

5j **3/11/0658/FP – Change of use from office to beauty salon at the annex to Pishiobury House, Pishiobury Drive, Sawbridgeworth, CM21 0AF for Miss Rebecca Wilson**

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**Date of Receipt:** 28.04.2011

**Type:** Full - Other

**Parish:** SAWBRIDGEWORTH

**Ward:** SAWBRIDGEWORTH

**RECOMMENDATION**

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

1. 3 year time limit (1T12)
2. Approved plans (2E10) (10579-S-001, 10579-P-001A)
3. Hours of use (5U08) – “9am to 6pm Monday to Saturday and at no time on Sundays or Bank Holidays”

**Directives**

1. Other Legislation (01OL)
2. The granting of this application does not convey any listed building consent or any indication that listed building consent will be granted. The approved use shall not commence until such time as listed building consent is granted.

**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 GBC1, ENV1, TR7 and PPS5: Planning for the Historic Environment. The balance of the considerations having regard to those policies and the limited impact that the proposal would have on the Metropolitan Green Belt 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.

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- 1.2 The site is located to the south of Sawbridgeworth and within the Metropolitan Green Belt. It is the annex to Pishiobury House and adjoins the south flank elevation of Pishiobury House, both of which are Grade II\* Listed Buildings and are sited at the end of Pishiobury Drive. The property was originally built as a country house, but both Pishiobury house and the annex are used as offices, following the grant of planning permission in 1986.
- 1.3 This application seeks planning permission to change the current B1 office use of the annex to a beauty salon which falls within the *sui-generis* category of the Use Classes Order. The proposal does not include any external alterations but proposes several internal alterations on the ground and first floors to accommodate its use as a beauty salon. On the ground floor, it is proposed to have a reception area, nail bar and kitchen and on the first floor it is proposed to incorporate three treatment rooms and a relaxation room.
- 1.2 It is noted that there are three car parking spaces to the east of the site exclusively for customers of the salon to use and car parking spaces for the staff to use in front of Pishiobury house which are also used by the employees working at Pishiobury House.

## **2.0 Site History**

- 2.1 There is an extensive planning history to the site, the following are the only applications relevant to the consideration of this application which can be briefly summarised as follows:

3/11/0749/LB	Internal alterations to the annex of Pishiobury House to accommodate its use as a beauty salon	Registered on the 25 <sup>th</sup> May 2011 and currently under consideration by the LPA
3/05/1244/FP and 3/05/1245/LB	Change of use of existing office building (the main building and the annex) to a single dwelling (unimplemented).	Approved with Conditions 08-Mar-2006
3/85/0468/FP	Change of use of Pishiobury House from child community home to offices (implemented).	Approved with Conditions 24-Jun-1986

### **3.0 Consultation Responses**

- 3.1 County Highways do not wish to restrict the grant of permission, and they have commented that there are no highway safety reasons to raise any objections. The Highways Authority further comment that the site is located at the end of a private roadway which is of adequate width and alignment and has a suitable junction with the public highway to adequately accommodate the traffic movements associated with the proposal. County Highways also consider that sufficient parking is available and that traffic generation created by the proposed use will not be significant when compared with the overall traffic movements along Pishiobury Drive. The Highways Authority does however question the sustainability of the location of proposal.
- 3.2 The Council's Conservation Officer does not object to the proposal and comments that taking into account the current use of the building as an office, the proposal would have little impact upon the setting of the listed building
- 3.3 English Heritage recommends that the application should be determined in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice.

### **4.0 Town Council Representations**

- 4.1 Sawbridgeworth Town Council objects to the application and comment that the proposal would be contrary to Policy EDE3 of the Local Plan. STTC would also like Officers to note that the private driveway leading to the property has a residents covenant regarding its maintenance and that there are no parking spaces for customers.

### **5.0 Other Representations**

- 5.1 The application has been advertised by way of press notice, site notice and neighbour notification.
- 5.2 Fourteen letters of objection have been received from residents within Pishiobury Drive which can be summarised as follows:-
- Will result in an increase in traffic along a private drive;
  - Inappropriate development within the Metropolitan Green Belt and no special circumstances have been put forward to justify a departure;

- Will cause disruption to resident's amenity in terms of noise and safety;
- Insufficient parking is available for customers and staff;
- An increase in people and traffic within the area will spoil the tranquil environment;
- Increased wear and tear to Pishiobury Drive;
- Will lead to heavy commercial vehicles using the Drive;
- Cars will be coming and going all day, unlike the current office use of the main house which sees cars coming and going once/twice a day and not on Saturdays;
- The proposal will set a precedent for similar future development.

A petition with 68 names and signatures objecting to the proposal has also been received.

## **6.0 Policy**

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

GBC1	Development within the Green Belt
GBC9	Adaption and re-use of Rural Buildings
TR7	Car Parking - Standards
ENV1	Design and Environmental Quality
EDE2	Loss of Employment Sites

In addition to the above it is considered that Planning Policy Statement 5: Planning for the Historic Environment forms a material consideration in the determination of this application.

