

PART A	
Report of: Head of Development Management	
Date of committee:	1st September 2016
Site address:	29 Burton Avenue Watford
Reference Number:	16/00787/FUL
Description of Development:	Conversion of warehouse into 2no. studio flats and 3no. 1-bed flats
Applicant:	Mr & Mrs Khan
Date Received:	22nd June 2016
8 week date (minor):	17th August 2016
Ward:	Vicarage

1.0 Site and Surroundings

- 1.1 The application site consists of an industrial building in the middle of a block of two storey residential properties. The area is of high density and mainly consists of Victorian terraced and semi-detached houses that are sited close to the road with relatively small rear gardens.
- 1.2 The site is triangular in shape and is narrow at the front and wide at the rear. The building is quite wide and borders the rear gardens of nearby two storey residential houses. The building is part two storey, part single storey in height. The two storey part has a pitched roof with gables to the sides and the single storey part is flat roofed and includes a roof lantern. The building is finished in white render.
- 1.3 The building has a number of first floor windows in the front and rear elevations that allow views into neighbouring properties.
- 1.4 The site is served by a vehicular crossover from Burton Avenue and there are a small number of parking spaces on the hardstanding to the front.
- 1.5 The site is located in a Controlled Parking Zone, which operates between 8am – 6.30pm Monday to Saturday and on Match Days. The application site is in a sustainable location as it is within walking distance of the town centre and is close to the shops and services in Whippendell Road.
- 1.6 The building is not listed or located in a designated conservation area.



Fig. 1. Aerial view of site.

2.0 Proposed Development

- 2.1 The application proposes conversion of the existing warehouse into 5no.flats, consisting of 2no. studio flats and 3no. 1-bed flats.
- 2.2 The following external alterations are proposed to the building:
 - Reduction in depth of single storey front projection.
 - Provision of a pitched roof to the existing flat-roofed single storey side/front projection.
 - Construction of a two storey bay window on the front elevation and installation of replacement windows.
 - Blocking-up of ground floor and first floor windows in the rear elevations and installation of new rooflights.
- 2.3 The existing hard-surfacing to the front of the building would be re-landscaped to provide garden areas for the proposed flats. Refuse, recycling and cycle storage would be provided to the front of the building. No on-site parking spaces are proposed.



Fig. 2. Proposed site plan.

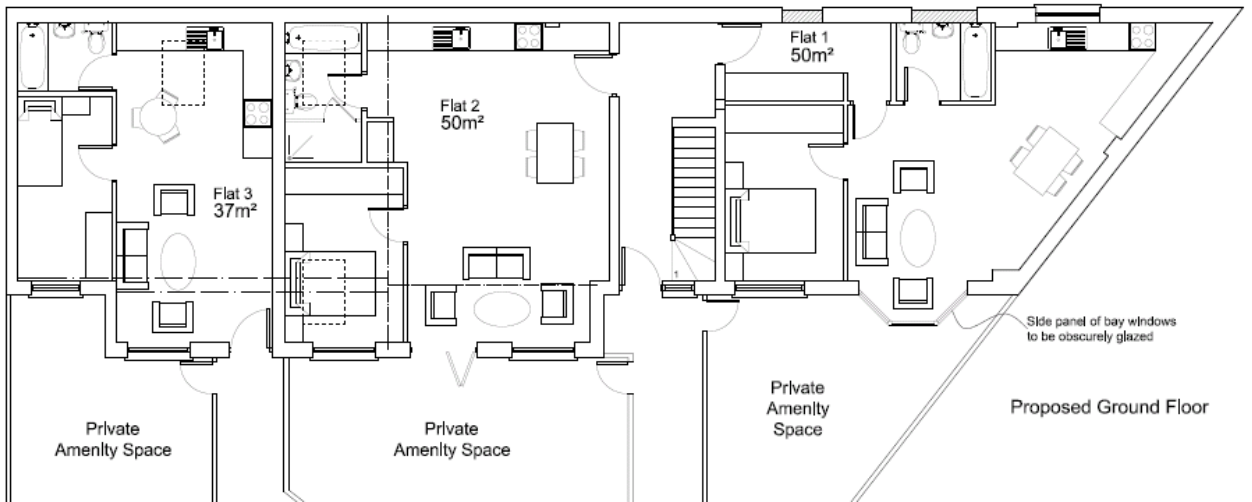


Fig. 3. Proposed ground floor plan.

