

GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee: | Planning
Date: | 06.02.2024
Address/Location: | 2 Hillview Road Gloucester GL3 3LD
Application No: | 23/00656/FUL
Ward: | Hucclecote
Expiry Date: | 09.02.2024
Applicant: | Mr Mahmut Karasan
Proposal: | Change of use from a Hair Salon to take away Kebab Shop.
Report by: | Harriet Parker
Appendices: | Site Location Plan
| Proposed Front Elevation Plan
| Proposed Ground Floor Plan
| Proposed ventilation Plan

Site Location Plan



1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is 2 Hillview Road which is a property within a show of commercial units which comprises of a ground floor unit known as 2 Hillview Road and a first-floor residential unit, which according to the council records has no dedicated or different street number. The ground floor unit is currently considered to be in Class E[c][iii] as its most recent use was a hair salon known as Headline Hair which ceased operation in 2021, before the applicant purchased the unit.
- 1.2 This application relates to the ground floor unit of 2 Hillview Road only and there is no assessment to be made for the residential flat (use class C3) on the first floor as this is to remain as existing.
- 1.3 The site is located at the corner of Hillview Road and Hucclecote Road in the Hucclecote ward of Gloucester within an existing row of established retails units and is within the Hucclecote local designated centre as identified in Policy S.12 of the Gloucester Local Plan, Second Stage Deposit (2002).
- 1.4 The front elevation of 2 Hillview Road consists of a brick patterned wall, brown timber boarding along the bottom while the upper part of the elevation consists of windows, an access door and plastic fascia sign. The existing front access door is the only point of access to the unit for both staff and customers of the ground floor unit and to the first-floor residential unit.
- 1.5 The immediate surrounding area is primarily commercial in nature consisting of three commercial units adjacent to the proposed site on the eastern side of Hillview Road and four commercial units found the opposite side of road within Silverdale Parade. In the wider surrounding area, there is a mix of residential development, further commercial use and community services. To the north of the site the remainder of Hillview Road and Foxwell Drive consist of residential development and to the south along Hucclecote Road a mixture of commercial, residential and community uses. Hucclecote Road is comprised of majority residential development, although other commercial uses including a parade of shops also identified within the Hucclecote Local Centre, Royal Oak public house, Hucclecote Police Station, Hucclecote Library and Hucclecote GP Surgery are found.
- 1.6 This application seeks consent for the proposed change of use of 2 Hillview Road from a hair salon (Class E[c][iii]) to hot food takeaway (Sui Generis).
- 1.7 As part of the application it is proposed to make alterations to the front elevation of the unit. It is proposed to add an additional fire escape door and implement a ventilation system behind the existing parapet roof. The proposed change to the fascia sign is dealt under a separate application (23/00657/ADV).
- 1.8 Internal alterations to the layout are also proposed within the ground floor unit to facilitate the change of use to hot food takeaway in providing a shop front area for customers and store and prep area for staff. The internal floor layout is also proposed to align with the proposed implementation of an additional access door to separate and provide a direct access to the first floor residential (C3) unit from Hillview Rd and also provide a fire escape route from the store and prep area to the rear.
- 1.9 The proposed opening hours of the hot food takeaway would be Monday to Friday 17:00 to 23:00 and Sunday and Bank holidays 17:00 to 23:00.
- 1.10 The proposed hot food takeaway would implement internal bin storage in the store and

prep area of the unit and also provide customer waste and recycling bin facilities within the shop front.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
44/24526/HIST	22278 (G/1838/C):- CHANGE OF USE OF 1ST FLR STORE RM TO LADIES HAIRDRESSING SLN	Z45WDR	01.05.1960
44/24532/HIST	P/444/69:- EXTENSION TO FORM SHOP ENTRANCE	Z45ASC	25.06.1969
44/24533/HIST	P/274/74:- NEW ENTRANCE TO SHOP	Z45ASC	10.04.1974
44/24536/HIST	G.1636/A:- ERECTION OF 4 LOCK-UP GARAGES, EXTENSION TO SHOP AND NEW SHOPFRONT.	Z45APP	17.07.1958
23/00657/ADV	Proposed illuminated fascia sign for 'Kebab Royal'	G3Y	19.01.2024

3.0 RELEVANT POLICY HISTORY

3.1 The following planning guidance and policies are relevant to the consideration of this application:

3.2 National guidance

National Planning Policy Framework (NPPF) and Planning Practice Guidance

3.3 Development Plan

3.4 Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted 11 December 2017)

Relevant policies from the JCS include:

SD2 – Retail and City/Town Centres

SD4 – Design requirements

SD6 – Landscape

SD14 – Health and Environmental Quality

INF1 –Transport network

INF2 – Flood risk management

3.5 The Gloucester City Plan (Adopted 26 January 2023)

Relevant policies include:

C4 – Hot food takeaways

F1 – Materials and finishes.

