



DEVELOPMENT MANAGEMENT COMMITTEE

Thursday, 10th December, 2015

7.30 pm

Town Hall

Publication date: 2 December 2015

CONTACT

If you require further information or you would like a copy of this agenda in another format, e.g. large print, please contact Ishbel Morren in Democracy and Governance on 01923 278375 or by email to legalanddemocratic@watford.gov.uk .

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SPEAKING AT DEVELOPMENT MANAGEMENT COMMITTEE

Only one person will be permitted to speak on behalf of objectors and one in support of a proposal. Precedence to speak in support of the proposal will be given to the applicant or their representative.

In order to speak, a person must register before 12 noon on the day of the meeting by contacting the Democratic Services Team. The contact details are available on the front of this agenda.

If a speaker wishes the Development Management Committee to consider any documentation at the meeting, then it must be submitted to the Democratic Services Team by 12 noon on the day of the meeting.

COMMITTEE MEMBERSHIP

Councillor R Martins (Chair)

Councillor G Derbyshire (Vice-Chair)

Councillors S Bashir, N Bell, S Johnson, I Sharpe, M Turmaine, M Whitman and T Williams

AGENDA

PART A - OPEN TO THE PUBLIC

1. **APOLOGIES FOR ABSENCE/COMMITTEE MEMBERSHIP**
2. **DISCLOSURE OF INTERESTS (IF ANY)**
3. **MINUTES**

The minutes of the Development Management Committee held on 19 November 2015 to be submitted and signed.

Copies of the minutes of this meeting are usually available seven working days following the meeting.

All minutes are available on the Council's [website](#).

CONDUCT OF THE MEETING

The Committee to take items in the following order:

1. All items where people wish to speak to the Committee and have registered to do so by telephoning the Democratic Services Team.
2. Any remaining items that the Committee agrees can be determined without further debate.
3. Those applications where the Committee wishes to discuss matters in detail.
4. **15/01447/FUL 81 CECIL STREET** (Pages 5 - 30)

Removal of an existing garage/utility extension and construction of a new, one bedroom property.
5. **15/01068/FULM NORTH WATFORD POLICE STATION** (Pages 31 - 58)

Development of 12 three bedroom semi-detached houses, 16 two bedroom flats and associated car parking and landscaping.
6. **15/01456/DIS106 14 NASCOT ROAD** (Pages 59 - 72)

Application to discharge Section 106 obligations pursuant to planning permission 07/00611/FUL.

7. REVIEW OF DEVELOPMENT MANAGEMENT PERFORMANCE 1 APRIL TO 13 NOVEMBER 2015 (Pages 73 - 76)

Report of the Interim Development Management Section Head, providing information on the performance of Development Management with regard to the number of planning applications determined and appeals decided between 1 April 2015 and 13 November 2015.

Agenda Item 4

PART A	
Report of: DEVELOPMENT MANAGEMENT SECTION HEAD	
Date of Committee	10th December 2015
Site address:	81 Cecil Street
Reference Number :	15/01447/FUL
Description of Development:	Removal of existing garage/utility extension and construction of a new one bedroom property.
Applicant:	Mr M Hussain and Mrs H Bibi
Date received:	8th October 2015
8 week date:	3rd December 2015
Agreed extended deadline:	3rd January 2015
Ward:	Callowland

SUMMARY

Full planning permission is sought for the removal of the existing side extension and garage and the construction of a new one bedroom property. This application follows two previous applications submitted earlier this year which sought permission for the creation of a new two storey dwelling. Both of these previous applications were refused planning permission given the impact that the development would have on the amount of natural light entering the neighbouring property to the east of the site (79 Cecil Street).

The current scheme differs from those submitted earlier in the year in that it proposes a single storey building rather than a two storey structure. Consequently, the roof height of the proposed property is significantly lower than that previously applied for. The reduced mass of the building allows a greater amount of natural light to enter the neighbouring property as demonstrated by the Daylight and Sunlight Study which accompanies the application. It is considered that the current scheme would have no significant detrimental impact on the living conditions of the occupiers of the neighbouring property. In this

respect, the current proposal has addressed the reasons for refusal that were applied to the applications submitted earlier this year.

The development relies on the removal of an existing garage and side extension at the side of the house. Neither of these structures contribute positively to the appearance of the site or the wider visual amenity of the area. The building containing the new dwelling will not be as wide as the existing side additions. It will also be set back from the front elevation of the main house and set in from the side boundary. These measures will help ensure that the new structure remains subordinate to the main house and does not appear unduly prominent when viewed from the street. The existing garage is not setback from the main front building line and is not separated from the boundary and it is considered that the new building will offer an improved appearance when compared to the existing situation.

The proposed new dwelling will provide a suitable living environment for its future occupiers without compromising the amenities of neighbours. The design of the building is sympathetic to the host building and the works will not result in any harm to the character of the area.

Both the existing and proposed property will not benefit from any on-site parking provision. However, the site is located close to bus stops and Watford Junction Station, and is within walking distance of the town centre and the shops and services located along St Albans Road. Within a sustainable location such as this, it is considered that a car free development is acceptable.

The Development Management Section Head recommends that planning permission be granted as set out in the report, subject to conditions.

BACKGROUND

Site and surroundings

The application relates to a two storey, semi-detached dwelling located within a primarily

residential area in North Watford. The property is situated on the southern side of Cecil Street approximately 140m southeast of the junction with Leavesden Road.

The property features a single garage which is located to the east of the house. This garage is linked to the house by a flat-roofed single storey extension which comprises a utility room. The rear of the property features a two storey projecting element with a pitched roof and beyond this a single storey flat-roofed addition exists.

A vehicular crossover in front of the house provides access to the garage. The property currently benefits from one on-site parking space provided by the garage.

The property is not listed and is not located within a Conservation Area.

Proposed development

Full planning permission is sought for the construction of a new one bedroom dwellinghouse. In order to facilitate the works the existing garage and single storey side extension which comprises a utility room will be removed.

The proposed new dwelling will be single storey and will comprise an open plan living, dining and kitchen area, a bathroom and bedroom. The existing property will be retained as a three bedroom house.

A new access arrangement will be provided for the existing house through the creation of a new entrance on the side elevation of the building. Access to the new dwelling will be provided through the creation of an entrance on its side elevation also.

The existing garden will be subdivided to allow each of the properties their own private amenity space.

Cycle and bin storage for both properties will be constructed to the rear of the garden for the new house. This will be accessed via a pathway that will be created along the eastern side of the new property.

Relevant planning history

Ref. 964 – Erection of house, stables and sheds – Approved in 1897.

Ref. 14824 – Use of building (rear) – Refused Planning Permission in 1951.

Ref. 9/174/81 – Outline application for the erection of a dwellinghouse on land at 81 Cecil Street – Refused Outline Permission in June 1981 for the following reasons:

- 1. The proposed development, if permitted, would not comply with the requirements of Policy H25 of the Watford District Plan (Sunlight and Daylight) in that the proposed development would not maintain a satisfactory level of sunlight and daylight to existing houses on either side of the proposed dwelling.*
- 2. The proposed, if permitted, would result in the provision of an inadequate area of private open space for the occupiers of both the existing property, No. 81 Cecil Street, and the proposed dwelling and, as such, the development would not accord with Policy H27 (Gardens) of the Watford District Plan.*
- 3. Irrespective of reasons 1 and 2 above no details have been submitted to indicate that a satisfactory dwelling can be designed to provide reasonable levels of sunlight and daylight to all habitable rooms to accord with the standards of the Local Planning Authority.*
- 4. In the opinion of the Local Planning Authority the provision of vehicular access to and the formation of a parking/garaging area at the rear of the site is unacceptable due to the loss of visual and aural amenities to the existing and proposed occupiers of the houses on the application site.*

Ref. 15/00229/FUL – Removal of existing garage/utility extension and construction of a new two bedroom property – Refused Planning Permission in April 2015 for the following reason:

- 1. The application fails to demonstrate that the proposal would result in no significant loss of natural light to habitable rooms within the neighbouring property to the east. It has not been demonstrated that due consideration has been made to the potential impacts of the development upon levels of natural light currently enjoyed at this neighbouring property. No reference has been made to the guidance contained within the Building Research Establishment Report entitled "Site layout planning for daylight and sunlight; A guide to good practice" which sets out tests such as the "no-sky line" which can be used to determine the impact of development on daylighting distribution in a room. The Council is not satisfied that the proposed development would cause no significant loss of light to the neighbouring property, contrary to the objectives of the Residential Design Guide (RDG) and Policies UD1 and SS1 of the Watford Local Plan Core Strategy 2006-31.*

Ref. 15/00782/FUL – Removal of existing garage/utility extension and construction of a new two bedroom property – Refused Planning Permission in July 2015 for the following reason:

- 1. The application is accompanied by a Daylight and Sunlight Study which establishes that a significant reduction in natural light will be caused to a habitable room window within the neighbouring property to the east. The Study wrongly identifies this window, which it refers to as 'window 7', as being secondary when in fact it is the only window providing natural light to a habitable room. The Study itself shows that window 7 will experience a significant reduction in natural light to a level which is below that recommended by the guidance contained within the Building Research Establishment (BRE) publication Site Layout Planning for Daylight and Sunlight: a guide to good practice. Consequently, the scheme would result in harm to the amenities of the occupiers of this neighbouring property due to the reduction of daylight to a habitable room, contrary to the provisions of the Residential Design Guide (RDG), Policies UD1 and SS1 of the Watford Local Plan Core Strategy 2006-31 and the objectives of paragraph 17 of the National Planning Policy*

Framework (NPPF) which seek to ensure that a good standard of amenity for all existing and future occupants of land and buildings is achieved.

Relevant Policies

National Planning Policy Framework (NPPF)

Paragraph 17 Core planning principles

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

Hertfordshire Waste Core Strategy and Development Management Policies

Document 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

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

Watford District Plan 2000 (saved policies)

SE7 Waste Storage, Recovery and Recycling in New Development

SE22 Noise

T10 Cycle Parking Standards

T21 Access and Servicing

T22 Car Parking Standards

T24 Residential Development

T26 Car Free Residential Development

L8 Open Space Provision in Housing Development

L9 Children's Play Space

H10 Planning Agreements for Educational and Community Facilities

Supplementary Planning Guidance Notes

A revised Watford Residential Design Guide (RDG) was adopted as a Supplementary Planning Document by Watford Borough Council's Cabinet on 23rd July 2014 following public consultation between 4th November and 16th December 2013. This supersedes the Residential Design Guides: Volume 1: Building New Homes & Volume 2: Extending Your Home (2008) and Supplementary Planning Guidance 6 (SPG6): Internal Space Standards (2004).

