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| PART A   |   |
| Report of: <b>Head of Development Management</b> |   |
| Date of committee:                               | <b>13<sup>th</sup> June 2017</b>  |
| Site address:                                    | <b>28, Beechpark Way</b>  |
| Reference Number:                                | <b>17/00443/FUL</b>   |
| Description of Development:                      | <b>Erection of a new detached dwelling house</b>                                |
| Applicant:                                       | <b>Mr Keith Nelson</b>  |
| Date Received:                                   | <b>3<sup>rd</sup> April 2017</b>  |
| 13 week date (major):                            | <b>29<sup>th</sup> May 2017 (extended by agreement to 16<sup>th</sup> June)</b> |
| Ward:  | <b>Park</b>   |

## **1.0 Site and surroundings**

- 1.1 The site is located off the western spur of Beechpark Way and comprises a detached house with double garage. The site is roughly rectangular in shape with an area of 0.155 hectare. To the west and north it adjoins open space and woodland within the Green Belt forming part of the land at Heath Farm House, Grove Mill Lane. Trees in the northern part of the site and adjoining the south-western corner of the site (but not within the site) are protected by Tree Preservation Order No.9. The western and northern boundaries of the site also abut the Green Belt and Grove Mill Conservation Area.
- 1.2 Beechpark Way was developed in the 1960s and is characterised by detached houses, all of a similar design and materials. All houses have integral garages and driveways providing on-site parking.

## **2.0 Proposed development**

- 2.1 To erect a detached house on the western side of the existing house, within the existing side garden area. This will adjoin the open land and woodland to the west. The house will be of a very similar scale and design to the existing house and be constructed in materials to match the existing house. Two parking spaces will be provided on a driveway in front of the house.

### **3.0 Relevant planning history**

3.1 There is no planning history of relevance to the current application.

### **4.0 Planning policies**

#### **Development plan**

4.1 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 The *Watford Local Plan Part 2: Publication Version* was published in July 2016. This has been subject to 3 rounds of public consultation – Nov-Dec 2013, Dec 2014-Feb 2015 and Dec 2015-Feb 2016. It contains development management policies and site allocations. The emerging policies and site allocations in this document can be given limited weight at this time.

#### **4.4 Watford Local Plan Core Strategy 2006-31**

- WBC1 Presumption in favour of sustainable development
- SS1 Spatial Strategy
- HS1 Housing Supply and Residential Site Selection
- HS2 Housing Mix
- INF1 Infrastructure Delivery and Planning Obligations
- UD1 Delivering High Quality Design

#### **4.5 Watford District Plan 2000**

- SE7 Waste Storage, Recovery and Recycling in New Development
- SE37 Protection of Trees, Woodlands and Hedgerows
- T10 Cycle Parking Standards

|     |                         |
|-----|-------------------------|
| T21 | Access and Servicing    |
| T22 | Car Parking Standards   |
| T24 | Residential Development |

**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.

**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 6 Delivering a wide choice of high quality homes

Section 7      Requiring good design  
Section 11     Conserving and enhancing the natural environment  
Decision taking

- 4.12 In January 2016 the Council received the South West Hertfordshire Strategic Housing Market Assessment and associated Economic Study 2016 (SHMA) which set out an Objectively Assessed Need (OAN) for housing in the Borough that exceeds the levels in the Core Strategy. At present the Council's allocations do not provide a five year supply of deliverable housing land based on the OAN contained within the SHMA. The SHMA forms only part of the evidence based for the next iteration of the local plan and further work is being undertaken in relation to capacity assessment and allocations, however it is a material consideration which needs to be taken into account.
- 4.13 Having regard to the SHMA the most recent evidence suggests that policies relating to targets for the delivery of housing within the Watford Local Plan Core Strategy 2006-31 are out of date. Accordingly, applications for housing should be considered against the second test for decision taking in paragraph 14 of the NPPF, applications for housing should be granted permission unless any adverse consequences of doing so would demonstrably and significantly outweigh the benefits when assessed against the policies of the Framework.

## **5.0 Consultations**

### **5.1 Neighbour consultations**

The following properties were notified:

14, 16, 24, 26, 30, 32, Beechpark Way  
11, 12, Heath Farm Court, Grove Mill Lane  
Heath Farm House, Grove Mill Lane  
Heath Farm Cottage, Grove Mill Lane

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

|                                   |    |
|-----------------------------------|----|
| Number of original notifications: | 10 |
| Number of objections:             | 6  |
| Number in support:                | 0  |
| Number of representations:        | 0  |
| TOTAL REPRESENTATIONS:            | 6  |

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

below.

