



DEVELOPMENT MANAGEMENT COMMITTEE

Thursday, 28th January, 2016

7.30 pm

Town Hall

Publication date: 20 January 2016

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 7 January 2016 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. **15/01634/FULM 28-46 HEMMING WAY, WATFORD** (Pages 5 - 54)

Demolition of 10 existing bungalows and erection of 2 three storey blocks comprising 32 one and two bedroom flats and a community garden (amended design)
 5. **15/01343/FUL 114, HEMPSTEAD ROAD, WATFORD** (Pages 55 - 86)

Demolition of existing detached dwelling and the erection of two blocks of flats comprising 3 no. three bed flats and 6 no. two bed flats, with modified access, car parking and landscaping

6. 15/00849/FULM WATFORD CAR SALES, DOME ROUNDABOUT (Pages 87 - 124)

The redevelopment of the existing car sales (or the former petrol filling station) to provide a four storey building with eighteen flats (six affordable) and the associated parking, landscaping and altered access arrangements.

7. 15/01203/FULM 200 AND 204 RICKMANSWORTH ROAD, WATFORD (Pages 125 - 166)

Demolish existing office building and workshops at no. 200 Rickmansworth Road and existing Ford dealership at no. 204 Rickmansworth Road and replace with new motor vehicle dealership with showroom, workshop and forecourt for display of vehicles.

8. 15/01554/FULM MERCEDES-BENZ, COLNE BRIDGE RETAIL PARK, LOWER HIGH STREET, WATFORD (Pages 167 - 188)

Construction of vehicle parking deck (2 levels) together with associated works including lighting, reconfiguration of existing surface spaces and cycle storage.

9. 15/01670/VAR ROUNTON, 28, NASCOT WOOD ROAD, WATFORD (Pages 189 - 210)

Variation of wording of Condition 20 of planning permission ref. 13/00450/OUTM for the erection of up to 20 dwellings, to allow the new vehicular access on Nascot Wood Road to be completed prior to final occupation (and not prior to first occupation) of the development.

PART A	
Report of: HEAD OF DEVELOPMENT MANAGEMENT	
Date of committee:	28th January 2016
Site address:	28-46 Hemming Way, Watford
Reference Number:	15/01634/FULM
Description of Development:	Demolition of 10 existing bungalows and erection of 2 three storey blocks comprising 32 one and two bedroom flats and a community garden (amended design)
Applicant:	Watford Community Housing Trust
Date Received:	25th November 2015
13 week date (major):	24th February 2016
Ward:	Stanborough

1.0 SITE AND SURROUNDINGS

- 1.1 The application site includes the existing 10 bungalows, comprising two terraces of 5 bungalows, located on the eastern side of Hemming Way opposite the junction with Goodrich Close. The bungalows were built in the 1920's. The site also includes an area of open space to the rear of the bungalows, forming part of Leavesden Green Recreation Ground, the public highway in front of the bungalows, and the crescent of open space and landscaping between the two arms of Hemming Way. The site also includes the western pedestrian entrance to the recreation ground which runs between the two terraces.
- 1.2 The application site is located centrally within the Leavesden Green estate. The eastern part of the estate, including the bungalows and the recreation ground, were

constructed in the 1920's. The western part of the estate was constructed in the 1950's. The estate is characterised by two storey family houses in pairs and short terraces with a high degree of uniformity in scale and design, having been built to standard design patterns. Typically the houses have hipped roofs with brick or render finishes with front gardens which give a spacious feel to the estate. The roads are generally wide incorporating grass verges and street trees.

2.0 PROPOSED DEVELOPMENT

2.1 This application follows the refusal of application ref. 15/00719/FULM by the Committee on 29th October 2015 on the grounds of design. The proposal remains identical to the previous scheme in all respects other than the design of the proposed buildings and the size of some of the 2 bedroom flats.

2.2 The amended proposal still involves the following elements:

- The demolition of the existing 10 bungalows.
- The erection of two L-shaped, 3 storey blocks of flats either side of the pedestrian entrance to the recreation ground providing 32 flats (6 x 1 bed and 26 x 2 bed). The northern block (Block A) will comprise 15 flats and the southern block (Block B) will comprise 17 flats. These blocks will be built on the site of the bungalows and the area of open space to the rear.
- The widening and improvement of the pedestrian entrance to the recreation ground.
- The closure and stopping up of the highway in front of the bungalows and the incorporation of the land into an enlarged and improved area of public open space in front of the flats.
- The provision of new on-street and off-street car parking.

2.3 The proposed blocks will retain a contemporary design but the previously proposed shallow pitched roofs to the front elements of the buildings facing Hemming Way have been removed and both buildings now incorporate wholly flat roofs. The second floor level of each building has been recessed to reduce its visual impact

and the proposed materials have been changed to better reflect the red brick and white render seen on surrounding buildings. In this case, for a more durable and higher quality finish, the main materials proposed are a red brick and a white brick (rather than a white render). The main entrances to each block remain as before, sited off the widened pedestrian access to the recreation ground, and each block will include a private amenity area to the rear. The applicant has submitted a summary sheet with computer generated images to illustrate the differences between the refused and proposed designs. This is attached as Appendix 1 to the report.

- 2.4 As previously proposed, car parking will be provided on the western side of the crescent of Hemming Way that will remain, in two short turning heads at either end of the section of Hemming Way that is to be closed off, and in a small parking court to the rear of Block A. The new flats will all be affordable housing.
- 2.5 The open space to the rear of the bungalows is currently in the ownership of Watford Council. The transfer of this land to the Trust will need to be subject to a separate legal agreement. The stopping up of the highway in front of the bungalows will need to be formally approved by the Secretary of State for Transport. An application under Section 247 of the Town and Country Planning Act 1990 for the stopping up of the highway was submitted to the Department of Transport in November 2015. Both of these legal procedures will need to be completed before any development can take place.

3.0 RELEVANT PLANNING HISTORY

- 3.1 15/00719/FULM – Planning permission was refused on 29th October 2015 for the demolition of 10 existing bungalows and erection of two, three storey blocks comprising 32 one and two bedroom flats and a community garden. The sole reason for refusal was:

“The proposal would fail to provide a high standard of design and would be out of character with the residential aspects of the area, having the appearance of

being overdeveloped, contrary to the provisions of the Residential design Guide (2014) and Policies SS1 and UD1 of the Watford Local Plan Core Strategy 2006-31.”

4.0 PLANNING POLICIES

4.1 Development Plan

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

- (a) *Watford Local Plan Core Strategy 2006-31;*
- (b) *the continuing “saved” policies of the Watford District Plan 2000;*
- (c) *the Hertfordshire Waste Core Strategy and Development Management Policies Document 2011-2026; and*
- (d) *the Hertfordshire Minerals Local Plan Review 2002-2016.*

4.2 The *Watford Local Plan Core Strategy 2006-31* was adopted in January 2013. The *Core Strategy* policies, together with the “saved policies” of the *Watford District Plan 2000* (adopted December 2003), constitute the “development plan” policies which, together with any relevant policies from the County Council’s *Waste Core Strategy* and the *Minerals Local Plan*, must be afforded considerable weight in decision making on planning applications. The following policies are relevant to this application.

4.3 Watford Local Plan Core Strategy 2006-31

- WBC1 Presumption in favour of sustainable development
- SS1 Spatial Strategy
- SD1 Sustainable Design
- SD2 Water and Wastewater
- SD3 Climate Change
- SD4 Waste
- HS1 Housing Supply and Residential Site Selection
- HS2 Housing Mix

HS3	Affordable Housing
T2	Location of New Development
T3	Improving Accessibility
INF1	Infrastructure Delivery and Planning Obligations
UD1	Delivering High Quality Design
GI1	Green Infrastructure
GI3	Biodiversity
GI4	Sport and Recreation

4.4 **Watford District Plan 2000**

SE7	Waste Storage, Recovery and Recycling in New Development
SE27	Flood Prevention
SE28	Groundwater Quality
SE36	Replacement Trees and Hedgerows
SE37	Protection of Trees, Woodlands and Hedgerows
SE39	Tree and Hedgerow Provision in New Development
T10	Cycle Parking Standards
T21	Access and Servicing
T22	Car Parking Standards
T24	Residential Development
H10	Planning Agreements for Educational and Community Facilities
H16	Retention of Affordable Housing
L8	Open Space Provision in Housing Development
L9	Children's Play Space

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

No relevant policies.

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

4.6 **Hertfordshire Minerals Local Plan Review 2002-2016**

No relevant policies.

4.7 **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.

4.8 *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.

4.9 *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.

4.10 *SPG10 Open Space Provision*

This guidance sets out the standards of open space provision required per thousand population as part of new developments. The guidance was adopted in October 2001 and is a material consideration in the determination of relevant planning applications.

4.11 **National Planning Policy Framework**

The National Planning Policy Framework sets out the Government's planning policies for England. The following provisions are relevant to the determination of this application, and must be taken into account as a material planning

consideration:

Achieving sustainable development

The presumption in favour of sustainable development

Core planning principles

Section 1 Building a strong, competitive economy

Section 4 Promoting sustainable transport

Section 6 Delivering a wide choice of high quality homes

Section 7 Requiring good design

Section 8 Promoting healthy communities

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

Section 11 Conserving and enhancing the natural environment

Section 13 Facilitating the sustainable use of minerals

Decision taking

5.0 CONSULTATIONS

5.1 Neighbour consultations

Letters were sent to properties in Hemming Way, Goodrich Close, Rushton Avenue and Clarke Green.

5.2 The following is a summary of the representations that have been received:

Number of original notifications:	125
Number of objections:	535
Number in support:	0
Number of representations:	535

Of these objections, 528 are identical letters with the following wording:

I am writing to object to the above planning application.

Watford Community Housing Trust has misled the local residents with this application in not consulting with the local residents as they have stated in the Design & Access Statement. This second application has only had cosmetic changes from the first refused application. The 3 storey development is in no way in character or in keeping with the heritage of the local area which has no flats but only houses. It will be intrusive to the local properties with its height, design and reduce privacy as it will severely overlook many adjacent properties. It will seriously over populate a well populated area and will not enhance the area in any positive way.

All these issues were why it was refused the first time and they have not been changed or addressed.

The other 7 letters make the following objections:

- Still an over-development of the site. Not in keeping with the area.
- Flats will overlook neighbouring properties and comprise privacy and light.
- Too many units with potential for disorderly conduct.
- Insufficient car parking.
- No real changes save for a slightly different look. Only cosmetic changes.
- The area does not have 3 storey flats only houses.
- The local community were not consulted before the application was submitted.
- Bungalows are an important part of the heritage of Hemming Way.
- Inadequate sewer and drainage capacity.
- Loss of part of the open space.

Following the previous refusal of permission, the only matter for the Committee to consider relates to the scale and design of the proposal, which formed the sole reason for refusal. This is discussed in the report.

The Committee will be advised of any additional representations received after the date this report was written.

5.3 **Statutory publicity**

The application was publicised by 3 site notices posted on 03 December 2015 and by advertisement in the Watford Observer published on 04 December 2015. The site notice period expired on 25 December 2015 and the newspaper advertisement period expired on 25 December 2015.

5.4 **Technical consultations**

The following responses have been received from technical consultees:

5.4.1 Hertfordshire County Council (Highway Authority)

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. As proposal, between no.24-48 Hemming Way should be permanently stopped up to vehicular traffic and the highway reinstated to the satisfaction of the Local Planning Authority before first occupation of the dwellings hereby approved.

Reason: in the interest of road safety.

2. Prior to the commencement of demolition works details of the method of washing of vehicle wheels exiting the site shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the Highway Authority and the agreed method shall be operated at all times during the period of site works.

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

3. The development shall not begin until details of the disposal of surface water from the car park provisions have been submitted to and approved in writing by the Local Planning Authority in conjunction with the Highway Authority. Reason: To minimise danger, obstruction and inconvenience to highway users.

4. 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.

5.4.2 Thames Water

In respect of surface 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. Reason: To ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

5.4.3 Hertfordshire County Council (Lead Local Flood Authority)

No changes have been proposed to the previously approved surface water drainage scheme. The LLFA do not, therefore, wish to make any additional comments and their previous comments are still applicable:

In response to the updated drainage strategy prepared by Price and Myers (job number 24258 revision 03 dated October 2015), submitted by the applicant after the response by the LLFA dated September 25th 2015, we remove our objection on flood risk grounds. At this full planning application stage the applicant has provided sufficient detail to demonstrate that there is a feasible drainage scheme for the site, including attenuation volumes and exploring the most appropriate sustainable drainage methods such as green and brown roofs, permeable pavements and soakaways.

As this is a full planning application, we therefore recommend the following conditions to the local planning authority should planning permission be granted:

Condition 1

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the FRA submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition:

The development permitted by this planning permission shall be carried out in accordance with the drainage strategy prepared by Price and Myers dated October, 2015 and mitigation measures detailed within the drainage strategy:

1. Implementing appropriate SuDS measures giving priority to above ground measures such as green and brown roofs, permeable pavements and soakaways, as shown in Appendix D of the new drainage strategy prepared by Price and Myers.
2. 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 providing a minimum of 120.9 m³ of total storage volume in two soakaways, as shown in appendix C of the revised surface water drainage strategy.
3. Discharge of surface water via infiltration from the two soakaways.
4. Commitment by the applicant to the SuDS maintenance programme included in section 4.5 of the revised FRA

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 of surface water from the site.

Condition 2

The proposed development will be acceptable if a planning condition is included requiring the following drainage details.

Condition:

No development shall take place until the final design of the soakaways, permeable pavements and green and brown roofs; and the drainage network is completed and sent to the LPA for approval. Between both soakaways, a storage volume of 120.9 m³ should be provided. The design of all SuDS elements should be in line with best practice standards as shown in *The SuDS Manual*.

The design of the drainage shall also include:

1. Detailed engineering details of the design of the proposed SuDS features in line with *The SuDS Manual* (CIRIA C-697).

Reason:

To ensure that the site can effectively be drained during the lifetime of the development; and to ensure that water treatment is provided to surface runoff before infiltrating into the ground.

5.4.4 Hertfordshire Constabulary (Crime Prevention Design Advisor)

On the basis of the information available I am content with the development proposed.

5.4.5 Policy (Urban Design and Conservation)

This is a revised scheme which was refused purely on design grounds. There are no issues with the principle of demolition and redevelopment along the lines proposed including improved landscape and public realm dealing with some issues

relating to anti-social behaviour. The comments here relate to the changes to the design in terms of whether it addresses the concerns raised in the decision notice.

Scale:

Having reviewed the current scheme I am satisfied that the scale of proposed buildings has been reduced through the setting back of the top floor and greater articulation along the elevations. The set back allows the line between the second and third floors to be the strongest horizontal line and this sits more comfortably in the street scene and relates better to the eaves line of the two storey buildings adjoining the new buildings. The use of a lighter colour brick for the top floor results in this floor becoming less dominant. The stronger articulation of the elevations created by setting back the sections with balconies and particularly the removal of the enclosed upper floor balconies results in a more dynamic and broken ridgeline for the new buildings.

Materials:

The materials now proposed for the buildings reflect more closely the colour palette of the surrounding area and the differing textures of the bricks proposed will provide interest and contrast to the elevations. As we only have specifications for the bricks we will need to see further details of the other materials – in particular the doors/windows and railings. I would also like to have details showing the window and door reveals; the recessed panels and the capping details for the walls.

I am happy to support an approval for this scheme subject to these details being submitted and agreed.

5.4.6 Housing Supply Manager

No further comments have been received from the Housing Supply Manager but her previous comments in respect of application ref. 15/00719/FULM are given below:

The site would provide 32 units but at the loss of 10, so a net gain of 22.

The site will provide 6 x 1 bedroom and 26 x 2 bedroom properties. Two bedroom properties are where we have the most need. The units which will be lost are 1 bedroom bungalows for over 60s, which are not considered high need.

In respect of the tenure we are losing 10 social rented properties, the replaced units will be just 3 social rent the remaining 29 being affordable rents. So a net loss of 7 social rent tenancies

We should not allow a loss in social rented units without good reason. WCHT do not need to purchase the land so should have lower initial costs, and based on that I was expecting to see a higher number of social rented units than 3.

Having briefly spoken to WCHT regarding the above, I am told that their board will always look to provide social rented above affordable rents, but to increase the number of social rented above 3 would make the site unviable. Although they do not have to buy the land there are additional costs on the site for example extensive landscaping.

So with a net gain of 22 and a gain of 2 bedrooms properties we would support the application as it stands, but would also like assurance that what WCHT say as to the site costs and 3 being the maximum social rented viable is correct.

5.4.7 Arboricultural Officer

The proposals show some existing garden trees and a couple of trees within the open space being removed, however, the indicative replacement landscaping will more than compensate these losses.

6.0 APPRAISAL

6.1 Main issues

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

- (a) The loss of the existing bungalows and the provision of additional affordable

housing on this site.

- (b) The loss of open space from the recreation ground.
- (c) Design, appearance and the character of the area.
- (d) The quality of the new accommodation provided.
- (e) Highways impacts and car parking provision.
- (f) Impact on amenity of adjoining residential properties.
- (g) Sustainable surface water drainage.
- (h) Landscaping.

All of these main issues and their consideration remain unchanged from the previous application with the exception of (c) design, appearance and the character of the area, which considers the amended design now proposed.

6.2 (a) The loss of the existing bungalows and the provision of additional affordable housing on this site.

6.2.1 There is no policy objection to the loss of the existing 10 bungalows. They are the only bungalows on the estate and whilst they do meet a need, this is not the greatest need identified by either the Trust or the Council's Housing team. The greatest need in terms of accommodation size, for affordable housing, is 2 bed, 4 person accommodation with some need for 1 bed, 2 person accommodation. The Trust has identified the site of the bungalows as an opportunity to provide a significant increase in the amount of accommodation and make better and more efficient use of this land. This is an approach that is in accordance with the general thrust of Government advice in the NPPF and the Council's Core Strategy. It is also an opportunity to replace the current accommodation built in the 1920's with modern, high quality accommodation. As of December 2015, 9 of the 10 bungalows are vacant and boarded up.

6.2.2 The Leavesden Green estate is characterised by 3 bedroom family housing and there is no identified need for the bungalows to be replaced with 3 bedroom family housing. The proposed flats will meet an identified need for 2 bed accommodation and will add a greater mix of accommodation to the overall estate whilst still providing for families.

6.2.3 The proposed development is for the 32 new flats to comprise 3 units for social rent (generally 55-60% of market rent) and 29 units for affordable rent (up to 80% of market rent). The Council's Housing team has raised concerns regarding the net loss of 7 social rented units, given the high and rising cost of market rents in Watford. Based purely on an assessment of the scheme against Policy HS3 of the Core Strategy, a minimum of 11 affordable housing units are required (35%) with an approximate breakdown of 2 social rented, 7 affordable rented and 2 shared ownership. In this respect, the provision of 3 social rented is policy compliant, notwithstanding the fact that the provision of 100% affordable housing constitutes a very significant planning and housing benefit.

6.2.4 The Trust have responded to these concerns with a short statement on viability of the scheme and the latest position regarding rent levels and funding from the Homes and Communities Agency (HCA):

6.2.5 *Viability:*

The Trust assesses viability of its new developments on a 45 year cash flow against 3 parameters: net present value, time taken for revenue to exceed costs and the year of loan repayment. To qualify, and ensure that projects contribute to a sustainable business plan for the Trust, each must meet the following criteria:

NPV = or > 0

Revenue exceeding costs Year 15

Loan repaid Year 40

Since beginning a development programme, the Trust has completed 101 new homes throughout Watford and Three Rivers. All developments have been 100% rented tenure, with the exception of our market rent project at One Clarendon Road.

Affordable rents are always set within Local Housing Allowance cap levels. To meet our appraisal parameters the Trust has had to restrict the quantity of social rent

provided to just above the WBC policy level. The original proposed rents (inclusive of service charges) are shown in Table 1:

<i>Unit</i>	<i>Tenure</i>	<i>% Market Rent</i>	<i>Original Proposal Initial Rent (per week/52 weeks)</i>	<i>LHA cap (per week)</i>
<i>1B2P flat</i>	<i>Social</i>	<i>-</i>	<i>£113.88</i>	<i>£156.00</i>
<i>1B2P flat</i>	<i>Affordable</i>	<i>80%</i>	<i>£148</i>	<i>£156.00</i>
<i>2B4P flat</i>	<i>Affordable</i>	<i>80%</i>	<i>£180</i>	<i>£196.96</i>

6.2.6 *Government budget announcement on rent levels:*

From April 2016, the Trust's rental income stream on the proposed scheme will be reducing by 1% year on year for the first four years. The policy heralds a big change for the housing sector. The Trust is undertaking financial modelling to assess the overall impact the policy will have on our business plan. As with all other Registered Providers, the Trust is waiting for guidance from the Homes and Communities Agency as the rent changes will have significant repercussions to the 15-18 programme and its cash flow. The impact may involve switching units from affordable to more viable tenures such as shared ownership and market products to reduce the deficit.

This change in policy already has a negative impact on the scheme as currently proposed and to provide additional social rented units in this environment is not a viable option.

Table 2 shows the year on effect of the rent reduction until 2020:

<i>Unit</i>	<i>Tenure</i>	<i>Proposed Initial Rent at</i>	<i>Rent reduction 16/17</i>	<i>Rent reduction 17/18</i>	<i>Rent reduction 18/19</i>	<i>Rent reduction 19/20</i>	<i>LHA cap (per</i>
							<i>)</i>

		15/16					week)
1B2P flat	Social	£113.88	£112.74	£111.61	£110.49	£109.39	£156.00
1B2P flat	Affordable	£148	£146.52	£145.05	£143.05	£142.60	£156.00
2B4P flat	Affordable	£180	£178.20	£176.41	£174.65	£172.90	£196.96

On a projected build cost of £4,350,000 the effect of the rent reduction exceeds the Trust's approved financial parameters. An additional subsidy of £192,000 (£6,000 per unit) is therefore required to bring the appraisal back in line within approved financial parameters which the Trust is currently withstanding.

Performance against criteria is as follows:

NPV £163,068 positive

Revenue exceeding costs Year 15

Loan repaid Year 40

The rent policy change adds 4.4% to the scheme costs.

6.2.7 Homes and Communities Agency Funding:

Separate to the rent reduction subsidy, the Trust has secured grant funding of £18,000 per affordable rent dwelling for 22 units from the Homes and Communities Agency, which constitutes 9% of the construction costs. The HCA subsidy is already assumed in the capital costs of the project and is not related to the effect of the rent reduction policy.

Included in the construction costs, there is considerable investment in the amenity and landscaping improvements to improve the entrance to the park and the additional landscaping requirements. Longer term, the proposal aims to improve

the pedestrian link between Hemming Way and Rushton Avenue using similar landscaping materials.

6.2.8 The submitted information is very helpful in understanding the financial difficulty in providing additional social rented units which is not a tenure supported by additional funding. Whilst the overall loss of 7 social rented units is regrettable, the gain of 22 affordable units remains a significant planning and housing gain.

6.3 (b) The loss of open space from the recreation ground.

6.3.1 The proposal will involve a 'land swap' with the Council. The Council currently own the recreation ground and the Trust own the crescent of open space bounded on all sides by Hemming Way. The intention is for the Trust to acquire ownership of the open space immediately to the rear of the bungalows and, in return, the Council to acquire ownership of the crescent of open space.

6.3.2 The land to the rear of the bungalows is formed by the shorter garden areas of the bungalows compared to the houses adjoining them (12m compared to 25m). This results in a somewhat odd 'extension' of the open space on this western side, 13m deep and 82m long which has no particular use. Within the recreation ground (area of 17,500m²), the southern part includes an equipped children's play area (1600m²), and a hard court multi-use games area (MUGA). The northern part is open grass which can be marked out for a football pitch. These facilities will be unaffected by the proposal.

6.3.3 The area of open space to the rear of the bungalows is 1197m², including the footpath, and the crescent of open space is 1257m², including the footpath but excluding the parking spaces. As such, this is a very even land swap in terms of area. All of the land is open to public use at present, despite being in different ownerships. As a result of the proposal, the open space to the rear will be lost, being partially built on and partially used as private amenity areas for the blocks of flats. Overall, therefore, there will be a loss of open space in the locality.

6.3.4 Policy GI1 of the Core Strategy states that the Council will seek a net gain in the

quality and quantity of green infrastructure as well as recognising the benefits of existing green infrastructure and seeking to enhance and improve it. New development should contribute to the delivery of new green infrastructure and the management of a linked network of enhanced open spaces and corridors. It continues that, in some instances, an improvement in the overall quality of green infrastructure may make it acceptable for minor open space loss, and that this should be considered on a case-by-case basis.

- 6.3.5 The proposal will result in a quantitative loss of open space from the recreation ground (6.8% of area) and no qualitative improvement. However, this needs to be considered against the other benefits of the scheme, arising through being able to incorporate the open space to the rear of the bungalows. Firstly, the main benefit is the gain in affordable housing of 22 units, which has been discussed above.
- 6.3.6 Secondly, the pedestrian entrance to the recreation ground is to be significantly improved. At present the main entrance to the recreation ground is from the south, alongside the Leavesden Green Community Centre. There are also entrances from the east and west (through the application site) linked by an east-west footpath across the recreation ground. Both of these entrances are poor quality and inconspicuous within the streetscene. The existing western entrance is a 1m wide footpath with 1m wide grass verges either side, set between the garden fences of the adjoining bungalows. The entrance itself is marked by a staggered barrier to prevent access by vehicles. Under the application proposal, this will be widened to a 2.8m footpath with 4.8m wide landscaped verges either side, set between the proposed two blocks. Overall, the blocks will be set 16m apart. This will create the effect of a wide avenue into the recreation ground with the two proposed blocks acting as gateway features, marking the entrance within the streetscene.
- 6.3.7 Thirdly, with the removal of the section of highway through the site, the crescent of open space will have a direct link to the enhanced entrance and the recreation ground, almost forming an extension of the recreation ground 'spilling out' into the estate.

6.3.8 Overall, the proposed scheme will result in significant housing and environmental benefits without having any adverse impact on the use of the recreation ground or its existing facilities. Although the proposal will not result in any direct quantitative or qualitative improvements to the recreation ground, it is considered that these cumulative benefits outweigh the loss of the open space in this case.

6.4 (c) Design, appearance and the character of the area.

6.4.1 The existing estate was built in the 1920's and 1950's, largely to standard pattern book designs. The estate therefore has a high degree of uniformity but lacks any aesthetic quality or distinctiveness. In considering the development of the site, and with one of the aims to significantly improve the entrance to the recreation ground, there is little merit in seeking to replicate the existing vernacular. The approach taken has been to introduce two larger scale, contemporary blocks to act as gateway features to the entrance of the recreation ground and which will form high quality features within the streetscene and the wider estate. This is an approach that has been supported by the Design and Conservation Manager within the Policy team.

6.4.2 The blocks continue the strong building line on Hemming Way and also incorporate a strong horizontal 'eaves line' at first floor level to reflect the eaves line of the adjoining houses. In the amended design, this is marked not only by the use of slightly extruded bays along the facades but also through the set back of the second floor of accommodation above. The ground and first floor levels are further emphasised by the use of a dark red facing brick, reflecting the darker colour bricks seen within the locality, and the use of a white brick for the recessed second floor. This material reflects the white render commonly seen on the surrounding houses and helps to make the second floor subservient to the lower floors. The design of the blocks remains simple and robust, incorporating a strong verticality and symmetry in the siting of the windows and recessed balconies. In the amended design, the previously proposed shallow pitched roofs on the front elements of the buildings facing Hemming Way have been removed, helping to further reduce the perceived visual scale of the buildings.



Refused street elevation to Hemming Way



Proposed street elevation to Hemming Way

- 6.4.3 To further enhance the new entrance to the recreation ground, the main entrances to both blocks are sited off the footpath, increasing the use and passive surveillance of this footpath. This will further encourage the use of the footpath to access the recreation ground and create a safer environment, discouraging anti-social behaviour.
- 6.4.4 The blocks relate well to the adjoining houses to the north and south. The northern block is sited away from the site boundary in order to incorporate a small parking court whilst the southern block sets down to two storeys adjacent to the existing houses. In both cases, the proposed blocks will sit comfortably adjacent to their neighbours without appearing visually dominant within the streetscene.
- 6.4.5 As originally submitted, the two L-shaped blocks were entirely flat roofed, incorporating brown roofs and solar photovoltaic panels. However, following submission of the application, the Trust undertook further consultation with local residents, who expressed concern regarding the flat roofs and requested pitched roofs be incorporated into the design. This could have had a number of adverse consequences, including eroding the robust contemporary design approach, large

and awkward roof forms and the loss of opportunity to incorporate significant numbers of solar panels. The solution had been to incorporate shallow pitched roofs on the front elements of the blocks facing Hemming Way and retaining the flat roofs to the rear elements. This had the benefit of softening the appearance from Hemming Way and acknowledging the characteristic pitched roofs on the estate, avoiding large and awkward roof forms and minimising the loss of opportunity for solar panels. This was considered to be an acceptable and appropriate response to the local area.

