

MEETING:	PLANNING COMMITTEE
DATE:	15 May 2013
TITLE OF REPORT:	<p>123428/CD - VARIATION OF CONDITION 14 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=123428

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.

1.2 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

1.3 This application proposes to vary condition 14 of planning permission DCNC0009/1820/CD to extend the hours of opening of part of the building from 07:00 to 22:30, seven days a week. According to the design and access statement which accompanies the application the extended hours will assist the Charity in securing funding by letting the Multi Use Room and Café to local clubs and societies.

1.4 Condition 14 of DCNC2009/1820/CD is as follows:

Unless otherwise first agreed in writing by the Local Planning Authority, the premises shall not be open to the public outside the hours of:-

Further information on the subject of this report is available from Ms R Jenman on 01432 261961

07:00 hours to 18:00 hours on Saturdays, Sundays and Bank or other public holidays.
07:00 hours to 21:00 hours on any other day.

Reason: In the interests of residential amenity in the locality and in accordance with Policy DR1 of the Herefordshire Unitary Development Plan.

- 1.5 The Council are currently considering two other applications to vary conditions 2 and 15 of permission DCNC0009/1820/CD. Condition 2 relates to the overall use of the building as ancillary to the Hope Family Centre and 15 to areas used for work space.

2. Policies

2.1 National Planning Policy Framework

Chapter 1	-	Building a strong, competitive economy
Chapter 2	-	Ensuring the vitality of town centres
Chapter 4	-	Promoting sustainable transport

2.2 Herefordshire Unitary Development Plan:

S1	-	Sustainable Development
S2	-	Development Requirements
S4	-	Employment
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR14	-	Noise
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
CF5	-	New Community Facilities
TCR10	-	Office Development
T11	-	Parking Provision
CF5	-	New Community Facilities

- 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: No objection .
- 4.3 Environmental Health: No objection to the request to extend business hours in respect of the specific use as described.

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:
- Potential that the extended hours will reduce the vitality of Bromyard;
 - No evidence has been provided regarding the difference such funding will have or why the funding can not take place during the present hours;
 - Existing hours of use are already in excess of those originally granted;
 - Use for the site appears to be intensifying and changing without a full explanation or justification;
 - No explanation as to how the extended hours will benefit the Centre, other than funding;
 - Concerned that the extension of hours will generate inappropriate use of the centre;
 - Noise generated by increase in hours will harm the amenity of the neighbour;
 - Proposal will have a significant impact on the character and noise level in the area;
 - Area is a quite, tranquil part of Bromyard at night with very low noise levels and artificial lighting;
 - Proposal contrary to relevant policies in the UDP;
 - The centre has already breached the operating hours concern that allowing evening functions will go on later than 1030pm; and
 - Inadequate parking for functions.
- 5.4 A Design and Access Statement was submitted with the application. In summary this states:
- The Hope Family Centre in order to secure funding from the now defunct Advantage West Midlands put together a business case/plan demonstrating they would fund/sustain their

activities over future years, Part of this plan involved an income from letting the Multi Use Room and Café to local clubs and societies.

- The Café and Dining area will be available for meetings, seminars and conferences

5.5 A letter from Sheenagh Davies CEO of H.O.P.E has clarified that the meetings/events which will take place past 21:00 will be occasional and for community organisations and groups. At most in envisaged the café and Multi Use room will be rented out twice a week.

5.6 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:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact/details/?q=customer%20services&type=suggestedpage>

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 facility with office space, workshop space, multi-use community space and café, with associated parking facilities. Condition 14 attached to the decision controls the hours of use of the building. This application seeks permission to extend the use of the café and multi-use room to 22:30.

6.2 The key consideration of this application is whether the increase in opening hours to 22:30, seven days a week, will cause a significant increase in detriment to the amenity of the adjoining residential property to warrant the refusal of this application, and whether there is sufficient justification for the extension of hours.

