



**WATFORD
BOROUGH
COUNCIL**

DEVELOPMENT MANAGEMENT COMMITTEE

Wednesday, 4th January, 2017

7.30 pm

Town Hall

Publication date: 20 December 2016

Contact

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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 S Johnson (Vice-Chair)

Councillors D Barks, S Bashir, N Bell, A Joynes, J Maestas, I Sharpe and M Watkin

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 14 December 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. **16/00970/FULM 147 St Albans Road (Pages 5 - 58)**

Conversion and extension of existing building and erection of a new building to provide eight new dwellings – in addition to two existing flats on site – with associated open space, landscaping and infrastructure
5. **02/00650/FUL De Beers House, 56 Willow Lane (Pages 59 - 70)**

Deed of Variation to the s106 agreement to allow the issuing of a parking permit for a single vehicle to park in the surrounding Controlled Parking Zone

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| PART A | |
| Report of: Head of Development Management | |
| Date of committee: | 4th January 2017 |
| Site address: | 147 St Albans Road |
| Reference Number: | 16/00970/FULM |
| Description of Development: | Conversion and extension of existing building and erection of a new building to provide 8 new dwellings; which will result in a total of 10 given that two of the flats are currently existing on site and are to be retained with associated open space, landscaping and infrastructure. |
| Applicant: | Cassiobury Developments Ltd |
| Date Received: | 11th July 2016 |
| 13 week date (major): | 10th October 2016 |
| Agreed extended date: | 6th January 2017 |
| Ward: | Nascot |

1.0 Site and Surroundings

- 1.1 This application relates to an irregular-shaped parcel of land measuring 0.057 hectares in area which comprises a former Victorian brewery building and its associated yard.
- 1.2 The site is located approximately three quarters of a kilometre north of the Town Centre. It fronts St Albans Road to its east, Church Road to its south and abuts a railway cutting to its north which accommodates the West Coast Main Line. A two storey building comprising maisonettes lies immediately to the west of the site.
- 1.3 The original brewery use ceased many years ago and the building currently comprises a vacant commercial use at ground floor and lower ground floor levels with 2 one-bedroom flats at first floor level. The commercial unit forms part of a Local Shopping Frontage as designated by the Watford District Plan 2000.
- 1.4 The yard at the rear of the building is accessed from Church Road. Up until recently, it had been used for the storage of equipment used in the construction industry including plant, machinery and vehicles. A single storey, flat-roofed storage building which had been situated within the western corner of the site has recently been demolished.



Fig. 1. Aerial view looking towards the front of the site with St Albans Road in the foreground (taken from Google Maps)



Fig. 2. Aerial view looking towards the rear of 147 St Albans Road (taken from Google

Maps)

- 1.5 Over the last decade, the site has been the subject of a number of applications which have sought planning permission for its redevelopment to provide additional residential units. In 2013, planning permission was granted for the extension and refurbishment of the existing building at 147 St Albans Road to allow it to be used as 3 flats (with the retention of a commercial unit) and for the erection of a new building comprising 5 flats within the yard area (Ref. 13/00854/EXT). Within recent months, preparatory ground works have taken place in the yard to allow the construction of the new building comprising 5 flats. The extension and new building proposed under the current application will maintain the same building footprints and overall proportions of those approved under permission 13/00854/EXT.
- 1.6 The site is located within the Nascot Conservation Area. While the site does not encompass any listed buildings in itself, there are some locally listed and statutory listed buildings located within its vicinity. These include The Old Station House at 147a St Albans Road on the northern side of the railway line, which is Grade II statutory listed, and a number of locally listed buildings which are located on Church Road, Park Road and St Albans Road.

2.0 Proposed Development

- 2.1 Full planning permission is sought for the conversion and extension of the existing building to provide 3 new flats and the erection of a new building behind comprising 5 new flats. The 2 flats that are incorporated into the existing building at 147 St Albans Road will be retained. As such, a total of 10 flats will be provided on the site (5 within the extended building and 5 within the new building).
- 2.2 The proposed extension to the existing building will be erected on its northern side. This extension will comprise three floors and will feature a hipped roof.
- 2.3 The extended and refurbished building will comprise a three-bedroom flat at lower ground floor level (referred to as Flat 1 on the plans), a two-bedroom flat at ground floor level (Flat 2) and 2 one-bedroom flats at first floor level (Flats 4 and 5). A duplex one-bedroom flat (Flat 3) will also be provided and this will occupy parts of the ground floor and first floor levels.
- 2.4 The existing shopfront will be removed and replaced with new brickwork and windows.

- 2.5 The new building (comprising Flats 6-10) will occupy a position in the yard behind the building known as 147 St Albans Road and will front Church Road. It will be arranged over three floors and will contain 5 flats including 2 one-bedroom flats at ground floor level (Flats 6 and 7), 2 one-bedroom flats at first floor level (Flats 8 and 9) and a two-bedroom flat at second floor level within the roofspace (Flat 10). This building will cover a rectangular footprint and will feature a dual-pitched roof with side gables.
- 2.6 The proposal does not seek to provide any on-site parking. The existing crossover on Church Road will be stopped up and there will be no vehicular access into the site.
- 2.7 A landscaped, communal amenity space will be provided within the northern part of the site. A new cycle store will be provided within the garden area. An enclosed refuse and recycling storage area that can be accessed from Church Road will be provided on the western side of the new building.

3.0 Relevant Planning History

- 3.1 The site has an extensive planning history. The most recent and relevant planning history is outlined below:

Ref. 07/00516/FULM – Demolition of existing building and erection of 10 flats and one commercial unit (Class A2) – Refused Planning Permission in July 2007 for the following reason:

1. *The proposed demolition of the existing property, which makes a positive contribution to the conservation area, has not been justified. The loss of this building and its replacement with the proposed scheme is not considered to preserve or enhance the character or appearance of the Nascot Conservation Area. As such, the proposal is contrary to Planning Policy Guidance Note 15: 'Planning and the Historic Environment' and Policy U20 of the Watford District Local Plan 2000.*

The Council's decision to refuse this application was appealed against. The appeal was dismissed in February 2008.

Ref. 07/00517/CON – Conservation Area consent for demolition of existing building – Conservation Area Consent refused in July 2007 for the following reason:

1. *The proposed demolition of the existing property, which makes a positive contribution to the conservation area, has not been justified. The loss of this building and its replacement with the proposed scheme is not considered to preserve or enhance the character or appearance of the Nascot Conservation Area. As such, the proposal is contrary to Planning Policy Guidance Note 15: 'Planning and the Historic Environment' and Policy U20 of the Watford District Local Plan 2000.*

The Council's decision to refuse this application was appealed against. The appeal was dismissed in February 2008.

Ref. 08/00996/COU – Change of use to car rental, with alterations to shop-front and front door, new gate, canopied washbay and demolition of old shed – Conditional Planning Permission granted in October 2008.

Ref. 09/00366/FUL – Extension and refurbishment of property including partial demolition of small extension and removal of builder's yard and erection of new block to create 8 residential units and one commercial unit – application withdrawn in July 2009.

Ref. 09/00429/CON – Conservation Area Consent for demolition of rear WC extension and section of boundary wall – Conservation Area Consent granted in July 2009.

Ref. 10/00696/FUL – Extension and refurbishment of No 147 St Albans Road including partial demolition of small extension, removal of builder's yard and erection of new block, to create 8 residential flats and one commercial unit. (resubmission of 09/00366/FUL) – Conditional Planning Permission granted in September 2010.

Ref. 12/00370/CON – Conservation Area Consent for demolition of rear WC extension and section of boundary wall – Conservation Area Consent granted in June 2012.

Ref. 13/00854/EXT – Renewal of planning permission 10/00696/FUL for extension and refurbishment of No 147 St Albans Road including partial demolition of small extension, removal of builder's yard and erection of new block, to create 8 residential flats and one commercial unit – Conditional Planning Permission granted in October 2013.

Ref. 15/00608/FUL – Demolition of rear WC extension and section of boundary wall (renewal of Consent ref: 12/00370/CON) – Conditional Planning Permission granted in June 2015.

Ref. 16/00487/DISCON – Discharge of Conditions 3 (details of windows and shop front), 4 (hard and soft landscaping) and 5 (stopping up of existing access to Church Road) pursuant to planning permission 13/00854/EXT – Details approved in July 2016.

Ref. 16/00645/PREAPP – Pre-application enquiry for conversion and extension of existing building and erection of new building to provide a total of 14 dwellings – This enquiry was responded to in May 2016.

4.0 Planning Policies

4.1 Development Plan

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

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

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

4.3 Watford Local Plan Core Strategy 2006-31

WBC1 Presumption in favour of Sustainable Development

- SS1 Spatial Strategy
- SD1 Sustainable Design
- SD2 Water and Wastewater
- SD3 Climate Change
- SD4 Waste
- HS1 Housing Supply and Residential Site Selection
- HS2 Housing Mix
- 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
- GI3 Biodiversity

4.4 **Watford District Plan 2000 (saved policies)**

- SE7 Waste Storage, Recovery and Recycling in New Development
- SE22 Noise
- SE23 Light Pollution
- SE24 Unstable and Contaminated Land
- SE27 Flood Prevention
- SE28 Groundwater Quality
- SE37 Protection of Trees, Woodlands and Hedgerows
- SE39 Tree and Hedgerow Protection in New Development
- T10 Cycle Parking Standards
- T21 Access and Servicing
- T22 Car Parking Standards
- T24 Residential Development
- T26 Car Free Residential Development
- H13 Conversions
- U15 Buildings of Local Interest
- U18 Design in Conservation Areas
- U19 Small Scale Developments in Conservation Areas
- U20 Demolition in Conservation Areas
- U24 Shopfronts
- S9 Non-Retail Uses in North Watford Shopping Centre/Local Shopping Frontages

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

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

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

No relevant policies.

4.7 **Supplementary Planning Documents**

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

4.7.1 *Residential Design Guide (RDG)*

A revised Watford Residential Design Guide was adopted as a Supplementary Planning Document by Watford Borough Council's Cabinet on 23rd July 2014 following public consultation between 4th November and 16th December 2013. This supersedes the Residential Design Guides: Volume 1: Building New Homes & Volume 2: Extending Your Home (2008) and Supplementary Planning Guidance 6 (SPG6): Internal Space Standards (2004). An amended version was adopted by the Council in August 2016. The amendment was required to bring the internal space standards in line with the nationally described standard. The changes were consulted on between 15th June and 15th July 2016 and approved on 23rd August 2016. New residential development and extensions to existing properties are expected to comply with the Residential Design Guide.

4.7.2 *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.

4.7.3 *Nascot Conservation Area Character Appraisal*

The latest version of the Nascot Conservation Area Character Appraisal was adopted in December 2015. It aims to set out the area's special character and appearance and how it can be preserved or enhanced. This appraisal will be used to help inform the design of any future development proposals so that they preserve or enhance the area and acknowledge its features.

