PART A
Report of: DEVELOPMENT MANAGEMENT SECTION HEAD

Date of Committee: 8th August 2013
Site address: 187-189 St Albans Road
Reference Number: 13/00540/FUL
Description of Development: Change of use from Class A1 (Shop) to Class A5 (Hot Food Takeaway) and external alterations comprising the installation of a replacement shopfront; removal of single storey extension and installation of replacement paving at the south-eastern (front) elevation; installation of an extract duct, fresh air intake grille, compressor unit and air conditioning unit; existing awnings to be repaired and repainted as necessary along the south-western (side) elevation and inclusion of refuse area within the rear parking area.

Applicant: Dominos Pizza UK & IRE Ltd
Date received: 4th June 2013
8wk date (minor): 30th July 2013
Ward: Callowland
SUMMARY AND REASONS FOR DECISION

Full planning permission is sought for the change of use of the premises from a shop, falling within Use Class A1, to a hot food takeaway, falling within Use Class A5. As part of the scheme external alterations are proposed comprising: the installation of a replacement shopfront on the south-eastern elevation which faces St Albans Road; the removal of the unsympathetic single storey addition and the installation of replacement paving at the south-eastern (front) elevation; the installation of an extract duct, fresh air intake grille, compressor unit and air conditioning unit. The existing awnings are to be repaired and repainted as necessary along the south-western (side) elevation which faces Lowestoft Road. A refuse storage area is proposed within the yard at the rear of the premises.

The proposed development will respect the character and appearance of the building which is designated as a Building of Local Interest. The building has been subject to some unsympathetic alterations in the past on its front elevation which faces St Albans Road. The unsightly single storey addition to the St Albans Road frontage will be removed and a new replacement shopfront fitted. The traditional shopfront on the Lowestoft Road frontage will be preserved and this elevation will be refreshed through the repair and repainting of the existing features. These works will enhance the appearance of the building. The proposed extract flue will be positioned on the northeast elevation of the building and will not therefore have any strong visual presence on either the Lowestoft Road or St Albans Road street scenes. Moreover, the extract flue will be encased in brickwork to match the walls of the main building thereby further reducing its visual impact.

Concerns have been raised by local residents regarding the implications on parking within surrounding roads. It is considered that the proposed use would not generate substantially more parking demand than that of a shop, which is the property’s existing established use. The Highway Authority has been consulted.
and has confirmed that there are no objection to the proposal on highway grounds.

A noise assessment has been submitted during the course of the application and this demonstrates that the proposed extraction, air conditioning and cold room equipment will not cause any significant noise disturbance to neighbours subject to mitigation measures which can be secured by condition.

The proposal will not cause any harm to the vitality or viability of the North Watford Shopping Centre, in which the property is located. The scheme will not result in an unacceptable amount of non-retail uses within this designated shopping frontage and complies fully with the provisions of saved Policy S9 of the Watford District Plan 2000.

Overall, it is considered that the development will allow a longstanding vacant unit to be brought back into use and will enhance this part of the shopping frontage. Subject to the proposed noise mitigation measures being implemented, there will be no harm to neighbours.

The Development Management Section Head recommends the application be approved as set out in the report.

BACKGROUND

Site and surroundings
The application site comprises a three storey building with a basement and rear yard area at 187-189 St Albans Road, which is also known as Belmont House. The site lies on the western side of St Albans Road and occupies a corner position on the northern side of the junction with Lowestoft Road.
The building was erected in the late 1920s and has distinctive features including panels with decorative motifs between some of the windows and torch style light brackets. It is designated as a Building of Local Interest given both its architectural interest and its streetscape quality. Other nearby buildings have also been locally listed including those at 160-162 St Albans Road and 146-150 St Albans Road.
The ground floor and basement unit was last used as a furniture shop and has been vacant since June 2011. The upper floors of the building were last used as offices and it is understood that these have been vacant since 2009. The entrance to the office space on the upper floors of the building is located on the northern side of the front elevation of the building.