G1 – Sustainable transport and parking

3.6 City of Gloucester Local Plan (Adopted 14 September 1983)

The statutory Development Plan for Gloucester includes the partially saved 1983 City of Gloucester Local Plan. Paragraph 219 of the NPPF states that '*...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.*' The majority of the policies in the 1983 Local Plan are out-of-date and superseded by later planning policy including the NPPF and the Joint Core Strategy. However, saved policies including policy S3 and S3b are considered relevant to this application.

3.7 **Other Planning Policy Documents**

Gloucester Local Plan, Second Stage Deposit 2002

Regard is also had to the 2002 Revised Deposit Draft Local Plan. This has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes. The following “day-to-day” development management policies, which are not of a strategic nature and broadly accord with the policies contained in the NPPF, should be given some weight:

S.12 Local Centres

S.13 Changes of uses in District and Local Centres.

3.8 **Supplementary Planning Guidance/Documents**

Gloucester, Cheltenham and Tewkesbury: Retail and City / Town Centre Review (Volume 1) (2021).

3.9 All policies can be viewed at the relevant website address:- national policies:

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Gloucester City policies:

<http://www.gloucester.gov.uk/resident/planning-and-building-control/planning-policy/Pages/current-planning-policy.aspx>

4.0 **CONSULTATIONS**

4.1 **Highway Authority – No objection.**

The site is located within an existing local rank of shops with on-street parking bays opposite, parking restrictions and bollards to prevent unsuitable parking with similar movements except potentially more deliveries restricted by current parking restrictions.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable ground on which an objection could be maintained.

4.2 **Noise and Odour Consultants (14.09.2023) – Objection**

The proposed commercial kitchen extraction flue proposal, despite the inclusion of carbon odour mitigation measures, would not aid the dispersion and dilution of cooking odours due to its semi-enclosed horizontal orientation and relatively low level discharge. The final opening of the extraction flue is also in close proximity to the adjoining residential property on Hucclecote Road. Additionally, the applicant does not appear to be proposing any fume / smoke mitigation. I therefore consider that fume and odour emissions could adversely impact residents at the adjoining residential property.

4.3 **Noise and Odour Consultants (13.12.2023) – Objection**

The revised plans, with the extraction flue exhausting vertically, should ensure that fume / odour do not adversely impact the neighbouring residents. However, no fume mitigation has been proposed (disposal panel filters would suffice) and there should be no cowl / restriction at the final opening (provision needs to be made for rainwater collection).

In terms of the proposed carbon filter, the applicant should provide the dwell time through the filter (filter volume divided by the maximum volumetric flow rate) which should be at least 0.2 seconds.

In terms of noise, the applicant should state which model of extract fan is to be installed and the sound reduction specification(s) of the proposed duct attenuators for approval.

The revised plans indicate that the air inlet / make fan is to be located in close proximity to the front façade of the neighbouring residence, therefore the applicant should detail this on a revised plan, state the model of inlet fan to be installed and I recommend that a duct attenuator is also installed and its details submitted for approval.

4.4 Noise and Odour Consultants (23.01.2024) – No objection, subject to conditions.

The revised plans now look acceptable. However, the number of the carbon filter panels should be stated and the sound reduction specification of the proposed make-up air duct attenuator detailed for further comment.

5.0 PUBLICITY AND REPRESENTATIONS

5.1 Neighbouring properties were notified by letter sent **12.09.2023** and site notices have been displayed for 21 days from **28.09.2023**.

