**9. 17/2467/FUL – Change of use of garage site to include installation of portacabin for office use, extension to existing garages, security gates and associated works at GARAGES REAR OF 32 TO 34 BLACKFORD ROAD, SOUTH OXHEY, HERTFORDSHIRE, WD19 6YN, for Steve Ingram**

(DCES)

Parish: Watford Rural Parish Council Ward: South Oxhey

 Officer: Jake Shiels

 Expiry Statutory Period: 30 January 2018

 Recommendation: That Planning Permission be granted

 Reason for consideration by the Committee: Land in ownership of Council

1. **Relevant Planning History**
	1. N/A.
2. **Site Description**
	1. The application site consists of a square shaped concrete area of hardstanding that formerly contained a number of council owned garages (17 units). The garages have been partially demolished. The application site is accessed between numbers 32 and 34 Blackford Road. The site is surrounded by residential properties, bordering dwellings on Heysham Drive to the west, dwellings on Prestwick Road to the north/north-west and Blackford Road to the east.
	2. The site is accessed from a 30m long single access road from Blackford Road. The site area (including access) measures approximately 425.sqm and is enclosed by closed boarded fencing and the concrete rear elevations of existing garages, at a height of 2m-2.5m.
3. **Proposed Development**
	1. The applicant seeks permission for the change of use of the garage site to include installation of portacabin for office use, extension to existing garages, security gates and associated works.
	2. The proposed portacabin for office use for 3-4 employees would also include a kitchen and toilet and is proposed towards the north east of the site, spanning south-east to north-west with a length of 16.6m and a depth of 3m. The portacabin would have a flat roof height of 2.4m. To the rear of the portacabin, the existing garage area would have a polycarbonate roof, enclosing a bike store area and bin store to the south end of the portacabin.
	3. To the opposing side of the site the existing garages would be partly demolished and altered with the following changes proposed:
* 1.2m front extension, to allow for the three central garages to accommodate three vans when not in use and in cold weather. The attached adjacent garages to the south flank would provide parking for office employees.
* Height of garages raised to the front part to create flat roof, replacing slight pitch at a maximum height of 2.5m as existing.
* Front walls to be infilled with masonry and garage doors added, with felt roof over the top of garages.
* Canopy proposed over garages towards the north-west corner, measuring 7.4m in width, 5.8m in depth from the low pitch roof over the existing garages with a maximum height of 3m, before sloping down to an eaves height of 2.2m. The canopy would provide cover for a vehicle washdown area, while the enclosed garage to the rear would provide storage and would contain a water tank.
	1. A 2m high metal gate is proposed approximately three quarters of the way down the existing access. This would replace the existing gate that is in situ at the entrance to the site area.
	2. A new timber gate and fence infill is proposed within the north corner of the site, providing pedestrian access from Prestwick Road.
	3. In regards to the business use on site, the following information from the submitted Design and Access Statement reads:
* Wheelie Washers employs up to 12 people (full time 9 and part time 3). 3-4 employees would be based within the proposed office with the remainder being wheeled bin cleaners.
* The Company owns 6 vans, however generally using 5 on a daily basis. One of these is transit sized, the remainder being smaller.
* Employees arrive on site in the vans either first thing in the morning or

early afternoon with no more than 4 on site at any one time. The cleaning filter units are filled with water to enable bin cleaning. Each van then leaves the site to follow the route of refuse collectors, with workers cleaning bins as required in situ before any refilling takes place.

* Mobile, self-contained apparatus in each van cleans, disinfects and

deodorises each bin to maintain high standards of hygiene and cleanliness. At the end of a morning or afternoon shift each van is returned to the site and rinsed out before operators leave the premises, keeping vans overnight at their own homes.

* Any office worker’s car or van brought to site will be parked within the

garages when not in use, keeping the courtyard area clear at all times.

* Hoses will be used to fill cleaning units and to wash down vans as and when required.
* On an infrequent basis, perhaps monthly, the inside of the vans may be cleaned, using a small portable vacuum cleaner plugged into the

cigarette lighter. This would be the same domestic type used by any

householder wishing to clean their cars.

* The site is supplied with water and mains drainage. No change is

proposed. This is shown on the submitted drawings. Ducting is in place to enable electricity connection.

* Working hours are 8am to 6pm Monday to Friday and on some Saturdays when the Council makes refuse collections because bank holidays require a change in rotas. This takes place around 4-5 times

each year and Wheelie Washers works in accordance with the working times of the Council’s refuse collectors.

* There will be no working on Sundays or bank holidays.
1. **Consultation**
	1. National Grid: No comments received.
	2. Watford Rural Parish Council: No comments received.

