

PLANNING COMMITTEE – THURSDAY 12TH DECEMBER 2024

24/0829/FUL - Change of use from Class E(a) to Mixed Use for restaurant and takeaway (Class E(b) and Sui Generis); addition of HVAC plant, provision of vehicular access from Northway accommodating motorcycle and cycle parking with associated works at 94 – 102 HIGH STREET, RICKMANSWORTH, WD3 1AQ

Parish: Batchworth Community Council
Expiry of Statutory Period: 24.07.2024
(Extension of Time: tbc)

Ward: Rickmansworth Town
Case Officer: Scott Volker

Recommendation: That PLANNING PERMISSION BE GRANTED.

Reason for consideration by the Committee: Called-in by three members of the Planning Committee to discuss the change of use and examine the rear access as proposed.

To view all documents forming part of this application please go to the following website:
<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SDZ62JQFJY000>

1 Relevant Planning History

- 1.1 24/0832/ADV - Advertisement Consent: Installation of 1 no. acrylic white externally illuminated "McDonald's" letterset, 1 no. yellow vinyl "Golden Arch" applied externally to glazing, 1 no. externally illuminated projection sign, 6 no. parking signs and 1 no. railing sign – Pending consideration.

2 Description of Application Site

- 2.1 The application site contains a two-storey flat roofed commercial unit located on the northern side of the High Street, Rickmansworth. The host building is currently vacant but was previously in use as a clothing retail unit known as M&Co. until 2023.
- 2.2 The host building is located within the Primary Retail Frontage of Rickmansworth Town Centre which runs along both sides of the High Street and is located within the Rickmansworth Conservation Area. An M&Co advertisement remains on the fascia of the building despite its vacant nature.
- 2.3 The application site is principally accessed from High Street but does benefit from a side and rear stair access into the building. No vehicular access or drop kerb exists at the rear onto Northway.
- 2.4 To the north of Northway behind the application site is Penn Place which is a residential flatted development. Adjacent to the site on the High Street is a restaurant and a hairdressers, and on the opposite side of the road are further commercial premises. The High Street itself is generally flat, but the land levels rise gradually to the north such that Northway and the development beyond (Penn Place) is set on a higher land level than the High Street.

3 Description of Proposed Development

- 3.1 Planning permission is sought by for the change of use of the existing Class E(a) unit (former retail store) to a mixed Class E(b) and Sui Generis (restaurant and takeaway) use alongside associated works to make the unit suitable for the proposed use.

- 3.2 To facilitate the new premises, the rear of the unit would be re-configured with part of the existing building removed to provide for 6 motorcycle spaces in addition to a secured cycle store providing two spaces for staff. The reconfiguration will include a new stairwell to provide for courier access. To facilitate the new courier area, a new dropped kerb access will be provided for motorcycle parking from Northway.
- 3.3 Internally, the unit would comprise a restaurant space with provision also made for takeaway customers. The restaurant space has a proposed dining area of approximately 57sq.m which will accommodate approximately 60 covers, restricted to the ground floor only. The customer seating area will include a variety of seating types and table sizes.
- 3.4 Elsewhere on the ground floor, a kitchen, crew room, toilets, office and McDelivery collection point are proposed. The latter would have an external access with steps going up to the rear courier parking area. From rear the ground floor acts as a basement as a result of the difference in land levels between High Street and Northway. To the front there would also be a separate entrance for goods deliveries which would enter the building and use the goods lift to access the first floor.
- 3.5 At first floor level there would be another kitchen, storage areas, plant rooms and goods lift with access provided from the existing side staired access and a new rear access point to the courier access.
- 3.6 On the roof of the building, it is proposed to install HVAC (Heating, Ventilation, and Air Conditioning) plant with enclosures.
- 3.7 The application also proposes alterations to the shopfront, including a new main entrance for customers, and separate access for deliveries. Additionally, a new entrance for couriers and delivery partners is proposed to the rear from Northway - this is to separate collection/delivery from the customer areas.
- 3.8 A separate application for advertisement signage is has been submitted under reference 24/0832/ADV and is pending consideration.
- 3.9 Amended plans were received during the course of the application to correct some discrepancies between the ground floor plan and the proposed front elevation plan with respect to the location of the customer entrance; provide further detail with regards to visibility splays and dropped kerb on Northway; propose a 2m high acoustic screen surround to the HVAC on the roof of the building.

4 Consultation

4.1 Statutory Consultation

- 4.1.1 Hertfordshire County Council – Highway Authority – Initial Consultation: Further information required.

In order for HCC as the Highway Authority to fully assess the application some clarifications and amendments are requested. The proposed dropped kerb at the rear of the site on Northway has been shown to measure approximately 8.3m in size on drawing number 8712-SA-2318-P004 B; this would be considered oversized for the size of development. As motorcycles are the largest vehicle that the site is to cater for, a smaller dropped kerb would be more suitable to ensure that pedestrian movements are maintained as priority along Northway. Additionally, in order for HCC to assess the safety of the new access, visibility splays should be dimensioned on a proposed plan in line with HCC's Place and Movement Planning and Design Guidance (PMPDG). The motorcycle spaces which have been shown on drawing 8712-SA-2318-P004 B measure approximately 2.3m x 1.2m; whilst according to the PMPDG Part 3 Chapter 1 motorcycle spaces should measure 2.5m x 1.5m.

Therefore, the size of these spaces should be amended, and a swept path analysis provided. It should also be noted that the proposed Sheffield cycle stands mentioned in the Transport Assessment are located on highway land so would not count towards the cycle parking provision for the site; as well as requiring additional S278 works and a full assessment and safety audit to ensure they are in line with HCC standards. Once these amendments have been provided, HCC will be in the position to determine the application.

4.1.2 Hertfordshire County Council – Highway Authority – Second Consultation: No objection subject to conditions.

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following condition:

1) Prior to the first use of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number 8712-SA-2318-P004 D in accordance with details/specifications submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

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

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made-up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit

dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

AN4) Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

Comments/Analysis

Description of Proposal

Change of use from Class E to Mixed Use for restaurant and takeaway (Class E and Sui Generis); provision of vehicular access, parking with associated works

Site and Surroundings

High Street is an unclassified local distributor route subject to a 20mph speed limit which is highway maintainable at public expense. As per Hertfordshire County Council's new design guide (Place and Movement Planning Design Guide (PMPDG)) High Street is classified as a P3/M2. Northway, the location of the proposed highway access, is also an unclassified local distributor route subject to a 20mph speed limit which is highway maintainable at public expense, and as per Hertfordshire County Council's PMPDG it is also classified as a P3/M2. The site is located in the centre of Rickmansworth in an area populated by a high level of retail spaces. The closest bus stop to the site is located approximately 100m away on Northway, and Rickmansworth train station is within 300m from site. The Highway Authority are satisfied the site is in a sustainable location, which is in line with the principles set out in HCC's Local Transport Plan 4 (LTP4).

Access and Parking

The application proposes to create a dropped kerb access from Northway into the site for use by mopeds and cycles acting as delivery vehicles for the proposed restaurant. The amended plan, drawing number 8712-SA-2318-P004 D, shows a dropped kerb measuring 3m in width; a more suitable size than the initial submission as the dropped kerb is only to be used by two wheeled vehicles. The smaller dropped kerb ensures that pedestrian movements along the footway on Northway remain as priority, in line with LTP4. The drawing within the Traffic Note. 5889-01 shows visibility splays of 2m x 25m. This splay size is suitable given the speed of the route and that mopeds and bicycles are to be the only vehicles to use the access. There have not been any collisions along Northway within the last 5 years. Regarding trip generation, a permitted trip generation for a local shop at the site was completed and then compared to a trip generation for a takeaway shop for the proposed development. McDonald's has also provided their own data for trips using existing restaurant data. From the data which has been presented from McDonald's and TRICS, it is concluded that 85% of trips to the site will be linked trips rather than new. And of the new trips, the vehicular trips to the site itself would be mopeds acting as couriers using the proposed parking area, as there is no car parking within the site, nor fronting it as the bays are for loading only and the TRO which has recently been put in place prevents vehicles from using High Street at certain times. Therefore, it is considered that the trip generation of the proposed restaurant would not have a severe impact upon the flow of the nearby highway.

Ultimately the LPA will have to be satisfied with the parking provision, but HCC would like to comment that the rear of the site is to become a parking area for delivery vehicles. The

layout of the proposed parking provision includes six motorcycle/moped bays, which have been amended in the proposed site plan, number 8712-SA-2318-P004 D, to measure the appropriate dimensions of 2.5m x 1.5m according to the Place and Movement Planning and Design Guidance (PMPDG). Two cycle spaces have been provided in a secure storage unit within this area too. Within the Transport Statement, provided in the initial application, three Sheffield stands are proposed for cycle parking on High Street adjacent to the parking bays which front the site. The position of the stands allows the required 2m footway to remain clear ensuring the flow of the footway is not interrupted. As the stands are located on highway land, they would be installed as part of a Section 278 agreement to allow works on the highway, along with the proposed works for the creation of the dropped kerb.

