



**WATFORD
BOROUGH
COUNCIL**

DEVELOPMENT MANAGEMENT COMMITTEE

19 April 2017

7.30 pm

Town Hall

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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, 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 29 March 2017 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.
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4. **16/01621/FUL 37, Bucks Avenue** (Pages 5 - 36)

Demolition of 37 Bucks Avenue and equestrian facility, removal of hardstanding, ménages, buildings and structures and the redevelopment of the site to include 24 dwellings (including 8 affordable), all to be served by modifying the existing access from Bucks Avenue/Sherwoods Road (amended scheme). (Duplicate application to Hertsmere Borough Council)

5. 17/00240/FUL Land at Buttermere Place, Linden Lea (Pages 37 - 64)

Demolition of garage court, incorporation of garden space at 111-121, Linden Lea into application site and erection of a 2 storey block of 6 flats and car parking

6. 16/01245/FULM Clarendon House, 33, Bridle Path (Pages 65 - 134)

Demolition of the existing office building and erection of a mixed-use building of 4, 9 and 14 storeys incorporating 1,800m of office floorspace and 41 residential flats

7. Review of Performance October 2015 to December 2016 (Pages 135 - 174)

Report of the Development Management Section Head

PART A	
Report of: HEAD OF DEVELOPMENT MANAGEMENT	
Date of committee	19th April 2017
Site address:	37, Bucks Avenue, Watford
Reference Number:	16/01621/FUL
Description of Development:	Demolition of 37 Bucks Avenue and equestrian facility, removal of hardstanding, ménages, buildings and structures and the redevelopment of the site to include 24 dwellings (including 8 affordable dwellings) comprising 2 x 1 bed and 2 x 2 bed apartments, 16 x 3 bed houses and 4 x 4 bed houses with associated parking, informal play area and open space, all to be served by modifying the existing access from Bucks Avenue/Sherwoods Road (amended scheme). (Duplicate application to Hertsmere Borough Council)
Applicant:	Clovercourt Fusion
Date Received:	8th December 2016
8 week date (minor):	2nd February 2017
Ward:	Oxhey

1.0 Site and surroundings

- 1.1 The site is located almost entirely within Hertsmere Borough with its access off Bucks Avenue, at the junction with Sherwoods Road, within Watford Borough. The overall area of the site is approximately 4.2 hectares and comprises a dwelling, the Bucks Meadow Riding School and outdoor manages and paddocks. It should be noted that the site area is significantly less than that of the previous application at the site (13 hectares) due to land to the east no longer being included. The site itself is located within the Metropolitan Green Belt. The riding school closed in September 2015.
- 1.2 The site comprises a large number of existing buildings in various states of repair. The largest building on the site is an indoor ménage (2 storey) with a number of other single storey buildings including stables, store buildings and other ancillary buildings. Various areas of parking and hardstanding also exist.

- 1.3 The site is adjoined to the north, west and south by the residential areas of Oxhey, with Talbot Avenue to the north, Bucks Avenue to the west and Sherwoods Road, Lowson Grove and Elm Avenue to the south. These roads are characterised by detached and semi-detached houses with detached bungalows on Lowson Grove on Elm Grove. Most of the dwellings were developed in the 1920s and 1930s as individual plots and are typical of their era. Consequently, designs and materials are very varied and include a number of mock-Tudor designs. Only those properties on Wilcot Avenue and Talbot Avenue are more uniform in their appearance. To the north-east, the site adjoins the Paddock Road Allotments site.

2.0 Proposed development

- 2.1 The amended proposal involves the demolition of all existing buildings on the site and the erection of 24 dwellings, comprising 4 flats (1 and 2 bed) and 20 houses (3 and 4 bed). The flats are provided in a single block and the houses provided as detached and semi-detached houses. The block of flats is sited at the entrance to the site with the houses and their associated parking arranged in an open horseshoe shape on the outside of the internal access road, with the central area occupied by landscaped open space. This development is located in the western corner of the overall site, adjacent to the access from Bucks Avenue and in the area of the existing buildings on the site.
- 2.2 All of the proposed buildings are two storey, with accommodation in the roofspace of some of the houses. The design approach is of suburban housing drawing on the Edwardian vernacular that is seen within the surrounding area.
- 2.3 The single access from Bucks Avenue splits into 2 spurs and serves the various parking areas serving the dwellings. Parking is provided in the form of frontage parking to the houses and small parking courts. Visitor parking is shown on the 2 spurs of the internal road.
- 2.4 The application as originally submitted in November 2016 was for 27 dwellings comprising 5 flats and 22 houses.
- 2.5 Due to the alignment of the borough boundary between Watford and Hertsmere, the main part of the development that falls within Watford Borough, and therefore the jurisdiction of Watford Council as the Local Planning Authority, is the modified access and the first 13m of the access road within the site. Also included is a small portion of 4 car parking spaces (P1-P4 on the site layout drawing) which just overlap the boundary. All other aspects of the proposal fall under the jurisdiction of Hertsmere Council. As such, only those matters relating to the access are relevant

planning considerations for the Committee to consider.

3.0 Relevant planning history

- 3.1 The riding school was established on the site in the 1950s (albeit with a break in use in the 1980s, recommencing in 1991) with the indoor ménage built in 1992. The existing house was built in the 1960s. The riding school closed in September 2015.
- 3.2 Hertsmere Borough Council consulted the Council on a previous application for the development of the site in November 2015:

15/1895/FUL - Demolition of 37 Bucks Avenue and equestrian facility, removal of hardstanding, ménages, buildings and structures and the redevelopment of the site to include 34 dwellings (including 12 affordable dwellings) comprising 12 x 1 bed apartments, 4 x 2 bed apartments, 10 x 3 bed houses and 8 x 4 bed houses, parking, village green with pond and play area served by modifying existing access from Bucks Avenue/Sherwoods Road. Provision of public footpaths & cycleways connecting Bucks Avenue to footpath no. 17 and ecological enhancement of land to South East of dwellings to include biodiversity enhancement, landscaping, wildflower meadows, formation of ponds and communal orchard.

- 3.3 This was considered by the Committee on 19th November 2015 and the following comments were made to Hertsmere Council:

“The Committee resolved to object to the application for the following reasons:

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

and scale that conflicts with the character of the adjacent residential streets, consisting as it does of mainly detached and semi-detached houses. As such, the proposal is contrary to Policy UD1 of the Watford Local Plan Core Strategy 2006-31 and the Watford Character of Area Study 2011.

“Watford Borough Council would also request that the remaining Green Belt land within the application site is secured for public access in perpetuity and that the restoration and enhancement of the land is undertaken before commencement of any development, by means of an appropriate condition or s.106 planning obligation.”

- 3.4 Hertsmere Council formally considered this application on 15 June 2016 and refused planning permission for the following reason:

The proposal would be inappropriate development in the Green Belt, for which the harm to its openness would be from its larger scale and greater height, than the existing low key equestrian buildings, that would be unsympathetic and incompatible to its landscape setting and inhibiting views across the site to more open land to the east. The development would consequently be contrary to policies CS22 of the Core Strategy 2013, H8 (i) of the Local Plan 2003, SADM12 and SADM 27(iv) of the draft Site Allocations and Development Management Strategy 2015.

- 3.5 This refusal was appealed (see decision below – paragraph 3.13).

- 3.6 15/01542/FUL - Demolition of 37 Bucks Avenue and equestrian facility, removal of hardstanding, ménages, buildings and structures and the redevelopment of the site to include 34 dwellings (including 12 affordable dwellings) comprising 12 x 1 bed apartments, 4 x 2 bed apartments, 10 x 3 bed houses and 8 x 4 bed houses, parking, village green with pond and play area served by modifying existing access from Bucks Avenue/Sherwoods Road. Provision of public footpaths & cycleways connecting Bucks Avenue to footpath no. 17 and ecological enhancement of land to South East of dwellings to include biodiversity enhancement, landscaping, wildflower meadows, formation of ponds and communal orchard. (Duplicate application to Hertsmere Borough Council).

- 3.7 As with the current application, only the modified access and the first 13m of the access road within the site fell within the jurisdiction of the Council. This application was considered by the Committee on 18th February 2016 when it was resolved to refuse planning permission for the following reason:

The proposed access to the site, by reason of the narrow width of the roadway and the narrow width of the footpath, fails to accord with the recommended standards

in Roads in Hertfordshire and Manual for Streets. As such, the access is considered detrimental to vehicular and pedestrian safety, contrary to saved Policy T21 of the Watford District Plan 2000.

- 3.8 This refusal was appealed (see decision below – paragraph 3.14).
- 3.9 Hertsmere Borough Council consulted the Council on the current application for the development of the site in December 2016 and 6th February 2017 (in relation to the amended scheme):

16/2272/FUL (Hertsmere) - Demolition of 37 Bucks Avenue and equestrian facility, removal of hardstanding, ménages, buildings and structures and the redevelopment of the site to include 24 dwellings (including 8 affordable dwellings) comprising 2 x 1 bed and 2 x 2 bed apartments, 16 x 3 bed houses and 4 x 4 bed houses with associated parking, informal play area and open space, all to be served by modifying the existing access from Bucks Avenue/Sherwoods Road (amended scheme).

- 3.10 This was considered by the Committee on 8th March 2017 and the following comments were made to Hertsmere Council:

“That Hertsmere Borough Council be advised that Watford Borough Council has no objection to the application but would wish to see conditions imposed on any grant of permission to cover the following matters:

1. That no part of the development shall be occupied until the existing access to Bucks Avenue has been modified and constructed in full, as shown in principle on drawing no. 16-P1329-11B (Ascot Design).

Reason: To ensure safe access to the site in the interests of vehicular and pedestrian users of the highway.

2. That the trees along the south-western boundary and along the north-western boundary are retained and measures installed to protect the trees during demolition and construction works.

Reason: These are an important visual amenity to adjoining residential occupiers and will help to mitigate the visual impact of the development.

3. The development shall provide at least 60 car parking spaces.

Reason: To prevent overspill parking on the adjoining highway on Bucks Avenue and Sherwoods Road.”

3.11 This current application was considered by Hertsmere Borough Council on 16th March 2017 prior to the issuing of the appeal decision on the previous application which was refused. Hertsmere resolved to grant planning permission for this application.

3.12 Appeal decisions – The appeal decisions for both the Watford and Hertsmere applications were issued on 22nd March 2017. Both appeals were dismissed.

3.13 15/1895/FUL (Hertsmere) (Appeal A) – The appeal Inspector concluded as follows:

31. The proposal would be inappropriate development in the Green Belt which is by definition harmful. The proposal would result in loss of openness and conflict with the purposes of the Green Belt. Additionally, there would be other harm arising from the adverse impact on the character and appearance of the area.

33. However, the Framework establishes that substantial weight should be given to any harm to the Green Belt and other considerations have to clearly outweigh that harm and other harms. For the reasons indicated, there are considerations in favour of the proposal, the weight of which has been detailed. However, the proposal would result in harm rather than a benefit in terms of the character and appearance of the area. On balance, the identified benefits of the proposal individually or in combination do not clearly outweigh the totality of harm. Consequently, very special circumstances do not exist.

34. In summary, proposal conflicts with HCS policy CS13 and HSADM policy SADM 26 in respect of the Green Belt. Additionally, the proposal would conflict with HCP policy CS22 and HSADM policies SADM3, SADM11 and SADM30. Under the Framework, the proposal would conflict with policy under Section 9 on the Green Belt.

3.14 15/01542/FUL (Appeal B) - The appeal Inspector concluded as follows:

35. The access and associated works would not be inappropriate development. The highway and transport impacts of the development would be acceptable in compliance with WDP policy T21 and the guidance of MfS [Manual for Streets] and RiH [Roads in Hertfordshire]. However, the acceptability of this proposal is directly linked to that under Appeal A because the access justification derives from the nature of the development on the larger site. For this reason, Appeal B fails.

4.0 Planning policies

Development plan

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

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

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

4.3 Watford Local Plan Core Strategy 2006-31

- WBC1 Presumption in favour of sustainable development
- SS1 Spatial Strategy
- T2 Location of New Development
- T3 Improving Accessibility
- T4 Transport Assessments
- INF1 Infrastructure Delivery and Planning Obligations
- UD1 Delivering High Quality Design

4.4 Watford District Plan 2000

- T21 Access and Servicing

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

No relevant policies.

4.6 Hertfordshire Minerals Local Plan Review 2002-2016

No relevant policies.

4.7 Supplementary Planning Documents

None relevant.

4.8 National Planning Policy Framework

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

Achieving sustainable development

The presumption in favour of sustainable development

Core planning principles

Section 4 Promoting sustainable transport

Decision taking

4.9 In January 2016 the Council received the South West Hertfordshire Strategic Housing Market Assessment and associated Economic Study 2016 (SHMA) which set out an Objectively Assessed Need (OAN) for housing in the Borough that exceeds the levels in the Core Strategy. At current the Council's allocations do not provide a five year supply of deliverable housing land based on the OAN contained within the SHMA. The SHMA forms only part of the evidence based for the next iteration of the local plan and further work is being undertaken in relation to capacity assessment and allocations, however it is a material consideration which needs to be taken into account.

4.10 Having regard to the SHMA the most recent evidence suggests that policies relating to targets for the delivery of housing within the Watford Local Plan Core Strategy 2006-31 are out of date. Accordingly, applications for housing should be considered against the second test for decision taking in paragraph 14 of the NPPF applications for housing should be granted permission unless any adverse consequences of doing so would demonstrably and significantly outweigh the benefits when assessed against the policies of the Framework.

