

PART A

Report of: **DEVELOPMENT MANAGEMENT SECTION HEAD**

Site address:	Garage compound, Tolpits Lane
Reference Number:	14/00176/FULM
Description of Development:	Demolition of existing garages and erection of a three storey building with accommodation in the roof comprising 6 no. one bedroom flats and 4 no. two bedroom flats with car parking and amenity space and access from existing access road off Tolpits Lane
Applicant:	Watford Community Housing Trust
Date received:	3rd February 2014
13 week date (major):	5th May 2014
Ward:	Holywell

SUMMARY

This application is for the demolition of the existing lock-up garages on the site and the erection of a 3 storey building comprising 10 self-contained flats. The provision of new residential flats on this site is acceptable in principle within this residential area. The development will provide a significant, high quality building on this site that will enhance the wider street scene. The siting and design of the proposed building will ensure that it will have no adverse impact on surrounding residential properties. All of the proposed flats will have acceptable internal areas and layouts and will provide a good level of amenity for future occupiers. The scheme includes the provision of 11 on-site parking spaces for the 10 flats

proposed, which is in accordance with the Council's current maximum parking standards. Overall, the proposal will accord with the policies of the development plan and is considered to be acceptable.

The Development Management Section Head therefore recommends the application be approved, subject to the completion of a planning obligation and appropriate conditions, as set out in the report.

BACKGROUND

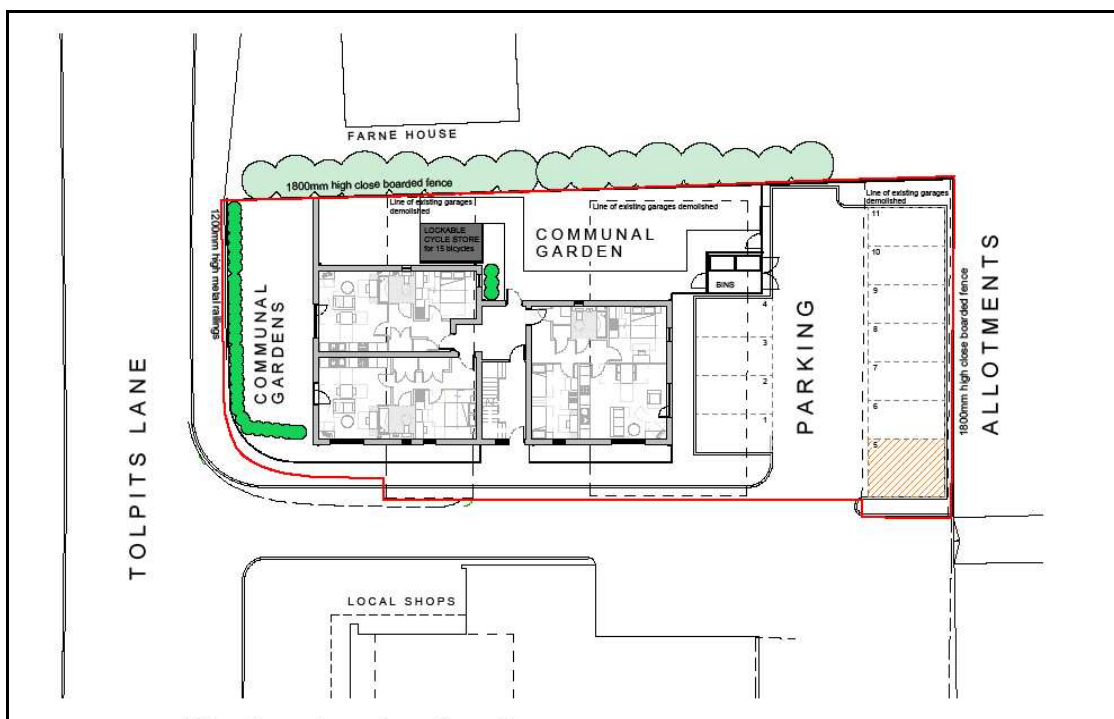
Site and surroundings

The site is located on the eastern side of Tolpits Lane adjacent to the local shopping parade and opposite the Westfield Academy. The site is rectangular in shape and has an area of 850m². It currently contains four rows of lock-up garages, comprising 29 garages, occupying the majority of the site. The western part of the site fronting Tolpits Lane is occupied by a 10m deep grassed verge which currently accommodates the Council's communal recycling bins. Along the southern boundary of the site is an existing service road which leads to the rear of the shopping parade and also gives access to allotments to the east. The site is not situated within a conservation area and has no land use designation.

