

16 DCCW2005/3151/F - USE OF FORMER BUTCHERS SHOP AS A FISH AND CHIP SHOP AT 7-8 WALKERS GREEN, MARDEN, HEREFORD, HR1 3DN**For: Miss C. Lichfield, 18 Burmarsh Cottages, Sutton St. Nicholas, Hereford, HR1 3BW****Date Received: 29th September, 2005** Ward: Sutton Walls Grid Ref: 52200, 47520**Expiry Date: 24th November, 2005**

Local Member: Councillor J.G.S. Guthrie

1. Site Description and Proposal

- 1.1 This application site comprises a vacant butchers shop (Use Class A1) comprised in a single storey brick built and flat roofed building on the former petrol filling station site at Marden. The building forms one leg of an L-shaped unit the remaining premises being occupied by Blue Bee Sewing Services, Chiropody and Reflexology and a hairdressers.
- 1.2 The building has large shop style windows on the south and west elevations and a covered veranda style entrance. The site is surrounded by residential development containing bungalows and dormer bungalows with farm buildings located on the opposite site of the road.
- 1.3 Parking is available on the existing forecourt and a telephone box occupies the southwest corner of the site.
- 1.4 The proposal is to change the use of the premises to a fish and chip shop (Use Class A5). An integrated extract ventilation system with ducting via the roof is proposed but no specific details have been submitted.
- 1.5 Opening hours proposed are 12 noon to 2pm and 5pm to 9pm Monday to Saturday and not open on a Sunday.

2. Policies**2.1 Hereford and Worcester County Structure Plan:**

Policy CTC9 - Development Proposals

2.2 South Herefordshire District Local Plan:

Policy GD1	-	General Development Criteria
Policy CF1	-	Retention and Provision of New Community Facilities
Policy CF8	-	Access for All
Policy RT4	-	Provision of New Village Shops
Policy RT5	-	Retention of Village Shops
Policy RT11	-	Car Parking Provision

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy DR2	-	Land Use and Activity
Policy DR9	-	Air Quality
Policy TCR13	-	Local and Neighbourhood Shopping Centres
Policy TCR15	-	Hot Food Take-away Outlets
Policy T11	-	Parking Provision
Policy CF5	-	New Community Facilities
Policy CF6	-	Retention of Existing Facilities

3. Planning History

3.1 No recent planning history.

4. Consultation Summary

Statutory Consultations

4.1 None.

Internal Council Advice

4.2 Head of Environmental Health and Trading Standards: confirms that a condition requiring submission of ventilation and extraction system is acceptable prior to any use of the premises.

4.3 The Traffic Manager: raises no objections but suggest the provision of further litter bins at applicant's expense.

5. Representations

5.1 Marden Parish Council: "Marden Parish is opposed to this application for the following reasons:

1. There is insufficient information on the proposed hours of opening.
2. There is no perceived demand for a fish and chip shop in Marden, when a similar business exists in Moreton-on-Lugg, about 1.5 miles distance.
3. The proposed business would be likely to generate increased traffic, noise and litter. No indication is given in the proposal on measures to ameliorate these potential problems.
4. The building is not considered to be suitable for the proposed use, as it may constitute a fire risk.
5. The proposal is inappropriate in this location in the village."

Included with their observations is a petition against the development signed by 10 people.

5.2 Six letters of objection have been received from:

1. H. & M. Powell, 5 Walkers Green, Marden.
2. R.W. Brown, Stump Hedges, Paradise Green, Marden.

3. Mr. & Mrs. G. Jenkins, 11B Walkers Green, Marden.
4. Mr. A.J. Jenkyn, 'Devoran', 6 Walkers Green, Marden.
5. R.C. Dutson, Woodcroft, Paradise Green, Marden.
6. Mary Matthews, Blue Bee Sewing Service, 9A Walkers Green, Marden.

