

PART A	
Report of: Head of Development Management	
Date of committee:	26th July 2017
Site address:	9, Station Road
Reference Number:	17/00486/FUL
Description of Development:	Change of use of first floor commercial space from a mixed use comprising A1, A2, B1(a), D1 or coffee shop (serving hot and cold drinks, sandwiches and other light refreshments, and reheated/warmed food such as soup and paninis) to the approved mixed use and Class A4 use (drinking establishments).
Applicant:	Mr D Darby, Cedarmill Developments Limited
Date Received:	12th April 2017
13 week date (major):	7th June 2017
Ward:	Central

1.0 SITE AND SURROUNDINGS

- 1.1 The site is located at the junction of Station Road and Westland Road and comprises a recently completed multi-storey building providing 245m² of commercial floorspace (at ground and first floor levels on the Station Road frontage) and 14 residential flats.
- 1.2 The surrounding area is very varied. Adjoining the site to the east is the NatWest Bank and to the west, on the opposite side of Westland Road, is Cassiobury House, the former County Court that is now in office use. To the south, Westland Road is residential. To the north is The Flag public house and offices on Station Road.

2.0 PROPOSED DEVELOPMENT

- 2.1 To change the use of the first floor to add Class A4 use (for the sale and consumption of alcohol on the premises) to the existing consented uses (mixed use comprising Class A1, A2, B1(a), D1 and coffee shop). To allow the first floor to be used as a coffee shop and a wine bar. This will allow the same range of uses at first floor as has recently been approved at ground floor under ref. 16/01582/COU.

3.0 RELEVANT PLANNING HISTORY

3.1 The following planning history is relevant to this application:

12/00306/FULM – Planning permission granted in June 2012 for the demolition of existing building and construction of new build block comprising 14 residential units and 200m² of commercial space.

15/00205/NONMAT – Non-material amendments to planning permission ref.12/00306/FULM granted on 12th March 2015 for reduced cantilever wall at front of building; removal of glass balustrade on fifth floor balcony and raising of parapet wall; new metal louvred canopy at fourth floor level at front of building; replacement of curtain walling on first-fifth floor levels with standard windows and infill of coloured spandrel panels or recessed coloured render; replacement of rainscreen cladding with render on all elevations. These amendments were granted to the previous owner of the site and were not implemented.

16/00459/NONMAT - Non-material amendments to planning permission ref.12/00306/FULM granted on 27th April 2016 for alterations to cantilever wall at front of building; replacement of curtain walling on first-fifth floor levels with standard windows and recessed panels; replacement of rainscreen cladding with render on all elevations; replacement of render on stair core with facing brickwork; louvres and louvred doors to replace metal grills at ground floor level; metal doors to undercroft parking areas; and other amendments.

16/00805/FUL – Planning permission granted on 8th August 2016 for alterations to car parking layout for commercial use, extension of ground floor commercial floorspace and use of ground and first floor commercial floorspace for Class A1 (shops) use and/or use as a coffee shop.

16/01582/COU – Planning permission granted 3rd January 2017 to change the use of the ground floor to add Class A4 use (for the sale and consumption of alcohol on the premises) to the existing consented uses (mixed use comprising Class A1, A2, B1(a), D1 and coffee shop). To allow the ground floor to be used as a coffee shop and a wine bar.

17/00038/COU – Planning permission refused 17th March 2017 for the change of use of the first floor commercial space from a mixed use comprising A1, A2, B1(a), D1 or coffee shop (serving hot and cold drinks, sandwiches and other light refreshments, and reheated/warmed food such as soup and paninis) to the approved mixed use and Class A4 use (drinking establishments).

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 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.

4.3 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 2 Ensuring the vitality of town centres

Decision taking

5.0 CONSULTATIONS

5.1 Neighbour consultations

The following properties were notified:

Flats 1-15 (exc. 13), Junction Court

7, Station Road

Second Floor, 7, Station Road

Ground Floor Flat and First Floor Flat, 1, Westland Road

- 5.2 Six letters of objection have been received. The points that have been raised are summarised and considered in the table below.

Representations	Officer's response
No need for another Class A4 use in this locality.	See paragraphs 6.2-6.2.2 of the report.
Noise and disturbance to residents of Junction Court from Class A4 use arising from vehicles, customers and music.	See paragraphs 6.3-6.3.2 of the report. The site is located in an area where there is already substantial footfall and in close proximity to The Flag PH opposite.
The proposed use will encourage anti-social behaviour in the locality, including drug use, smoking, vandalism, etc.	There is no reason why this particular use should give rise to anti-social behaviour. If the use does give rise to unacceptable behaviour, it is within the powers of the Council as the Licensing Authority and the Police to remove their licence.

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:

5.4.1 Environmental Health

Following a site inspection by officers and the submission by the applicant of a report detailing sound testing at the site, Environmental Health are now satisfied that the proposed use is acceptable and will not cause a noise nuisance to residents within the building, subject to appropriate conditions.

6.0 **APPRAISAL**

6.1 **Main issues**

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

- (a) Principle of the use.
- (b) Impact on residential properties.

6.2 (a) Principle of the use

The site falls within Employment Area 7a on the Proposals Map of the Watford District Plan 2000 with a focus on primary office use (Class B1a). In the Core Strategy, the site falls within Special Policy Area 1: Town Centre. Policy SS1 states

that the Town Centre SPA will be the focus for shopping, leisure and cultural activities, with office uses focussed along Clarendon Road. Emerging Policy EMP5 of the Local Plan Part 2 relates specifically to the Clarendon Road, Station Road and Bridle Path Office Area. It states that development within this area should deliver additional modern, high quality office floorspace but that element of small scale supporting uses (such as coffee shops, conference facilities, gyms and crèches) will be supported where these add to the vitality and viability of the area. Such uses must not undermine either the role of the town centre or the proposed Watford Junction redevelopment.