Site plan

To the rear of the building, a hard-surfaced yard area exists. The yard is surrounded by a wall with the exception of an opening in the southern boundary which allows vehicular access off Lowestoft Road. A small brick built structure lies within the rear yard. This adjoins the northern side of the rear elevation and does not form part of the application site.

Within the vicinity of the site there are a mix of uses including retail, other commercial uses and residential. The ground floor unit forms part of the North
Watford Shopping Centre. The majority of surrounding buildings facing St Albans Road incorporate commercial uses at ground floor level with residential above. The side streets off St Albans Road, including Lowestoft Road, are predominantly characterised by two storey terraced houses.

The property is not located within a Conservation Area and does not encompass any statutory listed buildings.

**Proposed Development**

Full planning permission is sought for the change of use of the premises from a shop (falling within Use Class A1) to a hot food takeaway (falling within Use Class A5) and external alterations comprising the installation of a replacement shopfront on the south-eastern (front) elevation; the removal of the single storey extension and the installation of replacement paving at the south-eastern (front) elevation; the installation of an extract duct on the north-eastern elevation, the installation of a fresh air intake grille, compressor unit and air conditioning unit on the north-western (rear) elevation; the repairing and repainting of the existing awnings along the south-western (side) elevation and the inclusion of a refuse storage area within the rear parking area.
The submitted application form indicates that 4 on-site parking spaces will be provided within the rear yard.

**Relevant planning history**
The site has an extensive planning history. Recent and relevant planning history is outlined below:

11/01024/COU – Change of use from retail/shop (Class A1) to Estate Agents office (Class A2) at ground floor level and basement level to include new shopfront and awnings and also change of use from offices (Class B1) to 4no flats (Class C3) at first and second floor levels with bin and cycle storage units at rear – Conditional Planning Permission granted in December 2011.

13/00611/ADV – Installation and display of various illuminated fascia and projecting signs. This application was pending consideration at the time of writing this report.

**Relevant Policies**

**The National Planning Policy Framework (NPPF)**
Section 1 Building a strong, competitive economy
Section 4 Promoting sustainable transport
Section 7 Requiring good design
Section 8 Promoting healthy communities
Section 10 Meeting the challenge of climate change, flooding and coastal change
Section 11 Conserving and enhancing the natural environment
Section 12 Conserving and enhancing the historic environment

**Hertfordshire Waste Core Strategy and Development Management Policies Document 2011-2026**
No relevant policies.
Hertfordshire Minerals Local Plan

No relevant policies.

Watford District Plan 2000 (saved policies)

SE7 Waste, Storage, Recovery and Recycling in New Development
SE22 Noise
T21 Access and Servicing
T22 Car Parking Standards
S9 Non-retail Uses in North Watford Shopping Centre
S11 Use Class A3 Food and Drink
S12 Planning Conditions for Use Class A3 Food and Drink
U15 Buildings of Local Interest

Watford Local Plan Core Strategy 2006-31

SS1 Spatial Strategy
SD1 Sustainable Design
SD2 Water and Wastewater
SD3 Climate Change
SD4 Waste
T2 Location of New Development
T3 Improving Accessibility
T5 Providing New Infrastructure
UD1 Delivering High Quality Design
UD2 Built Heritage Conservation
EMP1 Economic Development

Supplementary Planning Documents

Locally Listed Buildings in Watford
Watford Character of Area Study
Shopfront Design Guide
CONSULTATIONS

Neighbour consultations
Letters were sent to a total of 29 addresses including properties located within Lowestoft Road and St Albans Road. Eight representations have been received citing the following objections:

