App No: 3/12/1964/FP

East Herts Council
Wallfields, Pegs Lane
Hertford, Herts
SG13 8EQ
Tel: 01279 655261

Town & Country Planning Act 1990

D E C I S I O N N O T I C E

Dr Johnson,
Johnson Associates
The Studio
57A, Port Hill
Hertford
SG14 3EP

App no: 3/12/1964/FP
HERTFORD

Change of use to Veterinary consulting rooms
69-71, The Avenue, Bengeo, Hertford, Hertfordshire, SG14 3DU

In pursuance of their powers under the above mentioned Act and the Orders and Regulations for the time being in force thereunder, the Council hereby

GRANT PERMISSION SUBJECT TO CONDITIONS, as undermentioned:-

for the development proposed in your application dated 13 November 2012 and received with sufficient particulars on 13 December 2012 and shown on the plans *as ~~submitted~~/*as amended accompanying such application.

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1. The development to which this permission relates shall be begun within a period of three years commencing on the date of this notice.
   Reason
   To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the following approved plans 1964-01 and 1964-02 Rev C.
   Reason
   To ensure the development is carried out in accordance with the approved plans, drawings and specifications.

3. The premises 69-71 The Avenue shall only be used as veterinary consulting rooms and shall not be used for the housing of animals overnight.
   Reason:
   In the interests of the amenities of occupants of nearby properties and the character of the area in accordance with policies ENV1 and ENV24 of the East Herts Local Plan Second Review April 2007.

4. The use of the premises shall be restricted to the hours 09.00-19.00 Monday to Friday, 09.00-13.00 on Saturday and at no time on Sundays and Bank Holidays.
   Reason
   In the interests of the amenities of the occupants of nearby properties and in accordance with policies ENV1 and ENV24 of the East Herts Local Plan Second Review April 2007.

Directive/s

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water Interest) etc. Neither does this permission negate or override any private covenants which may affect the land.

2. Any necessary applications for advertisement consent should be submitted separately.

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007 and in particular policies SD2, STC8, ENV1, ENV24 and TR7, the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012. The balance of the considerations having regard to those policies and the other material considerations is that permission should be granted.

Please note that under new regulation 11D of the Town and Country Planning (fees for applications and deemed applications) (amendment) (England) Regulations 2008, a fee is chargeable of £97 per request (or £28 where the related permission was for extending or altering a dwelling house) for the discharge and/or confirmation of compliance with a condition. To avoid any unnecessary cost we would recommend that you submit all the required information for discharge of conditions in one application as the fee is payable per request.

Director of Neighbourhood Services
(Development Control)
Wallfields
Pegs Lane
Hertford SG13 8EQ

Dated: 7 February 2013

Signed: S. Dubutte

Tom Ayres

SEE ATTACHED NOTES

AUTHORISATION FOR COMMITTEE/OFFICER DECISION

Lpa ref: 3/12/1964/FP

Type: Full permission

Applicant: Mr Pugh, Walton Lodge Veterinary Group Ltd

Proposal: Change of use to Veterinary consulting rooms

Location: 69-71, The Avenue, Bengeo, Hertford, Hertfordshire, SG14 3DU

Level of Decision: Delegated ()

Recommendation: Permission grant & conditions

Case officer : 8/2/13

Date : 7/2

~~**Team Manager/**~~**Principal Planning Officer** JCK

Date : 7/2/13

DC Manager _____

Date:

Head of Planning & BC: _____

Date: _____

RECOMMENDED CONDITIONS/REASONS/DIRECTIVES

3/12/1964/FP / Tom Ayres

1. The development to which this permission relates shall be begun within a period of three years commencing on the date of this notice.
   Reason
   To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the following approved plans 1964-01 1964-02 Rev C
   Reason
   To ensure the development is carried out in accordance with the approved plans, drawings and specifications.

3. The premises 69-71 The Avenue shall only be used as veterinary consulting rooms and shall not be used for the housing of animals overnight.
   Reason:
   In the interests of the amenities of occupants of nearby properties and the character of the area in accordance with Policy ENV1 and Policy ENV24 of the East Herts Local Plan Second Review April 2007.

4. The use of the premises shall be restricted to the hours 09.00-19.00 Monday to Friday, 09.00-13.00 on Saturday and at no time on Sundays and Bank Holidays.
   Reason
   In the interests of the amenities of the occupants of nearby properties and in accordance with policies ENV1 and ENV24 of the East Herts Local Plan Second Review April 2007.

