

## PLANNING COMMITTEE – 12 NOVEMBER 2020

### PART I - DELEGATED

6. 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 at SHOP 4, WALPOLE BUILDING, CHURCH STREET, RICKMANSWORTH, WD3 1BU.  
(DCES)

Parish: Batchworth Community Council

Ward: Rickmansworth Town

Expiry of Statutory Period: 15.09.2020 (EOT  
17.11.2020)

Case Officer: Freya Clewley

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: Called in to Planning Committee by Batchworth Parish Council and by three Members of the Planning Committee.

#### **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.

#### **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 has been in use as a restaurant (Use Class A3) for a number of years. The unit is currently vacant and has been for over 6 months.
- 2.3 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 full planning permission for change of use to the existing unit from a restaurant (Use Class A3) to a Hot Food Takeaway (Use Class A5).
- 3.2 The proposed floor plan submitted indicates that the front of the unit would be used as a customer waiting area, with the remainder of the unit used as a preparation area with a WC, washing up area and control hub area to the rear. The submitted plan indicates two motorcycle parking spaces to the rear of the unit. The existing shopfront would be retained as part of the proposed development and the existing flue would be removed.
- 3.3 Amended plans were received during the course of the application to indicate the motorcycle parking provision to the rear of the unit and to retain the shop front. Further amended plans to include the removal of the existing external flue and installation of a new extractor system and condenser units have also been received. In addition, the agent has agreed in writing to amend the proposed hours of opening to 11am-11pm Monday-Sunday.

## 4 Consultation

### 4.1 Statutory Consultation

#### 4.1.1 Batchworth Community Council: [Objection]

*Batchworth Community Council objects to this application and wish to call-it in for decision by the District Council's Planning Committee unless the officers are minded to refuse. This is done on the following basis:-*

*The site is a primary frontage in the Conservation Area and will adversely affect the character of the area. Hot food takeaway shops are usually permitted on secondary frontages (A3 and A5). We have very serious concerns on the impact of truck deliveries on the very narrow roads to the front and rear of the site and disruption caused on both Church Street and surrounding roads and also the residents who live above the shops and the quality of their lives. The Community Council is also concerned about the possible increase of anti-social behaviour caused by late-night opening of the restaurant.*

#### 4.1.2 Hertfordshire County Council – Highway Authority: [No Objection]

*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.*

##### **Highway Informatives**

*HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:*

*AN1) 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 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/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 03001234047.*

*AN2) Obstruction of public highway land: It is an offence under Section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-anddeveloper-information/business-licences/business-licences.aspx> or by telephoning 03001234047.*

##### **Comments**

*This application is an amended plan of one already commented on by HCC Highways. The amendment is for the addition of an extraction system. Since our last response, it has come to light that the drawings do not fully illustrate the narrow space under the stairs where delivery mopeds will be parked.*

*Therefore HCC would like to reiterate its previous comments as seen below with additional comments for parking.*

#### COMMENTS/ANALYSIS:

*The proposals are for the Change of Use from a Restaurant (Use Class A3) to a Hot Food Takeaway (Use Class A5) with internal and external alterations at Shop 4 Walpole Building, Church Street, Rickmansworth. Drawings of the proposals have been submitted as part of the application, alongside a Planning, Heritage, Design and Access Statement (PHDAS). The site is vacant at present but was last used as a Thai restaurant (Use Class A3).*

*The applicant has submitted an additional drawing (ref: 19158-10 Rev B) in response to HCC's initial response requesting further information regarding where the delivery vehicles would be parked.*

#### ACCESS ARRANGEMENTS:

*The site is situated on Church Street, which is an unclassified local distributor road with a speed limit of 30mph and is highway maintainable at public expense. Church Street has double yellow lines along both sides of the road, and the site has no vehicular access. It is proposed that delivery drivers will access the site from the rear via a private access road off of Talbot Road. The access arrangements are acceptable to HCC.*

