

PART A	
Report of: <b>Head of Development Management</b>	
Date of committee:	<b>4<sup>th</sup> October 2017</b>
Site address:	<b>70-72 Fearnley Street</b>
Reference Number:	<b>17/00877/FUL</b>
Description of Development:	The demolition of the existing industrial and warehouse units and the creation of 6 duplex flats and the extension and conversion of existing office buildings into 2 residential dwellings along with landscaping and the provision of bicycle and waste storage. (amended description).
Applicant:	TENDING ESTATES LTD
Date Received:	22nd June 2017
8 week date (minor):	1st September 2017
Ward:	<b>Vicarage</b>

## **1.0 Site and Surroundings**

- 1.1 The application site comprises industrial and warehouse units, to the rear of the residential properties at 74-82 Fearnley Street. The units are in various shapes and sizes but are predominantly single storey except for the taller building to the rear of 80 and 78 which also wider, at north end of the site. The units are rather insubstantial in terms of their structure and are in poor condition.
- 1.2 There is a gap and unbuilt space between the rear gardens of the houses in Fearnley Street and the industrial units which is normally used for car parking purposes.
- 1.3 The site is located in a primarily residential area comprising small scale Victorian terrace houses. This is a very urban character area, dominated by long terraces of residential properties and containing only modest areas of green space. Although the vast majority of land use is taken up by terraces of two storey residential properties, the Chater School, the Al Zahra Mosque and the Vicarage Cemetery are significant land uses in the area.

- 1.4 The site backs on to Vicarage Road Cemetery which is in a conservation area. To its north the site abuts a pair of buildings which were originally part of the same industrial site but were developed as two houses back in 2005.
- 1.5 The site also includes a pair of end of terrace buildings fronting onto Fearnley Street which has the appearance of residential dwellings, but have been used as offices in connection with the remainder of the site. The site until recently was occupied by a water treatment company and it is now vacant.
- 1.6 There is a vehicular access from Fearnley Street, between the two terraced buildings which forms part of the application site and the adjacent terrace buildings to the north (number 76 Fearnley Street).
- 1.7 Fearnley Street is subject to Residential Parking Controls. The application site is not located within conservation area and there are no listed buildings on site. It is not located within a protected employment use area.

## 2.0 **Proposed Development**

- 2.1 The application proposes to demolish all the existing industrial units and to erect a terrace of two storey buildings to provide 6 self-contained dwellings. The scheme follows a pre application scheme incorporating 7 self-contained dwellings with a larger footprint. The amended plans took account of comments received by the Conservation Manager.
- 2.2 The proposed dwellings will be located along the rear of the site close to the wall of the cemetery. Each of the dwelling units will contain one bedroom and a bathroom on the ground floor with living, dining room, and kitchen on the first floor. The proposed building will be set back from the cemetery wall allowing a small patio area on the ground floor. At the first floor level the building is partly set back allowing a balcony area to be used as an amenity space for each dwelling.
- 2.3 The terrace is largely windowless on the elevation facing the gardens of the houses in Fearnley Street. The ground floor elevation is largely in brick but it will also incorporate timber panels and a timber door. The first floor elevation will partly be clad in slate coloured metal panel. The roof will be flat but it is broken and follows a staggered line and also incorporates a soffit.
- 2.4 The area to the front of the dwellings will be landscaped. The waste and recycle bins as well as the provision for the bicycles will be provided in an appropriate

location on the communal court yard.

- 2.5 To proposal will also include the conversion of the two office buildings to the front of the site into two houses. The physical external alterations will include single storey infill extensions to the rear. Each dwelling will provide two bedrooms and a bathroom on the first floor with living, kitchen and dining room on the ground floor. The houses will include small open amenity space to the rear. Each house will have direct access from Fearnley Street.

### 3.0 **Planning History**

- 3.1 On 25.11.2004 Planning permission (Ref;04/00896/COU) was refused for the change of use from industrial to residential incorporating conversion of offices to 2 x 1 bedroom dwellings, erection of 2 x 2 bedroom bungalows and demolition of industrial units (amended description).
- 3.2 On 12.08.2015 Prior Approval notification (Ref;15/00868/OPD) was refused for the change of use from existing office buildings into residential.
- 3.3 On 12.08.2015 Prior approval notification (Ref;15/00869/PPD) was refused for the for the change of use from existing storage/warehouse buildings into residential.
- 3.4 On 06.11.2015 Prior approval notification (Ref15/01269/PPD) was refused for the change of use from existing storage/warehouse buildings into residential.
- 3.5 On 02.11.2015 Prior approval notification (Ref; 15/01270/OPD) was refused for the change of use from existing office buildings into residential.

