

	PART A	Item Number
Report of: DEVELOPMENT MANAGEMENT SECTION HEAD		
To Committee/Delegated:	Date of Committee: 10 May 2017	
Site address:	38 The Avenue	
Reference Number :	16/01747/FUL	
Description of Development:	Two storey rear and part single storey rear extension, conversion from a single occupancy dwelling (Class C3a) to a General Practice Doctors Surgery (Class D1), demolition of single storey garage and formation of vehicular access and car parking at the rear. (AMENDED DESCRIPTION)	
Applicant	The Elms Surgery	
date received:	15th December 2016	
8wk date(minor):	6th March 2017	
Ward:	NASCOT	

1.0 Site and Surroundings

- 1.1 The application site currently consists of a detached two storey family house with front and rear gardens. Vehicular access to the front garden is via two crossovers. The house has a single storey garage attached to the north west side.
- 1.2 The Avenue is located at the edge of the designated town centre and is a predominantly residential area. The main length of The Avenue predominantly consists of attractive and substantial detached houses. The south-eastern end of The Avenue, being nearest the town centre and Civic Core, has a different character consisting of converted flats, a unit of purpose built flats and a cluster of non-residential uses in former residential properties. Also at the south-eastern end of The Avenue is a public car park enclosed by the Town Hall/The Avenue/Hyde Road junction.
- 1.3 The application site is on boundary of between these two character zones with residential uses to the northwest and the non-residential cluster to

the south-east. No38 is immediately adjacent to the existing GP practice located at No36, there is a clinic at No34 and a dental practice at No32. No30 contains a surveyors business office and the MP constituency offices. Nos 34 and 30 have side access to parking to the rear of the buildings. No 36 also appears to have access for parking in the rear garden although this is not laid out for parking.

- 1.4 Immediately adjacent to the north west is the residential property of No40. The site is also opposite residential properties on The Avenue and the rear gardens of Nos26 and 28 Essex Road back onto the rear of the premises.
- 1.5 The site and its context do not contain buildings which are listed or locally listed. The site adjoins the Nascot Conservation Area to the rear however is not within the designated Conservation Area. . The site is not within a Controlled Parking Zone although there are some on road parking restrictions. There are no Tree Preservation Orders to trees on the site or immediately around the site.

Figure 1 Site Location Plan

2.0 Proposed Development

- 2.1 The application proposes
 - Change of use of the dwellinghouse (C3a) to a General Practice Doctors Surgery (D1)
 - Demolition of the single storey north-west side element of the house
 - Erection of a part two storey and part single storey rear extension to a maximum depth of 6m
 - Formation of vehicular access to the rear of the site with parking for 6 cars, car drop off area at the front and associated landscaping works to the front and rear
- 2.2 Floor area of extensions of 119m² of 31m², so net gain of 88m² for the development.

Figure 2 Proposed floor Plans

- 2.3 The change of use proposes opening hours of 08:30 to 18:00 Monday to

Friday and proposed 4 full time and 1 part time staff.

- 2.4 The premises would have a Gross Internal Floor area of 267.8m² with 2 consulting rooms, 1 treatment room and 1 community services room at ground floor and ancillary rooms at first floor.
- 2.5 The application is accompanied by
- A Design and Access Statement
 - A supporting statement from 'The Elms Surgery'
 - A letter of support for the application from Richard Harrington MP
- 2.6 The description of the application was amended on 31.01.2017 to include reference to the proposed rear parking area. Neighbours were re-consulted to ensure the extent of the development was evident in the description provided to inform residents of the application.
- 2.7 Amended plans and one additional plan were received on 15.03.2017 to show the following amendments
- Removal of front parking spaces to be replaced with drop off area with soft landscaping
 - Amendments to the rear parking area to reduce hardstanding and include soft landscaping
 - Inclusion of a 2m high solid, timber, acoustic fence to side and rear boundaries

Due to the minor nature of these amendments, neighbours were not re-consulted.

Figure 3 Proposed Site Plan

3.0 Relevant Planning History

- 3.1 No relevant planning History for No38
- 3.2 The adjacent No36 was granted planning permission for use for General Practice Medicine under application 66/04232/FUL granted 21st June 1966. This is a D1 use and the conditions on this application did not restrict the change of the use of the premises to an alternative use under the D1 use class.

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, Part 1- Core Strategy 2006-31**

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

4.4 **Watford District Plan 2000**

- CS9 Health Provision
- H15 Non-residential Proposals in Residential Areas
- SE7 Waste Storage, Recovery and Recycling in New Development
- T10 Cycle Parking Standards

- T21 Access and Servicing
- T22 Car Parking Standards

4.5 **Watford Local Plan, Part 2- Site allocations and Development Management Policies 2006-31 EMERGING PLAN-NOT ADOPTED**

TLC 12 Community facilities

HS8 Non Residential Proposals in Residential Areas

This policy document is not adopted, it has limited weight and does not supersede the 'saved' policies of the Watford District Plan 2000. The document is however at the later stages of preparation following publication and consultation and so does provide an indication as to the intended policy objectives.