- Already numerous takeaway establishments along St Albans Road.
- Other shops may find themselves out of business.
- Opening until midnight is excessive.
- More litter.
- More noise.
- Increase traffic and congestion on an already heavily congested road.
- Cars parking on pavements block access to homes, footpaths and cause obstruction to passing traffic. Situation will be made worse.
- Increase in light pollution from the large windows.
- Increase in anti-social behaviour.
- Rats and foxes already in area.
- Impact on neighbours’ quality of life.
- Impact on value of surrounding properties.
- Lowestoft Road is a residential road that already suffers and an additional takeaway establishment can only have a negative impact on where we live.
- Increase in illegal parking.
- Impact on highway safety.
- Detriment to the streetscene due to the alterations to the shopfront etc.
- Lack of parking for customers and in-bound deliveries.
- Potential risks to pedestrians.
- High risk that delivery drivers, for example on mopeds or small motorcycles, would be tempted to drive into Lowestoft Road the wrong
way from St Albans Road to gain faster access to the delivery door on the proposed development causing risk to pedestrians.

- Will result in the loss of a Class A1 (shop) premises putting the non-retail percentage above the Council’s limit of 40% on-retail.
- Not sustainable economic development.
- Fumes, odour, noise and vibrations from extraction units are likely to impact neighbours.
- Suggestion that 4 cars can be realistically parked at the rear of the building is impractical.
- Will not provide a net benefit to the local community.

**Site Notice**
Site notices placed. Expired on 23rd July 2013.

The Committee will be advised of any representations that are received after the date this report was written.

**Statutory consultations**

**Highway Authority (Hertfordshire County Council)**
Notice is given under article 16 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

This application comprises of the change of use of ground floor shop from A1 (retail) to A5 (hot food takeaway). The site is located on St Albans Road that is a main distributor road with a speed limit is 30 mph.

**Access**
In the vicinity of the site the frontage of St Albans Road consists of several businesses, shops etc. A Loading bay is located approximately 30 metres north-
east of the site. Section 6 of the application form indicates the development does not involve a new access or alteration of an existing access to the highway.

Parking

Section 10 indicates there are 4 off-street parking provisions at rear yard for the proposed use. The main concern for Hertfordshire County Council is that of parking associated with the proposed change of use. It could be considered that the effect of the proposed change of use is similar as the Shop/Retail use and that any required parking will be accommodated by the existing parking spaces in the vicinity of the site.

Customers using the take away that arrive by car would be able to use the on-street parking a short duration of time and this short term parking and spaces may not often available on St. Albans Road which has restricted parking. Hence there may be occasions when customers would chose to park and along Lowestoft Road, and Hatfield Road, Victoria Road.

Customers parking on street which will lead to over-spill on to surrounding residential roads. The occurrence of any additional on-street parking if in large numbers would be detrimental to the safety and efficiency of the adjacent highway network. The hot food takeaway store is of a small scale development and there is no evidence to show that the addition of a hot food facility at this location would result in short term on-street parking that would cause congestion close to the site.

Under these circumstances, unless details can be substantiated that the use of the new hot food takeaway is likely to result in short term parking on St. Albans Road that would lead to the proposal being detrimental to the safety and efficiency of the public highway, the proposal cannot be considered that the amount of additional on-street parking generated would be significant consequently it is unlikely a highway reason for refusal could be substantiated.
Conclusion

The site is near a local neighbourhood centre with shops. The site has good connection to passenger transport routes and acceptable walking distance to shops and other local amenities. In this case, as a consequence Hertfordshire County Council as highway authority has no issues with the proposal and does not wish to restrict the grant of planning permission highway grounds.

Environmental Health

The Environmental Health Officer initially commented (25th June 2013) that it would assist in determining the above application if a BS 4142 noise calculation were provided by the applicant. In light of this comment, a noise assessment was submitted by the applicant on which the Environmental Health Officer commented as follows:

Subject to the proposed mitigation measures detailed in the Cole Jarman Noise Assessment Report 13/3100/R1 being incorporated into the works when the proposed development takes place, Environmental Health would not have any adverse comments.

