

PART A	
Report of: <b>DEVELOPMENT MANAGEMENT SECTION HEAD</b>	
Date of Committee	<b>23<sup>rd</sup> April 2015</b>
Site address:	<b>1A St Johns Road</b>
Reference Number :	<b>15/00170/FUL</b>
Description of Development:	<b>Change of use on upper floor from A3 (cafe/restaurant) to C3 (self contained flat)</b>
Applicant:	<b>Mr K Latif</b>
Date received:	<b>5th February 2015</b>
8 week date(minor):	<b>24th April 2015</b>
Ward:	<b>Central</b>

### **SUMMARY**

No external alterations are proposed, and therefore there would be no impact on the character and appearance of the building. The ground floor of the property would remain in commercial use; therefore the proposed development would have no adverse effect on the mixed use character of the Conservation Area.

The gross internal area and room sizes of the proposed flat exceed the Internal Space Standards in paragraphs 7.3.6 – 7.3.8 of the Residential Design Guide. Furthermore, each habitable room would have good levels of natural lighting and outlook. As such, the proposed accommodation would provide an acceptable standard of amenity for future occupiers.

In order to protect the occupiers of the first floor flat from noise from the ground floor commercial use, a condition should be attached to any grant of planning

permission to require details of a sound proofing scheme to be submitted to the Local Planning Authority for approval.

The impact on the proposed flat from road and railway noise would not be any greater than noise levels experienced by other nearby residential properties in the area.

A Unilateral Undertaking is being prepared to secure a financial contribution towards the amendment of the Traffic Regulations Order to remove parking permit entitlement for future occupants of the proposed flat in order to prevent additional on-street parking demand.

Accordingly, the Development Management Section Head recommends that the application be approved as set out in the report.

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## **BACKGROUND**

### **Site and surroundings**

The application site incorporates a two storey detached Victorian building and yard area with outbuildings. The site lies approximately 500m north of the town centre and approximately 300m southeast of Watford Junction Station. It occupies a corner position adjacent to the junction where St Johns Road meets Sotheron Road.

The site is within the designated Estcourt Conservation Area at the core of which is one of Watford's oldest residential areas. The area is distinctive from other later Victorian areas of the town because of its mixed-use character with terraced housing interspersed with small workshops and yards, as well as a wide variety of public houses, independent shops and public buildings. The strong small scale streetscapes and roofscapes are an important feature emphasised by the

topography, as are the spaces created at the junctions of the roads where a variety of land uses prevail.

The key historic spaces are found at road junctions, where feature buildings punctuate the townscape and the most interesting street relationships are found. The character of the road junctions is defined by the commercial buildings, of varying styles and scales, that enclose the space and generate activity. The commercial building at 1A St Johns Road is located on the prominent road junction of St. Johns Road, Sotheron Road, Queens Road, Woodford Road and Orphanage Road, and contributes to the mixed-use character of the Conservation Area. This road junction has a significant level of activity generated by the two public houses and the various other businesses located there.



Aerial view of the site. All the corner buildings at the road junctions are in commercial use, which is a distinctive feature of the conservation area.

1A St Johns Road is a designated Locally Listed Building, which was constructed between 1865-1870. The earliest records show that the property was first used as a shop with living accommodation. The building currently consists of a bar at ground floor and a restaurant at first floor – granted conditional planning permission in December 2011 under reference 11/01035/COU. Condition 2 states that no members of the public or customers are permitted within the premises before 1000 hours or after 2300 hours on any day of the week.

The property retains a shopfront of notable quality and historic integrity. Having retained original features, the building provides an excellent example of a mixed use building from the middle of the nineteenth century.

### **Proposed development**

The application proposes change of use of the first floor from a restaurant (Use Class A3) to a 1-bed flat (Use Class C3). The entrance to the flat would be from the existing ground floor door in the eastern elevation of the building. The internal staircase would be enclosed.