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

No relevant policies.

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

No relevant policies.

4.8 **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.

4.9 *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. A further revised Watford Residential Design Guide was adopted in August 2016 to include the internal space standards of the DCLG Technical Housing Standards: Nationally Described Space Standards (March 2015).

4.10 *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.

4.11 **National Planning Policy Framework**

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

Achieving sustainable development

The presumption in favour of sustainable development

Core planning principles

Section 1 Building a strong, competitive economy

Section 4 Promoting sustainable transport

Section 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 The Avenue and Essex Road

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

Number of original notifications:	28
Number of objections:	15
Number in support:	0
Number of representations:	1
Total number of representations:	16

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

Representations	Officer's response
<i>Procedural Matters</i>	
Additional notification of the same development with no amendments	The application was registered with the description provided in the application and neighbours were initially consulted on 11.01.2017. On allocation of the case to the case officer it was noted that the registered description of the application did not include reference to the car parking area in the rear garden. For clarify, this was amended with the agreement of the applicant/agent. To ensure neighbours were fully informed of the full nature of the development, neighbours were re-consulted on 31.01.2017 with the new description included.
The internal consultation (from Planning Policy) was uploaded on the 31 st January although it was dated 2 nd February and asks a response by 1 st February.	The electronic memo includes automated date population. The internal consultation memo was to planning policy on 11.01.2017. A response was requested by 1 st February and was received 31 st January.
There was insufficient time for neighbours to make representations in response to the consultation response from planning policy.	The internal consultation memo was to planning policy on 11.01.2017, the same day as consultations to neighbours with the same initial 21day request for comments. The consultation process is to provide the case officer and committee with all relevant information. There was no requirement or need for neighbours to be further consulted on the responses from other consultees.
Details of the information cited by the policy officer were requested.	Further detail provided to customer and included in this report.
Inaccuracies in the application form	Discrepancies are noted and the full appraisal is as set out in the report.
The application form states that no	No formal pre-application advice has

<p>pre-application advice has been sought however the MPs letter referred to the Council having agreed the development. The site has also already been purchased for an inflated price.</p>	<p>been sought or provided. Only when and if planning permission is granted has the development been agreed. The price paid for the site and the circumstances around this are not planning matters.</p>
<p><i>Principle of the change of use</i></p>	
<p>The commercial activities will result in encroachment and creeping of non-residential uses into the residential area of the road.</p>	<p>This end of the road already has a cluster of non-residential units. The proposed additional non-residential use is immediately adjacent to an existing authorised practice and it is not considered that this is out of keeping or unsuitable for the road. Nonetheless, the small GP practice is suitable and complementary to the main residential nature area.</p>
<p>Significant and detrimental change to the residential character of the site. This type of development should be within a town centre. This is a peaceful residential area free from commercial development.</p>	<p>The Avenue is predominantly residential however the proposed GP practice would be immediately adjacent to an established cluster of non-residential uses including existing clinics and offices. This use would not be incongruous or harmful. Nonetheless, GP practices are suitable and complementary to residential areas.</p>
<p>The conversion is contrary to para 5.9 of the Local Plan Part 2: Site Allocation and Development Management Policies 2006-2013.</p>	<p>Para 5.9 is in respect of the conversion and subdivision of family houses to flats or HMOs. This is not therefore directly relevant. Local Plan Part 2 is also an emerging policy that is not yet formally adopted and does not yet supersede current policy. Nonetheless, the objectives and principles of the emerging policy are consistent with those set in the current policies relevant to this application. Namely Policy H15 of the Watford District Plan 2000 which sets out the objectives in</p>

	<p>relation to non-residential units in residential areas. As set out in the report, the development is compliant with this policy and its objectives.</p>
<p>The development would result in a loss of a family home which are no longer built.</p>	<p>This is recognised. There is an established need for new dwellings and family sized houses however there is also a very strong recognised need for healthcare provision. The assessment has concluded that the healthcare provision would be of public benefit that outweighs the loss of one dwelling.</p>
<p>The Elms surgery is to move to the adjacent premises and so the development does not provide a new practice, contrary to Policy officer's response.</p>	<p>It is noted that this may be the applicant's intention however this application considers only the premises at No38. Planning permission would be required to convert No36 back to residential use and no application has been submitted in relation to No36. The application can only be assessed on the basis of information presented and the grant of the application would result in two adjacent authorised GP practices. This is as correctly assessed by the planning policy consultation.</p>
<p>Should the proposal be for a practice move with No36 reverting to a house, this should be secured.</p>	<p>It is not necessary for No36 to be converted to a house to allow for the development at No38.</p>
<p>The NHS data should be as general guidance and not negate other planning matters.</p>	<p>The NHS information provides evidence in regard to the need for healthcare provision. It is considered that this provision outweighs the harm of the loss of the house however this does not negate other planning matters which are assessed in full in the report.</p>
<p>The loss of the 'housing unit' is not worth sacrificing for the health care provision. The only beneficiaries are the applicants who will profit from the development.</p>	<p>This is the opinion of the objector. The officer opinion is that the new/improved healthcare provision, serving multiple local residents does serve as a greater public benefit than</p>