6.3 The permitted use of the building is controlled under condition 2 which states that the 'use of the development ...shall be strictly ancillary to the use of the existing premises (HOPE family centre)'. From the information submitted with the application the extension of hours is needed to enable the multi use room and cafe to be rented out to provide an income for the charity.

6.4 The letter of objection which has been received on behalf of the adjoining neighbour raises concerns about this extended period of use. Partly because of the lack of information submitted in support of the proposal and the concern that the use of the site is both intensifying and changing and not connected directly with the H.O.P.E family centre. The previous application to extend the hours to 21:00 was considered acceptable at it was a continuation of the H.O.P.E family centre allowing adult lessons/course to run in the evenings.

6.5 The Environmental Health Officer considered the extension of hours reasonable given the specific intended use. The increase in activity proposed is not considered to cause significant disturbance with regards to noise and therefore will not be of detriment to the neighbouring residents. The use of the Multi Use room till 22:30 Monday to Saturday for meetings/seminars is considered to be acceptable in that it will have limited impact on the adjoining neighbour with regards to noise and disturbance and would not harm the character or the existing use of the site as a D1 use. However the use of the building on a Sunday and on Bank holidays past the permitted 18:00 is of concern in relation to the residential amenity of the adjoining neighbour and considered would be of detriment in relation to noise and general activity.

6.6 The objectors have questioned the need to extend opening hours, referring to other buildings that can provide facilities for evening classes. Whilst it is acknowledged that there are other buildings within the locality which may well be available for evening use, it is not the role of the planning system to limit availability on such a basis.

- 6.7 As part of the application it has been requested that the café is also granted permission to be open until 22:30. The café has permission to be used until 21:00 and must be ancillary to that of the existing use on site e.g. to the H.O.P.E family centre. From the information that has been submitted, the kitchen and dining area are themselves intended to be rented out to groups. There is no evidence to suggest that the café will be open independently or when there is not a meeting taking place. I'm satisfied that appropriate conditions can be attached to a decision to ensure that the use of the café remains ancillary to the existing use on site and does not become a separate A3 enterprise.
- 6.8 It is therefore concluded that the variation to condition 14 of planning permission DCNC0009/1820/CD to allow the multi use room and café to be used until 22:30 on Monday to Saturdays by local groups within the local community to hold meetings is considered to be acceptable and will not significantly harm the amenity of the adjoining neighbouring property and is recommended for approval.

RECOMMENDATION

That condition 14 of the planning permission DCNC0009/1820/CD be varied as follows:

- 1 The permission hereby granted is an amendment to planning permission DCNC0009/1820/CD dated 10 November 2010 and, otherwise than is altered by this permission, the development shall be carried out in accordance with that planning permission and the conditions attached thereto.**

Reason: For the avoidance of doubt and to comply with the requirements of Policy DRI of the Herefordshire Unitary Development Plan.

- 2. Unless otherwise first agreed in writing by the Local Planning Authority, the premises shall not be open to the public outside the hours of:-**

**07.00 hours to 18.00 hours on Sundays and Bank or other public holidays.
07.00 hours to 2230 hours on any other day.**

Reason: In the interests of residential amenity in the locality and in accordance with Policy DR1 of the Herefordshire Unitary Development Plan.

- 3. The café and kitchen within the building shall not be open independently past 21.00 and shall only be used ancillary to the use of the existing premises on site.**

Reason: To ensure 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

Reason for Approval:

- 1. The application was considered against the background of seeking to protect and maintain the existing residential amenity and character within the area. The Local Planning Authority considered that the variations in the planning condition would not adversely affect residential Amenity by way of noise nor cause light pollution. As such, the proposal is considered to comply with the provisions of the Herefordshire Unitary Development Plan 2007 and the National Planning Policy Framework (NPPF).**

Informative:

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, including any representations that have been received. 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.

