

	PART A	Item Number
Report of: Development Management Section Head		
	Date of Committee: 1st September 2016	
Site address:	32 Langley Road Watford, Hertfordshire, WD17 4PN	
Reference no.	16/00768/FUL	
Description of development:	Retention of shop unit on ground floor (incorporating some basement space) in use classes A1 (retail) A2 (financial and professional services) or B1 (office). Rear extensions. Conversion of premises from one flat to three flats, including conversion of loft space. Insertion of roof-light windows. Installation of external staircase.	
Applicant:	Mr K. Skinner	
Date received:	6th June 2016	
8 week date (minor):	3rd August 2016	
Ward:	Nascot	

1. Summary

The site is a vacant two storey building which is located on a street corner in the Nascot Conservation Area. Although the site itself is not listed, it is attached to the end of a terrace of Locally Listed houses.

The front of the ground floor was a small hardware shop until it was recently vacated. The proposal is that the former shop unit would be retained (including the part of the basement that is beneath it) either as a shop (use class A1) or for a financial or professional service (A2), or as an office (B1). Light wells would be inserted in the floor to illuminate a basement meeting room for the office.

The remainder of the building at the rear of the ground floor and on the first floor was the home of the shop's proprietor, but it is now empty. The proposal is to enlarge it by adding

a part single, part double storey rear extension (replacing existing single storey extensions) and by converting the roof. The space would be divided into three flats.

The Development Management Section Head recommends to the members of the Development Management Committee that the application be approved, subject to conditions, as set out in the report.

2. Background

Earlier this year the same applicant submitted an application (15/00570/FUL) that was similar to this one, but his agent later withdrew it after he had been advised by the planning officer that it was unlikely to be approved because of concerns about the proposed alterations to the size and shape of the roof, and also because of some other concerns about the design. After that application was withdrawn the agent sought the Council's advice on how a more acceptable scheme might be designed, and then submitted this second application.

3. Site and Surroundings

The site is a two storey corner building which includes a shop unit. It stands on the junction of Langley Road and Stamford Road, with shop windows onto both streets, and with its door being on the corner. The shop unit forms only a small part of the building, at the front of the ground floor – the remainder of the ground floor and the whole of the first floor being the home of the proprietor. There is also a basement which has been used for storage. Both the shop and the flat have been vacant for the last few months since the proprietor, who had run it as a hardware shop for many years, retired and moved away earlier this year.

There is a rear yard which is accessed via a gate in a side boundary wall onto Stamford Road. The property has a ground floor rear extension, the deepest and tallest section of which stands adjacent to Stamford Road.

This site lies within the Nascot Conservation Area. The site itself is neither locally nor nationally listed, but the Victorian houses that make up the terrace that it is attached to are all Locally Listed buildings. A photograph in the collection of Watford Museum, thought to have been taken in the late 1940s, shows this corner shop looking much the same then as it does now (although the rear extensions are not visible in that photograph).

This shop stands alone. There are other shops nearby in a designated Local Shopping Frontage at the end of Langley Road and around the corner on St Albans Road; but this shop is not a part of that designated frontage and so there is no policy stipulating that it should be protected as a shop.

This area is a Controlled Parking Zone (CPZ) where residents may park cars on the street if they have a permit to do so. The site is a five minute walk from the Town Centre and from Watford Junction station. Cassiobury Park is ten minutes walk away.

4. Proposed Development

Full planning permission is sought for alterations as follows:

- The shop unit is to be retained, but a flexible permission is sought so that it could be used as Class A1 (retail) or A2 (financial and professional services) or B1 (an office).
- Two light-wells would be inserted in the floor to illuminate the basement below the shop unit. That part of the basement would be used as an office for the shop unit. In effect this would mean that someone entering the shop would walk over a bridge to the main area.
- The existing rear extensions would be altered so that they would be a consistent depth of 3.98m, which is the same as the deepest section of the existing extension. The part that abuts Stamford Road would become a double storey extension with a hipped roof, while the remainder would be a ground floor only extension with a flat roof. That flat roof would form a balcony at first floor. An external staircase would lead to that balcony from a rear yard.
- The loft space of the existing building would be converted, and some rooflight windows would be inserted. Three of those being “cabrio” style rooflights – see the Impact on Neighbours section below for details. The existing size and shape of the roof would be retained.
- The existing proprietor’s flat would be converted into two flats – one on the first floor and the other mainly on the ground floor but with a store room and laundry room in the basement. A third flat would occupy the converted attic space.