TRDC also has powers to install cycle parking under agency, but as there would be a S278 required for the construction of the dropped kerb, in the opinion of HCC it would be easiest to include the cycle parking within this S278 also. The Traffic Note mentions a Street Works Licence, this would be the equivalent of a minor S278 which is up to the discretion of our Development Management Implementation team to decide whether this is how the works are completed, but due to the size of works it is likely this would be used at the site. The plan which shows the proposed cycle stands also states there is an "existing waiting/parking bay to be converted to footway" however, this is not mentioned within the rest of the plans nor Transport Assessment. If these works are proposed, TRDC as the parking authority and authority for the TRO along High Street would have to approve of this removal of parking; and again, these works would be completed via S278.

Refuse and Waste Collection

Manual for Streets Paragraph 6.8.9 states that waste collection vehicles must be able to get within 25m of the bin storage location. This is possible at the site as both the front and rear of the proposed restaurant is less than 25m from the edge of the highway.

Emergency Vehicle Access

In accordance with Manual for Streets Paragraph 6.7, the entirety of a building must be within 45m from the edge of the highway so an emergency vehicle can gain access. This is the case at this site, with all of the restaurant being within this 45m.

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 and therefore, has no objections on highway grounds to this application.

4.1.3 TRDC Environmental Health – Initial Consultation: Objection

Odour Assessment

Based on the information provided by CDC Partnership within the submitted odour assessment we have no objections providing the proposed odour abatement measures and maintenance outlined within sections 7.0, 8.0 and 9.0 are implemented.

Noise Assessment

The Residential Environmental Health Team commissioned Watford Borough Council to review the noise assessment (project Ref 7902) by Acoustic Associates South West Ltd and a number of issues have been raised:

"After carefully reviewing the acoustic report for the planning application at 94-102 High Street Rickmansworth, the information provided is not sufficient and therefore prevents me from assessing the suitability of this proposal.

Plant noise

There are to be numerous plant, some of which will be located within a plant room whilst others will be located externally. Furthermore, some pieces of equipment will run continuously.

Although the second table in section 6 provides the predicted sound levels at the neighbouring residential receptors, there are no theoretical prediction calculations provided as figures illustrated were derived using modelling software. Unfortunately, utilising this approach prevents us from being able to scrutinise the data. Here at Watford, we insist that theoretical calculations are submitted and if provided, data derived from modelling software is only used to supplement these calculations.

There does not seem to be any penalty applied for impulsivity and/or tonality and I would require further clarity on how this conclusion was derived at. Particularly as condensers can have a strong tonality to them. After attending an event held by the Institute of Acoustics in c.2016 on this very topic it was shown that tonality can be present even where 1/3 octave band analysis indicates that it is not.

Noise from mopeds

Within section 3.3 of the report, there is mention of utilising the parameter LA_{max} to assess short-term impulsive noise. I agree with this approach as the 'A'-weighted Equivalent Continuous Noise Level (LA_{eq}) might fail to capture the true impact of intermittent noise sources such as a moped starting up/ arriving and accelerating away.

Within section 7 of the report the sound parameter, Sound Exposure Level (SEL) has been used to assess moped noise. This parameter is based upon the 'A'-weighted Equivalent Continuous Noise Level where sound pressure levels of time varying noise sources are compressed/ stretched into 1 second.

I acknowledge that other modes of transport are mentioned but it is the use of mopeds, most of which have noisier 2-stroke engines that is of particular concern.

Given the almost impulsive nature of delivery drivers particularly those on mopeds, I think it would be beneficial to capture the LA_{max} of the mopeds entering and leaving. This would enable comparison against World Health Organisation guidance/ British Standard BS8233, particularly as there is mention of courier deliveries taking place up to 12.00am and from 6.00am. These times would be within the night time period when most people are trying to get to sleep or still be asleep leading to residents being kept awake or woken leading to a loss of amenity.

It has become common to see delivery couriers congregating around popular business such as this and so this impact needs to be considered as part of the application. This could also lead to the rear area along Northway becoming busier than it would have been otherwise.

Delivery noise

Within section 7.3, it mentions there are to be 3 deliveries per week to the store from 6.00pm to 12.00am. However, as a mitigation control the table in the executive summary states that deliveries will be limited from 6.00pm to 11.00pm. This needs clarification.

Next steps

Going forward this additional information/ clarification needs to be provided. Without this it is not possible for the local authority to assess the suitability of the scheme.

Within section 5, there is a photograph showing the monitoring location and it states that "Glandmore can be seen on the righthand side". I think this might possibly need to be corrected to the left-hand side.

Furthermore, clarification on refuse collections also needs to be provided.

Overall, without this information it is not possible to assess the suitability of the scheme and I recommend refusal.

Officer Comment: Following receipt of the above comments the applicant provided an Addendum to the Noise Impact Assessment dated 22nd October 2024.

- 4.1.4 Environment Health Officer - Second Consultation: Further information required to enable recommendation to be given. The comments of the EHO are appended to this report at **Appendix A**.
- 4.1.5 TRDC Environmental Protection: No response received.
- 4.1.6 TRDC Local Plans Section: Comments received

The application seeks a change of use from Use Class E to a mixed use comprising of Use Classes E and Sui Generis for restaurant and takeaway and associated works.

The site forms part of the primary shopping frontage in Rickmansworth, a retail allocation (site ref: R(a)) in the Site Allocations LDD (2014). Policy PSP1 of the Core Strategy (adopted 2011) states that development in the Principal Town of Rickmansworth will maintain and enhance the vitality and viability of the town centre by promoting a range of town centre uses including housing, employment, shopping, leisure and community uses.

Policy SA4 of the Site Allocations LDD states that the loss of Class E(a) (previously class A1) retail uses will generally be resisted. However, Policy CP7 (of the Core Strategy) and Policy SA4 state that proposals for retail development, involving gains and/or losses, will be considered taking into account the accessibility of location, the impact on the viability and vitality of existing centres and the appropriateness of the type and scale of development.

The premises is currently vacant, therefore the change of use will lead to the re-opening of the vacant unit with a new and active use, which is likely to bring economic viability to the site and wider high street. The site of the application is in a central and highly accessible location, served by a range of transport modes. The development is utilising an existing building and as such the scale of development is considered appropriate. As such, the proposed change of use is considered to comply with Policy SA4 of the Site Allocations LDD and Policy CP7 of the Core Strategy.

With regards to amenity and pollution, Policy DM9 of the Development Management Policies LDD states that "the Council will refuse planning permission for development, including changes of use, which would or could give rise to polluting emissions to land, air and/or water by reason of disturbance, noise, light, smell, fumes, vibration, liquids, solids or other (including smoke, soot, ash, dust and grit) unless appropriate mitigation measures can be put in place and be permanently maintained". With regards to air quality Policy DM9 states "development will not be permitted where it would have an adverse impact on air pollution levels, particularly where it would adversely affect air quality in an Air Quality Management Area and/or be subject to unacceptable levels of air pollutants or disturbance from existing pollutant sources". With regards to noise pollution, DM9 states that development will not be permitted where it would have an adverse impact on the acoustic environment of existing or planned development, would have an unacceptable impact on countryside areas of tranquillity, or would be subject to unacceptable noise levels or disturbance from existing noise sources whether irregular or not. Reference is made to Appendix 4 of the Development Management Policies LDD (adopted July 2013) which sets out noise exposure categories for residential development.

- 4.1.7 Batchworth Community Council: No objection, concerns raised.

Batchworth Community Council (BCC) has no objection in principle to the change of use from Class E mixed use to Class E suis generis, nevertheless there are parts of the plan to which BCC strongly object to.

There are serious omissions of important details, and we therefore seek either refusal or deferment. By bringing our main points of concern to the attention of Three Rivers Officers and Councillors we hope that satisfactory mitigation measures and conditions will be adopted to make this application more acceptable and appropriate.

With reference to Plan P005B there are several changes that must be made. The proposed acoustic screen is shown merely as a dotted line indicating the height above the existing facade line. The screen will be clearly visible from the street. DM3C of the Local Development plan states that design should preserve or enhance the character and appearance and use materials that are appropriate to the local context. This is a residential area and so noise abatement measures should also be applied to the rear of the building to protect residents on Northway, High Street and surrounding roads. Officers should insist that the specification of materials are aesthetic and suitable for use in the Conservation Area and that plans for the screening be submitted as a condition before approval. BCC requests to be included in this consultation.

The supporting statement document has been reviewed in detail. Page 9 section 3.14 proposes operation hours from 06.00 to 00.00. BCC objects to the excessive trading hours as currently there is no clear distinction between 'dine in' and take away /courier delivery hours which will have a major impact on residents on the High Street, Northway and surrounding roads. BCC strongly objects to operating hours of 06.00 to midnight especially if this will mean courier activity during those hours. We understand the logic of opening at 06.00 with commuter breakfasts in mind but cannot approve of courier activity so early. If allowed, it will mean the residents in the Conservation Area will be subjected to the constant noise of motor bikes almost every minute of an eighteen-hour day. (ref predicted 76 trips per hour). This is totally unacceptable and must not be allowed.

