need to be worded to prevent first occupation of the store until a TRO has been secured. The TRO process is independent of the planning system under separate highway legislation and cannot be relied upon to pass the various legal processes. A condition that the applicant could potentially never satisfy is considered to be unlawful due to the fact that it is unreasonable. Accordingly, consideration is required as to whether the resulting highway impacts would be to an unacceptable degree in respect of highway safety, congestion and disruption to

warrant refusing the application as it currently stands. This issue has been carefully considered; and given the required low speed of vehicles in this location (20mph), it is not considered that there would result in an unacceptable highway safety impact to warrant a refusal. In addition, given the small scale of the store and its highly sustainable location it is not considered that any residual cumulative impacts on the road network would be severe. Notwithstanding this, it is recognised that on street parking at Thistle Close has the potential to cause some localised congestion and disruption to residents. After discussing this matter with Council Highway Engineers, this location will be added to a list of schemes to be monitored for consideration for a TRO.

With regards to the objection received from a member of the public relating to traffic calming measures required along Willowherb Road, the Local Highway Authority have raised no objections on this basis. Therefore, no traffic calming measures are required as a result of the proposal.

#### 5.20 Residential Amenity/Environmental Impacts

The proposed convenience store is approximately 23 metres from existing residential properties on Willowherb Road; and approximately 44 metres from properties in Thistle Close. This level of separation is considered to be sufficient to ensure that there would not be any significant adverse effects on the residential amenity of neighbouring occupiers in respect of loss of natural light, outlook or privacy.

5.21 The concerns raised by members of the public regarding deliveries to the store are noted. The details submitted with the application state that deliveries will be made by an 11 metre rigid delivery vehicle outside of busy periods when the customer car park is quiet. The Council's Environmental Protection Officer has raised no objections on this basis but has requested a restriction on delivery times in order to protect residents that live close to the site. A condition is therefore, attached to restrict delivery times and the loading/unloading of deliveries outside of 6am and 11pm daily, which is considered to be reasonable balance in respect of protecting the amenities of residential occupiers and allowing the store to function as required. The applicant has accepted the condition for all deliveries to the store with the exception of newspapers which must be delivered to the store very early in the morning but by a small vehicle. As such, subject to an appropriate worded condition, it is not considered that the residential amenity of neighbouring occupiers will be adversely affected by the proposal.

5.22 The planning statement submitted with the application states that a planning application for any necessary plant will be submitted in due course. Regardless of whether planning permission is required for any plant, any associated noise is governed by condition 23 on the outline consent for Lyde Green, which states that plant and machinery shall not exceed background noise levels at any time.

5.23 Given the local centre location, and convenience nature of the store, it is understood that there will be a functional requirement for it to open early and close late on all days of the week. Weight is given to the fact that the hours of opening of retail stores are not specified in the outline consent; and the

Council's Environmental Protection Officer has raised no objections in respect of opening times. It is therefore, not considered necessary to restrict hours of opening of the store under this application, which could also potentially prejudice its viability and the vitality of the local centre. Hours of opening would; however, be considered under any trading licence required by the store. In addition, there is separate legislation under the Environmental Protection act 1990 (as amended) that enables statutory noise nuisances to be investigated and action taken against any person or company responsible if necessary.

5.24 Conservation

The proposed retail unit is located approximately 254 metres to the southwest of the grade II listed building Whitehouse Farm; and approximately 120 metres to the north of the grade II listed building Hallen Farmhouse. Given the level of separation and intervening development, there is no objection in respect to effect on the setting of these designated heritage assets.

5.25 Drainage

The Council's Drainage Officer has raised no objections to the proposal. Accordingly, it is considered that the proposal accords with the approved site wide drainage strategy for Lyde Green and will achieve an adequate means of drainage.

5.26 Further Matters

It is considered that the consultation process has been carried out in accordance with the Council's Statement of Community Involvement SPD.

5.27 Matters relating to potential damage to the access road and community centre car park and the method of covering any maintenance costs/repairs is outside the scope of this reserved matters application. Given that the plans submitted demonstrate adequate levels of parking and manoeuvring within the site, it is not considered likely that there will be issues in respect of blocking the entrance to the community centre car park. This is however, a civil matter outside the scope of this application.

5.28 The Lyde Green Community Association has requested that the applicant attends a quarterly Lyde Green Partnership Meeting where members of the community get together to discuss and resolve issues. An informative note is considered appropriate to inform and encourage the applicant to engage with the Lyde Green Community Association regarding this matter.

5.29 Consideration of likely impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities. Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers. The Local Planning Authority is statutorily required to apply the Equality Duty to its decision taking.



With regards to the Duty, the development contained within this planning application is considered to have a neutral impact as equality matters have duly been considered in planning policy.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant consent has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 Reserved matters consent is GRANTED subject to the following conditions.

**Contact Officer: Jonathan Ryan**  
**Tel. No. 01454 863538**

## **CONDITIONS**

1. The off-street parking facilities (for all vehicles, including cycles) shown on the plans hereby approved shall be provided before the first use of the convenience store hereby approved, and thereafter retained for that purpose.

Reason

In the interests of the amenities of the area and highway safety and to accord with Policy PSP11 of the South Gloucestershire Local Plan Policies Sites and Places Plan Adopted November 2017; and Policy CS8 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

2. The turning and service area shall be marked out on site in accordance with the approved plans prior to the first use of the convenience store hereby approved. The turning area shall be kept clear at all times for the manoeuvring of service vehicles.

Reason

In the interests of the amenities of the area and highway safety and to accord with Policy PSP11 of the South Gloucestershire Local Plan Policies Sites and Places Plan Adopted November 2017; and Policy CS8 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

3. Prior to the construction of the development above Damp Proof Course (DPC) level samples of all external facing materials shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason

To ensure an adequate standard of external appearance and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

4. Prior to the construction of development above Damp Proof Course (DPC) level, a sample panel of the render indicating colours and texture, shall be erected on site and approved in writing by the Local Planning Authority. The approved sample panel shall be kept on site for reference until the development is complete. Development shall be carried out in accordance with the agreed sample.

Reason

To ensure an adequate standard of external appearance and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

5. All hard and soft landscape works shall be carried out in accordance with the details hereby approved. The works shall be carried out in the first planting season prior to the first use of the convenience store hereby approved.

Reason

In the interests of the character and visual amenity of the area and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

6. Any planting shown on the landscaping scheme hereby approved, which die, are removed, are damaged or become diseased within 5 years of the completion of the approved landscaping scheme shall be replaced by the end of the next planting season. Replacement planting shall be of the same size, location and species as those lost.

Reason

In the interests of the character and visual amenity of the area and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

7. The CCTV hereby approved shall be erected in accordance with the approved details and be operational prior to the first use of the convenience store hereby approved and retained and maintained at all times thereafter.

Reason

To provide an adequately secure design in the interests of crime prevention and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

8. Notwithstanding the details received, prior to the first use of the convenience store hereby approved an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details prior to the first use of the convenience store.

Reason

To provide an adequately secure design in the interests of crime prevention and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

9. Save for the delivery of newspapers, no deliveries shall be taken at or despatched from the site, or delivery vehicles loaded/unloaded, outside the hours of 6:00am and 11:00pm.  
All deliveries are to strictly comply with the following rules:
- (a) All engines to be switched off as soon as vehicles are parked at the unloading dock;
  - (b) Whilst vehicles remain stationary in the service yard, no engines are to be left idling for more than 30 seconds;
  - (c) Delivery vehicle cab radios to be switched off upon entry to the site;
  - (d) All delivery vehicles to be driven in as quiet a manner as possible, avoiding unnecessary engine revving;
  - (e) Staff to be instructed to work quietly when outside the store or in the service yard;
  - (f) The ground surface of the delivery area be smooth, to reduce potential noise from roll cages.

Reason

To reduce the impact on the residential amenity of neighbouring occupiers close by in respect of noise and vibration and to accord with policies PSP8 and PSP21 of the South Gloucestershire Local Plan Policies Sites and Places Plan Adopted November 2017.

10. All doors and windows shall be designed to PAS24:2016 standard and ground floor windows shall incorporate glass tested to BS EN 356:2000.

Reason

To provide an adequately secure design in the interests of crime prevention and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

11. Notwithstanding the details submitted the retaining wall opposite Thistle Close shall be finished in brick rather than render. A revised plan and sample of the brick shall be submitted to and agreed in writing by the Local Planning Authority before the construction of the retaining wall. The development shall be carried out in accordance with the agreed details.

Reason

To ensure an adequate standard of external appearance and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

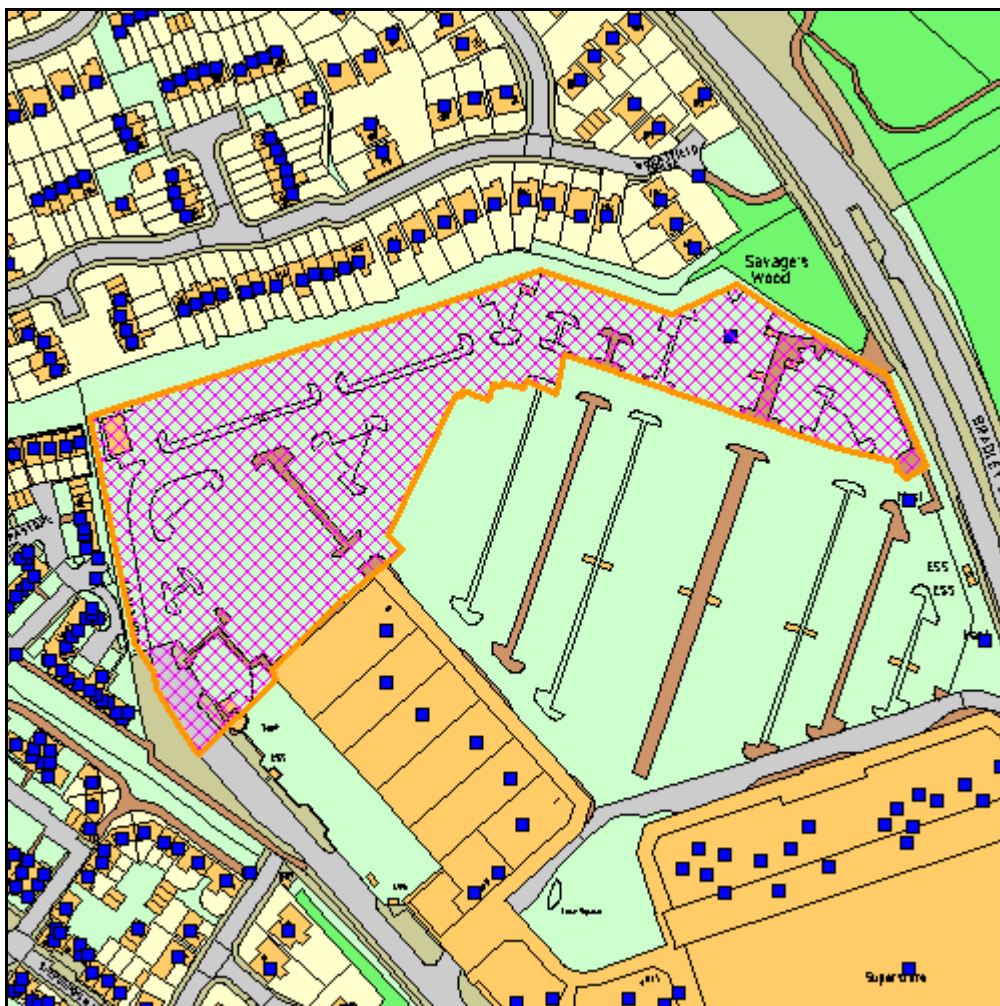
12. Prior to the first use of the store hereby approved, details, including the siting and design, of a litter bin at the site shall be submitted to and agreed in writing by the Local Planning Authority. The litter bin shall be provided in accordance with the agreed details prior to the first use of the store.