6.4.6 The changes that have been made to the design, together with the use of dark red and white facing bricks, have reduced the massing of the blocks and their apparent scale, thereby overcoming the sense of overdevelopment that was expressed in the reason for refusal. These changes also help the blocks to sit more comfortably within the locality, respecting the scale and appearance of surrounding properties. In accordance with the Residential Design Guide, the proposal respects its wider context, sets a high quality of new development reflecting local materials, and creates a new sense of place at the entrance to the recreation ground. As such, it is considered that the amended design overcomes the previous reason for refusal.

6.4.7 Appendix 1 to the report summarises the changes made to the design with comparable images of the refused and amended designs.

6.5 (d) The quality of the new accommodation provided.

6.5.1 The proposed flats will all have dual aspect, with those in the front elements facing Hemming Way having an east-west orientation and those in the rear elements having a north-south orientation. Each flat will, therefore, have an aspect over the public realm and an aspect over the private garden areas. All will also receive good levels of natural daylight and sunlight as well as having good levels of privacy and outlook. Those flats at ground floor level will also benefit from small garden areas which will provide a suitable separation between their windows the adjoining footpaths.

6.5.2 All of the flats will exceed the internal floorspace standards in the Residential

Design Guide. All of the one bedroom flats will have a floor area of 50m² and all of the two bedroom flats a floor area of 67-70m², compared to the respective minimum areas of 37m² and 61m² in the Residential Design Guide. All of the flats will have a recessed balcony of 6.5m² accessed off the main living area and an internal storage cupboard.

6.5.3 Both of the blocks will have private communal amenity areas to the rear. Block A will have an area of 190m² and Block B an area of 290m². The minimum garden areas for each block based upon the Residential Design Guide are 275m² and 305m² respectively. Whilst neither amenity area achieves the minimum standard, if the private balcony areas are also included, the total area for each block increases to 287m² and 400m² respectively. Overall, this level of provision is considered acceptable for each block.

6.5.4 Both blocks have separate bin stores and cycle stores within their curtilage and are of sufficient size to accommodate the required number of bins and cycles. Details can be secured by conditions.

6.6 (e) Highways impacts and car parking provision.

6.6.1 Hertfordshire County Council as the Highway Authority has raised no objection to the closure of the section of Hemming Way in front of the bungalows. Traffic will still be able to flow freely along Hemming Way around the crescent that links to the junction with Goodrich Close. Pedestrian access will be maintained across the site as part of the proposal, linking with the enhanced footpath leading to the recreation ground. The revised parking arrangements around the crescent will be a modification and enhancement of existing arrangements and will have no additional safety implications.

6.6.2 The main concern of residents is regarding car parking provision and the Trust has submitted a car parking survey with the application. The current situation is that the existing bungalows have no on-site parking spaces except one, where a parking space has been provided within the front garden area. However, opposite the bungalows, on the eastern side of the crescent, are two parking bays, each

accommodating 5 cars. On the western side of the crescent are two further parking bays, each sufficient for 7 cars. All other parking is on-street except where the front garden areas of properties have been paved to provide parking.

6.6.3 The closure of the section of Hemming Way will result in the loss of 31 parking spaces; the existing two parking bays on the eastern side of the crescent (10 spaces), the existing on-site space at no.36 and the existing on-street parking availability on Hemming Way (20 spaces). The proposal will incorporate new parking provision within 3 small parking courts (24 spaces) and through the extension of the parking bays on the western side of Hemming Way (10 additional spaces). Based upon the Council’s current maximum car parking standards, the development would be expected to provide up to 46.5 spaces. Based upon the Census 2011 data for car ownership within the surrounding area (comprising 2,000 households) the predicted level of car ownership arising from the development is 47 cars.

6.6.4 The main consideration, therefore, is whether the additional parking spaces that have been provided to support the development and the remaining on-street capacity are sufficient to support the number of additional dwellings (22) proposed without having a significant adverse impact on the parking situation on the surrounding roads. The proposal will result in a net loss of 5 parking spaces on Hemming Way (see table below) and generate an additional demand for up to 34 spaces from the net gain of 22 dwellings.

	Existing	Proposed	Net change
On-site	1	6	+5
On-street (E)	20	0	-20
On-street (W)	8	0	-8
Parking bays (E)	10	18	+8
Parking bays (W)	14	24	+10
Total	53	48	-5

6.6.5 The parking survey undertaken followed the same format as those undertaken for the recent planning applications by the Trust at Boundary Way and Lincoln Court, utilising the model developed by Lambeth Council and which is now widely used for parking surveys.

The first stage established the survey area as all kerb space within 200m of the application site. This included the whole of Hemming Way, Goodrich Close and Summerfield Road, and small sections of Clarke Way and Harris Way around their junctions with Hemming Way. The capacity of all parking bays and unrestricted on-street kerb space was then recorded within the survey area to calculate the maximum capacity of parking within the area. This excluded any on-street parking that would block existing accesses or which was deemed to be unsafe.

6.6.6 Two overnight parking surveys were then undertaken on Thursday 26th and Friday 27th February 2015 at 01.00am to establish the existing level of parking demand (or parking stress as a percentage of existing capacity) from local residents. The results as an average of both surveys are set out below:

Street name	Overnight average		
	Total parking spaces	Cars parked	Parking stress (%)
Hemming Way	110	56	51%
Goodrich Close	31	27	85%
Summerfield Road	32	13	41%
Clarke Way	26	14	54%
Harris Road	26	11	42%
Total	225	121	54%

6.6.7 This survey data shows that the average parking stress was 54% within the survey area with Goodrich Close experiencing the highest stress at 85%. Hemming Way experienced a stress of 51%.

6.6.8 To assess the parking stress with the proposed development, the on-street parking generated by the current 9 bungalows without car parking (9 x 1 bed units will generate 11 spaces, based upon the Council's parking standards) needs to be subtracted from the recorded figures for Hemming Way (56-11=45) and the parking generated by the proposed development (47 spaces) needs to be added. This gives a revised figure of 92 parked cars on Hemming Way. The net loss of 5 spaces also needs to be deducted from the total parking spaces available (110-5=105). The predicted parking stress figures for the proposed development are set out in the table below.

6.6.9 This shows that the parking stress on Hemming Way will increase significantly as a result of the proposal, from 51% to 88%, but with a predicted 13 on-street spaces still available. In addition, further spaces will remain available within the survey area.

Street name	Overnight average		
	Total parking spaces	Cars parked	Parking stress (%)
Hemming Way	105	92	88%
Goodrich Close	31	27	85%
Summerfield Road	32	13	41%
Clarke Way	26	14	54%
Harris Road	26	11	42%
Total	220	157	72%

6.7 (f) Impact on amenity of adjoining residential properties.

6.7.1 Both blocks have a depth of 11.2m at their closest point to adjoining houses to the north and south. In the case of Block A, the block is sited 8.8m from the site boundary and 9.7m from the flank elevation of the house at 48, Hemming Way.

This house has a depth of 7.2m. As such, the proposed block does not encroach within a 45° line taken from the nearest window in this property and will have no adverse impact on outlook or natural light to this property. The nearest windows in Block A facing towards this property are the north facing windows in the rear element which face the rear garden at a distance of 21m. This distance is considered sufficient to prevent any significant loss of privacy to the garden.

6.7.2 The small parking court to Block A and its access will abut the whole length of the boundary with 48, Hemming Way. This will be a significant change to the existing garden area of the bungalow and the open space to the rear. This will only be visible from the first floor rear windows and is considered acceptable in terms of outlook. As the car park serves only 6 parking spaces, any noise and disturbance from vehicles will be minimal and not considered significant.

6.7.3 Block B is sited 2.8m from the southern boundary and 4.6m from the adjoining house at 26, Hemming Way. With a projection of 4m beyond the rear elevation of the house, it will not encroach within a 45° line taken from the nearest window in this property and will have no adverse impact on outlook or natural light to this property. Although the block is sited only 2.8m from the boundary, the visual impact of the projection will be mitigated by its two storey height at this point. It is not considered that the block will appear visually overdominant when viewed from the garden area. The nearest windows in Block B facing towards this property are the south facing windows in the rear element which face the rear garden at a distance of 20m. This distance is considered sufficient to prevent any significant loss of privacy to the garden.

6.8 (g) Sustainable surface water drainage.

6.8.1 In April 2015, the Government enacted legislation requiring all major developments to make provision for the sustainable management of surface water within application sites. The County Council as the Lead Local Flood Authority (LLFA) was also made a statutory consultee on all major applications for surface water drainage.

6.8.2 The applicant has submitted a surface water drainage scheme that incorporates the following measures to deal with surface water within the application site:

- i) Permeable paving to all footpaths and car parking areas.
- ii) Green and brown roofs.
- iii) Two soakaways within the area of grassed open space

The scheme has been designed to reflect the measured infiltration rates within the site and will avoid the need for any surface water to drain into the public sewer. This has been approved by the County Council as the Lead Local Flood Authority.

6.9 (h) Landscaping.

6.9.1 The proposed landscape masterplan seeks to define the communal open space as an 'arrival space' and highlight the route of the footpath into the recreation ground. This is achieved through the planting of a line of trees around the western crescent of the open space and pairs of trees along the footpath to create an avenue leading into the recreation. This tree planting will be supplemented by hedge and shrub planting and amenity grass. The planting will help to frame views, draw people into the 'arrival space' and lead people through to the recreation ground, whilst providing a high quality public space as part of the development.

6.9.2 The proposal will also incorporate a green, wildflower roof to the 2 storey element of Block B and 'brown roofs' to the 3 storey elements of both blocks.

6.9.3 A range of quality hard landscape features are also proposed, including paving, benches and lighting columns. These, together with the soft landscaping scheme, can be secured by condition.

7.0 COMMUNITY INFRASTRUCTURE LEVY AND PLANNING OBLIGATION

7.1 Community Infrastructure Levy (CIL)

7.1.1 The Council introduced the Community Infrastructure Levy (CIL) with effect from 1 April 2015. The CIL charge covers a wide range of infrastructure as set out in the

Council's Regulation 123 list, including highways and transport improvements, education provision, youth facilities, childcare facilities, children's play space, adult care services, open space and sports facilities. CIL is chargeable on the relevant net additional floorspace created by the development. The charge is non-negotiable and is calculated at the time that planning permission is granted.

7.1.2 The CIL charge applicable to the proposed development is £120 per sqm. The charge is based on the net increase of the gross internal floor area of the proposed development. Exemptions can be sought for charities, social housing and self-build housing. As the proposed development is intended to be all social housing, the scheme would not be liable for any CIL charge if this exemption were applied for.

7.1.3 In accordance with s.70 of the Town and Country Planning Act 1990, as amended by s.143 of the Localism Act 2011, a local planning authority, in determining a planning application, must have regard to any local finance consideration, so far as material to the application. A local finance consideration is defined as including a CIL charge that the relevant authority has received, or will or could receive. Potential CIL liability can therefore be a material consideration and can be taken into account in the determination of the application.

7.2 S.106 planning obligation

7.2.1 The Council introduced the Community Infrastructure Levy (CIL) with effect from 1 April 2015. On and from this date, s.106 planning obligations can only be used to secure affordable housing provision and other site specific requirements.

7.2.2 The proposed development is one where affordable housing should be provided, in accordance with saved Policy H16 of the Watford District Plan 2000 and Policy HS3 of the Watford Local Plan Part 1 Core Strategy 2006-31. In addition, the proposed development is one where Hertfordshire County Council, in pursuance of its duty as the statutory Fire Authority to ensure fire fighting facilities are provided on new developments and that all dwellings are adequately served by fire hydrants in the event of fire, seeks the provision of hydrants required to serve the proposed buildings by means of a planning obligation. The requirements for fire hydrant provision are set out within the County Council's *Planning*

Obligations Toolkit document (2008) at paragraphs 12.33 and 12.34 (page 22). In practice, the need for hydrants is determined at the time the water services for the development are planned in detail and the layout of the development is known, which is usually after planning permission is granted. If, at the water scheme design stage, adequate hydrants are already available no extra hydrants will be needed.

7.2.3 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.

7.2.4 The provision of affordable housing is directly related to the proposed development, and is fairly and reasonably related in scale and kind to that development. It is also necessary to make the development acceptable in accordance with the Council's planning policies.

7.2.5 As the County Council's requirement for the provision of fire hydrants accords with the provisions of the *Planning Obligations Toolkit*, this obligation is also directly related to the proposed development and is fairly and reasonably related in scale and kind to that development. It is also necessary to make the development acceptable in accordance with the County Council's statutory duty as the Fire Authority.

7.2.6 Accordingly, the provision of affordable housing and the County Council's requirement for fire hydrants meet the tests in Regulation 122 of the Community Infrastructure Regulations 2010, and, consequently, these planning obligations can be taken into account as material planning considerations in the determination of the application. Both the Council's approach to seeking affordable housing provision and the provision of fire hydrants by means of planning obligations are

also fully in accordance with the advice set out in paragraphs 203 to 205 of the National Planning Policy Framework.

- 7.2.7 The affordable housing requirement in this case is for all 32 units to be affordable, due to the release of open space from the recreation ground to facilitate the development.

8.0 CONCLUSION

- 8.1 The loss of the existing bungalows and the provision of new residential flats on this site is acceptable in principle within this residential area. The development will provide two high quality buildings on this site that will define a new entrance to the recreation ground. It is considered that the amended design overcomes the reason for refusal of the previous application, that the proposal will enhance the street scene and will be in keeping with the character of the wider area. In this case, the loss of an area of open space from the recreation ground is considered justified by the significant gain in affordable accommodation that will arise.

- 8.2 The siting and design of the proposed buildings will ensure that they will have no adverse impact on surrounding residential properties. All of the proposed flats will have acceptable internal areas and layouts and will provide a good level of amenity for future occupiers. A detailed parking survey has been undertaken to demonstrate that the proposed parking provision and existing on-street parking capacity will be sufficient to accommodate the predicted increase in parking demand. Overall, the proposal accords with the policies of the local development plan and is considered to be acceptable.

9.0 HUMAN RIGHTS IMPLICATIONS

- 9.1 The Local Planning Authority is justified in interfering with the applicant's human rights in order to alleviate any adverse effect on adjoining properties and their occupiers and on general public amenity. With regard to any infringement of third party human rights, these are not considered to be of such a nature and degree as

to override the human rights of the applicant and therefore warrant refusal of planning permission.

10.0 RECOMMENDATION

That, pursuant to a planning obligation under s.106 of the Town and Country Planning Act 1990 having been completed to secure the following Heads of Terms, planning permission be granted subject to the conditions listed below:

Section 106 Heads of Terms

- i) To secure all 32 of the units as affordable housing for affordable rent and social rent.
- ii) To secure the provision of fire hydrants as required by the County Council to serve the development.

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:-

0408 DD 010

0408 PL 011, 020, 050, 100, 101, 102, 103, 110, 200, 201, 202, 300, 400

ALA265 L01 PL5, L03 PL2, L05 PL3, L06 PL1.

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

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

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

4. No demolition or construction works shall commence within the site until a Construction Environmental Management Plan has been submitted to and approved by the Local Planning Authority for the relevant demolition and construction phase. Each 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. Each Plan as approved shall be implemented throughout the relevant demolition and construction periods.

Reason: To safeguard the amenities and quiet enjoyment of neighbouring properties, pursuant to saved Policy SE22 of the Watford District Plan 2000, and to prevent obstruction of the adjoining highway during 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.

5. 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.

6. No construction works shall commence until details of the materials to be used for all the external finishes of the building, including walls, roofs, doors, windows and balcony railings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved materials.

Reason: In the interests of the visual appearance of the site and the character and appearance of the area, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31. This is a pre-commencement condition as the materials need to be approved by the Local Planning Authority before the development is constructed.

7. No construction works shall commence until details of the window and door reveals, recessed panels and capping to the walls, 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 details.

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. This is a pre-commencement condition as the details need to be approved by the Local Planning Authority before the development is constructed.

8. The development permitted by this planning permission shall only be carried out in accordance with the drainage strategy prepared by Price and Myers

dated October, 2015 and the mitigation measures detailed within the drainage strategy:

- i) Implementing appropriate SuDS measures giving priority to above ground measures such as green and brown roofs, permeable pavements and soakaways, as shown in Appendix D of the new drainage strategy prepared by Price and Myers.
- ii) 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 providing a minimum of 120.9 m³ of total storage volume in two soakaways, as shown in appendix C of the revised surface water drainage strategy.
- iii) Discharge of surface water via infiltration from the two soakaways.
- iv) Commitment by the applicant to the SuDS maintenance programme included in section 4.5 of the revised FRA

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 of surface water from the site, in accordance with Policy SD2 of the Watford Local Plan Core Strategy 2006-31.

9. No construction works shall take place until the final design of the soakaways, permeable pavements and green and brown roofs, and the drainage network has been submitted to and approved in writing by the Local Planning Authority. Between both soakaways, a storage volume of 120.9 m³ should be provided. The design of all SuDS elements including the detailed engineering

design should be in line with best practice standards as shown in *The SuDS Manual* (CIRIA C-697).

Reason: To ensure that the site can effectively be drained during the lifetime of the development; and to ensure that water treatment is provided to surface runoff before infiltrating into the ground, in accordance with Policy SD2 of the Watford Local Plan Core Strategy 2006-31.

10. 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.

11. 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, and to provide adequate intervisibility between the access and the

existing public highway for the safety and convenience of users of the highway and of the access, in accordance with saved Policy T21 of the Watford District Plan 2000 and Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

12. No part of either building shall be occupied until details of the size, design and appearance of the respective bin store and the cycle store for that building, as shown in principle on drawing no.0408 PL 020, have been submitted to and approved in writing by the Local Planning Authority and the respective bin store and cycle store have been constructed in accordance with the approved details. The bin and cycle stores should be designed to be weatherproof and secure.

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

13. No part of the development shall be occupied until the 48 car parking spaces shown on drawing no.0408 PL 020, including the access junctions with Hemming Way, have been laid out and constructed in full. These spaces shall be retained for parking cars at all times.

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

14. No part of the development shall be occupied until the section of Hemming Way within the application site has been stopped up and the new vehicle accesses, pedestrian footpaths and parking arrangements have been constructed in full, as shown in principle on drawing no. 0408 PL 020.

Reason: To ensure adequate access arrangements are provided to serve the development and in the interests of highway safety, in accordance with saved Policy T21 of the Watford District Plan 2000.

Informatives

1. This planning permission is accompanied by a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to secure the provision of 32 affordable housing units and the necessary fire hydrants to serve the development.
2. In dealing with this application, Watford Borough Council has considered the proposal in a positive and proactive manner having regard to the policies of the development plan as well as paragraphs 186 and 187 of the National Planning Policy Framework and other material considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended. The Council also gave pre-application advice on the proposal prior to the submission of the application and undertook discussions with the applicant's agent during the application process.
3. Before commencing the development the applicant shall contact Hertfordshire County Council Highways (0300 123 4047) to obtain i) their permission/requirements regarding access for vehicles involved in the demolition of the existing building; ii) a condition survey of any adjacent highways which may be affected by construction vehicles together with an agreement with the highway authority that the developer will bear all costs in reinstating any damage to the highway.

Drawing numbers

0408 DD 010

0408 PL 011, 020, 050, 100, 101, 102, 103, 110, 200, 201, 202, 300, 400 ALA265
L01 PL5, L03 PL2, L05 PL3, L06 PL1

Case Officer: Paul Baxter
Email: paul.baxter@watford.gov.uk
Tel: 01923 278284

Briefing- Revised Planning Application for Hemming Way

Watford Community Housing Trust is presenting the revised planning application for Hemming Way to committee members to respond to the single reason for refusal that was set out in the decision notice, which stated:

The proposal would fail to provide a high standard of design and would be out of character with the residential aspects of the area, having the appearance of being overdeveloped, contrary to the provisions of the Residential Design Guide (2014) and Policies SS1 and UD1 of the Watford Local Plan Core Strategy 2006-31.

The refusal notice focuses on the appearance of the proposed development. The design team have reviewed both the physical appearance and more significantly the massing of the building to respond positively to these comments and develop proposals which address these concerns.

The changes were required to be more than cosmetic to respond to the context; **five** significant changes have therefore been instigated:

- 1 The overall scale of the buildings has been lowered by removing the pitched roof gables.**
- 2 The overall massing of the building has been broken down by removing the brickwork cladding to the balconies, breaking the building down into distinctive bays.**
- 3 The upper floor of the development has been set back to strengthen the two storey eaves line which is characteristic of the area; to achieve this adjustment to the massing the number of bedrooms in the overall development has been reduced.**
- 4 The upper floor material has been changed to a light coloured cladding which reflects the tone of the adjoining rendered buildings; this also visually diminishes the appearance of the upper floor against the sky.**
- 5 A brick has been selected for the lower portion of the building which matches the colour of materials on the adjoining properties.**

The effect of these five changes is most clearly demonstrated in the before and after images (below) which are generated at eye level from the footpath network.

Comment from Peter Jeffree, Mayoral Design Champion:

“The scheme immediately looks more harmonious and better proportioned relative to the adjacent houses. The combination of materials looks better, a neat inversion of the tone of materials in the next door houses.”



**First Application:
Looking north up Hemming Way**

The overall massing of the building has been broken down by removing the brickwork cladding to the balconies, breaking the building down into distinctive bays.



**Revised Application:
Looking north up Hemming Way**

The overall massing of the building has been broken down by removing the brickwork cladding to the balconies, breaking the building down into distinctive bays.



**First Application:
Looking south
down Hemming
Way**

**The overall scale
of the buildings
has been
lowered by
removing the
pitched roof
gables.**

**The upper floor
material has
been changed to
a light coloured
cladding which
reflects the tone
of the adjoining
rendered
buildings.**



**Revised Application:
Looking south down Hemming Way**

The overall scale of the buildings has been lowered by removing the pitched roof gables.

The upper floor material has been changed to a light coloured cladding which reflects the tone of the adjoining rendered buildings.



**First Application:
Looking south
down Hemming
Way to the new
park entrance**

**The upper floor
of the
development
has been set
back to
strengthen the
two storey eaves
line which is
characteristic of
the area.**

**A brick has been
selected for the
lower portion of
the building
which matches
the colour of
materials on the
adjoining units.**



Revised Application:
Looking south down Hemming Way to the new park entrance

The upper floor of the development has been set back to strengthen the two storey eaves line which is characteristic of the area.

A brick has been selected for the lower portion of the building which matches the colour of materials on the adjoining units.

The Existing Bungalows

These are below current one bedroom unit housing standards. These original properties only provide 39m² of accommodation, against the 50m² being provided in the new one bedroom homes. At nearly 30% larger and with improved air tightness and insulation standards the new homes will be more economic to heat and provide the space that studies informing national housing standards guidance have identified is required.

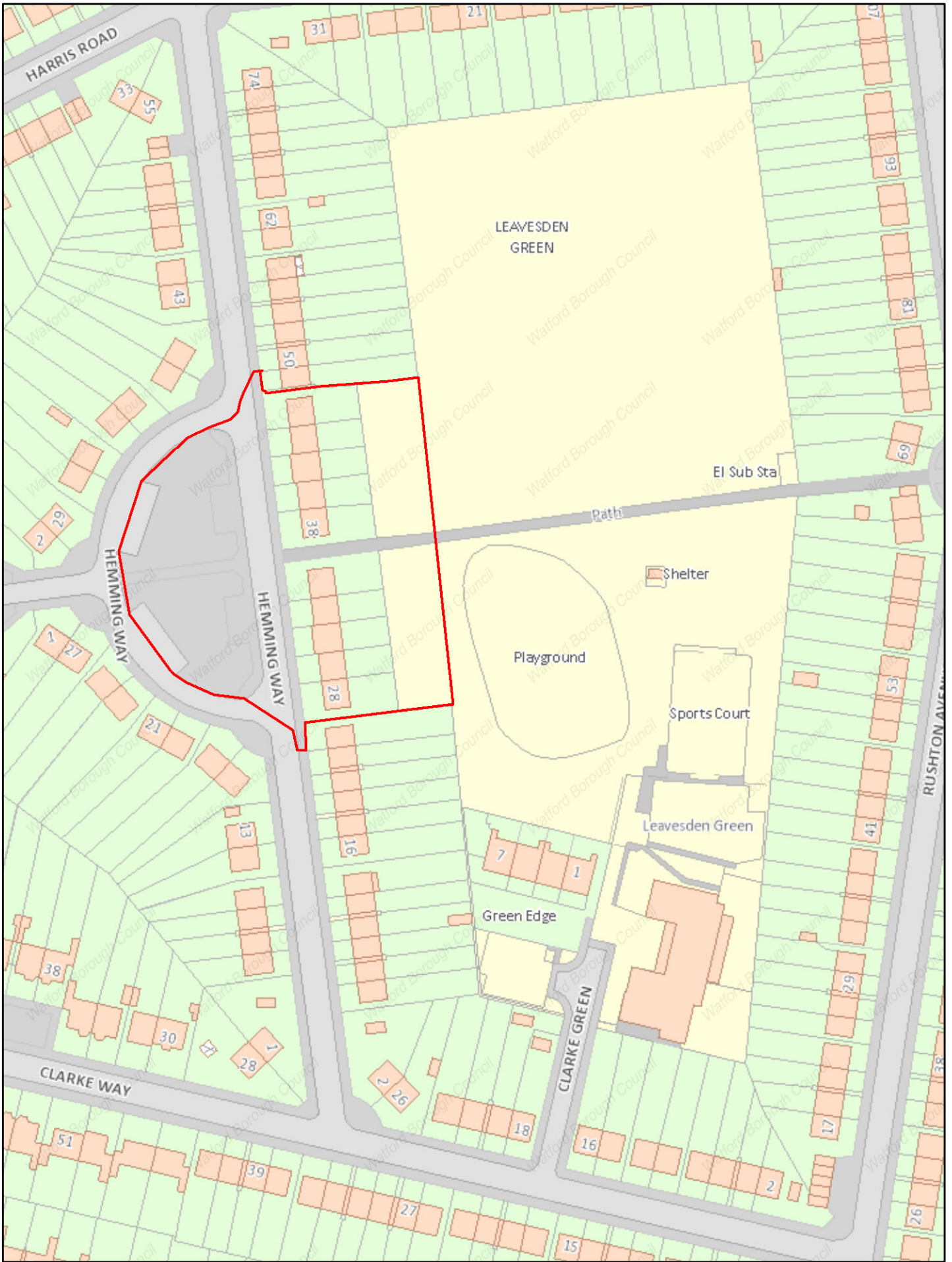
Enhancing the Local Area

The proposals do bring much needed 100% affordable accommodation, providing homes for future generations of Watford residents.

The design brings wider, long lasting benefits to the local area. The entrance to Leavesden Green is improved by both widening the route into the park and also positioning new homes to provide visual surveillance to the entrance. Improved street lighting further enhances security to combat ASB – a problem cited during the consultation events held to discuss the proposals.

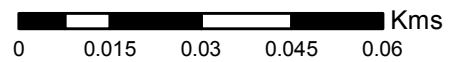
The park now extends out into the street, highlighting the presence of this amenity space and bringing an underused traffic island into purposeful use. Investment in new semi-mature landscaping will deliver a useable space in the first season after the new homes are completed, with a maintenance programme ensuring their upkeep.

If you have any queries regarding this briefing, please contact Nick Simons, Project Manager on 01923 209230 or nick.simons@wcht.org.uk



28-46 Hemming Way

Date: 20/10/2015



Scale 1:1,250



PART A	
Report of: HEAD OF DEVELOPMENT MANAGEMENT	
Date of committee:	28th January 2016
Site address:	114, Hempstead Road, Watford
Reference Number:	15/01343/FUL
Description of Development:	Demolition of existing detached dwelling and the erection of two blocks of flats comprising 3 no. three bed flats and 6 no. two bed flats, with modified access, car parking and landscaping
Applicant:	Sliabh Construction Limited
Date Received:	21st September 2015
13 week date (major):	16th November 2015 (extended by agreement to 29th January 2016)
Ward:	Nascot

1.0 SITE AND SURROUNDINGS

- 1.1 The site is located on the eastern side of Hempstead Road immediately to the south of Kenilworth Court. It comprises a rectangular plot with an area of 0.23 hectare measuring 20m wide by 124m deep. It currently comprises a detached bungalow sited towards the front of the site with a single cross-over access to Hempstead Road.
- 1.2 The site is subject to two Tree Preservation Orders. The trees along the frontage form part of Area A1 of TPO No.3. The copper beech tree (T1) set in from the frontage and sited in front of the existing dwelling is protected by TPO No.258.
- 1.3 The surrounding area is varied in character and building typology. Immediately to

the north are 2 and 3 storey blocks of flats at Kenilworth Court. The flats closest to the application site on the southern side of Kenilworth Court are 3 storey with flat roofs. Those on the northern side of Kenilworth Court are 2 and 3 storey with pitched roofs. Along the southern boundary, the western part of the site adjoins 2 storey detached houses fronting Hempstead Road and the eastern part of the site adjoins single storey bungalows in Maple Grove. To the east, the rear boundary adjoins bungalows in Langwood Gardens. On the opposite side of Hempstead Road are 2 storey detached houses.