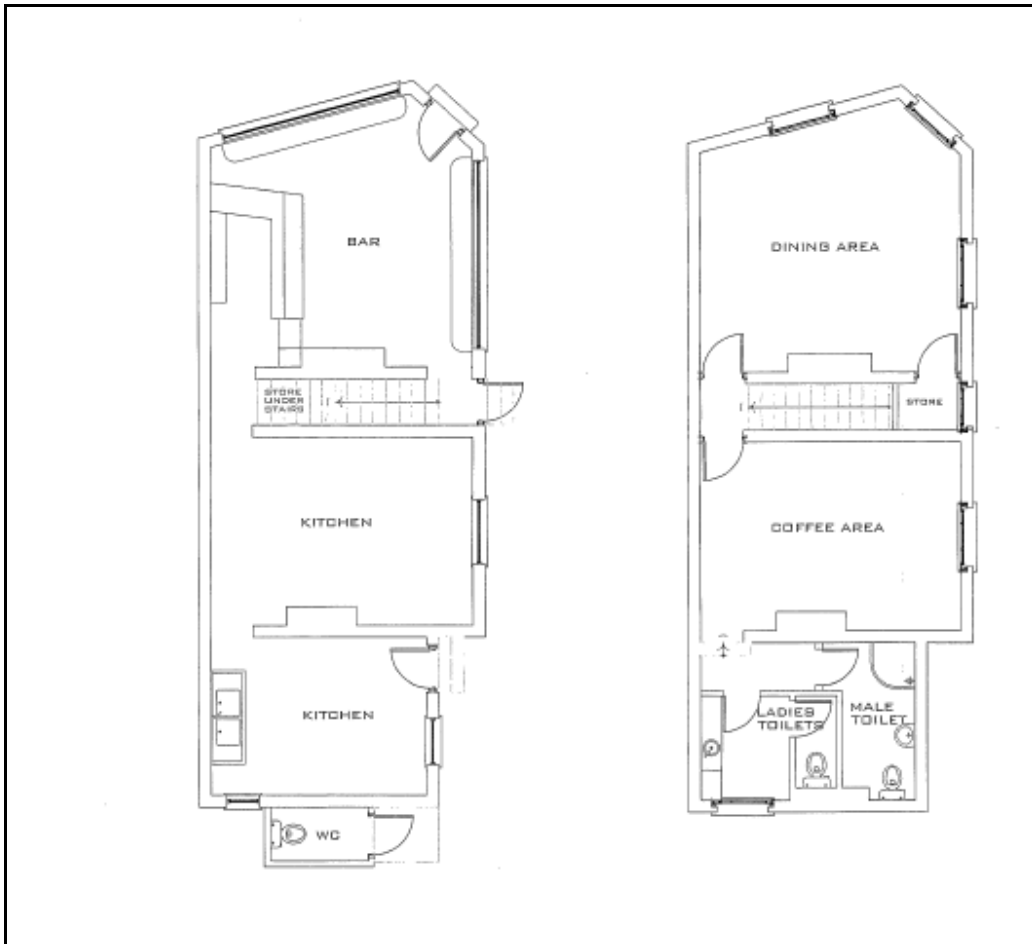
Apart from the alteration to the internal staircase no changes are proposed to the ground floor bar. No external alterations are proposed.

### **Relevant Planning history**

**11/01035/COU** - Change of use of shop/cafe (Class A1/Class A3) to bar (Class A4) at ground floor level and use of first floor level as restaurant/cafe (Class A3). Conditional Planning Permission. December 2011. The planning permission has been implemented. The following conditions apply:

2. No members of the public or customers are to be permitted within the premises before 1000 hours or after 2300 hours on any day of the week.

3. All deliveries to and collections from the premises shall be restricted to between the hours of 0800 and 1800 Monday to Saturday and between the hours of 0900 and 1300 on Sundays and Public Holidays.
4. No part of the site shall be used as an area for outdoor eating or drinking without the prior written permission of the Local Planning Authority.



Approved proposed ground floor and first floor plan for planning application 11/01035/COU.