Reason

In the interests of the character and appearance of the area and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) November 2013.

**CIRCULATED SCHEDULE NO. 01/19 – 04 JANUARY 2019**

<b>App No.:</b>	PT18/1491/O	<b>Applicant:</b>	The Brookmaker Ltd Partnership
<b>Site:</b>	Willow Brook Centre Savages Wood Road Bradley Stoke South Gloucestershire BS32 8BS	<b>Date Reg:</b>	5th April 2018
<b>Proposal:</b>	Hybrid planning application seeking full planning permission for the erection of 2 no. food and drink units each incorporating a drive-through and outline planning permission to extend the existing retail terrace to provide 2 no. retail units (including mezzanine) and rearrangement of existing car park. (Outline) Access, layout and scale to be determined, all other matters reserved	<b>Parish:</b>	Bradley Stoke Town Council
<b>Map Ref:</b>	362020 182011	<b>Ward:</b>	Bradley Stoke Central And Stoke Lodge
<b>Application Category:</b>	Major	<b>Target Date:</b>	27th June 2018



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 100023410, 2008. N.T.S. PT18/1491/O

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

### **Reason for Referring to the Circulated Schedule**

This application has been referred to the Circulated Schedule following the receipt of an objection from Bradley Stoke Town Council and more than three representations from local residents; all of which raise concerns that are contrary to the officer recommendation.

## **1. THE PROPOSAL**

- 1.1 The proposal relates to land within The Willowbrook Centre, which is the main retail centre located within Bradley Stoke Town Centre as defined by the PSP Policies Map. The centre has a large Tesco store with ground floor retail and service units along a covered mall, with office space above. External to this is a town square with catering outlets and a row of large format retail stores.
- 1.2 For the purposes of policies CS14 and PSP31 the Town Centre boundary includes a defined primary shopping area, based on the existing shops, an immediately adjacent area for future A1 growth, and a wider Town Centre boundary, which includes the Leisure centre and principal car parks.
- 1.3 The application is a hybrid in that it seeks to secure:
  - a. Full planning permission for the erection of two food and drink units (McDonalds and Starbucks) each incorporating drive-through facilities.
  - b. Outline consent with access, layout and scale determined, all other matters reserved; for an extension to the existing retail terrace to provide two further A1 retail units.
- 1.4 It is intended to split the development into three phases. The first phase relates to the erection of the food and drink units. The second phase comprises the erection of the A1 retail units and car park rearrangement. The third phase would be the insertion of the retail mezzanines dependant on end-occupier demand.
- 1.5 The application was the subject of a pre-application enquiry and is supported by the following documents:
  - Design & Access Statement
  - Flood Risk Assessment
  - Transport Assessment
  - Geo-Environmental and Geotechnical Desk Study
  - Landscape Strategy
  - Noise Impact Assessment
  - Planning Statement incorporating a Statement of Community Involvement.
  - Drainage Strategy
  - Energy Statement
  - Public Utility Design Report

- Ecological Impact Assessment
- Travel Plan
- Night Time Noise Emissions Impact Assessment

## 2. **POLICY CONTEXT**

### 2.1 National Guidance

The National Planning Policy Framework July 2018  
The Planning Practice Guidance 2014

### 2.2 Development Plans

The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013

CS1 - High Quality Design

CS4A – Presumption in Favour of Sustainable Development

CS5 - Location of Development

CS8 - Accessibility

CS14 - Town Centres and Retail

The South Gloucestershire Local Plan : Policies, Sites & Places Plan (Adopted) Nov. 2017

PSP1 - Local Distinctiveness

PSP2 - Landscape

PSP6 - Onsite renewable and Low Carbon Energy

PSP8 - Residential Amenity

PSP11 - Development Related Transport Impact Management

PSP16 - Parking Standards

PSP20 - Flood Risk, Surface Water and Watercourses

PSP21 - Environmental Pollution and Impacts

PSP31 - Town Centre Uses

PSP33 - Shopping Frontages

PSP35 - Food and Drink Uses (including drive through takeaway facilities).

### 2.3 Supplementary Planning Guidance

The South Gloucestershire Design Check List (SPD) Adopted Aug 2007.

The South Gloucestershire Council Waste Collection: guidance for new developments (SPD) Adopted Jan. 2015

Trees on Development Sites SPG Adopted Nov 2005

Planning and Noise Specific Guidance Note 1 March 2015

## 3. **RELEVANT PLANNING HISTORY**

The Willow Brook Centre has an extensive planning history. The most relevant planning applications are set out below:

- 3.1 PT13/2281/F - Installation of a customer collection pod with canopy. (Re-submission of PT13/0939/F).  
Approved 23<sup>rd</sup> August 2013

- 3.2 PT15/2243/F - Installation of mezzanine floor at Pets At Home, Unit 5 Willow Brook Centre.  
Approved with Conditions July 2015.
- 3.3 PT12/1142/F - Change of use of land from car parking to hand car wash and valeting area (Class Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) to include erection of canopy and 1 no. cabin with associated works.  
Approved with Conditions May 2012.
- 3.4 PT11/2490/F - Installation of mezzanine floor at Unit 3 Willow Brook Centre.  
Approved with Conditions September 2011.
- 3.5 PT10/3271/F - Change of use of vacant garage (Sui Generis) to hot food takeaway (Class A5) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Installation of shop front and extract duct and compressors to rear.  
The application was refused in February 2011 for the following two reasons:
- 1. The subject building is located in an isolated position away from the main retail shopping frontage associated with Bradley Stoke Town Centre (Willow Brook Centre). The proposed hot food takeaway would introduce new retail frontage and activity into an area of the town centre that would not adequately cater for such activity in respect of visual amenity and vitality. The proposed retail use would therefore jar with the character of the town centre and the underlying vision for the town centre. The proposed development is therefore contrary to Policy RT1 of the South Gloucestershire Local Plan (adopted) January 2006 and would undermine the principles of Policy RT4 of the South Gloucestershire Local Plan (adopted) January 2006.*
- 2. The subject building is located in close proximity to existing residential dwellings on The Pasture and Dewfalls Drive. The proposed change of use of the subject building would introduce new activity that would exceed the current low level of activity from this building. The cumulative impact of the activities associated with the proposed use as a hot food takeaway would have a detrimental impact upon the residential amenity of the occupants of nearby dwellings and as such the proposed development is contrary to Policy RT1 of the South Gloucestershire Local Plan (adopted) January 2006.*
- 3.6 PT10/1877/F - Installation of mezzanine floor and provision of fire exit/office entrance door (in accordance with amended plans received on 4 October 2010) at Unit 1 Willow Brook Centre.  
Approved with Conditions October 2010.
- 3.7 PT10/0131/F - Installation of air conditioning and erection of mezzanine floor on first floor within existing retail unit at Unit 4 Willow Brook Centre. Approved with Conditions April 2010.
- 3.8 PT05/1949/F – Demolition of existing buildings to facilitate mixed use development to include retail, leisure, community facilities, bus station, petrol filling station, car parking.



Approved with Conditions October 2007.

#### 4. **CONSULTATION RESPONSES**

##### 4.1 Bradley Stoke Town Council

Bradley Stoke Town Council objects to this planning application on the following grounds: increase in traffic levels, highways and transportation issues, environmental concerns relating to noise and lights plus the impact on local houses.

##### 4.2 Other Consultees

###### Avon & Somerset Police Crime Prevention Officer

No objections subject to the following comments:

Sections 58 and 69 of the National Planning Policy Framework March 2012 both require crime and disorder and fear of crime to be considered in the design stage of a development.

1. There are concerns with the point where there is a pedestrian entrance to the North east of the site. This path enters behind the proposed McDonalds. The building means there is a lack of natural surveillance in the area and it also blocks the view of the nearby CCTV cameras. It is advised that the applicants consider adding additional CCTV cameras to their system in order to cover the vicinity.

2. At the front entrance to the McDonalds is shown a fence to protect the users from the vehicular traffic. From experiences at other locations this design has been found to be problematic. Other restaurants have placed additional seating in this vicinity, the narrow gap causes conflict between people hanging around on the seating and other customers requiring to get in the door. It is advisable that no seating be allowed in this area.

3. The Phase 2 alterations to the car park should be considered in relation to the existing coverage of the site CCTV system. It is advised that the applicants review their whole CCTV Operational Requirement.

###### Ecology Officer

There is no ecological objection to this application. The boundary vegetation was identified as being the most important to wildlife and would be protected throughout construction. Conditions relating to the following should be imposed on any approval:

- Construction Environmental Management Plan (CEMP: Biodiversity).
- A Habitat Management Plan (HMP).
- Lighting design strategy for bio-diversity.

Landscape Officer

In the event of consent being felt to be acceptable, a landscape scheme would be expected to comply with the relevant SGC planning policies related to landscape and the landscape strategy for the Patchway, Filton and the Stokes landscape character area [LCA 15 of the South Gloucestershire Landscape Character Assessment (adopted Nov 2014)].

Lead Local Flood Authority

No objection in principle subject to a condition to secure a SUDS drainage scheme.

Environmental Policy Officer

No objection

Wessex Water

No comment

Tree Officer

No objection subject to a condition to secure an Arboricultural Method Statement for Phase 1.

Avon Fire and Rescue

No response

Arts and Development Officer

No response

Avon Wildlife Trust

No response

Transportation Officer

No objection subject to conditions to secure:

- A revised Framework Travel Plan;
- Implementation of the revised car park layout prior to phase 2;
- Submission and approval of a Construction Environmental Management Plan (CEMP) prior to each phase of the development.

Environmental Protection

No objection subject to the following conditions relating to the full application:

Operations and deliveries to Phase 1 of the application (drive thru units) should not take place outside the following hours:

The Western Unit (Starbucks) 06:00 hrs to 23:00 hrs Monday to Sunday

The Eastern Unit (McDonalds) 06:00 hrs to 00:00 hrs Sunday to Thursday and 06:00 hrs to 01:00 hrs Friday to Saturday

The rating noise level from plant associated with the development shall not exceed the pre-existing LA90 Background level when measured and assessed in accordance with the British Standard BS4142 as amended.

