

MEETING:	PLANNING COMMITTEE
DATE:	15 MAY 2013
TITLE OF REPORT:	123415/CD - VARIATION OF CONDITION 2 OF PLANNING PERMISSION DCNC0009/1820/CD AT HOPE FAMILY CENTRE, HEREFORD ROAD, BROMYARD, HEREFORDSHIRE, HR7 4QU For: Herefordshire Council per Mr Robert Scott, Property Services, Plough Lane, Hereford, HR4 0WZ
WEBSITE LINK:	https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=123415

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 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 as a family centre
- 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. The charity moved into the building, which is subject to this application, in 2006. They currently provide childcare for 0-5 year olds, adult education and individual family support. They run a number of adult courses, and provide access to debt advice, a health visitor and midwife. Within the second building approved under application DCNC0009/1820/CD there are also small business units/workshops for individuals to work from and also 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 of the Town and Country Planning (Use Classes) Order 1987. The second most recent building granted under application DCNC0009/1820/CD, which is subject to this application, 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 2 of planning permission DCNC0009/1820/CD to allow the first floor of part of the second building to be used as a Multi Agency Office for

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Council Staff in connection with the Council's policy for 'better ways of working'. The facility is aimed at Council employees living locally and will enable them to carry out their job without having to travel into Hereford. The area which is being proposed is approximately 189m². The Multi Agency Office will encompass the whole floor, including the Meeting Room, Interview Room and toilets. There are a total of 12 workstations available for Council staff. On average it is expected that 4-5 council staff use the facility daily. The use has been in operation for a while with users signing in/out at the main reception and access the facility via the Centres communal staircase.

1.5 Condition 2 of DCNC2009/1820/CD is as follows:

2. The use of the development hereby approved shall be strictly ancillary to the use of the existing premises on site (i.e. HOPE Family Centre).

Reason: To ensure that the development is in-keeping with the existing use on site and to comply with the requirements of Policy CF5 of the Herefordshire Unitary Development Plan.

2. Policies

2.1 National Planning Policy Framework

The overarching theme of the NPPF is a presumption in favour of sustainable development.

Chapter 1 requires that the planning system supports sustainable economic growth, with the planning system acting to encourage not impede economic growth.

Chapter 3 states that local plans should "support sustainable growth and expansion of all types of business and enterprise in rural areas...and promote the development and diversification of agricultural and other land-based rural businesses."

Paragraph 187 confirms that decision takers at every level should 'seek to approve applications for sustainable development' where possible.

2.2 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
TCR10-	-	Office Development
T11	-	Parking Provision

2.3 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

Statutory Consultations

- 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. Proposal is inappropriate given the impact the individual proposal and the precedent that it will set;
 2. The proposal will significantly alter the intended use of the site;
 3. Condition 2 is the only control which the Local Planning Authority has to stop the site becoming an unrestricted out of town commercial centre;
 4. The conditions area necessary to limit the impact on the immediate and wider area.
 5. Does not accord with the current local or national planning policy (Policies S5, TCR1, TCR2, TCR9 and TCR10 of HUDP identified);

6. If tie to H.O.P.E was not attached, an unrestricted planning permission would have been granted for town centre uses in an out of town location, therefore the is key in ensuring the development remain appropriate;
7. Office development should be directed towards the town centre in first instance;
8. No information in relation to a sequential test;
9. A full Impact Assessment should be carried out; and
10. Condition 2 is already being breached as café being advertised independent of the H.O.P.E centre.

5.4 A Design and Access Statement was submitted with the application. In summary this states:

1. The facility will provide desk spaces with access to the Council's Intranet and email for Council employees living locally to carry out their job without having to travel to Hereford.
2. The Council has adopted a better ways of working policy to free up desk space in the main offices and promote sustainable working/travel.
3. Users of the office are able to use the other facilities in the Hope Centre, such as the café and toilet.