#### PARKING AND MANOEUVRABILITY

*HCC initially requested further information regarding the location of where delivery vehicles would be parked at the site. The applicant has since submitted an additional drawing (ref: 19158-10 Rev B) which demonstrates a motorbike parking area to the rear of the site sufficient to fit two motorbikes. It was also highlighted by the applicant that scooters would use the car park to the rear of the site if necessary. The location under the stairs is much tighter in real life than it appears on the plans. HCC Highways must insist that no delivery vehicles park or stop outside the front of the property as this would severely impact the safety of the highway network. HCC Highways main concern is the safety of the highway and as such parking at the rear must be adequate to help mitigate the possibility of vehicles parking outside the front of the property. The parking does seem tight but is deemed adequate for two small mopeds. However, the LPA is the parking authority and as such, if they feel that parking is not adequate it will cause the property to lose delivery vehicle parking which may cause delivery vehicles to park outside the front of the property. HCC would deem this as unacceptable and would need to reevaluate our response to the application.*

*The parking provided at the site is below the parking standards for Use Class A5 in the district, however, due to the town centre location of the site, this is acceptable to HCC. The applicant is reminded that Three Rivers District Council are the parking authority for the district, and therefore must ultimately be satisfied with the level of parking at the site.*

#### TRIP GENERATION

*HCC notes that the trip generation at the proposed site is unlikely to be significant due to the local of on-site and on-street parking. The PHDAS states that delivery trips are likely to generate 5.68 traffic movements per hour between 6pm and 11pm. For those who pick up their orders, it is likely that they will walk or use the free public car park to the rear of the site. It is stated in the PHDAS that it is anticipated that the majority of collections would be expected after 6pm. This is acceptable to HCC.*

#### EMERGENCY VEHICLE ACCESS:

*Due to the proximity of the site to the kerb, emergency vehicles would be able to safely access the site.*

#### SUSTAINABILITY AND ACCESSIBILITY:

*Due to town centre location, nearby to residential areas, and the lack of on-street parking, the site is likely to be a sustainable site. There are double yellow lines on both sides of the street in front of the site, and those that drive to the site are able to use the free public car park off Talbot Road to the rear of the site. The site is within walking distance to residential*

areas, multiple bus stops, and Rickmansworth railway station. The site has potential to be used by those travelling sustainably.

**CONCLUSION:**

HCC as Highway Authority considers that the proposal would not have an unreasonable impact on the safety and operation of the surrounding highway. Therefore, HCC has no objections on highway grounds to the application, subject to the inclusion of the above planning informatives.

4.1.3 National Grid: No response received.

4.1.4 Environmental Health Officer: [No Objection]

*Having reviewed this application, I would raise several points,*

*1) Environmental Health are aware that equipment relating to the existing extract system is located in the first floor flat which is separate to the ground floor premises, with this are concerns of the impact from the noise of the equipment as well as right of access to the flat for repair and maintenance.*

*2) the plans show that the existing extraction system is run into and exits the building at first floor level, unless this system is sufficiently insulated there is great potential that this would impact on the occupant of the flat at all times but particularly in the evening/night.*

*I would request as general noise assessment of the equipment as to the impact on the surrounding area following as well as an assessment of the impact of the extract system on the occupants of the first floor flat.*

Following receipt of the Environmental Health Officer's comments, the applicant has submitted additional information which includes;

*Further to your request relating to acoustic details, I can confirm that the ceiling of the ground floor unit i.e. the application site is concrete.*

*This was not previously known given full site investigations were not carried out during the height of the Covid-19 pandemic. The applicant has therefore advised me that as concrete provides a noise buffer there will be no need for them to install sound boarding underneath, which they would have done if the first floor comprised timber joists. Notwithstanding this, the applicant will be installing 2D Silencers in front of both of the fans within the new kitchen ventilation and extraction system. In addition, anti-vibration mounts will be used for all of the ducting and associated equipment.*

*If there is a hole in the ceiling where the old ducting and flue was cut (which ran vertically through a void/compartments within the first floor flat), the applicant will seal this with fire board and it will be acoustically lined.*

