

### **3 DCSE2003/2020/F - CHANGE OF USE FROM RETAIL TO A3 (FOOD AND DRINK). 33 HIGH STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5HD**

**For: Mrs L Preece per Jonathan Preece & Co, 53 Broad Street, Ross-on-Wye, Herefordshire HR9 7DY**

**Date Received: 4th July 2003**

**Ward: Ross-on-Wye West**

**Grid Ref: 5992 2408**

**Expiry Date: 29th August 2003**

Local Members: Councillor M R Cunningham and Councillor G Lucas

#### **1. Site Description and Proposal**

- 1.1 This site is located in the centre of Ross on Wye near to the 'Market House'. The site constitutes the ground floor of what was last used as a shop. The building as a whole is a Grade II listed building which forms part of a row of buildings which front onto the High Street. The two upper floors of the building are used as a single residential flat. There is a rough access track which serves the rear of the property.
- 1.2 The proposal is to change the use of the shop (Class A1) to Class A3 (Food and Drink) of the Town and Country Planning (Use Classes) Order 1987, i.e. the use for the sale of food and drink for consumption on the premises or of hot food for consumption off the premises.

#### **2. Policies**

##### **2.1 Planning Policy Guidance**

PPG No 6 (Revised) – Town Centres and Retail Developments

##### **2.2 Hereford and Worcester County Structure Plan**

Policy E1	Economic Growth
Policy CTC1	Areas of Outstanding Natural Beauty
Policy CTC9	Development Requirements
Policy CTC13	Conversion of Buildings
Policy CTC15	Conservation Areas

##### **2.3 South Herefordshire District Local Plan**

Policy GD1	General Development Criteria
Policy C20	Protection of Historical Heritage
Policy C22	Maintain character of Conservation Areas
Policy C27A	Change of Use to a Listed Building
Policy C29	Setting of a Listed Building
Policy ED3	Employment Proposals within/adjacent to Settlements
Policy RT1	Ross on Wye Town Centre
Policy T3	Highway Safety Requirements
Policy 21	Central Shopping Zone

## 2.4 Unitary Development Plan – Deposit Draft

Policy S2	Development Requirements
Policy S5	Town Centres and Retail
Policy TCR1	Central Shopping and Commercial Centres
Policy TCR2	Vitality and Viability
Policy TCR3	Primary Shopping Frontages
Policy TCR6	Non-Retail Uses (Classes 2 and 3)
Policy TCR15	Hot Food Take-Away Outlets
Policy T11	Parking Provision
Policy LA1	Areas of Outstanding Natural Beauty
Policy HBA3	Change of Use of Listed Buildings
Policy HBA4	Setting of Listed Building
Policy HBA6	New Development within Conservation Areas

## 3. Planning History

3.1	SH960217PF	Change of use from A1 (Retail) to A2 (Financial and Professional)	Approved 04.06.96
	SE2002/3795/F	Demolition of rear of shop, conversion of part of shop and extension to form two new dwellings.	Approved 10.02.03
	SE2002/3796/L	Demolition of rear of shop, conversion of part of shop and extension to form two new dwellings.	Listed Building Consent 10.02.03

## 4. Consultation Summary

4.1 English Heritage observe: No objection to the application.

Responses by internal consultees that raise material planning issues are summarised and considered in the Officers Appraisal.

## 5. Representations

5.1 The applicant's agent has submitted two letters of support. The main points being:

- enquiries have been received for the property from a number of potential occupiers for A3 use;
- A2 approval was granted in June 1996;
- no change of use within the block adjacent to site.

5.2 Town Council observe: No objections.

5.3 Five letters of objection have been received from:

- R J Pearce, Golden Crust Bakery, 25 Broad Street, Ross on Wye, Herefordshire
- A Weinhardt, Meaders Hungarian Restaurant, 1 Copse Cross Street, Ross on Wye, Herefordshire
- J & D Campkin, 8 Maitland Road, Reading, Berks
- D Campkin, 8 Maitland Road, Reading, Berks
- L Trute, Crown and Sceptre, Market Place, Ross on Wye, Herefordshire

The main points being:

- moved to Ross due to stated policy of not allowing new licensed premises in the town;
- already saturated with eating and drinking establishments with three having ceased trading through lack of business. Further competition will put objector out of business;
- drunken threatening behaviour in streets in town centre late at night. More licenced premises will make situation worse;
- need to protect character of town and the market place;
- the shop has always sold electrical goods or clothes which is type of shop the town needs;
- too many food related shops in the town;
- parking in the road will cause hazards;
- An A3 use will cause a loss of residential amenity to objectors next door flat due to noise, disturbance, smells and unsociable hours of operations, and the new flats being built at the rear;
- future residential development will be prejudiced;
- conflicts with UDP policy TCR2;
- no proper servicing access to premises which conflicts with UDP policy TCR3. Any deliveries at the front will be a hazard to road safety;
- private shared access at rear gets congested at times. The two new dwellings will make this worse;
- the proposal will be detrimental to the character of the conservation area and the neighbouring Grade II\* listed building 'Man of Ross House';
- A3 use will threaten retailing and viability and vitality of the central shopping area and therefore conflicts with UDP policy TCR1;
- the premises has a prominent site in market place. Already a number of non-retail uses in immediate area which are detrimental to retail character of the primary shopping frontage conflicting with UDP policies TCR2 and TCR3.

