

**10 DCCE2004/1330/F - CHANGE OF USE TO ALLOW MIXED A1/A3 COFFEE SHOP AT 62 COMMERCIAL STREET, HEREFORD.****For: Starbucks Coffee (UK) Ltd per Pegasus Planning Group, 6-20 Spitalgate Lane, Cirencester, Gloucs., GL7 2DE****Date Received: 13th April, 2004****Ward: Central****Grid Ref: 51097, 40042****Expiry Date: 8th June, 2004**

Local Member: Councillor D.J. Fleet

**1. Site Description and Proposal**

- 1.1 The application site is located at 62 Commercial Street and at the time of writing this report it is still occupied by the Cheltenham and Gloucester Building Society, however the current occupier is to move to 59/61 Commercial Street and a change of use of that premises was subject to a separate application approved in April 2003 by the Central Area Planning Sub-Committee. This current application seeks change of use of the existing premises at 62 Commercial Street to a mixed A1/A3 coffee shop use. The premises as currently occupied by the Cheltenham and Gloucester is trading as an A2 (Financial and Professional Services), however with the granting of the relocation of the Cheltenham and Gloucester Building Society, a unilateral undertaking was submitted by Cheltenham and Gloucester Building Society that upon their relocation No. 62 Commercial Street would be used as at ground floor level for A1 (Retail) purposes only.
- 1.2 The application site is extremely prominent and its frontage is within that defined as a primary shopping frontage in the Hereford City Local Plan. It is adjacent to the Grade I listed Old House and has a frontage on both Commercial Street and St. Peters Street.

**2. Policies****2.1 Planning Policy Guidance:**

- PPG1 - General Policy and Principles  
PPG6 - Town Centres and Retail Development

**2.2 Hereford Local Plan:**

- Policy S1 - Role of the Central Shopping Area  
Policy S2 - Retail Development within the Central Shopping Area  
Policy S5 - Primary Shopping Frontages  
Policy S8 - Window Displays  
CON12 - Conservation Areas  
CON13 - Conservation Areas – Development Proposals

### 2.3 Herefordshire Unitary Development (Revised Deposit Draft):

Policy S5	-	Town Centres and Retail
Policy DR5	-	Planning Obligations
Policy TCR1	-	Central Shopping and Commercial Areas
Policy TCR2	-	Vitality and Viability
Policy TCR3	-	Primary Shopping Frontages
Policy TCR6	-	Non-retail Uses
Policy HBA6	-	New Development within Conservation Areas

## 3. Planning History

- 3.1 H/P/26569 Change of use of first floor flat into building society offices. Refused. 1984 appeal dismissed 18th February 1985.
- 3.2 H/26570/LB Internal alterations with first floor flat to form office accommodation. Listed Building Consent refused 1984. Appeal dismissed 18th February 1985.
- 3.3 CE2001/1085/F Change of use of first floor to office use ancillary to ground floor building society office. Refused June 2001.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 English Heritage - no objections.

### Internal Council Advice

- 4.2 Head of Engineering and Transportation - has no objections to the proposed change of use, however if seating is to be proposed on the public highway in future as a consequence of the use then a licence will be required from Herefordshire Council, the footway adjacent to the building shall be kept clear at all times to ensure pedestrian flows along the street and building frontage.
- 4.3 Head of Conservation - no objections to the change of use, but the position of any external seating must be fully considered together with its impact on the Grade I listed Old House.

## 5. Representations

- 5.1 Hereford City Council - fully supports the application.
- 5.2 There are no third party representations.

## 6. Officers Appraisal

- 6.1 The main issues for the consideration of this proposal are
- The extent of permitted non-retail representation in the frontage concerned, the prominence of the premises within the street scene, the impact of the proposal on

the city centre vitality and viability, the need to avoid the introduction of a dead frontage, the provision made for servicing.

- 6.2 The premises currently occupied by the Cheltenham and Gloucester is located in an extremely prominent corner position of St. Peters Street and Commercial Street directly opposite the Grade I listed Old House. As part of the Cheltenham and Gloucester's relocation a Planning Obligation was entered into by Cheltenham and Gloucester Building Society stating that the premises subject of this application would be used for only A1 retail use. Clearly the use of the premises for A1 retail use is fully in accordance with the Local Plan policy for the primary frontages, however in considering appropriate uses for primary frontages, issues such as footfall and vitality and viability must also be considered and this was a major factor in the planning appeal when William Hill Bookmakers was granted permission by the Secretary of State in St. Peters Street.
- 6.3 The character and retail offer in urban town centres has changed over the years and retailers/operators such as Starbucks Coffee Shops are now common place in the fabric of our cities. Clearly the proposed use which in this case is a mixed A1/A3 use does not fully accord with the retail policy for a primary shopping frontage and therefore other factors in relation to the use must be considered. The applicant's agent has provided footfall information comparing a Starbucks Coffee Shop to other uses which are commonly located in city centres.
- 6.4 From the information submitted its attraction and associated pedestrian movements in the city centre is not dissimilar to and is indeed higher than many other uses. The use of the premises would not have a traditional retail appearance but due to the large shop windows and its corner position, activity would clearly be visible from Commercial Street and St. Peters Street and would appear as a vibrant unit on the retail frontage. Having regard to these characteristics, the use would be one that offers an attractive and interesting visual appeal.
- 6.5 Having regard to the appropriateness of the use, another material consideration is the availability of other premises on the primary frontages for retail purposes that are currently unoccupied. Within close proximity to the site, there are a number of units which have been vacant for some time which have a negative impact on the locality. Therefore having regard to these issues, it is considered that the provision of the use proposed would not have a detrimental impact on the general appearance of this part of Hereford City and in your Officers opinion would enhance the town centre.
- 6.6 Lastly, in respect of the provision made for servicing, like most properties in Commercial Street and St. Peters Street, the site would need to be serviced from the highway as there are no other servicing provisions. Again, this issue is no different to that which is currently the situation for the majority of units in this locality.
- 6.7 Through the use of necessary conditions ensuring that the premises are used for the purpose applied for and no other use within Class A3, the scheme is considered to be acceptable in planning and land use terms having regard to the adopted policies of the Local Planning Authority and other material considerations. Due to the provision of the Planning Obligation under Section 106 of the Town and Country Planning Act, an application to discharge the current Planning Obligation will need to be made to this Authority prior to the issue of planning permission in respect of the proposed use.

**RECOMMENDATION**

**Upon the submission and granting of an application for the discharge of the Planning Obligation affecting the site, Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to conditions.**

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.