

3/10/0319/FP – Change of use from A1 (sandwich bar) to A3 (Café/restaurant) at 5 Church Street, Bishop’s Stortford, Herts, CM23 2LY for Mr D Rawsthorne

Date of Receipt: 22.03.2010

Type: Full – Other

Parish: BISHOP’S STORTFORD

Ward: BISHOP’S STORTFORD – CENTRAL

RECOMMENDATION

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

1. 3 year time limit (1T12)

Directives

1. 01OL1 – Other legislation
2. You are advised to contact Thames Water, Development Planning, Asset Investment Unit, Maple Lodge, Denham Way, Rickmansworth, WD3 9SQ. Tel: 01923 898072, with regard to best management practices for catering establishments.

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 saved policies of the East Herts Local Plan Second Review April 2007), and in particular Policies STC3, ENV1 and TR7. The balance of the considerations having regard to those policies and that the change of use would not be detrimental to 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 and within the Bishop’s Stortford Conservation Area as shown on the attached OS extract.
- 1.2 The application property is sited on the ground floor of a three storey terraced property within the town centre of Bishop’s Stortford. The

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premises has an existing ground floor A1 (sandwich bar) use. Church Street itself comprises a mixture of ground floor uses, including retail, a restaurant, a takeaway, offices and residential units.

- 1.3 This application seeks permission for the change of use from an A1 to an A3, café/restaurant use to provide for an expansion to the adjacent bar/restaurant known as the Ark Bar. The proposed change of use to a café/restaurant would not require any external alterations to the existing shop frontage, most of which is glazed. Internally, the proposed use would provide an additional 6 tables.
- 1.4 Whilst the existing A1 unit provides 8 tables, because this is considered to be a low level of seating in relation to the size of the unit, and because the existing premises only provides cold food that is primarily consumed off of the premises, it is considered to have a Class A1 (Retail) use. This application proposes to increase the provision of customer seating and to provide hot food to consume on the premises. It is therefore considered that the proposal constitutes an A3 use and as such requires planning permission to change from its current A1 use.

2.0 Site History

- 2.1 Planning permission was granted in 1973 under LPA reference 3/73/0345/FP to replace the existing building (which was previously a youth centre and is now known as Nos. 3-7 Church Street), with the ground floor use of these buildings having an A1, retail use. A subsequent application was granted in 1975 within LPA ref. 3/75/1156/FP to change the use of 2 of these ground floor units from retail (A1) to a restaurant use (A3). There is no other relevant planning history relating to the application site.
- 2.2 It should be noted that planning permission was recently granted for a change of use from retail (A1) to hot food takeaway (A5) at No. 23 Church Street within LPA ref. 3/09/1187/FP. However, this permission has not been implemented and the bridal shop which previously occupied the premises has remained as a retail (A1) unit, known as 'Rondzi'.
- 2.3 It is also important to note that there is a current application at No14 Church Street, which lies adjacent to the application site, for a retrospective change of use from retail (A1) to a nail bar (*sui generis*) (LPA ref. 3/10/0319/FP). This application is also to be determined at this committee meeting.

3.0 Consultation Responses

- 3.1 County Highways do not wish to restrict the grant of planning permission and they have commented that this application will not impact upon highway safety or capacity. Highways further comment that the property is close to the town centre with public car parking nearby.
- 3.2 Thames Water recommends that the applicant installs a properly maintained fat trap. They also recommend that in line with best practice for the disposal of fats, oils and grease, they are collected by a contractor, to ensure that the property and other properties do not experience blocked drains, sewage flooding and pollution to local watercourses.

4.0 Town Council Representations

- 4.1 Bishop's Stortford Town Council raise no objections to the proposal.

5.0 Other Representations

- 5.1 The application has been advertised by way of press notice, site notice and neighbour notification. At the time of writing this report, no letters of representation have been received.

