

PART A	
Report of: Head of Development Management	
Date of committee:	1st November 2017
Site address:	Units N-Q, 100, Cecil Street
Reference Number:	17/01269/FUL
Description of Development:	Demolition of units N-Q and J-M and construction of 7 new houses (4 x 3 bedroom and 3 x 2 bedroom) with access from Judge Street and 8 parking spaces.
Applicant:	Mr Lee Turner
Date Received:	11th September 2017
8 week date (minor):	6th November 2017
Ward:	Callowland

1.0 Site and surroundings

- 1.1 The application site forms part of a larger commercial site at 100, Cecil Street comprising various single storey and 2 storey units with car parking and servicing. The application site itself forms the northern part of the site which backs onto Judge Street and includes Units J-M and N-Q. These units are small at approximately 70m² each. The various buildings within the southern part of the site are to remain.
- 1.2 The surrounding roads are characterised by 2 storey, Victorian terraced housing.

2.0 Proposed development

- 2.1 To demolish Units J-M and N-Q and erect a terrace of 7 two storey houses fronting Judge Street comprising 4 x 3 bedroom houses and 3 x 2 bedroom houses. The terrace includes an archway giving vehicular access from Judge Street to 8 car parking spaces. As originally submitted, the scheme incorporated 7 parking spaces, but at the request of officers, the scheme was amended to incorporate 8 spaces.

3.0 Relevant planning history

17/00943/FUL - Demolition of units N-Q and J-M and construction of 7 new houses (4 x 3 bedroom and 3 x 2 bedroom) with access from Judge Street. Planning permission refused on 6th September 2017 for the following reason:

Judge Street and the surrounding roads experience high levels of parking demand and parking congestion at all times, especially in the evening and night-time periods. The local area is not within a controlled parking zone and there are no existing restrictions on parking on the public highway. The proposed development will result in the loss of at least 1 on-street parking space to form the new access. Three of the proposed houses will also have no on-site parking provision. For these reasons, the proposed development will not only reduce the available on-street parking space but is also likely to generate additional demand for on-street parking from the proposed houses. This will exacerbate the existing parking congestion on Judge Street to the detriment of the quality of life of local residents and the quality of the local area, contrary to the objectives of the NPPF for new development to be of high quality and enhance the local area and Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

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 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 **Supplementary Planning Documents**
The following Supplementary Planning Documents are relevant to the determination of this application:
- Residential Design Guide*
Watford Character of Area Study
- 4.4 **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

Decision taking

- 4.5 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 current 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.
- 4.6 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

Letters were sent to properties in Judge Street, Cecil Street and Gammons Lane (College Yard), including all those who commented on the previous application. Eight letters of objection have been received from 7 properties in Judge Street. All properties were re-notified of the amendment to the scheme to increase the parking provision from 7 to 8 spaces.

The points that have been raised are the same as for the previous application and are summarised below:

Representations	Officer's response
Parking situation in Judge Street already unacceptable. Residents unable to park. Inadequate parking provision within site. No effort made to address parking issue.	See paragraph 6.6 of the report. The on-site car parking provision has been increased from 4 to 8 spaces.
Increased traffic flows in Judge Street.	It is not considered that 7 houses will generate any significant level of traffic. The Highways Authority has raised no objection.
Buildings will be an eyesore within the road. Not in keeping with the existing houses.	See paragraph 6.3 of the report and submitted drawings.
Disruption during building works. Damage to the road from construction vehicles.	These are not planning considerations.
Inadequate capacity in sewers. Lack of water pressure.	These are matters for the relevant utility companies to resolve with the developer.
Loss of light and privacy to property at 89, Judge Street.	The proposal will have no impact on this property.

5.2 Statutory publicity

No statutory advertisement was required for this application.

5.3 Technical consultations

The following responses have been received from technical consultees:

Hertfordshire County Council (Highway Authority)

Has no objection to the proposal.

6.0 Appraisal

6.1 Main issues

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

- (a) Principle of development.
- (b) Scale and design.
- (c) Quality of residential accommodation.
- (d) Impact on surrounding properties.

- (e) Access, servicing and parking.
- (g) Environmental considerations.

6.2 (a) Principle of development

The application site forms part of a larger, albeit small scale, commercial site comprising various small units in use for light industrial and storage purposes. It would appear from mapping data that commercial use of the site commenced at the same time as the adjoining terraced housing was built in the late Victorian period. Despite this long history of commercial use, due to the relatively small size of the site and its location within a residential area, it is not a designated site for employment use.

