

From: Jones, Ollie
Sent: 14 May 2024 09:38
To: 'Russell Pryce' <Russell@collinsdb.co.uk>
Subject: RE: 240030 - Unit 11c Thorn Industrial Park, Rotherwas,, Hereford

Good morning Russell

240030 - Unit 11c Thorn Industrial Park, Rotherwas, Hereford

Further to our discussion yesterday, I have now had the opportunity to review this one, thank you for your patience.

The application seeks planning permission retrospectively for the use of the building for Class E(d) - as well as Class E(c), Class E(g) Class B2 and Class B8 as otherwise permitted by the extant planning permission for the site as a whole (213688 refers).

The extant permission, as you will be aware, is subject to a condition restricting the specific use permitted;

The commercial units hereby permitted shall be used for financial and professional services (Class E(c)); light industry (Class E (g)), general industry (Class B2) and storage & distribution (Class B8); and for no other purpose (including any other purpose in Class E of the Schedule to 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.

Reason: The Local Planning Authority wishes to control the use of the units, in the interests of safeguarding higher quality employment land, in accordance with Policies SS5 and E2 of the Herefordshire Local Plan – Core Strategy and Section 6 of the National Planning Policy Framework.

Policy SS5 explains that existing higher quality employment land countywide will be safeguarded from alternative uses. This is reinforced by Policy E2, which explains that employment land and buildings rated as 'best' and 'good' using the methodology in the Employment Land Study 2012 (or successor document) will be safeguarded from redevelopment to other non-employment uses. The Rotherwas Industrial Estate is subdivided into different areas within the Study; with the area encompassing the application site being of higher quality and thereby safeguarded for employment uses.

The Core Strategy defines employment land as that which is used for office, industrial and warehousing purposes – it is these uses which the extant planning permission permits, with other specific uses within Class E (and other) restricted.

The proposal would result in the loss of employment land through the introduction of a Class E(d) – not employment generating use. The Local Planning Authority is not convinced on that sufficient justification has been provided to robustly demonstrate that the introduction of such use, resulting in the loss of some purpose built and higher quality employment land, would be acceptable in this location, when having regard to the development plan and the principles of the NPPF.

Additionally, the application site is considered to occupy an out of centre location as defined with the NPPF. The proposal is for a use which is considered a 'main town centre' use as defined within the NPPF (i.e. "leisure, entertainment and more intensive sport and recreation uses...health and fitness centres".

Policy E5 states that town centres will be the focus for such uses and that development outside of the town centre will only be acceptable if it can be demonstrated that the requirements of the sequential test as outlined within the NPPF have been met and that that proposal would not have a significant adverse impact on the vitality and viability of the centres.

Paragraph 91 of the NPPF states that "Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites

be considered"

Although it is noted that the introduction of Class E means that changing between individual uses as outlined within the Class is not development, this is principally targeted at affording greater flexibility for town-centres in light of market changes. That said, the ability for the Local Planning Authority to retain control over specific uses remains in accordance with the policy requirements of the development plan and principles as outlined within the NPPF, namely relating to the safeguarding of high quality employment land, as well as seeking to ensure that development does not compromise the viability and vitality of the town-centre.

In the absence of any detail within the application to robustly address the above issues outlined, the proposal is considered not to accord with the policies as contained within the development plan, and in the absence of any material considerations which indicate otherwise (although the public benefits associated with the use are noted), the Local Planning Authority are not convinced therefore that a decision should be made other than for refusal.

If you have anything further to submit, please may you do so by Friday 23 May, or a date to otherwise be agreed.

Kind regards,

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