

## PLANNING COMMITTEE – 21 OCTOBER 2021

### PART I - DELEGATED

#### 14. 21/1742/RSP – Retrospective: Installation of an external electric roller-shutter at 4 ODEON PARADE, HIGH STREET, RICKMANSWORTH, WD3 1EE (DCES)

Parish: Batchworth Community Council  
Expiry of Statutory Period: 05.10.2021  
(Extension of Time 25.10.2021)

Ward: Rickmansworth Town  
Case Officer: Scott Volker

Recommendation: That Retrospective Planning Permission be Refused.

Reason for consideration by the Committee: This application is brought before the Committee as the building is owned by Three Rivers District Council.

#### 1 Relevant Planning History

- 1.1 8/430/75 – New shop front – Permitted August 1975.
- 1.2 8/12A/83 – Replacement fascia – Permitted February 1983.
- 1.3 8/8A/87 - Erection of non-illuminated projecting sign – Refused June 1987.
- 1.4 8/24A/88 – Internally illuminated box sign – Refused September 1988.
- 1.5 98/0904 - Installation of 2 new signs – Permitted December 1998.
- 1.6 99/0044 - Replacement of shopfront – Permitted April 1999.

#### Relevant Enforcement History

- 1.7 19/0257/COMP - Unauthorised Erection of Roller Shutters – Pending Consideration.

#### 2 Description of Application Site

- 2.1 The application site is a commercial unit on the eastern side of Odeon Parade, fronting Church Street and close to the junction with the High Street. The unit is owned by Three Rivers District Council and is currently shared and occupied by a watch and jewellery store. The frontage is predominantly glazed with an entrance door positioned off-centre. The frontage is painted in anthracite grey with white signage above.
- 2.2 The existing unit is located within a row of other commercial uses. The site is within the Rickmansworth Town Centre Conservation Area.

#### 3 Description of Proposed Development

- 3.1 Retrospective planning permission is sought for the installation of an external electric roller-shutter.
- 3.2 The roller shutter has a height of 2.7 metres and the casing for the shutter is located above the shop front at a height of 3 metres and project 0.3 metres from the principal elevation of the premises. The shutter spans the full width of the shopfront.
- 3.3 The shutter and casing is solid in appearance and is painted in Anthracite Grey RAL 7016 to match the external colourway of the premises.

#### 4 Consultation

## 4.1 Statutory Consultation

### 4.1.1 Batchworth Community Parish Council: [No comments to make]

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

### 4.1.2 Highway Officer: [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.*

*Comments/Analysis*

#### **Description of Proposal**

*Installation of an external electric roller shutter over shop frontage (retrospective).*

#### **Site and Surroundings**

*Odeon Parade, is located on the junction of High Street and Church Street, both of which are unclassified local distributor roads subject to 30mph speed limits which are highway maintainable at public expense.*

#### **Clearance**

*The roller shutter is shown on Drawing Number A3.1 to be 2.775m above the footway, this is an acceptable clearance as demonstrated in Roads in Hertfordshire: Highway Design Guide 3<sup>rd</sup> Edition Section 4 – Design Standards and Advice Paragraph 1.9, which states that the headroom above the footway must be a minimum of 2.3m.*

#### **Conclusion**

*HCC as Highway Authority has considered the application and are satisfied that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highway footway and therefore, has no objections on highway grounds to this application.*

### 4.1.3 Conservation Officer: [Objection]

*Roller shutters are generally considered unacceptable in Conservation Areas. They obscure the entire shop front and require a bulky shutter box resulting in a visually intrusive feature within the street scene. Due their overly prominent and untraditional appearance roller shutters detract from the character and appearance of the street scene, resulting in 'less than substantial' harm to the significance of the Conservation Area. Internal shutters/ lattice screening is considered the most sympathetic option due to the minimal visual impact.*

### 4.1.4 National Grid: No response received.

## 4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 7

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

4.2.3 Site Notice: Posted 17.08.2021 Expired 08.09.2021

Press notice: Published 20.08.2021 Expired 11.09.2021

4.2.4 Summary of Responses: N/A

## 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 2021 the updated 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, 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 and DM9.

