



# **DEVELOPMENT MANAGEMENT COMMITTEE**

**Thursday, 18th February, 2016**

**7.30 pm**

**Town Hall**

**Publication date: 10 February 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](mailto:legalanddemocratic@watford.gov.uk) .

Welcome to this meeting. We hope you find these notes useful.

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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 28 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. **14/00954/FULM 112-114, THE PARADE, WATFORD** (Pages 5 - 34)  
  
Retention of ground floor uses and the extension and conversion of the upper floors to provide 15 residential flats.
5. **15/01542/FUL 37, BUCKS AVENUE, WATFORD** (Pages 35 - 68)  
  
Duplicate application to Hertsmere Borough Council involving the demolition of 37 Bucks Avenue and equestrian facility and the redevelopment of the site to include 34 dwellings.

**6. 15/00849/FULM WATFORD CAR SALES, DOME ROUNDABOUT, WATFORD**  
(Pages 69 - 114)

Redevelopment of the existing car sales to provide a part three and part four storey building with 18 flats.

**7. 15/01729/FUL 1, HAMILTON STREET AND ADJOINING GARAGE SITE, WATFORD** (Pages 115 - 140)

Demolition of existing garages and bungalow and erection of 9 dwelling houses.

**8. 15/01786/FULM 23, 25 & 25A ST JOHN'S ROAD, WATFORD** (Pages 141 - 206)

Demolition of existing buildings, originally three detached dwellings, now linked and used as offices. Erection of two blocks of flats comprising 40 residential units.

PART A	
Report of: <b>HEAD OF DEVELOPMENT MANAGEMENT</b>	
Date of committee:	<b>18<sup>th</sup> February 2016</b>
Site address:	<b>112-114, The Parade, Watford</b>
Reference Number:	<b>14/00954/FULM</b>
Description of Development:	<b>Retention of ground floor Class A4 uses (drinking establishments) and the extension and conversion of the upper floors to provide 15 residential flats.</b>
Applicant:	<b>Aimrok Developments Limited</b>
Date Received:	<b>8<sup>th</sup> July 2014</b>
13 week date (major):	<b>7<sup>th</sup> October 2014 (extended by agreement to 22<sup>nd</sup> February 2016)</b>
Ward:	<b>Central</b>

## 1.0 SITE AND SURROUNDINGS

1.1 The site is located on the western side of The Parade facing towards the newly refurbished pond. It comprises a 3 storey building with 2 ground floor units in Class A4 use (drinking establishments), albeit 1 of these has been empty for many years, with offices and 2 residential flats on the upper floors. It was constructed in 1930 and has a mock Tudor appearance. To the north is the 3 storey Faircross House with Class A uses at ground floor and 2 storeys of residential flats above. To the south is the former JSA House also with Class A uses at ground floor. The upper 2 floors of offices are currently being converted to residential use. To the rear of the site is Halsey Road and the 3 storey block of flats at Ballinger Court.

## 2.0 PROPOSED DEVELOPMENT

- 2.1 Full planning permission is sought to retain the 2 existing Class A4 units at ground floor and for the rebuilding, extension and conversion of the upper floors to provide 15 one bedroom flats. The works include the rebuilding of the front façade and the addition of a mansard roof incorporating residential accommodation. The development provides no car parking and will be car-free. Bin and cycle stores are provided at the rear of the site, accessed from Halsey Road.

### **3.0 RELEVANT PLANNING HISTORY**

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

96/0183/9 – Planning permission granted in September 1996 for the change of use from Class A2 (financial and professional services) to Class A3 (food and drink).

07/01287/COU – Retrospective planning permission granted in November 2007 for the change of use of the ground floor from Class A3 use (restaurant/café) to a Class A4 use (bar).

14/00671/JPD – Prior approval application refused in July 2014 for the change of use of the upper floors from Class B1(a) office use to residential use.

There have also been numerous minor applications over the years relating to advertisements and shopfronts.

### **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**

- SS1 Spatial Strategy
- SPA1 Town Centre
- SD1 Sustainable Design
- SD2 Water and Wastewater
- SD3 Climate Change
- SD4 Waste
- TLC1 Retail and Commercial Leisure Development
- HS1 Housing Supply
- HS2 Housing Mix
- HS3 Affordable Housing
- T2 Location of New Development
- T3 Improving Accessibility
- T5 Providing New Infrastructure
- INF1 Infrastructure Delivery and Planning Obligations
- UD1 Delivering High Quality Design
- UD2 Built Heritage Conservation

#### 4.4 **Watford District Plan 2000**

SE7 Waste Storage and Recycling in New Development  
SE22 Noise  
T10 Cycle Parking Standards  
T21 Access and Servicing  
T22 Car Parking Standards  
T24 Residential Development  
T26 Car Free Residential Development  
H10 Educational and Community Facilities  
S11 Use Class A3 Food and Drink  
S12 Planning Conditions for Use Class A3 Food and Drink  
L8 Public Open Space  
L9 Children's Play Space  
U18 Design in Conservation Areas  
U20 Demolition in Conservation Areas

**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 *Shopfront Design Guide*

The Shopfront Design Guide was adopted in February 2013. It is intended to provide helpful guidance for designing new shopfronts or making alterations to existing ones. The document sets out a range of design principles for works to shopfronts and is a material consideration in the determination of relevant planning applications.

#### 4.10 *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.

#### 4.11 *Conservation Areas Management Plan*

The Conservation Areas Management Plan was adopted in July 2013. It is capable of constituting a material consideration in the determination of relevant planning applications.

#### 4.12 *Conservation Area Character Appraisals*

These character appraisals examine the Borough's Conservation Areas and describe why they are an area of special architectural and historical interest. Their purpose is to help inform the design of any future development proposals so that they enhance the area and acknowledge its features. The following appraisal is relevant to this application and is a material consideration in its determination:

Civic Core Conservation Area Character Appraisal (adopted March 2009).

#### 4.13 *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.

#### **4.14 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 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 12 Conserving and enhancing the historic environment

Decision taking

## **5.0 CONSULTATIONS**

### **5.1 Neighbour consultations**

Letters were sent to 42 properties in The Parade. Two replies have been received and can be summarised as follows:

Central Town Residents Association:

- Roof extension should not detract from current Tudor style appearance.
- Flats will be prone to noise from Chocolate bar.
- No residents permits should be given to the proposed flats. This could impact adversely on parking in surrounding residential roads.

Alliance Planning on behalf of Luminar Leisure Limited (operators of Oceana):

- Lack of a noise assessment with the application (*this has since been submitted*).
- Likely to be significant adverse conflict between the proposed residential uses and existing commercial operators, such as Oceana.

## 5.2 **Statutory publicity**

The application was publicised by site notice posted on 25 July 2014 and by advertisement in the Watford Observer published on 18 July 2014.

## 5.3 **Technical consultations**

The following responses have been received from technical consultees:

No technical consultations were necessary in respect of this application.

## 5.4 Crime Prevention Design Advisor

Has made the following comments:

- I am not clear as to how Flat 6 on each floor is accessed as the doors from the rear seem to be a fire exit from Retail 1 and also a fire exit from Retail 2 in to the communal staircase which is not acceptable. The only other door appears to open on to the staircase, could this be clarified please.
- The alleyway beside the building to be cleared and not opened out on to established and locked alleyway from The Parade.
- Will the rear area be used for parking?
- There is no indication of the security for the cycles, could this be expanded please as I will be looking for cycles to be secured as they can be a commodity in Watford.
- I would like to see the rear area fenced off to prevent unofficial free parking and for the security of the flats which may be accessed of the rear courtyard.
- There is no indication of lighting.

## 5.5 Environmental Health

The application was submitted with a noise assessment '*Assessment of the Ambient Noise Climate in the Vicinity of the Proposed New Residential flats at 112-114, The Parade, Watford*' (Leema Technologies).

Following discussions with Environmental Health, two further noise reports were subsequently submitted, '*Sound Insulation Assessment of the Separating Floor Between The Chocolate Bar and the First Floor Spaces at 112-114, The Parade, Watford*' (Leema Technologies) and '*Assessment of the Low Frequency Noise Climate Within the Existing First Floor Spaces at 112-114, The Parade, Watford*' (Leema Technologies), addressing respectively noise from the ground floor Class A4 use (Chocolate) and noise from the electricity sub-station to the side of the property.

A further report was subsequently submitted to assess noise level egress from the Chocolate Bar and potential sound insulation measures '*112-114, The Parade, Watford – Acoustic Report*' (Entran).

These reports were the subject of extension discussions with Environmental Health who considered that they dealt adequately with the noise sources from The Parade and the Chocolate Bar at ground floor level. Noise attenuation details relating to these noise sources are secured by Conditions 6 and 7 in the recommendation.

However, Environmental Health were still concerned that the noise issue relating to the electricity sub-station sited to the rear of the site had not been adequately addressed. At this stage, following advice from Environmental Health, it was decided to appoint an independent noise consultant (Stephen Turner Acoustics Limited) with an expertise in low frequency noise from electricity sub-stations to advise the Council. Following a visit to the site with Environmental Health, his conclusions were as follows:

*In order to understand better the likely impact of the noise from the sub-station, consideration was given to the use of the criterion curve shown in Section 4.1*

*of the research report published by the Department for Environment, Food and Rural Affairs, in December 2011 (NANR 45: Procedure for the assessment of low frequency noise complaints).*

*The criterion curve value in the 100 Hz 1/3 octave frequency band is 38 dB.*

*In the language of current noise policy, the criterion curve probably represents the Lowest Observed Adverse Effect Level (LOAEL). Consequently, if the building envelope insulation could be designed to achieve that level internally, without placing an undue burden on the developer, then the risk of complaint is minimised and, should a complaint arise, the risk of it being deemed a statutory nuisance is also minimised.*

*Because of the potential noise sources at the front of the building, the glazing specification for that façade comprises 6mm, 150mm, 6mm units (Appendix 2, Figure 2 in the 15th August 2015 report). The 125Hz octave frequency band attenuation is shown to be 30 dB (Table 11 of that report), which probably equates to around 25 dB in the 100 Hz, 1/3 octave frequency band.*

*Consequently, were that glazing specification applied to the windows on the rear and side facades, the 63 dB in the 100 Hz 1/3 octave frequency band measured outside would reduce roughly to 38 dB inside, once the glazing attenuation has been taken into account. This would mean that the criterion curve value for that frequency band is just met inside. The detailed calculations are more complex than that, but this simple estimate shows that it is likely that, with this glazing specification and with windows closed, the internal level would be no more than the LOAEL.*

*With this arrangement, it is likely that the internal levels would be no more than a LOAEL, with windows closed, and according to the Planning Practice Guidance (Noise), “no specific measures (are) required” meaning that the noise planning policy has been met.2*

*For the residents of those flats, therefore, when the windows are closed, the sound of the sub-station should not be at a level that causes any material disturbance (and, in fact, it could be inaudible). Obviously when the windows are open, the sub-station sound would be more noticeable (depending on what other sound sources are occurring, either inside or outside).*

*With windows closed, the occupiers would be reliant on the alternative ventilation. At the moment, it appears that the proposed ventilators are passive. An alternative would be to use powered acoustically treated ventilators (i.e. which include a fan), which would be likely to provide a better ventilation performance.*

Subsequently, the following condition was recommended to be imposed on any planning permission granted:

*'Prior to the commencement of the development hereby permitted, a scheme of glazing shall be prepared and submitted to the local planning authority for approval. The scheme shall be designed so that the sound from the nearby electricity sub-station does not exceed 38 dB in the 100 Hz one-third octave frequency band within any habitable room of any of the dwellings, with windows closed. The information to be provided with the scheme shall include data about the relevant façade sound level from the sub-station; the proposed glazing system (including the expected sound reduction across the frequency range of 63 Hz to 4 kHz) and the calculated expected internal sound level, over the same frequency range, taking account of the sound insulation provided by the building envelope. Information shall be provided for each room potentially affected. Information shall also be supplied regarding the alternative ventilation that will provided to the affected rooms so that windows can be kept closed and yet the required ventilation achieved without compromising the internal acoustic design target.'*

This suggested condition has been proposed as Condition 7 (reworded) in the recommendation.

## 5.6 Urban Design and Conservation Manager

“The site is within the Civic Core Conservation Area. Although the current building has some attractive features, such as console brackets and cornice detailing on the shopfronts, it has a broadly neutral appearance within the Conservation Area. Relevant NPPF guidance at paras 64; 134 and 137 is clear that any development on this site should take opportunities available to improve the character and quality of the area and the way it functions; and in the case of the conservation area new development should seek to better reveal the significance of the conservation area.

Character of the area: key points are the set piece designs along The Parade and Faircross House; many of the buildings are of high quality and there is a consistency in approach (ground floor shops; first and second floor comprising the main part of the elevation and a third floor built into the roof); there is also a consistency in terms of the materials used and the fenestration pattern used to set up the rhythm pattern on the elevations; the solid to void ratio is also consistent and important. To meet the policy requirements the facelift and additional storeys to this building should seek to enhance these key points of character.”

*The original scheme did not fully fulfil this objective and amendments were requested to the scheme. Following meetings and correspondence with the applicant and their agent, amended drawings were submitted to address these issues. The amended drawings are considered acceptable by the Urban Design and Conservation Manager.*

## 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) Housing policies.
- (c) Design and appearance.

- (d) Impact on neighbouring properties.
- (e) Transportation, access and parking.
- (f) Sustainable development, energy and waste.

## 6.2 (a) Principle of development

The site is located within the secondary retail frontage of the town centre on the Proposals Map of the Watford District Plan 2000 and within Special Policy Area 1: Town Centre in the Watford Local Plan Core Strategy. It is also within the Civic Core Conservation Area.

The principle of new residential dwellings on the upper floors of buildings within the town centre is acceptable. Policy SPA1 states that on the upper floors, uses which encourage a lively and vibrant town centre will be encouraged, including residential, office and leisure use. The proposed residential units need, however, to be considered in the context of the immediate environment and against other relevant policies to ensure an acceptable quality of accommodation and level of amenity can be achieved.

## 6.3 (b) Housing policies

The application as submitted proposed 18 flats. Following amendments to the scheme, this number has been reduced to 15. All of the flats will be accessible from a central corridor on each floor linked to stair cores at the front and rear of the building. The front stair core will allow each flat to be accessed from The Parade as the main entrance with the rear stair core providing a secondary entrance to the rear off Halsey Road for deliveries and access to bin and cycle stores.

### 6.3.1 i) Residential amenity

All of the proposed flats are one bedroom which is considered acceptable in this town centre location where family sized accommodation is considered to be less appropriate. All of the flats exceed the Council's internal space guidelines within the Residential Design Guide with internal floorareas of 49.1-59.9m<sup>2</sup>. The internal layouts are, in themselves, all acceptable but 2 of the flats (Flat 4 on the first floor and Flat 4 on the second floor) both have their two windows (to the living room and



bedroom) in close proximity to the 3 storey flank wall of the adjacent JSA House building. In each case, the living room window is sited at right angles to the flank wall at a distance of 3.2m. This will ensure reasonable levels of outlook and natural light to the room but the levels will be significantly lower than that for other flats in the building. The bedroom windows in both flats directly face the flank wall at a distance of only 4.8m. As such, both flats will experience very poor outlook and natural light to the bedrooms. Whilst this is far from ideal, it is not considered fatal to the scheme which is a high density scheme within the town centre. The proposal is also bringing back into use an underused building, parts of which have been vacant for many years. All other flats on each floor will have good levels of outlook, natural light and privacy.

Two environmental considerations that have the potential to have a significant adverse impact on the amenities of future occupiers are noise and odours.

#### 6.3.2 ii) Noise

The application site is located in a part of the town centre where there are a number of significant noise sources. These include the general noise and activity within The Parade, both during the daytime and night-time; noise from the various clubs and bars in the vicinity of the site and adjoining the site, especially during the night-time; noise from the ground floor units (when occupied); traffic noise from Rickmansworth Road; low frequency noise from the electricity sub-station sited adjacent to the site; and potential noise from extract flues and other plant associated with the ground floor units. As detailed in paragraph 5.6 of this report, there has been extensive discussion surrounding the potential impacts of these various noise sources on the future occupiers of the proposed flats. It is now considered that these impacts have been adequately assessed and that, subject to appropriate conditions, an acceptable level of amenity can be secured for future occupiers.

#### 6.3.3 iii) Odours

With the ground floor units having a use for Class A4, both are likely to require fume extract and ventilation/cooling equipment. An existing extract flue currently

exists on the western corner of the building attached to the rear stair core. The application drawings indicate that this would remain or be replaced with a similar flue. Any flue of this nature has the potential to give rise to fumes and odours although this could be mitigated by the type of flue, the effectiveness of its filters, and its height above windows. The use of the proposed roof garden could, however, be seriously compromised by the flue as this would be discharging at the same level as the roof garden. The amended drawings show a new flue extending above the level of the roof to the top of the rear stair core. This, in principle, is considered acceptable but subject to details of the flue and extraction system being approved. These details can be secured by condition.

#### 6.3.4 Affordable Housing

As the proposal is for 15 dwellings, there is a requirement to provide 35% affordable housing, equating to 5 units, in accordance with Policy HS3 of the Core Strategy. This would comprise 1 social rented unit, 3 affordable rented units and 1 shared ownership unit. In this case, following discussions with the Council's Housing Supply Manager, it has been agreed that the applicant will provide 5 affordable rented units. This can be secured by a Section 106 planning obligation.

#### 6.4 (c) Design and appearance

The site is located within the southern part of the Civic Core Conservation Area. The conservation area is characterised by a number of set piece civic and municipal buildings, located to the north of Rickmansworth Road, with the Town Hall, Central Library and Lanchester Building being the most prominent examples. The southern section of the conservation area, to the south of Rickmansworth Road, also contains many buildings that reflect this restrained municipal style of building, with Faircross House and St Albans House acting as a foil to the Town Hall and providing a strong visual and design link across the Rickmansworth Road. Many other buildings within this section of The Parade, around the pond, reflect this style of building and exhibit a strong vertical rhythm in the arrangement of their windows on the upper floors. Steeply pitched roofs and mansard roofs are also common features in the area. There is also a strong link between the buildings in terms of materials with red/brown brick and stone being predominant.

In this context, the existing building on the site, with its mock Tudor appearance of black timber and white render, sits at odds with the prevailing character and appearance of the conservation area. Although at one time locally listed, this status was removed as part of the conservation area character appraisal carried out in 2009. Overall, the building is considered to have a neutral impact on the character and appearance of the conservation area. The relevant policy test is that new development within a conservation area should preserve or enhance the character and appearance of the conservation area. The NPPF states that local planning authorities should look for opportunities for new development within conservation areas to enhance or better reveal their significance.

The proposal involves the rebuilding of the front façade of the building and adding a mansard roof incorporating residential accommodation. The new façade will have a modern appearance with brick and reconstituted stone as the main materials, reflecting those materials predominant in the locality. The elevation will have a central main entrance core rising to eaves level and framed in stone. Either side of this will be 3 bays of equally spaced windows at first and second floor level. The mansard roof will also incorporate narrow dormer windows aligned directly above these windows. At ground floor level, new shopfronts will also be defined by stone surrounds with a clear horizontal separation from the residential floors above. The design will give the building a strong vertical rhythm and a high degree of symmetry, reflecting the restrained design of the adjacent Faircross House and other prominent buildings in the conservation area. Each element of the façade, the ground floor units, the first/second floor residential, and the mansard roof can be read as distinct elements which combine to give a pleasing appearance to the building. Mansard roofs of varying design and materials are also a common feature within this part of the conservation area and the proposed mansard roof will compliment the character and appearance of the conservation area. Overall, it is considered the proposal is a more appropriate design for this part of the conservation area than the existing building which will sit more comfortably alongside the existing historic buildings and will at least preserve and even enhance the character and appearance of the conservation area.

6.5 (d) Impact on neighbouring properties

The adjacent building to the north, Faircross House, comprises ground floor commercial units with 2 floors of residential flats above. The proposal will have no adverse impact on either the existing commercial units or the proposed residential accommodation.

To the south, JSA House comprises ground floor commercial units with 2 floors of vacant offices above. These offices are currently in the process of being converted into residential accommodation. The proposal will have no adverse impact on either the existing commercial units or the proposed residential accommodation.

To the rear of the site, located off Halsey Road is the 3 storey block of flats at Ballinger Court. The proposed flats at the rear of the building will have windows facing the flats at Ballinger Court. The distance between these facing windows is 33.5m which is in excess of the minimum distance of 27.5m in the Residential Design Guide and will ensure the flats at Ballinger Court will not suffer any loss of amenity.

6.6 (e) Transportation, access and parking

The site is located within the town centre and is highly sustainable. The site currently has no car parking provision and no parking spaces are proposed as part of the application. A car-free development is acceptable in this location, subject to the development being excluded from the local controlled parking zone. This can be secured as a planning obligation.

The proposal incorporates two communal cycle stores for up to 18 cycles which will further encourage sustainable, non-car travel. These will need to be weatherproof and secure and final details of these can be secured by condition.

6.7 (f) Sustainable development, energy and waste

Policy SD1 of the Core Strategy requires all new development to incorporate sustainable design measures and to comply with or exceed the current standards

set out in the Code for Sustainable Homes. As the site is located within a special policy area (SPA1) the policy seeks Code Level 4 for the new residential units. However, the Code for Sustainable Homes has now been abolished by the Government and the development will now be required to comply only with the current Building Regulations. At the present time, the Council is not able to consider requiring the enhanced Building Regulations standards for energy efficiency and water usage as it does not have an adopted Local Plan Part 2 setting out these requirements.

In respect of waste, the proposal incorporates one bin store for the residential units and one for the existing commercial units, located at the rear of the building off Halsey Road. Both are of adequate size to accommodate bins for waste and recycling.

## **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.

As the proposed development creates new residential dwellings, the CIL charge applicable to the proposed development is:

#### **Watford Charging Schedule**

<b>Type of Development</b>	<b>CIL Rate</b>
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Residential	£120 per sqm
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The charge is based on the net increase of the gross internal floor area of the proposed development. For the net additional floorspace created by the development, this is calculated at £67,800. Exemptions can be sought for charities, social housing and self-build housing. If any of these exemptions is applied for and granted, the CIL liability can be reduced.

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. On and 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.