Planning Policy (Conservation & Design)

The property is a Locally Listed Building dating to 1928. The proposed signage is acceptable. The applicant is only proposing small scale repairs and painting to the south-west elevation, which we are comfortable with. The new elements to the shopfront on the south-east elevation are broadly acceptable. The existing structure is a later addition, so we do not object to the removal of the projecting section. The existing shopfront framework is metal, so aluminium is acceptable.

APPRAISAL

In accordance with s.38 of the Planning and Compulsory Purchase Act 2004, the Development Plan for Watford comprises:
(a) Watford Local Plan: Core Strategy 2006-31 (adopted January 2013);
(b) the continuing “saved” policies of the Watford District Plan 2000;
(c) the Hertfordshire Waste Core Strategy and Development Management Policies Document 2011-2026; and
(d) the Hertfordshire Minerals Local Plan Review 2002-2016.

The National Planning Policy Framework (NPPF) sets out the Government’s planning policies for England and seeks to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. The NPPF was published on 27th March 2012 and is a material consideration in planning decisions. It does not change the statutory status of the development plan as the starting point for decision making. Planning Policy Guidance Notes and Statements have been cancelled and replaced by the NPPF.

The Residential Design Guide (RDG) was approved by the Council’s Cabinet as a Supplementary Planning Document on 17 November 2008. It provides a robust set of design principles to assist in the creation and preservation of high quality residential environments in the Borough which will apply to proposals ranging from new individual dwellings to large-scale, mixed-use, town centre redevelopment schemes. The guide is a material consideration in the determination of planning applications and replaces the Council’s existing Supplementary Planning Guidance SPG4 – Privacy Guidelines, SPG5 – Private Gardens, SPG8 – Extensions and SPG14 – Designing for Community Safety.

The Local Development Framework Core Strategy was submitted to the Secretary of State for Communities and Local Government on 28 February 2012. Hearing sessions were held from 12 to 19 June 2012 and were followed by public consultation on proposed modifications from Monday 31 July to Monday
10 September. The Inspector concluded that the Watford Core Strategy provides an appropriate basis for the planning of the Borough to 2031 providing a number of modifications are made. These modifications were the subject of the summer 2012 public consultation. The Core Strategy is therefore sound and legally compliant in the view of the Inspector. The Core Strategy was formally adopted at a Council meeting on 30th January 2013. It is a material consideration and should be afforded considerable weight in the determination of planning applications.

The Watford Character of Area Study was approved by the Council’s Cabinet as a Supplementary Planning Document on 5\textsuperscript{th} December 2011 and is a material consideration of significant weight in the determination of planning applications.

**Principle of proposed development**

Saved Policy S9 of the Watford District Plan 2000 provides that, within the North Watford Shopping Centre, planning permission for non-retail uses will only be granted where:

a) the centre or frontage has an adequate range of key local shops (as defined in Paragraph 7.45) and that the loss of a shop would not seriously diminish local shopping facilities, and

b) the proportion of non-retail units does not exceed 40\% of the total number of units within an identified parade, except where vacancy rates are 10\% of units or more, in which case further appropriate non-retail uses may be allowed up to a maximum of 50\% of units, and

c) not more than two non-retail uses are adjacent, and

d) there is no significant harmful impact on the physical environment or the appearance of the frontage, and

e) there would be a satisfactory relationship with the uses on the upper floors and adequate access thereto, and the use would not adversely affect neighbouring occupiers.
Appendix 3 of the Watford District Plan 2000 lists those properties included in the North Watford Shopping Centre as being 155-271 St Albans Road (west side) and 186-260 St Albans Road (east side). The Watford District Plan 2000 Proposals Map identifies within the North Watford Shopping Centre some additional properties on the east side of St Albans Road which are not listed in Appendix 3. These include the properties at Nos. 134-184. As such, there is a discrepancy between the area highlighted on the Proposals Map and the list of properties included in Appendix 3. Regulation 44 of the Town and Country Planning (Development Plan) (England) Regulations 1999 provides that “where there is a conflict between the written statement of a statutory plan and any other document forming part of the plan, the provisions of the written statement prevail”. Consequently, the list of properties in Appendix 3 has to be taken as the extent of the shopping centre, which excludes the properties at 134-184.

