

3/09/0746/FP – Change of use from retail shop (A1) to tanning salon (sui generis) at 94 South Street, Bishops Stortford, Herts, CM23 3BG for Weston Homes PLC

Date of Receipt: 14.05.2009

Type: Full

Parish: BISHOP'S STORTFORD

Ward: BISHOP'S STORTFORD – CENTRAL

Reason for report: Contrary to Policy

RECOMMENDATION

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

1. 1T121 – Three year time limit

Directives

1. This permission does not convey any consent, which may be required under the Town and Country Planning (Control of Advertisements) Regulations 2007. You are advised therefore to contact the Planning Department, Wallfields, Pegs Lane, Hertford, SG13 8EQ, Tel: 01279 655261, prior to displaying any advertisements at the premises.
2. 01OL1 – Other legislation

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 East Herts Local Plan Second Review April 2007), and in particular Policies SD2, STC3, TR7 and ENV1. The balance of the considerations having regard to those policies and that the proposed change of use would not have a harmful effect on the vitality and viability of the town centre, is that permission should be granted.

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1.0 Background

- 1.1 The application site is located within the built-up area of Bishop's Stortford as shown on the attached OS extract.

- 1.2 The application property is situated on the ground floor of a four storey mixed use development on South Street. The development incorporates commercial premises at ground floor level and residential flats at first floor level and above. It should be noted that three of the four commercial properties (No. 90, 94 and 96 South Street) which are designated for A1 shop use, are currently vacant (one is however currently occupied temporarily by the sales suite for the development). The applicant has confirmed that these units have been vacant since the completion of the development, notwithstanding a marketing campaign for their occupation which commenced in May 2007.
- 1.3 This application seeks permission for the change of use from retail shop (A1) to tanning salon (sui generis). The existing glazed shop frontage would be retained and internal alterations would be made to accommodate 4no. sunbeds and associated facilities for the proposed tanning salon.

2.0 Site History

- 2.1 Planning permission was granted in 2003 for the demolition of existing buildings on site and the erection of 45no. one and two bedroom flats and 4no. retail units (LPA Ref: 3/03/1446/FP). There is no other relevant planning history relating to the application site.

3.0 Consultation Responses

- 3.1 County Highways have commented that the proposal is not significant in a highways context, and that traffic patterns are likely to be different with the salon use generating less traffic movements during the working day. With clients spending longer on the premises the likelihood of indiscriminate parking outside the premises in the service vehicle lay-by would be reduced. Having regard to these considerations, County Highways do not wish to restrict the grant of planning permission.
- 3.2 Environmental Health do not wish to restrict the grant of planning permission.

4.0 Town Council Representations

- 4.1 Bishop's Stortford Town Council have objected to the proposed development. The Town Council comment that they are keen to see mixed retail use in the area and there are currently several such establishments in the immediate vicinity.

5.0 Other Representations

- 5.1 The applications have been advertised by way of site notice and neighbour notification.
- 5.2 No letters of representation have been received.

6.0 Policy

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

SD2	Settlement Hierarchy
STC3	Secondary Shopping Frontages
ENV1	Design and Environmental Quality
TR7	Car Parking Standards

7.0 Considerations

- 7.1 The determining issues in relation to this application are:

- The principle of the change of use and the impact on the vitality and viability of the town centre;
- The impact on the amenities of neighbouring occupiers;
- The impact on parking and highway safety.

Principle of development and impact on vitality and viability of the town centre

- 7.2 The application site lies within the Secondary Shopping Frontage of Bishops Stortford wherein the proposed change of use from A1 to tanning salon (sui generis) would form a departure from Policy STC3 of the Local Plan. Policy STC3 states that proposals for development or change of use falling within A1, A2, A3, A4, A5, C1, D1 and D2 uses will be permitted provided that this would not result in an excessive concentration of non-shop uses. However, as the proposed use is sui generis (in a class of its own) it does not fall within one of the specified uses outlined in the Policy.
- 7.3 The preamble to Policy STC3 states that the District Council wishes to maintain a strong shopping presence within its town centres, for the viability of businesses and the convenience of shoppers who rely on them. It goes on to state that there is a complementary role to be played by non-shopping activities and many other uses, which are recognised as essential to the vitality and viability of town centres. In relation specifically to Secondary Shopping Frontages the preamble states that regard will be had to the

character and function of that part of the shopping area and the overall proportion of non-shopping uses in determining applications involving the loss of shop units. Having regard therefore to these comments, it is considered that in this case it is necessary to consider whether a departure from policy would result in an excessive concentration of non-shop uses within this part of South Street which would be detrimental to the vitality and viability of the town centre.

- 7.4 Whilst it is acknowledged that the existing site has an established A1 use, the property has never been occupied as such. Although the proposed change of use would result in the loss of an A1 shop use, it would not cause the displacement of an existing business. It is also considered that the proposed change of use would not result in a significant loss in retail provision within the vicinity of South Street, particularly as there would be two other vacant premises available within the vicinity, which are established A1 shop uses. The proposal is therefore considered acceptable in principle.
- 7.5 South Street is characterised by a mixture of uses, including residential, commercial and retail. Within the immediate vicinity of the application site there are the following uses: convenience store, post office, car show room, restaurants, florist and beauty salon. It is therefore considered that the change of use of this unit to a tanning salon would not result in a concentration of non-shop units, and would not have a harmful effect on the balance of retail provision. The proposed tanning salon would retain the existing glazed shopping frontage, and would therefore maintain the appearance of a retail unit. Additionally, it is considered that the proposed tanning salon would draw customers into this part of South Street, which is experiencing a number of vacant premises, including No. 71 South Street, a former wood flooring shop which is opposite the application site. Having regard therefore to all of the above considerations it is considered that the proposed change of use would not have a harmful effect on the vitality and viability of the town centre.

Neighbouring amenity

- 7.6 The impact on the amenities of nearby residential properties is a consideration given the presence of residential units at first floor and above the application site. The proposed hours of operation would be from 9am until 9pm on any day of the week. It should be noted however, that the original permission for the retail premises did not restrict the hours of operation of these units, and Members will be aware that next to the application site is a small convenience store which is frequently open early in the morning and late in the evening. It is considered that the activity associated with the proposed tanning salon would not differ significantly to

an A1 use and would not create such levels of activity that would result in a detrimental impact on the amenities of nearby residential properties.

Impact on parking and highways safety

7.7 There would be no alterations to the existing parking arrangements at the application site. County Highways have commented that customers visiting the proposed tanning salon are likely to spend longer on the premises, which in turn reduces the likelihood of occasional parking in the service lay-by outside the application site. It is also considered that the longer opening hours would allow a steady number of customers to visit the premises, which would result in less frequent traffic movements during the working day. Having regard therefore to these considerations, the proposed tanning salon would not result in a significant increase in traffic movements within the town centre, and would not be detrimental to highway safety and capacity in the area.

8.0 Conclusion

8.1 In summary, it is considered that the proposed change of use from A1 shop to tanning salon (sui generis) would be considered acceptable in this instance and would not be detrimental to the vitality or viability of the town centre.

8.2 The proposed tanning salon would not create such a level of activity, or anti-social noise and disturbance that would be harmful to the amenities of nearby residential occupiers.

8.3 The proposed tanning salon would not generate a significant level of traffic movements in the town centre that would be detrimental to highway safety or capacity in the area.

8.4 It is therefore considered that there are circumstances in this case to allow permission to be granted contrary to Policy STC3 of the East Herts Local Plan, and it is recommended that permission be granted subject to the condition set out above.