

E/09/0228/A - Unauthorised material change of use of land from car dealership to 1) a public car park and 2) the parking of vehicles as part of a business providing “meet and greet” car parking at Stansted Airport at the former Lancaster Garage, 26 – 28 Station Road, Bishop’s Stortford, Herts

Parish: BISHOP’S STORTFORD

Ward: BISHOP’S STORTFORD ALL SAINTS

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 and any such further steps as may be required to secure the cessation of the unauthorised use.

Period for compliance: 3 months.

Reasons why it is expedient to issue an enforcement notice:

1. The car park has resulted in the provision of long term car parking spaces in the town, which is contrary to the need to reduce long stay town centre parking to discourage car use and encourage modal transfer away from the car. The development is therefore contrary to national planning policy contained in PPG13 – Transport, Policy T14 of the East of England Plan May 2008, Hertfordshire’s Local Transport Plan 2006/07 – 2010/11 and the Eastern Herts Transport Plan April 2007.
2. The parking of vehicles as part of a long distance valet parking service from Stansted Airport also encourages car use to the airport and increases vehicular traffic within the town. The development not only fails to discourage car use and encourage modal transfer away from the car but also fails to ensure that airport surface access provision reinforces the shift to more sustainable travel. The development is therefore contrary to national planning policy contained in PPG13 – Transport, Policies T12 and T14 of the East of England Plan May 2008, Hertfordshire’s Local Transport Plan 2006/07 – 2010/11 and the Eastern Herts Transport Plan 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 south side of Station Road at its junction with London Road, although access to the site and the main frontage are situated in London Road.

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- 1.2 In May 2009 a concern was expressed to the Council that a pay and display public car park was operating on the hardstandings of the former car dealership without the benefit of planning permission.
- 1.3 An enforcement officer visited the site and noted that the land was in use as a car park with pay and display machines and signage announcing charges and penalties for failing to pay and display.
- 1.4 The enforcement officer corresponded with the operator of the car park and the owner of the site, culminating in a planning application (under application number 3/09/1094/FP) for a change of use of the exterior hardstandings (to the south of the buildings) to a pay and display car park. The previous use of the hardstandings was as part of the car dealership, including the display of vehicles for sale and the commercial storage of customers' vehicles.
- 1.5 Planning permission was refused on 16th October 2009 and a subsequent appeal to the Planning Inspectorate dismissed on 6th April 2010.
- 1.6 The operator sent a message to the enforcement officer informing him that the signage and machines would be removed by the end of April 2010. They were, but the use as a car park continued on a pre-payment permit basis. However the use remains unauthorised.
- 1.7 A further concern was expressed to the Council that the garage building itself was being used for the purposes of parking vehicles in association with a 'meet and greet' airport parking company operating at Stansted Airport. At the time of writing this report, the details of the service were being advertised on the internet at www.airport-parking.co.uk/Stansted-airport/Parking-Solutions.shtml. The scheme itself operates by meeting members of the public in the short stay car park at the airport and taking possession of their vehicle. The vehicle is then driven to the site where it is parked until the owner contacts the operator from the airport, at which stage the vehicle is driven back to the airport short term car park by the operators.
- 1.8 The enforcement officer again visited the site on 9th June 2010 and noted that in addition to the vehicles parked on the hardstandings a significant number of vehicles were also parked within the former workshop area.
- 1.9 Officers consider that the parking of vehicles at the site for Stansted Airport passengers is directly contrary to both national and regional planning policies and causes harm in planning terms. Accordingly, and in accordance with Government policy contained in PPG18, it is not considered appropriate to invite a retrospective planning application for the use.

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1.10 Photographs of the site will be available at the meeting.

2.0 Planning History

2.1 The most recent planning history for the site can be summarised as follows:-

3/90/0806/FP	Proposed new motor trade premises and new office.	Refused.
3/98/1876/FP	Erection of housing for hand car wash facility.	Approved.
3/03/0311/FP	To replace existing white wood sliding car access showroom doors with new aluminium white framed fully glazed as existing design to an existing chrysler jeep dealership.	Approved.
3/05/1489/AD	1 No double sided internally illuminated pylon, 4 No fascia internally illuminated letters and logo and 1 No free standing directional sign non-illuminated.	Approved (split decision).
3/09/1094/FP	Change of use to pay and display car park (retrospective) [Exterior hardstandings of site only].	Refused.

3.0 Policy

3.1 The relevant policy of the Development Plan in this case relates to Policy T14 of the East of England Plan May 2008.

3.2 PPS1 and PPG13 – Transport, and Hertfordshire’s Local Transport Plan 2006/07 – 2010/11 and the Eastern Herts Transport Plan April 2007 are also relevant in this case.

4.0 Considerations

- 4.1 In this matter the main issue to be considered is the impact of the unauthorised car parking upon national and regional policy which is focussed upon the need to reduce travel by private car. Regional policy T14 indicates that the level and supply of parking spaces should be used to manage transport demand and influence travel change thus reducing reliance on the private car. As the inspector concluded in the previous appeal on the site, there is no evidence of any unmet demand for car parking space within the town.
- 4.2 Whilst the present Government have announced its intention to abolish the Regional Spatial Strategy in forthcoming planned primary legislation, nothing has been published to indicate what elements of the plan will be 'saved' or what will replace this tier of strategic planning policy. Unless and until such primary legislation is enacted it is the view of officers that Regional policy remains a material consideration.
- 4.3 Furthermore, Officers' consider that the developments add to the general traffic congestion in Bishop's Stortford, something that is identified as a problem in the East Herts Transport Plan April 2007 at paragraph 7.2.
- 4.4 The Hertfordshire's Local Transport Plan 2006/07 – 2010/11 also identifies the high car dependency in Bishop's Stortford and states that parking charges remain too low for both short and long stay parking in the town.
- 4.5 The unauthorised use is therefore contrary to the aims and objectives of transport and parking strategy for the town centre and to national planning guidance given in PPG13 – Transport.

5.0 Recommendation

- 5.1 It is therefore recommended that authorisation be given to issue and serve a Planning Enforcement Notice with regard to the unauthorised change of use of the site.