

## PLANNING COMMITTEE – 24 FEBRUARY 2022

### PART I - DELEGATED

#### 10. **21/2757/RSP - Part Retrospective: Single storey rear extension and change of use of premises from bank Class E(c)(i) (Financial Services) to restaurant Class E(b) at 38 HIGH STREET, ABBOTS LANGLEY, WD5 0AR**

Parish: Abbots Langley Parish Council  
Expiry of Statutory Period: 11.02.2022  
(Extension of Time: 28.02.2022)

Ward: Abbots Langley & Bedmond  
Case Officer: Scott Volker

Recommendation: That PART-RETROSPECTIVE PLANNING PERMISSION BE GRANTED and has effect from the date on which the development was carried out

Reason for consideration by the Committee: Called in by three Members of the Planning Committee due to concerns regarding the repercussions for the vitality and viability of the High Street.

#### 1 **Relevant Planning History**

- 1.1 00/01307/ADV - Erection of new fascia and projecting signs – Permitted.
- 1.2 07/2091/FUL - Replacement ATM machine to front elevation – Permitted.
- 1.3 08/0402/ADV - Advertisement Consent: Non-illuminated signage for ATM machine – Permitted.
- 1.4 09/0278/ADV - Advertisement Consent: Replacement of existing internally illuminated fascia sign with new fascia sign with internally illuminated individual letter signage and replacement of existing internally illuminated projecting sign – Permitted.
- 1.5 09/0288/FUL - New shop front to include alterations to amount of glazing, new entrance door and new pale cream composite stone with dark granite skirting – Permitted.
- 1.6 09/0781/RSP - Retrospective: Removal of two air conditioning units and installation of five air conditioning units to rear elevation – Permitted.

#### **Relevant Enforcement History**

- 1.7 21/0209/COMP – Unauthorised Rear Extension & Change of Use – Pending Consideration.

#### 2 **Description of Application Site**

- 2.1 The application site comprises a two storey building with a part pitched roof and part roof forms situated on the north-west side of the Abbots Langley High Street. The premises was previously occupied by Barclays operating as a bank but is currently undergoing works to change its use, subject to this application. The premises is within a Primary Shopping Frontage shopping area as defined in the Local Plan. The shopping frontage contains a mixture of uses. The site is also located within the Abbots Langley Conservation Area.
- 2.2 A service road accessed from Abbots Road leads to communal parking area associated to the application building and adjoining premises. The flank boundary of the rear garden of 4 Abbots Road is on the opposite side of the service road. The boundary treatment consists of a 1.8m close boarded fence. The flank elevation of this dwelling contains three windows.
- 2.3 The existing building is an end terrace, a hairdressers called 'Hairshare' is attached to the application property to the south-west with the detached Henderson Memorial Hall to the north. There are two flank windows facing the car park of the application site.

### **3 Description of Proposed Development**

- 3.1 Planning permission is sought for the single storey rear extension and change of use of premises from bank Class E(c)(i) (Financial Services) to restaurant Class E(b).
- 3.2 The unit is currently proposed to be used as a Mediterranean restaurant. The plans submitted indicate that the restaurant would contain 112 seats spread split over ground and first floor levels (52 at ground floor and 60 at first floor). A bar area providing 4 additional seats is also shown. The basement level would be used for staff changing rooms, storage and kitchen/prep room. The principal elevation of the building would remain unchanged.
- 3.3 The proposed rear extension would extend the depth of the building by 8 metres and would extend across the full width of the rear elevation of the premises. The extension would have a flat roof form measuring 3 metres in height. A fire exit door is proposed within the rear elevation of the extension. Parking and refuse storage areas are proposed to the rear of the extension.
- 3.4 The application does not indicate any extraction/ventilation equipment.
- 3.5 An additional plan was received during the course of the application process to indicate the location of refuse storage area.
- 3.6 For clarification, the submitted 3D Render images are for illustrative purposes only. It has been confirmed by the applicant that the proposal does not seek to include an awning or outdoor seating to the front of the premises. The applicant has been made aware that both the awning and outdoor use would require planning permission.