## **Other Representations**

### 4.3 Local Residents

143 letters/e-mails of objection have been received from local residents; the concerns raised can be summarised as follows:

- The food & drink units would be too close to residential properties.
- Increased noise from the cars, delivery vans and tannoy system.
- Increased litter.
- Increased traffic congestion.
- Increased number of fast food outlets; already a Costa, Subway, KFC, Dominoes and Greggs in the Town Centre.
- There are 3 McDonald's drive-thrus within a 3 mile radius of the site.
- Overbearing impact (2 storey building).
- Increased pollution and food smells.
- Increased anti-social behaviour.
- Phase 2 – loss of parking.
- Increased light pollution from advertisements.
- Adverse impact on wildlife.
- There are existing vacant units.
- Contrary to Policy PSP1 – impact on woodland.
- Contrary to Policy PSP8 – adverse impact on residential amenity – no high fence.
- Starbucks will be 4-8m away from the residential properties, not 22m as stated.
- Loss of privacy due to overlooking of gardens.
- Contrary to PSP31 – Town Centre uses.
- There are 5 schools in close proximity i.e. Wheatfield Primary, Meadowbank Primary, Bradley Stoke Primary, Bowsland Green Primary, BSCS Secondary.
- Trees protected by TPO adversely affected.
- Adverse impact on Bats.
- Adverse impact on pedestrian safety.
- Noise and disturbance from extraction units.
- Application PT10/3271/F for an A5 use was refused.
- Fails the sequential test.
- The large fence adjacent to Wheatfield Drive referred to, doesn't exist.
- Increased Vermin
- Contrary to Bristol City Council 'Planning a Healthier Bristol' (Advisory Note'.
- Inadequate and dangerous access.
- Adverse impact on wildlife conservation area.
- Adverse impact on property values.
- Tesco's had to be re-located away from Wheatfield Drive.
- Contrary to Council's Mission Statement.
- Re-routing of road too close to the gardens of Dewfalls Drive.

- Where will the existing car wash re-locate to?
- Contrary to Core Strategy Policy CS25.
- Increased parking in neighbouring roads.
- Unsociable hours of opening.
- The Night Time Noise Assessment is flawed – noise will increase.

A petition has also been submitted containing 45 signatures of local residents who object to the proposal. The concerns raised are summarised as follows:

- Increased pollution.
- Increased litter.
- Increased obesity in children.
- Proximity of schools.
- Other fast food outlets locally.
- Noise from traffic.
- Decrease in car parking provision.
- Increased traffic congestion.
- Will adversely affect the character and quality of the Town Centre.

In addition to the above objections, 6no letters/e.mails of support have been received. The points in favour are summarised as follows:

- Coffee facilities in the area are limited, a Starbucks would be appreciated.
- Would be contrary to trend for retail sales to degrade.
- By bringing stores closer, traffic would ease.
- Increased job creation.
- There is already excellent security and cleaning at the Town Centre.
- The pubs open late so there would be no increased noise disturbance.
- Increased tax revenue.
- Increased consumer choice.
- The use by children can be managed.
- Adults should have a choice.
- No real difference to the existing KFC in the Town Centre.
- There is a need to attract big name operators to the Town Centre.
- The schools can control the students.

## **5. ANALYSIS OF PROPOSAL**

### **Principle of Development**

- 5.1 Paragraph 2 of the NPPF requires (in accordance with Section 38(6) of the Planning and Compulsory Purchase Act (2004) and Section 70(2) of the Town and Country Planning Act 1990), that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.2 The Development Plan consists of the South Gloucestershire Core Strategy (2006-2027) and the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted Nov 2017).

5.3 The National Planning Policy Framework (NPPF) sets out the Government's vision for future growth and introduces at para 10 a '*presumption in favour of sustainable development*'. For decision taking this means at para.11 *inter alia*:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole.

5.4 Paragraph 8 provides the three overarching objectives of sustainable development, which are:

- **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

5.5 Chapter 6 of the NPPF promotes support for building a strong, competitive economy. More specifically Chapter 7 seeks to ensure the vitality of town centres, stating at para. 85 that:

"Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaption. Planning policies should (*inter alia*):

- a) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a

suitable mix of uses (including housing) and reflects their distinctive characters;

- 5.6 The Framework paras 86 and 87 sets out a sequential test to guide main town centre uses towards town centre locations first, then if no town centre locations are available, to edge of centre locations, and, if neither town centre locations nor edge of centre locations are available, to out of town centre locations. It should be noted at this point that the NPPF glossary of terms defines main town centre uses and includes both **retail development and drive-through restaurants**. Both elements of this proposal therefore meet the sequential test and would support sustainable economic growth of an existing town centre and as such are acceptable in principle; this was acknowledged by the LPA at pre-application stage.

For the purposes of this hybrid application, this report will consider each element separately, taking the Outline application first.

## **6. EXTENSION TO RETAIL TERRACE (Development b – Phases 2 & 3)**

- 6.1 This element of the application seeks outline planning permission (with access, layout and scale to be determined) for the erection of an extension to the existing retail terrace to provide 2no. additional units (with mezzanine floors) i.e. the second and third phases of the overall development; and the associated rearrangement of the car park. All matters of landscaping and the appearance of the units would be the subject of a subsequent reserved matters application, should outline consent be forthcoming. The units would provide 3,086 sq.m. of retail floor-space within use Class A1. For ease of reference, officers will refer to this development as **Development b**.
- 6.2 The extension would be to the north of the existing retail terrace (Class A1) adjoining the unit formerly occupied by 'Poundworld' (now vacant) and would provide 3,086sqm of additional retail floor space. The site lies within the Bradley Stoke Primary Shopping Area within which, policy PSP31 confirms that large scale retail proposals are acceptable and identifies a need to 2021 of 4000sq.m. additional retail floor space. Whilst the application seeks no restriction on opening hours it is envisaged that the opening hours of the retail units would be 08.00hrs–20.00hrs Mon to Sat and 10.00hrs-16.00hrs Sun depending on the end user.
- 6.3 As an outline application, only the principle of the development may be considered as well as specific consideration of the access, layout and scale of the development.
- 6.4 Policy CS14 seeks to consolidate the Town Centres and in doing so enhance the vitality and viability of existing centres such as Bradley Stoke. Policy PSP31 para. 12 lists the general assessment criteria for all main town centre uses, including retail, against which development proposals are to be assessed. Such developments are expected to:
- i. positively respond to any centre specific health check or locally prepared and endorsed vision (see also CS1 criteria 4); and

- ii. be in proportion to the role and function of the location; and
- iii. ensure any shopfront(s), sign(s) or advertisement(s), are of a scale, detail, siting and type of illumination appropriate to the character of the host building, wider street scene and avoids a harmful effect on amenity of the surrounding area; and
- iv. have convenient, safe and attractive access to and from surrounding residential areas for pedestrians and cyclists; and
- v. have appropriate provision for parking and servicing; and
- vi. not give rise to unacceptable levels of vehicular traffic to the detriment of the amenities of the surrounding area and highway safety; and
- vii. where possible and viable include and make positive use of upper floors; and
- viii. demonstrate a positive contribution towards the public realm and non-car circulation; and
- ix. be well served by public transport.

#### Scale and Design

- 6.5 The A1 retail extension would merely continue the existing scale and form of the existing terrace. The development would closely reflect the existing façade and maintain the same layout principles as the existing units, with the existing footpath and pedestrian access route continued along the front elevation. At this outline stage, the appearance of the development is to be determined as a reserved matter, so the design of the elevations as shown on the submitted drawings is indicative only. However, it is expected that the design of the existing retail terrace would be replicated. Any advertisements or signs would be the subject of a separate application for advertisement consent. In as much as can be determined at this outline stage, officers are satisfied that the proposal is acceptable in terms of scale and design and would integrate adequately within the existing built form of the Town Centre.

#### Transportation Issues

- 6.6 The Willow Brook Centre has a primary vehicular access to the south-west of the site. This access leads to a primary route that loops round the car park and back to the primary access point, which allows for easy navigation of the large car park. In terms of pedestrian traffic, the primary access points are to the north-east of the site from Bradley Stoke Way and through the Retail Centre Square to the south of the site. These lead to routes through the site as well as across the site to the existing retail units.
- 6.7 The extension of the A1 retail units and reconfiguration of the car park would provide a minimum of 25 new cycle spaces within the car park near to the new extension. An additional crossing would also be introduced to allow for safe pedestrian access to the cycle parking.
- 6.8 During the building of Phase 2 it is proposed that the car park would be reconfigured to reduce the loss of parking and to maintain the parking numbers above the predicted maximum capacity. These changes maintain the primary circulation route around the car park as well as the turning lane to the northern edge of the main car park access. This reconfiguration maintains the same number of motorcycle parking spaces.

- 6.9 Phase 2 provides an extension to the existing delivery yard to the rear of the A1 retail units. This would allow for delivery access to the newly proposed units in the same way as the existing units, without the need for additional delivery vehicles to enter the car park. Refuse & recycling collection vehicles can access the service yard for collection.
- 6.10 In terms of public transport The Willow Brook Centre is well connected within the local public transport system, with its own bus stop with a designated bus lane entrance off Bradley Stoke Way. The Centre is also on the new Bristol Metrobus North Fringe Route.
- 6.11 The application has had the benefit of pre-application discussions with the Local Planning Authority (LPA), which have informed the information submitted within the Transportation Assessment. The proposed retail units would be constructed on areas that are currently used as part of the town centre car park. Phase 2 however includes the re-configuration of the car park so that this element of the scheme would not result in the net loss of any spaces. Furthermore, there is to be imposed a 4-hour waiting limit within the car park (except staff who would be exempt).
- 6.12 Traffic surveys have been carried out to assess the existing highway conditions, including junction capacity assessments, which demonstrate that the local junctions and site access would operate within capacity following the proposed development. The analysis shows that the new retail units would be unlikely to attract significant levels of new trips. The maximum increase in demand shows an additional 14 vehicles on Fridays, 31 on Saturday and 35 on Sunday.
- 6.13 The construction of the A1 retail units would have the greatest impact upon the car parking on the site, in that this area is currently occupied by an area identified for staff car parking. Although it is recognised that the applicant has identified savings formed by re-organising the car park, to mitigate the loss of parking in this location, these additional car parking spaces would need to be available prior to construction of the A1 retail unit; this can be secured by condition.
- 6.14 The applicants have provided a Framework Travel Plan, which they say is to apply to the proposed employees of the new units (retail and food) only - yet the existing car parking area for all employees is to be removed, which would not be a very good model for improving the sustainability of the site.
- 6.15 In its current form the Framework Travel Plan in reality does not provide any incentive for existing or proposed employees at the Town Centre to do anything other than travel to work by car. Whilst officers accept that it would be hard from a planning perspective to require all the employers on the site to sign up to the Travel Plan, it is not acceptable in its current format and needs additional detail in relation to monitoring, modal split targets and intervention methods in the event that modal split targets are not met. The applicant will also need to show how the Travel Plan is to be progressed across the site, particularly given the statement that the staff will be exempt from the 4hr parking restriction, especially when there is good public transport in the vicinity; further work and



detail is needed for the framework travel plan to be acceptable. These matters can however be addressed by an appropriately worded condition.

- 6.16 A further condition is considered justified to secure the submission and approval of a Construction Environmental Management Plan (CEMP) prior to the commencement of the development.
- 6.17 Subject to the aforementioned conditions there are no transportation objections to the retail phases 2 & 3 of the overall development.

#### Impact on Residential Amenity

- 6.18 The proposed retail units would be confined within the Town Centre and would be enclosed by the parking areas and service yard, beyond which loops the access road. The nearest residential properties lie to the west but the proposed retail units are considered to be sufficiently distant i.e. minimum of 50 metres, as to have any adverse impact on the residential amenities of these properties. Whilst the application proposes no restriction on the opening hours of the A1 units, it is envisaged that the likely opening hours of the units would be 08.00hrs–20.00hrs Mon to Sat, and 10.00hrs-16.00hrs Sun, which would be commensurate with existing retail units within the Shopping Frontage, although it is noted that Tesco is open 24 hours. Officers have noted that the vast majority of the objections to the application as a whole relate to Phase 1 i.e. the drive-thru restaurant units.

