

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>10 OCTOBER 2018</b>
<b>TITLE OF REPORT:</b>	<b>181296 - CHANGE OF USE OF UNIT 10 FROM A1 TO B2 (RETROSPECTIVE) AT UNIT 10, WALKERS GREEN, MARDEN, HEREFORD, HR1 3DN</b>  <b>For: Ms Jones per Ms Dawn Jones, 59 St Andrews Close, Moreton-On-Lugg, Hereford, Herefordshire HR4 8DB</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=181296&amp;search=181296">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=181296&amp;search=181296</a>
<b>Reason Application submitted to Committee – Re-direction</b>	

**Date Received: 1 Oct 2018**

**Ward: Sutton Walls**

**Grid Ref: 352205,247534**

**Expiry Date: 13 July 2018**

Local Member: Councillor K S Guthrie

#### **1. Site Description and Proposal**

- 1.1 The application site forms part of a single storey L –shaped commercial premise located within the settlement of Marden
- 1.2 The units are served by a tarmac forecourt accessed directly from the adjoining public highway (C1124).
- 1.3 The application site is enclosed on all sides by residential development, which mostly comprise of bungalow or dormer style properties, whilst properties of a similar design are located directly across the road.
- 1.4 The current occupants are tenants of both units 10 and 11, which currently benefit from an A1 Use Class being one of Shops and Retail Use; however the application is only in respect of unit 10.
- 1.5 The applicants have been tenants on the site for 4 years and produce Pierogi, a Polish pasty, which are prepared in Unit 10 and are then sold at off site events across Hereford and further afield.
- 1.6 The applicants use Unit 11 as a part time retail outlet selling the product direct to the public and as such no change in the Use Class is proposed for Unit 11.
- 1.7 The application seeks approval in respect of Unit 10 to change the Use Class to one of B2, “general industrial unit”.

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Further information on the subject of this report is available from Mr Clive Lloyd on 01432 383403

1.8 The business provides for three full time rural jobs

## **2. Policies**

2.1 The Herefordshire Local Plan Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS5	-	Employment Provision
RA6	-	Rural Economy
E1	-	Employment Provision
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Waste Water Treatment and Water Quality

The Herefordshire Local Plan Core Strategy policies together with any relevant supplementary planning documentation can be viewed on eth Council's website by using the following link:

[https://www.herefordshire.gov.uk/info/200185/local\\_plan/137/adopted\\_core\\_strategy](https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy)

2.2 National Planning Policy Framework July 2018

2.3 Marden Neighbourhood Development Plan (MNDP) was adopted 6/10/2016

The site is located within the MNDP area. The MNDP was adopted on 6<sup>th</sup> October 2016 and now forms part of the Development plan for Herefordshire. The following policies are of particular relevance:

M7(c) is suitable in terms of size, layout, access, parking, design and landscaping;  
M7(d) does not harm the amenity of nearby occupiers;  
M7(e) does not harm the character, appearance or environment of the site and its surroundings;  
M7(f) Has adequate access, or potential access, by a choice of transport modes.

The MNDP can be viewed by using the following link:

[https://www.herefordshire.gov.uk/site/scripts/directory\\_search.php?directoryID=35&search=Search&keywords=Marden&submit=](https://www.herefordshire.gov.uk/site/scripts/directory_search.php?directoryID=35&search=Search&keywords=Marden&submit=)

## **3. Planning History**

3.1 None relevant

## **4. Consultation Summary**

### Statutory Consultations

4.1 Natural England

No comments made

### Internal Council Consultations

4.2 Transportation Manager

Traffic generated will be light with minimal intensification if any. No objection

#### 4.3 Ecologist

I can see no ecology comments or concerns with this retrospective change of use and no change/no Likely Significant Effects on the River Lugg SSSI/SAC

#### 4.4 Hereford Council Economic Development Team.

I would accept that the current location would not be suitable for expansion of the company beyond the current buildings. Should the business require larger premises to operate they should be encouraged to seek alternative accommodation within Herefordshire. However given their current scale of operations I do not believe the current buildings to be unsuitable for the proposed use.

From an economic development perspective it is my opinion that the application will protect employment within the village of Marden and has the potential to create new jobs. Through the business success of the current occupiers, a degree of profile has been created for them, the village of Marden and for wider Herefordshire in terms of being a place where locally distinctive food is made. The change of use is not leading to a loss of employment land or units, rather it is protecting units for this purpose, and the application is not in conflict with local or countywide policy.

