

PLANNING COMMITTEE – 25 FEBRUARY 2021

PART I - DELEGATED

9. 20/2236/FUL: Installation of two new staircases, including all associated platforms, handrails, alighting points, access point in to and on to the theatre and associated fencing at WATERSMEET THEATRE, HIGH STREET, RICKMANSWORTH, HERTS, WD3 1EH

(DCES)

Parish: Batchworth Community Council
Expiry of Statutory Period: 16.02.2021

Ward: Rickmansworth Town
Case Officer: Claire Wilson

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: The applicant is Three Rivers District Council.

1 Relevant Planning History

- 1.1 11/1810/FUL: Roof perimeter protection. Application permitted. Permission implemented.
- 1.2 13/0817/FUL: Replacement windows incorporating new doors to Daybreak Nursery. Application permitted. Permission implemented.
- 1.3 15/0688/FUL: District Council Application: Change of use of storage area to B1(Office) use. Application permitted. Permission implemented.
- 1.4 15/1813/ADV: Advertisement Consent: District Council Application: Mural to consist of hand painted tiles mounted on wall. Application permitted. Permission implemented.
- 1.5 16/0151/FUL District Council Application: Replacement entrance doors and window and alterations to frontage to include rendered section. Application permitted. Permission implemented.

2 Description of Application Site

- 2.1 The host building, known as Watersmeet Theatre, is a two storey building with part flat, part mansard roof form located on the northern side of Rickmansworth High Street. It is currently in use as a Theatre, although part of the premises are used by an existing nursery. The site is located within the Rickmansworth Town Centre Conservation Area which is characterised by a mix of commercial and residential buildings of varied scale and architectural design. The host building is of irregular footprint and has a predominantly flat roof form when viewed from the High Street. Metal railings are located around the perimeter of the existing flat roof form and are visible from public vantage points. These were permitted in 2011 to safeguard any persons accessing the roof for general maintenance purposes. The existing building is finished in dark coloured brick work. The main public entrance to the building is located in the western flank elevation facing towards the Library.
- 2.2 Located immediately adjacent to the host building to the North West is Basing House, a Grade II Listed Building which is set back from the High Street frontage but with its front elevation facing the High Street. To the rear of the host building is the car park which serves Three Rivers House, but is also used by the public at certain times. Directly to the east of the building is Rickmansworth Baptist Church and to the north east of the site are residential neighbours fronting The Cloisters.

3 Description of Proposed Development

- 3.1 The applicant is seeking full planning permission for the installation of two new staircases, including all associated platforms, handrails, alighting points, access point in to and on to the theatre and associated fencing.
- 3.2 An external staircase is proposed to the western elevation of the building and would be sited to the rear of the existing front foyer projection. The plans indicate that it would project from the existing building by approximately 1.2m and would have a width of approximately 7.4m. The staircase would provide access to the existing flat roof, therefore the staircase platform would have a maximum height of 5.3m. A fence with gate would be located around the base of the stair case and this would have a maximum height from the lowest land level of approximately 2m and a minimum height of 1.6m. The floor plans indicate that the fencing would be set back from the edge of the kerb by 0.6m and would be galvanised steel.
- 3.3 A further staircase is proposed to the eastern elevation to the rear of the existing store. It would have a depth from the rear wall of the store of approximately 3m, with the staircase having a width of approximately 0.9m. The access platform would be located at a height of approximately 3.8m and would provide access to a new door in the flank elevation of the building. The new stair case would be enclosed at its base by fencing and a gate which would have a height of approximately 2.3m. This would also be galvanised steel.
- 3.4 The applicant has advised that the development is required for the following reasons:

The new staircases are required to allow safe access for approved TRDC staff and contracted operatives to work on mechanical and electrical plant which is currently situated on the roof and in a raised working area. Each of these 2 areas are currently accessible only by vertical cat ladders, which are totally unacceptable by present day safety standards. The plant concerned has to be inspected and maintained at regular intervals, usually quarterly. Any other access would only be required in the event of unforeseen breakdowns or ad hoc occasional requirements. Access to these areas will be restricted to approved Three Rivers council staff and contractors only. No public access will be permitted. At all times, outside of the planned access to these areas, the staircases will be secured by locked gates and surrounding fences at ground level.

4 Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Community Council: (No objection)

Batchworth Community Council has no comment to make on this application.

4.1.2 Conservation Officer: (Concerns raised)

This application is for the installation of two new staircases, including all associated platforms, handrails, alighting points, access point in to and on to the theatre and associated fencing.

