

**14 DCCE2006/0765/F – CHANGE OF USE FROM B1 LIGHT INDUSTRIAL TO MIXED USE COMPRISING A RETAIL SHOWROOM, STORAGE AND OFFICES UNIT 4, WHITESTONE BUSINESS PARK, WHITESTONE, HFD HR1 3SE****For: HH & PH Collins Properties, Collins Engineering Limited, Unit 5 Westwood Industrial Estate, Pontrilas, Hereford HR2 0EL****Date Received: 6th March, 2006****Ward: Hagley****Grid Ref: 56638, 42415****Expiry Date: 1st May, 2006**

Local Member: Councillor R.M. Wilson

**1. Site Description and Proposal**

- 1.1 The site (Unit 4) is located within Whitestone Business Park and accessed off the C1130, just south of the A4103 in the parish of Withington. The building the subject of the application is of a standard steel frame single storey construction clad and roofed with box profile sheeting. Whitestone Business Park is allocated and protected within the South Herefordshire District Local Plan and Deposit Draft Unitary Development Plan for Employment Land with the remainder of the land surrounding the estate predominantly used agriculturally.
- 1.2 Planning permission was approved on the 12th October, 2000 for the erection of a building to be used for light industrial purposes (use class B1). The applicant (Elite Bathrooms and Tiles) have recently taken occupation of the building with the majority of the floor area now being used as a retail showroom. Furthermore, condition 17 of the 2000 planning permission states that there should be no retail or wholesale sales from the building direct to visiting members of the public. This application is in effect for the change of use of the building to enable its use as a retail showroom and storage which if approved, would also then supersede the existing permission and the conditions attached to that permission. The application has been brought to Committee at the request of the Ward Councillor.

**2. Policies****2.1 South Herefordshire District Local Plan:**

GD1	-	General development criteria
ED4	-	Safeguard existing employment premises
RT2	-	Development outside/adjacent to Hereford City
T.1A	-	Environmental sustainability and transport

**2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):**

S1	-	Sustainable development
S4	-	Employment

S5	-	Town centres and retail
DR2	-	Land use and activity
DR3	-	Movement
E5	-	Safeguarding employment land and buildings
TCR2	-	Vitality and viability
TCR9	-	Large scale retail and leisure development outside central shopping and commercial areas
TCR25	-	Land for retail warehousing

### 3. Planning History

- 3.1 CE2000/0281/F - Erection of industrial unit (B1 Use Class). Approved 12th October, 2000.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 None

#### Internal Council Advice

- 4.2 Traffic Manager: No objection subject to the provision of secure cycle storage.
- 4.3 Head of Economic Development: Comments awaited.

### 5. Representations

- 5.1 Bartestree Parish Council: No objection.
- 5.2 Withington Parish Council: No comments.
- 5.3 One letter of objection has been received from the Campaign to Protect Rural England (CPRE). The main points raised are:
- The proposal is contrary to the development plan policy for maintaining a suitable supply of industrial land and buildings
  - Unit 4 is in the heart of a non retail business park. The site is very rural without any public transport links. CPRE feel it is important to maintain a distinction between business and retail parks and given its location away from the city, Whitestone is not suitable for a retail park
  - The access and local road network is not suitable for the additional volume of traffic that a retail use would generate.
- 5.4 Supporting statements have been provided by both the applicants and their agent which will be referred to in the Officer's Appraisal.

### 6. Officers Appraisal

- 6.1 The lawful use of the building in question is for B1 (Light Industrial) purposes. The planning permission approved on 12th October, 2000 goes a stage further by removing any opportunity for retail or wholesale sales direct to visiting members of the public from the building. The applicants (Elite Bathrooms and Tiles) offer a complete service

from design and sale to installation. The majority of the floor area (68%) is used as a retail display area for viewing completed bathrooms and ancillary products such as tiles and bathroom cabinets. The remainder of the building is used for the storage of goods for distribution (28%) and offices (4%). As such the building is now being used primarily for retail purposes with some storage and ancillary offices. Therefore, the current use of the building is not in accordance with the approved planning permission and the retail sales from the premises to visiting members of the public is in breach of Condition 17 of the planning permission.