*Finally, it is important to note that there will be a betterment to the first floor flat and a reduction in noise given the old ducting was neither padded and acoustically lined whereas the new ducting and ventilation and extraction system is now proposed to be entirely located within the ground floor (and below a concrete ceiling). The alternative of utilising the old system would entail significant alterations to comply with current regulations that the applicant, and any other operator, would have to carry out, including acoustically lining and installing padding around the ducting, which would require a much larger compartment so would encroach into the living space of the first floor flat. In other words, the floor space within the first floor flat would be reduced.*

The Environmental Health Officer has confirmed that the additional information submitted has addressed the original concerns held, and does not raise an objection to the proposal.

#### 4.1.5 Conservation Officer: [No Objection]

*A similar application has been previously submitted (20/0865/FUL). The main concerns regarding the previous application were:*

- *The removal of the traditional stall risers and replacement with full glazing; and*
- *The appearance of the existing flue*

*This proposal seeks to retain the existing shopfront with stall risers, which is considered appropriate to uphold the character and appearance of the Conservation Area. As part of this proposal the existing flue is to be painted to closely match the brickwork behind, therefore all previous heritage concerns have been addressed.*

*An additional parking space to the rear of the property is also proposed. This is not considered to be harmful to the Conservation Area, the spaces are located to the rear of the property and remain small only allowing for two bikes.*

*Therefore, I raise no objection to this proposal. If the application is approved, it is recommended that the following condition (or similar) is applied:*

- *Details of the paint colour for the flue, including clear photographs of the existing brickwork, shall be submitted to and approved in writing by the local planning authority prior to its repainting.*

## **4.2 Public/Neighbour Consultation**

4.2.1 Number consulted: 27

4.2.2 No of responses received: 9 objections, 0 letters of support

4.2.3 Site Notice: Expired: 29.09.2020                      Press notice: Expired: 09.10.2020

4.2.4 Summary of objections:

- Adversely affects Conservation Area
- Proposal would increase the late night people noise at the weekend from post pub and possibly post hotel bar traffic
- Cause pedestrian safety and parking issues where people park on the pavement close to traffic lights and a light controlled crossing to pick up their food (as we already see just around the corner)
- Increase road noise from delivery drivers (probably on very noisy mopeds) into the early hours at the weekend
- No commercial need
- Allowing this development/change of use would exacerbate many of the existing issues and worsen the already poor standard of living of the residents in this conservation area.
- Church Street is currently occupied by small independent businesses, offering quality bespoke goods and services for their immediate neighbours and visitors of Rickmansworth town centre to patronise and enjoy.
- Large, faceless organisation, offering mass produced, low quality product.
- 70% of product is to be delivered outside of the vicinity, therefore adding zero value to the local community.
- The remaining 30% will be either generation Z or inebriated patrons of the high street pubs, resulting in very little footfall to be of any value to the Church Street businesses.
- The parking/unloading/delivery bike situation is of a concern due to noise.
- Potential for rubbish being discarded in a well photographed and documented pretty street with 400 year buildings in abundance.
- Fast food pizza delivery shop would ruin character of Church Street.

- Traffic would be exacerbated by delivery vehicles
- The proposed hours for Friday and Saturday to open until late are wholly excessive and not at all appropriate for a largely residential and peaceful area
- Significant issues regarding ownership of and parking in the road behind the proposed site where deliveries/collections would occur.

Officer Comment: *'All material planning considerations are outlined within the relevant analysis section below.*

*The LPA cannot safeguard private commercial interests nor can it regulate the occupant of any particular premises. The application is seeking planning permission for the change of use of the commercial unit, and therefore the LPA must have regard to the policies within the Development Plan when assessing this application.*

*The proposed hours have been amended under the current application, such that the proposal would now include opening hours from 11am-11pm Monday-Sunday.*