To the north of the site is Farne House, a 3 storey block of flats forming part of the Scammell Way development. The eastern boundary abuts the Holywell allotments site. The local shopping parade to the south comprises ground level retail and commercial units with 2 storeys of flats above. The Westfield Academy is located opposite the site.

Proposed development

Full planning permission is sought to demolish the existing lock-up garages and erect a three storey building with accommodation in the roof sited within the central and western parts of the site. This will provide 10 one and two bedroom flats. The ground, first and second floors will each contain 2 no. one bed and 1 no. two bed flats. The third floor, within the roofspace, will contain a single 2 bed flat.



Site plan

The eastern part of the site will be used to provide 11 car parking spaces and a bin store. Communal amenity space will be provided to the north and west of the building. Vehicular and pedestrian access will be via the existing access off Tolpits Lane. A cycle store will also be provided on the site.

Planning history

None.

Relevant Policies

National Planning Policy Framework

- 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

Hertfordshire Waste Core Strategy 2011-2026

No relevant policies.

Hertfordshire Minerals Local Plan Review 2002-2016

No relevant policies.

Watford Local Plan Core Strategy 2006-31

- SS1 Spatial Strategy
- SD1 Sustainable Design
- SD2 Water and Wastewater
- SD3 Climate Change
- HS1 Housing Supply
- HS2 Housing Mix
- HS3 Affordable Housing
- T2 Location of New Development
- T3 Improving Accessibility
- T5 Providing New Infrastructure
- INF1 Infrastructure Delivery and Planning Obligations
- UD1 Delivering High Quality Design

Watford District Plan 2000

- SE7 Waste Storage and Recycling in New Development
- T10 Cycle Parking Standards
- T21 Access and Servicing

T22	Car Parking Standards
T24	Residential Development
H10	Educational and Community Facilities
L8	Public Open Space
L9	Children's Play Space

Supplementary Planning Documents and Supplementary Planning Guidance Notes

Residential design Guide Volume 1: Building New Homes

SPG6 Internal Space Standards

SPG10 Open Space Provision

CONSULTATIONS

Neighbour consultations

Letters were sent to 31 properties in Tolpits Lane. No replies have been received.

Advertisements in local paper/site notices

One site notice was put up outside the site on 7th February 2014. A public notice also appeared in the Watford Observer on 28th February 2014.

Consultations

Environmental Health

[Comments in relation to the hot food takeaway premises in the nearby shopping parade] I have reviewed the information provided against the Department for Environment, Food and Rural Affairs guidance on commercial kitchen extracts. From the information provided, the existing flue would be within 12 metres of the proposed building. Unfortunately, the guidance requires a minimum distance of 20 metres, and where this cannot be achieved, there will need to be an increase

in the mitigation measures used to deal with odour, smoke and fumes. However, from experience such systems are not especially effective where there is a heavy greasy type premise within close proximity. Therefore, it is highly likely that if this proposal is given permission, the new residents are likely to be affected by smells of grease. In the likely event of complaints being received, the legal remedial measures available to us would be limited as there is a likelihood that the existing premise already has the best, practicable means in situ.

As an alternative, if sealed windows were provided, with mechanical ventilation or the height of the proposed building was the same as the existing neighbouring property then that could be sufficient. Ideally, the china mans hat on the existing flue ought to be removed as its presence hinders dispersal.

Overall, the proposal is not acceptable as there will be issues around odour, smoke and fumes from the existing flue.

APPRAISAL

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.*

Land allocation

The site is located within a primarily residential area on the Proposals Map of the Watford District Plan 2000. There is no objection in principle to the introduction of residential development on this site subject to satisfying the relevant policies.

There is no objection in principle to the loss of the lock-up garages on the site.

Housing policies

The principle of new residential development within a primarily residential area is acceptable. There are a number of constraints on the site which have led to a flatted development being the most appropriate form of development for this particular site. The site only has a frontage of 17m to Tolpits Lane and it is not acceptable to provide frontage parking due to the proximity of the existing access road along the southern boundary of the site, leading to the rear of the shopping parade and the allotments. This leaves only the existing access road as suitable to access the site, subject to appropriate modification. The depth of the site at 46m combined with its relatively narrow width and the presence of existing residential properties at Farne House to the north further constrain the form of development. The combination of these factors means that it would not be practicable to develop the site with houses. As such, there is no objection to the provision of flats in this case. The proposal will provide a mix of one and two bedroom flats suitable for 2 and 4 persons which is acceptable.