2.0 PROPOSED DEVELOPMENT

- 2.1 To demolish the existing detached dwelling and erect two new blocks comprising 9 flats. One block is sited towards the front of the site, approximately on the site of the existing dwelling, and includes 3 no. three bed flats. The second block is sited towards the rear of the site and includes 6 no. two bed flats. The existing access from Hempstead Road is to be upgraded from a crossover to a bellmouth junction. The proposal provides 20 car parking spaces with 3 provided to the front of the site and the remaining 17 provided in the centre of the site between the two blocks. This main parking area will also include bin and cycle stores for both blocks.
- 2.2 Both blocks are two storey with a second floor of accommodation within a mansard style roof.

3.0 RELEVANT PLANNING HISTORY

- 3.1 The existing dwelling was granted planning permission in 1952. There is no planning history of relevance to the current application.

4.0 PLANNING POLICIES

Development plan

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

- (a) *Watford Local Plan Core Strategy 2006-31*;
- (b) the continuing “saved” policies of the *Watford District Plan 2000*;
- (c) the *Hertfordshire Waste Core Strategy and Development Management Policies Document 2011-2026*; and
- (d) the *Hertfordshire Minerals Local Plan Review 2002-2016*.

4.2 The *Watford Local Plan Core Strategy 2006-31* was adopted in January 2013. The *Core Strategy* policies, together with the “saved policies” of the *Watford District Plan 2000* (adopted December 2003), constitute the “development plan” policies which, together with any relevant policies from the County Council’s *Waste Core Strategy* and the *Minerals Local Plan*, must be afforded considerable weight in decision making on planning applications. The following policies are relevant to this application.

4.3 Watford Local Plan Core Strategy 2006-31

- WBC1 Presumption in favour of sustainable development
- SS1 Spatial Strategy
- SD1 Sustainable Design
- SD2 Water and Wastewater
- SD3 Climate Change
- SD4 Waste
- HS1 Housing Supply and Residential Site Selection
- HS2 Housing Mix
- HS3 Affordable Housing
- INF1 Infrastructure Delivery and Planning Obligations
- UD1 Delivering High Quality Design

4.4 Watford District Plan 2000

- SE7 Waste Storage, Recovery and Recycling in New Development
- SE22 Noise
- SE27 Flood Prevention
- SE28 Groundwater Quality

SE36	Replacement Trees and Hedgerows
SE37	Protection of Trees, Woodlands and Hedgerows
SE39	Tree and Hedgerow Provision in New Development
T10	Cycle Parking Standards
T21	Access and Servicing
T22	Car Parking Standards
T24	Residential Development
H9	Back Garden Development
H10	Planning Agreements for Educational and Community Facilities
L8	Open Space Provision in Housing Development
L9	Children's Play Space

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

No relevant policies.

4.6 **Hertfordshire Minerals Local Plan Review 2002-2016**

No relevant policies.

4.7 **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.

4.8 *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.

4.9 *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.

4.10 *SPG10 Open Space Provision*

This guidance sets out the standards of open space provision required per thousand population as part of new developments. The guidance was adopted in October 2001 and is a material consideration in the determination of relevant planning applications.

4.11 **National Planning Policy Framework**

The National Planning Policy Framework sets out the Government's planning policies for England. The following provisions are relevant to the determination of this application, and must be taken into account as a material planning consideration:

Achieving sustainable development

The presumption in favour of sustainable development

Core planning principles

Section 1 Building a strong, competitive economy

Section 4 Promoting sustainable transport

Section 6 Delivering a wide choice of high quality homes

Section 7 Requiring good design

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

Decision taking

5.0 **CONSULTATIONS**

5.1 **Neighbour consultations**

Letters were sent to 33 properties in Hempstead Road, Kenilworth Court, Maple

Grove and Langwood Gardens.

5.2 The following is a summary of the representations that have been received:

Number of original notifications:	33
Number of objections:	18
Number in support:	0
Number of representations:	18

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

Representations	Officer's response
Hempstead Road properties	
Unacceptably high density/overdevelopment.	The site has an area of 0.23 hectare. The proposed 9 flats give a density of 39 dwellings per hectare, which is significantly below the average for new development in Watford (60-80 dwellings per hectare).
Noise and disturbance from residents.	There is no reason to presume that future residents will be unduly noisy or cause disturbance. This is not a relevant planning matter.
Overlooking and loss of privacy.	Block A is sited alongside 112, Hempstead Road and will not result in any direct overlooking. Block B to the rear is sited 46m away, significantly in excess of the Council's minimum guideline of 27.5m.
Overshadowing.	Block A is sited immediately to the north of 112, Hempstead Road and will therefore not result in any overshadowing of this property.
Visual impact on character of	Hempstead Road is varied in its character

Hempstead Road. This section of Hempstead Road is houses and bungalows.	with various flatted developments on its eastern side. The site adjoins the flatted development at Kenilworth Court and, consequently, is not considered to be detrimental to the character of the road.
Flats will have a detrimental impact on the character of the neighbourhood. Development is overbearing, out of scale and out of character in terms of appearance.	The immediate area surrounding the site is very varied in the scale and design of buildings. Consequently, it is not considered that the proposal is out of scale or character.
Loss of existing views from neighbouring properties.	Loss of views is not a relevant planning consideration. It is normal in an urban area for other properties to be visible from a property.
Adverse impact on highway safety and convenience of road users.	Herts County Council as the Highway Authority has no objections on highway safety grounds subject to a bellmouth junction being formed.
Increased congestion and traffic.	Herts County Council as the Highway Authority has no objections on grounds of traffic generation, which will not be significant from the proposed 9 flats.
Little space for delivery vehicles on the site.	The internal layout of the site has been designed to allow a 10m delivery vehicle to turn on-site.
Visitors likely to park on Hempstead Road and other roads.	Parking is prohibited on Hempstead Road by double yellow lines. The adjoining Kenilworth Court is also subject to a controlled parking zone.
Impact of proposal on roots of copper beech tree.	This tree is protected by a TPO. The siting of Block A will avoid any adverse impact on

	the root protection zone.
Parking area will cause noise and pollution.	The new car park located in the centre of the site may result in some additional noise and disturbance but it is not considered that this would cause any significant adverse harm.
Parking area will result in less area for rainwater to drain.	A sustainable drainage scheme can be secured by condition.
Building not set far enough back.	Block A aligns with the building line of 114, Hempstead Road and is set further back than the adjoining block of flats at Kenilworth Court.
Kenilworth Court properties	
Blocks too close to the boundary.	The proposed blocks are sited an appropriate distance from the site boundaries.
Loss of privacy and light to flats in Kenilworth Court.	This is discussed in detail in the report and is not considered to be significant.
Block B will be visually intrusive due to its length.	The length and height of Block B has been reduced during the application process and is considered to be acceptable in its scale.
Limited garden areas within the development.	The proposed garden areas exceed the minimum areas required by the Residential Design Guide.
Excessive glazing in the front elevations of each block.	The originally proposed design included full height patio doors and balconies dominating the front elevation of each block. These have now been removed and replaced by windows.
Block B is effectively backland development in the existing garden area.	This is true. However, Block B adjoins existing 'backland' development in Maple Close and Kenilworth Court so will not

	appear out of character. The proposed access is considered satisfactory to serve Block B.
Both blocks should be reduced in scale.	Both blocks have been reduced in scale compared to the original scheme, although not by as much as the objector suggested.
Overlooking from balconies.	All balconies have now been removed.
Maple Grove properties	
Noise and pollution from central parking area.	The proposal will introduce car parking into the current garden area, however, it is not considered that the likely number of vehicle movements will be significant nor that this will give rise to any significant harm.
Plot too narrow for two blocks of flats and car parking.	The plot is 20m wide and the layout demonstrates how the proposed development can be achieved in a satisfactory manner.
Overlooking from balconies.	All balconies have now been removed.
Visual impact of 3 storey wall on bungalows.	The length and height of Block B has been reduced during the application process and is considered to be acceptable in its scale.
Further details required of tree screen.	This can be secured by condition.
Trees cut down before application submitted.	These garden trees were not protected by a TPO.
Bins adjoining garden areas.	Bin stores are proposed alongside existing garden areas, however, they are shown as brick built stores with solid roofs and details can be secured by condition.
Assuming 2 cars per dwelling, there will be no visitor parking.	The proposal is in excess of the Council's maximum standard of 16 spaces for the proposed development, which includes

	visitor provision.
Cramped development.	The development is not considered to be cramped in its layout or an overdevelopment of the site.
Out of scale and character, particularly with bungalows in Maple Grove and Langwood Gardens.	The immediate area surrounding the site is very varied in the scale and design of buildings. Consequently, it is not considered that the proposal is out of scale or character.
Proposed flats are tiny and unsuitable for families.	The flats are significantly in excess of the guidelines in the Residential Design Guide and the Nationally Described Space Standard.
Loss of privacy.	The only windows in the south facing side elevation are to corridors and halls, and these can be obscure glazed and fixed shut. Windows in the front and rear elevation will allow oblique views across garden areas, which is normal within an urban environment.
Inadequate local facilities especially schools.	The development will be liable for a CIL charge towards local infrastructure.
Loss of outlook and openness.	The proposed blocks will not impact directly on outlook from properties in Maple Grove.
Langwood Gardens properties	
Loss of privacy and light. Overbearing and dominant impact.	Block B is sited 20m from the boundary with Langwood Gardens and 29m from the rear elevation of the nearest property, in excess of the Council's minimum distance of 27.5m. This distance will ensure no adverse impact on privacy or light.
Trees cut down before application submitted.	These garden trees were not protected by a TPO.

Other properties – no new issues raised.

As a result of these objections and following discussions with your officers, amended drawings were submitted by the applicant. All properties previously notified of the application and all objectors were notified of the amended drawings and given 14 days to comment. A further 7 letters have been received, reiterating previous objections, as summarised above.

The Committee will be advised of any additional representations received after the date this report was written.

5.3 **Statutory publicity**

No statutory advertisement was required for this application.

5.4 **Technical consultations**

The following responses have been received from technical consultees:

5.4.1 Hertfordshire County Council (Highway Authority)

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.

Hertfordshire County Council has no objection to the principle of the proposed changes to the approved development, subject to a S278 Agreement. Any works within the highway boundary (including alterations to the footway and the proposed site access) will need to be secured and approved via a S278 Agreement with the HCC. The existing access will need to be made into a junction with associated road markings due to the increase in the number of vehicles that will be using this access/egress. As Hempstead Road is classified as a Principle Road and a main distributor in the road hierarchy a number of things will need to be done under the S278 agreement.

1) Before any development commences, additional plans drawn to an appropriate scale must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which clearly show the detailed design and construction of all works within the public highway as a result of the new access arrangements onto Hempstead Road. All highway works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction, and completed before first occupation of the residential development. Reason: To ensure the provision of a safe access serving the development, in the interests of highway safety.

2) Concurrent with the construction of the accesses onto Hempstead, carriageway visibility splays of 2.4 metres x 43 metres shall be provided in both directions. These splays shall be permanently maintained in each direction within which there shall be no obstruction to visibility between 600mm and 2 m above the carriageway level. Reason: To provide adequate visibility for drivers entering or leaving the site.

3) Before any development commences, additional plans drawn to an appropriate scale must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which clearly show that the internal site layout makes safe and convenient provision for pedestrian movements through the site. Reason: To ensure that pedestrians are appropriately catered for within the site, and that the development accords with paragraphs 32 and 35 of the NPPF.

4) Before development commences, additional layout plans, drawn to an appropriate scale, must be submitted and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which clearly demonstrate that all on-site parking spaces can be accessed by a vehicle, and that on-site turning space is sufficient to enable all vehicles to enter and exit the site in forward gear. Reason: To ensure no significant increase to roadside parking levels and to ensure that vehicles entering and exiting the site do not adversely affect the free and safe flow of traffic on the public highway.

5) Before the development hereby approved is first occupied / brought into use, all on site vehicular areas, including (but not limited to) internal access roads, forecourts, garages, carports and external parking spaces, shall be accessible, surfaced, marked out, and fully completed in accordance with submitted plans and carried out in a manner to the Local Planning Authority's approval. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway. Reason: So as to ensure satisfactory parking of vehicles outside highway limits and to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

6) Before occupation of the residential development, the relocation of one and kerbing enhancements to the two closest bus stops along Station Road shall be completed to the satisfaction of the Local Planning Authority and Highway Authority. Reason: To ensure the development complies with paragraphs 32 and 35 of the NPPF, enabling access to the site for all people by modes other than the private motorcar.

7) Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing) efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times during construction of the development, to include cleaning the wheels of all construction vehicles leaving the site. Reason: In order to minimise the amount of mud, soil and other materials originating from the site being deposited on the highway, and in the interests of highway safety and visual amenity.

8) Prior to the commencement of the development, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall identify details of:

- phasing for the development of the site, including all highway works;

- methods for accessing the site, including construction vehicle numbers and routing;
- location and details of wheel washing facilities;
- associated parking areas and storage of materials clear of the public highway;

Highway layout and safety:

An upgrade to the existing vehicular and pedestrian access onto Hempstead Road. The access will be constructed with as a bell mouth access/egress and tactile paving either side. Visibility splays of 2.4 metres X 43 metres are provided in both directions, which meets standards. A Road Safety Audit should be carried out; However, it is considered justified to request by condition the submission of suitably detailed plan of the site's proposed access in order for a simple safety review to be undertaken by our safety team (see condition 1 above).

All works to the highway will need to be secured via a Section 278 Agreement.

Construction:

The TA does not contain any information regarding the potential impacts on the highway network during the construction of the proposed development. Any subsequent application is required to assess the impacts on traffic flow, safety and parking during the construction of the proposed development.

A Construction Traffic Management Plan is therefore included as a condition above.

Conclusion:

The Highway Authority can confirm that subject to the conditions listed above, and a section 278 agreement, the development is acceptable in a highways context.

5.4.2 Arboricultural Officer

The proposals in terms of retention of the protected trees on site are considered acceptable. However to ensure minimal effect upon them the tree protection and method of construction of the new access, paths and car parking within the root

protection area as detailed the tree protection plan (ref 835) and the Arboricultural Method Statement shall need to be adhered to and should be made a condition of any consent granted. Details of the routing of all below ground services including soakaways should also be submitted and approved prior to work commencing on site.

5.4.3 Crime Prevention Design Advisor

Secured by Design part 2 physical security: To alleviate any concerns regarding security for the proposed development, I would look for the development to be built to the physical security of Secured by Design part 2, which is the police approved minimum security standard. Building to the physical security of Secured by Design, which is the police approved minimum security standard, will reduce the potential for burglary by 50% to 75%.

6.0 APPRAISAL

6.1 Main issues

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

- (a) Principle of development
- (b) Design and character of the area
- (c) Amenity of future occupiers
- (d) Impact on surrounding properties
- (e) Access and highways
- (f) Trees and landscaping

6.2 (a) Principle of development

6.2.1 The site is located within a primarily residential area with a varied mix of dwelling types and styles. The front part of the site, where the existing dwelling is sited, can be considered brownfield land although the rear part, due to the depth of the site, is garden land and cannot be considered brownfield. The rear block will constitute backland development, being sited behind the front block. Policy SS1 states that areas such as this, outside the town centre and special policy areas, should be the

focus of low to medium density residential development, with a preference for family housing with gardens.

6.2.2 Due to the varied nature of dwellings in the immediate locality and the presence of 8 blocks of flats immediately to the north in Kenilworth Court and Oaklands Court, there is no objection in principle to the proposed flats. Although 9 flats are proposed, due to the size of the site, the density of development is only 39 dwellings per hectare which is relatively low. Furthermore, although no houses are proposed, 8 of the 9 flats have 2 or 3 bedrooms and are suitable for families with children. They are also relatively large, with the 2 bed flats varying from 65-81m² and the 3 bed flats from 80-107m². The minimum guidelines in the Residential Design Guide are 61m² and 74m² respectively. The site has good access to bus stops on Hempstead Road, with one southbound stop located immediately outside the site, and is only 950m from the town centre (a 12-15 minute walk). Overall, it is considered that the proposed development, comprising larger 2 and 3 bed flats, is not unacceptable in this location and will not constitute an overdevelopment of the site.

6.2.3 Block A, sited towards the front of the site, has a width of 11.7m. It is set in 1.8m from the southern boundary and 6.5m from the northern boundary. This leaves adequate space for an internal access road 4.1m wide and a landscaped boundary 1.5m wide along the northern boundary. This is considered acceptable in principle to serve backland development without giving the site a cramped appearance.

6.2.4 Block B is sited 40m to the rear of Block A which is significantly in excess of the minimum guideline of 27.5m and will also prevent the development appearing cramped. Although a block of this nature would not normally be considered appropriate if isolated at the bottom of a large garden area, in this case, the adjoining plots have already been developed in the past. Adjoining the site to the north in Kenilworth Court are two 3 storey blocks sited 37m apart, occupying the full depth of the previous housing plots. To the south, Maple Grove was developed in the rear garden areas of nos. 102-112, Hempstead Road. As such, Block B will be sited between a 3 storey block in Kenilworth Court and bungalows in Maple Grove.

It will not, therefore, appear isolated or out of keeping with the adjoining pattern of development.

6.3 (b) Design and character of the area

6.3.1 The surrounding properties are of varied design and typologies ranging from single storey bungalows with steep, pitched roofs to 3 storey, flat roofed blocks of flats.

The 2 storey houses to the south and west generally have pitched, hipped roofs but with some examples of gabled roofs and crown roofs. A number of properties have accommodation in the roofspace served by dormer windows.

6.3.2 The proposed blocks of flats are 2 storey but with accommodation in mansard style roofs served by dormer windows and rooflights. Mansard roofs are not found in the immediate locality although there are several examples of smaller crown roofs in Hempstead Road. The adjoining blocks of flats have flat roofs. The surrounding two storey houses were developed as individual plots and therefore exhibit a variety of designs and materials although do generally complement each other well to give a pleasing streetscene.

6.3.3 Both of the proposed blocks are smaller in scale than the adjoining blocks in Kenilworth Court and Block A respects the building line on this side of Hempstead Road. Within this context, the proposed scale and design of the blocks is considered acceptable and will complement the varied character and appearance of buildings in the surrounding area.

6.4 (c) Amenity of future occupiers

6.4.1 The proposed blocks are sited 40m apart (significantly in excess of the minimum guideline of 27.5m in the RDG) and this will ensure all flats will have good levels of outlook and privacy. The blocks are sited on an approximate east-west orientation which will ensure all flats will also have good levels of natural light including direct sunlight. The flats have spacious internal floorareas and good layouts. Overall, the proposed flats will provide good quality accommodation.

6.4.2 Both blocks will have adjoining amenity areas. Block A will have a semi-private

area to the front (174m²) and a private area to the rear (64m²), giving a total of 238m². The RDG gives a guideline of 65m². Block B has a private amenity area of 340m² to the rear, compared to the RDG guideline figure of 110m². The level of amenity space provision is therefore significantly in excess of the minimum guideline.

6.5 (d) Impact on surrounding properties

6.5.1 Block A sits alongside the detached house at 112, Hempstead Road, set in 1.8m from the boundary (no.112 is set in 1m from the boundary, giving a separation of 2.8m). The block does not impinge on 45° lines taken from the nearest front and rear corners of no.112 and will not, therefore, have any adverse impact on outlook or natural light from any of the windows in no.112.

6.5.2 In respect of the adjoining block of flats in Kenilworth Court to the north, Block A is set in 6.6m from the boundary and 10.2m from the nearest front element of the adjoining block. This south facing elevation contains one window on each level, which are not habitable room windows. The main windows are in the west facing front elevation of the block and are unaffected by the proposal. The rear element of the block, containing a further 3 flats, is set in 6.3m from the boundary and 12.9m from the flank elevation of Block A. This south facing elevation contains 3 windows on each level and these are both main habitable room windows and non-habitable room windows. Referring to guidance in the RDG, Block A does not impinge on a 25° line taken in the vertical plane from the ground floor windows in the adjoining block. This ensures Block A will have no significant adverse impact on the natural light received by these windows. In satisfying this rule, it is also an indication that the outlook from these windows will not be significantly harmed although Block A will be clearly visible from these windows.

6.5.3 Two windows, one on each level, are shown in the north facing, side elevation of Block A facing the adjoining block. These windows are to a kitchen area on each level and the windows are proposed to be obscure glazed and fixed shut to prevent any overlooking or loss of privacy to the adjoining block. This is acceptable.

6.5.4 Block B at the rear of the site is sited between the bungalows in Maple Grove (specifically Nos. 6 and 8) and the rear block of flats at Kenilworth Court. The bungalows are single storey with a steep, pitched roof. No.8 backs onto the southern boundary of the site at a distance of 1.2m. It has no windows on the rear elevation with all its habitable windows on the front (south) and side (west) facing elevations. No.6 is a similar design, but with its habitable windows on the front and rear elevations. Block B is set in 3.3m from the boundary and adjoins the rear elevation of No.8 and the side elevation of No.6. It will not result in any loss of light, outlook or privacy to the habitable room windows in these bungalows. The windows in the front and rear elevations of Block B will obliquely overlook the garden areas of Nos. 6 and 8 but this is a normal relationship between properties in an urban area. The balconies on the original design have been removed to prevent more direct overlooking from occurring.

6.5.5 The relationship between Block B and the adjoining block at Kenilworth Court is very similar to that of Block A. In this case the distance between the blocks is slightly less at 11.5m but with an existing landscape screen of small yew trees and deciduous trees along the boundary. This relationship will ensure Block B will have no significant adverse impact on the amenities of the adjoining block.

6.5.6 The south elevation of Block B contains 6 windows, 3 on each level, facing Maple Grove. These windows are all to corridors/hallways and are proposed to be obscure glazed and fixed shut to prevent any overlooking or loss of privacy to the adjoining bungalows. On the north elevation, there are two obscure glazed bathroom windows, and two bedroom windows, one each on each floor. The bedroom window at first floor level overlooks the communal amenity area of the adjoining block with views significantly limited by the existing landscaped screen.

6.6 (e) Access and highways

6.6.1 The existing site is accessed via a crossover from Hempstead Road. The proposed development will require this to be upgraded to a bellmouth junction to allow vehicles entering and exiting the site to pass safely and to allow delivery vehicles to enter the site. The internal access road will be 4.1m wide which will be sufficient to

allow 2 cars to pass safely and there is also a passing place close to the site entrance. The internal car parking area has been designed to allow a 10m delivery vehicle to turn on-site and exit the site in forward gear.

6.6.2 Although the proposal will generate additional traffic movements to and from the site compared to the existing dwelling, this increase will not be significant in the context of Hempstead Road. Herts. County Council have raised no objections to the proposal in terms of traffic generation or highway safety matters.

6.7 (f) Trees and landscaping

6.7.1 There are two significant trees on the site frontage that are protected by tree preservation orders, together with two smaller trees. All of these are to be retained and the siting of Block A and the alignment of the access road have been designed accordingly. Conditions can be used to secure appropriate tree protection measures during demolition and construction. Other smaller trees and hedging along the southern and northern boundaries provided varying levels of screening to the site and these are also shown to be retained. Opportunities will exist to secure additional tree planting along these boundaries as part of a detailed landscaping scheme.

7.0 **COMMUNITY INFRASTRUCTURE LEVY AND PLANNING OBLIGATION**

7.1 **Community Infrastructure Levy (CIL)**

The Council introduced the Community Infrastructure Levy (CIL) with effect from 1 April 2015. The CIL charge covers a wide range of infrastructure as set out in the Council's Regulation 123 list, including highways and transport improvements, education provision, youth facilities, childcare facilities, children's play space, adult care services, open space and sports facilities. CIL is chargeable on the relevant net additional floorspace created by the development. The charge is non-negotiable and is calculated at the time that planning permission is granted.

Liability to CIL does not arise in the case of a development where the increase in gross internal area is less than 100sqm, unless the development comprises one or

more dwellings. The CIL charge applicable to the proposed development is £120/sqm. Based upon the demolition of the existing dwelling (168 sqm) and the gross new floorspace created (870 sqm), the CIL charge based on a net additional floorspace of 702 sqm will be £84,240.

In accordance with s.70 of the Town and Country Planning Act 1990, as amended by s.143 of the Localism Act 2011, a local planning authority, in determining a planning application, must have regard to any local finance consideration, so far as material to the application. A local finance consideration is defined as including a CIL charge that the relevant authority has received, or will or could receive. Potential CIL liability can therefore be a material consideration and can be taken into account in the determination of the application.

7.2 S.106 planning obligation

The Council introduced the Community Infrastructure Levy (CIL) with effect from 1 April 2015. From this date, s.106 planning obligations can only be used to secure affordable housing provision and other site specific requirements, such as the removal of entitlement to parking permits in Controlled Parking Zones and the provision of fire hydrants. In this case, the only potential requirement is for fire hydrants to serve the development, as necessary, and these can be secured by condition.

8.0 CONCLUSION

8.1 Due to the varied nature of dwellings in the immediate locality and the presence of 8 blocks of flats immediately to the north in Kenilworth Court and Oaklands Court, there is no objection in principle to the proposed flats. The surrounding properties are of varied design and typologies ranging from single storey bungalows with steep, pitched roofs to 3 storey, flat roofed blocks of flats. Both of the proposed blocks are smaller in scale than the adjoining blocks in Kenilworth Court and Block A respects the building line on this side of Hempstead Road. Within this context, the proposed scale and design of the blocks is considered acceptable and will complement the varied character and appearance of buildings in the surrounding

area.

- 8.2 The layout of the site is acceptable and is not considered to be cramped. The proposal meets the relevant guidelines of the Residential Design Guide and will provide good levels of accommodation for future occupiers. The proposal will also have no significant adverse impact on the amenities of adjoining occupiers.
-

9.0 HUMAN RIGHTS IMPLICATIONS

- 9.1 The Local Planning Authority is justified in interfering with the applicant's human rights in order to alleviate any adverse effect on adjoining properties and their occupiers and on general public amenity. With regard to any infringement of third party human rights, these are not considered to be of such a nature and degree as to override the human rights of the applicant and therefore warrant refusal of planning permission.
-

10.0 RECOMMENDATION

That planning permission be granted subject to the following conditions:

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:-

Site location plan

15/109/101B, 102B, 103B, 104B, 201B

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

3. No demolition or construction of the development hereby permitted shall take place before 8am or after 6pm Mondays to Fridays, 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 carried out, pursuant to saved Policy SE22 of the Watford District Plan 2000.

4. No demolition or construction works shall commence within the site until an Environmental Management Plan has been submitted to and approved by the Local Planning Authority. This Plan shall include the timing of deliveries and collections by heavy goods 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 development period.

Reason: This is a pre-commencement condition in order to ensure adequate and appropriate measures are in place for the demolition and construction works to safeguard the amenities and quiet enjoyment of neighbouring properties and prevent obstruction of the adjoining highway during the time that the development is being carried out.

5. No demolition or construction works shall commence until details for the formation of a temporary access for construction vehicles across the root

protection zones of the protected trees at the front of the site have been submitted to and approved in writing by the Local Planning Authority and the approved measures have been installed. These measures shall be retained at all times during demolition and construction works.

Reason: This is a pre-commencement condition in order to ensure adequate and appropriate protection measures are in place to safeguard the health and vitality of the existing trees and hedges, which represent an important visual amenity, during development works, in accordance with Policy SE37 of the Watford District Plan 2000.

6. No demolition or construction works shall commence until a detailed tree protection plan (based upon the submitted Phase II Arboricultural Impact Assessment (Ref.835)) for the protection of all trees and hedges to be retained on the site (including the preserved trees on the Hempstead Road frontage and existing trees and hedges along the southern and northern boundaries of the site) has been submitted to and approved in writing by the Local Planning Authority and the approved measures have been installed. These measures shall be retained at all times during demolition and construction works.