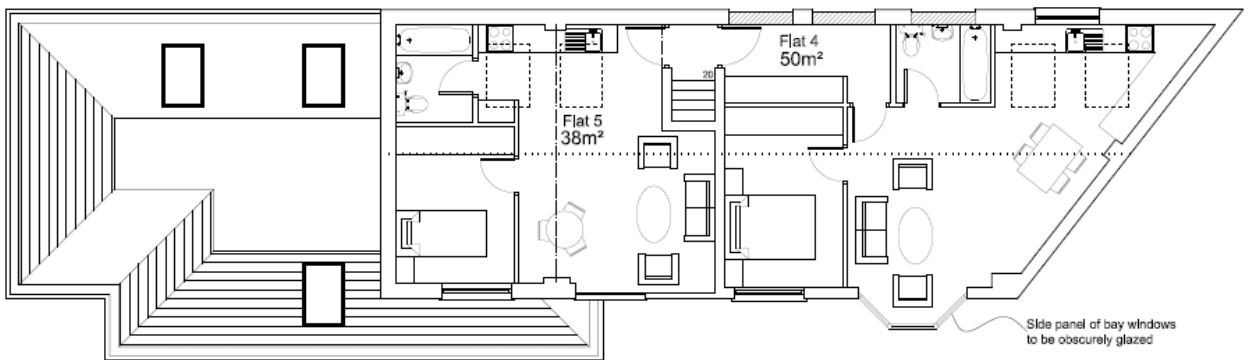


Fig. 4. Proposed first floor plan.



Fig. 5. Existing front elevation.



Fig. 6. Proposed front elevation.

2.4 The application follows a previous refusal of planning permission for change of use of part of the warehouse into 2no. studio flats and 2no. 1-bed flats and retention of part of the existing warehouse (application reference: 15/01385/FUL). The application was refused under delegated powers. The reasons for refusal and drawings are shown in the 'relevant planning history' section of the report. In comparison to the previous application, the following amendments are proposed:

- Change of use of the entire building to residential. Part of the warehouse will no longer be retained.
- Improvements to the appearance of the front elevation, including new sash-type windows with brick detailing to provide a more coherent appearance,

and a new pitched roof to the existing single storey side/front projection.

- Obscure glass to the side window panes of the front bay window to restrict views towards properties in Durban Road West.
- Removal of the two storey bay window on the side elevation.
- Removal of rear windows and provision of additional rear rooflights.
- Replacement of hardsurfacing to the front of the building with soft-landscaping to provide garden space.

3.0 Relevant Planning History

3.1 15/01385/FUL - Change of use of part of the warehouse into 2no. studios and 2no. one-bed flats. Retention of part of the existing storage space (Use Class B8). Refused Planning Permission. November 2015.

Reasons:

- 1) The proposed development would not provide high quality housing and would fail to provide a good standard of amenity for future occupants of the proposed flats. The proposal is therefore contrary to Paragraph 17 of the National Planning Policy Framework, which states, among other things, that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 2) The proposed development would intensify the use of the building and would cause increased overlooking into nearby residential properties in Burton Avenue and Durban Road West. The proposal would therefore adversely effect the privacy of occupants of neighbouring properties, contrary to Paragraph 17 of the National Planning Policy Framework, which states, among other things, that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 3) There is potential for danger to pedestrians entering/leaving the proposed flats because of commercial vehicles entering/leaving the site and manoeuvring on the yard area. It is possible that trade vans would access the Use Class B8 storage unit, which could cause danger to pedestrians adjacent to the vehicular crossover and within the yard area. The proposed Class B8 Use and Class C3 Use is not an appropriate mix of uses in terms of pedestrian safety on this constrained site. The proposed development is therefore contrary to "Saved" Policy T21 of the Watford District Plan 2000.
- 4) The proposed development does not include any on-site parking spaces and

the site is located in a Controlled Parking Zone. A Unilateral Undertaking has not been completed to remove permit entitlement for future occupiers of the proposed flats, therefore the proposed development would cause additional demand for on-street parking spaces in an area that already experiences parking problems. The proposal is therefore contrary to 'saved' Policy T24 of the Watford District Plan 2000.



