



**WATFORD
BOROUGH
COUNCIL**

DEVELOPMENT MANAGEMENT COMMITTEE

Wednesday, 27th July, 2016

7.30 pm

Town Hall

Publication date: 19 July 2016

Contact

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Speaking at Development Management Committee

Only one person will be permitted to speak on behalf of objectors and one in support of a proposal. Precedence to speak in support of the proposal will be given to the applicant or their representative.

In order to speak, a person must register before 12 noon on the day of the meeting by contacting the Democratic Services Team. The contact details are available on the front of this agenda.

If a speaker wishes the Development Management Committee to consider any documentation at the meeting, then it must be submitted to the Democratic Services Team by 12 noon on the day of the meeting.

Committee Membership

Councillor R Martins (Chair)

Councillor S Johnson (Vice-Chair)

Councillors D Barks, S Bashir, N Bell, A Joynes, J Maestas, I Sharpe and M Watkin

Agenda

Part A – Open to the Public

1. **Apologies for absence/Committee membership**
2. **Disclosure of interests (if any)**
3. **Minutes**

The minutes of the Development Management Committee held on 29 June 2016 to be submitted and signed.

Copies of the minutes of this meeting are usually available seven working days following the meeting.

All minutes are available on the Council's [website](#).

Conduct of the meeting

The Committee to take items in the following order:

1. All items where people wish to speak to the Committee and have registered to do so by telephoning the Democratic Services Team.
2. Any remaining items that the Committee agrees can be determined without further debate.
3. Those applications where the Committee wishes to discuss matters in detail.
4. **16/00735/FUL Land adjoining and associated with the Red Lion public house, 105 Vicarage Road, Watford (Pages 5 - 52)**

Erection of two 2-storey buildings to provide 8 self contained flats, including landscaping and arboricultural works.

5. 16/00352/FUL Leavesden Green newsagent and post office, 146-148 Haines Way, Watford (Pages 53 - 82)

Conversion of existing shop into new takeaway shop (Use Class A5) and new hairdressers/pharmacy shop (Use Class A1).

PART A	
Report of: Head of Development Management	
Date of committee:	27th July 2016
Site address:	Land adjoining Red Lion Public House 105 Vicarage Road Watford
Reference Number:	16/00735/FUL
Description of Development:	Erection of two 2-storey buildings to provide 8no. self contained flats, including landscaping and arboricultural works.
Applicant:	Mrs Anna Reza
Date Received:	25th May 2016
8 week date (minor):	20th July 2016
Ward:	Vicarage

1.0 Site and Surroundings

- 1.1 The Red Lion Public House and former stable block are Locally Listed Buildings located in The Square Conservation Area. The stable block is joined to the Public House by a wall and double gate. The Locally Listed Buildings contribute strongly to the character and appearance of the Conservation Area and have both streetscape and landmark value. The Public House is Victorian and is located in a prominent position on the corner between Vicarage Road and Aynho Street. The Public House is not currently open for business, but has historically been a focus for activity and has strong community significance.
- 1.2 The Red Lion Public House has been designated as a community asset, which means that it has been entered onto a list of assets of community value. For the purposes of Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 2015, change of use of the Public House to another use within Part 3 is not permitted within the “specified period” of 5 years beginning with the date on which the building was entered onto the list of assets of community value. The premises was added to the list of assets of community value on 3rd September 2015.
- 1.3 The Square Conservation Area Character Appraisal states *“This area is of special architectural and historic interest, providing an important example of the town’s Victorian expansion. The contemporary layout remains unaltered, with four roads (Aynho Street, Oxford Street, Banbury Street and Souldern Street) forming a discrete*

urban form in terms of character and design. The building line is strong and consistent and these groups of terraces have maintained much of their original detailing....An important landmark feature is the Red Lion Public House, on the corner of Vicarage Road and Aynho Street. This Victorian group of buildings replaced an earlier establishment from the eighteenth century, which was the earliest known development in the area. Attractively detailed, the buildings form part of diverse groups of buildings along this stretch of Vicarage Road dating from different parts of the nineteenth century”.

- 1.4 The application site consists of a green space to the south-west of the former stable block. The site includes four trees (2no. Cherry, 1no. Sycamore and 1no. Birch), which are protected by Tree Preservation Order No. 259. The trees are prominent in the public realm and are of amenity value. The south-eastern boundary of the land adjoins Vicarage Road. There is currently a hoarding along the boundary to secure the site, which has been granted planning permission for a temporary period until 12th May 2018 (ref: 16/00318/FUL). The land has not been maintained well as it is not used for any particular purpose and over the last few years there have been a number of complaints to the Environmental Health department about the dumping of rubbish at the site. The photograph in Fig. 1. shows rubbish at the site in July2016.



Fig. 1. Photograph of the site.

- 1.5 Victorian terraced houses are positioned to the north-west of the application site. The rear windows of the houses look towards the application site and the trees. There are also views of Vicarage Road Stadium beyond.
- 1.6 The site is in a sustainable location because of its close proximity to public transport facilities and shops and services in Vicarage Road. The site is also within walking distance of the town centre.
- 1.7 The application site is located in a Controlled Parking Zone and is close to Vicarage Road Stadium and Watford General Hospital.
- 1.8 Vicarage Road is one of the main routes into the town centre and is classified as a Class A Principal Road.



Fig. 2. Aerial view of site.

2.0 Proposed Development

- 2.1 The application proposes the erection of two 2-storey buildings to provide 8no. 1-bed flats, including landscaping and arboricultural works.
- 2.2 The proposed buildings would have an eaves height of 5.9m and a ridge height of 7.9m, measured from pavement level on Vicarage Road. The height of the proposed buildings above ground level increases to the rear of the site because of the change in ground levels. The buildings would be 13.2m wide and 9.85m deep.

- 2.3 The proposed buildings are designed with pitched roofs and are symmetrical in appearance. Each building would have one centrally positioned timber front door and entrances to the flats would be via internal lobby areas. The first floor flats would have access to recessed balconies on the front elevation. The submitted plans show that the buildings would be finished in red brickwork at ground floor and light coloured gault brick at first floor. There would be brick detailing such as reveals and soldier course above windows. The windows are contemporary in style and would have grey aluminium frames. The windows in the rear elevation would be obscurely glazed to prevent overlooking to neighbouring properties. Each building would have one rooflight on the rear roof slope.
- 2.4 Bin and cycle stores would be sited to the sides of the proposed buildings. The building to the south-west would be 3.1m from the south-western boundary. There would be a gap of 6.2m between the proposed buildings, and the building to the north-east would maintain a gap of 3m to the existing stable block. The front boundary treatment between the proposed buildings and the side boundaries would consist of a 2m high wall with timber gates.
- 2.5 The application proposes work to trees protected by Tree Preservation Order 259 involving: the cutting back of the canopy of the Sycamore tree T2; the removal of the Birch tree T1; and the removal of the Prunus trees T3 and T4. The removed trees would be replaced by new trees towards the front of the site. The applicant has submitted an arboricultural assessment with the application.
- 2.6 The application follows a previous scheme (ref: 16/00018/FUL), which was recommended for approval by Officers but refused planning permission at the Development Management Committee Meeting of 7th April 2016. Members cited concerns in relation to the design of the proposed buildings and felt that whilst the development might have sought to respond to adjacent buildings with its window sizes and proportions, it did little to preserve or enhance the character and appearance of the Conservation Area. It was felt that a more traditional design would be appropriate. Members considered that the benefits of the proposed buildings in the Conservation Area did not outweigh the harm that would be caused to it by the proposed development.
- 2.7 The current application seeks to address Members' concerns by making the following amendments:
- Provision of pitched roofs rather than flat roofs to provide a more traditional appearance. The pitched roofs would include a rooflight on the rear elevation.

- Reduction in the number of front entrance doors in each building from 3 to 1.
- Reduced recess of front entrance from main front wall.
- Enlargement of ground floor front windows and re-positioning of first floor front windows.
- Alterations to detailing and materials.

The footprint and siting of the proposed buildings are unchanged compared to the previous application.



Fig. 3. Refused front elevation of planning application 16/00018/FUL.



Fig. 4. Proposed front elevation.

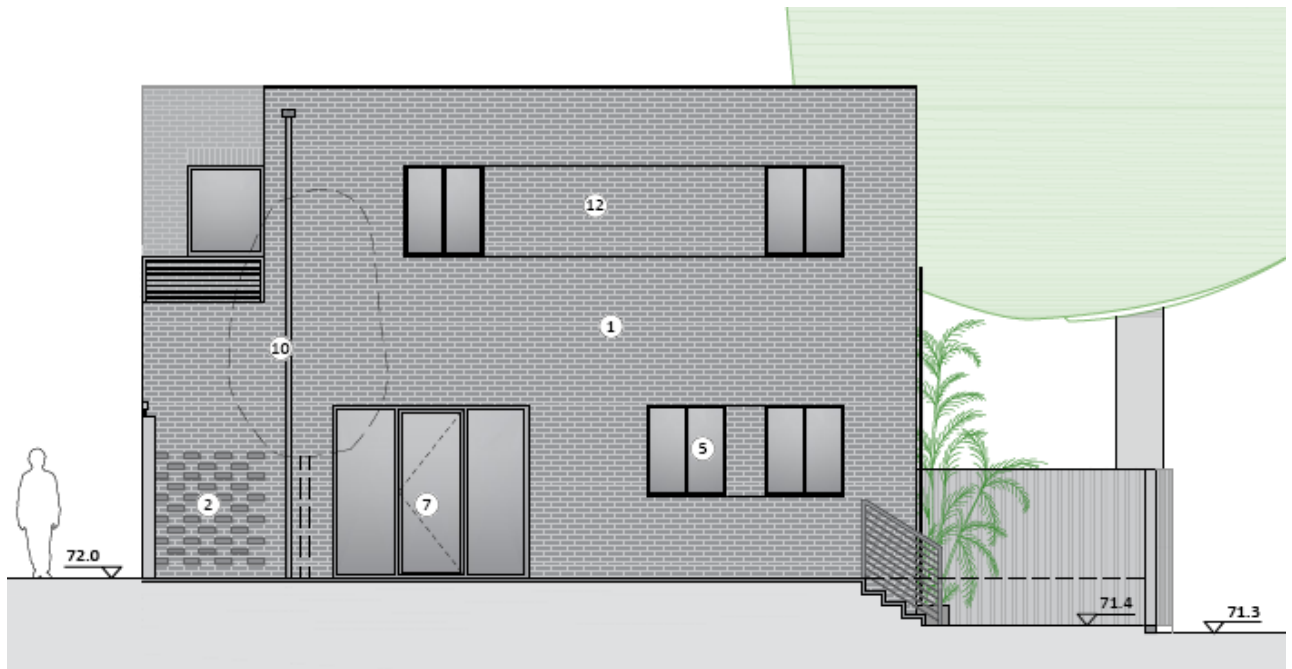


Fig. 5. Refused side elevation of planning application 16/00018/FUL.



Fig. 6. Proposed side elevation.

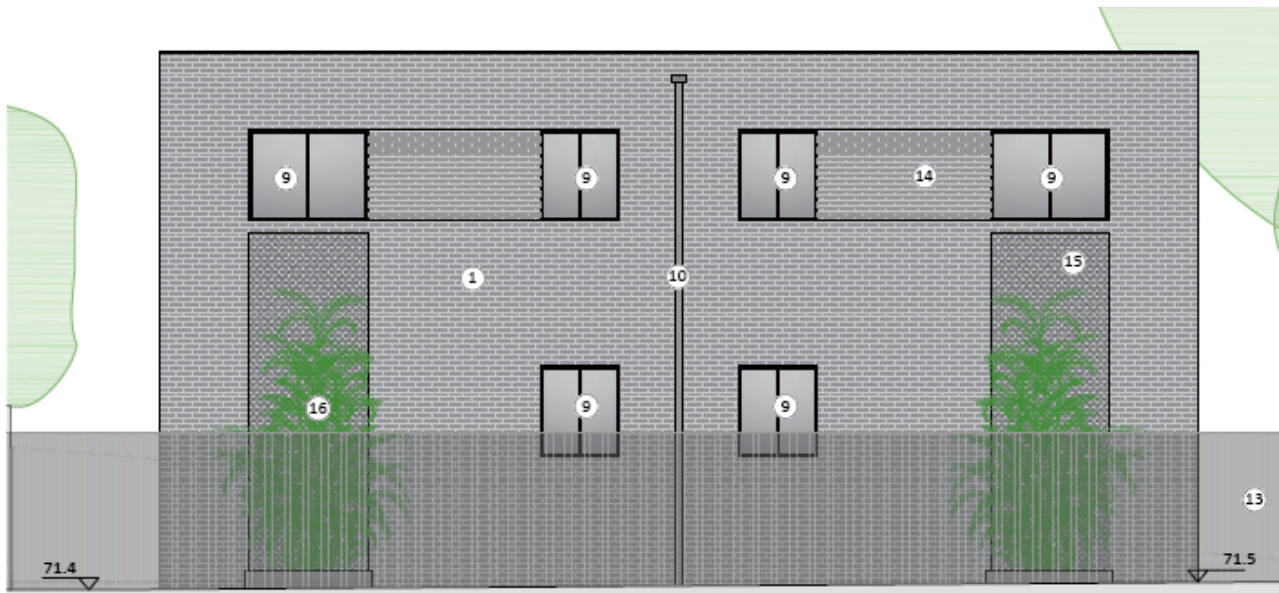


Fig. 7. Refused rear elevation of planning application 16/00018/FUL.



Fig. 8. Proposed rear elevation.

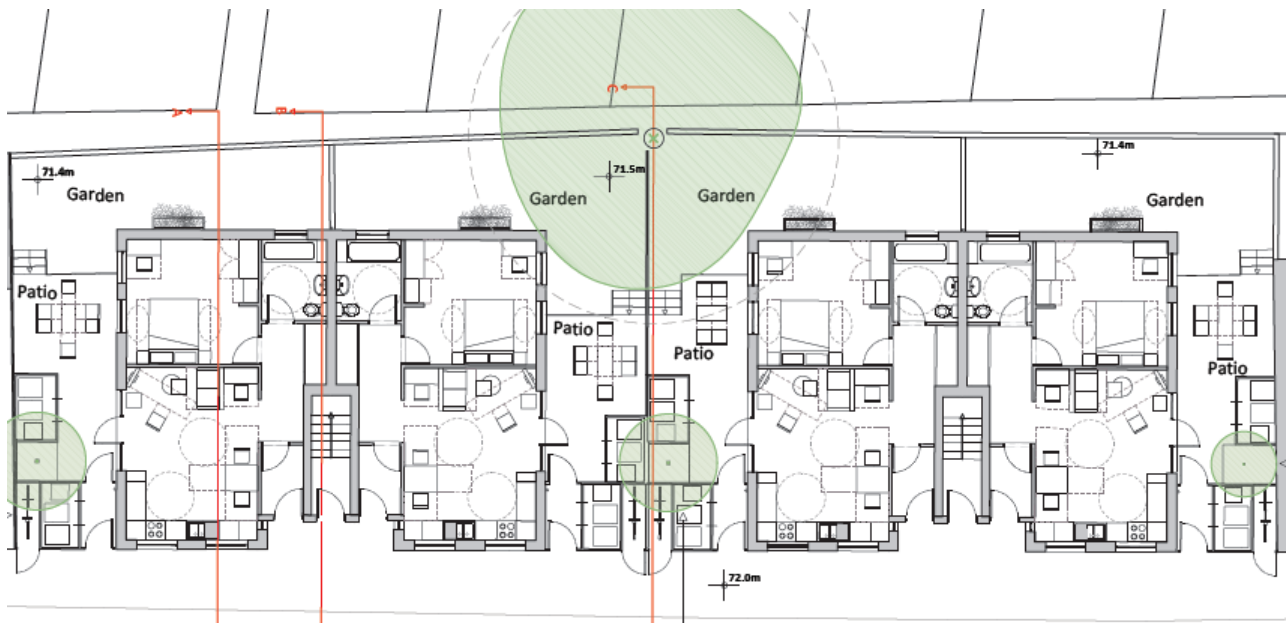


Fig. 9. Refused site plan for planning application 16/00018/FUL.

