

PLANNING COMMITTEE – 15 OCTOBER 2020

PART 1 - DELEGATED

8. **20/1603/FUL – SINGLE STOREY FRONT AND REAR EXTENSION AND INTERNAL ALTERATIONS TO OFFICES AT THE PAVILION, GREEN LANE, OXHEY HALL, WATFORD, HERTFORDSHIRE, WD19 4LT.
(DCES)**

Parish: Watford Rural Parish Council.

Ward: Oxhey Hall and Hayling

Expiry of Statutory Period: 01.10.2020
Extension of time agreed to 30.10.2020

Case Officer: Freya Clewley

Recommendation: That Planning Permission be granted.

Reason for consideration by the Committee: Council interest in land.

Update

This application was considered by Members at the September Planning Committee meeting. Members resolved to defer the application in order for Officers to seek clarification on three matters. These will be addressed in turn:

Information regarding the proposed use of the offices

The applicant has confirmed that the intention is for the proposed offices to provide affordable office space to rent to local businesses. The existing offices were approved under application reference 15/0090/FUL (*change of use of existing changing rooms from D2 (Assembly and Leisure) to B1a (Office)*) as set out at paragraph 1.5 below. No condition to restrict the use of the offices was attached to the 2015 planning permission, and as such, there is currently no restriction in terms of who the offices might be rented to or used by.

Existing Office to Other Use Floorspace ratio

The existing offices as approved in 2015 occupy approximately 21% of the total floor area of the building. Should planning permission be granted, this would increase to approximately 26%.

Judgement of Material Change of Use

Planning permission was granted in 2015 (15/0090/FUL) for the change of use of the changing rooms (noted as being Use Class D2 at that time) to offices (Use Class B1(a)). The previous use as changing rooms, and the proposed use as offices, were both entirely separate from the use of the main building as a pub/restaurant use. This part of the building is not part of the principle pub/restaurant use on site. Having regard to this, and that this part of the building has a separate entrance, with no internal link between the two parts of the building, it is considered that the floor area subject of the current application (i.e. Offices) constitutes a separate planning unit for the purposes of the use of the building.

The current proposal is seeking to extend the entrance to the offices, and construct a single storey rear extension for a disabled toilet facility. The proposal would result in 24square metres of additional floorspace being added to the building. The majority of the increase in office floor area to the lower ground floor and mezzanine level results from internal alterations, which would not be considered to constitute development and therefore do not require planning permission.

Policy CP6 of the Core Strategy seeks to support the sustainable growth of the Three Rivers Economy by providing for a range of small, medium and large business premises and

advises that employment uses should be accessible through a range of transport modes including by public transport. The application site is within Oxhey Hall which is identified as a Secondary Centre in the Core Strategy. Policy PSP3 of the Core Strategy advises that development in the Secondary Centres should maintain and enhance employment opportunities in these areas. There is existing road access to the site which is also within walking distance (500m) of bus stops on Brookdene Avenue which are served by routes providing a service to Watford, Northwood and Abbots Langley.

The footprint of the proposed extensions already benefits from planning permission as approved in 2018 (see para 1.7 below) and has therefore previously be found acceptable in Green Belt terms.

In summary, as the conversion of the pre-existing changing rooms to offices never formed part of the principle bar/restaurant use of the building, and there has not been any internal link between the bar/restaurant and this part of the building, it is considered that the floor area subject of the current application is a separate planning unit. That planning unit has a use for offices, and the current application seeks to increase the office floorspace. Much of the additional floorspace is via internal alterations only. The floor area dedicated to pub/restaurant use would not be changed as a result of the development subject of the current application, and thus the existing use and facility as a pub/restaurant remains unchanged. The proposed development would not significantly increase the proportion of the building in a particular use to result in a material change of use of any part of the building.

1 Relevant Planning History

- 1.1 8/238/90 – Established use certificate: Use for bars, function rooms, changing rooms and residential flat – Permitted 06.04.1990.
- 1.2 8/335/90 – Single storey front and rear extensions – Permitted 12.07.1990, implemented.
- 1.3 8/353/93 – Single storey side extension – Permitted 19.07.1993, not implemented.
- 1.4 95/0024 – Extensions and alterations and alterations to car park to provide an additional 25 spaces – Permitted 20.04.1995.
- 1.5 15/0090/FUL – Change of use of existing changing rooms from D2 (Assembly and Leisure) to B1a (Offices) – Permitted 31.03.2015.
- 1.6 16/1517/FUL – Single storey rear extension and alterations to landscaping – Permitted 05.09.2016.
- 1.7 18/0983/FUL – Single storey front and rear extensions, internal alterations and extension to residential dormer – Permitted 21.08.2018.
- 1.8 19/0366/FUL – Removal of Conditions 4 (hours of use) and 5 (external seating area) pursuant to planning application 18/0983/FUL (single storey front and rear extensions, internal alterations and extension to residential dormer) – Permitted 29.04.2019, Conditions 4 (hours of use) and 5 (external seating area) varied to allow for operation between the hours of 09:00 and 23:00 and the use of the external seating area from 09:00 to 22:00.
- 1.9 20/1259/FUL – Single storey front and rear extension and internal alterations to offices – Withdrawn 21.08.2020.