5.2 7 letters of objection raising the following issues:

- Issues with evening parking, delivery drivers and customers illegally parking.
- Believe there is a high risk of an accident occurring.
- Noise and waste pollution from customers waiting/eating on the street, especially in summer months.
- Negative impact this establishment may have on the community and well-being or our neighbourhood.
- Fear the addition of a kebab shop nearby a local public which attracts individuals who engage in less-than-ideal behaviours will exacerbate the problem.
- Prospect of intoxicated and antisocial people congregating near houses at late hours is deeply concerning.
- Presence of the kebab shop with worsen litter problem and late night costumers are more likely to dispose of wate improperly and may attract vermin.
- Concern of air quality in such close proximity to residents.
- Fast food establishments provide no health benefits to local residents and is in close proximity of a primary school.

5.3 The full content of all correspondence on this application can be viewed on:
<http://www.gloucester.gov.uk/resident/planning-and-building-control/Pages/public-access.aspx>

6.0 OFFICER OPINION

6.1 Legislative background

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Local Planning Authority to determine planning applications in accordance with the Development Plan, unless material considerations indicate otherwise.

6.2 Section 70(2) of the Town and Country Planning Act 1990 (as amended) states that in dealing with a planning application, the Local Planning Authority should have regard to the following:

- a) the provisions of the development plan, so far as material to the application;
- b) any local finance considerations, so far as material to the application; and
- c) any other material considerations.

6.3 The development plan consists of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) and Gloucester City Plan (GCP). And as outlined earlier, the 1983 Local Plan is considered to be out-of-date.

6.4 It is considered that the main issues with regards to this application are as follows:

6.5 **Principle**

6.6 **Principle of hot food takeaway (Sui Generis) in this location**

6.7 Paragraph 91 of the National Planning Policy Framework (2023) (NPPF) states that main town centre uses should be located in a town centre, then in edge of centre location and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

6.8 The Joint Core Strategy (2017) Policy SD4 paragraph 4.2.14 states, "For the avoidance of doubt, references to 'town centres' and 'town centre uses' in this policy and throughout the JCS document are intended, unless otherwise stated, to apply to city centres, town centres, district centres and local centres and should be read as having the same meaning as the definition of 'town centres' and 'town centre uses' included in the NPPF.

6.9 The proposed site is located within the Hucclecote Local Centre as identified Policy S.12 of the Gloucester Local Plan, Second Stage Deposit (2002) and the proposed use hot food takeaway (Sui Generis) is a main town centre use. So the proposed use is found to be an acceptable use in the proposed location subject to compliance with policy C4 of the Gloucester City Plan (2023) and any other material planning consideration.

6.10 Policy C4 of the Gloucester City Plan (2023) directly relates to proposal for hot food takeaways. It states that proposals for hot food takeaways, including mobile catering units must satisfy the following criteria:

1. The design of the unit, including its ventilation and bin storage would not have a significant adverse impact on the visual amenity of the area; and
2. There would not be a significant adverse impact on the amenities of occupants of nearby properties in terms of noise, traffic disturbance, odour, litter, light or hours of operation; and
3. There would not be an unacceptable impact on the surrounding highway network, traffic safety or create unacceptable parking issues; and
4. The proposal incorporates adequate waste storage and disposal facilities; and
5. There should be a minimum of two non-hot food takeaway units, or at least 10 metres, between the units, whichever is greater.
6. Outside of the city centre, district centres and local centres, that the proposal is not within 400 metres of any access to a secondary school or college.

6.11 Each of the criterion has been considered as follows:

6.12 1. The proposed external alterations to the front elevation are deemed to not result in any significant harm to visual amenity. While the proposed ventilation system would be partial visible from the street and to the residents on the first floor of Silverdale Parade. Due to measures taken in its placement it is deemed to result in some visual amenity, but in balance is deemed not to result in detrimental harm. And so is considered to comply with criteria 1 of policy C4 of the City Plan. This is discussed at greater length in the design, layout and landscaping section of this report.

6.13 2. The proposed change of use has proposed sufficient mitigations to ensure no significant harm in terms of impacts upon amenity of occupants of nearby properties. And so is considered to comply with criteria 2 of policy C4 of the City Plan. This is discussed at greater length in the residential amenity section of this report.

