

MEETING:	PLANNING COMMITTEE
DATE:	6 AUGUST 2014
TITLE OF REPORT:	P140397/F - VARIATION ON CONDITION 15 OF NC09/1820/O. AT HOPE FAMILY CENTRE, TOP GARAGE, HEREFORD ROAD, BROMYARD, HR7 4QU For: Mrs Davis per Miss Rosemary Collie, Cherry Cottage, Knighton-on-Teme, Tenbury Wells, Worcestershire, WR15 8LZ
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=140397&search=140397

Date Received: 6 February 2014

Ward: Bromyard

Grid Ref: 364451,253846

Expiry Date: 3 April 2014

Local Members: Councillors JG Lester and A Seldon

1. Site Description and Proposal

- 1.1 The Hope Family Centre is located to the west of the A465 (Hereford to Bromyard road) just south of the settlement boundary of Bromyard. The 'Top Garage' and petrol station adjoins the site to the south, with the B4214 highway running alongside the western boundary. The residential property Touchwood borders the site to the north. There are two buildings on the site, both used by the H.O.P.E charity.
- 1.2 H.O.P.E stands for 'Holistic Opportunities for Play and Education' and was established in 1999 with the aim to support local parents on low incomes and those facing particular disadvantage. They currently provide childcare for 0-5 year olds, adult education and individual family support. The courses they run include literacy, numeracy, cooking, access to debt advice, access to health visitor and midwife. Within the second building approved under application DCNC0009/1820/CD building there is also small business units/workshops space for individuals to work from and a café.
- 1.3 The original building granted under application DCNC2005/0062/F is restricted to use as a 'family centre, crèche and play group facilities and associated offices'. Condition 12 attached to the decision notice prevents the building being used for any other use in Class D of the schedule to the Town and Country Planning (Use Classes) Order 1987. The second most recent building granted under application DCNC0009/1820/CD is restricted to uses ancillary to the use of the existing premises on site (e.g. HOPE Family Centre). Both buildings have permission to be open to the public from 7am to 6pm on Saturdays, Sundays and Bank holidays, and 7am to 10.30pm on any other day.

Proposal

1.4 This application proposes to vary condition 15 of planning permission DCNC0009/1820/CD to allow the workshop on the ground floor to be used for A1 uses. The end workshop has already been converted into a hair salon, with the other units currently being used for furniture restoration, dress making, office space and a multi sensory room. Each work space has its own access and according to the design and access statement amount to 25% of the overall centre.

1.5 Condition 15 of DCNC2009/1820/CD is as follows:

15. The areas depicted on the approved drawings for 'work space' shall only be used for purposes falling under the ambit of Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, 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 and to comply with Policy DR2 of Herefordshire Unitary Development Plan.

2. Policies

2.1 National Planning Policy Framework

Paragraph 14 - The presumption in favour of sustainable development

Paragraph 17 - Core planning principles – Design quality and character of an area and different roles and character of different area. Promoting the vitality of our main urban areas.

Paragraphs 23-27 – Ensuring the vitality of town centres – applying a sequential test to planning applications for main town centres uses that are not in an existing centre and are not in accordance with an up-to-date plan – application for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.

Paragraph 196 - Determining applications – determination in accordance with the approved plan unless material conditions indicate otherwise.

2.2 Herefordshire Place Shaping 2010

Identifies Bromyard as having a vulnerable retail sector with above national average number of vacant shops.

2.3 Herefordshire Unitary Development Plan:

S1	-	Sustainable Development
S2	-	Development Requirements
S4	-	Employment
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
E7	-	Other employment proposals within and around Hereford and the market towns
E8	-	Design standards for employment sites
E11	-	Employment in the smaller settlements and open countryside
TCR1	-	Central shopping and commercial areas
TCR2	-	Vitality and viability
T11	-	Parking Provision

2.4 Draft Core Strategy:

The following policies are relevant, however have limited weight due to the status of the Core Strategy and representations received.