6.2 Policy E5 of the Unitary Development Plan states that proposals that will result in the loss of existing permitted or proposed employment land or buildings to non-employment uses (employment is defined as light industrial, heavy industry and storage and distribution) will only be permitted where:

1. There will be substantive benefit to residential or other amenity allowing alternative forms of development and the site or premises concerned can be shown to be unsuitable for other employment uses including consideration of mitigation measures; or
2. In the cases of proposals incorporating elements of retail use, this is restricted to a minor or incidental activity associated with an otherwise acceptable Part B or employment generating use.

Para 6.4.34 of the UDP also states that: "It is particularly important to avoid the introduction of Part A Retail Uses within established employment areas and industrial estates. The primary role of these areas is to cater for the land requirements for Part B employment uses....."

6.3 The current use is therefore contrary to Employment Policy 5, which seeks to protect industrial buildings for industrial purposes. Policy E5 does permit minor or incidental retail usage but this, in floor area terms, must be ancillary to the primary industrial use of the building. Ancillary is normally defined as up to 10% of the gross floor area.

6.4 Policy TCR25R of the UDP identifies Holmer Road as being the most sequentially preferable site for large scale retail warehousing as it will compliment existing businesses in the locality facilitating linked trips and can also be accessed via public transport, cycling and walking. The current use would be classed as large scale retail warehousing in floor area terms. Reference is made to an existing business operating from Whitestone which incorporates retail sales (Browns Furniture). The retail showroom was approved as part of the planning permission for the building but in floor area terms, the showroom area is very much ancillary to the primary use of the building for general and light industrial purposes.

6.5 The primary source of income for the business is the fitting of new bathrooms and the income derived from on site sales collected by customers is no more than around 3.5% of the total turnover. However, this does not deviate from the fact that the primary use of the building is for retail purposes whether that be for the sale of goods collected by the public or the sale of goods delivered and fitted by Elite Bathrooms.

6.6 The applicants have been searching for some time for larger premises and have inspected premises at Barrs Court Road Trading Estate, Hereford Trade Park, Rotherwas, and Sweetmans Yard. For various reasons these have not met their needs. It is notable, however, that all of the units looked at are also buildings or land

protected for industrial purposes and therefore would not be acceptable in planning terms. Premises such as unit 2 at Brook Retail Park, which has a lawful retail warehouse permission and has been vacant for around 18 months, would in planning terms be a more acceptable location. In fact, this unit at Brook Retail Park was last occupied by Tiles 'R' Us who operate in a similar manner to Elite Bathrooms.

6.7 There is no doubt that the unit now occupied by the Elite Bathrooms offers many benefits to them as a business and they have also undertaken considerable expenditure in relocating to Whitestone. The applicants and their agent state the business already employs 17 people (direct and indirect labour) for fitting bathrooms and this is expected to increase by 10 to 12 this year. The majority of the business also appears to emanate from outside of the city and therefore an out of town location would appear to meet their customer base. Furthermore, it is stated that Elite Bathrooms do not operate in the same way as a normal retail warehouse would do in so much as there is a low foot fall of visiting members of the public to the business. Finally, it is suggested that a personal permission would be satisfactory to the applicants and the landowner.

6.8 The ultimate objection to the proposal lies with the fact that it is contrary to the Development Plan Policies, which seek to protect industrial buildings and land for industrial purposes (class B uses). A personal permission would ensure that the current change of use, whilst being contrary to policy, was not repeated by a future occupier but this scenario could be repeated too often. Several requests are received by the local planning authority every week from local business seeking to use industrial buildings or land for non-industrial purposes and it is considered that granting permission in this case would make it very difficult resist similar proposals at Whitestone Business Park and other safeguarded Employment Sites.

6.9 This retrospective application is contrary to the adopted and Deposit Draft Development Plan policies and for the reasons set out above, is recommended for refusal.