5.0 CONSULTATIONS

5.1 Neighbour consultations

All properties in Bucks Avenue, Sherwoods Road, Wilcot Avenue, Wilcot Close, Talbot Avenue, Elm Avenue and Lowson Grove were notified, together with all properties from which a representation was received on the previous application.

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

Number of original notifications: 242

Number of objections:	59
Number in support:	27
Number of representations:	88

Of the 59 letters of objection, 47 were from the immediate area and 12 from elsewhere in Watford. For the 27 letters of support, 7 were from Watford and 20 from outside Watford.

5.3 The comments made in the representations received are wide ranging and many relate to the development within Hertsmere Borough, which are not relevant considerations in respect of the application being considered. These were considered by Hertsmere Council in the determination of their application.

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

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

5.5 The letters of support are all standard letters and raise 18 points in support of the application. Only 3 relate directly to the access junction:

- Would not cause any highway safety issues for vehicles or pedestrians.
- Would not result in a noticeable increase in vehicle movements.
- Would result in an improved point of access to/from the site.

5.6 **Statutory publicity**

The application was publicised by site notice posted on 19th December 2016 and by advertisement in the Watford Observer published on 23rd December 2016. The notice period for both expired on 13th January 2017.

5.7 Technical consultations

The following responses have been received from technical consultees:

5.7.1 Hertfordshire County Council (Highway Authority)

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

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

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

2. Prior to the commencement of the use hereby permitted the vehicular access shall be upgraded as indicated on drawing number 4933/001 revision A. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway. In addition the drainage system on the adjoining public highway will be adjusted so as to continue to operate to the satisfaction of the highway authority.

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

The views of the Highway Authority have been sought on an application by Clovercourt Fusion to build 5 flats and 22 houses on the site of Bucks Meadow Riding School at 37 Bucks Avenue, Oxhey. Application with Watford ref 16/01621/FUL is matched by 16/2272/FUL in Hertsmere.

The same developer made a similar pair of applications in November 2015 to build 16 flats and 18 houses on the site. The most significant change made to the scheme since then is the reduction in accommodation to be provided from 34 to 27 units in total. *[subsequently reduced to 24 dwellings]*

The application is supported by a 224-page Transport Statement (TS). An assessment report of this scale would not normally be required for development of less than 50 dwellings (HCC highway design guide: Roads in Hertfordshire section 1 chapter 7) but was requested following pre-application discussions with the highway authority. This submission meets the requirements of the County Council and the recently archived Government guidance on such reports.

Site description:

The site is located to the east of the intersection of Bucks Avenue and Sherwoods Road, Oxhey and comprises number 37 Bucks Avenue and the Bucks Meadow Stables and Riding School. The majority of the site lies in the borough of Hertsmere. The connecting road network and the first 15 metres or so of the site access lie in Watford.

Local road network:

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

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

Pinner Road is a Main Distributor and links Oxhey and Watford with Harrow. It is subject to a 30 mph speed limit which extends from approximately 340m to the south of Sherwoods Road. This is enforced by safety cameras close to both junctions. The A4008 is a busy link, particularly in the commuter rush ('peak') hours. HCC fixed traffic count site number 252 just north of Greenfield Avenue,

Carpenders Park indicate Annual Average Weekday flow of 16,448 vehicles in 2010. This is likely to have risen given the trends evident from the HCC Traffic and Transport data report.

Policy context:

Relevant transport and planning policy is discussed in TS section 4.0 in relation to Hertfordshire, Watford and Hertsmere as well as national policy. Pure policy implications and are discussed in section 2 of the Planning, Design & Access Statement.

Analysis:

Trip generation and distribution:

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

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

Baseline flows were established from traffic counts taken on 5 February 2015. These were taken over 2 hour periods (07:30 - 09:30 and 16:30 - 18:30) in order to identify the busiest ('peak') hours. These were found to be 07:30 - 08:30 and 17:15 - 18:15 and the flows during those periods are illustrated in figures 2 (morning) and 3 (evening) in the TS. These demonstrate the busy nature of Pinner Road with total two-way flows south of Sherwoods Roads of 1,737 in the morning and 1,541 in the evening. Corresponding figures north of Bucks Avenue were 1,264 and 1,220. The spatial reductions are explained by some traffic choosing to bypass the northern section by taking Watford Heath and the lower overall figures in the evening by the typically wider spread of this peak.

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

Likely trip generation arising from the proposed development is covered in TS section 6. This was derived from a sample of 30 of the over 7,000 sites from industry-standard TRICS (Trip Rate Information Computer System) database. This methodology is acceptable to the highway authority particularly as no discount for the 5 flats proposed has been applied. These would normally generate lower numbers of trips and the overall assessment can therefore be considered to be a worst case.

Applying trip rates so derived to a scheme of 27 residential units gives peak hour and daytime arrival and departure flows as set out in paragraph 6.4 which I repeat for information:

	arrivals	departures	total
Morning peak (8-9)	4	10	14
Evening peak (5-6)	9	5	14
Daily (7-7)	62	65	127

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

Impact on highway network:

The future impact of the proposed scheme has been assessed for a 'design year' of 2021 and traffic growth predicted using the industry-standard TEMPro (Trip End Model Presentation Program) software. This approach was deemed acceptable to the Highway Authority at preapplication stage and the results provided in the TS appear to be appropriate.

Key to an understanding of the likely future impact of the redevelopment of the stables is the picture of traffic likely to be generated and its flows at the local junctions as illustrated in figures 9 (morning) and 10 (evening peak). The highest figure is the 7 vehicles turning right out of Bucks Avenue in the morning. This equates to an average of one every 8.6 minutes and should be compared with the flows of 62 vehicles already making that manoeuvre and the 611 they would join. In the evening the greatest flow is 4 entering Bucks Avenue from the north (Watford) direction or an average of one every 15 minutes. This number should be seen in the context of the 32 already turning in and the 697 they were part of.

Highway layout:

Site access:

The first 2 responses to question 6 in the application form states that there would be new or altered pedestrian and vehicular access to the site. It would take the form of a 'gateway' feature at the location of the existing entrance to the stables and riding school and is shown on Bellamy Roberts drawing 4933/001A.

The principle of this kind of entrance was agreed by the Highway Authority during preapplication discussions. Factors taken into account in agreeing that this form of entrance could function safely are that:

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

Circumstances in the vicinity of the site access have changed since the previous application. The owner of the property immediately to the north of the site entrance, 35 Bucks Avenue, has relocated their driveway and verge crossover about 3m southwards to abut the boundary line of their property and the application site. The design of the proposed site entrance has been changed to make it possible for it to operate safely in close proximity to the driveways to 35 Bucks Avenue and 1 Sherwoods Road. This is described in the Bellamy Roberts document Highway Assessment a copy of which is provided in appendix 7 of the Transport Statement. I support the view that the proposed site access to number 37 could operate safely in the presence of the relocated drive to number 35, particularly given that the proposed development is smaller than that proposed in the previous application and would generate lower numbers of trips.

Information has been provided to demonstrate that the new site access could accommodate larger vehicles likely to use the site. This information is provided in the form of computer-generated swept paths on Bellamy Roberts drawings 4933/201 A (Transit van), 4933/202 A (11.2m refuse vehicle), 4933/203 A (10m rigid truck), 4933/204 A (large car), 4933/205 (Transit van), 4933/206 (11.2m refuse vehicle), 4933/207 (10m rigid truck) and 4933/208 (large car). These demonstrate to my satisfaction that this access could function without creating a severe impact on the free and safe operation of the public highway.

Internal site roads:

The 3rd response to question 6 in the application form states that there would be new public roads within to the site. Whilst it is recommended that all roads and parking areas in the site are built to adoptable standards from the point of view of longevity the Highway Authority is unlikely to agree to adopt the roads within the site because of their low public utility. I would therefore suggest that alternative arrangements are made for their maintenance should the scheme gain planning permission and be implemented.

The 4th response to question 6 in the application form states that there would be no new public rights of way within to the site and the 5th that no rights of way would need to be diverted, extinguished or created.

Parking:

The response to question 10 in the application form states that there are currently 20 car spaces on the site and that 68 would be provided in the proposed development. It is proposed to provide 52 cycle parking spaces.

Parking is covered in TS paragraphs 3.9 - 3.11 in relation to Hertsmere Borough parking standards since the site itself lies in that borough. Hertsmere is the agent parking authority and is therefore responsible for setting standards and arranging enforcement on their roads. Unusually the roads linked to this site are in the adjoining borough of Watford. The proposed levels of provision for cars and cycles are in line with HBC standards. I am therefore content that the provision proposed is unlikely to cause there to be overspill parking to an extent that would create a severe impact on the free and safe flow of traffic on the adjoining public highway.

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

Accessibility:

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

Improvements to local bus stops on Pinner Road would encourage greater use of non-car modes by residents of and visitors to the development. These would be

funded via the Community Infrastructure Levy (CIL).

6.0 APPRAISAL

6.1 Main issues

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

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

6.2 In respect of both issues, the comments of the appeal Inspector are material considerations that will need to be given significant weight. It is also important to note that the County Council as the Highway Authority has no objection to the proposed access junction in respect of highway safety matters.

6.3 The Inspector has dealt with these issues and other related highways issues as a single consideration under 'Highways' in his decision letter. For completeness, the Inspectors comments on highways are quoted in full in paragraph 6.6 below.

6.4 The existing access serving the riding school is sited on the outside corner of the right-angled bend where Bucks Avenue joins Sherwoods Road. It has no bell-mouth, restricted visibility and no footpaths, acting as a shared surface for vehicles and pedestrians. Its width is also limited by gates and a grassed verge. The application proposes modifications to improve this access including siting the kerblines further into the carriageway whilst still maintaining a consistent carriageway width, improving visibility, providing a pedestrian footpath on the southern side of the access and providing a ramped access to slow vehicle speeds. Due to the restrictions on the width of the access imposed by the boundaries of 1, Sherwoods Road and 35, Bucks Avenue adjoining the site, the access has been designed as a chicane to allow only one vehicle through at a time. A give way sign and markings on the exit from the site gives priority to vehicles entering the site.

6.5 Since the original application was submitted in October 2015, the access arrangements to 35, Bucks Avenue have been altered, with one of the crossovers to the property being relocated 3.2m closer to the junction. The proposed junction has been modified to accommodate this change by moving the raised surface further back into the site by 2.4m. It is this junction arrangement that has been considered by the Highway Authority and the appeal Inspector.

6.6 The comments of the Inspector on the highways issues are detailed below:

14. The existing access lies directly between two properties 1 Sherwoods Road

and 35 Bucks Avenue on a right angle bend where these two roads meet. The access into the site is shared with no clear demarcation between pedestrians and vehicles. There are two neighbouring properties with private accesses close to the revised access for the development.

- 15. The widths of the carriageway and footways within the 'raised gateway feature' would be less than that recommended in the Manual for Streets (MfS) and Roads in Hertfordshire (RiH). However, the MfS and RiH promote solutions to highway design rather than applying prescriptive requirements. In this regard, the 'gateway access feature' would slow down vehicles entering and leaving the site by reason of a raised platform with ramps, the narrow carriageway width and surface material construction contrasting with the main highway. Additionally the existing 'Give Way' highway position of the access would be repositioned out into the existing highway by reason of kerb build-outs. This would improve the visibility for drivers coming in and out of the site and adjacent properties because the distance between the site boundary and the highway would increase. There would also be demarcation between the footways and carriageway with the 'raised gateway feature'.*
- 16. In terms of vehicle movements, the Appellant's Transport Planning Statement (TPS) indicates that Bucks Avenue/Sherwoods Road is lightly trafficked based on traffic counts taken. I do not disagree with this given that both roads mainly serve residential properties.*
- 17. Nevertheless, it has been indicated that the future vehicle movements as detailed in a Trip Rate Information Computer System (TRICS) analysis within the TPS should be higher. Finding a TRICS analysis wholly representative of any particular proposal is difficult. Inevitably the empirical data informing the analysis will not relate to an exactly similar proposal and site. However, the TRICS analysis makes no downward adjustment for the proposed flats within the development or for the traffic movements generated by the equestrian use of the site. Therefore, even taking account of the criticism of the TRICS analysis by the Council and third parties, the projected vehicle movements would not be likely to be greater than indicated. In the absence of any contrary analysis, it represents the best available evidence before me. Given that Sherwoods Road/Bucks Avenue is lightly trafficked, the impact of the additional vehicle movements even as projected would not be significant for these reasons.*
- 18. The swept path analysis shows larger vehicles, such as refuse vehicles and fire engine appliances, crossing over the centre line of Bucks Avenue/Sherwoods Road in accessing/exiting the site. However, the highway*

is lightly trafficked and the highway authority has also confirmed that the forward visibility of vehicles on the highway exceeds required standards. Furthermore, the right hand bend configuration of Bucks Avenue and Sherwoods Road would ensure the slowing down of vehicles on the highway which is in any case a 30 mph zone. Turning to the 'raised gateway feature', even if wheels or bodies of the larger vehicles passed over kerblines onto footways, the narrowness and raised nature of the carriageway and material construction would significantly reduce traffic speeds. For this reason, pedestrians would be able to safely avoid the vehicles if such an eventuality occurred. Furthermore, these larger vehicles accessing the site would be infrequent compared to cars given the residential nature of the development.