The North Watford Shopping Centre has been surveyed in July 2013. It has been established that within the Centre there are a total of 90 units (for the purposes of this policy a double fronted shop frontage has been counted as two units, in accordance with the advice contained within paragraph 7.43 of the Watford District Plan 2000).

Within the Centre there are considered to be an adequate range of “key local shops”. Indeed, close to the site there are chemists at Nos. 221 and 231, a post office at No. 200 and a variety of shops selling convenience goods, most notably the mini supermarkets at 160-162 (Co-op) and 226-228 (Tesco Express). Given the wealth of key local shops and the range of convenience goods on offer in the area, it is felt that the loss of the retail unit at the subject site would not seriously diminish local shopping facilities, in accordance with point “a” above.

It is also taken into consideration that the principle of the loss of the retail unit has already been accepted under a previous application for the change of use of the premises to an estate agent’s office (Ref. 11/01024/COU). This permission was
granted in December 2011 and expires in December 2014. It is therefore currently extant.

The survey of the North Watford Shopping Centre has established that out of the 90 units contained within the Centre, there are currently 54 (60%) retail uses and 36 (40%) non-retail units. It has also been established that there are currently 9 vacant units (10%). Policy S9 allows a maximum of 50% of non-retail uses where vacancy rates are 10% of units or more. In this case, vacancy rates exceed 10%. The proposal would result in the total number of non-retail units being increased to 37 which would equate to 41.1%. The proportion of non-retail uses would therefore remain below the maximum 50% threshold permitted by Policy S9. The proposal therefore complies with provision “b” of Policy S9.

In terms of provision “c” of Policy S9, the adjoining unit to the north is currently in retail use, selling a range of food and beauty products. The neighbouring property to the south (on the opposite side of the junction with Lowestoft Road) comprises a hot food takeaway and is therefore a non-retail use. However, beyond this is a retail use selling clothes. The proposal will not therefore result in more than two non-retail uses being adjacent to each other.

With regard to provisions “d” and “e” of Policy S9, these cover matters relating to the impact of the development on the visual appearance of the site and the amenities of neighbours. These issues are discussed in the sections that follow.

**Design and impact on street scene**

Policy UD1 of the Watford Local Plan Core Strategy 2006-31 states that “new development should respect and enhance the local character of the area in which it is located”.

National planning policy, as set out in the NPPF, makes clear that development should “add to the overall quality of the area” and “respond to local character and
history and reflect the identity of local surroundings” (paragraph 58). Paragraph 58 of the NPPF also requires that developments be visually attractive as a result of good architecture. Paragraph 64 states that “permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.

Policy U15 of the Watford District Plan 2000 states that “proposals for development affecting the appearance, character or setting of Buildings of Local Interest should ensure that due regard is paid to safeguarding the relevant features of the building and its setting. Proposals that involve the demolition of the building are unlikely to be approved”.

The proposal seeks planning permission for alterations to the building including the removal of the existing single storey projecting front element and the installation of a new shopfront on the St Albans Road frontage. The single storey extension is not an original design feature and has been added since the building’s construction in 1928. This feature does not contribute positively to the overall character or appearance of the building and therefore there is no objection to its removal.

The replacement shopfront will incorporate a modern, largely glazed, design using aluminium framing. This new shopfront will sit flush with the main front elevation of the building and paving will be re-instated where the existing single storey extension is to be removed. Overall, it is considered that the front elevation of the building will be enhanced with the proposed modifications.