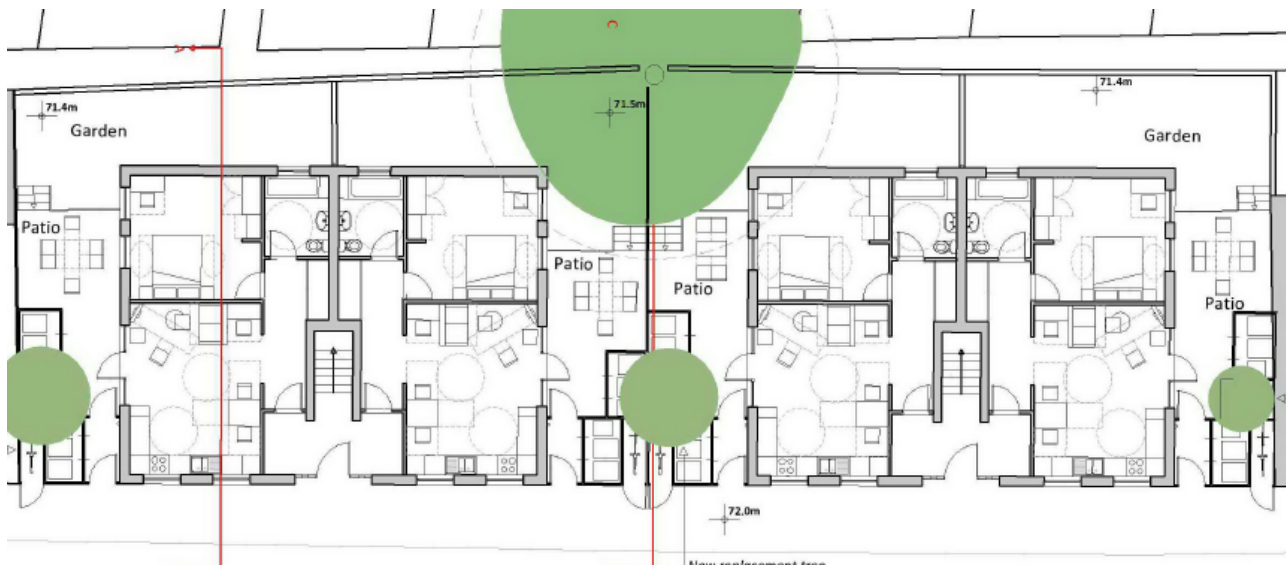


Fig. 10. Proposed site plan.



Fig. 11. Image of the proposed development looking towards the Red Lion Public House.

3.0 Relevant Planning History

3.1 16/00318/FUL - Retrospective application for erection of temporary hoardings on boundary fronting Vicarage Road. Conditional planning permission. 12th May 2016.

16/00018/FUL - Erection of two 2 storey buildings to provide 8no. self contained flats, including landscaping and arboricultural works (AMENDED PLANS RECEIVED). Refused planning permission at the Development Management Committee of 7th April 2016 for the following reason:

- 1) The design of the proposed development fails to preserve or enhance the character and appearance of The Square Conservation Area and is therefore contrary to Policies UD1 and UD2 of the Watford Local Plan Core Strategy 2006-31, "saved" Policy U18 of the Watford District Plan 2000 and national planning policy in section 12 of the National Planning Policy Framework.

15/01337/PREAPP - Pre-application enquiry for retention of public house and mixed use residential scheme. A pre-application meeting was held on 3rd November 2016 to discuss the proposed re-development of the site, which was attended by the Conservation Manager and Chris Osgathorp, Principal Planning Officer. The Conservation Manager stated that a high quality contemporary development may be appropriate at the site. The design would need to respond to the adjacent Locally Listed buildings. The planning agent was advised that a car free development may be acceptable in this location. Advice was given in relation to guidance in the Residential Design Guide. It was noted that there are protected

trees on the site and a planning application would need to be accompanied by an arboricultural assessment.

15/00892/TPO - Works to sycamore, silver birch, and two cherry trees protected by TPO. 259. Tree works refused. August 2015.

- 1) The removal of the Birch tree T1, Cherry trees T3 and T4 and significant cutting back of the Sycamore tree T2 of TPO No. 259 would be detrimental to the treescape and diminish the visual amenity of the site and surrounding area, contrary to 'saved' Policy SE37 of the Watford District Plan 2000. In Section 8 of the application form it has been indicated that the reasons for carrying out the proposed works include poor condition of the trees and alleged damage to property, however the application is not supported by any evidence or arboricultural reports.

15/00741/TCA – Removal of Sycamore tree, Birch tree and 2no. Cherry trees within Conservation Area. Tree works refused. June 2015.

- 1) The felling of the trees would be detrimental to the appearance of the site and surrounding area. A Tree Preservation Order, TPO No. 259, was confirmed on 18th July 2015 in respect of trees: T1 Birch; T2 Sycamore; T3 Prunus (cherry specie); and T4 Prunus (cherry specie).

12/00159/FUL - Change of use of first floor from 6no. letting rooms with associated bathrooms and kitchen to three one bedroom flats. Formation of new door openings at ground floor level. Conditional planning permission. March 2012. The proposed flats have not been brought into use and therefore the planning permission has expired.

4.0 Planning Policies

4.1 Development Plan

In accordance with s.38 of the Planning and Compulsory Purchase Act 2004, the Development Plan for Watford comprises:

- (a) *Watford Local Plan Core Strategy 2006-31;*
- (b) the continuing “saved” policies of the *Watford District Plan 2000;*
- (c) the *Hertfordshire Waste Core Strategy and Development Management Policies Document 2011-2026;* and
- (d) the *Hertfordshire Minerals Local Plan Review 2002-2016.*

4.2 The *Watford Local Plan Core Strategy 2006-31* was adopted in January 2013. The *Core Strategy* policies, together with the “saved policies” of the *Watford District Plan 2000* (adopted December 2003), constitute the “development plan” policies which, together with any relevant policies from the County Council’s *Waste Core Strategy* and the *Minerals Local Plan*, must be afforded considerable weight in decision making on planning applications. The following policies are relevant to this application.

4.3 **Watford Local Plan Core Strategy 2006-31**

WBC1	Presumption in favour of sustainable development
SS1	Spatial Strategy
SD1	Sustainable Design
SD2	Water and Wastewater
SD3	Climate Change
SD4	Waste
HS1	Housing Supply and Residential Site Selection
HS2	Housing Mix
T2	Location of New Development
T3	Improving Accessibility
T4	Transport Assessments
T5	Providing New Infrastructure
INF1	Infrastructure Delivery and Planning Obligations
UD1	Delivering High Quality Design
UD2	Built Heritage Conservation
GI3	Biodiversity

4.4 **Watford District Plan 2000**

SE7	Waste Storage, Recovery and Recycling in New Development
SE27	Flood Prevention
SE28	Groundwater Quality
SE36	Replacement Trees and Hedgerows
SE37	Protection of Trees, Woodlands and Hedgerows
SE39	Tree and Hedgerow Provision in New Development
U15	Buildings of Local Interest
U17	Setting of Conservation Areas
U18	Design in Conservation Areas
T10	Cycle Parking Standards
T21	Access and Servicing
T22	Car Parking Standards
T24	Residential Development

4.5 **Hertfordshire Waste Core Strategy and Development Management Policies Document 2011-2026**

- 1 Strategy for the Provision of Waste Management Facilities
- 1A Presumption in Favour of Sustainable Development
- 2 Waste Prevention and Reduction
- 12 Sustainable Design, Construction and Demolition

4.6 **Hertfordshire Minerals Local Plan Review 2002-2016**

No relevant policies.

4.7 **Supplementary Planning Documents**

The following Supplementary Planning Documents are relevant to the determination of this application, and must be taken into account as a material planning consideration.

4.8 *Residential Design Guide*

The Residential Design Guide was adopted in July 2014. It provides a robust set of design principles to assist in the creation and preservation of high quality residential environments in the Borough which will apply to proposals ranging from new individual dwellings to large-scale, mixed-use, town centre redevelopment schemes. The guide is a material consideration in the determination of relevant planning applications.

4.9 *Watford Character of Area Study*

The Watford Character of Area Study was adopted in December 2011. It is a spatial study of the Borough based on broad historical character types. The study sets out the characteristics of each individual character area in the Borough, including green spaces. It is capable of constituting a material consideration in the determination of relevant planning applications.

4.10 *Conservation Area Character Appraisals*

These character appraisals examine the Borough's Conservation Areas and describe why they are an area of special architectural and historical interest. Their purpose is to help inform the design of any future development proposals so that they enhance the area and acknowledge its features. The following appraisal is relevant to this application and is a material consideration in its determination:

The Square Conservation Area Character Appraisal (adopted December 2011)

4.11 **National Planning Policy Framework**

The National Planning Policy Framework sets out the Government's planning policies for England. The following provisions are relevant to the determination of

this application, and must be taken into account as a material planning consideration:

Achieving sustainable development

The presumption in favour of sustainable development

Core planning principles

Section 1 Building a strong, competitive economy

Section 4 Promoting sustainable transport

Section 6 Delivering a wide choice of high quality homes

Section 7 Requiring good design

Section 8 Promoting healthy communities

Section 10 Meeting the challenge of climate change, flooding and coastal change

Section 11 Conserving and enhancing the natural environment

Section 12 Conserving and enhancing the historic environment

Decision taking

5.0 Consultations

5.1 Neighbour consultations

Letters were sent to properties in Oxford Street and Vicarage Road.

5.2 The following is a summary of the representations that have been received:

Number of original notifications:	26
Number of objections:	20
Number in support:	0
Number of representations:	20

The points that have been raised are summarised and considered in the table below.

Representations	Officer's response
Parking in Zone K has always been an issue for all the residents. There is no way residents of the new developments can be stopped from owning a car even though they will not be able to get permits. They will be able to park between 6:30pm and 8:00am and all day Sunday. If onsite parking was added to the	The applicant has indicated a willingness to complete a Unilateral Undertaking to remove permit entitlement for future occupiers of the development, in accordance with "saved" Policies T24 and T26 of the Watford District Plan 2000. As such, future occupants of the proposed development would not be able to park

<p>development then they will not park in surrounding areas which are already overflowing with cars. Parking on Vicarage Road on the yellow lines will cause even more traffic in an over built area.</p>	<p>in the Controlled Parking Zone between the hours of 08:00 to 18:30 Monday - Saturday, which is a sufficient deterrent to prevent on-street parking in the Controlled Parking Zone. It would not be practicable for future occupants to park on the street only between the hours of 18:30 – 08:00.</p> <p>The Highway Authority has no objection to the proposed development. The application site is located within walking distance to Watford town centre and is well served by passenger transport facilities, therefore a car-free development is acceptable in a sustainable location such as this.</p> <p>The proposal accords with Paragraph 17 of the National Planning Policy Framework, which, among other things, states that planning should <i>“actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable”</i>.</p>
<p>Concern that vehicles will park on private land of Watford Football Club. Existing or proposed non-parking agreements are not sufficiently robust to prevent unlawful parking on other private land.</p>	<p>There is no reason to suggest that future occupiers of the development will park on private land owned by Watford Football Club. In the event of vehicles being parked on private land this would be a matter between the land owner and the owner of the vehicle.</p>

<p>We objected to the height of the proposed buildings as presented in planning application 16/00018/FUL. We are therefore shocked to see that a pitched roof has now been added, which increases the height of the development by 1.65m. During the winter months the gardens, patios and ground floors of Oxford Street (even numbers) will be deprived of sunlight.</p> <p>The changes to the design, with the new roof, mean that the blocks are now higher than our houses so our outlook is more obscured than before.</p>	<p>The proposed development would not cause a significant loss of light or outlook to neighbouring properties, as discussed in paragraphs 6.24 – 6.25 of the report.</p>
<p>We would like the Council to attach a condition to state that the parts of the windows less than 1.7m above floor level must be fixed closed and the windows must be fitted with obscure glass at all times. This would override anything shown on the plans – currently showing opening panes and would apply for the life of the development, so that future occupants would not be allowed to take the original windows out and replace them with clear glazed fully opening windows. This condition would protect the privacy of the neighbouring Oxford Street properties.</p>	<p>A condition to require the rear windows to be fitted with obscure glass and for the parts of the windows less than 1.7m above floor level to be fixed close should be attached to any grant of planning permission.</p>
<p>The loss of greenery is a concern. It has been decided by the Arboricultural Officer that the Birch tree only has 10 years of life. We would like the tree to remain so it can be beneficial to the environment and wildlife.</p> <p>The area is already densely populated, the land is currently the only small green relief beside a busy road.</p>	<p>The applicant has submitted an Arboricultural Assessment to consider the condition of the protected trees and the impact of the proposed development – as discussed in paragraphs 6.30 – 6.34 of the report.</p> <p>The application site is not designated as an Open Space or Wildlife Corridor on the Proposals Map of the Watford</p>

	<p>District Plan 2000. The site is identified on the Proposals Map as being within a Predominantly Residential Area. There are no designations that preclude the principle of residential development on the site.</p> <p>Bearing in mind that the application site is an untidy piece of land with no particular use, that the site is not designated Open Space, and that the site is located in a predominantly residential area, the redevelopment of the land to provide residential accommodation is considered to be acceptable in principle.</p> <p>It is not considered that the proposed development would have a significant impact on the outlook from the neighbouring properties in Oxford Street, as discussed in paragraph 6.25 of the report.</p>
<p>Impact on infrastructure. The development would put pressure on schools, doctors and the hospital.</p>	<p>The proposed development is liable for Community Infrastructure Levy contributions, therefore the impact of the development on local infrastructure will be mitigated by contributions towards the provision or improvement of community infrastructure, as discussed in paragraphs 7.1 – 7.3 of the report.</p>
<p>I have concern for any impact on flooding that can be caused with the development taking place in an already saturated part of Watford. Our gardens go down in a slope, and this could cause damage.</p>	<p>The application site is in Flood Zone 1 (low risk) of the Environment Agency's Flood Map for Planning and is not identified as a site that experiences critical drainage problems, therefore there is a low risk of flooding on the site.</p> <p>The rear gardens mainly consist of lawn, therefore there would not be</p>

	<p>surface water run-off into neighbouring gardens.</p> <p>Drainage provisions would be assessed by Building Control against Building Regulations Approved Document H.</p>
<p>Traffic will be made worse while the flats are being built as there will be regular deliveries and no obvious storage place for building materials. This is likely to lead to regular road blockages and a worsening of the traffic congestion.</p> <p>Further, this will impact on the regularity of the bus services. The building of these flats will have a short term impact on a wide area of the Borough, including increased air pollution as well as a longer term effect on the immediate environment.</p>	<p>As with any new development, there may be some disruption during construction work, however this is not a material planning consideration. Any adverse effect on highway safety could be addressed through other legislation, including the Highways Act.</p> <p>The Environmental Protection Act 1990 includes provisions for dealing with any statutory nuisances relating to noise or air pollution that arise.</p>
<p>The design is not in keeping with the style of buildings within the conservation area. In my opinion a better designed building in keeping with the local history will be worth more and enhance the community and town.</p> <p>The current front view of the design looks flat and like a building in a trading estate. It does not look residential and makes the stretch of pavement look unattractive and closed in, intimidating to walk past at night time.</p>	<p>This is considered in paragraphs 6.9 – 6.14 of the report.</p>
<p>I am unsure of how many of these properties would be social housing but I believe 40% would be applicable.</p>	<p>Policy HS3 of the Watford Local Plan Core Strategy 2006-31 states that a rate of 35% affordable housing will be sought on major applications of 10 residential units and above or sites of more than 0.5ha. The proposal is for less than 10 residential units and the</p>

	site area is less than 0.5ha, therefore no affordable housing is required in respect of the current application.
The houses in The Square are well over 100 years old. Presumably the drainage and sewage systems are of a similar age. What would the impact of a further 8 households have on these systems?	Thames Water has no objections in relation to sewerage infrastructure capacity.

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

5.3 **Statutory publicity**

The application was publicised by a site notice posted on 7 June 2016 and by advertisement in the Watford Observer published on 17 June 2016. The site notice period expired on 28 June 2016 and the newspaper advertisement period expired on 8 July 2016.

5.4 **Technical consultations**

The following responses have been received from technical consultees:

Policy (Urban Design and Conservation)

This site is in The Square Conservation Area and is adjacent to a locally listed building, The Red Lion PH And Associated Stables 105 Vicarage Road. This is a heritage asset.