Fig. 7. Refused proposed site plan for planning application 15/01385/FUL.

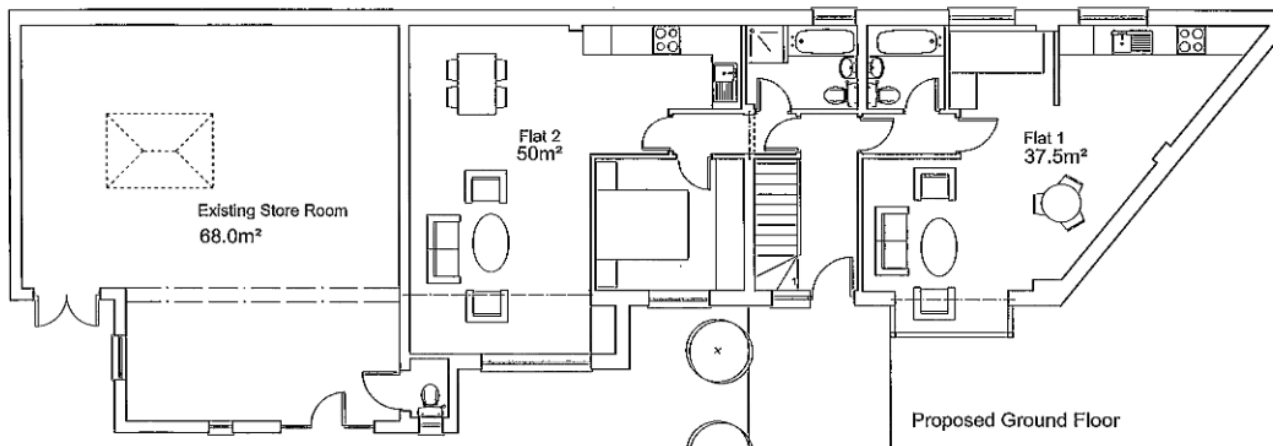


Fig. 8. Refused proposed ground floor plan for planning application 15/01385/FUL.

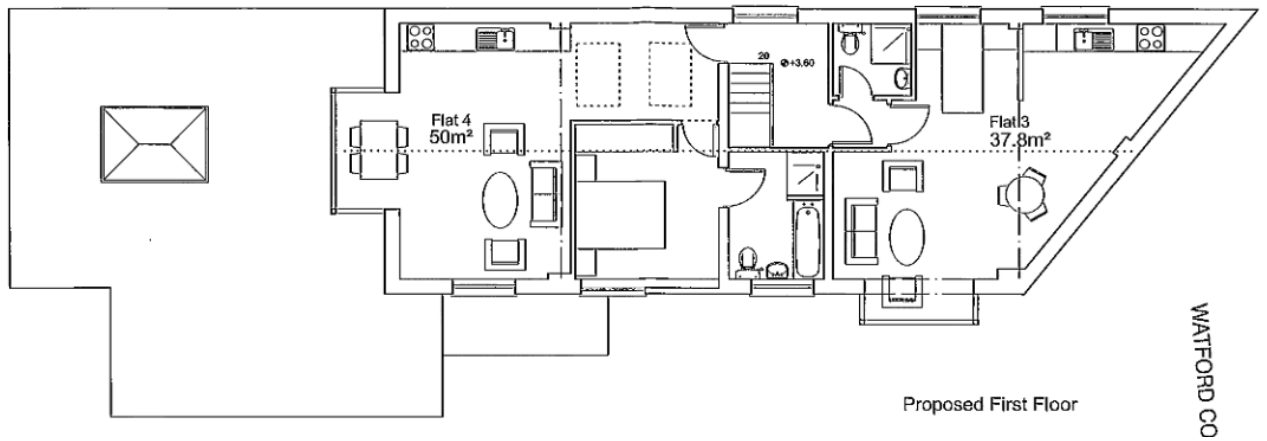


Fig. 9. Refused proposed first floor plan for planning application 15/01385/FUL.