**RECOMMENDATION**

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

- 1 The proposal would result in the loss of an existing industrial building to a primarily retail use which represents an unsustainable form of development outside the Central Shopping and Commercial Area or other sequentially preferable sites within the city. As such the development is contrary to Policies GD1, ED4 and RT2 of the South Herefordshire District Local Plan and Policies S1, S4, S5, DR2, DR3, E4, TCR9 and TCR25 of the Herefordshire Unitary Development Plan (Revised Deposit Draft).**

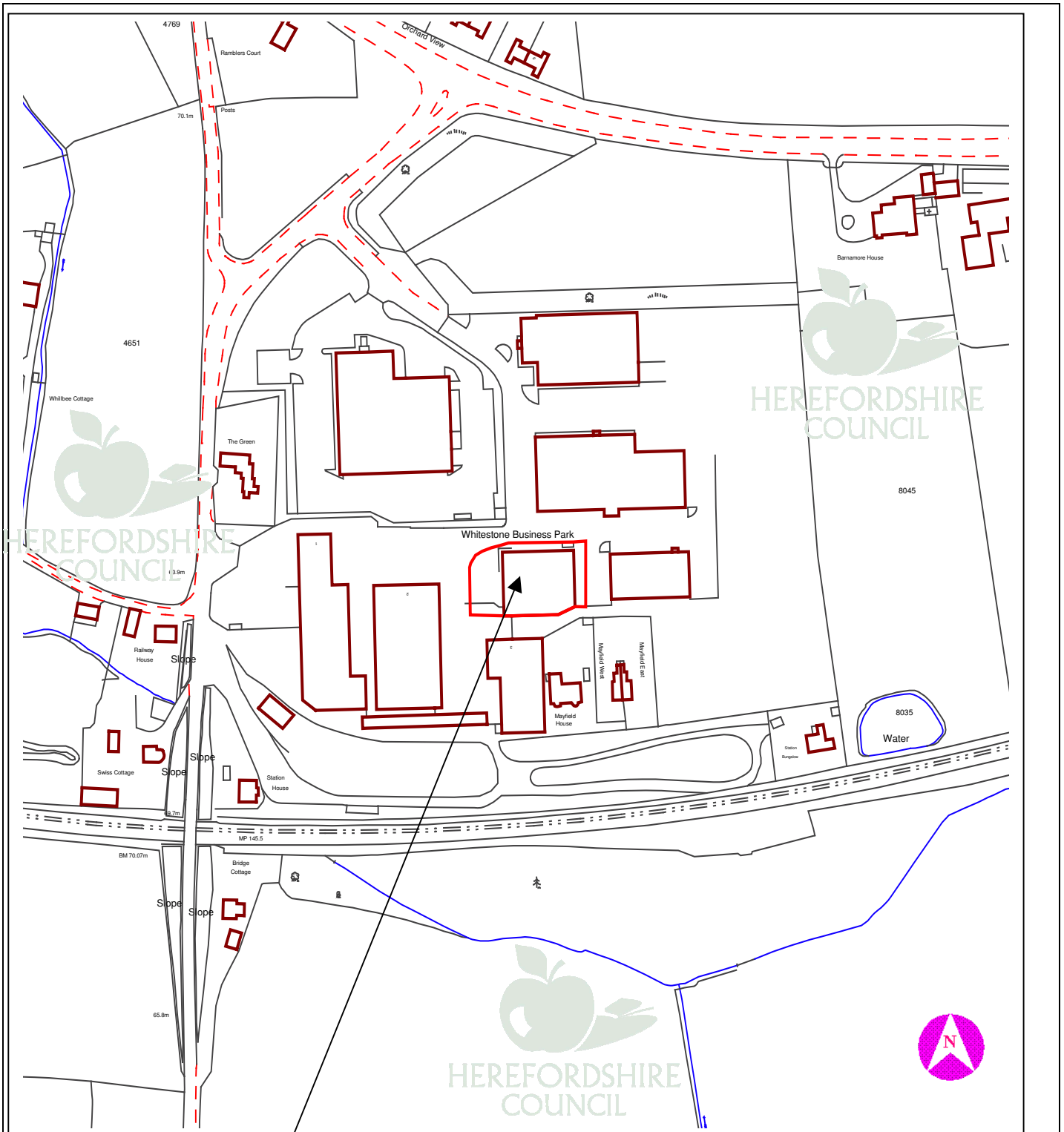
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2006/0765/F

**SCALE :** 1 : 2500

**SITE ADDRESS :** Unit 4, Whitestone Business Park, Whitestone, Hereford, HR1 3SE

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