The Planning (Listed Building & Conservation Areas) Act 1990 requires special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

NPPF 137: Local planning authorities should look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve these elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

This new application is an amendment to 16/00018/FUL which was refused by members at DM committee with the request that a more traditional style should be developed despite the officer recommendation for approval.

The amended application includes shallow hipped pitched roofs to these properties in an attempt to find a more traditional roof form. We have concerns with this form

as it does not follow the roof form of the terraced housing which dominates this conservation area or the single hipped roof at 107/109 and as such is out of character in the same way that the flat roof form of the refused application was. This is exacerbated by the incongruous relationship of the roof form to the building on which it sits and it is considered that this interferes in a negative way with this elevation design.

The fenestration pattern proposed causes concern as well as it does not seem to respond to the local character well or really belong to the building on which it is applied. The windows on the ground floor have no relationship to the windows on the first floor and the forced symmetry of the front elevation creates a heavy handed and incongruous building which is neither a competent pastiche nor a good quality modern design.

The scheme proposes to use a gault brick in an effort to respond to the cream render on the first floor of the Red Lion PH; this is a somewhat heavy handed and unnecessary attempt to do this which only serves to emphasise the incongruous nature of the design.

If a pastiche design approach is considered to be the only way forwards to be followed, it must relate better to the site context and in particular the locally listed building and the Conservation Area. The use of a pastiche approach for a new building in a conservation area or in proximity to buildings which have a strong design approach such as the Red Lion PH immediately invites comparison between the existing buildings and the new. The new rarely stands up well to the comparison as the cost of using the right quality of materials and design detailing is prohibitive, so the design aesthetic is diluted in order to deliver on budget. The attempt at a more traditional design here does not really work on this somewhat constrained site and in many ways the only way forward is the use of a more contemporary design aesthetic which could still respond positively to the character of the area and to the locally listed buildings.

The overall result does not sit well alongside the locally listed building nor does it preserve or enhance the character and/or appearance of the conservation area.. The NPPF (para. 64) states that permission should be refused for development of poor design which fails to take the opportunities available for improving the character and quality of an area and the way it functions. Similarly, paragraph 60 of the NPPF states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

On this basis the plans should be amended to address these concerns. Otherwise, we would object to this new scheme.

The agent provided the following response on 6th July 2016:

It's important to not forget that the previous scheme was supported by design officers, and that the primary changes to the scheme have since been a) the addition of a pitched roof, b) changes to the type of windows at ground floor level and c) changes to the entrance doors. All of these alterations have been made following requests from members of the Planning Committee, and when comparing the two elevations I think it is very difficult to consider that the alterations do anything but improve upon what was previously considered acceptable by officers.

As stated by the officers' feedback, the latest application follows a request from the planning committee for a more traditionally styled scheme. In response to this request, the amended application proposes hipped pitched roofs. The officer has raised concerns that "this form does not follow the roof form of the terraced housing which dominates this Conservation Area." We don't understand why this is of concern to the officer, as we proceed to explain;

Firstly, the proposals are not terraces, but 2 blocks of 4 flats. If they were to have a form akin to a house, it would be much more closely aligned to two pairs of semi-detached dwellings. To simply copy the roof form of a fundamentally different building type was considered to be inappropriate, and it instead seemed far more appropriate for the proposals to take their design cues from the immediately surrounding context.

The buildings located either side of the application site are the Red Lion PH, at 105 Vicarage Road, and a detached dwelling at No 107 Vicarage Road. The submitted proposed street elevation, dwg P600 "Street Elevation", shows clearly how the proposals have sought to reflect these roof profiles. Neither of these buildings following the traditional gable roof form found elsewhere in the Conservation Area.

The officer advises that the proposed hipped roofs do not follow the roof form of single hipped roof of No 107. Whilst this is the case, this is primarily because of the different footprints of each building. The acknowledgement and likeness of the proposed roof form to No 107, rather than a complete mirroring, is considered to be the appropriate approach given the different footprint and layout of the different buildings. We would also suggest that the exact mirroring of the roof form of No 107 would not be advisable given its limited aesthetic quality.

The alternative option for the roof is for it to be gabled, as the refused application has already established that the Council do not want to see a flat roof in this location. This would however not be appropriate. Firstly, given the orientation of the site, there is a need to minimize the amount of the development on the site to minimize any loss of light or outlook from the rear gardens of the neighbouring properties to the north along Oxford Street. The proposed hipped roof has sought to minimize the roof form, providing a gable end roof and increasing its bulk, would go against this aim. Secondly, there is a clear relationship along this street of detached, primary buildings with hipped roofs, served by smaller ancillary gable roofed structures. This is true of the Red Lion PH with a hipped roof, and its ancillary gable roofed stable block, and it is also true of No 107 Vicarage Road, with a hipped roof, supported by the ancillary gable roofed garage. As the proposals are primary buildings of 2 stories they have sought to respect this relationship, and so provide a hipped roof form.

Through careful balancing of respecting the character of the existing street, and preserving neighbouring amenity a hipped roof form is considered the most appropriate in this location.

The officer also criticizes the proposed fenestration, argued to have a lack of relationship between the windows at ground and 1st floor level, and a “forced symmetry” of the front elevation. The comparison between the elevations above demonstrates that the positioning of the ground floor windows has not changed, and that the only change being that they are now full windows – rather than simply at high level. This was in response to members observations seeking to create a more active frontage. The proposed entrance doors and lobbies have been modified also, to provide as requested a more traditional appearance. They have also been made more shallow, as there were concerns that the previous lobby area could attract anti-social behavior. in response to the modified entrance the 1st floor windows above have been slightly moved together – there are no other changes the previously supported fenestration arrangement. This change has been made to provide a more balanced elevation, and we feel this is an enhancement. If it is really felt that removing this minor modification would overcome the officers concerns I am sure that it can be made, but I would not expect it to require consultation or result in the scheme not reaching the committee later this month.

Likewise, if the use of gault brick is considered to be “heavy handed” we can explore other options, and suggest this is covered by way of a “materials” planning condition, attached to any subsequent planning permission.

On this basis of the points above we maintain that the design proposals provide the correct design response to this site. The roof form reflects the neighbouring

properties, which are not the same in design form to the terraced properties elsewhere in the Conservation Area. The hipped form also reduces any impact upon neighbouring outlook or access to natural light from rear gardens. The proposed fenestration is purposely offset to provide sufficient amenity space to the 1st floor units, and to create a more attractive, comprehensive design for each block. The use of design materials can be dealt with by planning condition if any changes are required.

Hertfordshire County Council (Highway Authority)

Previous application for a similar proposal was refused by the planning committee on design details. The current application is similar and no alterations to highway proposals. The highway authority response is same as for the previous application. Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

Condition 1. Prior to the commencement of the site works the applicant shall submit a construction management plan setting out details of on-site parking for all contractors, sub-contractors, visitors and delivery vehicles, storage of materials to be approved in writing by the Local Planning Authority in consultation with the Highway Authority and that area shall be maintained available for use at all times during the period of site works.

Reason;- To minimise danger, obstruction and inconvenience to users of the highway.

Advisory Note.

AN1. Road Deposits: Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in condition such as not to emit dust or deposit mud, slurry or other debris on the highway.

Reason: This is to minimise the impact of construction vehicles and to improve the amenity of the local area.

AN2. The applicant is advised that storage of materials associated with the development should take place within the site and not extend into within the public highway without authorisation from the highway authority, Hertfordshire County Council. If necessary further details can be obtained from the County Council Highways via either the website <http://www.hertsdirect.org/services/transtreets/highways/> or telephone 0300 1234047 to arrange this.

Reason: In the interest of highway Safety

AN3. The developer should be aware that the required standards regarding the maintenance of the public right of way and safety during the construction. The public rights of way along the carriageway and footways should remain unobstructed by vehicles, machinery, materials and other aspects of construction works.

Reason: In the interest of highway user's safety.

Details:

Planning Application

Application is for a residential development on a vacant land to provide 8 self-contained flats within 2 separate buildings.

Site and surrounding

The site is currently an area of open scrub land adjoining the Red Lion Public House and the associated stable block. The area fronts on to Vicarage Road to the south and is bounded by a footpath along the northern boundary. Directly opposite to the site is the North Stand of Watford Football Stadium. The surrounding area is a mixture of commercial and residential properties.

Accessibility

The site is within few minutes walking distance to Watford Town Centre and the Watford Junction Railway Station is only a few minutes ride by bus. Watford junction Station is a main railway station in the area providing regular service to London and various other destinations. By year 2018 the proposed Croxley Link is to provide an London Underground station within few minutes walking distance from the site. A4145 Vicarage Road is a main distributor road with number of bus stops and regular bus service along the road. There is a primary school within few minutes walking distance and the Watford General Hospital is only 5 minutes walking distance.

Watford Town Centre is only a few minutes walking distance from the development site. The town is a major regional shopping area with all the daily necessary facilities and employment opportunities. The local area adjacent to the application site contains various facilities such as shops, eating places etc.

In summary site is in a highly sustainable location. There is an excellent opportunities for residents to use all modes of transport and the access to all the necessary facilities.

Access and Parking

There is no parking provisions associated with the site. The proposal is to provide no on-site parking. The applicant proposal is for a car free development. On-site parking is a matter for the local planning authority. However, Vicarage Road and the adjacent road network are within Controlled Parking Zone, which is permit parking or pay and display parking only. Pay and display parking is for a maximum of 2 hours on Monday to Saturday between 8.00AM to 6.30PM. Residents of the development will not be eligible for parking permits, and therefore will not be able to park the cars within the development or on surrounding road network.

Considering the location of the proposed development and its close proximity to Watford Town Centre and the extent of transport facilities with easy access to employment opportunities and other daily facilities, the location of the site is considered as suitable for a car free development.

Conclusion

The Highway Authority does not wish to restrict the grant of consent subject to the above conditions and advisory notes.

N.B. The requested condition relating to on-site parking facilities for construction workers and details of storage of materials is not necessary to make the development acceptable in planning terms, therefore the condition does not meet the tests in Paragraphs 204 and 206 of the National Planning Policy Framework. This is not a material planning consideration and any adverse effect on highway safety could be addressed through other legislation, including the Highways Act.

Hertfordshire Constabulary (Crime Prevention Design Advisor)

Whilst generally content with the application I make the following comments:

Physical Security – ADQ and SBD:

In October 2015, Approved Document Q (ADQ) came into force that requires under Building Regulations dwellings are built to “Prevent Unauthorised Access”. This applies to any “dwelling and any part of a building from which access can be gained to a flat within the building”. Performance requirements apply to easily accessible doors and windows that provide access in any of the following circumstances:

- Into a dwelling from outside*
- Into parts of a building containing flats from outside*
- Into a flat from the common parts of the building*

Achieving the Secured by Design (SBD) award meets the requirements of Approved Document Q (ADQ), and there is no charge for applying for the Secured by Design award.

Secured by Design part 2 physical security:

If this development were to be built to the physical security of Secured by Design part 2, which is the police approved minimum security standard and also achieves ADQ. This would involve:

- *All exterior doors to have been certificated by an approved certification body to BS PAS 24:2012.*
- *All individual flat front entrance doors to have been certificated by an approved certification body to BS Pas 24:2012 (internal specification).*
- *Ground level exterior windows to have been certificated by an approved certification body to BS Pas 24:2012. All glazing in the exterior doors, and ground floor windows to include laminated glass as one of the panes of glass.*
- *Access control standard for flats is: 4 to 10, audible access control is required at the pedestrian entrances to the block. Such access control must NOT have a Tradesman's Button fitted as this assists offenders to gain entry during the day to break into the flats.*

These standards are the security standard for this site and meet the Secured by Design part 2 physical security standard. Building to the physical security of Secured by Design, which is the police approved minimum security standard, will reduce the potential for burglary by 50% to 75% and achieve ADQ. I would encourage the applicants to seek Secured by Design certification to this standard when it is built.

I would ask that this information is passed by way of informative to the applicant.

Site security when being built:

As the site is opposite Watford Football Club, the roadway is shut on match days at the ground as part of the Policing Operation. Also there will be the requirement as part of the operational policing plan that:

- *The building site will be secure during the Police Operation for football matches at Watford FC stadium. This is so that offenders cannot raid the site for materials to throw at Police etc.*
- *No skips are allowed to be stored on the road. This is so that offenders cannot raid the skip for materials to throw at Police etc.*

- *No deliveries to the site, nor vehicles allowed to travel to or leave the site, during the Police Operation for football matches at Watford FC stadium. The roadway is closed off during the Police Operation and no vehicles are allowed along it. (Pedestrians are allowed.)*
- *In case there is a problem with the site and offenders get through the security fencing of the building site, then for Police to have contact details of someone who can attend to resolve matters. Such person details and site managers contact details to be passed to Sgt 518 Edward Matthews of the Police Events Planning Dept., Tel: 01707-806747 or email: Edward.Matthews@herts.pnn.police.uk*

Reason:- To prevent public disorder on match days outside Watford Football Club. If necessary I would ask that these points are conditioned.

Arboricultural Officer

The proposals indicate the removal of protected trees T1 Birch, and T3 and T4 both cherry and the crown reduction of the sycamore T2 of TPO 259: replacement tree planting is proposed. I am not too concerned about the removal of trees T3 and 4. As far as the pruning/location/proximity of the retained sycamore is concerned I have my doubts about its relation to the buildings, not from an amenity or health of the tree point of view but its impact upon the occupiers of the buildings, however we can refuse any work that is considered excessive under the TPO. The removal of the Birch T1 would cause a loss of visual amenity, however it is a Category C tree and its loss could be compensated by planting replacement trees. The indicative replacement planting at the front of the site is appropriate and would provide some visual amenity in the medium to long term.

Should permission be granted the following conditions should be attached.

Details of tree protection for the retained tree shall be submitted and approved prior to work commencing on site.

The Arboricultural work shall be carried out in accordance with the recommendations in Appendix B of the Arboricultural and Planning Impact Assessment Report.

A detailed landscaping scheme showing details of plant/tree species, planting sizes, planting densities/quantities and details of the construction of the new tree planting pits, including details of irrigation and root trainers.

Details of the routing of all below ground services including soakaways and any temporary connections shall be submitted and approved prior to work commencing on site.

Environmental Health

Environmental Health have no comments to make on this application.

Thames Water

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

6.0 Appraisal

6.1 Main issues

The main issues to be considered in the determination of this application are:

- (a) Land use
- (b) Housing
- (c) Design, appearance and the character of the Conservation Area.
- (d) The quality of the new accommodation provided.
- (e) Impact on amenity of adjoining residential properties.
- (f) Highways impacts and car parking provision.
- (g) Trees and landscaping

6.2 (a) Land use

The application site consists of an un-developed open parcel of land adjacent to the Red Lion Public House. The land appears to be within the curtilage of the Public House, however it is not used for any particular purpose and is not used for recreation. Four large poster signs were displayed on the land for a number of

years, however these are no longer in place. The land has not been maintained and over the last few years there have been a number of complaints to the Environmental Health department about the dumping of rubbish at the site. The current owner has erected hoardings around the site to secure the land. A retrospective planning application (ref: 16/00318/FUL) has been approved for the hoarding, which grants permission for a temporary period until 12th May 2018 while a use for the land is found.

- 6.3 Policy SS1 of the Watford Local Plan Core Strategy 2006-31 states that most development will take place on previously developed land. As such, in terms of plan-making, housing allocations on previously developed land will be prioritised. However, it is important to note, in terms of making decisions on planning applications for residential development, that there is no presumption in the Core Strategy or the National Planning Policy Framework against residential development on land that is not previously developed. Such applications must be determined in the light of the policies in the Development Plan and other material planning considerations.
- 6.4 The application site is not designated as an Open Space or Wildlife Corridor on the Proposals Map of the Watford District Plan 2000. The site is identified on the Proposals Map as being within a Predominantly Residential Area. There are no designations that preclude the principle of residential development on the site.
- 6.5 The Red Lion Public House has been designated as a community asset, which means that it has been entered onto a list of assets of community value. The land subject of the application has been included in the designation because it is within the curtilage of the Public House. However, as discussed above, the land does not serve any function as part of the Public House therefore it is not considered that the provision of residential development on the land would be detrimental to the functioning of the community asset.
- 6.6 Bearing in mind that the application site is an untidy piece of land with no particular use, that the site is not designated Open Space, and that the site is located in a predominantly residential area, the redevelopment of the land to provide residential accommodation is considered to be acceptable in principle.
- 6.7 (b) Housing
Policy SS1 of the Watford Local Plan Core Strategy 2006-31 states that the Council seeks to deliver a minimum of 6,500 additional homes by 2031. Policy HS2 states that medium density developments such as flats and houses may be appropriate close to neighbourhood centres where they are well served by transport links. The architect has shown through the design process in the Design and Access Statement

that flats are most appropriate because of the constraints of the site – houses would cause increased overlooking of neighbouring properties and larger gardens would be expected for family-sized houses. The application site is close to the shops and services in Vicarage Road and is well served by transport links, therefore medium density flats are appropriate.