### **4 Consultation**

#### **4.1 Statutory Consultation**

##### **4.1.1 Abbots Langley Parish Council: [Comments Received]**

*Members are unable to comment on this application due to a conflict of interest linked to a boundary dispute on the flank wall of the proposed rear extension. However, we have concerns that this application is not valid as the Council were not notified that the leaseholder intends to build on Council land and the plans, as shown, are incorrect as they do not state that the plans are on Council land. That aside, Members request that should the officer be minded to approve this application that it be brought to Committee.*

Officer Note: The LPA are satisfied that the works proposed fall within the ownership of the application site. No evidence to the contrary has been provided.

##### **4.1.2 Hertfordshire Archaeology: No response received.**

#### **4.2 Public/Neighbour Consultation**

- 4.2.1 Number consulted: 11
- 4.2.2 No of responses received: 5 objections, 2 neutral comments
- 4.2.3 Site Notice: Posted 13.01.2022 Expired 03.02.2022
- 4.2.4 Press notice: Published 14.01.2022 Expired 04.02.2022
- 4.2.5 Summary of Responses:
- Increase levels of noise and disturbance
  - Building would be closer neighbouring residential properties

- Increase in traffic movements within parking area
- Perceived significant loss of property value
- Overlooking and loss of privacy
- Parking would block side access gate
- Lack of parking due to loss of three spaces
- Impact on drainage and sewage issues
- Works have caused destruction of Henderson Hall fence
- Site left untidy during construction works
- No respect shown for Green Belt/quiet village. **Officer comment:** The site is not located within the Green Belt.
- Already lots of eating/drinking places in Abbots Langley
- No reference or offer to handle fume or other air extract arrangements
- No reference or assurance with regard to refuse storage and waste away
- Consideration be given to restrictions or conditions covering late hours of trading on to forecourt area.
- Loss of light to side window of Henderson Hall
- Rear extension impacts on use of the parking spaces associated with the hairdressers and Post Office.

## 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 2021 the 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 Development 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 include Policies PSP2, CP1, 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 include DM3, DM6, DM9, DM10, DM13 and Appendix 2.

The Site Allocations Local Development Document (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public. Policy SA4 is relevant.

### 6.3 Other

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.

The Abbots Langley Conservation Area Appraisal (2014).

## 7 **Planning Analysis**

### 7.1 Overview

7.1.1 Following a report of a breach of planning control an enforcement case was opened under reference 21/0209/COMP concerning change of use and the construction of a single storey rear extension. Following a site visit by officers a letter was sent out to the owner of the premises inviting the submission of a planning application for assessment by the Local Planning Authority.

7.1.2 For clarification the change of use from Class E(c)(i) (Financial Services) to restaurant Class E(b) does not itself require planning permission and is a permitted change under the GPDO however; the single storey rear extension requires planning permission and given the extension provides additional floorspace to facilitate the change of use an application has been submitted encompassing both elements.

### 7.2 Principle of Development

7.2.1 Policy SA4 of the Site Allocations Local Development Document states that identified Local Centres and Local Shops will be protected and enhanced where they are catering for local day-to-day needs. The retention of retail uses and uses which are complementary to the Local Centre and Local Shops will be encouraged.

7.2.2 Policy CP7 (Town Centres and Shopping) of the Core Strategy, under section (g) states that the hierarchy of retail centres and their established character and diversity will be maintained through; "Protecting and enhancing existing Local Centres and other local shops which cater for local day-to-day needs".

7.2.3 The proposal site is allocated within the Site Allocations Local Development Document (site reference R(c). This identifies that High Street, Abbots Langley is a District Centre.

7.2.4 The NPPF promotes economic development and highlights the importance of retaining and enhancing existing town centres. Prior to the works commencing on site the unit was vacant and identified as being within the primary shopping frontage area where policies seek to protect retail uses. The use of the premises as Class E(b) would be considered to be a complimentary use that would still attract daytime footfall therefore promoting the vitality

and viability of the High Street. It should be noted that following the coming into force of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 a number of use classes have been revoked and re-categorised within Class E to enable greater flexibility within our High Streets. Furthermore, it is considered that the proposed development would bring back a vacant unit into use which should generally be encouraged in order to provide a positive benefit to the High Street and the wider local economy, especially in light of the recent pandemic. The proposed use would also keep people in the High Street into the evening continuing an active street.

7.2.5 It is considered that the proposal would not impact on the availability of day-to-day needs as required by Policy CP7 of the Core Strategy and SA4 of the Site Allocations Local Development Document. The High Street would continue to provide shops and services that would be to meet the day-to-day needs of the residents of the surrounding area. Therefore the proposal is in compliance with Policy SA4 of the Site Allocations Local Development Document and Policy CP7 of the Core Strategy and there is no in principle objection to the change of use subject to compliance with other material considerations.