Fig. 10. Refused proposed front elevation for planning application 15/01365/FUL.

14/01487/COU - Proposed change of use of existing building from light Industrial (Use Class B1) to Education and Training Centre (Use Class D1). Refused Planning Permission. January 2015.

Reasons:

- 1) The proposed education and training centre would have a small car park to the front of the building, which would be accessed from Burton Avenue, however, there would be no drop-off facility. Bearing in mind the nature of the use and that the car park is quite small and constrained, it is likely that adults will park in Burton Avenue for a short duration to drop off/collect students, which, given the size and capacity of the building, would cause parking problems and obstruction in the highway. The building would be used during evenings and weekends, which would cause particular nuisance to neighbouring properties in Burton Avenue. The proposed development is therefore contrary to “saved” Policy H15 of the Watford District Plan 2000.
- 2) The building is located in a high density residential area which consists of

two storey Victorian houses. The proposed education and training centre would result in increased parking and traffic around the site and more comings and goings, which would lead to increased noise and disturbance in the residential area. Because the site is in a predominantly residential area, the increased noise and disturbance would be particularly noticeable during evenings and weekends. As such, by virtue of the proximity of the building to neighbouring residential properties and the proposed hours of use, the proposed education and training centre would give rise to noise and disturbance that would be detrimental to the residential amenities neighbouring properties. The proposed development is therefore contrary to “saved” Policies H15 and SE22 of the Watford District Plan 2000.

3) The existing building has first floor windows that allow views into neighbouring residential properties. However, it is unlikely that the existing light industrial use would be operated on evenings and weekends, which restricts the impact on privacy of neighbouring properties. Furthermore, the nature of the use is such that it is likely that there would be a relatively small number of employees. The proposed education and training centre would intensify the use of the building because it would be occupied on evenings and weekends. Furthermore, given the nature of the use it is likely that the number of visitors would increase. Consequently, the proposed education and training centre would increase overlooking into nearby residential properties in Durban Road West and Burton Avenue, which would be harmful to the privacy of the occupants of the properties. Therefore, the proposed development conflicts with Paragraph 17 of the National Planning Policy Framework, which states among other things, that planning should always seek to secure a good standard of amenity for existing and future occupants of land and buildings.

05/01004/LUC - Certificate of Lawfulness for a change of use from B8 (Storage or Distribution) to B1 Class III (Light Industrial). Lawful Development Certificate granted. December 2005.

59/21664/FUL - Store for the wholesale distribution of motor vehicle components, no services or repairs. Planning Permission. November 1959.

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
- EMP1 Economic Development
- TLC2 Neighbourhood Centres
- 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

4.4 **Watford District Plan 2000**

- SE7 Waste Storage, Recovery and Recycling in New Development
- SE22 Noise
- SE24 Unstable and Contaminated Land
- T10 Cycle Parking Standards
- T21 Access and Servicing
- T22 Car Parking Standards
- T24 Residential Development
- T26 Car Free 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 **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
- Decision taking

5.0 Consultations

5.1 Neighbour consultations

Letters were sent to properties in Burton Avenue, Southsea Avenue, and Durban Road West.

