

8 February 2024
L 240208 SAV Planning -McDs Cert



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SUBMITTED VIA PLANNING PORTAL : PP- 12790334

Dear Sir or Madam

**SECTION 192 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
APPLICATION TO CONFIRM THAT THE PROPOSED UNRESTRICTED OPERATION (24 HOUR
TRADING) OF THE RESTAURANT IS LAWFUL
MCDONALD'S RESTAURANT, 331 ST ALBANS ROAD, WATFORD, WD24 6PP
MCDONALD'S RESTAURANT LTD**

Introduction

We write on behalf of our client, McDonald's Restaurants Ltd, to apply for a Certificate, pursuant to Section 192 of the Act, to confirm that the proposed unrestricted trading operation (i.e. 24 hours a day) of the McDonald's Restaurant at 331 St Albans Road, Watford, WD24 6PP.

In accordance with the Town and Country Planning (Development Management Procedure) Order 2015 (as amended), we enclose the following documents which comprise the application:

The completed application forms;
This cover letter; and
Site Location Plan.

The application has been submitted electronically via the Planning Portal website (PP-12790334), and an online payment for the planning application fee of £289.00 has been made via the Portal.

Relevant Planning History

We understand the Site was formally a public house, which was converted (without the need for planning permission) into a McDonald's restaurant. When McDonald's began operating from the premises, a formal change of use application from a public house was not required.

A Local Land Charge ('LLC1') search was completed for the Site. Unfortunately, however, the search did not reveal the original permission for the Site, due to the fact that the existing building at the Site was built as a public house (The Hertfordshire Arms), in 1932, prior to being converted into a McDonald's restaurant in the late 90s.

The LLC1 search lists a number of other relevant planning applications and advertisement consents associated with the McDonald's. Notably, none of the permissions contained any formal planning conditions restricting the operating hours of the restaurant.

Offices and associates throughout the Americas, Europe, Asia Pacific, Africa and the Middle East.

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The Proposed Use

Section 192 (a) of the Act states that an application for a Certificate of Lawfulness of Proposed Use or Development should be submitted if '*...any person wishes to ascertain whether...any proposed use of buildings or other land; or ...any operations proposed to be carried out in, on, over or under land is lawful*'.

This application seeks confirmation that the proposed unrestricted trading operation (i.e. 24 hours a day) of the Site, is lawful.

For there to be a valid planning restriction on operating hours, it must be imposed by condition. As set out above, there are no conditions of approval on any relevant permission which control the use or operation of the floorspace at the application site, none of the later permissions relating to the McDonald's restaurant contain any restrictions on the opening hours. Therefore this application has been submitted to certify the 24 hour use.

Summary and Conclusion

In light of the above, we request that the application is approved and a Certificate is issued pursuant to Section 192 of the Act confirming that the proposed unrestricted trading operation of the restaurant (i.e. 24 hours a day) is lawful.

We trust that the information provided above is sufficient for the Council to register and consider this application. We will endeavor to contact you within the next few days to establish your timetable for decision making.

If you have any queries regarding the above or require any further information in order to be able to issue the certificate, please do not hesitate to contact Sophie Moore or Bradley Wiseman at these offices.

Yours faithfully



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