2 Description of Application Site

- 2.1 The application site is located to the south of Green Lane, Oxhey Hall and is within the Metropolitan Green Belt. The Pavilion is a two storey building comprising a public house (The Pavilion) with residential accommodation at first floor. The building has an overall irregular shaped footprint. The building has a mainly hipped roof form incorporating eaves

level dormers with gable projections. The western part of the building provides the public house and residential accommodation whilst the eastern part of the building is currently disused but was previously in use as four changing rooms associated with the use of South Oxhey Playing Fields to the south of the application site.

- 2.2 Externally, the building is finished in concrete render, white render and black timber boarding and includes ground and first floor level glazing. To the east of the application site, a two storey building provides a sports pavilion and changing facilities associated with South Oxhey Playing Fields to the south of the site. To the west of the site are tennis courts and a bowling green. To the north of building is a large car park.

3 Description of Proposed Development

- 3.1 This application seeks full planning permission for the construction of single storey front and rear extensions.
- 3.2 The proposed single storey front extension would hold a depth of 2.4m and a width of 10m and it would comprise an entrance and an extension to Offices 1 and 2. A flat roof open canopy would abut the frontage of the proposed extension with a depth of 2m and a width of 3m. The proposed front extension and open canopy would have a flat roof form with a height of 2.9m. A set of doors and two, two-casement windows are proposed within the front elevation of the extension.
- 3.3 The proposed single storey rear extension would hold a depth of 3.4m and a width of 1.9m, constructed to the rear of the rear of the eastern aspect of the building. The extension would be set in approximately 6.6m from the eastern flank elevation of the building. The proposed extension would comprise a disabled toilet facility.
- 3.4 The current application has a similar description to the previously approved application 18/0983/FUL, although the current application relates solely to the front and rear extensions to enable internal alterations to the existing offices, including increasing the size of the offices. However, unlike the previously approved application reference 18/0983/FUL, no alterations to the bar/restaurant area are proposed.

4 Consultation

4.1 Statutory Consultation

- 4.1.1 Watford Rural Parish Council: No response received.
- 4.1.2 National Grid: No response received.

4.2 Public/Neighbour Consultation

- 4.2.1 Number consulted: 36
- 4.2.2 No of responses received: 0 objections, 0 letters of support
- 4.2.3 Site Notice: Expires: 15.09.2020 Press notice: N/A

5 Reason for Delay

- 5.1 None.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

In 2019 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 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 PSP3, CP1, CP6, CP8, CP9, CP10, CP11 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 DM2, DM6, DM7, DM9, DM12, DM13 and Appendix 5.

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.

7 **Planning Analysis**

Due to the on-going Coronavirus pandemic and the current social distancing measures in place no site visit was undertaken by the Case Officer for the purposes of the current application. However, the Officer had previously visited the site under the previous applications. It is considered that the information received and use of other technological platforms has enabled the LPA to assess the application.

7.1 Impact on Metropolitan Green Belt

- 7.1.1 The application site is located within the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness. Green Belts can shape patterns of urban development at sub-regional and regional scale, and help to ensure that development occurs in locations allocated in development plans. They help to protect the countryside, be

it in agricultural, forestry or other use. They can assist in moving towards more sustainable patterns of urban development.

7.1.2 As with previous Green Belt policy, the NPPF identifies the five purposes of including land in Green Belts such as:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns from merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

7.1.3 Policy CP11 of the Core Strategy (adopted October 2011) states that there will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt. Inappropriate development is, by definition, harmful to the openness of the Metropolitan Green Belt. Policy DM2 of the Development Management Policies document (adopted July 2013) replicates Government guidance in the NPPF which stipulates under paragraph 145:

“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) Buildings for agriculture and forestry;*
- b) The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds or allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) Limited infilling in villages;*
- f) Limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
- h) Not have a greater impact on the openness of the Green Belt than the existing development; or*
- i) Not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”*

Certain forms of development are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purpose of including land within it. This includes the re-use of buildings provided that the buildings are of permanent and substantial construction and engineering operations.

7.1.4 The NPPF advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

7.1.5 The NPPF does advise that extensions to buildings may not be inappropriate development provided they would not result in disproportionate additions over and above the original

building; however it does not define 'disproportionate'. The proposed single storey front extension would not extend forward of the existing deepest aspect of the front elevation of the building and would infill a previously recessed section of the frontage. The single storey rear extension would hold a width of 1.9m and a depth of 3.4m. The rear extension would be significantly set in from the eastern flank of the building and would infill part of the stepped rear elevation. The single storey front and rear extensions would therefore appear as infill extensions on an already developed site and therefore would not be disproportionate or inappropriate within the Green Belt.