### 7.3 Design and Impact on Character/Street Scene

7.3.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy states that development should 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'.

7.3.2 The application site is located within the Abbots Langley Conservation Area and therefore Policy DM3 is also applicable. Policy DM3 states that development will only be permitted if the proposal is of a design and scale that preserves or enhances the character or appearance of the area. In addition it states that the Council will only permit development proposals including solutions to shop front security and/or use of standardised shop front designs, fascia's or advertisement displays in a Conservation Area if they are sympathetic to the character and appearance of the Conservation Area; respect the scale, proportions, character and materials of construction of the upper part of the building and adjoining buildings and the street scene in general; and incorporate traditional materials where the age and character of the building makes this appropriate.

7.3.3 The application site falls within 'The Commercial Centre' character area as detailed in the Abbots Langley Conservation Area Appraisal. The commercial centre is effectively the area between Abbots Langley Police Station and St Lawrence Close. The appraisal describes the area south of Henderson Memorial Hall where the application site is located as a mid/late 20th Century infill development that although not architecturally significant does reflect the size and scale of other buildings in this part of the Conservation Area.

7.3.4 Indicative signage has been shown with the CGI 3D rendered images however this does not constitute part of the assessment of this application. Furthermore, the submitted plans detailing that there would be relatively minor changes to the principal elevation and the glazing contained within it. The extent of glazing and use of uPVC would not appear incongruous within the area and is considered acceptable. Given the relatively minor change to the front, it's positioning along the street scene of commercial uses and the size, scale and materials used it is not considered that it would have a significant adverse impact on the character or appearance of the application property, street scene or Conservation Area so as to justify refusal of permission and the development.

7.3.5 The extension is located to the rear of the premises and would not be visible from public vantage points along the High Street although there would be some views of the extension from the service road entrance on Abbots Road. Whilst visible the extension would be single storey with a modest height of 3 metres and would be set in from the highway by approximately 15 metres and would be read against the two storey Henderson Hall. The external materials used in the construction of the extension would match that of the host

building ensuring the appearance is maintained. Therefore it is not considered that the proposed extension would result in unacceptable impact towards the street scene of character of the Conservation Area.

7.3.6 The proposal would be acceptable, in this regard, in accordance with Policies CP1 and CP12 of the Core Strategy, Policy DM3 of the Development Management Policies LDD and the Abbots Langley Conservation Area Appraisal.

#### 7.4 Impact on amenity of neighbours

7.4.1 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'.

7.4.2 Policy DM9 of the Development Management Policies LDD stipulates that the Council will refuse planning permission where the development would give rise to polluting emissions including by reason of disturbance, noise, light or smell unless appropriate mitigation measures can be put in place and maintained.

7.4.3 The application site is located within Abbots Langley High Street and it is not considered that the proposed noise levels would significantly increase from the similar premises within the vicinity of the application site. It is noted that the premises would be open later than those premises in its vicinity however given the distance and siting of the residential properties to the rear the proposed use is not considered to have a significant impact on nearby neighbours. Furthermore, the proposed use would be contained internally within the building. The Environmental Health Officer was verbally consulted on the application and raised no issues with regards to light or noise issues. A condition is suggested to any consent to restrict the rear access so that it is only used by staff or in the case of an emergency to prevent customers exiting at the rear to further reduce disturbance towards neighbouring properties.

7.4.4 The proposed plans do not indicate any extraction equipment that would result in inappropriate noise or odours. An informative is added informing the applicant that any extraction equipment would require separate planning permission.

7.4.5 The premises is proposing to open between 11am to 11pm Monday to Sunday. These are considered acceptable opening hours in conjunction with the proposed use. The application site is located within an active High Street within which some of the existing premises receive regular deliveries. Deliveries to the application site are not unacceptable but a condition is suggested to limit the hours for deliveries to the site between the hours of 08:00 to 20:00 Mondays to Saturdays and 09:00 to 13:00 on Sundays or National Holidays. The suggested hours are considered reasonable and would limit the disturbance to surrounding neighbour properties.

7.4.6 Overall, subject to conditions, it is not considered that the proposed alterations would result in a significant adverse impact on the neighbouring residents and the development would be acceptable in accordance with Policy CP12 of the Core Strategy and Policy DM9 of the Development Management Policies LDD.