BCC proposes a condition that trading times should be 07.00 to 23.00 and that there should be no courier delivery/pickup activity before 08.00 and no later than 22.45. It should be noted that both Watford High Street and Ruislip branches close at 23.00.

The Transport Statement Document has also been reviewed extensively:

Page ten section 3.5 states- 'it is assumed subject to traffic regulations; courier activity could be expected from both the High Street and Northway'. BCC strongly objects to any courier activity for Mc Donald's from the High Street entrance.

Page eleven section 4.1.3 plans referenced P006C and P005B show clearly the access and parking areas for delivery motorcycles on Northway making the noise, air pollution and traffic congestion generated by courier access via the High Street unnecessary, inappropriate and unacceptable. The 'Take Away' business will inevitably lead to members of the public picking up orders from the High Street and as some courier operators use cars, we can only hope that problems identified in Mill End at Money Hill will not be replicated in Rickmansworth.

BCC seeks a strictly enforced condition that all courier trips are generated from and return to Northway avoiding the High St completely. This will ensure the safety of pedestrians and reduce noise and pollution nuisance for residents in relation to content in page twelve sections 4.1.7-4.1,13.

As a multi-national company, Mc Donald's have developed highly sophisticated logistics systems which benefits their efficiency and profitability but ultimately controls every aspect of the day to day running of every outlet. Their computer-generated delivery schedules which incorporate re- cycling pick up and general waste removal should not be allowed to dictate to TRDC what 'they' deem to be off peak times, as an eleven-metre vehicle at any time of day, loading and unloading on the High St, has the potential for disruption and to be a very big safety concern for pedestrians. Not only will there be deliveries 3 to 5 days a week, but there will also be a 9.6 metre waste removal vehicle 3 times a week. BCC objects to proposal 4.1.13 for goods delivery times of Monday to Friday 6.00am to 11.00pm and Saturday and Sunday 6.00pm to 11.00pm. BCC proposes 7.00am to 10.00am and 6pm to 8.00pm Monday to Friday and 8.00am to 10.00am Saturday and Sundays. These times are appropriate for protecting the residents' quality of life by minimising the noise and air pollution caused by heavy goods vehicles at anti-social hours.

BCC requests that a condition of approval should be that these times are set into Martin Brower's planning tool.

This is a multimillion-pound investment by a global brand in a small Hertfordshire town. The inevitable change this will bring to the character of the town and the demographic of potential visitors cannot be underestimated. It is our huge responsibility and our duty of care to ensure we do not lose control of our unique conservation areas and the quality-of-life Rickmansworth affords its residents.

BCC must be confident that Officers and Councillors due diligence will ensure that their decisions on these plans will not be cause for any regret in the future.

4.1.8 National Grid: No response received.

5 Public/Neighbour Consultation

5.1 Number consulted: 133

5.2 No of responses received: 51 objections, 40 letters of support.

5.3 Site Notice: Posted 31.05.2024 Expired 21.06.2024
Press notice: Published 07.06.2024 Expired 28.06.2024.

5.4 Summary of Responses:

5.4.1 Objections:

Environmental impacts

McDonald's will change the aura of the High Street and lower the areas tone; *Increase in litter pollution in High Street and surrounding public spaces*; Should be looking after environment; *Should prevent extra waste being generated in Rickmansworth*; More bins and waste collection would be required at the end of each day; *Site in Pinner caused major littering problems*; Will have negative impact on character of High Street; *Increased disruption through noise levels*; Disgraceful lack of sympathy to town of Rickmansworth, its history and ethos; *It is inappropriate within the Conservation Area*; Council should protect Conservation Area; McDonald's would harm to town's unique character; *Bright yellow 'M' signage not in keeping with towns character*; Proposed hours would produce significant noise pollution to local residents; *Increase cooking smells detrimental to area*; Undesirable early and late deliveries blocking roads, pavements, and refrigerated lorries running; *Ruin the natural characteristics of the High Street*; Site in walking distance to Aquadrome risk of litter in public green space; *Litter will provide breeding ground for vermin*; Hours of trade are antisocial; *Inconsistent with the local historical buildings and quaint village setting*; Litter, waste and noise is not resolved properly; *Risk to local wildlife*; Impact on sewage network from grease traps which will not be cleared with any regularity.

Public safety and health risks

Too many unhealthy options on High Street; *Not appropriate so close to school*; Negative health implications; *Serious detrimental impact on our children and teenagers' health*; High Street will be cluttered and dangerous for pedestrians; *Increase risk in obesity for residents*; Increase in anti-social behaviour; *Increase pressure on Police due to anti-social behaviour*; Increase congregation of people outside premises which will be a nuisance; *Site goes against good Planning Practice Guidance as per Public Health England due to its proximity to local secondary and primary schools*; Should prevent unhealthy option within Rickmansworth; *Fast foods increases risk of cancer, heart disease and early death*; *Irresponsible of council to approve in light of scientific information on health risks*; Increased risk of accidents from delivery motorbikes; *Application does not sufficiently address environmental considerations*; Encourage loitering; *Opening hours will make area a "no-go" area*; Quality of life will be worsened; *Increased levels of CO2 emissions from delivery trucks, cars and delivery bikes as well as long cooking hours*; Would attract wrong type of

customers from far afield; *Odour pollution*; Change in appearance of building not in keeping with locality; *Potential for late night disturbances*; Litter will be a problem as evident in Watford, Pinner and South Harrow

Economic impacts

Add extra costs for local residents to clean and police monitoring; *Impact on existing businesses on High Street*; Should explore other business ventures; *Will do nothing to regenerate the ailing High Street*; Large floorspace should not be wasted on McDonald's; *High Street is already full of vape shops/sweet shop, Greggs, Wenzels and Creams*; Council should be supporting and encouraging small/local businesses to open up to diversify the High Street; *High Street has the potential to become a boutique/independent shopping destination like Old Amersham with continued investment and support of local businesses*; Will become an extension of London with fast food outlets and vape shops; *McDonald's will not help regenerate High Street*; High Street has hit saturation for eateries and take-away food establishments; *Premises will provide unfair competition for independent businesses of a similar nature*; Use would not have a "negligible effect" on local area; *Local business may not withstand competitive pressure from another large multinational chain*; High Street is losing its identity to globalism; *Other businesses can provide footfall and employment opportunities that McDonald's would bring*

Traffic and Parking

No provision for parking for cars to quickly pull up, park and collect food; *Cars will be parking badly as they do on Money Hill Parade*; Deliveries to the front will cause congestion; *No planned increase for parking resulting in kerbside parking on High Street and Northway to collect*; High number of moped drivers for pick-up/delivery causing nuisance; *Increase traffic volume in town centre which will be at odds with council's action plan on reducing carbon emissions*; Area will not support number of delivery drivers that will use facility; *Local area cannot support the number of out-of-area visitors who will use the facility*; Rush hour at Ruislip McDonald's has 15-20 delivery drivers waiting outside in peak hours; *Noise, congestion, increase pollution of waiting cars and mopeds will become a blight on the road*; No detailed modelling of motorcycle noises in early and late hours of the day; *Potential blocking of bus routes by poorly parked cars*; *High Street is narrow and crowded, motorcycles and delivery vehicles will obstruct pavements*; HGV delivery vehicles will disrupt access for emergency vehicles, blue badge holders, buses and other delivery vehicles; *Not enough parking for 60-cover restaurant*; Significant number of arrivals and departures to McDonald's along Northway.

Other

Council should use local by-laws to block application; *Signage will look ugly in High Street*; No provision of toilet facilities for waiting drivers; *More suitable outside of Rickmansworth*; Proposed operating hours out of keeping with rest of the High Street; *Community hub or independent shop would be better proposal*; Not the type of restaurant to improve the area; *McDonald's is better suited to larger towns*; Should be provision of drive-thru near J17 of M25 rather than in Rickmansworth; *Moral responsibility to current and future generations*; Council has moral obligation not to grant permission to anything that will do harm; *Should approach other businesses to use vacant premises*; Value of properties are declining due to a historic town becoming cheap and unsightly; *McDonalds would signal quick decline of Rickmansworth Town*.