- 19. Turning to third party representations, Sherwoods Road and Bucks Avenue have junctions with a principle distributor road, the A4008 Pinner Road, which carries heavy volumes of traffic. For the reasons previously indicated, the projected traffic movements from this development have been found to be acceptable. Based on these traffic movements, the Appellant's TPS has further indicated that for the morning peak the worst scenario is one additional traffic movement every 6.66 minutes for access out of Bucks Avenue. For the evening peak, the worst scenario is one additional traffic movement every 12 minutes for access into Bucks Avenue from north. Such an analysis, involving survey work, is robust being based on accepted practice and professional judgement. Additionally, the highway authority has confirmed these junctions meet relevant highway standards. On this basis, I find the additional vehicle movements projected at these junctions to be realistic and not significant and for all these reasons, there would not be severe transport impacts on the wider highway network.*
- 20. The proposed car parking for residents and visitors to the properties would comply with the Hertsmere Council Parking Standards Supplementary Planning Document 2014. Concerns have been expressed about the parking on the Bucks Avenue in order to gain access to the public land beyond the housing. Nevertheless, there will be other streets to park and routes to access the land. Consequently, any additional demand for car parking would not lead to significant overspill of parking on streets. The new access could result in changes to the lighting of the highway but these details could be resolved between the Appellant and the highway authority in any agreement if the scheme was to proceed.*
- 21. For all these reasons, there would not be a significant risk to the safety of highway users, including drivers accessing neighbouring properties and pedestrians using the footways/shared surfaces into and out of the site.*

There has been only one recorded vehicle accident in the area in the last three years up to end of August 2015 which the highway authority considered was not due to highway deficiencies. Therefore, the transport impacts of the development would not be severe. Accordingly, the proposal would comply with policy T21 of the Watford District Plan 2000, which amongst other matters, requires adequate provision to be made for access/egress and servicing arrangements to meet necessary safety and capacity requirements. The proposal would also comply with the guidance of the MfS and RiH for the reasons indicated.

6.7 The Inspector concluded on the highways issue as follows:

35. *The access and associated works would not be inappropriate development. The highway and transport impacts of the development would be acceptable in compliance with WDP policy T21 and the guidance of MfS and RiH. However, the acceptability of this proposal is directly linked to that under Appeal A because the access justification derives from the nature of the development on the larger site. For this reason, Appeal B fails.*

6.8 It is important to note that the appeal Inspector had before him and considered in reaching his decision all of the transport assessments, transport statements, road safety audits and additional highways information submitted by the appellant, the Highway Authority, OVEG and local residents in respect of the appeal application. He also undertook a site visit to view the existing access arrangements and the site. It is clear from his comments that he considered the proposed access design to be acceptable, having regard to the alterations already made to the crossover at 35, Bucks Avenue. It is also clear that the only reason for refusal was because he had linked the application for the new access to the application for the development of the 34 dwellings in the Green Belt.

6.9 With regard to this latter point, the refusal of the appeal relating to the access could be challenged as there is no reason why the access could not be improved in this way to serve the existing riding school, irrespective of any future development of the land. Nevertheless, as is detailed at paragraph 3.11 of this report, Hertsmere Borough Council resolved on 16th March 2017 to grant planning permission for the proposed development of 24 dwellings on the site. As such, the Inspector's sole reason for refusing the appeal, that he had refused the appeal for the development of the main site, falls away. There is, therefore, now no reason to withhold the grant of planning permission for the current application.

7.0 COMMUNITY INFRASTRUCTURE LEVY AND PLANNING OBLIGATION

7.1 Community Infrastructure Levy (CIL)

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

Liability to CIL does not arise in the case of a development where the increase in gross internal area is less than 100sqm, unless the development comprises one or more dwellings. Accordingly, no liability to CIL arises in the case of the development proposed in this application.

7.2 S.106 planning obligation

From 1 April 2015, s.106 planning obligations can only be used to secure affordable housing provision and other site specific requirements, such as the removal of entitlement to parking permits in Controlled Parking Zones and the provision of fire hydrants. There is no requirement for a planning obligation in this case.

8.0 CONCLUSION

8.1 The majority of the application site, including the proposed 24 dwellings comprising the development, is sited within Hertsmere Borough. The only part of the development falling within Watford Borough, and therefore within the jurisdiction of this committee, relates to the modified access junction and the first section of the access road before it becomes a shared surface.

8.2 In the consideration of the previous application, the design of the access was the subject of two road safety audits, one by the County Council and one by a consultant appointed by OVEG. The County Council were satisfied that the modified access junction was safe and adequate to serve the proposed development of 34 dwellings.

8.3 The appeal Inspector considered all of the transport and highways information, including the road safety audits, submitted with the previous application. He concluded unequivocally that the highway and transport impacts of the development, based on a development of 34 dwellings, would be acceptable.

8.4 The current proposal is for a development of 24 dwellings. Hertsmere Borough Council considers this proposal to be acceptable and has resolved to grant planning

permission. The application for the modified access should therefore be granted planning permission.

9.0 HUMAN RIGHTS IMPLICATIONS

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

10.0 RECOMMENDATION

That planning permission be granted subject to the following conditions:

Conditions

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

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

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

16-P1329-LP
16-P1329-01C, 11C, 16C
4933/001A

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

3. No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has

been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).

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

4. No occupation of any dwelling forming part of the development shall be occupied until the existing vehicular access on Bucks Avenue has been upgraded as indicated on drawing number 4933/001A. This shall include provision for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway, together with any necessary adjustments to the drainage system on the adjoining public highway.

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

Drawing numbers

16-P1329-LP

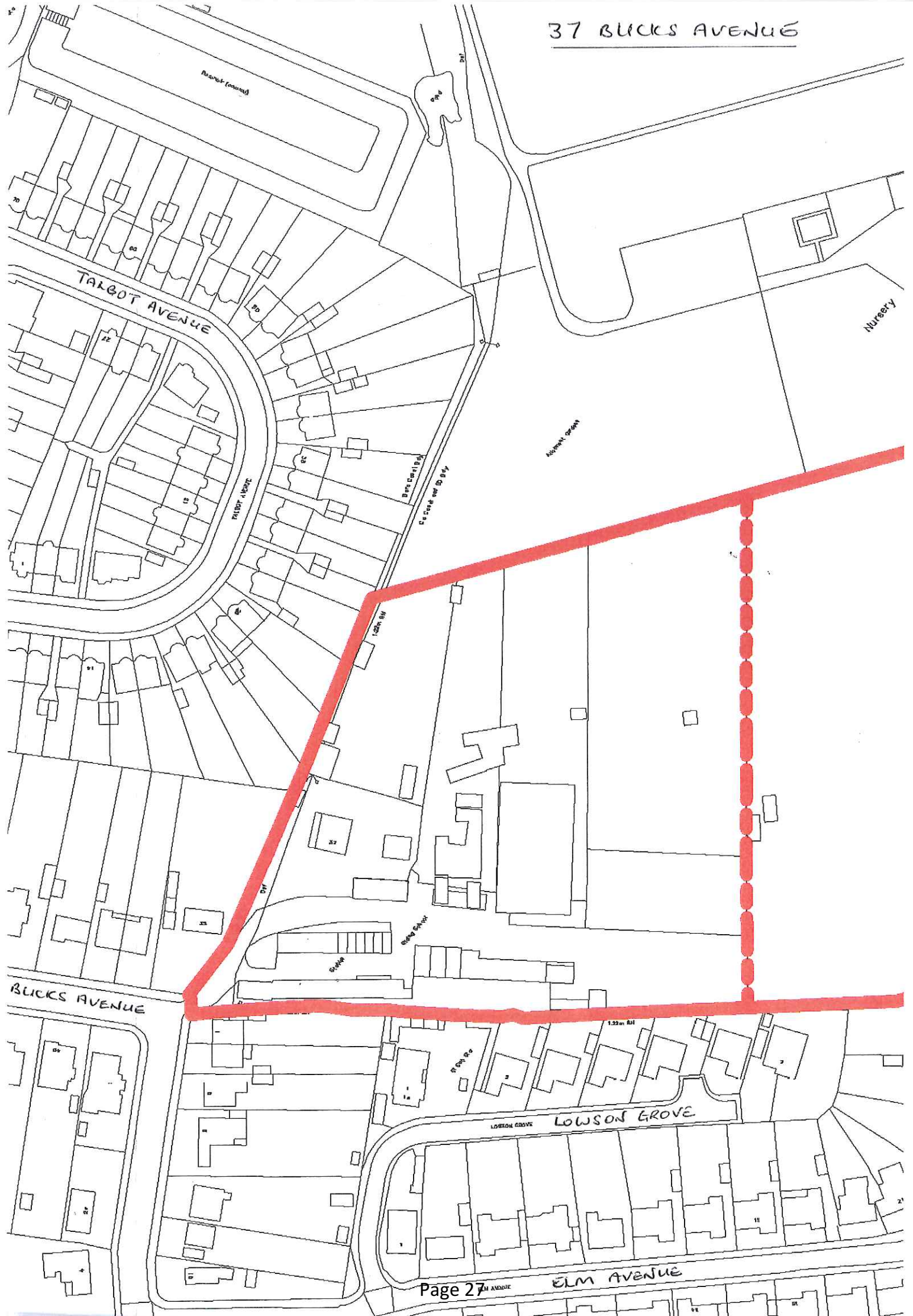
16-P1329-01C, 11C, 16C

4933/001A

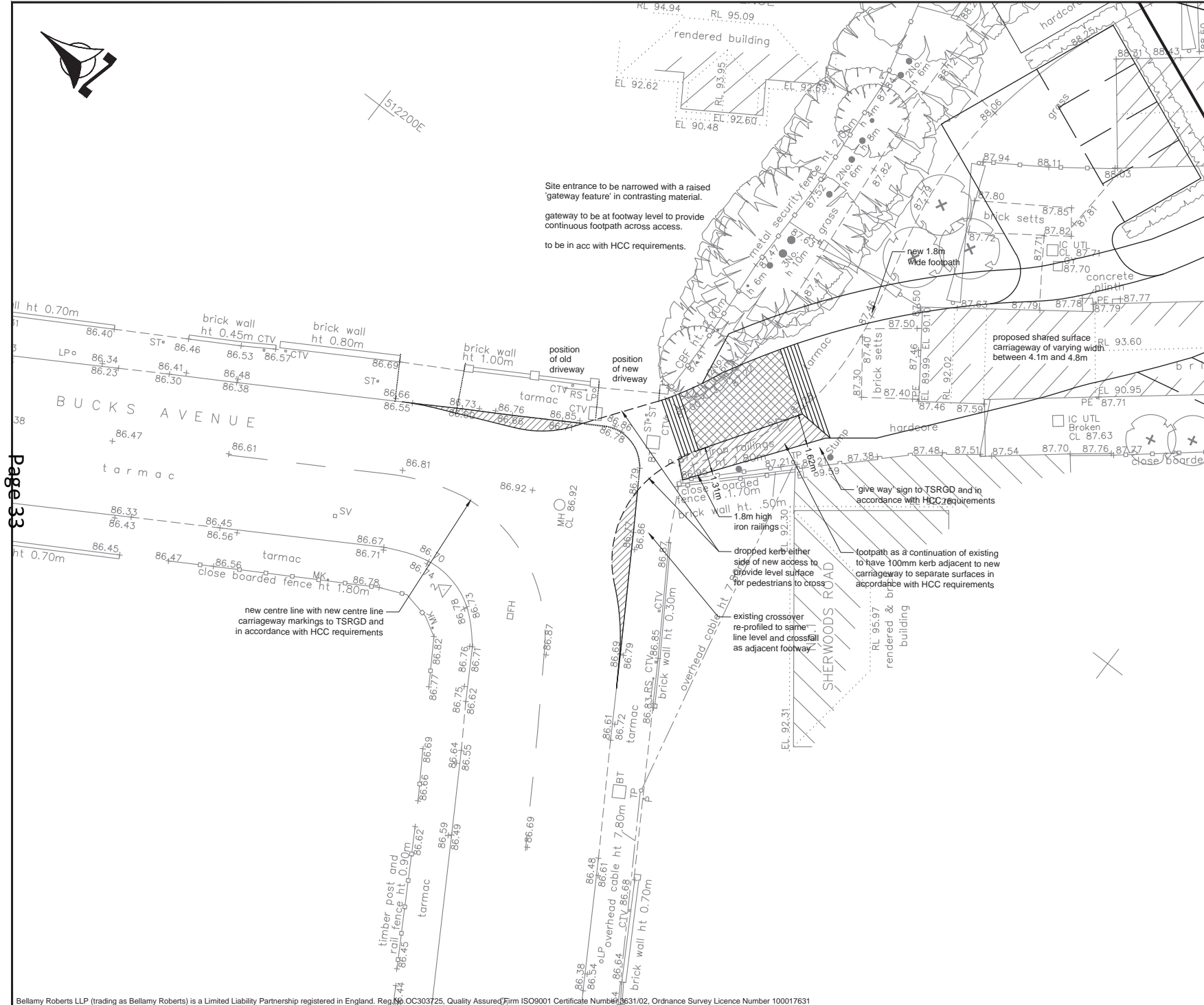
Case Officer: **Paul Baxter**

Email: **paul.baxter@watford.gov.uk**

Tel: **01923 278284**







Notes


Gateway Feature

Site entrance to be narrowed with a raised 'gateway feature' in contrasting material allowing for 1.8m wide footpath to one side as a continuation of the one in Bucks Avenue/Sherwoods Road, appropriately signed and marked, details to be agreed with Hertfordshire Highways.