6.8 The proposed development would provide less than 10 dwellings and the site area is less than 0.5ha, therefore affordable housing is not required.

6.9 (c) Design, appearance and the character of the Conservation Area

Planning application 16/00018/FUL was refused at the Development Management Committee Meeting of 7th April 2016 because Members felt that the design of the proposed buildings would fail to preserve the character and appearance of the area and a more traditional design was sought. Officers recommended approval because it was considered that the design responded to the adjacent buildings at the Red Lion Public House in terms of window proportions and style. The materials and scale were also felt to be appropriate. The contemporary design of the proposal was supported by the Design & Conservation team.

6.10 In relation to the current application, the Design & Conservation team has acknowledged that the design of the proposed development has been amended in response to concerns raised by Members. The amended design adopts a more traditional approach whereby the flat roof has been replaced by a hipped roof; the 3 front doors previously proposed has been reduced to 1 door; and the ground floor high-level windows have been made larger to provide a more active frontage. The Design & Conservation team are of the view that the design now fails to respond to the features of the adjacent Locally Listed Buildings. The agent submitted a detailed response on 8th July to explain the reasoning of the amendments and how they have responded to Members' comments – see 'technical consultations' section of the report.

6.11 In the view of Officers, the design of the previous proposal was stronger and responded better to the features of the Red Lion Public House and stables building. Notwithstanding this, an evaluation has to be made as to whether the proposed development would be harmful to the significance of the Conservation Area (see paragraph 129 of the NPPF) and whether any harm would be outweighed by the public benefits of the proposal (see paragraph 134 of the NPPF).

6.12 The application site is located within The Square Conservation Area because it is within the curtilage of the Red Lion Public House, although it is not used for purposes in connection with it. The land is unkempt and is opposite the rear of Vicarage Road Stadium. The Square Conservation Area Character Appraisal states

that the Conservation Area is significant because of its historic interest as an important example of the town's Victorian expansion and because of its architectural interest as the groups of terraces have maintained much of their original detailing. The main appreciation of the Conservation Area's significance is gained from views within the street scenes of Aynho Street, Oxford Street, Banbury Street and Souldern Street. It is from the street views within the Conservation Area where the historic and architectural significance of the buildings in the Conservation Area can be understood. The views from inside the Conservation Area towards the application site include the metal-clad Vicarage Road stadium beyond and the proposed buildings would have the benefit of obscuring views of the stadium. Bearing in mind the context that the application site consists of an untidy piece of land that has been subject of fly-tipping, that the proposed buildings would directly face the back of Vicarage Road Stadium and that the proposal would not affect the key views from within the Conservation Area that identify its historic and architectural value, it is considered that the proposed development would cause less than substantial harm to the significance of the Conservation Area.

- 6.13 As stated previously, Officers considered that the previous proposal responded better to the Red Lion Public House and stables building, however it should be borne in mind that these are not nationally listed buildings where the contribution of the setting would be more important. The proposed buildings are well-spaced and would sit comfortably within the street scene of Vicarage Road. The street scene drawings show that the proposed buildings would be appropriately positioned between No. 107 Vicarage Road and the Red Lion public house. The proposed development would maintain a good level of separation to the public house and would not affect the views of the Locally Listed buildings.
- 6.14 Although Officers feel that the design of the proposed development does not respond as well to the character of the Conservation Area as the previous application did, the agent has sought to address Members' previous concerns and a more traditional approach has been adopted. It is considered that the proposal would cause less than substantial harm to the significance of the Conservation Area and this would be outweighed by the public benefits of the scheme of securing an untidy piece of land with no function and making a contribution towards meeting the housing need in the Borough.
- 6.15 (d) The quality of the new accommodation provided
In comparison to the previous planning application, the layout of the proposed development is unchanged (apart from the lobby area at the front). The floor areas and room sizes of the proposed flats comply with the Nationally Described Space Standard. The floor areas would be at least 50sqm in area and would have a minimum floor to ceiling height of 2.3m for at least 75% of the Gross Internal Area.

Furthermore, the proposed flats meet the minimum space standard for built-in storage. The double bedrooms would exceed the 11.5sqm minimum standard and would exceed the minimum widths of 2.75sqm. As such, the layout of the proposed flats would provide sufficient internal space for future occupants.

- 6.16 The proposed flats would be served by a number of windows in the front and side elevations of the buildings, which would provide sufficient outlook from the main living areas. The front windows of the buildings would face within 90 degrees of due south and the living/dining/kitchen areas would be open-plan, therefore the main living areas would receive good levels of daylight and sunlight. The levels of light received by the rear bedrooms of the proposed ground floor flats may be restricted because two of the flats would have main windows that face north-east and the Sycamore tree would overshadow the bedroom windows of the two ground floor flats in the middle of the site. However, the Building Research Establishment guidance document *'Planning for Sunlight and Daylight. A guide to good practice'* (2012) highlights that natural lighting of bedrooms is not as important as living rooms. The main living areas would receive good levels of daylight and sunlight, therefore an acceptable standard of amenity would be provided for future occupiers.
- 6.17 The side windows serving the living rooms and bedrooms of the ground floor flats in the middle of the site would face each other, however the proposed fence between the buildings would ensure that there would not be an unacceptable level of overlooking between the ground floor flats. The side windows serving the living rooms and bedrooms of the first floor flats are positioned so as to only allow oblique views between the windows of the proposed buildings. As such, the proposed development would provide an acceptable level of privacy for future occupiers.
- 6.18 The proposed ground floor flats would have direct access to private individual gardens with a usable space of between 44 – 47sqm, which is slightly below the Residential Design Guide minimum standard of 50sqm. Given the limited depth of the site, it is not considered that larger gardens would be feasible in this case. Furthermore, it should be borne in mind that this is a high density area where many of the nearby Victorian houses in Oxford Street, Souldern Street and Banbury Street have usable garden areas of less than 50sqm. In these circumstances, it is not considered that a reason for refusal could be justified. The proposed first floor flats would not have access to a garden, however they would have external balconies, which would be large enough to be used as a seating area. Bearing in mind that the proposed first floor flats would not provide family-sized accommodation and that the site is in a high density area, the amount of outdoor amenity space is considered to be acceptable.

6.19 Taking the above into account, the proposed development would provide an acceptable standard of amenity for future occupiers.

6.20 (e) Impact on amenity of adjoining residential properties

Privacy:

Paragraph 7.3.16 of the Residential Design Guide highlights that privacy is an important aspect of residential environments. New build schemes should ensure that there is no significant loss of privacy to neighbouring houses or gardens. Paragraph 7.3.17 details the 'privacy arc' which is a rule-of-thumb to assess the impact of development on the privacy of neighbouring properties. The privacy arc is calculated by drawing 45 degree lines on plan from the centre of neighbouring habitable windows to a distance of 27.5m – as explained in paragraph 7.3.18 of the RDG. First floor clear glazed habitable windows of a proposed development should not be within the privacy arc and be at an angle of less than 90 degrees from habitable windows of a neighbouring property – as illustrated in paragraph 7.3.19 of the RDG. Furthermore, paragraph 7.3.16 of the RDG states that a minimum direct distance of 11m should be achieved between upper floor habitable windows and property boundaries in order to minimise overlooking of private gardens.

6.21 The proposed flats would be less than 27.5m from the rear windows of neighbouring properties in Oxford Street and the rear windows would be less than 11m from the rear boundary. However, the main aspect from the flats would be from the front and side windows. The plans show that the rear windows would be obscurely glazed, therefore there would be limited overlooking into the neighbouring properties in Oxford Street. A condition could be attached to any grant of planning permission to require the rear windows to be fitted with obscure glass at all times and to be non-opening to a height of 1.7m above the internal floor level.

6.22 The upper floor side windows of the proposed building closest to the south-western boundary would be 16m from the side windows of No. 107 Vicarage Road. The neighbouring property appears to be a House in Multiple Occupation and there is an outbuilding adjacent to the boundary with the application site which appears to be used for residential accommodation. Paragraph 7.3.16 of the Residential Design Guide states "*where a habitable room only has side windows on the flank elevation, a minimum separation distance of 10m between windows will be required*". Therefore, the separation distance of 16m is acceptable. A further consideration is that the front windows of properties in Oxford Street and Souldern Street have a separation of approximately 15m, which is a comparable relationship.

6.23 The upper floor side windows of the proposed building closest to the south-western

boundary would not maintain a distance of 11m to the boundary, which is contrary to the guidance in paragraph 7.3.16(b) of the Residential Design Guide. However, the adjacent garden at No. 107 Vicarage Road appears to be used as a communal garden for the House in Multiple Occupation and it is already overlooked. Therefore, in these circumstances, the upper floor side windows of the proposed building would not cause a significant increase in overlooking to the garden of No. 107 Vicarage Road.

6.24 Sunlight and daylight:

Paragraph 7.3.13 of the RDG details the 25 degree rule for assessing the impact of new development that is parallel to existing properties. In comparison to the previous application, the provision of pitched roofs would increase the maximum height of the buildings, however the roofs are pitched and slope away from the rear boundary which limits their impact. Furthermore, the proposed buildings would not infringe the 25 degree line measured from the centre of the ground floor rear windows of properties in Oxford Street, therefore there would not be a significant loss of sunlight or daylight to the habitable rooms of the neighbouring properties. The proposed buildings would cause some overshadowing of the end part of the neighbouring rear gardens in the morning, however it is not considered that there would be significant overshadowing of the main outdoor amenity areas.

6.25 Outlook:

Paragraph 7.3.21 of the RDG states *“Outlook relates to visual dominance of a building that results in an overbearing and oppressive sense of enclosure to an adjacent property. This can be from a habitable room window or a garden area. This can occur even if there is no loss of sunlight, daylight or privacy”*. As discussed in paragraph 6.28, the provision of pitched roofs would increase the maximum height of the buildings compared to the previous application, however the roofs slope away from the rear boundary which limits their dominance. As such, it is not considered that there would be a significant harmful effect on the outlook from properties in Oxford Street. It should be borne in mind that the back-to-back distances between the proposed buildings and houses in Oxford Street would be comparable to the back-to-back distances of properties in Souldern Street and Oxford Street. The proposed buildings would not appear overly dominant in context of the surrounding area and would not cause an unacceptable sense of enclosure to neighbouring properties.

6.26 Taking the above into account, the proposed development would have no adverse effect on the residential amenities of neighbouring properties.

6.27 (f) Highways impacts and car parking provision

The Highway Authority has no objection to the proposed development. The

application site is located within walking distance to Watford town centre and is well served by passenger transport facilities. No on-site parking spaces are proposed, which is acceptable in a sustainable location such as this.

6.28 The application site is located in the Central/West Watford Controlled Parking Zone, therefore, in accordance with “Saved” Policy T24 of the Watford District Plan 2000, it is necessary to complete a Unilateral Undertaking to remove permit entitlement for future occupants of the proposed dwellings. This is to ensure that future occupants of the proposed development would not exacerbate demand for on-street parking in an area that already experiences parking problems. The owner has indicated a willingness to complete a Unilateral Undertaking to meet the costs of varying the Traffic Regulations Order 2010 to remove permit entitlement of the future occupants of the development, in accordance with Policies T24 and T26 of the WDP.

6.29 The submitted plans indicate that the flats would have cycle parking facilities, which accords with the sustainable transport objectives in “Saved” Policy T10 of the Watford District Plan 2000.

6.30 (g) Trees and landscaping

The application proposes work to trees protected by Tree Preservation Order 259 involving: the cutting back of the canopy of the Sycamore tree T2; the removal of the Birch tree T1; and the removal of Prunus trees T3 and T4. The removed trees would be replaced by new trees close to the Vicarage Road frontage. An Arboricultural Assessment has been submitted with the application, which assesses the condition and life expectancy of the trees. The assessment shows that the Sycamore tree T2 is of sufficient size and scale to provide significant benefit to the broader amenity of the Conservation Area. It is classed as a Category B tree – moderate quality with an estimated life expectancy of at least 20 years. The Sycamore tree would be retained, however works to the crown are proposed, including: crown lift up to 3m and crown thin by maximum of 20% on south/south-eastern side; 3m lateral tip crown reduction on south/south-eastern side crown to aid facilitation of development and to balance crown. The Arboricultural Officer has confirmed that the proposed work to the Sycamore tree T2 would not have a significant impact on its health or amenity value, however he has concerns about its relation to the proposed buildings in terms of its impact on the future occupiers of the proposed buildings. The Sycamore tree T2 would restrict daylight and sunlight to the bedroom windows of the ground floor flats in the middle of the site, which is a negative aspect of the proposed development, however the main living areas would receive good levels of daylight and sunlight, as discussed in paragraph 6.20. The tree would cause some overshadowing of the proposed garden areas, however it is not considered that this would warrant a refusal of planning permission.

- 6.31 The Birch tree T1 is classed as a Category C tree – tree of low quality with an estimated life expectancy of at least 10 years. The assessment states that the tree has matured and is passing towards the later stages of its life cycle for its rooting environment – evidenced by its asymmetric crown structure caused by light competition with the larger Sycamore tree; large sub-dominant scaffold limb carrying large volume of the crown on the south-eastern side of the tree; extensive included fork of main lower limb; small cavity on trunk from former branch removal; and its sparse crown. The assessment comments that the amenity loss of the tree could be compensated by planting a number of replacement trees.
- 6.32 In relation to the 2no. Prunus trees T3 and T4, the assessment states that these are actually one tree – it is identified as a multi-stemmed tree which is heavily covered in Ivy. The Prunus is assessed as a Category U tree – a tree in such a condition that it cannot realistically be retained as a living tree in the context of the current land use for longer than 10 years. The assessment states that the removal of the tree and replacement would be considered regardless of the proposed development due to the poor form and extensive very tight included unions.
- 6.33 The application proposes the replacement of the Birch tree and Prunus tree(s) with new trees towards the front of the site. The siting of the trees adjacent to the Vicarage Road frontage would provide amenity value to the street scene. The Arboricultural Officer has stated that he is satisfied with the location of the replacement trees. He has stated that a condition should be attached to any grant of planning permission to require details of the construction of the new tree planting pits, irrigation, and root trainers to be submitted to the Local Planning Authority for approval.
- 6.34 The Arboricultural Assessment comments that the Sycamore tree T2 would not be adversely affected by the proposed development due to the distances between the tree and the proposed excavation and construction activities. The proposed excavation would not cause significant incursion into the Root Protection Area of the tree. Tree protection measures are suggested and these could be secured by an appropriately worded condition.

7.0 Community Infrastructure Levy and Planning Obligation

7.1 Community Infrastructure Levy (CIL)

The Council introduced the Community Infrastructure Levy (CIL) with effect from 1 April 2015. The CIL charge covers a wide range of infrastructure as set out in the Council's Regulation 123 list, including highways and transport improvements, education provision, youth facilities, childcare facilities, children's play space, adult

care services, open space and sports facilities. CIL is chargeable on the relevant net additional floorspace created by the development. The charge is non-negotiable and is calculated at the time that planning permission is granted.

