

10. 19/0021/FUL - Ground floor side extension to No. 57 and the internal reconfiguration to both No. 57 and No. 61 to facilitate the creation of a single retail unit at 57 & 61 HIGH STREET, BEDMOND, WD5 0QP (DCES)

Parish: Abbots Langley Parish Council
Expiry of Statutory Period: 12.03.2019

Ward: Abbots Langley and Bedmond
Case Officer: Lauren Edwards

Recommendation: That Planning Permission be Granted

Reason for consideration by the Committee: Three Rivers District Council is the freeholder of the units.

1 Relevant Planning History

- 1.1 12/2310/RSP - Retention of ATM installed through the glazed shop front and replacing part of the existing glazing with a white laminate finished composite security panel incorporating the ATM fascia with black bezel surround and illuminated red 'cash' sign – Permitted.
- 1.2 12/2311/RSP - Advertisement Consent: Retrospective: Integral illumination and screen to the ATM fascia and internally illuminated red 'cash' sign above the ATM fascia – Permitted.

2 Description of Application Site

- 2.1 The application site is located on the western side of the High Street and occupies the two ground floor units within a two storey building accessed by a service road. The units are currently occupied by a small convenience store and a post office. To the rear there is an existing single storey rear extension to No.61.
- 2.2 The first floor units appear to be residential flats. To the south are a row of terraced dwellings and to the north is a three storey flatted development.
- 2.3 To the front of the application site is a service road, bus stop, post box and parking bays.

3 Description of Proposed Development

- 3.1 This application seeks planning permission for a ground floor side extension to No. 57 and the internal reconfiguration to both No. 57 and No. 61 to facilitate the creation of a single retail unit.
- 3.2 Internal alterations are proposed to remove the partition between the existing two units so as to have one unit.
- 3.3 A single storey side extension is proposed to No.57 which would have a depth of 8.44m, width of 4m with a flat roof and height of 2.8m. It would be set back 3m from the front elevation and would provide storage.

4 Consultation

4.1 Statutory Consultation

4.1.1 Abbots Langley Parish Council: [No objection]

No objections subject to the freeholders permission and that the proposed extension to the side of number 57 is constructed in keeping with the existing building.

4.1.2 Hertfordshire County Council – Highway Authority: [Condition requested]

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

1. Construction Management

The development shall not begin until full details of all proposed construction vehicle access, movements, parking arrangements and facilities to restrict the generation of dust and mud from the site proposed during the construction period have been submitted to and approved in writing by the Local Planning Authority. The relevant details should be submitted in the form of a Construction Management Statement and the approved details are to be implemented throughout the construction programme.

Reason: To minimise danger, obstruction and inconvenience to users of the highway.

HIGHWAY INFORMATIVE:

Hertfordshire County Council (HCC) recommends inclusion of the following highway informative / advisory note (AN) to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

AN) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

COMMENTS / ANALYSIS:

The application comprises of an extension to the existing retail property at 57 High Street and changes to the internal configuration to convert two retail units into one at 57 & 61 High Street, Bedmond. High Street is designated as a classified C secondary distributor road, subject to a speed limit of 40 mph and is highway maintainable at public expense. There is a small service road fronting the retail unit itself, designated as an unclassified local access road which has some on-street parking fronting the retail units.

The application does not include any alterations to, or a new, vehicle access or parking. HCC as Highway Authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the surrounding highway, particularly as it is a reconfiguration of the existing use of the site. HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway condition and informative.

4.1.3 Development Plans: [No objections]

The application site is located in a row of Local Shops, identified in the Site Allocations LDD (2014) as 57-63 Bedmond Road. Policy CP7 of the Core Strategy (adopted 2011) states that Local Shops which cater for local day-to-day needs should be protected and enhanced. The proposal would allow for the creation of a single business premises for the two existing units currently in operation. This is anticipated to enhance the ability of the existing retail units to cater for local day-to-day needs, thus complying with Policy CP7.