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 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
- Decision taking

5.0 Consultations

5.1 Site Notices

Site notices were placed. These expired on 01.09.16.

5.2 Press Notice

A notice was published in the Watford Observer. This expired on 19.08.16.

5.3 Neighbour consultations

Letters were sent to properties in Church Road, St Albans Road and Park Road.

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

| | |
|---|----|
| Number of original notifications: | 80 |
| Number of objections: | 12 |
| Number in support: | 0 |
| Number neither objecting nor supporting | 1 |
| Number of representations: | 13 |

5.5 The points that have been raised are summarised below and are considered in the "Appraisal" section of the report.

- Car parking problems.
- Traffic generation.
- Increased congestion.
- Noise and disturbance.
- Impact on character of area.

- Overdevelopment.
- Loss of privacy caused to neighbours.
- Loss of light caused to neighbouring properties.
- This development is on the site for 147 St Albans Road and thus entrances, parking, and footfall access to this property should be via St Albans Road.
- Area is already too crowded.
- Impact on outlook from neighbouring property that sits opposite site.
- This part of Church Road/Park Road acts as a pick up and drop off point for many commuters from Watford Junction Station. Cars are often parked, not only in the bays, but around the roundabout/garden circle making it very crowded and hindering resident parking and creating high risk of pedestrian and car accidents. The proposal will add to these problems.
- The dustbins will not be enclosed in any space with walls and will smell. The pollutants from the bins will affect neighbour who has asthma.
- Bin storage area will be sited near to neighbouring properties that will suffer from the stench of rubbish and the possibility of added vermin/insects.
- There are no tall apartment buildings on this quaint street and the development would ruin the pleasant aesthetic of the area.

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

5.7 **Technical consultations**

5.8 The following responses have been received from technical consultees:

5.9 Planning Policy – Conservation & Urban Design

The Conservation Officer made the following comments dated 29th November 2016:

Shopfront:

As the shop unit is to be converted to a residential unit there are concerns regarding the degree of privacy possible should a new shopfront be installed which is based on the original shopfront. The original was lost some time ago so it would be a replica or pastiche of what had originally been there to serve a shop. As the use is changing to residential this approach would not reflect the new use and would provide a very public living area which would be screened internally by the occupiers so would be poorly lit as well. On balance it is considered that a

better approach is to follow the fenestration pattern of the upper floors which are already in residential use for the new ground floor. I am now happy with the arrangement of the windows to the ground floor and accept that on this occasion it is not necessary to retain the modern shopfront or reinstate one which looks like the original. The solution shown will provide a better living space and reflects the window arrangement on the upper floors.

Dormers:

The front dormers have now been amended and reduced in width and are now acceptable

The arrangement of rear dormer has now been rationalised and is now acceptable.

Materials:

We have now seen and agreed materials as per the notes on the plans

5.10 Environmental Health

After reviewing the acoustic report and the natural lighting report my comments are as follows.

The site is in close proximity to a main road and situated next to a busy railway line, furthermore, it is situated close to a commercial area. Therefore, noise and vibration are likely to have the biggest impact on this development. In addition, as part of the building is below street level, some of the proposed units will not benefit from levels of natural light that would be found at ground floor level or above.

The acoustic report has indicated that vibration will not be an issue, however, internal noise levels will not be within the criteria set out in British Standard BS 8233. The acoustic consultant has made a number of recommendations to deal with this - installation of an acoustic fence/ barrier, high level of acoustic glazing on affected units and some form of forced ventilation. Provided these mitigation measures are implemented, the proposal with regards to noise would be acceptable.

With regards to natural lighting, the report identifies that in the lower level properties, there will be an issue. Having viewed the options put forward, I am in favour of option 1, PL700 Series.

Overall, the application is acceptable provided the mitigation measures are implemented. However, we want to avoid excess heat and damp, therefore, we want a competent person such as a building services engineer to demonstrate that the selected forced ventilation system will be adequate. It would be acceptable to have a condition requiring this.

5.11 Thames Water

Waste Comments

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.

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 email us a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to developer.services@thameswater.co.uk to determine if a building over / near to agreement is required.

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

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.

5.12 Local Highways Authority (Hertfordshire County Council Highways)

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

Condition 1. Prior to the commencement of the site works the applicant shall submit a construction management plan setting out details of 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. 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 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 conversion and extension of existing building and erection of a new building to provide 9 dwellings which will result in total of 11 given that two of the flats are currently existing on site are to be retained with associated open space.

Site and surroundings

The site lies to the west of St Albans Road less than a mile from Watford Town Centre. It lies north to the Town Centre. The existing site is a single story building with a vacant builder's yard. The site is bounded by residential properties to the west, particularly around Church Road area. Adjacent to the site is the West Coast Mainline railway line and to the east is St Albans Road. The section of the St Albans road is on a raised level and to the south is the existing underpass (beneath St Albans Road) leading to Bridle Path and Watford Junction Station.

Local Road Network

St Albans Road is A412 a main distributor road from Watford Town (Town Hall Roundabout) to North Watford. It provides direct access to Major Road network. From Town Hall Roundabout A412 continue west as Rickmansworth Road to West Watford.

There is no direct vehicular access to the application site from St Albans Road. The existing vehicular access is from Church Road and there is excellent cyclist /pedestrian access from St Albans Road to Church Road.

Accessibility

The site is in a highly sustainable location and near to various shops within walking distance. Most shops are few minutes walking distance from the site. St Albans Road is a major bus route with regular bus service to Watford Town Centre, Watford Junction Station and North Watford. There are bus stops within 50m walking distance from the site. St Albans road is a designated cycle route and footpaths on either side. Watford Town Centre is within walking distance. Watford Junction Station is within few minutes walking distance with safe walking facilities. Watford Junction Station is a major regional bus /rail interchange providing easy access to various destinations.

Access and Parking

Due to constraints of its location there are no off street parking facilities along St Albans Road. The potential on-street parking is along Church Road and adjoining local roads. Parking spaces are restricted to permit holders parking only. The applicant's proposal is not to provide on-site parking for the development.

On-site parking is a matter for the planning authority. The application site is in a highly sustainable location and the highway authority has no objection for a car free development.

Conclusion

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

5.13 Network Rail

Attached is a plan showing Network Rail land and the existing operational railway shaded in green. The proposed works on site are within 10m of the railway boundary.

When designing proposals, the developer and LPA are advised, that any measurements must be taken from the operational railway / Network Rail boundary and not from the railway tracks themselves. From any existing railway tracks themselves to the Network Rail boundary fence, will include critical infrastructure (e.g. cables, signals, overhead lines, communication equipment etc) and boundary treatments which might be adversely impacted by third party proposals unless the necessary asset protection measures are undertaken. No proposal should increase Network Rail's liability.

The extension to the existing building on site looks to jut out to less than 2m from the railway boundary, however, an exact measurement is not possible as the site plan is A1 and I have no facility for printing out a plan at this scale to measure accurately the gap between the edge of the building and the railway boundary treatment. Network Rail would very strongly recommend that a minimum 3m gap is included between the edge of any structure and the railway boundary to ensure that all works can be conducted by the developer wholly from within their land ownership footprint without over-sailing the railway boundary in any way. Should the LPA obviate this recommendation for a 3m gap Network Rail would request the following to ensure that the works on site (and as a permanent arrangement) do not impact upon the safe operation of the existing operational railway.

(1)

A BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent.

The applicant / developer should liaise directly with Asset Protection to set up the BAPA.

Email: AssetProtectionLNWSouth@networkrail.co.uk

(2)

The developer is to submit directly to Network Rail a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway. Network Rail would need to be assured the works on site follow safe methods of working and have taken into consideration any potential impact on Network Rail land and operational railway infrastructure. Review and agreement of the RAMS will be undertaken once a BAPA has been set up between Network Rail and the applicant/developer. The applicant /developer is to submit the RAMS directly to:

AssetProtectionLNWSouth@networkrail.co.uk

The RAMS will also need to take into account the works on site with respect to the 25kv overhead lines on the adjacent railway. Induced voltages from 25kv overhead lines may have the potential to impact upon land up to 20m from the lines themselves.

(3)

The developer will need to serve a Party Wall Act 1996 notification on Network Rail for the works adjacent to the railway boundary. The developer should email the notice (and a plan of the proposal site) to:

OperationalPropertyLNW@networkrail.co.uk

The developer will be liable for all costs incurred by Network Rail in facilitating the Party Wall works.

(4)

The developer/applicant must ensure that their proposal, both during construction, after completion of works on site and as a permanent arrangement,

does not affect the safety, operation or integrity of the operational railway / Network Rail land and our infrastructure. The works on site must not undermine or damage or adversely impact any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and boundary treatments. Any future maintenance must be conducted solely within the applicant's land ownership.

(5)

Any scaffolding which is to be constructed within 10 metres of the Network Rail / railway boundary must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffolding must be installed. The applicant / applicant's contractor must consider if they can undertake the works and associated scaffolding / access for working at height within the footprint of their land ownership boundary. The applicant is reminded that when pole(s) are erected for construction or maintenance works, should they topple over in the direction of the railway then there must be at least a 3m failsafe zone between the maximum height of the pole(s) and the railway boundary.

This is to ensure that the safety of the railway is preserved and that scaffolding does not:

- . Fall into the path of on-coming trains*
- . Fall onto and damage critical and safety related lineside equipment and infrastructure*

*Fall onto overhead lines bringing them down, resulting in serious safety issues
The applicant is requested to submit details of proposed scaffolding works to the Network Rail Asset Protection Engineer for review and agreement.*

We would request a condition is applied as follows:

"Any scaffolding which is to be erected /constructed within 10metres of a boundary to a railway line must be erected in such a manner that at no time will any poles over-sail the railway line. A method statement giving details of measures to be taken to prevent construction materials from the development reaching the railway (including protective fencing) shall be submitted to the LPA before the development commences."

Reason - In the interests of railway safety

(6)

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the boundary with Network Rail. However, where this is unavoidable, Network Rail's Asset Protection Engineer must be consulted; crane working diagrams, specification and method of working must be submitted for review and agreement prior to work(s) commencing on site.

(7)

All surface water is to be directed away from the direction of the railway. Soakaways, as a means of storm/surface water disposal must not be constructed near / within 10 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. Once water enters a pipe it becomes a controlled source and as such no water should be discharged in the direction of the railway.

- . Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains.*
- . Suitable drainage or other works must be provided and maintained by the developer to prevent surface water flows or run-off onto Network Rail's property.*
- . Proper provision must be made to accept and continue drainage discharging from Network Rail's property.*
- . Suitable foul drainage must be provided separate from Network Rail's existing drainage.*
- . Drainage works could also impact upon culverts on developers land.*

Water discharged into the soil from the applicant's drainage system and land could seep onto Network Rail land causing flooding, water and soil run off onto lineside safety critical equipment / infrastructure; or lead to de-stabilisation of land through water saturation.