The application is accompanied by a Design And Access Statement and by a Green Travel Plan.

5. Amended Drawings

This application was submitted on 06.06.2016, but amended drawings were received on 29.06.2016 to supersede those that had originally been submitted. The agent had acted on advice from the planning officer and revised the layout of Flat 3 to make it a one bedroom flat rather than a two bedroom flat because we had pointed out that it would not have been a large enough flat to serve as a two bedroom dwelling. On 17.08.2016 another revision of the floor plan was received in which the bedroom of Flat 3 had been enlarged slightly to comply with the national standards.

6. Extension of the Determination Deadline

Because more than four objections have been received it has been necessary to refer this case to the Development Management Committee, rather than determining it under delegated powers. The original eight week determination deadline was 01.08.2016, but this has been extended to 02.09.2016, with the agent's agreement, so that it can be considered at the next available committee meeting, which will be on 01.09.2016.

7. Ownership Details - Amended Application Form

The applicant in this case is Mr K. Skinner, and on the application form that was originally submitted Certificate A was signed – indicating that he is the sole owner of the site. In the course of dealing with this application we have had occasion to look at the title deeds (HD134583), and we noticed that a mistake seems to have been made in completing the application form because Mr Skinner is not mentioned as an owner on the deeds. The three owners are shown as being two other individuals and a company. It may be that Mr Skinner is a director of that company, but he has applied for planning permission in his own name as a private individual. We have pointed this out to the applicant's agent, and the mistake has now been corrected by his submitting an amended page of the application form (on 02.08.2016) with Certificate B completed with the names of the three owners, and that was accompanied by a copy of a letter that he has sent to notify those owners of the planning application.

8. Planning History

We have the following records for the site:

16/00570/FUL – Withdrawn on 02.06.2016 - Change of use from retail (A1) to residential (C3). Convert and extend the existing building to form 4no. self-contained apartments (1no. one bed, 2no. two bed, 1no. three bed).

84/00459/FUL – Conditional planning permission was granted on 03.10.1984 - Single storey extension for disabled person.

68/04443/COU – Conditional planning permission was granted on 04.11.1968 - Change of use of front room from residential to shopping

The following records from 1973 relate to the land to the rear of 32 Langley Road:

73/08459/S53 - GPDCNR - 01.01.1900 - Section 53 Application - Use of the premises for:- First floor - Offices 10% Storage 90% Ground floor - Garaging 100% (less WC to be installed)

73/08458/S53 GPDCRQ - 01.01.1900 - Section 53 Application - Use of the premises for:- First floor - Offices 100% Ground floor - Garages 100%

73/08457/S53 - GPDCRQ 01.01.1900 - Section 53 Application - Use of the premises for:- First floor - Offices 100% Ground floor - storage 100%

73/08456/S53 - GPDCNR 01.01.1900 - Section 53 Application - Use of the premises for:- First floor storage 75% office in connection 25% ground floor storage 100%

73/08455/S53 - GPDCNR 01.01.1900 - Section 53 Application - Use of the premises for:- First floor storage 75% office in connection 25% ground floor garaging 100%

73/08454/S53 - GPDCNR - 01.01.1900 - Section 53 Application - Use of the premises for storage first floor 100% garaging ground floor 100%

73/08418/S53 – withdrawn on 01.01.1900 - Section 53 Application. Use of the premises for storage, offices and garaging

9. Relevant Policies

National Planning Policy Framework

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and seeks to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. The NPPF was published on 27th March 2012 and is a material consideration in planning decisions. It does not change the statutory status of the development plan as the starting point for decision

making. Planning Policy Guidance Notes and Statements have been cancelled and replaced by the NPPF. Particularly relevant sections are:

- Requiring Good Design
- Decision Taking
- Conserving and Enhancing the Historic Environment

The 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 Part 1: Core Strategy 2006-31 (adopted Jan 2013)*
- (b) the continuing “saved” policies of the *Watford District Plan 2000*
- (c) the *Hertfordshire Waste Core Strategy And Development Management Policies Document 2011-2026*
- (d) the *Hertfordshire Minerals Local Plan Review 2002-2016*