- 6.14 3. The proposed site and application for change of use has been assessed and commented on by the Local Highway Authority. They raise no objection to the application and so is deemed not to result in an unacceptable impact on the surrounding highway network, traffic safety or create unacceptable parking issues. And so is considered to comply with criteria 3 of policy C4 of the City Plan. This is discussed in greater length in the traffic and transport section of this report.
- 6.15 4. The application demonstrated on the proposed floor plan (P-10) the proposed installation of bin storage facilities in the prep and store area for staff use and waste and recycling bins in the shop front for customer use. And so is considered to comply with criteria 4 of policy C4 of the City Plan. This is discussed in greater length in the residential amenity section of this report.
- 6.16 5. The nearest hot food takeaway to the proposed site is located at no.10 Silverdale Parade known as 'Papa John's'. The distance from the shop front of the proposed site and the shop front of No. 10 is measured at 34m. And so is considered to comply with criteria 5 of policy C4 of the City Plan.
- 6.17 6. The proposed site is located within a local centre and so is not required to abide by the criteria set in part 6 of policy C4.
- 6.18 **Principle of loss of retail in this location**
- 6.19 Retail is not addressed in Gloucester City Plan as all three participating authorities in the Joint Core Strategy agreed it to be a strategic matter; therefore, retail figures solely in the JCS amongst the two most recently adopted Local Development Plans.
- 6.20 Policy SD2 of the JCS addresses retail solely in terms of proposals for/away from retail uses within the identified Primary and Secondary Shopping Frontages. No mention is made of Local Centres, although it should be noted that this policy does on a number of occasions refer to 'Designated Centres' and no hierarchical distinction is made between City Centres and Local Centres; both, therefore, effectively have the same weight.
- 6.21 A condition of the adoption of the JCS was that a more detailed, comprehensive retail study would be commissioned, including research into local centres and neighbourhood shopping provision. These topics are omitted from the JCS because the evidence base wasn't ready to draw up proper detailed policies on these matters. This omission is covered by a series of retail policies from the 1983 Plan, which were deliberately saved by the Inspector during the adoption process as they were considered still relevant and were therefore seen as a worthy interim policy in advance of the adoption of new up-to-date policies in any prospective JCS successor.
- 6.22 The two relevant policies from the 1983 Plan are as follows:
- *S.3 Continued provision of shopping facilities to meet local needs outside the City Centre will be encouraged*
 - *S.3B The City Council will seek to maintain the existing neighbourhood shopping provision in the City.*

- 6.23 City of Gloucester Local Plan (Adopted 14 September 1983) saved policy S3b states that 'The council will seek to maintain the existing neighbourhood shopping provision in the city' and '...that there is scope for provision of services/offices which primarily meet local needs within these shopping areas, but a danger exists that these may overwhelm the original shopping function. Application for change of use from retail functions in this shopping area will be considered with potential problem in mind'.
- 6.24 Policies defining the extent of and governing the approach to development proposals within Local Centres were most recently set out within the 2002 Second Stage Draft Deposit Local Plan. The 2002 plan was never adopted but its use was approved for Development Management purposes. Its policies should therefore be used wherever consistent with the NPPF. Policy S13 relates to Changes of Use in District and Local Centres; it prohibits changes of use from [former] A1 retail uses in district and local centres unless:
1. *The proportion of non-retail uses on the ground floor of properties in the centre is below 30%, and*
 2. *The proposal would not result in a continuous group of more than two non-retail uses in the centre, and*
 3. *The property is vacant and the developer is able to demonstrate that the property has been marketed unsuccessfully for a reasonable period of time, or*
 4. *The developer is able to demonstrate that the proposal would sustain and enhance the vitality and viability of the centre*
- 6.25 These criteria are addressed as follows:
- 6.26 1. The 2021 retail study found that the Hucclecote local centre consisted of 53% service uses and although some units have since become vacant it is accepted that the local centre has more than 30% of ground floor properties as nonretail uses.
- 6.27 2. The proposed site location is adjacent to an active hair salon (Class E[c][iii]) known as Heads and Toes and a Co-op and so would not result in a continuous group of more than two non-retail uses.
- 6.28 3. The property has been vacant since 2021 and the agent have confirmed that the unit was unsuccessfully advertised before the applicant purchased the unit.
- 6.29 4. The proposed unit as previously stated has been vacant since 2021 and so the occupancy of the unit would, being an active business contribute and ensure vitality and viability of the centre.
- 6.30 The criteria of Policy S13 are quite exacting and are now 22 years old. As such some weight can be given to policies of the 2002 Local Plan for development control purposes.
- 6.31 The proposed complies with all criteria set except criteria 1. As previously stated some weight can be given to the policy but as the 2021 retail study found that 53% of uses within Hucclecote Local Centre were services rather than retail the exacting criteria of 30% and below is considered to be outdated. Furthermore, as services uses within the Hucclecote Local Centre are prevalent and the retail study still classified the centre as important within the hierarchy of local centre is considered that service uses compared to retail uses within the local centre still provide a suitable provision to the local need.

