

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>29 JANUARY 2014</b>
<b>TITLE OF REPORT:</b>	<p><b>132830/F - SUB-DIVISION OF EXISTING RETAIL UNIT TO FORM SMALLER RETAIL UNIT AND TAXI OFFICE AT UNIT AT THE COOPERATIVE FOOD STORE, GRANDSTAND ROAD, HEREFORD, HR4 9LT</b></p> <p><b>For: Rank Taxis per Mr Bernard Eacock, 1 Fine Street, Peterchurch, Herefordshire, HR2 0SN</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132830">https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132830</a>

**Date Received: 10 October 2013      Ward: Three Elms      Grid Ref: 349180,241968**

**Expiry Date: 9 December 2013**

Local Members: Councillors PA Andrews, EM K Chave and C Nicholls

**1. Site Description and Proposal**

- 1.1 The application site is located on the edge of the Bobblestock residential estate to the north of Hereford city centre and comprises a vacant A1 retail unit that forms part of the Local Shopping Centre which includes a food supermarket and adjoining newsagent. The unit occupies a corner position with a frontage onto Grandstand Road. Its east elevation faces onto Kempton Avenue, a well used estate road through the Bobblestock estate linking onto Roman Road to the north. To the east and south on the opposite sides of the estate roads is existing residential development.
- 1.2 The proposal is the sub division of an existing retail unit to form a smaller retail unit and an office base for a taxi company (Hereford Rank Taxi Association).

**2. Policies**

2.1 National Planning Policy Framework

Achieving sustainable development  
 Chapter 1 Building a strong, competitive economy  
 Chapter 2 Ensuring the vitality of town centres  
 Chapter 4 Promoting sustainable transport  
 Chapter 7 Requiring good design  
 Paragraph 123

## 2.2 Herefordshire Unitary Development Plan

S1	-	Sustainable development
S2	-	Development requirements
S5	-	Town centres and retail
S6	-	Transport
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
H1	-	Hereford and the market towns: settlement boundaries and established residential areas
TCR13	-	Local and neighbourhood shopping centres
T8	-	Road hierarchy

## 2.3 Herefordshire Local Plan Core Strategy

SS1	-	Presumption in favour of sustainable development
MT1	-	Traffic management highway safety and promoting travel
SC1	-	Social and community facilities

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 DCCW2000/0068/F – Change of use from A1 retail to A3 hot food takeaway – Refused, Appeal dismissed.

## 4. **Consultation Summary**

4.1 The Transportation Manager notes the application form states that 4 parking spaces are provided, but these are not contained within the red line of the application site or shown on the drawings. He goes on to express his concern that the proposal will result in the on-street parking of taxis in the area of the junction of Grandstand Road/Kempton Avenue/Sandown Drive to the possible detriment of highway safety. Having noted the Councillor's comments regarding conditions, it is queried whether a planning condition can be applied in this respect and this matter is left to Planning Officers.

## 5. **Representations**

5.1 Hereford Town Council has no objection providing that no taxis will be parked outside the premises at any time.

5.2 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:-  
[www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage](http://www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage)

## 6. Officer's Appraisal

- 6.1 The key issues for consideration in the determination of the application relate to the policy implications for the partial loss of the existing retail unit on the viability and vitality of the Local Shopping Centre, the highway safety implications and potential impacts on the residential amenity of the otherwise predominantly residential area.

### Loss of retail floorspace

- 6.2 The proposal would result in the reduction of retail space from the existing vacant unit which is located within a local shopping centre. Such areas are identified in the local plan retail hierarchy and are situated in residential areas throughout Hereford and the County. They are important to local communities since they provide shops and other services to meet the needs of the local area and offer a particularly important and convenient service for those who are less mobile, especially older people, disabled residents, families with small children and those without access to a car. Local and neighbourhood shopping centres can also serve to reduce the need to use a car for shopping, reducing traffic congestion and contributing to a cleaner environment. It is important however to note that policy TCR13 does not formally protect the A1 retail function but rather to retain a range of local services and facilities.
- 6.3 Having regard to the above policy and having regard to the existing established facilities in this centre; the modest loss of A1 retail space and the creation of a smaller retail unit, it is not considered that there would be an adverse impact on the vitality and viability of the area and furthermore an economically beneficial use would be introduced along with the smaller retail space.
- 6.4 Accordingly it is not considered that there is a fundamental objection to the principle of introducing an office base for the taxi company in this location.

