

**5k 3/10/1686/FP – Change of use of ground floor from betting shop (A2 use) to nail bar (sui generis) at 3a Bull Plain, Hertford, SG14 1DT for Mr. Binh Thanh Duong.**

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**Date of Receipt:** 23.09.2010

**Type:** Full – Other

**Parish:** HERTFORD

**Ward:** HERTFORD CASTLE

**RECOMMENDATION**

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

1. Three year time limit (1T12)

**Directive:**

1. Other legislation (01OL)

**Summary of Reasons for Decision**

The proposal has been considered with regard to the policies of the Development Plan (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 SD2, TR7, STC3 and ENV1. The balance of the considerations having regard to those policies is that permission should be granted.

\_\_\_\_\_ (168610FP.HI)

**1.0 Background**

- 1.1 The application site is shown on the attached OS extract and comprises a ground floor betting shop (A2 use) in a Secondary Shopping Frontage in Hertford town centre. The building forms part of a three storey terrace in Bull Plain, characterised by a mix of uses at ground floor level and frontage on-street parking. The unit is currently vacant and the upper floors will continue to be used as storage in connection with the ground floor unit.
- 1.2 This application proposes to change the use of the ground floor of the building to a nail bar (a sui generis use). No external alterations are proposed and the applicant is aware that separate consent may be required to display advertisements.

## **3/10/1686/FP**

### **2.0 Site History**

|              |  |   |
|--------------|--|---|
| 3/04/1961/AD | Projecting sign.                                 | Approved with Conditions<br>29-Oct-2004 |
| 3/87/1395/FP | Change of use from shop to<br>employment agency. | Approved with Conditions<br>14-Oct-1987 |
| 3/85/0823/FP | New shopfront                                    | Approved with Conditions<br>19-Aug-1985 |

### **3.0 Consultation Responses**

- 3.1 Environmental Health recommend consent subject to a condition on construction hours of working.
- 3.2 At the time of writing this report no response had been received from County Highways.

### **4.0 Town Council Representations**

- 4.1 Hertford Town Council make no comment.

### **5.0 Other Representations**

- 5.1 The application has been advertised by way of press notice, site notice and neighbour notification.
- 5.2 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:-

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

- 6.2 In addition to the above it is considered that Planning Policy Statement 1, (Delivering Sustainable Development) and Planning Policy Statement 4 (Planning for Sustainable Economic Growth) are considerations in determining this application.

## **7.0 Considerations**

### **Principle of Development**

- 7.1 The application site lies within the Secondary Shopping Frontage of Hertford wherein the proposed change of use to a nail bar (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 use classes A1, A2, A3, A4, A5, C1, D1 and D2 will be permitted provided 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) and does not fall within one of the specified uses outlined in the policy, it therefore represents a departure from policy.
- 7.2 The principle aim of policy STC3 is to avoid excessive concentrations of non-shop uses in order to maintain a strong shopping presence within the town centres for the viability of businesses and the convenience of shoppers. However in this case there is no associated loss of retail use because the unit was granted planning permission to change from A1 to A2 use back in 1987. The main issue to consider is therefore the impact of the proposed use on the town centre.

### **Impact on Town Centre**

- 7.3 The site lies in a mixed frontage comprising retail, commercial and food/drink uses. There are no other nail bars in the immediate vicinity, and therefore no concentration of such uses would arise. The preamble to policy STC3 acknowledges that there is a complementary role to be played by non-shopping activities and this contributes to the vitality and viability of town centres. Paragraph 7.1.3 states that one of the aims and objectives for shopping and town centres is “to promote the development of town centres as diverse, multi-functional areas which are a focus for the community, by encouraging mixed-use developments incorporating a range of functions and services and meeting the accessibility needs of the whole community.” The nail bar use is a town centre use of similar character to other non-retail uses permitted in a Secondary Shopping Frontage. It is therefore my Officer view that this proposal meets this objective and represents an appropriate use in a Secondary Shopping Frontage.
- 7.4 The proposal is also considered to comply with Government policy PPS4 in providing a service and choice for consumers in the town centre, thereby supporting economic development. It is therefore considered that no harm would arise to the character of function of this part of town, nor will the proposal have a harmful effect on the vitality and viability of Bull Plain or the town centre of Hertford. No external alterations are proposed; an active shopfront will be retained.

### **Neighbouring Amenity**

- 7.5 In looking at the impact of the proposal on the amenities of nearby residential occupiers, it is not considered that the level of activity will differ significantly to that of the established A2 use. Although the opening hours are indicated on the application form as 'unknown', it is not considered reasonable or necessary to restrict the opening hours in this case. It is noted that Environmental Health have recommended a condition to restrict construction hours of working, but this is not relevant because no construction works are proposed.

### **Parking and Highway Safety**

- 7.6 The site is located in the town centre where parking would not normally be expected for a development of this scale, and it is not considered that the proposed nail bar would generate more traffic than the existing A2 use. There is on-street parking in front of the unit and convenient access to public transport networks. At the time of writing this report no response had been received from County Highways; however it is not anticipated that any issues would arise with regards to parking or highway safety.

## **8.0 Conclusion**

- 8.1 In summary, it is considered that the proposed change of use from a betting office (A2) to a nail bar (sui generis) is acceptable and would not be detrimental to the vitality or viability of the town centre. Further it would not create such a level of activity that would be harmful to the amenities of nearby residential occupiers.
- 8.2 A departure from the wording of policy STC3 is therefore considered to be acceptable in this case and the application is recommended for approval.