The property is located in the Rickmansworth Town Centre Conservation Area and within the immediate setting of the Grade II listed Basing House (list entry: 1100850).

There is no in principle objection to the proposal. The installation of the staircase on the east elevation would raise no objection, it would largely be screened from views within the Conservation Area. However, the location of the proposed staircase and palisade fencing on the west elevation is not considered acceptable. The west elevation is clearly visible from views within the Conservation Area and the adjacent listed property, the untraditional appearance of the stairs and fencing will detract from the character and appearance of the Conservation Area and the setting of the listed building. The stairs on the west elevation

could be more appropriately located on the rear elevation or one that is concealed from views from the listed building and within the Conservation Area.

The proposals would, in my opinion, fail to preserve or enhance the character and appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the National Planning Policy Framework (2019), the level of harm is considered to be 'less than substantial' as per paragraph 196.

4.1.3 Herts Archaeology: (No objection)

In this instance we consider that the proposal is unlikely to have a significant impact on heritage assets of archaeological interest, and we have no comment to make

4.1.4 National Grid: (No objection)

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: plantprotection@cadentgas.com Tel: 0800 688 588

4.1.5 Theatres Trust: (No objection)

Watersmeet is a theatre and performance venue with a varied arts programme. It is an important social and cultural facility serving Rickmansworth and its surrounding communities; paragraph 92 of the NPPF seeks planning decisions to plan positively for facilities of this nature.

This proposal seeks to install additional means of escape from the venue, which will necessitate the addition an external staircase to each of the east and west elevations. In turn this will result in new openings.

We do not consider these additions to cause harm to the character and setting of the surrounding conservation area, and they will enhance the safety of the venue's audiences, performers and staff. Therefore we are supportive of the granting of planning permission.

4.2 **Public/Neighbour Consultation**

- | | | |
|-------|--------------------------------|---------------------------------|
| 4.2.1 | Number consulted: 65 | No of responses received: 1 |
| 4.2.2 | Site Notice: Expiry 22.01.2021 | Press notice: Expiry 29.01.2021 |
| 4.2.3 | Summary of Responses: | |

- no objection to emergency and therefore occasional use, but we would have serious concerns about routine use of either the new emergency egress door to the plant room and the external staircase on the east side;
- Any more than emergency usage would be the strong likelihood of increased noise and disturbance from exiting patrons of the venue, often at unsociable hours after evening performances and private hire gatherings;
- The erection of a staircase on the eastern elevation has the potential to cause overlooking of our garden, ground floor kitchen/living area and two first floor rear bedrooms as there would be direct lines of sight from the staircase into all the above-mentioned areas of our property;
- Previous issues with light pollution demonstrates that the rear of Watersmeet can impact on neighbouring properties;
- We do not wish to object to the proposed design brief of the staircase on the eastern elevation, provided that it is for emergency egress only and we request that this limitation in use be stipulated in the final planning consent in

5 Reason for Delay

5.1 Committee cycle.

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 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, 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, DM13 and Appendix 5

The Rickmansworth Town Centre Conservation Area Appraisal and Character Assessment (1993).

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 Impact on Character, Street Scene & Heritage Assets

7.1.1 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'. In addition, development should 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'should conserve and enhance natural and heritage assets'.

7.1.2 The application building is located within the Rickmansworth Town Centre Conservation Area and adjacent to an existing Grade II Listed Building known as Basing House. As such, Policy DM3 of the Development Management Policies LDD is also relevant to the assessment of this application. This sets out that development will only be supported in Conservation Areas where 'it is of a design and scale that preserves or enhances the character or appearance of the area' and 'does not harm important views into, out of or within the Conservation area'. With regard to Listed Buildings, Policy DM3 advises that the 'Council will preserve the District's Listed Buildings and will only support applications where the extension/alteration would not adversely affect its character as a building of special architectural or historic interest both internally or externally or its wider setting'

7.1.3 The installation of the staircase on the eastern elevation would raise no objection as it would largely be screened from views within the Conservation Area. Furthermore, when viewed against the backdrop of the existing building it would not appear unduly prominent.

7.1.4 However, the Conservation Officer has raised concern in relation to the installation of the staircase and associated fencing to the western elevation which is more visible within the public realm. The Conservation Officer considers that the untraditional appearance of the development would detract from the character and appearance of the Conservation Area and from the setting of the adjacent listed building. These concerns are acknowledged, however, it is also noted that Watersmeet Theatre is not of traditional appearance and has a distinct character which differs from other buildings of more traditional appearance within the wider Conservation Area. The roof form already has visible railings around the perimeter which adds to the more utilitarian appearance. The development would be viewed against

the backdrop of the modern, dark coloured brick building, and its sizeable roof form with railings. It is noted that the fencing would be a relatively high addition. However, it would be located in the recessed section of the building, to the rear of the foyer projection, reducing its prominence.

