

PLANNING COMMITTEE – 26 MAY 2022

PART I - DELEGATED

10. 22/0424/FUL – Change of use from Class E to a Nail Parlour (Sui Generis) at 36 HIGH STREET, ABBOTS LANGLEY, HERTFORDSHIRE, WD5 0AR

Parish: Abbots Langley Parish Council
Expiry of Statutory Period: 16.05.2022

Ward: Gade Valley
Case Officer: Tom Norris

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: Called in by Abbots Langley Parish Council on the grounds that they consider the proposed use inappropriate given that this service is already met by several other establishments.

1 Planning History

1.1 No planning history.

2 Description of Application Site

2.1 The application site consists of a ground floor unit on the north-western side of the High Street in Abbots Langley. The unit has an internal floorspace of approximately 55sqm. The unit is currently vacant however it is noted that the previous established use at the site was a Dry Cleaners (Class E).

2.2 The Core Strategy identifies Abbots Langley as a Key Centre within Three Rivers, containing a range of facilities and services, serving a District-wide catchment area. The Site Allocations Local Development Document identifies Abbots Langley as a District Centre which includes centres comprising a varied but more limited range of shops and services and serving a smaller catchment area.

2.3 The application site is within the Abbots Langley Conservation Area.

3 Description of Proposed Development

3.1 This application seeks planning permission for a change of use of the unit to a nail salon (Sui Generis).

3.2 Internally, the premises would contain 6 customer stations, a waiting area and reception desk. The existing ground floor toilet and rear fire exit would remain as existing. No external alterations are proposed to the shopfront or building. Any new signs would require a separate application for advertisement consent.

4 Consultation

4.1 Statutory Consultation

4.1.1 Abbots Langley Parish Council: [Objection]

4.1.2 *“Members acknowledge the numerous and strong objections submitted by residents and businesses. Whilst members support the introduction of new independent businesses that increase the diversify of the high street, members are concerned that the change of use from Class E to a Nail Parlour would be inappropriate given this service is already met by several other establishments within the village. If the planning officer is of an opinion to approve this application, members request this be brought to committee.*

Members also note the discrepancy on the advertised poster. The poster displayed incorrectly listed a closing date of 28 Mar 2022 and subsequently 18 Apr 2022. The correct date is 16 Apr 2022."

4.1.3 Environmental Health: [No response received]

4.1.4 Herts Archaeology: [No response received]

4.1.5 National Grid (Gas): [No response received]

4.2 Public/Neighbour Consultation

4.2.1 Responses received: 38 (Objections)

4.2.2 Summary of responses:

- Objection to the proposed use.
- The proposed use would impact the business of existing premises in the same use.
- The High Street has too many similar uses.
- The proposal would not increase footfall to the High Street.
- Various suggestions of alternative uses.

4.2.3 Site notice posted 26.03.2022, expired 17.04.2022

4.2.4 Press notice published 01.04.2022, expired 24.04.2022

5 Reason for Delay

5.1 Committee cycle.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

In July 2021 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that "existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework".

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

6.2 The Three Rivers Local Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies of the adopted Core Strategy include PSP2, CP1, CP6, CP7, CP9, CP10 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies of the adopted Development Management Policies LDD include DM3, DM6, DM9, DM13 and Appendix 5.

The Site Allocations Local Development Document (November 2014). Policy SA4 (Retail Allocations) is relevant.

6.3 Other

Abbots Langley Conservation Area Appraisal (2014)

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

7 Planning Analysis

7.1 Principle of Development

7.1.1 The application site is located on the High Street, Abbots Langley which forms part of the primary shopping frontage in Abbots Langley, a retail allocation in the Site Allocations LDD (2014). Policy CP7 of the Core Strategy (adopted 2011) states that the hierarchy of retail centres and their established character and diversity will be maintained through promoting uses which are complementary to primary frontages, normally within secondary frontages.

7.1.2 It is noted that, following the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 coming into force, a number of use classes have been revoked and re-categorised within "Class E" to enable greater flexibility within High Street centres.