| Representations   | Officer's response   |
|---|--|
| Boundaries of application site shown incorrectly.   | This has now been corrected with an amended site location plan.  |
| Potential impact on Green Belt land adjoining the site.   | The land immediately to the west of the site comprises a belt of mature trees. These will screen the house from view from the Green Belt to the west. In any event, the house will be seen in the context of the existing houses when viewed from the west.                        |
| Design detracts from the street scene, appearing more like a semi-detached house than a detached house.                       | The proposed house is very similar in scale and design to the existing detached houses, the main difference being it does not have an attached garage. Given its location, it will have limited impact on the street scene.  |
| Inadequate car parking provision. No garage provision. This will lead to additional parking on the road.                      | Space exists in front of the proposed house for 2 cars. However, there is inadequate space for turning so the cars will have to exit the site in reverse gear.   |
| Existing on-street parking already occurs. Overspill parking already occurs from existing property. Obstruction of driveways. | Beechpark Way is a cul-de-sac and has no through traffic. The road is wide and has no parking restrictions. Obstruction of driveways is not a planning matter.   |
| Overdevelopment of the site.  | The site is significantly larger than any other site within Beechpark Way and is adequate in size to accommodate an additional house.  |
| Restricted access to the site.  | Although the access to the site from the road spur is narrow, it is sufficient for a car to access and egress the site, as currently occurs with the existing house.   |
| Loss of trees and garden area.  | The Council's Arboricultural Officer is satisfied no trees will be lost. Those closest to the site of the proposed house are not subject to a tree preservation order. Although the side garden area will be lost, significant rear garden areas for both houses will be retained. |

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

### 5.3 **Statutory publicity**

Although no statutory advertisement was required for this application, the application was publicised by site notice posted on 21<sup>st</sup> April 2017. The site notice period expired on 12<sup>th</sup> May 2017.

### 5.4 **Technical consultations**

The following responses have been received from technical consultees:

No technical consultations were necessary in respect of this application.

#### 5.4.1 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.

#### 5.4.2 Site and surroundings:

The site located within the boundary of No28 Beechpark Way. The houses are relatively new linked detached properties. The application site vehicular access is at the end of a turning head which also provides vehicular access to the adjoining property. There is off street parking available for all properties with a garage and driveway.

#### 5.4.3 Local Road Network:

Beechpark Road is an unclassified local access road maintainable by Hertfordshire County Council.

#### 5.4.4 Accessibility:

The site is within a residential neighbourhood

#### 5.4.5 Access and Parking:

The applicant's proposal is not to alter the existing access and the on-site parking is to be increased from 4 to 6 spaces. On-site parking is a matter for the local planning authority. There are objections from the adjoining properties about on-site parking, use of the driveway, etc. The Highway Authority has no jurisdiction on the use of the driveway, parking and land ownership. The Highway Authority has suggested a condition on construction management plan to assess the potential impact on the public highway during the construction period.

#### 5.4.6 Arboricultural Officer

The proposals will not directly affect any protected trees (TPO 9) or those falling within the Grove Mill Conservation Area. The only indicated removal is a mature magnolia to enable the new drive to be constructed; its loss will not be significant in the landscape. Both the off-site and on-site protected trees and the off-site

conservation area trees are all sufficiently distant to not require additional protective fencing, however, I would wish to see details of the location of any proposed soakaways in the rear garden to ensure they do not affect the protected trees.

## **6.0 Appraisal**

### **6.1 Main issues**

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

- (a) Principle of the development.
- (b) Scale and design.
- (c) Quality of amenity for future residents.
- (d) Impact on adjacent properties.
- (e) Access and car parking.

### **6.2 (a) Principle of the development**

The site is within an established residential area characterised by detached family houses. Furthermore, Policy SS1 of the Core Strategy encourages the provision of family housing within suburban areas of the borough. The proposal will therefore accord with the character of the area and the Council's spatial strategy.

- 6.2.1 The proposed house will adjoin the Green Belt and the Grove Mill Conservation Area immediately to the west. Adjoining the western boundary of the site is a belt of mature trees which will screen the proposed house from view from the land to the west. As such, the proposal will have no impact on views from within the Green Belt or on the setting of the conservation area. Furthermore, any views of the proposed house would be seen in the context of the existing houses and would not, therefore, have any harmful effect.

### **6.3 (b) Scale and design**

The proposed house will be very similar in its scale and design to the existing house on the site and the houses in Beechpark Way. It incorporates a relatively shallow pitched roof and large, gabled projection on the front elevation, both of which are characteristic of the houses in Beechpark Way. It is proposed to use materials to match the existing house which is acceptable and can be secured by condition.

### **6.4 (c) Quality of amenity for future residents**

The proposed house has an internal area of 132m<sup>2</sup>, with 2 double bedrooms and 1 single bedroom. The nationally described space standard for a 3 bedroom, 5 person house is 93m<sup>2</sup>, which the proposal significantly exceeds. All of the rooms will have good levels of outlook, natural light and privacy. A rear garden area of 348m<sup>2</sup> will

be provided. Adequate space will exist for the storage of bins and cycles.