The application site is located in the Metropolitan Green Belt. The proposal would result in the construction of an extension to No. 57 High Street, leading to a net additional 31.4sqm floorspace. The National Planning Policy Framework (NPPF) (2018) regards the construction of new buildings in the Green Belt as inappropriate. Policy CP11 of the Core

Strategy states that 'there will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it.' The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (paragraph 87). According to the NPPF, very special circumstances will not exist unless the potential harm to the Green Belt by reasons of inappropriateness, and any other harm, is clearly outweighed by other considerations. One exception is the limited infilling or the partial or complete redevelopment of previously developed sites (i.e. the proposal site), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it, than the existing development (NPPF, para. 145). The land on which the extension is proposed is classified as previously developed land and is within the curtilage of the existing building. As this land currently consists only of hardstanding, it is considered that the proposed extension would have a greater impact on the Green Belt than the existing use. However, it is also considered that 31.4sqm of floorspace and the provision of a single storey in the extension would not result in significant harm to the openness of the Green Belt.

4.1.4 National Grid: Application referred to the Cadent Pipelines Team no response received to date.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 10 No of responses received: 0

4.2.2 Site Notice: Expired 19.02.2019 Press notice: Not required

5 Reason for Delay

5.1 Not applicable.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

On 27 March 2012, the framework of government guidance in the form of Planning Policy Statements and Planning Policy Guidance Notes was replaced by the National Planning Policy Framework (NPPF) and 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 states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. 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 PSP4, CP1, CP7, CP8, CP9, CP10, CP11 and CP12.

The Development Management Policies Local Development Document (DMP LDD) 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, DM10, 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

7.1 Principle of Development

7.1.1 Policy PSP4 of the Core Strategy (adopted October 2011) states that development in villages will improve the viability, accessibility and community value of existing services and facilities for example village shops and post offices.

7.1.2 The proposed development would include internal alterations in order to combine the two existing units in to one single retail unit. It is acknowledged that the proposed development would result in the loss of one A1 unit in so far as it would no longer be occupied by two separate businesses. However these units are isolated retail units and do not sit within a parade of shops or allocated shopping centre and the proposal would not result in the loss of retail floorspace. The planning statement submitted outlines that the stores have been running together for a number of years and removing the physical internal divide will assist in them providing better services. As such the proposed development would be supporting the requirements of Policy PSP4 of the Core Strategy 2011.

7.2 Green Belt

7.2.1 The application site is within the Metropolitan Green Belt. The National Planning Policy Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belt are their openness and their permanence.

7.2.2 The Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

7.2.3 The purposes of including land within the Green Belt as set out in the National Planning Policy Framework are:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns 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.

- 7.2.4 The Framework further advises that substantial weight should be given to any harm to the Green Belt and that 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.
- 7.2.5 Core Strategy Policy CP11 reflects this approach and sets out that there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purposes of including land within it and Policy DM2 of the Development Management Policies document sets out that within the Green Belt, except in very special circumstances, approval will not be given for extensions to buildings that are disproportionate in size to the original building.
- 7.2.6 Paragraph 145 of the NPPF also outlines that a Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include:
- 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.
- 7.2.7 The proposed single storey side extension would result in a 14% increase in the floorspace of the ground floor of the existing units and a 22% cumulative increase when including the existing single storey extension to No.61. It is acknowledged that the proposed extension would result in an 82% plot frontage occupied by built form however the proposed extension would be set back from the front elevation and would be single storey in nature. As such given this in addition to its setting adjacent to a residential dwelling it is not considered that the proposed extension would constitute a disproportionate addition to the building nor would it result in harm the openness of the Green Belt.
- 7.2.8 The development would maintain the openness of the Metropolitan Green Belt and would be considered appropriate within the setting of the application site. The development would therefore not result in demonstrable harm to the Green Belt in accordance with the NPPF, Policy CP11 of the Core Strategy and Policy DM2 of the DMP LDD.
- 7.3 Impact on Character and Street Scene
- 7.3.1 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'.
- 7.3.2 Some views of the proposed single storey side extension would be had from the streetscene. However owing to its single storey nature, set back from the front elevation it is not considered that the proposed extension would appear incongruous or unduly prominent within the streetscene, subject to the use of matching materials.
- 7.3.3 The creation of one single retail unit as opposed to two separate units would not be readily apparent from the streetscene. An informative will be added to any grant of consent to advise the applicant that they may require separate advertisement consent for alterations to the signage.
- 7.4 Impact on amenity of neighbours