Reason: This is a pre-commencement condition in order to ensure adequate and appropriate protection measures are in place to safeguard the health and vitality of the existing trees and hedges, which represent an important visual amenity, during development works, in accordance with Policy SE37 of the Watford District Plan 2000.

7. No construction works shall commence until details for the no-dig construction of the permanent access road, the 3 parking spaces in front of Block A and the entrance path to Block A, all within the root protection zones of the protected trees at the front of the site (as shown on the Tree Protection Plan in Appendix 2 of the Phase II Arboricultural Impact Assessment) have been submitted to and approved in writing by the Local

Planning Authority. These details shall utilise the InfraWeb Tree Root Protection System (or other similar system agreed by the Local Planning Authority) and shall include site specific installation method statements. No dwelling shall be occupied until the approved measures have been installed in full.

Reason: This is a pre-commencement condition in order to ensure adequate and appropriate protection measures are in place to safeguard the health and vitality of the existing trees and hedges, which represent an important visual amenity, during development works, in accordance with Policy SE37 of the Watford District Plan 2000.

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

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

9. No construction works shall commence until a detailed scheme for the provision of mains water services to serve the development, including, where necessary, fire hydrants, has been submitted to and approved in writing by the Local Planning Authority. No occupation of the development shall take place until the approved mains water scheme been provided in full.

Reason: This is a pre-commencement condition in order to ensure adequate mains water services, and in particular fire hydrants, are provided to serve the development.

10. No construction works shall commence until detailed plans showing the existing and proposed ground levels within the site and the ground floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: This is a pre-commencement condition in order to ensure that the proposed buildings and any other changes in level on the site maintain a satisfactory relationship between the development and existing properties, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

11. No construction works shall commence within the site until details of the routing of all below ground services and cabling (electricity, gas, telephone, foul water, surface water, etc), including any temporary connections for site huts, showing depth, width and routing of all trenches, have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: This is a pre-commencement condition in order to ensure the routing of services does not prejudice the retention of the existing trees on the site, in accordance with saved Policy SE37 of the Watford District Plan 2000.

12. No dwelling shall be occupied until the new access junction to Hempstead Road, as shown in principle on approved drawing no. 15/109/201B has been constructed in full.

Reason: This is a pre-commencement condition in order to ensure that a safe access junction can be designed and accommodated for the site in order to ensure the development does not prejudice the safety of highway users on Hempstead Road, in accordance with saved Policy T21 of the Watford District Plan 2000.

13. No construction works shall commence until details of the materials to be used for all the external finishes of the buildings, including walls, roofs, doors and windows 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: This is a pre-commencement condition as the materials need to be agreed with the Local Planning Authority before construction commences, in the interests of the visual appearance of the site and the character and appearance area, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

14. No construction works shall commence until details of an external lighting scheme for the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be installed as approved before the first occupation of any part of the development.

Reason: This is a pre-commencement condition in order to ensure the needs for safety and security for users of the site are designed into the development, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

15. No dwelling shall be occupied until details of the design and materials of the bin stores and the cycle stores, as shown in principle on drawing no.15/109/201B, have been submitted to and approved in writing by the Local Planning Authority and the bin stores and cycle stores have been

constructed in accordance with the approved details. The bin stores and cycle stores shall be retained as approved at all times.

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

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

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

17. No dwelling shall be occupied until full details of a hard landscaping scheme, including details of boundary treatments, have been submitted to and approved in writing by the Local Planning Authority, and the works have been carried out in accordance with the approved details.

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

18. No dwelling shall be occupied until the 18 car parking spaces, as shown on approved drawing no.15/109/201B, have been constructed in full. These spaces shall be retained for the parking of cars at all times.

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

19. The windows on the north and south facing elevations of Block A and Block B, shown on the approved drawings as being 'fixed obscure glazing' shall have non-opening, fixed lights and be fitted with obscured glazing at all times.

Reason: To prevent overlooking and a loss of privacy to adjoining properties.

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. The Council also gave pre-application advice on the proposal prior to the submission of the application and undertook discussions with the applicant's agent during the application process.
2. Construction standards for works within the highway. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to

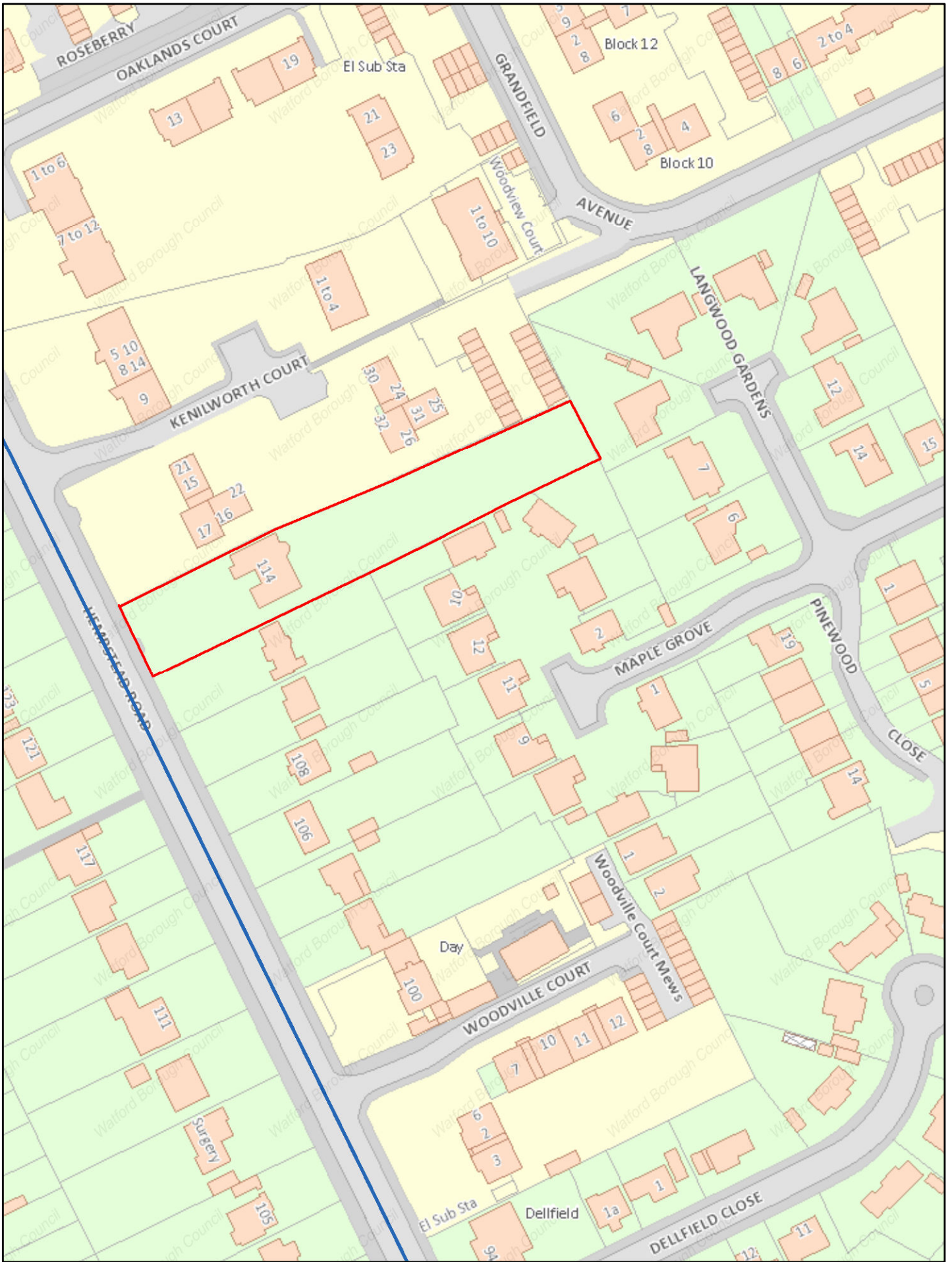
the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Drawings

Site location plan

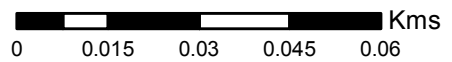
15/109/101B, 102B, 103B, 104B, 201B

Case Officer: Paul Baxter
Email: paul.baxter@watford.gov.uk
Tel. 01923 278284



114 Hempstead Road

Date: 19/01/2016



Scale 1:1,250



Agenda Item 6

PART A	
Report to: Development Management Section Head	
Date of committee	28th January 2016
Site address:	Watford Car Sales, Dome Roundabout
Reference Number :	15/00849/FULM
Description of Development:	The redevelopment of the existing car sales (or the former petrol filling station) to provide a four storey building with eighteen flats (six affordable) and the associated parking, landscaping and altered access arrangements.
Applicant	Howarth Homes Plc
Date Received:	15th June 2015
13 week date	14th September 2015
Ward:	MERIDEN

Summary

The proposal relates to land currently used as a car show room to the north of the Dome Roundabout. The land was formerly used as a petrol filling station. It included the petrol pumps, a high level canopy over the pumps and a single storey sales room.

The proposal involves the erection of a part three and part four storey building to provide twenty one flats, including six affordable housing units. The scheme will include twenty five car parking spaces, an amenity space plus bins and cycle storage space.

The proposal to provide residential accommodation in this location is considered acceptable in principle. The scheme has been subject to negotiation with the applicant and has been revised in accordance the officers recommendations. It is now considered that the proposed development will provide suitable residential accommodation and will respond well to the specific site and location constraints by creating a building of balanced proportions suitable to the site and its surroundings.

The applicant has offered to provide affordable dwelling units. The council's priority for affordable housing provision is for affordable and social rent accommodation. The proposal will meet the policy requirement and therefore it provides an acceptable level of affordable housing.

The Development Management Section Head recommends the application be approved as set out in the report.

Background

Site and Surroundings

The site is located within a prominent location at north of the Dome Roundabout where the A41 North Western Avenue meets the A412 St Albans Road. The site has an irregular shape and is located on the corner of two streets; the front of the site faces the slip road north of the Dome Roundabout, whilst the western side faces Purbrock Avenue.

The site is currently used as an open air car show room with one portable cabin on site. However, prior to this use the application site was used as a petrol filling station and comprised a forecourt area, a petrol station canopy and a single storey structure providing the associated retail store. As well as the demolition of the building and clearing of the site, all the underground petrol tanks have been removed and the site has been decontaminated.

The character of the surrounding area falls into two distinct built forms comprising residential and commercial buildings. Apart from a single storey hot food takeaway immediately to the east of the site, the built form to the north of roundabout is generally residential with a typical suburban character. The residential buildings are primarily of two storeys and are either semi detached or detached, set back from the road with front gardens, and with pitched and hipped roofs. There is a regular rhythm in the residential areas set up by the regularity of the building and gaps between them.

The commercial buildings on the other sectors of the roundabout contain petrol filling

stations and large retail stores. The ground level drops away from the road on the two sectors containing the Sainsbury and Asda stores but rises to accommodate the Shell petrol filling station.

The one exceptional building on the landscape here is the Mirror Print Building which is the most dominant and most significant in terms of its architectural merit. Nonetheless, the most significant characteristic of the area is the dominance of the roads together with the amount of space around the roundabout. The roundabout is approached by long arterial routes which have buildings along them enclosing the space; once the roundabout is reached the buildings give way to a sense of open space and the low lying position of the commercial buildings does not inform the built character in a meaningful way.

As well as proximity to the large retail stores and the petrol filling stations, the site benefits from close proximity to a public library and a doctors' surgery.

Proposed Development

The proposed development involves the erection of a four storey building with the top floor set back. This will be within a single block.

The development proposes the following breakdown of units:

Unit size	No. of Units	Percentage
1 bed flat	4	22%
2 bed flat	14	78%
Total	18	100%

There are 4 entrances to the proposed building, two stair cases and a lift. Two entrances will be from the front and two from the rear.

In total the proposal will provide eighteen car parking spaces. Eleven spaces will be provided to the front of the proposed building. These will be reached via an extended

dropped kerb directly from the slip road to the front. The remaining car parking spaces will be provided to the rear of the proposed building with vehicular access from Purbrock Avenue.

The proposal will provide an amenity space to the rear of the building between the car parking spaces and the building. The proposal will also include the provision of cycle space at the rear adjacent to the garden of 529 St. Albans Road. Two bin enclosures will also be provided; one to the rear near the proposed cycle storage and the other adjacent to the entrance from Purbrock Avenue.

Planning History

07/00437/PREAPP PREAPP 05.04.2007 Pre application enquiry for former BP garage to be used as vehicle sales area, office and valet area

07/00675/PREAPP PREAPP 12.06.2007 Pre application enquiry - Erection of a 3,500 sqft retail unit with residential accommodation on 1st and 2nd floors

08/00821/FUL CPP 24.03.2009 Erection of a three storey building to provide retail shops at ground floor level and 3 x 2 bed and 3 x 1 bed residential flats above plus the provision of associated car parking spaces to the rear and front (amended plans)

2/00532/FUL CPP 16.08.2012 Use of former petrol station site for car sales involving installation of portacabin (Amended description and suffix from "ADV" to "FUL")

2/00906/DISCON DCN 16.10.2012 Details submitted for Condition 5 (Disposal of surface water) pursuant to planning permission 12/00532/FUL.

2/00907/DISCON DCN 16.10.2012 Details submitted for Condition 6 (Parking Layout) pursuant to planning permission 12/00532/FUL.

2/00908/DISCON DCN 16.10.2012 Details submitted for Condition 7 (Boundary Treatment) pursuant to planning permission 12/00532/FUL.

2/00909/DISCON DCN 16.10.2012 Details submitted for Condition 8 (Hard Surfacing) pursuant to planning permission 12/00532/FUL.

4/00576/FUL, 05.06.2014 Permanent planning permission for the use of the former petrol station site for car sales

Relevant Policies

National Planning Policy Framework (NPPF)

Paragraph 17 Core planning principles

Section 1 Building a strong, competitive economy

Section 2 Ensuring the vitality of town centres

Section 4 Promoting sustainable transport

Section 6 Delivering a wide choice of high quality homes

Section 7 Requiring good design

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

Section 11 Conserving the natural environment

Section 12 Conserving and enhancing the historic environment

The following paragraphs have direct relation to the proposed scheme

Paragraph 17 core policies state;

“take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;”

Paragraph 53 of NPPF - Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

At paragraph 56, NPPF explains, “the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”

Paragraph 57 of this document explains, “It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.”

Paragraph 58 advises, Planning policies and decisions should aim to ensure that developments:

- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- And are visually attractive as a result of good architecture and appropriate landscaping.

Paragraphs 60, 61 and 64 states that:

- 'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.
- Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

- '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.'

Paragraph 50, explains, to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
- where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.

Hertfordshire Waste Core Strategy and Development Management Policies

Document 2011-2026

1 Strategy for the Provision for Waste Management Facilities

1a Presumption in Favour of Sustainable Development

2 Waste Prevention and Reduction

12 Sustainable Design, Construction and Demolition

Hertfordshire Minerals Local Plan Review 2002-2016

No relevant policies.

Watford Local Plan: Core Strategy 2006-31

WBC1 Presumption in favour of Sustainable Development

SS1 Spatial Strategy

SPA5 Dome Roundabout

SD1 Sustainable Design

SD2 Water and Wastewater

SD3 Climate Change

SD4 Waste

HS1 Housing Supply and Residential Site Selection

HS2 Housing Mix

HS3 Affordable Housing

EMP2 Employment Land

T2 Location of New Development

T3 Improving Accessibility

T4 Transport Assessments

T5 Providing new Infrastructure

INF1 Infrastructure Delivery and Planning Obligations

UD1 Delivering High Quality Design

UD2 Built Heritage Conservation

GI1 Green Infrastructure

GI3 Biodiversity

Watford District Plan 2000 (saved policies)

SE7 Waste, Storage, Recovery and Recycling in New Development

SE20 Air Quality

SE22 Noise

SE23 Light Pollution

SE24 Unstable and Contaminated Land

SE27 Flood Prevention
SE28 Groundwater Quality
SE36 Replacement Trees and Hedgerows
SE37 Protection of Trees, Woodlands and Hedgerows
SE39 Tree and Hedgerow Provision in New Development
T10 Cycle Parking Standards
T21 Access and Servicing
T22 Car Parking Standards
T24 Residential Development
T26 Car Free Residential Development
E1 Employment Areas
U15 Buildings of Local Interest

Supplementary Planning Guidance

Residential Design Guide (RDG)
Watford Character of Area Study

Supplementary Planning Guidance Notes

A revised Watford Residential Design Guide 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

The following properties were notified:

5 Fellowes Close, Watford, Hertfordshire, WD25 0BB

4 Fellowes Close, Watford, Hertfordshire, WD25 0BB
3 Fellowes Close, Watford, Hertfordshire, WD25 0BB
2 Fellowes Close, Watford, Hertfordshire, WD25 0BB
1 Fellowes Close, Watford, Hertfordshire, WD25 0BB
1A Purbrock Avenue, Watford, WD25 0AD,
Little Waitrose, St Albans Road, Watford, WD24 7RU
557 St Albans Road, Watford, WD25 9JH,
555 St Albans Road, Watford, WD25 9JH,
553 St Albans Road, Watford, WD25 9JH,
549 St Albans Road, Watford, WD25 9JH,
545 St Albans Road, Watford, WD25 9JH,
16 North Western Avenue, Watford, WD25 0AE,
10 North Western Avenue, Watford, WD25 0AE,
547 St Albans Road, Watford, WD25 9JH,
551 St Albans Road, Watford, WD25 9JH,
Watford Pizza, 529 St Albans Road, Watford, WD25 9JH
14 Purbrock Avenue, Watford, WD25 0AD,
12 Purbrock Avenue, Watford, WD25 0AD,
10 Purbrock Avenue, Watford, WD25 0AD,
8 Purbrock Avenue, Watford, WD25 0AD,
6 Purbrock Avenue, Watford, WD25 0AD,
4 Purbrock Avenue, Watford, WD25 0AD,
3 Purbrock Avenue, Watford, WD25 0AD,
1 Purbrock Avenue, Watford, WD25 0AD,
14 North Western Avenue, Watford, WD25 0AE,
12 North Western Avenue, Watford, WD25 0AE,

3 Replies were received citing the following objections:

- The development is over sized and not compatible with the surrounding two storey houses

- It will be feasible to construct with a 3 storey building
- The additional traffic will cause further problem with parking and increase the road accident hazard
- There will be significant disturbance during construction period
- The proposed density is too high and there is no recreation for the children

Statutory consultations

Thames Water

Have made the following comments;

Waste comments

- *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 your 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. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.*
- *Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface 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. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.*

Water Comments

- *With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.*

Hertfordshire Constabulary

Have made the following comments;

I am writing regarding planning application 15/00849/FULM at Watford Car Sales, Dome Roundabout, Watford for change of use and redevelopment of car sales site (former petrol

filling station) to provide a four storey building with eighteen flatted units (six affordable) and associated parking, landscaping and altered access arrangements.

1. **Security & Secured by Design physical security:** This was not mentioned within the Design and Access Statement.

To alleviate any concerns regarding security for the proposed development, I would look for the development to be built to the physical security of Secured by Design part 2, which is the police approved minimum security standard. This would involve:

- a. All exterior doors to have been tested to BS PAS 24:2012 or STS 202 BR2
- b. All individual flat front entrance doors to BS Pas 24:2012 (internal specification).
- c. Ground level (easily accessible) exterior windows to BS Pas 24:2012. All glazing in the exterior doors, and ground floor (easily accessible) windows next to doors to include laminated glass as one of the panes of glass.
- d. Due to the number of flats, there should also be audible and visual access control at the pedestrian entrances to the block. Such access control must NOT have a Tradesman's Button fitted as this assists offenders to gain entry during the day to break into the flats.

These standards are entry level security and meet the Secured by Design part 2 physical security standard. Building to the physical security of Secured by Design, which is the police approved minimum security standard, will reduce the potential for burglary by 50% to 75%. I would encourage the applicants to seek Secured by Design certification to this standard when it is built.

2. **Postal delivery:** What is the intention for postal delivery? Tradesman's buttons should not be allowed, because the Post Office have amended the hours to which they require access to deliver mail (7am to 2pm winter and summer). Because the communal door is not secure for so long, this allows offenders into the block during the day, where they can break into the flats whilst residents are at work. Postal delivery needs to be planned for: Secured by Design gives various options (see New Homes design guide at www.securedbydesign.com), also the local post office may accept having an access fob to allow them entry to deliver the mail.
3. **Boundaries:** The current site boundaries are tired and dilapidated and I would expect these to be renewed. There should also be some boundary treatment between the east side of the residential block to the pizza shop to stop casual intrusion all the way around.
4. **Lighting:** I know this would be more reserved matters but mention it now. The rear parking area should have suitable lighting so residents can see their vehicles and the cycle stores. Bollards would not be an appropriate choice because they do not project sufficient light at the right height to aid facial recognition and reduce the fear of crime.

Conservation Area Officer

The Conservation and Design Team were consulted on the original scheme. And made the following comments;

- The site in question is very prominent and it is important that the design of any new development here is of a high standard of design. Unfortunately, the proposed scheme is disappointing in a number of areas. A more comprehensive form of development, including the single storey building at number 529, would have

resulted in a less awkward arrangement than that currently proposed. Taking the site boundary as given, the scheme fails to respond adequately to the context of the streetscene. The site is surrounded by a mixture of one and two storey buildings, with the proposed four storey structure being entirely out of scale with the local character. In addition, the recessed third storey looks out of place and does not relate well to the main section of the front elevation. A more acceptable approach would be a two storey building, with a recessed second storey.

- *The proposed front balconies are positive in that they provide some additional external space, but it is questionable how private they will feel overlooking a busy road junction. Recessed balconies on the front might work better, with this detailing used to articulate the elevation. In addition, glass fronted balconies are typically subject to retrospective additions of screening (to improve privacy), which results in a scruffy and inconsistent appearance. Such an approach should be avoided.*
- *The western elevation lacks vertical emphasis and has clumsily horizontal fenestration treatment, while the rear elevation is of poor design quality in general. The proposed fenestration on the east elevation does not consider potential future redevelopment of the adjacent site and may present overlooking issues. In general the design of the building fails to meet the Council's policy on approving high quality architecture, with a very bland and technically deficient scheme proposed.*
- *To improve the conditions for future residents, it would be better if the building depth was reduced (to facilitate better rear amenity space and outlook) and to make the units dual aspect. The internal arrangements are also questionable with regards to the eastern part of the building. A separate entrance and stairwell are included for the three units at this end, which is very space inefficient. Typically, separate entrances are proposed for developers for affordable housing, but six affordable units are proposed on this development, so the current arrangement does not make sense.*
- *The two areas of car parking are poorly landscaped and need to be broken up more with tree planting and landscaped strips. Reducing the quantum of development will reduce the need for the current provision of parking, which will free up space for better landscaping.*
- *The private amenity space is of a scale and format that will provide limited utility to future residents. As the front of the site faces onto a very busy road junction, it would be preferable if a decent sized amenity space was provided to the rear of the new build. A single cycle store is likely to be more space efficient than what is currently proposed.*

Following the comments, the officers met with the applicant and the scheme has been amended several times in accordance with the officers' advice. The design team are now satisfied that the scheme will make a positive contribution to the character and

appearance of the area.

Herts Sustainable Urban Drainage Strategy team has been consulted, making the following comments;

RE: 15/00849/FULM - Watford Car Sales, Dome Roundabout, Watford, WD25 0AE

The authority is now satisfied that the proposal will achieve the objective and have recommended conditions which will be attached to this decision.

Herts. Highways have been consulted. Their comments are summarised below:

The highways authority has objected to the scheme on the basis that they had not received the ideal level of information in respect to highways safety, however have also suggested conditions should the local planning authority be minded to grant permission. In this respect, they indicated that ideally swept path analysis together with a stage one road safety audit. Notwithstanding this, a detailed reading of their comments indicates that they consider the access and manoeuvring arrangements are appropriate. The Highway Authority has also explained that the development of this size is considered to have a minimal impact on the Highway Network and was satisfied that the number of parking spaces would satisfy the local authority parking standards.

The Highway authorities have been consulted with respect to revised scheme and their observation will be further reported to the committee. However, on the basis of the comments received to date it is considered that the objection was precautionary and that the scheme would, subject to appropriate conditions, not raise any concerns with respect to highways safety.

Environmental Health

Environmental Health have been consulted and raised some concern that cooking smells and fumes from the adjacent hot food takeaway shop will cause odour nuisance to the future occupiers of the proposed residential block.

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.

The *National Planning Policy Framework* (NPPF) sets out the Government’s planning policies for England and seeks to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. The NPPF was published on 27th March 2012 and is a material consideration in planning decisions. It does not change the statutory status of the development plan as the starting point for decision making. Planning Policy Guidance Notes and Statements have been cancelled and replaced by the NPPF.

A revised Watford Residential Design Guide 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).

The Local Development Framework Core Strategy was submitted to the Secretary of State for Communities and Local Government on 28 February 2012. Hearing sessions were held from 12 to 19 June 2012 and were followed by public consultation on proposed modifications from Monday 31 July to Monday 10 September. The Inspector concluded that the Watford Core Strategy provides an appropriate basis for the planning of the Borough to 2031 providing a number of modifications are made. These modifications were the subject of the summer 2012 public consultation. The Core Strategy is therefore sound and legally compliant in the view of the Inspector. The Core Strategy was formally adopted at a Council meeting on 30th January 2013. It is a material consideration and should be afforded considerable weight in the determination of planning applications.

The *Watford Character of Area Study* was approved by the Council's Cabinet as a Supplementary Planning Document on 5th December 2011 and is a material consideration of significant weight in the determination of planning applications.

Planning Assessment

The main issues to be considered are as follows;

- The acceptability of the proposal in land use terms, dwelling and tenure mix and the quality of life for the future occupiers.
- Whether the proposal is considered acceptable in design
- The impact upon the amenities of the adjoining occupiers
- Whether the proposal will provide sufficient amount of parking spaces and the impact upon highway safety
- Whether the proposal will incorporate appropriate measures to address the impact of development upon local public infrastructures.

Land use and the housing policies

Policy HS1 of the Core Strategy lists some of the criteria that will be taken into account in assessing the suitability of windfall sites for residential use. In this case, the site is brownfield land, is close to an existing local centre (Two supermarkets, and North Watford shopping centre), is not at risk of flooding (Flood Zone1, low risk), has some access to public transport and is not precisely allocated for other uses. Furthermore, there is not any heritage significance for the building and the site has no biodiversity or landscape significance.

Policy SPA5 requires that in order to bring back a more balanced uses in the area, there shall not be any increase in retail uses. The proposal does not include retail, but purely residential. Therefore the proposal to establish residential accommodation here in principle is considered acceptable.

Policy HS2 gives guidance on the mix of dwelling sizes. The proposal will provide flatted development providing 1 bed and 2 bed flats. It is considered that the proposed mix of flats is acceptable in this location.

The Technical housing standard (THS) – nationally described space standards gives guidelines for minimum unit sizes for new dwellings. The breakdown of flat sizes proposed is as follows:

Unit size	THS floorspace	Proposed floorspace
1 bedroom 2 person flat	50m ²	50-52.9m ²
2 bedroom 3 person flat	61m ²	57-88.5m ²

Overall, it is considered that the proposal would provide adequate floor space to provide adequate amenity for future occupiers with only two flats falling marginally below the standards and a number significantly exceeding them.

Half the flats will be single aspect, facing either south (front) or north (rear) but the other half will be dual aspect units. The reason for single aspect units is due to the depth of the footprint of the building. Although the north facing units will receive little or no direct sunlight, with this exception, all of the flats will have good levels of outlook, natural light, privacy and generally benefit from a terrace. As the plot in which the building is located, is quite wide and deep, it will not be practically or economically feasible to provide a narrow building which could incorporate with dual aspect units for all flats.

As well as terraces the proposal will provide about 180m² of amenity space which is well in excess of the RDG standards.

The proposal will therefore provide good standard of accommodation for the future occupiers of the site.

Policy HS3 requires all developments of 10 units or more to provide 35% of the units as

affordable housing. The proposed development of 18 units would therefore require 6.3 of these units to be for affordable housing. The applicant has shown willingness to provide 6 affordable housing units based on the tenure mix on Policy HS3 (65% affordable rent, 20% social rent and 15% shared equity). This tenure mix breaks down as 3.9 affordable rented units, 1.2 social rented units and 0.9 shared equity units.

Aesthetic Considerations

The adopted Residential Design Guide, states that, “Generally, the need to respond to context is greatest for small infill sites or where larger schemes adjoining existing development. Policies SD1 and UD1 of the Core Strategy (CS) seek to ensure that all new developments are based on an understanding of the local characteristics of the surrounding area. Particular regards should be paid to the height, size, roof pitch use of materials, textures finishes, size and scale of windows and door opening and the impact on the street scene.

