

MEETING:	PLANNING COMMITTEE
DATE:	15 MAY 2013
TITLE OF REPORT:	<p>N123414/CD - VARIATION OF CONDITION 15 OF PLANNING PERMISSION DCNC0009/1820/CD AT HOPE FAMILY CENTRE, HEREFORD ROAD, BROMYARD, HEREFORDSHIRE, HR7 4QU</p> <p>For: Mrs Davis, Hope Family Centre per Mr Robert Scott, Property Services, Plough Lane, Hereford, HR4 0WZ</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=123414

Date Received: 5 December 2012 Ward: Bromyard

Grid Ref: 364451,253846

Expiry Date: 8 May 2013

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 Bomyard 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 of supporting 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 are also small business units/workshops 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 9pm 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.

1.6 The Council are currently considering two other applications to vary conditions 2 and 14 of permission DCNC0009/1820/CD. Condition 2 relates to use of part of the first floor as offices and 14 relates to the hours of opening.

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 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:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

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. Withdrawn.

4. Consultation Summary

4.1 None

Internal Council Advice

4.2 Traffic Manager - 'Given the number of objections received, and other observations, it appears that insufficient parking is available at this site to accommodate new activities not originally

proposed, both retail and office. Because of the insufficient parking, I cannot support the applications’.

5. Representations

5.1 Bromyard Town Council – Support the application.

5.2 Avenbury Parish Council – Support the application.

5.3 A representation against the proposal has been received from Malcolm Scott Planning Consultant on behalf of the occupiers of Touchwood, the residential properties which adjoins the site to the north. The representation covers all 3 applications currently being considered by the Local Planning Authority. 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;
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. Application form states B1 use, however no information has been given;
5. Insufficient information with the application to adequately determine the impact of the application on the surrounding area;
6. Proposed development will impact upon the amenity of the adjoin property;
7. No evidence of the need for A1 uses on the site;
8. Proposal is inappropriate given the impact the individual proposal will have, and the precedent that it will have;
9. The proposal will significantly alter the intended use of the site;
10. The conditions area necessary to limit the impact on the immediate and wider area;
and
11. Retail development should be directed towards the town centre in first instance;

5.4 A Design and Access Statement was submitted with the application confirming the proposal is to change the Workshops to A1 uses. In summary it states:

- The development will help secure funding from the now defunct Advantage West Midlands – The centre put together a business case/plan demonstrating how they would sustain/fund their activities over future years, part of which was to let the work spacers.

5.5 A further letter from Sheenagh Davies has been received during the application in support of the proposal. In summary it states that:

The proposed A1 use will complement and enhance the existing businesses within the town of Bromyard,

- H.O.P.E. has a vested interest in ensuring the town centre thrives as it has three shops located on the high street.
- The businesses are desk space for fledgling businesses with H.O.P.E. providing support - there is no facility for this in the town.
- A number of the products made in the workshops are sold in the shops in town and therefore adds to the vitality and viability of the Town Centre
- The hairdressers - Rebecca Seal - has come from Hereford bringing her clients with her, who now regularly shop in the town, whilst attracting new clients from across the county who also use the town e.g. when she has had a later appointment the client has asked where they can eat rather than going home. Rebecca has taken on a trainee from Bromyard. The H.O.P.E. Centre provides a flexible facility for Rebecca at a time when she is trying to establish a business and this type off assistance for fledgling business in not available elsewhere in the community.

- H.O.P.E. provides opportunities for young people through the training, support and education projects which increase their confidence to start their own businesses in the small manageable units based within the Family Centre.

In addition to the letter a document showing a log of the Hairdressers clients has been submitted. The majority of those customers logged do not live in close proximity to the Centre. It identifies that they do use other shops and facilities in Bromyard Town. None of them identify that they are visiting the centre for another purpose.

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

<https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=123414>

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

<https://www.herefordshire.gov.uk/contactus>

6. Officer's Appraisal

- 6.1 The main issue with the introduction of an A1 use on to the site is the effect it will have on the vitality and viability of Bromyard Town Centre. There is also the issue the effect the proposal would have on the level of the parking provision on the site.
- 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. The proposed use of the existing work spaces to A1 uses is considered to divert expenditure away from the town centre and therefore undermine the vitality and viability of Bromyard town centre.
- 6.3 The site currently has permission for use by the H.O.P.E charity as a family centre only and consists of a day care facility as well as providing adult courses and advise from specialists. A town centre location would offer greater opportunity for linked trips where people travel by car but then make other trips on foot. At this site, on the edge of town there is little opportunity to do this other than for those people using the family centre.
- 6.4 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 and therefore its location is considered to divert expenditure away 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. The Local Planning Authority argues that any such out-of-centre premises have a potentially negative impact upon the Town Centre and certainly if repeated by other such premises have a negative cumulative impact.
- 6.5 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.