	the retention of one house.
No 36 will be converted to flats, not a single dwelling.	This is speculative and not part of this application which can be assessed on its merits only.
A more suitable site for a purpose built clinic should be found	This again is speculative. Only the merits of the application as submitted are in assessment.
The poor state of the existing premises is not justification and contradictory to other information. The applicant's assertions that there is lack of accessible consulting rooms on the ground floor on the existing premises is contrary to details on the website. The surgery have also remarked online in 2009 on the high quality of the surgery environment and has passed a CQC inspection in 2014. Nonetheless, refurbishments should be made to the existing premises.	The contradictory information in the application is noted however this does not serve to justify a refusal of the application. Irrespective of the condition of the existing premises at No36, the provision of the healthcare at No38 is acceptable.
Change of use would be contrary to covenants on the property	This is not a planning matter.
No waste facilities have been incorporated	This is noted. There is suitable space within this site to support bins likely to be required and condition 3 is recommended to secure this is provided.
<i>Traffic and parking</i>	
The premises are near a busy junction of the Avenue and Town Hall roundabout. Cars turning right into the site will need to cross often queuing traffic and result in a back-up of traffic at the roundabout.	Hertfordshire Highways have been consulted and have not raised any objection to the development. Owing to the scale of the premises, it is not considered that the highway impact would be significant.
The loss of the rear garden for parking is out of keeping and not common in the road as stated by the applicant.	Parking in the rear garden is indeed not typical for a residential property or for most of The Avenue, however in this cluster of non-residential properties there are several rear garden car parks

	including at Nos 34 and 30.
The development fails to include provision for drop off	The initial scheme proposed awkward parking at the front of the site. Following discussion with the agent/applicant, this has been amended to include a drop off area with soft landscaping.
The parking provision is insufficient; if the rear garden parking is for staff only, the development will result in parking on the road and in neighbours' driveways as already experienced.	Owing to the location of the development and the scale of its operation, the parking provision is reasonable and acceptable for staff and visitor use. Should further parking be required, the public car park is very close. The grant of planning permission does not warrant nor can it control illegal parking.
The on site parking provision is not necessary as there is free on road parking and public car park in the vicinity.	This is the opposite to the assertions of other objectors. It is preferable to have some on site parking however the other parking and public transport options and the central location of the premises support that the 6 spaces are sufficient.
The rear car park would have environmental impacts, contributing to loss of wildlife habitats and flooding.	The development does not result in the loss of any substantial trees. The layout of the rear area has been amended to minimise the hard landscaping and include soft landscaping and shrubs. All hardstanding is bordered by soft landscaping or permeable shingled areas so that drainage of surface water within the site is possible. Condition 5 is recommended to secure this.
<i>Impact to neighbouring properties</i>	
Disruption to family life arising from the change of use and increased use of the premises by the public coming and going.	It is noted that the change of use will result in increased activity at the site during weekday, daytime hours however as set out in the report, it is not considered that the nature or scale of the use would result in undue

	<p>disturbance to neighbouring properties. Owing to the edge of town centre location and the existing activities of the non-residential uses in this cluster, the activities of the GP practice would not be incongruous or harmful to residential amenity.</p>
<p>Contrary to 5.12 of the Local Plan Part 2: Site Allocation and Development Management Policies 2006-2013 which seeks to maximise the quality of residential environment.</p>	<p>As discussed it is not considered that the nature, scale or times of the use would result in activity, traffic, noise or other factors that would adversely affect the amenity of the residential neighbours.</p>
<p>The proposed opening hours of 08:30-18:00 Monday to Friday are inconsistent with the opening hours detailed on the existing practice website (08:00-18:30 and to 20:00 on Tuesdays). These hours are likely to be rapidly extended and extend to 24/7 to meet NHS objectives.</p>	<p>This inconsistency is noted. Condition 10 is recommended to secure the hours of use to those stated in the application which are acceptable. Any further expansion of these opening hours would require further assessment. Informative 10 is also added to draw the applicant's attention to the likely conflict between extended opening hours and the amenities of neighbours.</p>
<p>The extension would result in loss of light and overshadowing to neighbouring property and garden.</p>	<p>The extension is over the RDG guidance depth however due to the 4.2m set in from the boundary with No40, the proposed extension would not infringe upon the 45 degree lines taken on plan or elevation from the nearest ground floor, rear windows of No40. This is compliant with the RDG (section 8.4.3). As the extension would also be set in 4.2m from the boundary with No40, it is not considered that it would create a notable overbearing or overshadowing impact to the rear garden of No40.</p>
<p>Loss of privacy from the extension and public use of the premises.</p>	<p>The two storey extension would not include first floor side windows meaning that it would not create overlooking to the adjacent side</p>