#### 7.5 Highways, Access and Parking

7.5.1 Policy DM13 of the Development Management Policies LDD requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the Development Management Policies LDD.

7.5.2 Prior to the commencement of works on site the application site provided three parking spaces to the rear of the premises. The submitted block plan indicates that an area of parking would be provided to the rear of the extension, however following a site visit it is not

considered that parking would be possible and therefore a result of the proposed rear extension the three spaces would be lost.

7.5.3 Appendix 5 of the Development Management Policies LDD advises that one space should be provided per 5sqm of the dining area and three spaces per four employees. The proposed development would result in a dining area that would measure approximately 105sqm and would therefore require 21 spaces. It is also confirmed that that ten full-time and six part-time employees would be employed which would require a further four spaces. This would equate to a total of 25 spaces. Appendix 5 does state that standards for car parking (except for C3 Residential) may be adjusted according to which zone the proposed development is located in. In this case, the site is located in Zone 2 which states that 25-50% of indicative demand-based standard is required. The reduced parking figure would be 6.5-12 spaces.

7.5.4 The proposed development would not comply with the parking standards highlighted in Appendix 5 of the Development Management Policies LDD. Within the immediate vicinity of the application site there are parking restrictions on the High Street and Abbots Road with including single and double yellow lines meaning that visitors and staff would be unable to park on adjacent roads. However, the High Street is served by parking bays and there is also a Long Stay Free Car Park located off the High Street and a short distance (0.1miles / 3min walk) from the application site. In addition, the application site is situated in a sustainable location as local transport links are positioned within close proximity.

## 7.6 Wildlife and Biodiversity

7.6.1 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

7.6.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.

7.6.3 The application is accompanied by a biodiversity checklist which states that no protected species or biodiversity interests will be affected as a result of the application. The Local Planning Authority is not aware of any records of protected species within the immediate area that would necessitate further surveying work being undertaken.

## 7.7 Trees and Landscaping

7.7.1 There are no trees that would be impacted by the proposal.

## 7.8 Refuse and Recycling

7.8.1 Policy DM10 (Waste Management) of the DMLDD advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:

- i) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity
- ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers
- iii) There would be no obstruction of pedestrian, cyclists or driver site lines

- 7.8.2 The refuse disposal area is indicated on (Drawing Number: A2/022022). The proposed development will have access to an existing waste collection point it is considered acceptable in accordance with Policy DM10 of the DMP LDD.

## **8 Recommendation**

- 8.1 That PART-RETROSPECTIVE PLANNING PERMISSION BE GRANTED and has effect from the date on which the development was carried out and is subject to the following conditions:

- C1 Those parts of the development hereby permitted which have not been undertaken shall be carried out in accordance with the following approved plans: A1/012021, A2022022 (Amended Block Plan), A3/032021, A4/042021, A6/062021, A7/072021, A8/082021, A9/092021 and A10/102021.

Reason: For the avoidance of doubt and in the proper interests of planning and in accordance with Policies PSP2, CP1, CP7, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM3, DM6, DM9, DM10, DM13 and Appendix 2 of the Development Management Policies LDD (adopted July 2013), Policy SA4 of the Site Allocations LDD (adopted November 2014), the Abbots Langley Conservation Area (2014) and the NPPF (2021).

- C2 Unless specified on the approved plans, all new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building.

Reason: To ensure that the external appearance of the building is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM3 of the Development Management Policies LDD (adopted July 2013) and Policy SA4 of the Site Allocations LDD (November 2014).

- C3 No deliveries to the site shall take place to the development hereby permitted otherwise than between the hours of 08:00 to 20:00 Mondays to Saturdays and 09:00 to 13:00 on Sundays or National Holidays.

Reason: To safeguard the residential amenities of the occupiers of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- C4 The use hereby permitted shall not operate other than between the hours of 11:00 to 23:00 (inclusive) Mondays to Sundays and including National Holidays.

Reason: To safeguard the residential amenities of the occupiers of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- C5 The rear access of the premises shall only be used by staff or in the event of an emergency to prevent patrons leaving the restaurant via the rear access.

Reason: To safeguard the residential amenities of the occupiers of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

## **8.2 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](mailto: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](http://www.hertfordshirebc.co.uk).

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

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.

- 12 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.
- 13 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.
- 14 The applicant is advised the any external extraction or ventilation equipment would be required.