CONSULTATIONS

Neighbour consultations

Letters were sent to a total of 34 addresses that lie within close proximity of the site.

Seven representations have been received citing the following objections.

- No car parking in an area where on-street parking is already insufficient and at capacity. It will increase the deficit of available parking.
- Overdevelopment.
- Dwelling would not fit in with the current street scene.

- Would make area even more dense than it already is.
- Detrimental affect to quality of life of the occupants of the neighbouring property.
- Loss of light to neighbouring property.
- Loss of privacy to neighbouring property.
- Planning process for area is flawed as nearly all of the nearby properties are rented and tenants have no interest regarding planning and even if they pass it onto their landlord, why would they object?
- Clearly a money making exercise.
- Reduced outlook at neighbouring property.
- Eventually bins will replace plants in front garden.
- Reduce width of driveway of neighbouring property.
- The agent has indicated that the numbering of the houses in the street appear to indicate the gap is intended to accommodate an additional property (as number 79 is missing). However, this is incorrect.
- Dwelling is inconsistent with the other houses in the street.
- There are sewage pipes that would be built on top of.

Statutory consultations

Local Highway Authority (Hertfordshire County Council Highways)

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 subject to the following conditions:

Conditions

1. The application should provide a drawing to show that no wall /landscaping to be provided along the site frontage shall exceed a height of 600mm on both sides of the access

Reason: to provide adequate visibility for drivers for no. 79 entering or leaving the site.

2. Prior to the commencement of the site works details of on-site parking for all contractors, sub-contractors, visitors and delivery vehicles shall be approved in writing by the Local Planning Authority in conjunction with the Highway Authority and that area shall be maintained available for use at all times during the period of site works.

Reason;- To minimise danger, obstruction and inconvenience to users of the highway.

3. All materials and equipment to be used during the construction shall be stored within the curtilage of the site unless otherwise agreed in writing by the Highway Authority prior to commencement of the development.

Reason: In the interest of highway safety and the free and safe flow of traffic.

4. Upon completion of the development and the/alterd access brought into use, all other existing crossover point not incorporated in the development hereby permitted shall be stopped up by raising the existing dropped kerb and reinstating the footway and highway boundary to the same line, level and detail as the adjoining footway, verge and highway boundary.

Reason: To limit the width of existing crossover points along the site boundary for the safety and convenience of the highway user.

Comments

The proposal is to remove existing garage/utility extension and construct of a new one bedroom property at 81 Cecil Street, Watford.

ACCESS

The proposed site will be located between no 79 and no 81 Cecil Street.. It is an unclassified road and with a speed limit of 30 mph.

The applicant states that this is altered the existing garage vehicle crossover for the proposed development. Which it shall be stopped up by raising the existing dropped kerb and reinstating the footway and highway boundary to the same line, level and details as the adjoining footway.

PARKING

The applicant states that the proposed would result in any parking spaces being provided in association with the proposed development.

CONCLUSION

The proposals are not considered to greatly impact upon the highway safety or capacity. It is considered acceptable to the Highway Authority.

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 (adopted January 2013);*
- (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.*

Principle of development

Policy HS1 of the Watford Local Plan Core Strategy 2006-31 advises that factors that will support residential allocation in the site allocations document, and which will also be considered in determining applications on windfall sites, will include, inter alia: consistency with the spatial strategy; previously developed land; close to good public transport, walking and cycle network routes; location within the town centre or at other strategically located sites. The Policy further advises that factors that will go against residential allocation will include: not previously developed land; land at risk of flooding; existing employment land, open space or other community facilities for which there is still an identified need; land with high biodiversity, landscape or cultural heritage significance; no access to reliable integrated public transport links.

The proposal complies with the provisions of Policy HS1 in that the site occupies land which is close to good public transport routes, is not in an area at risk of flooding, is not existing employment land, open space or a community facility and does not have high biodiversity, landscape or cultural heritage significance. The new building will be attached to the side of the main building and will replace the existing side extension and garage. It is considered that the principle of residential development in this location is acceptable as the site lies within a primarily residential area and because the proposed new dwelling would not occupy a position behind the main building frontage.

Amendments

Amended plans have been received during the course of the application. These have included the following revisions:

- Detail has been added to show that the new walls and gate to the front of the property will not be higher than 0.6m so as to improve visibility for motorists using the adjacent driveway, in accordance with the recommendations of the Local Highway Authority (see 'Consultations' section above).
- The internal layout of the proposed dwelling has been altered so that the living, kitchen and dining area occupies the front portion of the house with the bedroom occupying the rear part of the building. This allows a better relationship between the existing house and the new dwelling, in terms of noise transmission. For example, the living area for the proposed dwelling is now shown to be sited adjacent to the living area of the existing house. The bedroom is now also shown to be separated from the existing house – reducing any potential noise disturbance for its future occupiers.
- The two windows originally proposed on the front elevation of the new dwelling have been replaced with a bay window. This bay window will feature obscure-glazed panes on its side which faces the entrance to the existing house. This will help reduce overlooking from persons entering the existing house into the bay

window of the new house. This is required to ensure that the occupiers of the new dwelling benefit from suitable levels of privacy.

Design and impact on street-scene

Paragraph 58 of the NPPF advises that planning policies and decisions should aim to ensure that developments will function well and add to the overall quality of the area, respond to local character and history, and reflect the identity of local surroundings and materials. Section 7 (paragraph 64) of the NPPF further advises that “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.

Policy UD1 states that “new development should respect and enhance the local character of the area in which it is located”. This is supported by Policy SS1 of the Watford Local Plan Core Strategy 2006-31 which states that “Outside of the areas covered by specific policies, the emphasis will be on making sure that new development protects residential amenity, protects and enhances the character of the area, maintains and enhances the quality of our open spaces and green infrastructure and protects our built heritage”.

The proposal relies on the removal of the flat-roofed garage and utility room extension that exist on the eastern side of the house and their replacement with a new single storey structure that will incorporate a pitched roof. The garage building and interlinking side extension do not make a positive contribution to the appearance of the property in themselves and it is considered that the proposal provides the opportunity for the appearance of the site to be enhanced.

The combined width of both the existing utility room extension and the existing attached garage is 5.3m. At present, the garage element abuts the boundary shared with the neighbouring property to the southeast. In contrast, the proposed extension that will accommodate the new dwelling will be set in 1 metre from the side boundary and will measure 4.3m wide. While the proposed extension will be wider than the existing house, it will be less wide and provide more separation to the side boundary than the existing structure. Additionally, the proposed extension will be setback from the front elevation of

the existing house whereas the front of the existing garage projects to the same building line as the main house with only the utility room extension being set back. This setback will help ensure that the extension has a subordinate relationship with the main building and does not appear unduly prominent when viewed from the street.

The new dwelling would feature a bay window on its front elevation. This will be of a size and type that will remain compatible with the host property. The roof above the front portion of the new extension will feature a dual-pitch with a side-facing gable. The gable will be pitched to reflect that of the main house. The entrance to the new property will be created on the side elevation and will not be readily visible from the street. It is considered that this will help to ensure that the new building does not have the appearance of a separate bungalow attached to the side of the house and instead is made to be more akin to an extension. It is considered that the new building will have a suitable relationship with the street and will cause no harm to the character of the area or the streetscene.

The submitted drawings provide details of the materials to be used for the exterior finishes of the building. It is considered that these materials, which reflect those of the existing house, will provide an acceptable finish that will remain in keeping with the area.

Layout

The proposed new dwelling will meet the minimum internal space standards. In addition, the floorspace of the existing dwelling will not be reduced as a result of the works. All habitable rooms within the proposed dwelling will benefit from suitable levels of natural light and outlook.

The proposed extension will project beyond part of the rear elevation of the existing house. The extension has the potential to affect the light and outlook for the kitchen and dining rooms within the host property. However, the kitchen within the host property cannot be regarded as a habitable room given that it does not provide space for sitting or eating over and above that required for the preparation of food (as per the definition of 'habitable room' provided within the Glossary of the Watford District Plan 2000).

Furthermore, the submitted drawings show that an internal wall will be removed to create

an open plan living/dining area which will be served by the existing window on the rear elevation and large bay window on the front elevation. These windows will help ensure that natural light penetrates the living area and it is considered that levels of light and outlook within the host property will not be reduced to an extent that will cause an unacceptable living environment for the occupiers of this house.

Section 7.3.22 of the RDG sets out the minimum areas for private amenity space for new residential development. It advises that a minimum garden area of 50 square metres be provided for a 1 bedroom house and a minimum of 65 square metres for a three bedroom house. At present, the garden attached to 81 Cecil Street is relatively large compared to many other gardens at nearby properties, measuring approximately 140 square metres in area. The existing garden will be subdivided to create private gardens for both the existing and proposed properties. The gardens provided for each property will fail to meet the minimum garden areas, contrary to the advice contained within the RDG. The garden for the proposed dwelling will cover an area of only 45 square metres and the garden for the existing house will be reduced to 38 square metres. Whilst the gardens provided for both houses will be below the minimum standards, it is apparent that they will remain larger than many of the gardens of other properties within the area. Regard has to be paid to the context of the site and it is considered that in this case, the proposed gardens will remain in keeping with the character of the area. Both gardens will provide a usable space and will benefit from adequate amounts of sunlight offering reasonable private amenity areas.

The submitted drawings show that refuse, recycling and cycle storage for both the existing property and the new property will be provided close to the rear boundary of the site, accessed by a pathway running along the southeastern boundary. Such provision will allow the occupiers of the dwellings to be able to store their bins and cycles in an area that will have no strong visual presence on the street. It is considered that adequate storage could be provided in this location to meet the demands of the development and without compromising visual amenity, in accordance with Policy SE7 of the Watford District Plan 2000 and Policy SD4 of the Watford Local Plan Core Strategy 2006-31 and the advice contained within Sections 7.3.26 – 7.3.27 of the RDG.

