

RECONVENED PLANNING COMMITTEE - 19 AUGUST 2021

PART I - DELEGATED

4. **21/1472/RSP - Retrospective: Continued use of ground floor for training and counselling accommodation for charitable and not-for-profit organisations at HILLSIDE COMMUNITY HUB, 4 SCHOOL MEAD, ABBOTS LANGLEY WD4 OLB**

Parish: Abbots Langley Parish Council
Expiry of Statutory Period: 04.08.21 (Agreed Extension)

Ward: Gade Valley
Case Officer: Clara Loveland

Recommendation: That Retrospective Planning Permission be Granted.

Reason for consideration by the Committee: This application was called in by three Members of the Planning Committee regardless of Officer Recommendation on the grounds that the development is within a residential area and the proposed evening use may have a detrimental impact on neighbouring residents.

1 **Relevant Planning History**

- 1.1 05/0953/FUL - Variation of planning permission 8/410/91: Extension of hours for evening meetings and increase the number of evening meetings per month to 4, one Saturday per month, increase the number of people attending meetings. Approved.
- 1.2 8/410/91 - Use of ground floor as an estate management office and relaxation of Cond.1 (opening hours) of planning permission 8/814/89 dated 1.9.89.
- 1.3 8/147/89 - Use of ground floor as estate management office.
- 1.4 8/942/86 - Office for social workers renewal.
- 1.5 8/905/85 - Office for social workers renewal.
- 1.6 8/667/83 - Office for social workers renewal.
- 1.7 8/388/82 - Office for social workers renewal.
- 1.8 8/215/81 - Office for social workers renewal.
- 1.9 8/12/80 - Office for social workers renewal.
- 1.10 8/279/78 - Office for social workers renewal.
- 1.11 8/228/75 - Change of use from doctor's surgery to office.

2 **Description of Application Site**

- 2.1 The application site consists in part the ground floor of a two storey building and a single storey flat roofed extension which comprises office facilities; including 3 meeting rooms and a toilet. The building fronts School Mead and is located on the corner of Gable Close in Abbots Langley.
- 2.2 The wider building accommodates a dwelling, No.4A School Mead which does not form part of the application site.
- 2.3 Outside of the application site but under the ownership/control of the applicant there is an area of open amenity to the front and side of the building. In front of the flat roofed extension there is a driveway for one vehicle.

- 2.4 School Mead is generally a residential area although the application site itself is not in a residential use. There is also a Baptist Church located opposite the application site and further to the west, on the other side of the open green area, are a row of shops.

3 Description of Proposed Development

- 3.1 This application seeks retrospective planning permission for the continued use of ground floor for training and counselling accommodation for charitable and not-for-profit organisations.
- 3.2 There would be no external or internal alterations.
- 3.3 The Planning Statement submitted with the application indicates that there is no longer a requirement for estate management (previous principle use) at the application site. It sets out that the range of users has expanded beyond those of the Watford Council, Ward Councillors and the Hillside Tenants Association (who were granted personal planning permission). Additionally, the current use of the site is no longer consistent with the extant planning permission.
- 3.4 The extant planning permission (05/0953/FUL) is conditioned to restrict the hours, numbers of people and the users. The conditions are:

Condition 1: The use of the premises hereby permitted for estate management purposes shall only be carried on during the hours of 08.30 and 17.30 Mondays to Fridays and at no time on Saturdays, Sundays or Bank Holidays. No variation of these hours shall occur without first obtaining written permission from the Local Planning Authority.

Condition 2: The use of the premises hereby permitted for meetings outside of the hours stated in condition 01 shall only be carried on during the hours of 17.30 and 21.30 Mondays to Fridays and between 12.30 and 17.30 on Saturdays. There shall be no meetings held on Sundays or Bank Holidays. No variation of these hours shall occur without first obtaining written permission from the Local Planning Authority.

Condition 3: The premises shall be used for not more than 4 evening meetings per month and not more than 1 Saturday meeting per month. There shall be no variation in the number of outside of house meetings per month unless written permission has been obtained from the Local Planning Authority.

Condition 4: Meetings held outside of normal estate management operating hours shall not be attended by more than 6 people. The only exception to this is attendance by a maximum of 18 people at one evening meeting per calendar month.

