

10 DCCE2008/2043/F - CHANGE OF USE TO PERMIT RETAIL SALE OF PRE-PACKED PET FOODS AND ACCESSORIES AT M C FREEZE, BARRS COURT ROAD, HEREFORD, HEREFORDSHIRE, HR1 1EG

For: General Dogsboddy per Cross & James, 5 Bridge Street, Hereford, Herefordshire, HR4 9DF

Date Received: 8 August 2008

Ward: Aylestone

Grid Ref: 51371, 40754

Expiry Date: 3 October 2008

Local Members: Councillors NL Vaughan and DB Wilcox

1. Site Description and Proposal

- 1.1 The application site lies on the western side of Barrs Court Road. The building subject to this application is of steel frame clad to the upper section and glazed frame to the ground floor area with a roller shutter door on the east elevation. Parking and turning area is located to the front yard of the building. Adjacent to the north of the premises are two industrial units. To the south is the Churchward Trading Estate, which comprises six industrial units. On the opposite side of the road to the east is Bulmers Garden Suburb Conservation Area and the designed established residential area.
- 1.2 This application seeks permission for the change of use of the building from B2 (Storage and Distribution) purposes to A1 (Retail Warehouse). Currently the applicant's business, General Dogsboddy, is operated from the Cattle Market, and due to the development of the Edgar Street Grid, there is a need to relocate the business.

2. Policies

- 2.1 Herefordshire Unitary Development Plan 2007:

Policy S1	-	Sustainable Development
Policy S4	-	Employment
Policy S5	-	Town Centres and Retail
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy E5	-	Safeguarding Employment Land and Buildings
Policy TCR2	-	Vitality and Viability
Policy TCR9	-	Large Scale Retail and Leisure Development Outside Central Shopping and Commercial Areas
Policy TCR25	-	Land for Retail Warehousing

3. Planning History

- 3.1 H/P/22072 Erection of workshop to repair fuel injection equipment with ancillary offices and provision of car parking accommodation. Approved 5 June 1979.

- 3.2 HC950431PF Use of the storage and distribution of office supplies and equipment with ancillary office and showroom use. Approved 29 December 1995.
- 3.3 HC960038PF Alteration of eastern and southern elevation. Internal alterations. Approved 28 March 1996.
- 3.4 HC960094AI Externally illuminated signs. Approved 7 March 1997.

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Traffic Manager: No objection.
- 4.3 Economic Regeneration Officer: General Dogsboddy is currently located in the Cattle Market within the Edgar Street Grid. Phase 1 proposal works commencing in 2010 will directly affect them. Consequently they have been searching for suitable alternative premises since the ESG draft Master Plan was launched in 2007. Finding a suitable site has not been an easy task, but they have been fortunate in finding premises with similar characteristics to their existing Cattle Market premises, in that customers will be able to collect by car, what are often bulky purchases. From an economic regeneration perspective, we fully support this planning application, the approval of which will help retain an established local business in what would seem an ideal new location.

5. Representations

- 5.1 Hereford City Council: No objections.

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. Officer's Appraisal

- 6.1 The application site is identified as being Safeguarded Employment Land and Buildings in the Unitary Development Plan. Policy E5 seeks to safeguard existing employment land by not allowing non-employment uses, unless there would be substantial environmental benefits or where the site in question is unsuitable for continuing employment use. An employment use is defined as a light industrial including offices, general industrial or storage and distribution use. Policy E5 also states that retail use will only be acceptable where it is ancillary to a principal employment related use. Furthermore, Policy TCR9 states that proposals for a large scale retail development outside the central shopping and commercial area of Hereford will only be permitted where it can be demonstrated that there is a need for the development in the location proposed and requiring a sequential approach to site selection to be undertaken.
- 6.2 The existing building is approximately 294 sq.m. of floor area. The application states that the majority of the floor area (45%) will be used for the storage of goods for

distribution. The remainder of the building will be used as a retail area (25%) and office (30%). Whilst the breakdown indicates that the majority use of the floor area is for storage purposes, this does not deviate from the fact that the proposed primary use of the building is for retail purposes.

- 6.3 The agent indicates that his client has been searching for some time for a suitable premises to relocate the existing business but they did not provide any specific evidence to demonstrate why any sites were not available or suitable including sites within the City Centre retail area. For example vacant units at Brook Retail Park and Holmer Road Retail Park remain currently available. Further details as to their precise search for available units have been requested from the agent but no response has been received.
- 6.4 In this case the circumstances of the applicant are of note, however, it is considered that these circumstances cannot justify overriding the restrictive policy stance for the loss of employment land for non-employment use. The diversion of retail trade away from established retail location would also be harmful to the vitality and viability of Hereford's existing retail area and the Council policy approach to retail development.
- 6.5 It is clear that the ultimate objection to the proposal lies with the fact that it is contrary to the Development Plan policies, which seek to protect employment buildings and land for employment purposes. It is considered that granting permission in this case would make it difficult to resist similar proposals on other safeguarded employment sites. The relocation of businesses from the ESG area, particularly retail, is challenging. In this case there is no specific evidence as to why the fairly wide range of retail units that are available have been discounted. In any event the site is admirably suited for an employment use, with a number of other employment uses adjoining.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1. The proposal would result in the loss of safeguarded employment land to non employment uses and there are no substantial benefits to residential or other amenity in allowing alternative forms of development, nor is the site considered to be unsuitable for employment uses. As such, the development is contrary to Policy E5 of the Herefordshire Unitary Development Plan 2007.**