**05/00006/COU** - Change of use from Class A1 (shop) to a mixed use for Class A1 (shop) and Class A3 (food and drink). Conditional Planning Permission. March 2005.

## **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
- Section 10 Meeting the challenge of climate change, flooding and coastal change
- Section 11 Conserving and enhancing the natural environment
- Section 12 Conserving and enhancing the historic environment

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

- 1 Strategy for the Provision for Waste Management Facilities
- 1a Presumption in Favour of Sustainable Development
- 2 Waste Prevention and Reduction
- 12 Sustainable Design, Construction and Demolition

### **Hertfordshire Minerals Local Plan (saved policies)**

No relevant policies.

### **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

### **Watford District Plan 2000**

SE7	Waste Storage, Recovery and Recycling in New Development
SE20	Air Quality
SE22	Noise
U15	Buildings of Local Interest
U17	Setting of Conservation Areas
U18	Design in Conservation Areas
T10	Cycle Parking Standards
T21	Access and Servicing
T22	Car Parking Standards
T24	Residential Development
T26	Car Free Residential Development

### **Supplementary Planning Documents**

Watford Character of Area Study Adopted December 2011

Residential Design Guide Adopted July 2014

Estcourt Conservation Area Character Appraisal Adopted June 2010

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## **CONSULTATIONS**

### **Neighbour consultations**

A notice was published in the Watford Observer on 6<sup>th</sup> March 2015.

A notice was posted outside the site on 25<sup>th</sup> February 2015.

Letters were sent to a total of 9 properties in the surrounding area. 7 letters of objection have been received, and a consideration of these objections is outlined at the end of the report.

### **Other consultations**

#### **Design and Conservation team**

The property is a Locally Listed Building and is located in the Estcourt Conservation Area. The proposed change of use of the first floor element of the building will not involve any external alterations and will not physically compromise the commercial use of the ground floor element of the building. We have no objections.

#### **Environmental Health**

I have reviewed the documentation and visited the property and in summary, the proposal is not acceptable.

The sound insulation between the ground floor and first floor is non-existent and as such, there will be a loss of amenity due to noise. The applicant has not factored this into their application, and so there has been no assessment of the existing sound insulation and no mention of how this would be brought up to a standard that would be acceptable.

The property is located next to a busy road and within a stones throw from the railway line and there has been no consideration of these noise sources.

In addition, the water closets for customer use are located on the first floor and should the application receive approval these would no longer be available. The existing seating arrangements allow for approximately twelve seats inside and



approximately ten outside - fixed seating. There is also space to accommodate further tables and chairs in the bar area if necessary. As such, there is a need to provide two water closets for customer use and these have not been shown on the proposed plans. There is an existing water closet to the rear of the property but at present this is only accessible by going through the kitchen area, or through the outside of the premise and this is not acceptable.

Therefore, it will be necessary for the applicant to appoint a suitably qualified and competent person to carry out a study into the existing sound insulation and put forward a suitable and achievable scheme to ensure the sound insulation is acceptable. Furthermore, it will be necessary to conduct a noise survey to establish the impact of railway noise and road traffic noise and put forward suitable schemes to mitigate the potential impact.

It will also be necessary to incorporate the provisions of water closets for customer use.