6.32 Furthermore, the saved S3B policy of the 1983 City Plan states change of use away from retail can be considered if they meet the local need. Again, as the 2021 retail study found that the over half of units within the Hucclecote Local Centre are service rather than retail and still classified the local centre as important. The need for services over retail is evident. Therefore, the proposed change of use would be in line with the existing use class provided within the local centre and the change of use from a vacant unit to a hot food takeaway would not result in a significant change of provision within the local centre. Hence, the proposed change of use is found to be acceptable in the proposed location subject to assessment against other material planning considerations.

6.33 **Design, Layout and Landscaping**

The NPPF states that new residential developments should be of high-quality design, create attractive places to live, and respond to local character integrating into the local environment. Policy SD3 requires all developments to demonstrate how they contribute to the principles of sustainability, Policy SD4 sets out requirements for high quality design, Policy SD6 requires development to protect or enhance landscape character while Policy SD10 requires housing of an appropriate density, compatible with good design, the protection of heritage assets, local character and compatible with the road network.

6.34 The application does not propose to alter the external layout or landscaping of the site and only proposes the make minimal external alterations to the front elevation.

6.35 It is proposed to introduce a new upcv fire door to the front elevation of the unit. The proposed color of the upcv door has not been specified but this can be secured through a suitably worded condition.

6.36 It is considered that the introduction of an additional door within the front elevation of the unit would not result in any significant harm to the character and appearance of the street scene as it is in line with other commercial units along the street.

6.37 The proposed ventilation system will be situated behind the existing parapet wall of the unit and extend upwards towards the existing roofline of the property, resulting in part of the ventilation system being visible from the street.

6.38 The design of the ventilation system would result in the vertical section, the flue being visible from the street. The ventilation flue would be 1m in width and 6.8m of it would be visible above the parapet wall. It would sit against the side wall of the upper floor so would sit approximately 7m from the front elevation of the unit.

6.39 The ventilation flue would be visible from the street although due to the parapet wall and it being in a setback position would reduce the visual amenity impact upon the street scene. Additionally, the proposed materials and colour of the flue has not been provided in the proposed plans but it is considered that an acceptable muted color and/ or matt materials can be achieved through a suitable worded condition. Furthermore, it is understood the proposed ventilation would also be visible by the residential units of Silverdale Parade but as they are in an elevated position limited weight is given to the visual impact of the flue.

6.40 Although proposed flue is deemed to be visible from the street scene and by residents of Silverdale Parade. However, with its proposed set back position and the conditioning of its proposed materials and colour the proposal is considered to result in some harm to the street scene and visual amenity of residents but in balance is not deemed to result in detrimental harm and so is considered acceptable.

- 6.41 A separate application has been submitted for advertisement consent to replace the existing fascia signage at the proposed site (23/00657/ADV). This application has been considered on its own merits and does not prejudice the decision of this application.
- 6.42 It is therefore deemed that the proposed change of use is acceptable in terms of design, layout and landscaping and so is considered to comply with policies SD4 and SD6 of the Joint Core Strategy (2017) and policies C4 and F1 of the Gloucester City Plan.
- 6.43 **Traffic and transport**
The NPPF requires that development proposals provide for safe and suitable access for all and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy INF1 of the JCS requires safe and accessible connections to the transport network and Policy G1 supports and encourages improvements to sustainable transport network.
- 6.44 It has been identified by the Local Highway Authority that the site is located within an existing rank of shops with on-street parking bays opposite, parking restrictions and bollards in place to prevent unsuitable parking. The applicants have indicated they will not be receiving deliveries to the unit and will undertake supplying of the shop themselves. But if this were to change the Highway Authority accept and states that future deliveries will be restricted by current parking restrictions.
- 6.45 The Local Highway Authority therefore raises no objection to the proposal in terms of highway safety or severe impact on congestion. Therefore, the application is considered to comply with Policy IN1 of the JCS and Policy G1 of the City Plan.
- 6.46 **Residential amenity**
Paragraph 130 (f) of the NPPF sets out that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users. This is reflected in Policy SD14 of the JCS and policy C4 of the City Plan which requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants.
- 6.47 As set out in section publicity and representations section of this report above, concerns have been raised by a number of neighbors in regard to the possible impact on amenity of neighboring occupant and properties including but not limited to noise, anti-social behavior and air quality.
- 6.48 Waste / Litter
- 6.49 The proposed application has considered the potential creation of waste and as such have proposed implementation of waste storage in the store and prep area of the unit to be used by staff and waste and recycling bins for use by customers in the shopfront area of the unit as shown on the proposed ground floor plan (P-10). The applicant has also stated within the Design and Access Statement that all staff will receive training on waste segregation to correctly dispose of waste and recycling materials and promote environmental responsible practices. Furthermore, it is stated that the applicant will engage with a responsible waste contractor to handle the waste collection and recycling of materials.
- 6.50 It is also noted that there are four public waste collection bins in proximity to the site including directly outside the proposed site, 24m north of the site at the junction of Hillview Rd and Foxwell Dr, 20m to the south of the site along Hucclecote Rd and 70m south-west of the site also along Hucclecote Rd.

