

# DELEGATED DECISION REPORT

## APPLICATION NUMBER

### 190619

21 Commercial Street, Hereford, Herefordshire, HR1 2DE

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**CASE OFFICER:** Miss Laura Smith  
**DATE OF SITE VISIT:** 14 March 2019

**Relevant Development**      **Herefordshire Local Plan – Core Strategy**  
**Plan Policies:**                      **Policies:**

**SD1-** Sustainable design and energy efficiency

**SS5 –** Employment provision

**HD2 –** Hereford City Centre

**E1 –** Employment provision

**E5 –** Town Centres

**E6 –** Primary shopping areas and primary and secondary shopping frontages

**LD4 –** Historic environment and heritage assets

#### **Hereford Neighbourhood Development Plan**

- Is not at a stage where it can be weighted in decision making

#### **NPPF**

**Chapter 2 –** Achieving sustainable development

**Chapter 6 –** Building a strong, competitive economy

**Chapter 7 –** Ensuring the vitality of town centres

**Chapter 15 -** Conserving and enhancing the natural environment

#### **Relevant Site History:**

#### **CONSULTATIONS**

	<b>Consulted</b>	<b>No Response</b>	<b>No objection</b>	<b>Qualified Comment</b>	<b>Object</b>
City Council	X	X			
Transportation	X		X		

Historic Buildings Officer	X		X		
Environmental Health (noise)	X		X		
Press/ Site Notice	X			X(x1)	X(x2)
Local Member	X		X		

## PLANNING OFFICER'S APPRAISAL:

### Site description and proposal:

The site is located on the North-Western side of Commercial Street, between Gomond Street and Commercial Square and within the Primary Shopping Area and frontage. The property is located within the Central Conservation Area, Hereford Area of Archaeological Interest (HAAI) and near to listed buildings (Grade II – opposite side of the road). The building adjoins the neighbouring units (retail at ground floor), has three storeys and is a relatively modern brick building. The ground floor was empty at my time of visit.

The proposal is to extend opening hours until 23:00 to existing restaurant/coffee shop.

### Representations:

City Council –

Transportation – No Objection

Historic Buildings Officer we received an initial response in which stated;

### **Recommendation:**

*Insufficient information has been submitted for the internal alterations, so it is not possible to make a proper assessment of the potential impact the scheme might have on the building.*

### **Comments:**

*The shop unit at 21 Commercial Street is 18<sup>th</sup> -19<sup>th</sup> in origin, and thus considered a non-designated heritage asset in planning terms.*

*Paragraph 189 of the NPPF advises Local Planning Authorities request a Heritage Statement for development applications that affect heritage assets. The aim of the document is to assess the significance of an asset and identify what impact any proposed development will have on the identified significance.*

*Specialist expertise will be required to compile a statement which satisfies the policy requirements.*

*The proposed plans illustrate sections of internal fabric which require demolition, but no details of their age or significance have been provided.*

### **Further Information Required:**

- *Heritage Statement; to include analysis of existing historic fabric.*
- *Method Statement for alterations proposed (photo illustrated).*

The agent provided this information therefore the Heritage Officers revised comments as;

*The additional information provided satisfies heritage policy requirements, and the proposed insertion of new openings in the existing walls is acceptable given the retention of surrounding fabric.*

There is no heritage objection to the proposed scheme; approval with conditions is recommended.

EHO Noise – No Objection

Local Member – No Objection

We received three representations to the site notice two of which were objections and one a mixed comment.

Mr M Lane mixed comments which overall concludes as;

- Use of building not classified as correct class

Mr A Price Objection as follows ‘*Don't agree with animal cruelty whether for religious beliefs or not*’

Ms M Brown Objection as follows ‘*This restaurant only uses halal meat and should not be opened here*’

Of which Mr A Price and Ms M Brown comments are not material planning considerations.

Mr M Lane comments this application is for the extended opening times not to change the class.

Pre-application discussion:

N/A

Constraints:

Listed Building Grade II – Nrby

Conservation Area

Contaminated Land

Surface Water

AAI

Scheduled Monument – Nrby

ART 4 - 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 National Planning Policy Framework is also of consideration.

Section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990 – statutory duty to have special regard to the preservation and/or enhancement to the character or appearance of that area, is relevant legislation in this instance. The site is also in an Area of Archaeological interest.

CS Policy LD4 also is appropriate for this instance as the scope of works required to protect, conserve and enhance heritage assets and their settings should be proportionate to their significance. In this case there are only minor internal changes proposed which do not amount to development and would have no adverse effects on the character and setting of the designated heritage assets present in the locality.

The key theme of the NPPF is to promote and achieve Sustainable Development. Chapter 6 of the NPPF identifies building a strong and competitive economy. Policy SS1 of the Core Strategy also encourages a positive approach to be taken that reflects the presumption in favour of sustainable development contained within national policy.

The proposal for the revised hours has been received to allow the new store to trade during the typical opening hours of a fast food restaurant and reflects its location within a busy frontage in the town centre. The proposal would further contribute to the local economy and will help in building a strong, competitive and responsive economy.

Core Strategy policies SD1 states that new developments should not contribute to or result in adverse impacts in relation to noise, light or air contamination.

The Environmental Health Officer has been consulted on this application raises no objections to the proposal.

It is considered that the proposals will not cause an adverse impact upon the surrounding environment with the McDonald's restaurant also closing at 23:00. The proposal is acceptable and complies with national and local planning policy and is therefore recommended for approval.

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

**CONDITION(S) & REASON(S) / REASON(S) FOR REFUSAL:**  
*(please note any variations to standard conditions)*

C01

CNS - The use hereby permitted shall not be open to customers after 2300 hours.

## **Informatives**

**IP1**

Signed: 

Dated: 30 April 2019

**TEAM LEADER'S COMMENTS:**

**DECISION:**

**PERMIT**

☒

**REFUSE**

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Signed: 

..... Dated: 30 April 2019 .....