In accordance with Local Transport Note 1/07 the raised area is to be at least 5m in length and provided with a 'build out' to narrow the carriageway at the gateway. This to provide for a level platform between the two footpaths to allow pedestrians to negotiate the junction.

The entry treatment will let drivers know that they are entering a residential road identifying the gateway at the boundary of a 20mph zone or Home Zone.

Carriageway to have 6.0m radii and the existing kerb line of Bucks Avenue/Sherwoods Road to be re-aligned in order to provide for a more conventional bend.

A	Access Layout Updated	ARM	ITR
REVISION	AMENDMENT	DRN	DATE
		CLIENT Fusion Residential	
		PROJECT 35 Bucks Avenue, Watford	
		TITLE Proposed Access Layout	
DRAWN BY ARM		DESIGN BY -	CHK BY ITR
DATE 25/10/16		REV No.	
SCALE 1:200 @ A3		DRAWING No. 4933 / 001	
		A	



PART A	
Report of: Head of Development Management	
Date of committee:	19th April 2017
Site address:	Land at Buttermere Place, Linden Lea
Reference Number:	17/00240/FUL
Description of Development:	Demolition of garage court, incorporation of garden space at 111-121, Linden Lea into application site and erection of a 2 storey block of 6 flats and car parking.
Applicant:	Fodbury Properties Limited
Date Received:	28th February 2017
18 week date (minor):	25th April 2017
Ward:	Woodside

1.0 Site and surroundings

- 1.1 The site is located off Linden Lea and is served by a short, private access road located between Buttermere Place and 123, Linden Lea. It comprises a garage court of 17 disused lock-up garages, an area of the amenity space serving the adjoining flats at 111-121, Buttermere Place and the private access road. The garage court is currently hoarded off and unused. The private access road is in the ownership of the applicant.
- 1.2 The flats at Buttermere Place are 3 storey with flat roofs and are also in the freehold ownership of the applicant. The closest block (nos. 111-121) faces the garage court across a landscaped amenity area. To the west adjoining the site, and served by the same access road, is a further row of lock-up garages, which remain in use (some in the ownership of the applicant). These are sited to the rear of 3 storey houses fronting Linden Lea. Immediately to the south is Haines Way although there is no direct access to the site from this road.
- 1.3 With the exception of the blocks of flats at Buttermere Place and the 3 storey houses fronting Linden Lea, the surrounding area is characterised by terraces of 2 storey houses.

2.0 Proposed development

- 2.1 To demolish the existing lock-up garages and erect a single, 2 storey block of 6 flats, served off the access road. The building has a traditional design with pitched, gabled roof. The main materials are multi-red facing bricks, painted render and grey concrete roof tiles. The 6 flats proposed comprise 2 x 1 bedroom, 2 x 2 bedroom and 2 x 3 bedroom. In front of the building is a parking area for 11 cars with a bin store and cycle store.

3.0 Relevant planning history

- 3.1 There is no planning history of relevance to the current application.

4.0 Planning policies

Development plan

- 4.1 In accordance with s.38 of the Planning and Compulsory Purchase Act 2004, the Development Plan for Watford comprises:
- (a) *Watford Local Plan Core Strategy 2006-31*;
 - (b) the continuing “saved” policies of the *Watford District Plan 2000*;
 - (c) the *Hertfordshire Waste Core Strategy and Development Management Policies Document 2011-2026*; and
 - (d) the *Hertfordshire Minerals Local Plan Review 2002-2016*.
- 4.2 The *Watford Local Plan Core Strategy 2006-31* was adopted in January 2013. The *Core Strategy* policies, together with the “saved policies” of the *Watford District Plan 2000* (adopted December 2003), constitute the “development plan” policies which, together with any relevant policies from the County Council’s *Waste Core Strategy* and the *Minerals Local Plan*, must be afforded considerable weight in decision making on planning applications. The following policies are relevant to this application.
- 4.3 **Watford Local Plan Core Strategy 2006-31**
- | | |
|------|--|
| WBC1 | Presumption in favour of sustainable development |
| SS1 | Spatial Strategy |
| SD4 | Waste |
| HS1 | Housing Supply and Residential Site Selection |
| HS2 | Housing Mix |
| HS3 | Affordable Housing |
| T2 | Location of New Development |

- INF1 Infrastructure Delivery and Planning Obligations
- UD1 Delivering High Quality Design

4.4 **Watford District Plan 2000**

- SE7 Waste Storage, Recovery and Recycling in New Development
- SE36 Replacement Trees and Hedgerows
- SE37 Protection of Trees, Woodlands and Hedgerows
- SE39 Tree and Hedgerow Provision in New Development
- T10 Cycle Parking Standards
- T21 Access and Servicing
- T22 Car Parking Standards
- T24 Residential Development

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

No relevant policies.

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

No relevant policies.

4.7 **Supplementary Planning Documents**

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

4.8 *Residential Design Guide*

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

4.9 *Watford Character of Area Study*

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

4.10 **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 6 Delivering a wide choice of high quality homes

Section 7 Requiring good design

Decision taking

- 4.11 In January 2016 the Council received the South West Hertfordshire Strategic Housing Market Assessment and associated Economic Study 2016 (SHMA) which set out an Objectively Assessed Need (OAN) for housing in the Borough that exceeds the levels in the Core Strategy. At current the Council's allocations do not provide a five year supply of deliverable housing land based on the OAN contained within the SHMA. The SHMA forms only part of the evidence based for the next iteration of the local plan and further work is being undertaken in relation to capacity assessment and allocations, however it is a material consideration which needs to be taken into account.
- 4.12 Having regard to the SHMA the most recent evidence suggests that policies relating to targets for the delivery of housing within the Watford Local Plan Core Strategy 2006-31 are out of date. Accordingly, applications for housing should be considered against the second test for decision taking in paragraph 14 of the NPPF applications for housing should be granted permission unless any adverse consequences of doing so would demonstrably and significantly outweigh the benefits when assessed against the policies of the Framework.

5.0 Consultations

5.1 Neighbour consultations

Letters were sent to 14 properties in Buttermere Place, Linden Lea and Haines Way.

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

Number of original notifications:	14
Number of objections:	7
Number in support:	1

Number of representations: 0
TOTAL REPRESENTATIONS: 8

- 5.2 The points of objection that have been raised are summarised and considered in the table below.

Representations	Officer's response
Linden Lea and private access road already heavily parked during evenings. Insufficient parking for existing flats and houses.	Parking on the private access road appears to be partly within demarcated bays and partly opportunistic. There will be a loss of some informal, opportunistic parking as part of the proposal. Any rights for residents of Buttermere Place to park on this private road are a private matter between the leaseholders and the freeholder (applicant). The applicant has confirmed that the flats have no allocated parking they are entitled to use on the access road. As long as sufficient parking is provided for the new development, the existing parking situation on Linden Lea would not be worsened.
Loss of part of amenity space for existing flats.	The incorporation of part of the communal amenity space into the application site is a private matter between the leaseholders and the freeholder (applicant). The applicant has confirmed that the flats have a right to use the amenity space but that this can be altered with 3 months' notice.
The private access road leads to other garages and could be blocked by construction vehicles.	This is a private matter. If third parties have a right of access over the private road it will be the freeholder's responsibility to ensure access is maintained at all times.
Existing access road is insufficient to serve the development.	The access road has a minimum width of 4.5m which exceeds the minimum width of 4.1m necessary to allow 2 cars to pass safely. Larger service and delivery vehicles will visit the site only very occasionally.
Loss of trees and shrubs.	None of these are protected and could be removed at any time by the freeholder without notice.
Overlooking and loss of privacy to flats in Buttermere.	This is considered in the report. No loss of privacy will occur to the existing flats.

One letter of support has been received stating that the proposal will greatly improve the aesthetics of Buttermere Place with the development of this unsightly site. The removal of the derelict garages would also improve the security of the area and provide much needed housing.

5.3 **Statutory publicity**

No statutory advertisement was required for this application.

5.4 **Technical consultations**

The following responses have been received from technical consultees:

Hertfordshire County Council (Highway Authority)

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

Site and surrounding:

The site accommodates two rows of garages and incorporates amenity space serving 111 to 121 Linden Lea. The proposal is to erect two storey flats containing 2 x 3 bed, 2 x 2 bed and 2 x 1 bed flats with 11 car parking spaces, one disabled bay and 8 cycle parking area. Linden Lea is an unclassified local access road some 309 m in length serving predominantly flats and semi-detached properties. Some of the properties are with on-site parking provision, but there is on-street parking all along Linden Lea on one side.

Accessibility:

The application is within residential neighbourhood and within walking distance to Leavesden High Road which provided access to daily facilities and regular bus service in to Watford Town

Access and parking:

The site access is via the existing access to the site serving the garages to the rear of the properties of Linden Lea. The planning application indicates that there will be no alteration to access arrangement, but parking will be provided with 11 spaces, plus 1 disabled parking and 8 cycle parking. The proposal is to replace existing garages, in terms of traffic the proposed development would not result in a material increase in traffic on the local road network.

Arboricultural Officer

The proposals indicate the loss of six trees consisting of ash, cypress and elder together with understorey shrubs. These currently screen the existing garages from

the flats and their loss will have an impact locally but not in the wider environment. Some replacement tree planting is indicated, however due to the proximity of the existing flats to the new properties only small growing species would be suitable to avoid shading and loss of light to the existing flats.

There are also offsite trees located adjacent to Haines Way which have been reduced and whilst the building is not likely to affect them they will overhang and cast shadow on to the rear of the end properties which could significantly reduce the useable garden area.

Should permission be granted a detailed landscaping scheme should be submitted and approved prior to work commencing on site.

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) Scale and design.
- (c) Quality of residential accommodation.
- (d) Impact on surrounding properties.
- (e) Access and servicing.
- (f) Car and cycle parking.

6.2 (a) Principle of development

The site is located within an established residential area and is close to local shopping facilities located on Haines Way (250m walk). Bus services run along High Road and Haines Way with bus stops within 400m of the site, including the 10 service which serves Watford Junction, the town centre and Watford General Hospital. The majority of the site comprises disused garages which are unsightly and currently serve no purpose. In photographs of the garages they appear to be in poor condition. As a redundant, brownfield site, the principle of residential development of this site is in accordance with Policy HS1 of the Core Strategy and is acceptable.

- 6.2.1 The proposal provides a mix of 1, 2 and 3 bedroom units with both the 3 bedroom units and 1 of the 2 bedroom units having private garden areas. This mix accords with Policy HS2 of the Core Strategy and is acceptable.

6.3 (b) Scale and design

The immediate locality of the site has a varied building typology including 2 storey

terraced houses with gabled roofs on Haines Way; 3 storey blocks of flats with flat roofs at Buttermere Place; 3 storey terraced houses with flat roofs at Linden Lea; and 2 storey terraced and semi-detached houses at Linden Lea. Given the proximity of the site to the 2 storey houses on Haines Way and the 'backland' location of the site in relation to Linden Lea, it was agreed at pre-application stage that the appropriate response for this site was a 2 storey building with pitched roof.

6.3.1 The design is traditional and simple with a symmetrical front elevation. The main elevations are to be finished in red multi brick and painted render with grey concrete profile roof tiles. There is no objection in principle to these materials, which reflect those seen in the surrounding area, subject to seeing samples.

6.3.2 The scale, design and appearance of the proposed building will sit comfortably alongside the existing buildings and will not appear unduly prominent within the streetscene of Haines Way.

6.4 (c) Quality of residential accommodation

All of the proposed flats meet or exceed the nationally described space standard for new residential development. The building will be orientated north-south and all of the flats will be dual aspect, facing east and west. All of the flats will have good levels of outlook, natural light and privacy. All living/kitchen rooms face east and overlook the car parking area and access.

6.4.1 The ground floor flats will each have private garden areas of 45m² for the 2 bedroom flat and 73m² and 79m² respectively for the 3 bedroom flats. These are considered acceptable as the minimum requirements set out in the Residential Design Guide are 50m² for 1 and 2 bedroom units and 65m² for 3 bedroom units. The 3 upper floor flats will have no access to private amenity space, which is regrettable. Sufficient communal amenity space (a minimum area of 65m²) could be provided for these flats by reducing the car parking provision (say to 6 or 7 spaces, providing 1 space per flat) but, on balance, it is considered that given the existing parking congestion in the locality, the provision of car parking is preferable in this case (see paragraph 6.7 below).

6.5 (d) Impact on surrounding properties

The proposed block of flats adjoins existing residential properties on 3 sides. To the north is the 3 storey block of flats at 111-121, Buttermere Place. To the east is a terrace of houses fronting Haines Way with the closest house to the site being no.130. The flank elevation of this house is separated from the site by a public footpath and a significant boundary hedge which runs alongside the footpath and the rear boundary of the application site. To the south-west is another terrace of houses fronting Haines Way (nos. 132-144) with no. 132 closest to the site. The rear

garden of this house adjoins the southern boundary of the application site.

6.5.1 *i) 111-121, Buttermere Place*

The application site incorporates part of the communal amenity area sited in front of this block. At present, this area varies in depth from 15m to 22.5m from the front of the block to the rear of the existing garage court. The boundary with the garage court is marked by some significant trees and shrubs which screen the garage court from view, although none are protected. The application site incorporates part of this amenity area (approximately 260m²). This will involve the loss of the existing trees and shrubs and a reduction in the depth of this area to 9.5-11.5m.

