

**5 DCNE2004/4186/F - EXTENSION TO EXISTING UNIT AT UNIT 16, COURT FARM BUSINESS PARK, BISHOPS FROME, WORCESTER, HEREFORDSHIRE, WR6 5AY****For: W J Holden & Associates Per Michael Latchem & Associates, 9 Aylestone Drive, Hereford. HR1 1HT****Date Received:**  
**7th December 2004****Ward:**  
**Frome****Grid Ref:**  
**66483, 48560****Expiry Date:**  
**1st February 2005**

Local Member: Councillor R Manning

**Introduction**

Following a site visit, the application was considered by the Northern Area Planning Sub-Committee on 23<sup>rd</sup> March 2005. It was resolved to approve the proposal for an extension to an industrial building subject to a Section 106 Agreement to secure a financial contribution towards improvements to pedestrian safety for the residents of the Summerpool Estate, which lies to the south-west of the application site.

**Representations**

The applicant has been formally advised of the committee's resolution requiring a financial contribution and has now responded, stating that they are not willing to enter into an Agreement for the following reasons:

The boundaries and site area of the Bishops Frome Employment Site were originally defined by the Bromyard Urban District Council. The subsequent Malvern Hills District and Hereford County Councils have, as far as we are aware, endorsed the original designation of the site, which interestingly has never been extended. Its defined use and curtilage is therefore a matter of history and outside our control.

Planning guide lines continue to dictate that Industry should be located near to centres of residential population. It is therefore not surprising that from time to time traffic will become a problem.

As developers of Employment Land we are severely restricted by the scarcity and resultant high cost of land, which our planning regulation appears to encourage. We therefore have to make full use of the small amount of land we have and this we feel is the fundamental problem.

As far as we are aware, Section 106 Agreements are normally applied where, for example, a developer submits an application for a change of use, where otherwise he might benefit unreasonably from substantial "Planning Gain". A Section 106 Agreement would be a way of diverting part of this "Gain" back into the local economy.

In the case of the above application the opposite is true. We had to pay a premium price for the land which was the last remaining plot on the site and the sellers were encouraged in the knowledge that it completed our ownership of the entire site.

We accept the limitations of Summerpool road and the need to improve pedestrian safety but feel that such improvement should be the responsibility of the Local Authority or the Elgar Housing Association.

The current occupiers of Unit 16 are in serious need of space for the expansion of their business and we feel that it is unreasonable in the circumstances to penalise us for trying to provide that space.

For the above reasons we ask that you reconsider the imposition of a Section 106 contribution and grant us planning permission without reference to it.

### **Officers Appraisal**

The proposal represents a small increase in floor area in respect of the industrial estate as a whole. As stated in the original report, the resultant building is to be used as warehousing by an existing business on the site and consequently is unlikely to add to any significant degree to the daily traffic movements to and from the site as a whole.

It is a minor proposal and it is your officers opinion that it would be unreasonable to require the applicants to make a financial contribution to improve pedestrian safety on the basis of this application as it will have a minimal impact to increase vehicle movements.

It is therefore recommended that the application is approved as per the conditions originally stated and without the requirement that the applicant enter into a Section 106 Agreement.

The original report to Committee follows as an appendix to this updated report.

### **Recommendation**

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

**1 - A01 (Time limit for commencement (full permission) )**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**

**2 - A06 (Development in accordance with approved plans )**

**Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.**

**3 - B03 (Matching external materials (general) )**

**Reason: To ensure the satisfactory appearance of the development.**

**4 - F27 (Interception of surface water run off )**

**Reason: To prevent pollution of the water environment.**

**5 - G04 (Landscaping scheme (general) )**

**Reason:** In order to protect the visual amenities of the area.

**6 - G05 (Implementation of landscaping scheme (general) )**

**Reason:** In order to protect the visual amenities of the area.

**7 - H16 (Parking/unloading provision - submission of details )**

**Reason:** To minimise the likelihood of indiscriminate parking in the interests of highway safety.

**8 - H29 (Secure cycle parking provision )**

**Reason:** To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

**Informative:**

**1 - N15 - Reason(s) for the Grant of PP/LBC/CAC**

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.