Watford Local Plan, Part 1: Core Strategy 2006-2031

This document was adopted on 30th January 2013. The following sections are particularly relevant to this case:

- SD1 Sustainable Design
- SS1 Spatial Strategy
- UD1 Delivering High Quality Design
- UD2 Built Heritage Conservation

The Watford District Plan 2000 (saved policies)

Many of the policies in this plan were replaced on 30th January 2013 when the Watford Local Plan, Part 1 was adopted, but some of them were saved. The following saved policies are relevant:

- T24 Residential Development
- T26 Car Free Residential Development

Hertfordshire Waste Core Strategy And Development Management Policies Document 2011-2026

There are no policies that are relevant to this case.

Hertfordshire Minerals Local Plan (saved policies)

There are no policies that are relevant to this case.

Supplementary Planning Guidance

The following Supplementary Planning Documents are relevant to this application:

- Residential Design Guide (SPD adopted July 2014)

10. Consultations

10.1 Neighbour consultations

The following properties were notified by letter:

28 Malden Road, Watford, WD17 4EW,
Flat 4, 25 Langley Road, Watford, WD17 4PR
Flat 3, 25 Langley Road, Watford, WD17 4PR
Flat 2, 25 Langley Road, Watford, WD17 4PR
Flat 1, 25 Langley Road, Watford, WD17 4PR
36 Langley Road, Watford, WD17 4PN,
34 Langley Road, Watford, WD17 4PN,
32 Langley Road, Watford, WD17 4PN,
1A Stamford Road, Watford, WD17 4QS,
Flat 10, Archway House, 4 Orphanage Road, Watford
Flat 9, Archway House, 4 Orphanage Road, Watford
Flat 8, Archway House, 4 Orphanage Road, Watford
Flat 7, Archway House, 4 Orphanage Road, Watford
Flat 6, Archway House, 4 Orphanage Road, Watford
Flat 5, Archway House, 4 Orphanage Road, Watford
Flat 4, Archway House, 4 Orphanage Road, Watford
Flat 3, Archway House, 4 Orphanage Road, Watford
Flat 2, Archway House, 4 Orphanage Road, Watford
Flat 1, Archway House, 4 Orphanage Road, Watford
16A Woodford Road, Watford, WD17 1PA,
13 Woodford Road, Watford, WD17 1PB,
14 Woodford Road, Watford, WD17 1PA,
12A Woodford Road, Watford, WD17 1PA,
10 Woodford Road, Watford, WD17 1PA,
10A Woodford Road, Watford, WD17 1PA,
12 - 14 Woodford Road, Watford, WD17 1PA,
11 Woodford Road, Watford, WD17 1PB,
Flat, 32 Langley Road, Watford, WD17 4PN
1B Stamford Road, Watford, WD17 4QS,
3 Stamford Road, Watford, Herts, WD17 4QS
40 Langley Road, Watford, Herts, WD17 4PN
1 Stamford Road, Watford, Herts,

38 Langley Road, Watford, WD17 4PN

A site notice was put up on 8th June 2016. A press notice was published in the Watford Observer local newspaper on 17th June 2016.

Six responses were received, one of which was from local Ward Councillor Mark Hofman. One was from a neighbour at 38 Langley Road, which is a house in the middle of the terrace which this site stands at the end of. Another was from a resident of Denmark Street, and the other three were from people who withheld their addresses. The section of this report below entitled Consideration of Representations Received includes a table summarising the points that were raised.

10.2 Statutory consultations

None were necessary.

10.3 Internal consultations

The manager of the Parking Service has written to say that the developer should be required to enter into a Section 106 planning obligation to fund an amendment to the local Traffic Order so as to ensure that the new flats will not be entitled to claim any residents' parking permits for the Controlled Parking Zone.

The Conservation Team were consulted because the site lies within the Nascot Conservation Area and because it is adjacent to a terrace of locally listed houses. They have raised no objection to the application.

Appraisal

11. Design

Externally there will be few changes made to the original building. Its corner entrance and its shop windows onto Langley Road and Stamford Road are to be retained. The frames of those, and of the other windows, are likely to be replaced, but a condition can be applied to require that details and samples must be submitted for the Council's approval so that we can ensure that they are appropriate to the character of this prominent building.