6.5.2 The existing block comprises 6 flats (odd numbers only) which, under the Residential Design Guide, would require a minimum communal amenity area of 110m². Although the loss of 260m² of the existing amenity space is significant, nevertheless, an area of 450m² to the front and side of the block will remain. This is still a significant area and is acceptable.

6.5.3 The view from the habitable room windows in the front elevation of the block will change significantly, with the loss of the trees and the siting of the proposed new building. However, the loss of view is not the same as a loss of outlook. No-one is entitled to a view over another person's land. Outlook is related more to visual dominance, sense of undue enclosure and overbearing impact. The flank elevation of the proposed building will be sited 15m from the front elevation of the existing block, although only the flats in the eastern part of the block (nos. 111, 115 and 119) will directly face the new building. The western 3 flats will overlook the parking area. The 2 storey flank elevation measures 8.5m deep with a height to eaves level of 5.5m and a ridge height of 8.5m. This is a very similar scale to the surrounding 2 storey houses. Existing rear to flank relationships in the surrounding houses vary between 12-20m. Given the distance between the flank elevation of the proposed building and the existing block of flats, it is not considered that the proposal will have any significant adverse impact on the outlook from these flats.

6.5.4 In respect of privacy, the flank elevation of the proposed building will contain no windows and, therefore, will not give rise to any loss of privacy. The scale and siting of the proposed building will also ensure the building will have no adverse impact on daylight and sunlight to the existing flats.

6.5.5 *ii) 130, Haines Way*

The flank elevation of this house is sited 12.5m from the 2 storey rear elevation of the proposed building. It contains no windows and will not experience any loss of outlook, natural light or privacy. A single first floor bedroom window in the proposed building will allow oblique views across the rear garden area of no.130,

but this will not result in any significant loss of privacy.

6.5.6 *iii) 132, Haines Way*

The proposed building is sited 8.5m at its closest point from the rear corner of the garden area of this property but is orientated more than 90° from the rear elevation of the house itself. The nearest first floor windows are to a bathroom and a living room. Due to the orientation of the proposed building, it will not give rise to any direct overlooking of the rear windows in no.132. There will be some oblique overlooking of the rear garden area from the living room window but this will not be significant.

6.5.7 The siting of the proposed building to the north-east of the existing house will ensure it will result in no loss of outlook or natural light to the existing house.

6.6 (e) Access and servicing

The site will be accessed solely from the existing private access road off Linden Lea, which enables vehicular and pedestrian access to the existing garages and the flats at 111-121, Buttermere Place. This is acceptable. The road is a minimum of 4.5m wide which is sufficient to allow 2 cars to safely pass (minimum width required of 4.1m). There will be no access to the site from Haines Way. The parking area in front of the proposed building has a 7.5m deep manoeuvring area in front of the parking spaces which is sufficient to allow service and delivery vehicles to enter the site. The bin store is located to allow easy access to future residents and for collection purposes.

6.7 (f) Car and cycle parking

The Council's current maximum car parking standards for residential development in this location are 1.25 spaces for 1 bed, 1.5 spaces for 2 bed and 2.25 spaces for 3 bed units. Based on the proposed 6 flats, the maximum provision for the proposed development would be 10 spaces. The proposal provides 11 spaces which is 1 space above the maximum.

6.7.1 Evidence from a site visit and from local residents is that Linden Lea suffers from significant on-street parking congestion. This may be due to the fact that the flats at Buttermere Court and some of the houses on Linden Lea were originally provided with parking in the form of lock-up garages. Although no survey information has been submitted, it is considered likely that many of these garages are not used by residents for parking cars. This could be due to changes in ownership or because the garages are not of sufficient size for many modern cars. Nevertheless, given the evident existing parking problems experienced in the locality, it is considered acceptable in this case for the proposal to exceed the maximum standard. This will ensure the proposal does not add to these parking problems. It is also worth noting

that some informal parking on the private access road within the application site will be lost. This parking is used on an opportunistic basis by local residents.

- 6.7.2 The applicant has confirmed that no spaces are allocated to the existing flats and that there is no entitlement or right in any of the flat leases to park in any demarcated spaces or on the private access road.

7.0 Community Infrastructure Levy and Planning Obligations

7.1 Community Infrastructure Levy (CIL)

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

The CIL charge applicable to the proposed residential development is £120m². The charge is based on the net increase of the gross internal floor area of the proposed development. Exemptions can be sought for charities, social housing and self-build housing. If any of these exemptions is applied for and granted, the CIL liability can be reduced.

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

7.2 S.106 planning obligation

The Council introduced the Community Infrastructure Levy (CIL) with effect from 1 April 2015. On and from this date, s.106 planning obligations can only be used to secure affordable housing provision and other site specific requirements, such as the removal of entitlement to parking permits in Controlled Parking Zones and the provision of fire hydrants. In this case, there is no requirement for a planning obligation.

8.0 Conclusion

- 8.1 The site is located within an existing residential area with access to local shops and bus services. It is a brownfield site comprising derelict lock-up garages. The development of the site to provide a range of 1, 2 and 3 bedroom flats is therefore acceptable.
- 8.2 The scale and design of the proposal is acceptable in this locality and will provide a good quality of accommodation for the future occupiers. The proposal will have no significant or harmful impacts on the existing residential properties.
-

9.0 Human Rights implications

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

10.0 Recommendation

That planning permission be granted subject to the following conditions:

Conditions

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

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

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

931.03 Rev.D

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

3. No construction works shall commence until details of the materials to be used for all the external finishes of the building, including walls, roof,

balconies, doors and windows have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved materials.

Reason: In the interests of the visual appearance of the building, the streetscene and the wider area, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31. This is a pre-commencement condition as the materials need to be agreed with the Local Planning Authority before construction commences.

4. No dwelling shall be occupied until full details of a soft landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. This scheme shall include the retention of the existing trees along the western boundary, measures to protect these trees during construction works, and new tree planting within the site. The approved tree protection measures shall be implemented before construction works commence and shall be retained throughout the construction period. The approved planting scheme shall be carried out not later than the first available planting and seeding season after completion of the development. Any trees or plants whether new or existing which within a period of five years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, or in accordance with details approved by the Local Planning Authority.

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

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

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

6. No dwelling shall be occupied until a sustainable drainage scheme for the drainage of the car parking spaces has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full.

Reason: To prevent surface water flowing on to the public highway.

7. No dwelling shall be occupied until details of the refuse and recycling store to serve the development, as shown in principle on the approved drawing, have been submitted to and approved in writing by the Local Planning Authority, and the store has been constructed and made available for use. This facility shall be retained as approved at all times.

Reason: To ensure that adequate facilities exist for residents of the proposed development, in accordance with Policy SE7 of the Watford District Plan 2000.

8. No dwelling shall be occupied until details of a secure and weatherproof cycle store to serve the development, as shown in principle on the approved drawing, have been submitted to and approved in writing by the Local Planning Authority, and the store has been constructed and made available for use. This facility shall be retained as approved at all times.

Reason: To ensure that adequate facilities exist for residents of the proposed development, in accordance with Policy T10 of the Watford District Plan 2000.

Informatives

1. You are advised of the need to comply with the provisions of The Control of Pollution Act 1974, The Health & 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.

2. 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 (semeta.bloomfield@watford.gov.uk).

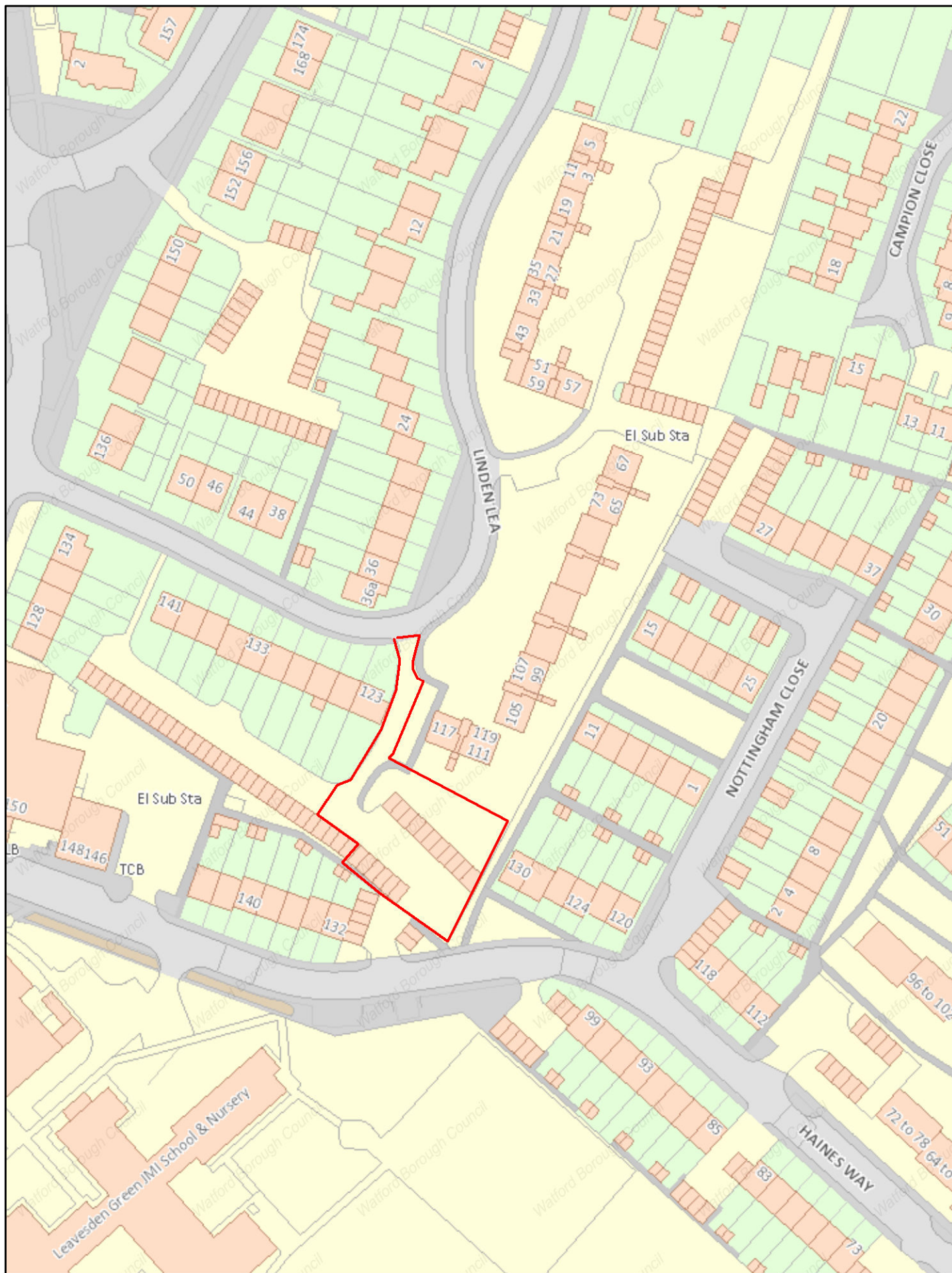
If nobody assumes liability to pay the levy this will default to the land owner. A Liability Notice will be issued in due course. Failure to adhere to the Regulations and commencing work without notifying the Council could forfeit any rights you have to appeal or pay in instalments and may also incur fines/surcharges.

3. All new developments 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.
4. In dealing with this application, Watford Borough Council has considered the proposal in a positive and proactive manner having regard to the policies of the development plan as well as paragraphs 186 and 187 of the National Planning Policy Framework and other material considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended. The Council also gave advice on the proposal and sought amendments during the application process.

