

**E/09/0123/B – Unauthorised change of use from A1(retail) to Nail Bar (Sui Generis) at 14 Railway Street, Hertford, SG14 1BG**

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**Parish: HERTFORD**

**Ward: HERTFORD - CASTLE**

**RECOMMENDATION**

That the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under Section 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the cessation of the unauthorised use of the premises.

Period for compliance:

1 Month

Reasons why it is expedient to issue an enforcement notice:

The unauthorised change of use has resulted in the loss of a retail unit and is detrimental to the vitality and viability of the town centre. The change of use is contrary to policy STC2 of the East Herts Local Plan Second Review April 2007, which seeks to retain retail uses within primary shopping frontages wherein this site is located as defined on the proposals map

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**1.0 Background**

- 1.1 The site is shown on the attached Ordnance Survey extract. It is located on the southern side of Railway Street within the centre of the Primary Retail frontage of Hertford.
- 1.2 On the 20<sup>th</sup> March 2009, a concern was brought to the attention of the Enforcement team that the unit was being prepared in readiness to open as a nail bar.
- 1.3 On the 23<sup>rd</sup> March 2009, a letter was sent to the new owners stating that the unit had planning permission for A1 (retail) use only and that a nail bar was considered to be Sui Generis (ie falling outside of any particular Use Class) and as such an application for a change of use was required to be submitted.

## **E/09/0123/B**

- 1.4 A retrospective application for a change of use was received on the 22<sup>nd</sup> April 2009 under reference 3/09/0600/FP but after due consideration was refused planning permission on the 18<sup>th</sup> March 2009 for the following reason:-

The proposed change of use would result in the loss of a retail unit, and would thereby be detrimental to the vitality and viability of the town centre. If permitted it would be contrary to policy STC2 of the East Herts Local Plan Second Review April 2007, which seeks to retain retail uses within primary shopping frontages, wherein the site is located as defined on the proposals map.

## **2.0 Planning History**

- 2.1 The recent planning history is as follows:-

3/88/0040/FP - New shop front – Approved July 1988

3/09/0600/FP – Change of use from A1 (retail) to Nail Bar (Sui Generis) retrospective - Refused

## **3.0 Policy**

- 3.1 STC2 – Primary Shopping Frontages.

## **4.0 Considerations**

- 4.1 In this matter the main issue to be considered is the loss of an A1 (retail) unit within the primary shopping area of the town centre of Hertford which is contrary to policy STC2 of the East Herts Local Plan Second Review April 2007.
- 4.2 The change of use to non retail use (nail bar) has resulted in the reduction of the provision of A1 retail floorspace within the central shopping area, reducing the opportunities for shoppers and the vitality and viability of the area.
- 4.3 Reducing the number of retail units within the town centre will have an effect on the sustainability of other retail businesses as well as the vitality and functionality of the town centre.
- 4.4 Footfall patterns are high in primary frontages and the introduction of niche units, such as the nail bar, serve only a limited part of the general public and can materially alter the pattern and frequency of public footfall affecting the economic stability of the shopping area. In this particular case, officers consider that the change of use is detrimental to the vitality and viability of

## **E/09/0123/B**

the town centre and, if repeated elsewhere, may have serious consequences for the retail economy of Hertford.

- 4.5 Members should note that during the consideration of the recent planning application for this change of use, the Town Council objected to the proposal and in addition 7 further letters of objection were received from local businesses raising concerns regarding the over-provision of beauty/nail salons in Hertford and the essential need to protect and retain Class A1 (Retail) units in the Town Centre.

### **5.0 Recommendations**

- 5.1 For the above reasons it is recommended that authorisation be given to issue and serve a Planning Enforcement Notice requiring the cessation of the unauthorised use of the unit.