5.4.2 Supporting Comments

Pressing need for development of this empty unit which are detrimental to the High Street; *Will bring prosperity and growth as well as contributing to the delivery of a strong and vibrant community*; Rickmansworth is served by excellent public transport so increased parking pressures are overstated; *Be good to have a McDonald's more local*; Positive that pick-ups will be at the rear of premises; *Increased footfall to High Street would be benefit for other shops*; Good place for teenagers to visit with friends rather than having to go to Watford or Uxbridge; *Will bring much needed part-time employment for local teenagers*; Not everyone

can pay the extortionate prices for coffee that some coffee shops charge; *McDonalds will be a great asset to the High Street*; No legitimate reasons to refuse planning permission; *Will utilise an otherwise vacant premises which currently has a negative impact on High Street*; Option to eat there is a choice not forced upon individuals; *Useful stop-off and meeting point*; Positive impact on the High Street; *Support so long as delivery drivers are not allowed to collect orders from the High Street*; Will bring life to the High Street; *Positive knock effects for other retail outlets in High Street*; Good to see more brands and reliable tenants opening on High Street; *High Street has lost too many shops in recent years*; Reduce need to travel further for McDonalds limiting car use and CO2 emissions; *Will provide a safe meeting place for youngsters*; Suggest introduction of CCTV surveillance at rear of premises; *About time Rickmansworth moved with the times*; Would be a betterment to the High Street; *Popular and affordable*; McDonalds does provide healthy options; *Will brighten up the High Street*; Need this sort of presence to start redevelopment of the High Street; *Commitment to provide three litter picks a day would be a positive*; Concerns and challenges are solvable; *Will show confidence in Rickmansworth's otherwise stuttering economy*; McDonalds is not solely responsible for the levels of obesity in the world.

6 Reason for Delay

- 6.1 Submission of amended plans, further supporting information and additional consultation with Environmental Health Officer.

7 Relevant Planning Policy, Guidance and Legislation

7.1 Legislation

Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38 (6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

S72 of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.

S66(1) of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

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 Environment Act (2021)

7.2 National Planning Policy Framework and National Planning Practice Guidance

In 2023 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.

7.3 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, 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, DM9, DM10, DM13 and Appendix 5.

The Site Allocations Local Development Document (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public. Policy SA1.

7.4 Other

Rickmansworth Conservation Area Appraisal (1993)

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

National Planning Practice Guidance

Healthy Weight Environments (HWE): Using the Planning System guidance and supplementary planning document (2020)

8 Planning Analysis

8.1 Principle of Development

- 8.1.1 The proposed development would replace an existing Class E(a) (Retail) unit into one mixed Class E(b) and Sui Generis (restaurant/takeaway) unit.
- 8.1.2 The site forms part of the primary shopping frontage in Rickmansworth, a retail allocation referenced R(a) in the Site Allocations LDD (2014). Policy PSP1 of the Core Strategy (adopted 2011) states that development in the Principal Town of Rickmansworth will maintain and enhance the vitality and viability of the town centre by promoting a range of town centre uses including housing, employment, shopping, leisure and community uses.
- 8.1.3 Policy SA4 of the Site Allocations LDD states that the loss of Class E(a) (previously class A1) retail uses will generally be resisted. However, Policy CP7 of the Core Strategy and Policy SA4 state that proposals for retail development, involving gains and/or losses, will be

considered taking into account the accessibility of location, the impact on the viability and vitality of existing centres and the appropriateness of the type and scale of development.

- 8.1.4 The NPPF promotes economic development and highlights the importance of retaining and enhancing existing town centres. The premises is currently vacant and the supporting statement states that it has been so since 2023; therefore, the change of use will lead to the re-opening of the vacant unit with a new and active use, which is likely to bring economic viability to the site and wider High Street. The mixed use of the premises as Class E(b) and Sui Generis would be considered to be a complimentary use that would still attract daytime footfall therefore promoting the vitality and viability of the High Street. In addition, the proposed use would also keep people in the High Street into the evening continuing an active street. The application site is in a central and highly accessible location, served by a range of transport modes making it readily accessible.
- 8.1.5 Officers note that there have been several objections with regards to the loss of a large retail unit and an alternative use should be sought for the site rather than a large restaurant and takeaway premises. However, it should be noted that following the coming into force of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 a number of use classes have been revoked and re-categorised within Class E to enable greater flexibility within our High Streets. The changes to the use classes order are aimed at creating vibrant, mixed use town centres by allowing businesses greater freedom to change to a broader range of compatible uses. Therefore, the unit can be operated as a restaurant with an ancillary level of takeaway without the need for planning permission. However, this application seeks to provide flexibility to the unit, to allow for a higher level of takeaway, whilst also retaining a restaurant use.
- 8.1.6 Whilst the proposed development would fall under Sui Generis use class, it is considered that the proposed use would be compatible with the parade of shops along the High Street. Neighbour comments in relation to unhealthy takeaway uses that already exist and this proposal increasing the share of the High Street are noted; however, it is not considered that the proposed development would adversely affect the vitality or viability of the area. The High Street would retain a number of uses including retail shops, salons, cafés and pharmacies etc. The High Street would therefore continue to provide shops and services that would continue to meet the day-to-day needs of the residents of the surrounding area. Consequently, while the development would result in the loss of a Class E(a) retail unit and 290sqm of retail floorspace, it is considered that bringing back a vacant unit into use should generally be encouraged in order to provide a positive benefit to the High Street and the wider local economy. Another economic benefit would include the creation of 30 full-time and 90 part-time jobs for the local community. McDonald's are committed to providing employee education opportunities both via internal training programmes and externally recognised qualifications which will be a benefit for future employees.
- 8.1.7 In response to objections relating to unhealthy food choices for school children attending schools in the local area, the Healthy Weight Environments (HWE): Using the Planning System guidance and supplementary planning document (2020) makes reference throughout to guidance from National Institute for Health Care and Excellence (NICE) Public Health Guideline on 'Cardiovascular disease prevention' (2010) which recommends action to encourage local planning authorities to restrict planning permission for takeaways and other food retail outlets in specific areas (for example, within walking distance of schools). The HWE also makes reference to the Planning Practice Guidance (PPG) which supports actions, such as the use of exclusion zones, to limit the proliferation of certain unhealthy uses within specified areas such as proximity to schools and in areas of deprivation and high obesity prevalence. In this instance it is acknowledged that both St Joan of Arc Catholic School, Rickmansworth Park J.M.I School and Royal Masonic School for Girls are within a 1km radius of the site. The HWE also states that the single most common planning policy adopted to promote health by LPAs (33 in total) are takeaway food outlet exclusion zones around locations often frequented by children and families such as schools. TRDC currently do not have any such adopted policies; however, it is acknowledged that the application site

would be outside the 400m exclusion zone recommended in the report of both schools. In summary, while the content of the HWE is acknowledged, the LPA do not consider there to be sufficient policy grounds to refuse the proposed development on this basis.

- 8.1.8 In addition to the above, officers recognise that the introduction of a takeaway establishment may have an adverse effect on the amount of litter within the area, as referenced in the neighbour comments section (para. 5.4.1). The High Street is serviced by a number of public bins (one of which is located 20m from the sites shopfront) which are considered sufficient to serve the area with the inclusion of the proposed establishment. Furthermore, within the Supporting Statement prepared by Planware Ltd. dated May 2024, it sets out that McDonald's is committed to tackling litter in as many ways as possible and it is company policy to conduct a minimum of three daily litter patrols in local communities, whereby employees pick up not only McDonald's branded packaging, but also other litter that may have been discarded in a 150m vicinity of a restaurant. In addition, litter bins would also be provided within the restaurant and anti-littering signage are displayed within restaurants and on packaging to encourage customers to dispose of litter responsibly. In addition, McDonald's has launched a partnership with 'LitterLotto' as part of a long-term commitment to combat litter across the UK. This will allow customers to win prizes for disposing their litter and logging it through the 'LitterLotto' App.
- 8.1.9 Thus, having regard to the specific site circumstances the development would therefore comply with Policy SA4 of the Site Allocations Local Development Document, Policy PSP1 and Policy CP7 of the Core Strategy, and there is no in principle objection to the change of use, subject to compliance with other material considerations expanded upon further below.

8.2 Design and impact on streetscene and Heritage Assets

- 8.2.1 Policy CP1 of the Core Strategy seeks to promote 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'.
- 8.2.2 The application site is located within the Rickmansworth Town Centre Conservation Area. In relation to development proposals in Conservation Area Policy DM3 of the Development Management Policies LDD stipulates that development will only be permitted if it preserves or enhances the character of the area. Furthermore, it states that development should not harm important views into, out or within the Conservation Area. The council will only permit development proposals including solutions to shop front security and/or use of standardised shop front designs, fascias or advertisement displays in a Conservation Area if they:
- (i) Sympathetic to the character and appearance of the Conservation Area;
 - (ii) Respect the scale, proportions, character and materials of construction of the upper part of the building and adjoining buildings and the streetscene in general;
 - (iii) Incorporate traditional materials where the age and character of the building makes this appropriate.
- 8.2.3 Policy SA4 of the Site Allocations LDD (adopted 2014) stipulate that shop fronts and displays should be appropriate to the character and function of the area.
- 8.2.4 The Conservation Officer was informally consulted and raised no objections to the scheme.
- 8.2.5 The High Street contains commercial units which use a range of building styles and materials. The Rickmansworth Conservation Area Appraisal (1993) states that only a small number of the buildings are listed for their special architectural or historic interest – the application building is not one of those listed. The nearest listed buildings are 133 High Street (Dental Centre) and 74 High Street (W.H. Smith). Nos. 104-108 are all locally

important buildings located next to the application site and on the opposite side of the High Street unit. Nos 153-155 and units 163-169 are also locally important buildings.