Impact on neighbouring properties

The neighbouring property located immediately to the east of the site (79 Cecil Street) features a number of windows on its northwest-facing elevation at both ground and first floor levels. These serve both habitable and non-habitable rooms. There are ground floor level windows serving a reception room, kitchen, WC and bathroom on the northwest-facing elevation of this neighbouring property. At first floor level, there are two windows serving bedrooms. It is acknowledged that a 25 degree line taken from the ground floor reception room window on the northwest-facing elevation of this property is already infringed by the existing building. The new building would also infringe a 25 degree line taken from this window. The new building would be sited further from the neighbouring property to the east when compared to the existing situation but will rise higher than the existing structure and, as such, the development has the potential to result in a loss of natural light to this habitable room.

The previous applications, which had both proposed a new two storey dwelling, had failed to demonstrate that no significant loss of natural light to habitable rooms within the neighbouring property to the east would have been caused were the development to have taken place. It had not been demonstrated that due consideration had been made to the potential impacts of the development upon levels of natural light currently enjoyed at this neighbouring property.

The current application, which now proposes a single storey dwelling, is accompanied by a Daylight and Sunlight Study which is based on the various numerical tests laid down in the Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight: a guide to good practice' by P J Littlefair.

The BRE guidance advises that diffuse daylight may be adversely affected if after a development the Vertical Sky Component (VSC) is both less than 27% and less than 0.8 times its former value. The Study demonstrates that the windows on the neighbouring properties will not experience a significant reduction in natural light to a level which is below that recommended by the BRE guidance. The submitted report indicates that the VSCs for the neighbouring windows will either continue to remain in excess of 27% or will

not be subjected to a loss of more than 0.8 times their former value. Consequently, no noticeable reduction in daylight should be expected at these windows as a result of the works being carried out. The Report further demonstrates that there would be no noticeable reduction to the levels of sunlight reaching neighbouring windows and no significant overshadowing to surrounding gardens.

It is acknowledged that the new building will be clearly visible from the neighbouring property to the east. However, given the separation between the flank elevation of the neighbouring property to the east and the new building it is considered that any impact on outlook will not be to an extent that warrants a reason for refusal. The neighbouring property will continue to benefit from suitable levels of outlook.

The proposed development will not result in any significant privacy issues. The southeast elevation of the new dwelling will feature no windows, other than those contained within a ground floor door. Any windows in this door will not allow significant views to be afforded towards the neighbours because of the boundary screening and therefore there will be no direct overlooking from the new property towards the property to the east.

Access, parking and transportation

The property currently benefits from one on-site parking space by way of a single garage. This is accessed by a dropped kerb vehicular crossover on Cecil Street. The proposal seeks to remove the garage and also the crossover by reinstating the kerb and footway to the same line, level and detail as the adjoining footway, verge and highway boundary. Neither the existing property nor the proposed dwelling will benefit from any on-site parking should the development be implemented.

Policy T26 of the Watford District Plan 2000 advises that “Car free residential development will be considered in suitable locations which are highly accessible by passenger transport, close to amenities and services, subject to the provision of satisfactory site covenants, on-street parking controls and measures to control displaced parking in adjacent areas”. In this case, the site lies within close proximity to the St Albans Road shopping area, Watford Junction and bus stops on Leavesden Road and St Albans

Road. It is also within walking distance of the town centre. It is considered that in a sustainable location such as this, a car free development will be acceptable. The removal of the existing dropped kerb has the potential to allow some additional on-street parking space.

The Local Highway Authority has been consulted and has raised no objection to the proposal on highways grounds subject to conditions being imposed (see “Consultations” section of the report above). The Local Highway Authority has recommended that a drawing be submitted to show that no wall/landscaping along the site frontage shall exceed a height of 600mm on both sides of the access drive for No. 79 so as to provide adequate visibility for drivers entering or leaving the neighbouring property. In light of this recommendation, the agent has submitted an amended plan which shows that no walls, gates or planting along the site frontage will be higher than 0.6m.

Community Infrastructure Levy (CIL)

The Council’s CIL charging schedule was implemented on 1st April 2015 and, as such, the proposed scheme will be liable for CIL charges. The CIL charge covers a wide range of infrastructure and community facilities including education, childcare, libraries, youth facilities, open space, children’s playspace, transport and healthcare. Under the Community Infrastructure Levy Regulations 2010, payments towards infrastructure and facilities covered by CIL can no longer be sought by section 106 planning obligations unless there are site specific requirements which are necessary to make the development acceptable. CIL is charged on the relevant net additional floorspace created by the development. The charge for residential floorspace is £120 per square metre. The CIL charge is non-negotiable and is calculated at the time planning permission is granted. As the proposal involves a net additional increase in floorspace, the development is CIL liable.

Consideration of objections received

Six objections have been received and these are summarised in the ‘Consultations’ section of the report above. Most of the issues raised have been discussed in the

'Appraisal' section. However, those issues that have not already been referred to, or which require further discussion, are outlined in the table below.

Objections	Officer's response
Impact on the access to the drive at the neighbouring property immediately to the east of the site.	A new section of wall is proposed in front of the new dwelling. However, the height of this is shown to be a maximum of 0.6m to ensure that suitable visibility is maintained for motorists entering and leaving the neighbours' drive. It is considered that the removal of the existing dropped kerb will not render the driveway to the east inaccessible. The Local Highway Authority has raised no objections to the works on highways grounds.
Overdevelopment and money-making exercise.	In terms of overdevelopment, it is considered that the house will sit comfortably within this part of the street and will integrate with the pattern of development which is largely made up of fairly dense, terraced housing. As with most development, the developer would seek to make some financial gain and this would not warrant a reason for refusal of the application.
Planning process for area is flawed as nearly all of the nearby properties are rented and tenants have no interest regarding planning and even if they pass it	This is not a material planning consideration.

<p>onto their landlord, why would they object?</p>	
<p>The agent has indicated that the numbering of the houses in the street appear to indicate the gap is intended to accommodate an additional property (as number 79 is missing). However, this is incorrect.</p>	<p>The Ordnance Survey shows the neighbouring property to the east of the site numbered as 77. However, this neighbouring property is in fact No. 79. This confusion has come from the inaccuracy on the Ordnance Survey map extract, however, it does not affect the planning merits of the scheme.</p>
<p>There are sewage pipes that would be built on.</p>	<p>This is not a material planning consideration. Should the development be reliant upon building over sewers then the applicant will be required to have the works authorised by Thames Water.</p>

Conclusion

It is considered that the development will provide a suitable standard of living for its future occupiers and will not compromise the amenities of the occupiers of the neighbouring properties. The development will have no detrimental impact on the streetscene or the character or appearance of the host property or the wider area. Taking into account the sustainable location of the site, it is considered that the scheme will not result in any significant increase to on-street parking.

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

That planning permission be granted subject to the following conditions:

Time Limit

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.

Approved Drawings

2. The development hereby permitted shall be carried out in accordance with the following approved drawings: SHT. No. 1 and SHT. No. 2 (amended plan received 18.11.15).

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

Hours of Construction

3. Demolition of the existing buildings and 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.

External Materials

4. The materials used for the external finishes of the building shall be as per the details shown on the drawing numbered SHT. No. 2 (amended plan received 18.11.15) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development responds to the site's context and makes a positive contribution to the character and appearance of the area, in accordance with Policies UD1 and SS1 of the Watford Local Plan Core Strategy 2006-31.

Construction Environmental Management Plan

5. No development shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This Plan shall include details of contractors' parking, the delivery and storage of materials, wheel washing facilities, measures to mitigate noise and dust 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 to minimise any obstruction of the adjoining highway during the time that the development is being constructed, pursuant to Policies T24 and SE22 of the Watford District Plan 2000.

Stopping up of Access

6. The new dwelling hereby approved shall not be occupied until the existing crossover point has been stopped up through the raising of the existing dropped kerb and reinstatement of the footway and highway boundary to the same line, level and detail as the adjoining footway, verge and highway boundary.

Reason: In the interests of highway safety, pursuant to the provisions of Policies T21 and T26 of the Watford District Plan 2000 and paragraph 35 of the National Planning Policy Framework.

Removal of Permitted Development Rights

7. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any modifications or re-

enactment thereof), no development permitted under Schedule 2, Part 1, Classes A, B, C, D, E, F and G of the Order shall be carried out to the existing dwelling or the dwelling 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.

Refuse, Recycling and Cycle Storage

8. Notwithstanding the information already submitted, the new dwelling hereby approved shall not be occupied until details of the siting, size, type and finish of refuse, recycling and cycle storage have been submitted to and approved in writing by the Local Planning Authority. The storage shall be installed and made available for use prior to the occupation of the new dwelling and shall be maintained as such at all times thereafter.

Reason: In the interests of the visual appearance of the site, to ensure that adequate waste and cycle storage facilities are provided and to ensure that a suitable living environment is achieved, in accordance with Policies T10 and SE7 of the Watford District Plan 2000 and Policies UD1 and SD4 of the Watford Local Plan Core Strategy 2006-31.

Means of Enclosure

9. The new dwelling hereby approved shall not be occupied until all the gates, walls, and fencing, as detailed on the drawing numbered SHT. No. 2 (amended plan received 18.11.15), have been provided unless otherwise agreed in writing by the Local Planning Authority. The approved means of enclosure shall be maintained as such at all times thereafter.

Reason: In the interests of privacy, visual amenity, highway safety and to ensure that the site suitably addresses the street, in accordance with the provisions of the Residential Design Guide (RDG), Policy T21 of the Watford District Plan 2000 and Policies SS1 and UD1 of the Watford Local Plan Core Strategy 2006-31.