Condition 5: This permission shall ensure for the benefit of Watford Borough Council with ancillary use by the Hillside Tenants Association and any/all of the Langleybury Councillors only, and for no other person, company, firm or organisation without the prior written permission of the local planning authority.

- 3.5 It is proposed to continue to use the application site for a mixture of office, training and counselling accommodation for a charitable, not-for-profit organisation. It is also proposed that the application site would be used for meetings. Meetings would vary from health, social and community-care activities. Each meeting would have a maximum of 12 people and the building is proposed to only have 1 meeting at a time. Further details provided by the application during the application process indicates that the hub is to be used in partnership with Watford and Three Rivers Trust, Three Rivers District Council and Watford Community Housing. The nature of the use would be smaller support groups/therapy sessions focused on specific subjects such as carer support, hoarding and compulsive behaviour. The space would also be used for by community event organisers.

3.6 The submitted plans indicate that there are 3 meetings rooms with 1 of these used as a kitchen and break out space. The meetings rooms would be used interchangeably for the meetings. A hallway and toilet also exist.

3.7 There would be 2 employees (Officers) working in the premises.

3.8 The Planning Statement also seeks to alter the hours of operation of the premises and proposes 08.30 and 21.30 Mondays to Fridays and between 12.30 and 17.30 on Saturdays. No meetings are proposed to be held on Sundays or Bank Holidays.

4 Consultation

4.1 Statutory Consultation

4.1.1 Abbots Langley Parish Council: [No objection]

4.1.2 Hertfordshire Council Highways: [No objection]

The building is located on a corner plot in a largely residential area and opposite a church across the road. School Mead is designated as an unclassified local access road, subject to a speed limit of 30mph and is highway maintainable at public expense.

The application does not include any new or altered access nor any car parking. Following consideration of the continued use of an existing function and the nature of the use, which presumably supports other uses and local residents in the vicinity of the site who would have the potential to travel sustainably to and from the site, HCC as Highway Authority would not have an objection to the granting of planning permission.

4.1.3 National Grid: [No comment received. Any comments received will be verbally updated at the Committee meeting].

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 6

4.2.2 No of responses received: 1 (objection)

4.2.3 Summary of responses:

- Site attached to my house
- Room is below my bedroom
- Had previous issues with noise disruption as work night shifts

4.2.4 Site Notice: Not required.

4.2.5 Press notice: Not required.

5 Reason for Delay

5.1 Committee Cycle.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

6.1.1 In 2021 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area.

It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

- 6.1.2 The NPPF states that ‘good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would ‘significantly and demonstrably’ outweigh the benefits.

6.2 The Three Rivers Local Development Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP2, CP1, CP6, 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 DM6, DM9, DM12, DM13 and Appendix 5.

6.3 Other

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

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

7 **Planning Analysis**

7.1 Principle of Development

- 7.1.1 The application site is located within a largely residential area within the Key Centre of Abbots Langley.

- 7.1.2 Place Shaping Policy (PSP) 2 of the Core Strategy (adopted October 2011) requires that development in Key Centres, such as Abbots Langley, will;

(m) Improve provision of, and access to, services and facilities, to meet future demands, specifically through: viii (improve the range of youth facilities in all Key Centres)

- 7.1.3 Policy CP1 of the Core Strategy (adopted October 2011) seeks to provide necessary infrastructure to enable and/ or support development, including, (but not limited to) transport, education, health, green infrastructure, utilities, waste facilities, waste water,

leisure, cultural and community facilities. Policy CP6 of the Core Strategy advises that the Council will support development proposals promotes skills and learning of the local workforce.