(8)

Network Rail will need to review all excavation and earthworks within 10m of the railway boundary to determine if the works might impact upon the support zone of our land and infrastructure as well as determining relative levels in relation to the railway. Network Rail would need to be informed of any alterations to ground levels, de-watering or ground stabilisation and we would need to agree the works on site to ensure that there is no impact upon critical railway infrastructure. When

under-taking ground works, developers should take all necessary measurements from the boundary with Network Rail land and not the distance from their works to the nearest railway tracks.

*We would request a condition is included in the planning consent as follows:
Condition:*

“Prior to the commencement of the development full details of ground levels, earthworks and excavations to be carried out near to the railway boundary shall be submitted to the Local Planning Authority and Network Rail.”

Reason: To protect the adjacent railway.

(9)

The LPA and the developer (along with their chosen acoustic contractor) are recommended to engage in discussions to determine the most appropriate measures to mitigate noise and vibration from the existing railway to ensure that there will be no future issues for residents once they take up occupation of the dwellings.

Network Rail is aware that residents of dwellings adjacent to the railway have in the past discovered issues upon occupation of dwellings with noise and vibration from the existing operational railway, as a consequence of inadequate mitigation measures for the site, and therefore it is a matter for the developer and the LPA via mitigation measures and conditions to ensure that these issues are mitigated appropriately prior to construction. To note are:

- . The current level of railway usage may be subject to change at any time without prior notification including increased frequency of trains, night time train running, heavy freight trains, trains run at weekends /bank holidays.*
- . Network Rail also often carry out works at night on the operational railway when normal rail traffic is suspended and often these works can be noisy and cause vibration.*
- . Network Rail may need to conduct emergency works on the railway line and equipment and these would not be notified to residents in advance due to their safety critical nature, and may occur at any time.*
- . Works to the existing operational railway may include the presence of plant and machinery as well as vehicles and personnel for project or emergency works.*
- . The proposal should not prevent Network Rail from its statutory*

undertaking. Network Rail is a track authority. It may authorise the use of the track by train operating companies or independent railway operators, and may be compelled to give such authorisation. Its ability to respond to any enquiries regarding intended future use is therefore limited.

- . The scope and duration of any Noise and Vibration Assessments may only reflect the levels of railway usage at the time of the survey.*
- . Any assessments required as a part of CDM (Construction Design Management) or local planning authority planning applications validations process are between the developer and their appointed contractor.*
- . Network Rail cannot advise third parties on specific noise and vibration mitigation measures. Such measures will need to be agreed between the developer, their approved acoustic contractor and the local planning authority.*

Officer response: The measures set out in Network Rail's response are acknowledged. However, preparatory works have already commenced on site (in line with the extant 2013 permission) and the applicant has been in contact with the Network Rail Asset Protection Engineer regarding the development of the site. It is understood that the applicant has agreed with the Network Rail Asset Protection Engineer those measures that need to be put in place in order to safeguard the railway infrastructure. As such, conditions relating to those matters raised in the above response are not necessary.

5.14 Hertfordshire Constabulary Crime Prevention Design Service

1. *Layout:*

I am pleased that at 6.25 of the Design and Access Statement (DAS), that the rear communal areas, waste and cycle storage areas will be protected by security gates to secure these areas.

- a. Can I ask how will the waste be picked up? Will residents have to move the bins to the pavement or will there be a separate gate for waste services?*
- b. The security gates should be self-closing to lock position. If thumb turns are fitted on the inside then if a railing gate is used the thumb turn should be protected by close weld mesh to prevent offenders just reaching through to the thumb turn to gain entrance.*

2. *Physical Security – ADQ and SBD - Informative:*

In October 2015, Approved Document Q (ADQ) came into force that requires under Building Regulations dwellings are built to “Prevent Unauthorised Access”. This applies to any “dwelling and any part of a building from which access can be gained to a flat within the building”. Performance requirements apply to easily accessible doors and windows that provide access in any of the following circumstances:

- a. Into a dwelling from outside*
- b. Into parts of a building containing flats from outside*
- c. Into a flat from the common parts of the building*

Achieving the Secured by Design (SBD) award meets the requirements of Approved Document Q (ADQ), and there is no charge for applying for the Secured by Design award. Further details are available from Hertfordshire Police Crime Prevention Design Advisors at 01707-355226.

I would ask that if permission is granted, the above information is passed on to the applicant by way of informative.

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 taking proportionate security measures being a central consideration to the planning and delivery of new developments and substantive retrofits.*
- & policy UD1 of Watford Core Strategy*

5.15 Hertfordshire County Council Minerals & Waste Team

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.

The majority of the site falls within the Railhead Mineral Consultation Area, around the Orphanage Lane Rail Aggregates Depot, as shown within the Mineral Consultation Areas Supplementary Planning Document (SPD).

The SPD provides for the protection of depots for transporting aggregate minerals by rail in accordance with Minerals Policy 10 in the Hertfordshire Minerals Local Plan 2002-2016 which states that existing and disused railheads and wharves in the county will be safeguarded where they have the potential for the import and export of minerals and secondary/recycled aggregates.

However as the development site is located on the edge of the buffer around the depot the county council does not wish to raise an objection as the development is not considered to have a bearing on the present or future viability of the depot site.

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.

Officer response: The Hertfordshire County Council Minerals & Waste Team has recommended a condition be imposed requiring the submission of a Site Waste Management Plan (SWMP). In their response, they have quoted 'Waste Policy 12'

which requires the submission of a SWMP for all “relevant construction projects”. No definition of what constitutes a “relevant construction project” has been provided and it has not been specified that the proposal falls into this category. In any case, the proposal involves the refurbishment and extension of an existing building and the construction of a new building. The outbuilding has already been demolished and removed from site and it is not expected that a significant amount of waste will be generated by a development of this nature. As such, a condition requiring an SWMP is not considered to be necessary in this instance. Notwithstanding this, an informative note will be added (see Section 9.2 of the report below) to encourage the applicant to prepare an SWMP so as to consider how the amount of waste produced on site can be reduced.

5.16 Arboricultural Officer

The Arboricultural Officer has confirmed no objection to the proposal and considers the proposed landscaping to be acceptable.

6.0 Appraisal

6.1 Main issues

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

- (a) Principle of development;
- (b) Design, appearance and impact on visual amenity;
- (c) Impact on heritage assets;
- (d) Layout and living conditions for future occupiers;
- (e) Impact on neighbouring properties and uses;
- (f) Access, parking and highways impacts;
- (g) Section 106 and Community Infrastructure Levy (CIL);
- (h) Sustainable drainage;
- (i) Consideration of objections.

6.2 (a) Principle of development

Background information

6.3 The current scheme follows a number of previous applications relating to the redevelopment of the site. As can be seen in the “Relevant Planning History” section of the report above, the principle of creating new residential units on the site has already been accepted. The planning permission granted in 2013

(reference 13/00854/EXT) has been implemented and remains extant. The current proposal differs from that allowed under the previous permission in that the commercial unit which was to be provided at ground floor and lower ground floor levels of the existing building is to be replaced with residential accommodation. In addition to this, there have been changes to the proposed internal configuration of both the existing and the new buildings. The footprint and overall proportions of the proposed extension and the new block of flats will resemble those approved under the 2013 permission. However, some amendments to the elevational treatment of both the existing building and the proposed building are proposed under the current scheme.

Land use

- 6.4 The application site is located within a primarily residential area, as shown on the Proposals Map of the Watford District Plan 2000, and, therefore, the proposed residential use of the site will be compatible with the surrounding area. There is a vacant yard which extends to the north and west of the existing building and the proposal will make more effective use of the site to provide additional residential units within a highly sustainable location.

New residential development

- 6.5 Policy SS1 of the Watford Local Plan Core Strategy 2006-31 (CS) states that the Council seeks to deliver a minimum of 6,500 additional homes by 2031. Policy HS1 of the CS 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.
- 6.6 The proposal complies with the provisions of Policy HS1 in that the site occupies previously-developed land which is close to good public transport routes, is not in an area at risk of flooding, is not existing employment land, open space or a community facility and does not have high biodiversity, landscape or cultural

heritage significance.

- 6.7 Policy HS2 of the Watford Local Plan Core Strategy 2006-31 states that the Council will seek the provision of a mix of housing types, sizes and tenures at local level to meet the requirements of all sectors of the community. The application proposes a combination of one, two and three-bedroom flats, which is considered to be an acceptable housing mix for a sustainable location such as this which is a short distance (approximately 300m) from Watford Junction Station.

Conversion

- 6.8 The proposed development relies on the conversion of the existing building at 147 St Albans Road into flats. Policy H13 of the Watford District Plan 2000 advises that the conversion of non-residential buildings to dwellings will be acceptable in principle provided they do not result in more than 10% of the existing residential frontage in a street block consisting of a mix of conversions, HMO or guest houses. In this case, the subject building was originally constructed for a non-residential use (brewery) and has had a commercial usage for many years. The proposal will not result in the loss of any family-sized dwellings and therefore the conversion rate is not considered relevant to this particular case.

Affordable Housing

- 6.9 Policy HS3 of the Watford Local Plan Core Strategy 2006-31 (CS) advises 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”. Paragraph 8.3.5 of the CS explains that “developments of 10 or more dwellings (or sites of more than 0.5 ha), will be expected to provide 35% affordable housing. This relates to the gross (not the net) dwelling figure, unless any existing dwellings are retained in the application”. In this particular case, there are two existing flats contained within the site and these are to be retained. As such, with only 8 new units proposed, the development is not required to provide any affordable housing.

Loss of retail

- 6.10 The commercial unit contained within the building at 147 St Albans Road is listed as forming part of the “Station Area (St. Albans Road, Langley Road)” Local Shopping Frontage in Appendix 3 of the Watford District Plan 2000. It is worth noting that the property is not shown to be included within this frontage on the Watford District Plan 2000 Proposal Map. It is assumed that this is a mistake on

the Proposals Map. Where such discrepancies exist it is accepted that the written details take precedence over the map and therefore it is regarded that the property forms part of the frontage.