7.1.6 The existing building has been previously extended to the front and rear of the building resulting in a 25.6% increase in floor space in comparison to the original building. The proposed extensions would have a floor space of 32sqm, thus the proposed development would result in a cumulative floor space increase of 29% in comparison to the original building. As a result and in the context of the site, the proposed extensions would not appear as disproportionate to the original building or result in inappropriate development.

7.1.7 Therefore, the proposed scale of the extensions is considered acceptable.

7.2 Impact on Character and Street Scene

7.2.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) 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'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.

7.2.2 The proposed front extension would hold a depth of 2.4m and a width of 10m with an open flat roofed canopy projecting a further 2m forward, positioned centrally with a width of 3m. The front extension would infill a currently recessed aspect of the front elevation of the building. Whilst the proposed front extension and canopy would be visible from the public realm, given the design, scale and siting of the proposed front extension and canopy, it is not considered that this element would appear out of character or disproportionate to the original building.

7.2.3 The proposed rear extension would hold a depth of 3.4m and a width of 1.9m. This element would be set in approximately 6.6m from the eastern flank elevation and would not project beyond the existing rear elevation of the building. The proposed extension would not be visible from the highway, however due to the site's location within a designated area of open space; the extension to the rear would still be visible from the public realm. Notwithstanding the above, given the depth, width, height and design of the proposed rear extension; it is not considered that this element would appear out of character or prominent in relation to the original building.

7.2.4 Therefore, it is not considered that the proposed extensions would result in harm to the character or appearance of the host building or wider area.

7.3 Impact on 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'.

7.3.2 The proposed development sits in an isolated location, as such; the scale of the proposed extensions would not result in any harm in terms of loss of light or harm to the visual amenities of any surrounding residential properties.

7.3.3 Therefore, the proposed development is considered to be acceptable in this regard.

7.4 Impact on Local Open Space

7.4.1 The application site is located adjacent to a designated Local Open Space. Policy SA5 of the Site Allocations LDD stipulates that sites allocated as open space will generally be safeguarded as open spaces. The proposed development would be extending an existing building which would not project closer to the area of open space. Therefore, it is not considered that the proposed scale of the building would impact the use of the existing publicly accessible open space.

7.5 Wildlife and 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.

7.5.2 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.

7.5.3 The application has been submitted with a Biodiversity Checklist which states that no protected species or biodiversity interests will be affected as a result of the application. The site is not in or located adjacent to a designated wildlife site and 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.

7.6 Highways, Access and Parking

7.6.1 Policy CP10 of the Core Strategy also states that development should make adequate provision for all users including car and vehicle parking and Policy DM13 and Appendix 5 of the Development Management Policies LDD sets out parking standards. Appendix 5 also states that the standards for car parking may be adjusted according to which zone the proposed development is located in. Core Strategy Policy CP10 requires development to provide a safe and adequate means of access. No changes are proposed to the existing access of the site.

7.6.2 The existing car park arrangements provide approximately 97 hard surfaced parking spaces. The parking standards set out at Appendix 5 of the Development Management Policies document identify that an office should provide 1 space per 30sqm gross floor area. The proposed extensions would not impact the existing parking provision serving the building and the proposal would increase the level of office space by 81.5sqm, including internal alterations to the mezzanine floor and the proposed extensions. Therefore, the parking requirement would be increased from 7 spaces to 9 spaces. Given the existing situation and car parking arrangements, the proposal is considered to be acceptable in this regard.

7.7 Summary

7.7.1 Whilst previous conditions were attached to application references 18/0983/FUL and 19/0366/FUL to restrict the hours of use of the building and the external seating area, this

was due to an increase in floorspace of the banqueting, bar and restaurant areas of the building. There are no internal changes to the use of the building as part of the current application, and the office space previously proposed to be converted to a bar and restaurant area would be retained as office space. In addition, no alterations to the opening hours are proposed within the submitted application form. Therefore, it is not considered reasonable or appropriate to attach conditions to this planning permission to restrict hours of use of the building or the external seating area.

8 Recommendation

8.1 That subject to no new material considerations being raised, 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 001 (Location Plan), 01A, 02A, 03A, 04A, 05A, 06A, 08A, 09A, 10A, 11A, 12A and 13A.

Reason: For the avoidance of doubt and in the proper interests of planning and to safeguard the character and appearance of the Metropolitan Green Belt, area and the residential amenity of neighbouring occupiers, in accordance with Policies PSP3, CP1, CP6, CP8, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2, DM6, DM7, DM9, DM12, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C3 The building shall not be erected other than in the materials as have been approved in writing by the Local Planning Authority as shown on Drawing Number 13A; and no external materials shall be used other than those approved.

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).

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 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) - 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 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.
- 13 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.