## 4.0 **PLANNING POLICIES**

### 4.1 **Development Plan**

In accordance with s.38 of the Planning and Compulsory Purchase Act 2004, the Development Plan for Watford comprises:

- (a) *Watford Local Plan Core Strategy 2006-31;*
- (b) *the continuing "saved" policies of the Watford District Plan 2000;*
- (c) *the Hertfordshire Waste Core Strategy and Development Management Policies Document 2011-2026; and*

(d) *the Hertfordshire Minerals Local Plan Review 2002-2016.*

4.2 The Watford Local Plan Core Strategy 2006-31 was adopted in January 2013. The Core Strategy policies, together with the “saved policies” of the Watford District Plan 2000 (adopted December 2003), constitute the “development plan” policies which, together with any relevant policies from the County Council’s Waste Core Strategy and the Minerals Local Plan, must be afforded considerable weight in decision making on planning applications. The following policies are relevant to this application.

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

WBC1 Presumption in favour of sustainable development

SS1 Spatial Strategy

SD1 Sustainable Design

SD2 Water and Wastewater

SD3 Climate Change

SD4 Waste

HS1 Housing Supply and Residential Site Selection

HS2 Housing Mix

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

UD2 Built Heritage Conservation

GI3 Biodiversity

EMP2 Employment Land

#### **4.4 Watford District Plan 2000**

SE7 Waste Storage, Recovery and Recycling in New Development

T10 Cycle Parking Standards

T21 Access and Servicing

T22 Car Parking Standards

T24 Residential Development

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

1 Strategy for the Provision of Waste Management Facilities

1A Presumption in Favour of Sustainable Development

- 2 Waste Prevention and Reduction
- 12 Sustainable Design, Construction and Demolition

#### **4.6 Hertfordshire Minerals Local Plan Review 2002-2016**

No relevant policies.

#### **4.7 Supplementary Planning Documents**

The following Supplementary Planning Documents are relevant to the determination of this application, and must be taken into account as a material planning consideration.

#### **4.8 Residential Design Guide**

The Residential Design Guide was adopted in July 2014. It provides a robust set of design principles to assist in the creation and preservation of high quality residential environments in the Borough which will apply to proposals ranging from new individual dwellings to large-scale, mixed-use, town centre redevelopment schemes. The guide is a material consideration in the determination of relevant planning applications.

#### **4.9 Watford Character of Area Study**

The Watford Character of Area Study was adopted in December 2011. It is a spatial study of the Borough based on broad historical character types. The study sets out the characteristics of each individual character area in the Borough, including green spaces. It is capable of constituting a material consideration in the determination of relevant planning applications.

#### **4.10 Conservation Area Character Appraisals**

These character appraisals examine the Borough's Conservation Areas and describe why they are an area of special architectural and historical interest. Their purpose is to help inform the design of any future development proposals so that they enhance the area and acknowledge its features. The following appraisal is relevant to this application and is a material consideration in its determination:

- The Square Conservation Area Character Appraisal (adopted December 2011)

#### **4.11 South West Hertfordshire Strategic Housing Market Assessment and associated Economic Study (SHMA) (January 2016).**

This is a material consideration in the determination of application for housing

provision.

#### **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 4	Promoting sustainable transport
Section 6	Delivering a wide choice of high quality homes
Section 7	Requiring good design
Section 8	Promoting healthy communities
Section 10	Meeting the challenge of climate change
Section 11	Conserving and enhancing the natural environment
Section 12	Conserving and enhancing the historic environment
Section 13	Facilitating the sustainable use of minerals

---

### **CONSULTATIONS**

#### **5.0 Neighbour consultations**

5.1 Letters were sent to 20 neighbouring properties. 5 responses were received. A summary of the points that were raised can be found below in the section of this report entitled Consideration of Representations Received.

#### **Statutory consultations**

5.2 Highways have been consulted. They have no objection to the scheme. They recommend a condition to secure highway safety.

#### **Internal consultations**

5.3 The Conservation Manager has been involved from the pre-application scheme, and has commented that the proposal will provide the opportunity to enhance the character and appearance of the area.