Directive/s

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water Interest) etc. Neither does this permission negate or override any private covenants which may affect the land.

2. Any necessary applications for advertisement consent should be submitted separately.

Plan Reference No:

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan, Hertfordshire County Structure

RECOMMENDED CONDITIONS/REASONS/DIRECTIVES

3/12/1964/FP / Tom Ayres

Plan, Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007 and in particular policies SD2, STC8, ENV1, ENV24 and TR7, the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012. The balance of the considerations having regard to those policies and the other material considerations is that permission should be granted.

Please note that under new regulation 11D of the Town and Country Planning (fees for applications and deemed applications) (amendment) (England) Regulations 2008, a fee is chargeable of £97 per request (or £28 where the related permission was for extending or altering a dwelling house) for the discharge and/or confirmation of compliance with a condition. To avoid any unnecessary cost we would recommend that you submit all the required information for discharge of conditions in one application as the fee is payable per request.

SUMMARY REPORT FOR OFFICER DELEGATED DECISIONS

REF: 3/12/1964/FP

DATE OF RECEIPT	**19/11/2012**	**TYPE: FULL**

RECOMMENDATION: permission be **GRANTED** subject to the following conditions:-

1. IT12 Three year time limit
2. 2E10 Approved plans
3. The premises 69-71 The Avenue shall only be used as veterinary consulting rooms and shall not be used for the housing of animals overnight.
   Reason:
   In the interests of the amenities of occupants of nearby properties and the character of the area in accordance with Policy ENV1 and Policy ENV24 of the East Herts Local Plan Second Review April 2007.
4. 5U08 Hours of Use (9-7pm Monday to Friday and 9-1pm Saturdays).

Directives:

1. 01OL Other Legislation
2. Any necessary applications for advertisement consent should be submitted separately.

Summary of Reasons:

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007 and in particular policies SD2, STC8, ENV1, ENV24 and TR7, the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012. The balance of the considerations having regard to those policies and the other material considerations is that permission should be granted.

Plans: 1964-01, 1964-02 Rev C

BACKGROUND

Site Address: 69-71 The Avenue Bengeo, Hertford

Proposed Development: Change of Use of Launderette (sui generis) to Veterinary Consulting Rooms (sui generis)

Relevant History:

None.

REPRESENTATIONS

Consultations:

County Highways: No significant highway issues. Veterinary consulting rooms will not greatly intensify use of the site from a highway aspect or require significantly higher parking capacity. Designated parking is available for staff and the public.

Environmental Health: Do not wish to restrict the grant of permission.

Hertford Town Council:

Object. Proposal would result in the loss of a useful and well patronised facility which makes an important contribution to the parade of shops. If the proposal is approved, the shop window should retain its A1 type appearance. Traffic movements associated with the new use merit close consideration. Fears that there would be unnecessary vehicular movement involved in driving sick animals from this site to another surgery. Fears another application would follow to enable the operation to conduct operations.

Third Party Reps: 18 letters of objection and 1 letter of support have been received in relation to the application. 2 petitions have been received with 70 and 44 signatures respectively. The letters raise objections which may be summarised as follows:

- Increased traffic will cause congestion and represent a danger to pedestrians and other road users
- Dangerous drugs will be kept on the premises
- Residents will find parking difficult
- Hygiene concerns with the vet located adjacent to a grocery store
- Vets is better suited to a town centre
- No need for a vets – launderette meets a local need
- Noise from animals would be a nuisance
- Parade has already lost a butchers and a greengrocers
- Opening hours will cause extra disturbance
- Clinical waste will attract vermin
- X ray machine may not be safe
- Launderette drives custom, enhancing the viability of the parade
- Owner plans to run emergency services from the site
- The layout is capable of providing operations
- Granting permission subject to conditions' does not work
- Closure of launderette would have negative knock on effect for other launderettes

DEVELOPMENT PLAN: SD2, STC8, ENV1, ENV24 and TR7

PLANNING ISSUES:

The application proposes the change of use of an existing launderette (sui generis use class) to a veterinary consulting room (sui generis use class). The existing unit comprises an open area with washers and dryers with a small storage area to the side and an office to the rear. The proposal would divide the unit internally to comprise a reception area, a single consulting room, staff room, storage areas and a rear toilet. The plans were amended during the course of the application to remove a proposed x ray room. No treatment or surgery facilities are proposed. Rather, it is intended that the use is for initial consultation purposes only and if treatment and/or surgery is required the animals would be referred to a veterinary practice elsewhere. The use would employ 3 full time employees and would operate from 09.00-19.00 Monday to Friday and 09.00-13.00 on Saturdays.