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

Number of original notifications:	37
Number of objections:	6
Number in support:	0
Number of representations:	6

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

Representations	Officer's response
<p>Where do the owners propose to store their overstock, recyclable materials and receive deliveries once this development is built? My concern is that the owners would continue to perform this activity thereby diminishing the quality of life of the occupants. There is no storage behind the shop as access to the flats above has been built and the shop is on a busy corner.</p> <p>The Medina food store is responsible for generating significant additional traffic and illegal parking by non residents in the road. This is an ongoing safety hazard due to poor</p>	<p>The Medina Food Store at 116-120 Whippendell Road is a separate planning unit and issues relating to deliveries, storage, parking and traffic for that property is not a matter to be considered in the current planning application at 29 Burton Avenue.</p> <p>The submitted plans show that no activities such as deliveries, storage or parking will continue to be operated, therefore there would be no impact on the quality of life of the future occupants of the proposed development.</p> <p>There is no Development Plan policy</p>

<p>visibility. The store has recently provided some relief by offering parking at 29 Burton Avenue but should the planning application be successful this limited relief will no longer be available.</p>	<p>that seeks the protection of Use Class B uses outside designated employment areas.</p>
<p>How exactly will a parking agreement be enforced? There is no restriction in this area after 6.30pm so occupants with vehicles will infringe on the parking spaces of residents at a time when parking bays have been reduced to accommodate for shoppers. Car ownership can not be forbidden. The stations are over 15 minutes walk, the nearest is being closed with the advent of the Vicarage Road station.</p>	<p>The applicant has completed 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 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 have 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>The windows on the proposal that have now been obscured provide no view for occupants. This will compromise quality of life together with a no parking undertaking.</p> <p>An occupant wishing to have a car who complies with the agreement would be required to move out and transient residents can cause disruption/anxiety for existing local residents.</p>	<p>The side window panes of the front bay window would be fitted with obscured glass in order to minimise overlooking into neighbouring properties in Durban Road West. However, the other window panes, which are at a more oblique angle to the neighbouring properties would be clear glazed, which would provide sufficient outlook for future occupiers.</p> <p>A condition should be attached to any grant of planning permission to require the rear windows to be obscurely glazed. The front windows would provide sufficient outlook from the main living areas.</p> <p>A car-free development is acceptable in this sustainable location. Any future occupiers should be aware of the absence of parking facilities prior to occupying the development. There is no evidence that the flats would be occupied on a transient basis and this is not a reason to refuse planning permission.</p>
<p>The internal sizes of one of the flats are the minimum standards for a flat and below those of Hertsmere and Broxbourne reducing quality of life.</p>	<p>The Nationally Described Space Standard is applicable to planning applications in the Borough of Watford and the proposed development complies with the standards.</p> <p>The standards in the boroughs of Hertsmere and Broxbourne are not part of Watford Borough Council's Development Plan and are therefore not relevant to the consideration of the application.</p>

<p>Loss of light/privacy will occur with obscured windows and a relatively small access for 5 properties, which adjoins a public footway. This is insufficient light for residents.</p>	<p>The main living areas of the proposed development would receive sufficient levels of natural lighting.</p> <p>The front of the building would be used as soft-landscaped gardens and no on-site parking is proposed. The access at the front of the site would be ample for pedestrians.</p>
<p>Where are the proposals for sewage and amenities? Putting these in will cause obstruction during construction on a tight corner with a small access to the proposed flats. Where would builders, developers, project managers, lorries carrying brick/cement park safely in the construction phase?</p>	<p>Impacts arising from the construction of a development are not material planning considerations.</p> <p>Any adverse effect on highway safety could be addressed through other legislation, including the Highways Act.</p>
<p>The plans demonstrate a whole disregard for needs of any future tenants/owners who have a disability.</p>	<p>Access to and use of buildings for disabled people is considered under Building Regulations Approved Document M.</p>
<p>This development is out of character for this residential road (not withstanding the original agreement of building a factory in a small residential road). The houses in Burton Avenue all benefit from decent sized garden space to the rear – the proposed flats would not be in keeping with the current residential space.</p> <p>We are fully aware of the general housing need in Watford but would also argue that West Watford needs affordable family houses with gardens not more flats/studio flats with any outdoor space.</p>	<p>The proposed flats would be more compatible with the surrounding residential area than the existing employment use, as discussed in paragraph 6.3 of the report.</p> <p>Due to the shape of the site, houses with rear gardens would not be feasible and it is considered that flats would provide the most effective use. Furthermore, there is no presumption in the Development Plan against the provision of flats in a sustainable location close to shops and public transport facilities.</p>