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## **APPRAISAL**

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

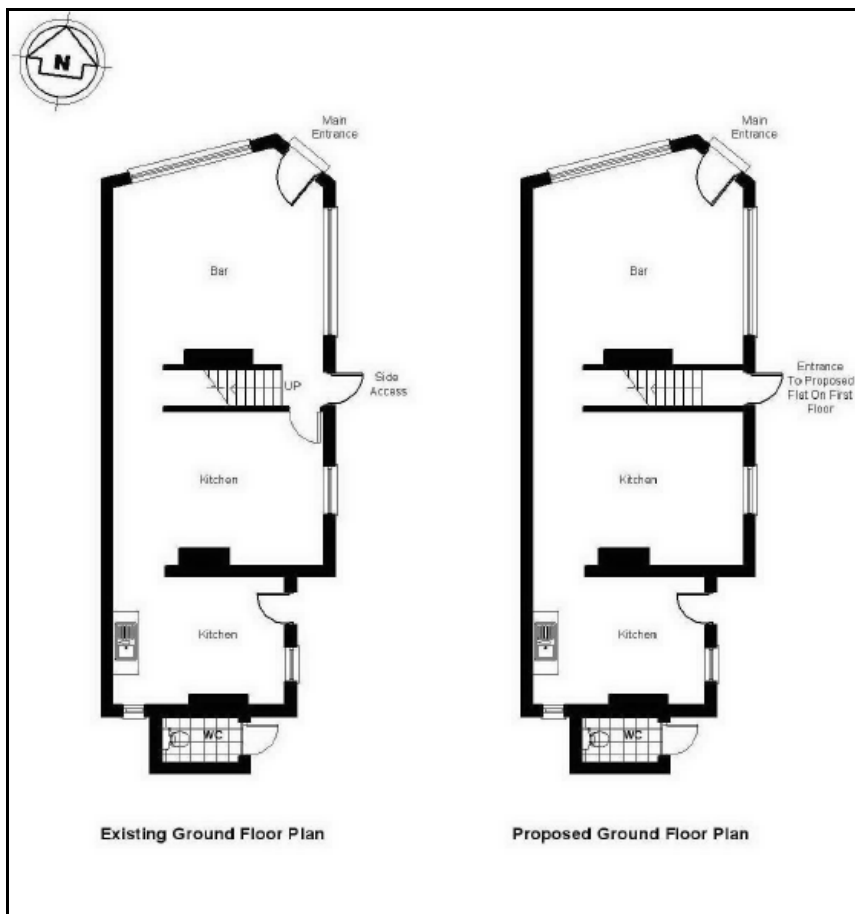
- (a) *Watford Local Plan: Core Strategy 2013;*
- (b) the continuing “saved” policies of the *Watford District Plan 2000;*
- (c) the “saved” policies of the *Hertfordshire Waste Local Plan 1995-2005;* and
- (d) the *Hertfordshire Minerals Local Plan Review 2002-2016.*

The Residential Design Guide was approved by the Council’s Cabinet as a Supplementary Planning Document on 23rd July 2014. Among other things, it provides advice on acceptable, and unacceptable, forms of extensions and alterations to residential properties in the Borough. The guide is a material