- 6.6 In conclusion the proposal to vary condition 14, to allow for A1 uses on site would undermine the vitality and viability of Bromyard Town Centre and is therefore counter to the aims of Policies S5, TCR1 and TCR2 of the Herefordshire Unitary Development Plan.
- 6.7 At the heart of the NPPF is the presumption in favour of sustainable development with the aim of locating development to locations that are readily accessible by modes of transport other than the private motor vehicle. This has the objective of reducing carbon emissions and ultimately responds to climate change. Also by grouping commercial developments together within a Town Centre, even if one travels to that Town Centre by car, one can then visit a range of facilities without re-using ones car. In other words one travels to one destination for a variety of purposes. From the log of customers which has been submitted it is clear that the majority are arriving by car and are not using any other facility within the building. It is possible that they are moving there vehicles on down into the town to visit the shops, but no evidence has been provided.
- 6.8 The only other facility in the immediate vicinity is the Family Centre itself, whilst it is likely that a small number of the customers to the A1 use would also be using other facilities within the family centre, many existing and potential users are not. In essence the A1 uses would become a destination in its own right primarily by persons using the private motor vehicle as their mode of transport.
- 6.9 As a consequence it is submitted that the location of the proposed development would not assist in creating a sustainable pattern of development. Indeed the reverse is the case; it would create an unsustainable pattern of development increasing reliance upon the use of the private motor vehicle.
- 6.10 In conclusion, the proposal to vary condition 15 of planning permission DCNC0009/1820/CD would potentially prejudice the vitality and viability of Bromyard Town Centre, contrary to policies S1, S5, TCR1 and TCR2 of the Herefordshire Unitary Development Plan and guidance contained within chapter 2 of the National Planning Policy Framework.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. The proposed introduction of an A1 use in this out-of-town location would, in the opinion of the Local Planning Authority, potentially prejudice the vitality and viability of Bromyard Town Centre contrary to policies S1, S5, TCR1 and TCR2 of the Herefordshire Unitary Development Plan and guidance contained within chapter 2 of the National Planning Policy Framework.**
- 2. The application has not demonstrated that there is adequate parking on site for the additional vehicles generated by the proposal. As such the proposal fails to comply with Policy T11 of the Herefordshire Unitary Development Plan.**

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 and identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which have been clearly identified within the reason(s) for the refusal, approval has not been possible.**

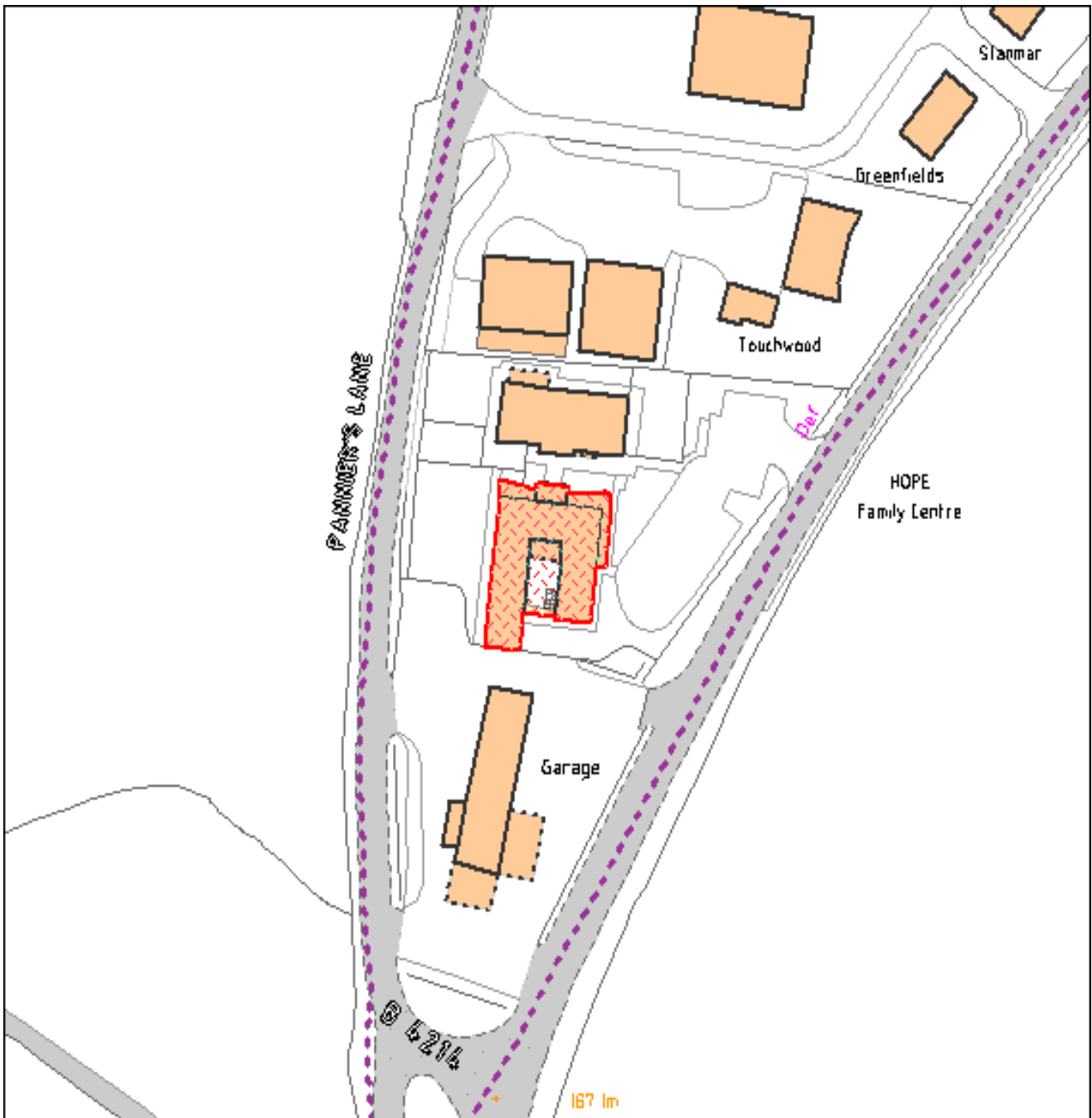
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: N/123414/CD

SITE ADDRESS : HOPE FAMILY CENTRE, HERFORD ROAD, BROMYARD, HERFORDSHIRE, HR7 4QU

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