The proposed development is one where affordable housing should be provided, in accordance with Policy HS3 of the Watford Local Plan Part 1 Core Strategy 2006-31.

The development proposed in this application is also one where, in accordance with saved Policy T26 of the Watford District Plan 2000 and Policy INF1 of the Watford Local Plan Part 1 Core Strategy 2006-31, the Council will normally require the applicant to enter into a planning obligation which provides for a financial 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 application site. It is necessary to amend the traffic order so as to exclude the occupiers of the development from any entitlement to claim permits for the local Controlled Parking Zone because otherwise the proposed development would be likely to give rise to additional vehicles parking on local streets, thus worsening traffic congestion which would be a reason to refuse planning permission.

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.

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.

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.

The contribution sought by the Council for amending the Controlled Parking Zones Traffic Regulation Order varies according to the number of dwellings existing and to be created and according to the existing use of the property. The contribution is thus 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.

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.

Accordingly, the provision of affordable housing, the contribution sought by the Council towards the amendment of the Controlled Parking Zones Traffic Regulation Order 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 a financial contribution and the County Council's approach to seeking 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.

The affordable housing requirement in this case is for the provision of 5 one bedroom units for affordable rent.

The Council's contribution in the case of the development proposed in this application is set out below:



<i>New residential development</i>	The sum of £2000 (two thousand pounds) 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 site in accordance with saved Policy T24 of the Watford District Plan 2000.
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## 8.0 CONCLUSION

- 8.1 The site is located within the Civic Core Conservation Area which is characterised by buildings exhibiting a restrained municipal style of building and with a strong vertical rhythm in the arrangement of their windows on the upper floors. Steeply pitched roofs and mansard roofs are also common features in the area. In this context, the existing building on the site, with its mock Tudor appearance of black timber and white render, sits at odds with the prevailing character and appearance of the conservation area. In the conservation area character appraisal carried out in 2009, the building is considered to have a neutral impact. As such, the proposed scale and design of the building, subject to the use of appropriate materials, is considered to enhance the character and appearance of the conservation area.
- 8.2 There is no objection in principle to new residential dwellings on the upper floors of this building within the town centre. However, due to its location, the site is subject to significant noise impacts. Following extensive assessment of different noise sources, an acceptable level of amenity for future occupiers can be achieved through the imposition of appropriate conditions to secure various acoustic insulation measures. The proposal will have no adverse impacts on adjoining properties.

## **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.

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## **10.0 RECOMMENDATION**

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

### Section 106 Heads of Terms

- i) To secure a financial payment to the Council of £2,000 towards the variation of the Borough of Watford (Watford Central Area and West Watford Area) (Controlled Parking Zones) (Consolidation) Order 2010 to exclude the site from the controlled parking zone, thereby preventing residents' parking permits being allocated to this site.
- ii) To secure 5 of the one bedroom units as affordable rented housing.
- iii) To secure the provision of fire hydrants as required by the County Council in accordance with Policy H10 of the Watford District Plan 2000.

### Conditions

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved drawings:-

1304/P01a, P02, P03e, P04b, P05g, P06c

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 constructed, pursuant to saved Policy SE22 of the Watford District Plan 2000.

4. No demolition or construction works shall commence within the site until a Construction Environmental Management Plan has been submitted to and approved by the Local Planning Authority. This Plan shall include details of temporary access for construction vehicles, contractors parking, the delivery and storage of materials, measures to mitigate noise and dust, wheel washing facilities, plant and equipment and a contact procedure for complaints. The Plan as approved shall be implemented throughout the construction period.

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

5. No construction works shall commence until details of the materials to be used for all the external finishes of the building, including walls, roofs, doors, windows and dormer 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: In the interests of the visual appearance of the site and the character and appearance of the conservation area, in accordance with Policies UD1 and UD2 of the Watford Local Plan Core Strategy 2006-31.

6. The development shall only be constructed in accordance with the specification set out in paragraph 4.2 of the report '112-114, The Parade, Watford – Acoustic Report (Ver.1, dated 02-04-2015) by Entran Limited, unless otherwise agreed in writing by the Local Planning Authority. No flat shall be occupied until documentary and photographic evidence has been provided from the manufacturer or authorised contractor that the approved system has been installed in full.

Reason: In the interests of the amenity of future occupiers to ensure they experience no noise nuisance from the existing ground floor uses, in accordance with saved Policy SE22 of the Watford District Plan 2000.

7. No development shall commence until a scheme of glazing for the windows to Flats 1, 2 and 3 at first, second and third floor levels (as shown on the approved drawing no. 1304/P03e) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to achieve the following sound reduction levels (where OBCF is the Octave Band Centre Frequency):

OBCF, Hz	125	250	500	1k	2k	4k	Overall Rw dB
	30	39	43	48	44	48	45

The scheme shall also include details of a mechanical ventilation system to the affected rooms to demonstrate that the background and purge ventilation requirements of the Building Regulations can be achieved without compromising the internal acoustic design target so that windows can be kept closed. None of the dwellings referred to in this condition shall be occupied until the approved scheme of glazing and approved mechanical ventilation system have been installed in full.

Reason: In the interests of the amenity of future occupiers to ensure they experience no noise nuisance from the adjacent electricity sub-station, in accordance with saved Policy SE22 of the Watford District Plan 2000.

8. No development shall commence until a scheme of glazing for the windows to Flats 4 and 5 at first, second and third floor levels (as shown on the approved drawing no. 1304/P03e) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to demonstrate that the sound from the nearby electricity sub-station does not exceed 38 dB in the 100 Hz one-third octave frequency band within any habitable room of any of the dwellings, with windows closed. The information to be provided with the scheme shall include data about the relevant façade sound level from the sub-station; the proposed glazing system (including the expected sound reduction across the frequency range of 63 Hz to 4 kHz) and the calculated expected internal sound level, over the same frequency range, taking account of the sound insulation provided by the building envelope. Information shall be provided for each room potentially affected. The scheme shall also include details of a mechanical ventilation system to the affected rooms to demonstrate that the background and purge ventilation requirements of the Building Regulations can be achieved without compromising the internal acoustic design target so that windows can be kept closed. None of the dwellings referred to in this condition shall be occupied until the approved scheme of glazing and approved mechanical ventilation system have been installed in full.

Reason: In the interests of the amenity of future occupiers to ensure they experience no noise nuisance from the adjacent electricity sub-station, in accordance with saved Policy SE22 of the Watford District Plan 2000.

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

Reason: In the interests of the visual appearance of the site and the character and appearance of the conservation area, in accordance with Policies UD1 and UD2 of the Watford Local Plan Core Strategy 2006-31.

10. No part of the building shall be occupied until details of the design, materials and construction of the bin stores and the cycle stores, shown on drawing nos. P03e and P05g, to ensure they are secure 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 stores shall be retained at all times and shall not be used for any other purpose.

Reason: To ensure all of the stores are secure 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 Policies UD1 and UD2 of the Watford Local Plan Core Strategy 2006-31.

11. The external flue shown on the approved drawings shall not be installed until full details of the size and specification of the flue and the associated extraction system for odour control have been submitted to and approved in writing by the Local Planning Authority. The flue shall only be installed as approved.

Reason: In the interests of the appearance of the site and the amenities of future occupiers and adjacent occupiers.

12. No external plant or equipment shall be installed on the building without the prior written approval of the Local Planning Authority.

Reason: In the interests of the appearance of the site and the amenities of future occupiers and adjacent occupiers.

### Informatives

1. This planning permission is accompanied by a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to secure 5 units of affordable housing and the exclusion of the development from the local controlled parking zone, to ensure future occupiers are not entitled to parking permits. The agreement also requires the provision of necessary fire hydrants to serve the development.
2. In dealing with this application, Watford Borough Council has considered the proposal in a positive and proactive manner having regard to the policies of the development plan as well as paragraphs 186 and 187 of the National Planning Policy Framework and other material considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended. The Council undertook extensive 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

1304/P01a, P02, P03e, P04b, P05g, P06c

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- (B) That, in the event that a planning obligation under s.106 of the Town and Country Planning Act 1990 is not completed by 24<sup>th</sup> February 2016, the Head of

Development Management be authorised to refuse planning permission for this application for the following reasons:

1. The proposed development 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 appropriate provision to restrict on-street parking in the surrounding Controlled Parking Zone and for the remarking of parking bays on Granville Road and, as such, is contrary to saved Policy T24 of the Watford District Plan 2000.
3. 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.

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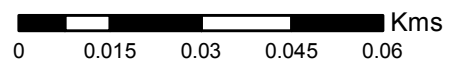
Case Officer: **Paul Baxter**  
Email: **paul.baxter@watford.gov.uk**  
Tel: **01923 278284**





112-114 The Parade

Date: 09/02/2016



Scale 1:1,250





# Agenda Item 5

PART A	
Report of: <b>HEAD OF DEVELOPMENT MANAGEMENT</b>	
Date of committee	<b>18<sup>th</sup> February 2016</b>
Site address:	<b>37, Bucks Avenue, Watford</b>
Reference Number:	<b>15/01542/FUL</b>
Description of Development:	<b>Demolition of 37 Bucks Avenue and equestrian facility, removal of hardstanding, maneges, buildings and structures and the redevelopment of the site to include 34 dwellings (including 12 affordable dwellings) comprising 12 x 1 bed apartments, 4 x 2 bed apartments, 10 x 3 bed houses and 8 x 4 bed houses, parking, village green with pond and play area served by modifying existing access from Bucks Avenue/Sherwoods Road. Provision of public footpaths &amp; cycleways connecting Bucks Avenue to footpath no. 17 and ecological enhancement of land to South East of dwellings to include biodiversity enhancement, landscaping, wildflower meadows, formation of ponds and communal orchard. (Duplicate application to Hertsmere Borough Council)</b>
Applicant:	<b>Clovercourt Fusion</b>
Date Received:	<b>29<sup>th</sup> October 2015</b>
8 week date (minor):	<b>24<sup>th</sup> November 2015 (extended by agreement to 22<sup>nd</sup> February 2016)</b>
Ward:	<b>Oxhey</b>

## **1.0 SITE AND SURROUNDINGS**

- 1.1 The site is located almost entirely within Hertsmere Borough with its access off Bucks Avenue, at the junction with Sherwoods Road, within Watford Borough. The overall area of the site is approximately 13 hectares and comprises a dwelling, the Bucks Meadow Riding School, outdoor manages, paddocks and extensive grazing fields extending from the site entrance to the east. The site itself is located within the Metropolitan Green Belt. The riding school closed in September 2015.
- 1.2 The site comprises a large number of existing buildings in various states of repair. The largest building on the site is an indoor manege (2 storey) with a number of other single storey buildings including stables, store buildings and other ancillary buildings. Various areas of parking and hardstanding also exist.
- 1.3 The site is adjoined to the north, west and south by the residential areas of Oxhey, with Talbot Avenue to the north, Bucks Avenue to the west and Sherwoods Road, Lowson Grove and Elm Avenue to the south. These roads are characterised by detached and semi-detached houses with detached bungalows on Lowson Grove on Elm Grove. Most of the dwellings were developed in the 1920s and 1930s as individual plots and are typical of their era. Consequently, designs and materials are very varied and include a number of mock-Tudor designs. Only those properties on Wilcot Avenue and Talbot Avenue are more uniform in their appearance. To the north-east, the site adjoins the Paddock Road Allotments site.

## **2.0 PROPOSED DEVELOPMENT**

- 2.1 The overall proposal involves the demolition of all existing buildings on the site and the erection of 34 dwellings, comprising 16 flats (1 and 2 bed) and 18 houses (3 and 4 bed). The flats are provided in 3 blocks and the houses in 4 blocks of terraced houses and one pair of semi-detached houses. These 8 blocks are arranged around a 'courtyard' comprising the internal access road, car parking areas and landscaped open space. This development is located in the western corner of the site, adjacent to the access from Bucks Avenue and in the area of the

existing buildings on the site.

- 2.2 All of the proposed blocks are either single storey or two storey, with accommodation in the roofspace of some. The design approach is more rural than urban, with the extensive use of dark, timber cladding, to give the general appearance of traditional brick and timber barns. All of the blocks have an individual but complimentary design with common materials of dark red brick, dark timber cladding and brown roof tiles with elements of tile hanging and white render.
- 2.3 The single access from Bucks Avenue leads to 2 turning heads within the 'courtyard' and serves the various parking areas serving the blocks. Parking is provided in the form of frontage parking to the houses, small garage/parking courts and small parking areas, principally within the 'courtyard'.
- 2.4 Aside from the proposed dwellings, the application also includes environmental and ecological improvements to the open land to the east and footpath links to the existing footpath network linking to Merry Hill to the north and Carpenders Park to the south.
- 2.5 Due to the alignment of the borough boundary between Watford and Hertsmere, the main part of the development that falls within Watford Borough, and therefore the jurisdiction of Watford Council as the Local Planning Authority, is the modified access and the first 13m of the access road within the site. Also included is a small portion of 4 car parking spaces (P1-P4 on the site layout drawing) which just overlap the boundary. All other aspects of the proposal fall under the jurisdiction of Hertsmere Council. As such, only those matters relating to the access are relevant planning considerations for the Committee to consider.

### **3.0 RELEVANT PLANNING HISTORY**

- 3.1 There is no planning history of relevance to the consideration of the proposed development. The riding school has been established on the site since the 1950s (albeit with a break in use in the 1980s, recommencing in 1991) with the indoor manege built in 1992. The existing house was built in the 1960s.

3.2 On 19 November 2015 the Committee considered a consultation from Hertsmere Borough Council relating to the planning application submitted to them for this proposal. The Committee resolved to respond as follows:

“That the Committee object to the application on the grounds that:

1. Across the site, the buildings extend beyond the footprint of the existing buildings, particularly so for Plots 23-26 and 27-30. There is also a narrowing of the gaps between buildings, especially in the aforementioned plots and Plots 15-22 where the development is closest to the open area of the Green Belt. As such, the proposal compromises the openness of the Green Belt, contrary to the provisions of Section 9, paragraph 89 of the National Planning Policy Framework and Policy GI2 of the Watford Local Plan Core Strategy 2006-31.
2. Notwithstanding the similarity in volume of space in the new development compared to existing buildings, the layout, scale, height and bulk of the buildings compromises the openness of the Green Belt, contrary to the provisions of Section 9, paragraph 89 of the National Planning Policy Framework and Policy GI2 of the Watford Local Plan Core Strategy 2006-31.
3. The terraced effect of many of the buildings means that they are of a size and scale that conflicts with the character of the adjacent residential streets, consisting as it does of mainly detached and semi-detached houses. As such, the proposal is contrary to Policy UD1 of the Watford Local Plan Core Strategy 2006-31 and the Watford Character of Area Study 2011.

In the event that Hertsmere Borough Council are minded to grant planning permission for the application, Watford Borough Council would request that the following conditions are imposed:

1. That no part of the development shall be occupied until the existing access to Bucks Avenue has been modified and constructed in full, as shown in principle on drawing no. 150318-2D.
2. That the trees along the south-western boundary and along the northwestern boundary are retained and measures installed to protect the trees during demolition and construction works.
3. That the first floor window in the south elevation of Unit 15 shall be obscure glazed and non-opening.
4. The development shall provide at least 67 car parking spaces. Watford Borough Council would also request that the remaining Green Belt land within the application site is secured for public access in perpetuity and that the restoration and enhancement of the land is undertaken before commencement of any development, by means of an appropriate condition or s.106 planning obligation.”

## **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
- T2 Location of New Development
- T3 Improving Accessibility
- T4 Transport Assessments
- INF1 Infrastructure Delivery and Planning Obligations
- UD1 Delivering High Quality Design

4.4 **Watford District Plan 2000**

- T21 Access and Servicing

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**

None relevant.

4.8 **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 4 Promoting sustainable transport

Decision taking

## **5.0 CONSULTATIONS**

### **5.1 Neighbour consultations**

All properties in Bucks Avenue, Sherwoods Road, Wilcot Avenue, Wilcot Close, Talbot Avenue, Elm Avenue and Lawson Grove were notified.

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

Number of original notifications:	257
Number of objections:	94
Number in support:	4
Number of representations:	98

### **5.3 The comments made in the representations received are wide ranging and many relate to the development within Hertsmere Borough, which are not relevant considerations in respect of the application being considered. These representations were considered by the Committee on 19 November 2015 when making its comments to Hertsmere Borough Council. For completeness, below is a summary of the main issues raised:**

#### 5.4 Character of the area

Scale and density of development.

Unsuitable development for this area. No flats in the local area. Inappropriate.

Height of buildings exceeds existing buildings and adjacent properties.

Unattractive appearance.

Greater density than surrounding development. Far too high.

Development should be more open and less dense.

Green Belt should be preserved. Better areas for new housing.

Height, density, darkness of materials and design would dominate Lawson Grove.

Development in the Green Belt on this site was refused in 1986.

#### 5.5 Green Belt

Reduction in openness of Green Belt.

No special circumstances for development in the Green Belt.

Dangerous precedent for future development in the Green Belt.

Volume, size and scale of units and parking will have severe impact on the openness of the Green Belt.

Gross overdevelopment.

#### 5.6 Impact on surrounding properties

Overlooking and loss of privacy.

Layout too close to existing properties. Unacceptable mass and height.

Noise from proposed open space and play area.

Loss of daylight.

Loss of views towards Merry Hill.

Existing single storey farm buildings will be replaced by 2 storey dwellings.

#### 5.7 Car parking

Fewer spaces than really needed.

Overflow parking will occur on Bucks Avenue.

#### 5.8 Environmental matters

Adversely affect wildlife. Will destroy wildlife haven.

Unnecessary landscaping and green space amenities added, eating into Green Belt.

Proposal will worsen existing air quality on Pinner Road.

#### 5.9 Services and utilities

Impact on local sewers and services.

Insufficient school places and medical facilities.

How would overcrowded trains and Watford Hospital cope?

#### 5.10 The objections that have been raised and that are relevant to the current application are summarised below:

- Local roads are already gridlocked with traffic trying to turn right onto Pinner Road. Existing junctions already overloaded.
- Heavy traffic flows already on Pinner Road. Development will make this worse.
- Serious safety issues with the proposed access, situated on blind bend.
- Increased likelihood of accidents on Bucks Avenue and Sherwoods Road.
- Bushes Arches already heavily congested.
- Potential damage to roads from heavy construction vehicles.
- Existing traffic problems will be exacerbated.
- Increased noise and pollution from traffic.
- Bucks Avenue/Sherwoods Road junction is a dangerous right-angled bend with parked cars.
- Increased traffic flows on Bucks Avenue and Sherwoods Road. Extra 60-70 cars at peak times.
- Increased hazards for pedestrians and cyclists.
- Proposed access will conflict with existing driveways either side and cause

hazards.

5.11 A petition has also been received with 330 signatories which states:

“We the undersigned are opposed to this development as it will result in a significant increase in danger to the public. Extra traffic along Pinner Road, delays, hold ups, pollution and most importantly the increased risk of injury from traffic accidents are unacceptable.”

5.12 The comments made in support of the application can be summarised as follows:

Development on existing developed area so wont affect Green Belt.

Need more housing and family homes.

Development will not ruin countryside.

More affordable family homes.

Housing more beneficial than stables.

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

5.13 **Statutory publicity**

The application was publicised by site notice posted on 06 November 2016 and by advertisement in the Watford Observer published on 06 November 2016. The site notice period expired on 27 November 2016 and the newspaper advertisement period expired on 27 November 2016.

5.14 **Technical consultations**

The following responses have been received from technical consultees:

5.15 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:

1. No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).

Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard.

2. Prior to the commencement of the use hereby permitted the vehicular access shall be upgraded as indicated on drawing number 150318-2G. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway. In addition the drainage system on the adjoining public highway will be adjusted so as to continue to operate to the satisfaction of the highway authority.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.

3. Construction of the development hereby approved shall not commence until a Construction Management Plan has been 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 include details of:

- a) Construction vehicle numbers, type, routing;

- b) Traffic management requirements;
- c) Construction and storage compounds (including areas designated for car parking);
- d) Siting and details of wheel washing facilities;
- e) Cleaning of site entrances, site tracks and the adjacent public highway;
- f) Timing of construction activities to avoid school pick up/ drop-off times;
- g) Provision of sufficient on-site parking prior to commencement of construction activities;
- h) Post construction restoration/ reinstatement of the working areas and temporary access to the public highway.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way.

*[This condition is only relevant to Hertsmere Council in relation to the construction of the proposed dwellings. Works within the highway to modify the existing access junction will be controlled by Herts. County Council under a s.278 highways agreement].*

Description of the proposal:

The views of the Highway Authority have been sought on an application by Clovercourt Fusion of Letchmore Heath to build 16 flats and 18 houses on the site of Bucks Meadow Riding School at 37 Bucks Avenue, Oxhey.

The application is supported by a 174-page Transport Statement (TS). An assessment report of this scale would not normally be required for a development of less than 50 dwellings (HCC highway design guide: Roads in Hertfordshire section 1 chapter 7) but was requested following pre-application discussions. This submission meets the requirements of the County Council and the recently archived Government guidance on such reports.

The Planning Statement and Design & Access Statement are combined into one document.

The design was revised after the original submission in response to a report commissioned by the Oxhey Village Environment Group (OVEG). These amendments also took account of points raised in a Road Safety Review carried out by a safety auditor employed by HCC but not part of the team reviewing this planning application. Additional design information supplied on 26 November 2015 consisted of a 4-page document headed 'Response to Milestone Transport Planning's Report Prepared on Behalf of OVEG' and 3 revised drawings: 'Access' (15 0318-2 G), 'On-Site Swept Paths' (15 0318-14 C) and 'Access Swept Paths' (15 0318-15 C).

#### Site description:

The site is located to the east of the intersection of Bucks Avenue and Sherwoods Road, Oxhey and comprises number 37 Bucks Avenue and the Bucks Meadow Stables and Riding School.

The majority of the site lies in the borough of Hertsmere. The connecting road network and the first 15 metres or so of the site access lie in Watford.

Bucks Avenue and Sherwoods Road are Local Access roads in the HCC hierarchy which link to Wilcot Avenue, Wilcot Close, Talbot Avenue, Elm Avenue and Lawson Grove. These roads serve a total of 194 properties and are all (with the exception of the 90m long Wilcot Close) adopted highway maintained at public expense. In the vicinity of the site access Bucks Avenue and Sherwoods Road have carriageway widths of 8m with 2m footways each side. Both roads are fully lit and subject to a 30 mph speed limit.