<p>Every window on the top floor at the front of the building looks directly into my kitchen and bedroom windows, which are just metres away. I also note that the closest window is going to be made even larger, putting me under even more scrutiny. It is already occupied on a 24 hour basis, so I am forced to permanently live in a twilight zone with the blinds down at every window. I also have to keep the windows and doors shut to avoid the fumes and smoke from their continuous bonfires and listening to the loud conversations and all other activities.</p>	<p>The issue in relation to privacy is considered in paragraphs 6.13 – 6.14 of the report.</p> <p>The proposed residential use would remove the existing activities associated with the business use such as deliveries and parking, which would be likely to reduce noise and disturbance to neighbouring properties.</p> <p>It is unlikely that “continuous bonfires” would occur once the building has been converted from business use to residential use.</p> <p>The enforcement department has visited the premises and stated that the ground floor is being used for storage and the first floor is being used as a staff room. At the time of the visit there were no beds or kitchens in the building and it was not being used for residential accommodation.</p>
<p>Due to the height of this building, there is already a large amount of light being blocked into our gardens and any height elevations will cause even smaller amount of light into the house.</p>	<p>The projection of the single storey element of the building to the front would be reduced. The new pitched roof to the single storey element would slope away from the site boundaries and would not cause a loss of light to neighbouring properties.</p>

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

5.3 Statutory publicity

No statutory advertisement was required for this application.

5.4 Technical consultations

The following responses have been received from technical consultees:

Hertfordshire County Council (Highway Authority)

Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following condition:

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. 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 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 users safety.

Planning Application:

Application is for conversion of a warehouse in to 2 no Studio flats and 3 no one bed flats.

Site and surrounding:

The site located at 29 Burton Avenue within the residential area of Watford. The application site is in Triangular shape, a corner property behind Durban Road West and Southsea Avenue. The access is off from Burton Avenue. There is controlled parking along Burton Avenue by means of Permit Holders parking.

Accessibility.

The site is within few minutes walking distance to West Watford shopping facilities along Whippendell Road. The local area is well served by buses and easy access to Watford Town Centre and railway station by a short ride by buses. On completion of the Croxley Rail Link the site is within walking distance to the railway station. In summary the site is in a sustainable location. There are opportunities for residents to use all modes of transport and the access to all the necessary facilities.

Access and Parking:

On-site parking is a matter for the local planning authority. The applicant is not proposing on-site parking as part of this application. Considering the location of the proposed development where most properties are without off-street parking Highway Authority has no objection to the proposal.

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.

Contaminated Land Officer

No response.

Environmental Health

No objection.

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) Impact on the character and appearance of the 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) Land contamination

6.2 (a) Land use

Policy E6 (Change of Use from Use Class B Outside Employment Areas) of the Watford District Plan has been deleted and there are no policies in the Watford Local Plan Core Strategy 2006-31 that prevent the loss of employment uses outside of designated Employment Areas or Special Policy Areas. The application site is not located in an Employment Area or Special Policy Area, therefore there is no objection in principle to the loss of employment land.

6.3 The application site is located in a predominantly residential area, therefore the proposed residential use of the building would be compatible with the surrounding area. It appears that the existing business use of the premises has been under-utilised for some time and the proposed residential use would provide a more effective use of the land. The proposal would accord with one of the core planning principles in the National Planning Policy Framework to *“encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”*. The land consists of hardsurfacing and is not considered to be of high environmental value. Furthermore, the application site is in a sustainable location and meets the core planning principle of the NPPF to *“make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are sustainable”*. As such, the proposed land use is considered to be acceptable in principle.

6.4 (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 application site is in a sustainable location close to the shops and services and is

well served by transport links, therefore medium density flats are appropriate. The proposal would make a contribution towards meeting the housing need in the Borough, which should be afforded weight in consideration of the application.

