

# DELEGATED DECISION REPORT

## APPLICATION NUMBER

### 200227

Unit B, Brook Retail Park, Hereford, Herefordshire, HR1 2BQ

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**CASE OFFICER:** Mrs G Webster

**DATE OF SITE VISIT:** 25/2/2020

**Relevant Development** Herefordshire Local Plan – Core Strategy  
**Plan Policies:** Policies: LD1, SD1, HD2

Hereford Area Plan – currently being drafted – no material weight

**NPPF**

**Relevant Site History:** P141729/F – Variation of condition 3 on planning application  
DCC060846/F – Approved  
P141228/A – Proposed erection of 3no. new fascia signs – approved  
P133358/U – Existing lawful development certificate to continue using the premises for the sale of A1 goods – approved  
CE1999/1447/A – 2 internally fascia signs, 1 internally illuminated pole sign – approved  
DCH981633/A – Canopy sign and gable sign – approved  
DCH981242/F – Provision of new shopfront and creation of new blockbuster video store - approved

### CONSULTATIONS

	Consulted	No Response	No objection	Qualified Comment	Object
City Council	X		X		
Transportation	X	X			
Ecologist	X		X		
Environmental Health (contamination)	X	X			
Network Infrastructure manager	X	X			

Hereford wildlife trust	X	X			
Site Notice	X	X			
Local Member	X		X		

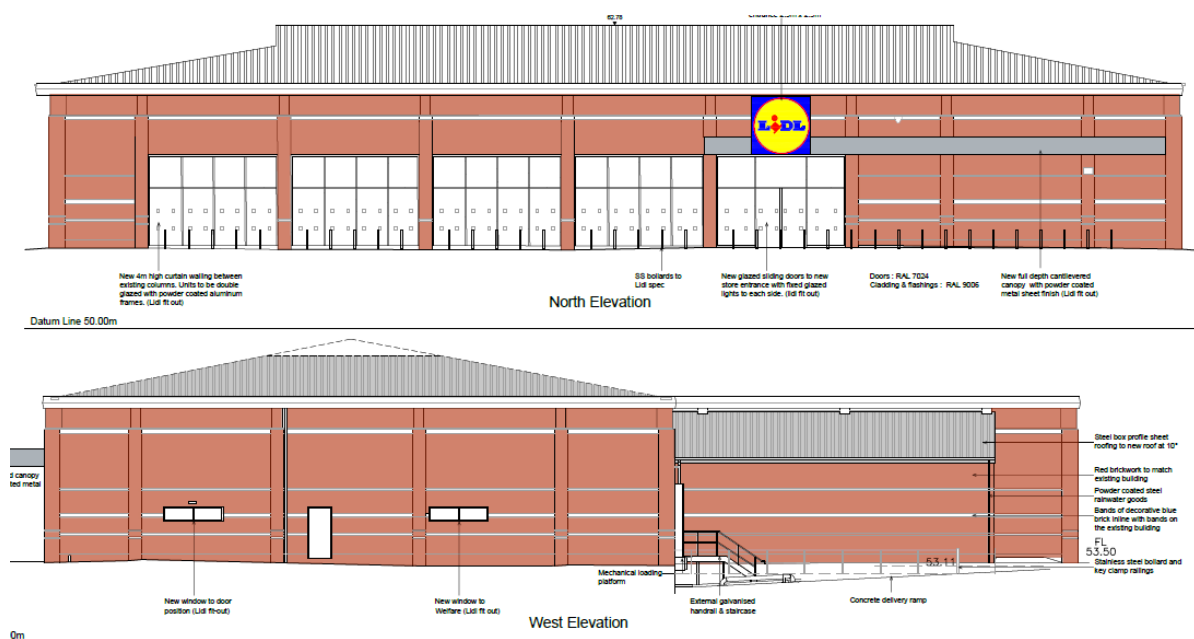
## PLANNING OFFICER'S APPRAISAL:

### Site description and proposal:

The application site comprises one of four units in the Brook Retail Park. This unit is known as unit B2 and forms part of Unit B. It was formally occupied by Poundland, and is now currently vacant. Unit B1 is occupied by Lidl's.

The proposal is for an extension to the rear of Unit B2 to allow further retail space as Lidl will expand into both units. The extension will measure some 10.5 metres wide by 14.2 metres long. The materials will be red brick with decorative blue brick bands that will match the existing unit. A new goods loading door will be formed in the rear elevation of unit B2.