The roof of the main building will retain its size and shape, and this is a major

improvement over the previous application (which was withdrawn) in which it would have been extended and changed its shape. The proposal is to clad the roof in synthetic slates. This should be carefully considered as synthetic slates vary in quality. Genuine natural slates are likely to be preferable on a prominent corner site in a conservation area. However this issue can be addressed by a condition requiring the submission of the slates for our approval. Several rooflight windows will be inserted into the roof, but those on the front and the side will be small and unobtrusive, and those in the rear, while larger and more numerous, will not cause significant harm to the appearance of the site as they will be more or less flush with the original roof slope.

The main building is rendered and painted white, while the existing rear extensions are in two slightly different shades of red brick. Our advice to the architect has been followed - which was to render the new extensions to match the main building, rather than risking the introduction of yet another shade of brick.

The building already has two ground floor rear extensions, and the deeper of those is also the taller, and that is the more prominent because it abuts the side boundary with Stamford Road. It is not an attractive feature and nor is it an original part of the building. The proposal is to raise its height to create a double storey element, but that will have a hipped roof that will be set low down relative to the main roof of the building to keep it subordinate. Its hipped shape will be appropriate to the character of the original building.

The part of the rear extension that is closer to 34 Langley Road will be single storey only. There is already an extension here, and the proposal amounts to increasing its depth to bring it level with the deeper part of the extension (which will remain at its current depth).

Each of the three flats will have its own separate entrance, while the shop unit will retain its existing door on the corner. Flat 3 in the attic will have the use of an existing side door onto Stamford Road, which will give access to a private hallway in which bins and bicycles could be stored, from where a staircase will rise to the attic. Flat 1 is largely on the ground floor (with a laundry room and a store in the basement) and that will be accessed from Stamford Road via its own gate and private yard. Flat 2 on the first floor will be accessed via another gate and its own small yard from where a new external staircase will rise to its own balcony. This is a well-considered arrangement which will allow for a certain amount of privacy and separation between the three households (albeit one must accept that the privacy of the rear yards will not be absolute – for instance the residents of the first floor flat would be able to look down into the rear yard of the ground floor flat while using the external staircase) as well as ensuring that they can all store bicycles securely and keep their bins inside so that they do not clutter the street.

The proposal to retain the existing shop either as a retail unit (A1) or else as an office in use classes A2 or B1 is to be welcomed. The idea of opening up light wells in the floor to allow for the basement to be used as a meeting room is an original and architecturally interesting idea that will make this unit a more flexible and commercially viable space.

This application has been reviewed by the Urban Design and Conservation Manager, who has not objected to it.

12. Room Sizes: national technical standards

The government's document *Technical Housing Standards – Nationally Described Space Standard* (March 2015) sets out the minimum internal space standards that the government considers acceptable. Previously Watford Borough Council had our own local minimum space standards, which were set out in section 7.3.5 of the Residential Design Guide supplementary planning document, but those no longer apply as they have been superseded by the new national standards (all other parts of the RDG remain valid).

FLAT 1

This would be a two bedroom flat, and so we assume that it would house three people, eg a couple and a child. On the plans that were originally proposed a room that looked worryingly like a third bedroom with an en suite bathroom was proposed in the basement (without any windows) but the proposal has been changed so that it would now be a store room and laundry room.

Room	Required	Proposed	Complies?
Gross internal area	61m ² For a 2 bedroom home to accommodate 3 people	62m ² on ground floor plus 17m ² in basement = 79m ²	Yes
Double bedroom on ground floor	11.5m ²	11.9m ² for Bedroom 2	Yes
Single bedroom on ground floor	7.5m ²	11.2m ² for Bedroom 1	Yes

FLAT 2

This would be a two bedroom flat, and so we assume that it would house three people, eg a couple and a child.

Room	Required	Proposed	Complies?
Gross internal area	61m ² For a 2 bedroom home to house 3 people	85m ²	Yes

Double bedroom	11.5m ²	11.5m ² for Bedroom 1	Yes
Single bedroom	7.5m ²	11.2m ²	Yes

FLAT 3

This was originally proposed as a two bedroom flat, but because we pointed out to the architect that the flat would not comply with the minimum standard for a two bedroom unit, he amended the plans on 29.06.2016 to propose that Flat 3 be a one bedroom flat. A further amendment was received on 17.08.2016 to enlarge the bedroom slightly. We should assume that this flat would house a couple.