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 2015.
2. The proposed development is liable for contributions under the Community Infrastructure Levy (CIL). Please contact the Planning Support Team at Watford Borough Council (telephone number: 01923 278327) if you have any queries about the CIL procedure and how CIL payments are collected.
3. 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 Hertfordshire County Council website at <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
4. 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 construction of the

development; 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

Site Location Plan (unnumbered)

SHT. No. 1

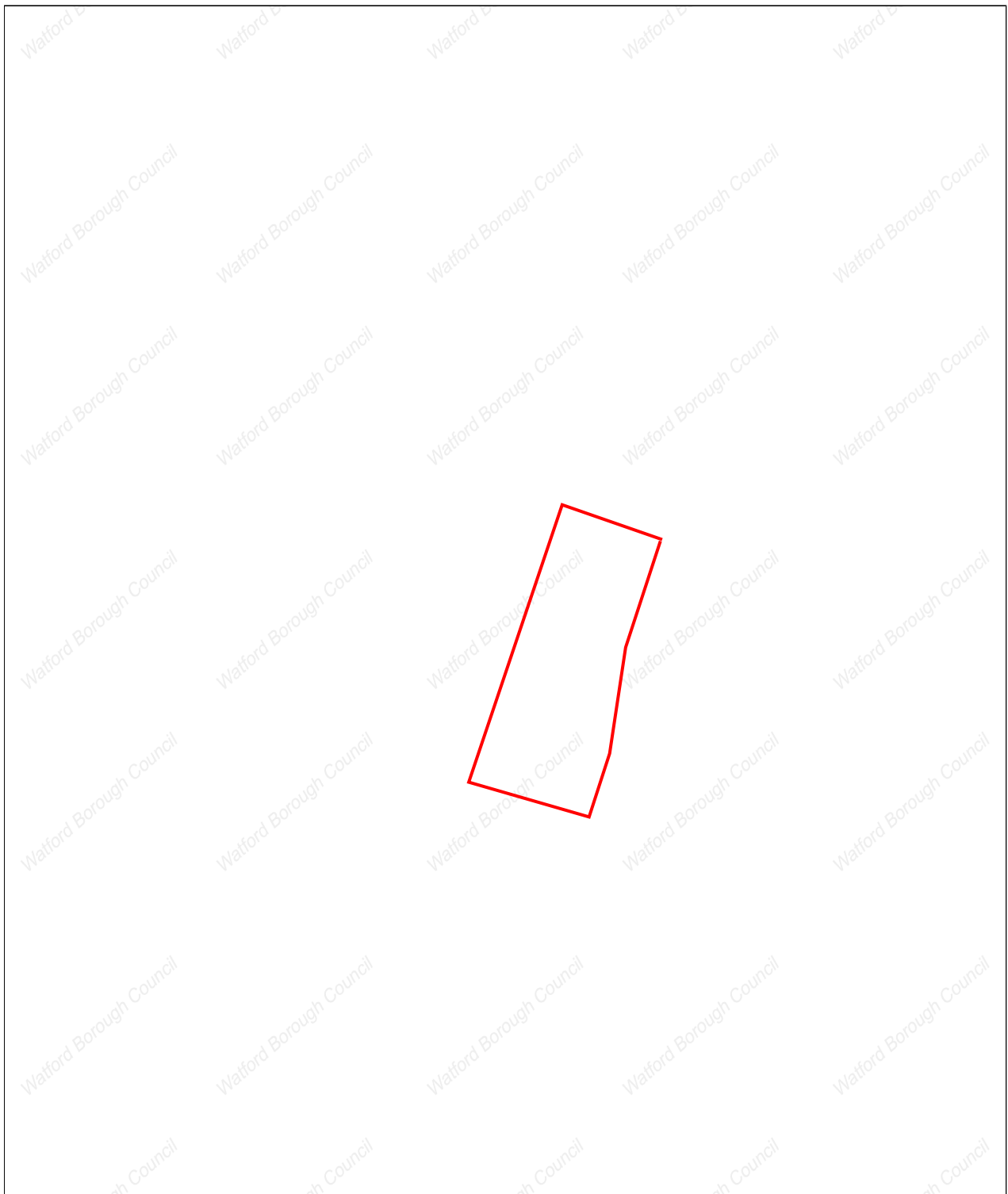
SHT. No. 2 (amended plan received 18.11.15)

Other documents

Design and Access Statement

Daylight and Sunlight Study

Case Officer: **Simon Hoskin**
Email: **simon.hoskin@watford.gov.uk**
Tel: **01923 278598**



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PART A	
Report of: DEVELOPMENT MANAGEMENT SECTION HEAD	
Date of Committee:	10 December 2015
Site address:	North Watford Police Station
Reference Number:	15/01068/FULM
Description of Development:	Development of 12 no. 3 bed semi-detached houses, 16 no. 2 bed flats and associated car parking and landscaping.
Applicant:	Watford Community Housing Trust
Date received:	31 July 2015
13 week date (major):	30 October 2015
Ward:	Woodside

BACKGROUND

SITE AND SURROUNDINGS

The subject of this application is North Watford Police Station (NWPS), a disused Sub Divisional Police Station built in the 1950s located adjacent to the North Orbital Road (Kingsway). Bounding the site to southeast is Leavesden Green Primary School and its environs to the northwest, and Leveret Close to the west of the site; an established, primarily residential area. The approximate area of the plot is 0.32Ha (3200sqm).

Leveret Close is characterised by semi-detached dwellings sited along a meandering roadway with the rear gardens of nos. 57, 55, 53, 51, 49 and 47 adjoining the subject site. Other properties in Leveret Close that are nearby or adjoining the subject site include nos. 45, 43, 41, 39, 37, 35, 33, and 31 orientated at approximately 90° to the subject site. These dwellings typically feature gardens of between 60m² and 80m² and can be considered to be a characteristic of the area.

The topography of the site is characterised by its flatness however there is a noticeable fall at the site entrance from the carriageway to the interior of the site. Furthermore, the

easternmost corner adjacent the highway is in a slight hollow relative to the remainder of the site.

The perimeter of the NWPS is partly composed of mature deciduous trees located on the southwest boundary with Leveret Close and adjacent North Orbital Road bringing a degree of visual and audible separation from the heavily trafficked road. None of these trees are the subject of a Tree Preservation Order (TPO).

The site is not in a conservation area nor does it affect the setting of a listed building.

PROPOSED DEVELOPMENT

Full planning permission is sought for the erection of erect 12 no. 3 bed semi-detached houses, 16 no. 2 bed flats and associated car parking and landscaping. All existing buildings on the site are to be demolished. The houses are to be erected along the southwest and northwest boundaries with the rear elevations addressing Leveret Close. The apartment building (4 storeys plus roof accommodation and undercroft parking) is to be sited eastern corner of the site (adjacent Kingsway). Access is as existing and no direct access to Leveret Close is proposed. Bin and cycle stores are also incorporated within the parking area. A total of 34 parking bays are proposed.

RELEVANT PLANNING HISTORY

99/00100/FUL Formation of 4 car parking spaces adjoining site entrance. Conditional planning permission.

72/08192/OUT Use of land adjacent to Police Station for car parking. Outline Application. Non-determination.

63/01633/FUL Accommodation for Police transport and administration office for Police traffic division. Conditional planning permission.

56/00044/FUL New Sub Divisional Police Station. Conditional planning permission.

55/01059/FUL Use of land for the erection of a Sub Divisional Police Station. Conditional planning permission.

PLANNING 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 8 Promoting healthy communities

Section 10 Meeting the challenge of climate change, flooding and coastal change

Hertfordshire Waste Core Strategy 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 Review 2002 - 2016

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

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 (saved Policies)

- SE7 Waste Storage, Recovery and Recycling in New Development
- SE20 Air Quality
- SE21 Air Quality Management Areas
- SE22 Noise
- SE27 Flood Prevention
- T10 Cycle Parking Standards
- T21 Access and Servicing
- T22 Car Parking Standards
- T24 Residential Development
- T26 Car Free Residential Development
- S9 Non-Retail Uses in North Watford Shopping Centre/Local Shopping Frontages
- U17 Setting of Conservation Areas

Supplementary Planning Documents

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

Residential Design Guide

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

Watford Character of Area Study

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

CONSULTATIONS

Neighbour consultations

Letters were sent to 47 properties in the environs of the site. The following is a summary of the representations that have been received:

102 Langley Court,
33, 35, 49, 55, 57 Leveret Close
2 Heath Farm Court,

Number of original notifications:	47
Number of objections:	5
Number in support:	1
TOTAL REPRESENTATIONS:	6

The main issues raised by the residents are the:

- Loss of privacy
- Inadequate parking resulting in overspill onto Leveret Close
- Overdevelopment of the site
- The alleged potential danger posed by paedophiles overlooking the playing fields associated with Leavesden School.

The points that have been raised are summarised and considered in the table below:

Representations	Officer's response
Concern from a Member relating to overlooking onto the adjacent Leavesden School and potential for the playing field to be overlooked by "sex offenders"	The proposal is adjacent to the playing fields associated with the school. From desktop analysis it was apparent that actual school buildings are at least 110m from the proposed apartment block. While it is accepted that there may be occasional potential for overlooking onto the playing fields it is highly unlikely to result in a threat to the safety of children. Indeed, the increased overlooking onto

	<p>the fields (and not directly onto any of the school buildings) would provide natural surveillance from said apartments thereby enhancing the safety of the children at the school.</p>
<p>Response to the above concern from a resident of Leveret Close disagreeing with the comments outlined in the preceding comment</p>	<p>Officer response is above</p>
<p>Loss of privacy arising as a result of the relationship between the rear elevations of the houses to the west of the site (Leveret Close) and the potential for overlooking from proposed apartments due to height</p>	<p>The apartment building is at least 50 metres from the rear windows of the existing dwellings in Leveret Close. The proposed dwellings are a minimum of 22 metres from the rear windows of the existing dwellings in Leveret Close. This is within the guidance provided within the Residential Design Guidelines. The proposed semi-detached dwellings would lie between the existing dwellings at the 4 storey apartment building which would block some views across the site.</p>
<p>Inadequate parking</p>	<p>The proposal provides 1 parking space for each unit plus 6 additional for guests. This is within the Council's maximum parking standards. Further, the lack of vehicular permeability between the application site and Leveret Close means that significantly increased impact in terms of overspill parking is unlikely.</p>
<p>Overdevelopment</p>	<p>The proposal represents 28 units on 0.31Ha site which cannot be considered overdevelopment in a suburban context.</p>

	In addition, each property has access to open space.
Noise & disturbance	The proposal would give rise to rates of noise and disturbance commensurate with a construction site of its size. Appropriate conditions regarding hours of work will be applied in the event that the application is granted.

Statutory publicity

The proposal was publicised via site notice (14th August 2015) and by public notice (14th August 2015) in the Watford Observer.

Technical consultations

Hertfordshire County Council – Lead Local Flood Authority (LLFA)

After initial consultation the applicant was made aware that they were significant deficiencies in the FRA (flood risk assessment) as originally submitted most notably the absence of an acceptable surface water drainage assessment, as that submitted did not comply with Planning Practice Guidance (revised April 2015).

Additional and enhanced information was sought and received and the LLFA is now in a position to remove the initial objection on flood risk grounds. Herts County Council is therefore satisfied that the proposed development can be adequately drained and that flood risk can be mitigated if the development is carried out in accordance with the overall drainage strategy. Drainage calculations have been calculated and assessed by the LLFA and it is considered that the site would be able to drain a 1 in a 100 year flood event plus an additional 30% accounting for climate change (CC).

