

**3/09/1015/FP Retrospective change of use from retail shop (A1) to beauty salon (sui generis) at 46 Bell Street, Sawbridgeworth for Chappell Estates Ltd**

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**Date of Receipt:** 06.07.2009

**Type:** Full

**Parish:** SAWBRIDGEWORTH

**Ward:** SAWBRIDGEWORTH

**RECOMMENDATION**

That planning permission be **GRANTED**.

1. 01OL1 – 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, STC4, TR7 and ENV1. The balance of the considerations having regard to those policies and that the proposed change of use would not have a harmful effect on the vitality and viability of the town centre, is that permission should be granted.

\_\_\_\_\_ (101509FP.MP)

**1.0 Background**

- 1.1 The application site is located within the built-up area of Sawbridgeworth as shown on the attached OS extract.
- 1.2 The application property is situated on the ground floor of a two storey building sited within the town centre of Sawbridgeworth. The development consists of a reception and sales area occupying the front of the premises, 3 treatment rooms, a sun bed and a spray tan and sauna room.
- 1.3 A retrospective application for advertisement consent under LPA reference 3/09/1016/AD was submitted at a similar time of this application. Advertisement consent was granted on 24<sup>th</sup> August 2009 for the fascia signs on the front and side elevation of the building, but the sales board sign was refused consent due to the sign being unduly prominent and out of keeping in the streetscene.

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### **2.0 Site History**

2.1 The history of the site is as follows:-

- 3/86/1566/FP Change of use of part of ground floor plus first floor to offices and external alterations (Approved with conditions);
- 3/89/1297/FP Change of use from retail shop to part retail shop and part office (Approved with conditions);
- 3/90/0949/FP Change of use from supermarket to Wine Bar (Approved with conditions).

### **3.0 Consultation Responses**

3.1 No consultation responses received.

### **4.0 Town Council Representations**

4.1 Sawbridgeworth Town Council have no objection to the application.

### **5.0 Other Representations**

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

5.2 Cllr Beeching has commented that he wishes to support the application, as the previous use was very similar and the loss of an active business would be a shame in a town centre which is suffering from a loss of footfall. Cllr Beeching also comments that the sign is the same size as the previous sign and although the wording and colours have changed this suits the owners purposes.

5.3 One letter in support of the application has been received which comments that the loss of a further shop within Sawbridgeworth would not be beneficial to the town centre.

### **6.0 Policy**

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

- SD2 Settlement Hierarchy
- STC4 Shopping Frontages – Smaller Centres

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 neighbouring 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 Shopping Frontages for smaller centres wherein the change of use from A1 to beauty salon (sui generis) would form a departure of Policy STC4 of the Local Plan. Policy STC4 states that proposals for development or change of use falling within A1, A2, A3, A4, A5, C1, D1 and D2 uses will be encouraged. The policy also states that where there is a proposal for a change of use for A1 to non A1, this will not be permitted where it would 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 STC4 states that the District Council will consider proposals for a change of use within the smaller centre in a similar way to Secondary Shopping Frontages. The thrust of Policy STC4 (and that of the secondary shopping policy – STC3), is to maintain a strong shopping presence within town centres, for the viability of businesses and the convenience of shoppers who rely on them. It is recognised within the preamble to the aforementioned policies 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 that in this case it is necessary to consider whether a departure from policy would result in an excessive concentration of non-shop uses within this part of Bell Street which would be detrimental to the vitality and viability of the town centre.

- 7.4 From the letter from Cllr Beeching it is understood that the previous use was similar to that now in place at Number 46 Bell Street (although the details of that previous use are not available for Officers to consider). Furthermore, Bell Street is characterised by a mixture of uses, including residential, commercial and retail. However, it is understood that the Town Centre has suffered from a loss of footfall as a result of the closure of some shops.
- 7.5 It is considered that a beauty saloon use is one which would attract people to the town centre, to use the services available there. The frontage of the salon retains the existing glazed shopping frontage, and would therefore maintain the appearance of a retail unit. Although the beauty salon use cannot technically be considered as an A1 use, it will in effect, appear and operate to a degree, as a shop use which will not detrimentally impact upon the footfall of the town centre. It is considered therefore that the change of use would not have a harmful effect on the vitality and viability of the town centre.

#### Neighbour amenity

- 7.6 The impact on the amenities of nearby residential properties is also a consideration, given the presence of residential units within the vicinity. However, officers consider that the level of activity of the proposed beauty salon would not be significantly different to an A1 retail use and would not create such levels of activity that would result in a detrimental impact on the amenities of nearby residential properties.

#### Impact on parking and highways safety

- 7.7 In terms of parking provision there is indicated to be no change from the previous use – that being no provision for parking. Given that this is an existing situation and, taking into account the sustainable location of the site and the proximity to a public car park, I do not consider that refusal of the application on parking grounds can be warranted.

### **8.0 Conclusion**

- 8.1 In summary, it is considered that the proposed change of use from A1 shop to beauty salon (sui generis) would be considered acceptable in this instance and would not be detrimental to the vitality or viability of the town centre.
- 8.2 The proposed beauty salon would not result in a significant impact on the amenities of nearby residential occupiers.

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- 8.3 It is therefore considered that there are circumstances in this case to allow permission to be granted contrary to Policy STC4 of the East Herts Local Plan, and it is recommended that permission be granted subject to the condition set out above.