At national level, the government’s planning guidance’s places a strong emphasis towards the creation of high quality environment through good design. The NPPF, at Paragraph 111 states that, ‘Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land’.

The proposed scheme has been designed to responds to these challenges in the following fashion:

- **Building line:** The building has been lined up with the strong building line set by the houses in North Western Avenue and St. Albans Road.
- **Height:** The building will be partly four and partly three storey. The height will be gradually reduced from the Purbrock Avenue to the other corner, reflecting the drop in the natural ground level. The proposal will be higher than the two storey houses but not to a significant degree. The increased in height is justified due to the open

character of the wide roads and the roundabout which will require a stronger edge which could only be provided by a more robust building.

- **The rhythm:** The surrounding residential area has well defined plot widths and regular gaps between buildings. This is probably the most important component along with building height and building line to achieving a successful scheme on this site. The proposed scheme does not provide separate buildings but its design incorporates features which follow the general rhythm of the buildings as follows:
 - **Tower feature, Windows and Entrances:** These are important in reinforcing the vertical separation and rhythm of the street. The existing pattern of separate houses has a separate entrance on the front for each house. The proposal will incorporate a tower element, two entrances which are arranged so that the ground floor incorporate accesses within two vertically separated elements, with the two stair case tower as a separating feature within the front elevation. The fenestration pattern has been vertically arranged with windows closer together.
 - **Materials and other architectural features:** The use of materials plus incorporating recesses, set backs and other features, have also been used to reinforce the vertical emphasis of the building and also to provide some separation between each floors.

Therefore, the combination of patterns of fenestration together with the position of the staircase and the use of materials and the position of entrances all contribute towards creating a strong vertical emphasis in the design in order to create a rhythm of development which is analogous to the neighbouring residential buildings.

The proposed building, in terms of its layout and footprint, reflects the site configuration. The design emphasis has been concentrated on the North Western Road elevation which faces the higher order road. However, the return frontages have not been ignored. The south west corner has been splayed and incorporates windows similar in proportion and style to the front elevation. The tower feature incorporates windows on the opposite corner

are paired on a horizontal line to give an effect of a wrap round the return frontage to Purbrock Avenue. This strategy will appear to connect the two façade planes and allow a transparency 'through' the corner creating visual interest. The return frontage will also incorporate elongated windows to ensure a visual interest is maintained and alleviate its bulk. It is considered that the treatment of each corner in a different fashion gives the building an additional stature.

The design has also paid a particular attention to the rear elevation through the design and location of windows and entrances, hand rails, metal balustrades and recessed fourth floor to maintain a dynamic role.

The main materials to be used are brick. However, the design also includes render which is a feature to be found on surrounding residential properties. Other materials used include aluminium for windows, metal balustrades and hand rails and metal cladding. The careful use of a variety of materials as proposed will enhance the detailing of the elevations and reinforce the building's ability to fill the existing gap in the urban fabric. The architectural features described above and the variety in materials all help to break down and alleviate the massing of the building to avoid any issue of dominance, as well as creating a building which will integrate well with its site and surroundings.

The articulation in the design will ensure that the proposed scheme responds well to the pattern of the development in the vicinity. This approach complements the materials and style of the surrounding buildings. Overall, therefore, the proposed development is an acceptable and appropriate form of development for the site and its constraints and provides a building of well balanced proportions suitable to the site and its surroundings.

Impact on neighbouring properties

This is almost an island site where it is separated from its other neighbours by roads. The only building which has a boundary with the application site is number 529 North Western Avenue which is a take-away restaurant.

The building generally follows the building line of the houses in Great North Western Avenue. Further the building is approximately 24m away from the flank elevation of the nearest building in Purbrock Avenue. Therefore, the proposal will not result in a significant loss of light to the neighbouring building. Nor would it cause any sense of enclosure to the occupiers of the adjoining building. Further, given the distance it will not result in loss of privacy to the occupiers of the nearby residential buildings.

Given its location, scale and height and the distance from the neighbouring buildings the proposal will not have a significant impact upon the residential amenities of the nearby rear residents.

Transportation, access and parking

The site is located on a busy road that is a bus route close to shops and other amenities. Some dwellings benefit from off-street parking, but except for the stretch of the main road to the front of the site, on-street parking is permitted in the adjacent roads. These roads are not within a Controlled Parking Zone and, therefore, the Council has no power to restrict the issue of parking permits for the future resident occupier of the site.

Policy T22 expects all development to comply with the parking standards in Appendix 2 which are demand based maxima. The commentary note says that the level and location of parking provided can encourage or discourage users of a development to travel to and from the site by means other than the car. Appendix 2 says that the standards are intended to restrict over-provision and over-capacity and to encourage the use of alternative transport modes to assist in the control or reduction of traffic. Policy T9 refers to cycle parking standards. Policy T24 states that permission for residential use will only be granted where full parking needs can be met on site or off the public highways, unless the location has good access to passenger transport.

In this case the proposed 18 flats will be likely to lead to some parking demand which has been considered appropriate if these were to be provided within the site. The proposal will provide 18 car parking spaces, 11 of which will be provided to the front and 7 to the rear.

The access to the rear will be from the existing vehicular access in Purbrock Road. The car parks are arranged on two rows with sufficient distance to be manoeuvred within the site and be able to enter and egress the site in a forward gear manner. Here, the scheme has indicated sight lines which demonstrate there will be sufficient visibility splay for road safety purposes. The parking spaces to the front will be directly off the slip road, via a dropped kerb.

The proposal will use the existing vehicular accesses to the site and therefore no new vehicular access will be created.

In terms of traffic generation, account must be taken of the previous use of the site. It is considered that the trip generation of the proposed development is likely to be far lower than that of the site's previous use as a petrol filling station or its current use as car showroom. Therefore the proposal will have a lesser impact upon the traffic situation than before.

In this case the proposed development will be unlikely to lead to significantly greater on-street car parking demands than the provision that is proposed to be made. Given the scale of the development, the proximity to alternative public transport options and close proximity to the shops and services nearby (and considering the previous use of the site as petrol filling station and its current use a car sales showroom), it is considered that the proposal will not have a significant detrimental impact upon the parking or traffic conditions in the locality.

It should be noted that the proposal incorporates space for the provision of cycle storage which is considered acceptable.

The scheme has been revised in order to allow a better pedestrian environment around the site. The new layout will incorporate contrasting paving to delineate pedestrian route from the pavement to the island to the front over the slip road.

It is anticipated that the site will be secured by boundary treatments, the details of which will be subject to condition. Further detail will be required by means of conditions to ensure that a secure cycle storage space is provided. It is considered that the proposal (subject to conditions) will be acceptable in terms of safety and crime reduction.

Subject to the conditions outlined below the proposal is considered acceptable in terms of its impact upon highway conditions.

Trees and landscaping

There are no trees or landscaping within the site boundary. However, this aspect of the development, along with the design, has been considered and the scheme incorporates soft landscaping as follows:

- Trees will be planted to the front of the building so as to integrate with the design of the building. The space allocated to these trees will allow them to grow to sufficient height and maturity.
- The scheme also allows gives an opportunity to provide further tree planting to the rear. It is intended to provide trees around the perimeter of the site.
- There are opportunities to provide landscaping around the building as well as the provision for the amenity space to the rear.
- The flat roof area at the third floor level will also be landscaped and will provide amenity space for the occupier of the one of the flat.

It is considered that the proposed landscaping will positively contribute to the character of the development by introducing trees, shrubs and grass to an area currently devoid of any soft landscaping.

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

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 6 of the units as affordable housing units, in accordance with Policy HS3 of the Watford Local Plan Core Strategy 2006-31.
- ii) The provision, as necessary, of fire hydrants to serve the development in accordance with Policy INF1 of the Watford Local Plan Core Strategy 2006-31 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 site is located in a prominent location within an area which generally falls into to one of two characters: either one of generally uniform residential buildings or one which is dominated by roads and where there is no uniformity or coherent built form. From a townscape point of view the gap created by the removal of the petrol filling station building provides an opportunity to create a building which could knit together the built form of the urban areas to either side.

Consideration of objections received

The objections received regarding this proposal have been summarised in the consultations section above. The points raised in respect of bulk, height and density have been addressed in the main report above.

The issues with regards to loss of daylight, outlook and privacy have been addressed above. The impact of the proposed development upon the amenities of the neighbouring occupiers will not be so significant to warrant a refusal on these grounds. Similarly the impact of the proposed development upon the safe and free flow of traffic is considered acceptable.

The issues with regards to nuisance associated with construction work would be addressed through conditions with further protection under the remit environmental health legislation.

Conclusion

The proposed development is considered to make a positive contribution to the character of the area without any significant harm to the amenities of the adjoining occupiers.

Of the 18 units proposed, 6 are to be affordable – ensuring that the level of affordable housing provision meets the Council’s minimum 35% threshold. The proposed tenure and size of the units will ensure that a suitable mix of housing is provided for a location of this type.

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 1

Grant planning permission subject to terms of legal agreement and the condition as set out in the report.

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:- 15/3365/6B, 15/3365/7D, 15/3365/8B, 15/3365/9A, 15/3365/11B and site location plan.

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

Hours of Construction

3. 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 and finishes

4. Notwithstanding the information already submitted, no construction of the approved buildings shall commence until details of the materials to be used for all the external finishes of the buildings including all external walls, roofs, doors, windows, balconies and canopies, rainwater and foul drainage goods have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the details approved under this condition.

Reason: To ensure that the development applies high quality materials that makes a positive contribution to the character and appearance of the area in accordance with the provisions of the Residential Design Guide (RDG) and Policies SS1 and UD1 of the Watford Local Plan Core Strategy 2006-31. Whilst some details of the materials have been provided with the application submission, including samples, details of the full palette of materials and further samples are required to ensure that all materials complement each other. This is a pre-commencement condition as these details need to be agreed with the Local Planning Authority before the works commence.

Construction Environmental Management Plan

5. No demolition or construction works shall commence within the site 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 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 development is being constructed, pursuant to Policies T24 and SE22 of the Watford District Plan 2000. This is a pre-commencement condition as these details need to be agreed with the Local Planning Authority before the works commence.

Surface water management

- 6 The development permitted by this planning permission shall be carried out in accordance with the drainage strategy produced LANMOR Consulting, reference 150714/DS/NJ/KBL/01 dated 24th November 2015 and mitigation measures detailed within the FRA
- Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 5 l/s during the 1 in 100 year event + climate change event.
 - Providing underground 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 providing a minimum of 11.2 m³ of total storage volume in underground attenuation tanks and permeable pavements, as shown point 4.4.5 of the drainage strategy.
 - Discharge of surface water from the site into the Thames Water sewer network.

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 storage of surface water from the site and to ensure that the site will be effectively drained during the lifetime of the development.

- 7 No development shall take place until the final design of the permeable pavements, underground attenuation tanks and the rest of the drainage network is completed and sent to the LPA for approval. An attenuation volume of 11.2 m³ should be provided by permeable pavements and underground attenuation tanks. The design of the permeable pavements should be in line with best practice standards as shown in The SuDS Manual. The design of the drainage scheme shall also include:
- Details of how the permeable pavements, underground attenuation tanks and the rest of the elements of the drainage network shall be maintained and managed after completion.
 - Detailed engineering details of the design of the proposed permeable pavements in line with The SuDS Manual (CIRIA C-753)

Reason:

To ensure that the site can effectively be drained during the lifetime of the development and to ensure that water treatment is provided to surface runoff before being discharged into the sewer network

Landscaping

- 8 No development shall commence on site until a hard and soft landscaping scheme for the site (including a detailed method statement covering tree planting, tree, shrub and grass specie, planting size and density and all hard surfacing materials) shall be submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping shall be carried out prior to the first occupation of any part of the development and shall be retained at all times. The soft landscaping

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 in accordance with Policy SE36 of the Watford District Plan 2000 and Policies SS1 and UD1 of the Watford Local Plan Core Strategy 2006-31.

Parking, driveway and manoeuvring layout

- 9 Prior to the commencement of the use hereby permitted the vehicular access (incorporated into a detailed plan to be produced by the applicant) shall be upgraded / widened to a minimum width of 5.5 metres in accordance with the Hertfordshire County Council residential access construction and in accordance with the Roads in Hertfordshire Highway Design Guideline 3rd edition.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or public safety along the adjoining highway, in accordance with Policies T21 and T24 of the Watford District Plan 2000.

- 10 Prior to the first occupation of the development hereby permitted, a visibility splay measuring 2.4 x 43 metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or public safety along the adjoining highway, in accordance with Policies T21 and T24 of the Watford District Plan 2000.

Bin storage

- 11 Notwithstanding the information already submitted, details of the size, type, siting and finish of the free-standing refuse and recycling storage enclosure shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any part of the development hereby approved. The store approved under this condition shall be installed and made available for use prior to the first occupation of any part of the development and shall be retained at all times for refuse/recycling only and shall not be used for any other purpose.

Reason: In the interests of the visual appearance of the site and to ensure that adequate waste storage facilities are provided in accordance with Policy SE7 of the Watford District Plan 2000 and Policies UD1 and SD4 of the Watford Local Plan Core Strategy 2006-31.

Levels

- 12 Notwithstanding the information already submitted, no construction of the approved buildings shall commence until detailed plans showing the existing and new or altered ground levels within the site and the floor levels of all the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the details approved under this condition.

Reason: To ensure that the proposed buildings and any other changes in level on the site maintain a satisfactory relationship between the development and existing properties to safeguard the character and appearance of the area and the privacy and amenities of neighbouring properties in accordance with the objectives of Policies UD1 and SS1 of the Watford Local Plan Core Strategy 2006-31. Details of

all the levels have not been specified within the application submission and these details need to be agreed with the Local Planning Authority before the works commence.

- 13 No development shall commence on site until a scheme to protect future residents from smells and odour being discharged from the adjacent hot-food take-away shop has been submitted and approved in writing by the local planning authority. Thereafter the approved scheme shall be implemented prior to the first occupation of the site.

Reason; To protect the amenities of the future occupiers of the site.

- 14 The dwelling shall not be occupied until the drive, the access, car parking spaces as indicated on the drawings hereby approved have been laid out and constructed in accordance with the approved details and are available for use for the future occupier of the site.

Reason: To minimise danger, obstruction and inconvenience to users of the highway and the access.

Informatives;

1. In dealing with this application, Watford Borough Council has considered the proposal in a positive and proactive manner having regard to the policies of the development plan as well as paragraphs 186 and 187 of the National Planning Policy Framework and other material considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended.
2. This planning permission is accompanied by a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to secure the provision of 6 affordable housing units and the necessary fire hydrants to serve the development.

The undertaking also secures a contribution towards the variation of the Borough of Watford (Watford Central Area and West Watford Area) (Controlled Parking Zones) (Consolidation) Order 2010 to exclude future residents of the Development from entitlement to resident parking permits for the controlled parking zones in the vicinity of the Land in accordance with saved Policy T24 of the Watford District Plan 2000.

3. Before commencing the development the applicant shall contact Hertfordshire County Council Highways (0300 123 4047) to obtain i) their permission/ requirements regarding access for vehicles involved in the demolition of the existing buildings; 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. Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Should there be any obstructions on the public highway, footpath, grass verge, i.e. trees, posted signs, telegraph pole, lamp columns, drainage gullies etc, then permission for removal and/or repositioning will need to be gained before work can commence on site. The applicant will need to be aware that they will/may be required to fund this work. All to the satisfaction of the Local Authority.
4. The Highway Authority requires the alterations to, or the construction of, the vehicle crossover to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. The applicant will need to apply to Highways (Telephone 0300 1234047) to arrange this or use link:-<https://www.hertsdirect.org/droppedkerbs/>
- 5 Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway

Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

- 6 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface 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. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

- 7 Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at www.thameswater.co.uk

- 8 With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company, The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.
- 9 All new units granted planning permission and to be constructed requires naming or numbering under the Public Health Act 1925. You must contact Watford Borough Council Street Naming and Numbering department as early as possible prior to commencement on streetnamenumbers@watford.gov.uk or 01923 278458. A numbering notification will be issued by the council, following which Royal Mail will assign a postcode which will make up the official address. It is also the responsibility of the developer to inform Street Naming and Numbering when properties are ready for occupancy.
- 10 The development that is hereby approved is liable for contributions under the Community Infrastructure Levy (CIL). Please contact the Planning Support team at Watford Borough Council (tel 01923 278327) if you have any queries about the procedure to be followed as regards making those contributions prior to the commencement of the development.

Drawing numbers

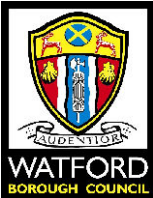
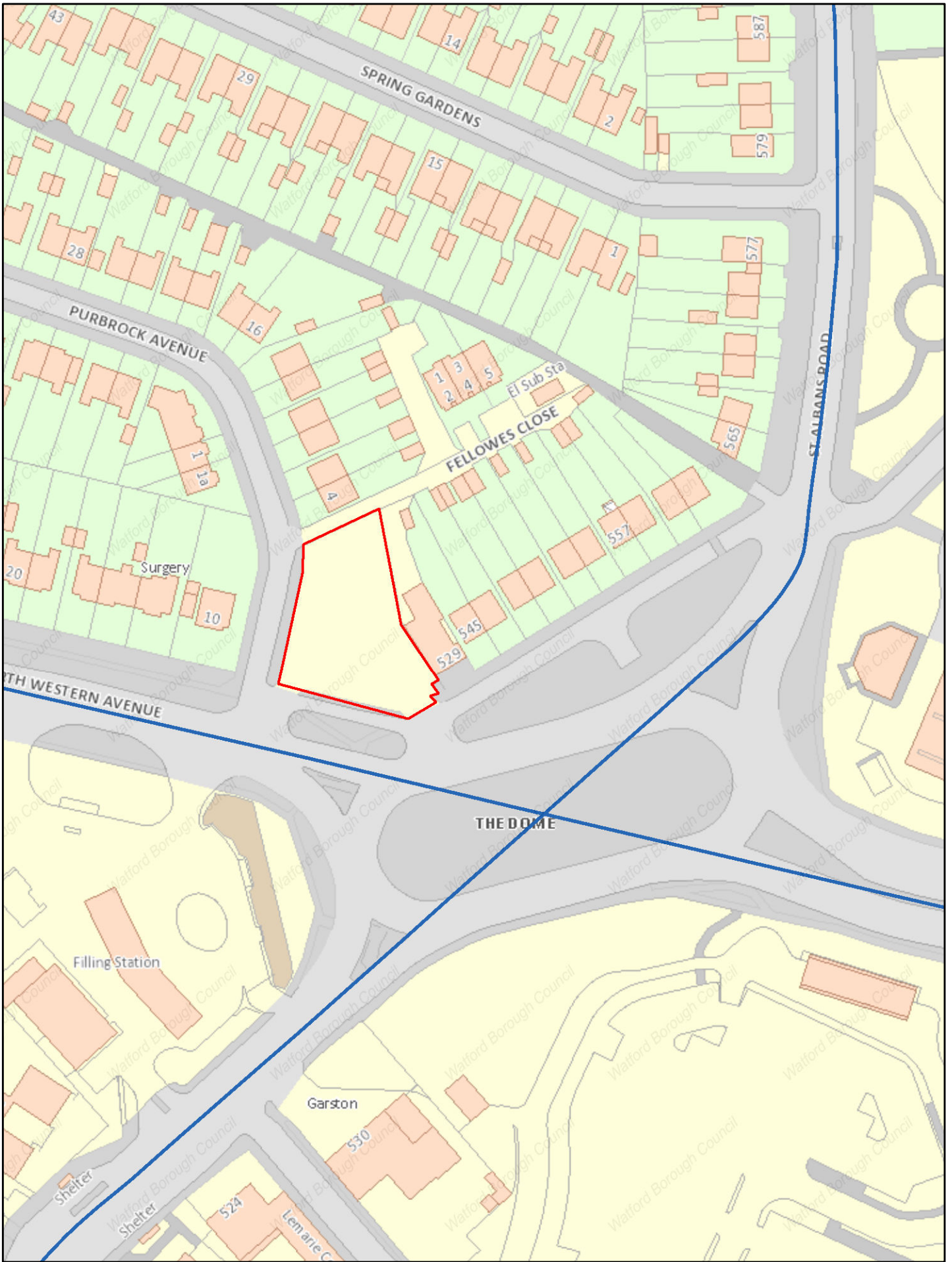
15/3365/6B, 15/3365/7D, 15/3365/8B, 15/3365/9A, 15/3365/11B and site location plan.

Recommendation 2

In the event that no Section 106 planning obligation is completed by 31st January 2016 in respect of the Heads of Terms set out above, the Head of Regeneration and Development be authorised to refuse planning permission for this application for the following reasons:

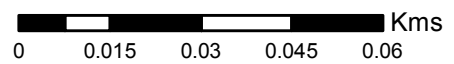
1. The proposal fails to make provision for affordable housing and as such is contrary to Policy HS3 of the Watford Local Plan Core Strategy 2006-31.
2. The proposal fails to make provision for fire hydrants to serve the development and as such is contrary to Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and saved Policy H10 of the Watford District Plan 2000.

Case Officer: Habib Neshat
Email: habib.neshat@watford.gov.uk
Tel: 01923 278285



Watford Car Sales, Dome Roundabout

Date: 19/01/2016



Scale 1:1,250



Agenda Item 7

PART A	
Report to: Development Management Section Head	
Date of committee:	28th January 2016
Site address:	200 and 204 Rickmansworth Road Watford, Hertfordshire, WD18 7GH
Reference number:	15/01203/FULM
Description of development:	Existing office building and workshops at no. 200 Rickmansworth Road and existing Ford dealership at no. 204 Rickmansworth Road to be demolished and replaced with new motor vehicle dealership with showroom, workshop and forecourt for display of vehicles. Change of use from Business Offices (B1) to Motor Dealership (Sui Generis)
Applicant:	Hartwell PLC 2 Chawley Park Cumnor, Oxford, Oxfordshire, OX2 9GG
Date received:	26th August 2015
8 week date (minor):	29th January 2016
Ward:	Park

SUMMARY

The application is to demolish the existing buildings at 200-202 (industrial buildings) and 204 (a Ford car dealership) Rickmansworth Road. A new, larger car showroom would be built on the site. The proposal is considered acceptable in terms of the use, the design, its relationship to neighbouring properties, its impact on the public highway, and the way in which rainwater would be disposed of. Neither of the existing buildings is aesthetically valuable, and the proposed new building will stand farther away from the adjacent Listed Building than the current showroom does, thereby improving its setting. The Development Management Section Head recommends that the application be approved subject to the conditions that are set out in the report.

BACKGROUND

Site and Surroundings

200 Rickmansworth Road (Tinsley House) is an industrial building, the front part of which has been vacant for some time, while the rear part consists of vehicle workshops associated with the Sky Ford car dealership that occupies 204. The two plots combined make up the application site. The car dealership is small by modern standards, being a modest single storey building. Cars are displayed on its forecourt, and also on the forecourt of 200.

There are no planning designations or protections in place on this site. This is not a

Conservation Area and there are no nationally or locally listed buildings on the site itself; although the neighbouring property to the west of the Ford dealership is Cassio Bridge Lodge, which is a Grade II nationally listed building (see below for details). There are no protected trees on or near the site. To the west of Cassio Bridge Lodge lies an open area of green space which is part of the Cassiobury Park Local Nature Reserve, and the River Gade runs through that.

There is an unrelated vehicle hire business next to the application site at 176-186 Rickmansworth Road. It stands between the site and the junction with Queen Mary's Avenue, which is a residential cul de sac. Giving off Queen Mary's Avenue is Royal Court, which is a modern residential development. Some of the flats on that street are in a block that lies behind part of the application site (behind Tinsley House).

Behind the Ford showroom is another block of flats, which is part of an older development called Sheraton Mews, which is accessed from Gade Avenue.

Adjacent Listed Building

Cassio Bridge Lodge is a Grade II nationally listed building which stands beside this site at 67 Gade Avenue. It was listed on 07.01.1983. The following text is taken from our document Nationally Listed Buildings In Watford (2014):

Early C19 picturesque timbered lodge to Cassiobury Park. Plain tile roof with central brick and stone chimney with cluster of 4 stacks. Two storey, gable ended with gabled

side wing to left and 2 storey porch to right. Lodge is entirely clad in small split logs set in patterns of squares and lozenges and applied in short vertical lengths to the bargeboards. Leaded light casements. Three sided window bay with tiled roof projects from road front ground floor. Originally built for 2 families, and illustrated in Britton's Account of Cassiobury 1837.

This is one of several lodges to the former Cassiobury (Estate) of the Earls of Essex which has survived (see also listings 38 and 39) and is unusual for the way it is faced with split logs of different sizes instead of the more common timber boards.

Proposed Development

The proposal is to demolish the existing buildings on the site and to erect a new car sales showroom.

Additional Documents Submitted / Extension of Deadline

This application was originally received on 26.08.2015 . Consultations in relation to the original proposals were sent on 10.09.2015. The application as submitted gave rise to a number of concerns. Of particular concern were the absence of documentation relating to soil contamination, rainwater drainage and access arrangements for delivery vehicles.

The front elevation drawing was also felt to be insufficiently detailed. It was also found that the applicants had failed to apply to Hertfordshire County Council for approval of their rainwater drainage arrangements.

An extension of the timescale for determination of the application was therefore agreed in order to allow for preparation and submission of additional documentation and improvements to the scheme to us as the Local Planning Authority, and to Hertfordshire County Council as the Lead Local Flood Authority. It was agreed that the deadline would be extended until 29.01.2016 to allow the case to be considered by the Development Management Committee at their meeting on 28.01.2016. The additional documents that had been requested were received on 03.12.2015, and a second batch of consultation letters were sent to the neighbours on the same day.

Planning History

This site has a long Planning history. The following list is of those applications that are relevant or of interest in this case. It shows that the site changed from being a petrol filling station to a vehicle sales premises in the early 1980s.

13/01231/PREAPP – A letter of advice was sent on 18/12/2013 in response to a pre-application enquiry for a proposal to demolish the existing car dealership and industrial building and to erect a new car dealership building with associated parking space. The advice given was that the proposal was likely to be acceptable in principle, but that more detail should be provided with any application for planning permission.

88/00713/FUL – Conditional planning permission was granted on 14.08.1989 - Extension to car showroom.

86/00709/FUL – Conditional planning permission was granted on 31.08.1989 - Section 32 Application. Continued use of Unit B1 for motor vehicle servicing and Unit A1 for parts storage both in conjunction with existing motor garage and showroom.

86/00479/FUL – Conditional planning permission was granted on 10.09.1986 - Conversion of car workshop area into showroom, external alterations to building.

84/00311/FUL – Conditional planning permission was granted on 22.08.1984 - Use of site for sale and display for sale of second hand motor vehicles, alterations to existing showroom and new showroom frontage.

82/00394/COU – Conditional planning permission was granted on 20.10.1982 - Change of use of land to allow display and sale of motor vehicles.

80/00147/RM – Approved reserved matters on 11.06.1980 - Submission of details for redevelopment of petrol filling station.

76/00609/FUL – Conditional planning permission was granted on 26.01.1977 - Renewal of permission for use of land for parking of customers' cars in connection with garage.

76/00151/FUL – Conditional planning permission was granted on 10.08.1976 - Demolition of existing petrol service station and erection of new petrol service station

75/00495/FUL – Conditional planning permission was granted on 20.01.1976 - Use of land for parking for customers' cars in connection with garage

74/00030/OUT – Refused outline planning permission on 12.03.1974 - Outline Application for self-service petrol filling station with drive through automatic car wash (Amendment to outline permission W/8359/73 granted 6.9.73)

73/08359/OUT – Conditional outline planning permission was granted on 06.09.1973 - Erection of self-service petrol filling station with accessories shop and four two bedroomed flats and four garages. (Outline Application)

73/08204/FUL – Withdrawn on 12.04.1973 - Installation of Economic Equipment note acceptor with new blender pump connected to it. A new emergency telephone & extinguisher cabinet positioned on forecourt. Existing island, lighting unit and pumps adjusted in position. Corners of island reformed

66/04322/FUL – Planning permission was granted on 18.10.1966 - Installation of a paraffin vending machine and new 600 gallon storage tank at the rear of the premises

62/25512/FUL – Planning permission was granted on 24.10.1962 - Underground petrol storage tanks and minor works

52/14987/ADV – Advertisement Consent granted on 26.03.1952 - Shell Mex & B.P. Sign
(Type B)

48/13192/FUL – Planning permission was granted on 16.12.1948 - Proposed alteration of
existing garage

RELEVANT POLICIES

National Planning Policy Framework

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and seeks to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. The NPPF was published on 27th March 2012 and is a material consideration in planning decisions. It does not change the statutory status of the development plan as the starting point for decision making. Planning Policy Guidance Notes and Statements have been cancelled and replaced by the NPPF. Particularly relevant sections are:

Requiring Good Design

Decision Taking

Conserving and Enhancing the Historic Environment

The Development Plan

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

- (a) *Watford Local Plan Part 1: Core Strategy 2006-31 (adopted Jan 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*
- (d) the *Hertfordshire Minerals Local Plan Review 2002-2016*

Watford Local Plan, Part 1: Core Strategy 2006-2031

This document was adopted on 30th January 2013. The following sections are particularly relevant to this case:

SD1 Sustainable Design

SD2 Water and Waste Water

SD4 Waste

SS1 Spatial Strategy

T4 Transport Assessments

UD1 Delivering High Quality Design

UD2 Built Heritage Conservation

The Watford District Plan 2000 (saved policies)

Many of the policies in this plan were replaced on 30th January 2013 when the Watford Local Plan, Part 1 was adopted, but some of them were saved. None of those are particularly relevant to this application.

