

- 5i **3/10/1773/FP- Change of use of ground and part of first floor from retail (A1) to wine bar (A4). Conversion of first floor to 5 no. 2-bedroom flats and use of second floor for 1 no. 2-bedroom manager's flat and 1 no. 2-bedroom flat for staff accommodation. Insertion of new windows and rooflights and canopy over rear access door to flats and modifications to Market Square elevation to include insertion of new doorway with canopy above and ground floor windows at 16, Market Square, Bishops Stortford for McMullen and Sons.**
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Date of Receipt: 26.10.2010

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 (1T121)
2. Approved Plans (2E102)
3. Following completion of the building operations for which consent is hereby granted, all 'making good' of the existing building shall be carried out in materials which closely match those used in the existing building to the satisfaction of the Local Planning Authority.

Reason: To ensure the character and appearance of the building is properly maintained, in accordance with Policy ENV1 of the East Herts Local Plan Second Review April 2007.

Directive:

1. Street Naming and Numbering (19SN4)

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 HSG1, HSG7, ENV1, BH5, BH6, ST2, TR7 and PPS 5: Planning for the Historic Environment. The balance of the considerations having regard to those policies is that permission should be granted.

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1.0 Background

- 1.1 The application site is shown on the attached OS extract.
- 1.2 The site is located within the town centre and the Conservation Area of Bishop's Stortford.
- 1.3 Nos. 16 and 18 Market Square comprise a 2-3 storey building that fronts onto both Potter Street and Market Square. The ground floor of Nos. 16 and 18 was previously occupied by Clement Joscelyne, a retailer. The Planning Statement that has been submitted in support of the current application explains that, following a downturn in business and the 're-positioning' of the company in the market, the current retailer has down sized their Bishop's Stortford store which now continues to occupy the eastern section of the building, which fronts onto Potter Street.
- 1.4 The remaining part of the building, which is set back from the Potter Street frontage is the subject of the current application. The proposal is for the change of use of the ground and part of the first floor from retail (A1) to a drinking establishment (A4). A residential conversion is also proposed of the first floor to 5 no. 2 bedroom flats and the second floor is proposed to be used for 1 no. 2/3 bedroom manager's flat and 1 no. 2-bedroom flat for staff accommodation.
- 1.5 The operational development that is proposed involves the insertion of two new entrance doors within the ground floor north facing elevation, additional and replacement windows within the north, south and eastern elevations, new decking and railing to part of the northern elevation and a new canopy above the main entrance door.

2.0 Site History

- 2.1 The recent planning applications that have been submitted for this site have been in relation to alterations to the signage and frontage of the retail unit.
- 2.2 There is no further planning history that is relevant in this case.

3.0 Consultation Responses

- 3.1 County Highways do not wish to restrict the grant of permission and comment that the site is a sustainable location close to public transport and that the approval of this application would not have a significant impact or be detrimental to highway safety.

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3.2 The Conservation Officer has recommended approval of the application and has commented that the external works are considered to have little or no impact on the historic and architectural character and appearance of the neighbouring Listed Buildings and Conservation Area.

3.3 At the time of writing this report, no comments have been received from the Environmental Health section. However, any comments subsequently received will be reported at the committee meeting.

4.0 Town Council Representations

4.1 Bishop's Stortford Town Council has no objection although states that the loss of a retail unit is regretted.

5.0 Other Representations

5.1 The applications have been advertised by way of a 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:-

ENV1	Design and Environmental Quality
STC2	Primary Shopping Frontages
HSG1	Assessment of Sites not Allocated in This Plan
HSG7	Replacement Dwellings and Infill Housing Development
TR7	Car Parking Standards
BH5	Extensions and Alternations to Unlisted buildings in Conservation Areas
BH6	New Developments in Conservation Areas

6.2 In addition, the following National policy guidance is relevant:-

Planning Policy Guidance 1: Delivering Sustainable Development
Planning Policy Statement 4: Planning for Sustainable Economic Growth
Planning Policy Statement 5: Planning for the Historic Environment.

7.0 Considerations

7.1 The site is located within Bishop's Stortford's Primary Shopping Frontage. Policy STC2 states that within Primary Shopping Frontages proposals for

changes of use from shop (A1) use to non-shop (non-A1) uses will not be permitted. A determining consideration for the proposal is therefore whether there are other material considerations which justify the change of use that is proposed and a departure from Policy STC2 of the Local Plan. In addition to this consideration Members must determine whether the proposed residential uses of the 1st and 2nd floors of the building is acceptable and whether the operational developments that are proposed would be appropriate to the character and appearance of the existing building and that of the surrounding Conservation Area.

