

5j 3/12/1290/FP – Change of use from Blass B8 purposes to proposed ‘physical activity and rehabilitation centre’ at Part of ground floor, Unit 2, Crane Mead Business Park, Crane Mead, Ware, SG12 9PY for R Bird and Timber Connection Ltd

Date of Receipt: 31.08.2012

Type: Full - Other

Parish: WARE

Ward: WARE - CHADWELL

RECOMMENDATION:

That planning permission be **REFUSED** for the following reason:

1. The application site is identified in the East Hertfordshire Local Plan as primarily reserved for employment use. The proposed development would result in the loss of this modern, purpose built unit for employment purposes to the detriment of the longer term economic well being of the District and in the absence of thorough testing of the current market for the current use. If permitted it would be contrary to policies EDE1 and WA7 of the East Herts Local Plan Second Review April 2007 and the considerations of the National Planning Policy Framework.

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1.0 Background:

- 1.1 The site is located within a designated employment area (Crane Mead) within the built up area of Ware as shown in the OS extract.
- 1.2 Crane Mead industrial estate is sited off Viaduct Road, and has a variety of industrial units sited on it. The unit subject of this application is sited within the more modern commercial estate of Crane Mead Business Park (CMBP). As part of a wider development brief to regenerate the former Wickham’s Work area at Crane Mead, part of the wider Crane Mead area was redeveloped for residential use in the last ten years. Residential flats lie to the north-west and north-east of the site. Other industrial units to the CMBP surround the unit on its other sides.
- 1.3 The application seeks permission for a change of use from storage (use class B8) to Sui Generis use of a physical activity and rehabilitation facility to target specific groups of people with medical conditions or those likely to be at risk of developing those conditions, (to include persons suffering obesity, cardio vascular disease and co-morbidities, asthma, diabetes and pulmonary disease) to receive a targeted programme of exercise, dietary

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advice and support. The information submitted with the application indicates that the development would generate employment for the equivalent of 3 full time people.

2.0 Site History:

2.1 The relevant planning history relevant to the application is:

- 3/99/1274/FP - demolition of existing buildings and construction of 188 no 1,2 and 3 bedroom flats, 6 no live/work units, 6050 sq m employment units. Granted
- 3/01/1469/FP - business development comprising single and two storey employment units for B1 and B8 use, with associated car parking and service areas, and 'bring' recycling facility. Granted
- 3/09/0572/FP – additional parking spaces and landscaping, to commercial area. Granted
- 3/12/0997/FN - renewal of planning permission 3/09/0572/FP for additional parking spaces and landscaping, to commercial area. Granted

3.0 Consultation Responses:

3.1 Hertfordshire County Highways comment that they do not wish to restrict the grant of planning permission.

3.2 The Environment Agency have no comments.

4.0 Town Council Representations:

4.1 Ware Town Council agreed to support the proposal as it is bringing employment.

5.0 Other Representations:

5.1 The application has been advertised by way of neighbour notification. No letters of representation have been received.

6.0 Policy:

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

- EDE1 (Employment areas)
- WA7 Crane Mead (Employment areas)

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- ENV1 (Design and environmental quality)
- TR7 (Car parking standards)

6.2 In addition the National Planning Policy Framework is of relevance to the consideration of the application.

7.0 Considerations:

7.1 The planning considerations relating to this application are as follows:

- The principle of development;
- The impact on highway safety;
- Parking provision;
- Neighbour amenity considerations.

The principle of development

7.2 The application site is identified as an employment area, and policy EDE1 of the Local Plan states that these areas are reserved for industry, comprising Use Classes B1 (Business), B2 (General Industrial) and, where well related to the transport network, Class B8 (Storage or Distribution). This is echoed in policy WA7 which addresses the Crane Mead employment area and states that it is primarily reserved for industry comprising Class B1. The application seeks permission to use the unit for a use which falls within the sui generis use class. This use is contrary to policy EDE1 and WA7 of the Local Plan.

7.3 The Council has undertaken an Employment Land and Policy Review, with the primary objective of assessing the supply and demand for employment land and premises in East Herts over the period to 2021. This study will form part of the evidence base for the Council's emerging District Plan and will inform the Council's preferred options for its Core Strategy, assist in the formulation of policies for new employment land development in the emerging Plan and provide background information to assist the determination of planning applications for such developments in the future.