- 5.4 The Environmental Health officer has recommended conditions with respect to contamination of the site.
- 5.5 The waste and recycling service have no objection to the scheme.
- 

## **6.1 Planning Considerations**

The main issues to be considered are;

- (a) Land use, the loss of employment floor space and the provision for housing
- (b) The quality of the new accommodation provided
- (c) Impact on amenity of the adjoining residential properties
- (d) Highways impact
- (e) Scale, bulk Design and appearance
- (f) Land contamination
- (g) Impact on social infrastructure

### **(a) Land use**

- 6.2 The proposal will result in the loss of employment use which until recently was used for light industrial and storage purposes. Policy EMP2 of the Core Strategy seek to protect allocated employment areas, primarily for B class uses, whilst recognising that a broader mix of employment generating uses is appropriate in Special Policy Areas, as set out in those policies. The site is not within an employment protected area, nor is it located within a Special Policy Area. The applicant site consists of a series of run-down, poorly constructed structures which have lost their useful purposes. The current use of the site as industrial is incompatible with the character of the surrounding area and therefore it would be preferable to change the use of the site to a residential use which would be compatible with the character of the surrounding area.
- 6.3 The application site is not designated as an Open Space or Wildlife Corridor on the Proposals Map of the Watford District Plan 2000. The site is identified on the Proposals Map as being within a Predominantly Residential Area. There are no designations that preclude the principle of residential development on the site.
- 6.4 The proposal to provide housing, complies with policy SS1 of the Watford Local Plan Core Strategy which states that most development will take place on previously

developed land. Policy SS1 of the Watford Local Plan Core Strategy 2006-31 states that the Council seeks to deliver a minimum of 6,500 additional homes by 2031. However, in January 2016 the Council received the South West Hertfordshire Strategic Housing Market Assessment and associated Economic Study 2016 which set out an Objectively Assessed Need (OAN) for housing in the Borough that exceeds the levels in the Core Strategy.

- 6.5 Policy HS2 states that medium density developments such as flats and houses may be appropriate close to neighbourhood centres where they are well served by transport links. The scheme is rather constrained by the site location and configuration. The application site is close to the town centre and is well served by transport links, therefore medium density flats are appropriate.
- 6.6 The proposed development would provide less than 10 dwellings and the site area is less than 0.5ha, therefore affordable housing is not required.

**(b) The quality of the new accommodation provided**

- 6.7 The floor areas and room sizes of the proposed flats comply with the Nationally Described Space Standard. The floor areas would be at least 59.8m<sup>2</sup> in area and would have a minimum floor to ceiling height of 2.3m. Furthermore, the proposed flats meet the minimum space standard for built-in storage. The double bedrooms would exceed the 11.5sqm minimum standard and would exceed the minimum widths of 2.75sqm. As such, the layout of the proposed dwellings would provide sufficient internal space for future occupants.
- 6.8 The orientation of the dwellings will be toward the open space grounds of the cemetery which would provide open outlook from the main living areas. The main windows of the buildings would face within 90 degrees of due south and the living/dining/kitchen areas would be open-plan, therefore the main living areas would receive good levels of daylight and sunlight. The levels of light received by the bedrooms on the ground floor has been assessed by qualified advisers in the field and it is clear that the proposed ground floor rooms will receive sufficient light which complies with the Building Research Establishment guidance document 'Planning for Sunlight and Daylight (guide to good practice' (2012) highlights).
- 6.9 The proposal will provide small patio areas to each dwelling units to serve the bedroom on the ground floor. Therefore, dwelling units would have direct access to private individual open space. Given the limited depth of the site, it is not considered that larger gardens could be practically provided in this case. Each unit



will also benefit from a small balcony which will have uninterrupted view over the cemetery.

6.10 Furthermore, it should be borne in mind that this is a high density area where many of the flats do not benefit from any individual open space. Bearing in mind that the proposed dwellings would not provide family-sized accommodation and that the site is in a high density area, the amount of outdoor amenity space is considered to be acceptable.

6.11 Taking the above into account, the proposed development would provide an acceptable standard of amenity for the future occupiers of the proposed housing.