#### Landscape & Tree Issues

- 6.19 No existing trees would be affected by Phases 2 or 3 (i.e. Development b) of the development. The Phase 2/3 application is outline only and landscape design is reserved at this stage. However the proposed landscape approach to the A1 retail extension would be to reflect the existing hard surface landscaping to provide a seamless extension of the existing public realm.

#### Ecology

- 6.20 An Ecological Impact Assessment has been submitted in support of this application. Key areas of habitat were identified on the northern boundary of the site and outside the site at Savages Wood, east of Bradley Stoke Way. Both phases 1 & 2 of the proposal run along the northern boundary of the site that is considered to offer the highest (of what little ecological interest) is present. The CEMP, as recommended by the Ecological Impact Assessment (EclA) that the applicant has commissioned and submitted, must apply to any phases of the hybrid application that meet this boundary to ensure there is no residual negative impact on the ecological features present, in line with the NPPF. The EclA also recommends a lighting strategy to prevent any negative impacts on bats that may use the northern boundary; again, this involves both phases of the development. Whilst development b would have little impact on the ecology of the site, the ecological conditions referred to in para. 4.2 above are still considered justified.

#### Drainage and Environmental Issues

- 6.21 The site lies within Flood Zone 1 and is not prone to flooding. The Council's Drainage Engineer raises no objection subject to a condition to secure a SUDS Drainage Scheme. The site is previously developed and is not prone to

subsidence; neither has it been the subject of past Coal Mining. There would inevitably be some disturbance during the construction phase but the hours of working can be appropriately controlled by condition. The proposed A1 Retail Units are not considered to be a significant generator of noise or light pollution.

#### Sustainability

- 6.22 In accordance with Policy PSP6 the development has been designed to minimise end user energy requirements over and above building regulations. The buildings are designed and orientated to maximise solar access whilst avoiding overheating. This highly energy efficient building envelope would ensure that the proposed units achieve and exceed compliance with Part L 2013 of the Building Regulations, when completed and fitted-out by the tenants.

#### Location of the Building, Vitality and Viability

- 6.23 Although now implemented, Policy RT4 of the now superseded South Gloucestershire Local Plan, informed the vision for what was then the new town centre at Bradley Stoke. In particular, the policy ensured that the new town centre would properly integrate with adjoining uses in terms of layout, design, external appearance and access. Core Strategy Policy CS14 is consistent with this approach and Policy PSP31 is now the principal tool in considering new retail development in the town centre.

- 6.24 The A1 retail uses proposed are acceptable within the Town Centre and the location of the building is appropriate. The Willow Brook Centre provides a broad range of shopping and service facilities, to which the proposal would provide variety and increased employment opportunities. Whilst the end user is not yet known, it is likely that the additional units would enhance both the vitality and viability of the Centre.

#### Conclusion

- 6.25 Having considered the above, officers have no objection to Development b. i.e. phases 2 & 3 of the overall proposal, subject to the conditions referred to in the preceding paragraphs.

#### **DRIVE-THRU FOOD & DRINK UNITS (Development a – Phase 1)**

- 6.24 This element of the application seeks a full planning consent for the erection of two food and drink units (McDonalds and Starbucks) each incorporating 24 hour drive-through facilities and forms Phase 1 of the overall development. For ease of reference officers will refer to this development as **Development a**.
- 6.25 The McDonalds restaurant would fall within Use Class A3/A5 (floor area 542 sq.m.). The Starbucks coffee shop would fall within Use Class A1/A3 (floor area 167 sq.m.). The proposed Starbucks is expected to employ the equivalent of 20 full-time employees. The McDonalds restaurant is expected to employ more than 65 full and part-time staff, primarily from the local area.

- 6.26 The proposed uses would be located within the defined Bradley Stoke Town Centre and are identified within the NPPF as 'main town centre uses'. As such, Policies CS14 and PSP31 apply equally to Developments a. and b. (see para 6.4 above).

#### Scale and Design

- 6.27 The two units would be located toward the north of the Willow Brook Centre car park, on land which is currently used for parking and a hand car wash. The larger of the two units would be located to the east adjacent to Bradley Stoke Way. This unit would have a floor area of 542 sq.m. split over two floors and would be occupied by McDonalds (Use Class A3 – Restaurant and Café/A5 – Hot Food Takeaway). The western unit would be a single-storey unit occupied by Starbucks and has a floor area of 167 sq.m. (Use Class A1 – shops/A3 – Restaurant and Café). It is intended that the car wash would be re-located but this would be the subject of a separate planning application at some time in the future, which would be determined on its individual merits at that time.
- 6.28 Concerns have been raised about the proposed location of the units with regard to their lack of close proximity to and divorced relationship with, the main shopping area within the town centre. Reference has also been made to application PT10/3271/F which proposed the change of use of a vacant garage to a hot food takeaway. The application was refused in part on the grounds of its isolated position.
- 6.29 Officers note however that, the building the subject of PT10/3271/F was located in a very isolated position in the far north-western corner of the car parking area, in very close proximity to residential dwellings and with poor pedestrian links to the main shopping area. The original building was designed to meet the operational needs of the Willowbrook Centre and as such had a secondary function. The principle design concept relating to the Willowbrook Centre, was to concentrate retail and allied uses around the Town Square and within the retail units facing and enclosing the eastern part of the car parking area.
- 6.30 The location of the proposed drive-thru units may not be ideal but is to some extent, dictated by the operational demands of the facility, rather similar to the existing car wash and 'click & collect' facility (located on the northern perimeter of the site), with access directly off the car park and pedestrian links maintained and enhanced. Officers consider that the scale and design of the proposed buildings to be fairly standard for such uses, similar to many such McDonalds and Starbucks facilities to be found throughout the country. The scheme would not be disproportionate to the role and function of the Town Centre.
- 6.31 The modern contemporary designs would not look out of place within the Centre, as evidenced by the submitted Design and Access Statement. Furthermore the buildings exhibit a high degree of sustainability.
- 6.32 Whilst the scheme would introduce an active frontage that is somewhat divorced from the main shopping areas, officers consider that any harm to the character and appearance of the Town Centre would not be significant. On balance therefore the scale and design of the Phase 1 (development a) units is acceptable.

### Transportation Issues

- 6.33 The construction on the car park of the McDonald's and Starbuck drive-thru units on their own, is unlikely to have a materially significant impact upon the traffic flows in/out of the Town Centre, and whilst there would be an impact upon the car-parking at the Centre, the amount of car-parking available, based upon the accumulation surveys undertaken, would still have a surplus capacity. The surveys undertaken are based a few years apart, but they do correlate reasonably well with each other, as such there is no reason to doubt that they represent a true picture of what is happening within the car park Friday, Saturday and Sundays, which are the busiest days.
- 6.34 The construction of these units would result in a reduction in the available parking spaces on-site by reducing the size of the car park footprint to accommodate the new units and also that area taken over by the construction compound and traffic management associated with the new build. Whilst the majority of these 'off the shelf' units are relatively quick to put up, they would still require mitigation during the construction period, as such, in the event of an approval being granted, a condition would be imposed to secure the submission and approval of a Construction Environmental Management Plan prior to the commencement of work on site, with the works proceeding in accordance with the approved details. Subject to the aforementioned condition, there are no Transportation objections to Phase 1 of the overall development.

### Impact Upon Residential Amenity

- 6.35 A number of concerns have been raised by local residents about the possible adverse impact of the Phase 1 development on the amenities of those residents occupying the nearest residential dwellings. The properties most likely to be affected lie at the end of Wheatfield Drive, which is a residential cul-de-sac located to the north-west of the site; the closest dwelling being no. 197. Otherwise the site is bounded to the east by Bradley Stoke Way and Savages Wood beyond, with the Town Centre car park to the south and immediately west. Immediately north of the Phase 1 development site is a copse of trees and further established boundary vegetation.
- 6.36 The single-storey Starbucks unit would be closest to the dwellings being located approximately 25m from no. 197. The McDonalds unit with its 2-storey element would be over 80m to the south-east of this property. Given the distances between, and relative heights of the respective buildings, there would be no overbearing impact on no. 197 or the houses beyond. Furthermore, there would be no significant loss of privacy from the overlooking of neighbouring gardens, all of which are enclosed by 1.8m high close-board fences. Some overlooking of gardens in densely populated urban locations is inevitable but in this case, any overlooking, such as would occur, would be tempered by the distance between the respective buildings and the presence of the mature vegetation (which is to be retained) that acts as a screen. The fences and vegetation would also act as a barrier to noise and headlight glare.
- 6.37 In assessing the impact of the Phase 1 development on the living conditions of local residents, officers have taken note of the comments of the Council's Environmental Health Officer (EHO) and also the comments of the Planning Inspector in his Decision Letter for a recent appeal

(APP/Z01116/W/15/3131829) relating to a very similar scheme, for a McDonalds drive-thru, in a Town Centre location at Fishponds Road, Bristol.

Noise and Odour Mitigation

- 6.38 The applicant's planning statement confirms that McDonalds recognises the potential impact that noise and cooking odours can have on local amenity. McDonalds utilises an air extraction system that removes air borne grease and odours. The importance of minimising noise is emphasised to staff and an Environmental Manual and audit systems are used to manage noise in the longer term.
- 6.39 There is no substantive evidence to suggest that cooking odours could not be kept to an acceptable level by ventilation and extraction equipment, which have been successfully installed at other similar McDonalds restaurants near residential properties. The EHO raises no objection on this matter. A condition to secure the details of the ventilation systems to be used by both Starbucks and McDonalds as well as an Odour Management Plan, is however justified, as it was in the Fishponds decision.
- 6.40 With regards to noise, the applicants have submitted an Acoustic Report:

Ramboll, Willowbrook Centre Night-Time Noise Emissions Impact Assessment, Ref: 1620004368-RAM-XXX-RP-ACO-002, dated 8<sup>th</sup> Oct. 2018.

The report concluded that:

- Predicted ambient noise levels from the proposed restaurants at the Noise Sensitive Receptors (NSR) would be below existing noise levels by more than 10 dB;
- LA10 levels from the proposed restaurants at the NSR would be 4 dB below baseline background level LA90;
- Maximum noise levels LAFmax at the NSR would be on average 15 dB lower than baseline maximum levels.

Based on the above, it was considered that the proposed restaurants would not result in any significant night-time noise impacts.

- 6.41 The Council's EHO has agreed with the methodology and conclusions of the report. However, given the proximity of the proposed units to residential properties and having previously received complaints about noise from the car park, the EHO has recommended that the hours of use of the units be limited by condition as follows:

The western unit (Starbucks) 06:00 hrs to 23:00 hrs Mon – Sun

The eastern unit (McDonalds) 06:00 hrs to 00:00 Sunday to Thursday and 06:00 hrs to 01:00 hrs Fri to Sat.

However, given the findings of the Acoustic Report and that this is a town centre location with 24 hour opening already in place e.g. Tesco and the Fitness Unit, officers consider that the imposition of the suggested condition

would be difficult to substantiate, especially having regard to the tests for conditions set out in the NPPF para.55. which states that:

*“Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other aspects.”*

Officers are however proposing a condition to prevent outdoor seating, other than that shown on the plans, having regard to comments made by the Avon & Somerset Crime Prevention Officer.

- 6.42 Furthermore, the rating noise level from plant associated with the development would also be controlled by condition so as to not exceed the pre-existing LA90 Background level when measured and assessed in accordance with the British Standard BS4142 as amended.

