

10. E/09/0085/B - Unauthorised change of use of unit to Class A1 (Retail) use and the display of signage without consent at No. 3 Swains Mill, Crane Mead, Ware, SG12 9PY.

Parish: WARE

Ward: WARE - CHADWELL

RECOMMENDATION

- a) That the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under section 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the cessation of the unauthorised use of the unit;

Period for compliance: 6 months.

Reason why it is expedient to issue an enforcement notice:

The unauthorised use has resulted in the loss of a B1 and B2 unit contrary to policies EDE1 and WA8 of the East Herts Local Plan Second Review April 2007, which seeks to retain a suitable employment base.

- b) That the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to commence legal proceedings under s.224 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the removal of the unauthorised advertisements

Reason why it is expedient to commence legal proceedings:

The unauthorised advertisements, by reason of their size, scale, siting, design and illumination are considered to be unduly prominent and visually intrusive to the detriment of the appearance of the building and its surroundings. As such, they are contrary to Policy ENV29 of the East Herts Local Plan Second Review April 2007.

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1.0 Background

- 1.1 The site is shown on the attached Ordnance Survey extract. It is situated on the north-east side of Crane Mead, Ware about 60 metres from the junction with Viaduct Road.

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- 1.2 In February 2009 a concern was expressed to the Council regarding the use of the site by a carpet and curtain retailer. Officers' attention was drawn to a large advertisement for the shop in the Hertfordshire Mercury.
- 1.3 The site forms part of the Crane Mead Industrial Area, a designated Employment Area, where units are reserved for industrial uses (Classes B1 and B2). There is no record of any application for another use on the site.
- 1.4 An enforcement officer visited the site and noted that the retail shop was open for business and that there were three fascia signs (two illuminated) and an 'A' board to the front elevation and two large signs to the flank elevation.
- 1.5 The enforcement officer wrote to the proprietor in March 2009 detailing the Authority's planning and advertising concerns and requesting that he be contacted within 14 days. However, there having been no contact, the enforcement officer again wrote to the proprietor on 19th June 2009 informing him that the matter was likely to be referred to Committee.
- 1.6 Following that letter the enforcement officer received an e-mail from the proprietors, Curtain Factory Outlet, stating that permission was to be applied for by the owners of the property. Despite further telephone assurances to the enforcement officer from a planning agent on 6th July 2009 no applications have been received. It is the view of officers that both the unauthorised change of use and the advertisement are contrary to policy, as detailed above.
- 1.7 A further visit by the enforcement officer revealed that there are now parking spaces reserved for shop customers.
- 1.8 Photographs of both the site and the unauthorised signage will be available at the meeting.

2.0 Planning History

- 2.1 There is no recent planning history for the site.

3.0 Policy

- 3.1 The relevant policies in this matter are:-

EDE1 – Employment Areas
WA7 - Employment Areas Crane Mead
WA8 – Employment Areas (Ware)

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ENV29 – Advertisements outside the Conservation Areas

4.0 Considerations

- 4.1 In this matter, the main issue to be considered is the harm, in planning terms, caused by the loss of an employment site within an area designated in the adopted Local Plan as an Employment Area with a reserved use for Classes B1 and B2 of the Use Class Order. Officers consider that the A1 retail use of the premises is contrary to the Council's stated aim to retain and encourage a strong and diverse local economy, with a wide range of employment opportunities.
- 4.2 Officers' also consider that the signage is of excessive size and of an inappropriate design, colour and illumination in relation to the building. It is poorly related to the form and design of the building and the surrounding area.

5.0 Recommendations

- 5.1 It is therefore recommended that authorisation be given to issue and serve a Planning Enforcement Notice requiring the cessation of the unauthorised use of the land and to commence legal proceedings with regard to the unauthorised advertisements.