

**5g 3/12/0922/FP – Change of use to community youth cafe (D2) with coffee shop facility for local shoppers and businesses (A3), and new shopfront at 76 South Street, Bishop’s Stortford, CM23 3AZ for Bishop’s Stortford Community Church**

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**Date of Receipt:** 29.05.2012

**Type:** Full – Minor

**Parish:** BISHOP’S STORTFORD

**Ward:** BISHOP’S STORTFORD – CENTRAL

**RECOMMENDATION:**

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

1. Three Year Time Limit (1T12)
2. Approved Plans (2E10) - Insert 2568-03 and 2568-04.
3. Prior to any building works being first commenced, detailed drawings of the replacement shopfront including a section of the glazing and frame and the colour of the frame shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the development shall accord with the approved details.

**Reason:** In the interest of the appearance of the development in accordance with policies ENV1, BH5 and BH14 of the East Herts Local Plan Second Review April 2007.

**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 the saved policies of the East Herts Local Plan Second Review April 2007, and in particular policies TR7, STC3, ENV1, BH5 and BH14) 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 this part of South Street or the town centre as a whole is that permission should be granted.

\_\_\_\_\_ (092212FP.EA)

**1.0 Background:**

- 1.1 The application site is shown on the attached OS extract. It is located on the corner of South Street and Newtown Road, and has frontages on both streets. The application site was last in a retail use (use class A1),

although the premises are currently vacant. The application proposes a change of use to a community youth cafe (use class D2) with coffee shop facility (use class A3), and a new shopfront.

- 1.2 The applicant has stated in their submissions that the proposed development of this site by Bishops Stortford Community Church is to convert this existing vacant unit into a community youth cafe, which would provide a new social facility to local youth within the area and provide a new coffee shop facility for local shoppers and businesses. They comment that teas, coffees and soft drinks will be available along with other hot and cold snacks prepared in microwaves and toasters or similar types of equipment. No cooking of main meals, etc. is proposed within the unit.
- 1.3 The application site is located within a Secondary Shopping Frontage, as designated in the Local Plan, and also within the Bishop's Stortford Conservation Area.

## **2.0 Site History:**

- 2.1 There is no relevant planning history.

## **3.0 Consultation Responses:**

- 3.1 County Highways have commented that the proposal has no highway implications.
- 3.2 The Conservation Officer has commented that the proposed new shopfront is considered to be acceptable in principle. However due to its prominent location, more detail regarding the colour of the aluminium frame and thickness of the proposed 'energy efficient glass' is required, for further consideration through condition. In summary they comment that the proposed works would have little or no impact on the existing character of the conservation area, subject to further details being submitted as part of a condition, and they therefore recommend approval of the application.

## **4.0 Town Council Representations:**

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

## **5.0 Other Representations:**

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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:

TR7	Car Parking-Standards
STC3	Secondary Shopping Frontage
ENV1	Design and Environmental Quality
BH5	Extensions or alterations to unlisted buildings in Conservation Areas
BH14	Shop fronts in Conservation Areas

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

#### **7.0 Considerations:**

7.1 The determining issues in relation to the consideration of this application are as follows:

- The principle of the development and the impact on the vitality and viability of the town centre;
- Impact on neighbour amenity;
- Highways considerations; and
- The impact on the character and appearance of the building, streetscene and Conservation Area.

#### Principle of Development

7.2 The application site lies within the Secondary Shopping Frontage, wherein Policy STC3 of the Local Plan states that proposals for development or changes of use falling within A1, A2, A3, A4, A5, C1, D1 and D2 will be permitted provided that this would not result in an excessive concentration of non-shop uses. The application site has most recently been in an A1 use, and the frontage within which the application site is located comprises of a further 7 units, of which three are in A1 use, one in A2 use, one in A3 use and two in D1 use. The proposed change of use to a mixed D1/A3 use would result in less than 50% of the premises in this shopping frontage being in a shop use, and

would therefore result in an excessive concentration of non-shop uses. The proposal is therefore contrary to Policy STC3.