6.2.1 In this case, the approved development for the site includes approximately 245m² of commercial floorspace at ground and first floor levels on the Station Road frontage. The proposed uses were intended to accommodate small scale office uses as well as other potential supporting uses such as a crèche/day nursery and medical/health services. Subsequently, the use of the commercial floorspace as a sandwich bar/coffee shop and potentially other retail uses such as a small convenience store or pharmacy have also been approved. These uses were considered acceptable as they would serve not only the surrounding office uses but also commuters using Watford Junction Station directly opposite the site. Facilities at the station are currently very limited given the high number of commuters that use the station on a daily basis.

6.2.2 The current proposal is to include the sale and consumption of alcohol on the premises as an additional use at first floor level. It is the applicant's intention to use the unit as a sandwich/coffee shop during the day and a wine bar in the evening. Planning permission has already been granted to allow the ground floor to also be used for Class A4 purposes. As with the previously approved uses, this will serve commuters using Watford Junction as well as office workers within the employment area. As such, having regard to the limited floorspace of the unit, the proposed use is considered to be in general accordance with emerging Policy EMP5 and will not undermine the town centre or the potential redevelopment of Watford Junction.

6.3 (b) Impact on residential properties

The nearest residential properties are on the upper floors of the building itself and on Westland Road to the south. It is now proposed to use the first floor for Class A4 purposes as well as the ground floor, as previously approved. In the previous application, the commercial unit at first floor level provided a separation between the ground floor unit and the residential above. This will no longer be the case in the current proposal, so the potential impact on the residential flats above and adjoining the first floor commercial space will need careful consideration.

6.3.1 The application is supported by details of the construction of the building and the

sound insulation measures that have been installed following completion of the building. At the request of Environmental Health officers, a series of airborne sound insulation tests have been carried out and detailed in the submitted Acoustic Report by Stroma Tech. Stroma Tech is a UKAS accredited testing laboratory for field measurements of sound insulation.

6.3.2 Environmental Health have set a maximum ambient internal noise level within the adjoining residential flats of 25dB(A) in order to ensure no noise nuisance occurs to the occupiers of these flats as a result of the proposed use. The airborne tests carried out evaluated the sound insulation performance of the wall and floor separating the flats from the first floor commercial floorspace. The adjoining flats are nos. 3 and 8 and the sound testing was undertaken in the bedroom and living/kitchen rooms of both flats. From this testing, a maximum noise level within the first floor unit has been calculated in order to meet the required ambient internal noise level of 25dB(A). This level is 83dB(A). In order to achieve this level within the first floor unit, Environmental Health requires the following conditions to be imposed:

- i) Live music/performances to be prohibited.
- ii) All windows to be shut between 10.00pm and 7.00am the following day.
- iii) All amplified music to be played through a single sound limiter device. The music level shall not exceed 83dB LAMax one metre from any speaker.

Subject to these conditions, Environmental Health officers are satisfied that the ambient internal noise level of 25dB(A) in the adjoining flats will not be exceeded and therefore that no noise nuisance will be caused to the occupiers of the flats.

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. In this case, no liability to CIL arises for the proposed development.

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. No requirement for a planning obligation arises in this case.

8.0 CONCLUSION

- 8.1 Following the installation of sound insulation measures and the carrying out of airborne sound testing, it is not considered that the proposed use of the first floor of the commercial unit as a wine bar within Class A4, would have any adverse impact on the amenities of the adjoining residential occupiers in the building, subject to appropriate conditions being imposed.

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. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, the commercial floorspace shall only be used for purposes within Use Classes A1, A2, A4, B1(a) and D1 of the Town and Country Planning (Use

Classes) Order 1987, as amended, or as a coffee shop (serving hot and cold drinks, sandwiches and other light refreshments, and reheated/warmed food such as soup and paninis, for consumption on or off the premises) and for no other purpose;

Reason: In order for the uses of the commercial floorspace to be compatible with the residential accommodation on the upper floors of the building.

3. No primary cooking of unprepared food shall be carried on within the premises. Only reheated food that has been prepared elsewhere or cold food shall be served within the premises.

Reason: In order for the uses of the commercial floorspace to be compatible with the residential accommodation on the upper floors of the building.

4. No live music or live performances of any kind shall take place at ground or first floor within the commercial unit.

Reason: To ensure the proposed use for purposes within Use Class A4 of the Town and Country Planning (Use Classes) Order 1987, as amended, does not result in noise nuisance to the adjoining residential occupiers.

5. All windows to the first floor commercial floorspace shall be fixed shut at all times.

Reason: To ensure the proposed use for purposes within Use Class A4 of the Town and Country Planning (Use Classes) Order 1987, as amended, does not result in noise nuisance to the adjoining residential occupiers.

6. No amplified music shall be played at ground or first floor level within the commercial unit unless it is played through a single sound limiter device that has been approved by the Local Planning Authority. The music sound level shall not exceed 83dB L_{max} one metre from any speaker. The sound limiter device shall be located in a separate and remote lockable cabinet from the volume control fitted to any musical amplification system and set at a level approved by the Local Planning Authority. The operational panel of the sound limiter device shall be secured to the satisfaction of the Local Planning Authority. The sound limiter device shall not be altered without the prior written approval of the Local Planning Authority.

Reason: To ensure the proposed use for purposes within Use Class A4 of the Town and Country Planning (Use Classes) Order 1987, as amended, does not result in noise nuisance to the adjoining residential occupiers.

Informative

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 2010, as amended. The Council also undertook discussions with the applicant's agent during the application process.

Drawing numbers

15903/PA/100

Plan 2

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