

PART A	
Report of: Head of Development Management	
Date of committee:	5th July 2017
Site address:	1 Prince Street
Reference Number:	17/00542/FUL
Description of Development:	Proposed change of use from store/office (B8/B1) to dwelling (C3).
Applicant:	Via Properties
Date Received:	25th April 2017
13 week date (major):	20th June 2017 (extended by agreement to 6th July 2017)
Ward:	CENTRAL

1.0 Site and surroundings

- 1.1 The site contains a slim two storey building located at the end of a terrace of Victorian cottages. The building appears to have been vacant for some time and is stated as being last occupied as a Business use under planning use classes B8/B1. The building contains 57.3m² of floor area at ground and first floor and a converted loft space with restricted internal height.
- 1.2 The site is located within the Estcourt Conservation Area and is subject to an Article 4 direction removing some Permitted Development rights.

2.0 Proposed development

- 2.1 To convert the existing commercial building (use class B8/B1) to a 1 bedroom dwelling (C3). Part infill of the front opening and installation of new windows and doors. Erection of a new front boundary wall with bin and bike storage within the front garden area.

3.0 Relevant planning history

- 3.1 06/00300/PREAPP Pre application enquiry - Conversion to residential
- 3.2 14/00748/PREAPP Pre-application enquiry for converting vacant warehouse into a two double bedroom property.

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
- UD2 Built Heritage Conservation

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
- U18 Design in Conservation Areas
- U19 Small Scale Development in Conservation Areas

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 Estcourt Conservation Area Character Appraisal Document (SPD adopted June 2010)

4.12 **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

4.13 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.

4.14 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:

Flats 1 to 8, Queens Court, 106 - 108 Queens Road, Watford
3, 5 and 7 Prince Street, Watford, WD17 2NY,

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

Number of original notifications:	11
Number of objections:	6
Number in support:	0
Number of representations:	1
TOTAL REPRESENTATIONS:	7

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

Representations	Officer's response
The plans state that there is a right of way across Queens Court which is disputed. This area is used as car parking and bin storage for other properties.	The grant of planning permission does not override any property rights that may exist and does not confirm the legal status of this right of way. In planning terms the property is shown to have suitable access from the main front door. Property rights remain a civil matter between interested parties.
The side doorway is a recent addition	Noted. This door is acceptable in planning terms and the access/use of this door is a civil matter between owners.
The plans show the removal of a fence owned by Queens Court.	The grant of planning permission does not override any property rights that may exist. Property rights remain a civil matter between interested parties.

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

5.3 **Statutory publicity**

Notice placed in Watford Observer and Site Notice displayed.

5.4 **Technical consultations**

The following responses have been received from technical consultees:

5.4.1 Conservation

No objection subject to high quality finish of materials and details, as set out in condition.

5.4.2 Parking Services

Total exemption from permit entitlement

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) Design and impact on Conservation Area
- (c) Quality of amenity for future residents.
- (d) Impact on adjacent properties.
- (e) Parking and highways implications

6.2 (a) Principle of the development

The development would result in the loss of a small B8/B1 premises which is of an employment use. The site is not however located within a designated employment area and as such, the loss of the commercial use is not contrary to the Councils spatial strategy.

- 6.2.1 The site is within an established residential area characterised by terraced family houses and flats. The provision of housing in this residential area will therefore accord with the character of the area and policy HS1 of the Local Plan Part 1: Core Strategy.

6.3 (b) Design and impact on Conservation Area

The proposed development would involve the loss of the existing commercial fenestration and installation of windows and doors of a pattern to match that of the existing streetscene and a roof light in the rear roof slope. By installing a pattern of fenestration in keeping with the terrace and character of the area, the development would have a significant positive visual impact on the site and will enhance the character and appearance of the area. The use of high quality materials is secured by condition.

- 6.3.1 The development proposes the storage of bins and bicycles within the front garden area of the proposed house. This is not normally supported however, this is the only area available for the development and it is considered that the visual harm of the bins and bicycle storage is far outweighed by the beneficial works to the building which will significantly enhance its character and appearance. Following amendments, the development now includes a sympathetic boundary wall around the front garden area. This will serve to screen the bin and bicycle storage but also continue the front boundary wall pattern characteristic in the streetscene.

6.4 (c) Quality of amenity for future residents

The building has a Gross Internal Area of 57.3m² over the ground and first floors. There is an additional 11m² in the loft area however nearly all of this area is below the minimum internal height of 2.3m required by the space standards of RDG. The original proposal for a 2bed 3 person dwelling over the 3 floors would failed to have met the RDG space standards. The amendments use this 57.3m² to create a 1 bed,

2 persons dwelling over 2 storeys (with a store at loft level) would be sufficiently compliant with the 58m² guidance of section 7.3.6 of the RDG. The main bedroom, at 12.15m², exceeds the 11.5m² minimum guidance and the dwelling includes suitable storage space.

6.4.1 The narrow and angular form of the building is noted however the bedroom and ground floor lounge have a minimum width compliant with the space standards. With suitable internal space and good levels of outlook, natural light and privacy.

6.4.2 The property does not include any outdoor amenity space however as a 1 bed dwelling within this context, this is not unreasonable or harmful. It is further noted that the building is within reasonable proximity to public open space, as identified on the Proposals Map.