	<p>properties. The extension would maintain a minimum rear garden depth of 20m and a minimum back to back distance of 35m to the rears of the Essex Road properties. These are well in excess of the minimum distances of 11m and 27.5m stated respectively in the RDG and confirm that the two storey extension would not result in overlooking or loss of privacy to properties at the rear.</p>
<p>The side access for cars and rear car parking will result in noise and light disturbance and nuisance to surrounding and opposite properties and loss of privacy. No detail of boundary treatments or protective screening is included. There are no means proposed to secure the rear car park for out of hours access.</p>	<p>The introduction of car noise, lights and activity in the rear garden area, adjacent to residential gardens is noted. Due to the proposed hours of use, this activity and impact is unlikely to be harmful to the neighbouring properties. For instance, there would be no activity at evenings and weekends which are the peak times for garden use. The potential for impact from car headlights would occur in limited winter hours at the start and end of the opening day. Being in an edge of town centre location, it is not considered that the increased activity at these times would be unduly harmful. Nonetheless, to further protect the amenities of neighbour, amendments were sought to the layout to include solid acoustic fences to all rear garden boundaries and maximise the soft landscaping along boundaries. These measures will minimise the potential noise and light impact to neighbouring properties and gardens.</p>
<p>MPs should not comment on planning matters. Richard Harrington MP has failed to canvass the opinion of local</p>	<p>Noted. The application consultation process is carried out to Provide an opportunity for interested party to</p>

residents prior to his letter of support.	comment on applications and for those comments to be considered. The process is open to any person who wishes to comment.
The Council should reflect upon Human Rights Act including a person's right to peaceful enjoyment and substantive right to respect for their private and family life.	Noted, there is a balance between the Human rights of the applicant and other parties. This is considered in full in section 9 of the report.

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)

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

Condition 1: Before being brought in to use the new parking areas hereby approved shall be surfaced in tarmacadam or similar durable bound material and arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge in to highway.

Reason: To avoid the carriage of extraneous material surface water from the site into the highway so as to safeguard the interest of highway safety.

Informative:

I recommend inclusion of the following advisory note to ensure that any works within the highway are to be carried out in accordance with the provisions of the highway Act 1980.

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 in the highway. This is to minimise the impact of construction vehicles and to improve the amenity area.

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

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

Reason: In the interest of highway users safety

Planning Application:

The development proposal is for two storey rear and part single storey rear extension, conversion from a single occupancy dwelling to a general practice doctors surgery (class D1) demolition of a single storey garage and formation of a vehicular access and car parking.

Site and surrounding:

The site is a detached dwelling and located within the residential neighbourhood of detached houses. The site is located at 38 The Avenue.

Local Road Network

The Avenue is an unclassified local access road from Hyde Road to Stanford road some 340m in length. The road originates from Watford Town Hall Roundabout and run parallel to A411 Hempstead Road up to Stanford Road. There are on-street parking restrictions by means of single and double yellow line.

Accessibility

The site is in a recognised residential neighbourhood near to Watford Town Hall. The area is in a highly sustainable location and the adjoining site 36 The Avenue is an existing Doctors surgery.

Access and parking

The applicant is not proposing to alter the existing vehicular and pedestrian access. But the proposal is to provide 9 car parking spaces from existing 2 car parking spaces 3 spaces at the front and 5 at the rear and 1

disable parking. Most rear parking is likely to be occupied by doctors and admin staff and I would expect the front parking is reserved for patients pick up/drop off facility.

Conclusion

Highway Authority does not wish to restrict the grant of consent subject to the above condition and advisory note.

Planning Policy, Watford Borough Council)

This proposal is within a central location of Watford just outside the town centre boundary designation. Whilst this would normally be sought to be retained as residential dwelling use, the balance for GP premises within Watford in this occasion overrides the housing need

NHS England have previously updated Watford's Infrastructure Delivery Plan with information regarding GP premises:

There are 13 GP practices in Watford. Of these practices:

- *1 is at general capacity (fewer than 20 patients per m²)*
- *6 are 'constrained' (between 20 - 25 patients per m²)*
- *5 are 'very constrained' (25+ patients per m²)*

They have also stated that during the plan period to 2031 there is a requirement for over 5 new GP premises.