- SS1 - Presumption in Favour of Sustainable Development
- SS4 - Movement and Transportation
- SS5 - Employment provision
- E1 - Employment provision
- ID1 - Infrastructure Delivery
- MT1 - Traffic Management, Highway Safety and Promoting Active Travel
- RA6 - Rural economy
- SD1 - Sustainable Design and Energy Efficiency
- SD2 - Renewable and Low Carbon Energy
- E5 - Town Centres
- MT1 - Traffic management, highway safety and promoting active travel

2.5 The Unitary Development Plan policies, together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/unitary-development-plan>

3. Planning History

- 3.1 DCNC2003/2440/F – Playground family centre crèche facility, associated offices and Wc.s Approved 2/12/2003.
- 3.2 DCNC2004/1515/F – Variation to condition 3 of DCNC2003/2440/F re access. Approved 12/7/2004.
- 3.3 DCNC2005/0062/F – New build family centre. Approved 20/4/2005.
- 3.4 DCNC2005/1790/F – Variation to condition 14 of DCNC2005/0062/F to extend opening hours of centre from 6pm to 9pm. Refused 14/9/2005.
- 3.5 DCNC2006/0882/F – Variation to condition 14 of DCNC2005/0062/F to extend opening hours of centre from 6pm to 9pm. Approved 17/7/2006.
- 3.6 DCNC0009/1820/CD – Proposed construction of phase 2 of the H.O.P.E family centre, development to include day care facilities, office space, workshop space, multi-use community space and café, with associated parking facilities.
- 3.7 N102496/AM - Non material amendment to DCNC0009/1820/CD. Approved 18/2/2011.
- 3.8 N111678/F – Variation to condition 14 of DCNC0009/1820/CD – no time restrictions on use of building so it can be used for charity functions and occasional training events. Withdrawal.
- 3.9 N123414/CD – Variation of Condition 15 of NC09/1820/O- Withdrawal
- 3.10 N123428/CD – Variation of condition 14 – hours of opening – Approved 15/5/2013
- 3.11 N132566/CD - Variation of Condition 2 of DCN009/1820/CD to allow use of multi-use room for purposes other than ancillary to the Hope Centre, up to 4 Council staff as part of the council's better ways of working policy – Approved 11/12/2013

4. Consultation Summary

4.1 None

Internal Council Advice

4.2 Traffic Manager recommends that the proposal is unacceptable for the following reasons :

The proposal is likely to generate more traffic. There is already pressure on the existing parking provision, indicated by on-street parking at times along the narrow verge outside the Centre. This is not acceptable.

I need information on how extra parking is to be provide, along with Travel Plan measures to reduce use if private cars. The Travel Plan measures must be monitored and made effective by the Management team.

5. Representations

5.1 Bromyard and Winslow Town Council supports the application.

5.2 A representation against the proposal has been received from Malcolm Scott Planning Consultant on behalf of the occupiers of Touchwood, which adjoins the site to the north. The objections to this application are summarised below:

1. Bromyard Town has a higher than average shop vacancy rate as identified in the Herefordshire's Place Shaping 2010; it has a vulnerable retail sector as cited in Core Strategy
2. Application will not help either the vitality and viability of Bromyard's Town Centre;
3. No sequential test has been provided or Impact Assessment;
4. Thin edge of the wedge; out of town retailing
5. Development of main town centre uses should be directed to town centre in this rural location.
6. Policy BY1 cited by applicant , but incompletely i.e need *a/so* to protect and enhance vitality and viability of town centre and viability of town centre
7. Proposed development will impact upon the amenity of the adjoining property;
8. No evidence of the need for A1 uses on the site;
9. Proposal is inappropriate given the impact the individual proposal will have, and the precedent that it will have;
10. The proposal will significantly alter the intended use of the site;
11. Parking on site inadequate, parking on highway danger to highway users and pedestrians. 34 spaces , of which 4 for disabled users and 4 allocated for BWOW use approved recently (132566/CD) Therefore under-provision will be exacerbated.
12. Changes to General Development Order only relates to temporary uses and for prior approval applications , this is a retrospective one.