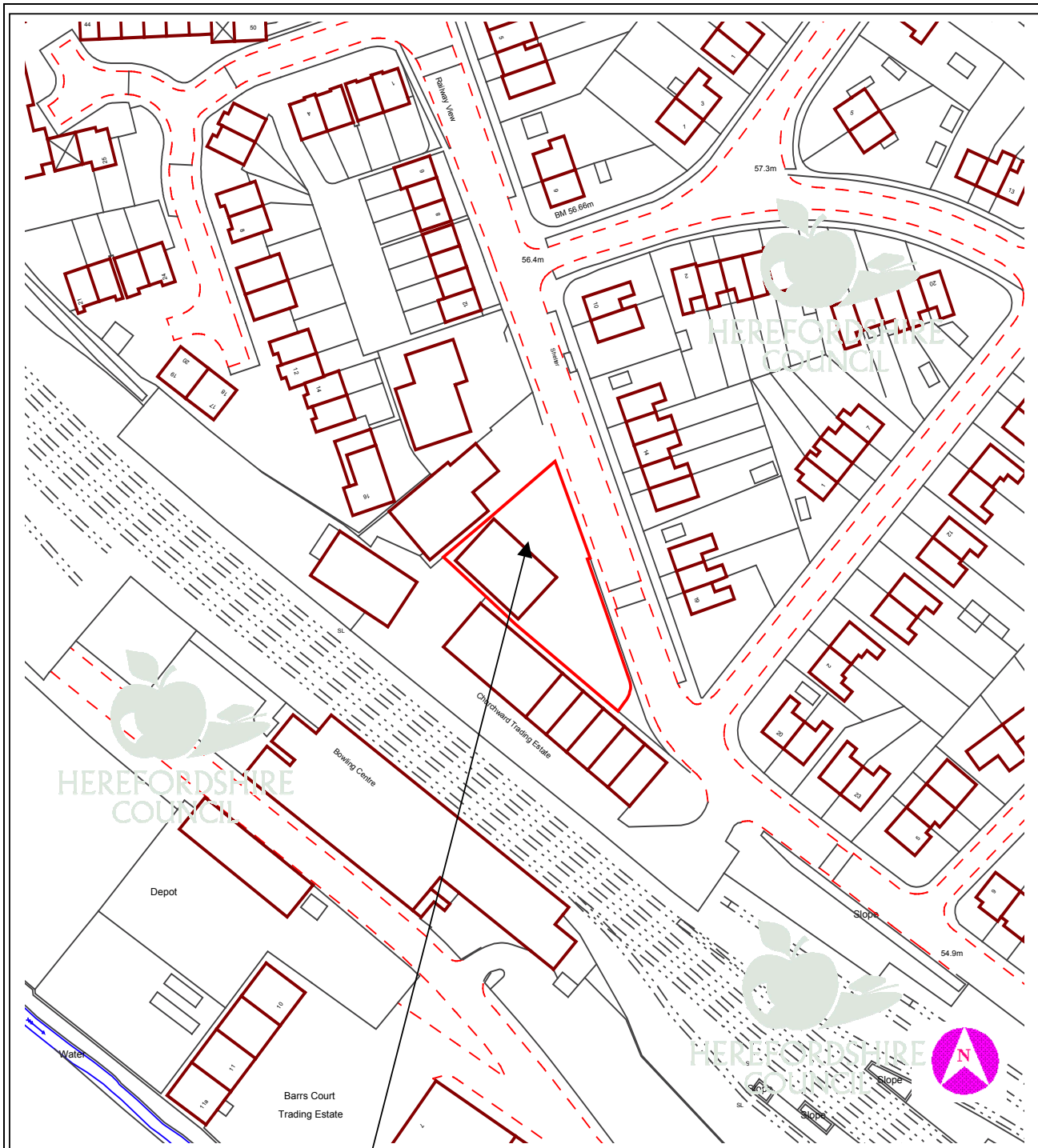
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCCE2008/2043/F

SCALE : 1 : 1250

SITE ADDRESS : M C Freeze, Barrs Court Road, Hereford, Herefordshire, HR1 1EG

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