As the location of this proposed GP premise is also in a constrained area it would, subject to other planning policies, be acceptable to convert to a GP practice and subsequently the loss of 1 housing unit.

[NB: Information obtained amendments to a draft health chapter for inclusion in the latest Watford Infrastructure Delivery Plan, submitted by NHS Herts Valley CCG to Watford Borough Council Planning Policy on 01 November 2016 following Local Plan Consultation.]

Arboricultural Officer, Watford Borough Council)

There does not appear to be much in the rear garden but there are a couple of reasonable sized and visible trees (looking between the two existing buildings) located in the existing doctors surgery close to the rear boundary. These may be affected by the proposed car parking spaces,

however this incursion will only be 2.5m² out of a total root protection area of 55m² this should not have a significant effect upon the trees.

6.0 Appraisal

6.1 Main issues

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

- (a) Provision of healthcare facilities
- (b) Loss of housing
- (c) Integration with the character of the area
- (d) Design
- (e) Impact on amenity of adjoining residential properties.
- (f) Impact on setting of Conservation Area
- (g) Highways impacts and car parking provision.
- (h) Impact to trees

6.2 (a) Provision of healthcare facilities

'Saved' policy CS9 of the Watford District Plan 2000 states that

The Council will assist all health care providers to make provision for local health care facilities. Development proposals, providing health care facilities, will be acceptable in principle:

- a) on existing sites or adjacent to existing premises providing health care or social services;*
- b) in other locations in close proximity to existing community facilities or local shopping facilities, which are easily accessible by passenger transport; or*
- c) within the Town Centre*

6.3 The facilities are proposed on a site adjacent to an existing health care facility, close to other community facilities, including a dentists surgery and easily accessible by public transport. The site is not within the zone classified as the town centre by the Local Plan Part 1- Core Strategy 2006-31, however with the boundary of the town centre on the opposite side of The Avenue, including The Avenue car park, the site is on the immediate edge of the town centre.

6.4 As such, the provision of the health care facility is fully supported by saved

policy CS9 of the Watford District Plan 2000 and the emerging policy TLC12 of the Local Plan- Part 2, Site Allocations and Development Management Policies 2006-31.

6.5 (b) Loss of housing

The application states that the applicant's intention is for this to be a move of their current practice and to convert the existing practice at No36 back to a single house. This is not however formally included as part of this application and indeed the change of use of No36 from D1 to any other use would require planning permission in its own right. The proposed development of this application would therefore result in the loss of the family dwellinghouse at No38.

6.6 The loss of the family dwellinghouse is contrary to policies HS1 and HS2 of the Local Plan Part 1- Core Strategy as well as Council and national objectives to provide housing. There is however a great benefit in provided a new GP surgery. As identified by the Council's planning policy team, NHS England has submitted information to Watford Borough Council in relation to the updating Watford Delivery Plan which outlines the constrained operation of existing practices and asserts the need for additional practices (stated as being over 5 needed by 2031). This is therefore a careful balance however it is considered that the loss of the house is far outweighed by the benefit of the provision of the healthcare facility which will serve many local patients.

6.7 It is once again noted that the practice subject to the application, 'The Elms Surgery' intend to relocate to No38, leaving No36 vacant with potential to convert back to a house. This is however not included as part of this application which, if approved, would create a new D1 GP practice at No38 alongside the existing authorised D1 use at No36. The application can therefore only be assessed on the development proposed and other matters are speculative.

6.8 (c) Integration with the character of the area

The site is within an area identified as predominantly residential however at this end of the Avenue there is a cluster of non-residential uses. The adjacent No36 is an existing D1 Doctors practice and other non-residential uses in this group a clinic at No34, a dental surgery at No32 and offices at No30. The site is also on the immediate edge of the designated town centre area with the Civic Core located on the opposite side of the Avenue

