

**7 DCSE2004/3924/F - VARIATION OF CONDITION 2 OF PLANNING PERMISSION REF: SE1999/1679/F (HOURS OF OPERATION). PAN PIZZA, 8 GEORGE PLACE, GLOUCESTER ROAD, ROSS-ON-WYE, HEREFORD HR9 5BS**

**For: Mr. & Mrs. Jaradat per Tufnell Town & Country Planning, Waverley Studio, Gloucester Road, Hartpury, Gloucester, GL19 3BG**

**Date Received: 12th November 2004 Ward: Ross-on-Wye East Grid Ref: 59973, 24083**

**Expiry Date: 7th January 2005**

Local Members: Councillor Mrs. A.E. Gray and Councillor Mrs. C.J. Davis

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

- 1.1 The application site is "Pan Pizza" which is sited on the southern side of Gloucester Road at the top end of the street, close to the market place. The premises has permission for an A3 use class, granted in August 1999, and it is essentially a take-away with a few seats against the window. Ground floor premises in the immediate vicinity are mainly retail. There are also banks, public houses and other take-aways in the surrounding area. Above the application site and adjoining shops, there are residential properties. The site is within the Ross on Wye central shopping zone and Conservation Area.
- 1.2 Condition 2 of the original planning permission for A3 use (ref. SE99/1679/F), restricted the opening hours from 8am to 11pm Monday to Thursday, 8am to 12.00 midnight on Friday and Saturday and from 8am to 11pm on Sundays. This application is to vary condition 2, to allow opening from 8am to 12.00 midnight from Sunday to Wednesday and from 8am to 2am Thursday to Saturday.

## **2. Policies**

### **2.1 Planning Policy Guidance**

PPS1 - Delivering Sustainable Development

### **2.2 South Herefordshire District Local Plan**

Policy GD1 - General Development Criteria  
RT1 - Ross on Wye Town Centre

Part 3,  
Policy 16 - Conservation Area  
Policy 21 - Central Shopping Zone

### **2.2 Herefordshire UDP (Deposit Draft)**

Policy S2	-	Development Requirements
Policy S5	-	Town Centres and Retail
Policy DR13	-	Noise
Policy TCR15	-	Hot Food Take-away Outlets

### 3. Planning History

- 3.1 SE/99/1679/F Change of use from A1 (retail) to A3 (food and drink) - Conditional permission 4.8.99

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

#### Internal Council Advice

- 4.2 The Traffic Manager has no objections.
- 4.3 The Conservation Manager has no observations.
- 4.4 Head of Environmental Health and Trading Standards has no adverse comments in terms of pollution. With regard to public amenity, no objection is raised however it is stated that a Premises Licence from the Local Licensing Authority will be required. The prospective Licensee will be required to show that adequate systems are in place to ensure that the four licensing objectives are not compromised by the operation of his business, the four licensing objectives are:
1. Prevention of Crime and Disorder
  2. Prevention of Public Nuisance
  3. Public Safety
  4. Protection of Children from harm

### 5. Representations

- 5.1 Ross on Wye Town Council : Two o'clock closing time is too late.
- 5.2 Two letters of objection from the Ross on Wye and District Civic Society and the Rosswyn Hotel. The main points raised are:
- the operation of this business into the small hours of the morning will constitute a nuisance for residents of Gloucester Road due to frequent comings and goings of customers and loud behaviour which is likely from some customers.
  - This is likely to discourage greater residential occupancy of spaces above commercial premises in the town centre. It may also discourage tourists.
  - Late night opening of another take away in the town previously caused disturbance with noise, obscene language and behaviour, mess and litter especially in the summer.

- The extractor fan already causes nuisance to the rear of the Rosswyn Hotel, later opening would mean later nuisance.
- 5.3 A petition of support was submitted with the application with some 126 signatories.
- 5.4 A standard letter of support was submitted with the application from 3 local residents, from 6 Gloucester Road, 3 Gloucester Road and the first floor flat above 4 Gloucester Road, stating that the application has their full backing and that whilst Pan Pizza have been trading they have had no cause for complaint due to noise or nuisance of any kind.
- 5.5 The agent also submitted a covering letter making the following points:
- The proposed times are in general conformity with the opening times of other premises within the town including A3 use and night clubs.
  - The premises was opening late for a period last year (although this was unauthorised) this was in effect a "trial" period during which time only one complaint was received.
  - The proposal complies with the requirements of Unitary Development Plan Policy TCR15.
  - There is a taxi rank and bus stop outside the premises and a CCTV camera monitors the building.
  - Many customers order in advance and the business is conducted to minimise noise, litter and disturbance.
  - The proposal will have a positive impact on the evening economy assisting the vitality and viability of the town.

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 The premises already has permission for the take-away use and the main issue for consideration is the impact of the later opening upon the amenity of the area, including the impact upon the conservation area, neighbouring residents and traffic implications.
- 6.2 The later opening of the premises is not considered to have a significant impact upon the character or appearance of the Conservation Area. Neither would it be expected to generate significant additional traffic and there are no objections in this respect.
- 6.3 The impact upon residential amenity can be considered from two aspects, firstly in terms of any pollution from smells, fumes etc. and secondly in terms of noise and general disturbance from customers. The Head of Environmental Health raises no objection in terms of pollution and indeed the original planning permission did make provision for the control of fumes and odours.
- 6.4 The concerns raised by local interested parties regarding general disturbance for local residents late at night are noted. It is acknowledged that the later opening will be likely

to cause additional disturbance to some extent and there is some concern at the late hours proposed particularly on Thursday, Friday and Saturday. However, no objection is raised by the Head of Environmental Health who does have means of control over late opening under separate legislation for a Premises Licence. Furthermore, this property is within the town centre in a predominantly commercial area where activity and disturbance late at night must be accepted to a certain extent. In addition it is noted that the support expressed for the proposal far outweighs the number of objections received. On this basis, on balance the proposal is not considered to cause undue disturbance such that would warrant refusal of the application and consequently conditional permission is recommended.

**RECOMMENDATION**

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

- 1 The premises shall not be open to customers outside the hours of 8.00 am and 12.00 midnight Sunday to Wednesday, and 8.00 am to 2.00 am Thursday to Saturday.**

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

**Informativ:**

**1 - N15 - Reason(s) for the Grant of Planning Permission**

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.