

21 DCNC2006/0067/F - CHANGE OF USE TO A3 (RESTAURANTS AND CAFES) BETWEEN HOURS OF 8.00AM - 21.00PM MONDAY TO SATURDAY AT 73 ETNAM STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8AE

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

Date Received:
10th January 2006

Ward: Leominster South

Grid Ref:
49893, 58960
AJ/CR

Expiry Date:
7th March 2006

Local Member: Councillors R.B.A. Burke and J.P. Thomas

1. Site Description and Proposal

- 1.1 The site is within the market town of Leominster, within the central shopping and commercial area and the Conservation Area. This is also adjacent to a Grade II Listed Building.
- 1.2 In 2005 the site received permission for change of use to A3 use between the hours of 8am to 2pm Monday to Saturday.
- 1.3 This application is to extend the change of use between the hours of 8am and 9pm (21.00 hours) Monday to Saturday.

2. Policies

2.1 Leominster District Local Plan:

A.2: Settlement Hierarchy
A.18: Listed Buildings and their Settings
A.21: Development Within Conservation Areas
A.24: Scale and Character of Development
A.28: Development Control Criteria for Employment Sites
A.31: Employment Generating Uses Within or Around the Market Towns
A.32: Development Within Town Centre Shopping and Commercial Areas
A.72: Parking Within or Adjacent to Central Shopping and Commercial Areas
A.73: Parking Standards and Conservation

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1: Sustainable Development
S2: Development Requirements
S4: Employment
S5: Town Centre and Retail
DR2: Land Use and Activity
TCR1: Central Shopping and Commercial Area

TCR6: Non-retail Uses
T11: Parking Provision
T12: Existing Parking Areas
HBA4: Setting of Listed Buildings
HBA6: New Development Within Conservation Areas

2.3 National Policies

PPG15: Planning and the Historic Environment

3. Planning History

DCNC2005/0983/F - Change of use to A3 between hours of 8am and 2pm Monday to Saturday. Approved 15/06/05

88/1004 - New shop front. Approved conditionally 25/01/89

88/0540 - Conversion of existing building into 2 dwellings. Refused 03/10/88

88/0253 - Change of use to licensed Betting Office. Approved conditionally 23/05/88

87/0561 - Conversion of existing dwelling to 3 flats for residential use. Approved conditionally 16/11/87

81/0276/O - Creation of a vehicular access and erection of a garage. Withdrawn 01/06/81

81/0003/A - Erection of flat wooden sign board (non-illuminated). Approved 27/05/81

4. Consultation Summary

Statutory Consultations

4.1 None required

Internal Council Advice

4.2 Transportation Manager: No objection

4.3 Public Rights Of Way Manager: No objection

4.4 Environmental Health Manager: 'I can confirm that I have no objection to this proposal, and that this Service has not received any complaints about the premises. I would however recommend that the condition restricting cooking to shallow frying is maintained.'

4.5 Conservation Manager: No objection

5. Representations

5.1 Town Council: Recommends approval

5.2 Neighbour responses: Objections have been received from

- Mr Graham Morris, 79 Etnam Street, Leominster, HR6 8AE
- Mrs V Pearson, 77 Etnam Street, Leominster, HR6 8AE
- Mr & Mrs Davies, 65 Etnam Street, Leominster, HR6 8AE

5.3 A summary of these letters is:

- Inappropriate use in a residential area.
- Loss of amenity to residents from cooking smells, noise and litter.
- Current breach of condition preventing deep-frying.

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

6. Officers Appraisal

6.1 The key issues in this case are as follows:

- Neighbours amenity
- Appropriateness of application
- Setting of Listed Building

6.2 Loss of neighbour's amenity

Neighbours objections are on the grounds of loss of amenity. This is obviously of considerable concern to them, including possible noise, cooking smells and activity in the afternoon and evening. The Enforcement Officer has been informed of the objections regarding breach of condition.

6.3 Appropriateness of application proposal

The use itself exists from 8.00 to 14.00 hours already with a no deep-frying condition. The site is located within the central town Conservation Area and the current use is an appropriate one for such a location. Further in your officer's opinion an extension of hours to 21.00 is not beyond normal evening hours and is acceptable in this location.