#### Litter

- 6.43 Concerns have been expressed about the existing level of litter in and around Bradley Stoke Town Centre and how the proposal could potentially make matters worse. Officers during their site visits did not notice particularly high volumes of litter in the area; that is not to say that it hasn't been the case in the past.
- 6.44 The Inspector for the Fishponds appeal, noted that litter was not limited to the appeal proposal and that would also be the case here, there being several other fast food outlets already within the Willowbrook Centre. The Inspector also noted that the appellant identified that the staff carry out litter picks within a minimum distance of 150m from the site of a McDonalds outlet at least 3 times a day and also assists with wider community litter picks. That information has been reiterated in the current application.
- 6.45 Litter bins would be provided and a waste and litter management scheme would be put in place to limit any adverse impacts. Both McDonalds and Starbucks are committed to tackling litter in as many different ways as possible. As in the Fishponds appeal, officers are satisfied that a plan to include the management of litter, which would be enforced through a planning condition would, given the legal powers of enforcement in this respect, prevent any significant litter problems due to the proposal.

#### Anti-Social Behaviour

- 6.46 The Police Crime Prevention Officer has not highlighted any specific instances of anti-social behaviour at the Willowbrook Centre, despite local residents' having said they have been reported. The applicant has indicated in his Planning Statement that incidents of anti-social behaviour would be kept to a minimum through strategies such as staff training in dealing with incidents, liaison with community police officers and use of CCTV. The Crime Prevention Officer has advised additional CCTV and this can be secured by condition. The units have a high level of glazing which allows a good level of passive surveillance.

### Health and Well-Being

6.47 A good deal of concern has been raised by local residents, about the adverse impact on health that fast food outlets such as proposed, would have on the local population; especially young people given the proximity of schools to the site.

6.48 The Inspector for the Fishponds appeal in addressing these matters, noted in his Decision Letter at para.56:

*“Evidence has been referred to that connects obesity in children with the consumption of fast food, and shows that this is higher in areas of deprivation. However, there is nothing conclusive to show that the appeal proposal would result in any significant increase in obesity in the area of Fishponds, even though it has been recognised as an area of multiple deprivation.”*

The Inspector goes on to say in para. 57:

*“Whilst there is scope for developing the law, policies and guidance to try to reduce obesity levels, there are limited planning powers to prevent additional fast food outlets from being provided at appropriate locations on these grounds.”*

6.49 It has already been established that the proposed drive-thru units are appropriate to a Town Centre; furthermore Bradley Stoke is not a deprived area. Notwithstanding the Council’s Joint Health and Well Being Strategy; the application falls to be determined against the Development Plan and in this regard Policy PSP35 is key. This policy has only been recently adopted (Nov. 2017) as part of The South Gloucestershire Local Plan: Policies Sites and Places Plan, which was tested at Public Enquiry prior to adoption.

6.50 Policy PSP35 states that proposals for food and drink uses will be acceptable provided that, individually or cumulatively, any impact would not harm the character of the area, residential amenity and/or public safety. In assessing these matters the following should be taken into account:

- 1) a harmful concentration of food and drink uses would be created; and
- 2) the number, distribution and proximity of food and drink uses, hot food takeaways, including those with an unimplemented planning permission; and
- 3) noise, general disturbance, fumes, smells, litter and late night activity; and
- 4) the availability of parking and servicing; and
- 5) opening hours; and
- 6) highway safety; and
- 7) the availability of refuse storage and disposal facilities; and
- 8) the appearance of any associated extensions, flues and installations.

In addition to the above criteria, proposals for drive through takeaways will be expected to avoid any harm to the ease of pedestrian and cycle movement, general vehicular circulation and available parking spaces.

- 6.51 It is noted that Policy PSP35 does not specifically relate to public health or obesity concerns. Furthermore there is no National or Local Plan requirement for the applicant to submit a Health Impact Assessment for a development of this scale. The supporting text to Policy PSP35 notes at para 7.87 that in recent years, as town centres have diversified and consumer spending habits altered, there has been a noticeable increase in the number of pubs, restaurants and takeaways across the district. These uses are often beneficial to vibrancy, vitality and diversity of centres and parades, contributing to the evening economy, leisure offer of an area and also tourism. However these uses require careful management to prevent harmful impacts, especially where there are a concentration of food and drink uses.
- 6.52 The supporting text at para. 7.89 goes on to say that a harmful concentration is considered to arise when cumulative impacts of food and drink uses are likely to result in negative impacts on the amenity of a centre, parade or residential amenity of the wider community. A harmful concentration is likely to occur when any of the points 1 to 8 of Policy PSP35, have detrimental effects on the qualities and characteristics of a place. The point when a harmful concentration is reached will vary from place to place, depending on the character of the area and specific local circumstances.
- 6.53 In terms of cumulative impact, officers observed during their site visits that the Willowbrook Centre already accommodates a number of fast food outlets, these being: Domino's Pizza, Subway, Costa Coffee, Greggs and Kentucky Fried Chicken. It is acknowledged that both Starbucks and McDonalds would add to the cumulative impact of these outlets on the Town Centre, which to some degree weighs against the proposal.
- 6.54 It is noted that there are a number of schools in the vicinity of the Town Centre e.g. Wheatfield Primary, Meadowbank Primary, Bradley Stoke Primary, Bowsland Green Primary and BSCS Secondary. Whilst these schools are not immediately adjacent to the Town Centre, some pupils would no doubt walk to school past the proposed units. Officers did visit the Town Centre at 8.30 a.m. on a school-day but school children were not in evidence at any of the existing fast food outlets.
- 6.55 If individual schools have concerns about obesity and the consumption of fast food by their pupils, the school could impose their own controls on children visiting the Town Centre during school hours. It seems inconceivable that children of school age would use the drive-thru facilities.
- 6.56 The applicant's Planning Statement para. 5.26 states that McDonalds is committed to supporting its customers to make dietary choices that are right for them. The company has pursued a three-pronged approach to achieving this: reformulation, menu choice and the provision of nutrition information, and is the first company in its sector to embark on such a programme. The saturated fat content of cooking oil has been reduced by 82% and the average Happy Meal now contains 32% less sugar, 19% less saturated fat and 45% less salt than in 2000. The menu now includes porridge, deli sandwiches, bagels, fruit and carrot stick bags, salads, orange juice, Fruit Shoot drinks, mineral water and semi-skimmed organic milk.



- 6.57 On the issue of health and the promotion of healthy lifestyles, the Inspector for the Fishponds Appeal para. 63, noted that:

*“The appellant has demonstrated that McDonald’s provides clear information on calorie and nutritional value of its meal options, includes ‘healthy meal’ options, has taken steps to reduce salt, sugar and fat proportions in its food and drinks and supports healthy and active lifestyles for its employees and local football within the area of its stores, including in Bristol. Whilst concerns have been expressed that McDonald’s is a popular place for young people to congregate and that they are not very likely to choose ‘healthy options’, this is insufficient to robustly demonstrate that the appeal proposal would fail to comply with development plan policy.”*

- 6.58 Officers consider that the same reasoning must apply in the current proposal.

#### Vitality and Viability

- 6.59 The uses proposed are acceptable within the Town Centre. The Willow Brook Centre provides a broad range of shopping and service facilities, including a range of fast food outlets, to which the proposal would provide variety and increased employment opportunities. There are currently no drive-thru units within the Town Centre and the presence of leading brands such as Starbucks and McDonald’s would enhance vitality and viability. Consumer choice would be enhanced which is in the wider public interest; competition is not a valid planning reason to refuse planning permission.

#### Sustainability

- 6.60 Both drive-thru units are designed to allow future renewable energy generation through the installation of a photo voltaic panel array on the flat roof of the McDonalds unit or the low mono-pitch roof of the Starbucks unit. The buildings are designed to maximise solar access whilst also being well insulated.
- 6.61 The development would utilise low or zero carbon technologies. The McDonald’s unit would incorporate light sensor control and low energy LED lighting systems.
- 6.62 McDonalds Waste Management Strategy ensures that waste minimisation and re-cycling is promoted.

#### Landscape & Tree Issues

- 6.63 The application is supported by a Landscape Strategy and Landscape Plan. The existing soft landscaping is well maintained and planting on the northern and western sides forms a good buffer to Wheatfield Drive and Dewfalls Drive. The majority of the existing vegetation would be retained.
- 6.64 The Landscape Strategy is to provide a mix of hard and soft landscaping that is both functional and visually attractive, whilst providing visual separation and screening between the two units, creating an attractive pedestrian entrance from Bradley Stoke Way and reinforcing the green corridor/buffer to the north.

6.65 At the request of the Council's Tree Officer, the position of the McDonald's building has been revised to take account of the presence of an Ash tree to the north, which is protected by a Tree Preservation Order (TPO). An Arboricultural Method Statement for the drive-thru lane would be secured by condition. A number of low-grade car park trees would be lost as part of Phase 1 but the loss would be mitigated through the provision of new trees, details of which are set out on the Landscape Plan. An appropriate landscape condition could be imposed to secure this.

#### Ecology

6.66 An Ecological Impact Assessment has been submitted in support of this application. Key areas of habitat were identified on the northern boundary of the site and outside the site at Savages Wood, east of Bradley Stoke Way. Subject to conditions to secure the ecological matters listed at para. 4.2 above, the Council's Ecologist raises no objection to the proposal.

#### Drainage and Environmental Issues

6.67 The site lies within Flood Zone 1 and is not prone to flooding. The Council's Drainage Engineer raises no objection subject to a condition to secure a SUDS Drainage Scheme. The site is previously developed and is not prone to subsidence; neither has it been the subject of past Coal Mining. There would inevitably be some disturbance during the construction phase but the hours of working can be appropriately controlled by condition.

#### Conclusion

6.68 Having considered the above, officers have no in-principle objection to Development a. i.e. Phase 1 of the overall proposal, which, subject to the conditions referred to in the preceding paragraphs, is considered to adequately satisfy the criteria listed in Policy PSP35.

#### THE PLANNING BALANCE

6.69 Both developments are appropriate Main Town Centre Uses that would complement other Town Centre uses and would help to maintain viability and vitality of the Town Centre. Both developments would create employment opportunities equivalent to 20 full time employees in the Starbucks Unit and 65 full and part-time staff in the McDonald's unit, as well as employment in the A1 retail extension. There would be further benefits for local builders during the construction phases. The scheme constitutes development on a brownfield site in a sustainable location. Any concerns about the location of the drive-thru units regarding adverse impact on the character of the Town Centre and visual amenity or health implications of the cumulative impact of the fast food uses are considered to be outweighed by the advantages of the scheme. All other concerns would be mitigated by conditions.

6.70 The proposal would therefore be in general accordance with the Development Plan as a whole and would represent sustainable development in accordance with the NPPF.

#### Community Infrastructure Levy (CIL)

6.71 The South Gloucestershire Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide SPD was adopted March 2015. The introduction of

CIL charging commenced on 1st August 2015. In the event that a decision to approve this application is issued, the scheme would most likely be liable to CIL charging.