- car park consisting of the library, Town Hall, medical services, leisure facilities, Hertfordshire college and Watford Registry Office. As such it is considered that the proposed D1 use at this site is entirely suited within the context and would be consistent with the established character.
- 6.9 Notwithstanding this, it is considered that the GP practice, of this nature and scale is a complementary and appropriate use for a residential area. The activity of the use is not one which conflicts with residential occupation and indeed the practice is likely to serve many local residents.
- 6.10 It is therefore considered that the proposed non-residential use in this predominantly residential area is of a nature and scale that is appropriate and would not create harm to the character of the area, compliant with 'saved' policy H15 of the Watford District Plan 2000, policies SS1 and UD1 of the Local Plan Part 1- Core Strategy and emerging policy HS8 of the Local Plan- Part 2.
- 6.11 (d) Design
The development includes building works of the part demolition of the single storey element to the side of the house, construction of a two storey rear extension and landscaping works to the front and rear to create access and a parking area at the rear of the building. The elevations are shown at *Figure 4*.
- 6.12 The demolition of the single storey garage to the side of the house is acceptable and not detrimental to the appearance of the building. The two storey extension, at 6m deep, would be significantly larger than the 3m depth that would typically be sought as stated in the Residential Design Guide. However, due to the shallow and wide nature of the existing building, the large scale of the plot and the large scale and depth of the surrounding buildings, this depth is suitable in this instance. The extension overall would be suitably designed for the building and streetscene.
- 6.13 The development includes significant landscaping works to the front and rear to create a drop off area at the front of the building. The loss of the rear garden area to mostly hardstanding for parking is a significant change to the rear of the site and is not normally supported, however this arrangement is seen at other premises in this group including at Nos34 and 30. The rear parking area is therefore not incongruous or visually harmful to the area and would result in a significant benefit in providing

off road parking for the practice. Suitable measures have been incorporated into the scheme and conditions to ensure the rear garden parking area does not adversely affect the amenities of residential neighbours.

- 6.14 The soft landscaping of these areas is also important to achieve a successful finish of this area of the development. Following amendments to the landscaping layout, the size of the parking and turning area has been reduced to the minimum required for the 6 spaces provided and soft landscaping has been included around the areas of hardstanding. The amendments have also improved the front area to be a drop off area only with soft landscaping.
- 6.15 The layout of the hard and soft landscaping ensures that there is some visual softening of the area and that the hard surfacing of the parking area does not extend to the boundaries with adjacent properties. The soft landscaping or shingle to all sides will allow for water drainage within the site and this is secured by condition. The soft landscaping of these areas will also negate the opportunity for the informal use of these areas for additional parking.
- 6.16 The design of the extensions, works to the building and the design of the front and rear landscaping are therefore appropriate for the building, site and context and would not result in any notable negative impact.
- 6.17 (e) Impact on amenity of adjoining residential properties
The proposed use will result in more activity at the premises with cars, staff and visitors to the premises however, due to the nature of the use and activities to be undertaken, it is not considered that this would create undue noise or disturbance. The hours of use proposed are outside of sensitive evening and weekend times when the increased activity would have more potential to harm neighbouring quiet enjoyment.
- 6.18 The use of the rear garden as a car parking, with associated noise, light and activity from cars, has the potential to undermine the reasonable enjoyment of the rear gardens of the neighbouring residential occupiers to the side and rear of the premises. Amendments and additional measures have been included to minimise any potential impact with the provision of solid acoustic fences to all rear boundaries and soft landscaping to the boundaries. The potential for car noise and car headlights to impact upon

neighbouring properties and gardens to the rear of the premises is therefore minimised. The proposed hours of use of the practice for weekdays only will also again preserve reasonable amenity for neighbouring gardens for whom the quiet enjoyment at evenings and weekends would be unaffected. Measures to secure the rear car park are also sought by condition to seek to prevent unauthorised use of the land.

- 6.19 The proposed extension at 6m deep would be in excess of the 3m guidance of the Residential Design Guide. However due to the relative depth and position to neighbouring properties this would not create any notable harm. The extension would be approximately level with the building at No36 and so the occupiers/users of this building would not be affected. The extension would be to the south east of No40 and would be approximately 6m in depth to the original two storey building at No40 however due to the 4.2m set in from the boundary, the proposed extension would not infringe upon the 45 degree lines taken on plan or elevation from the nearest ground floor, rear windows of No40. This is compliant with the RDG (section 8.4.3). There is a small window and a glazed door on the side elevation of No40 however these are considered to be secondary windows to the dwelling and impact to these windows would not unreasonably affect the amenity of the living environment. As the extension would also be set in 4.2m from the boundary with No40, it is not considered that it would create a notable overbearing or overshadowing impact to the rear garden of No40. The proposed extension would therefore not unduly affect the light or outlook to the neighbouring properties.
- 6.20 The two storey extension would not include first floor side windows meaning that it would not create overlooking to the adjacent side properties. The extension would maintain a minimum rear garden depth of 20m and a minimum back to back distance of 35m to the rears of the Essex Road properties. These are well in excess of the minimum distances of 11m and 27.5m stated respectively in the RDG and confirm that the two storey extension would not result in overlooking or loss of privacy to properties at the rear.
- 6.21 The proposed development would therefore not result in harm to the amenities of neighbouring occupiers or the reasonable quiet enjoyment of their properties compliant with the Residential Design Guide, 'saved' policy H15 of the Watford District Plan 2000 and policies SS1 and UD1 of

the Local Plan Part 1- Core Strategy.

