

13 DCCW2006/2837/F - CHANGE OF USE TO HOT FOOD TAKEAWAY AT 54 HUNDERTON ROAD, HEREFORD, HR2 7AG.**For: S. Kaur, 54 Hunderton Road, Hereford, HR2 7AG.**

Date Received: 1st September, 2006 **Ward: Belmont** **Grid Ref: 50009, 39013**
Expiry Date: 27th October, 2006

Local Members: Councillors P.J. Edwards; J.W. Newman and Ms. G.A. Powell

1. Site Description and Proposal

- 1.1 This application site comprises the existing newsagents and general stores at 54 Hunderton Road, Hunderton, Hereford. The proposal is to change the use of the premises to a hot food takeaway.
- 1.2 The only external alteration is the provision of an odour extraction system which will be attached to the side of the applicant's dwelling which adjoins the shop. It is intended to paint the flue the same colour as the dwelling to reduce its impact.
- 1.3 The proposed opening times are:
- 11.30 am-2 pm and 4.40 pm-9.45/10 pm Monday-Saturday.
- 5 pm-9.30 pm Sunday (if demand).
- 1.4 Any rubbish will be collected within the vicinity of the shop and if necessary an extra litter bin will be provided.

2. Policies

- 2.1 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy DR2	-	Land use and Activity
Policy DR4	-	Environment
Policy TCR15	-	Hot Food Takeaway Outlets
Policy T11	-	Parking Provision
Policy CF6	-	Retention of Existing Facilities

3. Planning History

- 3.1 DCCW2006/0931/F Change of use to hot food takeaway. Withdrawn 28th April 2006.

4. Consultation SummaryStatutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Traffic Manager: Whilst I am slightly concerned that only two parking spaces can be provided, the proposed takeaway is situated in the middle of a sizeable residential area and will reduce trips to other takeaways, therefore no objection.
- 4.3 Head of Environmental Health and Trading Standards: "I confirm that I met with the applicant and the ventilation engineer, Bill Richards who is to carry out the works.

Mr. Richards has also installed a similar system at a fish and chip shop in Tewkesbury and I visited the premise several months ago. At the time of my visit, there was no odour from the cooking that was being done. I can also confirm that the Environmental Health Department in Tewkesbury have not received any complaints of odour from the premise.

As discussed with the applicant, it will be essential that regular cleaning of the system be carried out and I would, therefore, recommend that the cleaning of the system be conditioned as indicated by the engineer.

I also informed the applicant that the flue would need to be as high as possible and with no coverings as shown in their application."

5. Representations

- 5.1 Hereford City Council: Hereford City Council requests that this planning application be determined strictly in accordance with the approved development plan applicable to the area of the Parish of the City of Hereford. The City Council has no objection to this application for planning permission. Hereford City Council feel the applicant be reminded of Section 9 (Regulation of Eating House) Act 1985.
- 5.2 Six letters of objection have been received, the main points are:
- The takeaway will generate noise and disturbance late at night and possibly antisocial behaviour.
 - There is already takeaways at The Oval and Belmont Road.
 - The excuse of ASDA taking their trade is hypothetical and if people want food from a supermarket they can already use Tesco's at Belmont.
 - Litter, which is already an issue in this area would be dramatically increased to the detriment of the area.
 - This part of Hunderton Road is on a busy bus route and this would add to the congestion.
 - Cooking smells/odour will be an issue.
- 5.3 Twenty eight letters of support have been received, the main points are:
- Other shops have closed in the area therefore it is better to retain these premises as a takeaway rather than have nothing in the area.

- The impact that ASDA will have is recognised and this alternative use should be supported.
- Odour is a major issue, however the system to be installed will remove this problem.

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 This proposal has been submitted as a result of the new retail developments in Belmont Road (Farm Foods etc.) and the impending opening of the ASDA supermarket. The owners are very concerned regarding the impact on their business and have seen other shops close in the area. They have therefore considered alternative options to retain a business use on the premises. They have decided that a takeaway facility would be a positive development for the local community and would retain a business premises.
- 6.2 In assessing this planning application the following are considered to be appropriate:
- 1) Impact on Neighbours
 - 2) Highway Issue
 - 3) Litter
 - 4) Visual Impact of Associated Equipment

Impact on Neighbours

- 6.3 The site lies within the established residential area of Hunderton where Policy H1 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) seeks to protect the environmental character and other uses should be compatible. It is clear that a change of use from a general store to a takeaway will change the mode of usage of the premises and the objectors have drawn attention to increases in litter, odour, vehicular traffic and a perceived threat of antisocial behaviour. These are serious concerns and are relevant material considerations. In response the applicant has provided a specification of the odour control equipment to minimise these concerns which the Council's Environmental Health and Trading Standards Officer has assessed. During pre-application discussions a visit to a similar premises using this system was undertaken by the Environmental Health and Trading Standards Section to confirm its effectiveness.
- 6.4 The intended opening hours would be between 11.30 am-9.45 /10 pm Monday - Saturday and 5 pm-9.30 pm on a Sunday.
- 6.5 Objectors have drawn attention to a relationship to people leaving the local public house and then calling at the takeaway with a perceived threat of antisocial behaviour. The applicant has advised that the shop has previously opened later than its existing hours. In order to protect residential amenity a closing time of 9.45 pm Monday-Saturday and no opening on a Sunday (it is presently only requested on a scenario if demand dictated) would assist in alleviating those fears. These time periods are not dissimilar to recent takeaways approved in other residential areas of the city.

Highways Issues

- 6.6 The shop lies on the northern side of Hunderton Road which forms part of the main distributor road through Hunderton. It is on the main bus route and there are no restrictions on roadside parking. The Traffic Manager whilst acknowledging reservations has highlighted its sustainable location and therefore raised no objections. The objectors' concerns are noted, however the existing use already draws customers in vehicles as well as those on foot and whilst problems may occur in parking, the nature of the road system is considered acceptable to cater for this need.