**4.3** Highways Authority: No objection.

 *“****Decision*** *Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.*

 ***Highway Informative:***

 *Hertfordshire County Council (HCC) recommends inclusion of the following highway informative / advisory note (AN) to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:*

 *AN) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website* [*https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspxor by telephoning 0300 1234047*](https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspxor%20by%20telephoning%200300%201234047)*.*

*AN) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website* [*https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx*](https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx) *or by telephoning 0300 1234047.*

***Comments/Analysis:***

*The application comprises of the use of an existing garage area for a porta-cabin office use, extension to existing garages and associated works at Blackford Road, South Oxhey. Blackford Road is designated as an unclassified local access road, subject to a speed limit of 30mph and is highway maintainable at public expense.*

***Vehicle Access and Parking:***

*The site uses an existing access from Blackford Road and private access road approximately 30m long. No changes to this access are proposed as part of the application. The existing visibility for vehicles and pedestrians at the junction with Blackford Road is considered to be acceptable. The proposals include the provision of a vehicular gate, which is considered to be acceptable as it is well set back from Blackford Road and would enable all vehicles to safely draw off the highway whilst the gates are being opened and closed. Furthermore the layout of the site would enable vehicles to turn around and egress to the highway in forward gear, which is considered to be necessary due to the length of the access road and to prevent vehicles from reversing out onto Blackford Road.*

*The loss of the garage area for parking for residents is not considered to have a significant detrimental impact as the garages have not been in use for some time.*

***Emergency Vehicle Access:***

*The private access road is 3.4m wide with a carriageway approximately 2.3m wide. The majority of the site is within 45m of Blackford Road. However because the access road is less than the recommended minimum emergency vehicle access width of 3.7m, as part of the highway authority’s assessment of this planning application we have identified emergency access issues which may benefit from input from Herts Fire and Rescue. Therefore, details of the proposal have been passed to them for attention and they will respond to you in due course.*

***Trip Generation and Distribution:***

*Following consideration of the proposals HCC as Highway Authority considers that the generation of vehicles should not have a significant impact on the local highway network.*

***Conclusion:***

*HCC as Highway Authority has considered that the proposals would not have an unreasonable impact on the safety and operation of the surrounding highway network. The development is unlikely to result in a significant change in the number of vehicles in the area. HCC has no objections or further comments on highway grounds to the application, subject to the inclusion of the above informatives and the comments relating to emergency vehicle access.”*

**4.4** Environmental Protection Officer: No objection.

*“I have had a look at the application and have no objections or comments on it based on the information supplied. If the activities at the site change then further consideration would be required.”*

**4.5** Thames Water: No comments received.

**4.6** Affinity Water Asset Sustainability: No comments received.

**4.7 Public Consultation**

**4.7.1** Numbers consulted: 15 No. responses received: 0

**4.7.2** Site Notice: Posted: 12.12.17 Expired: 02.01.18

**4.7.3** Press Notice: N/A.

**5.** **Reason for Delay**

**5.1** Committee cycle.

**6. Relevant Planning Policy, Guidance and Legislation:**

**6.1** The Three Rivers Local Plan

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include: CP1, CP6, CP9, CP10 and CP12.

 The Development Management Policies LDD was adopted on 26 July 2013 having been through a full public participation process and Examination in Public. Relevant Policies include: DM6, DM8, DM9, DM10, DM13 and Appendix 5.

**6.2** On 27 March 2012, the framework of government guidance in the form of Planning Policy Statements and Planning Policy Guidance Notes was replaced by the National Planning Policy Statements (NPPF). The adopted policies of Three River District Council reflect the content of the NPPF.

**6.3** The Localism Act received Royal Assent on 15 November 2011. The Growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

**6.4** The Wildlife and Countryside Act 1981 (as amended), the Conservation or Habitats and Species Regulations 2010, the natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

1. **Analysis**
	1. *Principle of Change of Use*
		1. Core Strategy Policy CP6 states that the council will support development that provides for a range of small, medium and large business premises.
		2. The NPPF encourages the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
		3. The proposed use of the site would be for an established small business that has previously been operating within the local area. The historical and existing use of the site is for garaging vehicles. The proposed addition of the porta cabin with associated changes to the site for commercial use would result in a change of use of the land, although an element of parking retained. The use would make effective use of previously developed land whilst also supporting a small established local business.
		4. In principle the alterations and additions within the site would be acceptable subject to impact on the character of the area and neighbouring amenity as discussed below.
	2. *Design and Character*