- 7.3 The preamble to Policy STC3 states that the District Council wishes to maintain a strong shopping presence within its larger centres, for the viability of businesses and the convenience of shoppers who rely on them. However, it states that there is a complementary role to be played by non-shopping activities and many other uses – such as professional and financial services, restaurants and public houses and even medical services. These are recognised as essential to the vitality and viability of town centres and as a focus of community and social activities. It goes on to state that as a general guideline to shopping sustainability in Secondary Frontages, proposals that result in fewer than 50% of ground floor premises, in a continuous frontage in shop use, would not be favoured. Furthermore, it states that in any event, 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.
- 7.4 Firstly it should be noted that even if the application site remained in an A1 use, there would still be an excessive concentration of non-shop uses within this shopping frontage. Within the area surrounding the application site however, there is a mixture of A1 and A3 uses which compliment the range of facilities within the area. The proposed mixed D1/A3 use will in Officers opinion result in an increase in footfall in this part of the town centre, which in turn would enhance the vitality of the town centre. The unit is currently vacant, and the nature of the proposed uses are such that they would encourage a number of people to visit the unit and this part of South Street. Furthermore, it is proposed to retain the glazed shopfront and the unit would therefore retain the appearance of a retail unit. Having regard to the above considerations, it is the opinion of Officers that the proposed change of use would not have a harmful effect on the balance of retail provision in this part of the town centre and there are therefore reasons in this case to allow a departure from the Local Plan policy.

#### Impact on neighbour amenity

- 7.5 Within the area surrounding the application site, there are a mixture of commercial and residential properties. The submitted application form does not indicate the proposed hours of opening, but having regard to the youth cafe element of the proposal it may be that unit is open into the evening hours. However, taking into account the size of the unit, and the proximity of other uses which are open into the evening i.e. restaurant, takeaways and public houses, it is considered that the

proposed use would not in the opinion of Officers, result in any significant increase in noise and disturbance which would be harmful to the amenities of nearby residential properties or warrant refusal of the application.

#### Highways Considerations

- 7.6 County Highways have commented that they do not wish to restrict the grant of planning permission as the proposed change of use has no highways implications. It is noted that there are no parking facilities within the application site. Taking into account the town centre location of the site however, and its proximity to public transport provision and public car parks, it is considered that in this case the lack of parking provision is acceptable and would not result in any unacceptable highway impact.

#### Impact on the character and appearance of the building, streetscene and Conservation Area

- 7.7 The application proposes the removal of the existing timber shopfront and its replacement with an aluminium shopfront. The proportions of the shopfront are proposed to be similar to the existing shopfront, and the extent of glazing would remain the same. Furthermore, the recessed entrance would also be retained.
- 7.8 The Conservation Officer has commented that South Street forms a gateway from the station and part of the approach to the mixed use/retail zone of Bishop's Stortford. The character of this area is considered to make a positive contribution to the Conservation Area. The application site, which is a corner building, is located on the busy pedestrian and vehicular junction of Station Road, South Street and Newtown Road. They commented further that the proposed new shopfront is considered to be acceptable in principle. However due to its prominent location, more detail regarding the colour of the aluminium frame and thickness of the proposed 'energy efficient glass' is required. This information should be sought through a condition of any permission granted. The Officer concludes that, subject to the recommended condition, the proposed works would have little or no impact on the existing character of the Conservation Area
- 7.9 Whilst the loss of a timber shopfront is regrettable, particularly in the Conservation Area, it is considered that an aluminium shopfront would not be out of keeping within the surrounding area, and the scale, proportions and character of the proposed shopfront would be sympathetic to the streetscene. Having regard to the above

considerations and the comments of the Conservation Officer, it is considered that the proposed alterations to the building would not be harmful to the character and appearance of the building, the streetscene or the Conservation Area, and the proposal would comply with policies ENV1, BH5 and BH14 of the Local Plan.

**8.0 Conclusion:**

- 8.1 It is considered that the proposed change of use from A1 to a mixed D1/A3 use is acceptable in this instance and would not be detrimental to the vitality and viability of this part of South Street or the town centre as a whole. It is considered that there are circumstances in this case to allow permission to be granted contrary to Policy STC3 of the Local Plan. Furthermore, it is considered that the proposed alterations to the shopfront are acceptable and would not be harmful to the character and appearance of the building or the streetscene and would preserve the character and appearance of the Conservation Area. It is therefore recommended that planning permission is granted.