

5j 3/11/0543/FP - Change of use from B2 industrial unit to D2 sports hall (continuation of approval granted under LPA Ref: 3/05/1199/FP) at 3 Twyford Industrial Estate, Twyford Road, Bishop's Stortford, CM23 3LJ for Miss Holly Thompson

Date of Receipt: 30.03.2011

Type: Full – Other

Parish: BISHOP'S STORTFORD

Ward: BISHOP'S STORTFORD SOUTH

RECOMMENDATION:

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

1. Temporary Permission (21 July 2016) (1T09)
2. Approved plans: 1(2E10)
3. Retention of Parking Space (3V20)
4. Personal Permission (Holly Thompson) (5U01)
4. Restriction of use (buildings) (5U02) (gymnastics club) (Class D2)

Directive:

1. The applicant is advised that car parking should be carefully managed and monitored to ensure that parking conflicts do not arise with other commercial premises in the locality.

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 EDE2, TR7 and BIS9. The balance of the considerations having regard to those policies is that permission should be granted.

_____ (054311FH.FP)

1.0 Background:

- 1.1 The application site is shown on the attached OS extract. It is located within Twyford Road Industrial Estate. It comprises a semi-detached

3/11/0543/FP

single storey building having a floor area of approximately 230 square metres.

- 1.2 Twyford Road Industrial Estate contains a number of industrial units of various sizes and design. It lies to the south of Bishop's Stortford and can be accessed from either Twyford Road or London Road. To the east of the site runs the main railway line, to the south industrial units and to the north and west residential properties.
- 1.3 The Twyford Road Industrial Estate/ Business Centre as a whole have been identified in the local Plan as an employment area within Bishop's Stortford.
- 1.4 The application proposes the permanent change of use of the building from B2 general industrial to a gymnastic sports hall (Class D2) to accommodate Valdez Gymnastics Club. Valdez Gymnastics Club has been operating from the premises since 2005 when temporary planning permission was granted for the change of use of the building. The applicant states that the club currently provides gymnastic classes for some 750 local children supported by 4 full time and 16 part time employees.

2.0 Site History:

- 2.1 In December 2005 temporary planning permission was granted for 5 years for the change of use of the premises from B2: General Industrial to D2: sports hall. The planning permission was temporary in nature and limited to the applicant only. These restrictions were imposed to ensure that the future use of the individual unit and industrial estate would not be prejudiced and that other D2 uses which could have an unacceptable impact upon the current employment activities on the estate could not occupy the building.

3.0 Consultation Responses:

- 3.1 County Highways comments that the use of the premises as a specialist gym is acceptable in a highway context. The use has been in operation for several years and no highway issues have been raised during that time. Sufficient parking is available and traffic generation is not dissimilar to the previous industrial use.

4.0 Town Council Representations:

- 4.1 Bishop's Stortford Town Council raises no objections to the proposals.

5.0 Other Representations:

- 5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.
- 5.2 Two letters of representation have been received raising the following concerns:
- Loss of industrial unit.
 - Parking conflict with neighbouring premises due to excessive numbers of vehicles parking at the site.
 - Highway safety/ conflict between delivery vehicles and children accessing the gym.

6.0 Policy:

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

EDE2	Employment Areas
TR7	Car Parking Standards
BIS9	Employment Areas

7.0 Considerations:

- 7.1 The site is located within Twyford Road Industrial Estate, a designated Employment Area in the Local Plan. Within Employment Areas sites are reserved for industry comprising B1 Business, B2 General industrial Uses and, where well related to the transport network, B8 Storage and Distribution Uses. The proposed use of the building as a gymnasium does not fall within any of these permitted uses and therefore it needs to be determined whether or not special circumstances exist in this case to warrant a departure from established Local Plan policy. In addition consideration needs to be given to neighbour amenity and highway safety and parking.

The principle of development

- 7.2 In 2005 it was determined that whilst the use of the building did not strictly meet policy requirements it would nevertheless provide full time and part time opportunities for twelve people. It was also established that only 50 percent of the units on the estate were in use at that time for either light or general industrial use.