*It is acknowledged that the applicant does not own the access road to the rear, and as such would need to obtain permission from the owner of the access road in order to use the access road for deliveries and parking. Ownership issues are not a material planning consideration and as such, cannot be considered under the current application. The applicant signed Certificate B of the submitted application form, and has served the relevant notice on the owner of the access road. In the event that permission could not be obtained from the owner of the access road, the planning permission would be void as the proposal could not be implemented in accordance with the submitted details.*

*In addition, the branding and advertising signage of the proposal would be subject to a separate advertisement consent application and therefore details of the signage is not required as part of the current application. Officers are unable to comment on the commercial need of the proposal as this is not a material planning consideration.'*

## **5 Reason for Delay**

5.1 Additional information sought in relation to the extractor system and noise impact.

## **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 PSP1, CP1, CP6, 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 Appendices 4 and 5.

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 Rickmansworth Town Conservation Area Appraisal and Character Assessment (adopted August 1993).

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 application site is within the Principle Town of Rickmansworth. Policy PSP1 of the Core Strategy advises that development in Rickmansworth will maintain and enhance the vitality and viability of the town centre by promoting a range of town centre uses. Policy SA4 of the Site Allocations LDD states that Identified Local Centres and Local Shops will be protected and uses complementary to the Local Centre and Local Shops will be encouraged. Policy CP7 of the Core Strategy is also relevant and states that proposals for new town centre and shopping development will be considered taking into account the appropriateness of the type and scale of development in relation to the centre and its role, function and character and catchment area.
- 7.1.2 The application site was most recently in use as a restaurant (Class A3), however, the site is currently vacant. The site forms part of the primary shopping frontage in Rickmansworth Town Centre, a retail allocation (site ref: R(a)). Policy SA4 of the Site Allocations LDD states that within identified primary frontages, the loss of A1 retail uses will be resisted. As the existing use of the site was most recently used within Use Class A3, the proposal raises no objection to Policy SA4 in this regard as it does not involve the loss of an A1 retail use.
- 7.1.3 Policy CP7 of the Core Strategy (adopted 2011) states that the hierarchy of retail centres and their established character and diversity will be maintained through promoting uses which are complementary to primary frontages, normally within secondary frontages, and by taking account of the contribution of non-retail uses to the vitality and viability of centres.

Whilst the application site is not located in a secondary frontage the existing A3 use is considered complementary to the preferred retail use of the primary frontage. The proposed A5 use is also considered as complementary to the primary frontage, therefore the change of use can be seen to comply with Policy CP7. It is not considered that the proposed change of use from a restaurant to a takeaway would adversely affect the vitality or viability of the Town Centre.

7.1.4 From 1 September 2020 some amendments have been made to the Town and Country Planning (Use Classes) Order 1987 (as amended). Therefore, under the new Use Class Order, the existing use of the unit would be Class E and the proposed use would be Class Sui generis. Therefore, whilst the current application was validated prior to these changes, in the event that the proposed changes formed part of an application which was validated post 1 September 2020, the proposed change of use would still require planning permission.

7.1.5 Therefore it is considered that the proposal would be in accordance with Policies PSP1 and CP7 of the Core Strategy (adopted October 2011) and Policy SA4 of the Site Allocations Document.

## 7.2 Impact on Character and Street Scene and Conservation Area

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 The proposed development would not result in any alterations to the shop front and any signage would be subject to advertisement consent. The proposal would include removing the existing external flue and this is considered to be an improvement to the existing situation.

7.2.3 The proposed extractor flue and grill would be sited to the rear at ground floor level, and would not appear unduly prominent within the streetscene of Church Street. Given the size and scale of the proposed equipment, there would be a minimal visual impact when viewed from the access road and public car park. Furthermore, the proposed equipment would be viewed in the context of other extraction equipment/servicing equipment, thus these elements would not result in any harm to the Conservation Area, especially given the context and proximity of other servicing and extraction equipment.