**6.5 (d) Impact on adjacent properties**

The siting of the proposed house will ensure that it will have no adverse impact on the amenities of the existing house on the site. The existing house will retain a rear garden area of 400m<sup>2</sup>.

- 6.5.1 The house at 30, Beechpark Way is sited 31m to the south-east of the proposed house. This distance is sufficient to ensure the proposed house will have no adverse impact on this property.

**6.6 (e) Access and car parking**

Access to the site is from the short western spur of Beechpark Way. At the end of the spur, the site is accessed via a 3.5m wide driveway serving the existing house. This driveway will also give access to the proposed house. The driveway exceeds the minimum width of 2.75m to serve up to 5 dwellings and is acceptable to serve both properties.

- 6.6.1 The existing house has a double garage and space to park 2 cars on the driveway in front of the garage. The driveway in front of the house will be widened by the removal of a flower bed to give improved access to the proposed house. This will allow 1 space to be retained in front of the garages. The proposed house will have 2 parking spaces in front. However, there will not be sufficient space to allow cars to turn on the site, so cars will have to reverse out of the site on to the spur road. Whilst this is not ideal, the distance involved is only 20m and is not unduly onerous.
- 6.6.2 Beechpark Way is a cul-de-sac arranged around an area of open space with a circular road serving 3 short spurs as well as giving direct access to houses fronting the road. It carries no through traffic and serves only 21 houses. All of the existing houses have an attached garage and at least 1 parking space on the driveway. The road is wide at 5.5m and sufficient to accommodate on-street parking without obstructing the flow of traffic. Given the very low traffic flows generated by the 21 houses, the need for the future occupiers to reverse out of the site will not cause any hazards on the road. Any on-street parking that occurs can also be accommodated comfortably and will cause no hazards to traffic. In these circumstances, the parking provision for the proposed house and that to be retained for the existing house is acceptable.

**7.0 Community Infrastructure Levy and Planning Obligations**

**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.

7.1.1 The CIL charge applicable to the proposed development is £120m<sup>2</sup>. The charge is based on the net increase of the gross internal floor area of the proposed development. Exemptions can be sought for charities, social housing and self-build housing. If any of these exemptions is applied for and granted, the CIL liability can be reduced.

7.1.2 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.

## 7.2 **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. In this case, there is no requirement for a planning obligation.

## 8.0 **Conclusion**

8.1 There is no objection in principle to the provision of an additional house on this site. The scale and design of the proposed house will be very similar to the existing house on the site and will be in keeping with the character and appearance of the area. The proposed house will provide a good level of amenity for future occupiers and will have no adverse impacts on the existing house or adjacent houses. Access and parking provision is acceptable given that Beechpark Way is a cul-de-sac and carries no through traffic.

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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**

That planning permission be granted subject to the following conditions:

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

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

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

Sheet 2, Sheet 4

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

3. No development shall commence until details of the bricks to be used for the walls and the tiles to be used for the roofs 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 building, the streetscene 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 materials need to be agreed with the Local Planning Authority before construction commences.

4. No soakaways shall be constructed to serve the development until details of the siting, size and depth of the soakaways (having particular regard to the preserved trees on and adjoining the site, have been submitted to and approved in writing by the Local Planning Authority. The soakaways shall only be constructed in accordance with the approved details.

Reason: To ensure the health and long term retention of the protected trees on and adjoining the site is not prejudiced by the development, in accordance with saved Policy SE37 of the Watford District Plan 2000.

### Informatives

1. You are advised of the need to comply with the provisions of The Control of Pollution Act 1974, The Health & 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](https://www.watford.gov.uk/info/20010/your_environment/188/neighbour_complaints_%E2%80%93_construction_noise).

2. This development may be considered a chargeable development for the purposes of the Community Infrastructure Regulations 2010 (as amended). The charge is non-negotiable and is calculated at the time planning permission is granted. The charge is based on the net increase of gross internal floor area of the proposed development.

A person or party must assume liability to pay the levy using the assumption of liability form 1 which should be sent to the CIL Officer, Regeneration and Development, Watford Borough Council, Town Hall, Watford, WD17 3EX or via email ([semeta.bloomfield@watford.gov.uk](mailto:semeta.bloomfield@watford.gov.uk)).

If nobody assumes liability to pay the levy this will default to the land owner. A Liability Notice will be issued in due course. Failure to adhere to the Regulations and commencing work without notifying the Council could

forfeit any rights you have to appeal or pay in instalments and may also incur fines/surcharges.

3. All new developments 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 [streetnamenumber@watford.gov.uk](mailto:streetnamenumber@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. 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.

#### Drawing numbers

Site location plan

Sheet 1, Sheet 2, Sheet 3, Sheet 4

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