6.22 (f) Impact on setting of Conservation Area

The site backs onto the rear gardens of properties within the Nascot Conservation Area. The development would not be visible from the public domain of the Conservation Area. Due to the separation and distance between the development and the properties within the Conservation Area, it is not considered that the development of the extensions would adversely affect the setting of the Conservation Area.

6.23 (g) Highways impacts and car parking provision.

The development's proposed 6 on site parking spaces include one disabled space. Owing to the small nature of the practice with 2 consulting rooms, 1 treatment room and 1 community services room, it is considered that this is reasonable and compliant with the maximum standards of the 'saved' policy T22 of the Watford District Plan 2000. Furthermore, the site is a highly sustainable location, immediately adjacent to the boundary of the designated town centre, near public transport links and almost directly opposite The Avenue public car park. As such it is considered that this is highly and easily accessible.

6.24 The application initially proposed a further 4 car spaces in the front of the building however access to these would have been impracticable and unattractive to the front of the building and streetscene. It was not considered that these were required to support the development and this has been amended to a drop off area with appropriate soft landscaping.

6.25 The application proposes hard standing with kerb edges for the car parking areas. All boundary borders will be of soft landscaping or shingled areas. Due to the mix of hard surfacing materials in the context, it is not deemed necessary to condition the material finish of this hard standing for aesthetic purposes however condition 5 is recommended to ensure all drainage is within the site to reduce potential surface water flooding.

6.26 The vehicle access points proposed are to use the two existing crossovers to the site with no new highway access required. The site access arrangements and the layout of the parking, with turning area at the rear, will allow for all cars visiting the site to enter and leave the site in forward gear. The designated drop off area at the front of the site will enable vehicles to drop off or pick up visitors without stopping on the highway. It

is therefore not considered that the development would result in any undue impact to the safety or convenience of the highway.

6.27 (h) Impact to trees

As stated by the Arboricultural officer, there are no notable trees in the rear garden of No38. The existing surgery (No36) does however contain reasonable sized trees which are visible from the public domain and contribute to the amenity of the area. These are located near to the boundary with No38 however the car park would create an incursion impact of only 2.5m² into the total root protection area of 55m² meaning that this should not have a significant effect upon the trees.

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.

Liability to CIL does not arise in the case of a development where the increase in gross internal area is less than 100sqm, unless the development comprises one or more dwellings. Accordingly, no liability to CIL arises in the case of the development proposed in this application.

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.

The development, including the demolition of the side garage, creates a net increase of floor area of 88sqm which is less than the 100sqm threshold. The development would therefore not be liable for CIL.

7.2 **S.106 planning obligation**

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

The site is not within a Controlled Parking Zone and no other site specific measures are required to be secured by planning obligation.

8.0 **Conclusion**

- 8.1 It is considered that the loss of the dwelling house is outweighed by the benefit of the provision of the healthcare facility which will serve many local patients pursuant to saved policy CS9 of the Watford District Plan 2000. The site is on the edge of the designated town centre, in an accessible and sustainable location well suited for the proposed use. The use and parking arrangement is of a nature and scale that is consistent with the other non-residential uses in this cluster of offices and clinics at the south-eastern end of The Avenue. The extension will result in a depth and scale of building that is appropriate and suitable for this context. As such the use and development are appropriate and would not create harm to the character of the area, compliant with 'saved' policy H15 of the Watford District Plan 2000, policies SS1 and UD1 of the Local Plan Part 1- Core Strategy and emerging policy HS8 of the Local Plan- Part 2.
- 8.2 The relationship and position of the extension to the neighbouring residential properties is compliant with the 45 degree rule and the minimum back to back distances set in the RDG. The extensions would therefore not result in loss of light, outlook, privacy or amenity to the neighbouring residential occupiers.
- 8.3 The proposed use and rear parking area will result in more activity at the site with cars, staff and visitors to the premises however, due to the

nature of the use, the activities to be undertaken and the weekday hours proposed, it is not considered that this would create undue noise or disturbance that would unreasonably harm the quiet enjoyment of the neighbouring properties.

- 8.4 As such, 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 subject to the detailed conditions.
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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.
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10.0 Recommendation

(A) That planning permission be **granted** subject to the conditions listed below:

Conditions

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

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

- 2 The development shall be carried out in accordance with the following drawings, unless otherwise approved in writing by the Local Planning Authority. The following drawings are hereby approved: Site Location Plan 1:1250, Site Block Plan 1:500, 505 042 001A, 505 042 101B, 505 042 201B, 505 042 210A, 505 042 205B and J7/01166.