- 6.11 Saved policy S9 of the Watford District Plan 2000 seeks to ensure that, within Local Shopping Frontages, an adequate range of key local shops exist and that the loss of a shop would not seriously diminish local shopping facilities. The commercial unit contained within the subject property is currently vacant. It is acknowledged that prior to it becoming vacant it had not been in A1 retail use and did not provide a key local shop (defined in paragraph 7.45 of the Watford District Plan 2000 as being those shops selling convenience goods, dry cleaners and launderettes). In this respect, the range of key local shops within the Local Shopping Frontage will remain unaffected by the proposal. In addition, given the number of key local shops that exist within close proximity of the site, including those situated along St Albans Road both to the north and south of the site, there is no evidence to suggest that local shopping facilities would be seriously diminished by the loss of this commercial unit.
- 6.12 The fact that the commercial unit has been vacant for a while indicates that there has been some difficulty in attracting occupiers of a retail nature. It is acknowledged that some of the other commercial units located within the Local Shopping Frontage to the south of the site are also vacant, and have been for a number of years, which suggests that there is low demand for new retail uses in these buildings.
- 6.13 The vacant shop, in its current form, has no positive impact on the character or appearance of the Conservation Area. The scheme provides the opportunity for the unsympathetic shopfront to be removed and for a high quality elevational treatment to be achieved. On balance, it is considered that the benefits of improving the appearance of this prominent building, providing much-needed residential units and utilising the site effectively by bringing the whole building back into use significantly outweigh the merits of retaining the commercial unit.
- 6.14 (b) Design, appearance and impact on visual amenity
- 6.15 Paragraph 58 of the NPPF advises that planning policies and decisions should aim to ensure that developments will function well and add to the overall quality of the area, respond to local character and history, and reflect the identity of local surroundings and materials. Section 7 (paragraph 64) of the NPPF further advises that “Permission should be refused for development of poor design that fails to

take the opportunities available for improving the character and quality of an area and the way it functions”.

- 6.16 Policy UD1 of the Watford Local Plan Core Strategy 2006-31 (CS) states that “new development should respect and enhance the local character of the area in which it is located”. This is supported by Policy SS1 of the CS which states that “Outside of the areas covered by specific policies, the emphasis will be on making sure that new development protects residential amenity, protects and enhances the character of the area, maintains and enhances the quality of our open spaces and green infrastructure and protects our built heritage”.
- 6.17 The site stands vacant and does not add value to the area in its current state. The unsympathetic windows, shopfront, signage fixtures and other modifications which have been carried out to the building detract from its original character. In addition, the yard comprises little more than an under utilised expanse of hard-surfacing. The proposed development provides the opportunity for the appearance of the site to be improved however.
- 6.18 The extension to the existing building at 147 St Albans Road and the new block of flats to be constructed on site will incorporate a similar design and appearance to those approved under the earlier permission (13/00854/EXT). The overall scale of the extension and new building will also resemble that which had previously been approved.
- 6.19 With regard to the existing building, the unsympathetic shopfront and signage fixtures mentioned above will be removed and will be replaced with new sash windows to match those other replacement windows that will be fitted throughout the rest of the property. The new windows will have a more traditional appearance to those that exist at present and will be set in 100mm reveals so as to resemble more closely the detailing of the original building. It is felt that the installation of high quality windows will rejuvenate the appearance of the building. The rear elevation of the existing building will be modified to provide an enhanced appearance through changes to the arrangement of windows. In addition, a new window will be installed on the southwest-facing elevation of the existing building to allow improved light and outlook for the bedroom in Flat 5. This window will be centrally aligned with the door beneath it and this alteration will not harm the character or appearance of the building.



Fig. 3. Front elevation of existing building fronting St Albans Road (with proposed extension) as approved under permission 13/00854/EXT.



Fig. 4. Front elevation of existing building fronting St Albans Road (with proposed extension) as proposed under current application.

6.20 Under the current scheme, the shop unit is to be removed and replaced with residential accommodation. The plans originally submitted with the application had detailed a scheme whereby a traditionally-styled imitation shopfront would be incorporated at ground floor level as a historic reference to the shopfront that had existed prior to the current modern installation. However, concerns were raised by officers regarding the degree of privacy that would be offered for the occupiers of Flat 2 should a replacement “shopfront” be installed. As such, the plans have been amended during the course of the application to allow the

omission of the imitation shopfront. Instead of a shopfront, new brickwork and windows will be installed (as shown in Figure 4 above).

- 6.21 It should be noted that the original shopfront was lost some time ago and so any new shopfront would be a replica or pastiche of what had originally been there to serve a shop. As the use is changing to residential this approach would not reflect the new use and would provide a very public living area for the occupiers of Flat 2. On balance, it has been considered that a better approach would be to follow the fenestration pattern of the upper floors (which are already in residential use) for the new ground floor. The solution shown on the amended plans will provide a better living space and reflects the window arrangement on the upper floors.
- 6.22 The proposed new building that will comprise Flats 6-10 will have the appearance of a short terrace of houses. This building has been designed to incorporate traditional architectural features that will remain compatible with the surrounding built form. The proposed new doors and fenestration will remain proportionate to the scale of the building. They will also remain compatible with those windows to be installed within the refurbished and extended building. The proposed dormer windows on the front and rear roofslopes of the proposed new building will not appear dominant or visually obtrusive given their modest scale and sympathetic design.
- 6.23 The design of the proposed new block has been slightly refined when compared to the previous approved scheme through the removal of the pitched roofs above the bay features (these are to incorporate flat roofs instead), the replacement of the curved brick detailing above the doors with flat soldier course detailing and through amendments to the fenestration on the rear elevation of the new building so as to provide a better balanced elevational treatment. The current proposal seeks to add a further dormer on the front roofslope of the new building to create three in total at the front as opposed to the two shown on the plans approved under permission 13/00854/EXT. A further dormer is also proposed on the rear roofslope to replace a rooflight. These additional dormers will remain aligned and proportionate with the other dormers and will not appear incongruous.

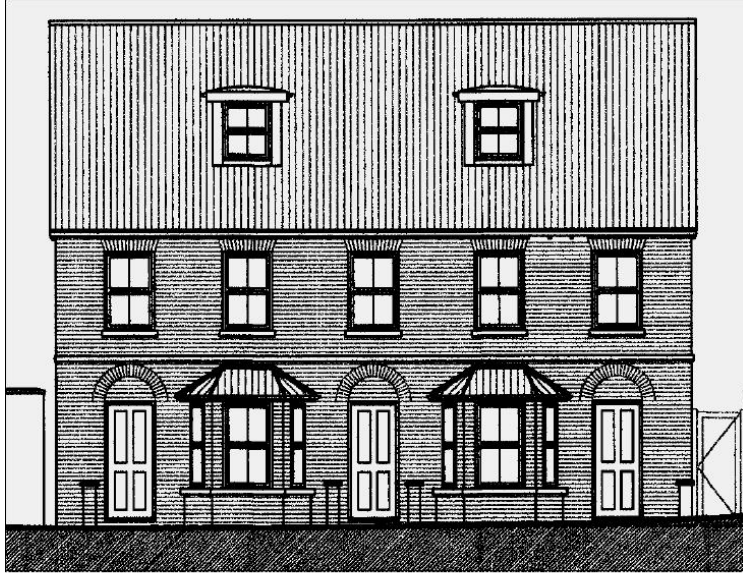


Fig. 5. Front elevation of new building fronting Church Road as approved under permission 13/00854/EXT.



Fig. 6. Front elevation of new building fronting Church Road as proposed under this application.

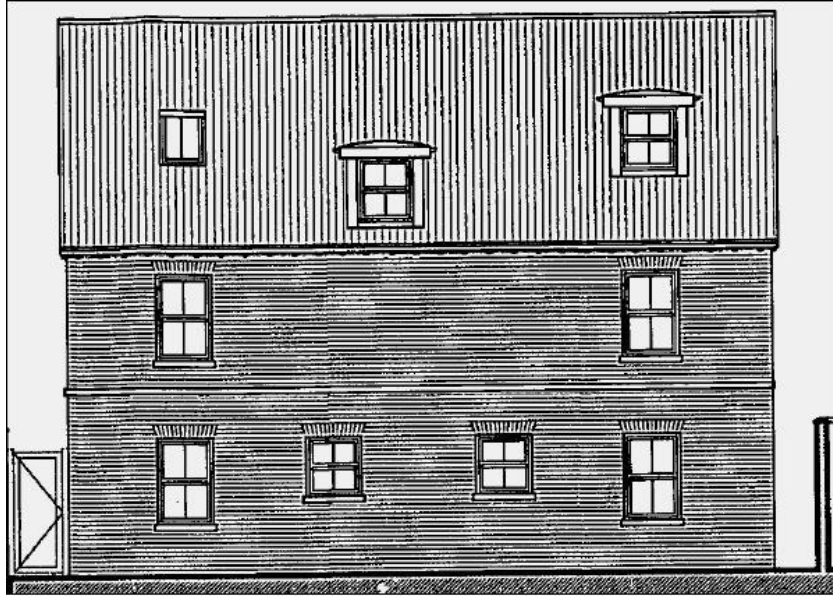


Fig. 7. Rear elevation of new building as approved under permission 13/00854/EXT.

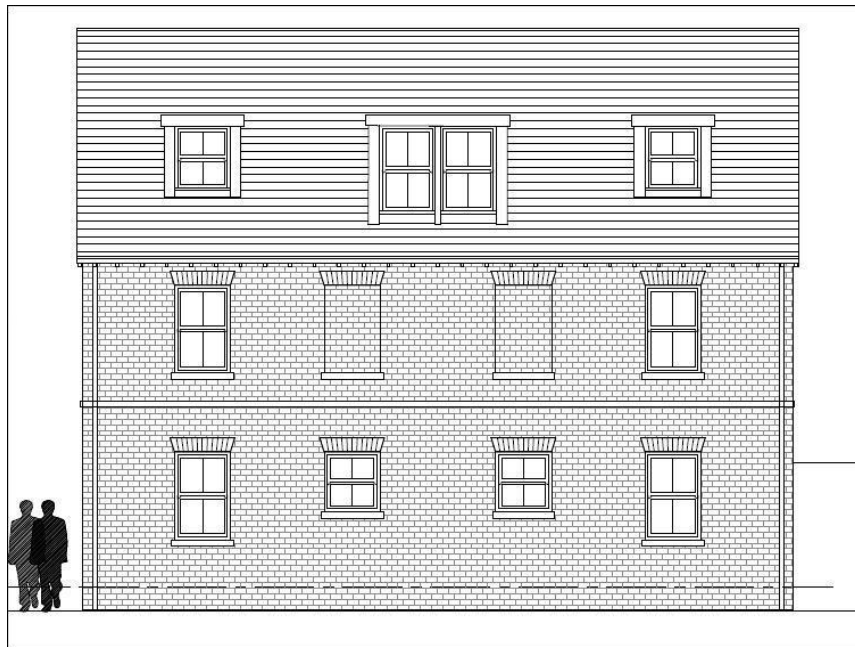


Fig. 8. Rear elevation of new building as proposed under this application.

6.24 The materials to be used for the exterior surfaces have been specified on the submitted drawings. These include brick for the new wall surfaces and natural slate for the new pitched roofs. It is considered that the proposed materials will complement each other and provide a high quality finish.

6.25 Overall, it is considered that a high quality design will be achieved in accordance with the aims of Policies SS1 and UD1 of the CS and Section 7 of the NPPF.

Trees and landscaping

6.26 There are no trees or hedges within the site. The proposal allows landscaping to be introduced into this environment, which at present, is characterised by large expanses of hard surfacing. The provision of new planting will have a positive effect on visual amenity.