The recommended flood risk conditions are summarised below:

- Attenuation measures should be provided to ensure no increase in surface volumes for 1 in a 100 year events plus 30% accounting for climate change.
- Appropriate SUDs (Sustainable Urban Drainage) measures should be implemented in accordance with the submitted plans.
- An infiltration based drainage system should be implemented.

- A storage volume of 135m³ should be provided through a combination of permeable paving, ring and geocell soakaways.
- A surface water drainage scheme based on that submitted as well as an assessment of the hydrological and hydrogeological context at the site is required.

Thames Water

With regard to surface water drainage Thames Water note that it is the responsibility of a developer to make proper provision for water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application. There are public sewers crossing or close to the development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer.

No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.

Hertfordshire County Council (Highway Authority)

The Highway Authority maintains no objection the proposed redevelopment subject to conditions as summarised below.

- . Prior to occupation of the development the proposed onsite car and cycle parking area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plans
- A Construction Management Plan should be submitted and adhered to throughout the construction period.

Crime Prevention Design Advisor (CPDA), Hertfordshire Constabulary

On the basis of the information available the CPDA is satisfied with the overall design approach taken with some relatively minor exceptions.

Front Doors to Houses: Concern that one semidetached dwelling tucking into the corner with front door facing the side perimeter fence would result in the occupant being visually isolated when answering the door to a caller thereby reducing natural surveillance.

Officer Response: The point is noted however there would be surveillance from inside the house through the adjacent kitchen window thereby giving the occupant an opportunity to risk assess the caller before answering the door.

Cycle Storage Area: Concerned that the area was originally open and is tucked to the back of the apartments resulting in little passive surveillance.

Officer Response : The cycle storage has been moved to the front of the building thus benefiting from passive surveillance.

The Rear Garden Appears to be Open: No fencing or gates are shown securing the rear garden.

Officer Response: Adequate fencing will be installed to secure the garden.

Arboricultural Officer

The proposed tree losses are considered acceptable. Providing all tree protection measures and the method statement are complied with the remaining trees should be safely retained. Compliance with the tree protections measures and the method statements should be made a condition of the consent.

Environmental Health (EH)

The outstanding EH consideration is the noise impact generated from the adjacent Kingsway (North Orbital Road) and its effect on the southeast facing elevation of the apartment block. Further to an acoustic survey carried out on the 28.05.15 and the 01.06.15 it is recommended that the impacts be mitigated by the use of mechanical ventilation system to the affected units to provide necessary ventilation without the need to open the windows or trickle vents. When combined with the use of appropriate glazing specific to this elevation it is considered that the measures outlined are adequate to mitigate the impact. These measures are secured by appropriate conditions.

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

Main issues

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

- (a) Principle of the development and proposed uses
- (b) Scale, design and impact on the character and appearance of the area
- (c) Quality of accommodation and amenity of future residents
- (d) Impacts on neighbouring properties
- (e) Traffic, highways and parking impacts

(a) Principle of the development and proposed uses

The site is located adjacent to a primarily residential area with access to public transport within 400m. The proposal represents the redevelopment of a brownfield site immediately adjacent to a residential area where the proposed land use is established. It is also not at risk of flooding and the former police station has already closed. As such, the proposal accords with Policy HS1 of the Core Strategy.

Policy HS2 of the Core Strategy refers to housing mix and seeks a mix of dwelling types and sizes at local level. Medium density developments such as flats and houses may be considered appropriate close to neighbourhood centres where well served by transport links. Low density family houses with gardens will be sought in more suburban areas. In this case, the scheme provides 12 no. 3 bed family houses and 16 no. 2 bed flats. Although higher density flats would not normally be the most appropriate type of dwelling in this suburban area, they are 2 bed flats and are being proposed by the applicant to meet a need for smaller family units (as all of the flats will be affordable housing, they will be occupied by families with children). As such, this is considered acceptable.

Policy HS3 refers to the provision of affordable housing and seeks a provision of 35% from all developments of 10 or more dwellings. In this case, the applicant is a registered provider and is proposing that all of the dwellings will be affordable, with 50% for affordable rent and 50% for low cost home ownership. This is acceptable.

The proposed redevelopment and change to residential use accords with policies contained within the National Planning Policy Framework and with the Council's own Core Strategy document and as such is acceptable in principle.

(b) Scale, design and impact on the character and appearance of the area

The scale the proposal is considered to complement the existing development in terms of the siting of the two storey units adjacent to the boundary with Leveret Close. The two storey form continues the existing scale as established by the dwellings on Leveret Close. Moving from west to east the proposed 4 storey apartment block is sited within a hollow which serves to soften the transition in scale from two storey semi-detached to four storey plus roof accommodation apartment block.

The North Orbital Road (Kingsway): The site as existing lies adjacent to the roadside however due to the screening provided by the deciduous trees and the topography of the site (it lies at a lower level than the road) it is only partially visible from the roadside. This proposal would alter this perception due to the presence of the apartment block however due to its siting in the lowest part of the site and adjoining the significant boundary trees, the proposal would not significantly change the visual amenity of the area as perceived from the roadside, particularly as the aforementioned trees are to remain in situ.

Leveret Close: Despite the proximity of Leveret Close to the site, the proposal is considered likely to only minimally impact the visual amenity of the area. The gardens of the two storey semi-detached dwellings would face onto the rear and flank elevations of existing properties and would be partially visible from these properties. The apartment block would be visible from Leveret Close due to its height, however due to the distance from the street (approximately 80m) and the topography of the application site, the long views would create a minor impact and would not significantly affect the visual amenity of the area.

The elevational treatment of the proposed apartment block features walls clad in either light or dark grey facing brick and window treatments with deep architraves that serve to give a varied and interesting appearance to the dominant elevations. Furthermore, the roof treatment would include a setback to attenuate the building's potential to visually dominate the site while the roof itself would be finished in zinc seam cladding to match the proposed houses. Overall, it is considered that the apartment block is of good design and has been carefully considered to fit into the existing context of the site and to complement the subordinate scale of the proposed houses located to the western side of the plot.

The 2 storey semi-detached dwellings use a combination of brick, zinc cladding and concrete roof tiles to complement the design employed in the apartment block. The roof design featuring oversized dormers clad in zinc sheeting is a contemporary way to achieve extra roof space when compared to the existing dwellings on Leveret Close, successfully imitating the form and grain of the existing houses while adding an interesting design combination before the viewer's eye arrives at the apartment block. Similarly the window treatment echoes that of the apartment block giving a sense of design continuity throughout the development. Overall, it is considered that the proposal will make a

positive contribution to the streetscene and surrounding area and is therefore acceptable in terms of national and local policy in terms of design and appearance.

(c) Quality of accommodation and amenity of future residents

The semi-detached houses meet the latest Technical Housing Standards, as set out by the Department of Communities and Local Government, in terms of internal floor area, achieving 90sqm. When compared to Watford's own standards, again the houses compare favourably, comfortably exceeding the Residential Design Guide (RDG) standards of 74sqm. Living areas, kitchens and bathrooms are located towards the front of the respective houses and bedrooms to the rear with the exception of the dormer bedrooms in the front roofslope. Consequently, all of the houses will have good internal layout and good levels of outlook and natural light. Regarding the flats, all of which are two bedroom, again their floor areas exceed that recommended at national and local level, with the internal floor areas varying between 68 and 72sqm while the National Housing Standards require between 61 and 70sqm and Watford's RDG requires a minimum of 61sqm for a two bedroom dwelling.

In terms of privacy, the rear bedroom windows of the westernmost houses face onto the rear gardens of existing dwellings in Leveret Close meaning that there is some potential for loss of privacy. The distance between these elevations and the existing dwellings, namely nos. 57, 55, 53 and 51, is between 18 and 22m. Privacy is however ensured with the use of translucent lower and middle sections to the proposed windows and transparent panes at levels above 1.6m (internal floor level). Additionally, the existing trees would remain providing additional screening and privacy.

The development is in close proximity to the A405 North Orbital Road, a busy road, which is likely to be a significant noise source. Further to the receipt of an acoustics report the mitigation measures outlined in the Environmental Health response, including mechanical ventilation and a double glazing system in compliance with BS:8233:2014, have been agreed upon and have been added as a condition in the recommendation. These measures are considered acceptable by Environmental Health. The required measures include mechanical ventilation to the rooms to allow the rooms to be adequately ventilated (both background ventilation and rapid ventilation for cooling and odour removal) without the need to open the acoustically enhanced double glazed windows.

(d) Impacts on neighbouring properties

The proposed development is surrounded by a number of existing properties. The potential impacts are discussed below. Nos. 57, 55, 53, 51, 49, 47 Leveret Close as existing properties would have their rear elevations backing directly onto the westernmost of the proposed new semi-detached dwellings. The separation distance would be between 17 and 22m, which is below the standard outlined in the Residential Design Guide (27.5m), however there would be no direct overlooking of windows. As previously stated, the habitable windows on the new dwellings would only be transparent at high level i.e. at a height > 1.6m from the floor. Consequently the potential for overlooking from these bedrooms is negligible. The presence of trees between the existing and proposed development would further mitigate the perception of overlooking although officers point out that the abovementioned window treatment in itself would be more than adequate to secure privacy to existing residents.

The concerns of residents regarding loss of privacy in their back gardens is noted. There will be some mutual overlooking which is common in a residential area but the distances involved will ensure this mutual overlooking has a minimal impact on privacy. A floor was deleted from the apartment block to reduce the impact on adjoining residents and the distance between the proposed flats and the existing gardens is greater than 40 metres. It is now considered that given the distance between the apartments and the adjoining houses (between 40 and 50m) and accounting for the set back nature of the top floor apartments featuring angled windows, the impact on existing residents would be marginal. Furthermore, in suburban areas it is realistic to have some mutual overlooking.

Nos. 45, 43 and 41 Leveret Close have existing gardens that run adjacent the northwest flank of the site. It is considered that there would be an impact on amenity in that there would be overlooking where previously there was none however, again, the distances are such, when combined with the measures taken including translucent instead of transparent windows and balconies, that the effects have been mitigated to guarantee the continued amenity of existing rear gardens.