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

- 3 Prior to the commencement of the development, details of the size, type, siting and finish of refuse storage enclosures for the premises shall be submitted to and approved in writing by the Local Planning Authority. The stores approved under this condition shall be installed and made available for use prior to the commencement of the approved use, they shall be retained at all times for refuse only and shall not be used for any other purpose.

Reason: In the interests of the visual appearance of the site and surroundings and to ensure that adequate waste storage facilities are provided for the use, in accordance with 'saved' policies SE7 of the Watford District Plan 2000 and Policies UD1 and SD4 of the Watford Local Plan Core Strategy 2006-31.

- 4 Prior to the commencement of the development, details of a means to secure the access to the rear parking area shall be submitted to and approved in writing by the Local Planning Authority. The security measures approved under this condition shall be installed and made available for use prior to the commencement of the approved use and they shall be retained in operational order at all times unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of the security of the site and to safeguard the amenities and quiet enjoyment of neighbouring properties pursuant to 'saved' policy H15 of the Watford District Plan 2000 policies UD1 and SS1 of the Watford Local Plan, Part 1: Core Strategy 2006-31.

- 5 Notwithstanding the details already submitted, all new and replacement hard surfacing shall be either of a porous material, or provision is made to direct run-off water from the hard surfacing to a permeable or porous area or surface within the curtilage of the site.

Reason: To prevent the increased risk of flooding both on and off the site.

- 6 The soft landscaping proposals shall be implemented as shown on approved drawing number 505042205B, in the first available planting season following the completion of the development. Any new plants 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 to provide softening to the boundaries with residential premises, in accordance with 'saved' policy H15 of the Watford District Plan 2000 and policies SD1 and UD1 of the Watford Local Plan Part 1.

- 7 All the external surfaces of the extension and works to the building shall be finished in materials to match the colour, texture and style of the existing building. In the event of matching materials not being available, details of any alternative materials shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the development shall only be carried out in accordance with any alternative details approved by this Condition.

Reason: In the interests of the visual appearance of the site, pursuant to Policy UD1 of the Watford Local Plan: Core Strategy 2006 - 31.

- 8 The use hereby permitted shall not be operated until the boundary acoustic fencing has been installed in accordance with the approved specification and as shown in approved drawings J7/01166 and 505042205B. This shall be retained and maintained as such unless otherwise approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities and quiet enjoyment of neighbouring properties pursuant to 'saved' policy H15 of the Watford District Plan 2000 and Policy SS1 of the Watford Local Plan, Part 1: Core Strategy 2006-31.

- 9 The use hereby permitted shall not be operated until the car parking, drop off area and cycle storage as shown in approved drawing 505042205B has been installed and made available for use. These facilities shall be retained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: In to ensure suitable on site car parking and cycle storage facilities are provided for the premises in accordance with 'saved' policies T10 and T22 of the Watford District Plan 2000 and Policy UD1 of the Watford Local Plan Part 1 Core Strategy 2006-31.

- 10 The use hereby permitted shall not be operated on these premises before 8:30am or after 6pm Monday to Friday and not at all on Saturdays, Sundays and Bank Holidays unless otherwise approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities and quiet enjoyment of neighbouring properties pursuant to Policy SS1 of the Watford Local Plan, Part 1: Core Strategy 2006-31.

- 11 The premises shall be used only as a General Practice Doctors Surgery within Use Class D1 and shall be used for no other purpose, including any other purposes within Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended by the Use Classes (Amendment) Order 2005 unless otherwise approved in writing by the Local Planning Authority.

Reason: Other uses including other D1 uses may not be suitable for the premises and location and would require consideration on their own merits pursuant to the 'saved' policy H15 of the Watford District Plan 2000 and policies SS1, SD1 and UD1 of Watford Local Plan, Part 1: Core Strategy 2006-31.

Drawing numbers

Site Location Plan 1:1250

Site Block Plan 1:500

505 042 001A

505 042 101B

505 042 201B

505 042 210A

505 042 205B

J7/01166.

INFORMATIVES :-

- 1 In dealing with this application, Watford Borough Council has considered the proposal in a positive and proactive manner having regard to the policies of the development plan as well as paragraphs 186 and 187 of the National Planning Policy Framework and other material considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
2. The application details the intention to convert the existing Practice Surgery at No 36 back to residential use. The applicant is advised that planning permission would be required for any such development at No36 and this is not included in this application.
- 3 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.

- 4 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
- 5 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/neighbor_complaints_%E2%80%93_construction_noise

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 in the highway. This is to minimise the impact of construction vehicles and to improve the amenity area.
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. The applicants' attention is drawn to condition 10 which limits the hours of use of the surgery to those proposed in the application. Prior written

consent would be required to extend these hours of use. The applicant is however advised that due to the predominantly residential nature of the context, the extension of the hours of use to early morning, late evening or weekends is unlikely to be acceptable.

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