Hertfordshire Waste Core Strategy And Development Management Policies

Document 2011-2026

There are no policies that are relevant to this case.

Hertfordshire Minerals Local Plan (saved policies)

There are no policies that are relevant to this case.

Supplementary Planning Guidance

The following Supplementary Planning Documents are relevant to this application:

Watford Character Of The Area Study (adopted Dec 2011)

Background Documents

Nationally Listed Buildings In Watford (updated 2014)

CONSULTATIONS

Neighbour consultations

Notification letters were sent to 89 properties nearby on Queen Mary's Avenue, Rickmansworth Road, Gade Avenue and Maythorne Close. They were notified twice: the second round of consultation was undertaken to inform residents that additional drawings and documents had been received and that the suffix to the reference number had been changed from FUL to FULM.

Two site notices were put up on 28.09.2015. A press notice was published in the Watford

Observer local newspaper on 18.09.2015.

Among the responses that were received was a petition with 18 signatories, all of whom live at Royal Court. They opposed the application on the grounds that it would cause parking problems and be noisy. Letters were also received from 5 individuals who made more detailed comments. A table summarising the points that were raised is to be found in the section of this report entitled *Consideration Of Representations Received*.

Statutory and internal consultations

Hertfordshire County Council were consulted as the Highway Authority, and also as the Lead Local Flood Authority.

In the initial comments that were received from Hertfordshire Highways they raised concerns about the absence of a Transport Statement, or of any details regarding how service and delivery vehicles would enter the site. Since then the applicants have submitted further details, and we asked Herts Highways for revised comments in the light of those new documents. On 15.01.2016 their revised comments were received, in which they no longer object to the proposal. The full text of their comments is reproduced in the Highways section of this report (see below).

APPRAISAL

Use for vehicle sales

A car sales showroom is a type of use better suited to an edge of town than a town-centre location, and this site is indeed located at the edge of the borough. Part of the site has been used for car sales for approximately thirty years; and there is another car sales establishment next door to the site at 176 and 184-186 Rickmansworth Road. This end of the Rickmansworth Road has a long history of car-related uses: in the past there were petrol stations at 176, 200 and at a now empty site that is opposite 148. The proposed use of the site at 200-204 as a car dealership is considered acceptable in principle.

Design

Neither of the existing buildings on the site is of any architectural, historic or aesthetic value, so there is no reason to oppose their removal. The proposed new building will be an improvement because it will be a pleasing, simple, modern design, with its frontage consisting mainly of glass to give it a light and open character. The showroom's entrance will consist of a generously proportioned blue arch that will stand out slightly from the front of the building; this will add visual interest to the frontage as well as making the site clearly legible.

The servicing workshops and the vehicle lift will be at the rear, which will have a more functional appearance.

There will be only one building, rather than two, giving the site a less cluttered appearance than it currently has. The new building will stand well back from the road. It will also be

much further away from the listed building than the existing car showroom is.

The existing building at Tinsley House (200-202) is a two storey building, and the proposed new building will likewise have two storeys, although it will also have a parking deck on its flat roof (that will be concealed behind a parapet, and accessed via a vehicle lift at the rear). Tinsley House is 7.7m high at the front, and the ridge of its roof is the same height above its rear section. The proposed new building would be 8.5m high to its parapet, or 9.5m high at its tallest part. It will be only slightly taller than the existing building.

Impact on the setting of the Listed Building

The new showroom will stand much farther away from the Listed Building at Cassio Bridge Lodge than the existing showroom does. The site of the existing Sky Ford showroom will be left as open space, which will be used partly for displaying second hand cars, and partly as a customer car park. The absence of any building on this land will mean that the proposed redevelopment of the site will constitute an improvement as far as the setting of the Listed Building is concerned.

Highways

Hertfordshire County Council's Highways Service objected to the application as it was originally submitted. They were concerned in particular that no Transport Statement had been included and that no details or swept path diagrams were included regarding how service and delivery vehicles would enter the site. The applicants were then allowed an

extension of the deadline so that they could prepare and submit those documents (and others). We reconsulted Herts Highways on 16.12.2015 and their comments on the additional documents were received on 15.01.2016. They no longer object to the application. Their latest comments are given below.

The additional documents that the applicant submitted on 3rd December 2015 included a swept path diagram showing how a double-decked car transporter lorry 20m long would be able to enter and leave the site in forward gear in order to deliver cars without obstructing the Rickmansworth Road. The transporter would draw up alongside the showroom. The cars would be unloaded and driven to the display areas or via the rear vehicle lift to the rooftop deck. The transporter would then reverse into the southern half of the customer parking area, which should have been coned off to keep it clear. The transporter, having executed a three point turn, would then drive away in forward gear. Based on the information provided the way in which cars are currently delivered to the dealership involves stopping and unloading on the Rickmansworth Road, which is clearly unsatisfactory because that is a main route into Watford that has only one lane in either direction, so any obstruction of traffic there is undesirable. The proposed arrangements for the new development will be an improvement in that regard.

Three customer parking areas are to be provided within the site: one at the front with 18 spaces, another at the front with 3 standard spaces and 2 for disabled users (close to the building's entrance) and another will be at the rear with 12 customer parking spaces. These are in addition to the two areas for displaying second hand cars.

The comments that were received on 15.01.2016 from Hertfordshire County Council's Highways Service on the revised scheme are as follows:

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:

Condition:

No loading or unloading of cars to and from the car transporter shall take place on public highway. When loading or unloading within the site, the developer shall take best practical means at all times to ensure that there shall be no obstruction or interference on the free flow of traffic along the Rickmansworth Road due to the activities within the site.

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

Advisory Notes.

Road Deposits: Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in condition such as not to emit dust or deposit mud, slurry or other debris on the highway.

Reason: This is to minimise the impact of construction vehicles and to improve the amenity of the local area.

The applicant is advised that storage of materials associated with the development should take place within the site and not extend into within the public highway without authorisation from the highway authority, Hertfordshire County Council. If necessary further details can be obtained from the County Council Highways via either the website <http://www.hertsdirect.org/services/transtreets/highways/> or telephone 0300 1234047 to arrange this.

Reason: In the interest of highway Safety

The developer should be aware that the required standards regarding the maintenance of the public right of way and safety during the construction. The public rights of way along the carriageway and footways should remain unobstructed by vehicles, machinery, materials and other aspects of construction works.

Details:

Planning application:

The planning application is for demolition of existing car show room and workshop building and construction of a new show room and work shop with improved car parking and car display area.

*Ground Floor show room/workshop 1145 sqm First floor office and staff facilities 212sqm
Second floor vehicle parking 1145 sqm (40 spaces) In addition outdoor display and the
customer parking area.*

The site

The development site extends over existing car show room site and the site of former B2 building immediately adjacent to the site. The site is currently occupied by Sky Ford's existing car show room and sales area and a vacant commercial B1 building. Overall the development site is bounded by Watford KIA car sales, Rickmansworth Road, Gade Avenue and residential properties.

Local Road Network

The access to the site is from A412 Rickmansworth Road which is a principle road and the main road linking Watford Town to Rickmansworth Town. It is a busy road and in average carrying 700 vehicles Eastbound and 700 vehicle west bound every hour between 7.00AM to 6.00PM. The road is predominantly residential in nature with Watford Boys Grammar School and some business properties. The traffic is predominately through traffic.

The site is located near the double roundabout towards Rickmansworth. The close proximity of the site access close to the double roundabout is a cause for concern in terms of loading and unloading of vehicles from Rickmansworth Road.

The speed along Rickmansworth Road is 30 mph and the measured 85% speed is 29.95mph. The speed is managed by number of speed cameras along the road.

Morning and Evening Weekday Peak Hour flow

AM Flow PM Flow

East Bound 736 727 West Bound 663 749

Access/Egress. No alteration to the existing access/egress are proposed

Parking: Existing parking on site is 43 Proposed Parking is 73 including customer parking

Trip Generation.

The development is expected to generate 15 and 17 vehicle trips in the AM and PM Peak. Some of the trips will be associated with staff working on-site. It should be also noted that remodelling the site and displaying additional cars is unlikely to attract a large amount of customers. The expansion is relatively modest and the proposal is to make the area attractive and comfortable for the customers.

Accidents

The 5 year accident details along Rickmansworth Road between 1st October 2010 to 30th Sept 2015 shows that there were 5 serious accidents and 34 slight accident between the adjacent mini roundabout junction and A4178 Cassio Road junction. 28 casualties were car users, 5 cyclists 1 Goods Vehicle, 5 motorcyclist and 6 pedestrians. It is fair to say that the road safety record of this road is not encouraging which is a reflection of the amount of traffic along this road . However, the review of the accidents for 5 years near the site shows that over 5 years there were 3 collisions in the vicinity of the site resulting in 1 serious and 3 slight injuries. The serious accident was at Rickmansworth Road/The Chase junction some 215 from east of development site.

Service Delivery

At present the cars to the site are delivered from Rickmansworth Road. The applicant proposal is to deliver/unload cars from the car transporter within the curtilage of the site. The development is expected to receive 3 deliveries per week. The track diagram in support of the application demonstrates that Car Transporter manoeuvring is acceptable. It may require the use of customers car park to turn the car transporter. It is up to the applicant to organise car deliveries on non-peak hours and suitable hours.

Accessibility

Bus.

The nearest bus stop is 147 from the site along Rickmansworth Road. The bus stops are served by 4 bus routes and the services are regular to Watford and Rickmansworth.

Rail.

The nearest station is Watford junction, a short ride by bus. If the Croxley Rail Link is completed the new Ascot Road tube station is only a few minutes walking distance from the site.

Pedestrian.

There are well developed pedestrian links around the site. However there are no segregated cycleway.

Other Facilities

There are plenty of facilities for daily needs within walking distance, particularly along Whippendale Road and the development at former Sun printers site.

Conclusion

The application is to construct a new showroom and service facility on the existing site. The development extends over existing car show room and the vacant B2 building. The development is in a sustainable location. The existing development is a car show room and sales area and the additional trips associated with the proposed development is unlikely to have any material impact on the local road network. The key issue is the deliveries of car and the loading and unloading. In average the site will receive 3 deliveries per week which will be unloaded within the curtilage of the site. The highway authority has made a recommendation to safe guard the highway safety. It is applicant

responsibility to ensure deliveries are made at convenient time to safe guard the free and safe flow of traffic.

Recommendation

Highway Authority does not wish to restrict the grant of consent subject to the above condition and advisory note.

In considering these comments from the Highway Authority we should remember that any conditions that are attached to a planning permission must relate only to the application site. If we thought that it was impossible or unlikely that vehicles would be delivered within the site, that would be grounds for the refusal of planning permission because a new development should not be allowed that would be likely to cause traffic congestion on a main distributor road – particularly as the dealership will be larger than the existing one. However it is reassuring that the proposed development now includes a well considered arrangement for unloading vehicles within the site, and for entering and exiting in forward gear.

Contaminated land

The Council's Contaminated Land Officer provided the following comments:

“The site has a potentially contaminative use, it is also located within the vicinity of potentially contaminative land uses. Consequently there may be contamination issues

affecting the site. I recommend that the standard contamination condition be applied, should planning permission be granted.”

Some interesting and helpful correspondence was received from a local resident who seems to have a detailed knowledge of the history of the site – particularly as regards issues of potential contamination. The resident believes that underground fuel storage tanks were decommissioned in 1973 or 1974 beneath the forecourt of what is now the Sky Ford dealership, and that they are still there. He believes that they were for National Benzol Petroleum, that they were single skinned, and that they were decommissioned by filling them with sand. That gentleman’s letter was forwarded to the Contaminated Land Officer, who was asked whether she wished to make any additional comments, but she remained of the view that the standard condition that she had recommended was sufficient.

On 21.10.2015 the case officer wrote to advise the applicants that the application was unlikely to be approved without further details, including an environmental statement addressing the issue of potential soil contamination. Subsequently the deadline for determining the application was extended, and eventually a suite of additional documents including an environmental statement was received on 03.12.2015. That document, which has been prepared for the applicants by Campbell Reith consulting engineers, is entitled Outline Remedial Strategy. This document seems to be a desk-top study, and it states that additional studies are considered necessary to determine exactly what risks there may be. The main issue of concern is addressed in paragraph 2.1.23:

“It is possible that underground storage tanks may exist... and could present a potential source of contamination. Should an unacceptable risk to end users or controlled waters receptors be subsequently identified, then they will require decommissioning and removal. This would require the preparation of a Groundworks Specification and Method Statement to ensure these works are undertaken in a controlled manner.”

Another document that was submitted on 03.12.2015 was the Drainage Strategy Report, which was prepared for the applicants by the same engineering consultants. It includes in Appendix F proposed drainage layout plans: drawing numbers 12050-CD10 Revision P1 and 12050-CD02 Revision P3. This document relates to rainwater disposal (see below) but it is worth noting that it involves installing an underground cellular tank for rainwater attenuation which would be in approximately the location where the decommissioned fuel tanks are thought to be. Appendix A of the same document includes drawing 12050-CD03 Revision P1 which includes a hatched area labeled *Possible Location Of Tank*. That is slightly closer to the Rickmansworth Road than the proposed rainwater tanks would be, but the close proximity suggests that the old tanks would probably have to be removed, whether they were found to be contaminating the soil or not.

Overall, the submitted information indicates that any matters relating to contamination can be appropriately dealt with and that this can be addressed by way of a condition.

Refuse stores

The plans do not show the location of any refuse stores. This is of interest because there may be toxic substances such as waste engine oils or bulky items such as tyres that arise from the work of the vehicle servicing workshop. The proximity of the workshop to the flats at Royal Court means that consideration should be given to where and how any refuse will be stored, but there is ample space within the site to accommodate this. A condition should be applied to require the submission of those details before the site is occupied - although not necessarily before building work commences.

Rainwater

When this planning application was originally submitted on 26.08.2015 the applicants had not made an application to Hertfordshire County Council in their role as the Lead Local Flooding Authority for approval of the rainwater drainage proposals. We informed them that such an application would be necessary and they subsequently submitted one. The details are given in a document that was later sent to us on 03.12.2015, which is the Drainage Strategy Report.

On 04.12.2015 we received the following a letter from Hertfordshire County Council's in their role as Lead Local Flooding Authority:

In response to the information provided by Campbell Reith Consulting Engineers reference 12050 dated 11 November 2015 in support of the above application, we can confirm that we, the Lead Local Flood Authority, have no objection on flood risk grounds

The proposed drainage strategy is based on attenuation and discharge and we note the site is proposing to utilise the existing Thames Water surface water sewer providing 50% betterment. We acknowledge that Thames Water have been contacted and have no initial concerns with the proposed rates. Drawing no. 12050-CD02 P3 has been provided with the drainage layout showing location of proposed SuDS scheme. We therefore recommend the following condition to the LPA should planning permission be granted.

Condition

The development permitted by this planning permission shall be carried out in accordance with the approved drainage strategy report carried out by Campbell Reith Consulting Engineers reference 12050 dated 11 November 2015 and the following mitigation measures detailed within the FRA:

- 1. Limiting the surface water run-off rates to 40l/s.*
- 2. Implementing appropriate SuDS measures as shown on drawing no. 12050-CD02 P3 title Proposed Drainage Layout.*
- 3. Provide storage volume of 87.4m³ 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.*

Reason

- 1. To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.*

2. *To reduce the risk of flooding to the proposed development and future occupants.*

Informative to the LPA

It is proposed to discharge into the Thames Water sewer which ultimately discharges into the River Gade, two SuDS treatment stages should be provided to manage any potential contaminants from surface water run-off from car parking areas and access roads. The current proposals do not include any treatment stages. The LPA should have regard to the Water Framework Directive in relation to water quality. The applicant will need to satisfy the LPA that the proposed drainage scheme can be adopted and maintained for its lifetime by providing a maintenance plan, detailing key operations and management. For further guidance on HCC's policies on SuDS, HCC Developers Guide and Checklist and links to national policy and industry best practice guidance please refer to our surface water drainage webpage

<http://www.hertsdirect.org/services/envplan/water/floods/surfacewaterdrainage/>

Subject to conditions it is therefore considered that the proposal would deal with drainage matters appropriately.

Impact on neighbouring properties

As is noted above, the neighbouring house at Cassio Bridge Lodge is a Grade II locally listed building. That will benefit from the redevelopment of the site because the new building will stand farther away from it than the existing car showroom does.

There is a block of flats at Sheraton Mews which is currently behind the Sky Ford

showroom (204) and beside Tinsley House (200-202). That will benefit because whereas currently it has two commercial buildings close by – one to the south and one to the east – it will have only one, which will be to the east. It will have open space to the south (the car park and used car sales area) so it will feel less hemmed in on that side than it currently does.

There is another block of flats at Royal Court, to the north of the site. Currently that has an industrial building beside it (Tinsley House) which is used as a vehicle servicing workshop. The proposal will be similar in that the servicing workshops of the new building will be in the same location next to Royal Court. Being part of a modern building, the new workshops are likely to be better insulated to reduce noise disturbance to the neighbours. The roof of the existing workshop is 7m high at the ridge. The parapet of the new building will be two metres taller than that, so there will not be a significant difference as regards the height.

Community Infrastructure Levy (CIL)

The Council introduced the Community Infrastructure Levy (CIL) with effect from 1 April 2015. The CIL charge covers a wide range of infrastructure as set out in the Council's Regulation 123 list, including highways and transport improvements, education provision, youth facilities, childcare facilities, children's play space, adult care services, open space and sports facilities. CIL is chargeable on the relevant net additional floorspace created by the development. The charge is non-negotiable and is calculated at the time that planning permission is granted.

The CIL charge applicable to the proposed development is:£120 (one hundred and twenty pounds) per square metre. The charge is based on the net increase of the gross internal floor area of the proposed development.

In accordance with s.70 of the Town and Country Planning Act 1990, as amended by s.143 of the Localism Act 2011, a local planning authority, in determining a planning application, must have regard to any local finance consideration, so far as material to the application. A local finance consideration is defined as including a CIL charge that the relevant authority has received, or will or could receive. Potential CIL liability can therefore be a material consideration and can be taken into account in the determination of the application.

Consideration of representations received

Among the responses that were received was a petition with 18 signatories, who opposed the application on the grounds that it would cause parking problems and be noisy. We also received several letters from 5 individuals who made more detailed comments. The following table summarises the points that were raised.

Points Raised	Officer’s Response
<p>The full text of the petition is: <i>“Sky ford are having a new show room and new work shop and the parking at royal</i></p>	<p>Royal Court is a residential development behind the site, giving off Queen Mary’s Avenue. The petition’s author does not</p>

<p><i>court will be a nightmare so the residents at royal court will be complaining to the watford borough council and we would all like it to be refused and the noise will be causing disturbance.”</i></p>	<p>explain why they consider that replacing the car dealership on Rickmansworth Road would result in any parking impacts on Royal Court, and it is difficult to see any reason why it necessarily would, as parking will be within the site. They do not explain why they fear that noise will be a problem, given that the site already has a car dealership and industrial workshops on it. A new modern building is likely to be better sound-insulated than the existing workshops are.</p>
<p>4 wall mounted external lights are proposed on the side of the building where the vehicle lift would be situated, and one would be in the customer parking area. These lights could point into residential windows at Royal Court. A neighbour writes that floodlights at the existing car dealership have caused a nuisance. She suggests that external lighting should only be turned on at night, and only when staff are on the premises, except for security lights with</p>	<p>A condition can be applied to require the submission of further detail about any external lights so that we can ensure that they do not cause a nuisance to neighbours or a hazard to traffic.</p>

<p>motion sensors, and that all such lights should be pointed downwards to avoid shining into windows at Royal Court.</p>	
<p>Staff and customers of the existing Sky Ford dealership often park in the private residents' parking area of Royal Court after the residents have gone out to work, despite knowing that they should not do so as there are signs to make this clear. A resident writes that she is pleased that more parking will be provided in the new development, but she hopes that it will be made clear to staff and customers that they should not park at Royal Court.</p>	<p>If anyone is trespassing on private land at Royal Court that is a civil legal issue, rather than being a Planning issue.</p>
<p>A neighbour at Royal Court is worried by the roof-top parking area, fearing that exhaust pollution will be at the level of residential windows.</p>	<p>The rooftop parking deck is not intended as a customer car park. Engines are not likely to be running there for long periods of time.</p>
<p>No contamination assessment was provided with the original submission, although the site is likely to be contaminated.</p>	<p>That is true, but the application and its consideration is now supported by an assessment submitted on 3rd December 2015. It is the Outline Remedial Strategy that was prepared for the applicants by their</p>

	consulting engineers Campbell Reith.
A resident of Royal Court objects to the proposed opening hours of 08:30-19:00 Monday to Friday and 10:30-16:30 on Sundays, given that there will be not only a showroom but also a workshop. She considers those hours unsociable. More than one resident of Royal Court has written that the existing vehicle workshop can be noisy (due to equipment, music and shouting).	The new servicing workshop will be in a similar location to the existing workshop, but as it would be in a modern building it is likely to have better sound insulation. There has been an industrial building at 200-202 since long before the flats were built at Royal Court. Members may consider whether they consider it appropriate to attach a condition limiting opening hours; but as the Council's Environmental Health service have powers to take action against unreasonable noise nuisances, it is the opinion of the case officer and the Development Management Section Head that no such condition is necessary.
Because the vehicle lift and the parts delivery store are at the rear, close to Royal Court, if deliveries are made at unsociable hours the noise could disturb the neighbours.	Deliveries will only be possible when staff are on the premises, so it is not likely that they will be made late at night or very early in the morning.
The document Outline Remedial Strategy	This document was not prepared by the

<p>deals with issues of contaminated land.</p> <p>Section 4.1.13 refers to the importance of keeping a watching brief during any excavation work, but elsewhere in the same report it is suggested that reference to old reports might be adequate. An objector is confused about what will be required in terms of further submissions before work can commence.</p>	<p>Local Planning Authority, but by engineers on behalf of the applicants, who submitted it in support of their application. The main area of concern as regards a potential for soil contamination is the disused underground fuel tanks. A condition will require further details of how they will be removed before work may commence at 204 (although work may commence meanwhile at 200-202).</p>
<p>Staff at Sky Ford tend to congregate in the underpass for cigarette breaks, and a neighbour disapproves of this.</p>	<p>This comment is confusing because there is no underpass here. The Planning system cannot be used to control where people stand to smoke cigarettes.</p>
<p>A local resident writes that the site of the existing Ford dealership was once a National Benzol filling station, and that he believes the former tanks remain beneath the forecourt. He believes that they were decommissioned in 1973/4 by filling them with sand and water. He worries about the potential for pollution, and he writes that the River Gade is only 20m away and on lower</p>	<p>The site is actually 70m from the river, measured from the closest boundary. The new building will be more than 100m from the river. The Environment Agency do not generally take an interest in applications of this type, but we have twice consulted our own Contaminated Land Officer. She has been sent a copy of this gentleman's letter. Her advice is that the standard condition</p>

<p>ground. A chalk aquifer lies beneath the site. He considers this to be a high risk site, and that an assessment of the environmental risks is necessary, which should be overseen by the Environment Agency. He does not consider the Council's own Contaminated Land Officer to be adequate. He wrote again having read the Outline Remedial Strategy document that was submitted on 03.12.2015 to say that he considered it too dismissive of potential risks of migration of pollutants to neighbouring residential properties.</p>	<p>should be applied .</p> <p>We should bear in mind that this is not an application for a type of development that might be especially sensitive to contamination, such as a residential development.</p> <p>However, given that the Remedial Strategy document that was prepared by the applicants' own consulting engineers acknowledges that further assessment will be necessary, and given that it will probably be necessary to remove the fuel tanks because the proposed rainwater attenuation tanks will be put in a similar location, it is the opinion of the Case Officer and the Development Management Section Head that a condition should be applied requiring the submission of further details as to how those tanks will be removed before work may commence on the site of 204 (albeit work could commence on the site of 200-202).</p>
<p>How are trade wastes such as oils, fluids,</p>	<p>As the plans do not show the location of</p>

<p>tyres etc to be stored on site? The plans do not show where refuse would be stored, or how recyclable waste will be separated from non-recyclable waste.</p>	<p>any refuse stores, and as tyres etc might be bulky, and as the servicing workshops will be close to the flats of Royal Court, details of the refuse storage arrangements should be provided to protect the amenity of residents. A condition can be applied to require these before the site is occupied. It should also be noted that the management of waste and substances is controlled by a range of legislations outside of the planning system and it is not the place of the planning system to duplicate these existing controls.</p>
<p>A local resident complained that no site notice was displayed.</p>	<p>We have replied to this gentleman's letter to say that two site notices were put up, and he has been sent photographs of them. One of those was seen to be still in place after the end of the consultation period. A press notice was also published, and we twice sent notification letters to no fewer than 89 neighbouring premises.</p>

Conclusion

The proposed redevelopment of the site is considered acceptable, and it is recommended that planning permission be granted, subject to conditions as set out below.

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.

Decision Level: Delegated

Recommendation: Conditional Planning Permission

Conditions

1 The development to which this permission relates shall be begun within a period of three years commencing on the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 Construction of the development hereby permitted shall not take place before 8am or after 6pm Mondays to Fridays, before 8am or after 1pm on Saturdays and not at all on Sundays and Public Holidays.

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

3 The development shall be carried out in accordance with the following drawings and documents, unless otherwise approved in writing by the Local Planning Authority: drawing AR57015-100 revision E, drawing AR57015-101 revision E, drawing AR57015-102 revision F, drawing AR57015-103 revision F, drawing AR57015-104 revision B, drawing AR57015-105 revision F, drawing AR57015-106 revision A, drawing AR57015-107 revision A, drawing AR57015-110 revision B, drawing 12050-SK005 revision P1, Design and Access Statement, Design Proposal Document, Transport Statement

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

4 No work shall commence at 204 Rickmansworth Road (although it may commence at 200-2002) until a Groundworks Specification and Method Statement has been submitted to and approved in writing by the Local Planning Authority, including an analysis of the ground and of any contaminants or potential sources of contamination that are

found there, and details of the proposed method for removing them or rendering them safe.

Reason: In accordance with the recommendation in paragraph 2.1.23 of the Outline Remedial Strategy that was prepared by Cambell Reith consulting engineers, and in view of the likely presence of disused fuel tanks beneath 204 Rickmansworth Road which might present a potential source of contamination to soil and ground water unless they are removed or otherwise rendered safe. This condition is pursuant to Policy SD1 (Sustainable Design) of the Watford Local Plan Part 1 Core Strategy.

5 The vehicle showroom shall not be occupied until details of the refuse and recycling stores have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that refuse and recyclable materials are appropriately and safely stored, and that no harm will be caused to the amenity of neighbouring premises, pursuant to Policy SD4 (Waste) of the Watford Local Plan Part 1.

6 No external lighting shall be installed unless it has been approved in writing by the Local Planning Authority. Any details submitted for approval shall include the position, height and angle of the lighting, the maximum level of illumination in candelas per square metre, and an assessment of its likely impacts on the safety of passing traffic and on the amenity of neighbouring premises

Reason: To avoid glare which could lead to danger to users of the adjacent highway, and in the interests of the amenity of the area and of neighbouring residential premises.

7 *The development permitted by this planning permission shall be carried out in accordance with the approved drainage strategy report carried out by Campbell Reith Consulting Engineers reference 12050 dated 11 November 2015 and the following mitigation measures detailed within the Drainage Strategy Report:*

4. *Limiting the surface water run-off rates to 40l/s.*

5. *Implementing appropriate sustainable urban drainage measures as shown on drawing no. 12050-CD02 P3 title Proposed Drainage Layout.*

6. *Provide storage volume of 87.4m³ 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.*

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site, and to reduce the risk of flooding to the proposed development and future occupants, pursuant to Policy SD2 (Water and Wastewater) of the Watford Local Plan Part 1.