- 8.2.6 Given the commercial nature of the premises and that the proposal includes the refurbishment of a currently vacant premises, it is not considered that the proposed works to the front elevation would detrimentally impact upon the building or wider Conservation Area. As existing, the shop front is predominantly glazed with a dark grey coloured surround. It is proposed to relocate the entrance of the unit, so it sits more centrally within the shopfront, with glazing located either side. The dark grey exterior (RAL 7022) is to be retained with black (RAL 9005) framed fenestration. The existing brickwork at first-floor level and above is to be retained. The modifications continue to ensure that the shop front is appropriate to the character of the High Street and would not impact on the listed buildings or locally important buildings in the vicinity. The modified rear wall of the building would have a similar appearance – dark grey render at ground floor and facing red-brickwork at first floor.
- 8.2.7 To clarify, a separate application for signage has been submitted under reference 24/0832/ADV. That application will assess the design and impact of the signage towards the character and appearance of the building, street scene and Conservation Area.
- 8.2.8 HVAC units are proposed on the roof of the building and would be set behind a 2m high acoustic screen. Given their elevated height and set back distance from the front elevation of the building the units and screen would not be readily visible, and thus it is not considered that the proposed HVAC and associated mitigation screening would detrimentally impact upon the character of the building or wider Conservation Area.
- 8.2.9 In conclusion, it is considered that the proposed materials and finishes are sympathetic to the streetscene, wider Conservation Area and would not impact on the setting of the nearby listed buildings and the development would be acceptable in accordance with Policy CP1 of the Core Strategy (adopted October 2011), Policy DM3 of the Development Management Policies LDD (adopted July 2013) and Policy SA4 of the Site Allocations LDD (adopted 2014).
- 8.3 Impact on amenity of neighbours
- 8.3.1 Policy CP12 of the Core Strategy states that development should ‘protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space’. Policy DM1 and Appendix 2 of the Development Management Policies LDD set out that residential development should not result in loss of light to the windows of neighbouring properties nor allow overlooking and should not be excessively prominent in relation to adjacent properties.
- 8.3.2 Paragraph 90 of the NPPF sets out that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Consequently, there is a balance to be struck between supporting the commercial success of individual businesses and protecting the living conditions of residents within the surrounding area. This is emphasised by Policy CP1 of the Core Strategy (adopted October 2011) which seeks to ensure that all development contributes to the sustainability of the District, by balancing the need to sustain the vitality and viability of centres whilst safeguarding residential amenity.
- 8.3.3 The application site is located on Rickmansworth High Street. There are no residential properties located directly above or beside the premises. To the east of the site is a Class E(a) restaurant ‘Masala Bowl’ and the west is a Class E hairdresser ‘Louvere’. There are however residential properties located in the vicinity, located above the commercial units up and down the High Street – the closest being 153 High Street on south side of High Street (approx. 15m from site) and also flatted developments known as Penn Place located

on the north side of Northway (approx. 20m); Swan Field House located to the east on Northway (approx. 45m) and Mallard Court on Station Road to the west (approx. 50m).

8.3.4 Given the nature of the works, it is not considered that the refurbishment works to the front and rear elevations of the existing building would detrimentally impact upon the occupiers of any surrounding residential or commercial premises.

8.3.5 With regards to amenity and pollution, Policy DM9 of the Development Management Policies LDD states that the council will refuse planning permission for development, including changes of uses, which would or could give rise to polluting emissions to land, air and/or water by reason of disturbance, noise, light smell, fumes, vibration liquids, solids or others (Including smoke, soot, ash, dust and grit) unless appropriate mitigation measures can be put in place and be permanently maintained.

8.3.6 The application is supported by an Environmental Noise Assessment (ENA) dated 23rd May 2024 and prepared by Acoustic Associates SW Ltd and an Odour Control Assessment (ODC) dated June 2024 prepared by CDM Partnerships. Following initial comments from the Environmental Health Officer an Addendum to the ENA dated 22nd October 2024 has been submitted by the applicant supplemented by further details and via email correspondence.

8.3.7 **Noise Impacts**

8.3.8 Policy DM9 states that development will not be permitted where it would have an adverse impact on the acoustic environment of existing or planned development; would have an unacceptable impact on countryside areas of tranquillity; or would be subject to unacceptable noise levels or disturbance from existing noise sources whether irregular or not. Reference is made to Appendix 4 of the Development Management Policies LDD which sets out noise exposure categories for residential development.

8.3.9 Paragraph 191 of the NPPF sets out that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life⁶⁹;

b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

8.3.10 *Operating Hours*

8.3.11 With regards to the operating hours, the applicant is proposing to open the new premises between 0600 to 0000 every day. It is acknowledged that the proposed development would generate more early morning and evening trade than if it was operating as a retail unit and given the proximity of residential units, consideration needs to be given to the amenities of those surrounding residential units. The application site and proposal should be considered in the immediate local context of similar establishments in the High Street. Officers have had regard to other cafés, takeaways and restaurants within the High Street of which their operating hours are as follows (N.B. Only opening hours of those premises which open early in the morning considered relevant are provided):

Address	Permission Reference (if available)	Use (Name)	Opening & Closing Times		
			Mon-Fri	Saturday	Sunday & Bank Holiday
1 Odeon Parade	12/0441/FUL	Takeaway (Mangal Express)	23:00	23:00	22:00
80 High Street	21/1916/FUL	Café (Café Nero)	07:00-19:00	07:00-19:00	09:00-17:00
92 High Street	8/1221/88	Restaurant/Takeaway (Masala Bowl)	22:30 (Monday Closed; 23:30 Fridays)	23:30	10:30-22:00
115-117 High Street	95/0768	Drinking Establishment/Restaurant (The Pennsylvanian P.H.)	08:00-00:00 (01:00 Fridays)	08:00-01:00	08:00-22:30
131 High Street		Bakery/Takeaway (Greggs)	06:00 – 18:00*	06:00-18:00*	08:00-18:00*
147-149 High Street		Café (Starbucks)	07:00-18:00*	07:00-18:00*	08:00-17:00*
149-151 High Street		Café (Creams Café)	22:00 (23:00 Fridays) *	23:00*	23:00*
153 High Street		Café (Costa)	07:00-17:00*	07:00-17:00*	07:00-17:00*
173A High Street		Restaurant/Takeaway (Rasal)	22:00 (22:30 Fridays) *	22:30*	22:00*
4 Station Road		Restaurant/Takeaway (Tamarind)	22:00*	22:00*	Closed*
27 Station Road		Restaurant/Takeaway (Mexica Chinese Buffet)	22:00 (22:30 Fridays) *	22:30*	22:00*

* Opening and closing hours only as advertised online

- 8.3.12 Whilst the true levels of comings and goings associated with people visiting the premises, whether by foot or by car in the early mornings or late in the evening is currently unclear, given the size of the premises it is considered reasonable to protect the living conditions of nearby residents with regard to noise and disturbance. Officers recognise the High Street location of the application site; however, background noise levels are likely to be at their lowest in the early morning and late in the evening where residents would generally expect a degree of respite. Furthermore, there are also parking bays located outside the premises so visiting customers could arrive as early as 6am during weekday trading and therefore noise arising from car doors opening and closing could lead to some disturbance.
- 8.3.13 With regards to early morning trade, whilst officers note that 131 High Street (Greggs) opens at 06:00 Monday to Saturdays, most of the early opening premises open an hour later at 07:00. Furthermore, 131 High Street is a smaller unit compared to the application site. Thus it is considered reasonable to restrict opening hours to bring it in line with other similar size units within the High Street that are of the same use class, are also open at this time and also have residential uses surrounding them which open 07:00 Monday to Saturday and 08:00 on Sundays (Café Nero, Starbucks and Costa). In addition, there are no known issues specifically relating to the operation of these similar units opening at 07:00.
- 8.3.14 In assessment of evening operating hours, regard is had to the refused application 12/1069/FUL in respect of 1 Odeon Parade which operates a sui Generis use as a takeaway known as 'Mangal Express' similar the proposal. The application proposed to extend the opening hours of the premises to midnight on Fridays and 22:30 Sundays. In dismissing the subsequent appeal (PINS Ref: APP/P1940/A/12/2184700/NWF LPA Ref: 12/0041/REF) the Inspector commented:

"...given the relationship between the premises (1 Odeon Parade) and residential uses nearby, and in the absence of information relating to levels of activity in this part of the town centre late at night, I am concerned that these later opening hours would materially impact on the living conditions of nearby residents, through increased noise and disturbance. The

additional times sought would be at a time when residents would expect reasonable peace and quiet, even taking into account the town centre location.”

