

18 DCCE2007/1750/F - CHANGE OF USE FROM A GAMES ROOM TO OFFICE - RETROSPECTIVE AT CROFT COURT, BARTESTREE, HEREFORD, HR1 4BD**For: Hicks Associates Ltd per Croft Court, Bartestree, Hereford, HR1 4BD****Date Received: 5th June, 2007****Ward: Hagley****Grid Ref: 56259, 41668****Expiry Date: 31st July, 2007**

Local Member: Councillor DW Greenow

1. Site Description and Proposal

- 1.1 Croft Court, formerly known as The Bungalow, is a detached dwelling with a detached garage to the side and an outbuilding in the rear garden along the eastern boundary. The site is situated within the open countryside just outside the settlement boundary of Bartestree. Access to the site is via a long narrow farm track.
- 1.2 The site is bounded to the north and west by agricultural land. Adjacent to the east of the site is a Grade II Listed Building, Garden Cottage, which is located approximately 15m away from the building subject of this application.
- 1.3 This proposal seeks retrospective permission for the change of use of the existing outbuilding from garden room to a commercial office. No external alterations are proposed. The business is a web-based IT company offering a number of services including designing, installing and maintaining networks for the medical sector.

2. Policies

- 2.1 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable development
E9	-	Homes based business

3. Planning History

- 3.1 SH971000PF - Proposed bedroom extension. Approved with conditions 16th October, 1997.
- 3.2 SH920497PF - Small extension for family room and basement for playroom. Approved with conditions 15th May, 1992.
- 3.3 SH911624PF - Small extension for family room. Approved with conditions 31st January, 1992.
- 3.4 SH880510PF - Retention of a swimming pool with raised patio surround. Approved with conditions 25th June, 1990.

3.5 SH880205PF - Extension to form swimming pool, wc and hall and form new en-suite bathroom. Approved with conditions 1st March, 1989.

3.6 SH820201PF - Conversion of loft for domestic use. Approved with conditions 19th April, 1982.

4. Consultation Summary

Statutory Consultations

4.1 None.

Internal Council Advice

4.2 Conservation Officer: The building is already in position and therefore the impact on the adjacent building would not change. However, we would be concerned were the business to expand and a large building may be difficult to accommodate on the site.

4.3 Traffic Manager: No objection. Provided the proposal in the supporting statement are conditioned as part of the permission, to minimise traffic on the access land.

4.4 Public Rights of Way Officer: No objection.

5. Representations

5.1 Lugwardine & Bartestree Parish Council: Objections. "We object to this application as the use of the office has increased the volume of traffic using what is really a farm lane to the detriment of the other residents. We understand that a number of the residents of the lane have raised concerns about the increased traffic".

5.2 Mr. J.A. Turner of East Wilcroft: "The basis of my objection is the excessive traffic using what is not a lane but a farm track...I considered that the business traffic generated by Wilcroft Court (shall be Croft Court) has been substantial since a business started and it is a safety hazard not only for the users of the track but also in generating the extra traffic entering and exiting from the public C-class road...I therefore ask that you refuse the application on the grounds of safety and that the business use needs to be transferred to a location used for employment purposes where there are normal industrial and office units in use".

5.3 Two more letters have been received from Mr. R. Cooke of Tamara and Mr Hugh Morris of West Wilcroft with regard to the extent of the business and highway safety concerns.

5.4 Two supporting comments have also been received from Mrs. L. Price of 25 Barneby Avenue, Bartestree and Mr D.W. Stokes of Grove Cottage, Westhide.

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

6. Officers Appraisal

6.1 Herefordshire Unitary Development Plan Policy E9 indicates that small businesses operating from home will be permitted, if the business operation will not lead to

adverse impacts upon residential amenity or the character of the area through its scale, nature of operations, access and parking provision, noise or traffic generated including visitors, staff and deliveries and the appearance of the building is not materially altered. It is considered that the proposal is therefore acceptable in principle subject to satisfying the criteria set out in the policy.

- 6.2 It is clear from the objection letters received in response to this application that nuisance and public safety relating to vehicular traffic coming and going from the site are serious concerns associated with this particular use.
- 6.3 In response to these the applicants have provided a supporting statement seeking to ameliorate the local concerns. The applicant has stated that the proposed office would be primarily used by himself on a daily basis and his son would work away from the application site most of the time but would occasionally return to the office. His wife would also work on a part time basis to run the administrative side of their business.
- 6.4 With regard to deliveries to and from the site, the applicant has confirmed that this issue has been resolved as these will now be direct to his contractor at the Rotherwas Industrial Estate and then directly to their clients through a courier. Therefore, there would be no deliveries to or from the site and this can be made a condition of any approval.
- 6.5 It is acknowledged that a home-based business will potentially increase the volume of traffic in the locality but it is not considered the case in this instance. The Traffic Manager has advised that subject to the control over deliveries and the nature of this particular use of the building, there would be a very limited effect in highway safety terms that would not justify the refusal of planning permission.

