

**15 DCNC2005/0983/F - CHANGE OF USE TO A3  
BETWEEN HOURS OF 8.00 - 14.00 MONDAY –  
SATURDAY AT 73 ETNAM STREET, LEOMINSTER,  
HEREFORDSHIRE, HR6 8AE**

**For: Mr M Rohde per Mr J Phipps Bank Lodge,  
Coldwells Road, Holmer, Hereford, HR1 1LH**

**Date Received:  
23rd March 2005**

**Ward:  
Leominster South**

**Grid Ref:  
49893, 58945**

**Expiry Date:  
18th May 2005**

Local Member: Councillors R Burke and J P Thomas

**1. Site Description and Proposal**

- 1.1 Site is located on the north side of Etnam Street and on the east side of the entrance to Etnam Street car park. The former Ginger's Wine Bar, now a dwelling, is to the east. The site is within the central shopping and commercial area of Leominster as shown on the Leominster Town Centre Inset Plan in the Leominster Local Plan (Herefordshire). Also, it is within the Leominster Conservation Area.
- 1.2 This is a retrospective application for the use of the ground floor as A3 Takeaway that will be opened to the public between 8am and 2pm Monday to Saturday.

**2. Policies**

2.1 Leominster District Local Plan (Herefordshire):

A1 – Managing the District's Assets and Resources  
A2 – Settlement Hierarchy  
A21 – Development within Conservation Areas  
A32 – Development within Town Centre Shopping and Commercial Areas  
A54 – Protection of Residential Amenity

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

HBA1 – Alterations and Extensions to Listed Buildings  
HBA3 – Change of Use of Listed Buildings  
HBA6 – New Development within Conservation Areas

PPS1 – Delivering Sustainable Development  
PPS6 – Planning for Town Centres  
PPG15 – Planning and the Historic Environment

**3. Planning History**

- 3.1 NC2002/0334/F - Change of use from shop to flat. Approved 14.03.02.

- 3.2 NC2004/1039/F - Change of use to takeaway (A3) use. Refused 14.01.05 for the following reason:

*“The proposal would be contrary to Policy A.54 of the Leominster District Local Plan (Herefordshire) in that it would likely give rise to problems of noise disturbance, cooking smells and on street parking that would adversely affect the residential amenity of neighbouring dwellings.”*

#### **4. Consultation Summary**

##### Statutory Consultations

- 4.1 No statutory consultees

##### Internal Council Advice

- 4.2 Traffic Manager: No objection
- 4.3 Environmental Health: No objection but would suggest that a condition is imposed restricting the frying of foods to shallow frying.

#### **5. Representations**

- 5.1 Leominster Town Council: Recommends approval.
- 5.2 Letter of objection received from Mr P. Davies, 65 Etnam Street, Leominster:  
(a) I have a number of reservations about these premises. Firstly the cafe was opened although planning permission has been denied; and  
(b) More importantly I feel that the disturbance of noise, smell, litter, parking problems and the storage of commercial food waste currently blocking the pavement in a predominantly residential area are more serious
- 5.3 The full text of this letter can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford, and prior to the Sub-Committee meeting.

#### **6. Officers Appraisal**

- 6.1 This is a retrospective application for A3 Use submitted following complaints to and investigation by the Enforcement Officer. The premises were opened shortly following the refusal of NC2004/1039/F.
- 6.2 A3 Uses can potentially be a nuisance to the amenity of neighbours through noise, cooking smells and operating hours. While the site is within a commercial area it is predominantly residential in its character. Notwithstanding the previous refusal of planning permission, the Environmental Health Officer has raised no objection to this proposal provided the use is restricted to the hours applied and no deep-frying is allowed to take place on the premises. It is considered these conditions will protect the amenity of neighbours. These conditions have been imposed on other similar businesses elsewhere in Leominster.

**RECOMMENDATION**

That planning permission be granted subject to the following conditions:

- 1 - E03 (Restriction on hours of opening )  
The use hereby permitted shall not be open to customers between the hours of 2.00pm and 8.00am Monday to Saturday only.

Reason: In the interests of the amenities of existing residential property in the locality.

- 2 - The sale of hot food shall be restricted to snack food only by shallow frying. There shall be no sales of deep fried food.

Reason: To prevent the unrestricted expansion of the business to other hot food meals and in the interests of residential amenity.

- 3 - F39 (Scheme of refuse storage)

Reason: In the interests of amenity.

**Informative:**

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.