- 8.3.15 When considering the comments of the Inspector, the application site is located more centrally within the High Street, where it is only the adjoining site Masala Bowl (92 High Street) which operates into the evening when all nearby units are closed; however, this adjoining restaurant is not open on Mondays and closes at 22:30 Tuesday-Thursday, 23:30 Fridays and Saturdays and closes earlier on Sundays at 22:00.
- 8.3.16 Through the new use, it is likely that during evening times customers would come and go on a staggered basis as would be expected from the proposed use. Furthermore, there is some concern with visiting customers congregating outside and vehicular movements all when background levels are likely to be lower, even for a high street location. It is therefore suggested to restrict opening hours until 23:00 Monday to Saturday and 22:00 on Sundays and Bank Holidays to align it with these surrounding premises in order to limit the disturbance to surrounding neighbouring properties.
- 8.3.17 In conclusion, factoring in the proposed use, size of the premises, the context of this part of the High Street relative to surrounding neighbouring properties and the absence of night-time uses, it is suggested to restrict the operating hours for the premises to 07:00 – 23:00 Monday to Saturday and 08:00 – 22:00 on Sundays and Bank Holidays.
- 8.3.18 A condition is also suggested to restrict rear access so that it is only used by staff and couriers or in the case of an emergency to prevent visiting customers visiting or exiting the rear to further reduce disturbance towards neighbouring properties.
- 8.3.19 *McDelivery*
- 8.3.20 The submitted Transport Statement prepared by ADL Traffic & Highways dated May 2024 (Ref: ADL/CC/5889/20A) states that McDelivery covers an area up to 1.5mile radius from the store. Regards to the courier delivery hours, the applicant is proposing that they are to be undertaken between 0600 to 0000 every day to reflect their proposed opening hours.
- 8.3.21 Deliveries are undertaken by Uber Eats or Just Eat couriers who are predominantly on motorcycles. Customers of McDelivery use the App on a smartphone or tablet to place their order. Once the customer has placed the order via the App, the order is received at the McDonald's restaurant which is auto-accepted and a courier is dispatched to the restaurant. The restaurant is alerted when the courier is 3 minutes from the store and preparation of the order commences. The store is notified when courier has arrived and the courier will park at the rear and walk down to the collection point and the order is handed to courier for delivery. Only one order is taken per delivery by the courier and couriers are rated on their arrival and delivery times – therefore an incentive is for the couriers to have a low duration of stay. The statement sets out that it is expected that the whole procedure would take 5 minutes (including time to park vehicle, walk to entrance, collect the food, return to the vehicle and leave the site). Courier parking for mopeds/motorcycles would be provided within the re-configured rear area of application site. If a courier arrives in a car, there are eleven parking spaces located opposite the site on Northway with loading bays located further east along Northway.
- 8.3.22 The Transport Assessment contains data provided by McDonald's on the hourly transactions for three comparable town centre restaurants (Walton on Thames (No.149) 4/5 High Street, KT12 1DG, Palmers Green (No.1086) 286 Green Lanes, N13 5TU and Southgate No.31) 31/33 Chase Side, N14 5BP).
- 8.3.23 The supporting assessment sets out that Fridays and Saturdays are typically the busiest trading days for McDonald's and thus the data provided was from Friday 26th January 2024 and Saturday 27th January 2024 and records the number of transactions by customers and couriers. The average transactions for the three restaurants have been taken as the

expected trip generation for Rickmansworth. The full tables can be found on page 15 of the Transport Assessment; it demonstrates that during the weekday PM peak (17:00 to 18:00) the restaurant is expected to generate the following:

- 24 pedestrian trips
- 24 customer vehicle trips
- 76 courier trips
- 100 total vehicle trips

8.3.24 During Saturday peak (18:00 to 19:00) it is expected that the restaurant would generate the following:

- 25 pedestrian trips
- 24 customer vehicle trips
- 70 courier vehicle trips
- 94 total vehicle trips

8.3.25 Officers note the expected trip generation above, however, this data is a predication based on three premises which officers consider are not locations representative of Rickmansworth. It is noted there are no other McDonald's branches within a 6.5km radius of the Walton-on-Thames site which is similar to the proposed store (the nearest store to Rickmansworth is the Watford Town Centre 5.7km away) and the both the Palmers Green and Southgate branches are two of four located within a 6km area. Unlike the proposed site these three sites are located in much larger built-up towns, either on the outskirts or within the city of London serving a denser population within their catchment areas. As a consequence, whilst the predicted trip generation is a useful guide the true level of the activity relating to the proposed store is unknown until the use is in operation.

8.3.26 It is the impact of the courier deliveries which are of most importance, as all other customer trips will utilise to the surrounding local car parks or park on the High Street For courier deliveries, it is accepted that the vehicles to be used for this purpose are likely to vary from push bikes, cars, electric bikes, 2-stroke and 4 stroke engines of various cubic capacity.

8.3.27 Within the Addendum to the ENA dated 22nd October 2024 data is sets out that typically, riders will use modern, usually leased four stroke 125cc or 250cc scooters, the most popular of which is at present the Yamaha Nmax. Officers note that the assessment uses terms such as "now tend to be quiet" but this cannot be 100% confirmed until the use is operational. Furthermore, McDonald's have no control over which bikes are used by third party courier drivers. A recent survey was undertaken at McDonald's Delivery Hub (Unit 4 Burlington Business Park, Plymouth, PL5 3LX) with the sound of bikes coming and going from the Hub recorded. It was found that arrival and depart sound levels were very similar. The Environmental Health Officer considered it necessary for a noise impact assessment to provided data on each of these types of vehicles in order to make an assessment on the overall impact arising from their use. Without this information, they were unable to provide a recommendation on future mitigation.

8.3.28 Officers recognise that the EHO have not reached a recommendation; however, it should be expected that there will inevitably be a degree of noise impact from courier deliveries and this will be unavoidable. Officers note that the nature of the takeaway business and the proposed online operation with the use of deliveries would be to come and go frequently from the unit, which in this instance would all be concentrated to the rear of the premises where most residential properties are located e.g. Penn Place. Whilst it is hard to quantify precisely how popular the business will be and the level of impact arising if a material change of use is granted, the EHO noted that there isn't another McDonald's in the vicinity so it is acknowledged that it will likely be popular as highlighted by the level of support the application has received.

- 8.3.29 The site is located within a town centre location where there already is some degree of background noise throughout the day particularly on weekends and around the peak hours but it is in the later evening when things tend to quieten down within the town centre that the impact of the courier traffic within Northway would be heightened. A full complete restriction on the store preventing any courier deliveries being made is an option; however, in doing so it would impact on the viability of the business and the attractiveness for McDonald's to take up the vacant unit, so this has not been considered as an option.
- 8.3.30 Having regard to the presence of residential development within the vicinity of the premises, given the town centre located residents will generally be expected to tolerate some degree of noise and disturbance during peak hours, but in the early morning and late evening when background levels are reduced some respite would undoubtedly be expected. In addition, the courier parking area is open and not enclosed and the use will inevitably result in higher number of vehicles which slow down on arrival and speed up when leaving.
- 8.3.31 With regards to management of courier delivery drivers, additional details were provided setting out that courier drivers earn money from collecting the delivery and departing immediately so they should not be congregating at the premises. The parking for the mopeds is within McDonald's control so would be managed by the Business Manager. The Business Manager will be responsible for monitoring McDelivery drivers and directing them to the designated loading areas. There is also an expectation that couriers will become familiar with the restaurant and parking arrangements as they make repeated visits. Signage will be provided which will encourage McDelivery drivers to leave the premises quietly and respectful manner to minimise any noise and disturbance. In addition, the restaurant can log complaints with the delivery providers in the event that any drivers are not complying with McDonald's expected parking activity and behaviour which would be investigated by the delivery provider.
- 8.3.32 Thus, when considered the site circumstances and the potential impacts of the proposal, officers consider that imposing a condition restricting courier deliveries to be undertaken from the rear of the premises only and between the hours of 08:00 to 21:00 Monday to Sundays including Bank Holidays would provide a suitable balance between allowing McDonald's to operate a courier service and protecting the amenities of those surrounding residential properties. This would also allow the council to monitor the site and allows McDonald's the opportunity to collate true data of courier deliveries of the store which could inform any subsequent planning application to vary the hours of operation.
- 8.3.33 Consideration was also given to attach a condition which would limit the number of motorbikes on site to six and the use of an electric motorbike to be used for deliveries. However, both these conditions would not be reasonable or enforceable when considering Paragraph 55 of the NPPF. Firstly, if the LPA were to agree on limits to the number of motorbikes within the bounds of the application site (within the control of the applicant), there is nothing to stop those online delivery platforms arriving to take orders but simply park on Northway, immediately outside the application site and adjacent residential properties given the limited space outside. Secondly, the use of electric bikes would also be hard to enforce as those arriving via online platforms may not be electric and the applicant would have no control. Consequently, the conditions would fail the required tests as set out within the PPG and therefore would not be reasonable or enforceable.

