

TOWN AND COUNTRY PLANNING ACT 1990 REFUSAL OF OUTLINE PERMISSION FOR DEVELOPMENT

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APP REF: PT18/1491/O
DATE VALID: 28th March 2018
DECISION DATE: 22nd March 2019
PARISH: Bradley Stoke Town
Council

NOTICE OF DECISION

South Gloucestershire Council in pursuance of powers under the above mentioned Act hereby REFUSE to permit:

APPLICATION NO: PT18/1491/O

DESCRIPTION OF DEVELOPMENT: 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

APPLICANT: The Brookmaker Limited Partnership

LOCATION: Willow Brook Centre Savages Wood Road Bradley Stoke
South Gloucestershire BS32 8BS

In accordance with the application and accompanying plans, for the following reasons:

REFUSAL REASONS

1. The proposed development, if permitted, would result in a harmful concentration of food and drink uses resulting in a prejudicial impact on residential amenity due to noise, general disturbance, fumes, smells, and late night activity. The proposed development is therefore contrary to policy PSP8 and PSP35 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017. Furthermore, the application is contrary to the 3 objectives in

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Services

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paragraph 8 of the NPPF (Feb. 2019) in that the development fails to promote the economic, social and environmental character of the area.

ADDITIONAL INFORMATION

1. The decision relates to the following 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

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 1 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

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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 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_101 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

PLEASE NOTE: The council holds a definitive copy of this planning decision notice. You should be aware of the risk that subsequent copies of the decision notice may be subject to unauthorised alteration and if necessary you are advised to refer to the council for verification. The definitive copy can be viewed via the council's planning website.



DEVELOPMENT MANAGER

DATE: 22nd March 2019

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APPEALS AGAINST THE DECISION OF THE LOCAL PLANNING AUTHORITY (LPA)

If the applicant is aggrieved by the decision to refuse permission/consent for this proposal or to grant permission/consent subject to conditions, he may appeal to the Secretary of State for the Department of Communities and Local Government (SOS) in accordance with the provisions below. All appeals should be submitted on a form obtainable from The Planning Inspectorate, at the address below.

- (a) Refusal of planning permission for **Householder applications – within 12 weeks** (Article 37 of the Town & Country Planning (Development Management Procedure) (England) Order 2015)
- (b) Refusal of planning permission or permission granted subject to conditions - **within 6 months** (Section 78 Town & Country Planning Act 1990 (T & CPA) and Article 37 of the Town & Country Planning (Development Management Procedure) (England) Order 2015)
- (c) Refusal of Listed Building consent or consent granted subject to conditions. Refusal of Conservation Area consent or the decision of the LPA on an application to vary or discharge conditions attached to a Listed Building consent **within 6 months** (Regulation 8 of the Town & Country Planning (Listed Buildings and Conservation Areas) Regulations 1990 and Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- (d) Refusal of consent for display of advertisement or consent granted subject to conditions - **within 8 weeks** of the date you receive the Council's decision - please refer to separate notice attached where necessary.
- (e) Refusal of Tree Preservation Order consent or consent granted subject to conditions. Issuing of an Article 5 certificate on refusing consent or an Article 6 direction on granting consent to fell any part of a woodland – within 28 days Town & Country Planning (Trees) Regulations 2012.

The SOS has power to allow a longer period for the giving of a notice of appeal but will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. He is not however required to entertain an appeal if it appears to him that permission for the proposals could not have been granted by the LPA, or could not have been granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development orders and to any directions given under the orders.

In the case of refusal of permission to develop land or refusal of Listed Building consent or the granting of permission or Listed Building consent subject to conditions whether by the LPA or SOS and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development works which has been or would be permission, he may serve on the Council in which the land is situated a Purchase Notice (or Listed Building Purchase Notice) requiring the Council to purchase his/her interest in the land in accordance with the provisions of Part VI, Chapter 1 of the Town & CP Act 1990 and Part 1, Chapter III of the Planning (Listed Buildings and Conservation Areas) Act 1990.

In certain circumstances (not applicable to Advertisement proposals) a claim may be made against the LPA for compensation where permission is refused or granted subject to conditions by the SOS on appeal or on reference of the application to him.

NOTES IN RESPECT OF SUBMISSION OF APPEALS

Data Protection: Please note all appeal documentation will appear on the Planning Casework Service website.

When submitting an appeal, please note that an identical set of documents should be sent to both the local authority and The Planning Inspectorate at the following addresses:

Strategic Planning South Gloucestershire Council, Department For Environment And Community Services PO Box 1954, Bristol, BS37 0DD	The Planning Inspectorate Room 3/04 Kite Wing 2 The Square Temple Quay Bristol BS1 6PN
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Please ensure this instruction is complied with in order to avoid any unnecessary delay.

NOTES IN RESPECT OF APPLICATIONS FOR CONSENT TO DISPLAY ADVERTISEMENTS

1. Under the provisions of Schedule 2 of the Town & Country Planning (Control of Advertisements) Regulations 2007 before any advertisement is displayed, the permission of the owner of the land, or building on which the advertisement is to be displayed must be obtained.
2. If a conditions imposing a time limit has been expressly included as part of a consent, then that condition must be observed. If no such condition is imposed Regulation 14 (7) of the 2007 Regulations provides that any consent is granted for a period of FIVE YEARS from the date hereof.
3. Where the Authority grant consent for a period shorter than five years they shall (unless the application required such a consent) state in writing their reasons for doing so, and the limitation in respect of time shall for the purposes of these Regulations be deemed to be a condition imposed upon the granting of consent.
4. At any time within a period of 6 months before the expiry of a consent granted under these Regulations, application may be made for the renewal thereof and the provisions of these Regulations relating to applications for consent and to the determination thereof shall apply where application is made for such renewal.
5. Penalty for Contravention. The amount of the fine to which a person who displays an advertisement in contravention of these Regulations is liable on summary conviction as set out in Section 224 of the Town and Country Planning Act 1990 and Regulation 30 of the 2007 Advertisement Regulations.

NOTES IN RESPECT OF ALL APPLICATIONS

1. Attention is drawn to the need for strict compliance with the approved plan(s), failing which appropriate action will be taken.
2. If planning permission has been granted for the development, please note that should this involve any work within the highway, such as the construction of a vehicular access, the consent of the Highway Authority should be obtained.
3. WHERE PLANNING PERMISSION OR LISTED BUILDING CONSENT HAS BEEN GRANTED, APPROVAL MAY ALSO BE REQUIRED UNDER THE BUILDING REGULATIONS BEFORE ANY WORK IS COMMENCED.
4. Although planning permission may have been granted, should the proposed work involve the demolition, alteration or extension of a Listed Building or the demolition of an existing building in a Conservation Area, Listed Building or Conservation Area Consent will also be required before the work commences.
5. If the work authorised by this permission requires the supply of utility or other public services, you are requested to contact the appropriate statutory or other undertaker as soon as possible following the receipt of the decision. Failure to do so may result in delay in the provision of these services.
6. If planning permission has been granted this may be subject to condition(s) as listed on the decision notice. Some of these conditions require details to be submitted or other work to be carried out before development commences (conditions precedent). If you start development without complying with any such conditions you may invalidate the permission itself. Requests to discharge or confirm conditions made under Article 27 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 should be submitted on the appropriate forms and with any required fee.

Any further information concerning this decision may be obtained from the Director of Environment and Community Services Please quote the Reference Number of this permission in any correspondence.