The traditional shopfront on the Lowestoft Road frontage will be preserved and this elevation will be refreshed through the repair and repainting of the existing features. These works will enhance the appearance of the building and there will be no conflict with the aims of the Shopfront Design Guide.
The proposed extract flue will be positioned on the northeast-facing elevation of the building and will not therefore have any strong visual presence on either the Lowestoft Road or St Albans Road street scenes. Moreover, the extract flue will be encased in brickwork to match the walls of the main building, creating a chimney-like enclosure, thereby further reducing its visual impact.

The proposed air conditioning and cold room condenser units will be sited to the rear of the building. Given their height and positioning, these will have no detrimental impact on the overall character and appearance of the building or the visual amenity of the area.

The proposed works involve the installation of an air intake grille on the rear elevation of the building. This will measure 0.55m high and 0.55m wide and will not appear prominent in this location.

New signage is proposed; however, this is currently being considered as part of a separate application for advertisement consent (see “Planning History” section above) and does not affect the planning merits of this scheme.

**Impact on neighbouring properties**

The proposed development will not cause any significant harm to the amenities of neighbours, in accordance with the provisions of Policies S9 and S12 of the Watford District Plan 2000 and Policies SS1 and UD1 of the Watford Local Plan Core Strategy 2006-31.

The proposed extraction ductwork will be installed on the northeast-facing elevation of the building. It is acknowledged that it will be sited in close proximity to the neighbouring property at 191 St Albans Road which comprises a shop at ground floor level with a flat above. However, the proposed extract ductwork will be acoustically lagged and will be encased in a structure that will help it integrate with the brick finish of the building rather than the usual solution of having metal ductwork exposed. It is considered that the encasement of the ductwork will
mitigate any potential for noise disturbance and will ensure that the ductwork does not have any adverse impact on the outlook from No. 191.

A noise assessment has been submitted with the application and this details proposed noise mitigation measures to be incorporated into the scheme. These measures include the use of anti-vibration mounts for parts of the equipment, the installation of acoustic lagging around the extract duct and the housing of the air conditioning and cold room condenser units within acoustic enclosures. The Council’s Environmental Health Department has been consulted and considers that the proposed measures will ensure that no significant noise disturbance to neighbours will be caused by the new equipment. The noise mitigation measures recommended within the noise assessment can be secured by condition should permission be granted.

The terminus of the extract flue will be positioned a minimum of 1m above the eaves line of roof of the building and will be sited a sufficient distance from the nearest windows so as to ensure that odours disperse away from neighbouring properties.

Policy S12 of the Watford District Plan 2000 advises that for food premises within the North Watford Shopping Centre, opening hours should normally be restricted to 12 midnight Mondays to Saturdays and to 11.30pm on Sundays and Public Holidays. However, the Policy also states that “these time constraints may be more restrictive or less restrictive depending on the likelihood of disturbance to nearby resident populations”. It is considered that, given the amount of activity within the area surrounding existing hot food takeaway uses and convenience shops, there would be no significant harm caused to neighbours if the premises were to be allowed to open until 12 midnight on any day. Levels of activity within this location are above those found in more suburban locations towards the edge of the Borough and it is considered that opening until midnight would be acceptable in this location.
Transportation, access and parking
Access to the premises will be gained via a new entrance to be created as part of the replacement shopfront works. This entrance will benefit from a level threshold and will be wide enough to allow the passage of a wheelchair or buggy. The proposed access arrangement is considered acceptable.

The agent has advised that 4 on-site parking spaces will be provided within the rear yard. Whilst these spaces have not been detailed on the submitted plans, it is apparent that the yard area has the potential to provide some on-site parking. Notwithstanding this, the site is located within a shopping frontage which is highly accessible by public modes of transport and which is within close proximity to “pay and display” parking bays on St Albans Road. There is also a public car park located approximately 400m to the north of the site, adjacent to the junction with the Harebreaks.

Given the accessible location of the site, it is felt that the use will not generate any significant increase in demand for on-street parking in the area, particularly because the proposed use is unlikely to result in a significant increase in demand for parking when compared to that for the established retail use.