(e) Transportation, access and parking

The proposal incorporates 34 parking spaces and 28 cycle spaces. When compared with the previous use, data gathered on behalf of the Highway Authority suggests that there would not be a substantive increase in traffic movements in and out of the site as the movements of the patrol cars generated more trip numbers than those predicted for the proposed development.

The following measures are also incorporated into the proposal:

- The entry to the site would be moved 6m east of its current location.
- The removal of the gaps in the central reservation barrier thereby making access and exit a left turn manoeuvre only.
- The access road would be reduced to a width of 4.1m.

The following bus services are available:

- 306C Leveret Close: Runs between St Michaels School and Borehamwood. Two to 3 services are available Monday to Friday and Saturday has 2 services only.
- 319 Trident Road: Is a circular route between Chipperfield and North Watford. This route has 2 services running Monday to Friday.
- 41 Trident Road: This is a circular route from Garston, Watford / Abbots Langley.
- 10 High Road: Runs from Garston/Woodside to Hollywell Estate. This service runs Monday to Friday every 10 minutes
- R8 Leveret Close: Runs from Watford to Bedmond. This route has 3 to 4 services Monday to Friday and 1 return service on Saturdays

The following rail services are available:

- Garston Station is the closest rail station at 2.5km and is located on the Abbey Line linking St. Albans Abbey to Watford Junction. Frequencies are every 45 minutes with a journey time of 5 minutes to Watford.
- Watford Junction is located 3.8km (2.3m) with a journey time of around 10 minutes by bus. Watford Junction Station is classified as a major interchange with access to

Virgin Intercity, TfL (Overground) and London Midland services, which operate to a wide variety of destinations. Trains into London (Euston) take 20-22 minutes.

- The site is also located in the Plus Bus area of Watford, which allows for integration of bus/rail tickets.

The proposed provision of 34 parking spaces is considered acceptable and appropriate in this location given that all of the dwellings will be affordable. This level of provision is proposed by the applicant having regard to its intended tenants. It equates to one parking space per dwelling and a visitor provision of 6 spaces. The cycle provision equates to one cycle space per dwelling, in accordance with the Council's standards. The houses will also have the option of additional cycle provision within their garden areas.

COMMUNITY INFRASTRUCTURE LEVY AND PLANNING OBLIGATION

Community Infrastructure Levy (CIL)

The Council's CIL charging schedule was implemented on 1st April 2015 and, as such, the proposed scheme will be liable for CIL charges. The CIL charge covers a wide range of infrastructure and community facilities including education, childcare, libraries, youth facilities, open space, children's playspace, transport and healthcare. Under the Community Infrastructure Levy Regulations 2010, payments towards infrastructure and facilities covered by CIL can no longer be sought by section 106 planning obligations unless there are site specific requirements which are necessary to make the development acceptable. CIL is charged on the relevant net additional floorspace created by the development. The charge for residential floorspace is £120m². The CIL charge is non-negotiable and is calculated at the time planning permission is granted. An exemption can also be sought in respect of affordable housing, in which case no CIL charge will apply. As such, the development will not attract any CIL charge if this exemption is applied for.

Planning obligations under section 106

With the implementation of the Council's CIL charging schedule on 1st April 2015, section 106 planning obligations can only be used to secure affordable housing provision and other site specific requirements. Tariff style financial payments can no longer be sought. 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.

In the case of the current planning application, the only planning obligations required to make the development acceptable are:

- i) Securing all of the units as affordable housing units, in accordance with the application submission and Policy HS3 of the Core Strategy.
- ii) The provision, as necessary, of fire hydrants to serve the development in accordance with Policy INF1 of the Core Strategy and saved Policy H10 of the Watford District Plan 2000.

These obligations meet the tests in Regulation 122 of the Community Infrastructure Regulations 2010 and, consequently, can be taken into account as a material planning consideration in the determination of the application. The applicant has agreed to enter into these planning obligations and a unilateral undertaking is currently in preparation.

The proposal represents a 100% affordable housing development split into 50% Low Cost Home Ownership (LCHO) and 50% affordable rented. With all 28 units being classified therefore as affordable housing the proposal represents a positive and meaningful contribution to the affordable housing mix of the borough.

Conclusion

The siting and design of the houses and the apartment block have been designed to minimise any adverse impacts on surrounding residential properties. The Watford Community Housing Trust has also undertaken extensive consultation with residents. This consultation has resulted in the removal of one storey from the apartment block to ease concerns regarding overlooking onto back gardens and rear elevations. Each new unit is

provided with one car parking space plus an additional six for visitor parking thereby meeting Watford's maximum parking standards.

All of the proposed units would meet or exceed the standards set out in Watford's Residential Design Guide and therefore would provide a more than acceptable standard of amenity to occupants. The design of the houses and the apartment block is also contemporary, replicating the existing grain of development while adding a modern stylistic theme in terms of the elevational treatment on the houses and the apartment block.

The applicant is willing to complete a planning obligation to secure all of the units as affordable housing and the provision of fire hydrants, as necessary, to serve the development.

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 section 106 of the Town and Country Planning Act 1990 (as amended) as set out below, and subject to the following conditions:

Section 106 Heads of Terms

- i) To secure the provision of fire hydrants as required by the County Council in accordance with Policy INF1 of the Core Strategy and saved Policy H10 of the Watford District Plan 2000..
- ii) To secure all of the 28 dwellings as affordable housing comprising 14 affordable rented units and 14 units for Low Cost Home Ownership.

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:-

Location plan 010

0412_01-05_PL_020

0412_06-10_PL_021

0412_PL_100 Rev C

0412_PL-101 Rev B

0412_PL_102 Rev C

0412_PL_200 Rev C

0412_PL_201 Rev C

0412_PL_202 Rev C

0412_PL_203 Rev A

0412-PL-204 Rev A

0412_PL_300 Rev A

0412_PL_400 Rev A

0412_PL_401 Rev A

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

3. No demolition or construction works shall take place before 8am or after 6pm Mondays to Fridays, or at any time on Saturdays, 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.

4. No construction works shall commence until details of the materials to be used for all the external finishes of the new buildings, including all external walls, roofs, doors, windows, balconies and privacy screens, 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.

5. 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 demolition/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 relevant demolition and construction periods.

Reason: To safeguard the amenities and quiet enjoyment of neighbouring properties and prevent obstruction of the adjoining highway during the time that the demolition and construction phases. This is a pre-commencement condition as these details need to be agreed with the Local Planning Authority before the works commence.

6. No part of the development shall be occupied until the new access junction has been completed in full and the central reservation barrier has been reinstated on the North Orbital Road (Kingsway) adjacent to the site as shown in principle on drawing no. 0412-pl-100 Rev B.

Reason: To ensure safe and adequate vehicular and pedestrian access to the development and in the interests of highway safety, in accordance with Policy T4 of the Watford Local Plan Core Strategy 2006-31.

7. No flats forming part of the development shall be occupied until the enhanced Type B glazing, as specified in the acoustic report 10179-NEA-01 Rev. A, has been fitted to all windows on the eastern elevation of the apartment block adjacent the North Orbital Road.

Reason: To preserve the amenity of future occupants by using enhanced glazing to ensure acceptable noise levels within the apartments, in accordance with BS 8233:2014.

8. No flats forming part of the development shall be occupied until the mechanical ventilation system, as set out in the acoustic report 10179-NEA-01 Rev. A, has been fitted to all rooms fitted with Type B glazing.

Reason: To preserve the amenity of future occupants by ensuring that it is not necessary to open windows to adequately ventilate the habitable rooms thereby ensuring acceptable ambient noise levels in accordance with BS 8233:2014.

9. No part of the development shall be occupied until the 34 car parking spaces shown on the approved drawings (unless otherwise approved in writing by the Local Planning Authority) have been laid out, demarcated and constructed in full. These spaces shall be retained at all times for the parking of cars of the residential occupiers only.

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.

10. No part of the development shall be occupied until the bin stores for the houses and the flats have been provided in accordance with the approved drawings (unless otherwise approved in writing by the Local Planning Authority). The stores shall be retained at all times for bin storage only and shall not be used for any other purpose.

Reason: To ensure adequate facilities are provided for the occupiers of the site and in the interests of the visual appearance of the site and its impact on the street

scene and character of the surrounding area, in accordance with Policies SD1 and UD1 of the Watford Local Plan Core Strategy 2006-31.

11. No part of the development shall be occupied until details of the cycle storage shown on the approved drawings, for a minimum of 28 cycles and providing weather protection, has been submitted to and approved in writing by the Local Planning Authority, and the cycle storage facilities have been provided in full. These shall be retained at all times.

Reason: To ensure adequate facilities are provided for the occupiers of the site and in the interests of the visual appearance of the site, in accordance with Policies SD1 and UD1 of the Watford Local Plan Core Strategy 2006-31 and saved Policies T10 and T21 of the Watford District Plan 2000.

12. The development shall be carried out only in accordance with the approved flood risk assessment carried out by SDP Consulting Engineers (referenced job no. E15.041 dated August 2015) and only in accordance with the following mitigation measures.

- i) Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.

- ii) Implementing appropriate SuDS measures as shown on drawing E15-041-10 dated August 2015.

- iii) Implementing appropriate drainage strategy based on infiltration.

- iv) Provide storage volume of 135m³ through the use of permeable paving, ring and geocell soakaways.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site.

13. No development shall take place until a detailed surface water drainage scheme for the site based on the approved flood risk assessment carried out by SDP Consulting Engineers (referenced job E15.041 dated August 2015) and drawing E15-041-10 'sustainable drainage principles' and an assessment of the hydrogeological and hydrological context of the development has been submitted and approved in writing by the Local Planning Authority.

The drainage scheme should demonstrate the surface water runoff generated up to and including 1 in 100 year + climate change critical storm will not exceed the runoff from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

- Detailed engineering drawings of the proposed SuDS features including their size, volume, depth and any inlet and outlet features including any connecting pipe runs.
- Details of how the scheme shall be maintained and managed after completion.

Reason: To prevent the increased risk of flooding both on and off site.

14. The development shall be carried out only in accordance with the approved tree protection scheme and method statements (reference JPL/150257/AMsa/sh). The tree protection measures shall be installed in full before any demolition or construction works commence.

Reason: To ensure the ongoing health of the remaining trees during and after construction of the proposed development which represent an important visual and ecological asset within the area.

15. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any modification or re-enactment thereof), no development permitted under Schedule 2, Part 1, Classes A, B and F of the Order shall be carried out to any of 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 proposed development and will not prove detrimental to the amenities of adjoining occupiers.

