

5j 3/11/1592/FP – Change of use from Industrial (B1/B2/B8) to Gymnasium (D2) at 2 Haslemere Industrial Estate, Pig Lane, Bishop’s Stortford, CM23 3HG for Mrs V Barlow

Date of Receipt: 14.09.2011

Type: Full - Minor

Parish: BISHOP’S STORTFORD

Ward: BISHOP’S STORTFORD - SOUTH

RECOMMENDATION:

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

1. The use hereby permitted shall cease on or before five years of the date this decision.

Reason: The development is a temporary expedient only having regard to the amenities of the area.

2. The building shall be used as a childrens activity centre and for no other purposes including any other purpose in Class D2) of the Schedule to the Town and Country Planning (Use Classes) Order, 1987.

Reason: To ensure that no alternative use is made of the premises which would be likely to be a nuisance or annoyance to the occupants of adjoining premises.

3. The use of the premises shall be restricted to the hours 08:00 – 20:00 Monday to Thursday, 08:00 – 21:00 Fridays and 08:00 – 20:00 Saturday and Sunday.

Reason: In the interests of the amenities of the occupants of nearby properties.

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 policies SD2, EDE1, BIS9, ENV1 and TR7. The balance of the considerations

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having regard to those policies, and that the proposal involves the relocation of a children's gymnasium as granted in permission reference 3/07/1718/FP, is that permission should be granted.

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1.0 Background:

- 1.1 The site is located within the built up area of Bishop's Stortford as shown in the OS extract.
- 1.2 Haslemere industrial estate is sited just off Pig Lane, with a residential development to the west known as 'Proctors Way' and the main railway line to the east. The site is one of a number of warehouse units of some varying size and scale, with the larger units to the north. The general design is as one would expect within an industrial site, with grey corrugating roofing, light brown bricked plinths and large access doors. Some landscape screening is afforded between the site and Proctors Way creating an approximate 4 metre 'buffer zone'.
- 1.3 The application seeks permission for a change of use from office (use class B1) to a gymnasium (use class D2).

2.0 Site History:

- 2.1 Planning Permission for the industrial units 1 - 9 was originally granted within application 3/74/1019/FP.
- 2.2 Planning permission has most recently been granted at appeal for the change of use of the unit subject to this application to a B2 use (vehicle servicing; repairs and MOT testing) within LPA reference 3/07/1214/FP.

3.0 Consultation Responses:

- 3.1 Environmental Health advise that a planning condition relating to soil decontamination is attached with any grant of planning permission.
- 3.2 Hertfordshire County Highways comment that they do not wish to restrict the grant of planning permission. The Highways Officer comments that the site is located within a private estate and is likely to reduce the volume of large vehicular movements. The Highways Authority would therefore have no grounds to object to the proposal. The level of parking provision is greater at this site which will reduce parking along adjacent residential streets. For D2 uses for entertainment/fitness, there would be

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a requirement for 15-20 off street parking spaces. The applicant proposes 12-15 spaces and there are double yellow lines along the private access road which will prevent indiscriminate parking.

4.0 Town Council Representations:

4.1 Bishop's Stortford Town Council object to the application on the grounds that the industrial estate is not mixed use, there is a dangerous junction in the vicinity of Pig Lane with difficult egress and ingress and there is a lack of lighting in the area.

5.0 Other Representations:

5.1 The application has been advertised by way of press notice, site notice and 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:

- EDE 1 (Employment areas)
- BIS9 (Employment areas)
- ENV1 (Design and environmental quality)
- TR7 (Car parking standards)

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). The application seeks permission to use the ground floor of unit 2 Haslemere Industrial Estate for a use which falls within Class D2 of

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the Use Classes Order. This use is contrary to policy EDE1 and BIS9 of the Local Plan.

- 7.3 However, Members should be mindful that the applicant seeks to relocate their existing business at 231 London Road, Bishop's Stortford, which is located within a designated employment area, to this site. The applicants existing site was granted planning permission for a D2 gymnasium within LPA reference 3/07/1718/FP by the Development Control Committee on 14 November 2007. Members considered at that Committee that the provision of a gymnasium at 231 London Road was appropriate in that location. There was however a planning condition restricting the use of 231 London Road as a children activity centre for a period of five years, which expires 19th November 2012. After that date the previous use of the building as a B1 office will be reverted to.
- 7.4 It is therefore a material consideration that a previously approved application (albeit on a temporary basis) for a D2 gymnasium was granted planning permission within a designated employment area and the applicant for that permission now proposes to relocate. The nature of the use has not changed significantly, although it is understood that the applicant now wishes to expand the business to accommodate the wider community. The use of the premises is nevertheless proposed to focus around the provision of physical fitness, recreation gymnastics, motor skill development and other related programmes for children aged between four months and twelve years of age.
- 7.5 The relocation of the use to Haslemere Industrial Estate will not therefore result in the loss of an employment use – a non-employment use will be relocated from an existing employment area, allowing the applicants existing unit to be used for employment purposes, which is a material consideration to which significant weight should, in Officers opinion, be attached.
- 7.6 The applicant has provided further justification for the relocated gymnasium use, setting out that there is a high vacancy rate of units within the locality. This application will allow a currently unoccupied unit to be occupied which will provide the continued employment for the existing gym staff, four of which are full time and 5 are part time.
- 7.7 In addition, the applicant sets out that the existing business provides a beneficial community and sports related use which is considered to promote the health and well being and confidence in children. Such an approach is generally considered to be consistent with the Governments objectives in Planning Policy Guidance 17 – 'Planning for Open Space, Sport and Recreation'.