Store Deliveries

- 8.3.34 The application site is located within an active High Street within which some of the existing premises receive regular deliveries. The submitted Transport Statement details that deliveries to the store would be undertaken by McDonald's sole distributor Martin Brower. All distributor vehicles utilise multi-temperature vehicles, which allows all of the restaurant's requirements for; frozen, chilled and ambient products to be delivered in one visit – reducing the number of deliveries each restaurant receives. Typically, restaurants received 3-5 deliveries per week and those deliveries are made whilst the restaurants are open. The

submitted ENA states that the restaurant is likely to require three deliveries per week. Martin Brower uses a computerised system which enables requirements of delivery destinations to be set and ensures they are complied with. The restaurant is allocated a 2-hour delivery slot, and the delivery is planned within this.

- 8.3.35 It was originally proposed with the submitted statement that deliveries would only be scheduled to occur between 18:00-23:00 every day (subject to High Street Permit for Saturdays and Sundays). The applicant was informed that part of the High Street is subject to a Traffic Regulation Order (The Hertfordshire (High Street, Rickmansworth) (Pedestrian and Cycle Zone) Order 2024) which closes the High Street to vehicular traffic between 10:00 Saturday to 06:00 Monday.
- 8.3.36 Store deliveries would be to the front of the store. There are loading bays on the High Street – one of which is located directly in front of the application site. Cages would be pushed along the pavements and enter into the store from the front and taken upstairs via an internal lift. This is considered an acceptable arrangement but a condition is suggested to require store deliveries to be made from the High Street and limit the delivery times to the site between the hours of 08:00 to 22:00 Mondays to Fridays and not at all on Saturdays, Sundays or Bank or Public Holidays. The suggested hours are considered reasonable and would limit the disturbance to surrounding neighbouring properties.

HVAC/Plant Equipment

- 8.3.37 Moving on to the HVAC and plant equipment, these units are either located internally within a plant room or on the roof of the building. Notwithstanding this, it is important to consider the potential noise impacts for the units as some pieces of equipment will run continuously.
- 8.3.38 The Environmental Health Officer was consulted on the application and considered the information contained within the document to be insufficient to scrutinise the data and enable an informed assessment of the impacts of the plant equipment and, as a consequence, raised an objection to the application. The applicant was given the opportunity to respond and subsequently provided an addendum to the ENA dated 22nd October 2024.
- 8.3.39 The supporting addendum shows that the proposed plant would not give rise to unacceptable levels of noise and or disturbance when considering the existing daytime, evening background noise levels of the High Street and the proposed mitigation measures which are to be provided to the front and side of the roof of the building. No mitigation was provided at the rear given the separation distances between the equipment and Penn Place on the opposite side of Northway. The EHO required further clarification on the location of the plant and upon review was satisfied with the calculations and results contained with the ENA and addendum.
- 8.3.40 **Air Quality**
- 8.3.41 With regards to air quality Policy DM9 states that development will not be permitted where it could have an adverse impact on air pollution levels, particularly where it would adversely affect air quality in and Air Quality Management Area and/or be subject to unacceptable levels of air pollutants or disturbance from existing pollutant sources.
- 8.3.42 The application site is located within a town centre location with potential sensitive receptors in the form of residential properties generally in the surrounding streets and buildings. Objections were received during the consultation process in respect of cooking smells. Whilst it is virtually impossible to completely eliminate cooking smells entirely, the issue can be adequately mitigated by a condition requiring approval of extraction, filtering and high-level venting of kitchens.

- 8.3.43 The ODC details that an assessment was conducted using the EMAQ+ (formerly DEFRA) style Odour Risk Assessment method which outlined that in this situation a 'High' level of odour control is recommended as defined in the EMAQ+ Guide. The air extracted from the kitchen at this premises will be discharged vertically via a single high velocity terminal located at least 1m above the highest point of the building. Appropriate mitigation can be achieved to protect the amenity of nearby receptors, and the proposed grease and odour control measures meet the requirements of the 'High' classification control band.
- 8.3.44 The Environmental Health Officer reviewed the submitted ODC and based on the information provided by CDC Partnership, they raised no objections providing that the odour abatement measures and maintenance outlined within the report are implemented. These measures include Hikatch Canopy grease baffle filters, electrostatic precipitation (ESP) filters followed by ozone injection and activation dwell duct and regular servicing, cleaning and replacement of equipment. A suitably worded condition is suggested to ensure the equipment is installed before the use commences and the development is implemented in accordance with recommendations of the Odour Control Assessment.
- 8.3.45 Overall, subject to conditions, the proposed development is not considered to result in unacceptable adverse impacts on neighbouring properties and is acceptable in accordance with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM9 and Appendix 2 and 4 of the Development Management Policies document (adopted July 2013).

8.4 Highways & Access

- 8.4.1 Policy CP10 of the Core Strategy states that all development proposals should be designed and located to minimise the impacts of travel by motor vehicle on the District. It further states in particular, major development will be expected to be located in areas of highly accessible by the most sustainable modes of transport, and to people of all abilities in a socially inclusive and safe manner.
- 8.4.2 Paragraphs 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 117 states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.
- 8.4.3 The application is supported by a Transport Statement prepared by ADL Traffic & Highways Engineering Ltd. dated May 2024. Amended plan 8712-SA-2318-P004 D and a supplementary Traffic Note 5889-01 were provided following initial comments from the Highway Authority reducing the size of the dropped kerb from 8.3m to 3m providing details of visibility splays for the access; adjusting the size of the motorcycle/moped parking spaces to 2.5m x 1.5m.
- 8.4.4 The application proposes to create a dropped kerb access from Northway into the site for use by mopeds and cycles acting as delivery vehicles. The amended width of the dropped kerb (3m) was considered a more suitable size by the Highway Authority than originally proposed as the dropped kerb will only be used by two wheeled vehicles. Furthermore, it would ensure that pedestrian movements are maintained as a priority along Northway. In addition, the proposed visibility splays for the access (2m x 25m) are considered suitable given the speed of the route and that mopeds and bicycles are to be the only vehicles to use the access.
- 8.4.5 Hertfordshire County Council as Highway Authority were consulted in relation to the proposed development. They considered that the proposal would not have an unreasonable impact on the safety and operation of the surrounding highway. From the data which has been presented from McDonald's and TRICS, it is concluded that 85% of trips to the site will be linked trips rather than new. For clarification, linked trips refer to the natural tendency

of a consumer to visit other stores after fulfilling their main shopping need. Of the new trips, the vehicular trips to the site itself would be mopeds acting as couriers using the proposed parking area located at the rear of the site, as there is no car parking within the site. There are some parking bays to the front of the premises which can be used during the week but there is a TRO (Traffic Regulation Order (The Hertfordshire (High Street, Rickmansworth) (Pedestrian and Cycle Zone) Order 2024) prevents vehicles from using High Street between 10:00 Saturday to 06:00 Monday. Therefore, HCC considered that the trip generation of the proposed restaurant would not have a severe impact upon the flow of the nearby highway.

- 8.4.6 The applicant would need to enter into a Section 278 Agreement with HCC to cover the technical approval of the design, construction and implementation of the necessary highway and access works. Therefore, HCC raised no objections on highway grounds to the application, subject to the inclusion of a condition ensuring the works to access are undertaken prior to the first use of the development.
- 8.4.7 In conclusion, the proposed development is considered acceptable in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

8.5 Parking

- 8.5.1 Core Strategy Policy CP10 (adopted October 2011) requires development to make adequate provision for all users, including car parking. Policy DM13 in the Development Management Policies document (adopted July 2013) states that development should make provision for parking in accordance with the Parking Standards set out within Appendix 5.
- 8.5.2 Appendix 5 of the Development Management Policies LDD states that there should be 1 off street parking space per 3 square metres of public floor space plus 3 spaces per 4 employees. There is approximately 80sqm. of public floor space within the premises (23sqm. of queuing space and 57sqm of dining space) which would require 26.6 off-street car parking spaces, with further 56.25 spaces required for employees. However, Appendix 5 of the Development Management Policies document also advises that the standards for car parking may be adjusted reflecting site accessibility. The application site is in zone 2 which corresponds to provision of 25-50% of the indicative standard, resulting in a requirement for 41.5 spaces.
- 8.5.3 The application site includes motorcycle parking for six vehicles to the which the information submitted with the application advises would provide courier parking. The size of these spaces meets the size standards of HCC's Place and Movement Planning and Design Guidance (PMPDG) and are acceptable in this regard. Two bicycle spaces are provided within the site allocated for staff parking. The supporting information details that the applicant could provide three new Sheffield Stands to provide some additional cycle parking for customers and existing town centre visitors; however, HCC raised no objection to these works but noted that a S278 Agreement would be required and also consent from TRDC as the parking authority given that the stands would result in the loss of the off-street parking space on Northway. Thus, the provision of these stands are not taken into consideration. There is no other parking available within the application site and there would therefore be a shortfall of 39.5 spaces against standards.
- 8.5.4 As a result of the town centre location, the site is within an accessible location and there is parking available to the front of the site and along the High Street (20 min stays 8:30-6:30 Monday to Saturday no return within the hour). The site is also within walking distance of several public car parks and has the benefit of local transport links, including the Rickmansworth Train Station and local bus stops. The proximity of the site to residential properties also lends itself to customers arriving on foot.
- 8.5.5 Furthermore, the nature of a takeaway would fall within the category of 'convenience' and therefore any visitors by car, or otherwise, are likely to be making short visits with a high turnaround of vehicles.