It is expected that some customers using the proposed take away that arrive by car may choose to park along Lowestoft Road and other side streets off St Albans Road. However, the nature of the development is small scale and there is no evidence to show that the addition of a hot food takeaway at this location will result in short term on-street parking that will cause congestion close to the site.

A loading bay is located within close proximity to the site and this will provide space for deliveries to be made to the premises in a safe and convenient manner.
The Highway Authority has been consulted and has confirmed that it does not consider that the proposal will result in any significant impact on traffic or highway safety that would substantiate any reasons for refusal of the application.

**Consideration of objections received**

A total of eight objections have been received and these are summarised in the ‘Consultations’ section of the report above. Many of the issues raised by objectors have been discussed in the “Appraisal” section of the report. However, those issues that have not already been referred to, or which require further discussion, are outlined in the table below.

<table>
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<tr>
<th>Objections</th>
<th>Officer's response</th>
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<td>Noise and disturbance to neighbouring properties</td>
<td>The site is located in a high density urban area, adjacent to shops in the designated North Watford Shopping Centre, where a degree of traffic and pedestrian noise is to be expected. A condition will be attached to any permission granted to restrict the hours of opening of the takeaway use and deliveries to it, so as to limit the noise and disturbance to neighbouring residential properties. If it were established that a noise nuisance is being caused this may be investigated by the Environmental Health department, under the provisions of the Environmental Protection Act 1990.</td>
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<tr>
<td>Other shops may find themselves out of business.</td>
<td>It is not a function of the land use planning system to seek to control or prevent competition. This is not a material planning consideration.</td>
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Increase in anti social behaviour and litter. The proposed use as a hot food takeaway is unlikely, in itself, to result in any anti-social behaviour. There would be no planning grounds for refusing the application based on the potential for anti-social behaviour surrounding this use.

Increase in light pollution from the large windows. The only new windows are proposed at ground floor level within the front elevation facing St Albans Road as part of the replacement shopfront. It is felt that these new windows will not lead to any significant light pollution.

Rats and foxes already in area. The proposal should not result in any increase in vermin if the premises are managed responsibly. Food premises are registered with the Council’s Environmental Health Department who are responsible for ensuring that suitable food hygiene standards are met. The Environmental Health legislation provides the legal framework for the Council to take action against the operators should a problem with rats or other vermin arise. This is not a material planning consideration.

Impact on value of surrounding properties. This is not a material planning consideration.

**Conclusion**

It is considered that the development will allow a longstanding vacant unit to be brought back into use and will enhance this part of the shopping frontage. The proposal complies fully with the provisions of Policy S9 of the Watford District
Plan 2000 and, as such, the vitality and viability of the North Watford Shopping Centre will not be harmed as a result of the development. Subject to the proposed noise mitigation measures being implemented, there will be no harm to neighbours.

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HUMAN RIGHTS IMPLICATIONS
The Local Planning Authority is justified in interfering with the applicant’s Human Rights in order to alleviate any adverse effect on adjoining properties and their occupiers and on general public amenity. With regard to any infringement of third party Human Rights, these are not considered to be of such a nature and degree as to override the Human Rights of the applicant and therefore warrant refusal of planning permission.

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RECOMMENDATION

That planning permission be granted, subject to the following conditions:

1. The development to which this permission relates shall be begun within a period of three years commencing on the date of this permission.

   **Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Construction of the development hereby permitted shall not take place before 8am or after 6pm Mondays to Fridays, before 8am or after 1pm on Saturdays and not at all on Sundays and Public Holidays.
**Reason:** To safeguard the amenities and quiet enjoyment of neighbouring properties during the time that the development is being constructed, pursuant to Policy SE22 of the Watford District Plan 2000.

3. No development shall commence until details of the proposed materials and finish of the proposed structure that is to encase the extraction ductwork has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the details approved by this condition.