Change of use from A1 (retail) to A4 (drinking establishment)

- 7.2 The pre-amble to Policy STC2 states that the Council wishes to maintain a strong shopping presence within its larger centres for the viability of business and the convenience of shoppers who rely on them. However, there is a complementary role to be played by non-shopping activities such as financial services, restaurants and public houses. These are recognised as essential to the vitality and viability of town centres and as a focus of community and social activities.
- 7.3 The Primary Shopping Frontage extends from south to north up Potter Street and concludes at No 14 Market Square, which is the immediate neighbouring building to the north of the application site. The remaining parts of Market Square are designated within a Secondary Shopping Frontage as well as the corn exchange building. However, the Primary Shopping Frontage does continue to the north of the site and into Market Street and North Street.
- 7.4 A report has been submitted in support of the application which considers the vitality of the Bishop's Stortford retail sector. This report forms a different conclusion as to where the prime and secondary retail areas are within the town centre to those areas that are designated as Primary and Secondary Shopping Frontages within the Local Plan. The report argues that the prime area is exclusive to a 100 metre linear run from 1 South Street to 5 Potter Street (WHSmith to the entrance of Jackson Square shopping centre) to the East and from 24 South Street to 4 South Street to the west (the Early Learning Centre to the Orange Mobile Home shop). The secondary retail area is argued to be between 1 South Street and 17 South Street to the east (WHSmith and Laura Ashley) and between 2c South Street to 20 Potter Street (Greggs and Santander). The report states that no recognised chain retail store will occupy a unit that is outside of these areas, which includes the application site.
- 7.5 The retail report states that not only is the location of the site undesirable for retailers but that the irregular shape of the unit and the split level makes it

unsuitable for a retail use. It is contended that Market Square is under utilised and that the proposed use would revitalise this area and enable it to be reclaimed for a more permanent public area.

- 7.6 Whilst Officers support the current designation of Primary and Secondary shopping frontages within the Local Plan, it is accepted that this particular unit has an unusual siting which is likely to be less successful in attracting retailers compared to other sites within the Primary Shopping Frontages of Bishop's Stortford. The unit in question is set back from the Potter Street frontage which is where the majority of retail use is concentrated within this part of the Primary Shopping Frontage and instead fronts onto Market Square. The adjacent unit, No.14 has had an established restaurant (A3) use since approximately 1991 and currently benefits from an outdoor seating area. Officers consider that the unit which is the subject of this application better relates to the uses to the north of the site and within Market Square than to the retail uses within Potter Street. Having regard to the siting of the unit; its internal configuration; its frontage onto Market Square and the evidence that is given within the retail study that has been submitted, Officers consider that the proposed A4 use is likely to preserve the vitality and viability of the town centre as a whole; would be compatible with the adjacent A3 use and would enable a greater use of Market Square itself, thus increasing the vitality of this part of the centre.
- 7.7 The retail report which has been submitted classifies the existing retail use as 'comparison' which refers to retail uses including those for clothing, electrical, furniture, jewellers, toys and book shops. The report states that 'comparison' retailers represent 44% of the total retail and service units within Bishop's Stortford which is 6% above the national average of 38%. Further data is given within the report, which is derived from the 'Local Data Co Ltd' which shows that 3.54 % of the retail and leisure sectors comprises of bars, pubs and clubs, which is below the national average of 5.33%. This report therefore suggests that Bishop's Stortford's town centre currently benefits from a higher than average provision of comparison retail units and a lower than average provision of bars, pubs and clubs. Based upon these figures and the circumstances of the site in terms of its siting and internal configuration, Officers consider that the proposed use would not jeopardise the Council aims, as outlined within Policy STC2, to maintain a strong shopping presence within the town centre and instead consider that the proposed use could play a complementary role to the surrounding retail uses to the north east and south of the site and the non-retail uses to the north west of the site.
- 7.8 The Planning Statement that has been submitted in support of the application has considered the data that is available within the Council's recent Annual Monitoring Reviews. This Statement highlights that, despite

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Bishop's Stortford being the largest town within the District and benefiting from the largest number of retail units within its Primary Shopping Frontages, the number of A3, A4 and A5 uses within the Primary Frontages is the smallest when compared to the other towns within the District. The current Annual Monitoring Review (2009/2010) as well as the previous reviews of 2008/2009 and 2007/2008 are consistent with these findings. The data within these recent Annual Monitoring Reviews supports the assertion that is made within the retail report that has been submitted that Bishop's Stortford appears to benefit from a higher than average number of retail units and a lower than average provision for bars, pubs and clubs.