## **7.0 Considerations**

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

- The principle of development within the Metropolitan Green Belt;
- The impact of the proposal on the setting of the Grade II\* Listed Building;
- The impact on the amenities of neighbouring residential occupiers;
- Highway safety and vehicle parking.

### Principle of development

7.2 The application site is located within the Metropolitan Green Belt as designated in the Local Plan. Policy GBC1 of the Local Plan sets out what constitutes appropriate development, and the change of use of the

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premises from an office to a beauty salon does not fall within any of these categories. Therefore, this proposal is considered to be contrary to Policy GBC1 of the Local Plan. However, Officers must consider whether there are other material considerations and special circumstances in this case that should be weighed against this in the determination of this application.

- 7.3 With regards to very special circumstances, it is important to note the use of the existing site as an office and also the use of the main dwelling, Pishiobury House which also has an office use across its three floors which was granted planning permission in 1986 under LPA reference 3/85/0468/FP and as such has been in situ for a period in excess of 25 years. It is Officers view therefore that the established use of the building as an office is a material planning consideration that represents a very special circumstance in this instance. Indeed, the use of this building as either offices or this sui-generis use is consistent with the Council's adopted policy on the adaptation and re-use of buildings in the Green Belt as set out in Policy GBC9 of the Local Plan.
- 7.4 Turning to the impact of the development on the character and openness of the Green Belt, it is considered, taking into account that the proposal does not involve any external alterations, that it would not result in a detrimental visual impact upon the character and appearance of the Metropolitan Green Belt and would not intrude into the openness of the Green Belt. Furthermore, taking into account the use of the existing site as commercial offices, it is Officers opinion that the proposal would not conflict with the purposes of including land in the Green Belt, or the character and appearance of the street scene.
- 7.5 Officers note that several third parties have raised concerns that the change of use of the premises from offices to a beauty salon would result in a loss of employment use, contrary to policy EDE2 of the Local Plan. Whilst Officers acknowledge that the proposal would result in the loss of an office use, the proposed beauty salon would still generate employment, with three full time employees. Therefore the proposed change of use would in officer's opinion comply with Policy EDE2 of the Local Plan.

#### Listed Building

- 7.6 The annex attached to Pishiobury House is Grade II\* Listed. Whilst the proposed internal alterations can only be considered within LPA reference 3/11/0749/LB which is currently under consultation, Officers can asses how the change of use of the annex to a beauty salon will impact upon the setting of this Grade II\* Listed Building. In accordance with the comments from English Heritage and the recommendation of

approval from the Council's Conservation Officer, Officers consider that the change of use of the building from offices to a beauty salon would preserve the setting of this and the adjacent listed buildings. The proposal is therefore considered to comply with PPS5: Planning for the Historic Environment.

Neighbour amenity

- 7.7 Turning to neighbour amenity, the comments and objections raised from the occupiers of the dwellings sited within Pishiobury Drive have been noted. However, taking into account the limited hours the proposed beauty salon would be open for (9am – 6pm Monday to Saturday) and that the nature of such a use means that it would not involve the use of noisy machinery or equipment, I do not consider that the proposed change of use would create an unacceptable impact upon neighbouring amenity from noise disturbance or similar to warrant refusal of the application. Indeed, it could be argued that any impact would be similar in nature to the current authorised office use. Furthermore, in the interests of the amenities of the occupants of nearby properties, it is recommended that a condition be added to the grant of permission to restrict the opening times and the hours of use of the salon, from 9am to 6pm Monday to Saturday and at no time on Sundays and Bank Holidays.

Parking and highway matters

- 7.8 In respect of traffic generation and parking provision, I am satisfied that the proposal would not result in a significant increase in traffic generation over the existing office use and that sufficient parking provision is available within the site to accommodate the levels of parking that would be associated with the use. I acknowledge the concerns of residents within Pishiobury Drive in respect of the potential increase in traffic movements along Pishiobury Drive and the lack of parking provision, but consideration also has to be given to the recommendation of approval from the Highways Authority. Whilst the proposal may increase the vehicle movements currently experienced by the offices at Pishiobury House and the annex, due to the limited size of the proposed beauty salon and also its limited opening hours, Officers do not consider that the increase in traffic movements along Pishiobury Drive would have such a harmful impact upon neighbours amenity or the locality to such an unacceptable level as to warrant refusal of the application.
- 7.9 Whilst residents have raised concerns that the proposed use of the premises would contravene a private covenant and would result in additional maintenance costs to maintain Pishiobury Drive, these are not material planning considerations but private civil matters and as such Officers are unable to consider such matters within this application.

**8.0 Conclusion**

- 8.0 Having regard to the above, it is considered that the proposed development would not be detrimental to the openness or rural character of the surrounding area; the character and appearance of the existing building; the amenities of neighbouring properties or the historic setting of the Grade II\* Listed Building.
- 8.1 It is therefore considered that these material planning considerations, together with the existing commercial use of the building, are sufficient in this case to constitute the very special circumstances required to allow permission to be granted contrary to Policy GBC1 of the East Herts Local Plan. It is therefore recommended that planning permission be granted subject to the conditions which are outlined at the head of the report.