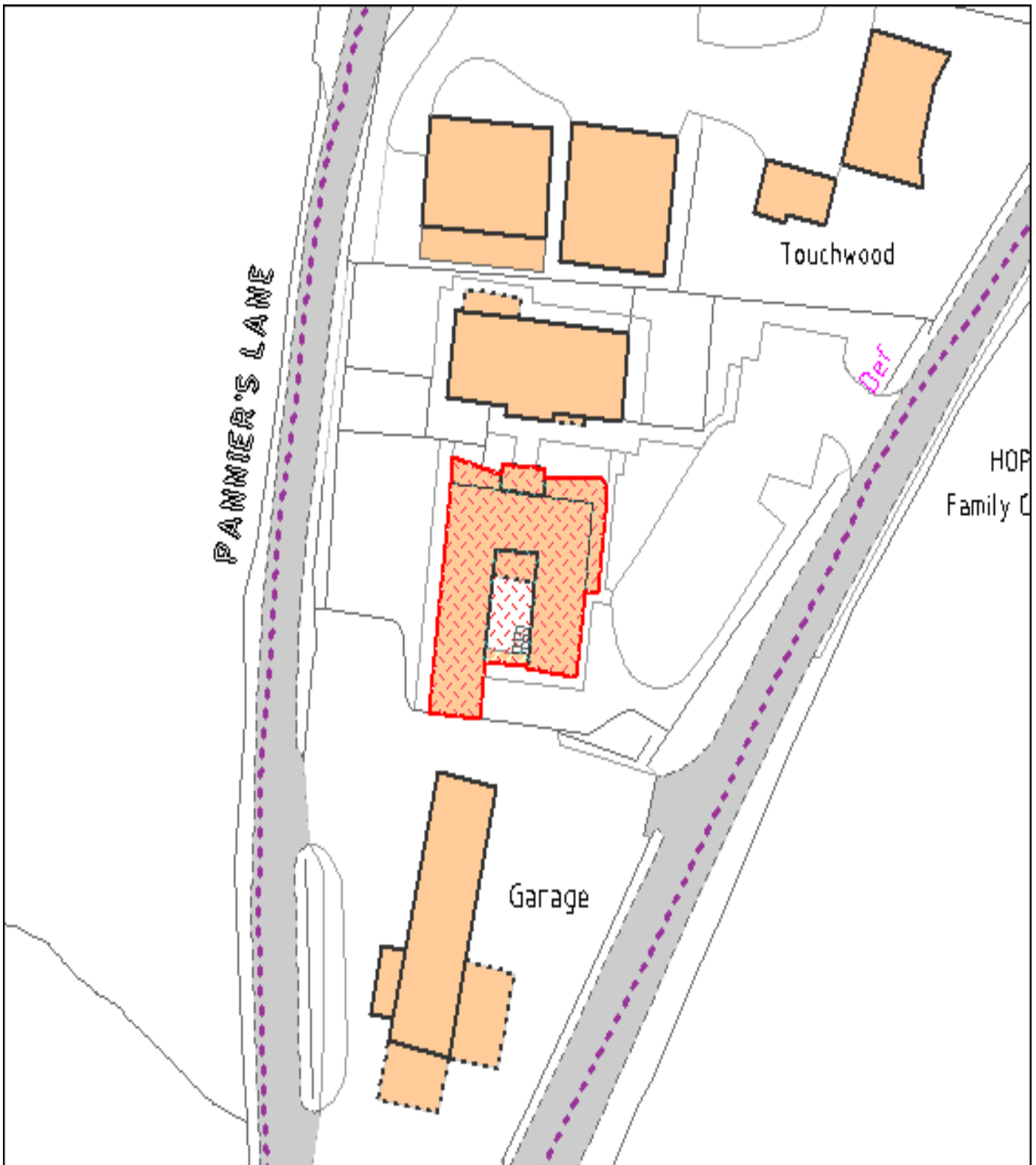
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 123428/CD

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

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Further information on the subject of this report is available from Ms R Jenman on 01432 261961