7.4 The Review assessed the existing supply of employment land (in the first half of 2008), and in terms of future land requirements, examined a range of potential employment growth scenarios. The Review concluded that the overall additional need for employment land between 2008 and 2021 is projected to be between 2 and 5 hectares, although this could rise to 7-10 hectares if existing employment sites are lost. As indicated, that review was undertaken in 2008. It is considered that

there will have been some changes in circumstances since that time but that some considerable weight should still be assigned to that need.

- 7.5 The National Planning Policy Framework (NPPF) also provides some advice to Local Authorities in the consideration of such matters. Paragraph 22 of the NPPF states that “planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed.” This review process is currently being undertaken through the formulation of the District Plan. The publication of the Councils Core Strategy is programmed for the early part of 2013. At this stage, there is no further published review information.
- 7.6 The NPPF continues “Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.”
- 7.7 To support that position, the applicant has provided information relating to a marketing exercise; a justification of the need and benefits for this type of development and information relating to the potential employment generation associated with the development.
- 7.8 With regards to marketing information – the applicant provides information from a local estate agent, who specialises in the sale of commercial buildings. That information demonstrates that the entire unit was marketed in September 2002 and at some later point the marketing changed to relate solely to the ground floor after the 1st floor was occupied. After little interest the marketing file was closed on September 2005, and at some point after (date not stated) an occupier moved in and continued to occupy the ground floor for storage use until the end of January 2012.
- 7.9 The applicant has also provided further information seeking to demonstrate that there is a specific need for the use proposed. That view is based on the awareness of the need to improve the relationship between physical activity and health and to target customers who are stated to have limited participation at other more mainstream providers such as health centres/gyms, and who would benefit from this non-intimating environment.
- 7.10 In terms of the actual level of employment generated, they state that no employment was generated in the former B8 use and that the proposed

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use would generate employment for the equivalent of 3 full time people.

- 7.11 This information has been considered carefully. The potential need for the use is not a matter at dispute here and neither is the matter that the use will support a moderate amount of employment. However, it appears that little weight can currently be assigned to the exercise which has been undertaken to identify a policy compliant occupier. Whilst there were periods of vacancy a number of years ago, the current vacancy period is short. It appears that this application has come forward solely on the basis that a potential occupier has indicated an interest in the unit.
- 7.12 Whilst Officers acknowledge the age of the Councils own assessment work and the change to the economy that has occurred in the meantime, it is considered that there is insufficient information to demonstrate that there is no reasonable prospect of the unit coming forward for employment use. It is a modern unit in relation to other units on the wider Crane Mead site and one that should be retained for future employment uses. Whilst the proposal may generate the equivalent of 3 full time people, this is likely to be less than if the unit was in a B1 use for instance – and of note is that the premises could currently convert to B1 use without planning permission. The conclusion of Officers is that there is not sufficient benefit to be gained here that warrants the principle approach of the Local Plan policy to be set aside.

Highway safety/parking

- 7.13 The Highways Officer has commented that the proposal is unlikely to give rise to significant changes to traffic generation give the existing use of the premises and location within the built up area of Ware.
- 7.14 In terms of parking, the unit has 6 spaces (with an extant permission to extend parking to 12 spaces lpa 3/12/0997/FN). Being a Sui Generis use no maximum parking standards are stated within the Vehicle Parking SPD, but given the level of existing provision, potential for increased provision and the proximity to the town centre and other public transport provisions, I do not consider that there would be any adverse parking implications.

Neighbour amenity

- 7.15 Given the nature of the proposed use of the unit and as the site is at some distance from residential properties, the proposal is highly unlikely to generate any noise disturbance or similar to neighbours.

8.0 Conclusion:

- 8.1 The proposal for a change of use to a Sui Generis use within this designated employment area is contrary to adopted Local Plan policy. Whilst the proposal would result in no highway or neighbouring impact, Officers remain of the view that circumstances do not exist in this case to warrant a departure from policy. There is insufficient evidence to demonstrate that there is no reasonable prospect of the unit coming forward for employment use. The age of the unit being relatively modern and the fact that the unit has not had a particularly long period of vacancy, all add weight against the proposal.
- 8.2 The unit provides the kind of modern purpose built employment space that employment policies seek to protect. The Council is reviewing these as part of the District Plan and a grant of permission would undermine established policy.
- 8.3 It is therefore recommended that planning permission be refused for the reason as set out at the commencement of this report.