Room	Required	Proposed	Complies?
Gross internal area	50m ² - 1 storey dwelling 58m ² - 2 storey dwelling For a 1 bedroom home to accommodate a couple.	56m ²	Neither standard is directly applicable. The 2 storey standard accommodating a staircase on each floor and the storey standard accommodating no staircase. As the staircase would only take up 2.55m ² the flat would have over 50m ² of usable floorspace and is considered acceptable.
Double bedroom	11.5m ²	11.86m ²	Yes

13. Impact on neighbouring properties

This is a corner site, so it has an immediate neighbour to its left (a terraced Victorian house at 34 Langley Road) and one to its rear (a modern in-fill house at 1b Stamford Road) but none to the right.

The proposal includes a first floor balcony at the rear, and also some cabrio-style rooflight windows in the rear roof-slope, which open out to form the equivalent of a Juliet balcony, where a resident can stand and look out, but which does not have any external platform to step out onto. We must consider whether these would overlook the neighbours to the rear and to the side to an unreasonable degree.

When the planning officer visited to inspect the site on 02.06.2016 he stood in the bathroom at first floor and looked out of its rear-facing window. The direct view was of a sheer, windowless brick wall which is the flank of 1b Stamford Road. That house has a small rear garden which is largely occupied by a conservatory – looking at an angle, one

can see the roof of that, but little of the garden is visible because of the angle and because that roof largely obstructs the view.

The proposed first floor balcony would have a side wall to protect the privacy of the neighbours to the side at 34 Langley Road. A condition can be applied to ensure that this is installed and retained.

Cabrio-style rooflights open in two sections – the bottom pane folds out and down and the top pane folds out and up. One can then stand inside the room and enjoy an open view – in this way they are similar to a Juliet balcony, but set into a roof slope. There is no external platform to step out onto, so the view is rearwards rather than sideways.

The proposal to alter the existing rear extensions to make it partly single and partly double storey will not affect the neighbour at 34 in terms of any loss of light or outlook because the double storey element will be on the side of the plot that is adjacent to Stamford Road, rather than on their side. That neighbour has an extension of their own adjacent to the side boundary, which is approximately the same depth as the proposed extension, so it is unlikely to be affected.

14. Traffic and parking

The site is located just five minutes' walk from the Town Centre and Watford Junction station, so it is well suited for car-free living. Saved policies T24 and T26 of the Watford District Plan 2000 are listed as having been saved in an appendix to the newer Watford Local Plan Part 1 Core Strategy. They state that it is not necessary to provide off-street parking in cases where the site is in a suitable location with good access to passenger transport and close to amenities and public services "subject to the provision of satisfactory... on-street parking controls." This site is located in a Controlled Parking Zone (CPZ).

Normally a dwelling in a CPZ is entitled to claim two residents' parking permits. We have sought to prevent the three new flats from being able to claim any permits because potentially that could cause up to six new vehicles to be parked on Stamford Road or on other streets nearby, which would cause an unacceptable increase in parking congestion, and that would reduce the number of spaces available to existing residents.

This has been achieved by the applicant submitting a unilateral undertaking which has been signed by the owners of the site (the applicant and the owners being different legal entities – see above *Ownership Details*). This document is a Section 106 planning obligation in which the owners undertake to fund an amendment to the local Traffic Order

so as to exclude the new flats from any entitlement to claim parking permits for the CPZ. It will apply to the current and future owners. That document was submitted on 5th August 2016.

Flats 1 and 2 will both have secure rear yards in which the residents can keep bicycles if they wish. Flat 3 in the loft will have its own entrance hallway on the ground floor (accessed via a side door on Stamford Road) and it would be possible for them to keep one or two bicycles there.

15. Consideration of representations received

Six responses were received, one of which was from local Ward Councillor Mark Hofman. One was from a neighbour at 38 Langley Road, which is a house in the middle of the terrace which this site stands at the end of. Another was from a resident of Denmark Street, and the other three were from people who withheld their addresses. The following table contains a summary of the points that were raised.