Their connections to the wider road network are via junctions with the A4008 Pinner Road. These are laid out in the form of priority junctions with raised blockwork tables on the minor arm to reduce entry and exit speeds and assist crossing pedestrians. Both junctions benefit from right turn lanes on the A4008 to enable vehicles entering the side roads from the south to wait without disrupting northbound traffic. Visibility (and the pedestrian crossing route) at each junction is

protected by the presence of double yellow lines which extend a short distance into the side roads.

Pinner Road is a Main Distributor and links Oxhey and Watford with Harrow. It is subject to a 30 mph speed limit which extends from approximately 340m to the south of Sherwoods Road. This is enforced by safety cameras close to both junctions. The A4008 is a busy link, particularly in the commuter rush ('peak') hours. HCC fixed traffic count site number 252 just north of Greenfield Avenue, Carpenders Park indicate Annual Average Weekday flow of 16,448 vehicles in 2010. This is likely to have risen given the trends evident from the HCC Traffic and Transport data report.

In the light of concerns expressed by residents a Safety Review of the scheme was carried out by a highly experienced (over 20 years' experience in Road Safety Engineering including Road Safety Audit and the design of casualty reduction proposals) safety auditor in the HCC Highways Development Management team who, until then, had had no involvement in the assessment of this scheme. He confirmed that visibility from both junctions with the A4008 is acceptable. The Road Safety Review assessment of the existing road network confirmed that during the 3 years period ending 31/8/15 there had not been any recorded Personal Injury Collisions at the junction of Pinner Road and Bucks Avenue and only one at the junction with Sherwoods Road. This last involved a vehicle turning from the side road and a pedestrian crossing Pinner Road from the south side where on-street parking is accommodated. This incident is not considered to demonstrate a significant problem with the operation of the junction.

#### Analysis:

Relevant transport and planning policy is discussed in Transport Statement paragraphs 4.12 to 4.23 in relation to Hertfordshire and Hertsmere since the site itself lies in that borough. Policy implications and pre-application discussions are discussed in the Planning, Design & Access Statement.



Key in the assessment of any planning application in transport terms is paragraph 32 of the National Planning Policy Framework (DCLG 2012) which states, inter alia, that: 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.

Trip generation and distribution:

In the light of concerns expressed by local residents, analysis of the following local junctions was requested at the pre-application stage:

- Bucks Avenue with A4008 Pinner Road;
- Wilcot Avenue with Bucks Avenue;
- site access with Bucks Avenue and Sherwoods Road;
- Elm Avenue with Sherwoods Road; and
- Sherwoods Road with A4008.

Baseline flows were established from traffic counts taken on 5 February 2015.

These were taken over 2 hour periods (07:30 - 09:30 and 16:30 - 18:30) in order to identify the busiest ('peak') hours. These were found to be 07:30 - 08:30 and 17:15 - 18:15 and the flows during those periods are illustrated in figures 2 (morning) and 3 (evening) in the Transport Statement. These demonstrate the busy nature of Pinner Road with total two-way flows south of Sherwoods Roads of 1,737 in the morning and 1,541 in the evening. Corresponding figures north of Bucks Avenue were 1,264 and 1,220. The spatial reductions are explained by some traffic choosing to bypass the northern section by taking Watford Heath and the lower overall figures in the evening by the typically wider spread of this peak.

The greatest movements to/from the side roads was 70 on exit via Bucks Avenue in the morning followed by 46 in the same direction and location in the evening.

Likely trip generation arising from the proposed development is covered in Transport Statement section 6. This was derived from a sample of 30 of the over 7,000 sites from industry-standard TRICS (Trip Rate Information Computer System) database. This methodology is acceptable to the highway authority particularly as no discount for the 16 flats proposed has been applied. These would normally

generate lower numbers of trips and the overall assessment can therefore be considered to be a worst case.

Applying trip rates so derived to a scheme of 34 residential units gives peak hour and daytime arrival and departure flows as set out in paragraph 6.4 which I repeat for information:

	Arrivals	Departures	Total
Morning peak (8-9am)	5	13	18
Evening peak (5-6pm)	11	6	17
Daily (7am-7pm)	78	81	159

The analysis makes no reference to the traffic generated by the Equestrian Centre as this use has effectively ceased and any information is, at best, anecdotal. Whilst it is accepted that little traffic would have been generated in the morning peak period, it is possible that some traffic would have been generated in the evening peak hour. The assessment of the traffic impact arising from the proposed development is therefore considered to be robust.

Local residents concerned about the impact of this development employed Milestone Transport Planning to represent their views in analysing the impact of the development as set out by the developer's professional advisers. The analysis was presented in a Review of Submitted Transport Planning Statement (RSTPS) report dated November 2015. This offered a different selection of sites from the TRICS database but conceded that this would not give rise to material increases in predicted traffic above those set out in the Transport Statement.

Impact on highway network:

The future impact of the proposed scheme has been assessed for a 'design year' of 2021 and traffic growth predicted using the industry-standard TEMPro (Trip End Model Presentation Program) software. This approach was deemed acceptable to

the Highway Authority at pre-application stage and the results provided in the Transport Statement appear to be appropriate.

Key to an understanding of the likely future impact of the redevelopment of the stables is the picture of traffic likely to be generated and its flows at the local junctions as illustrated in figures 9 (morning) and 10 (evening peak). The highest figure is the 9 vehicles turning right out of Bucks Avenue in the morning. This equates to an average of one every 6.66 minutes. In the evening the greatest flow is 5 entering Bucks Avenue from the north (Watford) direction or an average of one every 12 minutes.

Flows predicted to leave and enter the site access are set out in table 6.2 of paragraph 6.4 in the Transport Statement.

	Arrivals	Departures	Total
Morning peak (8-9am)	5	13	18
Evening peak (5-6pm)	11	6	17
Daily (9am-5pm)	62	63	124

#### Air quality:

The Review of Submitted Transport Planning Statement (RSTPS) report prepared for OVEG suggests that the proposed development would have a material impact on pollution along the A4008. The monitoring and management of air quality is a borough function. The nearest Air Quality Management Area (AQMA) is 3 & 4/ 3A at Aldenham Road and Chalk Hill and is managed by Watford Borough Council. Given the relative traffic volumes it is the view of the Highway Authority that no significant increase would be generated by this development.

#### Highway layout:

The first 2 responses to question 6 in the application form states that there would be new or altered pedestrian and vehicular access to the site. It would take the form

of a 'gateway' feature at the location of the existing entrance to the stables and riding school.

The principle of this kind of entrance was agreed by the Highway Authority during pre-application discussions however the residents' association (OVEG) expressed concerns about this aspect of the development and therefore commissioned their own Review of Submitted Transport Planning Statement report. Factors taken into account in agreeing that this form of entrance could function safely are that:

1. The site is already accessed in this way.
2. Bucks Avenue and Sherwoods Road are relatively quiet in traffic terms. A two-way flow of 37 vehicles was observed in the morning peak period (07:30 - 08:30) whilst the evening peak (17:15 - 18:15) figure was 40 vehicles.
3. Bucks Avenue and Sherwoods Road intersect at right angles so vehicle speeds are very low in the vicinity.
4. The County Council supports the pragmatic approach to road layout design set out in Manual for Streets based on a road's place and movement functions. This acknowledges that total separation of all modes is not always appropriate or necessary and encourages creative solutions rather than absolute adherence to overly conservative standards.
5. Until recently the entrance was gated with vehicular gates in the middle and pedestrian gates either side. This arrangement would have been likely to cause vehicles to block the public highway waiting for the gates to be opened. No gates are shown in the proposed scheme.

The site access layout at submission is shown on drawing 15-0318-2C in Appendix 3 of the Transport Statement. The layout reviewed for the residents' association was shown on revision D. The key concerns raised in the Milestone Review of

Submitted Transport Planning Statement (RSTPS) report dated November 2015 in relation to the access were as follows:

1. The proposed access layout and interface with Bucks Avenue and Sherwoods Road does not reflect local and national highway design guidance. The narrowing of the access road and narrow footway in the immediate junction with the existing highway would result in vehicle and pedestrian conflict to the detriment of highway safety.
2. The proposed access layout interface with Bucks Avenue and Sherwoods Road does not take account of the interaction of vehicles using proposed access in relation to vehicles using the existing private access points to the immediate boundary of the site and the potential conflict in these movements to the detriment of highway safety.
3. The proposed access layout and interface with Bucks Avenue and Sherwoods Road does not provide for sufficient width to allow service and reuse vehicles to safely manoeuvre in and out of the access without potential conflict with other vehicles and pedestrians on the local highway to the detriment of highway safety.

The views of the HCC auditor on the first two of these points were as follows:

- 1a. The proposed residential use will result in an increase in the number of pedestrian movements negotiating the site access at the junction of Bucks Avenue and Sherwoods Road. The proposed vehicular priority arrangement identifies a route for pedestrians where traffic turning movements are anticipated. Pedestrian access can be safely accommodated by this arrangement but the footway route will need to be segregated from the access carriageway by a suitable kerb construction.
- 1b. Traffic speeds entering the site are controlled by a proposed ramp but the position of the ramp would conflict with the footway route across the access.

The ramp should be repositioned closer to the site boundary to ensure that pedestrians are able to cross the access on a level surface.

- 2a. The position of the access on the outside of the bend delivers an acceptable standard of visibility for a vehicle emerging from the access. The proposed layout presented on Drawing No.15 0318-2D will relocate the Give Way position on the access, providing improved visibility. Vehicles leaving the site are expected to Give Way to any vehicle turning left from Bucks Avenue or right from Sherwoods Road. This priority arrangement is considered appropriate for the anticipated traffic generation from the development but the layout presented should confirm the proposed position of the traffic signs and road markings necessary to ensure compliance by vehicles leaving the development site.
- 2b. The proposed layout will also introduce changes to the existing kerblines to form a new junction bellmouth. It is likely that these changes will influence the drainage profiles around the junction and these will need to be investigated and considered as part of the junction design to ensure that the areas of highway are adequately drained.
- 2c. Traffic speeds entering the site are controlled by a proposed ramp but there is no ramp indicated on the development side of the access. It is considered that the Give Way requirement for traffic leaving the development should be reinforced with a ramp to ensure that this traffic approaches the junction at an appropriate speed.
- 2d. The junction layout incorporates the relocation of the existing lighting column at the junction. This will position the lantern further from the trafficked carriageway of Bucks Avenue/ Sherwoods Road and could have a detrimental effect on the street lighting levels at this location. The Highway Authority will require that a street lighting assessment is undertaken to identify any complementary works necessary to retain an acceptable standard of lighting.

In response to point 3 I note that the computer-generated vehicle track plots submitted show the Phoenix 2 Duo (P2 - 15W with Elite 6 x 4 chassis). This is a large refuse collection vehicle measuring 2.53m x 11.2m and is in excess of the 9.55m that Hertsmere Borough Council advised the applicant as the maximum length of their refuse collection vehicles. The track plot drawings were amended to my satisfaction to demonstrate more clearly that refuse vehicles can enter the site, turn and leave in forward gear. I concur with the developer's assessment that a refuse vehicle would enter and leave the site once a week and a single delivery vehicle (not necessarily a large pantehnicon) might reasonably visit the site once a day. The instances when any overhanging might occur would be at most very occasional.

The drawing I have reviewed is revision G which takes account of points raised by the residents' consultant and also by the Highway Authority's own Road Safety Review of the overall scheme. This was amended in the following ways:

1. Concerns about vehicles crossing the centre of the road when passing from Bucks Avenue into Sherwoods Road and vice versa addressed by the addition of centre line road markings to be installed by the developer should they get permission and implement the scheme.
2. Give Way sign added on the south side of the narrowing in accordance with HCC requirements set out in the Road Safety Review. This would indicate to vehicles leaving the development that they should cede to any vehicle entering the site.
3. Ramp added on the east (site) side of the road narrowing to create a raised table thereby reducing speeds and allowing for safer passage of vehicles, pedestrians and cyclists.

4. Footway separated from the raised table by a 100mm kerb to separate the surfaces in accordance with HCC requirements set out in the Road Safety Review.
5. Western (external) traffic ramp moved back towards the site boundary to provide dropped kerbs either side of the access to ensure that pedestrians are able to cross the access on a level surface as the Road Safety Review requires.
6. Give Way markings added along the carriageway edge across the site access to be installed by the developer should they get permission and implement the scheme.
7. Lamp post number 9 would obstruct the new entrance and so would need to be moved to the north. This would need to be done under a Section 278 legal agreement with the Highway Authority along with the construction of all elements of the new entrance that fall on the public highway.

In addition information was provided to demonstrate that the new site access as well as the internal layout could accommodate larger vehicles likely to use the site. This information is provided on drawings 15-0318-14C 'On Site Swept Paths', and 15-0318-15C 'Access Swept Paths'. All of these computer-generated swept path plots demonstrate to my satisfaction that this site could function without a severe impact on the free and safe operation of the public highway.

I noted when I visited the site on 9 December that two 6ft x 6ft overlap fence panels have been erected along the northern boundary of 1 Sherwoods Road where it abuts the highway. This obstructs visibility on exit from 37 Bucks Avenue and does not appear to have the appropriate permission.

The 3rd response to question 6 in the application form states that there would be new public roads within to the site. Whilst it is recommended that all roads and parking areas in the site are built to adoptable standards from the point of view of



longevity the Highway Authority is unlikely to agree to adopt the roads within the site because of their low public utility. I would therefore suggest that alternative arrangements are made for their maintenance should the scheme gain planning permission and be implemented.

The 4th response to question 6 in the application form states that there would be new public rights of way within to the site and the 5th that rights of way would need to be diverted, extinguished or created. Among proposals in the scheme are footpath/cycle path links to the allotment field to the north of the site and to the Merry Hill footpath/cycle path (Greenway) link to the east. These would shorten walking and cycling distances and times to facilities in Bushey. The HCC Rights of Way team manager responded as follows:

1. We welcome the proposed access routes as shown, to link to Merryhill. These must be of Public Bridleway status to cater for multi-user demand, especially as they link to the Bridleway 31/65 in Merryhill and to the proposed new bridleways to the south (from other developments).
2. As previously advised we are happy to enter into the proposed Creation Agreement (for Bridleway status only) rather than EDCL (Express Dedication of public rights of way at Common Law).
3. The public rights over the main site access road to be clarified, i.e. also of at least bridleway status, to provide through links for all users to the public highway network in either direction (Bucks Avenue and Bridleway 31/65).
4. The necessary bridle bridges and legal status of the bridle paths on, to and across the Woodland Trust's land to the south (to link to the bridleway) to be legally secured and delivered as part of this development.

Parking:

The response to question 10 in the application form states that there are currently 70 spaces on the site and that 74 would be provided in the proposed development. It is proposed to provide 42 cycle parking spaces.

Parking is covered in Transport Statement paragraphs 3.5 -3.7 in relation to Hertsmere Borough parking standards since the site itself lies in that borough. Hertsmere is the agent parking authority and is therefore responsible for setting standards and arranging enforcement on their roads. Unusually the roads linked to this site are in the adjoining borough of Watford. The proposed levels of provision for cars and cycles are in line with Hertsmere Borough Council standards. I am therefore content that the provision proposed is unlikely to cause there to be overspill parking to an extent that would create a severe impact on the free and safe flow of traffic on the adjoining public highway.

Parking against the kerb to facilitate access by vehicle to number 37 and properties either side of it around the outside of the bend (33, 35 and 1) is discouraged informally by an 'H-bar' marking in white thermoplastic paint.

#### Accessibility:

These aspects of the proposed scheme are adequately covered in section 5 of the Transport Statement. Despite being quite well served in terms of education, retail and health facilities as well as transport the site is on the very edge of the settlement. An indication of its relatively poor accessibility is given by the fact that it lies in accessibility zone 4 on the Watford Borough Council map Car and Cycle Parking Zones from its District Plan 2000.

Among proposals in the scheme are footpath/cycle path links to the allotment field to the north of the site and to the Merry Hill footpath/cycle path (Greenway) link to the east. These would shorten walking and cycling distances and times to facilities in Bushey.

Improvements to local bus stops on Pinner Road would encourage greater use of non-car modes by residents of and visitors to the development. These would be funded via the Community Infrastructure Levy (CIL).

Travel Plans:

None is offered and the Highway Authority would not require one for a development of this size, nature and location.

Planning Obligations/ Community Infrastructure Levy (CIL):

It is the policy of the County and Borough Councils to seek planning obligations to mitigate the effects of development. HCC's requirements in respect of highways and transport are set out in section 11 of the document 'Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements)'. Improvements to local bus stops on Pinner Road would be covered by CIL.

## **6.0 APPRAISAL**

### **6.1 Main issues**

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

- (a) Design of the new access junction.
- (b) Impact of traffic generation of the local highway network.

### **6.2 (a) Design of the new access junction**

The existing access serving the riding school is sited on the outside corner of the right-angled bend where Bucks Avenue joins Sherwoods Road. It has no bell-mouth, restricted visibility and no footpaths, acting as a shared surface for vehicles and pedestrians. Its width is also limited by gates and a grassed verge. At pre-application stage, extensive discussions were held with Herts. County Council as the Highway Authority to improve this access to serve the proposed development. The proposed modifications included siting the kerblines give way markings further into the carriageway whilst still maintaining a consistent carriageway width, improving visibility, providing a pedestrian footpath on the southern side of the

access and providing a ramped access to slow vehicle speeds.

6.2.1 This design was subject to a road safety audit by the Road Safety team at Herts County Council who suggested a number of further amendments to the junction. This is discussed in detail in the Highway Authority's response at paragraph 5.15 of this report. The suggested amendments have been incorporated into the design and included re-siting the access ramp further back to provide a level surface for pedestrians to cross the junction, a give way sign on the exit approach to clarify vehicle priority and new centreline markings within the main carriageway. As a result of these amendments, the Highway Authority have raised no objections to the proposed new access junction.

6.2.2 The Oxhey Village Environment Group (OVEG) also commissioned a road safety audit on the amended junction design which raised 7 points of concern. These are listed below with the comments of the County Council's Safety Audit team:

- Possible risk of collisions due to standing water or service covers.  
*HCC comment: The detailed design should consider all drainage issues and any potential conflicts with service covers.*
- Possible risk of vehicle collisions associated with horizontal alignment.  
Parked vehicles obstructing visibility of vehicles exiting the site.  
*HCC comment: The access is positioned on the outside of the bend and this affords the maximum visibility for vehicles to access the highway. The previous use of the access needs to be acknowledged in conjunction with measures to facilitate the additional traffic movements associated with the site development. The proposed kerb build-outs to each side of the access improve the visibility for a driver emerging from the access. Visibility to and from vehicles approaching the access from each direction is considered to be acceptable. The introduction of parking restrictions is not considered necessary at this stage. However the Highway Authority would monitor the situation should the development (and the access) be implemented.*

- Possible risk of side/front impact collisions due to horizontal alignment of carriageway.

*HCC comment: The Highway Authority will require that the access design incorporates the reinstatement of the centre line marking on the approaches to and around the bend at the junction of Bucks Avenue and Sherwoods Road. This will be designed to suit vehicle paths at the location of the site access.*
- Possible risk of vehicular conflicts associated with a lack of forward visibility.

*HCC comment: A review of the junction layout has been undertaken as part of the formal consultation referred to above. It is considered that forward visibility between opposing traffic movements can be maintained at approximately 19m. This is considerably above the minimum requirement of 11m specified by HCC for the design of a shared use access (suitable for up to 50 residential units). However, the Highway Authority will require that the designer provides tracking layouts for car manoeuvres to confirm that the minimum standard specified is delivered.*
- Possible risk of vehicle collisions associated with private driveways adjacent to site access.

*HCC comment: The previous use of the access needs to be acknowledged in conjunction with measures to facilitate the additional traffic movements associated with the site development. The proposed kerb build-outs to each side of the access improve the visibility for a driver reversing from the private driveways as the distance between the property frontages and the carriageway will be increased. The ramps on each approach to the access will contain vehicle speeds as these enter and leave the proposed development. These mitigation measures are considered appropriate to facilitate the traffic generated from the proposed development.*
- Possible risk of vehicle collisions associated with vegetation overhanging site access.

*HCC comment: The details identified in the designer's response are*

*considered to be acceptable. The Highway Authority has requested that a planning condition is attached to any planning permission to confirm the proposed arrangements for the future management and maintenance of the proposed streets within the development. This will include the removal of any vegetation that obstructs vehicle routes.*

- Possible risk of conflict between pedestrians and vehicles. Narrow width of footway may force pram and wheelchair users to enter the carriageway. *HCC comment: The scale of the proposed development is suitable to be served via a shared access arrangement. This is specified as being suitable for up to 50 residential units and requires pedestrians (including those with prams and pushchairs) to occupy the same movement space as vehicles. The proposed layout accords with the standards specified in the Roads in Hertfordshire design guide and I consider that the proposed access and footway arrangement provides a suitable transition between the existing highway network and the shared surface of the development. [Note: The proposed footpath is 1.25m wide for a short distance before widening to 1.54m and then entering the shared surface road].*

It is not considered by the Highway Authority that any further improvements are necessary to the junction design as a result of this road safety audit.

It is acknowledged that the existing access is substandard but this has been present in its current form for many years and has been serving the riding school since the 1950s without any apparent incident. The proposed junction is a significant improvement over the existing access. Following detailed scrutiny, and having regard to the scale of proposed development and the likely traffic movements, is considered by the Highway Authority to be safe and suitable to serve the proposed development.

### 6.3 (b) Impact of traffic generation of the local highway network

The application is accompanied by a detailed Transport Assessment, as requested by Herts. County Council as the Highway Authority. This assessment included the

results of traffic counts undertaken on Bucks Avenue and Sherwoods Road and at the junctions of these roads with Pinner Road. This assessment is discussed in detail in the Highway Authority's thorough response to the application in paragraph 5.15 of this report. The Highway Authority's response also references a review of the applicant's Transport Assessment commissioned by OVEG ('Review of Submitted Transport Planning Statement' by Milestone Transport Planning) which was considered at the same time. The Highway Authority also had regard to the applicant's response to this report.