6.4.3 The right of way to the side access door of the property, as marked on the submitted plans, is disputed in neighbours' objections. This is a civil matter and is not a material planning consideration. It is however relevant to ensure that occupiers have suitable access to the dwelling. For planning purposes, the development contains suitable and safe access for future occupiers via the front door of the dwelling. The side door is proposed as a secondary door and the legal status of this access does not affect the reasonable access to the dwelling.

6.5 (d) Impact on adjacent properties

It is considered that the proposed residential use would create less impact and disturbance to the amenities of residential occupiers than that of the existing B1/B8 use.

6.5.1 The alterations to the building would not create any loss of light, outlook or privacy to surrounding residential occupiers. The first floor rear window of the building is proposed as obscurely glazed and fixed closed and so would not result in overlooking to the rear properties. This rear window and the first floor side window of the building are recommended to be conditioned as obscurely glazed and fixed closed below 1.m internal height.

6.6 (e) Parking and highways implications

The site does not include any on site car parking. As the site is within a Controlled Parking Zone and with a sustainable town centre location, it is considered suitable for the 1 bedroom house to be a car-free development in accordance with save policy T26 of the Watford District Plan 2000. A S106 agreement has been drafted and signed to secure the variation of the CPZ traffic order to exempt future occupiers of the development from entitlement to parking on the surrounding roads. The development would therefore not increase on road parking demand and

would not result in any highway implications.

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.

7.2 The CIL charge applicable to the proposed development is £120m². The charge is based on the gross internal floor area of the proposed development subject to the change of use to residential. 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.

7.3 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 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 application is accompanied by a Unilateral Undertaking dated 15th June 2017, which secures the relevant contributions for the removal of entitlement to residents parking permits in accordance.

8.0 Conclusion

8.1 The principle of the change of use from B1/B8 to a dwelling is supported in this residential area. The external alterations will improve the appearance of the

building and would enhance the character and appearance of the Conservation 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.

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

That planning permission be granted subject to the following conditions:

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

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

- 2 The development shall be carried out in accordance with the following drawings, unless otherwise approved in writing by the Local Planning Authority. The following drawings are hereby approved: Unnumbered drawing of existing and proposed plans and elevations (amended 15.06.2017) and Site Location Plan 1:1250.

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

- 3 a) No work shall commence until details and samples of the materials to be used for the external doors, windows, window reveals and front boundary gate, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details and samples.

b) The external surfaces of the walls of development shall be finished in the materials as stated below, unless otherwise approved in writing by the planning authority. The materials shall be:

- The side (east) wall and rear (north) wall of the building shall be finished in white painted render.
- All development to the front (south) wall elevation shall be constructed of brick to match the size, pattern and texture of the existing front elevation. The facing brick of the full front wall elevation shall be painted white. Render shall not be applied to the front wall elevation.
- The boundary wall around the front garden area shall be constructed in brick of a size, pattern and texture to match the adjoining wall at No 3 and this wall shall be painted white.

c) All other materials for the development, other than those specified in parts a) and b), 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: To ensure that the development applies high quality materials that respond to the buildings context and makes a positive contribution to the character and appearance of the site, the streetscene and the Conservation area.

- 4 Notwithstanding the information already submitted details of the size, type, siting and finish of refuse and recycling storage enclosures for the house 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 occupation of the development and shall be retained at all times for refuse/recycling only and shall not be used for any other purpose.

Reason: In the interests of the visual appearance of the site, to ensure that adequate waste storage facilities are provided and to ensure that a suitable living environment is provided, in accordance with 'saved' policies H13 and SE7 of the Watford District Plan 2000 and Policies UD1 and SD4 of the Watford Local Plan Core Strategy 2006-31.

- 5 Notwithstanding the information already submitted details of the size, type, siting and finish of a cycle storage enclosure for the proposed flats shall be submitted to and approved in writing by the Local Planning Authority. The storage approved under this condition shall be installed and made available for use prior to the occupation of the development and shall be retained at all times for cycle storage only and shall not be used for any other purpose.

Reason: In the interests of the visual appearance of the site and to ensure that secure cycle storage facilities are provided for future residents in accordance with Policy T10 of the Watford District Plan 2000 and Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

- 6 The first floor window in the north (rear) elevation and first floor window in the east (side) elevation shall be installed and retained with obscure-glazing, and shall be non-opening other than in parts of the windows which are more than 1.7 metres above the floor of the room in which the window is installed.

Reason: To prevent overlooking and consequent loss of privacy to neighbouring premises pursuant to Policy UD1 (Delivering High Quality Design) of the Watford Local Plan (Core Strategy) 2006-2031 and the Residential Design Guide (Sept 2016).

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 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.

- 3 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

- 4 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

- 5 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.

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.

- 6 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.
- 7 The drawings approved for planning purposes include detail of a 'Right of Way'. The approval of these drawings does not confirm or otherwise the legal status of this Right of Way. The grant of planning permission does not override any property rights that may exist. Property rights remain a civil matter between interested parties.
- 8 This planning permission is accompanied by a unilateral undertaking, dated 15th June 2017, under Section 106 of the Town and Country Planning Act 1990 to secure financial contributions to Watford Borough Council towards the variation of the Borough of Watford (Watford Central Area and West Watford Area)(Controlled Parking Zones) (Consolidation) Order 2010, to exclude future occupants of the development from entitlement to park in the surrounding roads.

Drawing numbers

Unnumbered drawing of existing and proposed plans and elevations (amended 15.06.2017)
Site Location Plan 1:1250.

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