### Equalities

6.72 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

5.73 With regards to the above this planning application is considered to have neutral impact on equality.

## **6. CONCLUSION**

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

6.2 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

7.1 That planning permission be GRANTED subject to the respective planning conditions listed below.

**Conditions nos. 1 – 14 relate to the outline consent otherwise referred to a Development b or Phases 2 & 3. Conditions nos. 15 – 32 relate to the full planning permission otherwise referred to as Development a. or Phase 1.**

**Contact Officer: Roger Hemming**  
**Tel. No. 01454 863537**

## **CONDITIONS**

1. Approval of the details of the external appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

2. Plans and particulars of the reserved matters referred to in the condition above, relating to the external appearance of the buildings to be erected and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

5. The development hereby approved shall be carried out in accordance with the following approved plans:

Location Plan Drawing No. 7752\_PL\_001 received 26th March 2018

Existing Overall Site Plan Drawing No. 7752\_PL\_002 Rev A received 26th March 2018

Proposed Overall Site Plan Phase 2 Drawing No. 7752\_PL\_004 Rev B received 23rd Oct. 2018

Proposed Phasing Plan Drawing No. 7752\_PL\_005 Rev B received 23rd Oct. 2018

Rendered Proposed Masterplan Drawing No. 7752\_PL\_006 Rev B received 23rd Oct. 2018

Phase 2 Existing Roof Plan Drawing No. 7752\_PL\_201 received 26th March 2018

Phase 2 Non-Food Retail Existing Ground Floor Plan Drawing No. 7752\_PL\_202 received 26th March 2018

Phase 2 Non-Food Retail Roof Plan Drawing No. 7752\_PL\_203 Rev A received 18th Dec. 2018

Phase 2 Non-Food Retail Proposed Ground Floor Plan Drawing No. 7752\_PL\_204 Rev A received 26th March 2018

Phase 2 Non-Food Retail Existing Elevations Drawing No. 7752\_PL\_205 received 26th March 2018

Phase 2 Non-Food Retail Proposed Elevations Drawing No. 7752\_PL\_206 received 26th March 2018

Phase 2 Non-Food Retail Existing and Proposed Site Sections Drawing No. 7752\_PL\_207 received 26th March 2018

Below Ground Drainage Strategy no. 1620004386-RAM-XXX-RP-CIV-002 received 03rd April 2018

Reason

For the avoidance of doubt.

6. The hours of working on site during the period of construction shall be restricted to 07.30hrs to 18.00hrs Mon to Fri; and 08.00hrs to 13.00hrs Sat, and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policies PSP8 and PSP21 of The Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and the requirements of the NPPF.

7. Prior to the commencement of the construction of the retail units i.e. Phase 2, the revised car parking layout and servicing areas shall be completed in accordance with the approved Proposed Overall Site Plan Phase 2 Drawing No. 7752\_PL\_004 Rev B.

Reason

To ensure the satisfactory provision of car and cycle parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy PSP11 of The South Gloucestershire Local Plan Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec.2013 and the requirements of the NPPF. This is a prior to commencement condition to ensure adequate levels of parking are provided at all times.

8. Prior to the commencement of Phase 2 a (Transportation) Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by, the Local Planning Authority. Thereafter Phase 2 shall be carried out in accordance with the approved transportation CEMP.

Reason

In the interest of highway safety and the amenity of the area, and to accord with Policy PSP11 of The South Gloucestershire Local Plan Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec.2013 and the requirements of the NPPF. This is a prior to commencement condition to ensure that the entire development is carried out in an appropriate manner.

9. Notwithstanding the details already submitted, prior to the first occupation of the development hereby approved, a revised Travel Plan to cover the entire Town Centre, as shown edged blue on the approved Location Plan Drawing No. 7752\_PL\_001 shall be submitted to and approved in writing by, the Local Planning Authority. Thereafter the development shall be occupied in accordance with the approved Travel Plan.

Reason

To encourage no car modes of transport and in the interest of highway safety and the amenity of the area, and to accord with Policy PSP11 of The South Gloucestershire Local Plan Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec.2013 and the requirements of the NPPF.

10. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority.

Reason

In the interests of flood risk to accord with Policies CS1 and CS5 of The South Gloucestershire Local Plan Core Strategy (Adopted), Policy PSP20 of The Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and the requirements of the NPPF. This is a pre commencement condition to ensure that the site can be adequately drained.

11. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include details on the mitigation protocols for protected species that may be present and affected by the development as mentioned in the Phase 1 Ecological Survey Report (Wessex Water, January 2018), i.e. otter, great crested newt, reptiles and dormouse. The approved CEMP: biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason

In the interests of protected species and to accord with Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 and Policy PSP19 of The Policies, Sites and Places Plan (Adopted) Nov. 2017. This is a pre-commencement condition to ensure that protected species are not harmed.

12. A habitat management plan (HMP) shall be submitted to, and approved in writing by the local planning authority prior to the first use of the development hereby approved. The plan shall include the details of habitat management techniques and a five-year schedule of works capable of being carried over upon completion. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the HMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details

Reason

In the interests of protected species and to accord with Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 and Policy PSP19 of The Policies, Sites and Places Plan (Adopted) Nov. 2017.

13. Prior to the first use of the Retail A1 units hereby approved, a "lighting design strategy for biodiversity" for the development site relevant to Phase 2 (development b) shall be submitted to and approved in writing by the local planning authority. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason

In the interests of protected species and to accord with Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 and Policy PSP19 of The Policies, Sites and Places Plan (Adopted) Nov. 2017.

14. Prior to the first occupation of the buildings hereby approved i.e. retail units; details of the proposed CCTV system to be used in relation to the building and associated car parking areas, shall be submitted to and approved in writing by, the Local Planning Authority. Thereafter the CCTV System as approved shall be installed prior to the first use of the building for the purposes hereby approved.

Reason

In the interests of personal safety, security and crime prevention and to protect the amenity enjoyed by those living in the locality to accord with Policy PSP8 of The South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) Nov. 2017, Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 and the provisions of the National Planning Policy Framework.

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

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

16. The development hereby approved shall be carried out in accordance with the following approved plans:

Location Plan Drawing No. 7752\_PL\_001 received 26th March 2018

Existing Overall Site Plan Drawing No. 7752\_PL\_002 Rev A received 26th March 2018

Proposed Overall Site Plan Phase 2 Drawing No. 7752\_PL\_003 Rev B received 23rd Oct. 2018

Proposed Phasing Plan Drawing No. 7752\_PL\_005 Rev B received 23rd Oct. 2018

Rendered Proposed Masterplan Drawing No. 7752\_PL\_006 Rev B received 23rd Oct. 2018

Phase 1 - Existing Site Plan Drawing No. 7752\_PL\_101 Rev A received 26th March 2018

Phase 1 - Drive Thru-Units Proposed Site Plan At Ground Floor Level Drawing No. 7752\_PL\_103 Rev E received 6th Nov 2018

Phase 1 - Drive-Through Units Existing Street Elevations Drawing No. 7752\_PL\_104 received 26th March 2018

Phase 1 - Drive-Through Units Proposed Street Elevations Drawing No. 7752\_PL\_105 Rev A received 26th March 2018

McDonalds Proposed Elevations and Sections Drawing No. 6741-SA-8192-P005 Rev B received 26th March 2018

McDonalds Proposed Ground Floor Plans and Roof Plans Drawing No. 6741-SA-8192-P006 Rev B received 26th March 2018

Starbucks Ground Floor GA Drawing No. A-1000 Rev C received 26th March 2018

Starbucks Proposed Elevations 1 Drawing No. A-1001 Rev D received 26th March 2018

Starbucks Proposed Elevations 2 Drawing No. A-1002 Rev D received 26th March 2018

Below Ground Drainage Strategy no. 1620004386-RAM-XXX-RP-CIV-002 received 03rd April 2018

Hardwork Plan Drawing No. 766\_PL\_001 P00 received 11th June 2018

General Arrangement Plan Drawing No. 766\_PL\_001 P03 received 11th June 2018

Softworks Plan Drawing No. 766\_PL\_201 P00 received 11th June 2018

Reason

For the avoidance of doubt

17. The hours of working on site during the period of construction shall be restricted to 07.30hrs to 18.00hrs Mon to Fri; and 08.00hrs to 13.00hrs Sat, and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policies PSP8 and PSP21 of The Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and the requirements of the NPPF.

18. Notwithstanding the submitted details, the landscaping scheme as shown on the approved Hardworks Plan No. 766\_PL\_001 P00 and Softworks Plan No. 766\_PL\_201 P00 shall be implemented in full during the first planting season following the substantial completion of the development hereby approved.

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy PSP2 of The South Gloucestershire Local Plan Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and the National Planning Policy Framework.



19. No building hereby permitted shall be occupied or the use hereby permitted commenced, until the vehicle parking, cycle parking and servicing areas have been completed in accordance with the approved plans; and thereafter these areas shall be kept free of obstruction and available for the parking of vehicles and/or servicing associated with the development.

Reason

To ensure the satisfactory provision of car parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy PSP11 and PSP35 of The South Gloucestershire Local Plan Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec.2013 and the requirements of the NPPF.

20. Prior to the commencement of Phase 1 i.e. the Drive -Through Units, a (Transportation) Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by, the Local Planning Authority. Thereafter Phase 1 shall be carried out in accordance with the approved CEMP.

Reason

In the interest of highway safety and the amenity of the area, and to accord with Policy PSP11 of The South Gloucestershire Local Plan Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec.2013 and the requirements of the NPPF. This is a prior to commencement condition to ensure that the entire development is carried out in an appropriate manner.

21. Notwithstanding the details already submitted, prior to the first occupation of the development hereby approved, a revised Travel Plan to cover the entire Town Centre, as shown edged blue on the approved Location Plan Drawing No. 7752\_PL\_001 shall be submitted to and approved in writing by, the Local Planning Authority. Thereafter the development shall be occupied in accordance with the approved Travel Plan.

Reason

To encourage no car modes of transport and in the interest of highway safety and the amenity of the area, and to accord with Policy PSP11 of the The South Gloucestershire Local Plan Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec.2013 and the requirements of the NPPF.

22. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority.

Reason

In the interests of flood risk to accord with Policies CS1 and CS5 of The South Gloucestershire Local Plan Core Strategy (Adopted), Policy PSP20 of The Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and the requirements of the NPPF. This is a pre commencement condition to ensure that the site can be adequately drained.

23. Prior to the first occupation of either of the buildings hereby approved i.e. drive-thru units; details of the proposed CCTV system to be used in relation to the building(s) and associated car parking areas, shall be submitted to and approved in writing by, the Local Planning Authority. Thereafter the CCTV System as approved shall be installed prior to the first use of the building(s) for the purposes hereby approved.

Reason

In the interests of personal safety, security and crime prevention and to protect the amenity enjoyed by those living in the locality to accord with Policy PSP8, PSP31 and PSP35 of The South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) Nov. 2017, Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 and the provisions of the National Planning Policy Framework.

24. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include details on the mitigation protocols for protected species that may be present and affected by the development as mentioned in the Phase 1 Ecological Survey Report (Wessex Water, January 2018), i.e. otter, great crested newt, reptiles and dormouse. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason

In the interests of protected species and to accord with Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 and Policy PSP19 of The Policies, Sites and Places Plan (Adopted) Nov. 2017. This is a pre-commencement condition to ensure that protected species are not harmed.

25. A habitat management plan (HMP) for Development a. (Phase 1) shall be submitted to, and approved in writing by the local planning authority prior to the first use of the development hereby approved. The plan shall include the details of habitat management techniques and a five-year schedule of works capable of being carried over upon completion. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the HMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details

Reason

In the interests of protected species and to accord with Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 and Policy PSP19 of The Policies, Sites and Places Plan (Adopted) Nov. 2017.

26. Prior to the first use of the Drive-Thru units hereby approved, a "lighting design strategy for biodiversity" for the development site relevant to Phase 1 (development a) shall be submitted to and approved in writing by the local planning authority. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the

strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason

In the interests of protected species and to accord with Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 and Policy PSP19 of The Policies, Sites and Places Plan (Adopted) Nov. 2017.