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

<https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=123415>

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

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

6. Officer's Appraisal

- 6.1 DCNC0009/1820/CD granted permission for a new building to be used by the H.O.P.E family centre as a day care facilities with office space, workshop space, multi-use community space, café and associated parking facilities. Condition 2 attached to the decision restricted the use of the development for ancillary uses to the HOPE Family Centre. The reason for the condition was to ensure that the development was in-keeping with the existing use on site and to comply with the requirements of Policy CF5 of the Herefordshire Unitary Development Plan.
- 6.2 This application proposes to vary condition 2 to allow the open plan offices approved in the first floor of the western part of the building to be used as a multi agency office for Council Employees to access their work as part of the Council 'better ways of working policy'. The area was always intended to be used as an open plan office, but as part of the H.O.P.E Centre and the families they support.
- 6.3 Policy E7 within the UDP sets the provision for 'other employment proposals within and around Hereford and the market towns'. The use being proposed, a Local Authority Multi Agency Office falls under part B1 of the use class order. In the supporting text of the UDP in paragraph 6.5.2 it is recognised that not all employment generating uses within Part B of the Use Class Order needs to be located within employment areas, and can offer a viable use for previously developed land and buildings within urban areas. In exceptional circumstances previously developed land which lies outside but adjacent to the settlement boundary of market towns may be considered.
- 6.4 However the UDP also seeks to protect and enhance the vitality and viability of the Market Towns Centres, and within policy E7 it states that proposals for employment generating uses within and around Hereford and the market towns will be permitted where there are no other suitable sites or premises available within existing and proposed employment areas or within the settlement. This is carried through in paragraphs 24-28 of the NPPF which advises that

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applications for retail, leisure and office developments outside of town centres, which are not in accordance with an up-to date Local Plan, should require an impact assessment to assess the impact on the Town centre vitality and viability.

- 6.5 Policy TCR10 in the UDP deals more specifically with office development and does not encourage office development within the open countryside. The policy also requires that development is easily assessable to customers and staff by a choice of modes of transport and will not lead to an increase in the use of the private car.
- 6.6 It is acknowledged that the B1 use which is being proposed is fairly unusual. It is aimed not only at Council employees living within Bromyard Town but those living in the many rural villages and communities which surround it. Whilst it's overall aim is to reduce the need to travel into the Hereford, in all likelihood employees using the facility are likely to arrive by car.
- 6.7 At the heart of the NPPF is a presumption in favour of sustainable development, with the aim of locating developments in 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.
- 6.8 The only other facilities in the immediate vicinity of the Family Centre is the adjoining petrol station. Whilst some Council employees using the proposed offices may use such a facility, many potential users would not. In essence the Multi Agency Office would become a destination in its own right largely 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 It has been noted on visits to the site that although a sizable amount of parking is provided it is often used to its full capacity. Parking has also been noted as a concern by the adjoining neighbour. The proposal could on average allow for a further 6 cars to the site, if not more, In the absence of any details of a travel plan for staff or of existing or proposed parking, I can not conclude that there is a suitable provision of car parking on the site. The application is therefore contrary to policy T11 of the UDP that states that proposals should incorporate suitable parking provision for car parking.
- 6.11 Condition 2 was attached to the DCNC0009/1820/CD application to ensure the development and facility was used for the function that it was intended to fulfil - as a community facility appropriate in scale to the needs of the local community which it serves and to ensure that it was in keeping with the existing use on site. The introduction of a B1 office use, which has no connection with the H.O.P.E Family Centre, is not considered to be in keeping with the existing use on the site. The proposal is considered contrary to policies E7 and TCR10 of the HUDP as the site is detached from the central shopping and commercial areas of Bromyard. Furthermore it has not been demonstrated that there are no other suitable sites or premises available within existing employment areas or the settlement boundary or that there is adequate parking provision within the site for the proposed use.

RECOMMENDATION

That planning permission be refused for the following reasons:

1. The proposal to vary condition 2 of planning permission DCNC0009/1820/CD to allow part of the building to be used as a multi agency office by Council employees is considered contrary to policies TCR10 and E7 of the Herefordshire Unitary Development Plan as the site is detached from the central shopping and commercial areas of Bromyard. Furthermore it has not been demonstrated that there are no other suitable sites or premises available within existing employment areas or within the settlement boundary. The application is therefore contrary to the advice set out in paragraphs 24-28 of the National Planning Policy Framework.
2. The proposed B1 Multi Agency Office in an out-of-centre location would, in the opinion of the Local Planning Authority, potentially prejudice the vitality and viability of Bromyard Town Centre contrary to policies S5, TCR1 and TCR2 of the Herefordshire Unitary Development Plan 2007.
3. The application has not demonstrated that there is adequate parking at the 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.