5.3 Seven letters of support have been received raising the following main points :

- Inspirational training facility. Helps less well-to-do get up ladder. Training in skills and enterprise.
- Not experienced difficulty parking ; can also walk or cycle to Centre.
- Disabled access for hairdressing salon , given level access off car-park not possible in town-centre.

5.4 The applicant makes the following main points:

- Sufficient material considerations to grant planning approval
- 3 workshops : hairdressing salon, furniture restoration and food bank (charity)
- NPPF (paragraph. 28) support
- Bromyard Town plan identifies need for small premises
- Enterprising County: Economic Development Strategy 2011-16, increase economic wealth of County through business, through skilled population, developing infrastructure and enabling businesses to start-up and develop
- Core Strategy - Policy BY1 reference to Bromyard ;encourages small scale employment sites within and around the town
- HUDP (section 6.22) encourages suitable rural employment opportunities within and adjacent to local service centres
- Always intention to develop small businesses, only due to omissions made in acceptance of original permissions granted
- Funding for building from Advantage West Midlands intended for flexible work units, training, child care and multiple health and social services
- AWM stated no small, flexible ground floor workspaces for new enterprises to background of area with high proportion of self-employed as compared to national statistics i.e 16.9% to 9% respectively
- Changes to GDO recently i.e permissible change from Class D to A1, A2, A3 and B1 for up to 2 years
- NPPF paragraph 17 needs to be addressed i.e community wellbeing (health, social and cultural)
Sequential need not be applied for small scale rural offices rural development only impact assessment needed if exceeds 2,500sq m
- NPPF paragraphs 199 and 187 need to be addressed i.e use of Local Development Orders and approving applications for sustainable development that improve economic , social and environmental conditions of area
- HUDP suggests retail uses could be acceptable "where they are ancillary to a principal employment related use (6.4.26)
- Core Strategy - Bromyard Section highlights need for flexibility to enable shops, services or public house to diversify into ancillary retail uses enabling them to serve local community
- Would be permitted under current permitted development rules
- NPPF paragraph 14 is about positive growth : paragraph 7 requires the planning system to take a social role by providing accessible service reflecting needs of community in support of it's health, social and cultural well -being and paragraph 70 states authorities should guard against loss of valued facilities and services
- application complies with Policy S1 of HUDP
- Core Strategy Policy SS1 - Presumption in favour of sustainable development met Herefordshire Community Strategy - proposals that protect social and community infrastructure will be supported
- Bromyard Town Plan found high level of dissatisfaction in relation to work training, clubs and other facilities
- Funding cut - need to seek greater provision from social enterprise and the voluntary sector
- Not a supermarket or large premises
- Recent survey identified no suitable units to buy or let in town centre, only small premises to let outside town centre were offices in Rowberry Street and large office suite on Station Industrial Estate
- 7 hairdressers in town centre, none closed due to presence of one at Hope Centre. Therefore, no viability issue
- Bromyard Town Plan identified issue of parking in town centre. Centre hopes to relieve pressure. 10 minutes walk i.e use Centre and then walk into town.
- Appointment only hairdresser. Workspaces already used by people benefiting from services provided at HC

- HC encourages young people, young mothers to train and receive support ; have trained hairdressers, furniture restorers and others in sewing workshop
- Workshop used by hairdresser owned and run by young local lady who walks to HC, could not find suitable premises in town centre. Many of clients use other facilities at HC i.e childcare, multi-sensory room , group sessions and cafe.
- Excellent level access
- Forms only 9.5% of HC
- See updated Travel Plan