Drawing numbers

Site location plan
931.03 Rev.D

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



Buttermere Place, Linden Lea

Date: 05/04/2017

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0 0.015 0.03 0.045 0.06 Kms

Scale 1:1,250

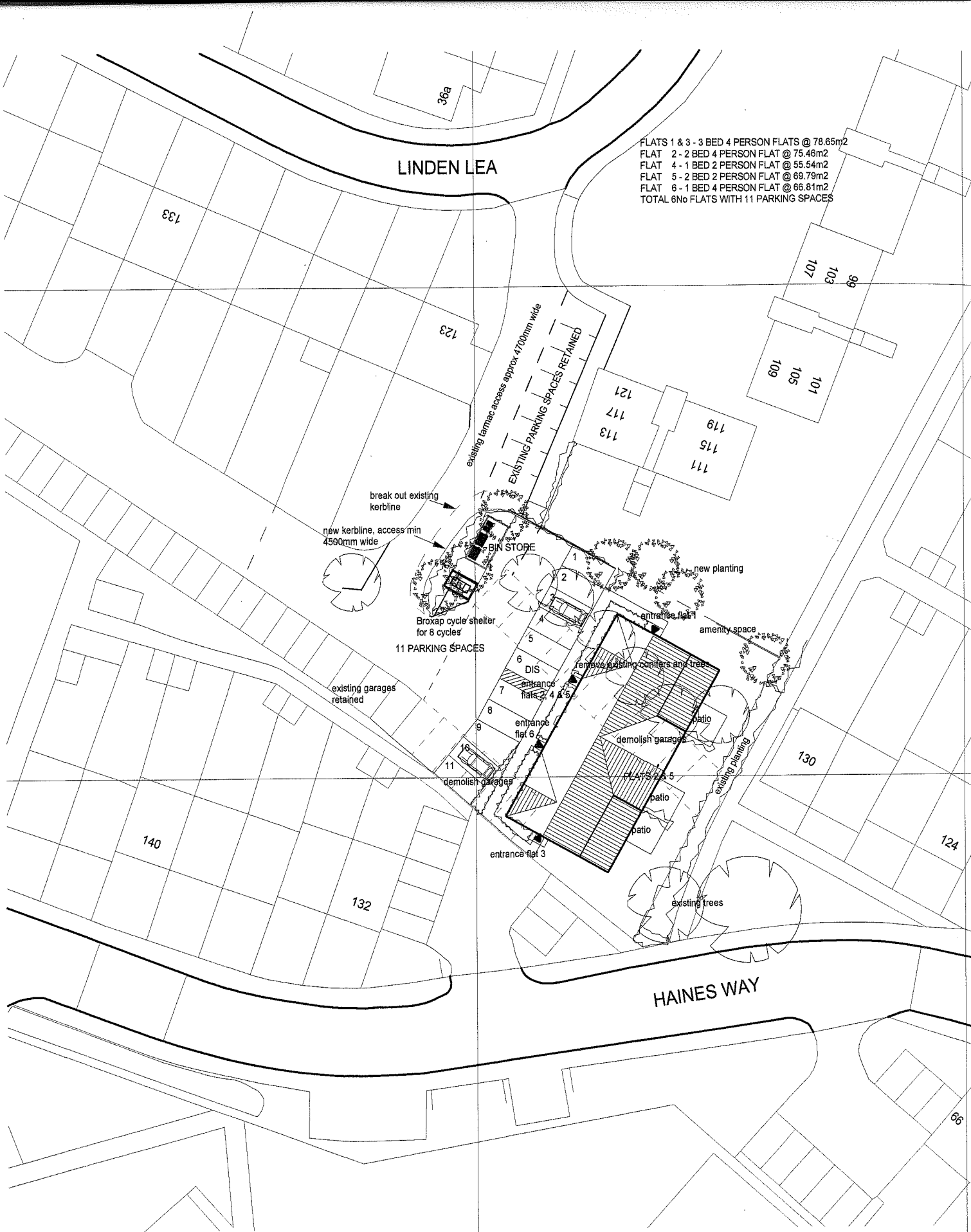




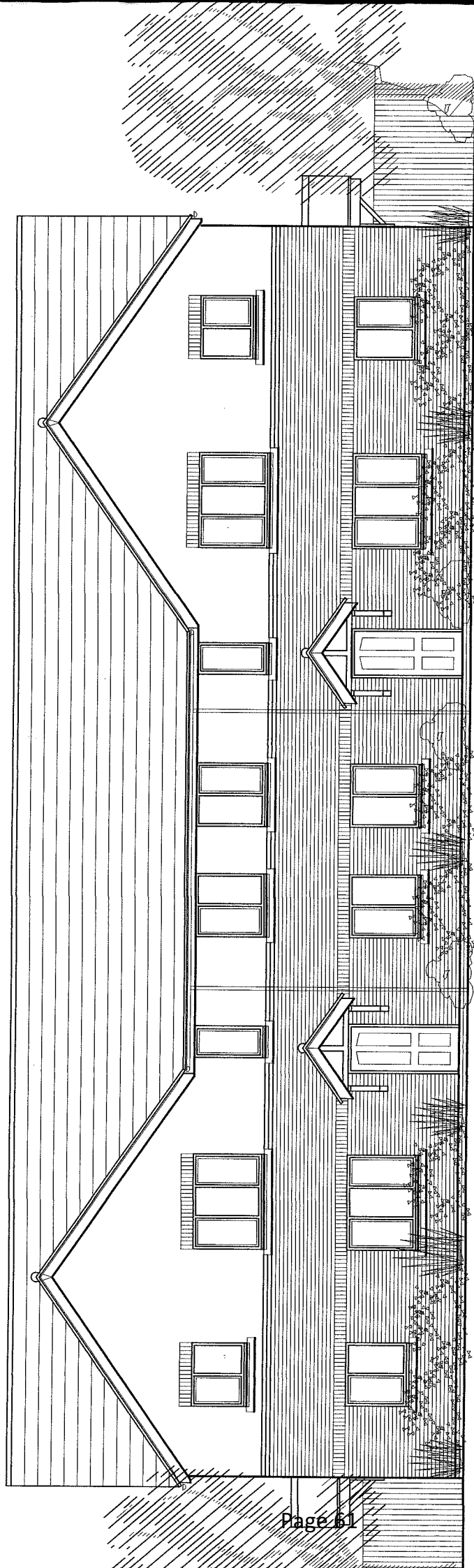
Image from Google Earth



Image from Google Earth



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PROPOSED FRONT ELEVATION - facing car park



View of private access road from Linden Lea

Image from Google Earth

PART A	
Report of: Head of Development Management	
Date of committee:	29th March 2017
Site address:	Clarendon House, 33, Bridle Path
Reference Number:	16/01245/FULM
Description of Development:	Demolition of the existing office building and erection of a mixed-use building of 4, 9 and 14 storeys incorporating 1,800m² of office floorspace (Class B1a) and 41 residential flats.
Applicant:	Clarendon House Watford Limited
Date Received:	9th September 2016
13 week date (major):	9th December 2016
Ward:	Central

Background to report

This report was first considered by the Committee at its meeting on 8th March 2017. It was resolved to defer a determination of the application at this meeting as the Committee requested to see further information regarding the viability appraisal that had been undertaken by consultants on behalf of the Council. A summary of the viability appraisal undertaken by the consultants (GL Hearn) is attached as viability appendices A, B and C to this report. In all other respects, the report and recommendation remains unchanged.

1.0 Site and surroundings

- 1.1 The application site has an area of 0.11 hectare and is irregular in shape, sited at the northern end of Bridle Path. It has an east-west orientation with a frontage to Bridle Path at both ends due to the U-shaped layout of Bridle Path. The northern boundary of the site abuts the footpath linking St Albans Road to the west with Watford Junction Station to the east. The site is currently occupied by a 3 storey office building erected in the 1980s. The main entrance is on the western elevation with a basement car park accessed from the eastern spur of Bridle Path.
- 1.2 The immediate area of Bridle Path contains a variety of different commercial buildings. Immediately to the south of the site is the 8 storey Holiday Inn Express hotel. Adjoining this site, planning permission was recently granted in November 2016 for the erection of a new part 5, part 8, part 9 storey hotel. Beyond this site to

the south is the 2 storey Shire House office building. On the southern side of Bridle Path, are the 2/3 storey office buildings fronting Station Road. Most of these are former detached and semi-detached residential properties that have been converted to office use over many years. To the west are the two, 4/5 storey Egale House office buildings which front St Albans Road. Finally, to the east is Benskin House occupied by The Flag public house. This is a listed building comprising the 3 storey original hotel building facing Watford Junction Station and the 2 storey former stables range fronting Station Road and extending along the eastern side of Bridle Path.

2.0 Proposed development

- 2.1 To demolish the existing office building and erect a mixed-use building on the site, varying in height from 4 and 9 storeys at its eastern end up to 14 storeys at its western end. The first 4 floors of the building will comprise 1,800m² of Class B1(a) office floorspace with the upper floors providing 41 residential flats. The main entrance to the offices and flats is from the western spur of Bridle Path. A secondary entrance to the offices is at the eastern end of the building.
- 2.2 The building will occupy virtually the whole of the site and there will be no on-site car parking provision. Although there is an existing 19 space car park within the site, this is currently used by the Holiday Inn Express (also in the ownership of the applicants) and this situation will remain.

3.0 Relevant planning history

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

14/01324/FULM – Demolition of existing office building, filling of underground car park and development of residential tower of 15 and 8 storeys incorporating 75 residential apartments and ground floor commercial unit with customer parking. Application withdrawn May 2016.

4.0 Planning policies

Development plan

- 4.1 In accordance with s.38 of the Planning and Compulsory Purchase Act 2004, the Development Plan for Watford comprises:
- (a) *Watford Local Plan Core Strategy 2006-31;*
 - (b) the continuing “saved” policies of the *Watford District Plan 2000;*

- (c) the *Hertfordshire Waste Core Strategy and Development Management Policies Document 2011-2026*; and
 - (d) the *Hertfordshire Minerals Local Plan Review 2002-2016*.
- 4.2 The *Watford Local Plan Core Strategy 2006-31* was adopted in January 2013. The *Core Strategy* policies, together with the “saved policies” of the *Watford District Plan 2000* (adopted December 2003), constitute the “development plan” policies which, together with any relevant policies from the County Council’s *Waste Core Strategy* and the *Minerals Local Plan*, must be afforded considerable weight in decision making on planning applications. The following policies are relevant to this application.
- 4.3 The *Watford Local Plan Part 2: Publication Version* was published in July 2016. This has been subject to 3 rounds of public consultation – Nov-Dec 2013, Dec 2014-Feb 2015 and Dec 2015-Feb 2016. It contains development management policies and site allocations. The emerging policies and site allocations in this document can be given limited weight at this time.
- 4.4 **Watford Local Plan Core Strategy 2006-31**
- WBC1 Presumption in favour of sustainable development
 - SS1 Spatial Strategy
 - SPA1 Town Centre
 - SD1 Sustainable Design
 - SD2 Water and Wastewater
 - SD3 Climate Change
 - SD4 Waste
 - HS1 Housing Supply and Residential Site Selection
 - HS2 Housing Mix
 - HS3 Affordable Housing
 - EMP1 Economic Development
 - EMP2 Employment Land
 - T2 Location of New Development
 - INF1 Infrastructure Delivery and Planning Obligations
 - UD1 Delivering High Quality Design
 - UD2 Built heritage Conservation
- 4.5 **Watford District Plan 2000**
- SE7 Waste Storage, Recovery and Recycling in New Development
 - SE22 Noise
 - SE24 Unstable and Contaminated Land
 - T10 Cycle Parking Standards
 - T21 Access and Servicing

T22	Car Parking Standards
E1	Employment Areas

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

- 1A Presumption in Favour of Sustainable Development
- 2 Waste Prevention and Reduction
- 12 Sustainable Design, Construction and Demolition

4.7 Hertfordshire Minerals Local Plan Review 2002-2016

No relevant policies.

4.8 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.

4.9 *Residential Design Guide*

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

4.10 *Watford Character of Area Study*

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

4.11 *Skyline: Watford's Approach to Taller Buildings*

This was adopted in March 2016 and aims to give further policy provision to Policy UD1 of the Core Strategy in respect of taller buildings. It is capable of constituting a material consideration in the determination of relevant planning applications.

4.12 National Planning Policy Framework

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

Achieving sustainable development

The presumption in favour of sustainable development

Core planning principles

Section 1 Building a strong, competitive economy

Section 2 Ensuring the vitality of town centres

Section 4 Promoting sustainable transport

Section 6 Delivering a wide choice of high quality homes

Section 7 Requiring good design

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

Section 12 Conserving and enhancing the historic environment

Decision taking

- 4.13 In January 2016 the Council received the South West Hertfordshire Strategic Housing Market Assessment and associated Economic Study 2016 (SHMA) which set out an Objectively Assessed Need (OAN) for housing in the Borough that exceeds the levels in the Core Strategy. At current the Council's allocations do not provide a five year supply of deliverable housing land based on the OAN contained within the SHMA. The SHMA forms only part of the evidence based for the next iteration of the local plan and further work is being undertaken in relation to capacity assessment and allocations, however it is a material consideration which needs to be taken into account.
- 4.14 Having regard to the SHMA the most recent evidence suggests that policies relating to targets for the delivery of housing within the Watford Local Plan Core Strategy 2006-31 are out of date. Accordingly, applications for housing should be considered against the second test for decision taking in paragraph 14 of the NPPF applications for housing should be granted permission unless any adverse consequences of doing so would demonstrably and significantly outweigh the benefits when assessed against the policies of the Framework.

5.0 Consultations

5.1 Neighbour consultations

Letters were sent to 48 properties in Bridle Path, Station Road and St Albans Road.

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

Number of original notifications: 48

Number of objections:	5
Number in support:	0
Number of representations:	0
TOTAL REPRESENTATIONS:	5

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

Representations	Officer's response
Scale of development is much larger than surrounding buildings. Excessive height.	The site is within an area where taller buildings are considered acceptable in principle.
No car parking provision will add to existing parking problems. Unrealistic to assume no-one will travel to the site by car or that occupiers will not own cars.	The site is a short distance from Watford Junction Station and its bus interchange. It is in a highly accessible and sustainable location where car free development is appropriate and acceptable in principle.
Unauthorised use of adjoining parking spaces by existing hotel guests.	This is a private management issue.
Disruption during construction works. Limited access for construction vehicles. Potential for noise and dust.	Construction impacts are covered by environmental protection legislation and are not material to the determination of the application.
Impact on natural light to adjoining offices.	Whilst the proposal may give rise to some loss of light to the adjoining offices, this would be limited and would not merit a refusal of permission as the offices are not habitable rooms.
Site should be developed for offices. Article 4 Direction applies.	The Article 4 Direction only prevents existing offices from being converted to residential use under permitted development regulations. The provision of a mixed-use building including residential use is considered in the report.
Increased traffic on Station Road at peak times.	As the development is car-free, no additional traffic will be generated.
Very depressing design.	Design is considered in the report.