**6.12 (c) Impact on amenity of adjoining residential properties**

*Privacy:*

6.13 The Residential Design Guide highlights that privacy is an important aspect of residential environments. New build schemes should ensure that there is no significant loss of privacy to neighbouring houses or gardens. The SPG advises the 'privacy arc' which is a rule-of-thumb to assess the impact of development on the privacy of neighbouring properties. The privacy arc is calculated by drawing 45 degree lines on plan from the centre of neighbouring habitable windows to a distance of 27.5m. Furthermore, paragraph 7.3.16 of the RDG states that a minimum direct distance of 11m should be achieved between upper floor habitable windows and property boundaries in order to minimise overlooking of private gardens.

6.14 The proposed flats would be less than 27.5m from the rear windows of neighbouring properties in Fearnley Street and the rear windows would be less than 11m from the rear boundary. However, the main aspect from the proposed dwellings would be from the rear. The units have been designed so that they are effectively single aspect overlooking the cemetery and avoid any overlooking to the rear of properties on Fearnley Street. The plans show that the windows facing the rear of Fearnley Street buildings would be small and at high level which would prevent overlooking into the neighbouring properties. A condition is recommended to require there should be no alteration to the rear windows and no part of window should be less than 1.7m above the internal floor level.

6.15 Therefore, in these circumstances, the proposal will not result in any overlooking onto the neighbouring buildings to the rear of the site.

*Sunlight and daylight:*

- 6.16 The RDG details the 25 degree rule for assessing the impact of new development that is parallel to existing properties. The proposed buildings would not infringe the 25 degree line measured from the centre of the ground floor rear windows of properties in Fearnley Street, therefore there would not be a significant loss of sunlight or daylight to the habitable rooms of the neighbouring properties. The proposed buildings would cause some overshadowing of the end part of the neighbouring rear gardens in the morning; however it is not considered that there would be significant overshadowing of the main outdoor amenity areas.
- 6.17 The applicant has commissioned a daylight and sunlight report which confirms the proposal will not result in significant level of daylight to the neighbouring buildings.

*Outlook:*

- 6.18 The RDG states "Outlook relates to visual dominance of a building that results in an overbearing and oppressive sense of enclosure to an adjacent property. This can be from a habitable room window or a garden area. This can occur even if there is no loss of sunlight, daylight or privacy".
- 6.19 In this case the outlook will be improved for the dwellings at number 78 and 80 Fearnley Street, as currently the two storey warehouse building with its double height sits directly on the boundary with these buildings. To a lesser extent the outlook for the buildings at numbers 2 and 4 Vicarage Passage will be improved, as these will face the narrower profile of the proposed dwelling than the current wider warehouse. However, the proposed two storey building will be closer to the buildings at number 76 and 74. Officers raised concerns about the dominance of the proposed buildings when viewed from the neighbouring terraced houses in Fearnley Street because of the close proximity of the building to the boundary. The applicant has sought to address these concerns by increasing the distance between the application site and the neighbouring buildings.
- 6.20 Nevertheless the proposal will result in loss of view from the first floor accommodations at number 74 and 76 over the cemetery. However, the loss of view is not a material planning considerations. It is considered that the proposal will not result in the creation of a feeling of enclosure.
- 6.21 Taking the above into account, the proposed development would have no adverse effect on the residential amenities of neighbouring properties.

## **6.22 (d) Highways impacts and car parking provision**

- 6.23 The Highway Authorities have no objection to the proposed development. The application site is located within walking distance of Watford town centre and is well served by passenger transport facilities. No on-site parking spaces are proposed, which is acceptable in a sustainable location such as this.
- 6.24 The application site is located in a Controlled Parking Zone, therefore, in accordance with “Saved” Policy T24 of the Watford District Plan 2000, it is necessary to complete a Unilateral Undertaking to remove permit entitlement for future occupants of the proposed dwellings. This is to ensure that future occupants of the proposed development would not exacerbate demand for on-street parking in an area that already experiences parking problems. The owner has already completed a Unilateral Undertaking to meet the costs of varying the Traffic Regulations Order 2010 to remove permit entitlement of the future occupants of the development.
- 6.25 The submitted plans indicate that the flats would have cycle parking facilities, which accords with the sustainable transport objectives in “Saved” Policy T10 of the Watford District Plan 2000.