5.5 The consultation responses can be viewed on the Council's website by using the following link:-

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:

www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage

6. Officer's Appraisal

- 6.1 Notwithstanding, the original reasons for the condition which related to local amenity, the main issue is the introduction of the A1 use on the site and the effect that this will have on the vitality and viability of Bromyard Town Centre. The remaining issues are car-parking and the impact on the amenity.
- 6.2 According to the design and access statement the proposed A1 uses would be in 25% of the existing phase 2 building on the site. The UDP policies S5, TCR1 and TCR2 have the objective of promoting the vitality and viability of town centres (including Bromyard). Policy TCR2 states that to maintain and enhance the vitality and viability of town centres proposals for new shopping and commercial uses within part A of the Use Class Order will be directed to the central shopping and commercial areas.
- 6.3 The retail policies contained within the UDP have the objective of maintaining vibrant Town Centres by directing all retail uses to them. The application site is clearly an out of centre site being some 1.2km distant from the Town Centre. Whilst the proposal may be small in floor space terms in terms of expenditure and "trade draw" there is no evidence that its impact would be insignificant. It is evident though that the retail use is limited to hairdressing alone, which is one of the skills taught at the Centre. However, on the basis of the case submitted there are still 7 other hairdressers in the town centre in operation at the same time as the hairdressing salon based at the Centre. There are a wide range of possible retail uses that fall within the ambit of Class A1. It is considered that restricting the Class A1 use to a hairdressers use only would limit any perceived impact on the vitality and viability of the town centre. The hairdressers use is also limited by being appointment only and although possibly a sole destination for clients, there are other facilities at the centre that could be used such as the café. The use of one of the workshops for furniture restoration and the third one for use as a food bank for charitable purposes accords with policies in the HUDP and Chapter 2 of the National Planning Policy Framework.
- 6.4 It is noted that in an appeal relating to an application for a catering unit in the Homebase car park in Ledbury, the Planning Inspector agreed with the Council that whilst individually the effect of an A1 development on expenditure in the town centre could be relatively small is of little relevance, as the same argument could be made too often and, if successful, would cumulatively undermine the vitality and viability of the town centre. However, for reasons stated above and subject to a condition restricting the A1 use it is not considered that on balance the appeal case cited is directly comparable to this proposal.

- 6.5 The next relates to parking provision at the Centre. This is a retrospective application for uses that have been carried out for a period of time together with the major traffic generating uses i.e the nursery which is known to result in vehicles parking along the verge of the class II road as well parking on the garage forecourt. Whilst it is evident that the hairdressing salon will generate customers visiting the Centre in private vehicles, this can be arranged at times outside peak periods in relation to the nursery/crèche receiving clients. This is also in relation to one vehicle possibly given the owner of the salon walks to the Centre. Therefore, whilst the retail use has an impact in terms of traffic generation, it is not an adverse one in the context of existing uses on the site that results in the loss of amenity to residents in the vicinity of the site.
- 6.6 There have been changes made to the General Development Order that facilitates temporary changes of use from use Class D, which is the use class for the Centre to uses A1, A2 and B1. However, this is a retrospective planning application for what will be a permanent change of use. Reference is also made to the Core Strategy, however this is considered to have limited import at this time.
- 6.7 This proposal is supported on the basis that a restriction on the type of retail use and as currently carried out at the Centre will not on balance undermine the requirements of Policies TCR1 and TCR2 of the Herefordshire Unitary Development Plan together with the provisions of Chapter 2 of the NPPF *Ensuring the vitality of town centres*. It is understood why these economic imperatives are cited given the need for the Hope Centre to survive in an uncertain financial world. Nevertheless, for reasons set out above this application is supported subject to a condition specifically controlling the retail use on the site.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. **The premises shall be used as a hairdressing salon and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, 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 and to comply with Policies TCR1, TCR2 and DR2 of Herefordshire Unitary Development Plan and the provisions of the National Planning Policy Framework.