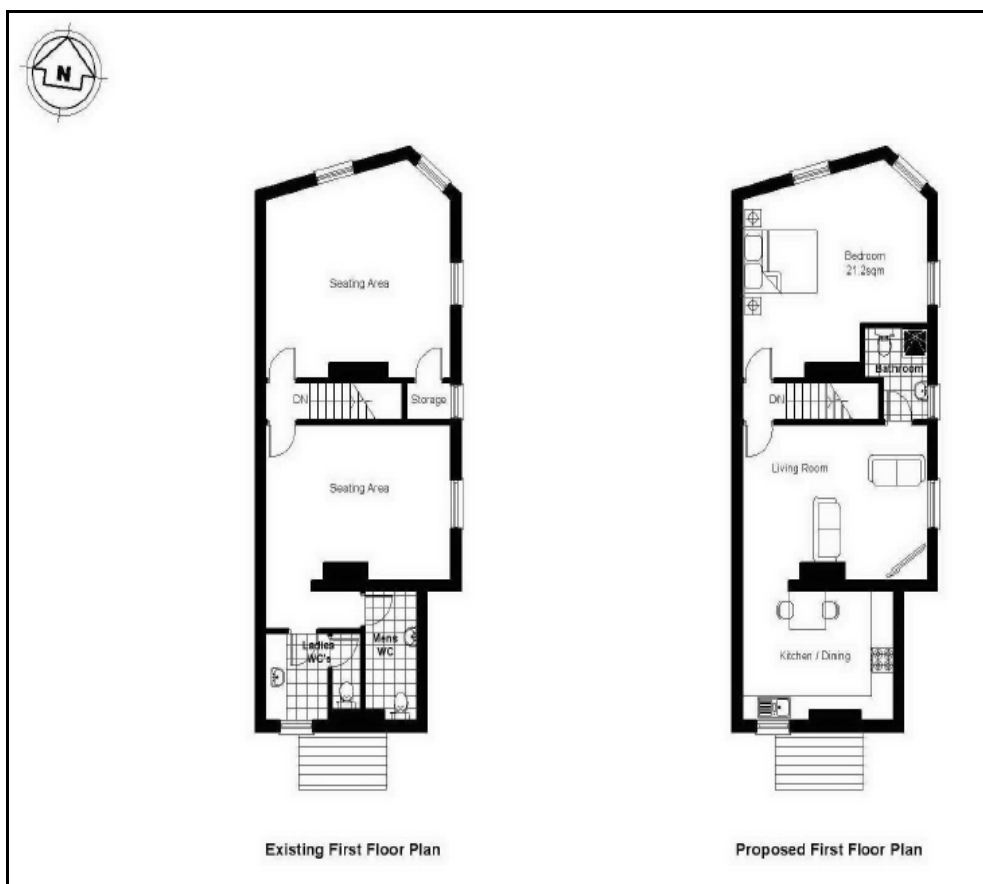
consideration in the determination of planning applications. The Supplementary Planning Document is a condensed single guidance document that replaces previous versions of the Residential Design Guide (RDG Volume 1 – Building New Homes and RDG Volume 2 – Extending Your Home – Adopted 2008) as well as Supplementary Planning Guidance 6 – Internal Space Standards.

### Design and layout

No external alterations are proposed, therefore there would be no impact on the character and appearance of the building. As discussed in the ‘Site and Surroundings’ section of the report, the Conservation Area has a distinctive mixed-use character and the character of the road junctions is defined by the commercial buildings, of varying styles and scales, that enclose the space and generate activity.



The proposed change of use of the first floor element of the building would not physically compromise the ground floor commercial use, as noted by the Design and Conservation team. Moreover, it should be noted that historically the building has been used as a ground floor shop with living accommodation. As such, the proposed development would have no adverse effect on the mixed use character of the area.



The gross internal area and room sizes of the proposed flat exceed the Internal Space Standards in paragraphs 7.3.6 – 7.3.8 of the Residential Design Guide, as shown in the table below. Furthermore, each habitable room would have good levels of natural lighting and outlook.

	<b>RDG Standard</b>	<b>Proposed flat</b>
Bedroom	12 sqm.	20.5 sqm.
Combined floor area of living, dining and kitchen spaces.	23 sqm.	31.09 sqm.
Gross Internal Area	37 sqm.	54.83 sqm.

The Environmental Health officer has commented that there is no sound insulation between the ground floor and first floor therefore there would be a loss of amenity due to noise. In order to protect the occupiers of the first floor flat from noise from the ground floor commercial use a condition could be attached to any grant of planning permission to require details of a sound proofing scheme to be submitted to the Local Planning Authority for approval. Condition 2 of planning permission 11/01035/COU requires the ground floor bar to close at 11pm every day, which is not particularly late, and Condition 4 prevents outdoor eating and drinking.

The Environmental Health officer has commented that a noise survey should be submitted because the property is next to a busy road and close to a railway line. However, established residential properties in Woodford Road and Queens Road are significantly closer to the railway than the application site, therefore it is not considered that it is reasonable to require a noise survey to be submitted to assess the noise impact from the railway. Moreover, the application site is in a primarily residential area, as shown on the Proposals Map of the Watford District Plan 2000, and the impact on the proposed flat from road noise would not be any greater than for other residential properties in the area.

Furthermore, significant weight should be given to the fallback position that if the existing Class A3/A4 use was changed to Class A1 or A2 use (which is permitted development under Schedule 2, Part 3, Class A of the Town and Country

Planning (General Permitted Development) (England) Order 2015) the first floor could subsequently be converted to a self-contained flat without the need for planning permission (see Schedule 2, Part 3, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015).

