

**11. 18/1126/FUL - Change of use of phone box to be used as an art gallery (Class D1) at CHORLEYWOOD TELEPHONE EXCHANGE, NEW PARADE, CHORLEYWOOD, RICKMANSWORTH, HERTFORDSHIRE, WD3 5NJ for Mrs Yvonne Merritt**

Parish: Chorleywood

Ward: Chorleywood South And Maple Cross

Expiry of Statutory Period: 17/08/2018

Case Officer: Tom Norris

Recommendation: That Planning Permission be granted

Reason for consideration by the Committee: Applicant is Chorleywood Parish Council and called in by Parish Council

**1 Relevant Planning History**

- 1.1 01/00046/FUL - Installation of new air vents and installation of new double doors - 09.03.2001 – Permitted
- 1.2 99/0089 - Replacement of window with aluminium louvre - 04.04.1999 – Permitted
- 1.3 CH/41/84 - Display Panel On Bins - 14.03.1984

**2 Description of Application Site**

- 2.1 The application site consists of a decommissioned BT telephone box located on the south-western side of Whitelands Avenue. The box is approximately 2.2m in height and 0.9m in width and depth. The box consists of three glazed elevations, including the entrance door, one opaque elevation and a flat roof.

**3 Description of Proposed Development**

- 3.1 Full planning permission is sought for a change of use of the phone box for it to be used as an art gallery (Class D1).
- 3.2 The proposals would involve display boards being placed inside the box for artwork including, drawings and paintings, to be displayed behind. The applicant notes that the displays will be changed on a regular basis and all artwork will be produced locally.
- 3.3 No changes are proposed to the external appearance of the phone box.

**4 Consultation**

**4.1 Statutory Consultation**

- 4.1.1 Chorleywood Parish Council: [No objection]

*“This application will be CALLED IN to Committee, as the application has been requested by Chorleywood Parish Council.*

*The Committee have no objection to this application.”*

- 4.1.2 Hertfordshire County Council Highways: [No objection]

*“HCC as Highway Authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the highway and therefore has no objections on highway grounds to the application.”*

- 4.1.3 National Grid: [No objection]



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 include Policies CP1, 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 Relevant policies include DM6, DM12 and DM13.

## 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**

## 7.1 Principle of Development

- 7.1.1 The NPPF recognises that cultural well-being is part of achieving sustainable development, and includes cultural well-being within the twelve core planning principles which underpin both plan-making and decision-taking.
- 7.1.2 Policy CP1 of the Core Strategy (adopted October 2011) deals with design of development and states that the Council will expect, amongst other things, development proposals to provide/contribute towards street furniture and public art where appropriate.
- 7.1.3 Policy DM12 of the Development Management Policies LDD deals with community, leisure and cultural facilities and seeks to provide new or enhanced facilities wherever possible; the provision of facilities will meet local needs and reduce the need to travel further afield.
- 7.1.4 Public art is commonly recognised as having a wide range of public benefits. These benefits comprise environmental, social, economic and cultural benefits which include promoting civic and personal pride; encouraging individuals to rediscover and interact with their environment; promoting social inclusion; and enhancing the identity of a place.

- 7.1.5 The NPPF states that the social role of the planning system should create ‘a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being.’
- 7.1.6 It is considered that the provision of facilities to display public art, of which this application proposes, brings a wide range of community benefits and the proposed development represents the opportunity to involve the local community in support of the objectives of sustainable development.
- 7.1.7 It is noted that the decommissioned phone box has attracted graffiti and flyposting however it is considered that, by bringing the redundant structure back into use, the proposed development would likely reduce future damage or vandalism.
- 7.1.8 In summary, it is considered that a proposed change would result in the provision of a facility of which the community benefit would outweigh any potential harm. As such the proposals would accord with Policy CP12 of the Core Strategy (adopted October 2011) Policy DM12 of the Development Management Policies LDD (adopted July 2013).
- 7.2 Impact on Character and Street Scene
- 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 In summary, it is not considered that the proposal would appear excessively prominent within the streetscene so as to result in unacceptable harm justifying the refusal of planning permission. The proposed development would therefore accord with Policy CP1 of the Core Strategy (adopted October 2011).
- 7.3 Impact on amenity of neighbours
- 7.3.1 Policy CP12 of the Core Strategy states that Three Rivers District Council will seek a high standard of design. Given the nature of the proposals, it is not considered that it would result in any adverse impact on the residential amenity of any neighbouring dwelling. The development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy.
- 7.4 Wildlife and Biodiversity
- 7.4.1 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.
- 7.4.2 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.
- 7.4.3 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.
- 7.5 Trees and Landscaping
- 7.5.1 No protected trees or landscaping would be removed or harmed as part of the proposal.

## 7.6 Highways, Access and Parking

- 7.6.1 Core Strategy Policy CP10 sets out that development should make sufficient provision for car and other vehicle parking. It is considered that the proposed development would have a negligible impact upon parking provision.

## 8 **Recommendation**

- 8.1 That the decision be delegated to the Director of Community and Environmental Services to consider any representations received and 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: TRDC0001 (Location Plan)

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality and the residential amenity of neighbouring occupiers, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM6, DM12 and DM13 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) - 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 Local Planning Authority suggested modifications to the development during the course of the application and the applicant submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- I4 Due to the presence of National Grid apparatus in proximity to the application site, the Applicant should contact National Grid before any works are carried out to ensure National Grid apparatus is not affected by any of the proposed works. Further 'Essential Guidance' can be found on the National Grid website at [www.nationalgrid.com](http://www.nationalgrid.com) or by contacting National Grid on 0800688588.