

5k 3/11/1833/FP – Change of use from retail (kitchen/bedroom/bathroom showroom) to motor cycle repairs/MOT/services and sales at Unit 3 Twyford Road Business Centre, London Road, Bishop’s Stortford, CM23 3YT for Mr P Self

Date of Receipt: 19.10.2011

Type: Full – Minor

Parish: BISHOP’S STORTFORD

Ward: BISHOP’S STORTFORD – SOUTH

RECOMMENDATION

That planning permission be **GRANTED** subject to the following conditions:-

1. Three year time limit (1T121)
2. Approved plans (2E102)

Directive:

1. Other legislation (01OL1)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies SD2, EDE1, BIS9 and ENV1. The balance of the considerations having regard to those policies, the existing retail use of the premises and the mix of uses and level of employment proposed is that permission should be granted.

_____ (183311FP.MP)

1.0 Background:

- 1.1 The application site is shown on the attached OS extract and is located within the built up area of Bishop’s Stortford. It consists of a modest sized industrial building with a gross floor area of some 240 square metres. The application site is located within an industrial estate with a variety of industrial units within Classes B1, B2 and B8 use.
- 1.2 The existing building comprises of predominantly showroom space displaying kitchens, bathrooms and bedrooms. There is a small office and storage space at first floor. There is a large shutter door providing

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access to the front of the unit.

- 1.3 This application proposes to change the use of the unit to be used for motorcycle repairs/MOT/Services and sales. Such a use is considered to be sui generis.
- 1.4 The proposed alterations to the building comprise of an internal reorganisation of the unit to provide a new car motor cycle repair use with workshop at ground floor comprising of 69 square metres, and a show room at ground and first floor comprising of 80 square metres. Also proposed at first floor is an office with 31 square metres and storage space of 26 square metres. No external alterations to the building are proposed.

2.0 Site History:

- 2.1 The unit together with other units on the Industrial Estate were originally granted planning permission as light industrial units. There is no other relevant planning history pertaining to this particular unit.

3.0 Consultation Responses:

- 3.1 Hertfordshire County Highways comment that they do not wish to restrict the grant of permission. The Highways Officer comments that the proposed development is acceptable in a highway safety context. Vehicular access to the retail unit is provided by a private road off the B1383 which will remain unaltered. Whilst the proposed use may require an increase in parking provision, the Highways Officer does not consider a refusal on such grounds is justified, given that there are waiting restrictions along the private industrial road and parking is unlikely to overspill onto the adjacent highway.

4.0 Town Council Representations:

- 4.1 No comments have been received from Bishop's Stortford Town Council at the time of writing this report.

5.0 Other Representations:

- 5.1 The application has been advertised by way of site notice and neighbour notification. No letters of representation have been received at the time of writing this report.

6.0 Policy:

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6.1 The relevant saved Local Plan policies in this application include the following:

| | |
|------|----------------------------------|
| SD2 | Settlement Hierarchy |
| EDE1 | Employment Areas |
| BIS9 | Employment Areas |
| ENV1 | Design and Environmental Quality |

7.0 Considerations:

7.1 Officers consider that the main planning issues in this case relate to the following:

- The principle of development;
- Parking provision and Highway safety;

Principle of development

7.2 The site is located within the built up area of Bishop's Stortford where, in principle, there is no objection to the proposed development. However the site is classified as an employment area wherein policy EDE1 and BIS9 of the Local Plan states that designated areas should be reserved for employment uses (such as B1, B2 and B8 use). The proposed development involves the provision of approximately 50% of the floor area of the unit for workshop, storage and office space (representing a B1/B2 type use) and approximately 33% for a motor cycle showroom use, which is considered to represent a sui generis use (the remainder of the space of the unit is occupied by services). Having regard to the mixture of uses proposed and the level of showroom space proposed, the use, as a whole, is considered to be sui generis and therefore represents a departure from the requirements of policies EDE1 and BIS9 of the Local Plan.

7.3 Members will recall that, subsequent to the adoption of the Local Plan in 2007, the Council has undertaken an Employment Land and Policy Review. This generally concludes that, in Bishop's Stortford, the existing sites for B1, B2 and B8 uses will remain in demand and should be retained in the future for such uses. In this case, and in favour of the proposal is that the existing use of the unit is that of a showroom selling household furniture for kitchens, bathrooms and bedrooms which is already at odds with the policy requirements.

7.4 Whilst also not strictly compatible, the proposed use clearly has employment generating potential. This, after all the purpose of employment area policies EDE1 and BIS9. In Officers opinion, it is a

material consideration of some weight that a significant proportion of the unit (approximately 50% in floor area terms) would be designated to what Officers consider to be an employment use of the building - that being the motor cycle repairs/office space and storage. The applicant sets out that 70% of customers are expected to be for servicing/repairs/MOTs of motor cycles. A high proportion of the use will therefore be designated towards 'B' classification type uses, whilst the more modest proportion, 30% will be towards the showroom – the non employment use.

- 7.5 In addition, the applicant sets out that the existing use currently employs just one person whereas the proposed use will employ six people in total. The proposed change of use will therefore provide employment to a greater number of people than the existing use. Such employment generation is considered to be in line with the overarching requirements of employment area policies EDE1 and BIS9 to ensure the retention and provision for employment generating uses.
- 7.6 Whilst Officers therefore recognise that the proposed use does not strictly fall within the 'B' classification uses that are required in policies EDE1 and BIS9, the proposed sui generis use is considered to be acceptable, in this case. In Officers view, having regard to the above considerations, the proposed use of the unit as a motor cycle repairs and sales will replace an existing non-employment based use and will allow an existing building to be used to provide a greater level of employment for the town, over that as existing. In this respect the proposal will address the conclusions of the Employment Land and Policy Review and not result in a loss of an employment use and the overarching requirements of Local Plan Policies EDE1 and BIS9 to encourage and retain employment uses within the District, would be met.

Highway safety

- 7.7 The comments from the Highways Officer are noted. The proposed development is not considered therefore to result in significant harm to highway safety.
- 7.8 With regards to parking matters, the applicant indicates that there are, as existing 9 parking spaces to the front of the retail unit. Policy TR7 of the Local Plan requires that for non-food retail warehouses that 1 space per 35 gross square floor area be provided. The existing use should therefore provide as a maximum, 7 spaces. The unit as existing therefore has an oversupply of parking spaces.

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7.9 The proposed development is for a motor cycle repairs workshop and store and the 9 spaces to the front of the unit is therefore able to provide significantly greater levels of parking for motor cycles. The applicant indicates that 6 parking spaces will be retained and the remaining 3 spaces will be for 12 motor cycles. Having regard to those considerations and, taking into account the nature of the development and comments from the Highways Officer, the level of parking provision is considered to be acceptable, in this case.

8.0 Conclusion:

8.1 The proposed development represents a departure from Employment Area policies set out in the Local Plan. However, the proposed development replaces an existing use which does not currently conform to the requirements of employment policies EDE1 and BIS9. Having regard to that consideration and, taking into account the nature of the proposed use and the projected level of employment that the development will create, the proposal is not considered to conflict with the aims and objectives of policies EDE1 or BIS9 of the Local Plan. The level of parking provision is acceptable and there is not considered to be a significant impact on highway safety.

8.2 For the reasons set out above Officers therefore recommend that planning permission is granted.