- 7.2 The CIL charge applicable to the proposed development is £120 per sqm. The charge is based on the net increase of the gross internal floor area of the proposed development. Exemptions can be sought for charities, social housing and self-build housing.
- 7.3 In accordance with s.70 of the Town and Country Planning Act 1990, as amended by s.143 of the Localism Act 2011, a local planning authority, in determining a planning application, must have regard to any local finance consideration, so far as material to the application. A local finance consideration is defined as including a CIL charge that the relevant authority has received, or will or could receive. Potential CIL liability can therefore be a material consideration and can be taken into account in the determination of the application.
- 7.4 S.106 planning obligation
The Council introduced the Community Infrastructure Levy (CIL) with effect from 1 April 2015. On and from this date, s.106 planning obligations can only be used to secure site specific requirements.
- 7.5 The development proposed in this application is one where, in accordance with saved Policy T26 of the Watford District Plan 2000 and Policy INF1 of the Watford Local Plan Part 1 Core Strategy 2006-31, the Council will normally require the applicant to enter into a planning obligation which provides for a financial contribution towards the variation of the Borough of Watford (Watford Central Area and West Watford Area) (Controlled Parking Zones) (Consolidation) Order 2010 to exclude future residents of the development from entitlement to resident parking permits for the controlled parking zones in the vicinity of the application site. It is necessary to amend the traffic order so as to exclude the occupiers of the development from any entitlement to claim permits for the local Controlled Parking Zone because otherwise the proposed development would be likely to give rise to additional vehicles parking on local streets, thus worsening traffic congestion which would be a reason to refuse planning permission.
- 7.6 The proposed development is also one where Hertfordshire County Council, in pursuance of its duty as the statutory Fire Authority to ensure fire fighting facilities are provided on new developments and that all dwellings are adequately served by fire hydrants in the event of fire, seeks the provision of hydrants required to serve the proposed buildings by means of a planning obligation. The requirements for fire hydrant provision are set out within the County Council's *Planning Obligations*

Toolkit document (2008) at paragraphs 12.33 and 12.34 (page 22). In practice, the need for hydrants is determined at the time the water services for the development are planned in detail and the layout of the development is known, which is usually after planning permission is granted. If, at the water scheme design stage, adequate hydrants are already available no extra hydrants will be needed.

- 7.7 Under Regulation 122 of the Community Infrastructure Levy Regulations 2010, where a decision is made which results in planning permission being granted for development, a planning obligation may only constitute a reason for granting planning permission for that development if the obligation is:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 7.8 The contribution sought by the Council for amending the Controlled Parking Zones Traffic Regulation Order varies according to the number of dwellings existing and to be created and according to the existing use of the property. The contribution is thus directly related to the proposed development and is fairly and reasonably related in scale and kind to that development. It is also necessary to make the development acceptable in accordance with the Council's planning policies.
- 7.9 As the County Council's requirement for the provision of fire hydrants accords with the provisions of the *Planning Obligations Toolkit*, this obligation is also directly related to the proposed development and is fairly and reasonably related in scale and kind to that development. It is also necessary to make the development acceptable in accordance with the County Council's statutory duty as the Fire Authority.
- 7.10 Accordingly, the contribution sought by the Council towards the amendment of the Controlled Parking Zones Traffic Regulation Order and the County Council's requirement for fire hydrants meet the tests in Regulation 122 of the Community Infrastructure Regulations 2010, and, consequently, these planning obligations can be taken into account as material planning considerations in the determination of the application. Both the Council's approach to seeking a financial contribution and the County Council's approach to seeking the provision of fire hydrants by means of planning obligations are also fully in accordance with the advice set out in paragraphs 203 to 205 of the National Planning Policy Framework.
- 7.11 The Council's contribution in the case of the development proposed in this application is set out below:

<i>New residential development</i>	The sum of £2000 (two thousand pounds) towards the variation of the Borough of Watford (Watford Central Area and West Watford Area) (Controlled Parking Zones) (Consolidation) Order 2010 to exclude future residents of the development from entitlement to resident parking permits for the controlled parking zones in the vicinity of the site in accordance with saved Policy T24 of the Watford District Plan 2000.
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8.0 Conclusion

- 8.1 Although Officers consider that the design of the proposed development does not respond as well to the character of the Conservation Area as the previous application did, the agent has sought to address Members’ previous concerns and a more traditional approach has been adopted. It is considered that the proposal would cause less than substantial harm to the significance of the Conservation Area and this would be outweighed by the public benefits of the scheme of securing an untidy piece of land with no function and making a contribution towards meeting the housing need in the Borough.
- 8.2 The floor areas and room sizes of the proposed flats would exceed the Nationally Described Space standard and the proposed development would provide an acceptable standard of amenity for future occupiers. Furthermore, it is considered that the proposal would not cause a significant loss of light, outlook or privacy to neighbouring properties.
- 8.3 The protected Sycamore tree would be retained and the Arboricultural Officer has stated that the proposed works to the tree are acceptable. The Birch and Prunus trees are not high quality specimens and their replacement with new trees to the front of the site is acceptable.
- 8.4 As such, taking the above into account, the proposal is considered to be a sustainable development and it is therefore recommended that the application should be approved.

9.0 Human Rights Implications

- 9.1 The Local Planning Authority is justified in interfering with the applicant’s human rights in order to alleviate any adverse effect on adjoining properties and their occupiers and on general public amenity. With regard to any infringement of third

party human rights, these are not considered to be of such a nature and degree as to override the human rights of the applicant and therefore warrant refusal of planning permission.

10.0 Recommendation

(A) That, pursuant to a planning obligation under s.106 of the Town and Country Planning Act 1990 having been completed to secure the following Heads of Terms, planning permission be granted subject to the conditions listed below:

Section 106 Heads of Terms

- i) To exclude future residents of the development from entitlement to resident parking permits for the controlled parking zones in the vicinity of the application site.
- ii) To secure the provision of fire hydrants as required by the County Council to serve the development.

Conditions

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved drawings:-

P001 Rev A; P002 Rev A; P003 Rev E; P004 Rev E; P005 Rev E; P006 Rev E; P007 Rev E; P008 Rev E; P009 Rev E; and P010 Rev E.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. No construction works above damp proof course level, shall commence until details of the materials to be used for all the external finishes of the building, including walls, roofs, doors, windows and balcony railings, have been submitted to and approved in writing by the Local Planning Authority. The

development shall be carried out only in accordance with the approved materials.

Reason: In the interests of the visual appearance of the site and the character and appearance of the area, in accordance with Policies UD1 and UD2 of the Watford Local Plan Core Strategy 2006-31. This is a pre-commencement condition as the materials need to be approved by the Local Planning Authority before the development is constructed.

4. No construction works above damp proof course level shall commence until detailed drawings of the window and door reveals, recessed sections and brick detailing, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved details.

Reason: In the interests of the visual appearance of the site and the character and appearance of the area, in accordance with Policies UD1 and UD2 of the Watford Local Plan Core Strategy 2006-31. This is a pre-commencement condition as the details need to be approved by the Local Planning Authority before the development is constructed.

5. No part of the development shall be occupied until full details of a soft landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of the construction of the new tree planting pits, including details of irrigation and root trainers. The approved landscaping scheme shall be carried out not later than the first available planting and seeding season after completion of the development. Any trees or plants whether new or existing which within a period of five years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, or in accordance with details approved by the Local Planning Authority.

Reason: In the interests of the visual appearance of the site and the wider area, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31. This is a pre-commencement condition as the details need to be approved by the Local Planning Authority before the development is constructed.

6. No part of the development shall be occupied until full details of a hard landscaping scheme, including details of all site boundary treatments and all fencing within the site, have been submitted to and approved in writing by the

Local Planning Authority, and the works have been carried out in accordance with the approved details.

Reason: In the interests of the visual appearance of the site and the wider area, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31. This is a pre-commencement condition as the details need to be approved by the Local Planning Authority before the development is constructed.

7. The works to the Birch tree T1, Sycamore tree T2 and Prunus trees T3 & T4 of Tree Preservation Order No. 259 shall be carried out in accordance with the recommendations in Appendix B of the Arboricultural and Planning Impact Assessment Report (ref: ASH/PEW/AIA/1221:15) dated 5th January 2016 carried out by Ashmore Arboricultural Services Limited, unless otherwise agreed in writing by the Local Planning Authority. The tree works shall be carried out in accordance with guidance set out in British Standard BS3998.

Reason: In the interests of the visual appearance of the site and to ensure a satisfactory standard of tree work.

8. No construction works shall commence until details of tree protection measures, including tree protection fencing and ground protection, has been submitted to and approved in writing by the Local Planning Authority. The tree protection measures shall be in accordance with the recommendations in the Arboricultural and Planning Impact Assessment Report (ref: ASH/PEW/AIA/1221:15) dated 5th January 2016 carried out by Ashmore Arboricultural Services Limited and guidance set out in British Standard BS3998. The approved tree protection measures shall be implemented for the duration of the construction work, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect retained trees, in the interests of the visual amenity of the area. This is a pre-commencement condition as the details need to be approved by the Local Planning Authority before the development is constructed.

9. No construction work shall commence until details of the routing of all soakaways and below ground services and cabling (electricity, gas, telephone, water, cable T.V. etc.) have been submitted to and approved in writing by the Local Planning Authority. The routing of the soakaways, below ground services and cabling shall then be laid out in accordance with the details approved by this Condition.

Reason: To protect retained trees, in the interests of the visual amenity of the area. This is a pre-commencement condition as the details need to be approved by the Local Planning Authority before the development is constructed.

10. No construction works shall commence until details of the siting, size and design of refuse, recycling and cycle storage have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the storage facilities have been installed in accordance with the approved details. The storage facilities shall be retained at all times thereafter.

Reason: In the interests of the visual appearance of the site, and, to ensure that sustainable transport objectives are met. This is a pre-commencement condition as the details need to be approved by the Local Planning Authority before the development is constructed.

11. The proposed windows in the north-western rear elevations of the buildings hereby permitted shall be permanently fixed closed below 1.7m internal floor level and shall be fitted with obscured glass at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent overlooking and consequent loss of privacy to neighbouring premises.

12. No construction works shall commence until details of the existing and proposed ground levels and the finished ground floor levels of the building have been submitted to and approved in writing by the Local Planning Authority. The development shall only be constructed in accordance with the approved details.

Reason: This is a pre-commencement condition to ensure an acceptable relationship between the proposed building, the adjoining residential development and the adjoining highway is achieved.

Informatives

1. This planning permission is accompanied by a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to exclude future residents of the development from entitlement to resident parking permits for the controlled parking zones in the vicinity of the application site and to

secure the provision of fire hydrants as required by the County Council to serve the development.

2. In dealing with this application, Watford Borough Council has considered the proposal in a positive and proactive manner having regard to the policies of the development plan as well as paragraphs 186 and 187 of the National Planning Policy Framework and other material considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended. The Council also gave pre-application advice on the proposal prior to the submission of the application.
3. All new units granted planning permission and to be constructed require naming or numbering under the Public Health Act 1925. You must contact Watford Borough Council Street Naming and Numbering department as early as possible prior to commencement on streetnamenumbers@watford.gov.uk or 01923 278458. A numbering notification will be issued by the council, following which Royal Mail will assign a postcode which will make up the official address. It is also the responsibility of the developer to inform Street Naming and Numbering when properties are ready for occupancy.
4. This permission does not remove the need to obtain any separate consent, which may be required under the Buildings Act 1984 or other building control legislation. Nor does it override any private rights which any person may have relating to the land affected by this decision.

To find out more information and for advice as to whether a Building Regulations application will be required please visit www.watfordbuildingcontrol.com.

5. This planning permission does not remove the need to obtain any separate consent of the owner of the adjoining property prior to commencing building works on, under, above or immediately adjacent to their property (e.g. foundations or guttering). The Party Wall Etc Act 1996 contains requirements to serve notice on adjoining owners of property under certain circumstances, and a procedure exists for resolving disputes. This is a matter of civil law between the two parties, and the Local Planning Authority are not involved in such matters. A free guide called "The Party Wall Etc Act 1996: Explanatory Booklet" is available on the website of the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/393927/Party_Wall_etc__Act_1996_-_Explanatory_Booklet.pdf

6. Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in condition such as not to emit dust or deposit mud, slurry or other debris on the highway.
7. The applicant is advised that storage of materials associated with the development should take place within the site and not extend into within the public highway without authorisation from the highway authority, Hertfordshire County Council. If necessary further details can be obtained from the County Council Highways via either the website <http://www.hertsdirect.org/services/transtreets/highways/> or telephone 0300 1234047 to arrange this.
8. The developer should be aware that the required standards regarding the maintenance of the public right of way and safety during the construction. The public rights of way along the carriageway and footways should remain unobstructed by vehicles, machinery, materials and other aspects of construction works.
9. You are advised of the need to comply with the provisions of The Control of Pollution Act 1974, The Health and Safety at Work Act 1974, The Clean Air Act 1993 and The Environmental Protection Act 1990.

In order to minimise impact of noise, any works associated with the development which are audible at the site boundary should be restricted to the following hours:

Monday to Friday 8am to 6pm

Saturdays 8am to 1pm

Noisy work is prohibited on Sundays and bank holidays

Instructions should be given to ensure that vehicles and plant entering and leaving the site comply with the stated hours of work.

Further details for both the applicant and those potentially affected by construction noise can be found on the Council's website at:

https://www.watford.gov.uk/info/20010/your_environment/188/neighbour_complaints_%E2%80%93_construction_noise

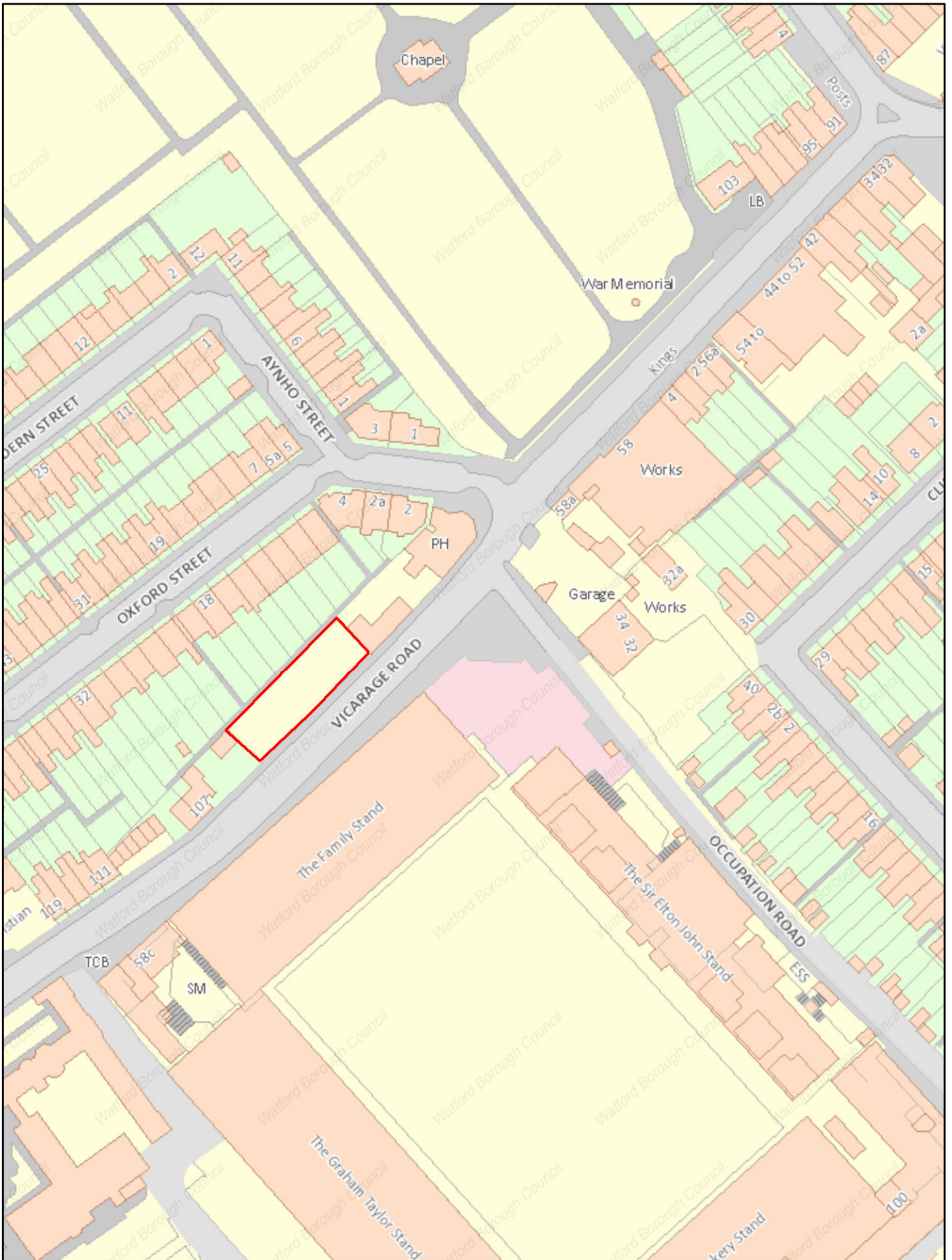
Drawing numbers

P001 Rev A; P002 Rev A; P003 Rev E; P004 Rev E; P005 Rev E; P006 Rev E; P007 Rev E; P008 Rev E; P009 Rev E; and P010 Rev E.