Consequently I would recommend approval of the change of use.

### 5. Representations

#### 5.1 Marden Parish Council

At its meeting on 11 June, Marden Parish Council resolved to object to application 181296 and comment as follows: PC would normally be supportive, however the application is not in conformity with Marden NDP policy M7 points (c), (d), (e), and (f), due to the significant effect on local residents; the units are designed as retail but application is now for manufacturing.

#### 5.2 Forty public responses of support were received with comments included:

- Refusal would give negative signal to entrepreneurs
- Provides rural employment
- Adequate parking available
- Business has been in place for some time
- Site has had various uses, butchers, etc. all requiring deliveries
- Hereford has a 'Here we can' attitude

Two response of objection received with issues of concern being:

- Noise
- Smell
- Hours of operation

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

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=181296&search=181296](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=181296&search=181296)

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

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

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## 6. Officer's Appraisal

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

*"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*

6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration. It is also noted that the site falls within the Marden Neighbourhood Area, which adopted a Neighbourhood Development Plan (NDP) on 6<sup>th</sup> October 2016.

6.3 The proposal seeks to change the Use Class Town and Country Planning (Use Classes) Order 1987 (as amended), for Unit 10 from A1 Shops/retail to B2, General Industrial.

6.4 Core Strategy Policy RA6 is in principle supportive of development proposals that enable the County's regeneration of its economic base, of which food and drink is an important part, furthermore, the policy criteria supports and strengthen local food and drink production.

6.5 Policy SD1 requires development proposals, as relevant to the proposal, should:

6.6 Safeguard residential amenity for existing and proposed residents and ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination, land instability or cause ground water pollution.

6.7 The primary consideration in determining this application is the impact that a change of use to Unit 10 would have in regard to the amenity of the surrounding area. Those impacts relating to noise, smell and hours of operation. However, in this respect the business has been operating under the same business model for four years with no complaints received until 2018. It is also noted that the business is largely one of a seasonal nature, with little site activity between the months of October to March. It is noted that the operational hours management plan provided by the applicants show that there was loading of food only onto vehicles on 37 occasions between the hours of 20:00hrs and 7:00hrs in 2018 up to the end of August.

6.8 Given the above, it is not proposed to impose conditions on the hours of business activities relating to the proposal.

6.9 However, it is proposed to limit the B2 use of the Unit to the current occupiers only and on their departure the Use Class would revert back to an A1 retail use therefore giving residents some protection in terms of any future business use of the premises.

6.10 Policy SS5 of the CS states that the continued development of the more traditional employment sectors such as farming, food and drink manufacturing will be supported while policy E1 of the CS states that development proposals which enhance employment provision and help diversify the economy of Herefordshire will be encouraged where a proposal is an appropriate extension to strengthen or diversify an existing operation.

6.11 In regard to policy M7(c) of the MNDP it is considered that the access and parking for deliveries is adequate and in this respect it is noted that no objections to the application were received from Transportation.

6.12 Considering policy M7(d) of the MNDP it is considered that with the inclusion of conditions regarding both operating hours and restriction on any future business model within the unit that any harm to the amenity of nearby occupiers has been addressed.

- 6.13 No obvious change to the character, appearance or environment of the site has been proposed and therefore policy M7 (g) of the MNDP is, in the view of officers, complied with.
- 6.14 It is noted that no objections to the application have been received from the Transport consultation and therefore the application accords with policy M7(f) of the MNDP
- 6.15 I therefore conclude on balance that this application accords with policies SS1, SS5, RA6, E1, SD1, SD3 and SD4 of the Core Strategy and policies M7c, d, e and f of the MNDP. The proposal is considered to accord with the relevant provisions of the Development Plan and is recommended for approval accordingly and subject to a condition limiting the use to that applied for.