INFORMATIVE:

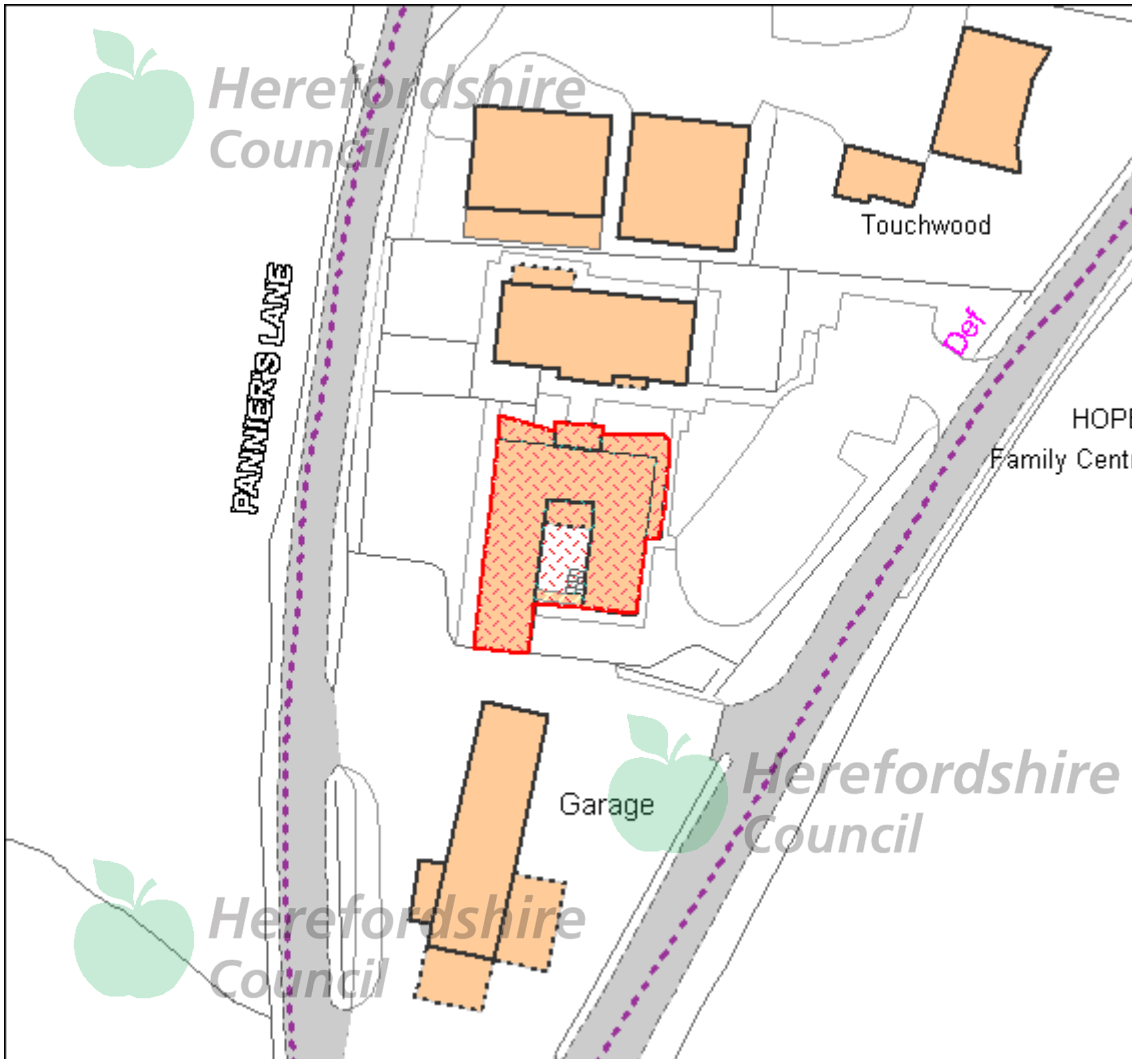
- 1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: 140397/F

SITE ADDRESS : HOPE FAMILY CENTRE, TOP GARAGE, HEREFORD ROAD, BROMYARD, HEREFORDSHIRE, HR7 4QU

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

Further information on the subject of this report is available from Mr A Prior on 01432 261932