The site is located in Bengeo and is located at the western end of a small parade of 6 units. There are five businesses operating within the parade, the other units comprising a grocers (A1 use class), hairdressers (A1), newsagents (A1) and florist (A1). Above the units are residential flats and the surrounding area is predominantly residential in character.

The main planning issues relate to the principle of the change of use from a launderette to a veterinary consulting room, the impact on the character and appearance of the area, the impact on neighbouring amenity and the impact on highway safety and car parking.

The launderette is still operating and the objection letters indicate that it provides a valuable local service for some nearby occupiers. The Avenue is a designated Local Centre in the East Herts Local Plan and therefore Policy STC8 would apply. This policy states that proposals that would involve the loss of shops, post offices, public houses or other businesses that provide a local service in a local centre will not be permitted where such a loss would result in the significant reduction in the level of such provision locally available. In assessing the significance of the unit, the LPA should consider whether it is vacant, the (current) use of the premises and its contribution to the range of provision available to the local population and whether there is clear evidence that it is not possible for the use to continue as a viable business.

It is clear from the objection letters submitted that the launderette does provide a useful local service to some sections of the local population, particularly those with limited mobility and those without washing facilities within their home.

However, this application does not propose the loss of a retail unit that would otherwise compromise the retail function of this parade. Rather, the unit proposes the replacement of a sui generis use with another sui generis use.

There would be no impact on the predominant retail character of the parade. Critically, the new use, a veterinary consulting room, would also provide a local service to the immediate community and elicit similar patterns of movement to and from the parade, albeit in providing a different function.

There is clearly the need to assess the significance of the service being lost in comparison to that being provided. This should be balanced against market forces, which generally dictate the need or otherwise for such a service. However, inherent within Policy STC8 in my view, is a requirement to protect such basic public services that often provide a fundamentally important local function. This might include community facilities such as post offices, village halls or public houses. Whilst the launderette does provide a valuable public service, it is not regarded as a service of fundamental local importance that is worthy of protection under policy STC8. It is a small parade of 6 units and there is clearly not the ability to provide every required service to the local community. It should also be noted that the proposed use of a veterinary consulting room would also have the capacity to provide a valuable local service. Whilst the launderette has been in operation for many years and has clearly been a valuable local service, the fact the unit is now available suggests it is no longer a viable business.

Policy STC8 requires consideration of the whether there would be a significant reduction in the level of provision. In light of this being a replacement service both of which are within a sui generis use class, it is not considered that there would be a significant reduction in the level or provision on offer within the parade.

In assessing the range of provision available to the local population, it is considered that the same range of provision would apply. The veterinary consulting room would provide an initial consultation service and would not provide the full range of emergency services, offer surgery, or keep animals overnight. Instead, it would offer initial consultation facilities before referral, if necessary, to a larger facility. In this sense it differs from a Veterinary practice, of which I am aware there are facilities in the nearby area. Furthermore, the Avenue is a Local Centre, serving the needs of the immediate community. As there are no similar services within the parade, the replacement of a launderette with the proposed use would provide the same number of services and would not therefore impact upon the range of services on offer.

It should also be noted that the proposed use as a veterinary consulting room would increase amount of employment at the site, with staff numbers increasing from 1 full time staff to 3. Whilst a modest number, the use would contribute to increasing employment opportunity for the local area.

I am content therefore, that the proposal would comply with Policy STC8 of the East Herts Local Plan and is acceptable in principle.

With regard to the character of the area, the introduction of a veterinary consulting room need not be inappropriate in a predominantly residential area.

As previously noted, the premises are located within an existing parade of shops. It would provide a service that would result in customers visiting the premises on an irregular basis, not dissimilar to the existing launderette. There are no changes proposed to the external appearance of the building, although a new sign would be required at the front which may require separate advertisement consent. I note the concerns that a vet is better suited to a town centre. However, as mentioned above, this would comprise a small local facility with a single consulting room. The intensity of use is limited by the modest size of the premises and is unlikely, in my view, to have a significant impact on the character of the area. A condition can be added to any permission granted to avoid the housing of animals overnight which may have impacted upon the amenities of nearby residents.