Litter

- 6.7 The applicant has offered to undertake a modest litter patrol and install an additional bin. Whilst a concern this can be controlled with a suitable litter management condition.

Visual Impact Associated With Equipment

- 6.8 The ventilation and extraction systems will run up alongside the end gable of the applicant's house that adjoins the shop. It is proposed to paint the flue to match. This will reduce its visual impact and is considered acceptable. It will protrude to the height of the ridge but offset on the rear slope of the roof.

Conclusions

- 6.9 The concerns of the local residents are noted as is the support. The objections concerning odour, litter and antisocial behaviour are aspects which can be controlled by conditions which form the recommendations and therefore the proposal is considered acceptable.

Access and Design Statement

- 6.10 An Access and Design Statement has been submitted which confirms that the premises will have a level access for all with no steps.

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 only be open to customers between the hours of 1.30 am to 9.45 pm daily Monday-Saturday and at no times on a Sunday.**

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

- 3. 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 structure 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.

- 4. 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 of the premises which shall thereafter be operated in accordance with the management plan.

Reason: In the interests of the amenity of the area.

- 5. 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, as long as the use continues.

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.

- 6. The flue 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.

- 7. E15 (Restriction on separate sale of takeaway from adjoining house).

Reason: It would be contrary to the policy of the local planning authority to grant consent for a separate dwelling in this location.

Informatives:

- 1. N19 - Avoidance of doubt.
- 2. N15 - Reason(s) for the Grant of PP/LBC/CAC.

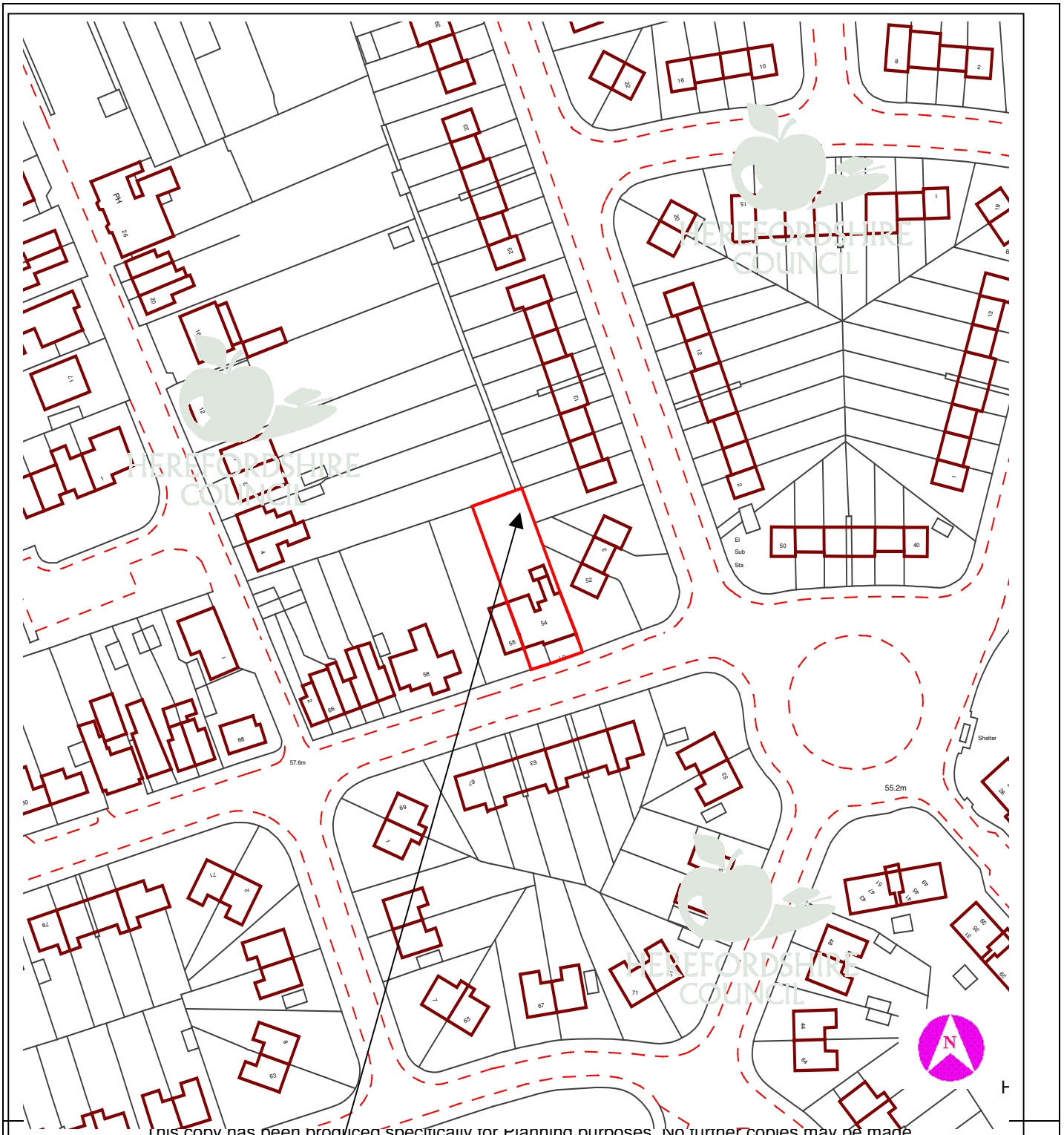
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



APPLICATION NO: DCCW2006/2837/F

SCALE : 1 : 1250

SITE ADDRESS : 54 Hunderton Road, Hereford, HR2 7AG

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