

PLANNING COMMITTEE – 18 NOVEMBER 2021

PART I - DELEGATED

- 10. 21/2347/RSP – Retrospective: Installation of sliding doors and railings to ground floor front elevation at SHOP 4 WALPOLE BUILDING, CHURCH STREET, RICKMANSWORTH, HERTFORDSHIRE, WD3 1BU (DCES)**

Parish: Batchworth Community Council. Ward: Rickmansworth Town.

Expiry of Statutory Period: 06.12.2021. Case Officer: Freya Clewley

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: A Councillor is a neighbour of the application site.

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.
- 1.4 20/0865/FUL - Change of Use from a Restaurant (Use Class A3) to a Hot Food Takeaway (Use Class A5) with internal and external alterations – Withdrawn 11.08.2020.
- 1.5 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 – Refused 17.11.2020. Refused for the following reasons:

R1 The proposed development, by reason of the increased activity from people and delivery vehicles to the rear of the site, and the extended hours of activity would result in an intensification of the use to the rear and additional noise and disturbance to occupants of neighbouring residential properties which would be harmful to the amenities of the occupants of these properties. The proposed development would therefore be contrary to Policies CP1 and CP12 of the Local Plan Core Strategy (2011), and Policy DM9 of the Development Management Policies LDD (2013).

R2 The proposed use, by reason of its location within a primary shopping frontage and its use as a takeaway with an estimated average of 60-70% of orders being for home delivery, would not provide a use complementary to the primary shopping frontage and would not sustain the vitality and viability of Rickmansworth Town Centre. On this basis the proposed development would be contrary to Policies PSP1, CP1 and CP7 of the Local Plan Core Strategy (2011), and Policy SA4 of the Site Allocations LDD (2014).

R3 The proposed development, by reason of its use as a Hot Food Takeaway with public collection at the Church Street entrance, and the lack of dedicated car parking, would result in increased injudicious parking along Church Street, to the detriment of highway and pedestrian safety and the free flow of traffic on this busy local distributor road. The proposal would therefore be contrary to Policy CP10 of the Local Plan Core Strategy (2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (2013).

R4 Insufficient and inadequate space is proposed for delivery vehicles to access the rear of the site, park outside, turn and leave the site and the limited space provided is not demonstrably useable. The insufficient space would result in injudicious parking, turning and delivery movements and an inability to safely and adequately access the application site, and would be detrimental to highway safety and the free flow of traffic in the area. The proposal would be contrary to Policy CP10 of the Local Plan Core Strategy (2011).

- 1.6 20/2390/ADV - Advertisement Consent: Installation of fascia and projecting sign with internally illuminated text and logos and illuminated window display – Withdrawn 16.11.2020.
- 1.7 21/1060/ADV - Advertisement Consent: Installation of new fascia sign and projecting sign – Permitted 16.07.2021.
- 1.8 21/1059/FUL – Internal alterations, the installation of a flue from a gas pizza oven on the side elevation and alterations to frontage to include new signage – Permitted 16.07.2021.

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 had been in use as a restaurant (Use Class A3) for a number of years. The unit is currently vacant and has been for over 12 months. During a site visit conducted on the 2nd November 2021, it was noted that the works to the frontage to install sliding doors and railings to the ground floor front elevation had been undertaken.
- 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 retrospective planning permission for the installation of sliding doors and railings to the ground floor front elevation of the building.
- 3.2 The existing shopfront has been replaced with four full height glazed sliding doors and low level fixed railings. The frames of the doors are grey and the railings are black. The railings have a maximum height of 1m and would be constructed out of metal.

4 Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Community Council: [No Objection]

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

4.1.2 Conservation Officer: [Objection]

The property is located in the Rickmansworth Conservation Area and adjacent to no. 7-9 Church Street which is a Grade II listed (list entry no. 1100873). Church Street forms part of the historic core of Rickmansworth.

Built heritage advice relating to a previous application for the change of use from a Restaurant (Use Class A3) to a Hot Food Takeaway (Use Class A5) with internal and external alterations (ref: 20/0865/FUL), stated:

'The appearance of the existing shop front is traditional and goes some way to uphold the character and appearance of the Conservation Area. The removal of the stall risers and insertion of full height, large glazing results in a bland and modern appearance. This proposal is inappropriate and would further erode the traditional appearance of the streetscene.'

The application was subsequently withdrawn, and an application submitted for a similar scheme (ref:20/1461/FUL) which retained the existing shop front and stall risers which was considered positive as this preserved the character and appearance of the Conservation Area. This current application has reverted to the previously unacceptable scheme with no justification or explanation. Therefore, as identified previously, the proposal would result in 'less than substantial' harm as per paragraph 202 of the NPPF.

I acknowledge that there are other examples of fully glazed shop fronts along Church Street, however, the loss of traditional shop fronts will gradually undermine the character of the town centre, resulting in cumulative harm to the Conservation Area. The proposals would 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.

4.1.3 National Grid: No response received.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 35

4.2.2 No of responses received: 0

4.2.3 Site Notice: Expired: 05.11.2021. Press Notice: Expired: 12.11.2021.

5 Reason for Delay

5.1 None.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

In 2021 the National Planning Policy Framework was updated. 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 CP1, 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, DM13 and Appendix 5.

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 Impact on the character and appearance of the street scene and conservation area

7.1.1 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'.

7.1.2 Policy DM3 of the Development Management Policies LDD stipulates that within Conservation Areas development will only be permitted if the proposal 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.

7.1.3 The alterations to the shop front which have included the replacement of the pre-existing shop front with full height sliding doors and railings has resulted in a different appearance to the ground floor unit within the street scene of Church Street. The pre-existing shop front with stall risers and half height glazing was more traditional in appearance and went some way to upholding the wider character and appearance of the historic core of the Conservation Area. Whilst the full height sliding doors and railings are of a more modern appearance, they form part of the street frontage elevation serving the Mock Tudor style building which has a neutral impact on the conservation area and is not overly reflective of the older and more traditional style buildings found within Church Street. As such, whilst the pre-existing shop front was more traditional in its design, it is not considered that a contemporary approach to the ground floor front elevation is harmful given the style of the

building in which it forms part of. It is also noted that the three other shop fronts served by the same building are heavily glazed which is in contrast with the other older buildings in Church Street which generally take on a more sympathetic and traditional appearance. As such it is considered that whilst the shop front is now different it would still preserve the character and appearance of the Conservation Area. 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).

7.2 Impact on Amenity of Neighbours

7.2.1 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'.

7.2.2 Given the nature of the application, it is not considered that the proposal would result in any harm to neighbouring amenity.

7.2.3 In summary, it is not considered that the proposed development would result in harm to neighbouring amenity. The proposal would therefore accord with Policy CP12 of the Core Strategy and Policy DM9 of the Development Management Policies LDD in this regard.

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. The application relates to alterations to the shopfront. Given the scale and nature of the application, it is not considered that protected species would be affected.

7.4 Trees and Landscaping

7.4.1 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.

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

7.5 Highways, Access and Parking

7.5.1 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.

7.5.2 The proposal would not result in a change in use, and would not alter the available floor area to serve the unit. Therefore, the proposal would not alter the existing parking requirements to serve the unit. There is an existing public car park to the rear of the building,

and given the location of the application site within Rickmansworth Town Centre, it is considered that the proposal would therefore be acceptable in this regard.

8 Recommendation

8.1 That **RETROSPECTIVE PLANNING PERMISISON BE GRANTED UNCONDITIONALLY** and has effect from the date on which the development is carried out.

8.2 Informative:

11 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.