### Highway Safety

- 6.5 The taxi office will provide an administrative base (telephone bookings and radio control of drivers) for Hereford Rank Taxi Association and it is made clear in the submission that it would specifically not involve callers, drivers or other customers or members of the public, parking or being picked up or dropped off at the premises. Indeed this is specifically precluded by the company's own rules
- 6.6 It is common for such uses to occupy fringe premises, often rooms over shops or within existing commercial premises. Mini-cab offices do not necessarily have to be accessed by the public or the drivers controlled therefrom, and may require only a tiny operating space, as proposed here. Highway safety issues have been raised as the main area of concern in respect of this application and it is recognised that parking outside these premises, close to two busy road junctions would potentially impede traffic flows and/or create other identifiable hazards, such as pedestrians crossing the road to and from this local shopping area and accessing bus stops. However it is not intended for the proposed premises to operate as a base for taxis but rather a location from where bookings will be taken and drivers will be coordinated. It is advised that the submitted plans confirm that no on-site parking space is provided and there is no provision for dedicated parking on the highway. In this context, and subject to the applicant operating in accordance with the supporting information provided with the application it is not considered that there would be any identifiable change in the current position and no basis to withhold planning permission.
- 6.7 Notwithstanding this assertion, officers have given some thought as to whether conditions could be used to control this. There are however considerable difficulties with applying conditional control over street parking since the appropriate mechanism for controlling this are through Traffic Regulation Orders. In this respect, it is considered that the imposition of

conditions would be inappropriate and not would meet the tests of Circular 11/95: Use of conditions in planning permission, as they would be unenforceable on a highway where there are no existing parking restrictions. Similarly consideration has been given to the potential for inviting the applicant to submit a Unilateral Undertaking to commit to restricting on-road parking. This is not considered practical or enforceable for the same reasons as a condition is not considered suitable.

- 6.8 In view of the assessment set out above, it is considered that the most appropriate means of controlling the use is to condition the use specifically to that which is being applied for and this is reflected in the recommendation below. Subject to the condition it is considered that the proposal accords with Policies DR3 and T8 of the Herefordshire Unirary Development Plan.

#### Impact on Residential Amenity

- 6.9 Whilst it is not intended or expected that there will be any additional vehicle movements associated with the proposed use, in view of the concerns that have been raised, further consideration has been given to the likely impact on residential amenity. The proposed location is on the busy Grandstand Road, a principal vehicular and pedestrian route from Bobblestock and north Hereford into the city centre, and Kempton Avenue. Furthermore the adjoining supermarket attracts many vehicular and pedestrian movements in its own right such that even if the proposal was for a base for taxis, there already exists a level of activity and ambient noise such that there would not be an impact upon adjoining residential amenity. The risk of late night activity is negated by the office based nature of the proposed use. In view of the existing characteristics of the area, the introduction of an office based use would be compatible and in accordance with Policy DR2 of the Herefordshire Unitary Development Plan.

#### Conclusion

- 6.10 The proposal is for an office based use, which has operated from other residential locations in Hereford without known problems being identified. The use would entail telephone work, either taking bookings from customers or co-ordinating drivers and as such should not result in any additional traffic movements that would prejudice the continued safe use of the local road network or the living conditions of residents in the surrounding area. Accordingly it is considered that the benefits associated with the occupation of a vacant retail unit, supporting an established local employer are considered to outweigh the perceived concerns regarding on-street parking and as such application is recommended for approval.