The existing ground floor bar is small in size and it is unlikely that this use would continue in the long-term without the first floor restaurant. Given the layout of the ground floor and the lack of a customer W.C. it appears that the most likely long-term use would be an A1 use (the historic use of the ground floor) or an A2 use. The comments from the Environmental Health officer in relation to the lack of ground floor W.C.s are noted; however, this is a matter for other legislation and is not a material planning consideration.

The yard is used in connection with the ground floor commercial use and the submitted plans show no private garden area for the proposed flat. However, given the location of the flat above a ground floor commercial use in a high density area, it is not considered that a private garden area could reasonably be expected. Furthermore, it should be borne in mind that the proposed development would not provide family-sized accommodation where it would be more important to provide an outdoor amenity area.

Bin and cycle storage could be provided in the rear yard and a condition should be attached to any grant of planning permission to require details of the siting, size and design of the storage facilities to be submitted to and approved in writing by the Local Planning Authority.

#### Impact on neighbouring properties

No external alterations are proposed and the use of the first floor as a self-contained flat would not cause noise and disturbance to neighbouring properties. Consequently, the proposed development would have no adverse effect on the residential amenities of neighbouring properties.

### Traffic generation and parking

The proposed development does not include the provision of on-site parking spaces. However, the property is close to the town centre and Watford Junction Station, therefore on-site parking is not considered essential in this sustainable location. The site is located in a Controlled Parking Zone and, in accordance with “saved” Policy T24 of the Watford District Plan 2000, a Unilateral Undertaking for the removal of permit entitlement is required to ensure that the proposed flat would not exacerbate parking demand in the area.

A Unilateral Undertaking is being prepared to secure a financial contribution towards the amendment of the Traffic Regulations Order to remove parking permit entitlement for future occupants of the proposed flat.

### Community Infrastructure Levy (CIL)

The Council has adopted its CIL Charging Schedule with effect from 1 April 2015. The proposed development is not liable for CIL because there is no net increase in the gross internal area (GIA). The existing floor space has been in continuous use for at least 6 months in the previous 3 years and therefore it is deductible from the floor space of the proposed flat. Because there is no increase in GIA there is no CIL charge.

### Consideration of representations

<b>Neighbour's objection</b>	<b>Officer's response</b>
The plans submitted do not address the issue of parking. It is likely any future tenants of the flat would request residents parking permits, currently none are in existence for 1A St Johns Road and additional permits would add to the already congested local parking	This is addressed in the report.

situation.	
<p>The property is within the designated Estcourt conservation area and is a locally listed building, the property retains a shop front of notable quality and historic integrity. There is a similar property on the corner of St Johns Road and Estcourt Road (owned by the same person) that is not currently operating a business. This building has been defaced by the removal of the original cornice and mouldings significantly detracting from the buildings original charm and the character of the area generally.</p>	<p>No alterations to the shopfront are proposed.</p>
<p>This property with all its physical aspects has for the last several years formed a key venue in this conservation area situated as it is between St Johns Road and Sotheron Road. It represents, successfully, an integral part of the Estcourt Conservation Community adding charm and dignity to the local landscape. Whether in its presents state as a wine bar or a shop together with the two pubs on that junction there is a valuable and well used amenity for residents and visitors alike.</p> <p>I would not like this special Watford</p>	<p>As discussed in the report, the Conservation Area has a distinctive mixed-use character and the character of the road junctions is defined by the commercial buildings, of varying styles and scales, that enclose the space and generate activity.</p> <p>Commercial use would be retained at ground floor. The GIA of the ground floor is large enough to provide a viable commercial use. Moreover, it should be noted that historically the building has been used as a ground floor shop with living accommodation. As such, the proposed development would have no</p>