The concerns raised can be summarised as follows:-

- ° The increase in road traffic and noise.
- ° Fire hazard.
- ° Litter and noise would spoil the residential environment.
- ° Nuisance from cooking fumes and smells.
- ° The threat of anti-social behaviour at night.
- ° There is an existing facility at Moreton-on-Lugg.
- ° The site is unsuitable for food preparation.
- ° Right of access to adjoining property could be blocked.
- ° There are no ventilation points at the front of the shop, therefore all ventilation would need to be to the rear.
- ° Previous businesses have ceased at 5.30pm and no Sunday opening.
- ° Food is already provided in the two public houses that serve Marden together with the local village shop.
- ° The area is predominantly residential and should remain so.
- ° There are no street lights.
- ° The adjoining business Blue Bee Sewing Service could be impacted upon by smells.

The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

6.1 The main issues for consideration in the determination of this application are as follows:

- (a) The impact of the proposed use on residential amenity.
- (b) Highways and parking issues.
- (c) Retention of community facilities.

Residential Amenity

- 6.2 The site lies within the established residential area of Marden on the former petrol filling station more recently used as a butchers shop. It is clear from the number of objections received in response to this planning application that noise, litter, odour, nuisance relating to vehicular traffic coming and going and the perceived threat of late night anti-social behaviour are concerns associated with this particular use and therefore notwithstanding its position within a commercial setting of Sewing Services and hairdressers, these are relevant material planning considerations.
- 6.3 In response to these issues the applicant has confirmed that a site specific and integrated ventilation and extraction system through the roof would be commissioned, details of which could be conditioned prior to any work commencing on-site. In addition the applicant advises that the intended opening hours would be 12 noon to 2 pm and 5pm to 9pm Monday to Saturday. The premises would be closed on a Sunday. These time periods could be controlled by conditions. The early closing of the premises would also limit the potential for the public to congregate late at night or cause a nuisance. Litter can be controlled with the provision of litter bins and the applicant has stated that they would undertake litter patrols of the area.

Highway Safety

- 6.4 The premises has good access onto the main village road together with pedestrian footpath. Parking is available in the forecourt of the former garage and it should be noted that the Traffic Manager raises no objections to the application.

Retention of Community Facilities

- 6.5 Policy CF1 of the South Herefordshire District Local Plan encourages the retention of community facilities and services together with proposals for new schemes. In this instance the building has been unoccupied for some time and this planning application ensures retention of this community facility providing a service to the local population without the need for private transport.

Conclusion

- 6.6 This application has evoked objections from near residents and the Parish Council. However with careful control of extraction and ventilation these concerns are considered to be controllable through conditions attached to any planning permission. Likewise the reduction in opening hours, litter bins and litter patrols would further add to the acceptability of the proposals. There are no highway concerns raised by the Traffic Manager and the proposal would retain a community facility, shop, within the village preventing the need to travel and therefore providing a sustainable facility.

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. The use hereby permitted shall not be open to customers between 9pm and 12 noon or 2pm and 5pm on Mondays to Saturdays and at no time on Sundays.

Reason: To safeguard the amenities of the locality.

3. The premises shall be used for fish and chip shop and for no other purpose (including any other purpose in Classes A3, A4 and A5 of the schedule to the Town and Country Planning (Use Classes) (Amendment) Order 2005, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity.

4. Before the extraction system and ducting is used on the premises, it shall be enclosed with sound insulating material and mounted in a way which will minimise transmission of structures borne sound in accordance with a scheme to be approved in writing by the local planning authority.

Reason: To safeguard the amenity of the area.

5. Prior to the commencement of development, a litter management plan shall be submitted to and approved in writing by the local planning authority. The management plan should include the provision of litter bins on the premises and information relating to regular litter patrols. The approved details shall be implemented prior to the first use use of the premises which shall thereafter be operated with the management plan.

Reason: In the interests of amenity of the area.

6. A scheme for the ventilation of fumes and odours arising from the use hereby permitted shall be submitted for the approval of the local planning authority and the use shall not be commenced until the approved scheme has been installed and made fully operational, and thereafter it shall be operated and maintained, a s long as the use continues.

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

7. The flue termination above the roof level of the premises shall be painted in a dark matt finish, which shall have been approved by the local planning authority prior to its installation. The flue shall be maintained in accordance with the approved colour thereafter.

Reason: To safeguard the character and appearance of the area.

8. Prior to the commencement of development a scheme for the provision of storage, prior to disposal, of refuse, crates, packing cases and all other waste materials shall be submitted for the approval of the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development hereby permitted.

