

PLANNING COMMITTEE – 17 NOVEMBER 2022

PART I - DELEGATED

9. **22/1623/FUL – Replacement of 4no. lights to existing canopy at SHOP 4 WALPOLE BUILDING, CHURCH STREET, RICKMANSWORTH, HERTFORDSHIRE, WD3 1BU.**

Parish: Batchworth Community Council.

Ward: Rickmansworth Town.

Expiry of Statutory Period: 29.11.2022.

Case Officer: Freya Clewley

Recommendation: That Planning Permission be granted.

Reason for consideration by the Committee: A Councillor lives within the neighbourhood consultation area.

1 **Relevant Planning History**

1.1 8/13A/80 - Internally illuminated projecting sign at Café Suisse – Permitted 14.07.1980.

1.2 00/00718/ADV - Erection of new illuminated sign – Permitted 24.07.2000.

1.3 00/0719/FUL - New shop front and extraction flue – Permitted 21.08.2000.

1.4 20/0865/FUL - Change of Use from a Restaurant (Use Class A3) to a Hot Food Takeaway (Use Class A5) with internal and external alterations – Withdrawn 11.08.2020.

1.5 20/1461/FUL - Change of Use from a Restaurant (Use Class A3) to a Hot Food Takeaway (Use Class A5) with internal and external alterations including installation of new extractor system and external flue and intake grill to rear, removal of existing extraction flue, and associated parking for motorcycles to rear – Refused 17.11.2020. Refused for the following reasons:

R1 The proposed development, by reason of the increased activity from people and delivery vehicles to the rear of the site, and the extended hours of activity would result in an intensification of the use to the rear and additional noise and disturbance to occupants of neighbouring residential properties which would be harmful to the amenities of the occupants of these properties. The proposed development would therefore be contrary to Policies CP1 and CP12 of the Local Plan Core Strategy (2011), and Policy DM9 of the Development Management Policies LDD (2013).

R2 The proposed use, by reason of its location within a primary shopping frontage and its use as a takeaway with an estimated average of 60-70% of orders being for home delivery, would not provide a use complementary to the primary shopping frontage and would not sustain the vitality and viability of Rickmansworth Town Centre. On this basis the proposed development would be contrary to Policies PSP1, CP1 and CP7 of the Local Plan Core Strategy (2011), and Policy SA4 of the Site Allocations LDD (2014).

R3 The proposed development, by reason of its use as a Hot Food Takeaway with public collection at the Church Street entrance, and the lack of dedicated car parking, would result in increased injudicious parking along Church Street, to the detriment of highway and pedestrian safety and the free flow of traffic on this busy local distributor road. The proposal would therefore be contrary to Policy CP10 of the Local Plan Core Strategy (2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (2013).

R4 Insufficient and inadequate space is proposed for delivery vehicles to access the rear of the site, park outside, turn and leave the site and the limited space provided is not demonstrably useable. The insufficient space would result in injudicious parking, turning and delivery movements and an inability to safely and adequately access the application site, and would be detrimental to highway safety and the free flow of traffic in the area. The proposal would be contrary to Policy CP10 of the Local Plan Core Strategy (2011).

- 1.6 20/2390/ADV - Advertisement Consent: Installation of fascia and projecting sign with internally illuminated text and logos and illuminated window display – Withdrawn 16.11.2020.
- 1.7 21/1060/ADV - Advertisement Consent: Installation of new fascia sign and projecting sign – Permitted 16.07.2021.
- 1.8 21/1059/FUL - Internal alterations, the installation of a flue from a gas pizza oven on the side elevation and alterations to frontage to include new signage – Permitted 16.07.2021.
- 1.9 21/2347/RSP - Retrospective: Installation of sliding doors and railings to ground floor front elevation – Permitted 29.11.2021.

2 Description of Application Site

- 2.1 This application relates to the ground floor commercial unit within a three storey mid terrace building located on the eastern side of Church Street, Rickmansworth, close to the junction with the High Street. The site is located within the Primary Shopping frontage and within the Rickmansworth Town Centre Conservation Area.
- 2.2 The existing unit is currently in use as a restaurant with sliding doors and railings to the ground floor front elevation. The first floor accommodation is accessed via the steps to the rear of the host building and is in residential use.

3 Description of Proposed Development

- 3.1 This application seeks planning permission for the replacement of 4 lights to the existing canopy at ground floor level to the front elevation.
- 3.2 The proposed lights would be slim LED trough lights, of a similar appearance to the existing lights above the canopy. The existing four lights would be replaced.

4 Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Community Council: [No Objection]

Batchworth Community Council has no comments or objections to make on this application.

4.1.2 Conservation Officer: [No Objection – verbal advice received]

The property is located in the Rickmansworth Conservation Area and adjacent to no. 7-9 Church Street which is a Grade II listed (list entry no. 1100873). Church Street forms part of the historic core of Rickmansworth.