16. No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.

17. No part of the development shall be occupied until full details of a soft landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. This shall include the retention of existing trees and hedging where possible and measures to enhance the ecological biodiversity of the site. 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 wider area, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

18. No part of the development shall be occupied until full details of a hard landscaping scheme, including details of all site boundary treatments and all fencing within the site, 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 local area, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

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. The applicant is advised that the storage of materials associated with the construction of this development should be provided 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 from the Highway Authority via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
3. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly)

the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available from the Highway Authority via the website

<http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

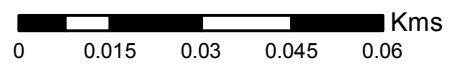
4. Before commencing the development the applicant shall contact Hertfordshire County Council Highways (0300 123 4047) to obtain i) their permission/ requirements regarding access for vehicles involved in the construction of the new roads; ii) a condition survey of any adjacent highways which may be 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.
5. Works to be undertaken on the adjoining Highway will require an agreement with the highway authority. Before commencing the development the applicant shall contact Hertfordshire County Council Highways (0300 123 4047) to obtain their permission and requirements. This is to ensure that any works undertaken in the highway are constructed in accordance with the specification of the highway authority and by a contractor who is authorised to work in the public highway.
6. Roads to remain private: The applicant is advised that all new internal roads and car parking areas associated with this development will remain unadopted and the developer should put in place a permanent arrangement for their long term maintenance. At the entrance to these private areas all road name plates should indicate their private status to inform users of their status and purchasers of their future maintenance liabilities. Further information is available via the web page <http://www.hertsdirect.org/services/transtreets/highways/info/roadadopting/> or by telephoning 0300 1234047.

Case Officer: Damien McGrath
Email: damien.mcgrath@watford.gov.uk
Phone: 01923 278552



North Watford Police Station

Date: 02/12/2015



Scale 1:1,250



Agenda Item 6

PART A	
Report of: DEVELOPMENT MANAGEMENT SECTION HEAD	
Date of Committee	10 December 2015
Site address:	14 Nascot Road, Watford WD17 4YE
Reference Number :	15/01456/DIS106
Description of Development:	Application to discharge Section 106 obligations pursuant to planning permission 07/00611/FUL
Applicant:	14 Nascot Road Limited
Date received:	2nd October 2015
Ward:	Nascot

SUMMARY

Planning permissions was granted in 2007 for the change of use of 14 Nascot Road to 7 residential flats. This planning permission had a Unilateral Undertaking which to date has not been paid. Between 2007 and 2011 the freehold of the property was sold without the new freeholder being aware of the Unilateral Undertaking as it was not registered as a Local Land Charge until 2011. The freeholder has now applied to have the Unilateral Undertaking discharged given the length of time and the delay in it being registered as a Local Land Charge.

The Development Management Section Head recommends that the Section 106 relating to Watford Borough Council be discharged as set out in the report.

BACKGROUND

Planning permission was granted on 6th July 2007 for the conversion of an existing dwelling into 3 x 2 bed flats, 1 x 2 bed flat, extension to dwelling including 2 x2 bed flats

and 1 x 1 bed flat and demolition of existing double garage with new parking. A Unilateral Undertaking was attached to this permission for the following contributions towards:

- the provision or improvement to open space (£14,832)
- the provision or improvement of Children's play space (£4,925)
- the implementation of the South West Hertfordshire Transport Strategy and sustainable transport measures in the Borough of Watford (£3,000)
- Variation of the Traffic Regulation Order (£1,000)
- Provision of Fire Hydrants
- Monitoring fee (£250)

The planning permission was fully implemented with conditions discharged in 2008 and 2009 but the monies associated with the Unilateral Undertaking were not paid.

Under Section 106A (3) of the Town and Country Act 1990 (as amended), where a Section 106 is more than 5 years old, a person whom the planning obligation is enforceable may apply to modify or discharge the obligation. If the application is refused then the applicant has the right to appeal.

Site and surroundings

The application site is a large two and three storey residential flat building in Nascot Road near the junction of Park Road and sits within the Nascot Conservation Area. The site has onsite parking at the front with a driveway to the side to access the car parking at the rear. The area is residential in character with a mix of Victorian and inter-war housing.

Proposal

Application under Section 106A of the Town & Country Planning Act 1990 to remove the monetary contributions set out in the Unilateral Undertaking for this site as part of the planning permission 07/00611/FUL.

Planning History

The building was formally the Paul Alex School of Dancing and planning permission was granted on 3 July 2007 for 7 residential flats a rear extension under planning reference 07/00611/FUL. There were a number of pre-commencement conditions relating to cycle storage, materials, sound insulation, refuse and recycling, surface water and window treatment which were discharged between October 2008 and March 2009. This would normally have been the time the contributions would have been paid. A copy of the Unilateral Undertaking is attached to this report.

CONSULTATION

A site notice was posted adjacent to the property on 9th October 2015. No comments were received.

APPRAISAL

Current application under section 106A

The Unilateral Undertaking is more than 5 years old, therefore the applicant is entitled to submit an application to renegotiate or discharge it. The applicant has requested that it be discharged as the contributions haven't been paid and the Council has not required payment, which demonstrates the contribution was not necessary.

It is not fully known why the contributions were not followed up at the time the conditions were being discharged or why the obligation was not registered as a local land charge immediately. It was only when the current land charges officer undertook a thorough investigation in 2011 when handling a request that it became evident that the local land charge had not been registered.

This situation should not arise again as the local land charges officer is provided with a copy of all decision notices including Unilateral Undertakings and Section 106 agreements, which are registered as a local land charge shortly after the decision is issued. Planning officers have also been reminded to check the full history of a site in their assessment of applications to discharge conditions on the planning permission.

Conclusion

Refusing the application to discharge this obligation would mean that the local land charge would remain on the property and the applicant could appeal to the Planning Inspectorate for a determination. The Planning Inspectorate would consider the delay in registering the Unilateral Undertaking as a local land charge and the amount of time that has passed since the development has been implemented.

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

That the Unilateral Undertaking be discharged and removed as a local land charge.

Case Officer: **Fiona Dunning**
Email: **fiona.dunning@watford.gov.uk**
Tel: **01923 278283**

THIS UNILATERAL UNDERTAKING is made the ^{5TH} day of ^{JULY} ~~Forest View Properties Limited~~ (no. 05829954)
Two Thousand and Seven by ~~GUNER ERKOSE~~ (hereinafter called "the
Owner") of ~~14 Nascot Road Watford WD17 4PYE~~
HILLSIDE COTTAGE, DUDDEN HILL LANE, LONDON NW10 5BJ

WHEREAS

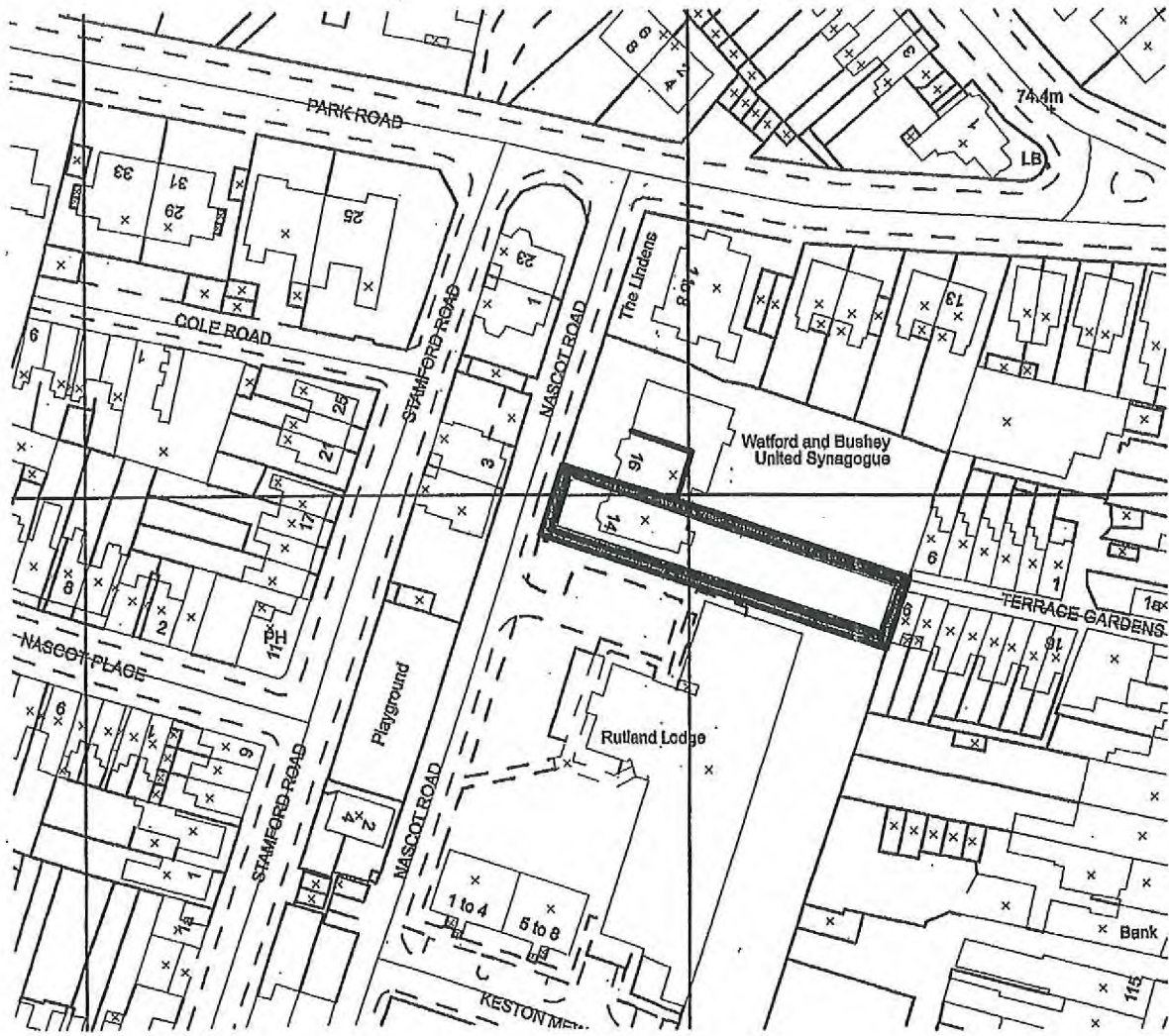
- (1) The Watford Borough Council ("the Council") and Hertfordshire County Council ("the County Council") are Local Planning Authorities for the purposes of the Town and Country Planning Act 1990 (as amended by the Planning & Compensation Act 1991) ("the Act") for the area of land consisting of 14 Nascot Road, Watford ("the Land") shown for the purpose of identification only edged red on the plan annexed to this Deed
- (2) The County Council is also the Highway Authority and the Fire and Rescue Authority for the Borough of Watford
- (3) The Owner is registered with absolute title of 14 Nascot Road Watford WD17 4YE which is registered at the Land Registry under Title Number HD284866
- (4) Forest View Properties Limited of Hillside Cottage Dudden Hill Lane London NW10 1BT acting through its agent Ian Barnett of 59 Ditchfield Road Hoddesdon Hertfordshire EN11 9HS has made a planning application to the Council numbered reference 07/00611/FUL for permission ("the Planning Permission") under the Act for the conversion of the existing dwelling to 3 x 2 bed flats 1 x 2 bed flat and extension to the dwelling including 2 x 2 bed flats and 1 x 1 bed flat and demolition of an existing double garage and new parking ("the Development") in respect of the Land