Reason: In the interests of amenity.

Informative:

1. N15 - Reason(s) for the Grant of PP.

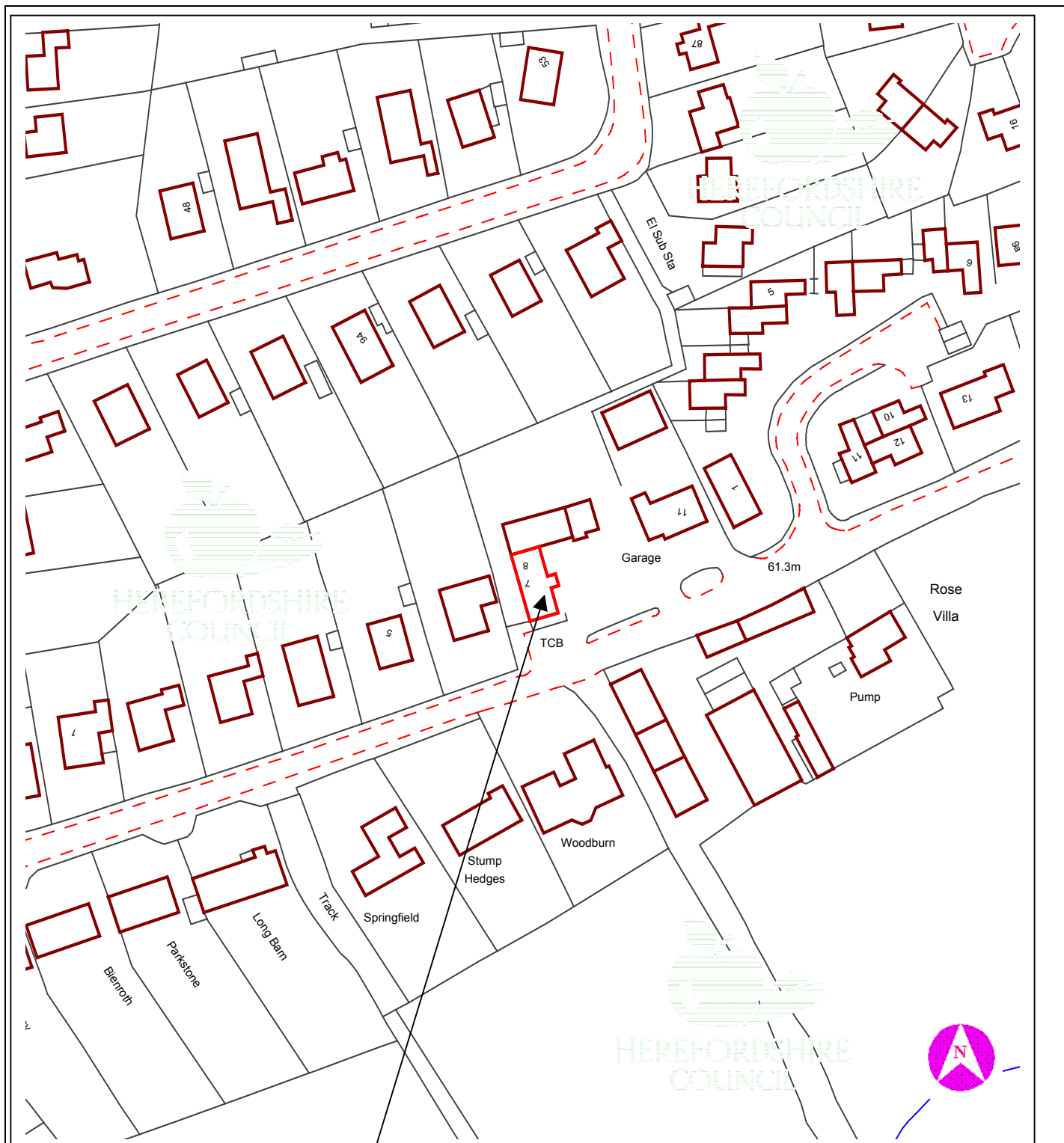
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2005/3151/F

SCALE : 1 : 1250

SITE ADDRESS : 7-8 Walkers Green, Marden, Hereford HR1 3DN

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