Turning to the impact on residential amenity. The proposed use would operate from 09.00-19.00 Monday to Friday and 09.00-13.00 on Saturdays. These hours are considered to represent normal daytime opening hours and are not dissimilar to those of the existing launderette which operates from Monday to Friday 08.30-17.30 and Saturdays 08.30-16.00. I note that there have been a number of objections on grounds of noise and in, in light of the grocers next door, in relation to hygiene. However, it is my view that such a use would not give rise to unacceptable impacts in terms of noise and disturbance. Nevertheless, due to residential use above the shops it is considered reasonable to restrict the use to the opening times as shown on the application form. The size of the unit is modest and the use proposes a single consulting room with a maximum of 3 staff. This limits the ability of the unit to deal with large numbers of animals at any one time which will limit noise generated by animals or from comings and goings. Whilst there are neighbouring flats above, the premises would not be used outside of normal working hours and would not keep animals on the premises overnight. Although the use as a consulting room in unlikely to result in significant amount of clinical waste, I note that concerns have been raised in relation to this. The application states that this will be dealt with by a specialist collection and I consider there to be no reasonable planning grounds to seek to control this in any more detail. The Environmental Health Officer is content that the proposal would not give result in an unacceptable impact on the amenities of surrounding occupiers and I am satisfied that the proposal is compliant with Policy ENV1 of the Local Plan.

There have also been a number of objections with regard to highway safety and parking. The application does not make provision for any additional parking. However, it is not considered that such a use would result in significant parking demand over and above that of the existing launderette. The parade of shops is served by 17 marked car parking spaces and approximately 12 unmarked spaces. The unit in question is served by a garage to the rear and accessed by a private road. This will be made available to staff working on site. As stated above, the modest size of the unit and the provision of a single consultation room will not allow for multiple appointments that may cause numerous people to visit the premises at the same time. The extended opening hours to 19.00 will allow for appointments to be spread across the day. County Highways are satisfied that parking

provision is satisfactory to cater for the introduction of the use and that the proposal is acceptable in this regard. Whilst I acknowledge the concerns that residents will find it difficult to park, I note that all of the flats are served by individual parking spaces to the rear that are accessible via a private road. The use would not impact upon these off street spaces. Whilst I note the Town Council fears that the use would give rise to significant levels of vehicular movement driving sick animals from the unit to a treatment facility, this is assuming that all the animals will need treatment and I do not consider this would be the case with such a small unit. Similarly, the modest increase in staffing levels from 1-3 would have limited impact on the parking capacity or activity in the area, especially given the on site provision of a single space. As such, I am content that the proposal is acceptable in terms of parking and highway safety.

The proposed development has been considered against the relevant policies in the current East Herts Local Plan Second Review April 2007 and in light of the objections raised amongst the local community. In light of the above assessment, the proposal is considered to be acceptable and is recommended for approval subject to the conditions as set out above.

OFFICER CHECKLIST/SITE NOTES

3/12/1964/

App Ref: _____ **Case Officer:** _____

	Checked	Notes
Description & forms correct	✓	
Location Plan	✓	
Block Plan	✓	
Floor Plans (existing & proposed)	✓	Amended
Elevations (existing & proposed)	✓	
Design & Access Statement		
LB application: • Justification • Specification drawings		
Supporting Documents/Other Information		

Departure from Local Plan	Y / N
History Checked	Y / N
EIA Required	Y / N
English Heritage referral (Grade I, II* & demolition)	Y / N

Date Checked: 20/11/12.

	Initial Check	Site Visit Check
Neighbour Notification		
Town/Parish Council		
Interested Parties		
Consultees		
Site Notice		
Advertised in press		
Additional notifications/consultations required		

Date of Site Visit: 20/12 **Entered on APAS: Y / N**

Site Visit Notes:

- Small parade of shops ~~CO~~ - corner Londonette, small grocer. Sun 8:30 - 4pm
- Check Londonette re deliv - 15 sw :- Mon-Fri 8:30 - 5:30 Sat 8:30 - 4pm
- Redundant residential area - bungalows, 2 st - newsagent 3. hairdressers. + Plants.
- Marked car park spaces = 17
- Further unmarked spaces for approx 12 cars.
- Londonette above parapeting for car to rear w/ additional parking for residents
- Confined as residential
- $ - not noisy :- - Prepared 1 vet on site.