6.27 (c) Impact on heritage assets

6.28 Policy UD2 of the CS states that “The council will ensure that the borough’s historic environment is identified, conserved, and, where appropriate, enhanced. This will include conservation areas, listed buildings, locally listed buildings, scheduled ancient monuments, archaeological remains and registered parks and gardens, and their settings”.

6.29 Section 12 of the NPPF makes clear that in determining planning applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

6.30 In this particular case, the relevant ‘heritage assets’ are the Nascot Conservation Area, in which the site is located, and the nearby statutory listed and locally listed buildings. These include The Old Station House at 147a St Albans Road on the northern side of the railway line which is Grade II statutory listed and a number of locally listed buildings which are located on Church Road and Park Road to the west and St Albans Road to the south.

6.31 As already mentioned, the site in its existing form, does not make a positive contribution to the character or appearance of the area. The proposed development will enhance the appearance of the site and part of the St Albans Road and Church Road/Park Road streetscenes.

6.32 The new building, and the extension and modifications to the existing building, have been designed to remain in keeping with the largely Victorian character that prevails within the Nascot Conservation Area. This is evident by the detailing and features that have been incorporated into the designs and also by the proposed materials and finishes to be applied to the buildings. It is felt that the works will enhance the character of this part of the Nascot Conservation Area and therefore the scheme meets the aims of saved Policy U18 of the Watford District Plan 2000, Policy UD2 of the CS and Section 12 of the NPPF.

6.33 Whilst the development will increase the amount of built form on site when compared to that which exists at present, it will, nevertheless, allow the appearance of the site to be enhanced. There will be clear separation provided between the new structures and the nearby listed buildings. Overall, it is considered that the setting of the nearby listed buildings will remain unharmed by the proposal.

6.34 (d) Layout and living conditions for future occupiers

Internal space standards

6.35 The floor areas and room sizes of the proposed units labelled as Flats 1, 2, 3 and 10 on the submitted drawings all meet the minimum internal space standards as set out in the RDG. As such, it is considered that a suitable amount of living space will be provided in each of these properties.

6.36 The units labelled as 4 and 5 on the submitted drawings fall short of the minimum internal space standard. Flat 4 measures 37 square metres in floor area and Flat 5 measures 35.6 square metres in area. While the amount of floorspace provided within each of these flats will be below standard, it should be noted that these are existing flats which are to be retained and, therefore, the living environments provided within these flats will not be adversely affected.

6.37 Flats 6, 7, 8 and 9 are each shown to incorporate 1 double bedroom. The RDG advises that the minimum floor area for a 1 bedroom 2 person unit is 50 square metres. Flats 6 and 7 will each cover a floor area of 48.2 square metres and Flats 8 and 9 will each cover a floor area of 43 square metres. These units will fail to meet the minimum standard. However, the size and layout of these units remain the same as those which were granted under the 2013 permission (as they complied with the minimum standards that were in force at the time that application was determined). The scheme approved under the 2013 permission

has now been implemented through preparatory ground works which have taken place on site. This must be afforded weight in the determination of the current application, and, as such, it would not be considered reasonable to refuse the application based on the shortfall in space in these units given that they can be carried out as such under the extant permission. In any case, notwithstanding the shortfall in space, their layout would allow a typical arrangement of furniture with suitable maneuvering space. Under these circumstances it is felt that the internal arrangement is acceptable.

Lighting and outlook

- 6.38 The scheme has been amended during the course of the application so as to improve the layout in terms of natural lighting and outlook to the lower ground floor level. The plans originally submitted with this application had shown the provision of 2 flats at lower ground floor level. However, officers raised concerns regarding the living conditions that would be provided within these flats in terms of natural lighting and outlook. As a result, the applicant agreed to amend the scheme and this has involved changes to the layout of the lower ground floor level to provide one substantially-sized flat as opposed to two smaller flats as originally proposed. It is felt that this revision will enable a suitable standard of living to be achieved for the occupiers of the lower ground floor level.
- 6.39 A daylighting assessment has been submitted with the application which demonstrates that the habitable areas at lower ground floor level (Flat 1) and also Flat 2 at ground floor level, will receive suitable levels of daylight. Based on the results of this assessment, it is felt that all units will benefit from adequate levels of natural light.
- 6.40 The outlook from some of the windows on the extended and refurbished building will be somewhat restricted by reason of their siting in relation to surrounding buildings. Notwithstanding this, it is felt that a suitable level of outlook will be achieved for all habitable rooms. Where possible rooms have been provided with additional windows to help improve levels of light and outlook.

Privacy

Some of the ground floor and lower ground floor units will feature windows that sit adjacent, or within close proximity, to the pavement or walkways. Passers-by may be able to afford views into these windows. It is accepted that this is not an ideal situation, however, it is considered that some overlooking is to be expected

in urban environments such as this particularly given the constraints of the site. It is felt that this would not warrant a reason for refusal of the application in itself.

Amenity space

- 6.41 Paragraph 7.3.22 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”. It further advises that “The minimum area for usable communal space is 50 square metres, plus 15 square metres per additional unit over two units”. The proposed garden area meets the minimum 170 square metre standard and will provide a suitable amenity space for the occupiers of the flats.

Refuse and recycling storage facilities

- 6.42 The submitted drawings show provision of a bin storage area and this will comprise an area located on the western side of the new block of flats that will be surrounded by brick walls. This storage area will feature gated access points at both its front and rear and will be conveniently located for future occupiers of the development and for the refuse collection teams. 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.

6.43 (e) Impact on neighbouring properties and uses

- 6.44 It is considered that the proposed development will cause no significant harm to the amenities of any neighbouring occupiers or uses, in accordance with the provisions of the RDG, Policy SS1 of the CS and paragraph 17 of the NPPF.
- 6.45 The development will be visible from many of the surrounding properties. However, given its size and siting, it is considered that it will not have any overbearing impact on neighbouring properties and will not significantly affect their outlook.
- 6.46 To the west of the site lies a two storey building comprising maisonettes known as 2 and 2A Church Road. The proposed building will be erected at a distance of 2.9m from the flank elevation of this neighbouring building at its nearest part.

Within the flank elevation of this neighbouring building, which faces the site, there are the entrances to the maisonettes and small windows only. These windows do not provide the sole source of light or outlook to any habitable rooms within the maisonettes and therefore the proposal will cause no significant harm to the light and outlook currently enjoyed by the occupiers of these properties. In addition, the proposed building will not project significantly beyond the front or rear elevations of 2 and 2A Church Road and will cause no loss of light or outlook to the front or rear facing windows in these neighbouring properties.

- 6.47 The proposed new building containing Flats 6-10 will feature windows on its rear (northeast-facing elevation). Views may be afforded from the upper floor windows on the rear elevation of this building towards the garden areas for the neighbouring maisonettes at 2 and 2A Church Road. However, some overlooking of these gardens exists at present from neighbouring first floor windows and it is felt that the living conditions of the neighbours will not be significantly compromised by the development.
- 6.48 A sufficient distance (in excess of the 11m set out by the RDG) will be maintained between the windows on the rear elevation of the proposed extension and the neighbouring garden area to the west so as to ensure that no significant overlooking occurs.
- 6.49 The proposed new building containing Flats 6-10 will feature two second floor windows in its northwest-facing elevation. These windows will provide additional light to the second floor flat but will not be relied upon to provide the main source of outlook. As such, these can be fitted with obscure glazing and be fixed shut up to a height of 1.7m above floor level so as to ensure that the privacy of the neighbouring properties is protected. Such measures will be secured by condition.
- 6.50 A new window will be inserted at first floor level within the southwest-facing elevation of the existing building. This will be sited approximately 13 metres from the northeast-facing elevation of the building at 145 St Albans Road – which itself incorporates windows. There is the potential for some mutual overlooking to occur between the new window and the first floor windows on the northeast-facing elevation of No. 145. However, this will not result in a significant reduction to the levels of privacy currently enjoyed by this neighbour given that there is already an existing first floor window on the southwest-facing elevation of the subject property which, at present, allows views to be afforded towards these

neighbouring windows.

6.51 At present, there is no building within the yard of the subject property and therefore no windows that overlook the neighbouring properties to the south from within this area. The new building will introduce windows that will allow views to be afforded towards these neighbouring properties. A minimum distance of approximately 22m will be provided between the windows on the front elevation of the new block and the front elevation of 1 Park Road. A front-to-front separation distance of this nature would not be uncommon within a typical street arrangement. Some mutual overlooking is to be expected within an urban environment such as this and it is felt that the privacy of the occupiers of the neighbouring properties to the south will not be detrimentally affected by the proposal.

6.52 The proposed residential use will remain compatible with the site's surroundings given that the property is located within a predominantly residential area. It is considered that a residential use of this kind and scale will cause no considerable increase in noise or disturbance from that which currently exists. Up until recently the yard had been used for the storage of plant, machinery and vehicles. The activity associated with this use including the movement of vehicles would have generated some noise in itself. The residential use is likely to offer a quieter alternative.

6.53 (f) Access, parking and highways impacts

Access

6.54 The site is currently served by a single vehicular access on the Church Road frontage. The development will involve the closure of this access.

Refuse collection

6.55 Refuse collection vehicles will be required to wait on the highway while bins are being emptied into them. This type of arrangement is not uncommon in urban areas like this. Both Church Road and Park Road are unclassified roads and they do not serve as main thoroughfares. As such, it is unlikely that refuse vehicles would cause any significant obstruction to the freeflow of traffic.

Parking

- 6.56 No on-site parking will be provided. Policy T26 of the Watford District Plan 2000 advises that “Car free residential development will be considered in suitable locations which are highly accessible by passenger transport, close to amenities and services, subject to the provision of satisfactory site covenants, on-street parking controls and measures to control displaced parking in adjacent areas”. The site is located within close proximity to the Town Centre, Watford Junction Station and the local shops, services and bus stops situated along St Albans Road. As such, the site is considered to be in a sustainable location where car-free development is encouraged in accordance with Policy T26 of the Watford District Plan 2000.
- 6.57 The applicant has entered into a Unilateral Undertaking to ensure that future occupiers of the newly created flats will not be entitled to parking permits in the Controlled Parking Zones. This will ensure that the development does not result in any significant increase in on-street parking on the existing highway network, in accordance with Policies T24 and T26 of the Watford District Plan 2000.

Highways impacts

- 6.58 The Local Highway Authority has raised no objection to the proposed development on highways grounds. The previous uses of the property had, in themselves, generated vehicular movements into and out of the site. However, with the proposed closure of the access, there will be no vehicular movements into and out of the site should the development be implemented. Occupiers of the flats will benefit from having easy access to passenger modes of transport and it is considered that the proposal is unlikely to result in any significant increase in traffic or congestion on the surrounding highway network.
- 6.59 The Local Highway Authority has recommended that a condition be imposed requiring the applicant to submit a Construction Environmental Management Plan (see “Consultations” section above). Issues arising from the construction period are not material planning considerations, however, and are covered by other legislation. As such, it is not appropriate to impose planning conditions relating to these matters. An Informative note will be added to the decision notice (see “Recommendations” section below) to provide advice to the applicant in terms of wheel washing and contractor’s parking.