6.0 Policy

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

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 nearby residential 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 Bishop's Stortford, wherein 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. As a general guideline to shopping sustainability in Secondary Shopping Frontages, the preamble to Policy STC3 outlines that proposals that result in fewer than 50% of ground floor premises in a continuous frontage being in shop use, would not be considered favourably
- 7.3 Within the immediate vicinity of Church Street, there is currently a mixture of uses, which are as follows: retail (A1) (Nos 5, 12, 14, 19 and 23), offices (No. 16 & 16A), residential (Nos 11, 13 & 18) café/restaurant (No. 3), hairdressers (A1) (Nos 7, 9 & 15), beauty salon, (No. 17) and takeaway (No. 25). Currently therefore, 50% of ground floor premises within this Secondary Shopping Frontage have retail (A1) uses. It is noted that the current proposal would result in 44% A1 retail provision within the vicinity of Church Street and, should the planning permission granted at No. 23 Church Street be implemented (LPA ref. 3/09/1187/FP), this would be further reduced.
- 7.4 The proposal to change the use of the application property, from an A1 (retail) to an A3 (café/restaurant) premises would result in 44% of ground floor premises, in the vicinity of Church Street, having an A1 use and as such, would fall below the 50% guideline, as set out in Policy STC3 of the Local Plan. This guidance within Policy STC3 is detailed in order to ensure that the District Council maintains a strong shopping presence within its town centres, for the viability of businesses and for the convenience of shoppers who rely on them. Policy STC3 also states 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.
- 7.5 Therefore, having regard to this guidance, whilst the proposal would result in less than 50% of ground floor premises within this continuous frontage remaining in A1 use, it is important to note that this is only a guideline figure. Members should consider whether this change of use

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would result in an excessive concentration of non-shop uses that would have a harmful impact upon the vitality and viability of Bishop's Stortford Town Centre, by having special regard to the character and function of this part of the shopping area.

- 7.6 The application site is located within an area that is already characterised by a mixture of uses, including retail, and as such does not have an excessive concentration of non-shop uses, with approximately 50% of ground floor units currently in A1 uses. Whilst the proposed change of use would result in 44% of A1 retail provision within Church Street, Officers do not consider that this, in itself, would result in an excessive concentration of non-shop uses within this Secondary Shopping Frontage, particularly when taking into account the proximity of the property to Potter Street and to the centre of Bishop's Stortford Town. As such, it would not be detrimental to the character and function of this part of the town, or the vitality and viability of Church Street. Officers are also of the opinion that if both the applications which are reported to this committee (this one, and that at number 14 Church Street) are approved, the impact on the shopping centre would remain acceptable.

Neighbouring amenity

- 7.7 With regards to the impact of the proposal on the amenities of nearby residential occupiers, the proposed change of use would accommodate the expansion of The Ark Bar at No. 3 Church Street. It is acknowledged that the premises would be open between the hours of 11am and 11pm Monday to Saturday and closed on Sundays and Bank Holidays however, taking into account the relatively modest increase in the size of the restaurant it is considered that the proposed change of use would not result in an increase in the level activity within Church Street that would be detrimental to the amenities of nearby residential occupiers. Furthermore, it is considered that properties in Church Street currently experience a certain level of night time activity, given the town centre location, therefore it is considered that the expansion of these premises would not be likely to generate levels of late night activity that would be over and above that already experienced by nearby residential occupiers.

Impact on parking and highway safety

- 7.8 In terms of parking provision there will be no change from the existing situation where there is no provision for parking. Given that this is an existing situation and, taking into account the sustainable location of the site with Bishop's Stortford Town Centre, the proximity to a public car

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park, and the comments received from Highways, Officers do not consider that refusal of the application on parking grounds can be warranted.

8.0 Conclusion

- 8.1 Having regard therefore to the above considerations it is considered that the change of use of the existing sandwich bar (A1) premises to a café/restaurant (A3) would not be harmful to the vitality, viability or the function of this part of the Secondary Shopping Frontage or Bishop's Stortford Town Centre. Accordingly, it is recommended that the application be approved subject to the conditions set out at the commencement of this report.