### **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.

The Rickmansworth Conservation Area Appraisal and Character Assessment (1993) is also relevant.

## **7 Planning Analysis**

### **7.1 Introduction**

7.1.1 Following a service request to the Council’s planning enforcement team, an enforcement investigation was opened in relation to the unauthorised erection of roller shutters (ref.

19/0257/COMP). This current application has been submitted in an attempt to formalise the breach of planning control by utilising Section 73A of the Town and Country Planning Act 1990 (as amended) which enables an application to be made to the Local Planning Authority for development carried out before the date of the application. The application proposes to retain the development in situ.

## 7.2 Design and Impact on Street Scene and Heritage Assets

7.2.1 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) states that development should 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'conserve and enhance natural and heritage assets'.

7.2.2 Policy DM3 of the Development Management Policies LDD stipulates that within Conservation Areas development will only be permitted if the proposal is of a design and scale that preserves or enhances the character or appearance of the area, and retains and restores, where relevant, traditional features such as shop fronts, walls, railings, paved surfaces and street furniture, and improves the condition of structures worthy of retention.

7.2.3 The Conservation Officer was consulted on the application and stated that roller shutters are generally considered unacceptable in Conservation Areas. Such features obscure the entire shop front and require a bulky shutter box resulting in a visually intrusive feature within the street scene. Due their overly prominent and untraditional appearance roller shutters detract from the character and appearance of the street scene, resulting in 'less than substantial' harm to the significance of the Conservation Area.

7.2.4 In this case, the proposed external roller shutters in situ extend the full width of the shop front and are generally solid in appearance. They appear as a prominent feature within the street scene and are harmful to the character and appearance of the Conservation Area. In addition, they include a shutter box which projects forward of the shop front which is considered visually intrusive feature as expressed by the Conservation Officer.

7.2.5 In the assessment of this application, regard is had to application 17/2211/FUL at 70 High Street, Rickmansworth which proposed '*Change of use from Class A2 (Financial and Professional Services) to Sui Generis for use as a tattoo, body piercing and laser tattoo removal studio with inclusion of external roller shutters*'. The application proposed two options – linked shutters and solid shutters. The application was refused and an appeal was subsequently dismissed insofar as it related to the external roller shutters and the appeal was allowed for the change of use (Appeal Ref: APP/P1940/W/18/3201200). In commenting on the external roller shutters the Inspector commented the following:

*18. Both proposed shutter options would introduce harmful external clutter that detracts from the building's historic character and the simple form of its existing shopfront. Although the linked shutter option would be more transparent and therefore less harmful, it would still nonetheless be out-of-keeping with the traditional architectural style of the building. The solid shutter option would be even more harmful in that it would almost entirely screen the attractive ground floor front elevation of the building when the tattoo parlour is shut, which would create a bland and hostile atmosphere at night. In both cases, the development would give the building a defensive appearance and fortress-like character. It would as a consequence appear foreboding in the street scene and have a 'deadening' effect on the vitality and viability of the High Street when the tattoo parlour is shut.*

*19. Whilst I recognise that the appellant wishes to erect the external shutters to safeguard expensive equipment at the premises, I am satisfied that an acceptable alternative solution to this would be possible through the installation of internal lattice type shutters. These would provide a reasonable degree of security whilst protecting the external*

*appearance of the building, the conservation area and the setting of the adjacent listed building. The appellant has confirmed their agreement to this and I have accordingly imposed a condition.*