Cycle storage

6.60 Cycle storage will be provided within the garden area behind the buildings. Such storage will offer a secure, weatherproof and convenient means of storage for the occupiers of the flats in accordance with Policy T10 of the Watford District Plan 2000.

6.61 (g) Section 106 and Community Infrastructure Levy (CIL)

Section 106

6.62 As mentioned above, the applicant has entered into a Section 106 agreement to ensure that future occupiers of the newly created flats will not be entitled to parking permits. The Section 106 agreement secures a payment of £2,000 which is used to allow the variation of the Traffic Order to allow the permit entitlement to be removed.

CIL

6.63 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.

6.64 The CIL charge applicable to the proposed development is £120 per sqm.

6.65 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.

6.66 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.

6.67 (h) Sustainable drainage

6.68 The site currently offers no soft landscaping and the yard is covered with hard surfacing. The development will allow a lawn area and soft landscaped areas to be created and these will help improve surface water drainage. A Drainage Layout drawing has also been submitted which shows the provision of soakaways which will help to reduce the risk of surface water flooding.

6.69 (i) Consideration of objections

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

| Representations | Officer’s response |
|--|--|
| Overdevelopment. | The land around the existing building comprises a vacant yard area and the proposal will make more effective use of the site to contribute towards meeting the housing need in the Borough. The scale and footprints of the proposed extension and new building resemble those approved under the 2013 permission. It is felt that the scale of the proposed buildings will remain compatible with the surrounding properties and there will not be a significant loss of amenity to neighbouring residential properties. Additionally, the proposed amenity area will meet the standard set out within the RDG. |
| This development is on the site for 147 St Albans Road and thus entrances, parking, and footfall access to this property should be via St Albans Road. | The development will be car-free and therefore no vehicular access into the site is required. It is appropriate that the pedestrian entrances to the flats contained within the new building are on the Church Road frontage so as to |

| | |
|--|---|
| | suitably address the street. |
| <p>The dustbins will not be enclosed in any space with walls and will smell. The pollutants from the bins will affect neighbour who has asthma.</p> <p>Bin storage area will be sited near to neighbouring properties that will suffer from the stench of rubbish and the possibility of added vermin/insects.</p> | <p>The proposed bin storage area will be sited adjacent to the boundary shared with the neighbouring block of maisonettes to the west. The bin storage area is shown to be surrounded by brick walls and this enclosure will help reduce the potential for odours to escape.</p> |
| <p>There are no tall apartment buildings on this quaint street and the development would ruin the pleasant aesthetic of the area.</p> | <p>The proposed new building fronting Church Road has been designed to have the appearance of a terrace of dwellings. The new building will not significantly exceed the height of the building at 147 St Albans Road or the nearest neighbouring building to the west. In addition, the roof of the proposed extension to be constructed on the northern side of 147 St Albans Road will be set down from the ridgeline of the main roof and will not appear excessively tall.</p> |
| <p>This part of Church Road/Park Road acts as a pick up and drop off point for many commuters from Watford Junction Station. Cars are often parked, not only in the bays, but around the roundabout/garden circle making it very crowded and hindering resident parking and creating high risk of pedestrian and car accidents. The proposal will add to these problems.</p> | <p>The proposed development will be car-free and the existing vehicular access into the site will be closed. This will remove any potential for conflict to occur between vehicles entering and leaving the site and other highway users. Moreover, the existing uses on the site have the potential to generate traffic and it is considered that the proposed use will not significantly increase levels of traffic in the area. The Local Highway Authority has been consulted and has raised no objection to the development on highway safety grounds.</p> |

7.0 Conclusion

- 7.1 The current scheme seeks to make revisions to the development that was allowed in 2013 under planning permission 13/00854/EXT. The main revision involves the removal of the commercial unit to allow the creation of two additional residential units. It is considered that the vacant shop, in its current form, has no positive impact on the character or appearance of the Conservation Area. The scheme provides the opportunity for the unsympathetic shopfront to be removed and for a high quality elevational treatment to be achieved. On balance, it is considered that the benefits of improving the appearance of this prominent building, providing much-needed residential units and bringing the whole building back into use significantly outweigh the merits of retaining the commercial unit.
- 7.2 The proposal seeks to provide a high quality residential scheme that will make an efficient use of this brownfield site without compromising the amenities of neighbours. The proposed design, scale and layout of the development respect the character of the area and the surrounding built form. It is felt that no harm will be caused to any of the surrounding heritage assets. Furthermore, the owner of the site has entered into a Unilateral Undertaking to prevent future residents of the development from being entitled to parking permits and this will help prevent any significant increase in on-street parking on the surrounding roads.
-

8.0 Human Rights Implications

- 8.1 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.
-

9.0 Recommendation

- 9.1 That planning permission be granted subject to the following conditions:

Time Limit

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

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

Approved drawings

2. The development hereby permitted shall be carried out in accordance with the following approved drawings: D01; SK147/24 Rev 2; 200 P2 (Drainage Layout); PL200; PL201; PL202; PL900 – received 07.12.16; PL901 – received 07.12.16; PL902 – received 07.12.16; PL903 – received 07.12.16; PL904 – received 07.12.16; PL905 – received 07.12.16; PL906 – received 07.12.16; PL907 – received 07.12.16.

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

External materials and finishes

3. The development shall be carried out in accordance with the external materials and finishes detailed on the drawings hereby approved. In the event of any of the specified materials not being available details of alternative materials shall be submitted to and approved in writing by the Local Planning Authority prior to their use/installation and the development shall only be carried out in accordance with any alternative details approved by this condition.

Reason: To ensure that the development applies high quality materials and finishes 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 Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

Soft Landscaping

4. The soft landscaping shall be carried out in accordance with the details shown on Drawing No. SK147/24 Rev 2. 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.

Obscure glazing

5. The second floor windows in the northwest-facing elevation of the proposed building containing those units referred to as Flats 6-10 on the drawings hereby approved, 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 neighbouring properties, in accordance with the provisions of the Residential Design Guide (RDG), Policy SS1 of the Watford Local Plan Core Strategy 2006-31 and paragraph 17 of the National Planning Policy Framework (NPPF).

6. The proposed ground floor window on the southeast-facing elevation of the existing building, that will serve a bedroom within the unit referred to as Flat 2 on the drawings hereby approved, 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 ensure that suitable levels of privacy for the future occupiers of the development are achieved, in accordance with the provisions of the Residential Design Guide (RDG) and Policies UD1 and SS1 of the Watford Local Plan Core Strategy 2006-31.

Closure of access

7. No part of the development shall be occupied until the existing access to Church Road has been stopped up in accordance with the details approved under permission 16/00487/DISCON.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and access in accordance with Policies T21 and T24 of the Watford District Plan 2000.

Cycle storage

8. Notwithstanding the information already submitted, none of the units hereby approved shall be occupied until details of the type, siting, size and finish of the cycle storage enclosure have been submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be installed in accordance with the details approved under this condition and shall be made available for use prior to the occupation of any of the units. The store shall be maintained as such at all times thereafter and shall not be used for any purpose other than for the storage of cycles.

Reason: To ensure that suitable cycle storage is provided for the future occupiers of the development in accordance with the aims of saved Policy T10 of the Watford District Plan 2000.

Noise mitigation

9. The proposed mitigation measures, as set out within the “Noise & Vibration Assessment for Planning Application” – dated 24th November 2016 (prepared by inacoustic - Ref. 16-193), shall be implemented and/or made available for use prior to the occupation of any of the flats and shall thereafter be maintained at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the future occupiers of the flats to ensure that a suitable living environment is provided, in accordance with paragraph 17 of the National Planning Policy Framework (NPPF) and Policy SE22 of the Watford District Plan 2000.

9.2 Informatives

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

accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

2. This planning permission does not remove the need to obtain any separate consent of the owner of the adjoining property prior to commencing building works on, under, above or immediately adjacent to their property (e.g. foundations or guttering). The Party Wall Etc Act 1996 contains requirements to serve notice on adjoining owners of property under certain circumstances, and a procedure exists for resolving disputes. This is a matter of civil law between the two parties, and the Local Planning Authority are not involved in such matters. A free guide called "The Party Wall Etc Act 1996: Explanatory Booklet" is available on the website of the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/393927/Party_Wall_etc_Act_1996_-_Explanatory_Booklet.pdf
3. This permission does not remove the need to obtain any separate consent, which may be required under the Buildings Act 1984 or other building control legislation. Nor does it override any private rights which any person may have relating to the land affected by this decision.

To find out more information and for advice as to whether a Building Regulations application will be required please visit www.watfordbuildingcontrol.com.

4. You are advised of the need to comply with the provisions of The Control of Pollution Act 1974, The Health and Safety at Work Act 1974, The Clean Air Act 1993 and The Environmental Protection Act 1990.

In order to minimise impact of noise, any works associated with the development which are audible at the site boundary should be restricted to the following hours:

Monday to Friday 8am to 6pm
Saturdays 8am to 1pm
Noisy work is prohibited on Sundays and bank holidays

Instructions should be given to ensure that vehicles and plant entering and leaving the site comply with the stated hours of work.

Further details for both the applicant and those potentially affected by construction noise can be found on the Council's website at:

https://www.watford.gov.uk/info/20010/your_environment/188/neighbour_complaints_%E2%80%93_construction_noise

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 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.
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 email Thames Water a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to developer.services@thameswater.co.uk to determine if a building over / near to agreement is required.
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. 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. 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.

9. You are advised that appropriate arrangements should be made to provide for:
 - a. Servicing and Delivery associated with the construction;
 - b. Parking for workers and contractors associated with the construction;
 - c. Wheel washing to prevent the spread of debris onto the public highway.

Failure to make such provisions may be contrary to the Highways Act and/or require a separate licence from the Local Highway Authority.