**RECOMMENDATION**

**That planning permission be granted subject to the following conditions below and any other conditions considered necessary by officers named in the Scheme of Delegation to Officers:**

- 1. **The building unit which is the subject of this application shall be used by the current occupiers and for the prescribed business purpose and for no other purpose including any other purpose within Class B2 of the Schedule of 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. On the departure of the current occupiers from the premises, the Class usage of B2 shall revert back to it's former use as an A1 retail unit.**

**Reason: To safeguard the amenities of the locality and to comply with policy SD1 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.**

**INFORMATIVES:**

- 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.**

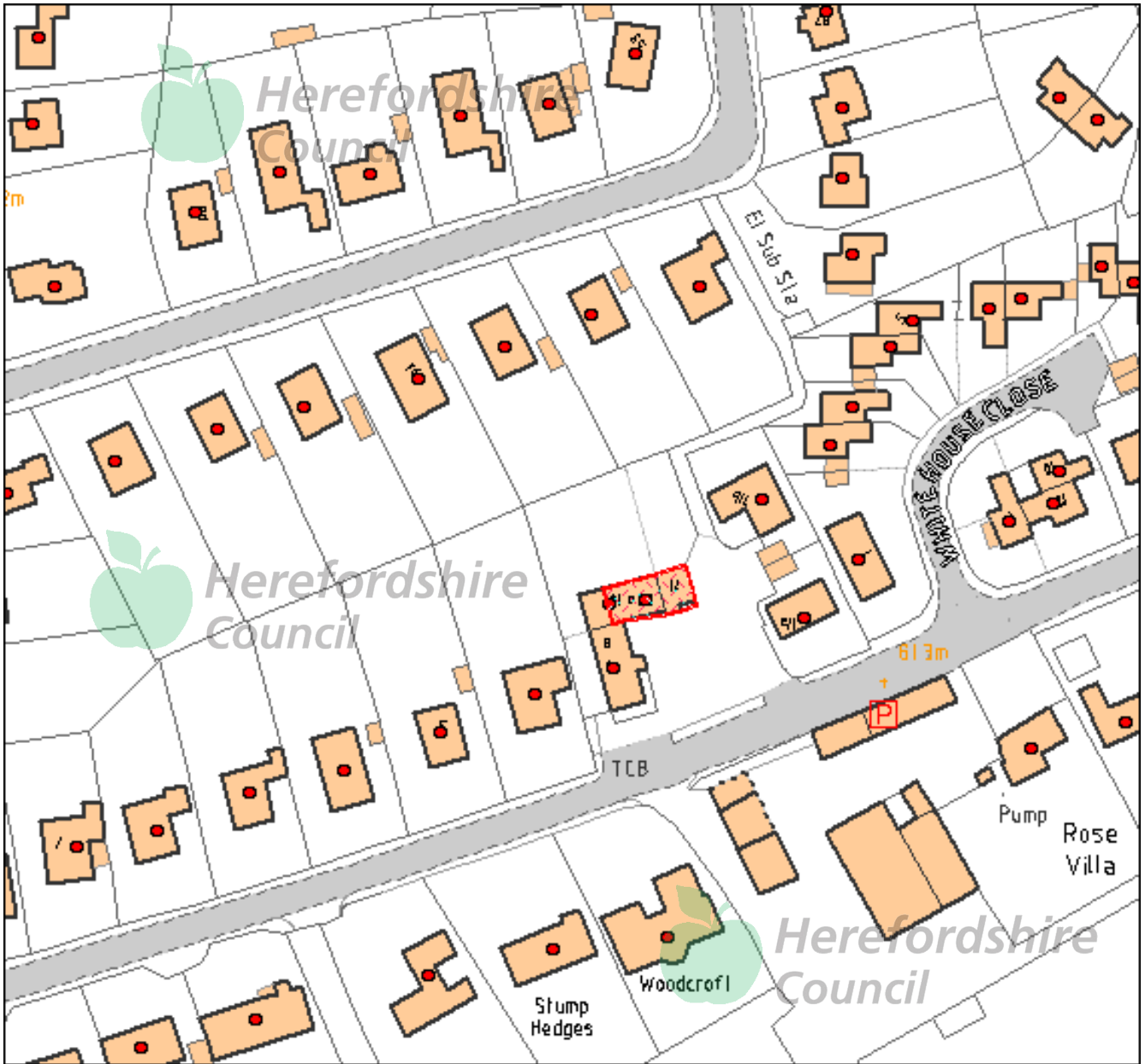
Decision: .....

Notes: .....

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**Background Papers**

None



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**APPLICATION NO:** 181296

**SITE ADDRESS :** UNIT 10, WALKERS GREEN, MARDEN, HEREFORD, HEREFORDSHIRE, HR1 3DN

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Further information on the subject of this report is available from Mr Clive Lloyd on 01432 383403