Reason for Refusal:

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 by identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal – which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

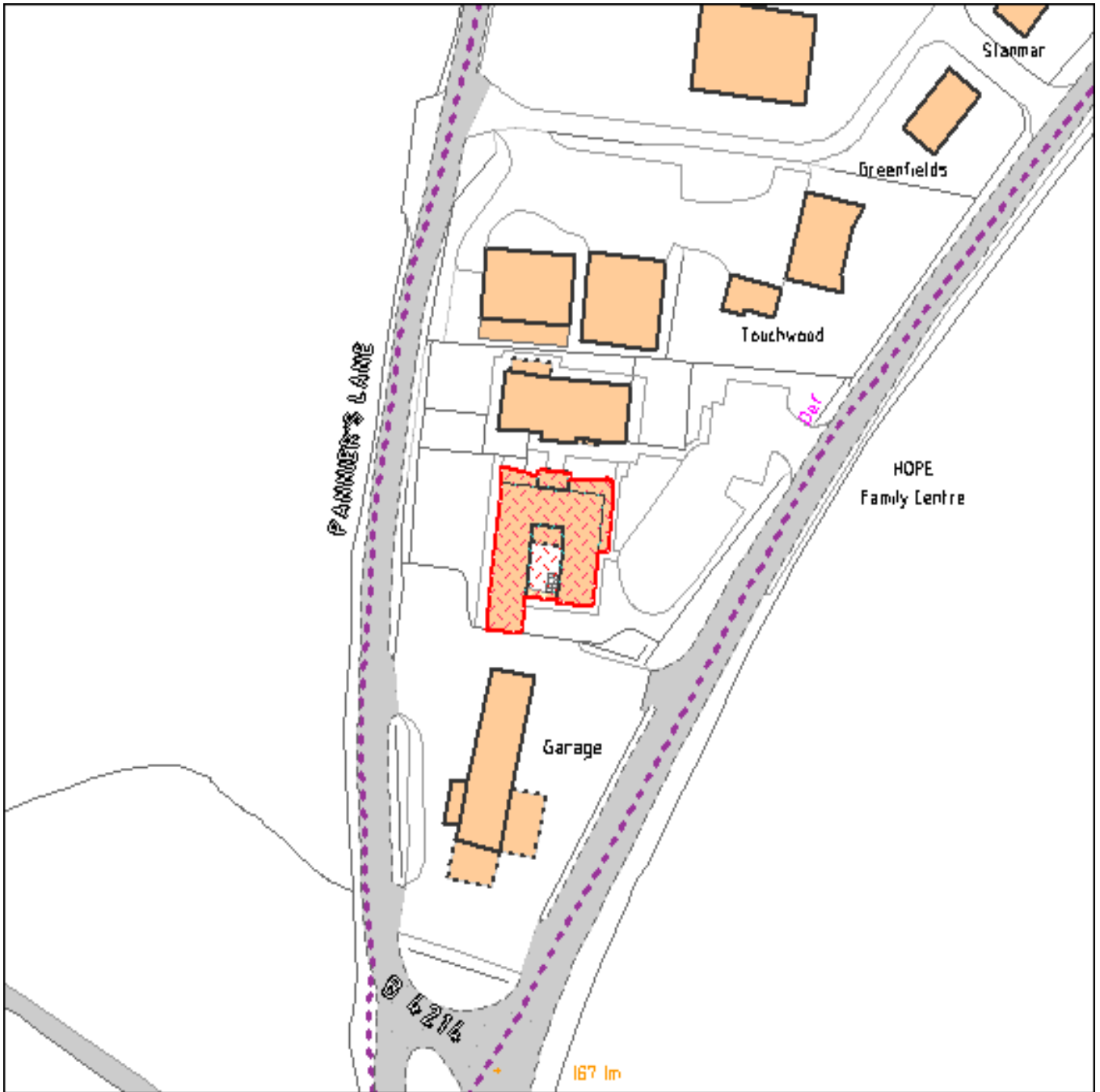
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: /123415/CD

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