10. This planning permission is accompanied by a legal agreement under Section 106 of the Town and Country Planning Act 1990 for 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 new flats contained within the development from entitlement to resident parking permits for the controlled parking zones in the vicinity of the site.
11. This development may be considered a chargeable development for the purposes of the Community Infrastructure Regulations 2010 (as amended). The charge is non-negotiable and is calculated at the time planning permission is granted. The charge is based on the net increase of gross internal floor area of the proposed development. A person or party must assume liability to pay the levy using the assumption of liability form 1 which should be sent to the CIL Officer, Regeneration and Development, Watford Borough Council, Town Hall, Watford, WD17 3EX or via email. If nobody assumes liability to pay the levy this will default to the land owner. A Liability Notice will be issued in due course. Failure to adhere to the Regulations and commencing work without notifying the Council could forfeit any rights you have to appeal or pay in instalments and may also incur fines/surcharges.
12. A BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services

searches. The BAPA will be in addition to any planning consent. The applicant / developer should liaise directly with Asset Protection to set up the BAPA. Email: AssetProtectionLNWSouth@networkrail.co.uk

13. The developer is to submit directly to Network Rail a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway. Network Rail would need to be assured the works on site follow safe methods of working and have taken into consideration any potential impact on Network Rail land and operational railway infrastructure. Review and agreement of the RAMS will be undertaken once a BAPA has been set up between Network Rail and the applicant/developer. The applicant /developer is to submit the RAMs directly to: AssetProtectionLNWSouth@networkrail.co.uk. The RAMS will also need to take into account the works on site with respect to the 25kv overhead lines on the adjacent railway. Induced voltages from 25kv overhead lines may have the potential to impact upon land up to 20m from the lines themselves.
14. The developer will need to serve a Party Wall Act 1996 notification on Network Rail for the works adjacent to the railway boundary. The developer should email the notice (and a plan of the proposal site) to: OperationalPropertyLNW@networkrail.co.uk. The developer will be liable for all costs incurred by Network Rail in facilitating the Party Wall works.
15. In October 2015, Approved Document Q (ADQ) came into force that requires under Building Regulations that dwellings are built to “Prevent Unauthorised Access”. This applies to any “dwelling and any part of a building from which access can be gained to a flat within the building”. Performance requirements apply to easily accessible doors and windows that provide access in any of the following circumstances:
 - a. Into a dwelling from outside
 - b. Into parts of a building containing flats from outside
 - c. Into a flat from the common parts of the building

Achieving the Secured by Design (SBD) award meets the requirements of Approved Document Q (ADQ), and there is no charge for applying for the Secured by Design award. Further details are available from Hertfordshire Police Crime Prevention Design Advisors at 01707-355226.

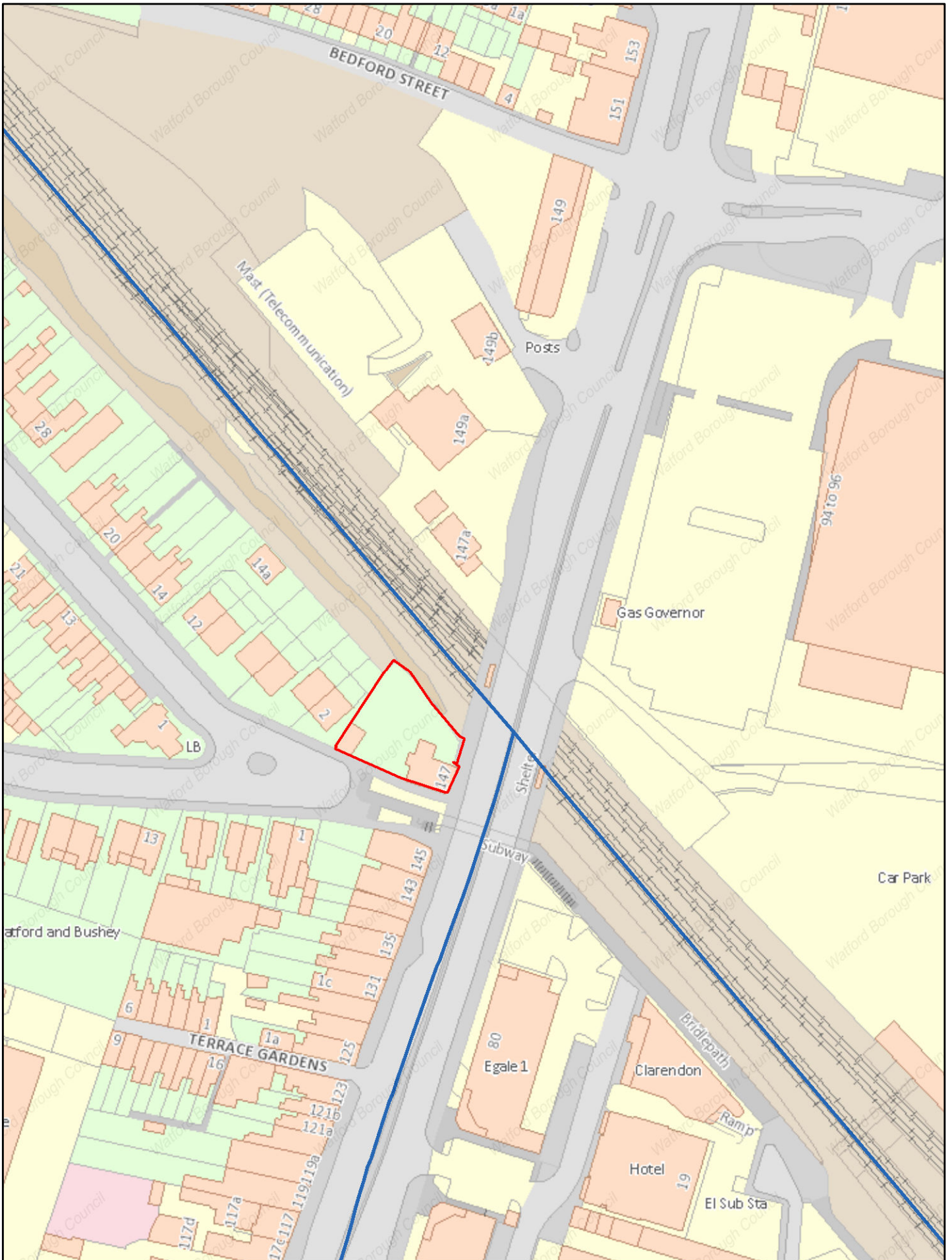
16. All new units granted planning permission and to be constructed require naming or numbering under the Public Health Act 1925. You must contact Watford Borough Council Street Naming and Numbering department as early as possible prior to commencement on streetnamenumbers@watford.gov.uk or 01923 278458. A numbering notification will be issued by the council, following which Royal Mail will assign a postcode which will make up the official address. It is also the responsibility of the developer to inform Street Naming and Numbering when properties are ready for occupancy.

17. The applicant is encouraged to prepare a Site Waste Management Plan (SWMP). The SWMP should aim 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 (Hertfordshire County Council Minerals and Waste Team) to collate the data. They can be contacted by telephone on 01992 556254 or by email at spatialplanning@hertfordshire.gov.uk.

Drawing numbers

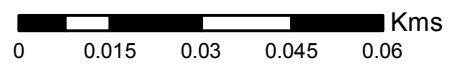
D01
SK147/24 Rev 2
200 P2 (Drainage Layout)
PL200
PL201
PL202
PL900 – received 07.12.16
PL901 – received 07.12.16
PL902 – received 07.12.16
PL903 – received 07.12.16
PL904 – received 07.12.16
PL905 – received 07.12.16
PL906 – received 07.12.16
PL907 – received 07.12.16

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



147 St Albans Road

Date: 19/12/2016



Scale 1:1,250



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| PART A | |
| Report of: Head of Development Management | |
| Date of committee: | 4th January 2017 |
| Site address: | De Beers House, 56 Willow Lane, Watford WD18 OJA |
| Reference Number: | 02/00650/FUL |
| Description of Development: | Deed of Variation to s106 Agreement that Accompanied the Planning Application for the Construction of Eight Bedsits to Allow the Issuing of a Single Parking Permit which will allow a single vehicle to be parked in the surrounding Controlled Parking Zone |
| Applicant: | Mr. S. Taylor |
| Date Received: | |
| 13 week date (major): | |
| Agreed extended date: | |
| Ward: | Holywell |

1.0 Site and Surroundings

- 1.1 The application site comprises the land formally known as land to the rear of 20 Rose Gardens. Planning permission was granted in 2004 for the erection of eight bedsits on the site within a detached, two storey building with pitched roof.
- 1.2 The site is located at the south western end of Willow Lane, directly adjacent to the Watford Health Campus site as identified within Watford Local Plan Part 2 – Site Allocations. The site is also located opposite Watford General Hospital with the former Willow Lane allotment site (now appropriated) to the south.
- 1.3 The site sits directly adjacent to one of the new roundabouts that forms part of Thomas Sawyer Way – the new access road to the hospital and the first phase of the Watford Health Campus development that opened in November 2016. To enable the construction of this roundabout, part of the hardstanding that comprised the front garden area of De Beers House was taken under The Borough of Watford (Watford Health Campus) Compulsory Purchase Order 2014 (CPO) which was confirmed on 21st January 2016.
- 1.4 No part of the site is subject to either a Local or Statutory Listing. The site is not

located within a Conservation area and there are no Tree Preservation Orders on the site. The surrounding area is subject to a Controlled Parking Zone.

2.0 Proposed Development

2.1 Conditional Planning Permission for the erection of eight bedsits was granted by the Council's Development Control Committee in February 2004. This was subject to the completion of a s106 Planning Obligation that was signed on 6th February 2004. Through the Agreement, the applicant undertook to agree to the following:

- a) Financial contributions towards the provision or improvement of open space in the Borough;
- b) Financial contributions towards the improvement or implementation of new cycle routes in the vicinity of the development;
- c) Financial contributions towards the cost of varying the Traffic Order (Watford Central Area and West Watford Controlled Parking Zone Consolidation Order 2002) to exclude future development from entitlement to resident permits within the Controlled Parking Zone;
- d) That the development be occupied only by keyworkers defined in this Agreement as nurses/health workers, teachers, firefighters or police officers working within the Council's area.

2.2 As part of The Borough of Watford (Watford Health Campus) Compulsory Purchase Order 2014, which was confirmed in January 2016, a parcel of land comprising twenty four square metres was acquired from the front garden area of 56 Willow Lane. This was to enable the construction of the new roundabout and to ensure that sufficient and appropriate pavements could be laid to the side of the road. The land required was vested on 22nd April 2016 and was transferred into the ownership of the Council to undertake the works.

2.3 Due to the required land take, the freehold owner of the site is liable to compensation under the Compensation Code due to being directly affected by the CPO. The fundamental principle of the Code is that of 'equivalence' and that the owner of the land shall be compensated 'neither less nor more than his loss'. The compensation offer in this instance is entirely governed by the Compensation Code and relates directly to the Settlement Proposal which has been recommended by LambertSmithHampton who have advised the Council.

2.4 Previously on the site, four vehicles could be accommodated to the front of the property. On completion of the works, the finished hardstanding is now able to

accommodate only two vehicles, which results in a net loss of two spaces. Under separate agreement that also falls under the Settlement agreed under the Compensation Code the Council are transferring some land currently under the ownership of the Council directly to the north west of the site to the freehold owner of the property to enable the formation of a third off street parking space. This provides a total of three parking spaces, which is still one space short of the original provision and would not be considered as 'equivalent' under the Code.