Case Officer: Chris Osgathorp

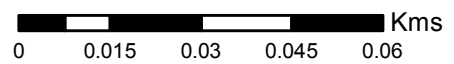
Email: chris.osgathorp@watford.gov.uk

Tel: 01923 278968



Land adj Red Lion PH 105 Vicarage Rd

Date: 19/07/2016



Scale 1:1,250



PART A	
Report of: Development Management Section Head	
Date of Committee:	27 July 2016
Site address:	Leavesden Green Newsagent and Post Office 146-148 Haines Way
Reference Number :	16/00352/FUL
Description of Development:	Conversion of existing shop into new takeaway shop (Use Class A5) and new hairdressers/pharmacy shop (Use Class A1).
Applicant	Leavesden Green Newsagent And Post Office
Date Received:	9th March 2016
8 week date (minor):	30th May 2016
Ward:	WOODSIDE

1.0 Summary

- 1.1 The application seeks permission for the subdivision of the existing A1 shop unit into two premises. One unit to retain as A1 with a pharmacy or hairdressers proposed, and one unit to become an A5 take away.
- 1.2 The principle of this subdivision and change of use has been found to be acceptable. A previous application was refused as the application had not demonstrated that the scheme could be undertaken without harm to the amenities of neighbouring properties.
- 1.3 Environmental Health and Development Management have been working collaboratively with the applicant and agent to ensure that the scheme can be undertaken without the creation of undue noise, disturbance and odour nuisance to neighbouring occupiers from the air conditioning units, kitchen extraction and flue system and the general activity of the A5 use proposed. Supporting information has been submitted and reviewed. Due to the close proximity of the flue to the windows of neighbours, under guidance from Department of Food and Rural Affairs, additional information is however required to demonstrate that an extraction system can treat and disperse odours suitably. It is understood that such a system can be found and this detail can be suitably secured by a condition which requires the design, approval and installation of such a system prior to any A5 operations.

- 1.4 Prior to the commencement of the development, the applicant is arranging for the post office within the application site to be moved into the adjacent unit. This is not a planning consideration however the officer recommendation for the grant of permission with the relevant details secured by condition is the positive and proactive approach to prevent any hindrance in the reopening of the much needed Post Office within the locality.
- 1.5 Subject to the recommended conditions and as set out in the report it is considered that the proposed development would improve local shopping facilities, it would not result in notable harm to the amenities of neighbouring occupiers or community safety, no highway implications would occur and there would not be any undue harm to public health. The physical alterations to the building involving the extraction system, flue and new shopfront would be suitable in design terms for the building and appearance of the area.
- 1.6 The development is therefore considered to be in accordance with 'saved' policies S11 and SE22 of the Watford District Plan 2000 and policies SS1 and UD1 of the Watford Local Plan, Part 1- Core Strategy 2006-31 and it is recommended that the application be approved subject to conditions as set out in the report.

2.0 Site and surroundings

- 2.1 A1 shop premises located within a single storey building at the rear of the four storey Dale Court building, near the junction of Haines Way with High Road. The unit has a floor space of 175sqm and is currently occupied as a newsagents with integral post office. Adjacent to No150 Haines Way, which is also A1, is a 'Costcutter' supermarket/convenience store. The main building of Dale Court, to the west of the application site, is a 4 storey building owned by Watford Community Housing Trust and contains 38 flats.
- 2.2 The unit is located immediately adjacent to Dale Court car park with access from Haines Way. The car park contains parking allocation to Dale Court and 14 free short stay spaces. This car park also leads to the servicing area to the rear of No146-148 which provides delivery area and bin storage buildings for the existing newsagents at the application site as well as the supermarket at No150. The application has included these parking spaces plus the spaces at the rear of the site within the red line application site. The car park is owned by WCHT and the

relevant certificate B notification has been made. The car park also provides access to the rear yard area of the store which is shown to contain private parking, delivery space and bin stores for the existing A1 unit and the adjacent 'Costcutter' store.



Figure 1 Aerial view of Dale Court and No150 and No146-148 Haines Way

3.0 Proposed development

- 3.1 Full planning permission is sought for the subdivision of the A1 unit into two units of 85sqm and 75sqm. One unit is proposed to retain A1 use as a hairdressers, the other is proposed to change to an A5 takeaway. No extensions or increase in floor space is proposed. Staff numbers will increase from 4 to 10 total full time equivalents.
- 3.2 Following amendments, the development does not propose new air conditioning units or mechanical fans. The development proposes to reuse the existing two air condition units sited on the roof of the single storey building. The only new plant proposed is a new kitchen extractor system with odour neutralising systems and flue at the rear of the A5 unit. In details submitted 27.05.2016 this is detailed as an Electrostatic Precipitator, 'Purified Air, O.N.100 Odour Neutraliser'.
- 3.3 Opening hours:
- Hairdressers or Pharmacy, Use Class A1:
 - 9am to 6pm Monday to Saturday,
 - Closed Sundays and bank holidays.
 - Takeaway A5:
 - 11am to 9.30pm Monday to Saturday
 - Closed Sundays and bank holidays.

3.4 Installation of a new shopfront with access

- On East elevation
- To serve the takeaway A5 unit
- Glass with powder coated aluminium frame.

3.5 Supporting Documents submitted:

- Design and Access Statement (09.03.2016)
- Intruder Alarm Schedule by Croxley Alarm Systems and two plans of alarm layout (09.03.2016)
- Product details for CCTV system and plan of CCTC layout (09.03.2016)
- 'Shopfitters' estimate for construction works for takeaway including specification for new shop front (09.03.2016)
- Quotation from 'Biffa Waste Services Ltd' detailing fortnightly collection of 240l wheelie bin for the A1 unit and weekly collection for two x 240l wheelie bins for the A5 use (one standard general waste and one organic food waste) (09.03.2016)
- 'Kids Menu' 09.03.2016
- Extraction system and flue:
 - Manufacturers details of 'The O.N.100 Odour Neutraliser' by 'Purified air Ltd' (27.05.2016)
 - Manufacturers details of the Electrostatic Precipitator and product ESP3000 by 'Purified air Ltd' (27.05.2016)
 - Drawing number ESS-001 of extract fan specification for KBR315 DZ Kitchen Extract Fan, Hopkins 12" and 9" Fans, Turboprop Canopy and SLGU100 Circular Straight Silencer by 'Hopkins Catering Equipment Ltd'. (27.05.2016)
 - Drawing number MHQ570 of proposed extraction system layout by 'Hopkins Catering Equipment Ltd'. (27.05.2016)
- 'Commercial Sound Assessment' carried out by I. Baxter of Peak Acoustics, dated and received 01.07.2016. (Supersedes report of same title dated 08.06.2016).

4.0 Relevant planning history

75/00387/FUL Planning Permission 21.10.1975 Erection of new shop front.

97/0426/9 Conditional Planning Permission 06.11.1997 Installation of security shutters to 4 windows fronting Haines Way and entrance doors

97/0053/9/A Advert Condition 06.11.1997 New fascia signage with external illumination.

15/00423/FUL WDN 29.05.2015 Part conversion of existing shop into new takeaway shop and modified post office/shop.

15/00994/FUL RPP Conversion of existing shop into new takeaway shop and new hairdressers shop.

Reason for refusal :

1. The premises are located within a primarily residential area and nearby to residential properties. The application fails to demonstrate that the proposed A5 use would not be detrimental to the amenities of surrounding residential occupiers. The proposed A5 use would require systems such as compressor units, extraction units, ventilation systems, generators or other mechanical equipment which would be required to support the cooking activity. No details of these systems have been submitted and there is no information regarding the potential noise generation of these systems. There is no detail also of any noise or odour prevention measures. The activity at the premises and of staff and customers on site until 11pm would result in increased noise and unreasonable disturbance to neighbouring occupiers. The application also fails to include any mitigation measures to avoid anti social behaviour at the proposed A5 use. On the basis of the information provided, the A5 use with opening hours proposed up to 11pm Monday to Saturday, is likely to give rise to noise and disturbance from mechanical systems and noise and disturbance from customer/staff activity as well as odour nuisance, that would be unacceptably harmful to the amenities of surrounding occupiers, the local environment and may have an adverse affect on community safety contrary to 'saved' policies S11 and SE22 of the Watford District Plan 2000 and policies SS1 and UD1 of the Watford Local Plan, Part 1- Core Strategy 2006-31.

5.0 Planning policies

5.1 Development plan

In accordance with s.38 of the Planning and Compulsory Purchase Act 2004, the Development Plan for Watford comprises:

- (a) *Watford Local Plan Core Strategy 2006-31;*
- (b) the continuing “saved” policies of the *Watford District Plan 2000;*

- (c) the *Hertfordshire Waste Core Strategy and Development Management Policies Document 2011-2026*; and
- (d) the *Hertfordshire Minerals Local Plan Review 2002-2016*.

5.2 The *Watford Local Plan Core Strategy 2006-31* was adopted in January 2013. The *Core Strategy* policies, together with the “saved policies” of the *Watford District Plan 2000* (adopted December 2003), constitute the “development plan” policies which, together with any relevant policies from the County Council’s *Waste Core Strategy* and the *Minerals Local Plan*, must be afforded considerable weight in decision making on planning applications. The following policies are relevant to this application.

5.3 **Watford Local Plan Core Strategy 2006-31**

- WBC1 Presumption in favour of sustainable development
- SS1 Spatial Strategy
- SD1 Sustainable Design
- SD4 Waste
- TLC1 Retail and Commercial Leisure Development
- TLC2 Neighbourhood Centres

5.4 **Watford District Plan 2000**

- SE7 Waste Storage, Recovery and Recycling in New Development
- SE20 Air Quality
- SE21 Air Quality Management Areas
- SE22 Noise
- S11 Use Class A3 food and drink *(NB The A3 category in 2000 included all food and drink uses. This was subdivided under the Planning and Compulsory Purchase Act 2004 to A3, A4 and A5. This policy is therefore applicable to A3, A4 and A5 uses.*
- T22 Car Parking Standards

5.5 **Hertfordshire Waste Core Strategy and Development Management Policies Document 2011-2026**

No relevant policies.

5.6 **Hertfordshire Minerals Local Plan Review 2002-2016**

No relevant policies.

5.7 **Supplementary Planning Documents**

The following Supplementary Planning Documents are relevant to the determination of this application, and must be taken into account as a material planning consideration.

5.8 **Watford Character of Area Study**

The Watford Character of Area Study was adopted in December 2011. It is a spatial study of the Borough based on broad historical character types. The study sets out the characteristics of each individual character area in the Borough, including green spaces. It is capable of constituting a material consideration in the determination of relevant planning applications.

5.9 **National Planning Policy Framework**

The National Planning Policy Framework sets out the Government's planning policies for England. The following provisions are relevant to the determination of this application, and must be taken into account as a material planning consideration:

Achieving sustainable development

The presumption in favour of sustainable development

Core planning principles

Section 1 Building a strong, competitive economy

Section 2 Ensuring the vitality of town centres

Section 7 Requiring good design

Section 8 Promoting healthy communities

Decision taking

5.10 **Other background document**

'Using the planning system to control hot food takeaways - A good practice guide' February 2013 NHS London Urban Development Health Unit.

6.0 **Consultations**

6.1 **Neighbour consultations**

The following properties were notified:

1 to 38 (inclusive) Dale Court, High Road, Watford, WD25 7BP

140 Haines Way, Watford, Hertfordshire, WD25 7QL

Costcutters, 150 Haines Way, Watford, Hertfordshire

138 Haines Way, Watford, Hertfordshire, WD25 7QL

136 Haines Way, Watford, Hertfordshire, WD25 7QL

134 Haines Way, Watford, Hertfordshire, WD25 7QL

132 Haines Way, Watford, Hertfordshire, WD25 7QL

142 Haines Way, Watford, Hertfordshire, WD25 7QL

144 Haines Way, Watford, Hertfordshire, WD25 7QL
 Leavesden Children’s Centre, High Road, Watford, WD25 7QZ
 128 Haines Way, Watford, Hertfordshire, WD25 7QL
 122 Haines Way, Watford, Herts, WD25 7QL
 130 Haines Way, Watford, Herts,
 2 Heath Farm Court, Grove Mill Lane, Watford, WD17 3TT

6.2 The following is a summary of the representations that have been received:

Number of original notifications:	49
Number of objections:	18
Number in support:	53
Number of representations:	0
TOTAL REPRESENTATIONS:	71

The objections were submitted in the form of one letter with petition with signatories from 18 households.

The support representations were submitted in the form of one letter and 52 online representations submitted by the applicant following signatories to a petition of support held in the existing shop premises.

The points that have been raised are summarised and considered in the table below.

Representations	Officer’s response
Objections	
The scheme is for financial benefit and there are supporting documents or correspondence with the Royal Mail regarding the relocation of the Post Office.	The relocation of the Post Office is not a material planning consideration. Planning cannot assess the merits or reasons for a particular business occupier wanting to open or move. The planning assessment relates to the type of use and in this case, the A1 (shop) and A5 (takeaway) uses.
There are existing pharmacy, hairdresser and takeaway facilities in the area as set out in submitted plans.	This is noted however none are within the immediate area of the application site and so would not warrant an over provision within this immediate area. It is also noted that the nearest facilities listed are 3miles away. These would not therefore be within walking distance for the community local to

	the application site.
The parking spaces available are in high demand from existing uses. The new units will increase demand for these spaces. Requested for strategic traffic planner to be consulted.	The highway authority, Hertfordshire County Council have been consulted and raise no objection. The development proposed the change of use of the existing commercial space only, there is no increase in commercial floor space and it cannot be asserted that the traffic generation would be significant. Nonetheless, should the new uses increase car visits to the site, it is considered that the site is ideally located next to a public short term parking area.
More staff parking is required and deliveries block rear access to Dale Court	The subdivision of the units is not creating any new commercial floor space and so it is not reasonable or necessary to require increased staff parking. The reoccupation of the existing A1 unit as a large hairdressers for example, could create a significant increase in staff numbers but would not require planning permission. Nonetheless, there is a large area available for the shop and takeaway to use for staff parking and deliveries.
Opening hours of the takeaway should be 8pm	8pm is considered to be unreasonably early. Suitable kitchen extraction systems are to be secured and installed by condition and will ensure these impacts are minimised. There are no current restrictions on the opening hours of the newsagents and Costcutter shop and it is considered the proposed time of 9.30pm is suitable and comparable to other similar takeaways. Crucially, the 9.30pm does not extend into late night hours of 10-11pm when late night congregation could occur and create notable noise and disturbance from customers.
Waste Disposal – queried provision for toxic/medical waste from pharmacy and hairdressers and food waste from takeaway.	The existing servicing and bins area is proposed to be used. Both the pharmacy and hairdresser uses are within the existing A1 use class and do not require particular planning measures on the waste provision.
The siting of the takeaway 25m from the school entrance is not	This has been discussed in full in the report. It is a primary school and children would not

allowing for healthy eating.	be visiting the takeaway alone.
Support	
The application is supported to be increasing provision of shops and services for the local community.	Noted
Support the new uses but would like the Post Office to stay.	It is stated that the applicant intends to move the existing Post office into the adjacent Costcutter supermarket. This is supported however is outside of planning control and cannot be insisted upon.

6.3 Statutory publicity

No statutory advertisement was required for this application.

6.4 Technical consultations

The following responses have been received from technical consultees:

6.5 Environmental Health, Watford Borough Council

10.05.2016 – Initial comments from EH Officer

Following on from our discussion regarding this planning application , I have visited the area and I am now able to give you a formal response.

The proposal has the potential to introduce two main issues. The first is Odour and noise from the flue, the second is noise from the air-handling units and air-intakes.