27. The rating level of any noise generated by plant and equipment apart of the development shall not exceed the pre-existing LA90 Background level when measured and assessed in accordance with the British Standard BS4142 : 2014 - Method for Rating Industrial and Commercial Sound or any such guidance that replaces it.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policies PSP8, PSP21, PSP31 and PSP35 of The Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and the requirements of the NPPF.

28. Notwithstanding the details already submitted,; prior to the commencement of the development hereby approved, an Arboricultural Method Statement shall be submitted to and approved in writing by, the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the details so approved.

Reason

In the interests of protected (TPO'd) trees and to protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy PSP2 of The South Gloucestershire Local Plan Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and the National Planning Policy Framework. This is a pre-commencement condition to ensure that trees are not damaged during and ground works or construction.

29. Other than those areas shown on the approved plans, no external dining/seating areas shall be provided at any time.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policies PSP8, PSP21, PSP31 and PSP35 of The Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and the requirements of the NPPF.

30. The use hereby permitted shall not commence until a Management Plan providing details of how litter, antisocial behaviour and use of external areas shall be managed has been submitted to and approved in writing by the local planning authority. The development shall thereafter only be operated in accordance with the approved Management Plan.

Reason

To protect the residential amenity of the neighbouring occupiers and character of the area to accord with Policies PSP8, PSP21, PSP31 and PSP35 of The Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and the requirements of the NPPF.

31. Prior to the relevant parts of the development hereby approved, details of the ventilation system(s) for the extraction and dispersal of cooking odours including details of flue(s), the maintenance of the system(s), noise levels and noise attenuation measures shall be submitted to and approved in writing by the Local Planning Authority. The details provided shall be in accordance with Annex B of the Defra 'Guidance on the Control of Odour & noise from Commercial Kitchen Exhaust Systems'. The ventilation system(s) shall be fully implemented prior to the commencement of the use hereby permitted and be permanently maintained thereafter in accordance with the approved details.

Reason

To protect the residential amenity of the neighbouring occupiers and character of the area to accord with Policies PSP8, PSP21, PSP31 and PSP35 of The Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and the requirements of the NPPF.

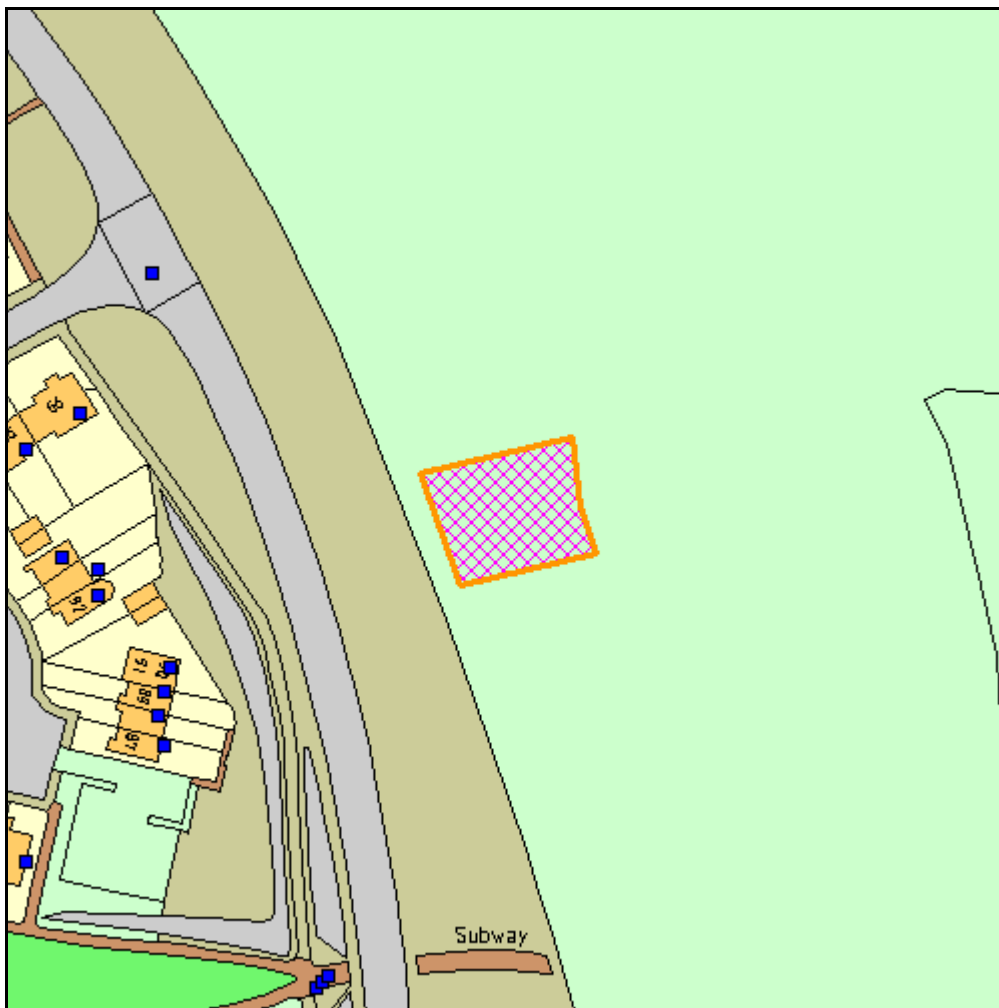
32. Prior to the first operation of the development hereby approved, an Odour Management Plan (OMP) shall be submitted to and approved in writing by the Local Planning Authority. The OMP shall include details of cleaning, maintenance and filter replacement policies and include a written recording system to record and demonstrate when all such work is carried out. The use hereby permitted shall not be carried out other than in accordance with the approved OMP.

Reason

To protect the residential amenity of the neighbouring occupiers and character of the area to accord with Policies PSP8, PSP21, PSP31 and PSP35 of The Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and the requirements of the NPPF.

**CIRCULATED SCHEDULE NO. 01/19 – 04 JANUARY 2019**

<b>App No.:</b>	PT18/4678/F	<b>Applicant:</b>	Gentians Projects (Thornbury) Ltd
<b>Site:</b>	Land Off Morton Way/Badger Road Thornbury South Gloucestershire BS35 1LR	<b>Date Reg:</b>	18th October 2018
<b>Proposal:</b>	Erection of a convenience store (Class A1)	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	364580 191250	<b>Ward:</b>	Thornbury North
<b>Application Category:</b>	Minor	<b>Target Date:</b>	12th December 2018



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100023410, 2008. **N.T.S.** **PT18/4678/F**

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

## **REASON FOR REPORTING TO THE CIRCULATED SCHEDULE**

This application has been referred to the Circulated Schedule for determination as a comment of objection has been received from the Town Council. A number of neighbour objections have also been received although many of these have since been withdrawn.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a retail (convenience) store on the edge of a new housing development in Thornbury. As part of the masterplan for the Morton Way housing scheme, the site – at the entrance to the scheme from Morton Way – was indicated to be set aside for the provision of a retail unit
- 1.2 The application site is within the settlement boundary for Thornbury. It is set on an elevated position above Morton Way behind what was a field hedge. Access is provided from Badger Road.
- 1.3 Planning history relating to this development is set out in Section 3. As a brief summary, the initial proposal was subject to an appeal against non-determination. At the same time, revised application was submitted to address some of the concerns raised. That application was subsequently withdrawn and the Planning Inspectorate determined the appeal of the first application. The appeal was dismissed. This application therefore seeks to address the issues raised by the Inspector and the council during the course of the previous applications.
- 1.4 Significant changes have been made to the proposal since it was initially received by the council. The proposal now includes approximately 170 square metres of sales space at ground floor with a ‘back of house’ area for the receiving and storage of goods. Upstairs, the orientation of the first floor now sits to the north of the site; this area would be used for offices and staff welfare facilities. Externally, eight car parking spaces are provided. Bicycle parking for customers and staff is also provided. A 2 metre walkway is indicated to ensure pedestrian safety within the car park and bollards and wheel stops are included to prevent accidental damage to the adjacent boundaries.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework July 2018  
National Planning Practice Guidance

## 2.2 Development Plans

### South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS14	Town Centres and Retailing
CS32	Thornbury

### South Gloucestershire Local Plan Policies Sites and Places Plan Adopted November 2017

PSP1	Local Distinctiveness
PSP2	Landscape
PSP6	Onsite Renewable and Low Carbon Energy
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP31	Town Centre Uses
PSP32	Local Centres
PSP33	Shopping Frontages

## 2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) August 2007

Shopfronts and Advertisements SPD (Adopted) April 2012

CIL and S106 SPD (Adopted) March 2015

Waste Collection SPD (Adopted) January 2015 (updated March 2017)

Residential Amenity Technical Advice Note

## 3. RELEVANT PLANNING HISTORY

3.1 PT17/5918/F Withdrawn 13/03/2018  
Erection of convenience store (Class A1) as defined in the Schedule to the Town and Country Planning (Use Classes) Order 1987) with parking and associated works (resubmission of planning application PT17/3749/F)

3.2 APP/P0119/W/17/3191466 Dismissed 18/06/2018  
Appeal against failure to give notice within prescribed period on planning application PT17/3749/F

The inspector concluded that:

- The development would have an adverse impact on the outlook of 154 Badger Road
- In the absence of sufficient information to indicate otherwise, the development would pose a risk to highway safety.

3.3 PT17/3749/F Non-determination 14/12/2017  
Erection of a convenience store (Class A1, as defined in the Schedule to the Town and Country Planning (Use Classes) Order 1987) with parking and associated works

Should the council have determined this application, it would have been refused for the following reasons:

1. The application has failed to demonstrate that the proposal would provide adequate cycle parking, for staff and customers, and vehicular parking for people with disabilities. The application has failed to demonstrate that movements of refuse wagons and large service vehicles within the site, and the storage and collection of waste, can be undertaken successfully. With insufficient information provided to address these areas of concern, the Local Planning Authority cannot be satisfied that the development would not have a severe impact on highway safety. Without evidence to demonstrate the contrary, the proposal conflicts with policy CS1 and CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, policy PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017, and the provisions of the National Planning Policy Framework, March 2012.
2. The proposed development, by virtue of the positioning and height of the two-storey section of the building, would have a prejudicial impact on the living conditions of nearby occupiers – most notably 154 and 156 Badger Road. The close proximity of the proposed building to the existing dwellings, combined with the height and location of the garages, would result in an oppressive and overbearing impact, and an unacceptable loss of outlook. The proposed development therefore fails to reach the highest possible standards of design or protect residential amenity and would be contrary to policy CS1 and CS4a of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2018; and the provisions of the National Planning Policy Framework, March 2012.

#### **4. CONSULTATION RESPONSES**

##### **4.1 Thornbury Town Council**

31 October 2018

Objection: overbearing impact on neighbours; development should take into account the crime protection advice; opening hours are too long; overdevelopment of the site.

