

**5k 3/12/0529/FP – Change of use from class A1 (retail) to part A2 (financial and professional services) and part B1 (business) with alterations to fenestration at Ground Floor, Sworders Court, North Street, Bishop’s Stortford, CM23 2NA for Aquastrider and Pearsons**

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**Date of Receipt:** 28.03.2012

**Type:** Full – Minor

**Parish:** BISHOP’S STORTFORD

**Ward:** BISHOP’S STORTFORD – MEADS

**RECOMMENDATION:**

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

1. Three year time limit (1T121)
2. Approved plans (2E103)(insert MGC.007\_01; 02; 03; 04; 05)

**Directive:**

1. 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, ENV1, BH5) and the National Planning Policy Framework. The balance of the considerations having regard to those policies and the limited harm to the vitality and viability of the town centre is that permission should be granted.

\_\_\_\_\_ (052912FP.MP)

**1.0 Background:**

- 1.1 The application site is shown on the attached OS extract.
- 1.2 This application seeks planning permission for the change of use of the existing ground floor of Sworders Court to partial A2 and B1 use. The premises are currently occupied by an A1 retailer – a bed store and a smaller toy shop element. The premises are part of a larger three storey building which forms part of a cul-de-sac/yard of other various uses – which are all non-retail. The yard is accessed via a narrow arched access off the retail area of North Street which links to the wider retail area of the Corn Exchange area and beyond to Potter Street and Jackson Square.

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### **2.0 Site History:**

2.1 There is no planning history relevant to this application.

### **3.0 Consultation Responses:**

3.1 Hertfordshire County Highways comment that they do not wish to restrict the grant of planning permission. The Highways Officer comments that the proposed development will not result in a demonstrable detrimental impact upon highway safety or capacity. The property is located in a sustainable location close to public transport facilities and public car parking. Taking into account the existing and surrounding traffic uses, traffic generation is unlikely to change significantly as a result of the development.

3.2 The Conservation Officer recommends that planning permission be granted. The Officer comments that the proposed internal works which include the insertion of partitions and an accessible toilet would have no impact on the internal integrity of the building. The alterations to the shop front would have little or no impact on the existing character and appearance of the immediate and wider Conservation Area.

### **4.0 Town Council Representations:**

4.1 Bishop's Stortford Town Council has no objection to the application.

### **5.0 Other Representations:**

5.1 The application has been advertised by way of press notice, site notice and neighbour notification. No letters of representation have been received.

### **6.0 Policy:**

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

- SD2 Settlement Hierarchy
- STC3 Secondary Shopping Frontages
- ENV1 Design and Environmental Quality
- BH5 Extensions and Alterations to Unlisted Buildings in Conservation Areas

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6.2 The National Planning Policy Framework (NPPF) March 2012 is also of relevance to the determination of the application.

#### **7.0 Considerations:**

7.1 The main planning considerations in respect of this application relate to the principle of development; the appropriateness of the development within the shopping frontage; character and appearance matters and the impact on highway safety and neighbour amenity.

#### The principle of development and shopping frontage

7.2 The premises are located within the built up area of Bishop's Stortford where, in principle, there is no objection to development. The main planning considerations relate to the acceptability of the change of use of the premises in terms of shopping frontage policy.

7.3 The site is located within the secondary shopping frontage of Bishop's Stortford wherein Local Plan policy STC3 applies. The designation of secondary (and primary) shopping frontages is supported in paragraph 23 of the NPPF.

7.4 The proposal involves the change of the existing A1 shop to an A2 use. Policy STC3 sets out that proposals for development or change of use falling within the A2 use class will be permitted provided that this would not result in an excessive concentration of non-shop uses within the shopping frontage.

7.5 The supporting text to policy STC3 sets out that, as a general guideline to Secondary Frontages, proposals that result in fewer than 50% of ground floor premises, in a continuous frontage being in shop use, would not be favoured. However, 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.

7.6 As set out above, this unit is the only retail shop within Sworders Yard and the proposal would therefore result in a concentration of non-shop uses in this area. The proposed development is therefore contrary to policy STC3 of the Local Plan.

7.7 However, given that the application site is the only A1 shop within Sworders yard, Officers consider that the proposed change of use from A1 shop to A2 use would not impact on the continuity of the shopping frontage within the immediate locality. This has, to some extent, been

recognised by the applicant, and supporting information is provided by a planning consultant and a local estate agent. The supporting letter from the estate agent does helpfully set out a number of material considerations weighing in favour of the development proposal.

- 7.8 The estate agents letter sets out that the siting of the unit for retail purposes, in terms of trade is poor. The visibility of the unit from the principle thoroughfare of North Street is poor owing to its recessed façade, its setting and the obstructed views from parking within the yard. Furthermore, loading of products into the premises is extremely limited and the depth of the unit in relation to its frontage limits the potential for its subdivision. The site is described by the estate agent as a poor secondary or indeed tertiary trading pitch.
- 7.9 The estate agent sets out their experience in relation to the local retail market and comment that the demand from A1 retailers is extremely weak – supply of retail units is said to be increasing owing to the very challenging trading environment and companies going into liquidation.
- 7.10 The estate agent also comments that other uses have been considered but would not necessarily be viable. For example an A3 user would have difficulties providing appropriate extraction equipment owing to the siting and nature of the site and the limited space for outdoor seating would be unattractive.
- 7.11 The estate agent comments that marketing has not been undertaken but some ‘discreet’ enquires have been made which have not resulted in any significant response.
- 7.12 Whilst Officers are mindful of the requirements of policy STC3, it is considered that having regard to the comments from the applicant, the provision of an A2 use will not be significantly harmful in this case. Officers are further mindful of the character of this particular part of the town centre and its relationship with North Street. The premises are located within an area which does not intimately relate to the main shopping area of North Street. Access, visibility and permeability to this unit is poor and it is surrounded by a number of other non-shop uses.
- 7.13 Having regard to those considerations, Officers do not consider that the use of the premises for A2 purposes would impact significantly on the vitality and viability of this part of the town centre and would not conflict with the overarching requirements of policy STC3.
- 7.14 The proposed development does involve the provision of B1 office space further within the building – however this space is not directly juxtaposed with the shopping frontage and is not therefore required to be considered

against shopping frontage policy.

Character and appearance

- 7.15 This proposal involves very modest alterations to the fenestration at ground floor level and Officers consider that this would not result in significant harm to the character or appearance of the building or wider Conservation Area.

Neighbour amenity

- 7.16 The nature of the proposed development and its relationship with predominantly other non-residential properties is such that there would not, in Officers opinion, be significant harm to residential amenity.

Highway/parking

- 7.17 Having regard to the comments from the Highways Officer, it is considered that the proposed use would not result in significant harm to highway safety or capacity.
- 7.18 The existing use does not benefit from any parking provision but the site is located within the town centre with access to sustainable methods of transport and public parking. The provision of nil parking for this development proposal is therefore considered to be acceptable.

**8.0 Conclusion:**

- 8.1 Whilst the development is recognised to provide a use within the shopping frontage which is contrary to policy STC3 of the Local Plan, the provision of a further non-shop use within this particular part of the town centre, is not considered to result in significant harm to the vitality or viability of the town centre. Furthermore, the proposed uses would not result in significant harm to the character or appearance of the building, wider Conservation Area, neighbour amenity or highway safety.
- 8.2 In accordance with the above considerations, it is therefore recommended that planning permission is granted.