- 6.2.1 Emerging Policy EMP4 of the Local Plan Part 2 gives general criteria for assessing the loss of non-designated employment land to other uses. These include evidence of a surplus of employment space, replacement provision being made, the property being vacant for at least 6 months, evidence to show it cannot be reused or redeveloped, and alternative uses being compatible with the surrounding uses.
- 6.2.2 In this case, the main consideration is the fact that the units are old and in poor condition with little likelihood of the site being redeveloped for commercial use in the future. The site is relatively small and is located within a high density residential area and adjoins residential properties and their garden areas. It is distant from any other main employment sites and access to the site is along heavily parked residential roads. For these reasons, a commercial redevelopment of the site would not be considered the preferred solution. Furthermore, other adjoining commercial sites at 92-94, Cecil Street and 130-136, Cecil Street have recently been granted planning permission for residential development.
- 6.2.3 The site is a brownfield site within an established residential area. It is only a short distance from the North Watford Shopping Centre to the east which is served by several bus routes. It is also within walking distance of the town centre and Watford Junction Station to the south. It is in a sustainable location with good access to a wide range of services and public transport. For these reasons, a residential development is an acceptable use for the site. Furthermore, the proposal will provide 2 and 3 bedroom family accommodation which is appropriate for this location and for which there is an identified need.
- 6.2.4 Having regard to the context of the site and the advice in paragraph 14 of the NPPF, it is considered that the loss of the employment use and the provision of family housing would provide significant economic, social and environmental benefits in this case.

6.3 (b) Scale and design

The existing terraced housing on Judge Street is 2 storeys with rear outriggers and pitched roofs and is typical of its era. Plots are narrow at approximately 4m in most cases with small garden areas 10-11m deep (approximately 40-45m²). The proposal seeks to reflect the scale and form of the existing houses with plots 4.7m wide and houses 8m deep, reflecting the depth of the existing houses (excluding the outriggers). The eaves and ridge levels also reflect those of the existing houses with other detailing including parapet walls, chimneys and canopied porches. A contemporary style of windows is proposed rather than the more traditional sash windows which give the houses a more contemporary feel. As most of the existing houses have replaced their original sash windows, and the site is not within a conservation area, this is acceptable.

- 6.3.1 The existing Units N-Q present a blank, pebble-dashed elevation to Judge Street which is unsightly and detracts from the streetscene. The proposed houses will provide an active, residential frontage which will make a positive contribution to the streetscene and enhance the character and appearance of the local area.

6.4 (c) Quality of residential accommodation

All of the proposed houses meet the nationally described space standards for 2 bedroom and 3 bedroom dwellings respectively. All of the habitable room windows will have good levels of outlook, natural light and privacy with the garden areas and main living rooms facing south and receiving good levels of sunlight. All of the houses will have private, rear garden areas of varying sizes. The introduction of additional car parking has resulted in the reduction in the size of several of the gardens.

- 6.4.1 The guidelines for garden sizes are set out in the Residential Design Guide. For 2 bedroom dwellings, this is 50m². The 2 bedroom houses will have garden areas of 46m², 54m² and 56m² respectively. Therefore, only 1 of the houses will have a shortfall of 4m² in its garden area. For 3 bedroom dwellings, the garden size is 65m². The 3 bedroom houses will have garden sizes of 28m², 35m², 72m² and 78m² respectively. Two of the houses will therefore have gardens significantly below the guideline figure. This is a direct result of increasing the number of parking spaces on the site. On balance, having regard to the reason for refusal of the previous application, it is considered that the significant shortfall in 2 of the garden areas is outweighed by the benefit of each of the houses having a parking space.

6.5 (d) Impact on surrounding properties

The proposed houses will maintain the front and rear building lines of the existing houses and will not project beyond any existing windows. Although some oblique overlooking of adjoining garden areas will occur from the upper floor bedroom

windows, this is a normal relationship between properties within the street. The removal of Units J-M will provide a more open aspect to the rear garden area of 117, Judge Street which is currently adjoined along the whole of its garden boundary by 2 storey commercial buildings. Overall, the proposed houses will not give rise to any adverse impacts to the existing houses.

6.6 (e) Access, servicing and parking

Although the existing commercial buildings are accessed from Cecil Street through the existing commercial site, the proposed houses will have their own access from Judge Street, through an archway. This is considered an acceptable arrangement. Individual bin stores for each house are located underneath the archway and are acceptable. All servicing of the houses will take place from Judge Street in the same way as for the existing houses.

