

**12 DCSE2004/0332/F - CHANGE OF USE FROM A1 TO A3
(RESTAURANT, SNACK BAR, CAFE), UNIT 1,
THE MALTINGS, (42/43 BROAD STREET),
ROSS-ON-WYE**

**For: Lancashire County Council Pension Fund per
Knight Frank, Emperor House, Scott Harbour, Pierhead
Street, Cardiff, CF10 4PH**

**Date Received: 30th January 2004 Ward: Ross-on-Wye Grid Ref: 60038, 24236
East**

Expiry Date: 26th March 2004

Local Member: Councillor Mrs. C. J. Davis
 Councillor Mrs. A. E. Gray

1. Site Description and Proposal

- 1.1 This site is located in the centre of Ross-on-Wye. The site is an existing shop (presently vacant) which fronts onto Broad Street and forms part of the Maltings development.
- 1.2 The proposal is to change the use of this ground floor and first floor premises from A1 use (shops) to A3 use (food and drink) 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.1 - General Policy and Principles
PPG.6 (Revised) - Town Centres and Retail Development

2.2 Hereford and Worcester County Structure Plan

Policy E.1 - Economic Growth
Policy CTC.1 - Areas of Outstanding Natural Beauty
Policy CTC.9 - Development Requirements
Policy CTC.13 - Conversion of Buildings
Policy CTC.15 - Conservation Areas

2.3 South Herefordshire District Local Plan

Policy GD.1 - General Development Criteria
Policy C.20 - Protection of Historical Heritage
Policy C.22 - Maintain Character of Conservation Areas
Policy C.29 - Setting of a Listed Building
Policy ED.3 - Employment Proposals within/adjacent to Settlements
Policy RT.1 - Ross-on-Wye Town Centre
Policy T.3 - Highway Safety Requirements
Policy 21 - Central Shopping Zone

2.4 Unitary Development Plan – Deposit Draft

Policy S.2	-	Development Requirements
Policy S.5	-	Town Centres and Retail
Policy TCR.1	-	Central Shopping and Commercial Centres
Policy TCR.2	-	Vitality and Viability
Policy TCR.3	-	Primary Shopping Frontages
Policy TCR.6	-	Non-Retail Uses (Classes 2 and 3)
Policy TCR.15	-	Hot Food Take-Away Outlets
Policy T.11	-	Parking Provision
Policy LA.1	-	Areas of Outstanding Natural Beauty
Policy HBA.4	-	Setting of Listed Building
Policy HBA.6	-	New Development within Conservation Areas

3. Planning History

3.1 No recent history.

4. Consultation Summary

Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 Head of Engineering and Transportation has no objection.

4.3 The Chief Conservation Officer has no objection.

4.4 Head of Environmental Health and Trading Standards observes:

"No details of hours of operation nor any externally mounted ventilation or refrigeration equipment. Suggest conditions prohibiting its opening beyond 23.00 hrs, and a scheme be submitted showing location/design of any externally mounted ventilation or refrigeration equipment and predicting noise level to nearest residential property with window overlooking it."

5. Representations

5.1 The applicants' agent has submitted a letter of support. The main points being:

- change of use of Unit 1 The Maltings to A3 use
- premises empty for around 3 years
- difficulty in letting property for pure retail use
- expand potential use to A3 restaurant, cafe, snack bar or hot food shop
- The Maltings is primarily A1 retailers.

5.2 The Ross-on-Wye Town Council has no objections.

5.3 Five letters of objection have been received from:

Mr. K. Lane, The Malt Loaf, The Maltings, Ross-on-Wye, HR9 7DL

Mr. S. E. Buckley, 34a Gloucester Road, Ross-on-Wye, HR9 5BS
R. V. Keene, Cloisters Wine Bar & Restaurant, 24 High Street, Ross-on-Wye, HR9 5BZ
Mr. E. Kefalas & Miss R. Jones, Seven Seas Fish Bar, 22 Broad Street, Ross-on-Wye, HR9 7EA

A petition from local traders with 29 signatures (23 addresses) has been received.

A petition from the residents of Ross-on-Wye with 36 signatures (33 addresses) has also been received.