7 flats

- (5) The Council and the County Council wish to secure by way of a planning obligation pursuant to Section 106 of the Act financial contributions towards the provision or improvement of open space and children's play space the implementation of the South West Hertfordshire Transport Strategy improvements to sustainable transport measures the variation of the Traffic Regulation Order (Watford Central Area and West Watford Area Controlled Parking Zone Consolidation) Order 2002 to exclude future residents of the Development from the right to apply for parking permits within the Controlled Parking Zone and the provision of fire hydrants in accordance with Policies L8 L9 T1 T4 T7 T9 T24 H10 of the Watford District Plan 2000
- (6) This Undertaking is entered into by the Owner in favour of the Council and the County Council

NOW THIS AGREEMENT WITNESSETH as follows:

1. The obligations entered into by the Owner in this Undertaking are planning obligations for the purposes of Section 106 of the Act (as substituted by Section 12 of the Planning and Compensation Act 1991) and shall be enforceable by the Council and the County Council against the Owner and against any person deriving title from the Owner in respect of any interest in the Land
2. The Owner shall not be liable for any breach of the covenants obligations and restrictions in this Undertaking in respect of any period during which the Owner no longer has an interest in the Land or the part in respect of which the breach occurs unless such breach occurred whilst the Owner still had an interest



LOCATION PLAN

1:1250

3. The obligations contained in this Undertaking shall take effect on the date upon which the Development is commenced by the carrying out of a material operation as defined by section 56(4) of the Act and "Commence" and "Commencement" shall be construed accordingly

4. The Owner for himself and his successors in title hereby covenants with the Council and the County Council as follows:

4.1 To notify the County Secretary of the County Council and the Head of Planning and Development of the Council in writing or procure that they are so notified of each of the following events within seven days of each event occurring:

- (a) the Commencement of the Development
- (b) the first occupation of any part of the Development

4.2 Prior to the Commencement of the Development to pay to the County Council:

4.2.1 The sum of £3,000 (three thousand pounds) in respect of Policies T1 T4 T7 and T9 of the Watford District Plan 2000 towards the design consultation and implementation of the South West Hertfordshire Transport Strategy and sustainable transport measures in the Borough of Watford such sum to be index linked by reference to the Price Adjustment Formula for Construction Contracts in the Monthly Bulletin of Indices published by HMSO as collated into a single index from 1st November 2004 (SPONS) from the date hereof to the date of payment

4.3 Prior to the Commencement of the Development to pay to the Council:

- 4.3.1 The sum of £14,832 (fourteen thousand eight hundred and thirty two pounds) as a contribution toward the provision or improvement of open space in the Borough of Watford pursuant to Policy L8 of the Watford District Plan 2000 such sum to be indexed linked to the Retail Price Index from the date hereof to the date of payment
- 4.3.2 The sum of £4,925 (four thousand nine hundred and twenty five pounds) as a contribution toward the provision or improvement of children's play space in the Borough of Watford pursuant to Policy L9 of the Watford District Plan 2000 such sum to be indexed linked to the Retail Price Index from the date hereof to the date of payment
- 4.3.3 The sum of £1000.00 (one thousand pounds) for the variation of the Traffic Regulation Order (Watford Central Area and West Watford Area Controlled Parking Zone Consolidation) Order 2002 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
- 4.4 Not to Commence nor cause nor permit Commencement of any part of the Development until the sums payable under Clauses 4.2 and 4.3 above have been paid in full to the County Council and the Council respectively
- 4.5 With regard to the water supply to the Development:
- 4.5.1 To ensure that the water scheme ("the Water Scheme") incorporates fire hydrants in accordance

with BS750 (1984) as reasonably and properly required by the Service and for the purposes of this clause "the Water Scheme" shall mean a proposal prepared by or approved by the water undertaker for the area in which the Land is situate pursuant to the Water Industry Act 1991 to provide mains water services for the Development whether by means of new mains or extension to or diversion of existing services or apparatus OR where the existing water services are to be used "the Water Scheme" shall mean the details of the residential dwellings and the water supply to them which shall be provided by the Owners for the approval of the Service prior to commencement of the construction of any residential dwelling to be constructed as part of the Development

- 4.5.2 To construct and provide at no cost to the Service or the County Council the fire hydrants reasonably and properly indicated in the Water Scheme and to advise the Service in writing of the date upon which each and every fire hydrant becomes operational
- 4.5.3 Once operational to maintain the fire hydrants in good condition and repair such that they are suitable at all times for use by the Service until they are adopted by the Service which adoption shall take place upon the issue of a Certificate of Satisfaction by the Chief Fire Officer of the Service the issue of which shall not be unreasonably delayed
- 4.5.4 Not to occupy or permit occupation of any building forming part of the Development until such time as it is served by operational fire hydrants

4.5.5 To address any notice to be given to the Service to the Water Services Officer, Fire and Rescue Service, Old London Road Hertford SG13 7LD

4.6 To inform the Council by notice in writing addressed to the Planning Obligations Coordinator, Planning and Development Department (quoting planning reference number 07/00611/FUL) and to pay the Council's administrative and monitoring charge of £250 within 14 days of the date of Commencement

- 5. This Undertaking shall be registrable as a local land charge
- 6. Notwithstanding any other provision of this Undertaking nothing in this Undertaking confers or purports to confer any rights pursuant to the Contract (Rights of Third Parties) Act 1999
- 7. If the Planning Permission is quashed or revoked or ceases to have effect by operation of law or expires before it has been implemented then this Undertaking will cease to have effect
- 8. The expressions "the Council" "the County Council" and "the Owner" in this Undertaking shall include their respective successors in title and assigns

IN WITNESS whereof this Undertaking is executed as a Deed the day and year before written

~~SIGNED as a Deed by GUNER ERKOSE~~

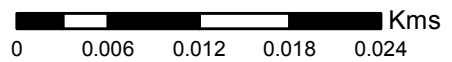
EXECUTED AS A DEED
BY FOREST VIEW ACTING
BY TWO DIRECTORS OR A
DIRECTOR AND THE COMPANY
SECRETARY


DIRECTOR
~~DIRECTOR / SECRETARY~~



14 Nascot Road

Date: 02/12/2015



Scale 1:500



Agenda Item 7

PART A

Report to	Development Management Committee
Date of meeting	10 December 2015
Report by	Interim Development Management Section Head
For Information	Planning: Development Management Review of Performance 1 April to 13 November 2015

SUMMARY

1. This report provides information on the performance of Development Management with regard to the number of planning applications determined and appeals decided between 1 April 2015 and 13 November 2015. The April to June 2015 quarter performance indicators are also provided.
2. The quarterly performance reports are published on the Department of Communities and Local Government website. The latest quarter is April to June 2015. The performance figures for Watford are provided in the table below. All three targets are being exceeded, with the majority of applications being approved, which indicates that planning officers are working with applicants and agents in a positive manner and are performing well. Both time and approvals are now monitored by the DCLG to identify poor performing Councils.

Type	Target	% achieved	Total number	% Approved
Majors	60%	100%	6	83%
Minors	65%	90%	49	78%
Others	85%	94%	148	78%

3. The table below shows how many applications were determined in the period by each type of decision. It is evident from the table that the majority of applications are determined under delegated authority which allows applications to be determined faster than applications that are reported to Committee.

Decisions Made 01/04/15 – 13/11/15

	Decision Type	Total
1	Committee Decision	17
2	Called in by Secretary of State	1
3	Delegated Decisions	917
4	Department of The Environment	2
5	Withdrawn	35

4. The table below provides details of the appeal decisions on planning applications. The majority of applications are dismissed at appeal, which is a good indication that planning officers are applying the relevant policies appropriately. The appeal performance of 26% upheld appeals is very good as the historical national target was 35% of upheld appeals. The other positive element of appeal performance is that none of the appeals were for non-determination, which indicates that planning officers have a good working dialogue with agents who submit planning applications.

Appeal Decisions Received within 01/04/15 to 13/11/15

	Application Number	Decision Type	Appeal Decision
1	14/00649/FULH	Delegated	Dismissed
2	14/01272/FUL	Delegated	Dismissed
3	14/01709/FULH	Delegated	Dismissed
4	14/01360/FUL	Delegated	Dismissed
5	14/01250/FUL	Delegated	Allowed
6	14/00842/FUL	Delegated	Dismissed
7	14/00942/FUL	Delegated	Dismissed
8	14/01038/FUL	Delegated	Dismissed
9	14/01455/ADV	Delegated	Allowed
10	15/00377/FULH	Delegated	Allowed
11	14/01849/FULH	Delegated	Dismissed
12	15/00377/FULH	Delegated	Dismissed
13	14/01301/FULH	Delegated	Dismissed
14	14/01057/FUL	Delegated	Dismissed
15	14/00583/LDC	Delegated	Dismissed
16	14/00113/OUT	Delegated	Dismissed
17	14/01773/FUL	Delegated	Allowed
18	15/00644/ADV	Delegated	Allowed
19	15/00350/FULH	Delegated	Dismissed

Recommendation: That the Committee note the performance of Development Management Planning.

Case Officer: **Fiona Dunning**
Email: **fiona.dunning@watford.gov.uk**
Tel: 01923 278283

