

**DCCW2008/2887/F - CHANGE OF USE FROM BAKERY TO CHIP SHOP AT 17 MEADOW DRIVE, CREDENHILL, HEREFORD, HEREFORDSHIRE, HR4 7EF**

**For: Mr. M. Meophytou per John Farr and Associates,  
Fincham, Stockley Hill, Peterchurch, Hereford, HR2  
0SS**

**Date Received: 24 November 2008 Ward: Credenhill Grid Ref: 44798, 43179**  
**Expiry Date: 19 January 2009**

Local Member: Councillor R I Matthews

### **Introduction**

This application was considered by the Central Area Planning Sub-Committee at its meeting on 4th March 2009. Members resolved to refuse planning permission, contrary to the recommendation of the report. This decision was referred to the Head of Planning and Transportation to determine if it should be reported to the Planning Committee for further consideration.

The report to the meeting recommended that planning permission be granted based on the following assessment:-

- The site is located in an existing local shopping centre.
- Whilst there were objections from local residents, the grounds raised were not supported following consultation with the Traffic Manager and the Environmental Health Officer.
- Other issues such as litter and late night disturbance could be resolved though conditions.
- Although there was an existing hot food use (essentially a restaurant but with takeaway) in the centre, this proposal was a natural addition. The unit has been vacant for some 15 months.

During their debate Members raised issues around the impact of the use on the locality, particularly concentrating on noise and disturbance, anti-social behaviour, litter, fumes and odours and the fear of crime. Other issues mentioned were whether there was the opportunity for additional lighting and/or CCTV, whether the nearby restaurant had caused regular problems of noise and odours and how the doctors' surgery would be affected.

The Sub-Committee resolved to refuse permission for the following reasons:-

1. Harm to the residential amenity of the residents in the area, particularly those above and adjacent to the premises.
2. Harm the character of the area in terms of social activities outside normal business hours.
3. Increased noise and litter.
4. Emanating fumes and odours.
5. Fear of crime.

The Sub-Committee were advised that on the main issues of traffic and local amenity no objection had been raised by either the Traffic Manager or the Environmental Health Manager. It followed therefore that the decision might not be defensible if challenged. Accordingly the Head of Planning and Transportation has referred it to this Committee for a decision.

## 1. Site Description and Proposal

1.1 Meadow Drive is located within the neighbourhood shopping area at Credenhill. The property was formerly a bakery but has been closed for over 15 months. A general store adjoins one side with a doctors' surgery on the opposite side. Off road parking is available at the front and the shop also has a service facility to the rear.

1.2 The proposal is to change the use from A1 to A5 - hot food takeaway, namely a fish and chip shop. Above the shops are flats and the applicant has agreed a lease on the flat above this shop. The applicant presently operates two fish and chip shops in Hereford.

1.3 An extraction system for food smells is proposed on the rear elevation.

1.4 The proposed opening times are:

Monday – Saturday 1130 – 1400 hours and 1630 – 2300 hours

Sunday and Bank and Public Holidays 1700 – 2200 hours

## 2. Policies

2.1 Herefordshire Unitary Development Plan 2007:

Policy DR1	-	Design
Policy TCR15	-	Hot Food Takeaway Outlets
Policy T11	-	Car Parking

## 3. Planning History

3.1 DCCW2005/3065/F Conversion of part of existing bakery into a takeaway chip shop and proposed ground floor rear extension to form additional food preparation area. Withdrawn 27th October 2005.

3.2 DCCW2006/3058/F Proposed single storey extension to rear, to form a new storeroom, additional food preparation area and a new lobby to serve existing first floor flat over shop. Approved 14th November 2006.

3.3 DCCW2008/1113/F Change of use from bakers to fish and chip shop. Withdrawn 2nd June 2008.

## 4. Consultation Summary

### Statutory Consultations

4.1 Dwr Cymru Welsh Water: No objection.

Internal Council Advice

- 4.2 Traffic Manager: No objection.
- 4.3 Environmental Health Manager: I am satisfied with the odour control equipment as detailed in the information regarding extract equipment, however there is no information as regards the expected noise levels which may have an adverse impact on neighbouring residences. I would therefore advise that although I have no objection to the proposed use of the premises I would suggest that a condition is included with any permission requiring prior approval of the extract ventilation system. I would also suggest that the opening times are restricted to those detailed in the application. If in the future it is proposed to open later at night the applicant should be aware that as well as requiring a change in planning permission, they would require a licence from the local authority if they wish to sell food between 11p.m. and 5a.m..
- 4.4 Public Rights of Way Manager: No objection.