5.3 Statutory publicity

The application was publicised by 3 site notices posted on 20 September 2016 and by advertisement in the Watford Observer published on 23 September 2016. The

site notice period expired on 14 October 2016 and the newspaper advertisement period expired on 14 October 2016.

5.4 **Technical consultations**

The following responses have been received from technical consultees:

5.4.1 Hertfordshire County Council (Highway Authority)

The application was accompanied by a Transport Assessment. and additional information following original queries from HCC.. This information included confirmation that the existing 19 parking spaces (which are included within the red line of the application site but are not part of the application proposal) are used and managed by the Holiday Inn Express and this situation will remain unchanged. It was also confirmed that 3 disabled parking spaces are provided at the end of Bridle Path within the public highway and these will remain available for use by employees and visitors.

Summary extracts from HCC's final response are as follows:

Hertfordshire County Council (HCC) as Highway Authority does not wish to raise an objection to the principle of development on the site.

A planning statement and Transport Statement accompanied the planning submission. A Transport Summary and additional information has subsequently been submitted to address highway related issues.

Trip Generation

A vehicular trip generation profile was provided within the original Transport Statement. However, this information only considered vehicular trips and a multimodal assessment was requested. This assessment is appropriate and demonstrates that the proposals will not have a significant impact on the highway network.

Junction Assessment

The revised trip generation assessment demonstrates that the proposals will not generate significant vehicular trips. On this basis, HCC does not require additional junction modelling.

Highway Safety

At the request of HCC an updated assessment of the collision data has been provided and there is no pattern related to the reported collisions. The additional trips associated with the development have been confirmed and are not anticipated to have a detrimental impact on the operation or safety of the highway network.

Access

The Transport Summary has confirmed that there will be no car parking provision provided at the site and therefore no requirement for a separate vehicular access. Access to the site will be retained in its current format. HCC considers that this approach is acceptable. Pedestrian and cycle access is proposed from Bridle Path from the eastern and western site frontages, this arrangement is again acceptable.

Refuse and Service Arrangements

The applicant as part of the Transport Summary has confirmed that refuse collection is currently undertaken off site from the public highway and it is proposed to retain this arrangement. A swept path assessment has been provided to demonstrate a refuse vehicle accessing and egressing the site. HCC considers the arrangement is acceptable.

Travel Plan

HCC have consulted the Sustainable Travel Team and they have reviewed the proposed development and Transport Statement they have provided the following response;

The travel plan statement is broadly appropriate, but we would expect inclusion of the following additional measures before we could recommend approval to the local planning authority. The Travel Plan is provided here as part of the Transport Statement and whilst a Travel Plan would not be required for the residential element, the office development is large enough to require one. HCC will however accept that monitoring is not necessary given the potential trip generation. Whilst cycle parking is to be provided for the residential element, there does not appear to be any dedicated cycle parking for the office which could be considered. Other measures could also be considered for the office development e.g. showers/changing facilities to encourage cycling. We would require details of the Travel Plan co-ordinator when appointed including the name/contact details etc.

The application has been assessed with regards to the safety and operation of the highway network and HCC confirms that they are satisfied that the proposals will not have a detrimental impact.

5.4.2 Hertfordshire County Council (Lead Local Flood Authority)

Following a review of the Flood Risk Assessment carried out by JMP reference nw91602-FRA-01 dated July 2016, we can confirm that we Hertfordshire County Council as the Lead Local Flood Authority are now in a position to remove our

objection on flood risk grounds.

The drainage strategy is based upon attenuation and discharge into Thames Water's surface water sewer. We acknowledge that Thames Water have been contacted and have confirmed that they are satisfied in principle with rates proposed. We note surface water calculations have been updated and ensure that the drainage strategy caters for all rainfall events up to and including 1 in 100 plus 40% for climate change.

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

Condition 1:

The development permitted by this planning permission shall be carried out in accordance with the approved surface water drainage assessment carried out by JMP reference nw91602-FRA-01 dated July 2016 and the following mitigation measures detailed within the FRA:

1. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
2. Undertake the drainage as indicated on drawing titled 'Conceptual Drainage Plan' reference NW91602-DR-02.
3. Implement appropriate drainage strategy based on attenuation and discharge into Thames surface water sewer.

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

Reason:

1. To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site.
2. To reduce the risk of flooding to the proposed development and future occupants.

Condition 2:

No development shall take place until a detailed surface water drainage scheme for the site based on the approved Drainage strategy and sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local

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

1. Detailed engineered drawings of the proposed SuDS features including their size, volume, depth and any inlet and outlet features including any connecting pipe runs.
2. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason:

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

5.4.3 Thames Water

Waste Comments - Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

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.

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

Thames Water would advise that with regard to sewerage infrastructure capacity,

we would not have any objection to the above planning application.

5.4.4 Crime Prevention Design Advisor

Has raised a number of concerns that may add to crime and anti-social behaviour in the area. The comments are included below with corresponding comments from the planning officer in square brackets [].

Sub Station: There is currently a sub-station on site which if left should be included within the ground floor plans of the 'small office' plan. What is happening to this sub-station? Has this sub-station been taken into account?

[The sub-station has now been relocated to the ground floor of the building].

Footpath between the proposed building and railway line: On the ground floor plan part of the length of this building has protective planting against it next to the public footpath, yet for half the length of the building there is nothing. Where there is no protective planting there should be cobbles or other rough surface treatment to provide some stand off from the proposed building. The current building suffers graffiti and damage along this elevation.

[A hard and soft landscaping scheme can be secured by condition to address this issue, in the event of planning permission being granted].

Car Park:

- i) The 19 x car parking spaces shown on the proposed site plan are currently used by the Holiday Inn hotel next door. The applicant does not say what is happening to their car parking and if their needs are being addressed?

[This parking is to remain for the use of the hotel].

- ii) The planning statement says that this 19 x space car park will be for the office use. How will they stop residents or the Holiday Inn hotel from using this space and who will police the parking as it is private land? How will this function?

[This parking is to remain for the use of the hotel].

- iii) There is a through route through the car park which continues between the proposed new building and the Holiday Inn Hotel. This through route will adversely affect the security for vehicles parked in this area. How will the applicants address this issue?

[This route has been closed off with gates and a wall to ensure it is secure].

Through route (alleyway) between the proposed new building and the Holiday Inn Hotel and rear car park off Bridle Path:

- i) There is no access control along this route and so is open to all to use. This through route has a right angle along it that prevents natural surveillance along its length and therefore provides a hiding area for offenders to cause anti-social behaviour, commit crime, provide easy escape route, assist drug dealing, etc.

Natural surveillance from an office during the day will not make it safer for overnight and weekends. Reference is made within section 3.4 of the Transport Statement that there will be some external lighting and CCTV. These measures alone will not make this area safe.

[This route has been closed off with gates and a wall to ensure it is secure].

ii) There is shown cycle parking at 'Sheffield' hoops along this alleyway. Where is the weather protection and the supervised cycle park, as there appears none? What is the long term use if for visitors? How will this function?

[A total of 58 cycle spaces are now shown in double racks. Details of these and appropriate weather protection can be secured by condition in the event of planning permission being granted].

iii) I would prefer to see this alleyway closed off with full height gates with access control, if it is kept in this form.

[This route has been closed off with gates and a wall to ensure it is secure].

Residential security and crime prevention:

i) Postal delivery: What is planned for the postal delivery so as to deter theft from the post boxes and where will they be placed and how will the Post Office be able to make deliveries? How will this function?

[This is a matter of detailed design but it intended that the post boxes will be internal and secure].

ii) Waste bin area: This waste bin room appears to be shared with the office use of the site? How will the doors be secured to prevent rough sleepers and drug dealing etc taking place inside.

[This is a matter of detailed design but it is intended that the bin store will be secure with controlled access].

5.4.5 Urban Design and Conservation Manager

i) Policy Observations

The site falls within the Clarendon Road, Station Road and Bridle Path Office Area and as such Policy EMP5 of the emerging Local Plan Part 2 is relevant. As this policy has now reached Publication stage, without any soundness objections, the policy should be afforded some weight.

Policy EMP5 requires that development in this area should deliver additional modern, high quality B1a and B1B office floorspace to meet the needs of existing businesses and growth sectors. The proposal delivers an uplift in both quantity and quality of office floorspace in this location, which is supported.

The policy also provides for an element of small scale supporting uses where these add to the vitality and viability of the office area.

The adopted Core Strategy also identifies the Clarendon Road area (including Bridle Path) as a key office location.

Policy does not identify this as a location for residential use. However, we do recognise that there is a continuing demand for additional housing within the borough and, so long as it is well designed and integrated and does not undermine the key employment role of the area a residential element is acceptable in this location with good access to the town centre and rail station. Given this site is on the edge of the area and adjacent to a hotel, the residential use may fit better here than in other parts of the employment area. I have not examined the viability statement so make no comment on whether the quantity proposed is required in terms of viability.

It is extremely disappointing to see that no affordable housing is included, given the high requirement for such housing in Watford. A figure of £150,000 towards off site provision seems unfeasibly small for such a scheme, and it is difficult to see how this would comply with Policy HS3 or provide any meaningful contribution towards current needs.

ii) Heritage

The applicant has submitted a heritage statement which comprehensively assesses the impact of the proposed building on heritage assets within a 500m area of the site. The setting of two conservation areas and 5 listed buildings is assessed along with reference to locally listed buildings as non-designated assets. There is no direct impact on any heritage assets, any harm is to the settings and views from the conservation areas. As stated in the heritage statement where setting is concerned the questions to ask are:

- Does the setting in question contribute to the significance of the listed building or conservation area?
- Is harm caused to that significance?
- Is the harm substantial or less than substantial?

The statement concludes that harm is caused in some cases to the setting; in particular to the wider setting of Benskins House and the clear roofline currently seen will not be clear if the proposed scheme goes ahead. The statement assesses this as less than substantial harm and thus para 134 of the NPPF is applicable. I would agree that the harm exists and that it is less than substantial. Para 134 of the NPPF requires us to consider this harm in the light of any public benefits of the proposal and make a balanced decision.

So the question is “is the harm justified by the public benefits of the proposed

scheme?”

Benefits include:

- Additional office space and replacement of existing with Grade A space in line with policy objectives for improved office space (1800 sq m in total) – see discussion above.
- Provision of additional residential units - but no affordable and the contribution proposed for off-site provision is discussed above.
- Proposed improvement to public realm - not satisfied that this is the case as there are some issues which should require resolving – see discussion below
- Provision of high quality design – see discussion below.

Before providing a conclusion on this, comments on the layout and design should be considered.

iii) Building Layout and Design

a) Layout

Generally efforts have been made to provide active frontage to the public realm on this awkward shaped site. However, there are some areas which could be improved upon before this scheme can be said to meet the standards expected for tall buildings. The areas of concern are:

Cycle storage: there are concerns regarding the location, size and type of cycle storage proposed. It is considered that the location tucked away at the rear of the hotel and cut off from public view is not attractive to potential users of either the residential units or office space. It would be better to locate cycle storage closer to the entrance of the building – possible between the Holiday Inn and the proposed building in the space which currently has no defined use. The width of the space as shown is not really sufficient to allow a walkway and manoeuvring space into and out of the cycle racks; our emerging guidance suggests that a cycle will take up approximately 2m and then a width of 1.1m is needed as an aisle (3.1m).

An additional point regarding cycle provision is that there are no shower facilities within the office area for workers to use if they have cycled to work – lockers should also be provided in a safe and convenient location.

Residential cycle provision: the emerging SPD sets out the following advice when providing cycle storage for residential developments. The proposed scheme does not follow this guidance and whilst it is not adopted yet it does provide sensible advice based on good practice in urban locations where opportunities for car ownership are limited and where cycling is being encouraged. The applicant should aim to follow the principles set out below or justify why they have deviated. In this case it should be possible to provide decent storage either next to the building by

the Holiday Inn or within the footprint in the basement area where the lift could be used to access the area or possibly a small separate entrance for cycle users created.

Planting areas along the edge to Bridle Path – I am not convinced that this is the best treatment here and will run the risk of becoming an area for rubbish to collect. It also reduces the amount of passive surveillance of this area from the office space distancing the path users from the building here. There are no entrances to the building from Bridle Path which further reduces the active nature of the path.

Bridle Path is an important route and this scheme presents opportunities to improve the quality of the route. Whilst the land is not within the ownership of the applicant, I would expect some financial contribution towards enhancing this route which will be used by residents and office workers. This could include better lighting; improved surface materials, review of whether some appropriate street trees could be accommodated – possibly instead of the proposed low level planting.

The space between the Holiday Inn and the proposed scheme is of concern as there is no proposed use or hard surfacing set out in the material submitted. This is clearly a vulnerable space and should be managed properly by the applicants to ensure it does not become a problem area in the future once the offices are empty for the evening.

It is a shame that the car parking is retained without much evidence of improvement in the form of decent tree planting and hard surfacing. Without this it will continue to be a weak part of the frontage here.

Conclusions regarding layout - At present there are some issues which could be overcome with some further work which should not affect the overall building design too much.

b) Building Design

We have noticed that the configuration of the duplex units on the 12/13th floors will result in bedroom spaces which have very limited opportunity for proper storage areas. Furthermore the spiral staircases which could be features of the open plan living areas are walled off creating odd shaped hall areas. It seems that there is a considerable amount of corridor and circulation space in these units which could be put to better use and enhance the quality of the living environment for future residents.