3/11/0543/FP

- 7.3 Subsequent to this decision, the Council's Employment Land and Policy Review 2008 identified Twyford Road Industrial Estate as benefiting from its location and relative proximity to the M11 compared to other estates in other parts of the District. However, it acknowledges that its direct access to the M11 is heavily constrained as it is located to the south of the town. Access into the estate is also constrained with some recent new build residential development as you enter the site. This, combined with the fact that the general quality of its stock is not particularly high, with small units appealing to local occupiers, means that in terms of market perception it scores poorly. Local agents gave it the lowest ranking in Bishop's Stortford. The Review identified the Estate as being an "Amber" site where employment uses remain viable but intervention in the future may be required to retain employment uses and it recommends that the Estate should be regularly reviewed to reflect market trends.
- 7.4 Information submitted in support of the current application indicates Valdez Gymnastics currently employs 4 full time coaches and 16 part time coaches, equivalent to 8 full time positions. In addition, information has been submitted to show that there are a significant number of vacant premises (approximately 20) within Bishop's Stortford which are suitable for industrial purposes, including several within Twyford Industrial Estate itself.
- 7.5 It is my view that whilst the change of use of the building for D2 purposes does not strictly comply with Local Plan policy it would nevertheless provide continued employment for 20 people. Furthermore, given the conclusions of the Employment Land and Policy Review 2008 and the information submitted by the applicant regarding the number of similar vacant premises currently available in Bishop's Stortford I do not consider the proposal would unduly prejudice the supply of commercial premises available in Bishop's Stortford for new or expanding businesses in the current market. I am however mindful that this may change in the future and that, in line with the recommendations of the Employment Land and Policy Review 2008, it is necessary to ensure that any change of use does not prejudice the future use of the unit or the redevelopment of the site for continued industrial purposes. I therefore consider it reasonable and necessary to restrict the permission for a temporary period of 5 years to allow the Council to review the market needs for industrial premises in Bishop's Stortford again. The applicant has confirmed that they are agreeable to such a restriction.

Neighbour Amenity

- 7.6 I am satisfied that given the type and level of activity proposed and the juxtaposition of the building to nearby residential properties the proposed development would not adversely impact upon neighbour amenity.
- 7.7 However, this particular site might not be suitable for other uses within Class D2, as these might generate an undue amount or type of activity. This concern regarding the future use of the site can be overcome through the inclusion of Conditions 4 and 5. These personalise the planning permission and restrict the use of the site to a gymnastics club, respectively, thereby helping to ensure that the amenities of neighbouring and nearby occupants are safeguarded in the future.

Highway safety and parking

- 7.8 Turning first to highway safety, in accordance with comments from County Highways I am satisfied that the proposed use would not unduly prejudice highway safety and the number of traffic movements resulting from the use would not be dissimilar to that which would occur if the unit was occupied by either a B1: Office/ light industrial or B2: General Industrial Use. It is noted that the previous temporary permission included a condition prohibiting access to the site from Twyford Road. Bearing in mind that County highways have raised no objections to the proposal and that the applicant would be unable to control vehicle movements of customers on the public highway I consider the imposition of this condition would be both unnecessary and unreasonable.
- 7.9 The site is located within an Industrial Estate and therefore safety issues are important particularly as the club's activities are provided primarily for younger children. The applicant has advised that staff are on duty for the arrival and departure of club members and no child is allowed to leave the premises unsupervised. In addition, parents are required to collect children from inside the building. I consider that these measures are adequate to ensure that the proposal is acceptable in pedestrian safety terms.
- 7.10 With regards to parking, 17 car parking spaces are available on site. The Supplementary Planning Document on Vehicle Parking at New Development indicates that the site falls within Zone 4 which requires a maximum of 18.4 spaces or 13.8 spaces allowing for the 25% reduction. Having regard to the sustainable location of this site, its close proximity to public transport, pedestrian links and local services it is considered

that the level of parking proposed is acceptable.

- 7.11 Concerns have been raised by one neighbouring commercial occupier regarding parking conflicts which have recently arisen between the club and their own premises. Whilst I acknowledge that there will be busy periods when children are arriving and departing, each unit has its own dedicated parking area and, as I outlined above, sufficient parking is available on the site for the proposed use. I therefore do not consider it reasonable to refuse the proposal on these grounds. I do however consider that the matter could be resolved through better parking management and more efficient use of the parking area, which is currently unmarked. I have included a directive recommending that this be undertaken by the applicant.

8.0 Conclusion:

- 8.1 To conclude, I am satisfied that special circumstances exist in this case to warrant a departure from Local Plan policy to allow the continued temporary use of the building. Furthermore I consider that the proposed development is acceptable in all other respects. I therefore recommend that planning permission be granted subject to the conditions at the head of this report.