## **6.26 (e) Design considerations:**

- 6.27 Fearnley Street is a typical 2 storey late Victorian terraced street. The only part of the site where development could take place is along the boundary to the cemetery which means that this edge will be very visible from the cemetery.
- 6.28 The cemetery lies in The Square Conservation Area and has its own distinctive buildings. Taking this context into account and the close proximity of the site to the rear of properties along Fearnley Street the chosen approach to have a row of what are in effect single aspect units overlooking the cemetery and which are two storey in height is the most appropriate approach to develop the site.
- 6.29 The form and massing of the proposed development is considered to be appropriate in the context of the surrounding area. The two storey height of the buildings would be compatible with the two storey terrace houses to the rear of the site. The Conservation Manager considers that a contemporary design approach derived from the buildings in the area could be developed and that a flat roof form would be acceptable, whereas, a pitched roof on this building typology would be unlikely to present a satisfactory roof form.

- 6.30 The strategy to follow a contemporary approach to the design is considered acceptable. The scheme has been advanced to ensure the detail design will present a development of an acceptable standard of design. The scheme has been revised several times.
- 6.31 The current scheme incorporates a stagger to the building line and variety of materials to create building with vertical emphasis. The narrowing but widening of the units has allowed the units to be less deep which has resulted in more space at the front of the row. This area will allow for better landscaping.
- 6.32 These changes have improved the layout of the scheme and increased the distance between the new units and the rear of properties to Fearnley Street. Trees are shown in the front space which will improve the appearance and soften the view from the rear of properties to Fearnley Street.
- 6.33 The applicant has taken into account comments made in relation to the materials to be used and shows a combination of facing brickwork, slate grey metal cladding and timber vertical cladding for the entrance areas, green roofs are proposed along with aluminium window units.
- 6.34 The design approach makes a clear distinction between the Victorian and the new buildings including the extensions to the existing properties at 70-72. The architectural language used is that of a contemporary mews which works well in this small area. The approach is bold and will create properties with good views over the cemetery. This will enliven the edge to the cemetery and result in some passive surveillance of this area which is beneficial.
- 6.35 The elevations have a strong rhythm and are in effect a small terrace of properties with a repetitive design. This is a similar approach as exists for the design of the Victorian streets in the area but the architectural language is different.
- 6.36 This approach combined with the lower building height allows the scheme to complement the existing buildings. The urban grain in this area is tight and the land already has buildings on it. The removal of the industrial uses with poor structural buildings from the area will be an improvement in terms of general amenity in the area. In particular the views from the cemetery will be improved. The units are shown as having green roofs incorporating plants, however, further details and information are needed on how those will work.
- 6.37 The existing properties at 70-72 Fearnley Street are to be altered and extended. The

external modification will include the alterations to the fenestration to the front by replacing the existing ground floor window openings and turns them into door with a side light which is within the recess. The windows will be replaced with simple casement windows with no glazing bars. Further the reveals indicated are deep, which is considered acceptable. To the rear of these properties there will be small extension. Originally two story extensions were proposed but the rear elevation has been revised so that the building will maintain strong vertical emphasis.

- 6.38 The proposed layout of the converted properties is considered acceptable as there is sufficient space per room and the proposed alteration to its exterior will enhance the appearance of the area and reflect the existing appearance of the dwellings on the neighbour
- 6.39 Overall it is considered that the proposal will result in significant enhancement of the local area and will meet the objectives of both local and national policies.

#### **(f) Contamination**

- 6.40 The land has been used for a variety of industrial uses. Therefore, further investigation with respect to land contamination was requested.
- 6.41 The applicant has commissioned a “Contaminated Land Risk Assessment”. The report concludes that there is little risk of contamination and that there appears to be no requirement for remedial measures. Nevertheless the council’s environmental health officer has requested a condition to ensure the proposal will result in a safe environment for the future occupiers of the site.

### **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.

The CIL charge applicable to the proposed development is £120m<sup>2</sup>.

## 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.

## 8 Consideration of representations received

8.1 Five responses from there address have been received. The following table contains a summary of the points that were raised.

Points Raised	Officer's Response
There are not enough parking spaces for existing residents. There could be potentially significant number additional demand for car parking space in the area	The applicant has signed a unilateral undertaking to remove permit entitlement for the future occupiers of the development in accordance with the "saved" policies T24 and T26 of the Watford District Plan 2000. As such, future occupants of the proposed development would not be able to park in the Controlled Parking Zone between the hours of 08:00 to 18:30, which is a sufficient deterrent to prevent on-street parking the in the Controlled Parking Zone. It would not be practicable for future occupants to park on the street only between the hours of 18:30 and 08:00
There will be significant loss of daylight and sunlight and view	The proposed development would not cause a significant loss of light or outlook to neighbouring properties as outlined in the report.
There will be loss of privacy.	The proposed dwellings have been designed with their main orientation over the cemetery. There are only high level windows which would not allow overlooking onto the properties to the rear.  A condition is recommended to require the windows facing the residential building to be fitted with obscure glass at all times and be non-opening to a height to of 1.7m above the