- 6.3.1 The policy guidance contained in the National Planning Policy Framework (NPPF) at paragraph 32 states: 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.' Having reviewed all the evidence submitted and the conflicting professional views, the Highway Authority has concluded that the impact of the proposed development would not be severe and would not justify a refusal of planning permission on the grounds of highway safety or highway capacity.

## **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. Accordingly, no liability to CIL arises in the case of the development proposed in this application.

## 7.2 **S.106 planning obligation**

From 1 April 2015, 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. There is no requirement for a planning obligation in this case.

## 8.0 **CONCLUSION**

8.1 The majority of the application site, including the proposed houses comprising the development, are sited within Hertsmere Borough. The only part of the development falling within Watford Borough, and therefore within the jurisdiction of this committee, relate to the modified access junction and the first section of the access road before it becomes a shared surface.

8.2 The design of the access has been the subject of two road safety audits, one by the County Council and one by a consultant appointed by OVEG. The County Council are satisfied that the modified access junction is safe and adequate to serve the proposed development of 34 dwellings. All of the necessary works are within the public highway and can be secured through a s.278 agreement under the Highway Act 1985. The application was also supported by a detailed Transport Assessment which was also subject to scrutiny by an independent transport consultant appointed by OVEG. The County Council are satisfied that the impacts of the proposed development on the local highway network are acceptable and would not justify a refusal of planning permission.

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## 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.

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## **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:-

15 0318-2H, 5, 19C, 20, 21

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

3. No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).

Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard.

4. No occupation of any dwelling forming part of the development shall be occupied until the existing vehicular access on Bucks Avenue has been upgraded as indicated on drawing number 150318-2G. This shall include provision for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway, together with any necessary adjustments to the drainage system on the adjoining public highway.

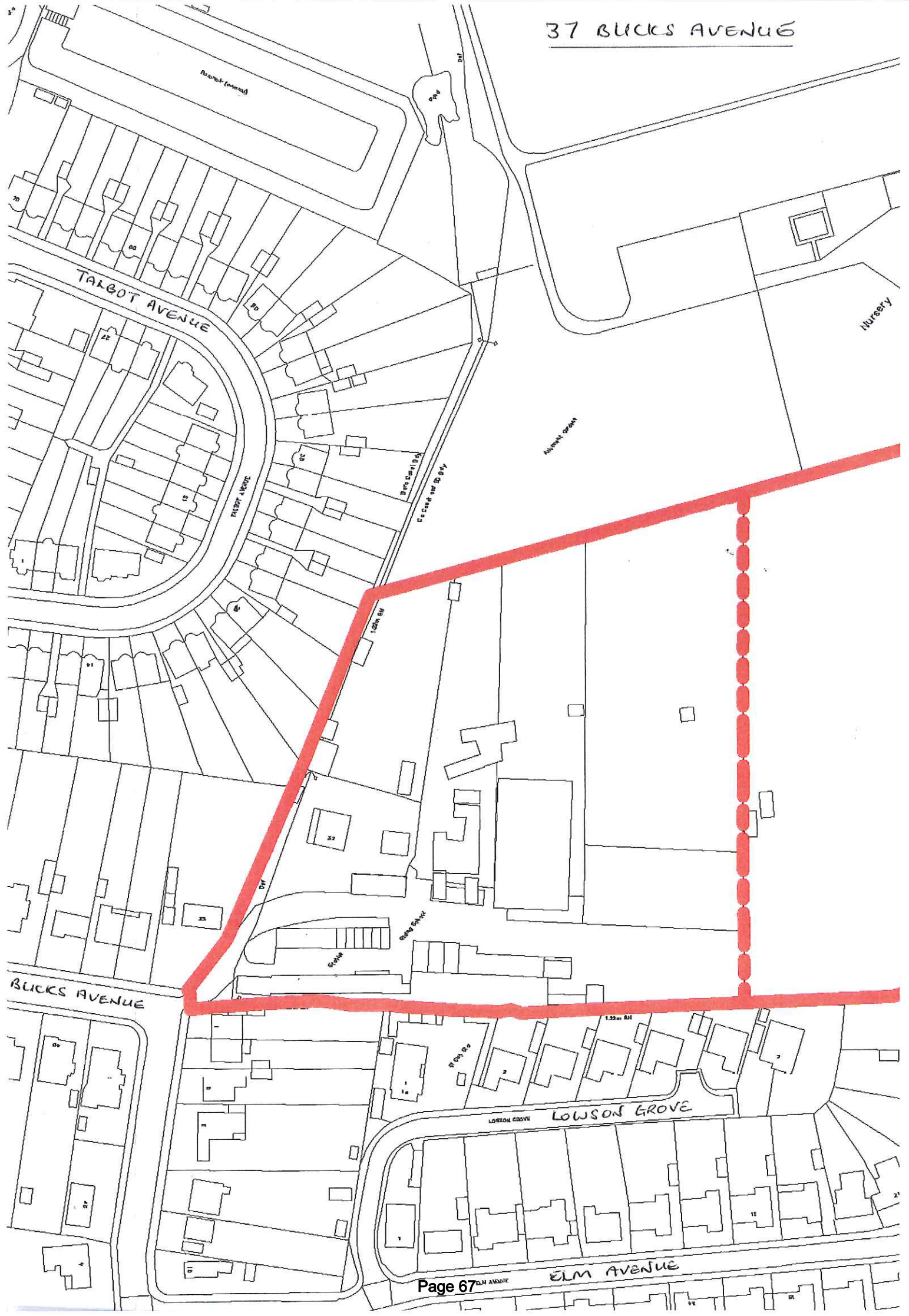
Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.

Drawing numbers

15 0318-2H, 5, 19C, 20, 21

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**Email:** paul.baxter@watford.gov.uk  
**Tel:** 01923 278284





# Agenda Item 6

	PART A	
Report to: <b>Development Management Section Head</b>		
Date of committee:	<b>18<sup>th</sup> February 2016</b>	
Site address:	<b>Watford Car Sales, Dome Roundabout</b>	
Reference Number :	<b>15/00849/FULM</b>	
Description of Development:	<b>The redevelopment of the existing car sales (or the former petrol filling station) to provide a part three and part four storey building with eighteen flats (six affordable), the associated parking, landscaping and altered access arrangements.</b>	
Applicant	<b>Howarth Homes Plc</b>	
Date Received:	<b>15th June 2015</b>	
13 week date	<b>14th September 2015</b>	
Ward:	<b>Stanborough</b>	

## 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 eighteen flats, including six affordable housing units. The scheme will include eighteen car parking spaces, an amenity space plus bins and cycle storage space.

This scheme was presented to the last committee meeting on 28<sup>th</sup> January 2016. However, due to some inaccuracies in the report the scheme was deferred. The errors were largely

confined with the summary section of the report which incorrectly identified the number of car parking spaces, the number of flats and the name of the ward. There were also errors in the number of objections received within the body of the report. The committee also required further analysis with respect to the following issues;

- The justification for the loss of the existing use of the site as a car sale showroom.
- How the revisions have helped to overcome the design officer's original objection to the scheme.
- The concern over highways issues

Given the deferral, the committee members also took the opportunity and requested an accompanied site visit.

The report has sought to amend the inaccuracies and provides further information and analysis as requested by the committee members.

With regards to the loss of employment, the report will explain that the application site has no lawful use rights for employment uses within B classes and the site is not designated for employment purposes either in the adopted Watford District Plan or the Core Strategy. The site however falls within special policy area (SPA5 – Dome Roundabout). The main objectives of the policy are to bring about a more balanced use to redress the existing retail dominance in the area as well as to bring in environmental improvement to the area. The proposal will comply with the objectives of the policy.

The design officers have been instrumental in shaping the proposed development. The original scheme submitted was so poor that a report was prepared for its refusal on several grounds. However, the applicant indicated willingness to work with the officers to improve the scheme. The plans for the original scheme and subsequent revisions have been presented in the body of the report indicating the changes. Further, the design officer has added her comments indicating how the scheme has addressed the original objections.

The comments from Herts Highways have been received with respect to the final scheme. Herts Highway have no objection to the scheme and are satisfied that the proposal will have no adverse impact upon the safe and free flow of traffic.

The use of the site for residential purposes is considered acceptable and will meet the key priority both nationally and locally for the provision of housing. The scheme will achieve a reasonably good level of housing standards in terms of floor area, as well as benefiting from good outlook and natural light. The applicant has offered to provide affordable dwelling units in line with the policy requirement.

Given its distance from other neighbouring buildings, its design and location, the proposal will not have a significant impact upon the amenities of the adjoining occupiers.

The scheme includes the siting as well as the details for cycle, recycle and bin enclosures. It is considered that the proposal will create a building of balanced proportion, highly articulated on all frontages and will respond well to the site's specific constraints.

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

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## **Background**

### **Site and Surroundings**

The site is located within a prominent location 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, it is understood that 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:

<b>Unit size</b>	<b>No. of Units</b>	<b>Percentage</b>
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. The bin enclosures will also be provided close to the proposed entrance from Purbrock Avenue, but the cycle store will be located at the far end of the open space on its eastern boundary.

### **Relevant Planning History**

On 05.04.2007, pre applications (07/00437/PREAPP) received an enquiry for the former BP garage to be used as a vehicle sales area, office and valet area

On 24.03.2009, conditional planning permission (Ref;08/00821/FUL) was granted for the erection of a three storey building to provide retail shops on the 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). This permission was renewed in 2012, but was not implemented.

The elevation approved as part of the above mentioned scheme is provided for information;



**Figure 1.**

On 16.08.2012, conditional planning permission (Ref;12/00532/FUL) was granted for the use of the former petrol station site for car sales involving the installation of a portable cabin. The permission was for a temporary period and included other conditions.

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

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

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

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

On 05.06.2014, planning permission (14/00576/FUL) was granted 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 4 Promoting sustainable transport

Section 6 delivering a wide choice of high quality homes

Section 7 Requiring good design

Section 11 conserving the natural 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;”

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

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

**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  
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

**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 23<sup>rd</sup> July 2014 following public consultation between 4<sup>th</sup> November and 16<sup>th</sup> 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).

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## **Consultations**

### **Neighbour consultations**

The council has carried out two rounds of consultations. The first consultation was carried out on 24.06.2015 and the second round of consultation was carried out on 18.11.2015.

On both occasions 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,

Some of the residents sent responses to each round of consultation. However, a total of 7 pieces of correspondences 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 problems with parking and increase the road accident hazard
- The proposals will result in the loss of light and privacy to the neighbouring occupiers
- There will be significant disturbance during construction period
- The proposed density is too high and there is no recreation for the children.
- Landscaping of the roof will not be visible from the ground level

### **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 flats 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 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](http://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 the comments above made. Following the comments further discussion and negotiation has taken place and the plans amended. The design officer has set out the original comment below and further comments on the revised scheme assessing whether the initial issues have been dealt with in the revised scheme.

#### **First point:**

“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. “

**Revised Scheme:** The site area of the application has not altered so this point remains but there is not much the applicant can do to bring the adjoining site into their ownership if the owner does not wish to sell. The layout is arranged so that it does not preclude future redevelopment of this adjoining land

- **Height:** The proposed building will be partly four and partly three storey; the tallest element being on the corner to provide a local landmark in the street scene with a stepped reduction in height along the two principal elevations. The applicants have also made changes to the design of the fourth floor so that it is now set in from the main building and reduced in extent; this reduces the visual impact of this floor. Whilst the proposed building will be higher than the two storey houses in the area there is a degree of separation from these buildings and the stepping down approach creates a more natural transition from the four storey corner element to the 2 storey buildings in the area. This height does work better in this location where the urban area is dominated by the wide road layout at the Dome Roundabout and the stronger edge results in greater enclosure to this area which is seen to be a benefit.
- **Building line:** this is another key component to the street scene and the proposed scheme follows the building line of the residential properties fronting the service road; setting the building back here allows a parking area and the opportunity to plant some much needed trees in this area which will improve the environment both aesthetically and in terms of air quality.

**Second Point:**

“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.”

**Revised Scheme:**

The applicant has revised the scheme so that the balconies are now recessed overcoming the issues which were identified on the previous scheme.

**Third Point:**

“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.”

**Revised Scheme:**

The alterations to the design of the front elevation have resulted in a much improved vertical rhythm which responds much better to that of the residential properties in the area. The rear and side elevation have much improved as well, with strong vertical emphasis and variety resulting in elevations of higher quality. Changes to the design on the elevation to No 529 would not preclude the development of this site through overlooking. I am now satisfied that building design is of sufficient quality to meet the design criteria.

**Fourth Point:**

“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.”

**Revised Scheme:**

The scheme has been altered so that whilst there are still two entrances to the front they are connected internally allowing full access from each entrance to the whole building. The building depth is still designed so that some of the units in the centre are single aspect – many are actually corner units. However, the much improved balcony and terrace arrangement means that the amenity space for each unit has improved.

**Fifth Point:**

“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.”

**Revised Scheme:**

Alterations to the car parking arrangement have been made which allows more planting to be incorporated into the scheme and for trees to be planted along the frontage; the landscaping has been used to break up the car parking spaces so that they are less dominant.

**Sixth Point:**

“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. “

**Revised Scheme :**

The alterations to the balconies and the provision of terraces for the upper floor flats has resulted in much improved private amenity area for each unit. The space to the rear will allow for some shared amenity area which if landscaped properly will provide some useful space. The detailed landscape plan should show some protection for this amenity area from the turning area for the car park spaces .

On balance I am now satisfied that the issues we had with the original scheme have been overcome and that the scheme is of good enough quality subject to design and landscape details. The materials palette has also been the subject of discussion at the various

meetings and we are now happy with the choices proposed.

**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 re-consulted with respect to the revised layout;**

The highways authority has no objection to the scheme. They have now received sufficient information and are able to determine that the scheme subject to condition will not have a detrimental impact upon the safe and free flow of traffic. The Highway Authority has also explained refuse vehicle need not to enter the site. The Herts Highways have commented that the proposal will provide cycle storage space as well as car parking spaces which meet the authority's standards.

The Herts Highways have commented 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.

**Environmental Health**

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

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**Appraisal**

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

- (a) *Watford Local Plan: Core Strategy 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 27<sup>th</sup> 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 23<sup>rd</sup> July 2014 following public consultation between 4<sup>th</sup> November and 16<sup>th</sup> 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 30<sup>th</sup> 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 5<sup>th</sup> 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, the type of housing, the mix of tenure 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.

The most relevant policies with respect to employment use within Class B uses are; policy E1 of Watford District Plan and policy EMP2 of the Watford Local Plan Core strategy.

Policy E1 – Employment Areas This policy seeks to protect designated employment land for B Class purposes. Proposals for light industry (B1b), general industry (B2) and storage and distribution (B8) are acceptable in principle in Employment Areas 1-6. Proposals for primary office use (B1a) will be acceptable in principle in Employment Areas 7a and 7b, the Town Centre and Lower High Street Policy Area.

The Council will seek to protect employment land as identified on the Proposals Map:

1. Watford Business Park
2. Cardiff Road
3. Imperial Way/Colonial Way

4. Fishers/Wiggenhall Road<sup>2</sup>
5. St Albans Road
  - (a) North of Railway Line
  
6. North Watford
  - (a) Odhams
  - (b) Greycaine
  - (c) Sandown
  
7. Central Area
  - (a) Clarendon Road/Station Road South
  - (b) Upton Road

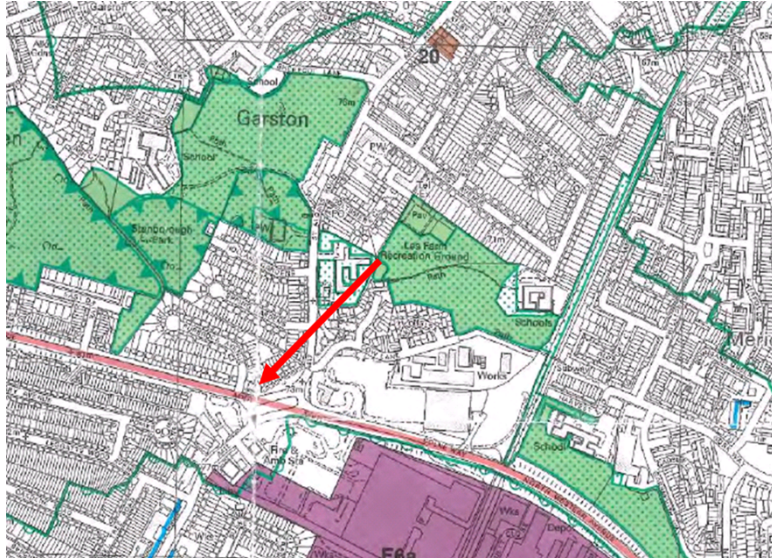
Planning permission will not otherwise be granted for any uses outside the B Use Classes unless these are ancillary to existing or proposed employment uses, and of a scale and nature that complements the uses.

Thus policy E1 of the District plan seek to resist the loss of employment uses within business areas. And policy EMP2 (Employment Land) of the Watford Core Strategy state that uses in Employment Areas (other than Special Policy Areas) should mainly be in classes B1, B2 and B8.

The employment areas have been clearly identified in both plans. The identification of employment areas has based on the need to retain employment land in locations accessible by passenger transport or close to residential areas. It is essential that such land is retained for industrial and business uses (Use Class B) in order to ensure that sufficient land remains to meet local employment needs and can be accessed by means other than car travel.

However, there is no special designation for the application site within the adopted Watford District Plan (2000). This is shown on the extract from the adopted proposal maps. As the extract indicates the closest land uses designation are open space (highlighted in green) to the north and employment areas (marked in purple) beyond Asda super store to the south east.





**Figure 2**

It should be noted that the Watford District Plan 2000, did contain a policy (E6) which had regards to employment sites outside of the designated areas. However, this policy has been deleted.

Policy EMP2 of the Core Strategy seek to protect allocated employment areas, primarily for B class uses, whilst recognising that a broader mix of employment generating uses is appropriate in Special Policy Areas, as set out in those polices. The site is not within employment protected area but it is within Special Policy Area 5 – the Dome Roundabout. The commentary note explains that the area suffers from poor environment dominated by the roundabout, road infrastructure and the extensive surface level parking for the two superstores. It is also explained that the area is heavily dominated by retail uses. In order to overcome the problem issues the policy suggests two objectives;

- A) To bring about a more balanced uses by avoiding any increase in further retail use.
- B) Any development should seek to improve the quality of the environment.

The proposal will provide residential use and will not include any additional retail use thereby helping to redress the balance of uses. Therefore the proposal in land use term will be in compliance with the objective set out within policy SPA5. The issue with regards

the second objective, i.e. the physical improvement to the site, will be further discussed below.

Currently, there is strong national and local policy support for the provision of residential accommodation. Both adopted plans (the District Plan and the Core Strategy) give high priority for the provision of additional residential accommodation. However, any residential accommodation needs to be provided in appropriate locations. 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. The proposed residential development will therefore meet the criteria set out in policy HS1.

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:

<b>Unit size</b>	<b>THS floorspace</b>	<b>Proposed floorspace</b>
1 bedroom 2 person flat	50m <sup>2</sup>	50-52.9m <sup>2</sup>
2 bedroom 3 person flat	61m <sup>2</sup>	57-88.5m <sup>2</sup>

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 160m<sup>2</sup> of amenity space.

The proposal will therefore provide reasonably 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 originally offered the provision of 6 shared ownership dwellings as a means of affordable housing. However, this did not meet the requirement of policy HS3 which suggests any development over 10 units or over 0.5 hectare should provide a mix of tenure incorporating; 65% affordable rent, 20% social rent and 15% shared equity. This tenure mix breaks down as 4 affordable rented units, 1 social rented unit and 1 shared equity unit. The applicant has now agreed to provide the required mix of tenure as specified in the policy.

### **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.

Given the above consideration, the original scheme was considered to be so poor that the officers prepared a draft report, recommending refusal on several grounds. However, the applicant explained that they are prepared to work with officers with a view to obtain recommendation for approval.

The design officers have been instrumental in shaping of the proposed development. The scheme has taken on board the comments made by the officers and the scheme has been revised several times with further clarification regarding the detailed aspect of key features showing on large scale drawings. The original scheme and the first revision to the scheme indicate the transformation of the building from the original to present.



**Figure 3. The original scheme**



Proposed Flats



Figure 4. first revised scheme



Current scheme



**Figure 5 – The current scheme**

The proposed scheme has been designed to respond 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. 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 proposed 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 will 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 in two rows with sufficient distance to be manoeuvred within the site to 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 a 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 the 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.

**Security issue:**

The Herts constabulary suggested various measures to improve the quality of the security

for the future occupiers of the site. The issue of concerns are largely covered through building control measures. However, two additional conditions with regards to the lighting and protective fencing have been recommended to ensure the development would provide a secure environment for the future occupiers of the site.

### **Trees and landscaping**

Currently the vacant land, apart from a silver birch tree on the side boundary, it suffers from the bereft of greenery thus contributing to the poor environment of the application site. 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.
- 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 to further amenity space

This aspect of the development has also been subject to revisions. The amount of amenity space and soft landscaping has been increased at the expense of car parking spaces.

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 1<sup>st</sup> 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 £120m<sup>2</sup>. 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 1<sup>st</sup> 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, density and design 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.

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## **HUMAN RIGHTS IMPLICATIONS**

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

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## **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 m<sup>3</sup> 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 m<sup>3</sup> 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.

- 15 No external lighting shall be installed on the site except in accordance with the details which have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the site and to protect the residential amenities of the future occupiers of the site and the existing neighbouring properties.

- 16 No development shall commence until details of the siting, height and type of fencing or other means of enclosure around the boundaries of the site and within the site have been submitted to and approved in writing by the Local Planning Authority. The fencing or other means of enclosure shall be provided as approved prior to the first occupation of the dwelling hereby approved and shall be maintained as such at all times thereafter.

Reason: In the interests of the visual appearance of the site and its impact on the character of the surrounding area, in accordance with Policies UD1 and UD2 of the Watford Local Plan: Core Strategy 2006 – 2013 (Adopted January 2013).

**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.
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](http://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](mailto: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.