The main points being:

- there are already too many restaurants, cafes, snack bars and premises selling hot food in Ross-on-Wye and several are shut at this time of year due to lack of custom. A further outlet would increase strain on remainder who are already struggling to survive
- proposal will have negative impact on town which is already saturated with sit in and take-away food outlets. Proposal will put a lot of existing premises out of business
- objector has purchased building next door to expand their business, but can not commence if this proposal is granted. Causing them distress
- need to look at planning history of The Maltings to see what conditions were imposed
- more shops required and less food and charity shops
- high levels of noise at night time in Broad Street
- unhappy with most of the decisions taken by the Council
- fighting to keep town active
- at least 34 food servers or take-aways in the town
- this large unit is only suitable for a large multi-national company
- many empty shops along Gloucester Road and Broad Street
- proposal could increase traffic problems, e.g. car parking and delivery wagons. Maltings car park could become congested
- an indoor market for local businesses may be a good idea/better option
- the unit could be split into two. Rent and rates could be kept lower
- the narrowing of the road by The Maltings could become dangerous and noisy
- increase in taxes and stringent parking enforcements has caused problems to traders
- fears over the size of the building and the big company which will occupy it, resulting in loss of personal approach and loss of trade for smaller outlets.

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 in the centre of Ross-on-Wye town centre within the central shopping zone. The main issues which relate to this application are whether it is appropriate for an A3 use to be located in this location and its effect on the attractiveness, vitality and viability of Ross town centre. The policies which particularly relate to this proposal are policies RT.1 (Ross-on-Wye Town Centre), 21 (Central Shopping Zone) and GD.1 (General Development Criteria) in the Local Plan. Policies TCR.1 (Central Shopping and Commercial Areas), TCR.2 (Vitality and Viability) and TCR.3 (Primary Shopping

Frontages) in the Draft Herefordshire Unitary Development Plan – deposit draft, are also particularly relevant.

- 6.2 The policies in the Local Plan seek to maintain and enhance the attractiveness, vitality and viability of the town centre, ensure that proposals are appropriate for the setting, do not adversely affect adjacent uses and 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. Examples of A3 uses 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.
- 6.3 The proposed development complies with the aforementioned policies in the Local Plan, in particular Policy 21 (i.e. a maximum of no more than two A2, A3 and B1 use units within a continuous floor frontage of six units) and will not adversely affect the character of the immediate area which will remain predominately retail.
- 6.4 With respect to the Unitary Development Plan (Deposit Draft) the proposal will be situated on a defined 'primary shopping frontage' within the central shopping and commercial area of the town. The aforementioned policies in the UDP in particular Policy TCR.3 also seek to retain the retail trading character of the primary shopping frontages by promoting retail use and limiting A2 and A3 use in ground floor premises. The proposal will be situated within a predominately retail area and frontage where the visual impact of a non-retail use would be minimal. The proposed development will comply with the provisions of these policies and from this point of view is considered to be acceptable.
- 6.5 The objectors have raised concerns about traffic and noise problems. However it is not considered that the proposed development will have any adverse impact on these matters. The objectors have also stated that the proposal will increase competition in the town with respect to A3 uses which is already causing problems. The financial implications of a proposed development on other similar uses is not considered to be a material planning consideration.
- 6.6 The proposed use/development will not adversely affect the visual appearance and character of the Ross-on-Wye Conservation Area.
- 6.7 The proposed development is therefore considered to be acceptable in this location and will be in accordance with the approved planning policies which relate to this type of development in the centre of Ross-on-Wye.

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. **A07 (Development in accordance with approved plans)**

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

- 3. E04 (Restriction on hours of opening (restaurants and hot food takeaways))**

Reason: To safeguard the amenities of the locality.

- 4. A scheme for the position and design of any externally mounted ventilation or refrigeration equipment and predicting its noise level at the facade of the nearest residential property with windows overlooking it shall first be submitted to and be subject to the prior written approval of the local planning authority prior to the installation of any such equipment.**

Reason: In the interests of the visual amenity and residential amenities of dwelling units in the area.

Informative(s):

- 1. N15 - Reason(s) for the Grant of planning permission**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.