**ORIGINAL REPORT****DCNE2004/4186/F - EXTENSION TO EXISTING UNIT AT  
UNIT 16, COURT FARM BUSINESS PARK, BISHOPS  
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**Introduction**

This committee report was deferred from the previous meeting for a site visit.

**1. Site Description and Proposal**

- 1.1 Court Farm Business Park is a well established industrial estate located on the eastern fringes of Bishops Frome. It is accessed via an unclassified road which passes an existing residential development known as Summerpool and in turn emerges onto the B4214 which runs through the centre of the village.
- 1.2 This application relates specifically to unit 16 and seeks to add an extension to it. The premises currently has a floor area of 410m square, and the application adds a further 340m square, giving a combined floor area of 750m square.
- 1.3 The building is of a standard industrial/commercial design, a portal frame steel building faced in profile sheeting. It has a dual roof pitch with a central valley running north/south. The proposal seeks to continue this with an additional to the south elevation, but also seeks to add a secondary element with a lower roof pitch to the west.
- 1.4 The scheme utilises an area presently used for car parking. A previous application was withdrawn following concerns that the resulting development would allow insufficient parking. This is effectively a revised scheme following negotiation with the Council's Highway Department. At present the premises has 17 car parking spaces and 1 lorry space. The proposal increases this to 39 spaces and maintains the lorry space.

**2. Policies****Malvern Hills District Local Plan**

Employment Policy 10 – Expansion on Industrial Sites

**Hereford and Worcester County Structure Plan**

Policy E6 – Industrial Development in Rural Areas

**Herefordshire Unitary Development Plan (Revised Deposit Draft)**

Policy E6 – Expansion of Existing Businesses

**3. Planning History**

NE2004/1945/F - Proposed extension to unit 16 - Withdrawn 21st October 2004 following concerns over parking provision.

**4. Consultation Summary**Statutory Consultations

4.1 Environment Agency - No objection subject to condition.

Internal Council Advice

4.2 Traffic Manager - No objection subject to the provision of cycle parking facilities

**5. Representations**

5.1 Bishop's Frome Parish Council - Councillors believe that the existing access road to the Business Park is inadequate and that the application should be refused until such time as the road is improved.

5.2 One letter of objection has been submitted by Summerpool Residents Association. The Association represents 36 households and they comment that the access road to the Business Park passes through a residential area and that is inadequate to accommodate the volumes of traffic. Their submission includes a traffic survey carried out on three separate days in early January 2005.

5.3 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford, and prior to the Sub-Committee meeting.

**6. Officers Appraisal**

6.1 No objection has been raised to the design or layout of the proposed extension and it is considered to be acceptable in this respect.

6.2 The key consideration is that of traffic generation and the adequacy of on site parking provision. The Highways Department have been involved in negotiations with the applicants agent with regard to the latter of these two points and are now satisfied with the arrangements to be made. These will improve parking provision on the business

park more generally, rather than being solely generated by an application for what is a modest extension in the context of its surroundings.

- 6.3 The proposed extension is predominantly for additional warehouse space (247m sq) with some further office space (93m sq). Whilst this allows the current occupants of the building to expand, it is unlikely that it will result in such a significant increase in traffic movements over and above those currently generated and as shown by the traffic survey undertaken by local residents.
- 6.4 The concerns raised by the objectors in terms of the adequacy of the existing road network and its ability to serve the Business Park is noted, but to refuse this application on such grounds would be difficult to substantiate given the relatively minor increase in traffic movements that it would create.
- 6.5 The application is considered to be acceptable in all other respects and accords with Development Plan policy. It is therefore recommended that this application is approved.

## **RECOMMENDATION**

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

- 1 - A01 (Time limit for commencement (full permission) )**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**

- 2 - A06 (Development in accordance with approved plans )**

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