	internal floor level and prevent any further openings.
Problems associated with the construction phase of the development. How long the construction phase will last.	As with any new development, there may be some disruption during construction work, however the construction will have to abide by the environmental health legislation to reduce its impact upon the amenities and the well being of the neighbouring buildings. The length of the construction is not known at this stage.
Over development of the site	The issue has been discussed as length with the applicant and scheme has been redesigned to ensure the proposal will be acceptable in terms of its scale bulk and design.
Right of Way issue	This is not a planning consideration.
Bins are located along the boundary with number 74 and consequently will cause an odour problem.	This site is very constrained and the proposed bins are located in an appropriate location for future occupiers of the site as well as the bin collection services. A condition will be impose to ensure the bins will be housed with an enclosure to prevent smell emanating from the site
Asbestos	The removal of asbestos is regulated under different legislation and could not be controlled through planning legislation.
Will there be gate with security code to prevent illegal dumping of rubbish	There is no indication as such.
The letters were sent after few days in the consultation period. The letters were impersonal as these were addressed to "the occupier".	The record indicates that the letters were sent out on the 6th of July with the expiry on 27th July. It is normal to send letters with address as "the occupier".

## 9 Conclusion;

9.1 Bearing in mind that the application site comprises of untidy and poorly constructed structures, the site is not designated Open Space, and that the site is located in a predominantly residential area, the redevelopment of the land to provide residential accommodation is considered to be acceptable in principle.

- 9.2 The contemporary design of the proposed buildings responds to the features of the adjacent terrace and would therefore preserve the significance of the historic and the prevailing pattern of the development in the area. The layout of the buildings would sit well in the location. The scale, massing and the form of the new buildings works well alongside the existing buildings. The applicant has sought to incorporate amendments suggested by the Conservation Manager and it is considered that the proposed development provides an acceptable appearance which enhances the character and appearance of the area.
- 9.3 The applicant has sought to address concerns from officers in relation to the dominance of the proposed buildings when viewed from the neighbouring terraced properties in Fearnley Street. It is considered that the amended plans reduce the impact on the outlook from properties in Fearnley Street. Furthermore the scheme is effectively single aspect with no overlooking windows in the rear elevation of the proposed building, therefore there would not be a significant loss of privacy to neighbouring properties.
- 9.4 The floor areas and room sizes of the proposed flats would exceed the Nationally Described Space standard so the proposed development would provide an acceptable standard of amenity for future occupiers.
- 9.5 The proposals will have a negligible impact upon neighbouring habitable rooms in terms of loss of light. The neighbouring gardens will still benefit from natural light – well within adopted standards. The proposed accommodation meets all relevant standards in terms of daylight and sunlight.
- 9.6 Taking the above into account, the proposal is considered to be a sustainable development and it is therefore recommended that the application should be approved.
- 

## **10.0 HUMAN RIGHTS IMPLICATIONS**

- 10.1 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.
-



## Recommendation

- (A) That, pursuant to a planning obligation under s.106 of the Town and Country Planning Act 1990 having been completed to secure the following Heads of Terms, planning permission be granted subject to the conditions listed below:

### Section 106 Heads of Terms

- i) To exclude future residents of the development from entitlement to resident parking permits for the controlled parking zones in the vicinity of the application site.
- ii) To secure the provision of fire hydrants as required by the County Council to serve the development.

### Conditions

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved drawings:- P 020 A, P 030 B, P 040 C, P 050 D, P 060 D, P 070 D, P 071 A, P 072 B, P 073 B, P 080 A, P 090 A and site Location Plan P 010 A

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

3. The development hereby permitted shall be carried out in accordance with the following approved drawings; unless it is agreed in writing by the local planning authority.

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

4. No construction works above damp proof course level shall commence until details of the external materials to be used for the development (both the retained dwellings at nos. 70 and 72 Fearnley Street and the new dwellings)

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, in accordance with Policies UD1 and UD2 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.