6.4 It is not considered that there is any additional impact upon the setting of the Listed building.

6.5 The proposal is therefore recommended for approval subject to conditions.

RECOMMENDATION

That planning permission be approved 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 sale of hot food shall be restricted to snack food only by shallow frying. There shall be no sale of deep fried food.

Reason: In the interests of residential amenity.

Informative:

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

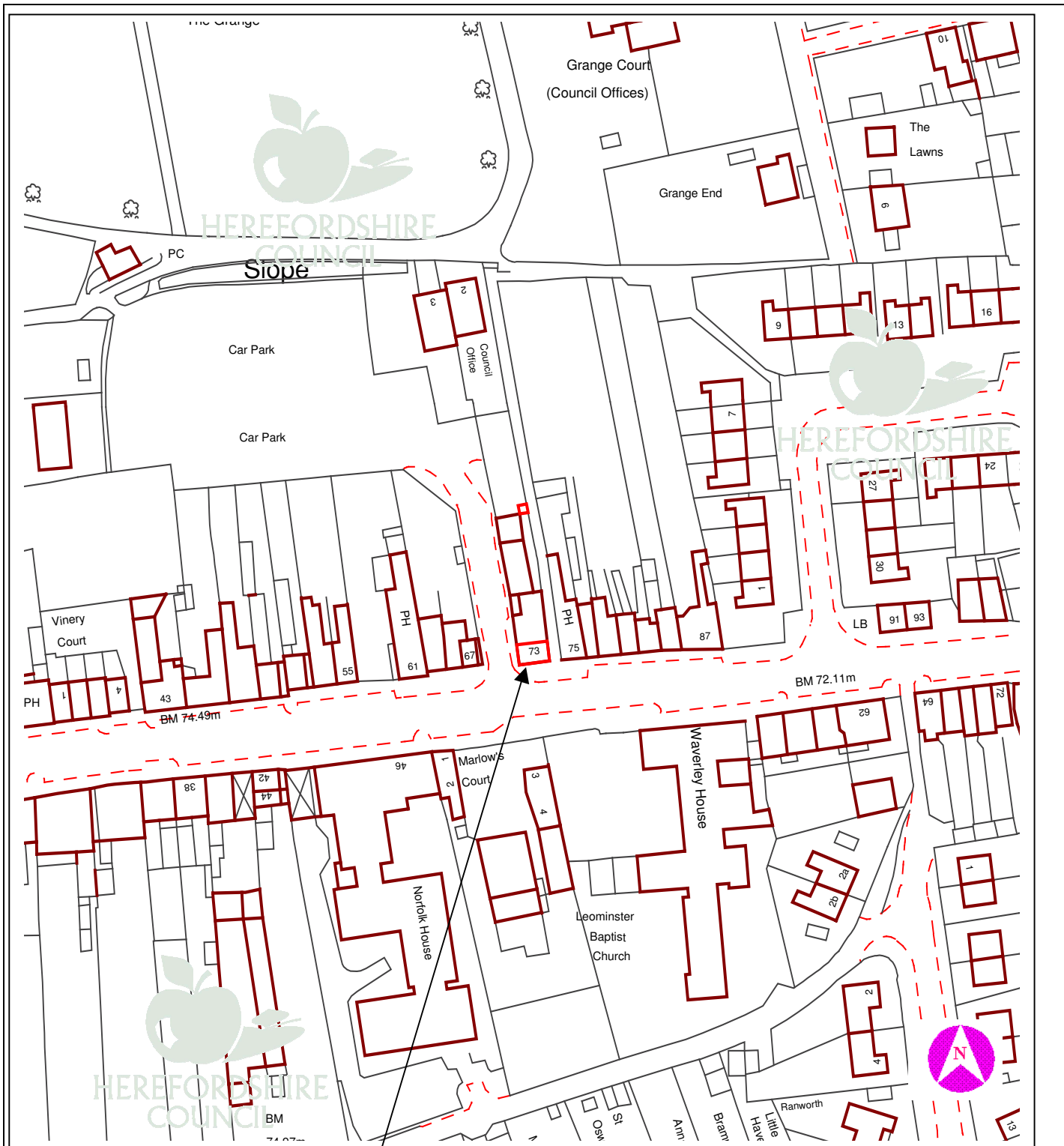
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2006/0067/F

SCALE : 1 : 1250

SITE ADDRESS : 73 Etnam Street, Leominster, Herefordshire, HR6 8AE

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