<p>grouping to be altered by turning this unique historic junction into something less valuable to the community by allowing what would become an out of place residential development.</p> <p>Currently Rodells contributes to the local business and residential communities. We allow the venue to be used free of charge by the local residents committee as we believe it is important to ensure good relations with local residents. We have also developed strong links with the local business community and host functions.</p>	<p>adverse effect on the mixed use character of the area.</p> <p>It is commendable that the existing restaurant contributes to the local business and residential communities; however, there is no planning policy that seeks the protection of restaurants because of their community value.</p>
<p>Should the change of use be accepted the business 'Rodells' at 1A St Johns Road will become unviable.</p>	<p>The change of use of the first floor to a self-contained flat would have an impact on the existing Class A3/A4 business. However, this is a private matter between the owner of Rodells and the owner of the building. The submitted Register of Title for 1A St Johns Road shows that a lease expired in May 2012 and the applicant is the sole owner of the building.</p> <p>A viable commercial use could be retained on the ground floor; therefore, there are no planning grounds to refuse the application.</p>



<p>The drawings indicate that access to the upstairs would be from the existing side door with the doors to the kitchen and bar area blocked. Surely this contravenes fire regulations for any future residents of an upper floor flat.</p>	<p>This is a matter for Building Control and is not a material planning consideration.</p>
<p>I am concerned that this application forms part of a longer term development plan that will in time look to development of the whole site into flats and houses.</p>	<p>The current application has to be determined on its own merits.</p>

### Conclusion

No external alterations are proposed, and therefore there would be no impact on the character and appearance of the building. The ground floor of the building would remain in commercial use; therefore the proposed development would have no adverse effect on the mixed use character of the Conservation Area.

The gross internal area and room sizes of the proposed flat exceed the Internal Space Standards in paragraphs 7.3.6 – 7.3.8 of the Residential Design Guide. Furthermore, each habitable room would have good levels of natural lighting and outlook. As such, the proposed accommodation would provide an acceptable standard of amenity for future occupiers.

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### **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.

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### **RECOMMENDATIONS**

- (A) That planning permission be granted subject to the completion of a planning obligation under section 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 a financial payment to the Council of:

£2,000 towards the variation of the relevant Traffic Regulation Order to exclude the site from the controlled parking zone, thereby preventing residents' parking permits being allocated to this site.

### 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. Construction of the development hereby permitted shall not take place before 8am or after 6pm Mondays to Fridays, before 8am or after 1pm on Saturdays and not at all 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 Policy SE22 of the Watford District Plan 2000.

3. No development 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.

4. No development shall commence until details of a sound proofing scheme for protecting the future occupiers of the first floor flat hereby approved from noise from the ground floor bar have been submitted to and approved in writing by the Local Planning Authority. The first floor flat shall not be occupied until all works which form part of the scheme have been completed.

Reason: To ensure that the proposed development is adequately insulated from potential noise nuisance arising from the existing ground floor bar.

#### Informatives

1. In dealing with this application, Watford Borough Council has considered the proposal in a positive and proactive manner having regard to the policies of the development plan as well as paragraphs 186 and 187 of the National Planning Policy Framework and other material considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended.
2. This planning permission is accompanied by a unilateral undertaking under s.106 of the Town and Country Planning Act 1990 to secure financial contributions towards the variation of the Borough of Watford (Watford Central Area and West Watford Area) (Controlled Parking Zones) (Consolidation) Order 2010 to exclude future residents of the development from entitlement to resident parking permits for the controlled parking zones in the vicinity of the land in accordance with Policy T24 of the Watford District Plan 2000.

#### Drawing numbers

Location plan; DP/2486/PP/01; DP/2486/PP/REV A/02

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**(B)** In the event that no Section 106 planning obligation is completed by 23<sup>rd</sup> April 2015 in respect of the Heads of Terms set out above, the planning application be refused for the following reason:

1. The proposal fails to make appropriate provision to restrict on-street parking in the surrounding Controlled Parking Zone and as such is contrary to saved Policy T24 of the Watford District Plan 2000.

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