6.6.1 The development now includes 8 on-site parking spaces to the rear of the houses, accessed through the archway. This provision ensures each house will have 1 parking space with 1 space available for visitors. The existing terraced houses on Judge Street have no car parking with all cars parked on-street. Judge Street is not within a controlled parking zone. As a result, the road, along with surrounding roads, experiences high levels of on-street parking from residents as well as employees and visitors to the shopping area during the daytime. The increase in the on-site parking provision will significantly reduce the likelihood of overspill parking on to Judge Street or the surrounding roads. It is considered that this level of provision is acceptable and is sufficient to overcome the reason for refusal of the previous application.

6.6.2 Several objectors have stated that the new houses should be provided with 2 spaces each, a total provision of 14 spaces. The Council's car parking standards are expressed as maximums - 1.5 spaces for 2 bed and 2.25 spaces for 3 bed dwellings - which would give a maximum provision of 13.5 spaces for the proposed development. However, the 2011 Census data on car ownership shows that the average car ownership per household in Callowland Ward is 1.05 cars per household. On this basis, the provision of 8 spaces for 7 houses equates to 1.15 spaces per household which accords with the current car ownership levels in Callowland Ward.

6.6.3 As has already been discussed, the site is suitable for residential development and is in an accessible and sustainable location, close to local services and public transport. As such, the proposed houses would be suitable in principle for car-free occupation. There is also a continuing demand within the borough for new housing and the proposal will significantly enhance the streetscene and the character and appearance of the wider area. Whilst it is acknowledged that the proposal may lead

to some additional demand for on-street parking, the increase in the parking provision to ensure 1 space is provided for each house means that this possibility is significantly reduced. It is not considered therefore, that a reason for refusal on the grounds of car parking provision could be justified with this level of parking provision.

6.7 (f) Environmental considerations

6.7.1 *i) Land contamination*

The site has a long history of commercial use. Although the exact uses are not known, there is a potential for contamination of the ground to have occurred in the past. It is therefore prudent for a ground contamination risk assessment to be undertaken before development commences. This can be secured by condition. A similar requirement was imposed on the planning permissions for the development of nos. 92-94 and 130-136, Cecil Street.

6.7.2 *ii) Archaeology*

The site was originally occupied by Callowland Farm before the farm and its land were redeveloped in the period 1890-1910. The commercial site originally utilised a number of the original farm buildings before these were replaced over time. However, one of the original barn buildings still exists within the commercial site, forming part of Unit D-E. This building adjoins the southern boundary of the application site and will be retained and unaffected by the proposal. Given the history of the site, it is prudent to require an archaeological investigation before development commences. This can be secured by condition. A similar requirement was imposed on the planning permissions for the development of nos. 92-94 and 130-136, Cecil Street.

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 £120m².

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. There is no requirement for a planning obligation in this case.

8.0 Conclusion

- 8.1 The loss of this non-designated employment site located within a sustainable, residential location is considered acceptable in principle. The proposed provision of family housing would provide significant economic, social and environmental benefits to the locality and the borough as a whole. The proposal will provide a good quality of accommodation for future occupiers and will have no adverse impacts on the amenities of existing occupiers. The proposal now incorporates 8 parking spaces for the proposed 7 houses which is considered to be an acceptable level of provision having regard to the location and current car ownership levels. As such, it is considered the proposal will be unlikely to give rise to additional demand for on-street parking and that the reason for refusal of the previous application has been overcome.

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 hereby permitted shall be carried out in accordance with the following approved drawings:-

100 CS 001D, 100K, 101G, 102E, 104A, 201G

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

3. No demolition of the existing buildings or construction of the development shall commence until a detailed scheme to deal with the risks associated with the potential contamination of the site has been submitted to and approved in writing by the Local Planning Authority. That scheme shall include all of the following elements:
- 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) above, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site;
 - iii) the results of the site investigation and risk assessment referred to in (ii) above 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 the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

No changes to these components shall be undertaken without the written approval of the Local Planning Authority. All works shall be carried out in accordance with the approved details.

Reason: This is a pre-commencement condition to ensure any contamination

of the ground is identified and remediated in the interests of the health of the future occupiers of the site, in accordance with Policy SE24 of the Watford District Plan 2000.