- 7.9 In forming a recommendation for the current application for the change of use, Officers have had regard to the recent decision that was made by Members of the Development Control Committee in relation to No. 16 North Street (Ipa. reference 3/10/1742/FP). The application made at that site was for the change of use from retail (A1) to restaurant (A3). No. 16 North Street is also situated within a Primary Shopping Frontage which currently appears to comprise of 53% retail units. Members will recall that they supported the proposed change of use, contrary to Policy STC2 and granted planning permission. When compared to No.16 North Street, the current application site is situated within a less desirable position on the edge of the Primary Shopping Frontage and is set back from Potter Street. Furthermore, the applicant has demonstrated an additional material consideration which hinders the ability to find a retailer for this unit i.e. the internal configuration of the building. The application site is situated within a part of the Primary Shopping Frontage which currently appears to comprise of 83% retail units (taking into account the units to the north of the site up to Bridge Street and those to the south of the site up to Church Street that are within the Primary Shopping Frontage). Despite the proposed change of use the surrounding Primary Shopping Frontage would therefore maintain a strong and majority retail presence.
- 7.10 As in the case of No. 16 North Street it is important for Members to note that an existing retail unit which is occupied by Clement Jocelyn, would be retained within the front section of the Nos. 16-18 Market Square, which would retain a frontage onto Potter Street and therefore, whilst floor space that was previously used for retail purposes would be lost, the proposal would not result in the loss of an existing retail unit.
- 7.11 Having regard to the evidence that has been submitted by the applicant, the findings of the 2009/2010 Annual Monitoring Review, the circumstances of this particular site (i.e. its set back from Potter Street and its split level internal configuration) and the Council's decision to grant planning permission for a change of use at No. 16 North Street, Officers consider that the proposed change of use is justified. It is considered that this

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particular unit relates better to the non-retail uses within Market Square than those within the Primary Shopping Frontages to the south and east of the site which, together with the other circumstances that have been discussed would be likely to result in difficulties in achieving a retail use for this unit. Officers consider that the proposed change of use to A4 would not be detrimental to the Council's aims as outlined within Policy STC2 to maintain a strong shopping presence within the town centre but consider that the proposed use could result in increased footfall to this area and contribute to the vitality of Bishop's Stortford's town centre.

Residential Development

- 7.12 The site is located within the built up area of Bishop's Stortford where there is no objection in principle to new residential uses. The Planning Statement that has been submitted states that the applicants are experienced in providing residential accommodation above A3 and A4 uses and ensure that such properties are well insulated and have a safe and secure access.
- 7.13 The provision of 1 parking space for each flat is proposed to be made within the existing rear storage yard. Having regard to the town centre location of the site and the maximum parking standards that are outlined with Appendix II of the Local Plan, Officers consider this provision to be acceptable.
- 7.14 Officers have no objection to the proposed residential uses and consider that this part of the proposal complies with the relevant policies of the Local Plan.

Operational Development

- 7.15 The operational development that is proposed involves the insertion of two new entrance doors within the ground floor north facing elevation, additional and replacement windows within the north, south and eastern elevations, new decking and railing to part of the northern elevation and a new canopy above the main entrance door.
- 7.16 Officers consider that the proposed alterations to the building are acceptable and, in accordance with the aims of policies BH5 and BH6, would not be detrimental to the character and appearance of the Conservation Area.
- 7.17 The extent of the area of decking that is proposed to the front of the building is currently unclear from the plans that have been submitted and therefore Officers have requested that further plans are provided to clarify this part of the proposal. Officers will ensure that any additional plans that are received are available to view prior to the commencement of the Committee meeting.

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It should also be noted that the use of the land to the front of the site, within the Square itself, for outdoor seating does not form part of the current proposal.

8.0 Conclusion

- 8.1 The proposed development would result in the change of use of a unit that was last used for retail to a non-retail, A4 use. However, Officers consider that other material considerations exist in this case which justify the change of use that is proposed and is a departure from Policy STC2 of the Local Plan. These material considerations relate to the specific circumstances of this site, the data that is available in relation to retail provision within Bishop's Stortford and the Council's decision to grant planning permission for a change of use at No. 16 North Street.
- 8.2 The proposed residential units and the operational development that is proposed are considered to be acceptable and accord with the aims of the policies within the Development Plan.
- 8.3 Having regard to the above considerations, it is recommended that planning permission is granted subject to the conditions at the head of this report.