**Reason:** To ensure that the development applies high quality materials that respond to the site’s context and makes a positive contribution to the character and appearance of the locally listed building and the area in accordance with Policy U15 of the Watford District Plan 2000 and Policies SS1, UD1 and UD2 of the Watford Local Plan Core Strategy 2006-31.

4. The development hereby permitted shall be carried out only in accordance with the proposed mitigation measures detailed in Section 5.3 of the submitted Noise Assessment Report prepared by Cole Jarman (reference 13/3100/R1 – Revision 1). All equipment installed as part of the approved scheme shall be operated and maintained in accordance with the manufacturers’ instructions.

**Reason:** To ensure that no harm is caused to neighbours, in accordance with Policies S9, S12 and SE22 of the Watford District Plan 2000.

5. The development hereby permitted shall be carried out such that the level of noise emitted from any of the equipment installed as part of the approved scheme shall not exceed by more than 5 dB the background noise level for the time being measured at 1m from the façade of the nearest habitable window.
**Reason:** To safeguard the amenities and quiet enjoyment of neighbouring properties pursuant to Policy SE22 of the Watford District Plan 2000.

6. With the exception of the works to the shopfront on the southeast-facing elevation of the building that are hereby approved, no other existing windows shall be removed until details of their replacements, including their design, type, profile and colour, have been submitted to and approved in writing by the Local Planning Authority. Any new windows shall only be installed in accordance with the details approved by this condition.

**Reason:** To ensure that any new windows incorporate high quality materials and a suitable appearance that responds to the building’s context and makes a positive contribution to the character and appearance of the area in accordance with the requirements of Policy U15 of the Watford District Plan 2000 and Policies SS1, UD1 and UD2 of the Watford Local Plan Core Strategy 2006-31.

7. No advertisement, sign, lettering, graphic work, vinyl or solid panel, other than those detailed on the drawings hereby approved shall be affixed to either the exterior or the interior of any of the windows or door within the southeast-facing or southwest-facing elevations of the building.

**Reason:** To avoid visual cluttering and in the interests of the visual appearance of the site in accordance with Policy U15 of the Watford District Plan 2000 and Policies UD1 and UD2 of the Watford Local Plan Core Strategy 2006-31.
8. No members of the public or customers shall be permitted within the premises and no cooking of food shall take place between the hours of 00:00 and 07:00 on any day.

**Reason:** To safeguard the amenities of the occupiers of nearby premises in accordance with Policies S11 and S12 of the Watford District Plan 2000.

9. No deliveries shall be made to the premises between the hours of 22:00 and 07:00.

**Reason:** To safeguard the amenities and quiet enjoyment of neighbouring properties, pursuant to Policy SE22 of the Watford District Plan 2000.

10. Notwithstanding the information already submitted, no development shall commence until details of the siting, type, size and finish of a storage enclosure to accommodate refuse and recycling associated with the permitted use has been submitted to and approved in writing by the Local Planning Authority. The storage enclosure shall be provided in accordance with the details approved by this condition; it shall be retained at all times for refuse and recycling only and shall not be used for any other purpose. No waste associated with the premises shall be stored outside of the approved enclosed storage area.

**Reason:** In the interests of the visual appearance of the site and to ensure that adequate waste provision is made in accordance with Policy SE7 of the Watford District Plan 2000 and Policies UD1 and SD4 of the Watford Local Plan Core Strategy 2006-31.
INFORMATIVE:

In dealing with this application, Watford Borough Council has considered the proposal in a positive and proactive manner having regard to the policies of the development plan as well as paragraphs 186 and 187 of the National Planning Policy Framework and other material considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended.

**Drawing Numbers**

4874-LP07
4874-A5-01 Rev A
4874-A5-02 Rev E
4874-A5-03
4874-A5-04 Rev E
4874-A5-05 Rev D

**Other documents**

Noise Assessment Report 13/3100/R1 Revision 1

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