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## Recommendation (2)

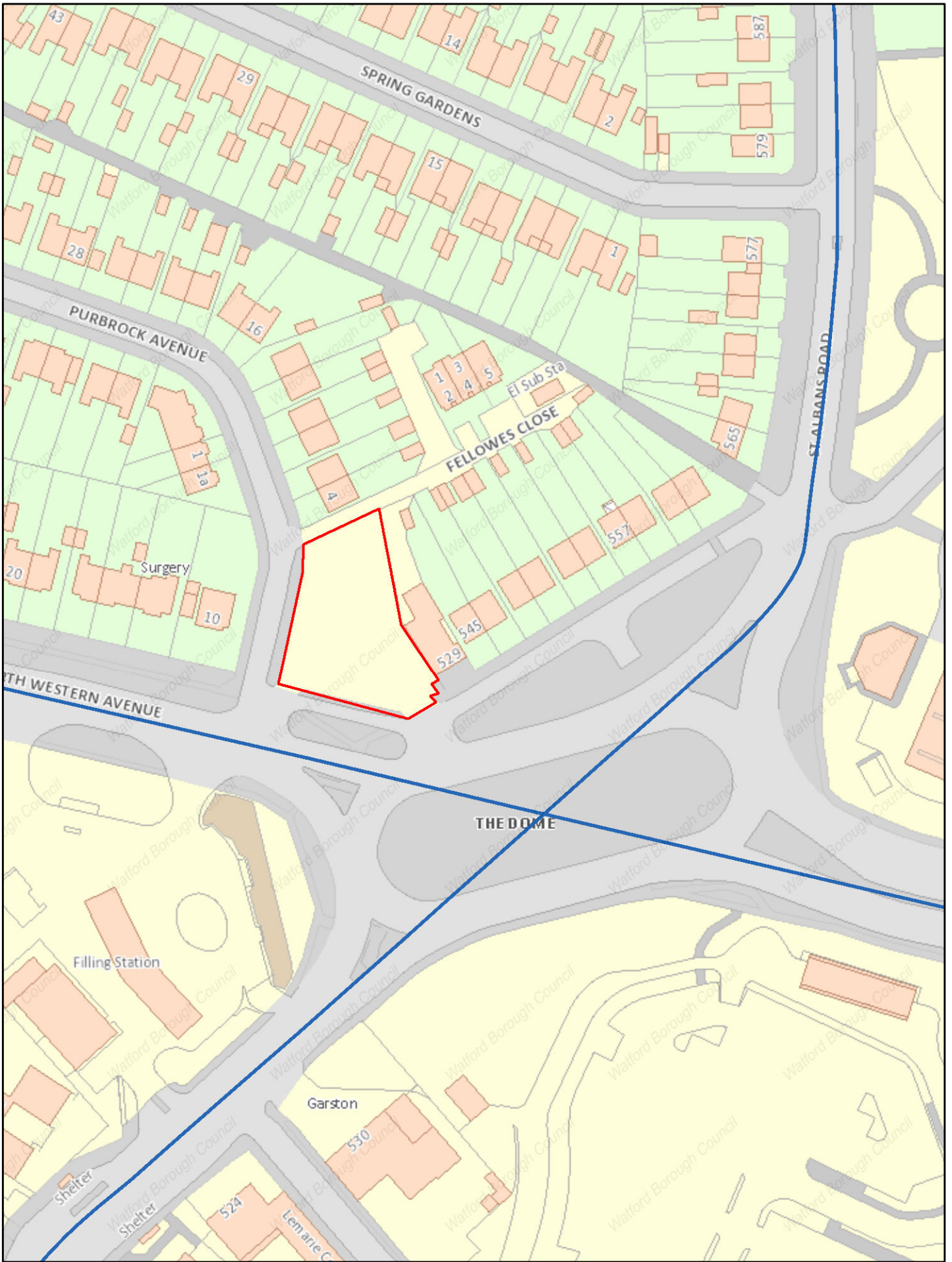
In the event that no Section 106 planning obligation is completed by 31st March 2016 in respect of the Heads of Terms set out above, the Head of Regeneration and Development be authorised to refuse planning permission for this application for the following reasons:

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.

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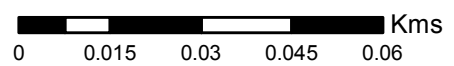
**Case Officer:** Habib Neshat  
**Email:** [habib.neshat@watford.gov.uk](mailto:habib.neshat@watford.gov.uk)  
**Tel:** 01923 278285





### Watford Car Sales, Dome Roundabout

Date: 19/01/2016



Scale 1:1,250





PART A	
Report of: <b>HEAD OF DEVELOPMENT MANAGEMENT</b>	
Date of committee	<b>18<sup>th</sup> February 2016</b>
Site address:	<b>1, Hamilton Street and adjoining garage site, Watford</b>
Reference Number :	<b>15/01729/FUL</b>
Description of Development:	<b>Demolition of existing garages and bungalow and erection of 9 dwelling houses, access road and car parking.</b>
Applicant	<b>Mr D Turner and Mrs S J Fox</b>
Date Received:	<b>24<sup>th</sup> December 2015</b>
8 week date (minor):	<b>18<sup>th</sup> February 2016 (extended by agreement to 14<sup>th</sup> March 2016)</b>
Ward:	<b>Central</b>

## 1.0 SITE AND SURROUNDINGS

1.1 The site is located on the southern side of Hamilton Street at the junction with York Road. It has an area of 0.18 hectare and is currently occupied by a detached bungalow (1, Hamilton Street) and a number of garages, several of which are in commercial use. Land within the garage site also appears to be used for car storage purposes.

1.2 Hamilton Street is a short road linking York Road and Cannon Road. Although Hamilton Street only comprises a small number of dwellings, these are varied including detached bungalows, a detached house, terraced houses and a block of flats. The surrounding roads are characterised by Victorian terraced housing exhibiting strong building lines behind very small front garden areas. Parking is on-

street within a controlled parking zone.

## **2.0 PROPOSED DEVELOPMENT**

- 2.1 To demolish the existing bungalow and all the garages and erect 9 two storey houses with a new junction and internal access road serving 14 car parking spaces. The houses are arranged as 3 semi-detached pairs sited alongside 55, York Road and a short terrace of 3 houses sited alongside 3, Hamilton Street. Each house will have its own private garden.

## **3.0 RELEVANT PLANNING HISTORY**

- 3.1 It would appear from the limited planning history that some of the garages were built in the 1950s. The existing bungalow at 1, Hamilton Street was built in 1964.

## **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
T2	Location of New Development
T3	Improving Accessibility
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
SE24	Unstable and Contaminated Land
SE27	Flood Prevention
T10	Cycle Parking Standards
T21	Access and Servicing
T22	Car Parking Standards
T24	Residential Development
T26	Car Free Residential 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

Section 11 Conserving and enhancing the natural environment

Section 12 Conserving and enhancing the historic environment

Section 13 Facilitating the sustainable use of minerals

Decision taking

## 5.0 CONSULTATIONS

### 5.1 Neighbour consultations

All properties in Cannon Road, Hamilton Street and York Road were notified of the application, together with properties in Muriel Avenue and Century Retail park that adjoin the site.

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

Number of original notifications:	125
Number of objections:	9
Number in support:	0
Number of representations:	9

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

Representations	Officer's response
Serious parking congestion on these roads already.	The development will include 14 parking spaces for the proposed houses and will also be excluded from the local controlled parking zone. These measures will minimise any likelihood of additional on-street parking occurring.
Inadequate parking provision for the proposed houses. Most households have 2 cars.	The Council's maximum car parking standard for 3 bedroom houses in this location is 1.5 spaces per house. The proposed 14 spaces meet this standard. Average car ownership for Central ward from the 2011 census is 0.79 car per household.
Inadequate infrastructure to support further houses.	The proposed new houses will place some additional demand on various infrastructure and facilities although this will be little due to the small numbers. Community Infrastructure Levy contributions will be paid on the development towards new infrastructure.
Additional traffic generation.	The predicted traffic generation from 9 houses is very low. Aerial photographs of the site from 2010 and 2013 show 14 and 22 vehicles respectively parked on the site. Traffic generation is therefore unlikely to change.



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:

#### 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 1. Prior to first occupation of the development hereby approved the site vehicular areas shall be surfaced in a manner to the local planning authority's approval so as to ensure satisfactory arrangements shall be made for surface water from the site to be intercepted and disposed off separately so that it does not discharged onto the highway.

Reason: In the interest of highway safety.

Condition 2. Prior to commencement of the approved development the applicant shall submit a construction management plan to the planning authority setting out details of demolition of existing property ,excavation of material. location of storage of construction material, parking of construction vehicles etc.

Reason: in the interest of free and safe flow of traffic and safety of other road users.

The additional vehicular trips associated with this development is unlikely to have a material impact on the local road network. The Highway Authority does not wish to restrict the grant of planning permission subject to the above conditions.

## 6.0 APPRAISAL

### 6.1 Main issues

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

- (a) Principle of residential development.
- (b) Character and appearance of the area.
- (c) Quality of accommodation.
- (d) Impact on adjoining properties.
- (e) Traffic and car parking.
- (f) Environmental matters.

### 6.2 (a) Principle of residential development

This is a windfall housing site that is not currently allocated. Policy HS1 of the Core Strategy sets out criteria for the assessment of sites for housing allocation and of windfall sites as they come forward. This site is considered appropriate for residential development as it is consistent with the spatial strategy, is previously developed land, is close to local facilities (the town centre is within walking distance), is close to good public transport (the site is within walking distance of bus stops on Lower High Street, and High Street and Bushey stations), is not at risk of flooding, and has no ecological or cultural value.

### 6.3 (b) Character and appearance of the area

Although Hamilton Street contains a mix of dwelling types, the adjoining York Road and Cannon Road are characterised by two storey terraced housing. The housing to the east of the site in Muriel Avenue is two-storey, semi-detached. The proposed scheme comprises two storey houses with accommodation in the roof space. Six of the houses are semi-detached and these are sited alongside 55 York Road and continue the existing alignment of houses on the east side of the road. They back onto the houses in Muriel Avenue. The 3 other houses form a short terrace alongside 3, Hamilton Road, continuing the building line, and reflect the terrace of 3 houses on the opposite side of Hamilton Street.

6.3.1 The adjoining house at 55 York Road has an eaves level 5.2m above pavement level and a ridge line 8.2m above pavement level. The nearest proposed house has an eaves level 5m above pavement level and a ridge line 8.5m above pavement level. In respect of 3 Hamilton Street, the existing chalet style bungalow has a ridge line 7.8m above pavement level with the nearest proposed house having a ridge line at 8.5m. As such, the scale of the proposed houses is consistent with the existing houses.

6.3.2 In terms of appearance, the proposed houses draw upon the typical features seen on the surrounding houses, incorporating small canopies over the main entrance, wider windows at ground floor on the frontage and brick lintel details. Materials are proposed to reflect those found in the immediate area including Yellow London Stock brick, red contrasting brick and grey slate roof tiles.

6.3.3 Having regard to the scale, design, siting and appearance of the proposed houses, the development will complement the character and appearance of the surrounding area and provide a significant enhancement of the application site.

6.4 (c) Quality of accommodation

All of the proposed houses will have an acceptable internal layout with a living room to the front and a kitchen/dining room to the rear, overlooking the garden, at ground floor level. At first floor level, each house comprises 2 bedrooms and a bathroom. At second floor level, within the roofspace, is a third bedroom with ensuite bathroom, served by a rooflight on the front roofslope and a small dormer window on the rear roofslope. All of the rooms will have good levels of outlook, natural light and privacy.

6.4.1 Each house will have an internal floorarea of 96.3m<sup>2</sup> which is only slightly below the minimum area of 99m<sup>2</sup> within the Government's Technical Housing Standards for a 3 bedroom, 5 person house over 3 levels. This small shortfall is considered acceptable. The proposed garden areas vary between 65.7m<sup>2</sup> and 125.4m<sup>2</sup> which all exceed the minimum area of 65m<sup>2</sup> set out in the Residential Design Guide.

#### 6.5 (d) Impact on adjoining properties

The adjacent property at 55 York Road has no windows in its flank elevation facing the site. As such, the nearest proposed house (Plot 4) will have no adverse impact on this property. With regard to 3 Hamilton Street, this house has an unusual relationship to the application site with a ground floor side extension on the boundary of the site having a window sited on the boundary directly facing the site. Furthermore, it also has 2 dormer windows in the side facing roofslope which also face the application site. All of these additions appear to have been undertaken as permitted development. It is worth noting at this point that the owner of the property is the mother of the 2 applicants.

6.5.1 The nearest proposed house (Plot 1) is sited 1m from the boundary and will block outlook and natural light from the ground floor window and the 2 dormer windows. However, it is relevant to note that these windows all serve rooms that also have windows on the front or rear elevations of the property. Indeed, the house as originally built did not include any of these 3 side facing windows. As such, the obstruction of these windows by the proposed house on Plot 1 will not have a significant adverse impact on the amenity enjoyed by the occupier.

6.5.2 In respect of the properties in Muriel Avenue that back onto the site, the proposed houses on Plots 4-9 all achieve a minimum distance of 27.5m to the rear elevations of the houses in Muriel Avenue, with garden depths of 14m. These distances all accord with the Residential Design Guide and are acceptable. As such, the proposed houses will have no significant adverse impact on the properties in Muriel Avenue.

#### 6.6 (e) Traffic and car parking

The existing site is used for car storage and, it would appear, car repairs. Aerial photographs from 2010 and 2013 show 14 and 22 vehicles respectively parked on the site. The proposed 9 houses will generate very limited traffic flows and these are unlikely to be different from the traffic already generated by the existing use of the site.

6.6.1 In respect of car parking, the maximum parking standard for a 3 bedroom house in this location is 1.5 spaces per house. This gives a maximum provision of 13.5 spaces for the proposed 9 houses. The provision of 14 spaces is therefore considered appropriate. All of the spaces are of adequate size with adequate manoeuvring space. Although a number of objections have been received regarding the adequacy of this provision, the average car ownership per household within Central Ward, derived from the 2011 Census, is only 0.79 car. This level of provision is therefore acceptable.

6.6.2 The site is within a controlled parking zone (CPZ) and the development will, therefore, need to be excluded from the CPZ in order to prevent and minimise any on-street parking, which would be likely to exacerbate existing on-street parking problems. This can be secured through a s.106 unilateral undertaking which the applicants have agreed to enter into.

6.6.3 With regard to servicing the site, the proposed access is 4.8m wide and will allow service and delivery vehicles to reserve into the site from York Road. Given the very limited traffic flows on this road, and the fact that any vehicles servicing the existing houses must park on the road, this is considered acceptable. Each house has rear garden access where bins can be stored and collection can take place from the footpaths serving the houses.

6.6.4 Cycle storage provision can be accommodated within the rear gardens of the houses.

#### 6.7 (f) Environmental matters

It would appear the site has been in low level commercial use for car storage and car repairs for many years. As such, there is some risk of contamination having occurred (from fuel, oils, etc) that would require investigation and potentially remediation. An appropriate investigation can be secured by condition.

6.7.1 Policy SD1 of the Core Strategy requires all new development to incorporate

sustainable design measures and to comply with or exceed the current standards set out in the Code for Sustainable Homes. However, the Code for Sustainable Homes has now been abolished by the Government and the development will now be required to comply only with the current Building Regulations. At the present time, the Council is not able to consider requiring the enhanced Building Regulations standards for energy efficiency and water usage as it does not have an adopted Local Plan Part 2 setting out these requirements.

## **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.

The CIL charge applicable to the proposed development is:

#### **Watford Charging Schedule**

<b>Type of Development</b>	<b>CIL Rate</b>
Residential	£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. If any of these exemptions is applied for and granted, the CIL liability can be reduced.

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. On and 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.

The development proposed in this application is one where, in accordance with saved Policy T26 of the Watford District Plan 2000 and Policy INF1 of the Watford Local Plan Part 1 Core Strategy 2006-31, the Council will normally require the applicant to enter into a planning obligation which provides for a financial 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 application site. It is necessary to amend the traffic order so as to exclude the occupiers of the development from any entitlement to claim permits for the local Controlled Parking Zone because otherwise the proposed development would be likely to give rise to additional vehicles parking on local streets, thus worsening traffic congestion which would be a reason to refuse planning permission.

The proposed development is also 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.

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.

The contribution sought by the Council for amending the Controlled Parking Zones Traffic Regulation Order varies according to the number of dwellings existing and to be created and according to the existing use of the property. The contribution is thus 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.

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.

Accordingly, the contribution sought by the Council towards the amendment of the Controlled Parking Zones Traffic Regulation Order 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 a financial contribution and the County Council's approach to seeking 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.

The contribution payable to the Council in the case of the development proposed in this application is set out below:

<p><i>New residential development</i></p>	<p>The sum of £2000 (two thousand pounds) 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 site in accordance with saved Policy T24 of the Watford District Plan 2000.</p>
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## 8.0 CONCLUSION

8.1 The proposed residential development of this site is in accordance with the policies of the Core Strategy and Watford District Plan and is acceptable in principle. The development will be in keeping with the character and appearance of the surrounding area, will provide a significant enhancement of the site, will provide good levels of amenity for future occupiers and will have no significant adverse impacts on surrounding properties. The level of car parking provision accords with the maximum standards and is acceptable. The exclusion of the development from the local CPZ will help to ensure the development does not exacerbate existing on-street parking problems.

## 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.

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## 10.0 RECOMMENDATION

(A) That planning permission be granted subject to the completion of a planning obligation under section 106 of the Town and Country Planning Act 1990 to secure the following contributions and subject to the conditions listed below:

### Section 106 Heads of Terms

- i) To secure a payment to the Council of £2,000 towards the variation of the Borough of Watford (Watford Central Area and West Watford Area) (Controlled Parking Zones) (Consolidation) Order 2010 to exclude the site from the controlled parking zone, thereby preventing residents' parking permits being allocated to this site.
- ii) To secure the provision of fire hydrants as required by the County Council in accordance with Policy H10 of the Watford District Plan 2000.

### Conditions

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved drawings:-

Site location plan

Site block plan

2015/302/01A, 2015/302/02

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 of the existing building or construction of the development shall commence until a detailed scheme to deal with the risks associated with the potential contamination of the site has been submitted to and approved in writing by the Local Planning Authority. That scheme shall include all of the following elements:
  - i) a preliminary risk assessment which has identified:
    - all previous uses
    - potential contaminants associated with those uses
    - a conceptual model of the site indicating sources, pathways and receptors
    - potentially unacceptable risks arising from contamination at the site;
  - ii) a site investigation scheme, based on (i) above, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site;
  - iii) the results of the site investigation and risk assessment referred to in (ii) above and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
  - iv) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages,

maintenance and arrangements for contingency action.

No changes to these components shall be undertaken without the written approval of the Local Planning Authority. All works shall be carried out in accordance with the approved details.

Reason: In the interests of the health of the future occupiers of the site and to prevent pollution of controlled waters, in accordance with Policies SE24 and SE28 of the Watford District Plan 2000.

6. No occupation of the development shall take place until a verification report demonstrating completion of the works set out in the approved remediation strategy (see Condition 5 above) and the effectiveness of the remediation has been submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To verify that all contamination has been successfully removed from site following all remediation works in the interests of the health of the future occupiers of the site and to prevent pollution of controlled waters, in accordance with Policies SE24 and SE28 of the Watford District Plan 2000.

7. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to, and obtained written

approval from, the Local Planning Authority for a remediation strategy detailing how this unsuspected contamination is to be dealt with. All works shall be carried out in accordance with the approved details.

Reason: In the interests of the health of the future occupiers of the site and to prevent pollution of controlled waters, in accordance with Policies SE24 and SE28 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 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.

10. 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.

11. No dwelling shall be occupied until the new access junction to Hamilton Street, as shown in principle on approved drawing no. 2015/302/01, has been constructed in full. This shall include measures to ensure surface water run-off does not enter the highway from the application site.

Reason: To ensure the development does not prejudice the safety of highway users on Hamilton Street and York Road, in accordance with saved Policy T21 of the Watford District Plan 2000.

12. 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.

13. 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.

14. No dwelling shall be occupied until the 14 car parking spaces, as shown on approved drawing no. 2015/302/01, 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.

### Informatives

1. This planning permission is accompanied by a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to exclude the development from the local controlled parking zone, to ensure future residents of the development are not entitled to apply for residents parking permits, and to secure 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. 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.
4. 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. This is to minimise the impact of construction vehicles and to improve the amenity of the local area.
5. The applicant is advised that storage of materials associated with the development should take place within the site and not extend into 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.
6. 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.