- 6.5 The proposed development would provide less than 10 dwellings and the site area is less than 0.5ha, therefore affordable housing is not required.
- 6.6 (c) Impact on the character and appearance of the area
The proposed alterations to the building, as described in the 'proposed development' section of the report, would provide a more coherent appearance to the building and would enhance the character and appearance of the area. Furthermore, the replacement of the front hard-surfacing with soft-landscaped gardens would provide a more green feel and improve the visual amenity of the site.
- 6.7 Conditions requiring details of the external materials to be used for the development and the submission of a landscaping scheme should be attached to any grant of planning permission to ensure that an acceptable standard of appearance would be achieved.
- 6.8 (d) The quality of the new accommodation provided
The floor areas and room sizes of the proposed flats comply with the Nationally Described Space Standard. Furthermore, the habitable rooms would be served by windows, which would provide sufficient levels of natural lighting and outlook. There would be a soft-landscaped garden area to the front of the building, which would provide outdoor amenity space for future occupants of the development. Bearing in mind that the proposed development would not provide family-sized accommodation and that the area is of high density with relatively small gardens, it is considered that the amount of outdoor amenity space is sufficient.
- 6.9 Taking the above into account, the proposed development would provide an acceptable standard of amenity for future occupiers. In comparison to the previous refused application (ref: 15/01385/FUL), the standard of amenity has been improved because of the removal of the warehouse use from the proposal, the changes to windows, and the introduction of outdoor amenity space.
- 6.10 (e) Impact on amenity of adjoining residential properties
The proposed pitched roof to the existing single storey side/front projection would not cause a significant loss of light or outlook to neighbouring properties.
- 6.11 The existing building is currently used for storage & distribution and has previously been used for light manufacturing. It is very close to neighbouring residential

properties and the proposed residential use would be more compatible with the surrounding area. The proposal is likely to reduce noise and disturbance from the site, particularly given that there would no longer be vehicular movements to the front of the building. The environmental improvements arising from the replacement of hard surfacing with soft-landscaped gardens would also provide a more pleasant outlook from neighbouring properties.

- 6.12 Paragraph 7.3.16 of the Residential Design Guide highlights that privacy is an important aspect of residential environments. The existing warehouse has first floor windows that allow views towards the rear gardens and windows of neighbouring residential properties in Burton Avenue, Southsea Avenue and Durban Road West. The surrounding area consists predominantly of high density terraced housing where there is mutual overlooking of rear gardens. The number of ground floor and first floor windows in the rear elevation of the building would be reduced and a condition could be attached to any grant of planning permission to require the windows to be obscurely glazed and fixed closed below 1.7m internal floor level. Furthermore, the new rooflights would be at least 1.7m above internal floor level, therefore views into neighbouring properties in Southsea Avenue would be restricted. As such, the proposed development would not cause a loss of privacy to neighbouring properties in Southsea Avenue.
- 6.13 The proposed development would intensify the use of the building because the nature of a residential use is such that the building would be occupied at evenings and weekends, whereas the existing business use is only likely to be operated during normal working hours. The previous application (ref: 15/01385/FUL) was refused planning permission, among other reasons, because the intensification of the use of the building and the provision large bay windows on the front and side elevations would result in a loss of privacy to No. 27 Burton Avenue and the adjacent properties in Durban Road West. In comparison to the previous application, the side bay window adjacent to No. 27 Burton Avenue has been removed from the scheme and the plans show that the side panes of the front bay window would be obscurely glazed. It is considered that these alterations would reduce the level of overlooking compared to the previous application.
- 6.14 It should also be borne in mind that the nearest property in Durban Road West which is affected by the front windows (No. 83 Durban Road West) has a large parking area to the rear of the property rather than an outdoor amenity space – as shown in Fig. 11 below. Taking into account that the existing building already overlooks neighbouring properties, that there is mutual overlooking between properties in the area and that the degree of overlooking has been reduced in comparison to the previous application, it is not considered that the proposal would cause a significant loss of privacy to neighbouring properties in Burton Avenue and

Durban Road West. Furthermore, the scheme has been significantly improved compared to the previous application and the public benefits of the contribution towards meeting the Borough's housing need, the effective use of a brownfield site and the provision of a more compatible residential land use outweigh the less than significant impact on privacy.