All of the proposed flats exceed the Council's internal space guidelines and have acceptable internal layouts. The table below compares the proposed development with the minimum requirements:-

Number of bedrooms (and persons)	Minimum floor area (exc. bathrooms and circulation) (SPG6)	Total floor area provided in scheme
1 bed (2 persons)	29m ²	46-49m ²
2 bed (4 persons)	44m ²	69-73m ²

The two bedroom flats are all dual aspect and the one bedroom flats are either dual aspect or west facing. As such, all of the flats will provide a good level of residential amenity in terms of outlook, privacy and natural light for future occupiers. A private communal amenity area has been provided to the north of

the building with an area of approx. 136m², which is significantly in excess of the minimum requirement set out in the Residential Design Guide. A semi-private area of approx. 75m² is also provided on the frontage of the site.

One factor that has the potential to have an adverse impact on the amenities of future occupiers is the presence of the Viking Fish and Chip Shop in the northern unit of the shopping parade, closest to the site, and its associated fume extraction flues. These are sited to the rear of the unit at the north-western corner of the building and discharge 1m above the eaves level. These flues are only 12m from the bedroom windows of the proposed third floor flat within the roofspace which is at the same level. The national guidance from the Department of Environment, Food and Rural Affairs requires a minimum distance of 20m between commercial kitchen extracts and residential windows to avoid the possibility of nuisance being caused by smells and odours. As this distance cannot be achieved, the third floor bedroom window on the elevation facing the shopping parade will need to be sealed and non-opening and the room mechanically ventilated. Whilst this is not ideal, the flat's main habitable room window to the living/kitchen room faces west towards Tolpits Lane and is over 20m away from the flues, so that it can be opening in the normal way. Overall, as only one bedroom window in one flat is affected, it is considered that this is acceptable for this flat, subject to details of the mechanical ventilation being submitted for approval.

As the proposal is for 10 dwellings, there is a requirement to provide 35% affordable housing, which can be secured by a Section 106 planning obligation. In this case, however, it is the applicant's intention that all of the flats would be for affordable rent.

Character of the area

The northern section of Tolpits Lane between Hagden Lane and Croxley View, which includes the application site, has a very varied character. Buildings include

Westfield Academy, 3 storey blocks of flats, two church halls, a specialist school, a support centre and the adjacent local shopping parade. The age, design and materials of these buildings is equally varied and there is no predominant or consistent building style in evidence, although brick is the most common material. In this context, the proposed 3 storey building in facing brick with contemporary design will complement the range of buildings within the street. Overall, it is considered the building will enhance the street scene and be a positive addition to the local area.