- 6.51 It is therefore considered that the proposed application has provide sufficient information and proposed measures within the ground floor plan (P-10) to comply with criteria 4 of policy C4 of the City Plan. And as such is deemed that sufficient measures will be put in place and secured via a suitably worded condition in combination with existing public waste collection bin available that waste and or litter would no result in a significant impact upon amenity of neighboring occupants or the wider area.
- 6.52 Air Quality, Odor, and Noise (Ventilation)
- 6.53 The proposed ventilation system for the hot food takeaway has been through multiple iterations and now is deemed acceptable by the City Councils external consultants in terms of both odor and noise. The most recent proposed ventilation plan (C07721-01 Rev C) raised no objection subject to conditions by the council's consultant on 23.01.2024.
- 6.54 Therefore, the proposed application is considered not to result in any significant harm to amenity of neighboring occupants or the wider area in terms of unacceptable odor, air quality or noise in terms of the proposed ventilation system. And so is considered to comply with criteria 2 of policy C4 of the City Plan.
- 6.55 Noise and anti-social behavior
- 6.56 The proposed hot food takeaway has proposed the opening hours to be Monday to Friday 17:00-23:00 and Sunday and Bank Holidays 17:00-23:00.
- 6.57 The proposed opening hours are in line with other establishments along the street including the Co-op which is open until 22:00 Monday – Sunday and Papa John's which is open until 23:00 Monday – Friday. Therefore, the proposed opening hours are deemed acceptable as they do not differ greatly from existing business along the street.
- 6.58 As concluded in the publicity and representation section of this report the concern of anti-social behaviour was raised by objectors. The proposed opening hours, in line with other along the street would limit the presence of customers to certain times in line with existing expectations. It should be noted that the nature of prospective clientele is not a material planning consideration.
- 6.59 It is therefore deemed that the proposed change of use is acceptable in terms residential amenity and so is considered to comply with policy SD14 of the Joint Core Strategy (2017) and policy C4 of the Gloucester City Plan.
- 6.60 **Drainage and flood risk**
The NPPF requires that development is directed to the areas at lowest risk of flooding, that new development should take the opportunities to reduce the causes or impacts of flooding, should not increase flood risk elsewhere and take account of climate change. Policy INF2 of the JCS reflects the NPPF, applying a risk based sequential approach, requiring new development to contribute to a reduction in flood risk and requiring the use of sustainable drainage systems. Whereas Policy E4 of the Gloucester City Plan states that development should not lead to an increase in flood risk elsewhere and should reduce the cause and impact of flooding in the area and beyond.
- 6.61 2 Hillview Road is located within flood zone 1 and there is no proposed expansion of floor space. Therefore, its is considered that the proposed would not contribute towards an increased flood risk in the local area or beyond. As such is considered to comply with policy INF1 of the JCS and policy E4 of the City Plan.

6.62 **Economic considerations**

The construction phase would support employment opportunities and therefore the proposal would have some economic benefit. Further, paragraph 3.1.9 of the JCS identifies that it is important to ensure that sufficient housing is made available to support the delivery of employment and job growth. In the context of the NPPF advice that 'significant weight should be placed on the need to support economic growth through the planning system', this adds some weight to the case for granting permission.