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- 7.8 In accordance with the above considerations, it is considered that the proposed development will relocate an existing use which was previously considered by Members of the Development Control Committee to be acceptable. This will allow the use of a currently un-occupied unit (amongst other un-occupied units) which will not only provide continued employment for 9 people, but will allow the continuation of an existing successful business in providing sporting activities which promotes the health and well being of children. The use of the building for non-employment purposes is therefore considered to be acceptable, in this case.
- 7.9 Members will however note that the previous permission – LPA reference 3/07/1718/FP was the subject of a temporary permission. The same circumstances that arose in that 2007 application now arise and Members should be mindful that the current designation of the land is for employment purposes. The Council have undertaken an Employment Land and Policy Review, which was undertaken 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 Local Development Framework (LDF) and will inform the Council's preferred options for its Core Strategy, to assist in the formulation of policies for new employment land development in the emerging LDF and provide background information to assist the determination of planning applications for such developments in the future.
- 7.10 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. In particular the Study identified that within Bishop's Stortford, due to strong demand and low vacancy rates, in combination with the scarcity of supply, mean that existing employment sites in the town need to be safeguarded.
- 7.11 The use of unit 2 Haslemere Industrial Estate as a gym is contrary to policy EDE1 and BIS9 of the Local Plan and is contrary to the thrust of guidance in the Employment Study review. The use of the Gymnasium, as is proposed in this application, is considered to be acceptable. However, the impact of the use on the long term general supply of employment land/buildings should, in Officers opinion be able to be reviewed in the future. Taking into account those considerations and the temporary permission attached to the applicants existing premises, Officers consider that the use of the building for a gymnasium is only

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acceptable if the use is restricted to the specific use proposed – a children’s gym and a time limit is attached restricting the use of the building to five years. For the reasons set out above such conditions are necessary and reasonable, in this case and would allow the impact on employment land supply to be reviewed.

Highway safety/parking

- 7.12 The Highways Officer has commented that the use of the unit for a gymnasium will result in a reduction of large vehicles and there are therefore no grounds to object to the application. Having regard to that consideration, Officers are of the opinion that the development is acceptable in terms of the impact on highway safety.
- 7.13 With regards to parking matters, policy TR7 requires the provision of one parking space per 15 square metres. The application site occupies an area of some 305 square metres and therefore there would be a maximum requirement for 20 spaces. The site proposes the provision of 15 parking spaces which is in accordance with the maximum standard. The operating hours of the building will be spread throughout the day and also at evenings and weekends - therefore outside the peak hours of travel. In accordance with those considerations and, taking into account the sustainable location of the site within the built up area of Bishop’s Stortford and the comments from the Highways Officer, the level of parking provision is considered to be acceptable, in this case.

Neighbour amenity

- 7.14 The existing use of the building and adjoining buildings is generally within the Use Class ‘B’ classification which, by their very nature, are likely to result in some levels of noise – particularly so for B2 uses, which has most recently been granted planning permission at the site. The provision of a D2 gymnasium will not, by its nature, result in a significantly greater level of impact on neighbour amenity in terms of noise and general disturbance than the current use of the building.
- 7.15 Officers note that the previous permission at 231 London Road included a time limit restricting the hours of operation of the gym for reasons relating to the impact on the amenity of neighbouring properties. Officers also note that, in respect of the previous appeal at the site for a B2 motor vehicles repair use, the Inspector considered that limits on the hours of operation to normal business hours would not result in significant harm to the amenity of neighbouring properties. The use of this unit as a gymnasium is likely to result in less impact on neighbour amenity than a B2 use. Nevertheless, having regard to the Planning Inspectors comments and, taking into account the current time limits attached with

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231 London Road and the relationship of the site with neighbouring properties, it is considered to be necessary and reasonable to attach a planning condition restricting the hours of operation to the same extent as that at 231 London Road.

8.0 Conclusion:

- 8.1 Having regard to the above considerations, Officers opinion is that the provision of a non-employment use on this site is justified in this case, having regard that an existing non-employment use proposes to relocate which will see the retention of a valued business which provides employment and provides a use that promotes sport and activity in children. The relocated use will allow the existing building the applicant occupies to be used for employment related purposes, in accordance with policies EDE1 and BIS9 of the Local Plan.
- 8.2 The proposed development provides for an appropriate level of parking provision and is not considered to result in significant harm to highway safety or neighbour amenity. Officers therefore recommend that planning permission is granted.