To the front of the units there will be 4 additional disabled spaces, and 5 parking spaces provided along the front elevation of unit B1 and a new frontage area provided to the unit B2, removing the parking spaces in front of the unit. An additional 2 spaces will be provided to the side of the unit B2.





### Representations:

Hereford City Council – no objection

Ecology - Based on available information and as this is 'brownfield' site there are no identified Likely Significant Effects' on the River Wye Sac and this application can be considered as 'screened out' of requiring any further habitat Regulations Assessment process.

From information supplied and images available there are no immediate ecology related concerns with this proposal. There are no ecological records of important or Protected Species immediately the site, although the adjacent Yazor Brook corridor is known to support transitory species such as otters, reptiles and Great Crested Newts. The applicant and their contractors have their own legal duty of care towards wildlife protection under UK Legislation that applies throughout any demolition and construction process. Any breach of this legal Duty of Care would be a criminal offence. In this instance this LPA has no reasonable cause to require further information as part of the planning application or include a specific ecology protection condition. However a relevant information note is requested.

Local Member - My view is the changes proposed are acceptable given the nature, location and use of the building which, as the applicant observes is not within the conservation area, nor is it of historic or design interest.

The proposed sheet metal flat canopy proposed for the north elevation instead of the pitched roofed cover that currently exists would represent a diminution in quality of the building.

I note the applicant did not seek pre-application advice. Had he done so we might have been spared this unfortunate detail but that is not on its own sufficient grounds for refusal and I would be happy for officer delegated determination in this case.

### Pre-application discussion:

N/A

### Constraints:

Contaminated land  
Adj flood zone 2 & 3  
SSSI impact zone  
AAI adj

Appraisal:

*Policy context and Principle of Development*

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."*

In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The NPPF is also a significant material consideration.

The key theme of the NPPF is to promote and achieve Sustainable Development and is identified in paragraphs 6 to 17 of the NPPF.

Chapter 7 of the NPPF states the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Policies LD1 and SD1 of the Core Strategy seek to see proposals that will conserve and enhance the landscape, townscape; respond positively to local distinctiveness and ensure proposals create safe, sustainable environments for all of the community.

Chapter 7 of the NPPF and Policy HD2 of the Core Strategy both seek to ensure that the vitality and viability of the town centre are protected.

Policy HD2 of the Core Strategy states that proposals for town centre uses outside of the defined town centre will be subject to the sequential test and applications over 700 square metres gross floor space will require an impact assessment to determine if any adverse impact upon the town centre will occur from the development.

This site could be considered as an edge of centre location, given its proximity to the central shopping area. It has strong links with the bus and railway stations and with linked trips to the city centre. It has already been established that the unit could be used for the sale of A1 goods. The extension to the unit is under 700 sq metres and therefore does not require an individual impact assessment. Furthermore as the store is existing and will be an expanding business into a recognised A1 retail unit, there will be no requirement for further sequential testing in my view.

It is considered that given the relatively small scale of the proposed extension and its proximity to the town, this proposed would not cause harm to the vitality and viability of the city centre, indeed the productive use of a currently vacant commercial premises is welcomed and would comply with the requirements of policy HD2.

The design of the extension is acceptable given its location on a retail park, and set to the rear of the units. The proposals to the front of the store are also acceptable in terms of design and scale.

Overall, this proposal will allow the expansion of an existing business, with a small scale extension and reordering of the internal layout. Additional parking spaces will be provided and deliveries will be able to continue to manoeuvre to the rear of the units. Therefore this proposal complies with policy and is recommended for approval.

**RECOMMENDATION:**      **PERMIT** ☒      **REFUSE** ☐

**CONDITION(S) & REASON(S):**

*(please note any variations to standard conditions)*

C01

C07 – 03 Rev G; 09 Rev D; 11 Rev D; 04 Rev H; 05 Rev C

**Informatives**

**IP1**

**Wildlife Protection Informative**

The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special “protected species” such as Great Crested Newts, all Bat species, Otters and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained. Any additional, or changes to, external lighting shouldn't increase illumination levels of any 'natural' boundary feature, Yazor Brook corridor or increase night time sky illumination (DEFRA/NPPF Dark Skies Guidance 2019/2013).

Signed: *Gemma Webster* ..... Dated: ...23/03/2020.....

**TEAM LEADER'S COMMENTS:**

**DECISION:**      **PERMIT** ☒      **REFUSE** ☐

Signed:  ..... Dated: 23 March 2020 .....