6.63 **Conclusion**

This application has been considered in the context of the policies and guidance referred to above. The proposal is consistent with those policies and guidance in terms of design, materials, highway safety implications, impact upon the amenity of any neighbours and the local area; the proposal is acceptable and accordingly it is recommended that planning permission be granted.

7.0 **RECOMMENDATION OF THE HEAD OF PLACE**

7.1 That planning permission is GRANTED subject to the following conditions;

Condition 1

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

Reason

Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 2

The development hereby permitted shall be carried out in accordance with the application form, and drawing numbers:

- Proposed Ground Floor Plan (P-10)
- Proposed Front Elevations (P-11)
- Proposed Ventilation Plan (C07721-01 Rev C)

except where these may be modified by any other conditions attached to this permission

Reason

To ensure that the development is carried out in accordance with the approved plans and in accordance with policies contained within the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017), Gloucester City Plan (2023) and the NPPF.

Condition 3

The materials to be used in the construction of the external fire door shown of the proposed front elevation (P-11) shall match that of the existing access door of the front elevation of 2 Hillview Road.

Reason

To ensure that the materials are in keeping with the existing building.

Condition 4

The change of use hereby permitted shall not commence until the bin storage facilities have been installed and been made available for use in accordance with the submitted plan drawing no. P-10 and those facilities shall be maintained for the duration of the use of 2

Hillview Road as a hot food takeaway.

Reason

To ensure adequate refuse storage facilities are incorporated in the development and to ensure compliance with Policy C4 of the Gloucester City Plan.

Condition 5

The hot food takeaway use (Sui Generis) hereby permitted shall not be open to customer outside of the following hours: Monday to Friday 17:00-23:00 and Sunday and Bank Holidays 17:00-23:00.

Reason

To protect the noise climate and amenity of local residents and ensure compliance with Policy C4 of the Gloucester City Plan (2023) and Policy SD14 of the Joint Core Strategy (2017).

Condition 6

The change of use hereby permitted shall not commence until proposed materials and colour (RAL) of the ventilation system, including the ventilation flue have been submitted to and approved in writing by the local planning authority.

Reason

To ensure appropriate appearance of the proposed ventilation system to ensure it would not result in detrimental harm to the visual amenity of the area to ensure compliance with Policy C4 and F1 of the Gloucester City Plan (2023) and Policy SD4 of the Joint Core Strategy (2017).

Condition 7

The change of use hereby permitted shall not commence until information as to the proposed number of carbon filter panels for the ventilation system has been submitted to and approved in writing by the local planning authority.

Reason

To ensure adequate odour mitigation measure are incorporated in the development and to ensure compliance with Policy C4 of the Gloucester City Plan and Policy SD14 of the Joint Core Strategy (2017).

Condition 8

The change of use hereby permitted shall not commence until information as to the sound reduction specification of the proposed make-up duct attenuator for the ventilation system has been submitted to and approved in writing by the local planning authority.

Reason

To ensure adequate noise mitigation measure are incorporated in the development and to ensure compliance with Policy C4 of the Gloucester City Plan and Policy SD14 of the Joint Core Strategy (2017).

Note 1

Your attention is drawn to the requirements of the Building Regulations, which must be obtained as a separate consent to this planning decision.

You are advised to contact Gloucestershire Building Control Partnership (our shared service between Gloucester City Council and Stroud District Council) on 01453 766321 option 4,2 or building.control@stroud.gov.uk and www.gbcpartners.co.uk for further information or

advice on your project.

Note 2

Your attention is drawn to the Party Wall Act 1996. The Act will apply where work is to be carried out on the following:

- Work on an existing wall or structure shared with another property.
- Building a free-standing wall or a wall of a building up to or astride the boundary with a neighbouring property.
- Excavating near a neighbouring building.

The legal requirements of this Act lies with the building/ site owner, they must find out whether the works subject of this planning permission falls within the terms of the Party Wall Act 1996. There are no requirements or duty on the part of the local authority in such matters. Further information can be obtained from the DCLG publication Preventing and resolving disputes in relation to party walls – explanatory booklet.

Note 3

Please note that the issuing of planning permission does not grant a licence for the operation of a House in Multiple Occupation. Please ensure the correct licence is obtained prior to use. Failure to do so could result in enforcement action being taken. To apply for a licence please contact psh.focus@gloucester.gov.uk

Note 4

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

Person to Contact: Harriet Parker (396753)