In order to protect residents in the vicinity, it would be appropriate for the applicant to utilise the services of a competent person, such as a building services engineer to design the flue and demonstrate how it will meet the requirements of Department for the Environment, Food and Rural Affairs, "Guidance on the control of Odour and Noise from commercial kitchen exhaust systems".

Knowing the exact design and specification of the flue, will allow an acoustic consultant to theoretically predict the sound pressure level at the nearest receptor, and if necessary specify any attenuation.

There are a number of noise sources, and it would be appropriate to ensure that the cumulative sound pressure level from all sources at full

capacity meet the relevant noise criteria set out in British Standard BS:4142. We will require an acoustic report to demonstrate that this has been achieved.

We will also require a grease trap.

27.05.2016 - Flue information received from agent

08.06.2016- Commercial Sound Assessment prepared by Peak Acoustics dated 08.06.2016 received from applicant.

28.06.2016- Case review with Alice Reade and Environmental Health officer, Hardesh Bhatti. We found a number of issues with the acoustic report of 08.06.2016 as follows:

- The report assessment is based on the nearest sensitive receptor being the garden of 144 Haines Way at a distance of 30m. This is incorrect, the distance of the nearest of the units to this garden is 22m. However more importantly, the nearest sensitive receptors of the windows of the flats at Dale Court, at 14m minimum distance, have not been included at all in the report.
- The report considers two air conditioning units and an extractor flue. The extractor flue assessed in the report is however shown in a different location to that on Sht No.4.
- The 5 air conditioning units shown on Sht 4 are not considered in the acoustic report. Your email of 27.05.2016 states that the two existing air conditioning units are to be reused however the other three units remain proposed as shown on the plan and have not been assessed.
- The three mechanically ventilated fans shown on Sht No4 are also not considered in the report.

This report is therefore considerably flawed and does not demonstrate that the development would not create noise disturbance to the neighbouring occupiers. A correct report was requested.

01.07.2016 - Commercial Sound Assessment (revised) prepared by Peak Acoustics dated 01.07.2016 received from applicant.

04.07.2016 – Email from EH Officer Hardesh Bhatti

Having been on site, I have noted the close proximity of the residential block to the proposed flue and I just need to ensure that there is sufficient distance to allow adequate dilution of the discharge. This is necessary to protect residents against Odour.

Guidance issued by the Department for Environment, Food and Rural Affairs requires a distance of at least twenty metres. If the flue is closer than this distance, we would require the applicant to utilise the services of a competent person such as a building services engineer to demonstrate that when in operation, the flue does not cause an Odour nuisance.

04.07.2016 – Email from EH Officer Hardesh Bhatti

Unfortunately, as the flue is fourteen metres away, it is possible that the dilution of the discharge will be insufficient and that other controls will be needed. Therefore, it will be necessary for the applicant to demonstrate that the controls will be effective and in accordance with the guidance.

Without this information, it is not possible to demonstrate that the application is acceptable.

05.07.2016 Telephone call AR and HB. Agreed Conditional Planning Permission with extraction system secured by condition.

05.07.2016 Email from HB confirming suitability of conditions 3 and 4, with addition of reference to smoke.

6.6 Hertfordshire County Council (Highway Authority)

Decision

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

AN1. The applicant is advised that storage of materials associated with the development should take place within the site and not extend into within the public highway without authorisation from the highway authority, Hertfordshire County Council. If necessary further details can be obtained from the County Council Highways via either the website <http://www.hertsdirect.org/services/transtreets/highways/> or telephone 0300 1234047 to arrange this.

AN2. The developer should be aware that the required standards regarding the maintenance of the public right of way and safety during the construction. The public rights of way along the carriageway and

footways should remain unobstructed by vehicles, machinery, materials and other aspects of construction works.

The proposal is for conversion of existing shop(news Agent and post office) into a takeaway, new Hairdresser and Pharmacy. There are existing 15 car parking spaces and 3 spaces for light Goods Vehicle. The applicant is not proposing to alter the parking or vehicular/pedestrian access as well. There are no highway implication associated with the development

6.7 Hertfordshire Constabulary

Comments

Whilst not against the application I make the following comments:

1. A5 Hours of operation:

The hours of operation for the A5 Hot Food Takeaway shop are given as Monday to Saturday 11:00am to 9:30pm and closed on Sundays. I would ask that the terminal hour is 9:00pm, so as to help protect amenity for nearby residents, and that this is conditioned. The location of the proposed premises is not on a main through road, but is on an estate and therefore residents living nearby should be protected. Also 9pm falls more in line with similar premises nearby such as Barkers fish and chip shop at Katherine Place in College Road.

2. CCTV & Alarm:

Whilst some details of an alarm and CCTV camera is given there is no plan or description as to the areas the CCTV cameras will cover.

- a. I am pleased the A5 takeaway will have a panic button fitted to the serving counter area.
- b. As regards CCTV this should cover the front counter area of the take-away, as well as just outside the entrance door and immediate car parking area, so as to deter anti-social behaviour (ASB). I would ask this is conditioned.

Requested Conditions:

Condition 1: The premises shall not be open to customers outside of the hours of:

- 1100 to 2100 Mondays to Saturdays.

Reason: To preserve amenity for local residents

Condition 2: Details of a CCTV system to be fitted shall be submitted to and approved in writing by the local planning authority. The use as a take-away hereby approved shall not commence until the CCTV scheme has been installed in accordance with the approved details, and the equipment shall be retained thereafter as per the approved details for so long as the take-away use remains.

Reason: For deterring anti-social behaviour inside and outside the premises, as well as safety of staff.

I would recommend a CCTV system as follows: Such CCTV system should have cameras with a field of view (FOV) covering the counter where customers would stand and / or wait to be served; immediately outside the premises, ideally to a general observation category where the relative size a person would appear on screen is set at 50% recognisable image. Such CCTV must be a DVD best quality digital system that records for a minimum of 31 days before overwriting; the recording system that will be installed has its own software for playing back the CCTV on the DVD disk (that software needs to go on each playback disc). I would recommend a frame rate of a minimum of 8 frames per second (FPS) or higher.

I hope the above is of use to you in your deliberations and will help the development achieve that aims of the National Planning Policy Framework (NPPF).

- 69 – re safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.
& the National Planning Practice Guidance (NPPG) under ‘Design’
- 010 – re Sec 17 of the Crime and Disorder Act 1984 – to prevent crime & disorder.
- 011 – re taking proportionate security measures being a central consideration to the planning and delivery of new developments and substantive retrofits.
- & policy UD1 of Watford Core Strategy

However, in the meantime, if you or the applicants have any queries about crime prevention design in relation to the proposals then please feel free to contact me.

6.8 Watford Community Housing Trust
Consulted 12.07.2016. No response received

6.9 UK Power Networks

Consulted 12.07.2016. No response received

7.0 Appraisal

7.1 Main issues

The main issues to be considered in the determination of this application are:

- (a) Principle of the loss of the A1 unit
- (b) Subdivision to two units, shop access and new shopfront
- (c) Impact of the proposed A5 use on neighbouring occupiers
- (d) Impact of the proposed A5 use on public health
- (e) Parking and Highways implications.

7.2 (a) Principle of the loss of the A1 unit

The proposed change of use would see the loss of the A1 newsagents. This is not within a designated shopping frontage and it is not recognized in the Watford District Plan 2000 as a 'key local shop'. There is therefore no specific policy to preserve the shop. However it is noted that individual A1 units within residential areas can offer an important local shopping facility, the loss of which can be detrimental to communities.

7.2.1 In this instance, there is a large A1 unit, occupied as a 'Costcutter' convenience store supermarket, located immediately adjacent to the newsagent. The two units therefore provide some duplication in the goods they offer and the loss of the newsagents would not undermine suitable shopping provision for the local community. Moreover, it is noted that with the existing convenience store remaining at No 150, the creation of the smaller A1 unit, suitable as a hairdressers or pharmacy, could add to the range of local facilities.

7.2.2 The existing premises contain a post office which would be lost in the closing of the existing A1 unit. The design and access statement submitted with the application indicates that it is proposed for a larger post office to be reopened as a more viable, smaller facility in the adjacent supermarket unit. A post office can be very locally important asset and the retention is welcomed, however, like any specific business, the particular occupant of a premises is outside of planning control. The proposed replacement post office cannot be secured by planning condition on any approved application.

7.3 (b) Subdivision to two units, shop access and new shopfront

The subdivision of the large unit to small units would be entirely suitable. Both units would be of a size that is considered to be viable in the locality. The existing service area at the rear will continue to provide suitable turning and stopping area for deliveries, staff parking and bin storage. There are bin storage buildings at the rear of the building stated as being shared between the two units.

7.3.1 The A1 shop unit will retain its existing shopfront and access. This access is reachable only via steps. This is not preferable however this is the same as the existing arrangement for the existing larger A1 unit. A new access is being created for the A5 takeaway unit. This is on the east side of the building facing the car park and on level ground. A new shop front on this east elevation will serve the takeaway unit and the design and material finish of the shop front will be in keeping with the building and the existing shop frontages. Both units would therefore have suitable active frontage.

7.4 (c) Impact of the proposed A5 use on neighbouring occupiers

Saved Policy S11 of the Watford District Plan 2000 states that proposals for food and drink uses shall be refused “where there will be an adverse effect on the amenities of residential occupiers or community safety.”

7.4.1 The premises are in a predominantly residential area and there are properties in close proximity for whom the amenity of the residential occupiers must be maintained. In particular close proximity are the flats in the 4 storey building of Dale Court. The three upper floors of this building have flats in the rear facing over the single storey building of Nos150 and 146-148. At the nearest point, the flue of the proposed unit would be 14m to the nearest window of a Dale Court flat. On the opposite side of the car park to the North and East there are houses. The nearest being No144 cited 20m to the east of the proposed A5 unit. The car park forming part of the application site is surrounding by residential properties.

7.4.2 An A5 hot food takeaway use can create impacts on the amenities of neighbouring properties and the local environment by virtue of the noise and disturbance of staff, customers, deliveries traffic, odour, extraction, air conditioning, refrigeration systems, bin storage, litter and hours of opening. The previous two applications submitted failed to demonstrate that this impact would not be harmful. With the submission of an acoustic report, odour neutralisation details and

further details with this application, it is considered that it has been demonstrated that the scheme and particularly the A5 use would not create undue impact to the amenities of neighbouring occupiers.

- 7.4.3 The Environmental Health Officer has set out two main issues with potential impact of the scheme as originally proposed. First is Odour and noise from the flue, the second is noise from the air-handling units and air-intakes. The original plans submitted with this application proposed replacement of the two existing air conditioning units, installation of an additional 3 air conditioning units and 3 mechanical fans and the installation of an extractor system and flue for the A5 unit. This was amended by the applicant to propose the reuse of the existing 2 air conditioning units with no new air conditioning units to be installed meaning that the only new plant being proposed is for the extract system and flue. The main Environmental Health consideration would therefore be odour and noise from the extract system and flue. The extractor system is proposed as an electrostatic precipitator 'Purified air, O.N.100 Odour Neutraliser' as set out in manufacturer's details submitted 27.05.2016. This is to be sited on the roof of the single storey building with a maximum height above the flat roof level of 1.2m. This would be sited 14m to the nearest window of the Dale Court flats at 1st, 2nd and 3rd floors which are positioned level with and above the flue. The flue is therefore a low level relative to the building and flats at Dale Court and there is particular concern regarding the space and height available for odours and sounds to leave and disperse from the flue without entering the windows of these flats.
- 7.4.4 An acoustic report 'Commercial Sound Assessment' was carried out in accordance with BS4142:2014 by I. Baxter of 'Peak Acoustics' to assess the impact of the flue proposed. The first report of 08.06.2016 was found to be erroneous however the revised report of 01.07.2016 was accurate in identifying the nearest neighbouring occupiers. This report assessed the potential noise impact of the existing two air conditioning units and the extractor flue system, as specified, in relation to the existing background noise levels. In accordance with the BS4142:2014 criteria the difference is determined to received a "Low Impact" rating. It is therefore considered that despite the close proximity and the relative height levels, the extraction system proposed would be unlikely to create noise and disturbance to neighbouring occupiers.
- 7.4.5 With regards to odour however, it has not been sufficiently demonstrated that the extraction system proposed would allow for suitable dispersal of odours in the space and height available. The

Environmental Health officer has stated that guidance issued by the Department for Environment, Food and Rural Affairs requires a distance of at least twenty metres between a flue and windows. As the flue is fourteen metres away, it is possible that the dilution of the discharge will be insufficient and that other controls will be needed. In such cases, we would require the applicant to utilise the services of a competent person such as a building services engineer to demonstrate that when in operation, the flue does not cause an odour nuisance. The agent was advised of this by email on 10.05.2016. The additional flue details and specification were received on 27.05.2016 however this has not been supported by a report of a specialist to demonstrate that this is acceptable.

- 7.4.6 In the event that a building services engineer finds the proposed extraction system unsuitable to prevent odour nuisance, from experience of comparable situations, it is considered that there are extraction systems available with suitable technology controls that could be designed by a specialist that would suitably control the odour omissions and dispersal. To ensure a proactive approach, the recommendation is therefore made that this extraction system is secured by condition to this approval (condition 2). This will require that any such system and flue must be designed by a building services engineer, installed and made available for use prior to any A5 operations at the premises to ensure that there is no odour or smoke nuisance to neighbouring occupiers from the takeaway cooking of hot food.
- 7.4.7 It is however noted that should an alternative extraction system and flue be required by this condition, following the assessment of a building services engineer, this system is likely to create a different noise output. For instance, a system with a stronger fan needed to disperse odour may create additional noise. A further acoustic report would therefore be required to assess the noise impact and ensure that the extraction system suitable for odour control does not create a harmful noise impact. Again this is secured by condition (condition 4).
- 7.4.8 It would have been preferable to have a suitably design extraction system at application stage and this information was requested in the application process however, as the application is acceptable in other terms, the use of condition is appropriate in this instance to allow for a proactive outcome. It is also noted that prior to the commencement of the development, the applicant is arranging for the post office within the application site to be moved into the adjacent unit. This is not a

planning consideration however the officer recommendation for the grant of permission with the relevant details secured by condition is the positive and proactive approach to prevent any hindrance in the reopening of the much needed post office within the group of shops. Nonetheless, as set out in the condition (condition 3), it is required and indeed paramount that the A5 use is not commenced until an extraction system with suitable odour control and no harmful noise is designed, approved and installed to ensure neighbours' amenity is not harmed.

7.4.9 In general terms, the development is likely to create a different range of visitors and activity at the application site. Saved policy SE22 of the Watford District Plan 2000 sets out that the use of conditions for the hours of operation is required to ensure that a commercial use does not result in unreasonable disturbance to neighbouring occupiers. The 'Costcutter' supermarket adjacent at No150 states opening times of 8.30am to 8pm Monday to Saturday and 9am to 7pm on Sundays. This and the existing shop unit at No146-148 are not however subject to any planning restriction on opening hours. The existing situation is therefore that the units can lawfully open at any time, including during the night. The previous refused application proposed hours to 11pm for the A5 takeaway use. However, the current application proposes a 9.30pm closing time meaning the activity of the takeaway does not extend into the quiet evening hours and so would not create unreasonable noise and disturbance to neighbouring occupiers.

7.4.10 The planning advisor of Hertfordshire Constabulary has recommended a terminal hour of 9pm for the A5 takeaway in order to preserve the amenities of neighbouring occupiers. However, it is considered that this would be unduly early for the business, the imposition of unfeasible opening times would mean the business could not operate and ultimately result in a vacant unit and it would be unacceptable to impose a condition which put in place unreasonable restrictions on opening hours. The proposed 9.30pm period is well outside of sensitive night time hours and it is not considered that customers within the 9pm to 9.30pm window would create notable or unreasonable noise and disturbance. It is also noted that the proposal includes a new active frontage to the car park, new alarm systems and new CCTV. It is considered that these measures will significantly deter late night congregations and potential for anti-social behavior. It is therefore not considered that the A5 use would be detrimental to community safety in the area.

7.4.11 Therefore, for the reasons discussed and subject to the recommended conditions, it is not considered that the proposed A5 use create undue noise, disturbance, odour nuisance or other impacts that would result in notable harm to the amenities of the neighbouring properties. The proposed use is therefore in accordance with 'saved' policies S11 and SE22 of the Watford District Plan 2000 and policies SS1 and UD1 of the Watford Local Plan, Part 1- Core Strategy 2006-31.