8.5.6 Therefore, although the premises would not provide off-street parking to meet the requirements of Appendix 5 of the Development Management Policies LDD, it is considered that there would be sufficient parking available in the vicinity of the site and there are no objections to the proposed change of use on parking or highway grounds in accordance with Core Strategy Policy CP10 and Policy DM13 and Appendix 5 of the Development Management Policies LDD.

8.6 Refuse and Recycling

8.6.1 Policy DM10 (Waste Management) of the DMLDD advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:

- i) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity
- ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers
- iii) There would be no obstruction of pedestrian, cyclists or driver site lines

8.6.2 The Supporting Statement details that McDonald's utilise a building management control system with specifically engineered reduction strategies to maximise operating efficiencies and utilising sustainable packaging. McDonald's UK has a long-term goal to send zero waste to landfill by reducing operational waster, recycling as much as possible, and diverting the remainder to a more sustainable solution. Delivery vehicles carry recyclable materials on return trips and cooking oils from restaurants is recycled into biodiesel using local collectors.

8.6.3 Refuse collection would be collected by a private contractor using a 9.6m refuse vehicle, three times per week and would occur outside of peak hours. Service vehicles also collect empty delivery trays and crates which are returned to suppliers for reuse. It is expected that refuse collection, like main deliveries, would also occur from High Street during permitted loading times. The Environmental Health Officer advised that similar time restrictions to those imposed for store deliveries should apply to refuse collection - Monday to Friday 07:00 to 23:00 to minimise against noise and disturbance to surrounding neighbouring properties. A condition has been recommended to that effect.

8.6.4 As such, the development is acceptable in accordance with Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

8.7 Wildlife and Biodiversity

8.7.1 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.

8.7.2 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. The Local Planning Authority is not aware of any records of bats (or other protected species) within the immediate area that would necessitate further surveying work being undertaken.

8.8 Trees and Landscaping

8.8.1 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.

8.8.2 The application site is located within a Conservation Area, although there are no trees within the application site. As such, the proposal is considered acceptable in this regard.

8.9 Mandatory Biodiversity Net Gain

8.9.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions as set out in The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

8.9.2 The application form states that development is subject to the 'de minimis' exemption as the development is below the threshold by reason that the proposal results in no change to the footprint of the building and therefore it the development is not impacting on 25sq.m of grassland or 5 linear metres of hedgerow. As a consequence, there is no requirement for biodiversity net gain for this development.

8.10 Conclusion & Planning Balance

8.10.1 When considering Paragraph 90 of the NPPF the LPA have considered carefully as to whether it can grant planning permission to support the applicant by imposing conditions.

8.10.2 It has been identified that the proposed development is likely to result in an increase in the number of comings and goings of members of the public and courier deliveries resulting in some degree of noise impact and this is unavoidable. However, it is difficult to predict the true level of the impact of the courier deliveries visiting arriving and departing the rear of the site until the change of use is implemented and has been in operation. Officers note that the Environmental Health Officer was unable to reach a recommendation or recommend appropriate mitigation based on the information provided by the applicant; nevertheless, it is a matter of planning judgement based on the merits of the application. The town centre location is where such commercial uses are generally located where there already is some degree of background noise throughout the day; however, it is acknowledged that in the evenings where things generally quieten down, the impact of any noise and disturbance particularly from visiting customers and courier deliveries would be heightened.

8.10.3 In consideration of the potential benefits in the event that planning permission is granted, the proposed development would utilise a vacant premises and the design and alterations to the building would enhance the visual amenity of the building resulting in a betterment to the High Street and the heritage asset. The proposal will introduce additional choice in the market which in turn would enhance the viability and vitality of Rickmansworth High Street. Furthermore, the proposal represents a multi-million-pound investment creating both jobs during the construction and operation phase, resulting in many associated economic benefits to the local area. The proposal would provide over 120 jobs for the community which will bring training opportunities for those employees enabling those to progress their careers within McDonald's.

8.10.4 As a consequence, it is recommended that planning permission is granted for the change of use with suggested conditions imposed restricting both the operating hours and the hours courier collection/delivery. A grant of planning permission with the suggested imposed restrictions will enable both the council and McDonald's to monitor how the store operates and collate true data on its courier deliveries and the level of impact that arises. This can

inform any subsequent application should there be an intent from McDonald's to apply to vary conditions at a later date.

9 Recommendation

9.1 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: HSA/01 (AUG 2022), HSA/02 (DEC 2022), HSA/04 (DEC 2022)

Reason: For the avoidance of doubt, in the proper interests of planning, to safeguard the character and appearance of the Conservation Area, street scene and wider area, to protect the residential amenities of the neighbouring properties and in accordance with Policies PSP2, CP1, CP6, CP7, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM3, DM6, DM9, DM10, DM13 and Appendices 4 and 5 of the Development Management Policies LDD (adopted July 2013), Policy SA4 of the Site Allocations LDD (adopted November 2014) and the Rickmansworth Conservation Area Appraisal (1993).

C3 Prior to the first use of the development hereby permitted, the vehicular access shall be completed and thereafter retained as shown on drawing number 8712-SA-2318-P004 D in accordance with details/specifications submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

C4 Prior to the first use of the development hereby permitted, the space for parking bicycles and motorcycles shall be provided in accordance with the approved drawing no 8712-SA-2318-P004D. The parking areas shall be permanently retained thereafter solely by staff and couriers collecting orders and not for customer parking whatsoever.

Reason: In order to ensure bicycle and motorcycle parking facilities are provided and to safeguard neighbouring amenity in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM9, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C5 Prior to the first use of the development hereby permitted, a management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the following:

- a. How courier delivery vehicles arriving on site and store delivery vehicles are managed to ensure engines are switched off when stationary and prevention of couriers congregating at rear of premises waiting for deliveries.
- b. How McDonald's policy of three litter patrols per day will be managed to ensure that the patrols are undertaken.

Reason: To safeguard the residential amenities of the occupiers of neighbouring properties and visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- C6 Prior to the first use of the development hereby permitted, the proposed courier entrance point to the rear of the unit shall be set up, used and operated only in accordance with the layout as shown on approved plans.
- Reason: To safeguard the residential amenities of the occupiers of neighbouring properties and visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).
- C7 Unless specified on the approved plans, all new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building unless otherwise agreed in writing by the Local Planning Authority.
- Reason: To ensure that the external appearance of the building is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).
- C8 The use hereby permitted shall not operate other than between the hours of 07:00 to 23:00 Monday to Saturday (inclusive) and 08:00 to 22:00 Sundays and Bank Holidays.
- Reason: To safeguard the residential amenities of the occupiers of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).
- C9 Any courier deliveries shall only be carried out between 08:00 to 21:00 Monday to Sunday including Bank Holidays.
- Reason: To protect the amenities of occupiers of nearby residential dwellings in accordance with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD.
- C10 No courier collection shall take place from High Street and shall all be directed to the rear, entering the site from Northway.
- Reason: To protect the amenities of occupiers of nearby residential dwellings in accordance with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD.
- C11 Deliveries to the premises and private refuse collection hereby permitted shall only be carried out between 07:00 to 22:00 hours Monday to Friday (inclusive) and not at all on weekends or Bank Holidays.
- Reason: To protect the amenities of occupiers of nearby residential dwellings in accordance with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD.
- C12 The extraction and ventilation system and mitigation fencing hereby permitted shall be installed in accordance with the details shown on drawing nos. 9483 M1010D, 9483 M1011D and 8712-SA-2318-P008D and permanently maintained in this condition thereafter.
- Reason: To protect the amenities of occupiers of nearby residential dwellings in accordance with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD.
- C13 The rear access of the premises shall only be used by staff, courier delivery collection or in the event of an emergency to prevent patrons leaving the restaurant via the rear access.
- Reason: To safeguard the residential amenities of the occupiers of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

10 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 £145 per request (or £43 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 01438 879990 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 (cil@threerivers.gov.uk). 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.

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

(a) Making a Non-Material Amendment

(b) Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work. Further information on how to incorporate changes to reduce your energy and water use is available at:

<https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 14 Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
- 15 Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
- 16 Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made-up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.
- 17 Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business->

[and-developer-information/development-management/highways-development-management.aspx](#) or by telephoning 0300 1234047.

- 18 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition") that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Three Rivers District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply.

Development below the de minimis threshold, meaning development which:

- a) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- b) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>.