## **RECOMMENDATION**

**That planning permission be granted subject to the following conditions:**

- 1. C01 – Time limit**
- 2. C07 – Development in accordance with approved plans**
- 3. The use of the taxi office shall be restricted to the telephone based booking of taxis and for the radio controlled co-ordination of taxi driver employed by the Hereford Rank Taxi Association and for no other purpose.**

**Reason: To maintain control over the nature of the use and to minimise the risk of unacceptable vehicular activity in the vicinity of the premises in the interests of both highway safety and residential amenity in accordance with Policies DR2 and T8 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework**

**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, 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.**

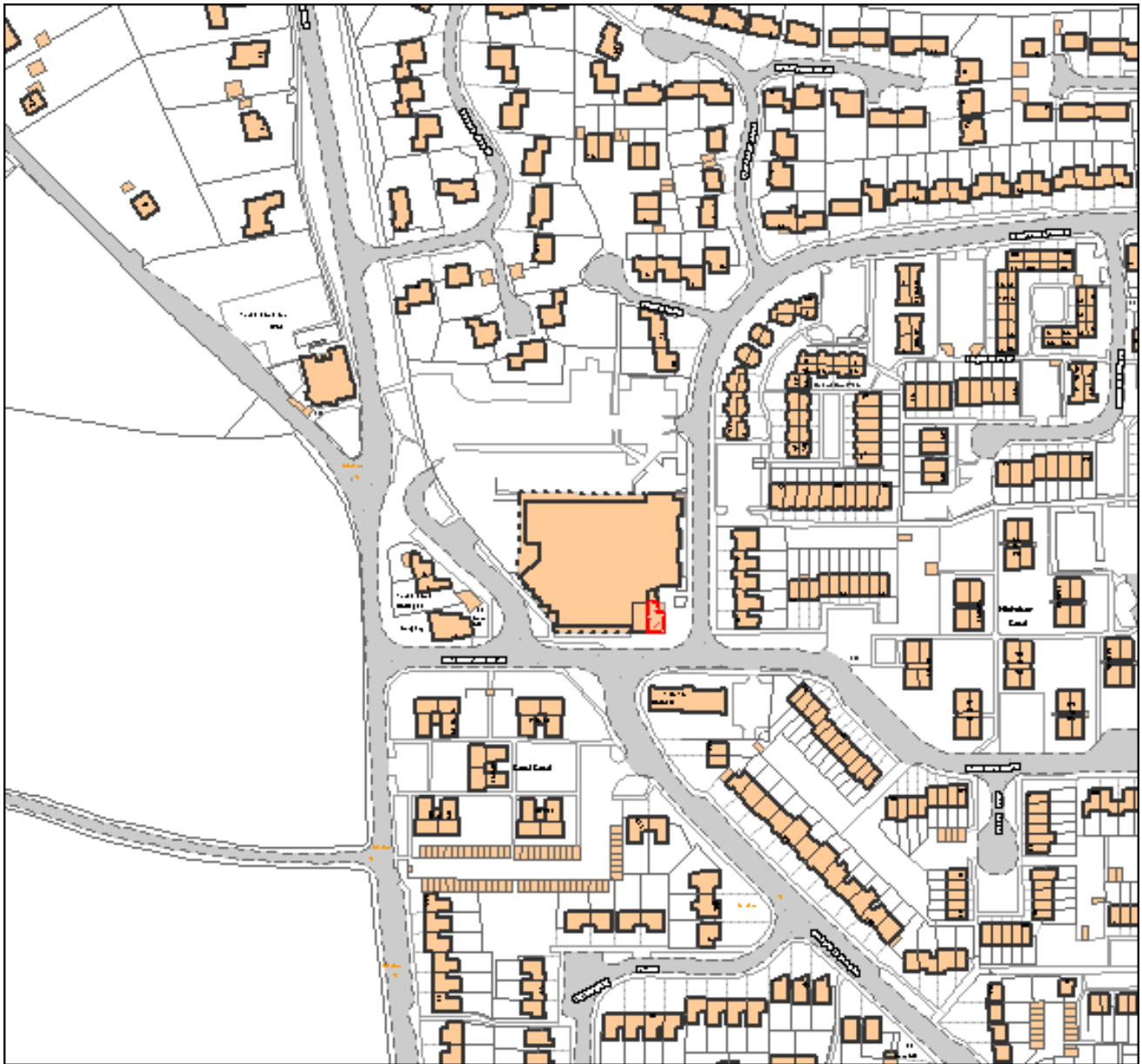
Decision: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 132830/F

**SITE ADDRESS :** UNIT AT THE COOPERATIVE FOOD STORE, GRANDSTAND ROAD, HEREFORD,  
HEREFORDSHIRE, HR4 9LT

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Further information on the subject of this report is available from Mr C Brace on 01432 261947