7.2.4 It is noted that neighbour objections have been received in relation to a fast food takeaway appearing out of character within the streetscene of Church Street. Notwithstanding this, whilst the application site is not located in a secondary frontage the proposed A5 use is considered as complementary to the primary frontage. In addition, each application is assessed in relation to whether the use is appropriate or harmful to the area and not the applicant proposing to use the building. Although the proposed use would bring changes in terms of additional deliveries, whilst the application site is located within a Conservation Area, it is located within a commercial area with other takeaways within close proximity. Therefore, it is not considered that the proposal would appear incongruous in relation to other uses within the High Street and Church Street, nor result in harm to the character and appearance of the streetscene or Conservation Area, given that the existing frontage would be retained and the removal of the flue would improve the existing situation.

7.2.5 In summary, it is not considered that the proposed development would result in harm to the Conservation Area, and 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).

### 7.3 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'. Paragraph (a) of Policy DM9 of the DMP LDD sets out that the Council will refuse planning permission for development including change of use which would give rise to disturbance, noise, light, smell, fumes and vibrations unless appropriate mitigation measures are in place. Paragraph (d) in regards to noise pollution sets out that planning permission will not be granted where development has an unacceptable impact on the indoor or outdoor acoustic environment of existing or planned development.
- 7.3.2 The application site is located adjacent to residential properties. The first floor accommodation above the unit is also currently in residential use. The proposed opening hours of the property have been amended during the course of the application and are between 11:00 to 23:00. This is acceptable as there are other units within Church Street and High Street that are of the same use class that are also open for the same hours which also have residential above and surrounding them, therefore the context and environment is similar to that proposed. There are no known issues specifically relating to the operation of these similar units.
- 7.3.3 The proposal would include the removal of the existing extractor flue and installation of a new extractor system, and the Environmental Health Officer has been consulted on the current application and has confirmed that the information submitted is sufficient, and no additional information is required. Based on the submitted details, it is not considered that the proposed extractor system would result in any harm to neighbouring amenity by virtue of resultant noise or disturbance.
- 7.3.4 It is acknowledged that neighbour objections have been received in relation to the noise and disturbance generated by the proposed development. Notwithstanding this, in considering the opening hours, that the site is located within the Primary Shopping Frontage and the most recent use of the unit, it is not considered that the proposed use would result in significant harm to residential amenity so as to justify the refusal of planning permission in this regard.
- 7.3.5 The proposal would increase the number of comings and goings of delivery drivers and members of the public. The opening hours proposed are 11am to 11pm, whereas the previous restaurant was open until 10pm and had a greater capacity in terms of serving seated customers inside the building. It is likely that more customers of the previous use would have been leaving around 10pm in larger groups, rather than using and leaving the premises on a more staggered basis as would be expected from the proposed use. Therefore it is not considered that the proposal would result in significant harm to residential amenity so as to justify the refusal of planning permission in this regard.
- 7.3.6 In summary, it is not considered that the proposed development would result in significant harm to neighbouring amenity so as to justify the refusal of planning permission. The proposal would therefore accord with Policy CP12 of the Core Strategy in this regard.

### 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. The application relates to the change of use of a ground floor unit. Given the scale and nature of the application, it is not considered that protected species would be affected.

#### 7.5 Trees and Landscaping

7.5.1 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.

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

#### 7.6 Highways, Access and Parking

7.6.1 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.

7.6.2 Appendix 5 of the Development Management Policies document sets out that Hot Food Takeaway shops require 1 parking space per 3sqm of floorspace of public area plus 3 spaces per 4 employees.

7.6.3 The submitted floor plan indicates that the customer waiting area would have an area of approximately 17sqm. Therefore, this would generate a requirement for approximately 6 parking spaces. In addition, the unit would have up to 20 employees which would work shifts and therefore on the basis that there could be 10 employees within the unit at one time, the proposal would require an additional 6 spaces.

7.6.4 Two parking spaces for delivery motorcycles would be provided to the rear to serve the unit and would be used by delivery drivers. Whilst this would fall short of the policy requirement, given the location of the application site, which is located within the town centre and well served by public transport links, with a public car park located to the rear of the site, it is not considered that the proposed development would result in harm in this respect. In addition, the proposed change of use would replace an existing use that had its own parking pressures. The previous restaurant had a floorspace of approximately 60sqm. Appendix 5 sets out that A3 restaurants should provide 1 space per 5sqm of floorspace of dining area plus 3 spaces per 4 employees. Therefore, based solely on floorspace alone, the A3 use required 12 spaces, double the requirement of the proposed A5 use.

