

3/10/0348/FP – Change of use from A1 (shop) to sui generis (nail salon) – retrospective at 14 Church Street, Bishop’s Stortford, CM23 2LY for Ms Au Tang

Date of Receipt: 26.02.2010

Type: Full – Other

Parish: BISHOP’S STORTFORD

Ward: BISHOP’S STORTFORD – CENTRAL

RECOMMENDATION

1. That planning permission be **GRANTED**

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 its designated Conservation Area, and is shown on the attached OS extract.
- 1.2 The application property is situated on the ground floor of a two storey terraced property in Church Street. Within the vicinity of this part of Church Street is a mixture of ground floor uses including retail, a restaurant and café, a takeaway, offices and residential.
- 1.3 The application seeks retrospective permission for the change of use from retail shop (A1) to nail salon (sui generis). The proposal would enable the authorised use of the premises for activities associated with the nail salon, including a reception area and four workstations at the front of the salon, with storage and staff room at the rear. It should be noted that the glazed shop frontage would be retained as existing.

2.0 Site History

- 2.1 Planning permission was originally granted in 1969 for the change of use of the ground floor to new shop and new shop front, kitchen and bathroom extension at the rear (3/69/1819/FP). A subsequent application was granted in 1980 for the change of use of the first floor from residential to stock room (3/80/1262/FP). 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 (LPA Ref: 3/09/1187/FP) however, this planning permission has not been implemented and the bridal shop which previously occupied the premises is now a shoe shop, known as Rondzi.
- 2.3 There is also a current application at No. 5 Church Street, opposite the application site, for the change of use from retail (A1) to restaurant and cafe (A3) which has yet to be determined (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 does not wish to restrict the grant of planning permission and have commented that this retrospective application for the change of use of a retail shop into a nail salon will not impact upon highway safety or capacity. The property is close to the town centre with public car parking nearby. Immediately outside the property the carriageway is relatively narrow and parking is prohibited.

4.0 Town Representations

- 4.1 Bishop's Stortford Town Council raised 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.
- 5.2 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 the proposed change of use from A1 to nail 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 necessary to determine whether a departure from policy would

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result in an excessive concentration of non-shop uses within this part of Church Street which in turn would be detrimental to the vitality and viability of the town centre.

7.4 Church Street is characterised by a mixture of uses and within the immediate vicinity of the application site there are the following uses: retail (No. 5, 12, 14, 19 and 23), offices (No. 16 & 16A), residential (No. 11, 13 & 18), café/restaurant (No. 3), hairdressers (No. 7, 9 & 15), beauty salon, (No. 17) and takeaway (No. 25). The current proposal would therefore result in approximately 44% A1 retail provision within the vicinity of Church Street. However, should the planning permission granted at No. 23 Church Street be implemented (LPA Ref: 3/09/1187/FP) ground floor A1 retail provision would be further reduced. It is considered that the application property is located within an area characterised by a mixture of uses, including retail, and as such does not have an excessive concentration of non-shop uses. Officers do not consider that the proposed change of use in itself, would result in such an excessive concentration of non-shop uses within the vicinity.

7.5 Additionally, it is considered that the proposed nail salon would draw customers from Potter Street into this part of Church Street, which is situated some 40metres away from the heart of the primary shopping area, and experiences more limited footfall. The glazed shop frontage would remain as existing, ensuring the retail character and appearance of the premises would be maintained. Having regard therefore to all of the above considerations, it is considered that the proposed change of use would not be detrimental to the character and function of this part of town and would not have a harmful effect on the vitality and viability of Church Street or the town centre of Bishops Stortford. Officers are also satisfied that, if both the applications which are reported to this committee (this one, and that at number 5 Church Street) are approved the impact on the shopping centre would remain acceptable.

Neighbouring amenity

7.6 Turning to the impact of the proposal on the amenities of nearby residential occupiers, it is noted that the premises would be open during normal office hours and closed on Sundays and Bank Holidays. As such, it is considered that the activity associated with the proposed nail salon would not differ significantly to that of an A1 use and would not create such levels of activity that would result in a detrimental impact on the amenities of nearby residential occupiers.

Impact on parking and highways safety

7.7 It is acknowledged that on-street parking along Church Street is prohibited and the proposal does not include the provision of additional car parking. However, it is considered that the proposed nail salon would be likely to generate a similar number of traffic movements as an A1 retail use and County Highways have commented that they do not consider that the proposal would be detrimental to highway safety or capacity. Furthermore, there is public car parking available in nearby Apton Road which benefits from pedestrian access directly into Church Street. Having regard therefore to these considerations, the proposed nail 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 (retrospective) from retail (A1) to nail salon (sui generis) is acceptable in this instance and would not be detrimental to the vitality or viability of the town centre. It would not, in Officers view, create such a level of activity that would be harmful to the amenities of nearby residential occupiers.

8.2 The proposed nail 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.

8.3 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.