7.5 (d) Impact of the proposed A5 use on public health

The premises are located opposite the site of a children's centre and 25m from the entrance of Leavesden Green JMI primary school and nursery. Hot food takeaways near schools can create an unsuitable mix of uses. NHS document 'Using the planning system to control hot food takeaways - A good practice guide' February 2013 identifies the conflict of these uses whereby A5 uses near schools can lead to children at lunch breaks or after school making poor food choices with health implications. The successful use of the planning system to restrict this conflict of use is identified.

7.5.1 Further to this, some Local Planning Authorities have SPDs which state exclusion zones for A5 uses around school sites for health reasons and planning applications for A5 uses within these zones are seen to be refused and dismissed at appeal. Watford does not have any such specific SPD or policy. The NPPF identifies that the planning system can play an important role in creating healthy, inclusive communities (para 69). There is also a basic principle of land use planning which seeks a suitable mix. The health implications of the A5 use proposed near the school are therefore a consideration.

7.5.2 Should an A5 use be proposed adjacent to a secondary school, unaccompanied children would be able to visit the A5 premises at lunch times and there could be potential concerns for the children's health. The school near the premises is however a primary school. It is therefore not expected that children will be leaving the site unaccompanied during the school day and would not be able to visit the takeaway.

7.5.3 The NHS document does however recognise that, even for primary schools, an A5 use near to a school can encourage parents to make the unhealthy food choice after the school day at school pick up time. This is not however considered to be a consideration that outweighs the suitability of the scheme and this does not warrant refusal of the application. For these reasons and in line with the NHS guidance

document, it is considered that the A5 use proposed near the school would not undermine public health or be an unsuitable mix of uses, and there is no justification for refusal on this basis.

- 7.5.4 The application states that the food proposed is Fish and Chips with 'Healthy options'. This is welcomed however the type of food served is not subject to planning controls and it is not recommended to be restricted by condition.

7.6 (e) Parking and Highway implications

Although no floor space is created, the subdivision of the unit to two new businesses including an A5 use may change the range of visitors. As the premises are within a residential area, it is expected that the predominant customers being local will come on foot/bicycle. It is possible however that there will be increased customer car trips to the site. If so, the site is ideally located adjacent to a WCHT car park. The car park offers free short term parking and as seen on the officers' site visit, is used by visitors to the two existing A1 premises. It is noted that this car park is not for the exclusive use of the application site and it is also available for visitors to the school, children's centre and other local visitors. However, under the short term restrictions imposed by WCHT on these spaces, it is considered the car park would allow for sufficient parking and stopping/turning area for visitors and deliveries to the premises. The proposed takeaway and hairdresser units are therefore unlikely to result in any impact to highway safety and convenience.

- 7.6.1 Highways have stated "There are no highway implications associated with the development". Hertfordshire Highways have recommended two conditions relating to the storage of materials for construction and the maintenance of the highway during construction. As the development does not involve any new buildings or any construction works other than an external shop front and internal works, it is not considered that such conditions are necessary or reasonable.

8.0 Community infrastructure levy and planning obligation

8.1 Community Infrastructure Levy (CIL)

The Council introduced the Community Infrastructure Levy (CIL) with effect from 1 April 2015. The CIL charge covers a wide range of infrastructure as set out in the Council's Regulation 123 list, including highways and transport improvements, education provision, youth facilities, childcare facilities, children's play space, adult care services, open space and sports facilities. CIL is chargeable on the relevant net

additional floorspace created by the development. The charge is non-negotiable and is calculated at the time that planning permission is granted.

8.1.1 The charge is based on the net increase of the gross internal floor area of the proposed development. Exemptions can be sought for charities, social housing and self-build housing. If any of these exemptions is applied for and granted, the CIL liability can be reduced.

8.1.2 The development proposed in this application does not create a net increase of gross internal floor area.

8.2 S.106 planning obligation

The Council introduced the Community Infrastructure Levy (CIL) with effect from 1 April 2015. On and from this date, s.106 planning obligations can only be used to secure affordable housing provision and other site specific requirements, such as the removal of entitlement to parking permits in Controlled Parking Zones and the provision of fire hydrants.

8.2.1 The development proposed in this application does not invoke any s106 planning obligations.

9.0 Conclusion

9.1 Of key importance is that the proposal scheme and the introduction of the A5 use does not unreasonably harm the amenities and quiet enjoyment of the many surrounding residential occupiers. It has been sufficiently demonstrated that the scheme can be undertaken, subject to conditions, without the creation of undue noise, disturbance and odour nuisance to neighbouring occupiers from the air conditioning units, kitchen extraction and flue system and the general activity of the A5 use proposed. Due to the close proximity of the flue to the windows of neighbours, under guidance from Department of Food and Rural Affairs, additional information is however required to demonstrate that an extraction system can treat and disperse odours suitably. It is understood that such a system can be achieved and this detail can be suitably secured by a condition which requires the design, approval and installation of such a system prior to any A5 operations.

9.2 The principle of the subdivision of the A1 newsagents unit to create a smaller A1 unit and an A5 unit have been found to be acceptable. The two premises will retain use of suitable bin storage, staff parking and

delivery areas in the dedicated area at the rear of the building. Both premises would have suitable access and active shop frontages and would retain viability. The local community would not lose a key local shop, a supermarket shop is adjacent to the site and indeed the subdivision of the unit as proposed would be beneficial in improving the range of shops and services offered in the locality.

9.3 Being immediately adjacent to the WCHT car park which offers dedicated, free, short stay public parking spaces, the premises are ideally situated should customers wish to travel by car. The scheme is not creating new commercial floor space however should car visits increase, there is parking available and it is unlikely to result in increased parking on the surrounding roads and unlikely to result in harm or inconvenience to the highway.

9.4 The application proposes either a pharmacy or hairdressers within the A1 unit and a fish and chip takeaway within the A5 unit. It is however noted that the premises may be operated as other uses within those classes and that there are further permitted development changes of use that may occur without the need for further permissions. For instance, the A5 takeaway could offer a different type of hot food takeaway or indeed change to another Class A use. Provided full compliance with the conditions set, it is not considered that any other uses within the A1 or A5 classes of permissible changes would result in increased potential impacts to neighbouring occupiers or raise other material planning considerations and so it is not necessary or reasonable for a condition on the specific uses to be imposed.

10.0 Human rights implications

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

11.0 Recommendation

That planning permission be granted subject to the following conditions:

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

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

2. The development shall be carried out in accordance with the following drawings, unless otherwise approved in writing by the Local Planning Authority. The following drawings and documents are hereby approved:
 - Site Location Plan 1:1250
 - Block Plan 1:500
 - Design and Access Statement (09.03.2016)
 - Sheet 1 Existing (09.03.2016)
 - Sheet 2 Proposed plan and elevations (06.07.2016)
 - Sheet 3 Block Plan, Rear elevation detail and extraction detail (06.07.2016)
 - Sheet 4 Proposed ground floor and roof plan (06.07.2016)
 - 'Commercial Sound Assessment' carried out by I. Baxter of Peak Acoustics, dated and received 01.07.2016.
 - Manufacturers details of 'The O.N.100 Odour Neutraliser' by 'Purified air Ltd' (27.05.2016)
 - Manufacturers details of the Electrostatic Precipitator and product ESP3000 by 'Purified air Ltd' (27.05.2016)
 - Drawing number ESS-001 of extract fan specification for KBR315 DZ Kitchen Extract Fan, Hopkins 12" and 9" Fans, Turboprop Canopy and SLGU100 Circular Straight Silencer by 'Hopkins Catering Equipment Ltd'. (27.05.2016)
 - Drawing number MHQ570 of proposed extraction system layout by 'Hopkins Catering Equipment Ltd'. (27.05.2016)
 - Intruder Alarm Schedule by Croxley Alarm Systems and two plans of alarm layout (09.03.2016)
 - Product details for CCTV system and plan of CCTC layout (09.03.2016)

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Notwithstanding the information already submitted, an assessment and report of a buildings services engineer must be undertaken to demonstrate that the extraction system and flue proposed would not create odour or smoke nuisance to the nearest residential properties.

In the event that this system is found to be unsatisfactory, a suitable system shall be designed by a building services engineer. The details of the extraction system found to be suitable for odour and smoke control shall be submitted to and approved in writing by the Local Planning Authority. No A5 activity shall occur at the premises until the flue and systems approved under this condition have been installed and made available for use. The flue and extraction systems shall be installed, operated and maintained in accordance with the manufacturers' instructions and be retained at all times for use.

Reason: To prevent odour nuisance to safeguard the amenities of the occupiers of surrounding and nearby properties in accordance with Policy S12 of the Watford District Plan 2000 and pursuant to SS1 of the Local Plan Part 1 Core Strategy.

4. Should an extraction system and flue be required by condition 3 that is not as specified in the Noise Impact Assessment 'Commercial Sound Assessment' prepared by I Baxter of Peak Acoustics (01.07.2016), a further assessment and Noise Impact Assessment, carried out in accordance with BS4142:2014, shall be undertaken. The A5 use shall not commence or occur at the premises until the report for this assessment has been submitted and approved in writing by the Local Planning Authority. If the report requires mitigation measures these shall be carried out and maintained in accordance with the report.

Reason: To prevent noise nuisance to safeguard the amenities of the occupiers of surrounding and nearby properties in accordance with Policy S9, S12 and SE22 of the Watford District Plan 2000 and pursuant to SS1 of the Local Plan Part 1 Core Strategy.

5. The A5 premises shall be open only between 11am and 9.30pm on Monday to Saturday. No cooking activities shall be undertaken at the A5 takeaway unit and no customers shall be on the premises before 11am or after 9.30pm Monday to Saturday and not at all on Sundays and Public Bank Holdiays.

Reason: To safeguard the amenities of the occupiers of surrounding and nearby properties in accordance with Policy S12 of the Watford District Plan 2000 and pursuant to SS1 of the Local Plan Part 1 Core Strategy.

6. The use as a take-away hereby approved shall not commence until the CCTV and intruder alarm systems have been installed in accordance

with the approved details and drawings with this application. The equipment shall be retained thereafter as per the approved details for as long as the take-away use remains.

Reason: For deterring anti-social behaviour inside and outside the premises, as well as the safety of staff and to preserve the safety and amenity of the area.

Informatives

1. In dealing with this application, Watford Borough Council has considered the proposal in a positive and proactive manner having regard to the policies of the development plan as well as paragraphs 186 and 187 of the National Planning Policy Framework and other material considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
2. The applicant is reminded that conditions 3 and 4 must be fulfilled in full prior to the commencement of the hot food takeaway use (A5). Once these details are submitted to the Local Planning Authority, a statutory target period for determination of 8 weeks applies. The applicant is advised to speak to the case officer to discuss the requirements of these conditions in full.
3. Internally illuminated signage is shown on the approved drawings however these are not authorised by this decision and these require advertisement consent.
4. The existing steps to the access for the A1 unit are shown to be retained. The applicant is encouraged to seek advice regarding the potential to create a ramped access to the premises to improve accessibility.

Drawing numbers

Site Location Plan 1:1250

Block Plan 1:500

Design and Access Statement (09.03.2016)

Sheet 1 Existing (09.03.2016)

Sheet 2 Proposed plan and elevations (06.07.2016)

Sheet 3 Block Plan, Rear elevation detail and extraction detail (06.07.2016)

Sheet 4 Proposed ground floor and roof plan (06.07.2016)

'Commercial Sound Assessment' carried out by I. Baxter of Peak Acoustics, dated and received 01.07.2016.

Manufacturers details of 'The O.N.100 Odour Neutraliser' by 'Purified air Ltd' (27.05.2016)

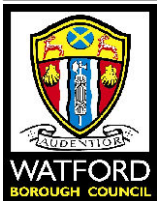
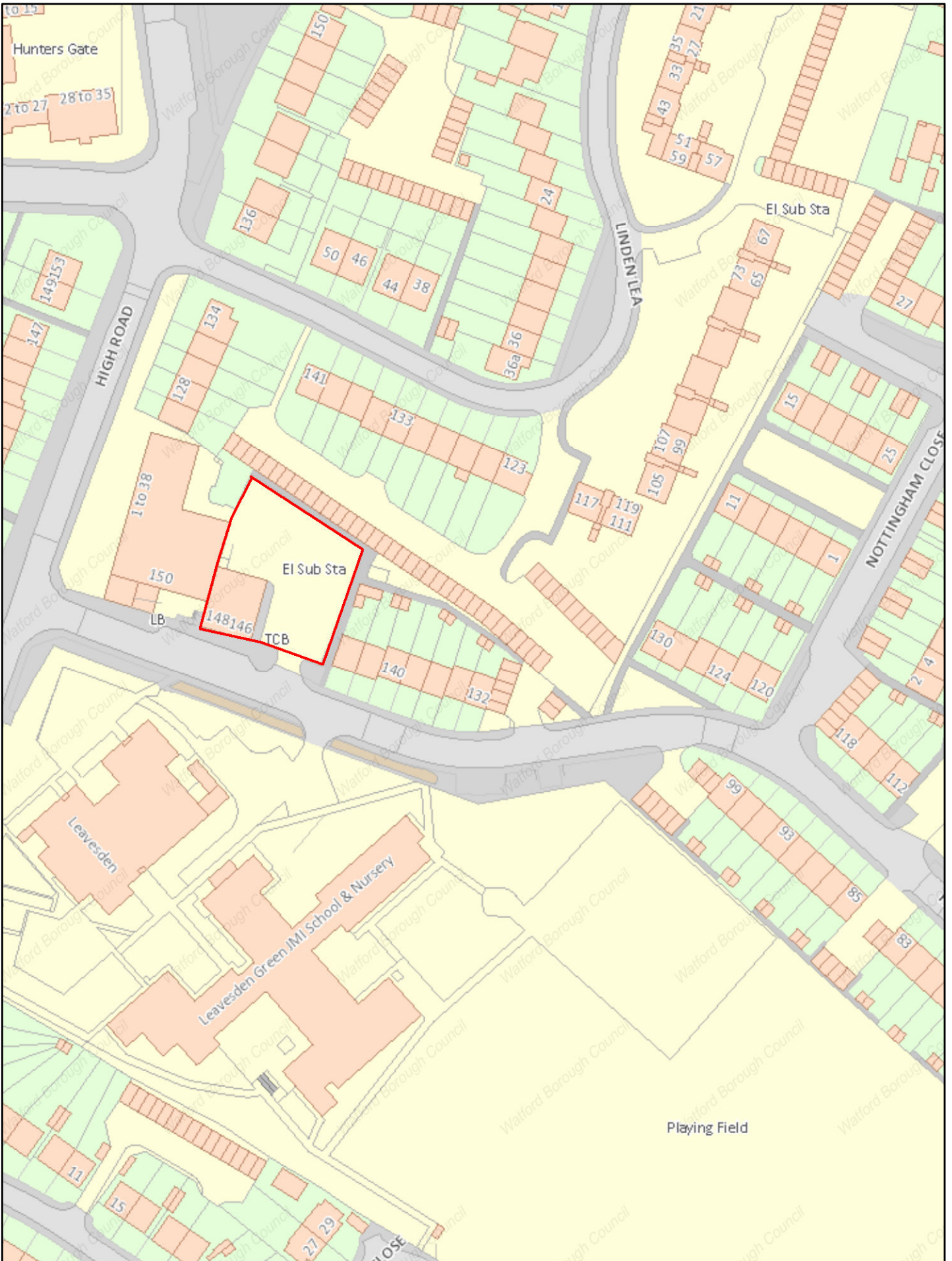
Manufacturers details of the Electrostatic Precipitator and product ESP3000 by 'Purified air Ltd' (27.05.2016)

Drawing number ESS-001 of extract fan specification for KBR315 DZ Kitchen Extract Fan, Hopkins 12" and 9" Fans, Turboprop Canopy and SLGU100 Circular Straight Silencer by 'Hopkins Catering Equipment Ltd'. (27.05.2016)

Drawing number MHQ570 of proposed extraction system layout by 'Hopkins Catering Equipment Ltd'. (27.05.2016)

Intruder Alarm Schedule by Croxley Alarm Systems and two plans of alarm layout (09.03.2016)

Product details for CCTV system and plan of CCTC layout (09.03.2016)



146-148 Haines Way

Date: 19/07/2016



Scale 1:1,250