8 The vehicle showroom shall not be occupied until a maintenance plan detailing key operations and management has been submitted to and approved in writing by the Local

Planning Authority to demonstrate that the proposed rainwater drainage scheme can be adopted and maintained for its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site, and to reduce the risk of flooding to the proposed development and future occupants, pursuant to Policy SD2 (Water and Wastewater) of the Watford Local Plan Part 1.

9. No loading or unloading of cars to or from any car transporter associated with the use of the site shall take place except within the boundary of the application site as denoted on drawing no AR57015-110 revision B.

Reason: In the interests of the free and safe flow of traffic on the Rickmansworth Road.

Informatives

1 For details of how the Local Planning Authority has reached its decision on this application please refer to the planning officer's report, which can be obtained from the Council's website www.watford.gov.uk, where it is appended to the agenda of the Development Management Committee meeting of 28 January 2016; and also to the minutes of that meeting.

2 In dealing with this application, Watford Borough Council has considered the proposal in a positive and proactive manner having regard to the policies of the development plan as well as paragraphs 186 and 187 of the National Planning Policy

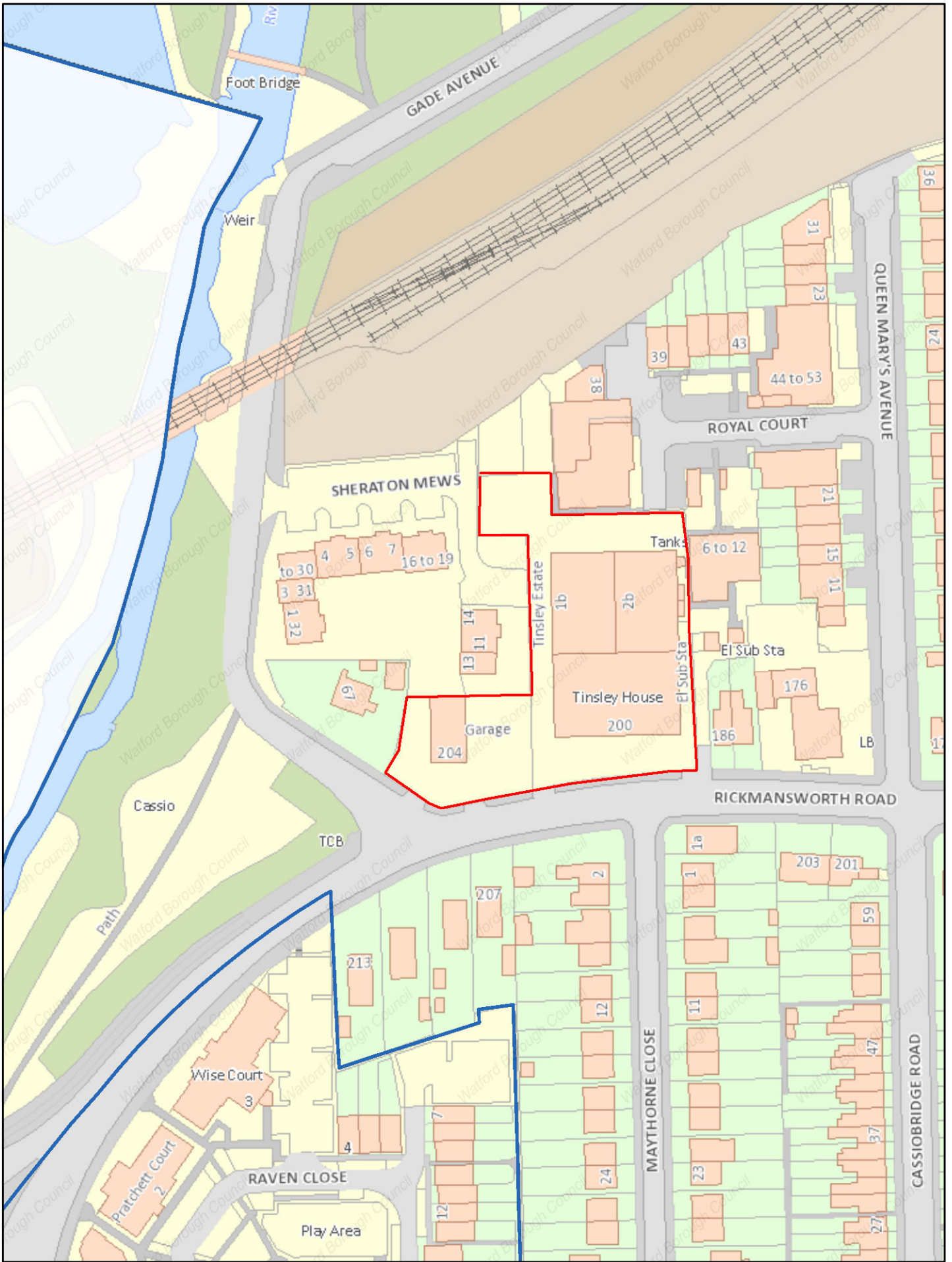
Framework and other material considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. We advised the applicants that the scheme was unacceptable as it had originally been presented, and we allowed an extension of time to enable them to revise their scheme and submit further drawings and supporting documents and to allow for further public consultation.

3 The development that is hereby approved is liable for contributions under the Community Infrastructure Levy (CIL). Please contact the Planning Support team at Watford Borough Council (tel 01923 278327) if you have any queries about the procedure to be followed as regards making those contributions prior to the commencement of the development.

4 This permission does not remove the need to obtain any separate consent, which may be required under the Buildings Act 1984 or other building control legislation. Nor does it override any private rights which any person may have relating to the land affected by this decision. To find more information and for advice as to whether a Building Regulations application will be required please visit www.watfordbuildingcontrol.com.

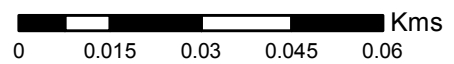
Case Officer: Mr Max Sanders

Tel. 01923 278288



200 and 204 Rickmansworth Road

Date: 19/01/2016



Scale 1:1,250



PART A	
Report of: HEAD OF DEVELOPMENT MANAGEMENT	
Date of committee	28th January 2016
Site address:	Mercedes-Benz, Colne Bridge Retail Park, Lower High Street, Watford
Reference Number :	15/01554/FULM
Description of Development:	Construction of vehicle parking deck (2 levels) together with associated works including lighting, reconfiguration of existing surface spaces and cycle storage.
Applicant	Mercedes-Benz Retail Group UK Limited
Date Received:	19th November 2015
13 week date (major):	18th February 2016
Ward:	Central

1.0 SITE AND SURROUNDINGS

- 1.1 The site is located at the southern end of the Lower High Street close to Bushey Arches. It is an irregular shaped site with an area of 0.67 hectare and a single vehicular/pedestrian access from Lower High Street. The whole site is occupied by a Mercedes-Benz car dealership which comprises a car showroom and two workshop buildings, occupying the southern and eastern parts of the site, and surface level car parking and car display areas, occupying the central and northern part of the site.
- 1.2 The eastern boundary of the site fronts Lower High Street with the main elevation of the car showroom occupying the southern part of the frontage. The northern boundary abuts the River Colne; the western boundary runs parallel to the London

Overground railway viaduct, which links Bushey Station with High Street Station; and the southern boundary abuts the entrance to Oxhey Park.

- 1.3 The site falls within the Lower High Street special policy area which is dominated by retail warehouses and car dealerships. The area to the north-west and north-east is characterised by retail warehouses and showrooms with Wickes Building Supplies on the opposite side of Lower High Street and B&Q to the north-west. To the south-east is the Bushey Arches railway viaduct which carries the West Coast mainline through to Watford Junction.

2.0 PROPOSED DEVELOPMENT

- 2.1 The proposal involves the erection of a decked car park and a double height external car showroom, adjacent to the existing buildings, sited over the existing surface level parking area within the central part of the site. The external showroom will be sited on the eastern frontage with Lower High Street and adjacent to the existing internal car showroom. It will have curtain wall glazing to the frontage but will be open at both ends. The roof will be formed by a car parking deck extended from the decked car park sited immediately to the rear. This decked car park will have open parking decks at ground, first and second floor levels, the latter of which will extend over to form the roof to the new showroom. The first and second floor parking decks will be accessed via ramps incorporated into its footprint.
- 2.2 The parking deck will increase the number of parking spaces on the site from 131 to 206. The spaces will provide for customer parking, operational parking (such as staff parking and storage of vehicles awaiting repair), and the display of used cars for sale. The new showroom has been designed to reflect the scale and design of the existing car showroom, being divided into 4 identical bays with vertical columns to match the existing showroom. The roof is also the same height and incorporates a bull-nose design, again to match the existing. The upper level of glazing incorporates aerofoil fins to add detail and interest.

- 2.3 The decked car park to the rear incorporates sinusoidal metal cladding to match that of the existing workshop buildings. It is separated from the new showroom by an internal wall formed using solid and illuminated panels. The two stair towers serving the decked car park will be finished in black render to reflect Mercedes-Benz new brand identity.

3.0 RELEVANT PLANNING HISTORY

- 3.1 The following planning history is relevant to this application:

02/00225/FUL – Planning permission granted on 02 May 2002 for the change of use of retail units to provide for car showroom and servicing/repair workshops and/or non-food retail (Class A1) use; refurbishment, recladding and internal alterations to existing units.

03/00431/FUL – Planning permission granted on 25 September 2003 for the erection of new feature roof drum to Mercedes-Benz Showroom.

11/01044/FUL – Planning permission granted on 12 December 2011 for change of use of existing ancillary storage space to provide storage and distribution space within Class B8. Reinstate a loading bay and fire escape/access door to the rear elevation and fire escape door to the flank elevation.

4.0 PLANNING POLICIES

Development plan

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

- (a) *Watford Local Plan Core Strategy 2006-31*;
- (b) the continuing “saved” policies of the *Watford District Plan 2000*;

- (c) the *Hertfordshire Waste Core Strategy and Development Management Policies Document 2011-2026*; and
- (d) the *Hertfordshire Minerals Local Plan Review 2002-2016*.

4.2 The *Watford Local Plan Core Strategy 2006-31* was adopted in January 2013. The *Core Strategy* policies, together with the “saved policies” of the *Watford District Plan 2000* (adopted December 2003), constitute the “development plan” policies which, together with any relevant policies from the County Council’s *Waste Core Strategy* and the *Minerals Local Plan*, must be afforded considerable weight in decision making on planning applications. The following policies are relevant to this application.

4.3 Watford Local Plan Core Strategy 2006-31

- WBC1 Presumption in favour of sustainable development
- SS1 Spatial Strategy
- SPA4 Lower High Street
- SD2 Water and Wastewater
- SD3 Climate Change
- T4 Transport Assessments
- INF1 Infrastructure Delivery and Planning Obligations
- UD1 Delivering High Quality Design
- UD2 Built Heritage Conservation

4.4 Watford District Plan 2000

- SE20 Air Quality
- SE23 Light Pollution
- SE24 Unstable and Contaminated Land
- SE26 Watercourses
- SE27 Flood Prevention
- SE28 Groundwater Quality
- SE36 Replacement Trees and Hedgerows
- SE37 Protection of Trees, Woodlands and Hedgerows
- SE39 Tree and Hedgerow Provision in New Development

T10	Cycle Parking Standards
T21	Access and Servicing
T22	Car Parking Standards
E1	Employment Areas
E5	Environmental Considerations
U15	Buildings of Local Interest

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

No relevant policies.

4.6 Hertfordshire Minerals Local Plan Review 2002-2016

No relevant policies.

4.7 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.

4.8 *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.

4.9 National Planning Policy Framework

The National Planning Policy Framework sets out the Government's planning policies for England. The following provisions are relevant to the determination of this application, and must be taken into account as a material planning consideration:

Achieving sustainable development

The presumption in favour of sustainable development

Core planning principles

Section 1 Building a strong, competitive economy

Section 7 Requiring good design

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

Section 12 Conserving and enhancing the historic environment

Decision taking

5.0 CONSULTATIONS

5.1 Neighbour consultations

The following properties were notified:

Wickes Building Supplies, Lower High Street

HSS Hire, 317-319, Lower High Street

No representations have been received.

5.2 Statutory publicity

The application was publicised by site notice posted on 24 November 2015 and by advertisement in the Watford Observer published on 27 November 2015. The site notice period expired on 18 December 2015 and the newspaper advertisement period expired on 18 December 2015.

5.3 Technical consultations

The following responses have been received from technical consultees:

5.3.1 Environment Agency

We have no objection to planning permission being granted for the above application provided the condition below is attached to any planning permission granted. The proposed development will only meet the National Planning Policy Framework (NPPF) policy to ensure flood risk is not increased elsewhere if the following planning condition is included on any planning permission granted.

Condition: The development permitted by this planning permission shall be carried out in accordance with the approved flood risk assessment (FRA) prepared by Hydrock Ref: R/C151707/001.02 dated October 2015 and the compensatory flood storage measures detailed within Section 4.2.1 of the FRA. 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 on site and elsewhere by ensuring that compensatory storage of flood water is provided.

5.3.2 Thames Water

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface 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. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

5.3.3 Hertfordshire County Council (Lead Local Flood Authority)

The drainage strategy carried out by Hydrock dated October 2015; reference R/C151707/001.02 submitted to the LPA demonstrates that flood risk from surface water will not increase as a result of the development.

We therefore recommend the following condition to the local planning authority should planning permission be granted:

Condition 1: No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The details of the drainage scheme shall:

1. Provide a fully detailed drainage plan, showing pipe runs, diameters, location of SuDS features and discharge point.
2. Indicate the location of the discharge point.
3. Demonstrate that proposed drainage scheme ensures that no flooding will occur during any rainfall event up to and including the 1 in 30 year event.

The approved details shall be managed and maintained thereafter in accordance with the approved details.

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

5.3.4 Hertfordshire County Council (Highway Authority)

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:

Condition: No loading or unloading of cars to and from the car transporter shall take place on public highway. When loading or unloading within the site, the developer shall take best practical means at all times to ensure that there shall be no obstruction or interference on the free flow of traffic along Lower High Street due to the activities within the site.

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

Planning application:

The application for construction of vehicle parking, deck parking at 2 levels together with associated works including lighting, reconfiguration of existing surface spaces and cycle storage. Parking: Existing parking on site is 131 and the proposed parking is 206. • 47 customer car park • 139 operational car park • 20 used car sales spaces. Applicant is proposing 16 cycle parking spaces. Not expecting any Mercedes-Benz shopper to go on a bike to buy a car. The provision is mainly for workers. On-site parking is a matter for the LPA.

Local Road Network and Accessibility:

A411 Lower High Street is a very busy road starting from London Borough of Barnet, crossing A1 at Stirling Corner Roundabout, through Elstree Crossroad, Bushey High Street, Bushey Arches, Waterfield's Way Roundabout, and Watford Ring Road to Hunton Bridge Roundabout. The local area is well developed with pedestrian crossings, cycleway and footways. The area is well served by buses to and from various destinations and the Bushey Railway Station is only a few minutes walking distance from the site. The Bushey Railway Station provides regular service between Watford Junction and London Euston.

Road Safety:

5 year accident data from 1st July 2010 to 30th June 2015 shows that there were 29 personal injury accidents resulting in 26 slight injury accidents, 2 serious and 1 fatal. The study area includes Bushey Arches, Lower High Street, Dalton Way to A1008 Roundabout towards the Town Centre. Considering the level of traffic flow and the complex road layout it appears that the local road network has a reasonable safety record. The additional trips associated with the alteration are unlikely to have any material impact on the local road network.

Key Issue:

The key issue is the likely impact of car transporters loading and unloading and the potential impact on Lower High Street. The main car show room and the workshop building will remain as existing. The proposal includes reconfiguration of the

existing car park and the used car sales area and the addition of a two storey ramped car park deck which is to be used for operational car parking. At present cars that have been delivered via transporters are then driven off site to a storage facility. The storage facility will be no longer available and all cars will remain on site. The car transporter currently enters the site off Lower High Street and unloads on the access road within the site. The proposal would allow for the transporter to reverse under the car deck area and unload and therefore reducing any potential conflict with vehicles entering and exiting the customer car park. Any problems in internal obstruction or congestion could lead on to the public highway. Maintaining the efficient traffic flow along Lower High Street is important.

Conclusion:

The highway authority does not wish to restrict the grant of consent subject to the condition and advisory notes.

5.3.5 Arboricultural Officer

The proposal will not affect any significant trees and I have no objection to the proposals.

6.0 APPRAISAL

6.1 Main issues

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

- (a) Principle of the development.
- (b) Design and appearance.
- (c) Impact on heritage assets.
- (d) Highways impacts.
- (e) Flood risk and drainage.
- (f) Environmental impacts.

6.2 (a) Principle of the development

6.2.1 The site is located within the Lower High Street Special Policy Area (SPA4) which is characterised by retail warehouses and car dealerships. These include Century Retail Park, Arches Retail Park, Colne Valley Retail Park and Waterfields Retail Park, as well as Tesco Extra. Other car dealerships include Jaguar, Nissan/Suzuki and Seat. The applicant's car dealership in Lower High Street is one of its highest profile sites and provides a full range of new and used car sales and MOT testing, servicing and repair.

6.2.2 Although a large site, it currently has insufficient capacity for the display of all used vehicles and for the high numbers of customer vehicles received for MOT testing, service and repair. Consequently, vehicles are driven and stored off-site. This off-site facility will soon become unavailable and the proposal therefore seeks to provide the additional capacity needed to meet these operational requirements at the site.

6.2.3 The existing use is already well established at the site and reflects the character of the wider Lower High Street area. The applicant has an operational need for additional parking capacity to replace an existing off-site facility. Subject to the consideration of detailed matters of design and environmental impacts, the principle of expanding the capacity of the existing use on the site to meet current operational requirements is acceptable in principle. This also accords with national guidance in the NPPF to encourage and facilitate sustainable economic growth and support existing businesses.

6.3 (b) Design and appearance

6.3.1 The proposed development has been designed to reflect the scale and appearance of the existing car showroom and workshop buildings, so that the various buildings read as a coherent whole, forming part of the same development. It is considered that this has been successfully achieved in this case.

6.3.2 The external showroom is sited alongside the existing showroom on the Lower High Street frontage. The existing showroom comprises curtain wall glazing divided into 6 regular bays, separated by decorative columns. The roof eaves line above is

marked by a bull-nose feature. The proposed new showroom will be divided into 4 bays of the same proportions as the existing, utilising the same decorative columns and bull-nosed eaves feature. The differences will be in the roof, which will comprise an upper deck car park rather than a shallow, pitched roof, and the introduction of aerofoil fins on the upper glazing to add interest. Overall, the proposed showroom will complement the existing showroom.

6.3.3 The proposed decked car park to the rear of the showroom will incorporate sinusoidal metal cladding to match that seen on the existing workshops. Its appearance will be more of a contrast to the existing workshops as it will be largely open (the workshops have solid walls with no windows), but it will be of the same scale. The two stair cores serving the car park will be in black render to reflect the new branding of the applicant. These will mark the junction between the showroom and car deck without dominating the site or appearing intrusive.

6.3.4 Overall, the scale and design of the proposal will ensure it complements the existing buildings on the site and is in keeping with the character and appearance of the surrounding area.

6.4 (c) Impact on heritage assets

6.4.1 There are a number of heritage assets in the vicinity of the site. Bushey Arches Viaduct is a national Grade II listed building. Opposite the site, in the wall of the Wickes site, is a national Grade II listed coal boundary marker. There is also a locally listed pill box sited under one of the arches of Bushey Arches Viaduct.

6.4.2 All of these listed and locally listed buildings are seen in the context of the existing large scale buildings on the application site and on the Wickes site. The proposed decked car park and external showroom will not be higher than the existing buildings on the application site and will be sited further away from Bushey Arches than the existing buildings. As such, the proposed development will have no greater impact on the setting of the viaduct or on views of it than the existing buildings. The proposed development will have even less impact on the significantly smaller pill box sited under one of the arches.

6.4.3 The listed coal duty marker opposite the site is 0.6m high and is set within a flint surround within the boundary wall. It is seen primarily in the context of the existing Wickes building rather than the Mercedes-Benz showroom, which is on the opposite side of Lower High Street. Furthermore, the proposed external car showroom which fronts Lower High Street will have a predominantly glazed façade, further reducing any visual impact on the overall setting of the coal duty marker. It is not, therefore, considered the proposal will have any adverse impact on this asset.

6.5 (d) Highways impacts

6.5.1 The number of deliveries of new and used cars to the site is unlikely to change significantly, nor is the number of customer vehicles being delivered and collected for servicing and repair. However, at present, due to limited capacity on the site, cars are regularly driven off site to a storage facility before being returned to the site. This generates additional, unnecessary, traffic movements which will be eliminated by the proposal. As such, the impact on the highway will be negligible if not a minor improvement.

6.5.2 The access junction to the site will remain as existing. Car transporters delivering cars to the site currently turn within the central, surface level parking area, albeit this often requires cars to be moved to facilitate this. Under the proposed development, transporters will be able to turn utilising the external showroom area, although, as existing, some cars will need to be moved to facilitate this. In any event, the existing situation for deliveries will remain essentially unchanged. The important factor is that adequate room will remain on the site to allow a car transporter to access and egress the site in forward gear. A condition can be imposed requiring deliveries to take place within the site, as requested by the Highway Authority, however, the Local Planning Authority would have no power to prevent unloading or obstruction occurring within the public highway.

6.6 (e) Flood risk and drainage

- 6.6.1 The application is accompanied by a Flood Risk Assessment. The site is currently within Flood Zones 2 and 3 as shown on the Environment Agency's Flood Zone Mapping. The existing buildings fall within Flood Zone 2 (medium risk of flooding) and the open parking area within Flood Zone 3 (high risk of flooding). This relates to fluvial flooding from the adjacent River Colne. The Environment Agency's Surface Water Mapping also shows parts of the parking area are at medium risk from surface water flooding. Given the proximity of the site to the River Colne, groundwater levels are likely to closely mirror river levels and, as such, parts of the parking area are also potentially at risk of groundwater flooding.
- 6.6.2 The whole of the site is currently covered by buildings or hardsurfaced parking areas, with the exception of small areas of landscaping along the northern boundary. The proposed showroom and car deck will be sited over existing hardsurfaced parking areas (Flood Zone 3) and will not, therefore, increase the impermeable area of the site or the amount of surface water run-off. The existing use is a less vulnerable use as it does not provide residential accommodation or a use where large numbers of people may congregate. As such, it is concluded that the Sequential Test for the siting of the proposed development is not applicable in this case.
- 6.6.3 The main issues are that the potential for increased flood risk elsewhere is not made worse as a result of new development and that the site is safe for the users of the site. The FRA recommends that the applicant provide a detailed flood management plan for the site to include measures such as signing up to the Environment Agency's Flood Warning Scheme. This would ensure adequate warning to allow vehicles to be moved to the upper levels of the parking deck and for personnel to safely evacuate the site. The FRA also states that there is also a potential opportunity, if practicable, to undertake some levelling of the parking area to provide additional flood storage within the site, however, no details of this are provided. As such measures may not be possible to achieve or may be unduly onerous on the applicant, it is not proposed to require this by condition. The County Council as LLFA has requested details of a sustainable surface water drainage scheme to ensure no flooding occurs during any rainfall event up to and including

the 1 in 30 year event. These measures will provide some increase in floodplain capacity.

6.7 (f) Environmental impacts

6.7.1 The application is accompanied by a Ground Investigation Desk Study to assess the likelihood of contamination on the site and the potential for any contamination to impact on groundwater and the River Colne as a result of the proposed development. The study recommends that further intrusive site investigation is undertaken to confirm actual risks to these receptors and to confirm the ground conditions. This can be secured by condition.

7.0 **COMMUNITY INFRASTRUCTURE LEVY AND PLANNING OBLIGATION**

7.1 **Community Infrastructure Levy (CIL)**

7.1.1 The Council introduced the Community Infrastructure Levy (CIL) with effect from 1 April 2015. The CIL charge covers a wide range of infrastructure as set out in the Council's Regulation 123 list, including highways and transport improvements, education provision, youth facilities, childcare facilities, children's play space, adult care services, open space and sports facilities. CIL is chargeable on the relevant net additional floorspace created by the development. The charge is non-negotiable and is calculated at the time that planning permission is granted.

7.1.2 The proposed use is classed as 'Other Uses' in the Council's CIL Charging Schedule. As such, the CIL charge applicable to the proposed development is £0.

Watford Charging Schedule

Type of Development	CIL Rate
Residential	£120 per sqm
Hotel	£120 per sqm
Specialist accommodations for the elderly and/or disabled including Sheltered and Retirement Housing and	£120 per sqm

Nursing homes, Residential Care Homes and Extra Care Accommodation. (This does not include registered, not for profit care homes')(within Use Class C2 and C3).	
Retail (Class A1 – A5)	£120 per sqm
Retail – Within the Primary Shopping Area (Class A1 – A5)	£55 per sqm
Office	£0 per sqm
Industrial	£0 per sqm
Other uses	£0 per sqm
Major Developed Areas (MDAs)	£0 per sqm

7.1.3 In accordance with s.70 of the Town and Country Planning Act 1990, as amended by s.143 of the Localism Act 2011, a local planning authority, in determining a planning application, must have regard to any local finance consideration, so far as material to the application. A local finance consideration is defined as including a CIL charge that the relevant authority has received, or will or could receive. Potential CIL liability can therefore be a material consideration and can be taken into account in the determination of the application.

7.2 S.106 planning obligation

7.2.1 From 1 April 2015, with the implementation of CIL, s.106 planning obligations can only be used to secure affordable housing provision and other site specific requirements, such as the removal of entitlement to parking permits in Controlled Parking Zones and the provision of fire hydrants. In this case, no planning obligations are required.

8.0 CONCLUSION

- 8.1 The proposed development will meet an existing operational need of the applicant which currently requires vehicles to be parked and stored off-site. The existing car dealership is well established on the site and is typical of the type of use that is characteristic of the Lower High Street Special Policy Area. As such, there is no objection to the proposal in principle.
- 8.2 The scale and design of the proposed development will complement the existing buildings on the site and the proposal will have no adverse impacts on nearby heritage assets or on the wider environment.
-

9.0 HUMAN RIGHTS IMPLICATIONS

- 9.1 The Local Planning Authority is justified in interfering with the applicant's human rights in order to alleviate any adverse effect on adjoining properties and their occupiers and on general public amenity. With regard to any infringement of third party human rights, these are not considered to be of such a nature and degree as to override the human rights of the applicant and therefore warrant refusal of planning permission.
-

10.0 RECOMMENDATION

That planning permission be granted subject to the following conditions:

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:-

P-Site-01 P04, P-Site-02 P02, P-Site-03 P02

P-00-01 P02P-01-01 P02, P-02-01 P04, P-03-01 P04

E-01 P02, E-02 P02

S-01 P02, S-02P 02, S-03 P01, S-05 P01, S-06 P01

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

3. No development works shall commence until a Phase 2 Ground Investigation Study, detailing any proposed remedial works, has been submitted to and approved in writing by the Local Planning Authority. Where remedial works are proposed, no part of the development shall be occupied until a Verification Report, confirming these works have been completed, has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is within an inner Source Protection Zone (SPZ1) and adjoins the River Colne. This is a pre-commencement condition in order protect groundwater and the River Colne from potential contamination.

4. No development works shall commence until a detailed schedule of external materials and samples to be used for the development has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: This is a pre-commencement conditions in order to ensure the materials to be used are acceptable.

5. The development permitted by this planning permission shall be carried out in accordance with the approved flood risk assessment (FRA) prepared by Hydrock Ref: R/C151707/001.02 dated October 2015. 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 mitigate the impacts of flooding on the site.

6. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The details of the drainage scheme shall:

- i) Provide a fully detailed drainage plan, showing pipe runs, diameters, location of SuDS features and discharge point.
- ii) Indicate the location of the discharge point.
- iii) Demonstrate that proposed drainage scheme ensures that no flooding will occur during any rainfall event up to and including the 1 in 30 year event.

The approved details shall be managed and maintained thereafter in accordance with the approved details.

Reason: To prevent flooding by ensuring the satisfactory disposal of surface water from the site and to ensure the implementation of sustainable drainage techniques.

7. No loading or unloading of cars to or from any car transporter associated with the use of the site shall take place except within the boundary of the application site as denoted on drawing no. P-Site-01 P04.