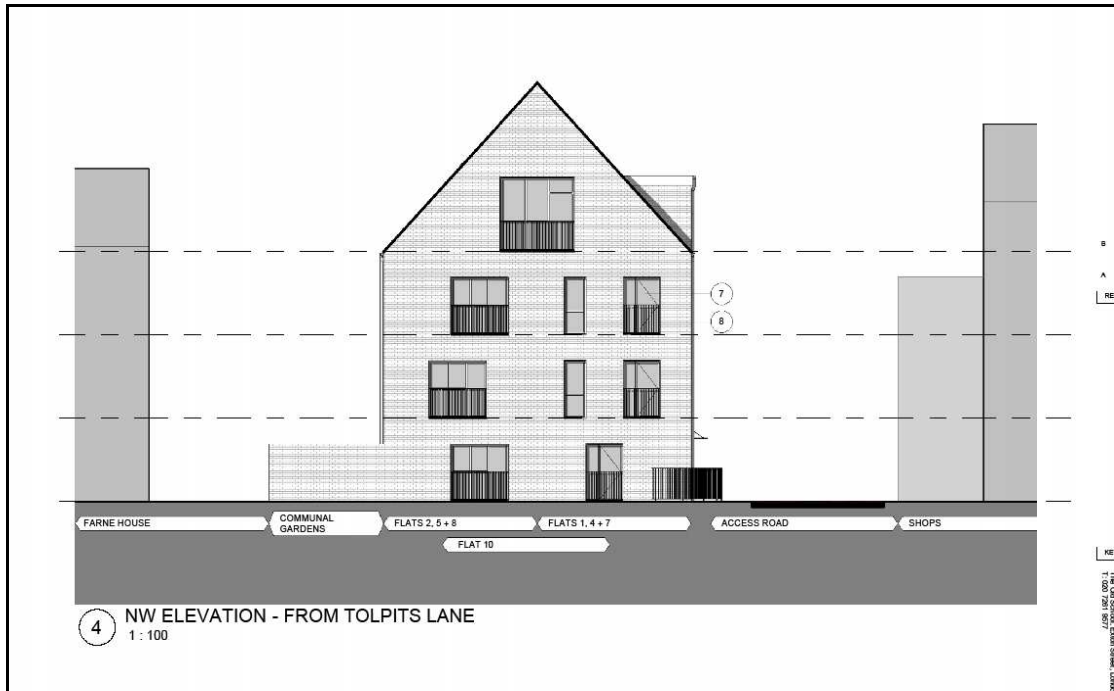


South west elevation

Design and appearance

The building has a rectangular form (measuring 22.5m by 11m), which is largely informed by the shape and constraints of the site, with a pitched roof and gabled ends. The 3 storey height of the building reflects the height of the adjoining buildings to the north and south although it has a steeper roof pitch. The gable end facing Tolpits Lane will give the building a strong presence within the street scene.

The design of the elevations is restrained but with a strong vertical rhythm in the fenestration on all elevations to give a modern appearance that complements the surrounding buildings. The proposed materials are brown facing brick and grey concrete roof tiles with white windows, which compliment the variety of materials found in the locality.



Elevation to Tolpits Lane

Impact on neighbouring properties

The adjoining building to the north, Farne House, is a flatted block. This has its main habitable room windows facing east and west with secondary windows on the southern flank elevation facing the site, at a distance of 4.2m from the boundary. The proposed building has been sited 8.5m from the flank elevation of Farne House to minimise the adverse impacts on these windows. As these are secondary windows, it is not considered that the proposal will have a significant adverse impact on the amenities currently enjoyed by the occupiers of these flats.

A similar situation exists to the south with the local shopping parade. The flats on the upper floors have their main habitable windows facing east and west but there are secondary windows on the north elevation facing the site. The proposed building is sited 10.5m from these windows to minimise any adverse impacts. Again, as these are secondary windows, it is not considered that the proposal will have a significant adverse impact on the amenities currently enjoyed by the occupiers of these flats.

Transportation, access and parking

The existing 29 lock-up garages on the site are to be replaced by 11 parking spaces to serve the proposed 10 flats. Although only 10 of the garages are currently occupied this will not result in any significant increase in vehicle movements. Compared to the potential number of vehicle movements that could occur if all the garages were occupied, the proposal would likely result in a significant reduction.

The existing access road off Tolpits Lane is to be retained and widened to serve the development and a new footpath is to be created along the southern boundary of the site.

The provision of 11 parking spaces for the scheme accords with the Council's maximum standards, which would allow a maximum of 13 spaces to be provided.

The proposal incorporates a secure, communal cycle store for 15 cycles which will further encourage sustainable, non-car travel. The applicant has also agreed to a contribution of £6,750 towards wider sustainable transport measures in Watford.

Sustainable development

The scheme is to be built to code level 4 of the Code for Sustainable Homes, in accordance with the applicant's normal requirements for all new development.

This will significantly exceed the current minimum requirements under the Building Regulations. A sustainable drainage scheme for surface water can be secured by condition.

Planning obligation

The development proposed in this application is one where, in accordance with Policy INF1 of the Core Strategy, the Council will normally require the applicant to enter into a planning obligation to provide contributions towards the provision or improvement of community facilities and infrastructure. Under Regulation 122 of the Community Infrastructure Levy Regulations 2010, where a decision is made which results in planning permission being granted for development, a planning obligation may only constitute a reason for granting planning permission for that development if the obligation is:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

Policies T3, T4, T5 and INF1 of the Watford Local Plan Core Strategy and saved Policies L8, L9 and H10 of the Watford District Plan 2000, together with *SPG 10: Open Space Provision*, recognise that cumulative small developments within the urban area of Watford can produce significant additional demands for services and facilities in the same way that a smaller number of larger developments would. However, unlike larger developments which can often accommodate some provision of these services and facilities within the site, smaller developments are clearly unable to do so and it would be unreasonable to expect them to. It is therefore reasonable to expect the applicant in such cases to make a financial contribution towards improved services and facilities within the Borough.