7.1.5 It is also acknowledged that the staircase and associated fencing would be visible from Basing House, an existing Grade II Listed Building. However, this building is already viewed in relation to other later additions within the vicinity including Three Rivers House, Rickmansworth Library, Watersmeet Theatre and the associated hardstanding already located around this Listed Building. Furthermore, the staircase would be located within a recessed location and therefore would not be readily visible when viewing Basing House from the High Street itself.

7.1.6 Whilst it is considered that the existing backdrop against which the development would be read is acknowledged, it is considered that the development would result in less than substantial harm to the designated heritage assets (Rickmansworth Town Centre Conservation Area and Grade II Listed Building).

7.1.7 Paragraph 196 of the National Planning Policy Framework sets out the following guidance for the assessment of developments which may affect a designated heritage asset:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

7.1.8 During the course of the application, the applicant has advised the following:

The new staircases are required to allow safe access for approved TRDC staff and contracted operatives to work on mechanical and electrical plant which is currently situated on the roof and in a raised working area. Each of these 2 areas are currently accessible only by vertical cat ladders, which are totally unacceptable by present day safety standards. The plant concerned has to be inspected and maintained at regular intervals, usually quarterly.

7.1.9 The host building is a local entertainment venue and this development is required to ensure that the mechanical and electrical plant required for its use can be serviced for its continued and safe operation. In this instance, it is therefore considered that there are public benefits to the development due to the current use of the host building. Furthermore, Policy PSP1 of the Core Strategy advises that the Council 'will support the town centre as a focus for community interaction and the viability of existing facilities such as Watersmeet Theatre'. This development will therefore ensure its safe operation and is considered to be in accordance with Policy PSP1 of the Core Strategy (adopted October 2011).

7.1.10 The development is therefore considered to be acceptable and in accordance with Policy CP12 of the Core Strategy and Policy DM3 of the Development Management Policies LDD.

7.2 Impact on amenity of neighbours

7.2.1 Policy CP12 of the Core Strategy states that the 'Council will expect all development proposals to protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'.

7.2.2 The staircase and fencing to the western elevation is located adjacent to non-residential buildings and therefore would not have an impact on the residential amenities of any neighbouring dwelling.

7.2.3 The staircase to the eastern elevation would be more visible from residential dwellings, most notably from The Cloisters. Concern has been raised that the staircase and new flank door

if used routinely would result in overlooking as well as noise and disturbance to no.11 The Cloisters. These concerns are acknowledged, however, the additional information submitted by the applicant advises that the staircases are required for the safe access for approved TRDC staff and contracted operatives to work on mechanical and electrical plant which is currently situated on the roof and in a raised working area. As such, the staircases would not be used by members of the public and would also not be in continuous use. Therefore, due to its limited use, it is not considered that it would result in significant overlooking or generate additional noise and disturbance. A condition shall be attached to the planning permission to require that the staircases are only used by approved TRDC staff and contractors and for maintenance only.

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 and specifies that the development would not have any impact on any protected species. Given the nature of the application as involving the erection of staircases and associated fencing, it is not considered that there would be any impact in this regard.

7.4 Trees and Landscaping

7.4.1 The development would not have any impact on any trees or areas of landscaping.

7.5 Highways, Access and Parking

7.5.1 Policy CP10 of the Core Strategy advises that 'development will need to demonstrate that the development will provide a safe and adequate means of access'. In addition, Policy DM13 and Appendix 5 of the Development Management Policies LDD advises that development should have sufficient off street car parking provision.

7.5.2 In this case, the proposed development would not have any impact on the adjacent highway and would not encroach into existing car parking areas or increase the requirements for off street car parking. As such, no objection is raised in this regard.

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:

TRDC 001 (Location Plan), 10463/001 A, 10463/010, 10463/011, 10463/012, 10463/014 A, 10463/015 A, 10463/016, 10463/017

Reason: For the avoidance of doubt, in the proper interests of planning and to protect the character and appearance of the Conservation Area in accordance with Policies PSP1, CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM3, DM6, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C3 The proposed staircases shall only be used by Three Rivers and Watersmeet staff and their contracted operatives, for the purposes of maintenance and for no other purposes.

Reason: To protect the residential amenities of neighbouring occupiers in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

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.

- 12 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.
- 13 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.
- 14 Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: plantprotection@cadentgas.com Tel: 0800 688 588