10 December 2018

Objection: reiterates previous objection; plan discrepancies; planting will not mitigate building; concern over materials for fencing and gates

##### **4.2 Archaeology**

No comment

##### **4.3 Avon and Somerset Police**

(on revised plans) conditions should be applied to secure: bollards, secure doors, CCTV, smoke systems, and security for the ATM

##### **4.4 Highway Structures**

Informatives suggested for decision notice



4.5 Lead Local Flood Authority

No objection

4.6 Sustainable Transport

Initial amendments to proposal sought

**Other Representations**

4.7 Local Residents: Objection

5 comments of objection were received. On re-consultation on the revised plans, 3 of these were withdrawn (see below). This leaves 2 objection comments outstanding. These raise the following points:

- Height of single storey element of building
- Overbearing impact
- First floor windows/ accesses
- Access and maintenance
- Crime advice should be taken into account
- Plan inaccuracies
- Bin placement
- Noise/ disturbance
- Opening times
- Delivery location

4.8 Local Residents: Support

Of the 5 objection comments received, 3 have subsequently been withdrawn as comments of support have been received. These raise the following points:

- Drawings have been corrected
- Crime prevention measures welcomed
- Design amendments are welcomed
- Measures to protect boundaries are welcomed
- Reduced store opening hours are welcomed

**5. ANALYSIS OF PROPOSAL**

5.1 This application seeks planning permission for the erection of a retail unit on the Morton Way housing development in Thornbury. It seeks to overcome previous issues on earlier applications and at appeal.

Principle of Development

5.2 Planning permission PT12/2395/O identified that this site would be used for retail purposes as part of the Morton Way development. That planning permission therefore establishes the principle of the retail use of this site. Furthermore, the scale of the development is consistent with that set out in policy PSP31 as a local need not requiring a retail impact assessment.

5.3 Therefore, the proposed development is acceptable in principle and the determination of this application relies upon considerations of design, amenity, and transport. To gain planning approval, the current proposal should demonstrate that the issues identified by the Planning Inspectorate (listed in Section 3) have been resolved.

## Design and Appearance

- 5.4 The design of the unit has significantly changed. It is now proposed to 'bulk' the most of the built form to the front (north) of the site on its boundary with Badger Road. This section would be two storeys in height with first floor windows providing an active frontage onto Badger Road. The main entrance, however, would be located on the side (east) elevation from the car park.
- 5.5 Very little detail on the retail unit was included within PT12/2395/O. The masterplans identify the site for a retail use of up to 270 metres of floor space, indicate that it should be a landmark building, and that a height of up to 2.5 stories or 11 metres would be acceptable. It would be on the side of disingenuous to describe the proposal as a 'landmark building' with the appearance of the building become more mundane than that in the earlier proposals. While that is not to say it is of poor design; the proposed building would be similar in proportions to the surrounding buildings and would be of a similar material palette. Nevertheless, the building would appear as a gateway building in the street scene given its proximity to both Morton Way and Badger Road and would act as a legible piece of townscape. While the proposal may not appear as imagined at the masterplanning stage, it is difficult to conceive how a larger or taller building would sit within the site given its relatively small dimensions and tight relationship with the surrounding residential properties.
- 5.6 In terms of the design and appearance of the building, it is acceptable and accords with the principles of policy CS1 and PSP1. A number of technical specifications to the design have been advised by the police. These should be secured by condition to reduce the risks of crime using design features.
- 5.7 Limited detail is provided on the landscaping of the site. Minimal areas are set aside for planting. Although officers sought to increase the landscaped areas (which are dictated in size by the provision and number of parking spaces) there is insufficient reason to resist this proposal in pursuit of greater landscaping. However, to ensure that the limited landscaping that is proposed is provided and maintained, a landscaping condition should be applied.

## Living Conditions

- 5.8 Development should not prejudice the enjoyment of nearby residential properties. The principle of retail on this site is established although the earlier proposals were dismissed on the basis of the impact on residential amenity. In dismissing the appeal, the Inspector found that the earlier proposal would have led to a prejudicial loss of outlook from 154 Badger Road.
- 5.9 To address this, the building has been reoriented so that the bulk of the building now sits to the north of the site. The height of the single storey element of the building has also been reduced as much as possible. In terms of layout, the position of the building has been adjusted to provide the maximum possible separation from the built form to the south while providing a viable sized retail unit.

- 5.10 The proposed building is now located, at its closest, 12 metres from the nearest residential property to the rear. The Residential Amenity Technical Advice Note indicates that this distance of separation would be acceptable without a prejudicial impact on residential amenity (although it is noted to be at the lower end of acceptability). Given the reorientation and redesign of the building, and the distance of separation, Officers have now concluded that the development would not result in a prejudicial impact on residential amenity. Although there would be some degree of harm to the outlook from 154 Badger Road, the amendments have reduced that harm (which was previously identified by the Inspector) to a level where it is now considered acceptable.
- 5.11 Living conditions of nearby occupiers can also be adversely affected by noise and other disturbance. Of concern to local residents is the opening and delivery hours of the unit. The applicant has indicated on the application form that the unit would be open between 06:30 and 23:00 every day. Through discussion with local residents, the applicant has subsequently indicated that opening hours would be 07:00 to 22:00 with deliveries between 08:00 and 19:00.
- 5.12 The opening or delivery hours of a premises should only be controlled through the planning system when there is a clear reason for doing so. Furthermore, any control should be exercised only to the minimum extent necessary to protect amenity. The occupier of any premises is then free to operate as they please within the general confines established by any planning condition.
- 5.13 Below is a table which contains the opening hours of similar (i.e. convenience retail) units in predominantly residential areas (i.e. not within a defined town centre although may fall within a recognised lower-tier shopping precinct or have a stand-alone location) in the north and west of the district. It lists only the trading hours of the shops; it does not list opening hours as controlled by a planning condition. It is not a comprehensive list of all shops in these areas as is provided to give context only.

<b>Store</b>	<b>Location</b>	<b>Opening Hours</b>
Tesco Express	Bradley Stoke (Baileys Court)	0700 to 2300
Tesco Express	Bradley Stoke (Bradley Stoke Pavilions)	0600 to 2300
Sainsbury's Local	Coalpit Heath (Badminton Road)	0700 to 2300
Tesco Express	Mangotsfield (St James Place)	0600 to 2200
Tesco Express	Stoke Gifford (Hatchett Road)	0600 to 2300
Co-op	Stoke Gifford (Hatchett Road)	0700 to 2300
Co-op	Stoke Gifford (Long Down Avenue)	0700 to 2300
McColl's	Thornbury (Oakleaze Road)	0600 to 2200
One Stop	Thornbury (Primrose Drive)	0700 to 2200
Tesco Express	Winterbourne (High Street)	0700 to 2200
Co-op	Winterbourne (High Street)	0700 to 2200
McColl's	Yate (Abbotswood)	0600 to 2200
Tesco Express	Yate (Brimsham Park)	0700 to 2300
McColl's	Yate (Cranleigh Court)	0600 to 2300
Tesco Express	Yate (Station Road)	0600 to 2300

One Stop	Yate (Wellington Road)	0700 to 2200
One Stop	Yate (Westerleigh Road)	0600 to 2300

- 5.14 This analysis identifies that the broadest opening hours are from 06:00 to 23:00 and these are in locations such as Bradley Stoke and Yate. While Bradley Stoke is part of the North Fringe of Bristol, Yate and Thornbury are both towns within the same tier of the settlement hierarchy and therefore are a reasonable comparison to each other. Out of the six Yate shops identified, four open at 06:00 and four close at 23:00.
- 5.15 Looking at other retail units in Thornbury, the McColl's store on Oakleaze Road opens from 06:00 while both the McColl's store and the One Stop on Primrose Drive close at 22:00. Given that it is established – both within Thornbury itself and comparable locations elsewhere – that a 06:00 opening time is acceptable, a condition to restrict the opening time of the proposed unit to 07:00 cannot be justified. However, it is clear that the established closing time in the locality is 22:00 and therefore it would be reasonable to restrict trading beyond this time. A condition should be imposed to this effect.
- 5.16 Deliveries can be more harmful to living conditions than general trade. It is reasonable to restrict delivery hours to protect residential amenity. The hours proposed by the applicant would appear reasonable; it would ensure that – particularly in the summer – the amenity of outdoor spaces is protected. These too should form a suitably worded condition.

#### Access and Transport

- 5.17 During the course of the application, a number of amendments have been made to the layout of the site. These were made to address the concerns of the highways officer and local residents.
- 5.18 Eight parking spaces are proposed to run along the eastern boundary of the site. As these are close to the boundary fence, wheel stops are included to prevent damage. The layout also provides a 6 metre access which is required for the safe manoeuvring of vehicles. A 2 metre pedestrian footway is provided as are both customer and staff cycle parking. Three sets of bollards are included: one to protect the ATM; one to protect the entrance doors; and, one to prevent damage to the adjacent garage building.
- 5.19 The amendments to the layout have addressed the concerns of the highways officer and no objection is raised by the case officer in this regard. It is also concluded that the revisions are sufficient to address the highway safety issue previously raised by the Inspector. Conditions will be required to secure the delivery of the measures discussed above.

#### Other Matters

- 5.20 The majority of the matters raised from consultation responses have been discussed above. However, for clarity outstanding matters will be addressed briefly here.

- 5.21 Concern has been raised about bin placement. The site is within a residential context. While the placement of bins should be undertaken as to minimise impact on neighbours, there are very few locations where a bin could be placed without it being on or near to a boundary with a residential property. Furthermore, a bin should not impinge on the amenity of a property provided that suitable waste management is in place. It is not therefore considered a significant issue in the determination of this application.
- 5.22 Officer have reviewed the plans and are satisfied that they are accurate and can be used for the purposes of determining this application.

#### Impact on Equalities

- 5.23 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.
- 5.24 With regards to the above this planning application is considered to have a neutral impact on equality.

#### Planning Balance

- 5.25 The proposed development would have a significant economic benefit. It would provide local job opportunities and allow spending in the local economy. It would also have an environmental benefit as it would enable convenience shopping and reduce the need or reliance upon the car.
- 5.26 While there may be some localised impact on residential amenity, this does not outweigh the benefits discussed above.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

## 7. **RECOMMENDATION**

7.1 It is recommended that planning permission is GRANTED subject to the conditions listed below.

**Contact Officer: Griff Bunce**  
**Tel. No. 01454 863438**

### **CONDITIONS**

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

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

2. Prior to the first use of the retail store hereby approved, a scheme of landscaping, which shall include: details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); and, boundary treatments shall be submitted to the Local Planning Authority for approval. The scheme shall include a scheme of maintenance for a period of 5 years. Development shall be carried out in accordance with the agreed details within the first available planting season. Any plant, shrub, or tree contained within the scheme of scheme of landscaping which becomes diseased, damaged, or dies within a period of 5 years shall be replaced with a similar sized specimen in the next available planting season.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

3. The retail unit hereby permitted shall not be open to customers outside the following times 06:00 to 22:00 daily.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

4. No deliveries shall be taken at or despatched from the site outside the hours of 08:00 to 19:00 daily.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

5. The off-street parking facilities (for all vehicles, including cycles) shown on plan 16TH\_GA\_003-S hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

6. The development hereby approved shall include the security enhancement measures contained within the cover letter from JLL dated 26 November 2018 and those shown on plan 16TH\_GA\_003-S. All measures shall be installed prior to the first retail use of the unit.

Reason

In the interests of crime prevention, community safety, and good design and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the provisions of the National Planning Policy Framework, July 2018.

7. The development shall be carried out in accordance with the following plans: Site Location Plan, received 12 October 2018; 16TH\_GA\_010-R Proposed Ground Floor Plan, 16TH\_GA\_011-M Proposed First Floor Plan, 16TH\_GA\_012-E Proposed Roof Plan, 16TH\_GA\_013-H Proposed Elevations, and 16TH\_GA\_014-G Proposed elevations, received 27 November 2018; and, 16TH\_GA\_003-S Block Plan, received 06 December 2018.

Reason

For the avoidance of doubt.