**5. Representations**

- 5.1 Credenhill Parish Council: The Parish Council have made more enquires pertaining to the revised planning application for the change of use of 17 Meadow Drive, Credenhill from a bakery to a fish and chip shop, planning application.
- The external flue pipe is still situated too close to residential accommodation above the adjoining shops. The pipe will be too close to the bathroom window of the adjoining property. Also the fan is situated inside of the extraction pipe but outside of the building and as such there could be a noise pollution aspect regarding this.
  - Although this extraction system has an updated filter system many residents are still convinced that there will still be a noise and odour issue that will affect the residential properties in the immediate area.
  - There are still issues regarding the parking situation to the rear of the premises. There is parking planned for two staff cars at the rear of the property. This does not appear to be the case as there is not the room for two cars. There is only one car parking space which is currently used by the tenant in the apartment above the shop. The garage which belongs to the property has the door bricked up and unless removed this cannot be included in the parking arrangements.
  - Some residents have mentioned that there are still issues pertaining to the late opening times of the shop and they are concerned that there is potential for noise and nuisance problems.
  - The issue of litter associated with this business has been mentioned again. The area around the shop parade is the property of the shop owners and had had an ongoing litter problem for many years. The Parish Council have been consulting with the shop owners to keep the area clear of litter for some time. The litter will also be liberally spread around the immediate area by the wind and as some people will discard wrapper etc. on their journey from the shop.
  - Some residents are experiencing ongoing problems with vermin to the rear of the shops and they feel that the situation will not improve with another food outlet in the same location.

- There is an increased fire risk associated with this type of business.
- 5.2 Nine letters of objection have been received, the main points raised being:
1. The chip shop is an inappropriate neighbour for a surgery.
  2. The facility will duplicate that provided by the Jasmine House Restaurant on the other end of the parade of shops.
  3. Fumes and litter will adversely affect adjoining residential property.
  4. The existing car park is used by 'boy racers' and this will exacerbate the situation leading to more loud music, revving engines and wheel spinning that already disturbs local residents.
  5. The car park is already heavily used with cars often queueing out into the road and this will undoubtedly generate more traffic.
  6. The extraction fan will cause noise pollution.
  7. The proposal is contrary to Policy TCR13 in that it would erode the vitality and viability of the shopping centre.
- 5.3 A petition with 59 signatures in support of the proposal has been received.

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

## **6. Officer's Appraisal**

- 6.1 This property is located within the local neighbourhood shopping area at Credenhill. The shopping parade consists of the one-stop shop, Chinese restaurant, doctors' surgery and the application site, a former bakery now vacant.
- 6.2 In assessing this planning application the following are considered to be appropriate:
1. Impact on Neighbours
  2. Highways Issues
  3. Litter and Fumes and Visual Impact of Associated Equipment
  4. Vitality and Viability
  5. Conclusions

### Impact on Neighbours

- 6.3 The building is located within a parade of shops, restaurant and doctors' surgery. Above these premises are flats. The applicant has taken the lease for the flat above. Dwellings are located to the north and east behind the premises. The Environmental Health Manager has fully assessed the application together with the proposed means of ventilation and is satisfied that the proposal will not be detrimental to the locality.
- 6.4 Concern has been raised regarding anti-social behaviour and the attraction of youths to a late night facility. However, the nearby restaurant is open in the evenings and to assist this situation opening times will be controlled by condition.

Monday – Saturday 1130 – 1400; 1630 – 2300 hours.  
Sunday and Bank Holidays 1700 – 2200 hours.

Highways Issues

- 6.5 The parade of shops has its own parking area with access off Station Road. The Traffic Manager raises no objection.

Litter and Fumes and Visual Impact of Equipment

- 6.6 The applicant already operates two fish and chip shops in Hereford and ensures his staff empty the bins on a regular basis. He would propose similar bins outside for this shop. A suitable litter management condition will be recommended. Fumes are to be extracted by means of a ventilation system to the rear to which the Environmental Health Officer has raised no objections subject to further details being submitted for approval regarding noise from the extraction system.
- 6.7 The system will be attached to the rear of the premises and protrude approximately 2 metres above the eaves. The Chinese restaurant at the southern side of the parade has a similar ventilation flue.

Vitality and Viability

- 6.8 The bakery shop has been closed for over 15 months and apart from a fish and chip shop proposals, there have been no other interest raised with the Planning Authority. To refuse planning permission could mean the premises remaining empty to the detriment of the parade. In addition a fish and chip shop is often seen as a natural additional to a shopping parade providing a variety of uses. Therefore it is not considered that the proposal will be detrimental to the vitality and viability of the parade.

Conclusions

- 6.9 The concerns of the local residents and Parish Council are noted. The objections concerning odours, litter, parking and anti-social behaviour are aspects which can be controlled by conditions which form the recommendations. Finally it is considered that the vitality and viability of the parade will not be impacted detrimentally by this development.

**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. **The use hereby permitted shall not be open to customers outside the hours of 1130 to 1400 and 1630 to 2300 Mondays to Saturdays and 1700 to 2200 on Sundays, Bank and Public Holidays.**

**Reason: To safeguard the amenities of the locality and to comply with Policy DR1 of Herefordshire Unitary Development Plan.**

- 3. Prior to the commencement of development, a litter management plan shall be submitted to and approved in writing by the local planning authority. The management plan should include the provision of litter bins on the premises and infrastructure relating to regular litter patrols. The approved details shall be implemented prior to the first use of the premises which shall thereafter be operated in accordance with the management plan.

