

13 DCSE2004/2997/F - CHANGE OF USE FROM RETAIL SHOP (CLASS A1) TO HOT FOOD TAKEAWAY (CLASS A3) AT 22 HIGH STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5BZ

For: Mr A Hussain per Terry A. Poultney, 181 Tennyson Way, Offmore Farm, Kidderminster, Worcestershire, DY10 3YT

Date Received: 19th August, 2004 Ward: Ross-on-Wye West Grid Ref: 59943, 24050
Expiry Date: 14th October, 2004

Local Members: Councillor G. Lucas and Councillor M.R. Cunningham

1. Site Description and Proposal

1.1 These premises, once a public house (The King's Rest), has until recently been an electrical goods retail shop with residential flats above. The premises are situated at the southern end of High Street. It is proposed to convert the ground floor into a hot food take-away shop. The two flats on the upper floor would remain. Internal alterations would be required but externally the only change proposed is the installation of ducting for the fume extract system. The property adjoins buildings that are included on the list of Buildings of Historic or Architectural Interest and is in Ross on Wye Conservation Area..

2. Policies

2.1 Planning Policy Guidance

PPG6 - Town Centres and Retail Developments

2.2 South Herefordshire District Local Plan

Policy RT1 - Ross on Wye Town Centre
Policy C23 - New Development affecting Conservation Areas
Policy C29 - Setting of a Listed Building

Part III

21 - Central Shopping Zone
22 - Retail use outside the Town Centre

2.2 Herefordshire UDP (Revised Deposit Draft)

Policy TCR1 - Central Shopping and Commercial Areas
Policy TCR2 - Vitality and Viability
Policy TCR4 - Secondary Shopping Frontages
Policy TCR6 - Non-Retail Uses (Classes 2 and 3)
Policy TCR15 - Hot Food Take-Away Outlets

3. Planning History

3.1 There have not been any recent planning permissions relating to this site.

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 to the grant of permission.

4.3 Head of Environmental Health does not object to the proposal but recommends that submission of full details of the fume extract system should be a condition of the planning permission.

4.4 The Conservation Manager does not consider that an external flue would be acceptable. The revised option with the flue being taken internally is preferred.

5. Representations

5.1 The applicant's agent points out that:

- (i) the applicant owns the 2 flats and would undertake to ensure his tenants' living standards are protected
- (ii) historically understood that originally a travellers' inn and more recently a pub and fish and chip shop
- (iii) as an option to the external flue extract the fumes could be taken through the residential flat at first floor level.

5.2 Town Council has no objections to the proposal.

5.3 4 letters have been received raising the following objections to this proposal:

- (i) already too many take-aways in Ross (about 17); in this short stretch there are 2 fast food outlets and 2 restaurants and a pub providing meals - another take-away would further damage the business prospects of existing take-aways
- (ii) only a few real shops left - Ross will start to look like a ghost town by day and a line must be drawn
- (iii) promote more litter and exacerbate problem of rowdiness and general bad behaviour
- (iv) noise and disturbance from late-night opening, especially Friday and Saturday night
- (v) fumes and smells - area should remain predominantly residential

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 current statutory local plan (South Herefordshire District Local Plan) does not include this part of High Street within the central shopping zone and consequently there is no restriction on the change of use of A1 retail shops into hot food take-aways. However the application site is within the secondary shopping frontage as designated in the Revised Deposit Unitary Development Plan (UDP). There have not been objections to the relevant UDP policies (TCR1 and TCR4) relating to the principle of "secondary shop frontages" nor specifically to the designated frontage within Ross on Wye. Consequently these policies can be given significant weight.

6.2 UDP Policy TCR4 is as follows:

The secondary shopping frontages in Hereford and the market towns should continue to provide a location for a range of shopping area uses. Proposals for financial and professional services (Class A2) and food and drink (Class A3) uses in ground floor premises within the secondary shopping frontages will be permitted provided that:

1. the proposed use will not result in a continuous frontage of more than two non-retail units and will not cause the proportion of non-retail uses in the relevant frontage to exceed 50%. Exceptions to this requirement may be considered where the proposal would lead to the appropriate use of vacant or under-used premises where it can be demonstrated that it is unlikely to be used for retailing; or where the proposal results from the expansion of an existing non-retail use; or where for reasons of location or frontage width the proposal will not detract from the shopping character of the frontage concerned;
2. the proposal otherwise respects the shopping pattern and special character of the frontage concerned; and suitable provision is made for servicing and for the resolution of environmental considerations in the case of Class A3 uses.

This proposal would not result in the 50% limit being exceeded. The adjoining business to the north has been in use as a wine bar and includes the original unit to which a second unit was added in the 1990's. These have been operated as one business. If this wine bar is counted as one unit then the proposal would increase this to 2, which would be permissible under TCR4. However if counted as two then the current proposal would mean more than 2 non-retail units in a row. However in view of compliance with the current statutory plan and that it is arguable whether or not the proposal conflicts with the emerging plan it is considered that there are insufficient policy grounds to refuse planning permission. The concern of local traders is appreciated but competition within the shopping centre is not a matter that should be controlled through determination of planning applications.

6.3 The effect on the amenities of neighbours is however a relevant consideration (Policy TCR15). Revised details of the fume extract system have been submitted in response to requests by Environmental health. These are currently being considered. In the revised scheme the external flue would not have a detrimental impact on the visual amenities of their part of the Conservation Areas. Restrictions of hours of opening could be imposed to protect local residents from undue noise and disturbance. The Traffic Manager is satisfied that in this location, adequate parking would be available in the town centre.

RECOMMENDATION

That subject to being satisfied that the fume extract system would be acceptable the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:

- 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. **C02 (Approval of details)**

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

- 3. **F37 (Scheme of odour and fume control)**

Reason: In order to ensure that fumes and odours are properly discharged and in the interests of the amenities of residential property in the locality.

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

Reason: To safeguard the amenities of the locality.

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.