* + 1. Policy CP12 of the Core Strategy relates to the ‘Design of Development’ and states that the Council will expect all development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area.
		2. The proposed external alterations and additions within the garage site would be minor in relation to the previous 17 garages that spanned across the site to either side of the access.
		3. The proposed porta cabin would be of a similar height as the garages which would be roofed over and infilled to the north side of the site. To the opposing side, the front extension to the garages would not be significant by reason of the depth and would not project deep in to the site. The height of the garages would measure a maximum of 2.5m; not projecting higher than the existing roofs. These additions would not result in significant visible changes to the garages that were in a dilapidated state. The proposed development would also follow the existing development by retaining parts of the garages and re-building on a similar footprint to what is already in situ, would not be readily visible given the setback behind residential dwellings and would therefore not be considered prominent or out of character within the area. In addition to this, a large part of the site would be left open and free of built form development.
		4. The proposed canopy would have a height of 3m, before sloping down to an eaves height of 2.2m. There may be views of the canopy from Blackford Road along the access road, however, the canopy would be located within the north west corner of the site and would be situated approximately 46m from Blackford Road and it is not considered that this development would be significant in scale to be considered overbearing or out of character.
		5. The proposed gates would replace the existing gates and would be of a mesh design allowing views into the site from Blackford Road and would therefore not be considered prominent.
		6. The site is accessed from a 30m long access road, and given this setback from Blackford Road it is not considered that the change of use including the installation of a porta cabin for office use, extension to existing garages, security gates and associated works would be prominent within the street scene nor have a detrimental impact on the character of the area.
		7. As a result, the proposal complies with Policy CP12 of the Core Strategy (adopted October 2011).
	1. *Impact on Neighbouring Amenity*
		1. Policy CP12 of the Core Strategy states that the 'Council will expect all development proposals to protect residential amenities'.
		2. It is acknowledged that the site borders residential gardens. In relation to the external works to existing garages, it is not considered that the re-roofing and extension of these would cause significant harm to neighbouring amenity given the existing site circumstances and the scale and extent of work proposed. The canopy proposed, would be adjacent to 291 Prestwick Road, however, the canopy would have a curved roof with an eaves height of 2.2m that would hip away from the shared boundary and would not appear prominent over the boundary fence.
		3. The proposed porta cabin would be set off the shared boundary to the north by a maximum of 5m taken from the rear wall of the structure, with an infill roof between the cabin and the shared boundary adjacent to 289 Prestwick Road. When considering the spacing and the height of the proposed porta cabin of 2.4m it would not cause a loss of light to the windows of neighbouring dwellings nor would it appear prominent.
		4. Policy DM9 of the Development Management Policies LDD (adopted July 2013) makes clear that developments that would give rise to disturbance, noise, light or other adverse impacts would be refused. In relation to noise pollution developments which have an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing developments and on areas of tranquillity which are important for wildlife and countryside recreation will not be permitted.
		5. As mentioned, the site is surrounded by residential dwellings, backing on to the application site. Historically, the site previously housed private vehicles and the area has been accessed by vehicles given its former use for garaging. From the information provided, vans would enter the site in the morning to be filled with water, before going out to follow refuse collectors. The vans would then return to the site either in the afternoon on the same day or the next morning, with operators keeping the vans at home overnight. The main business activity, which involves the washing of wheelie bins would take place off site only, with the vans following the refuse cycle during the working week. When considering the nature of the business and the working hours that would span between 08:00am-18:00pm which would reflect a normal working day, it is not considered that there would be significant activity within the site that would cause disturbance within the immediate area within these hours nor would it result in an adverse impact on neighbouring amenity.
		6. From the information provided and from the nature of the use, it is not considered that the use would cause significant additional vehicular movement compared to the existing lawful use. The Highways Authority in assessment, note that the development is unlikely to result in a significant change in the number of vehicles in the area.
		7. From the information submitted via the Design and Access Statement, hoses will be used to fill cleaning units and to wash down vans as and when required. Additionally, on an infrequent basis the inside of vans may be cleaned on site, all of which will be via a domestic vacuum cleaner as used by any householder wishing to clean their car. The Environmental Health Officer has commented on this application and does not object to the proposal from the information provided, but would advise of further consideration should activities at the site change. Therefore, from the information provided, the said activity would not be considered significant and the tools used would not be more harmful than domestic apparatus generally used within the locality. Notwithstanding this, a condition will be placed on any permission to prevent the use of pressurised water jet apparatus or high power hoses that would cause noise and disturbance to neighbouring amenity.
		8. The porta cabin from the submitted floor plan would have two doors; one for the office and one for the kitchen/toilet. It is acknowledged that the use of an office within this location would not be in keeping with the general character of the area, however, the porta cabin structure is subservient to existing structures within the site by virtue of its size and scale and the small number of office based workers (3-4) within the site would not cause significant harm to neighbouring amenity given the main business use which is primarily related to the cleaning of wheelie bins off site.
		9. Policy DM8 of the Development Management Policies LDD (adopted July 2013) states that the Council will support development where there is an adequate and sustainable means of water supply and sufficient foul and water drainage. Policy DM10 states that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New development will only be supported where:
1. The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenities
2. Waste/recycling areas can be easily accessed (and moved) by occupiers and local authority/private waste providers
3. There would be no obstruction of pedestrian, cyclists or driver sight lines.
	* 1. In relation to pollutants, it should be noted that the wheeled bins are neither brought to nor cleaned on site. A bin store is proposed to the end of the altered garages within the north east corner of the site. This area would be infilled and covered by a felt roof and therefore the bin store would not impact on residential amenity. Within the opposing corner, to the south west a water tank is proposed to serve water for the cleaning operation; this would also be covered.
		2. There is existing drainage within the site and this would provide suitable run off for water in accordance with Policy DM8 of the Development Management Policies LDD.
		3. As such, subject to conditions, the proposal complies with Policies DM8, DM9 and DM10 of the Development Management Policies LDD (adopted July 2013) and Policy CP12 of the Core Strategy (adopted October 2011).