Drawing numbers

Site location plan

Site block plan

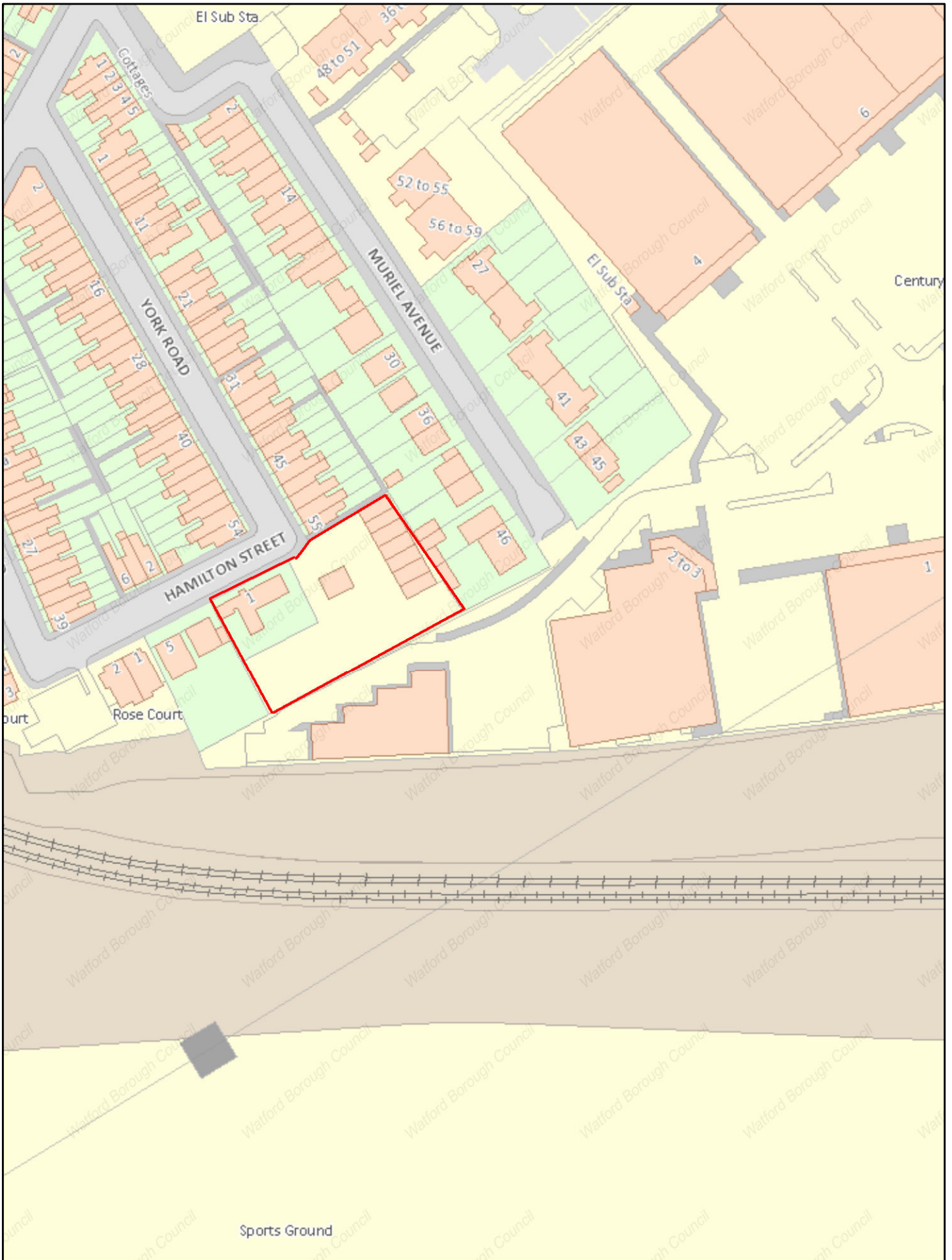
2015/302/01A, 2015/302/02

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**(B)** In the event that no Section 106 planning obligation is completed by 11<sup>th</sup> March 2016 in respect of the Heads of Terms set out above, the Development Management Section Head be authorised to refuse planning permission for this application for the following reasons:

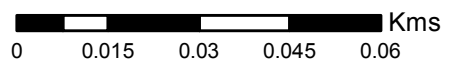
1. The proposal fails to make appropriate provision to restrict on-street parking in the surrounding Controlled Parking Zone and as such is contrary to saved Policy T24 of the Watford District Plan 2000.
  2. The proposal fails to make provision for fire hydrants to serve the development and as such 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:** Paul Baxter  
**Email:** paul.baxter@watford.gov.uk  
**Tel:** 01923 278284



1 Hamilton Street and garages

Date: 09/02/2016



Scale 1:1,250





# Agenda Item 8

PART A	
Report of: <b>DEVELOPMENT MANAGEMENT SECTION HEAD</b>	
Date of Committee	<b>18<sup>th</sup> February 2016</b>
Site address:	<b>23, 25 &amp; 25A St John's Road</b>
Reference Number :	<b>15/01786/FULM</b>
Description of Development:	<b>Demolition of existing buildings, originally three detached dwellings, now linked and used as offices. Erection of two blocks of flats comprising 40 residential units.</b>
Applicant:	<b>The Seventh Day Adventist Association Limited</b>
Date received:	<b>23<sup>rd</sup> December 2015</b>
13 week date (major):	<b>23<sup>rd</sup> March 2016</b>
Ward:	<b>Central</b>

## SUMMARY

Full planning permission is sought for the demolition of the existing buildings occupying the site and the erection of two blocks of flats comprising 40 residential units.

This application follows an earlier proposal for a similar development on this site (Ref. 15/00413/FULM) which was refused planning permission by the Development Management Committee on 8<sup>th</sup> October 2015, against the officer recommendation, for the reason set out below:

- 1. The proposed development 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 (RDG) and Policies SS1 and UD1 of the Watford Local Plan Core Strategy 2006-31.*

The current proposal incorporates amendments to the earlier scheme to address the concerns raised by Members regarding design. Revisions have been made to the elevational treatment of Block 1 (the block that faces St Johns Road) including the reconfiguration of balconies and a re-design of part of the top level of Block 1 to provide more of a lightweight structure at roof level. Additionally, the Corten steel panels that were to be applied to both Blocks 1 and 2 have been removed and decorative brickwork elements have been introduced. The revisions have been made taking into account comments raised by Members and following advice offered by the Council's Urban Design & Conservation Manager.

It is considered that the revisions have improved the way in which the buildings relate to the site's context making use of more subtle design features to break up the front elevations and resulting in a more successful transition building for Block 1 between the modern office building to the east of the site and the residential properties to the west. The use of high quality materials and landscaping will ensure that an attractive environment is created.

The proposed development will provide a high quality residential environment within a highly sustainable location with good access to public transport and a wide range of services and facilities.

The siting and design of the proposed building will ensure that it will have no adverse impact on surrounding residential properties.

Of the 40 units proposed, 14 are to be affordable – ensuring that the level of affordable housing provision meets the Council's minimum 35% threshold. The proposal will provide a mix of new units in terms of size and tenure, providing much-needed housing. The new units will benefit from adequate levels of internal space, natural lighting and outlook and

will have access to amenity space – all of which will contribute towards ensuring that a high quality living environment is achieved.

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

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## **BACKGROUND**

### **Site and surroundings**

The application relates to an irregular shaped parcel of land located on the southern side of St John's Road and which occupies a position between the junctions with Clarendon Road and Albert Road North. It measures 0.22 hectares in area and comprises buildings known as 23, 25 and 25A St John's Road. These properties were built, and first used, as individual two-storey detached houses. However, they have all been converted into offices which are currently occupied by the Seventh Day Adventist Association Limited. The properties were erected at different times, with the first having been built in 1894 (No. 23), and the last having been built in 1939 (No. 25a). They have been joined through the construction of inter-linking extensions.

No.s 25 and 25a are linked by way of a first floor extension which creates a tunneled vehicular access to the car parking area at the rear.



Site Plan

Part of the site (No. 23) lies within employment area E7a, as designated by the Watford District Plan 2000. There is no specific land use designation for the remaining part of the site which includes No.s 25 and 25A and therefore this part of the site is considered to be primarily residential. To the south and east of the site, substantial office buildings exist and these front Clarendon Road.

The site lies within the “Wider Town Centre Area” as detailed on page 54 of the Watford Local Plan Core Strategy 2006-31. It also falls within the Town Centre Special Policy Area.

Other than the office buildings to the south and east of the site and the Magistrates Court



and Police Station complex to the north, the surrounding properties are predominantly two storey. Nearby residential properties comprise a mix of terraced, detached and semi-detached houses – some of which having been converted into flats.

The site does not encompass any statutory or locally listed buildings and is not located within a Conservation Area. The Police Station and Magistrates Court to the north are locally listed.

### **Proposed development**

Full planning permission is sought for the demolition of the existing buildings occupying the site and the erection of 40 residential units.

The buildings to be demolished were originally built as three detached dwellings but are currently in use as offices for the Seventh Day Adventist Association Limited who also own the site. The office space provided within the buildings no longer meets the demands of the owners who are looking to relocate.

The development will involve the construction of 2 blocks of flats – one fronting St John's Road, referred to as Block 1 on the submitted drawings, and the other (Block 2) sited at a right angle and behind Block 1. The blocks will be separated by a distance of 13.6m.



Proposed Block Plan

Block 1 will be a part 5, part 4 and part 3 storey building comprising 28 flats in total, 14 of which will be affordable. It will have its main entrance facing St John's Road. On the western side of Block 1 a vehicular access drive will be created, providing access to Block 2 and a small parking forecourt in front of this block comprising 2 disabled car parking spaces 2 set down spaces. A turning head will also be provided on site between Blocks 1 and 2.

Some of the ground floor units will have access to their own small private amenity spaces. Many of the flats on the upper floors will benefit from balconies. Communal garden areas will be provided to the rear of Block 1 and within the southwestern corner of the site.

### **Relevant planning history**

The site has an extensive planning history. Recent relevant planning history is outlined below:

#### **23 St John's Road**

Ref. 07/00519/FUL – Erection of 3 storey rear and side extensions (including roof) with additional basement storey with alterations to existing property – Conditional Planning Permission granted in June 2007.

#### **23-25 St John's Road:**

Ref. 11/00162/FUL – Retrospective application for construction of first floor infill bridge between buildings and second floor extension across both buildings involving alterations to roof – Refused Planning Permission in June 2011 for the following reasons:

- 1. The second floor extension, by reason of its design, size and siting, fails to remain in keeping with the character of the buildings and has resulted in a form of development that appears unduly prominent and visually obtrusive. The development has a detrimental effect on the character and appearance of the properties, the streetscene and the visual amenity of the area, contrary to Policies H7, H15, U1, U2 and U3 of the Watford District Plan 2000.*

The Council's reason to refuse this application was appealed against (Appeal Ref. APP/Y1945/A/11/2159961). The appeal was dismissed in December 2011. The Inspector concluded that the overall scheme seriously and unacceptably harmed the character and appearance of the host buildings, the street scene and the surrounding area. The unauthorised roof extension was subsequently removed.

Ref. 12/00303/FUL – Retrospective application for a first floor extension linking 23 and 25 St John's Road – Planning Permission granted in June 2012.

### 23, 25 & 25A St John's Road

Ref. 14/00698/PREAPP – Demolition of existing buildings and erection of two blocks of flats including affordable housing – This pre-application enquiry was originally responded to in June 2014 but discussions remained ongoing up to the submission of the planning application.

Ref. 15/00413/FULM – Demolition of existing buildings, originally three detached dwellings, now linked and used as offices. Erection of two blocks of flats comprising 40 residential units – Refused Planning Permission in October 2015 for the following reason:

1. *The proposed development 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 (RDG) and Policies SS1 and UD1 of the Watford Local Plan Core Strategy 2006-31.*

The applicant has appealed against the Council's reason for refusal and has requested that the appeal be determined through the hearing procedure (Appeal Ref. APP/Y1945/W/15/3139582). The appeal is currently pending.

### **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

**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
- SPA1 Town Centre
- 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

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**CONSULTATIONS**

**Neighbour consultations**

Letters were sent to a total of 40 addresses that lie within close proximity of the site. Nine responses have been received citing the following objections:

- Inadequate parking provision, leading to parking overspilling onto surrounding roads, illegal parking and occupiers of new flats parking in other residents private parking spaces.
- Eyesore.
- Poor design.
- Building does not fit in architecturally with the surroundings.
- Revised application offers no significant improvement on that which was refused previously.
- Detrimental to character of local neighbourhood.
- Will lead to additional parking in area.
- Design of Block 1 does not reflect character of the area.
- Correspondence with the planning officer pre-application whereby the applicant was informed a three storey development would not be acceptable at the rear and 5 storeys would not be acceptable on St John's Road, why has this changed?
- Overdevelopment.
- Impact on outlook of surrounding properties.
- Concerns regarding security.
- Current buildings are attractive and are in keeping with character of local area.
- Concerns regarding the placement of bins and the impact on the enjoyment of neighbouring gardens.
- Loss of light to neighbouring properties.
- Overlooking and loss of privacy.
- More noise and air pollution.
- Greater strain on local resources such as the GP surgery at 37 St John's Road.
- Development will cause disruption and pollution when being built.
- Lack of openness.
- Impact on neighbours' outlook.

One response has been received requesting that something is done with the memorial

stone which exists on the front of No. 23, for example, for this to be incorporated in the block of flats. The submitted plans show that this memorial stone will be incorporated into the front elevation of Block 1.

### **Site Notice**

Site notices placed.

### **Press Advertisement**

A notice was published in the Watford Observer.

### **Statutory consultations**

Arboricultural Officer

*The proposals have addressed my main concern with the previous scheme (15/00413/FULM) for additional screening along the boundary with properties in Albert road by the provision of 10 new trees along this boundary. The proposed landscaping scheme(s) are considered acceptable.*

### **Environmental Health**

*I have looked at the documents relating to this planning application and considered the changes from the previous proposal. Environmental Health make the following comments:*

*The position of the proposed development is such that the future residents may be disturbed by noise from existing sources. I believe the following condition could control this and ensure that future residents are not disturbed by noise:*

*1. A scheme will be submitted to and agreed by the local planning authority prior to construction demonstrating that the standard for indoor ambient noise levels for dwellings defined in BS 8233:2014 is achieved in the living rooms and bedrooms of all units in the development. This standard must be met while provisions for rapid cooling and ventilation are functioning.*



*Any assessment must take into account noise sources including (but not limited to) commercial premises adjacent to the development on Clarendon Road and operations from the yard of Watford Police Station, Shady Lane, Watford.*

### Minerals & Waste

*I am writing in response to the above planning application insofar as it raises issues in connection with minerals or waste matters. Should the borough council be minded to permit this application, a number of detailed matters should be given careful consideration.*

*Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the county council's adopted waste planning documents. In particular, the waste planning documents seek to promote the sustainable management of waste in the county and encourage districts and boroughs to have regard to the potential for minimising waste generated by development.*

*Most recently, the Department for Communities and Local Government published its National Planning Policy for Waste (October 2014) which sets out the following:*

*'When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:*

- the likely impact of proposed, non- waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;*
- new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for*

*bins, to facilitate a high quality, comprehensive and frequent household collection service;*

- *the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.'*

*This includes encouraging re-use of unavoidable waste where possible and the use of recycled materials where appropriate to the construction. In particular, you are referred to the following policies of the adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 which forms part of the Development Plan. The policies that relate to this proposal are set out below:*

- *Policy 1: Strategy for the provision for Waste Management Facilities (the penultimate paragraph only);*
- *Policy 2: Waste Prevention and Reduction;*
- *Policy 12: Sustainable Design, Construction and Demolition.*

*In determining the planning application the borough council is urged to pay due regard to these policies and ensure their objectives are met. Many of the policy requirements can be met through the imposition of planning conditions.*

*Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP). This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to. Good practice templates for producing SWMPs can be found at:*

*<http://www.smartwaste.co.uk/> or <http://www.wrap.org.uk/category/sector/waste-management>.*

*SWMPs should be passed onto the Waste Planning Authority to collate the data. The county council as Waste Planning Authority would be happy to assess any SWMP that is*

*submitted as part of this development either at this stage or as a requirement by condition, and provide comment to the borough council.*

#### Hertfordshire Constabulary Crime Prevention Design Service

1. **Secured by Design part 2 physical security:** *The applicants have submitted a document regarding their Code for Sustainable Homes (CfSH). In that document they appear to be saying they will apply for Secured by Design part 2 (physical security), yet nothing is mentioned in their Design and Access statement.*

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

- *All exterior doors to have been tested to BS PAS 24:2012 or STS 202 BR2*
- *All individual flat front entrance doors to BS Pas 24:2012 (internal specification).*
- *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.*
- *Due to the number of flats in block 1, there should also be audible and visual access control at the pedestrian entrances to the block, whilst Block 2 can have just audible access control. The access control for both blocks 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.*

*If the council are so minded, this could be conditioned as below:*

**Condition:** *The development will achieve the 'Secured by Design' part 2 (physical security), which will be confirmed by Hertfordshire Police on development completion.*

**Reason:** *In the interests of the safety, crime prevention and amenity of future occupiers of the development.*

2. **Car parking:** *There are shown two disabled and two normal car parking spaces. How will these be allocated and how will these be policed? Any management company will have to deal with this, otherwise there will be disputes.*
3. **Cycle storage:** *This must be secure and because of the number of residents / users I would recommend metal louvered doors be fitted with a suitable lock, so as to deter theft. Such doors are also more robust than wooden ones and need less maintenance during the lifetime of the dwellings.*
4. **Gates:** *There are shown gates giving access to various parts of the site, which I am pleased about and are mentioned under 'Access' on page 12 of the Design and Access Statement. These gates should be metal, visually permeable and full height, with access control fitted to the outside. The vehicle access gate at the side of Block 1, should also be electrically operated, whilst the others fitted with suitable self-closures.*
5. **Proximity of development to the Police Station:** *As Block 1 faces the Police Station rear yard and vehicle exit, (from where vehicles go out on emergency response 24/7/365 sometimes with two tones sounding), it would be advisable for the residential units of block 1 facing onto St John's Road to have noise mitigation, so such noise does not disturb residential amenity at night. Unfortunately when residential accommodation is built without noise mitigation for residents close to a police station, there are complaints from residents about the noise from Police vehicles responding to emergency incidents overnight.*

*I hope the above is of use to you in your deliberations and will help the development achieve that aims of the National Planning Policy Framework (NPPF).*

- *69 – re safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.*

*& the National Planning Practice Guidance (NPPG) under ‘Design’*

- *010 – re Sec 17 of the Crime and Disorder Act 1984 – to prevent crime & disorder.*
- *011 – re planning promoting appropriate security measures.*

*& policy UD1 of Watford Core Strategy*

(Officer Comment: It should be noted that the physical security aspects of Secured By Design are now incorporated as a mandatory requirement of the building regulations. They are therefore covered by other legislation and this does not need to be considered under the planning system.)

#### Local 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 1. The development shall not begin until details of the disposal of surface water from the drive and parking area have been submitted to and approved in writing by the Local Planning Authority in conjunction with the Highway Authority. The dwelling shall not be occupied until the works for the disposal of surface water have been constructed in accordance with the approved details.*

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

*Condition 2. Upon completion of the development and the/altered access brought into use, all other existing access points not incorporated in the development hereby permitted shall be stopped up by raising the existing dropped kerb and reinstating the footway and highway boundary to the same line, level and detail as the adjoining footway, verge and highway boundary.*

*Reason: To limit the number of access points along the site boundary for the safety and convenience of the highway user.*

*Condition 3. Prior to the commencement of the site works the applicant shall submit a construction management plan setting out details of on-site parking for all contractors, sub-contractors, visitors and delivery vehicles, storage of materials to be approved in writing by the Local Planning Authority in consultation 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.*

*Advisory Note.*

*AN1. 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.*

*AN2. 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*

*A3. 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.*

*Reason: In the interest of highway users safety*

*Details:*

*Planning Application'*

*Application is for demolition of existing building and provision of 40 residential units.*

*Site and surrounding*

*The site currently comprises three properties 23, 25 and 25a St Johns Road comprising both two and three storey buildings which have been converted to offices. The existing vehicular access is from St Johns Road with a driveway provided between 25 and 25a.*

*The surrounding area comprised a mix uses of four to five storey office building, two storey semi-detached residential units and terraced houses, some with rear gardens associated with the dwellings situated along Albert Road North. Watford Magistrate Court is located to the north of the site.*

*Local Road Network*

*The site is surrounded by St Johns Road, Clarendon Road, Albert Road North and A411 Beechen Grove. A411 Beechen Grove is a key road through the centre of Watford Town Centre and forms part of the Watford Ring Road. There are a good number of key local amenities within the area that will serve the residents of the new development.*

*Accessibility.*

*The site is within few minutes walking distance to Watford Junction Railway Station and Watford Town Centre. Watford Junction Railway Station is one of the main railway station in the area providing regular service to London and various other destinations. If residents wish to commute into London an express train from Watford Junction Station may take*

*around 16 minutes by train. Watford Junction is also a major bus/rail interchange providing bus service to various destinations at regular interval.*

*Watford Town Centre is only a few minutes walking distance from the development site. The town is a major regional shopping area with all the daily necessary facilities and employment opportunities.*

*In summary site is in a highly sustainable location. There is an excellent opportunities for residents to use all modes of transport and the access to all the necessary facilities.*

### *Access and Parking*

*The existing vehicular access into the site car park is currently taken from an access road between number 25 and 25a .The existing on-site car parking provision 20 spaces. The proposal is to provide a new access road along the western boundary of the site by form of a simple priority junction with St Johns Road in the North West corner.*

*The current proposal is to provide on-site parking for 4 spaces of which two spaces for disabled parking and the other two for visitors or maintenance vehicle parking.*

*On-site parking is a matter for the local planning authority. However, St Johns Road and the adjacent road network are within Controlled Parking Zone A, which is permit parking or pay and Display parking only. Pay and display parking is for a maximum of 4 hours on Monday to Saturday between 8.00AM to 6.30PM. Residents of the development will not be eligible for parking permits, and therefore will not be able to park the cars within the development or on surrounding road network.*

*Considering the location of the proposed development and its close proximity to Watford Junction Station and Watford Town Centre and the extent of transport facilities with easy access to employment opportunities and other daily facilities, the location of the site is considered as suitable for a car free development.*

### *Road Safety*

*5 year accidents details on St Johns Road and the surrounding roads shows 14 collisions resulting in 7 slight injuries where one was a cyclist. Overall the local road network has a*



*good road safety record, the proposed development is a car free development and the proposed development will generate much fewer vehicular trips when compared to the existing use.*

#### *Refuse Collection.*

*Highway Authority is concerned over the length of the bin storage area for the properties at the rear of the development. The Bin storage location shown in the drawings in support of the application is could be more than the maximum carrying distance of 30m. The Highway Authority recommends LPA to consult the refuse team.*

#### *Conclusion*

*The Highway Authority does not wish to restrict the grant of consent subject to the above conditions and advisory notes.*

#### Environment Agency

No comments to make on this application.