- 7.1.4 The application site has historically been used as a community facility, formally a doctor's surgery before changing its use to an office with estate and social care management. The proposed use of the premises which seeks to retain the community facility would therefore not alter the existing and historic site circumstances with regard to usage. Although the application seeks to widen the range of uses and its operational hours from those existing, it would provide a community facility opportunity in accordance with PSP2, Policy CP1 and CP6 of the Core Strategy. Its use is therefore given weight in favour of the development.
- 7.1.5 Nevertheless, it is necessary to consider the possible impacts on the immediate area from the use and its greater operational hours which are discussed in greater detail below.
- 7.1.6 Impact on amenity of neighbours
- 7.1.7 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels of disposition of privacy, prospect, amenity and garden space'.
- 7.1.8 Policy DM9 of the Development Management Policies document sets out that planning permission will not be granted for development which has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing or planning development. Also, would be subject to unacceptable noise levels or disturbance from existing noise sources whether irregular or not.
- 7.1.9 Historically, the site has been used for estate management and social care work with the most recent planning permission restricting the hours of use, users and numbers of people (05/0953/FUL).
- 7.1.10 The Planning Statement sets out that the estate management use is no longer required. Further, that the range of users has expanded and become more varied since the previous permission. Additional information provided by the applicant sets out that the building is to be used in partnership with Watford and Three Rivers Trust, Three Rivers District Council and Watford Community Housing. Further, that there would be a variety of meetings in smaller groups focused on various topics such as such as therapy sessions. Consequently, the application seeks permission to use the building for meetings to meet the needs of the current users. It is proposed that no more than 12 attendees would be present within the building at any one time. However, further details provided by the applicant indicate that it would be more likely a maximum of 8 attendees would be present.
- 7.1.11 During the course of the application the applicant provided information on the meetings. The meeting are proposed to be 'drop-in-style' with small break out groups rather than formal training /meetings in larger groups. As such, it is not expected that the proposed maximum number of attendees (12) would regularly be at the site at any one time. It is also considered that in the evenings (after 17:30) the numbers of attendees would likely be less. The proposal is put forward to be enable further flexibility from the extant permission which is more suited to the needs of the former users.
- 7.1.12 Historical use for the site and existing permission permits meetings between the hours of 08:30 and 17:30 Monday to Fridays and between 12:30 to 17:30 on Saturdays with no meetings on Sundays and Bank Holidays. The proposed continued use of meetings within these hours is no different from the existing permission. Consequently, there would be no material difference and the hours would be acceptable when considering in respect of safeguarding neighbouring residential amenity.

- 7.1.13 It is acknowledged that the proposal seeks to increase the number of attendees within the evening (after 17:30). Historically, a maximum of 6 people could attend meetings 4 times per month with the exception of 1 evening with 18 people. Therefore, the proposal which seeks up to 12 people between 17:30 and 21:30 Monday to Friday, which would be an increase in the number of potential people attending the meetings in the evening from the previous permission. Although the potential number of attendees would increase in number of regularity, details provided by the applicant also indicates that reaching the maximum of 12 people would be unlikely due to the proposed drop-in and break out nature of the facility.. It would also be restricted by the limited physical size of the building.
- 7.1.14 Nevertheless, it is acknowledged that the application site is located within a residential area with No.4A School Mead located immediately adjacent and partially above the application site. Thus, this neighbour would be most directly affected by the development and an objection has been raised during the course of this application in relation to noise. Noise is a material planning consideration. It is acknowledged that any increase in number of people at the application site would likely increase the activity on the premises which may contribute to increased noise levels. Notwithstanding this, the proposed use of the building would be styled a 'drop-in' sessions with break out areas and therefore, the indented use of the site would be limited. However, in order to safeguard residential amenity, it is recommended to restrict the hours of use and the numbers of attendees to 12 people, between 8:30 and 21:30 Monday to Fridays and 12:30 and 17:30 Saturdays and not at all on Sundays. The extant permission also allows for an exception of 18 attendees on 1 evening meeting per calendar month. Additionally information provided by the applicant indicates that this is unlikely to be used however, would provide a degree of flexibility for the site. Given that this exception could also be utilised in accordance with the existing permission, it is not considered it would arise in any further harm. Additionally, it is considered reasonable to restrict the use of meeting room 2 (as shown on plan number A1.1) after 17:30 as a meeting/consultation room, given this particular room is attached and below the neighbouring dwelling. Subject to a restriction on the hours of use and the number of attendees at the building, it is considered that there would be no additional adverse impact on this neighbour as a result of the proposal.
- 7.1.15 The application site is located on a corner plot and therefore, other neighbours such as no.1 Gable Close and no.3 School Mead are physically separated from the site. Given the degree of separation of these neighbours compared with the application site and the intended use of the building, it is not considered these neighbours would experience adverse harm as a result of the proposal.
- 7.1.16 The development is not considered to result in any adverse impact upon neighbouring properties and is acceptable in accordance with Policy C12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies document (adopted July 2013).

