

5h 3/10/1999/FP – Change of use of first floor from B1 (Business) to D2 (Assembly and Leisure) at Unit 3, Mimram Road, Hertford for Mr George Antonoiu.

Date of Receipt: 11.11.2010

Type: Full - Other

Parish: HERTFORD

Ward: HERTFORD – CASTLE

RECOMMENDATION

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

1. Temporary permission – buildings and use (1T07) amended to read:-

This permission shall be for a limited period only, expiring 12th January 2014 and the use hereby permitted shall cease on or before that date.

Reason: The development is a temporary expedient only, having regard to the amenities of the area and in accordance with Policies EDE2 and HE8 of the East Herts Local Plan Second Review April 2007.

2. Approved plans (2E10) – 1306/A1/100
3. Provision and retention of parking spaces (3V23)

Directive:

1. Other legislation (01OL)

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 EDE1, HE8, ENV1 and TR7. The balance of the considerations having regard to those policies is that permission should be granted.

_____ (199910FP.LP)

1.0 Background

- 1.1 The application site is located to the west of Hertford within the designated Employment Area of Mimram Road as shown on the attached OS extract. The site is bounded to the south, west and north by other industrial

3/10/1999/FP

buildings, with residential properties in Riversmeet to the north-east. Open fields lie to the east which is also a designated Wildlife Site.

- 1.2 The application proposes the conversion of the entire vacant first floor of Unit 3 (199 square metres of floorspace), above the existing MOT and garage, from its former B1 use to a Class D2 use. No specific use within D2 has been specified to allow the applicant flexibility over an end user, although there has been interest expressed in using the unit for a gymnasium. 10 off street parking spaces are allocated for the use.

2.0 Site History

- 2.1 The relevant planning history at the site is as follows:-

3/78/1017/FP – Change of use of building from light industrial to warehouse, granted.

3/79/0226/FP – Change of use from warehouse to light industrial, granted.

3.0 Consultation Responses

- 3.1 Hertfordshire Highways have commented that they do not wish to restrict the grant of permission subject to conditions.

4.0 Town Council Representations

- 4.1 Hertford Town Council have raised an objection and comment 'The Committee was concerned that not enough information has been supplied concerning the proposed initial usage following a change of use and required further information concerning any increase in road traffic in the area'.

5.0 Other Representations

- 5.1 The application has been advertised by way of site notice and neighbour notification.
- 5.2 6 letters of objection have been received from occupiers of Riversmeet, raising concerns with:-
 - Noise – from an increase in vehicles, exercise machines and loud music. Opening hours will be different to those of an industrial building.
 - Light pollution
 - Impact on wildlife to adjacent land

3/10/1999/FP

- Privacy with overlooking between neighbours
- Access and parking. Mimram Road is already congested. Site has insufficient parking for use.
- Safety concerns with internal layout

6.0 Policy

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

EDE1	Employment Areas
HE8	Employment Areas
ENV1	Design and Environmental Quality
TR7	Car Parking – Standards

6.2 In addition to the above it is considered that Planning Policy Statement 4: Planning for Sustainable Economic Growth, is a consideration within this application.

7.0 Considerations

7.1 The site lies within a designated Employment Area wherein policies EDE1 and HE8 are relevant. Policy EDE1 states that Employment Areas are reserved for industry, comprising Use Classes B1 (Business), B2 (General Industrial) and, where related to the transport network, B8 Storage or Distribution). Policy HE8 looks specifically at Employment Areas within Hertford and refers to Mimram Road and reiterates the majority of Policy EDE1 but states that the Area will be primarily reserved for B1 and B2 uses.

7.2 Also relevant to the determination of this application are the national policies within PPS4: Planning for Sustainable Economic Growth. This document encourages, at the local level, new uses for vacant or derelict buildings. Regard has been given to the 2008 Employment Land and Policy Review, although in this case it provides limited relevance to the determination of this application.

7.3 The first floor of this unit has been vacant for 4 years and during that time has been marketed to let via a local property consultant; is advertised on their and 3 of their associate websites; has had a 'to let' board on the property and has been advertised numerous times within local newspapers. Their consultant confirms that there has been no interest to rent this unit for light industrial or office uses.

- 7.4 If a strict interpretation of policy is taken, the proposal would be contrary to policy EDE1. However, it is necessary to look at harm that would result and it is felt that on balance the proposal for a temporary change of use is acceptable in these circumstances where the unit has been vacant for a considerable period of time. Furthermore, it would not result in the loss of an entire unit as the proposal relates solely to the first floor. Equally, given the length of time the unit has been vacant and taking into account the advice given in PPS4, Officers consider that the re-use for a temporary period is acceptable in this particular case. A temporary planning permission is considered appropriate as it would enable the unit to return to B1 uses if the economic situation changes. As such there would be no permanent loss of the industrial use.
- 7.5 The application does not specify which use within Use Class D2 is proposed. However, given that D2 covers many uses that are not likely to be operated from the unit, such as cinema and many of the leisure uses (swimming baths, skating rinks etc), in this case the fact that the end use is not defined is not considered to be problematic in planning terms.
- 7.6 In regards to parking, 10 off street spaces are allocated for this unit. The uses within Class D2 vary, as do the maximum car parking spaces, but as a general rule they are based around a maximum of 1 space per 15 metre square. This unit of 199 square metres would therefore equate to a maximum of 13 spaces. The proposed parking provision would therefore be in line with the maximum parking standards advocated in the Parking SPD.
- 7.7 County Highways have confirmed that in traffic generation terms the proposal is unlikely to have a significant impact during peak hours. They do comment that in terms of accessibility the site is not well located to encourage movement by foot or cycle but conclude that a perceived concern that an undetermined number of pedestrians would cross the road indiscriminately is not justification to refuse the application for a site that already generates traffic and pedestrian movements.
- 7.8 In respect of neighbour amenity, it is noted that the nearest residential neighbours are at Riversmeet to the north-east. These properties are located at a distance of 20 metres at the closest point. Although it is noted that a D2 use (which may be a dance studio or gymnasium for instance), may have longer opening hours than a B1 use, given that the wider site is on an employment site wherein industrial uses are appropriate; that the ground floor of the unit is in an MOT/garage use; the size of unit and uses that could occupy the unit; together with this distance to neighbours, it is not considered that the use would raise an unacceptable impact to neighbours amenity from noise disturbance, overlooking, light nuisance or similar. D2

3/10/1999/FP

uses can often co exist in residential areas. The parking area to the north of the unit would be in close proximity to these neighbouring properties, however it is considered by Officers that as this amounts to only 8 parking spaces, and is at such a level that it would not give rise to a neighbour complaint from the coming and goings of customers to the unit.

- 7.9 There have been comments raised by a neighbour in regards to the impact on the Wildlife Site to the east. Given that the unit is already on site with an established use at ground floor it is not considered that the use of the first floor for Class D2 purposes would give rise to any increased adverse impact on this Wildlife Site than the lawful B1 use.

8.0 Conclusion

- 8.1 In summary, the proposal is considered to be contrary to policies EDE1 and HE8 of the East Herts Local Plan. However, the particular circumstances of the length of time that the unit has been remained vacant despite marketing, and as the change of use relates solely to the first floor, so the whole unit will not be lost for industrial purposes, it is considered on balance to justify a departure from policy. There would be no unacceptable parking or highway implications and the proposal is considered acceptable in terms of neighbouring amenity. It is however recommended that a temporary permission is granted in order to safeguard the longer term use of the Employment Area as such.
- 8.2 On this basis I have recommended that planning permission be granted subject to the conditions provided at the head of this report.