

5i **3/11/1793/FP – Change of use from B1 (light industrial) to mixed use B1/A1 (light industrial/retail) at Unit 9B, Great Northern Works, Hartham Lane, Hertford, SG14 1BW for Mr. S Dann**

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**Date of Receipt:** 11.10.2011

**Type:** Full – Minor

**Parish:** HERTFORD

**Ward:** HERTFORD – BENGEO

**RECOMMENDATION:**

That planning permission be **GRANTED** subject to the following condition:

1. Three Year Time Limit (1T21)
2. The building shall be used solely for a mixed Class B1/A1 use or for Class B1 business/light industrial purposes only and not for purely Class A1 retail purposes as defined in the Town and Country Planning (Use Classes) Order, 1987.

**Reason:** To ensure that the use continues to provide some light industrial floorspace in accordance with policies EDE1 and HE8 of the East Herts Local Plan Second Review April 2007

3. Approved plans (insert:1T102; PP59-02-PLN-01 and PP59-02-PLN-02)

**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 ENV1, EDE1, TR2, TR7 and HE8. The balance of the considerations having regard to those policies, and the retention of business use on the site is that permission should be granted.

\_\_\_\_\_ (179311FP.MC)

**1.0 Background:**

- 1.1 The property is an industrial unit with permission for use for business and

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light industrial purposes (Use Class B1) and is shown on the attached OS extract. It lies in the designated employment area of Great Northern Works in Hertford, which lies just to the east of the former McMullen's Brewery site which is currently being converted and redeveloped as a supermarket. Further units to the south of the site are in industrial/business use.

- 1.2 The proposal is for a mixed ClassA1/B1 use to allow for the repair and sale of bicycles from the premises. The applicant has stated that "Our aim is to offer a cycle repair, maintenance and service centre, and also the ability to purchase a new bicycle, if required..... the primary usage of the unit will be for the repair and servicing of customers bicycles."
- 1.3 The repair of bicycles would be carried out at the rear of the premises and would account for the majority of all the customers to the site. The applicant estimates that only 6% of their customers would be looking to purchase a new bike and the first floor office and storage space would not be used for retail purposes.
- 1.4 No external alterations are proposed to the building and 3 car parking spaces would be available to the unit, as currently.

### **2.0 Site History:**

- 2.1 There is a lengthy history relating to the wider site. The following application is of specific relevance:
  - 3/84/0061/FP – Light industrial units with ancillary offices and associated facilities – Approved March 1984

### **3.0 Consultation Responses:**

- 3.1 County Highways consider the car parking provision at the site to be acceptable in accordance with the East Herts parking standards. They note that the site is accessible by sustainable transport modes. They also consider that any change in traffic levels is unlikely to be significant and there are no grounds to object on a highways basis.

### **4.0 Town Council Representations:**

- 4.1 Hertford Town Council has no objections to the proposal.

**5.0 Other Representations:**

- 5.1 The application has been advertised by way of site notice, press notice and neighbour notification.
- 5.2 No comments have been received

**6.0 Policy:**

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

ENV1	Design and Environmental Quality
EDE1	Employment Areas
TR2	Access to New Developments
TR7	Car Parking – Standards
HE8	Employment Areas (Hertford)

**7.0 Considerations:**

- 7.1 The site lies within a designated Employment Area within Hertford. Policy EDE1 states that premises within Employment Areas should be reserved for business and industrial uses (Use Classes B1 and B2) with storage and distribution (Use Class B8) where appropriate access to the local transport network is available.
- 7.2 Policy HE8 is of particular relevance to this estate and states that the Great Northern Works site in Hertford is an Employment Area and that the site is primarily reserved for industry comprising Use Classes B1 and B2, in accordance with policy EDE1.
- 7.3 There is no provision within either policy for a mixed use proposal, and therefore the proposed development is considered contrary to policy, and it is for this reason that the matter has been referred to the Committee.
- 7.4 Whilst accepting that the use does not accord fully with policy, Officers are mindful of the need to employ flexibility in assessing proposals for commercial development in the current economic climate, even within defined employment areas. Members may also be aware that Marshall's Cycles in Fore Street, Hertford recently closed due to economic difficulties and it is felt that the proposed development would serve as a replacement for that business within the town.
- 7.5 Furthermore, it is material to note that Unit 9B has been vacant, despite marketing, since February 2010 and Officers therefore consider that the

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proposal would enable some beneficial use of the building and thereby provide increased employment in the town.

- 7.6 A degree of flexibility is considered appropriate in determining this application against policy HE8, particularly as the premises would remain in employment use, and the applicant has indicated that the primary means of income for their business arises from the repair and maintenance of bicycles, rather than retail sales.
- 7.7 This would be an appropriate use in this location, with the sale of bicycles an ancillary feature of the premises, although the retail displays would inevitably be prominent within the unit itself. This is necessary to ensure that customers have a choice of styles and sizes of bicycles, although the applicant states that their business generates a higher income from repairs than it does from retail.
- 7.8 Officers consider that, despite the proposal being contrary to policy, it would deliver a benefit to the town; would not unduly unbalance the mix of premises in Hartham Lane; and would be in accordance with the recommendations of Central Government as regards the promotion of economic activity within towns.
- 7.9 Given the importance of retaining industrial uses on defined Employment areas, however, it is considered reasonable and necessary to impose a condition on the permission to ensure that the unit is not used solely for retail purposes, as this would lead to an overall loss of industrial floorspace in the town and would not support the retail function of the town centre itself.

### **8.0 Conclusion:**

- 8.1 The premises have been vacant for more than a year despite marketing with no formalised interest in it being used for purposes appropriate to an employment area.
- 8.2 The proposed development would retain an element of employment use and would not be wholly out of keeping with the wider site. The proposal is considered to be an acceptable development of the site, given the current economic climate and benefits that the development would be likely to bring to the local area.
- 8.3 It is therefore recommended that planning permission be granted subject to the conditions suggested at the head of this report.