#### Thames Water

##### *Waste Comments:*

*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 0800 009 3921 or for more information please visit our website at [www.thameswater.co.uk](http://www.thameswater.co.uk)*

#### *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.*

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

*No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.*

*'We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission:"A*

*Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)."*

#### *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.*

#### Local Lead Flood Authority (Hertfordshire County Council)

*We note that this is a re-submission of documents from a previous application reference 15/00413/FULM.*

*As the FRA and the drainage strategy remain the same, we can confirm that we have no objection on flood risk grounds and advise the LPA that the proposed development site can be adequately drained and mitigate any potential existing surface water flood risk if carried out in accordance with the overall drainage strategy.*

*The FRA demonstrates a feasible surface water drainage strategy based on infiltration and provides the results of the infiltration tests that were carried out. Detailed surface water run-off calculations for 1:100 year (+30% CC) have been provided within the surface water drainage assessment, which ensures that the site has the capacity to accommodate all rainfall events up to 1:100 year (+30% CC).*

*We note that the proposed run-off rate for the site has been stated as 0 l/s based on the infiltration with the use of water butts, permeable paving, rain gardens and crate system*

*trench soakaway. All changes to the drainage strategy have been shown on a layout plan along with the corresponding detailed calculations of each SuDS scheme and the drainage strategy provides evidence of a clear management and treatment train for the SuDS system.*

*We therefore recommend the following condition to the LPA should planning permission be granted.*

### ***LLFA position***

*The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the FRA carried out by Morgan Tucker Consulting Engineers reference MT/NWK/JN2063/FRA-Rev A dated August 2015 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 approved FRA carried out by Morgan Tucker Consulting Engineers reference MT/NWK/JN2063/FRA-Rev A dated August 2015 and the following mitigation measures detailed within the FRA:*

- 1. Implementing appropriate SuDS measures as shown on drawing JN2063-NWK-001 dated June 2015.*
- 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.*

*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**

- 1. To prevent flooding by ensuring the satisfactory disposal of surface water from the site.*
- 2. To prevent flooding by ensuring the satisfactory storage of surface water from the site.*
- 3. To ensure surface water can be managed in a sustainable manner*
- 4. To reduce the risk of flooding to the proposed development and future occupants.*

### **Informative to the LPA**

*We note that on the drawing JN2063-NWK-001, proposed Rain Garden 3 (RG3) is located alongside a wall. The LPA will need to be satisfied that there is no risk to property from RG3 under the Buildings Regulations.*

### Contaminated Land Officer

No comments have been received from the Contaminated Land Officer under the current application. However, the comments of the Contaminated Land Officer dated 4<sup>th</sup> June 2015 are outlined below:

*This Department is in receipt of the following report submitted in respect of the above:*

- Phase 1 Geo-Environmental Assessment; Report Ref:  
MT/JAMESREGAN/JN1856/V1; Morgan Tucker Ltd; January 2014*

*Our records indicate the presence of a number of potentially contaminative land uses within a 250 metre radius of the site, which haven't been identified by the Phase 1 Geo-Environmental Assessment, these are as follows;*

- James Day (Lubricants) Ltd, 57 Clarendon Road, located adjacent to the site.*

- *Franklin Engineering, adj. 2A Franklin Road, located approximately 60 metres to the northwest.*
- *Watford Timber Company Ltd, 29 – 35 St Albans Road, located approximately 215 metres to the northwest.*
- *Temple Electrical Co. Ltd (Metal Works / Wire Manufacture, also Plastic etc), 73 Clarendon Road, located approximately 190 metres to the north.*
- *Watford Junction (Railway Land), located approximately 245 metres to the north-northeast.*
- *Oliver Sennitt – Coal Merchant, 12 Woodford Road, located approximately 245 metres to the east-northeast.*
- *Holst & Co. Ltd (Concrete Products), 46 Clarendon Road, 95 metres to the east-southeast.*
- *Haden Yound Ltd (Engineering), 44 Clarendon Road, located approximately 115 metres to the southeast.*
- *Builders Yard, 71 Estcourt Road, located approximately 185 metres to the east-southeast.*

*The report should be updated to reflect any potential risk associated with these uses.*

*As further works are required, I recommend the contamination condition be applied should planning permission be granted.*

In light of the above, additional information was submitted by the applicant. This was forwarded to the Contaminated Land Officer who provided the following comments dated 2<sup>nd</sup> July 2015.

*Some potentially contaminative land uses within a 250 metre radius of the site had not been identified by the phase 1 report. The consultant has acknowledged the omissions. He confirms that intrusive investigation works have been recommended to his client for the site. This will include analysis of made ground / soils for the contaminants of concern (as well as general determinants). He suggests the information is included within their*

*Phase II investigation works, with the CSM being re-written and updated within the forthcoming Phase II report. This shall include specific reference to Contaminated Land Officer's memo and further discussions.*

*Personally I feel that it is reasonable to accept his memo as an addendum to the original report and not require the report to be re written.*

Urban Design & Conservation Manager

**General Comments:**

**Planning Policies:**

*NPPF is clear that it is appropriate to seek high quality design in all new development:*

*“Para 57: 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”*

*And :*

*“Para 64: Permission should be refused for development of poor design that fails to take opportunities for improving the character and quality of an area and the way it functions”*

*In these paragraphs the NPPF sets out the need for high quality and the role which local authorities have in ensuring that new development is of high quality and takes opportunities to improve the character and quality of an area.*

*Watford BC has policies and guidance in place to assist with delivering this. The adopted core strategy policies are high level policies which set out the strategic direction for the borough and includes policy UD1 which sets out the design principles which new development should follow. Both the Character of the Area Study (adopted in December 2011) and the Residential Design Guide (adopted in July 2014). Additional detailed development management policies and site allocations work is being prepared and will be issued as a Publication Draft later this year titled Local Plan 2. This will set out in more*

*detail how the Council intends to deliver the growth identified in the Core Strategy (Local Plan 1).*

**Principal Issues:**

**Local character/street scene:**

*the site acts as a transition site between the large scale commercial buildings fronting the Clarendon Road frontage and the domestic scale residential buildings of St Johns / Albert Road. The approach to the site requires a response to both these areas but most importantly must consider the impact on the domestic 2/3 storey residential character. The proposed use is residential and this suggests that the proposals should look more to the residential character for cues than the commercial buildings fronting Clarendon Road. This does not mean that the proposals have to copy the typology used in the existing residential areas but that the building should sit more comfortably with the residential than with the commercial buildings.*

*Previous versions of this scheme failed to deal with the transition successfully and would have resulted in a dominant building in the street scene, which appeared to have taken more design reference from the commercial scale buildings than the residential. The alterations to the frontage elevations have improved the way in which the building relates to its context making use of more subtle design features to break up the front elevations resulting in a more successful transition building*

**Scale, form and massing:**

*some of the points made in relation to local character apply here. The site sits between buildings which are of different scale and the infill buildings need to work alongside both. As with the local character, the scale which is most sensitive to change is that of the residential buildings. The commercial scale of the buildings fronting Clarendon Road is not really appropriate to be the dominant influence over this transition site as it is the side of this building which is along St John's Road and it is the front of the domestic scale buildings which front St Johns Road. In order to better address this issue a different approach to upper floor of the two principal blocks fronting St John's Road was needed*



*along with some alterations to the elevation to provide a better vertical emphasis and rhythm to these elevations. The balconies are now vertically aligned above the entrance which improves the legibility of the elevation and reinforces the location of the entrance. The top floor is now being treated differently from the lower floors giving the building a top section and reducing the impact of this elevation. This has been done using cut out balconies on the top floor which creates a lightness to the top floor of the building and separates it from the lower floors whilst retaining vertical rhythm. This goes some way to creating a building which is more domestic in scale.*

*This has reduced the scale of the new buildings, in particular that of the larger block. The alterations have also broken up the massing of the blocks on the frontage and reduced the impact of the massing on the street scene as well.*

***Details and materials:***

*there are concerns regarding some of the features and materials proposed for this scheme. In terms of design details, the window/door reveals don't seem to be provided for this scheme but were for the previous one and did ensure reveals of sufficient depth to provide movement across the elevation; so we will need to ensure that these are supplied or condition requiring them. There are still reservations regarding the projecting balconies with glass fronts as these tend to end up with often unsightly screens being used to provide privacy, this will be overcome to some degree by the use of dark grey glass rather than clear glass. Also, the balconies open onto what is quite a busy road with little in the way of street trees etc to provide a more pleasant environment.*

*It should be possible to include some trees at the front of the building within the hedged area which would improve the outlook. Care should be taken with the species so that future problems regarding tree growth towards the building do not occur – this includes containing the roots (advice from the tree officer should be sought). The GI plan for Watford does include promoting street trees and this scheme is one where this can be achieved.*

*The realignment of the balconies and windows results in a treatment which sets up a more consistent vertical rhythm which better meets the character of the local area.*

*The materials proposed are broadly acceptable and the uses of patterned brick panels instead of the corten steel panels is a much more sympathetic way of creating detail and variety in the elevation. I would like to have details of exactly how this works as a condition.*

*Where the applicant has not provided specific details of materials then a condition will be necessary, in a sensitive case such as this one it is preferable to have this with the application. Materials are a significant part of the design and it is important to ensure that proper consideration is given to this element of any design. This gives greater certainty regarding the design quality as the site may well be developed by a different owner and set of consultants.*

**Conclusions:**

*On balance this is an improved scheme and providing we can secure good materials and the build quality is good the resulting scheme should be of high quality. Therefore, we can support this scheme.*

*Please note conditions required and point regarding street trees.*

Planning Policy

No comments received under current application. The comments provided under the previous application are set out below:

*Part of this site falls within the Clarendon Road employment area. Policy E1 of the Watford Local Plan states that such land may be released where it is demonstrated that the site is no longer required to meet future employment and business needs. The adopted Core Strategy also identifies this as a key office area.*

*The applicant's planning statement refers to the November 2010 Employment Market Assessment and suggests a good supply of B1 space is available. However, evidence produced since then, in the form of the Economic Growth and Delivery Assessment 2014, shows a significant need for additional office floorspace in Watford over the coming years – more than 210,000sqm sqm to 2031 under the baseline scenario. Subsequent runs of the East of England Forecasting Model (EEFM) show this need could be higher.*

*This means that the loss of employment space here would be a departure from policy which would need to be clearly justified. You may also wish to refer to the Oct 2014 policy position statement.*

*Notwithstanding this, it is recognised that this site is at the edge of the employment area, and adjoins a building outside of the employment area. The site is one in transition between the employment area and a primarily residential area. The proposed residential use would not be out of place in this particular location.*

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## **APPRAISAL**

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

- (a) *Watford Local Plan: Core Strategy 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.*

## **Background**

This application follows an earlier proposal for a similar development on this site which was refused planning permission by the Development Management Committee on 8<sup>th</sup> October 2015 under reference 15/00413/FULM. The reason for refusal (outlined in the

'Planning History' section of the report above) centres on design and character of the area.

The current proposal incorporates amendments to the earlier scheme to address those concerns previously raised by Members. The revisions are discussed in more detail in the 'Design and impact on visual amenity' section below.

### **Land allocation**

The site lies within the "Wider Town Centre Area" as outlined on page 54 of the Watford Local Plan Core Strategy 2006-31. It also falls within the Town Centre Special Policy Area. Policy SS1 of the Core Strategy advises that the town centre is identified as the focus for shopping, leisure and cultural activities together with higher density residential.

The main part of the site (including No.s 25 and 25A) lies within a primarily residential area within which redevelopment for residential use is acceptable in principle. The remaining part of the site (which includes No. 23) is encompassed within Employment Area E7a (Clarendon Road/Station Road South) as shown on the Watford District Plan 2000 Proposals Map.

Paragraph 9.3.3 of the Core Strategy advises that "Policy EMP2 seeks to protect allocated employment areas, primarily for B class uses, whilst recognising that a broader mix of employment generating uses is appropriate in the Special Policy Areas...". This is supported by saved Policy E1 of the Watford District Plan 2000 which states that "The Council will seek to protect employment land as identified on the Proposals Map".

The scheme would result in the loss of an employment use at the site. The policies clearly seek to protect employment land particularly that which is contained within designated Employment Areas. However, in this case, the majority of the site lies within a primarily residential area. It is considered that the comprehensive redevelopment of the site to provide residential units is acceptable in principle given that the site wholly fronts St

John's Road which has a predominantly residential character in contrast to Clarendon Road which is flanked on either side by substantially-sized office buildings.

The buildings currently on site are of a domestic scale and appearance, having originally been built as individual dwellings. They were not intended to be used as offices when they were constructed and have a significantly different character to the larger office buildings along Clarendon Road. They do not lend themselves to providing modern, open-plan office space for which there is a demand. Indeed, the current occupiers have decided to relocate as the units do not fulfill their operational requirements.

Clarendon Road has been the main focus for office developments over the last few decades whereas St John's Road has maintained its residential character. Planning Policy officers have been consulted and have provided comments on the loss of the employment use. They have confirmed that the Economic Growth and Delivery Assessment 2014, shows a significant need for additional office floorspace in Watford over the coming years (more than 210,000sqm square metres to 2031 under the baseline scenario) and that the policy objective is to retain employment floorspace. Notwithstanding this, it recognises that this site is at the edge of the employment area, and adjoins a building outside of the employment area. The site is one in transition between the employment area and a primarily residential area and therefore the proposed residential use would not be out of place in this particular location.

The part of the site that lies within the Employment Area designation is fairly restricted in terms of being able to offer employment opportunities. It is considered that in this particular case, it would be difficult to achieve a high quality employment floorspace that would meet the demands of modern businesses on the site due to its relationship with the existing nearby residential properties.

Given the individual circumstances of this case, it is felt that the loss of the office use would not warrant a refusal of the application. The proposal allows a comprehensive

redevelopment of the site and the principle of providing new residential development on the site has been accepted under the previous application.

### **Housing Policies**

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

The proposal would meet the objectives of Policy HS1 in that the site comprises previously developed land which is within the town centre and close to good public transport, walking and cycle routes. In addition, the site is not at risk of flooding and is not existing open space, land with high biodiversity, landscape or cultural heritage significance. The loss of the existing employment land is discussed above.

Policy HS2 advises that “Higher density developments mainly including flats will be focused around the town centre and key strategic sites...” This is supported by Policy SS1 which also encourages high density housing in the town centre Special Policy Area.

Policy HS3 states that “A rate of 35% affordable housing will be sought on major applications of 10 residential units and above or sites of more than 0.5 ha”. The proposal seeks to provide a total of 40 flats. Of these, 14 will be affordable, in line with the threshold set out by Policy HS3. The Council’s Housing Team has confirmed that the tenure mix proposed is acceptable in terms of providing those types of units that are currently in

demand. The affordable housing provision will be secured through the completion of a Section 106 agreement.

### **Demolition**

The buildings to be demolished were originally built as three detached dwellings but are currently in use as offices for the Seventh Day Adventist Association Limited. Since their original construction, the buildings have been extended and substantially modified over time. They are now all attached through inter-linking extensions. Of the three buildings, No. 23 is the oldest (built in 1894). It features a stone plaque on its front elevation with reference to its former use as a manse associated with the congregational church which once stood immediately to the west of the site, on the corner where St John's Road meets Clarendon Road (which was demolished and is now occupied by an office building). The buildings are attractive but unexceptional and their loss would not have an adverse impact on the streetscene subject to the replacement scheme being constructed. None of the buildings are statutory or locally listed and the site is not within a Conservation Area. As such, the buildings could be demolished without consent (subject to the prior notification procedure being followed where necessary).

### **Design and impact on visual amenity**

Within the vicinity of the site there is a mix of building types with various forms of architecture present. The residential area immediately to the west of the site has a strong Victorian feel whilst the police station complex to the north incorporates a large office building, its service entrance and a raised car park which itself does not present a particularly attractive frontage to the street. To the east of the site, and along Clarendon Road, there are a number of substantially-sized, modern office buildings. The architect has adopted a contemporary design approach which allows the new buildings to remain compatible, and integrate suitably, with both the modern office buildings to the east and the smaller scale residential properties to the south and west.

The proposed scheme seeks to use high quality materials. The walls of both Blocks 1 and 2 will predominantly be finished with bricks. Powder coated aluminium cladding and decorative brick 'panels' will be applied to parts of the elevations to add visual interest (see below for further details). The use of these materials and the contrasting brickwork will help 'break up' the mass of the buildings. The windows and doors will incorporate aluminium frames. It is considered that such materials and detailing will provide a high quality finish for the buildings.

The Urban Design and Conservation Manager has recommended that reveals be created around the window openings. The agent has provided a drawing, numbered SJR-412-2.10, which shows that reveals will be incorporated in accordance with the Urban Design and Conservation Manager's recommendation. The reveals will further enhance the appearance of the development.

With regard to scale and layout, it is considered that the proposal will integrate suitably with the surrounding pattern of development. Block 1 is shown to have 5 storeys at its eastern end which lies closest to the neighbouring office building at 59 Clarendon Road (which is currently occupied by the Watford Community Housing Trust). The height of Block 1 will be lower than the neighbouring office building at 59 Clarendon Road and will 'step down' from east to west, providing a 3 storey element at its western end. The western end of the building will incorporate a 'lightweight' construction at second floor level which will be set in from the outer edges of the building and this will help to reduce its bulk and ensure that it sits comfortably with the neighbouring two storey building to the west.

The stepping down of the building's height provides a suitable approach towards achieving a transition between the tall office block to the east of the site and the two storey residential building to the west.



The front elevation of Block 1 will be articulated with its eastern part being set back from the western section. The front building line will respect both the front elevation of the neighbouring residential building to the west (27 St John's Road) and the office building to the east. The front elevation of Block 1 will be set back over 2m from the main front elevation of 27 St John's Road and this will help ensure that the development does not dominate or have an overbearing impact on this neighbouring building.

Block 2 will have a subordinate relationship with Block 1 being only 3 storeys. The surrounding residential properties to the south and west of the site are two storey and the introduction of a 3 storey building in this location is considered acceptable given the taller office buildings located to the east. The design of Block 2 will compliment that of Block 1. The same palette of materials will be used in the construction of both blocks ensuring that a cohesive form of development is achieved.



Block 2 West Elevation (with outline of 55-57 Clarendon Road in background)

### **Amendments to the previous scheme**

The previous application (Ref. 15/00413/FULM) was refused planning permission on grounds relating to design and its impact on the character of the area. The current proposal seeks to provide a revised version of the scheme that includes an alternative design for Block 1.



Front elevation of Block 1 (scheme refused under application 15/00413/FULM)



Front elevation of Block 1 (current proposal)

Revisions have been made to the elevational treatment of Block 1 (the block that faces St Johns Road) including the reconfiguration of balconies and a re-design of the fourth floor level. Additionally, the Corten steel panels that were to be applied to both Blocks 1 and 2 have been removed and decorative brickwork elements have been introduced. Each of the amendments is considered in more detail below:

### *Reconfiguration of balconies*

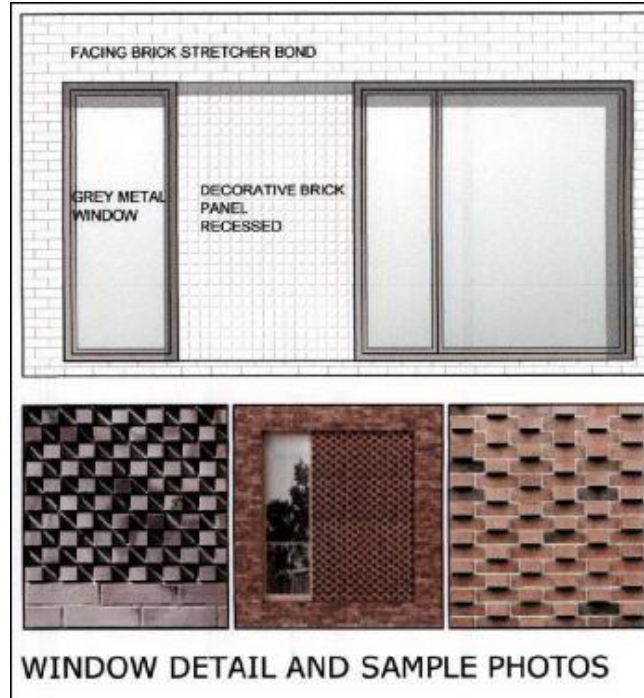
Under the earlier proposal, the balconies on the taller element of the front of Block 1 were shown to be configured in a misaligned type of arrangement with those on the front of the

central element shown as being vertically aligned with each other. The current proposal seeks to reconfigure the balconies on the front elevation of Block 1.

The drawings submitted with the current application show that all balconies on the front elevation of Block 1 will be vertically aligned. This will provide a more regimented, and, arguably, a more balanced treatment when compared to that proposed under the earlier scheme. The Urban Design and Conservation Officer has welcomed this amendment, commenting that the balconies are now vertically aligned above the entrance which improves the legibility of the elevation and reinforces the location of the entrance.

*Removal of Corten steel panels and introduction of decorative brickwork*

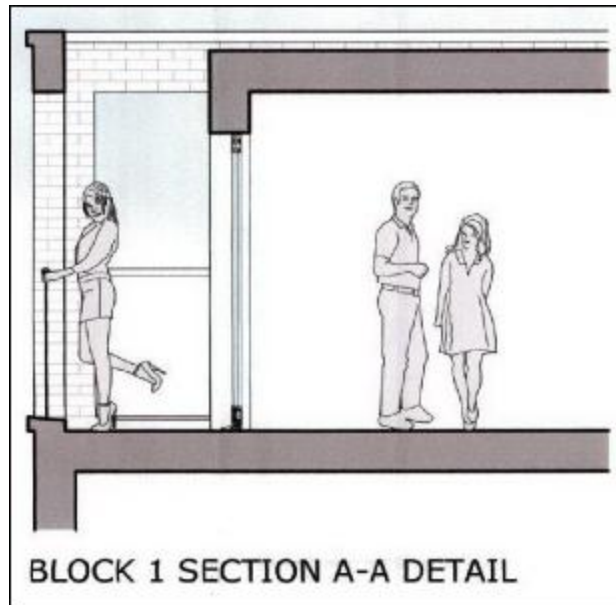
The Corten steel panels originally proposed on the front and rear elevations of Block 1 and the front elevation of Block 2 have been removed following concerns about their appearance. New decorative brickwork is now proposed instead of the Corten panels (see indicative image below). It is considered that these decorative brick 'panels' will still provide the necessary visual relief and interest to the elevations but with less of a stark contrast to the main facing brickwork than that offered by the Corten steel. The decorative brick panels will help provide texture and articulation to the elevations in a way that integrates suitably with the rest of the elevational treatment.



Indicative image of decorative brickwork

*Alterations to fourth floor level element*

The top floor of Block 1 has been given a different treatment to the lower floors which means that the taller part of this block now has a clearly defined top section. This has been achieved through creating 'cut out' balconies with the fourth floor level now being set back from the principal front elevation. This set back creates a balcony which is surrounded by a semi-open brick framework structure with open sides and roof. It is considered that this provides more of a lightweight feel to this level and reduces the impact of this elevation.



Section through front part of fourth floor level on Block 1

#### *Other elevational alterations*

Windows have been added to the eastern side of Block 1 at first, second, third and fourth floor levels and these will serve bathrooms. These windows will face the large uninterrupted flank elevation of 59 Clarendon Road and will result in no harm to the appearance of the building.

The submitted drawings show that a coping treatment will be added to the top of the brickwork on both Blocks 1 and 2. This will provide a finishing cap to the buildings.