7.1.3 The site was last in use as a Dry Cleaners which falls within the aforementioned Class E. The site is currently vacant and the proposed Sui Generis use is considered complementary to the surrounding retail use of the primary frontage. Policy CP7 goes onto state that the character and diversity of retail centres will be maintained by taking into account any contribution that non-retail uses may make to the vitality and viability of centres, having regard to market conditions and impact on local amenity.

7.1.4 The change of use would lead to a re-opening of the vacant unit with a new and active use, which is likely to bring economic viability to the site and area through increased local footfall. Public comments in relation to the need or want for the proposed use are noted however the role of the LPA is not to suggest an alternative use but to assess the acceptability of the proposed use before it. Granting permission for a use that would provide market competition for an existing premises is not a material planning consideration. The proposed change of use is considered to comply with Policy CP7 of the Core Strategy and Policy SA4 of the Site Allocations.

7.2 Impact on the Character & Appearance and Conservation Area

- 7.2.1 Policy CP1 of the Core Strategy seeks to support buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design, the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'.
- 7.2.2 The application site is located within the Abbots Langley Conservation Area. In relation to development proposals in Conservation Areas Policy DM3 of the DMP LDD stipulates that development will only be permitted if it preserves or enhances the character or appearance of the area and retains historically significant boundaries, important open spaces and other elements of the area's established pattern of development, character and historic value.
- 7.2.3 The application does not propose any operational development to the exterior of the building, and on this basis the proposal is not considered to have any adverse impact on the character and appearance of the street scene or Conservation Area. The floor plans suggest that an active frontage would be retained which would therefore be consistent with the character of the High Street and Abbots Langley Key Centre. Any new signage would require separate express written consent of the LPA in the form of advertisement consent.
- 7.2.4 It is considered that the proposal would not result in any harm to the character or appearance of the building or Conservation Area. The development would therefore be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM3 of the Development Management Policies document and the Abbots Langley Conservation Area (2014).
- 7.3 Impact on the Amenity of Neighbours
- 7.3.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM9 of the Development Management Policies LDD also states that planning permission will not be granted for development which has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing or planned development.
- 7.3.2 The proposed change of use is not considered to result in any additional amenity impacts over and above the established use of the application premises and is not considered to have an adverse impact on the amenities of the occupants of any neighbouring property. The proposed development would therefore be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM9 of the Development Management Policies LDD.
- 7.4 Highways & Parking
- 7.4.1 Policy CP10 of the Core Strategy requires development to demonstrate that it will provide a safe and adequate means of access. Policy DM13 and Appendix 5 of the Development Management Policies LDD advises on off street car parking requirements.
- 7.4.2 The application site is within a Key Centre location with public car parks locally to accommodate visitors and shoppers within the High Street. The proposed sui generis use is not accounted for within the parking standards and as such can be assessed on an individual basis. In regards to this proposal, it is not considered that the proposed change of use would result in a change to the parking requirements and therefore would be acceptable.
- 7.4.3 The proposed development would accord with Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies document (adopted July 2013).
- 7.5 Biodiversity

- 7.5.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.
- 7.5.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application.

8 Recommendation

- 8.1 That PLANNING PERMISSION BE GRANTED subject to the following conditions:

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

- C2 The development hereby permitted shall be carried out in accordance with the following approved plans: TRDC-01 (Location Plan), TRDC-02 (Block Plan), TRDC-03 (Existing Ground Floor Plan), TRDC-04 (Proposed Ground Floor Plan), TRDC-05 (Proposed Front Elevation - No Change), TRDC-06 (Proposed Flank Elevation - No Change), TRDC-07 (Proposed Rear Elevation - No Change)

Reason: For the avoidance of doubt and in the proper interests of planning and to safeguard the character and appearance of the Conservation Area and the residential amenity of neighbouring occupiers, in accordance with Policies PSP2, CP1, CP7, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM3, DM6, DM9, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013), Policy SA4 of the Site Allocations Local Development Document (adopted November 2014) and the Abbots Langley Conservation Area Appraisal (2014).

Informatives

- I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - If your development is liable for CIL payments, it is a requirement under Regulation 67 (1) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start

your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

- I2 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- I3 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.
- I4 The applicant is advised that planning permission and/or advertisement consent may be required for any signage or changes to the shopfront proposed at this site.