Most new residential developments within Watford comprise fewer than 50 dwellings. The Council seeks financial contributions on a per unit basis from all new residential developments. This is considered to be a reasonable approach as it ensures that all such developments make contributions on an equal basis, with actual payments determined by the number and, in some cases, the size of the units proposed. This approach therefore does not disadvantage applicants proposing larger developments within the Borough, but rather ensures that all applicants make payments in proportion to the additional demand on services and facilities that their development will generate.

The Council's approach to seeking financial contributions by means of a planning obligation is fully in accordance with the advice set out in paragraphs 203 to 205 of the National Planning Policy Framework. In each case, the contributions received are pooled together in order to accumulate sufficient funds for the Council and the County Council to undertake capital works within the Borough. Given the small size of the Borough, this is considered to be a reasonable and acceptable approach to the provision of new or improved services and facilities and accords with paragraphs 203 to 205 of the national Planning Policy Framework.

The contributions in the case of the development proposed in this application are set out below. As these contributions have been calculated in accordance with the County Council's Planning Obligations Toolkit (adopted January 2008) and the relevant saved policies of the Watford District Plan 2000, they are directly related to the proposed development, are fairly and reasonably related in scale and kind to that development and are necessary to make the development acceptable in relation to those policies. Accordingly, the requirement for such contributions meets the tests in Regulation 122 of the Community Infrastructure Regulations 2010, and, consequently, the planning obligation can be taken into account as a material planning consideration in the determination of the application.

i) Community facilities

- Secondary education £2,058
- Primary education £3,822
- Nursery education £972
- Childcare £276
- Youth £70
- Libraries £978

ii) Open space and children's playspace

As the site is located in an area where there is no deficit in open space a 50% reduction in the normal contribution set out in SPG10 is applicable.

- Open space £12,360
- Children's playspace £3,940

iii) Sustainable transport

- Sustainable transport £6,750

A planning obligation is being prepared to secure these financial contributions towards the provision or improvement of facilities within the Borough of Watford. The agreement will also secure the provision of any necessary fire hydrants to serve the development.

Conclusion

The provision of new residential flats on this site is acceptable in principle within this residential area. The development will provide a significant, high quality building on this site that will enhance the wider street scene. The siting and design of the proposed building will ensure that it will have no adverse impact on surrounding residential properties. All of the proposed flats will have acceptable internal areas and layouts and will provide a good level of amenity for future occupiers. The scheme includes the provision of 11 on-site parking spaces for

the 10 flats proposed, which is in accordance with the Council's current maximum parking standards. Overall, the proposal will accord with the policies of the local development plan and is considered to be acceptable.

HUMAN RIGHTS IMPLICATIONS

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 planning permission be granted subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990 to secure the following contributions and subject to the conditions listed below:

Section 106 Heads of Terms

- i) To secure financial payments to the Council of:
 - a) £12,360 (index linked) towards the provision and improvement of public open space in the Borough in accordance with Policy L8 of the Watford District Plan 2000;
 - b) £3,940 (index linked) towards the provision and improvement of children's playspace in the Borough in accordance with Policy L9 of the Watford District Plan 2000;

- ii) To secure financial payments to the County Council of:
 - a) £6,750 (index linked) towards the implementation of the South West Hertfordshire Transport Strategy and sustainable transport measures in Watford in accordance with Policies T3 and T5 of the Watford Local Plan Core Strategy 2006-31;
 - b) £2,058 (index linked) towards the provision of secondary education in accordance with Policy H10 of the Watford District Plan 2000;
 - c) £3,822 (index linked) towards the provision of primary education in accordance with Policy H10 of the Watford District Plan 2000;
 - d) £972 (index linked) towards the provision of nursery education in accordance with Policy H10 of the Watford District Plan 2000;
 - e) £276 (index linked) towards the provision of childcare facilities in Watford in accordance with Policy H10 of the Watford District Plan 2000;
 - f) £70 (index linked) towards the provision of youth facilities in Watford in accordance with Policy H10 of the Watford District Plan 2000;
 - g) £978 (index linked) towards the provision of library facilities in accordance with Policy H10 of the Watford District Plan 2000;
- iii) To secure 4 of the units as affordable housing for affordable rent.
- iv) To secure the provision of fire hydrants as required by the County Council in accordance with Policy H10 of the Watford District Plan 2000.