Fig. 11. Aerial view of site to show the relationship of the building to properties in Durban Road West.

6.15 (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.

6.16 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 completed 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.

6.17 The existing dropped kerb would be made redundant as a result of the proposed car-free residential development. A condition should be attached to any grant of planning permission to require the kerb to be raised, which would provide

additional on-street parking space.

6.18 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.

6.19 (g) Land contamination

The application site has been previously used by potentially contaminative land uses, therefore a condition should be attached to any grant of planning permission to require the submission of a Phase 1 Land Contamination Assessment.

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 The application site is located in a predominantly residential area, therefore the proposed residential use of the building would be compatible with the surrounding area. It appears that the existing business use of the premises has been under-utilised for some time and the proposed residential use would provide a more effective use of the land and contribute towards meeting the housing need in the Borough. The proposal would accord with one of the core planning principles in the National Planning Policy Framework to “*encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value*”. Furthermore, the application site is in a sustainable location and meets the core planning principle of the NPPF to “*make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are sustainable*”.

- 8.2 The layout of the proposed development would provide an acceptable standard of amenity for future occupiers. Furthermore, the proposal would not cause a loss of light or outlook to neighbouring properties. The building is very close to neighbouring residential properties and the change of use from storage & distribution to residential would be more compatible with the surrounding area. The existing building overlooks neighbouring properties and although the proposed residential use would increase the occupancy of the building it would not cause a significant loss of privacy to neighbouring properties.
- 8.3 The application site is in a sustainable location, therefore a car-free development is acceptable. The applicants have completed a Unilateral Undertaking to remove permit entitlement for future occupants of the development, which ensures that there would not be increased demand for on-street parking in the Controlled Parking Zone.
- 8.4 As such, taking the above into account, the proposal is considered to be a sustainable development which accords with the Development Plan and National Planning Policy Framework 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:-

Location plan; 15/2935/01; 15/2935/02; 15/2935/03; 15/2935/04; 15/2935/09; 15/2935/10A; 15/2935/11; 15/2935/12A.

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

3. No construction works shall commence until details of the materials to be used for all the external finishes of the development 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 Policy UD1 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 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 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.

5. 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.

6. No part of the development shall be occupied 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 and 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.

7. The ground floor and first floor windows in the south-western rear elevation of the building 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.

8. The side window panes of the two storey bay window on the north-eastern front elevation of the building, as indicated on drawing No. 15/2935/11, 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.

9. Prior to the commencement of the development hereby approved a Phase I Report to assess the actual or potential contamination at the site shall be submitted to and approved in writing by the Local Planning Authority. If actual or potential contamination and/or ground gas risks are identified further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.

For the purposes of this condition:

A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.

A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.

A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.

10. All remediation or protection measures identified in the Remediation Statement referred to in Condition 9 shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the

Local Planning Authority prior to the first occupation of any part of the development hereby permitted.

For the purposes of this condition a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.

11. No part of the development shall be occupied until details of the reinstatement of the kerb and pavement to the front of the site have been submitted to and approved in writing by the Local Planning Authority and the kerb and pavement have been reinstated in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: The development is a car-free scheme therefore the dropped kerb would be redundant. The raising of the kerb would provide additional on-street parking space.

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.
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. Where works are required within the public highway the highway authority require the construction of such works to be undertaken to their specification and by a contractor who is authorised to work in the public highway. Please see the Hertfordshire County Council guidance at <http://www.hertfordshire.gov.uk/services/transtreets/highways/highwaysinfo/hiservicesforbus/devmanagment/dmhwaysec278/>
10. 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

Location plan; 15/2935/01; 15/2935/02; 15/2935/03; 15/2935/04; 15/2935/09; 15/2935/10A; 15/2935/11; 15/2935/12A

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