7.6.5 Whilst it is acknowledged that neighbour objections have been raised in relation to delivery drivers and customers stopping outside the unit, there are double yellow lines directly outside the application site, to both sides of the highway and therefore it is considered that there are adequate restrictions in place in this regard. Double yellow lines mean no waiting at any time, unless there are signs that specifically indicate seasonal restrictions. No days are shown on signs within the vicinity of the application site, therefore the restrictions are in force every day including Sundays and Bank Holidays. In addition, the Highways Officer has been consulted on this application and has confirmed that they have no objection to the proposal in terms of highway safety.

#### 7.7 Refuse and Recycling

7.7.1 Policy DM10 (Waste Management) of the Development Management Policies LDD (adopted July 2013) 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.

7.7.2 The submitted Planning, Heritage, Design and Access Statement (PHDAS) states that the applicant has a standard contract with a pest control agency to control and manage the presence of vermin around their premises. In addition, to prevent nuisance from pests, refuse from the proposed unit would be stored in two Biffa lockable bins which would be sealed to avoid pests gaining access. The bins would be kept at the rear of the site, one for general waste and one for recycling. Both bins would be emptied on a weekly basis by contractors.

7.7.3 Therefore, it is considered that the proposal would provide adequate provision for the storage and recycling of waste and the proposal would comply with Policy DM10 of the Development Management Policies document in this regard. Notwithstanding this, it is considered reasonable to attach a condition to any planning permission to ensure that the proposal would be operated in accordance with the submitted refuse information within the PHDAS.

## **8 Recommendation**

8.1 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: 19158-01 Rev C, 19158-02 Rev B, 19158-03, 19158-10 Rev H and 19158-11 Rev C.

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 PSP1, CP1, CP6, CP7, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM3, DM6, DM9, DM10, DM13 and Appendices 4 and 5 of the Development Management Policies LDD (adopted July 2013), Policy SA4 of the Site Allocations LDD (adopted November 2014) and the Rickmansworth Town Conservation Area Appraisal (adopted August 1993).

C3 All fumes shall be extracted via the extraction equipment and/or flue hereby approved which shall be installed and made operational, and the existing flue removed, prior to the commencement of the approved use and thereafter retained, and maintained, for the duration of the approved use.

Reason: To protect adjoining occupiers and the area 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 motorcycle parking spaces to the rear shall be constructed in accordance with the approved plans prior to the first occupation of any part of the development hereby permitted. The parking spaces shall thereafter be kept permanently available for the use of delivery vehicles only.

Reason: To ensure that adequate off-street parking and manoeuvring space is provided within the development so as not to prejudice the free flow of traffic and in the interests of highway safety on neighbouring highways in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C5 The use hereby permitted shall not operate other than between the hours of 11:00 until 23:00 Monday to Sunday (inclusive) and Bank 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).
- C6 The proposed unit shall be set up, used and operated only in accordance with the layout shown on approved plan number 19158-10 Rev H.
- Reason: For the avoidance of doubt, in the proper interests of planning, to safeguard the character and appearance of the wider area and in accordance with Policies PSP1, CP1, CP6, CP7, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM6, DM9, DM10, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013) and Policy SA4 of the Site Allocations LDD (adopted November 2014).
- C7 The development hereby permitted shall not be occupied until the approved refuse and recycling scheme as set out within the Planning, Heritage, Design and Access Statement has been implemented and these facilities should be retained permanently thereafter.
- Reason: To ensure that satisfactory provision is made, in the interests of amenity and to ensure that the visual appearance of such provision is satisfactory in compliance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies document (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](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. 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 Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that 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 Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website: [www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx](http://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx)
- 16 Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before the construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.