The full text of these letters can be inspected at Southern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

## **6. Officers Appraisal**

- 6.1 This site is situated in Ross on Wye town centre within the central shopping zone. Within the general area of the site there are other hot food and drink premises i.e. takeaways, restaurants and coffee shops etc.
- 6.2 The policies which particularly relate to this proposal in the Local Plan are policies RT1 (Ross on Wye Town Centre) 21 (Central Shopping Zone) and GD1 (General Development Criteria). These policies basically seek to maintain and enhance the attractiveness, vitality and viability of Ross Town centre, ensure that proposals are appropriate for the setting, do not adversely affect adjacent uses and also normally restrict A3 (also A2 and B1) uses in the central shopping zone to a maximum of two units within a continuous floor frontage of any six units to prevent the central shopping area being eroded.
- 6.3 Examples of A3 use are restaurants, public houses, snack bars, cafes, wine bars and shops for the sale of hot food. These types of premises are considered to be appropriate for a town centre provided the retail/shopping vitality and character of the

area is properly maintained and not eroded. The proposal does not conflict with policy No. 21 (i.e. a maximum of two A2, A3 and B1 use units within a continuous floor frontage of six units) and will not adversely affect the character of the area which will remain predominately retail.

- 6.4 With respect to the Council's Unitary Development Plan (Deposit Draft) the proposal will be situated on the defined 'primary shopping frontage' within the central shopping and commercial area for the town. It is considered that the proposal will comply with the policies in the plan in particular policies TCR1, TCR2 and TCR3 which relate directly to the proposal.
- 6.5 There is an existing access track which currently serves the rear of the premises and this will remain. The new residential development for two new dwellings which recently received planning permission (SE2002/3795/F) will still allow access to rear of premises. The Council's Head of Engineering and Transportation (Transportation Manager) has no objection to the proposal and it is considered that there will be no adverse traffic related implications created by the proposed use. Also the proposed change of use will not affect the character or appearance of the Grade II listed building, the setting of other nearby listed buildings nor the designated Conservation Area. This view is endorsed by the Chief Conservation Officer.
- 6.6 The objectors have raised a number of concerns about the proposal relating to the disturbance to the town centre and neighbouring properties. However it is considered that there are already public houses and take-away food shops in the area which results in people moving about the town centre at night and that the use of this premises for A3 use will not exacerbate or make any significant impact on this current situation. Similarly it is considered that the use of the premises for A3 use will not adversely affect the amenities of nearby/adjacent residential uses provided conditions are imposed on any planning permission relating to hours of opening, odour and fume control and details of any flues or extractors being submitted. The Head of Environmental Health and Trading Standards has recommended certain conditions be imposed relating to the matters on any planning permission granted.
- 6.7 The objectors have also stated that the proposal will increase competition in the town with respect to A3 uses. However this is not considered to be a material planning consideration.
- 6.8 The proposed development is considered to be acceptable and will not adversely affect the amenities and character of the area or the viability and vitality of the central shopping zone. It is considered that there will be no adverse traffic related implications created by the proposed use. The proposal will be in accordance with the approved planning policies for the area and in particular those relating to the town centre. Also there are no objections to the proposal from an environmental health point of view. The recommendation is therefore for permission.

## **RECOMMENDATION**

**That planning permission be granted subject to the following conditions:**

- 1 A01 (Time limit for commencement (full permission) )**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**

**2 A06 (Development in accordance with approved plans )**

**Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.**

**3 The use hereby approved relates solely to the ground floor of the premises.**

**Reason: To define the terms to which this planning permission relates and to protect the residential amenities and character of the area.**

**4 The use hereby permitted shall not be open to customers outside the hours of 8.00 am and 11.00 pm Sundays to Thursdays and 8.00 am and 12.00 midnight Fridays and Saturdays.**

**Reason: To safeguard the amenities of the locality.**

**5 A scheme for the ventilation of fumes and odours arising from the use hereby permitted shall first be submitted to and be subject to the prior written approval of the local planning authority. The use shall not be commenced until the approved scheme has been installed and made fully operational, and thereafter it shall be operated and maintained, as long as the use continues.**

**Reason: In order to ensure that fumes and odours are properly discharged and in the interests of the amenities of residential property in the locality.**

**6 No external flues or extractor equipment shall be installed at the premises without the prior written approval of the local planning authority.**

**Reason: In the interests of the amenity of the area.**

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.