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:-

003A and 004A

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

3. No demolition or construction of the development hereby permitted shall take place before 8am or after 6pm Mondays to Fridays, before 8am or after 1pm on Saturdays or at any time on Sundays and Public Holidays.

Reason: To safeguard the amenities and quiet enjoyment of neighbouring properties during the time that the development is being constructed, pursuant to saved Policy SE22 of the Watford District Plan 2000.

4. No demolition or construction works shall commence within the site until a Construction Environmental Management Plan has been submitted to and approved by the Local Planning Authority. This Plan shall include details of temporary access for construction vehicles, contractors parking, the delivery and storage of materials, measures to mitigate noise and dust,

wheel washing facilities, plant and equipment and a contact procedure for complaints. The Plan as approved shall be implemented throughout the construction period.

Reason: To safeguard the amenities and quiet enjoyment of neighbouring properties and prevent obstruction of the adjoining highway during the time that the development is being constructed.

5. No construction works shall commence until details of the materials to be used for all the external finishes of the building, including walls, roofs, doors, windows, canopy and balcony railings, 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 site and the character and appearance of the area, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

6. No construction works shall commence until details of a sustainable surface water drainage scheme for the development has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the approved drainage scheme has been implemented in full.

Reason: To ensure the surface water drainage is designed to minimise the likelihood of flooding downstream, to reduce the risk of flooding by ensuring the satisfactory storage of and disposal of surface water from the site, and to reduce the impact of flooding on the proposed development in accordance with Policy SD2 of the Watford Local Plan Core Strategy 2006-31.

7. No part of the building shall be occupied until full details of a soft landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be carried out not later than the first available planting and seeding season after completion of the 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 and the character and appearance of the conservation area, in accordance with Policies UD1 and UD2 of the Watford Local Plan Core Strategy 2006-31.

8. No part of the building shall be occupied until full details of a hard landscaping scheme, including details of the railings to the site boundary, have 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 and the character and appearance of the conservation area, in accordance with Policies UD1 and UD2 of the Watford Local Plan Core Strategy 2006-31.

9. No part of the building shall be occupied until details of the bin store and the cycle store (sufficient to accommodate a minimum of 10 cycles) as shown in principle on drawing nos. 003A and 004A, have been submitted to and approved in writing by the Local Planning Authority and the bin store and cycle store have been constructed in accordance with the approved details.

Reason: To ensure adequate facilities are provided for the future occupiers and in the interests of the visual appearance of the site, in accordance with saved Policies SE7 and T10 of the Watford District Plan 2000 and Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

10. No part of the development shall be occupied until the 11 car parking spaces shown on drawing no. 003A, have been laid out and constructed in full. These spaces shall be retained for parking cars at all times.

Reason: To ensure adequate parking facilities are provided on the site and to minimise any additional on-street car parking, in accordance with saved Policies T22 and T24 of the Watford District Plan 2000.

11. The bedroom window at third floor level in the south elevation shall be sealed and non-opening, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent nuisance being caused by smells and odours from the commercial extract flues from the adjacent fish and chip shop within the local shopping parade.

12. No development shall commence until details of the mechanical ventilation system for the bedroom of the flat at third floor level that is served by the window referred to in Condition 11 above have been submitted to and approved in writing by the Local Planning Authority. These details shall include the location of the system within the flat, the noise levels of the system and the location of the air intake and extract vents. The flat shall not be occupied until the mechanical ventilation system has been installed as approved. The system shall be retained at all times.

Reason: To ensure the system does not have an adverse impact on the amenities of the occupiers of the flat or the other flats in the building.

Informatives

1. This planning permission is accompanied by a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to secure financial contributions towards the provision or improvement of public open space, education facilities, childcare, youth facilities, library facilities and sustainable transport measures within the Borough of Watford. The agreement also requires the provision of necessary fire hydrants to serve the development.
2. 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 pre-application advice on the proposal prior to the submission of the application and undertook discussions with the applicant's agent during the application process.
3. Before commencing the development the applicant shall contact Hertfordshire County Council Highways (0300 123 4047) to obtain i) their permission/requirements regarding access for vehicles involved in the demolition of the existing building; ii) a condition survey of any adjacent highways which may be affected by construction vehicles together with an agreement with the highway authority that the developer will bear all costs in reinstating any damage to the highway.

Drawing numbers

003A and 004A

Case Officer: **Paul Baxter**

Email: **paul.baxter@watford.gov.uk**

Tel: **01923 278284**