Points Raised	Officer’s Response
The site is in the Nascot Conservation Area and therefore it should be conserved, not turned into more flats, which would be inappropriate to the area.	The proposal is to convert one existing flat into two flats, and to add a third flat in the attic space. As it is already a flat, it is difficult to see why new flats would be inappropriate. This is a residential area.
An objector writes that he wants us to consider HMOs.	It is not clear what is meant by this. Perhaps the objector fears that the proposal is to create an HMO (house in multiple occupation) but it is not – the proposal is for one shop or office unit (A1/A2/B1) and three self-contained flats.
The development will lead to parking congestion on local streets.	The new flats will not be entitled to claim any parking permits. See the section of this report above Traffic and Parking.
A local resident writes that she would like the premises to be used as “an old fashioned tea shop” to preserve the village atmosphere. Another resident writes that it should be retained as either a shop or a	The proposal is that the unit will be in either class A1 (retail or a tea shop) or A2 (e.g. an estate agent, solicitor etc) or B1 (an office). The Planning system cannot oblige the owners to open an old fashioned tea

<p>restaurant to serve the community.</p>	<p>shop, but they would be permitted to open one if they wanted to.</p> <p>A restaurant would be more problematic because of the fumes and odours that its extraction system would have to discharge close to residential premises. That would not be permitted by this planning permission because a restaurant would fall within a different use class (A3). A condition should be applied to ensure that the premises cannot be changed to another use class without specific planning permission so that such issues can be carefully considered.</p>
<p>The hardware store was a useful service to local residents. The unit should continue to be a commercial property.</p>	<p>It will continue as a commercial property in use classes A1, A2 or B1. This is a stand-alone shop which is not part of the designated local shopping frontage, which is further down Langley Road, so it is not considered necessary to insist that it stay as a shop (A1).</p>
<p>The development will be unattractive, unsympathetic to the original building, and it will harm the street-scene and the character of the Nascot Conservation Area. It will have a negative impact on the view down Stamford Road. The Nascot Conservation Area Character Appraisal Document says that demolition will usually be unacceptable.</p>	<p>There will be some alterations to the existing rear extensions, but those are not original parts of the building. There will be no demolition of the original building. The part of the existing rear extension that abuts Stamford Road is already quite tall, and the proposal to make that a double storey extension is considered to be well designed and generally sympathetic to the character of the original building. As regards the main part of the building its shape and general appearance will be retained. In this sense the proposal is an improvement over the previous application (which was withdrawn) which proposed changing the shape of the roof and enlarging it.</p>

	The Conservation Manager has raised no objection to this application, which is not considered harmful to the character of the Nascot Conservation Area.
The privacy of neighbours could be threatened by the first floor balcony and the cabrio rooflights.	Please refer to the section above entitled Impact on Neighbouring Premises.
Waste bins could cause a problem.	Waste bins will be stored within the site, and their locations are marked on the floor plans. The ground floor and first floor flats will each have their own rear yards in which to keep them. The attic flat will have its own entrance hallway at ground floor in which bins can be kept.
Daylight and sunlight will be obstructed to several properties.	The part of the rear extension that will be closest to 34 Langley Road will be single storey only, and it will replace an existing extension there (albeit slightly deeper). The neighbour at 34 has a ground floor rear extension of their own. The double storey element will be away from the neighbours. The flank wall of 1b Stamford Road is windowless. It is not considered likely that the development would cause any significant obstruction of light to the neighbours.
A local resident writes that he is opposed to the proposal to divide the site into 4 flats.	The application is only for three flats (not four) plus a shop or office.

16. 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.

The proposed residential development in this case will be subject to this Levy. The charge is based on the net increase of the gross internal floor area of the proposed development. A notice will be sent to the applicant advising them of the chargeable amount.

Note that CIL is a separate matter to the Section 106 planning obligation that is referred to in the Traffic and Parking section of this report above.

17. Conclusion

The shop unit is to be retained (either as an A1 retail unit or else as an office in classes A2 or B1) and the proposal to create light wells into a new meeting room in the basement will make it a more flexible and commercially viable unit. There will be few significant changes to the overall appearance of the main building apart from the insertion of some rooflight windows, which will not cause any significant harm to the appearance of the site. The new rear extensions will replace some unattractive existing extensions and they are considered acceptable in design terms. The proposed flats are large enough to provide adequate accommodation. The neighbours to the side will not be overlooked. While there will be windows and a balcony looking rearwards, those will be in line with the windowless flank wall of 1b Stamford Road, and they will not have a direct view into that neighbour's rear garden because their line of sight will be blocked by a conservatory roof.