7.2 Impact on Character and Street Scene

- 7.2.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP12 of the Core Strategy states that development should 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'conserve and enhance natural and heritage assets'.
- 7.2.2 Policy DM12 of the Development Management Policies document sets out that proposal for the redevelopment or change of use of any premises resulting in the loss of services that support the local community will only be permitted where the Council is satisfied that:
- i) The existing facility can be satisfactorily relocated within the development; or
 - ii) The use concerned is not economically viable, could be provided by some other means, or it can be demonstrated that there is no longer a demand for the use; or

- iii) The premises or site cannot readily be used for, or converted to, any other community facility and:
- iv) The facility or service which will be lost will be adequately supplied or met by an easily accessible existing or new facility in an appropriate alternative location, served by sustainable modes of transport.

7.2.3 There are no external alterations proposed thus, there would be no change or harm to the appearance of the existing building or wider area.

7.2.4 Historically the site has been used for community facilities. Therefore, the proposed continued use of the site for such purposes would not arise in harm to the character of the building or wider area.

7.2.5 The application seeks to increase the number of people using the facility within the evening between the hours of 17:30 and 21:30. However, given the size of the site and the nature of the 'drop-in' use, it is considered unlikely that the proposed number of people would be reached on a regular basis and would not have an adverse impact on the character of the building or area.

7.2.6 It is considered that the proposal would not result in any adverse impact on the existing building or wider streetscene. The development would therefore accord with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM12 of the Development Management Policies Document (adopted July 2013).

7.3 Wildlife and Biodiversity

7.3.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.

7.3.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.

7.3.3 The application has been submitted with a Biodiversity Checklist 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.

7.4 Highways, Access and Parking

7.5 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.

7.6 Non-residential Institution (Community/Family Centre) as set out within Appendix 5 of the Development Management Policies LDD states that the car parking standards for D1a community centres is 1 space per 9sqm gross floor area plus 1 space per full time staff member or equivalent

7.7 The gross floor area of the community facility is approximately 66sqm and therefore would require 7.3 spaces. It would also require an additional 2 spaces for the 2 Officers who will work at the site.

7.8 The application site has a driveway facing School Mead which could accommodate 1 vehicle. Therefore, there would be a shortfall of 8.3 spaces. A Highways Officer was consulted during the course of the application and commented that local residents would have the potential to travel sustainably to and from the site. There are also a number of public parking spaces in close proximity to the application site. Further, given the nature of the intended use of the site, it is unlikely to a substantial increase and unlikely to alter the existing parking circumstances.

7.9 Summary

7.9.1 The continued use of the community facility is given weight within the planning balance. However, given its location, regard must be had for safeguarding the residential amenities of occupiers at 4A School Mead. Consequently, it is considered that conditions can be imposed to ensure the residential amenity of the neighbouring property is protected and planning permission can be granted.

8 **Recommendation**

8.1 That RETROSPECTIVE PLANNING PERMISSION BE GRANTED subject to the following conditions:

C1 The use of the premises hereby permitted shall only be carried on during the hours of 08.30 and 21.30 Mondays to Fridays and between 12.30 and 17.30 on Saturdays and no time on Sundays or 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).

C2 The use of the premises hereby permitted in accordance with Condition 1, shall have a maximum number of 12 attendees during the hours of 17:30 and 21:30 Monday to Fridays. The only exception to this attendance is a maximum of 18 attendees at 1 evening (between 17:30 and 21:30) per calendar month. There shall be no meetings/consultations or similar whatsoever between the hours of 17:30 and 21:30 within meeting room 2 (as shown on Plan Number A1.1).

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).

C3 This permission shall ensure the benefit of Watford and Three Rivers Trust, Three Rivers District Council and Watford Community Housing and relevant ward Councillors only and for no other person, company, firm or organisation.

Reason: To seek control on how the premises is used in order 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).

8.2 Informatives

I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or

other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. It is a requirement under Regulation 67 (1), Regulation 42B(6) (in the case of residential annexes or extensions), and Regulation 54B(6) (for self-build housing) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

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.

- 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.