

AGENDA ITEM

COMMITTEE: DEVELOPMENT CONTROL

DATE: 2ND FEBRUARY 2005

SUBJECT: 12A-14 LIVERPOOL ROAD. UNAUTHORISED USE OF LAND FOR THE PREPARATION, STORAGE AND SALE OF CARS.

REPORT BY: DEVELOPMENT CONTROL MANAGER

CONTACT OFFICER: ROD PORTER 546317

IMPLICATIONS:

LEGAL	COMMUNITY SAFETY
EQUALITIES	ENVIRONMENT
FINANCIAL	CONSULTATIONS
STAFFING	OTHER

WARDS AFFECTED: SOUTH

PURPOSE

1. To inform Members of the breach of planning control that has occurred and to seek their decision.

RECOMMENDATION(S)

2. Development Control Committee is recommended to take no further action.

BACKGROUND

The Site:

3. The property the subject of this report is located on the north-west side of the road some 45m from the junction with Collingdon Street. It is an industrial building with a roller-shutter door onto the street. The building is set back from the back-of-footpath by about 2.25m and there is a concrete forecourt to that depth on which up to 4 cars have been seen displayed for sale. The building itself is used for the preparation and storage of cars for sale. The predominant use in the vicinity of the site is industry.

The Complaint

4. That the sale of cars is taking place without the benefit of planning permission.

Planning History

5. The planning records show that in 1970 the site was used as a garage, as a warehouse in 1978 and by a firm of motor factors in the 1990's. The present use for car sales is thought to have commenced in 2004.

Local Plan Allocation

6. Employment Area.

Relevant Policies

7. BP1, EMP1 & E1.

REPORT

Material Considerations

8. The previous uses of the site include Class B1 light industry, B2 general industry and B8 storage. The sale of cars is excluded from Class A1 retail by the Town & Country Planning (Use Classes) Order 1987 and declared to be *sui generis* - that is, in a class of its own.

9. The occupant was requested by letter dated 10/08/04 to submit a planning application to regularise the current use. A reminder was sent on 17/11/04; to date no reply has been received. The issue is whether Enforcement action should be taken.

10. Policy EMP1[B] requires that a non B1, B2 or B8 use has to be justified if it is to be located in an Employment Area. In this case, although the current use is for car sales, those sales are restricted to the small forecourt and the interior of the building. Despite an allegation from the original complainant that car sales associated with the premises were also taking place on the roadway, several site inspections have failed to find any justification for that claim. Indeed, the existence of on-street parking restrictions means that there is little opportunity for cars to be parked and offered for sale on the highway in Liverpool Road.

11. No complaints have been lodged by the local residents on grounds such as noise or car parking, so the use is considered to be acceptable.

12. However, it should be noted that, if no action is taken and the use in the building becomes a car showroom for a period exceeding 10 years, that use could change to a retail use without a need for planning permission. At present, the current use of the building with a roller shutter door and no display window cannot be described as a car showroom. Although action at this stage is not justified, the premises will be monitored and if changes are made to the building to make it into a car showroom, a further report will be made to the Committee.

CONCLUSIONS

13. Having regard to the above and, having regard to the limited effect of the current use, it is recommended that no further action be taken but that the Council's enforcement officers be instructed to keep the premises under observation. Any changes to the building to create a car showroom to be reported back to Committee for consideration.

LIST OF BACKGROUND PAPERS

LOCAL GOVERNMENT ACT 1972, SECTION 100D

14. Borough of Luton Local Plan 1997.
15. Planning Enforcement File 04/00212/UCU.