The proposed replacement lights would be of a very similar appearance to the existing lights, and therefore would go some way to preserving the character and appearance of the Conservation Area. Therefore, given the existing situation, no objection is raised.

4.1.3 National Grid: No response received.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 35

4.2.2 No of responses received: 0

4.2.3 Site Notice: Expired: 02.11.2022. Press Notice: Expired: 11.11.2022.

5 Reason for Delay

5.1 None.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

6.2 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 retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area). Relevant chapters include: Chapter 2; Chapter 4; Chapter 5; Chapter 9; Chapter 11; Chapter 14; Chapter 15 & Chapter 16.

6.3 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 CP1, CP8, 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, DM13 and Appendix 5.

The Rickmansworth Town Conservation Area Appraisal (adopted August 1993).

6.4 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**

7.1 Impact on the character and appearance of the street scene and conservation area

7.1.1 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'.

7.1.2 Policy DM3 of the Development Management Policies LDD stipulates that within Conservation Areas development will only be permitted if the proposal retains and restores, where relevant, traditional features such as shop fronts, walls, railings, paved surfaces and street furniture, and improves the condition of structures worthy of retention.

7.1.3 The alterations to the existing lights would include the replacement of the four existing lights with slim LED trough lights of a similar character and appearance. As such, it is considered that the replacements would preserve the character and appearance of the Conservation Area and would not appear unduly prominent within the streetscene of Church Street. The proposal is therefore considered acceptable in accordance with Policies CP1 and CP12 of the Core Strategy, Policy DM3 of the Development Management Policies document and the Rickmansworth Town Conservation Area Appraisal (adopted August 1993).

7.2 Impact on Amenity of Neighbours

7.2.1 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 states that development proposals which include external lighting should ensure that:

- i) *Proposed lightings schemes are the minimum required for public safety and security*
- ii) *There is no unacceptable adverse impact on neighbouring or nearby properties*
- iii) *There is no unacceptable adverse impact on the surrounding countryside*
- iv) *There is no dazzling or distraction to road users including cyclists, equestrians and pedestrians*
- v) *Road and footway lighting meets the County Council's adopted standard*
- vi) *There is no unacceptably adverse impact on wildlife*
- vii) *Proposals in the vicinity of habitats and habitat features important for wildlife ensure that the lighting scheme is sensitively designed to prevent negative impacts on use of these habitats and habitat features.*

7.2.2 There are residential units above and adjacent to the commercial unit, however, it is noted that the proposed lights would replace existing lights, that the lights would be directed downwards and would not be excessive in number or luminance. Notwithstanding this, given the proximity of residential properties to the proposed lighting, it is considered reasonable to attach a condition to any granted consent to restrict the lighting to only being

illuminated during opening hours. Therefore it is not considered that the proposal would result in any harm to neighbouring amenity.

7.2.3 In summary, it is not considered that the proposed development would result in harm to neighbouring amenity. The proposal would therefore accord with Policy CP12 of the Core Strategy and Policy DM9 of the Development Management Policies LDD in this regard.

7.3 Wildlife and Biodiversity

7.3.1 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.

7.3.2 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.

7.3.3 The application has been submitted with a Biodiversity Checklist. The application relates to replacement lights. The application site is located within the town centre, surrounded by lighting serving other units. Given the location of the application site, scale and nature of the application, it is not considered that protected species would be affected.

7.4 Trees and Landscaping

7.4.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.

7.4.2 There are no trees within the application site or neighbouring properties that would be harmed by the proposed development.

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 The proposal would not result in a change in use, and would not alter the available floor area to serve the unit. Therefore, the proposal would not alter the existing parking requirements to serve the unit. The proposed lighting would not have an unacceptable impact on the adjacent highway.

8 Recommendation

8.1 That PLANNING PERMISISON 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: 073/AP3_01, 073/AP3_02, 073/AP3_03, 073/AP3_04,

073/AP3_05, 073/S3_01, 073/S3_02, 073/S3_03, 073/S3_04 A, 073/S3_05 and 073/LP3_01.

Reason: For the avoidance of doubt, in the proper interests of planning, to safeguard the character and appearance of the Conservation Area, streetscene and wider area, to protect the residential amenities of the neighbouring properties and in accordance with Policies CP1, CP8, 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) and the Rickmansworth Town Conservation Area Appraisal (adopted August 1993).

- C3 The external lights permitted by this consent shall only be illuminated during the opening hours of the premises to which it relates.

Reason: To ensure that the amenities of the adjoining residential properties shall not be adversely disturbed after that time in compliance 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 external lights shall not be erected other than in the materials as have been approved in writing by the Local Planning Authority as stated in the lighting specification 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) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

8.2 **Informatives:**

- 11 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.