- 7.4.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP12 of the Core Strategy relates to design that states that in seeking a high standard of design, the Council will expect development proposals to 'have regard to local context and conserve or enhance the character, amenities and quality of an area' and; 'conserve and enhance natural and heritage assets'.
- 7.4.2 To the south of the application site is an end of terrace, two storey residential property (No.55). The rear elevation of this neighbour does not project as deep as the application building. The proposed single storey side extension would introduce additional built form closer to this neighbour and would project approx. 6.7m beyond their rear elevation. However given its single storey flat roofed nature with a relatively low height, that it would be set of the boundary by 1.1m and that this neighbour is favourably sited to the south and off the shared boundary, it is not considered that the proposed extension would result in an unacceptable overbearing impact or loss of light.
- 7.4.3 The proposed development would not result in any adverse impact to the existing residential units located at first floor level above the shops.
- 7.4.4 It is not considered that the proposed internal alteration to combine the two existing units would result in any harm to neighbouring amenity.
- 7.4.5 The proposal is therefore considered acceptable in accordance with Policy CP12 the Core Strategy (adopted October 2011).

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. The application has been submitted with a Biodiversity Checklist and states that no protected species or biodiversity interest will be affected by the development.
- 7.5.3 Given the nature of the proposed development and the location of the proposed extension at ground floor level it is not considered that the proposed development would result in harm in this respect.

7.6 Trees and Landscaping

- 7.6.1 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.
- 7.6.2 The application site is not located within a Conservation Area nor are there any protected trees on or near the site.

7.7 Highways, Access and Parking

- 7.7.1 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.

- 7.7.2 Appendix 5 of the DMP LDD outlines that 1 spaces per 30sqm should be provided to serve an A1 retail unit under 500sqm. The existing unit would require 6.6 spaces and the proposed would require 7.5 spaces, although it is noted that the extension would provide storage space and would not increase the retail floor area.
- 7.7.3 There are 6 spaces within the marked bays in the service road in addition to additional marked bays to the south of the site on Bedmond Road itself. There are parking restrictions on these spaces which only allow for a 30 minute stay, ensuring there is a turnover. Whilst there would be a small shortfall, the existing arrangements are considered sufficient for the nature of retail units where the majority of people will just be spending short amounts of time collecting convenience goods or visiting the post office. In addition to this owing to the local store and service nature of the units it is expected that some customers would travel by foot or use the local bus service which stops outside the application site. In addition as noted above, there would be no increase in retail floor area.
- 7.7.4 The Highways Officer has also reviewed the application and does not wish to raise any objections subject to a condition requiring the submission of a construction management plan.
- 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 There would only be a minimal increase in floorspace which would serve as storage and as such it is considered that the existing refuse/recycling arrangements would be sufficient.

8 Recommendation

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: BS02, BS03, BS04, BS05, BS06,BS08 and TRDC 001 (Location Plan)
- Reason: For the avoidance of doubt and in the proper interests of planning and in accordance with Policies PSP4, CP1, CP7, CP8, CP9, CP10, CP11 and CP12of the Core Strategy (adopted October 2011) Policies DM2, DM6, DM10, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).
- C3 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).

- C4 The development shall not begin until full details of all proposed construction vehicle access, movements, parking arrangements and facilities to restrict the generation of dust and mud from the site proposed during the construction period have been submitted to and approved in writing by the Local Planning Authority. The relevant details should be submitted in the form of a Construction Management Statement and the approved details are to be implemented throughout the construction programme.

Reason: This condition is a pre commencement condition in the interests of highway safety and convenience in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013)

8.1 **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. It is a requirement under Regulation 67 (1), Regulation 42B(6) (in the case of residential annexes or extensions), and Regulation 54B(6) (for self-build housing) 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.

- 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.
- 14 The applicant is reminded that advertisement consent and/or planning permission may be required for any shop front alterations or new signage.
- 15 Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
- 16 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 or by contacting National Grid on 0800688588.