The proposal is considered acceptable and it is recommended that this application be approved, subject to conditions.

18. 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.

Recommendation: That, pursuant to a planning obligation under s.106 of the Town and Country Planning Act 1990 as per the unilateral undertaking that has been submitted in support of the application, conditional planning permission be granted subject to the following conditions:

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. Please note that some of these are amended drawings which have superseded versions that were originally submitted with the application:

Drawing LRW.PLAN1 - revised version dated 17/08/2016

Drawing LRW.PLAN2 - revised version dated 29/06/2016

Drawing LRW.PLAN3 - revised version dated 29/06/2016

Drawing LRW.SP500 - block plan

Drawing LRW.LP1250 - site location plan

Design and access statement

Green travel plan

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

3 The first floor rear balcony shall be built with the side wall, as shown on drawing LRW.PLAN2, and that side wall shall be retained thereafter.

Reason: The side wall is necessary to act as a screen to protect the privacy of adjacent neighbours to the side whose private rear gardens might otherwise have been overlooked by residents standing on the balcony. This condition is necessary to prevent overlooking and consequent loss of privacy to neighbouring premises pursuant to Policy UD1 (Delivering High Quality Design) of the Watford Local Plan (Core Strategy) 2006-2031, and in accordance with the principles of good design that are set out in the Residential Design Guide supplementary planning document (volume 2 Extending Your Home, section 3.3.1c) as referenced in paragraph 12.1.5 supporting Policy UD1.

4 No work shall commence above the level of the damp-course until full details of the materials listed as follows have been submitted to and approved in writing by the Local Planning Authority. Physical samples labelled with the manufacturer and model shall be submitted of the roof slates, the window frames and rainwater goods. In the case of the rooflight windows it will be acceptable to submit written details from a manufacturer's brochure or website rather than physical samples. The development shall be carried out in accordance with the approved details. The rendered walls shall be coloured white, cream, off-white, or such other colour as has been agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual appearance of the site, pursuant to Policies UD1 and UD2 of the Watford Local Plan (Part 1: Core Strategy) 2006-2031. This pre-commencement condition is necessary because if the development were to be built in inappropriate materials it could result in harm to the character of the Nascot Conservation Area. In this case particular care should be taken over the choice of materials because this is a prominent corner site, in a Conservation Area, and adjacent to Locally Listed Buildings, and because its walls consist of a mixture of two types of brick and of painted render.

5 The front ground floor and basement unit which is labelled on the plans as 'office' may be used only for a purpose falling within the following Use Classes of the Town and Country Planning (General Permitted Development) Order 2015 (or subsequent amendments thereof): classes A1 (shops), A2 (financial and professional services) or B1 (offices), and not for any other use.

Reason: To ensure that the premises may not be put to other types of use which might cause a nuisance to residents of the flats in this building or to neighbouring premises, for instance by generating unreasonable levels of noise, or cooking fumes and odours, or by causing vehicles to park outside obstructing traffic.

Informatives

1 For details of how the Local Planning Authority has reached its decision on this application please refer to the planning officer's report, which can be obtained from the Council's website www.watford.gov.uk, where it is appended to the agenda of the Development Management Committee meeting of 31 August 2016; and also to the minutes of that meeting.

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 2015.

3 The development that is hereby approved is liable for contributions under the Community Infrastructure Levy (CIL). Please contact the Planning Support team at Watford Borough Council (tel 01923 278327) if you have any queries about the procedure to be followed as regards making those contributions prior to the commencement of the development.

4 This planning permission is accompanied by a planning obligation in the form of a unilateral undertaking, which is binding upon the owners and their successors in title. It obliges the owners to make certain contributions to the varying of the local traffic order when work commences on implementing this permission. It includes an obligation to inform the Local Planning Authority when work commences by contacting the Section 106 Co-Ordinator in the Planning department. The effect of the planning obligation will be to exclude the flats from entitlement to permits for the local Controlled Parking Zone.

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

6 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

7 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

8 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.

Case Officer: Mr Max Sanders
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