4. No construction works shall commence until a verification report demonstrating completion of the works set out in the approved remediation strategy (see Condition 3 above) and the effectiveness of the remediation has been submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: This is a pre-commencement condition to verify that all contamination has been successfully removed from site following all remediation works in the interests of the health of the future occupiers of the site, in accordance with Policy SE24 of the Watford District Plan 2000.

5. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to, and obtained written approval from, the Local Planning Authority for a remediation strategy detailing how this unsuspected contamination is to be dealt with. All works shall be carried out in accordance with the approved details.

Reason: In the interests of the health of the future occupiers of the site, in accordance with Policy SE24 of the Watford District Plan 2000.

6. No development shall commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and
 - i) The programme and methodology of site investigation and recording;
 - ii) The programme and methodology of site investigation and recording as suggested by the archaeological evaluation;
 - iii) The programme for post investigation assessment;
 - iv) Provision to be made for analysis of the site investigation and recording;
 - v) Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - vi) Provision to be made for archive deposition of the analysis and records of the site investigation;

- vii) Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

The development shall only be carried out in accordance with the programme of archaeological works set out in the approved Written Scheme of Investigation.

Reason: This is a pre-commencement condition to ensure that any archaeological remains are properly recorded, in accordance with Policy UD2 of the Watford Local Plan Core Strategy 2006-31. This needs to take place before development commences in order to ensure any remains present are not damaged or destroyed before they are recorded.

- 7. No development shall commence until details of the external materials to be used for the development 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 Policy UD1 of the Watford Local Plan Core Strategy 2006-31. This is a pre-commencement condition as the materials need to be agreed with the Local Planning Authority before construction commences.

- 8. No dwelling shall be occupied until the following works have been carried out in full:
 - i) The construction of the new access from Judge Street and the internal access drive as shown on drawing no. 100 CS 101G;
 - ii) The construction of the 8 car parking spaces as shown on drawing no. 100 CS 101G;
 - iii) The construction of the bin stores as shown on drawing nos. 100 CS 101G and 104A;

Reason: To ensure adequate facilities are provided for the future occupiers of the development.

- 9. No dwelling shall be occupied until a detailed hard landscaping scheme for the site, including details of 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.

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

10. No dwelling shall be occupied until a detailed soft landscaping scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The approved soft landscaping scheme shall be carried out not later than the first available planting and seeding season after completion of development. Any trees or plants whether new or existing which within a period of five years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, or in accordance with details approved by the Local Planning Authority.

Reason: In the interests of the visual appearance of the site, in accordance with Policy 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), 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.

Informatives

1. You are advised of the need to comply with the provisions of The Control of Pollution Act 1974, The Health & Safety at Work Act 1974, The Clean Air Act 1993 and The Environmental Protection Act 1990.

In order to minimise impact of noise, any works associated with the development which are audible at the site boundary should be restricted to the following hours:

- Monday to Friday 8am to 6pm
- Saturdays 8am to 1pm

- Noisy work is prohibited on Sundays and bank holidays

Instructions should be given to ensure that vehicles and plant entering and leaving the site comply with the stated hours of work.

Further details for both the applicant and those potentially affected by construction noise can be found on the Council's website at:

https://www.watford.gov.uk/info/20010/your_environment/188/neighbour_complaints_%E2%80%93_construction_noise.

2. This development may be considered a chargeable development for the purposes of the Community Infrastructure Regulations 2010 (as amended). The charge is non-negotiable and is calculated at the time planning permission is granted. The charge is based on the net increase of gross internal floor area of the proposed development.
A person or party must assume liability to pay the levy using the assumption of liability form 1 which should be sent to the CIL Officer, Regeneration and Development, Watford Borough Council, Town Hall, Watford, WD17 3EX or via email (semeta.bloomfield@watford.gov.uk).

If nobody assumes liability to pay the levy this will default to the land owner. A Liability Notice will be issued in due course. Failure to adhere to the Regulations and commencing work without notifying the Council could forfeit any rights you have to appeal or pay in instalments and may also incur fines/surcharges.

3. All new 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.
4. In dealing with this application, Watford Borough Council has considered the proposal in a positive and proactive manner having regard to the policies of the development plan as well as paragraphs 186 and 187 of the National Planning Policy Framework and other material considerations, and in accordance with the Town and Country Planning (Development Management

Procedure) (England) Order 2010, as amended. The Council also gave advice on the proposal and sought amendments during the application process.

Drawing numbers

100 CS 001D, 100K, 101G, 102E, 104A, 201G, 900

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