**7.4** *Landscaping Issues*

**7.4.1** Policy DM6 of the Development Management Policies LDD (adopted July 2013) sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.

* + 1. No trees would be affected.

**7.5** *Highways, Access and Parking*

**7.5.1** The existing 30m long private access would be retained as part of the development and the Highway Authority comment that the existing visibility for vehicles and pedestrians at the junction with Blackford Road is considered acceptable and the inclusion of the proposed gate would enable vehicles to safely draw off the highway while the gates are opened and closed.

**7.5.2** Following consideration of the proposals, the Highway Authority considers that the level of vehicular activity would not have a significant impact on the local highway network.The Highway Authority also note that the layout of the site would enable vehicles to turn around and egress to the highway in forward gear, which is considered to be necessary due to the length of the access road and to prevent vehicles from reversing out onto Blackford Road.

* + 1. In conclusion it has been determined by the Highway Authority that the proposals would not have an unreasonable impact on the safety and operation of the surrounding highway network. The development is unlikely to result in a significant change in the number of vehicles in the area.
		2. In relation to parking,Appendix 5 states that Sui Generis uses would be decided in each case on their individual merits. The proposed use would fall under this category. In relation to parking, the site would have up to 6 enclosed formal parking areas within the existing garages and three spaces underneath the proposed canopy. 3-4 office employees would have access to all spaces, while a bike store is also proposed within the enclosed garage to the north east corner of the site. Vans would be stored occasionally within the extended garage spaces and it is noted that the rest of the site courtyard would be kept free from vehicles. It is therefore considered that the proposed provision for parking is appropriate and proportionate for the use of the site.

**7.6** *Biodiversity Checklist*

**7.6.1** Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

**7.6.2** The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application. The site is not in or located adjacent to a designated wildlife site. The Local Planning Authority is not aware of any records of protected species within the immediate area that would necessitate further surveying work being undertaken and given the nature of the proposed development there would not be any adverse impacts on biodiversity.

**8. Recommendation**

**8.1** That PLANNING PERMISSION BE GRANTEDsubject to the following conditions:-

 C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

 Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: 1705 010 REV 02, 1705 020 REV 06, 1705 021 REV 04 and TRDC001 (Drainage Plan).

Reason: For the avoidance of doubt and in the proper interests of planning and to safeguard the residential amenities of neighbouring properties in accordance with Policies CP1, CP6, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM8, DM9, DM10 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C3 The proposed use hereby permitted shall not operate other than between the hours of 8:00am to 18:00pm Monday to Saturday. The proposed use shall not occur on Bank Holidays or on Sundays.

 Reason: To safeguard the residential amenities of the occupiers of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

C4 At no time whatsoever shall on-site cleaning of vehicles (within the hours permitted by Condition 3) include the use of pressurised water jet apparatus or similar machinery (excludes the use of domestic hoovers and water hoses).

 Reason: To safeguard the residential amenities of the occupiers of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

* 1. Informatives

I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - If your development is liable for CIL payments, it is a requirement under Regulation 67 (1) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

I2 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.

I3 The applicant is reminded that the Control of Pollution Act 1974 stipulates that construction activity (where work is audible at the site boundary) should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.