Reason: In the interest of amenity of the area and in accordance with Policy DR1.

- 4. Notwithstanding the details submitted, prior to the use commencing, full details of the extraction ventilation system shall be submitted for approval in writing of the local planning authority. The approved details shall be installed in their entirety and appropriately maintained.

Reason: In the interest of amenity of the area and in accordance with Policy DR1.

- 5. A scheme for the provision of external lighting for the front of of the premises shall be submitted to and approved in writing by the local planning authority prior to the use commencing. The lighting shall be installed in accordance with the approved details.

Reason: In the interest of amenity of the area and in accordance with Policy DR1.

**Informatives:**

- 1. N19 - Avoidance of doubt - Approved Plans.
- 2. N15 - Reason(s) for the Grant of PP/LBC/CAC.

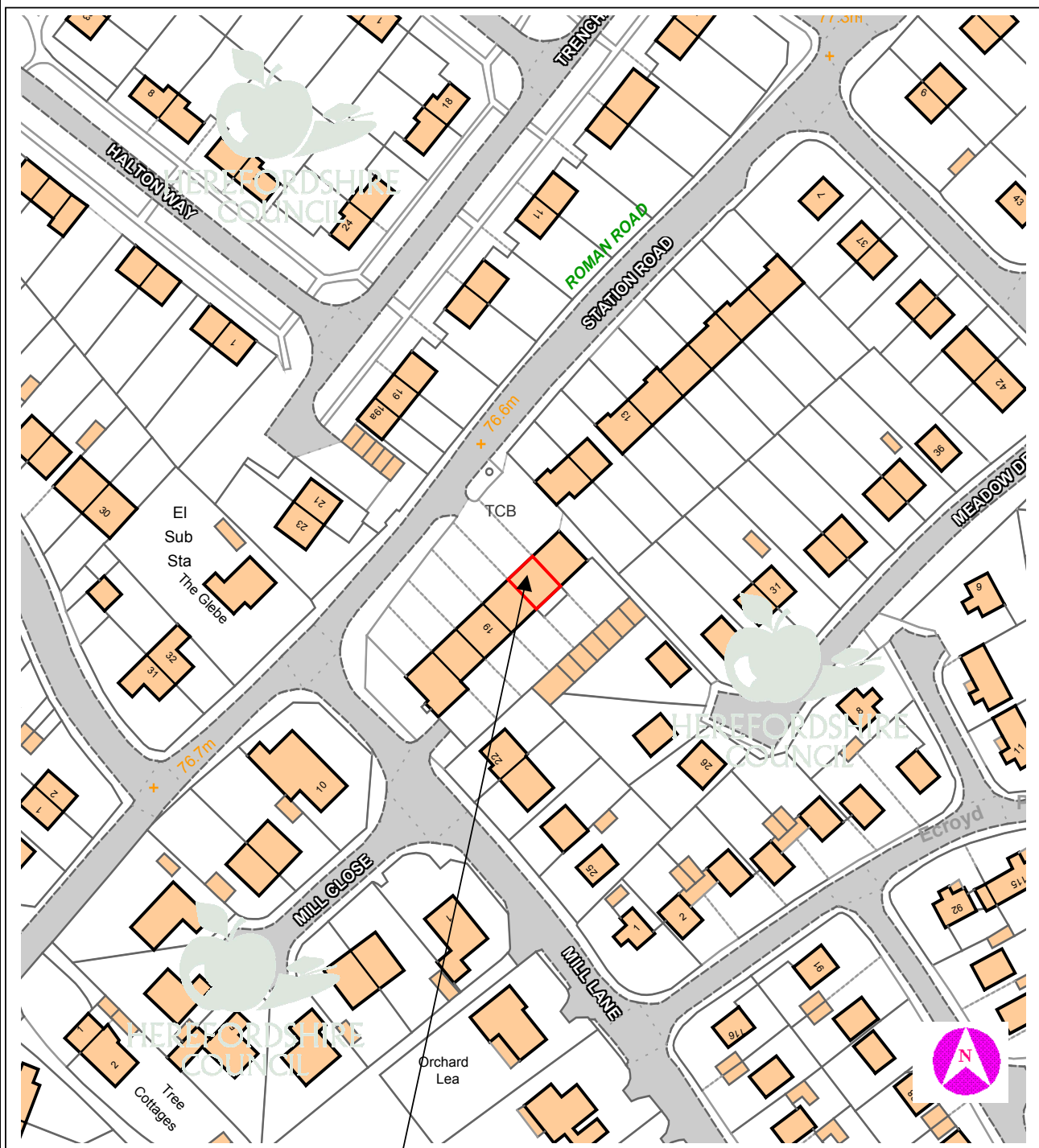
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW2008/2887/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 17 Meadow Drive, Credenhill, Hereford, Herefordshire, HR4 7EF

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