- 2.5 It was agreed that, in order for 'equivalent' compensation to be provided in accordance with the Compensation Code, a single parking permit to enable one vehicle to park in the surrounding Controlled Parking zone could be provided. However, as the property was exempt from applying for such a permit due to the variation to the Traffic Regulation Order secured under the s106, a Deed of Variation is required to amend the Order to allow a single parking permit to be issued.
- 2.6 As part of the Settlement Proposal recommended by LambertSmithHampton, it was also agreed that the requirement that the development be occupied only by Key Workers as identified in Para. 2.1(d) above be deleted in its entirety to allow the development to be used as open market housing.
- 2.7 As Members approved the recommendation for the granting of planning permission at Development Control Committee subject to the completion of a s106 Planning Agreement, it was considered necessary to bring the proposed Deed of Variation back to Committee to allow Members to again make the decision on this.

3.0 Relevant Planning History

02/00267/FUL - Erection of a detached 2-storey building to provide 10 studio bedsits
application withdrawn

02/00650/FUL - Construction of 8 bedsits **Conditional Planning Permission Granted**

08/00470/PREAPP - Pre application enquiry - add 1-2 storeys to existing block

4.0 Planning Policies

4.1 Development Plan

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

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

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

4.3 **Watford Local Plan Core Strategy 2006-31**

WBC1 Presumption in favour of Sustainable Development

SS1 Spatial Strategy

SPA3 Health Campus

SD1 Sustainable Design

HS1 Housing Supply and Residential Site Selection

T2 Location of New Development

T3 Improving Accessibility

T4 Transport Assessments

INF1 Infrastructure Delivery and Planning Obligations

4.4 **Watford District Plan 2000 (saved policies)**

T21 Access and Servicing

T22 Car Parking Standards

T24 Residential Development

T26 Car Free Residential Development

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

1A Presumption in Favour of Sustainable Development

12 Sustainable Design, Construction and Demolition

4.6 Hertfordshire Minerals Local Plan Review 2002-2016

No relevant policies.

4.7 Supplementary Planning Documents

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

4.7.1 Residential Design Guide (RDG)

A revised Watford Residential Design Guide was adopted as a Supplementary Planning Document by Watford Borough Council's Cabinet on 23rd July 2014 following public consultation between 4th November and 16th December 2013. This supersedes the Residential Design Guides: Volume 1: Building New Homes & Volume 2: Extending Your Home (2008) and Supplementary Planning Guidance 6 (SPG6): Internal Space Standards (2004). An amended version was adopted by the Council in August 2016. The amendment was required to bring the internal space standards in line with the nationally described standard. The changes were consulted on between 15th June and 15th July 2016 and approved on 23rd August 2016. New residential development and extensions to existing properties are expected to comply with the Residential Design Guide.

4.7.2 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.

4.8 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 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
- Decision taking

5.0 Consultations

5.1 Site Notices

Not required

5.2 Press Notice

Not required

5.3 Neighbour consultations

Not required

5.4 Technical Consultations

Not required

6.0 Appraisal

6.1 Main issues

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

- (a) Loss of Key Worker Units
- (b) Need for an additional parking permit

(a) Loss of Key Worker Units

6.2 The original application that was submitted in 2002 was for eight 'bedsits rather than eight 'key worker units'. At the time, the units were not considered to constitute a House in Multiple Occupation (HMO) due to the lack of communal living spaces, but the unit sizes are smaller than the requirements for self-contained flats. There was no planning policy relating to Key Worker Housing in

2004 although SPG 1 did state that 'Key Worker Housing should be genuinely affordable for those in housing need. This could be secured via a s106 agreement. In addition, there was no mention in the Committee reports in respect of the demand for key worker housing in the Borough or the reasons for the development to be restricted only to key workers. However, this now needs to be considered under the current planning policies to ascertain whether the loss of legally secured key worker housing would result in significant harm.

- 6.3 There are currently no planning policies relating to Key Worker Housing. This lack of policy support would indicate that this type of housing is not a significant requirement for the Borough's housing market in terms of either need or demand. Even when affordable housing is required by policy on sites of ten or more units, the breakdown of these affordable units does not contain any requirement for key worker housing. As such, there is no policy requirement to either provide or retain key worker housing. There will be no loss of overall housing units within the Borough from removing this designation, but the removal of the designation will allow anybody to occupy these smaller residential units, thus contributing to an identified need for smaller, affordable units within the Borough.
- 6.4 It is also material that there is no record of the Council ever having enforced against the provisions of the s106 in ensuring that the dwelling is occupied by Key Workers. The building has been in residential use for at least ten years.
- (b) Access, parking and highways impacts resulting from an additional parking permit
- 6.5 Willow Lane is located within Zone K of the Watford Central Area and West Watford Area Controlled Parking Zone. The development was previously exempt from applying for resident parking permits through provisions made within the original s106 Agreement. This is the standard approach to new developments in areas which are subject to a CPZ where there is a net increase in residential units.
- 6.6 The background on the need to vary the existing s106 Agreement has already been set out. The need for a single parking permit to be issued to the property arises from the requirements of the Compensation Code associated with the CPO for the Watford Health Campus in ensuring that 'equivalent' compensation is provided by the Council. The additional parking permit will address the loss of the fourth parking space which has not been able to be re-provided on site.

6.7 The issuing of a parking permit to a property such as this is not considered standard practice for the Council. However, is considered acceptable in this instance due to the need for the Council to provide compensation to the freehold owner as a result of the land interests that were taken by the Council to facilitate the construction of Thomas Sawyer Way. No further land could be provided within the site to provide additional off street car parking and the offer of a parking permit to allow parking in the surrounding CPZ has been deemed as acceptable compensation for this by all parties. There would be no increase in trips as the permit will provide for a car parking space which was within the site and the impact on street parking capacity will be minimal given only a single permit would be provided.

7.0 Conclusion

7.1 The lack of any policy reference under the provisions of the current Local Plan to the need for Key Worker housing in the Borough, along with no requirement for key worker housing in schemes large enough to provide 'affordable housing' demonstrate that there is no requirement or need for this type of housing within Watford. There will be no net loss of residential units as a result of this proposal.

7.2 The issuing of a single parking permit to the property that will enable one vehicle to park in the surrounding CPZ is not considered to constitute significant harm. There is a need for this permit to ensure the Council commits to its obligations of 'equivalent' compensation under the Compensation Code further to The Borough of Watford (Watford Health Campus) Compulsory Purchase Order 2014. This forms part of the settlement proposal negotiated with the freehold owner of the site by LambertSmithHampton on behalf of the Council.

8.0 Human Rights Implications

8.1 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.

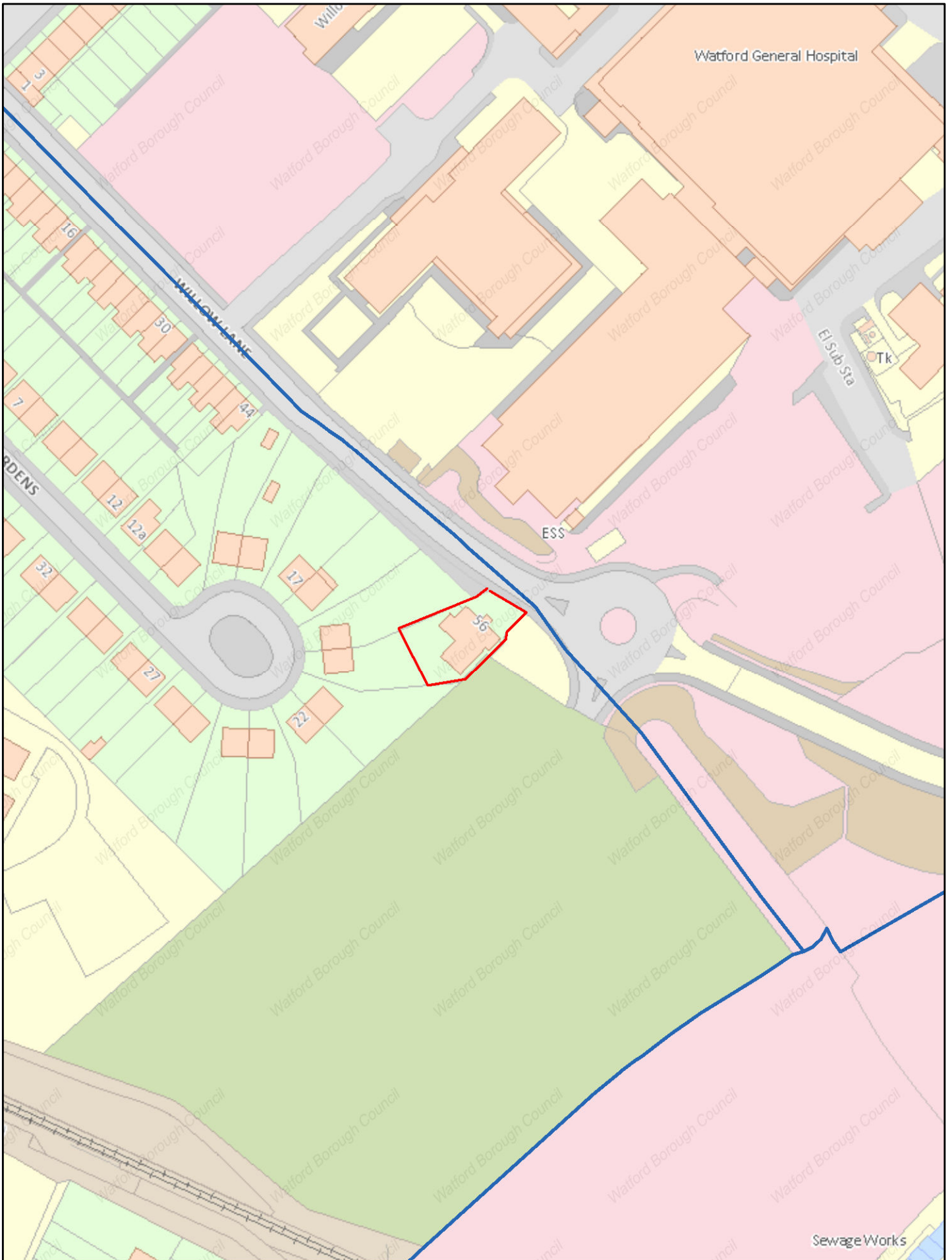
9.0 Recommendation

9.1 (A) That, a Deed of Variation to the existing s106 Planning Obligation be entered into to:

Section 106 Heads of Terms

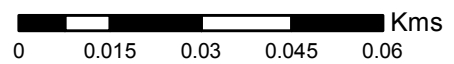
- i) To allow a single vehicle to be parked within the surrounding Controlled Parking Zone and the Traffic Regulation Order (Watford Central Area and West Watford Area Controlled Parking Zone Consolidated Order 2010) will be varied accordingly;
- ii) Paragraphs 3 (d) and 3 (e) (Key Worker restrictions) are deleted in their entirety

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56 Willow Lane

Date: 20/12/2016



Scale 1:1,250