5. No dwelling shall be occupied until the details of hard and soft landscaping including all site boundary treatments and external lighting, has been submitted to and approved in writing by the Local Planning Authority, and the works have been carried out in accordance with the approved details. The detailed scheme shall be based upon approved drawing no. Site Plan P 040 C

Reason: In the interests of the visual appearance of the site and the wider conservation area, in accordance with Policies UD1 and UD2 of the Watford Local Plan Core Strategy 2006-31.

6. No construction works above damp proof course level shall commence until detailed drawings of the window and door reveals, recessed sections, brick detailing and capping to the walls, 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 details.

Reason: In the interests of the visual appearance of the site and the character and appearance of the area, in accordance with Policies UD1 and UD2 of the Watford Local Plan Core Strategy 2006-31. This is a pre-commencement condition as the details need to be approved by the Local Planning Authority before the development is constructed.

7. No construction works shall commence until details of the siting, size and design of refuse, recycling and cycle storage have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the storage facilities have been installed in accordance with the approved details. The storage facilities shall be retained at all times thereafter.

Reason: In the interests of the visual appearance of the site, and, to ensure that sustainable transport objectives are met. This is a pre-commencement condition as the details need to be approved by the Local Planning Authority before the development is constructed.

8. The proposed windows in the west elevations of the buildings hereby permitted shall be permanently fixed closed and shall be fitted with obscured glass at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent overlooking and consequent loss of privacy to neighbouring premises.

9. No construction works shall commence until details of the existing and proposed ground levels and the finished ground floor levels of the building have been submitted to and approved in writing by the Local Planning Authority. The development shall only be constructed in accordance with the approved details.

Reason: This is a pre-commencement condition to ensure an acceptable relationship between the proposed building, the adjoining residential development and the adjoining highway is achieved.

10. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015, as amended (or any modifications or re-enactment thereof), no development permitted under Schedule 2, Part 1, Classes A, B, C, D, E and G of the Order shall be carried out to the dwellings hereby approved without the prior written permission of the Local Planning Authority.

Reason: To enable the Local Planning Authority to ensure that any such developments are carried out in a manner which will not be harmful to the character and appearance of the site and its surroundings and will not prove detrimental to the amenities of residents in accordance with Policies SS1 and UD1 of the Watford Local Plan Core Strategy 2006-31.

11. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015, as amended (or any modifications or re-enactment thereof), the flat roof of the dwellings hereby approved shall be used as an amenity space.

Reason: To prevent overlooking and consequent loss of privacy to neighbouring premises.

12. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

i) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.

iii) The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

13. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 1, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 1.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

14. Prior to the commencement of the site works the applicant shall submit a construction management plan setting out details on demolition, on-site parking for all contractors, sub-contractors, visitors and delivery vehicles, storage of materials to be approved in writing by the Local Planning Authority in consultation with the Highway Authority and that area shall be maintained available for use at all times during the period of site works.

Reason: To minimise danger, obstruction and inconvenience to users of the highway

#### Informatives

1. This planning permission is accompanied by a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to exclude future residents of the development from entitlement to resident parking permits for the controlled parking zones in the vicinity of the application site and to

secure the provision of fire hydrants as required by the County Council to serve the development.

2. 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](mailto: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.
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](http://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](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/393927/Party_Wall_etc__Act_1996_-_Explanatory_Booklet.pdf)
5. Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in condition such as not to emit dust or deposit mud, slurry or other debris on the highway.
6. 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.

7. 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.
- 8 The issues with regards to land contamination must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Further information and guidance documents can be found online at; [https://www.watford.gov.uk/info/20011/business\\_and\\_licensing/349/contaminated\\_land](https://www.watford.gov.uk/info/20011/business_and_licensing/349/contaminated_land)

Drawing numbers

Location Plan	P 010 A
Existing Office Building: Survey	P 020 A
Existing Site Plan: Survey	P 030 B
Proposed Site Plan	P 040 C
Proposed ground floor	P 050 D
Proposed First Floor	P 060 D
Proposed Sections and Elevations (I)	P 070 D
Proposed Sections and Elevations (II)	P 071 A
Proposed Sections and Elevations (III)	P 072 B
Proposed Sections and Elevations (IV)	P 073 B
Dwelling Types and Area Schedule	P 080 A
Existing and Proposed Site Section	P 090 A

---

**Case Officer:** Habib Neshat  
**Email:** [habib.neshat@watford.gov.uk](mailto:habib.neshat@watford.gov.uk)  
**Tel:** 01923 278285