- 7.2.6 The proposed shutters would be similar to the above appeal scheme and thus the Inspector's comments in respect of such solid shutters create a *'bland and hostile atmosphere at night'*; *'give the building a defensive appearance and fortress-like character'* and *'appear foreboding in the street scene and have a 'deadening' effect on the vitality and viability of the High Street'* would also be applicable when considering the impacts of this current application. Therefore the proposed roller shutters are not acceptable.
- 7.2.7 The Local Planning Authority also recently served an Enforcement Notice at 88 High Street earlier this year requiring the removal of external shutters. The owner of the premises recently removed the shutters and associated equipment. Enforcement Case Ref: 20/0033/COMP.
- 7.2.8 There are historical examples of roller shutters within the High Street, located at Robert Harris Jewellers (139 High Street) and also most notably located a 2 Odeon Parade located just around the corner from the application site. The shutters at 2 Odeon Parade were granted planning permission under 19/0511/FUL. Whilst these examples are noted they are not considered to set a precedent for further external roller shutters in the Conservation Area. Additionally, it should be noted that the shutters at 2 Odeon Parade replaced a previously existing solid metal shutter which also had bulky mechanism and housing. Furthermore, the frontage of the premises also included internal shutters which were generally solid in appearance. The replacement shutters were seen as an overall improvement to the shop frontage and were considered to improve the appearance of the premises within the Conservation Area. Finally, due to the nature of the occupant of the premises which is a shop with long opening hours this reduced the amount of time that the shutters were to be down.
- 7.2.9 The applicant has advised that external shutters are proposed for safety reasons. Whilst this is acknowledged the matter of security was addressed by the Inspector in the appeal referred to above at para 7.2.5. In light of the above comments by the Inspector it is considered that shutters installed internally and of an appropriate design may be considered more appropriate in this location and would adequately achieve the necessary security. The Conservation Officer also considered that internal shutters/lattice screening would be the most sympathetic option due to the minimal visual impact. There is no evidence or suggestion from the applicant that internal shutters could not be installed at the application site.
- 7.2.10 In conclusion, the proposed external shutters is considered to be a visually intrusive and overly prominent feature within the street scene that would not preserve or enhance the character and appearance of the Rickmansworth Conservation Area. Having regard to paragraph 196 of the NPPF the roller shutter would result in 'less than substantial' harm to the significance of the designated heritage asset. No public benefits are considered to exist to outweigh the identified harm. Therefore the development is contrary to Policies CP1 and CP12 of the Core Strategy, Policy DM3 of the Development Management Policies LDD and the Rickmansworth Conservation Area Appraisal and Character Assessment (1993).

### 7.3 Impact on Neighbours

- 7.3.1 Policy CP12 of the Core Strategy (2011) advises that development will be expected to protect residential amenity.
- 7.3.2 Due to the scale and positioning of the roller shutters it is not considered that the proposal results in any harm to residential neighbours within the vicinity. The proposal therefore is acceptable in accordance with Policy CP12 of the Core Strategy (adopted October 2011).

#### 7.4 Highways Parking & Access

7.4.1 Core Strategy Policy CP10 requires development to demonstrate that it will provide a safe and adequate means of access.

7.4.2 Given the nature of the proposed development it is not considered that the proposal would result in harm to highway safety or operation. The Highway Officer was consulted on the application and raised no objection to the proposal. Thus the proposed development is considered to be acceptable in accordance with Core Strategy Policy CP10.

#### 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. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

7.5.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application.

### **8 Recommendation**

8.1 That RETROSPECTIVE PLANNING PERMISSION BE REFUSED for the following reason:

R1 The proposed external roller shutters are a very uncharacteristic feature which creates a hostile form of development detracting from the character and appearance of the Rickmansworth Conservation Area however no public benefits are considered to exist which would outweigh the identified harm. As such the development is contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM3 of the Development Management Policies LDD (adopted July 2013), The Rickmansworth Town Centre Appraisal (1993) and the NPPF.

8.2 Informative:

I1 The Local Planning Authority has been positive and proactive in considering 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 encourages applicants to have pre-application discussions as advocated in the NPPF. The applicant and/or their agent did not have formal pre-application discussions with the Local Planning Authority and the proposed development fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.