Overall, it is considered that the revisions have improved the way in which the buildings relate to the site's context making use of more subtle design features to break up the front elevations and resulting in a more successful transition building for Block 1.

#### **Layout**

The submitted drawings show provision of integral bin stores within Block 1 and a free-standing bin store in front of Block 2. It is felt that such provision will ensure that adequate refuse and recycling storage, to meet the demands of the development, will be accommodated without causing harm to the amenities of future occupiers of the

development or neighbours and without compromising the appearance of the site, the streetscene or the character of the area, in accordance with Policy SE7. Further details of the external bin store's construction will be secured by condition should the application be approved so as to ensure that receptacles are kept in a tidy manner in contained enclosures that are designed to minimise any odours or other amenity issues.

The proposed flats will have internal floor areas ranging from 37.9m<sup>2</sup> to 59.4m<sup>2</sup> for the 1 bed flats/studio, 64.3m<sup>2</sup> to 73.3m<sup>2</sup> for the 2 bed flats and 90.8m<sup>2</sup> to 98.5m<sup>2</sup> for the 3 bed flats. All these floor areas are in excess of the minimum standards set out by the RDG. All flats will have an acceptable internal layout and suitable levels of amenity in respect of outlook, privacy and natural light.

The flats facing the police station complex will potentially suffer noise intrusion from activity associated with this use including that arising from the use of sirens. As such, noise mitigation measures will be required in order to ensure acceptable internal noise levels to these flats. An appropriate condition can be imposed to require these noise mitigation measures, in accordance with District Plan Policy SE22.

Section 7.3.23 of the RDG advises that "For flatted developments, communal open space provided for the exclusive use of occupants of the development may be acceptable as long as its location, size and shape enable it to be enjoyed by the occupants". The guidance further advises that "The minimum area for usable communal space is 50 square metres, plus 15 square metres per additional unit over two units". Approximately 430m<sup>2</sup> of communal amenity space will be provided, which is below the minimum requirement set out by the RDG. However, the proposed amenity space is considered to be usable and will provide an attractive environment by way of landscaped features and planting (as detailed within the Landscape Plan). In addition, many of the flats will benefit from having their own private balconies or access to private areas of amenity space. In a built-up, town centre location such as this, the level of amenity space proposed is considered acceptable.

### **Impact on neighbouring properties**

The nearest residential properties are those in St John's Road, Albert Road North and Monmouth Road. The proposed development has been designed to comply with the minimum separation distances as set out by the RDG. A minimum distance of 27.5m will be provided between the upper floor, clear glazed windows and those nearest neighbouring residential properties. In addition, the west-facing elevation of Block 2 will be sited over 13m from the western boundary of the site which is in excess of the minimum 11m separation distance required by the RDG. There are no windows in the south-facing elevation of Block 2 and therefore direct views towards the neighbouring properties to the south from this block will not be afforded.

The submitted plans indicate that Block 2 will incorporate a number of windows in its east-facing elevation at ground, first and second floor levels. The east elevation of Block 2 will be sited close to the eastern boundary of the site with a separation distance of only 1.2m at its nearest part and therefore there is the potential for some overlooking between these windows and the office building to the east. In order to protect the privacy of the occupiers of the proposed units and also to account for any possible redevelopment of the neighbouring office building, it is recommended that those windows on the east elevation of Block 2 are fitted with obscure glazing. This can be secured by condition. Whilst some of these windows will serve habitable rooms, none of them are to be relied upon to provide the sole source of light and outlook. The habitable rooms that they serve will benefit from other windows on the west-facing elevation of the block allowing suitable levels of natural light and outlook for their occupants.

The windows within the east elevation of Block 1 will face the flank elevation of the office building at 59 Clarendon Road. There are no openings within the west-facing elevation of 59 Clarendon Road and these windows will not result in any overlooking.

It is acknowledged that the new buildings will be clearly visible from some of the surrounding office blocks including those at No.s 55-57 and 59 Clarendon Road. However, the outlook and natural lighting of these buildings will not be impacted to an extent that

would cause any harm to their occupants.

The proposal will result in no significant loss of light or outlook to neighbouring properties by reason of the buildings' siting and their relationship with the surrounding buildings and gardens.

### **Landscaping and impact on trees**

A sizable portion of the area behind the existing buildings, which had once provided gardens, is currently used for car parking. This features hard surfacing and does not encompass any mature trees that are worthy of preservation. The Council's Arboricultural Officer has been consulted and has confirmed no objection to the proposal. The proposed landscaping scheme will provide the opportunity for some replacement trees and new planting that will help create an attractive environment. Under the previous application, the Arboricultural Officer had recommended that some planting be provided along the western boundary and the Landscape Plan has been updated to incorporate this.

Under the current application, the Urban Design and Conservation Officer has recommended that some trees be planted in front of Block 1 to help create an attractive environment. The applicant has shown a willingness to provide these in addition to the planting shown on the Landscape Plan drawing. Such additional tree planting could be secured by condition should the application be approved.

### **Access, parking and transportation**

The scheme seeks to provide 4 on-site parking spaces in total (2 of which will be allocated for disabled users and the remaining 2 will be allocated for 'set down' use so as to be used by residents and visitors for short periods, for example, while unloading goods). However, the site is only a short walking distance from both the town centre and Watford Junction railway station and a wide range of services, facilities and passenger transport options. The site is therefore well suited to high density residential development. Car free development is also acceptable in this accessible location as the surrounding roads are covered by a controlled parking zone (CPZ) and the development can be excluded from



the CPZ in order to discourage car ownership. The owner of the site has shown a willingness to enter into a legal agreement to amend the Traffic Order and this will ensure that future occupiers of the development will not be entitled to parking permits within the surrounding CPZs. Short term pay-and-display parking exists on St John's Road and Malden Road for visitors.

The development will be served by a single vehicular access off St John's Road, on the western side of the site. A turning head will be provided behind Block 1 to allow vehicles to manoeuvre on site thereby allowing vehicles to enter and leave the site in a forward gear. This will help to reduce the potential for any obstruction being caused to the adjoining highway.

The Local Highway Authority has been consulted and has raised no objection to the proposal subject to conditions being imposed to secure a suitable scheme for the disposal of surface water from the drive and parking area, the stopping up of the existing vehicular crossovers that will become redundant, and the submission of details regarding materials storage and contractors parking whilst the construction works take place.

Despite not objecting to the proposal, the Local Highway Authority has raised a concern relating to refuse collection given the distance between the bin storage area for Block 2 and the public highway. However, the scheme has been designed so that a storage room for those bins associated with Block 2 is provided at ground floor level of Block 1 (as detailed on the submitted drawings). This will allow the bins for Block 2 to be stored nearer to the highway on collection days allowing the refuse collection teams to carry out their duties with relative ease and convenience.

Cycle storage will be provided by way of 2 internal stores accommodated within Block 1 and a separate store in front of Block 2. Such provision will be secure and weatherproof in accordance with the requirements of Policy T10 of the Watford District Plan 2000.

### **Sustainable development**

In accordance with the over-riding objective of the NPPF to achieve sustainable development through the planning system, Policies SD1, SD2 and SD3 of the Core Strategy promote sustainable development. New development is expected to incorporate measures to minimise water consumption, surface water run-off and non-fluvial flooding and maximise the use of energy efficiency and energy conservation measures. A Code for Sustainable Homes Pre-Assessment Report has been submitted with the application which demonstrates that the development is to be constructed to code level 4 of the Code for Sustainable Homes which is acceptable to satisfy these policies.

### **Flood risk and sustainable drainage**

The scheme incorporates a number of measures that seek to manage surface water and consequently reduce the risk of flooding both within the site and on adjacent land. These are set out within the submitted Flood Risk Assessment & SUDS Drainage Strategy document.

The Local Lead Flood Authority (LLFA) has been consulted and has confirmed that the proposal is satisfactory in principle from a strategic drainage point of view.

### **Community Infrastructure Levy (CIL)**

The Council's CIL charging schedule was implemented on 1<sup>st</sup> 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 £120m<sup>2</sup>. The CIL charge is non-negotiable and is calculated at the time planning permission is granted. As the proposal involves a net additional increase in floorspace, the development is CIL liable.

### **Planning obligations under section 106**

With the implementation of the Council's CIL charging schedule on 1<sup>st</sup> 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 14 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.
- iii) A payment of £2,000 towards the variation of the relevant traffic regulation order to exclude the development from the local controlled parking zone, to ensure future residents of the development are not entitled to resident's permits, in accordance with saved Policy T26 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 owner has shown a willingness to meet these planning obligations which will be secured through the completion of a unilateral undertaking.

**Consideration of objections received**

Nine objections have been received and these are summarised in the ‘Consultations’ section of the report above. Most of the concerns raised have been discussed in the ‘Appraisal’ section above. However, those issues which have not already been referred to or that require further discussion are outlined in the table below:

<b>Objections</b>	<b>Officer’s response</b>
Inadequate parking.	The exclusion of the development from the CPZ will be a significant discouragement to car ownership and has been accepted in other car-free schemes within or close to the town centre. Short term parking facilities exist on the surrounding roads for visitors.
Correspondence with the planning officer pre-application whereby the applicant was informed a three storey development would not be acceptable at the rear and 5 storeys would not be acceptable on St John’s Road, why has this changed?	The design and massing of the buildings have evolved since the original scheme that was detailed in the pre-application enquiry. The amendments made to the scheme following pre-application negotiations have enhanced the proposal. The buildings have been reduced in height when compared to those originally put forward for consideration following recommendations by planning officers.

	<p>The current scheme now provides a suitable transition between the large-scale office buildings located along Clarendon Road and the mainly residential properties to the south and west.</p>
<p>Concerns regarding security and an increase in crime.</p>	<p>The Crime Prevention Design Advisor at Hertfordshire Constabulary has been consulted and has raised no objection to the proposal on security grounds subject to certain measures being put in place, as per the Secured by Design principles. It should be noted that the physical security aspects of Secured By Design are now incorporated as a mandatory requirement of the building regulations. They are therefore covered by other legislation and this does not need to be considered under the planning system. Conditions will be attached to any permission to ensure that further details of external lighting and means of enclosures are submitted for approval.</p>
<p>Noise, dirt, disruption and pollution during works.</p>	<p>The developer will be required to submit a Construction Environmental Management Plan should permission be granted. This would be secured by condition (see “Conditions” below) and would require details of measures to be put in place during the construction of</p>

	<p>the development to minimise dust and other construction-related issues.</p> <p>The site is located in an urban area, close to the town centre and a police station, where a degree of traffic and activity and its associated noise is to be expected. A condition will be attached to any permission granted to restrict the hours in which the development can be constructed, so as to limit the noise and disturbance to neighbouring residential properties.</p>
<p>Greater strain on local resources.</p>	<p>The development is CIL liable. The CIL contribution collected from this development will be used to offset the impacts of the development on local services and infrastructure.</p>

**Conclusion**

The proposal will provide a high density residential scheme on this sustainable site which is close to the town centre and Watford Junction station. The location is also appropriate for a car-free development with good access to public transport and a wide range of services and facilities.

It is felt that the revisions to the scheme have improved the way in which the buildings relate to the site’s context making use of more subtle design features to break up the front elevations and resulting in a more successful transition building between the modern office building to the east of the site and the residential properties to the west. The use of high quality materials and landscaping will ensure that an attractive environment is created.

Of the 40 units proposed, 14 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.

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### **Human rights implications**

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

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### **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 14 of the units as affordable housing for social rent, affordable rent and intermediate tenure.
- ii) To secure the provision of fire hydrants as required by the County Council to serve the development.
- iii) To secure the sum of £2,000 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 site in accordance with saved Policy T24 of the Watford District Plan 2000

#### Time Limit

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

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

#### Approved Drawings

2. The development hereby permitted shall be carried out in accordance with the following approved drawings: DAT/9.0; DAT/9.1 Rev A; DAT/9.2 Rev B; SJR-412-001 Rev A; SJR-412-2.00; SJR-412-2.01; SJR-412-2.02 Rev B; SJR-412-2.03; SJR-412-2.04; SJR-412-2.10; 080-PL-001 Rev A; 080-PL-002 Rev A; 080-PL-003 Rev A; 080-PL-004.

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 make 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 shall be carried out only in accordance with the approved Flood Risk Assessment and drainage strategy carried out by Morgan Tucker Consulting Engineers reference MT/NWK/JN2063/FRA-Rev A dated August 2015 and the following mitigation measures detailed within this document:
  - a) Implementing appropriate SUDS measures as shown on drawing JN2063-NWK-001 dated June 2015.
  - b) 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.

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 ensure surface water can be managed in a sustainable manner so as to reduce the risk of flooding to the proposed development and surrounding land, in accordance with Policy SE27 of the Watford District Plan 2000 and Policy SD2 of the Watford Local Plan Core Strategy 2006-31.

#### Means of enclosure

7. Notwithstanding the information already submitted, no development shall commence until details of the siting, height, type, materials and finish of all fencing, walls, gates or other means of enclosure around the boundaries of the site and within the site have been submitted to and approved in writing by the Local Planning Authority. All fencing, walls, gates or other means of enclosure shall be

provided in accordance with the approved details prior to the first occupation of any part of the development and shall be maintained as such at all times thereafter.

Reason: In the interests of visual amenity and to ensure that suitable levels of privacy are provided for future occupiers of the development and neighbours, 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. Details of all the means of enclosure have not been specified within the application submission and these details need to be agreed with the Local Planning Authority before the works commence.

#### Landscaping

8. The hard and soft landscaping shall be carried out in accordance with the details shown on Drawings: 080-PL-001 Rev A; 080-PL-002 Rev A; 080-PL-003 Rev A; 080-PL-004. With the exception of the proposed planting, all works shall be completed prior to the first occupation of any part of the development. The proposed planting shall be completed not later than the first available planting and seeding season after the first occupation of any part of the development. For the purposes of this condition a planting season is the period from 1 October in any one year to 31 March in the next following year. 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 in writing 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.

9. Notwithstanding the details already submitted, no part of the development shall be occupied until details of additional tree planting to be provided in front of Block 1

(along the St Johns Road frontage) have been submitted to and approved in writing by the Local Planning Authority. The proposed tree planting, approved under this condition, shall be completed not later than the first available planting and seeding season after the first occupation of any part of the development. For the purposes of this condition a planting season is the period from 1 October in any one year to 31 March in the next following year. Any of these trees 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 in writing 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

10. No dwelling shall be occupied until the access to St John's Road and the on-site parking, manoeuvring and driveway areas have been laid out and constructed in accordance with the approved drawings and made available for use and these facilities shall thereafter be kept clear of any obstruction and not be used for any other purpose.

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, the amenities of residents 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.

#### Obscure glazing

12. The proposed second floor window on the west-facing elevation of the building referred to as Block 1 on the drawings hereby approved and all windows on the east-facing elevation of the building referred to as Block 2 shall be permanently fixed closed below 1.7m internal floor level and shall be fitted with obscured glass at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent overlooking and consequent loss of privacy to the occupiers of the neighbouring property to the west of the site pursuant to the provisions of the Residential Design Guide (RDG) and Policy SS1 of the Watford Local Plan Core Strategy 2006-31.

#### No use of flat roofs

13. No parts of the flat roofs of the development, with the exception of those areas marked as balconies on the drawings hereby approved, shall be used as terraces, balconies or other open amenity spaces.

Reason: To prevent overlooking and consequent loss of privacy to the occupiers of the neighbouring property to the west of the site pursuant to the provisions of the Residential Design Guide (RDG) and Policy SS1 of the Watford Local Plan Core Strategy 2006-31.

#### No new gates

14. With the exception of the means of enclosure approved under Condition 7, no gates or other means of enclosure shall be erected along the site frontage across the vehicle access or elsewhere on the site without the prior written approval of the Local Planning Authority.

Reason: To minimise danger, obstruction and inconvenience to users of the adjacent highway and in the interests of visual amenity, in accordance with Policies T21 and T24 of the Watford District Plan 2000 and Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

#### Levels

15. 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.

#### External Lighting

16. None of the flats hereby approved shall be occupied until a scheme detailing the external lighting to be installed within the site (including any external lighting

attached to the buildings) has been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed, as approved, prior to the first occupation of the development and shall be maintained as such at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that any external lighting safeguards the security and amenities of residents and respects the character and appearance of the area in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

#### Stopping up of existing access

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

Reason: To limit the number of access points along the site boundary for the safety and convenience of highway users in accordance with Policy T24 of the Watford District Plan 2000.

#### Noise levels

18. No development shall commence until a scheme demonstrating how the standard for indoor ambient noise levels for dwellings defined in BS 8233:2014 shall be achieved in the living rooms and bedrooms of all units in the development has been submitted to and approved in writing by the Local Planning Authority. This standard must be met while provisions for rapid cooling and ventilation are functioning. The measures set out within the approved scheme shall be implemented prior to the occupation of any of the flats and shall thereafter be maintained at all times unless otherwise agreed in writing.

Reason: To safeguard the amenities of the future occupiers of the flats to ensure that a suitable living environment is provided, in accordance with Policy SE22 of the Watford District Plan 2000.

#### Land contamination

19. Prior to the commencement of the development hereby permitted a Phase II report shall be submitted to and approved in writing by the Local Planning Authority. If the Phase II report establishes that remediation or protection measures are necessary a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.

For the purposes of this condition:

A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.

A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development. Intrusive investigation works have been recommended following the Phase I report which has already been carried out. These measures need to be secured with the Local Planning Authority before the works commence.

20. All remediation or protection measures identified in the Remediation Statement referred to in Condition 18 shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report 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 permitted.



For the purposes of this condition a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.

### **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 14 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. 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.

6. 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](http://www.thameswater.co.uk)
  
7. 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.
  
8. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality).

### **Drawing Numbers**

DAT/9.0

DAT/9.1 Rev A

DAT/9.2 Rev B

SJR-412-001 Rev A

SJR-412-2.00

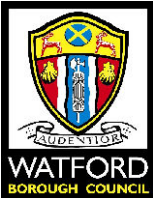
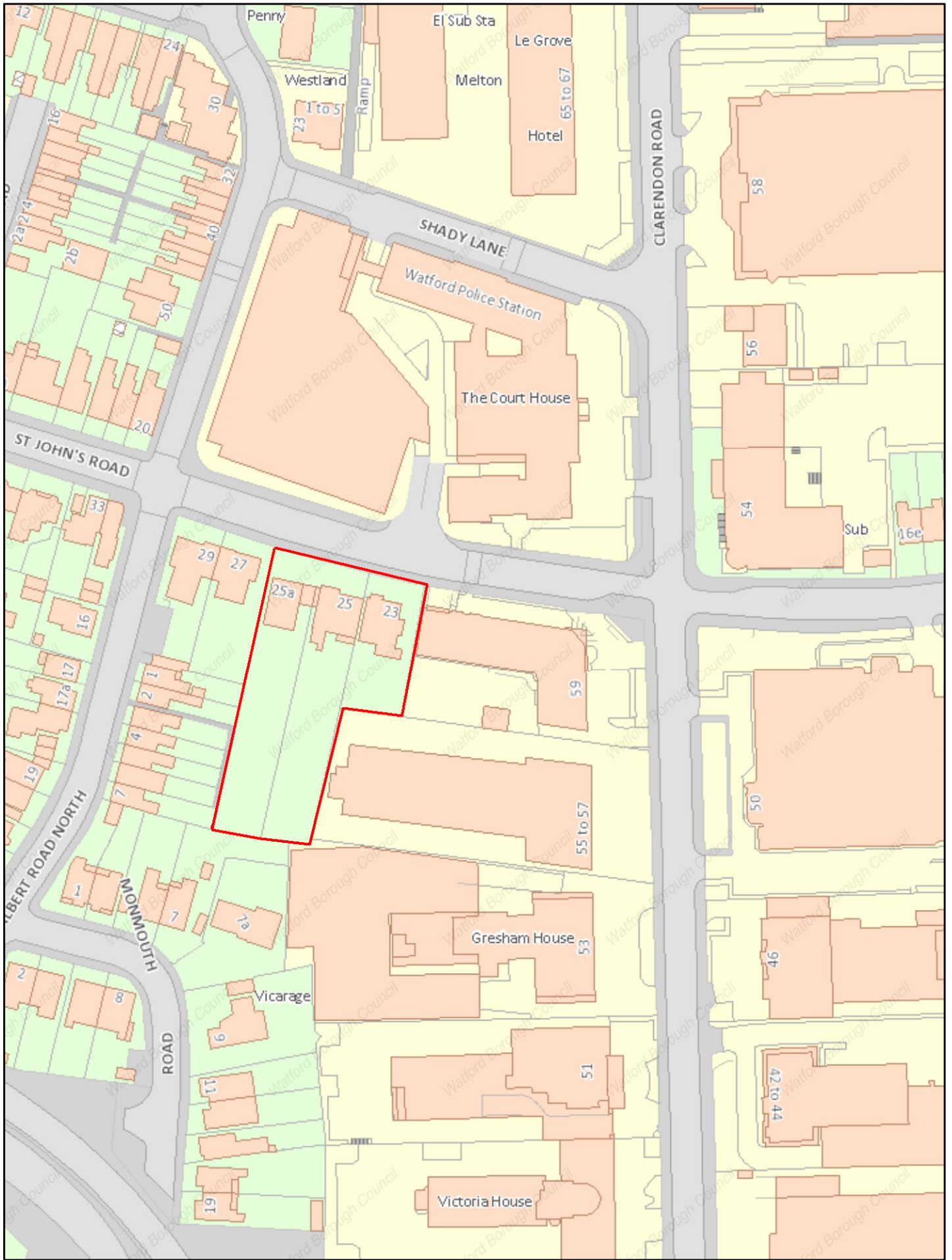
SJR-412-2.01  
SJR-412-2.02 Rev B  
SJR-412-2.03  
SJR-412-2.04  
SJR-412-2.10  
080-PL-001 Rev A  
080-PL-002 Rev A  
080-PL-003 Rev A  
080-PL-004

**Other documents**

Planning Statement  
Design and Access Statement  
Flood Risk Assessment & SUDS Drainage Strategy  
Transport Statement  
Phase 1 Geo-Environmental Assessment  
Code for Sustainable Homes Pre-Assessment Report

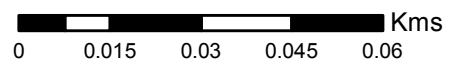
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23, 25 and 25A St John's Road

Date: 30/09/2015



Scale 1:1,250