Reason: In the interests of free and safe flow of traffic on Lower High Street.

Informative

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. The Council also undertook discussions with the applicant's agent during the application process.

Drawing numbers

P-Site-01 P04, P-Site-02 P02, P-Site-03 P02

P-00-01 P02P-01-01 P02, P-02-01 P04, P-03-01 P04

E-01 P02, E-02 P02

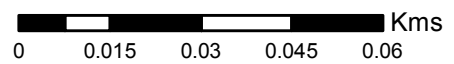
S-01 P02, S-02P 02, S-03 P01, S-05 P01, S-06 P01

Case officer: Paul Baxter
Email: paul.baxter@watford.gov.uk
Tel: 01923 278284



Mercedes-Benz Watford

Date: 19/01/2016



Scale 1:1,250



PART A	
Report of: HEAD OF DEVELOPMENT MANAGEMENT	
Date of Committee:	28th January 2016
Site address:	Rounton, 28, Nascot Wood Road
Reference Number:	15/01670/VAR
Description of Development:	Variation of wording of Condition 20 of planning permission ref. 13/00450/OUTM for the erection of up to 20 dwellings, to allow the new vehicular access on Nascot Wood Road to be completed prior to final occupation (and not prior to first occupation) of the development.
Applicant:	Persimmon Homes
Date received:	7th December 2015
13 week date(major):	7th March 2016
Ward:	Nascot

SUMMARY AND REASONS FOR DECISION

This application relates to the site known as Rounton at 28, Nascot Wood Road which was granted outline planning permission in July 2013 for the demolition of the existing house and the erection of up to 20 new dwellings on the site (ref.13/00450/OUTM). A reserved matters application for the erection of 20 dwellings was approved in June 2014 (ref. 14/00497/REM) and the houses are currently under construction. Condition 20 of the outline permission required the new access junction on Nascot Wood Road, including the removal of the existing chicane and the formation of a raised table across the junction, to be completed before first occupation.

The junction has been constructed to base course level to the edge of the highway but the chicane has not yet been removed and the raised table has not been constructed. The first houses have now been occupied. The delay in carrying out the works has been caused by delays in the completion of a s.278 agreement under the Highways Act 1985, between the applicant and Herts. County Council, to carry out the works within the highway. Furthermore, due to the proximity of the site to Nascot Wood School, the County Council will only allow the works to be carried out within school holiday periods. The applicant has demonstrated that vehicles can still access the site safely with only the incomplete road junction and the chicane still in place, albeit this is far from an ideal situation.

The applicant has requested that the time period for the works be extended to 'before final occupation' as they have control over this. The County Council has recommended that the highway works be completed within 3 months. However, with no completed s.278 agreement and no agreed time for the works, this cannot be guaranteed. It is therefore recommended that an occupation threshold of 15 dwellings be used as a compromise.

The Head of Development Management therefore recommends that Condition 20 be varied to allow the highways works to be carried out prior to the occupation of 15 dwellings.

BACKGROUND

Site and surroundings

The application site has an area of 1.36 hectares and the previously approved 20 houses are currently under construction. The development area excludes an area of ancient semi-natural woodland which occupies the western and northern parts of the site, which was the subject of an appeal in August 2012, together with a 15m buffer zone around the woodland. The total site area of Rounton in the ownership of the applicants is 2.6 hectares. The site is partially covered by a Tree Preservation Order (TPO 15, 1972),

which also covers the ancient woodland sited outside the development site. A number of other groups of trees and individual trees within the site are not covered by the TPO.

The site is bounded by existing residential development at Bay Tree Walk to the north-east and south-east and Nascot Wood Road to the south-west. The surrounding area is characterised by detached houses in generous plots.

Proposed development

An application to vary the wording of Condition 20 of planning permission ref. 13/00450/OUTM for the erection of up to 20 dwellings, to allow the new vehicular access on Nascot Wood Road to be completed prior to final occupation (and not prior to first occupation) of the development. The original wording of Condition 20 is as follows:-

20. No part of the development shall be occupied until the vehicular access from Nascot Wood Road sited between nos. 24 and 26, Nascot Wood Road, has been laid out and constructed in accordance with the details shown in principle on drawing no. CS-047357-03-T-001A (Capita Symonds). The existing access sited between nos. 26 and 30, Nascot Wood Road shall only be used to serve up to one dwelling.

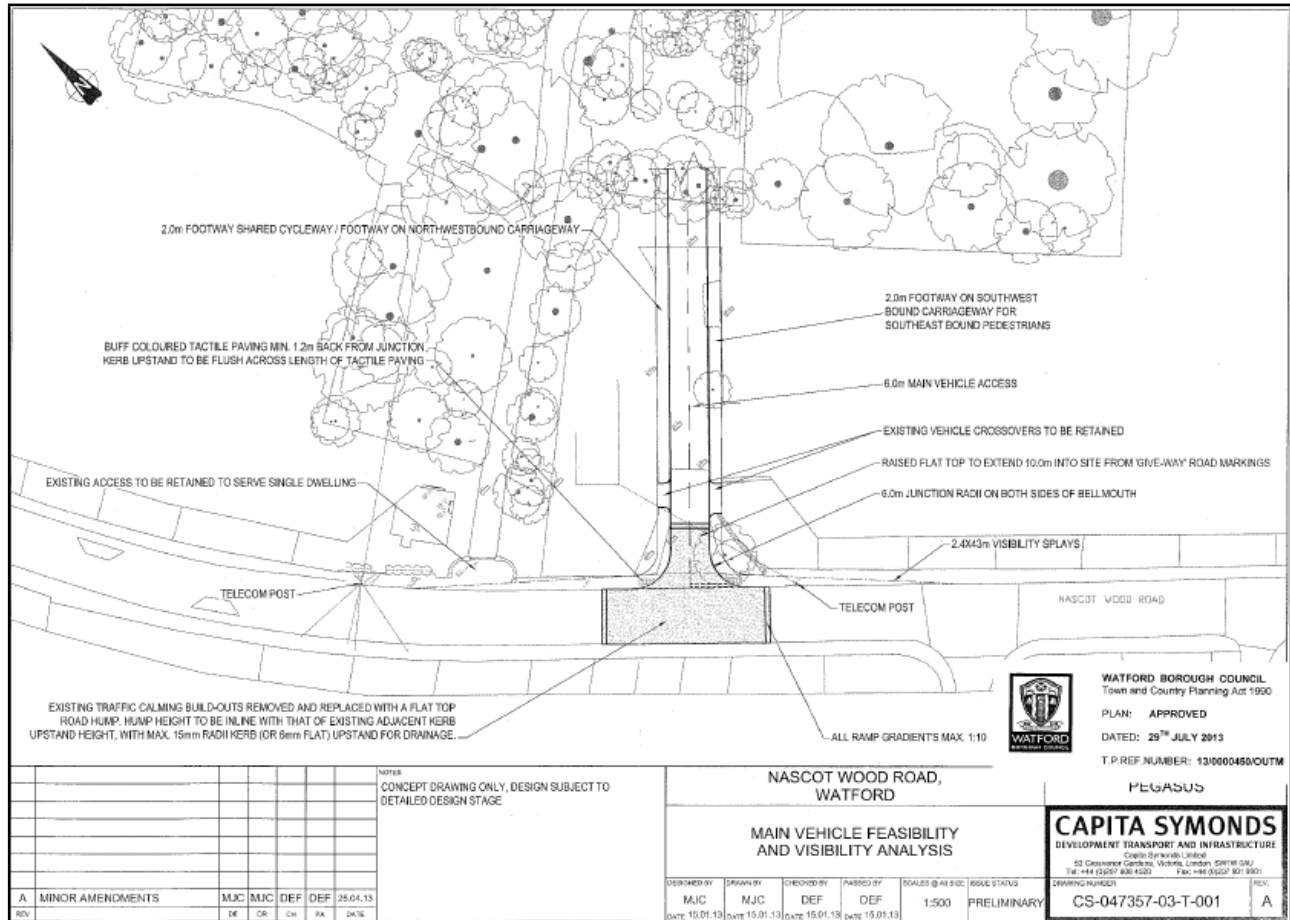
Reason: To minimise danger, obstruction and inconvenience to users of the highway and pedestrians and to ensure adequate servicing access for the development, in accordance with Policy T21 of the Watford District Plan 2000.

The junction layout referred to is shown below.

The variation to the wording of Condition 20 sought by the applicant is:

20. The final occupation in the development shall not take place until the vehicular access from Nascot Wood Road sited between nos. 24 and 26, Nascot Wood Road, has been laid out and constructed in accordance with the details shown in

principle on drawing no. CS-047357-03-T-001A (Capita Symonds). The existing access sited between nos. 26 and 30, Nascot Wood Road shall only be used to serve up to one dwelling.



Approved junction layout with new raised table

Planning history

11/00174/OUTM - In February 2011, an application for outline planning permission was submitted for the erection of up to 45 dwellings on the Rounton site, with only access to be determined (utilising the existing unused access between nos. 24 and 26, Nascot Wood Road) and all other matters reserved. This application was eventually refused permission in October 2011 for five reasons. The main reason related to the loss of a significant part of the woodland sited along the north-western and north-eastern parts of the site which was considered to be ancient semi-natural woodland. The other reasons for refusal related to the failure to complete a s.106 agreement to secure contributions towards

infrastructure and community facilities. This decision was appealed and the appeal was heard at a public inquiry in August 2012. In September 2012 the appeal was dismissed with the Inspector concluding that the woodland on the site was ancient semi-natural woodland and that the loss of a significant part of this woodland would be contrary to policies in the National Planning Policy Framework (NPPF) and the local development plan and that this harm would not be outweighed by the provision of housing on the site.



Site layout approved under ref. 14/00497/REM

13/00450/OUTM – Outline planning permission was granted in July 2013 for the erection of up to 20 dwellings on the site, with the retention of the ancient woodland and a 15m buffer zone. Access from Nascot Wood Road was approved as part of this permission.

14/00497/REM – Reserved matters approval granted in June 2014 for the appearance, layout, scale and landscaping of 20 new dwellings, pursuant to outline planning permission ref. 13/00450/OUTM.

All the relevant conditions of planning permission ref. 13/00450/OUTM have been discharged.

Relevant policies

National Planning Policy Framework

Achieving sustainable development

Section 4 Promoting sustainable transport

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 Part 1 - Core Strategy 2006-31

T3 Improving Accessibility

T4 Transport Assessments

Watford District Plan 2000

T21 Access and Servicing

Supplementary Planning Documents

None.

CONSULTATIONS

Neighbour consultations

Letters were sent to 34 properties, in Nascot Wood Road. 7 replies have been received and make the following comments:

- Delay in the removal of the chicane will only add further to the disruption currently experienced when using this road.
- Chicane should have been removed prior to any works commencing. Chicane could be in place for a further 12 months.
- Chicane has caused accidents and near misses.
- Unreasonable request. Applicant should comply with the condition.
- All the chicanes should be removed.

Advertisements in local paper/site notices

One site notice was displayed outside the site on 18th December 2015. A public notice was also published in the Watford Observer on 18th December 2015. The consultation period for both expired on 8th January 2016.

Consultations

Hertfordshire County Council (Highway Authority)

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 condition:

1) Within three months of the grant of planning permission the proposed junction on Nascot Wood Road as shown in principle on drawing number CS-047357-03-T-001 Rev A should be completed to the satisfaction of the Highway Authority.

Reason: To ensure that the highways are constructed to the current Highway Authority's specification and that all highway areas are built to adoptable standards and to maintain highway safety for all road users.

Informative:

The Highway Authority has no objection to the variation of Condition 20 of the planning permission, but the site access and associated highway improvement which are subject to a S278 Agreement are to be completed within 3 months of the grant of planning permission. To this end the above condition should be attached to any planning permission that may be granted.

APPRAISAL

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

- (a) the *Watford Local Plan Part 1 - Core Strategy 2006-31*;
- (b) the continuing "saved" policies of the *Watford District Plan 2000*;
- (c) the *Hertfordshire Waste Core Strategy and Development Management Policies Document 2011-2026*; and
- (d) the *Hertfordshire Minerals Local Plan Review 2002-2016*.

Background

Following the grant of outline planning permission in July 2013 and reserved matters approval in June 2014, construction works commenced on the site in November 2014. Construction works have been completed on several of the houses and it is understood

first occupation took place in December 2015. The only matter for consideration relates to the timing of the highway works to complete the new access junction, remove the existing chicane and construct the raised table. These works were required as part of the outline permission for the development of the site in order to ensure safe access to the site in accordance with current highway standards. Previously, the site had been accessed via an existing private drive sited between nos. 26 and 30, Nascot Wood Road, to the north-east of the new access and the existing chicane. As the new access conflicted with the chicane, the County Council as the Highway Authority required the chicane to be removed and replaced with a raised table. The latter would comprise an appropriate speed reducing measure in place of the existing chicane, within the series of chicanes along Nascot Wood Road forming the speed reduction scheme in this road.

The applicant is not requesting that this requirement be removed, only that the timing for the completion of the works be extended. This is to reflect the reality that the s.278 agreement under the Highways Act 1985 has not yet been completed to enable the works to take place. Furthermore, due to the proximity of the site to Nascot Wood School, the County Council will only allow the works to take place during school holiday periods. As the works are expected to take 2 weeks, the next available period for the works to take place (assuming the s.278 agreement is completed) will be the school Easter holidays between 2nd-17th April 2016.

Highway safety and access

The applicant has submitted a swept path analysis for a fire engine and a refuse lorry entering and leaving the site, for both northbound and southbound movements. These show that both vehicles can enter and exit the site within the confines of the highway and can negotiate the chicane. These movements will require additional care as some are not normal highway movements, i.e. entering the site from the south will necessitate over-running the give way line where vehicles leaving the site would be waiting. However, given the limited number of movements likely to be generated and the fact that care is already needed due to the continuing construction works on the site, the County Council have not objected to the delay in completion of the works.

With an anticipated date of early April for the works (school Easter holidays), the County Council has suggested a 3 month time period for the works to be completed. The applicant has expressed concern at this time frame stating:

Although we will of course exercise best endeavours to gain approval and carry out the work at the earliest possible juncture, we would be reluctant to agree to a strict deadline of three months as we are still beholden to HCC. Especially as the crux of the matter is whether or not it is safe to continue to occupy units with the chicanes in place, the amount of occupations, not the timing, is the material point. We would be concerned that should HCC's approval remain outstanding, that meeting the deadline could be taken out of our control.

Therefore, we can only agree to a limit on occupations as per the current application. As it has been proven that occupations can continue to safely occur until the final occupation and this has been agreed by HCC, we would respectfully request that the application be recommended for approval at Committee in its current format.

The County Council have concerns regarding the threshold for completion of the highways works being 'prior to final occupation' as this could, conceivably, never occur (i.e. if one of the properties was purchased as an investment and not occupied immediately or for some time afterwards). In this scenario, the works could, potentially, never be completed although this is considered to be highly unlikely. Nevertheless, in the absence of a completed s.278 agreement, neither the applicant nor the County Council (utilising a bond given by the applicant and secured by the s.278 agreement) would be in a position to carry out the works. In extreme circumstances, the County Council would have to carry out the works at public expense. As an alternative, if a lower occupation threshold were to be used, either the County Council or the Council could seek an injunction to prevent any further occupation. It is therefore proposed that an occupation threshold of 15 units be used.

Other planning considerations

All other matters remain as previously approved. As a new planning permission will be granted in the event of the variation of Condition 20 being agreed, the previously approved reserved matters and the approved details pursuant to the various conditions of the outline planning permission can be attached to the new permission.

Section 106 planning obligations

The original outline planning permission (ref. 13/00450/OUTM) was subject to a s.106 agreement to secure the following:

- i) *To secure financial payments to the Council of:*
 - a) *A payment of £985 (index linked) per dwelling of 2 or more bedrooms towards the provision and improvement of children's playspace in the Borough in accordance with Policy L9 of the Watford District Plan 2000;*
 - b) *£350 towards the monitoring of the agreement.*

- ii) *To secure financial payments to the County Council based upon the charges in Table 1 and Table 2 of 'Planning Obligations Guidance – Toolkit for Hertfordshire' (January 2008) as follows:*
 - a) *A payment (index linked) based upon Table 1 towards the implementation of the South West Hertfordshire Transport Strategy and sustainable transport measures in Watford in accordance with Policies T3, T4, T5 and INF1 of the Watford Local Plan Core Strategy 2006-31;*
 - b) *A payment (index linked) based upon Table 2 towards the provision of secondary education facilities in Watford in accordance with Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and Policy H10 of the Watford District Plan 2000;*

- c) *A payment (index linked) based upon Table 2 towards the provision of primary education facilities in Watford in accordance with Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and Policy H10 of the Watford District Plan 2000;*
 - d) *A payment (index linked) based upon Table 2 towards the provision of nursery education facilities in Watford in accordance with Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and Policy H10 of the Watford District Plan 2000;*
 - e) *A payment (index linked) based upon Table 2 towards the provision of youth facilities in Watford in accordance with Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and Policy H10 of the Watford District Plan 2000;*
 - f) *A payment (index linked) based upon Table 2 towards the provision of childcare facilities in Watford in accordance with Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and Policy H10 of the Watford District Plan 2000;*
 - g) *A payment (index linked) based upon Table 2 towards the provision of library facilities in accordance with Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and Policy H10 of the Watford District Plan 2000.*
- iii) *To secure the provision of 35% of the dwellings as affordable dwellings, of which at least 60% are to be for affordable rent, at least 15% for social rent and at least 10% for intermediate tenures, in accordance with Policy HS3 of the Watford Local Plan Core Strategy 2006-31.*
 - iv) *To secure the provision of necessary fire hydrants as required to serve the development.*

- v) *To secure an Environmental Management Plan for the area of retained ancient woodland and the 15m wide buffer zone around the woodland within the site.*

In respect of obligations i) and ii), the payments due to the Council and County Council have not yet been paid. In respect of obligation iii), the affordable housing provision was provided at the applicant's development site at Blackwell House, Aldenham Road, in accordance with the detailed provisions of the s.106 agreement which allowed provision to take place on an alternative site in the applicant's ownership. In respect of obligation iv), fire hydrants were provided as part of the water scheme installed at the site. In respect of obligation v), a Woodland Management Plan has been drawn up for the site. As obligations i) and ii) have not yet been fulfilled and obligation v) is a continuing obligation relating to the maintenance of the ancient woodland at the site, a deed of variation will be required to link the new planning permission to the existing s.106 agreement.

Community Infrastructure Levy (CIL)

The Council introduced the Community Infrastructure Levy (CIL) with effect from 1 April 2015. The CIL charge covers a wide range of infrastructure as set out in the Council's Regulation 123 list, including highways and transport improvements, education provision, youth facilities, childcare facilities, children's play space, adult care services, open space and sports facilities. CIL is chargeable on the relevant net additional floorspace created by the development. The charge is non-negotiable and is calculated at the time that planning permission is granted.

The charge is based on the net increase of the gross internal floor area of the proposed development. The proposed development has already paid contributions under the previous s.106 agreement and no additional floorspace is being created as a result of the variation of Condition 20. As such, in order to avoid double counting, no CIL charge is applicable in this case.

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:

i) the completion of a deed of variation to link the new planning permission to the original s.106 agreement dated 29th July 2013, forming part of planning permission ref.

13/00450/OUTM, to ensure the obligations contained in this agreement continue to apply to the new planning permission, and

ii) the conditions as set out below:

Conditions

1. The development shall only be constructed in accordance with the details shown on the following approved drawings:

The development shall only be constructed in accordance with the details shown on the following approved drawings:

11.060.100 Rev.9 (black and white), 11.060.100 Rev.9 (colour), 11.060.101, 11.060.102 Rev.9, 13.060.103 Rev.9, 13.060.104 Rev.9, 11.060.105 Rev.A (all Eric Cole Architecture)

11.060.01A, 02A, 03, 04A, 07A, 08A, 09A, 10A, 11A, 12A, 15A, 16A, 17A, 18A, 19, 20A, 30A, 31, 32 (all Eric Cole Architecture)

P694/1 (PFA Consulting)

100D (hardsurfacing details only), 201D (hard landscaping only), 500D, 501C, 502B, 701B (arboricultural construction works only) (all RPS)

Typical Tree and Shrub Palette (RPS)

Materials Schedule

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

2. The development shall only be carried out in accordance with the approved schedule of external materials and hard landscaping.

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

3. The development shall only be carried out in accordance with the tree protection measures shown on approved drawing no. 701 Rev.D (RPS).

Reason: To ensure the works within the root protection zones of the retained trees do not harm the health of the trees.

4. 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 unless agreed in writing by the Local Planning Authority.

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

5. The development shall only be carried out in accordance with the approved Construction Environmental management Plan Rev.A dated 26th September 2014.

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

6. The development shall only be carried out in accordance with the ground levels and finished floor levels of the proposed houses as shown on approved drawing no. 5029:02 (MJA Consulting).

Reason: To ensure that the proposed buildings and any other changes in level on the site maintain a satisfactory relationship between the development and existing properties to safeguard the character and appearance of the street and the privacy and amenities of neighbouring uses in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

7. The routing of below ground services shall only be carried out in accordance with the following approved drawings:

Affinity Water - Drawing no. 44258-01 Rev. T1

Virgin Media - Unnumbered drawing

BT Openreach - Unnumbered drawing

Reason: To ensure the retention of the existing trees on the site is not prejudiced by the development in accordance with Policy SE37 of the Watford District Plan 2000.

8. The foul and surface water drainage scheme, shall only be constructed in accordance with the following approved drawings:

Drawing no. 5029:01E (MJA Consulting)

Drawing no. 5029:2 (MJA Consulting)

Drawing no. 5029:22 (MJA Consulting)

Drawing no. 5029:23 (MJA Consulting)

No dwelling shall be occupied until the drainage scheme has been constructed in accordance with the approved details.

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

9. No dwelling shall be occupied until a post construction stage final certificate has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the dwelling has achieved code level 3 of the Code for Sustainable Homes.

Reason: To accord with Policies SD1, SD2 and SD3 of the Watford Local Plan Core Strategy 2006-31.

10. The external lighting scheme for the site shall only be installed in accordance with the approved drawing no. 5029:01E (MJA Consulting) and utilising the DW Windsor DW400 lantern on 5m high columns. The scheme shall be installed as approved before the first occupation of any part of the development.

Reason: To meet the needs for safety and security for users of the site in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

11. The development shall only be carried out in accordance with the bat mitigation strategy and method statement detailed in the following approved documents:

Bats – Method Statement template to support licence application (Natural England) Drawing nos. C5A, C5B, E.2.A, E.3.a, E.4.A, E2A, C.6.B, C.6.C, C.6.D, D (all RPS)

Reason: All bats and their roosts are legally protected by the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010. If bats are present it is illegal intentionally or recklessly to kill, injure or take any individuals or to deliberately capture or disturb individuals. It is an offence intentionally or recklessly to damage or destroy a roost, to obstruct a roost, and to disturb an individual whilst occupying the roost.

12. No trees, scrub or hedges on the site shall be lopped, topped, felled, grubbed up or otherwise removed from the site between 1st March and 31st August in any year unless a suitably qualified ecologist has previously surveyed the trees, scrub or hedges and certified in writing to the Local Planning Authority that such works of removal are unlikely to harm any protected species.

Reason: In order to avoid harm to any protected species, in accordance with Policies GI1 and GI3 of the Watford Local Plan Core Strategy 2006-31.

13. The approved soft landscaping scheme shall be carried out as approved not later than the first available planting and seeding season after completion of each phase 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 in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

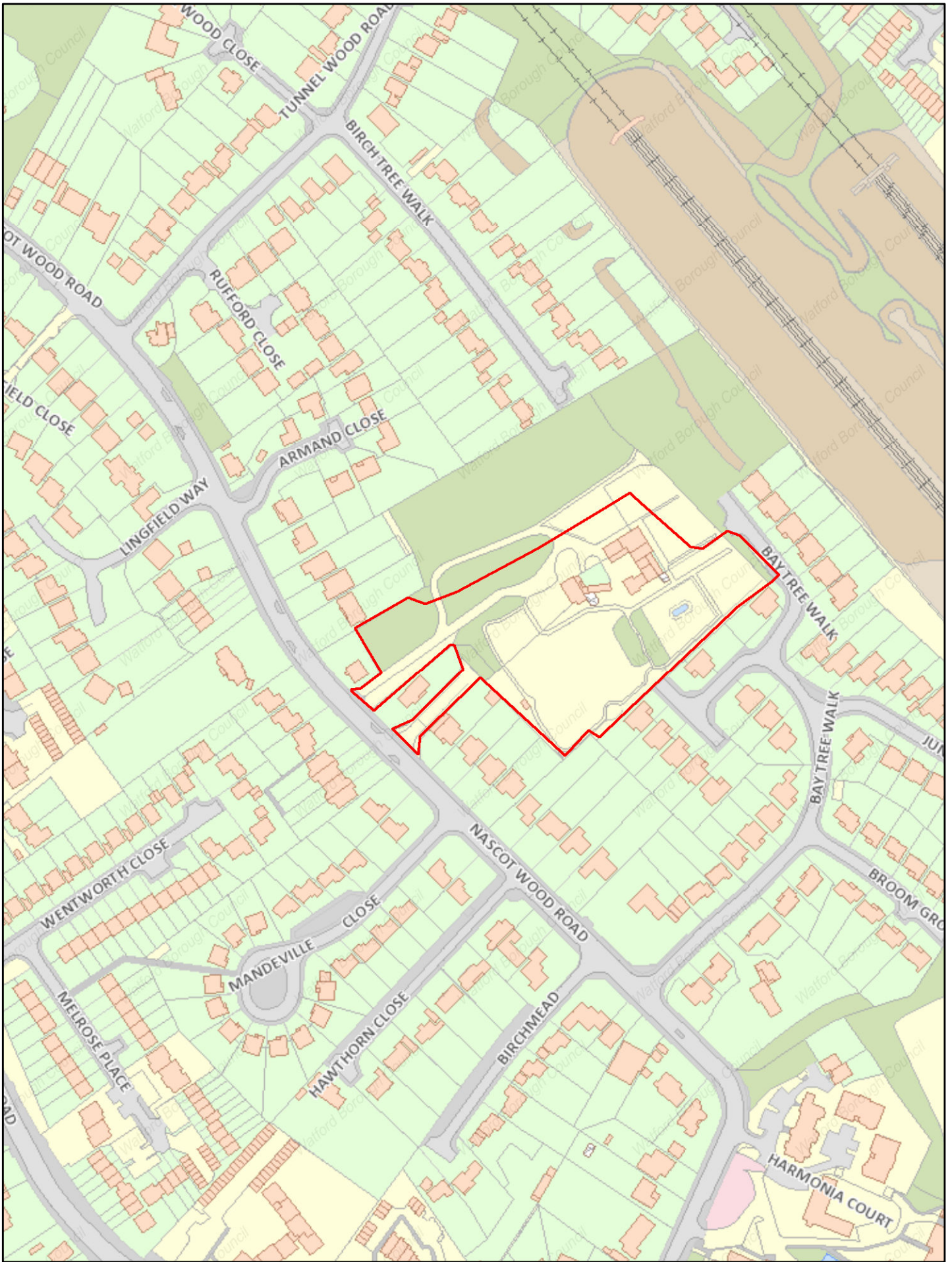
14. Car parking provision for the development provided in accordance with the approved drawings, unless otherwise agreed in writing by the Local Planning Authority. No dwelling shall be occupied until the respective car parking spaces for the occupants and their visitors have been constructed, unless otherwise agreed in writing by the Local Planning Authority. These facilities shall be retained at all times and shall not be used for any other purpose.

Reason: In the interests of the visual appearance of the site and to ensure that adequate parking facilities exist for residents of the proposed development, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31 and Policies T22 and T24 of the Watford District Plan 2000.

15. The occupation of no more than 14 dwellings shall take place until the vehicular access from Nascot Wood Road sited between nos. 24 and 26, Nascot Wood Road, has been laid out and constructed in accordance with the details shown in principle on drawing no. CS-047357-03-T-001A (Capita Symonds). The existing access sited between nos. 26 and 30, Nascot Wood Road shall only be used to serve up to one dwelling.

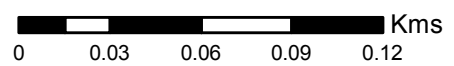
Reason: To minimise danger, obstruction and inconvenience to users of the highway and pedestrians and to ensure adequate servicing access for the development, in accordance with Policy T21 of the Watford District Plan 2000.

Case Officer: Paul Baxter
Tel: 01923 – 278284
Email: paul.baxter@watford.gov.uk



28 Nascot Wood Road

Date: 13/06/2014



Scale 1:2,500