Conclusion

- 6.6 The main issues with this application are whether the proposal will have an adverse impact upon the existing residential area in terms of noise, nuisance and highway safety. Having regard to the scale of this operation, it is considered that this low profile home based business will not prove detrimental to the character or amenities of the existing residential area nor would it result in any detriment to highway safety.
- 6.7 It is considered that the proposed development is in accordance with the relevant planning policies and with appropriate conditions applied, the proposal represents an acceptable form of development.

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. E06 (Restriction on Use).**

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

3. E27 (Personal condition).

Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the applicant's special circumstances.

4. No deliveries associated with the applicants business (Hicks Associates Ltd) shall be taken at or despatched from the application site at any time.

Reason: To protect the amenity of local residents and in the interests of highway safety.

Informatives:

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

2. N19 - Avoidance of doubt.

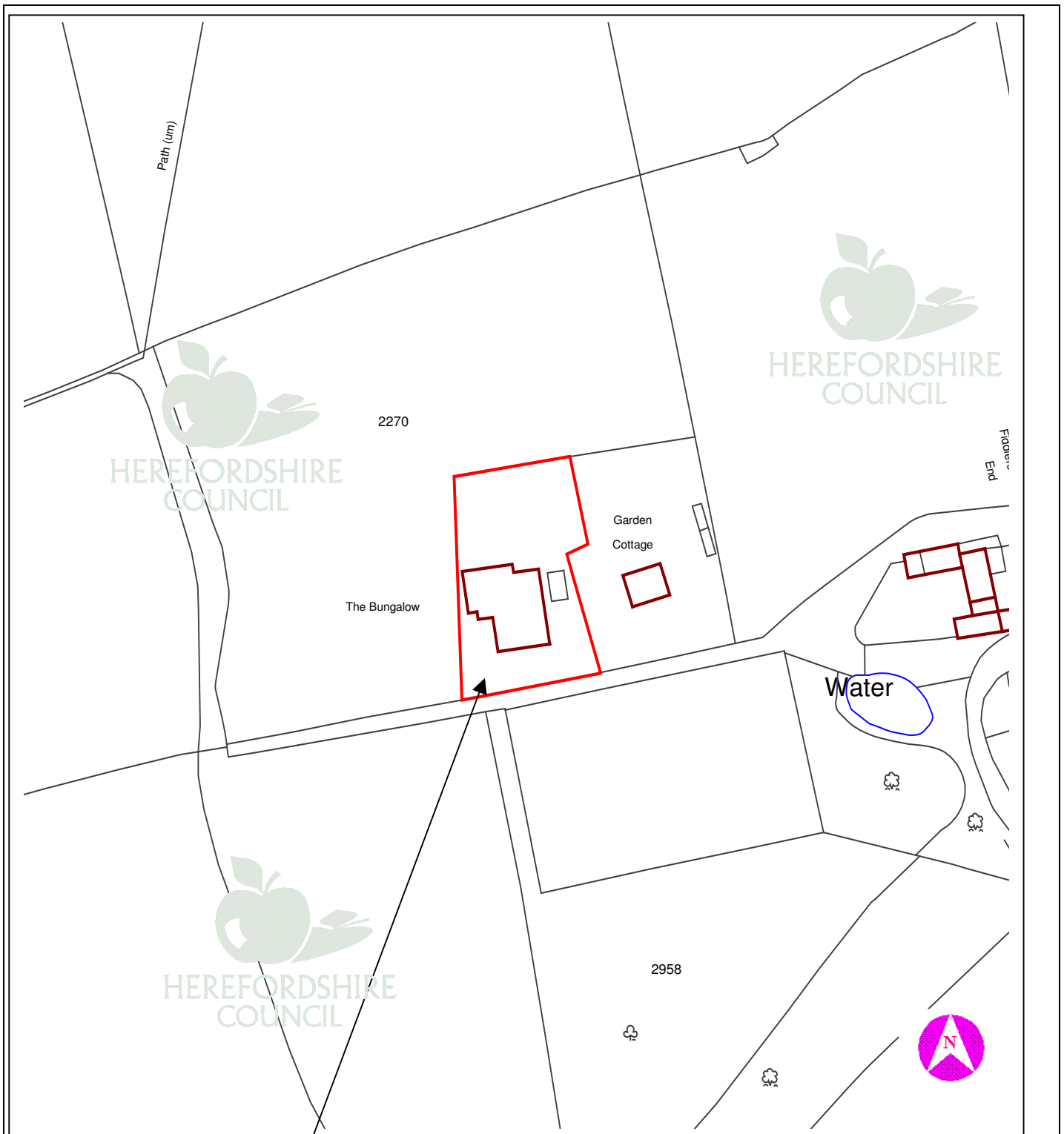
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2007/1750/F

SCALE : 1 : 1250

SITE ADDRESS : Croft Court, Bartestree, Hereford, HR1 4BD

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