General comments on the design:

- The balance of the elevations works; there is a strong base, a middle and a

top section which holds together well. The scale, form and massing is acceptable but I consider that the interface between the ground floor and the public areas could be improved as suggested above.

- The building generally has good vertical emphasis – I would prefer the windows to be more vertical in shape but generally they will be seen obliquely so this may not be critical.
- The balcony form is projecting and care will be needed to ensure that as the height increases these will be usable – no information regarding microclimate was submitted. Generally recessed balconies are preferred as this offers greater protection and privacy for users.
- There is no specified large item storage provision in the proposed scheme – this would be most helpful for the future residents and could be accommodated in the basement or within the circulation areas on each floor.
- Normally we would expect diagrams showing shadowing effects onto surrounding area – it would be useful to have these.
- The proposed building will have some roof terraces which will provide some limited amenity area for residents on site which is important as the nearest open space is Cassiobury Park or the Colne Valley green spaces to the south.
- I would expect to see more information on hard and soft landscaping at this stage given the scale of the development.
- No information on lighting has been provided both in terms of the public realm areas or to show how the building may be lit to reveal its design strengths.

In conclusion, the building design has some strong points but is short on details and there are some layout issues which need to be dealt with. On this basis at this stage it is considered that it does not meet the quality requirements set out in the adopted Skyline Supplementary Planning Document or the requirements within the NPPF and the Local Plan Part 1 Core Strategy for good quality design. This makes it difficult to justify in terms of the heritage impact as well.

Conditions will be required for all the materials – brick is acceptable and the buff colour shown acceptable in principle subject to samples. More detail will be required regarding the design of reveals, brick details for columns/piers – is there a texture/pattern here and should there be? Details of balconies will be required along with parapet details.

On balance, there are issues with the scheme which suggest it is not yet ready for approval. They are resolvable so should be pursued.

6.0 Appraisal

6.1 Main issues

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

- (a) Principle of the proposed uses.
- (b) Scale and design.
- (c) Quality of residential accommodation.
- (d) Affordable housing provision.
- (e) Impacts on surrounding properties.
- (f) Impacts on heritage assets.
- (g) Access and servicing.
- (h) Flood risk and drainage.

6.2 (a) Principle of the proposed uses

The site is within the wider Town Centre SPA in the Core Strategy and within an allocated employment area (E7a) in the Watford District Plan 2000. The Core Strategy sets out the requirement for the provision of at least 7000 new jobs by 2031 to meet strategic objectives and maintain Watford's role as a regional employment centre.

6.2.1 The GVA Employment Study 2010 (forming part of the evidence base for the Core Strategy) identified potential demand for up to 90,000m² of B1a office floorspace to 2031. Even if all existing vacant floorspace was taken up, there would still be a demand for 34,600m² of new floorspace. This study also highlighted the fact that the quality of floorspace is equally important as the quantity. Clarendon Road/Station Road is identified as needing improvement in the quality of stock to compete effectively and attract occupiers. It is important to have not only the right quality and quantity of floorspace but also the right type of space to meet the future employment needs of the Borough and generate new jobs. As a regional centre, it is important that Watford remains an employment destination and does not become merely a commuter town.

6.2.2 The latest Economic Growth and Delivery Assessment (EGDA) prepared by Nathaniel Lichfield and Partners (2014) has identified a significantly greater predicted growth in employment at 13,290 new jobs, almost double the predicted 7,000 new jobs in the 2010 Employment Study. Some 11,630 of these are forecast to be in Class B1(a) and B1(b) office jobs. It also predicts a significant shortfall of employment floorspace, in the order of 164,000m² to 215,000m², a significant proportion of which will need to be in the form of office floorspace. Even allowing for some adjustment and refinement of these figures, these figures are a magnitude greater than that planned for in the Core Strategy.

6.2.3 Emerging Policy EMP5 of the Local Plan Part 2 states that development within the Clarendon Road, Station Road and Bridle Path office area should deliver modern, high quality Class B1a and B1b office floorspace to meet these identified needs. However, it also states that an element of small scale supporting uses (such as coffee shops, conference facilities, gyms and crèches) will be supported where these add to the vitality and viability of the office area. This policy does not consider residential use to be acceptable within the employment area.

6.2.4 The proposed office element of the scheme is in accordance with policy and will almost double the amount of office floorspace on the site (existing to be demolished 954m², proposed 1800m², an increase of 846m²). This will also provide modern, high quality floorspace to replace the existing, lower quality floorspace. This is welcomed. The proposed residential element, however, is not in accordance with policy. In this case, there are a number of factors that support a mixed-use scheme incorporating residential use on this site:

- i) The site is not on Clarendon Road or Station Road but is set back at the end of Bridle Path.
- ii) The site is at the very edge of the employment area and is not highly visible.
- iii) The site is relatively small and irregular in shape and so is less suited to a larger, corporate occupier but more to smaller companies.

6.2.5 It is also recognised that, in addition to the need to deliver an increase in the quantity and quality of office floorspace, there is also a growing need to deliver more housing. Given the highly accessible and sustainable location of the site adjacent to Watford Junction Station and a short walk to the town centre, this is an ideal location for car-free residential development.

6.2.6 Having regard to these various factors, a mixed-use office and residential scheme that delivers increased, high quality office floorspace and new housing, is considered acceptable on this site.

6.3 (b) Scale and design

The site is located within Character Area 30B in the Watford Character of Area Study. This area is of mixed character but dominated by large scale commercial buildings of 4 -9 storeys high. Adjoining the site is the 8 storey Holiday Inn Express. To the west, fronting St Albans Road, are the two 4 storey Egale office buildings. A short distance to the east is the 9 storey Iveco House building above Watford Junction Station. The proposed building will be sited immediately adjacent to the Holiday Inn Express.

6.3.1 Emerging Policy TB1 of the Local Plan Part 2 relates to the location of taller

buildings. Certain locations, including Clarendon Road, which benefit from good public transport accessibility, are identified as areas where taller buildings could be located. Although not within Clarendon Road itself, the site is within the designated employment area. It is also sited adjacent to the main railway line and the Watford Junction Special Policy Area which is designated for high density, mixed-use development incorporating several tall buildings over 10 storeys in height. As such, a taller building would be considered acceptable in principle in this location. In the context of the surrounding buildings, the proposed building will sit comfortably alongside the existing buildings without appearing unduly prominent from the surrounding roads.

6.3.2 In terms of design and appearance, negotiations during the pre-application process have focussed on improving the quality of the design. The use of good quality facing brick as the main treatment is also been sought. The building follows several good design principles for a tall building; it demonstrates a strong base (the 4 storeys of office), a well articulated middle (8 storeys) and a clearly defined top (the top 2 storeys displaying a different fenestration and treatment). The building also steps back from east to west to add further definition to these elements of the building whilst at the same time reducing the bulk of the building and avoiding a 'slab-like' appearance. Overall, it is considered that the proposed design is acceptable and appropriate to its setting and will be a high quality addition to the locality.

6.3.3 It is noted that the Council's Urban Design and Conservation Manager considers that the design of the development could be further improved and expresses some concerns regarding the internal layout of the duplex units and the way in which the building addresses the public realm. The former is a matter of detail which does not impact the external appearance of the building and could well be changed when more detailed drawings are prepared for construction. The latter issue of the relationship to the public realm is a difficult one to address in this case as the site is relatively small and there is consequently very little opportunity to improve the building's relationship to, or enhance, the public realm.

6.4 (c) Quality of residential accommodation

The proposal provides a mix of 1 bedroom (2 person), 2 bedroom (3 person) and 2 bedroom duplex (4 person) units. All meet the minimum floorspace standards set out in the nationally described space standard, with the exception of one of the 2 bedroom (3 person) units which has a shortfall of 2.7m².

6.4.1 All of the units are dual aspect (a few on the upper floors are triple aspect) and all will have good levels of outlook, privacy and daylight generally. The majority will also receive good levels of sunlight to all rooms. Some of the 1 bedroom flats on floors 4-7 will have a more limited level of amenity due to the bedroom windows

facing towards the flank elevation of the Holiday Inn Express to the south (at a distance of 4.5m) and consequently having more limited outlook and daylight, and the living rooms facing north-east and thereby received more limited levels of sunlight. Some units with slightly lower levels of amenity are inevitable in high density urban schemes of this nature, particularly on more constrained sites. However, overall, it is considered the development will provide good quality accommodation.

6.4.2 The majority of the units will have private balconies of approximately 3.8-4.3m². Some on the upper floors will have larger private terraces and a communal roof garden of approximately 52m² is provided at 9th floor level. This is east facing and will receive good levels of sunlight.

6.4.3 The site is located adjacent to the West Coast Mainline railway. Passenger and freight trains using the railway throughout the day and night have been identified as a significant source of noise to the proposed flats. In order to mitigate the impacts of this noise and to achieve good internal noise levels in accordance with BS 8233 (2014), noise attenuation measures will need to be incorporated comprising acoustic double glazing and acoustic trickle vents. Furthermore, in order to enable rapid ventilation to take place without the need to open windows, mechanical ventilation should also be provided. These measures can be secured by condition.

6.5 (d) Affordable housing provision

Policy HS3 of the Core Strategy requires a 35% provision of affordable housing in all schemes of 10 units or more. In the case of the proposal, for 41 units, this would require the provision of 14 affordable units. This provision should have a tenure mix of 65% affordable rent, 20% social rent and 15% intermediate tenures. Only in exceptional circumstances will a lower level of provision be considered through submission of a development viability assessment.

6.5.1 A viability assessment has been submitted in this case and has been the subject of detailed review by external consultants on behalf of the Council with negotiations carried out over a period of 4 months. The applicant's position is that it is not viable for the development to provide any affordable housing, either on-site or in the form of a financial contribution. The final advice from the Council's consultants is that it is viable for the development to make a contribution of £368,000 (summary details are provided as viability appendices A, B and C to this report). This is still considered very low by your officers but is all the Council can justifiably seek based on the advice of the Council's consultants. Following further negotiations, the applicant has agreed to make this contribution, to be secured through a s.106 planning obligation.

6.5.2 Policy HS3 does not refer to financial payments in lieu of on-site provision, which is the preferred and most appropriate form of provision. However, in this case, it is considered that the financial payments offered would be the best option for meeting urgent housing need as it could be used by the Council in its joint venture partnership with Watford Community Housing Trust to directly deliver affordable housing of the size and tenure required. One immediate option is on land at Croxley View. For this reason, the financial contribution is considered the option that should be accepted in this case.

6.6 (e) Impacts on surrounding properties

All of the surrounding properties are in commercial use, either as offices or a hotel. As such, the levels of outlook, privacy and natural light are not considered as important as for residential properties. Whilst the proposed building will be directly opposite the Egale 1 office building, it will be sited 21m away and due east of this building and will not have any significant adverse impact on this property.

6.7 (f) Impacts on heritage assets

There are no heritage assets on the application site or immediately adjoining the site, but the site is close to the listed building of Benskin House to the south-east. This has a grade II listing and comprises the 3 storey former hotel building facing Watford Junction station and the 2 storey former stables range fronting Station Road (occupied by The Flag PH) and extending along Bridle Path to the rear, although the listing description refers only to the 3 storey former hotel building. The site also includes an open car park at the rear, accessed off Bridle Path, opposite the eastern end of the application site.

6.7.1 The closest part of the proposed building to the listed building is the 4 storey element at the eastern end of the building. This is sited 48m from the 2 storey stable block at its closest point. The taller, 9 storey element of the building is sited 64m from the stable block and 110m from the 3 storey Benskin House. It will face towards the northern end of the open rear car park. As such, the proposed building will not directly impact the immediate setting of the listed building but will be seen within the wider setting of Benskin House. The stable block is the less important part of the listed building and is not referred to in the listing description. Its setting and context is very different to that of the main 3 storey building.

6.7.2 Views of the main Benskin House building are principally from Station Road, its junction with Clarendon Road and from Woodford Road to the south and south-east. In each of these views, the listed building is seen in the context of taller buildings. To the front, adjacent to the building, is the Iveco House building sited above Watford Junction station. It is part 6 storeys, part 9 storeys in height with a

large plant room, and visually dominates the junction of Clarendon Road and Station Road. To the rear, the taller buildings of the Holiday Inn Express and Egale House form the backdrop to views of the listed building.

- 6.7.3 In relation to the matters raised with regard to impacts on the listed building, it is important to consider the public benefit as a whole. The proposed development falls within an area which is critical to the Council's wider strategy to regenerate the station surroundings and main employment area. These current policy aspirations will deliver significant benefits to the borough in terms of providing jobs, homes and a quality built environment and will inevitably result in a change to the skyline which provides a backdrop to the listed building.
- 6.7.4 It should also be recognised that it is a common scenario for a listed building in a highly urban area to have a backdrop of other structures (indeed it is unusual for such a building to have a backdrop of clear sky) and such arrangements are common across cities and towns country wide. While the proposal will change the backdrop of the listed building from certain viewpoints, it is not considered this will have an unacceptable impact on the value of this heritage asset which would maintain its integrity, quality and relationship with the station. A change to the backdrop of a listed building in such an urban location is considered to be inevitable and the wider benefits of providing regeneration are considered to outweigh any harm in this regard.
- 6.7.5 For the above reasons, it is considered that a correct balance of planning considerations in respect of the listed building lies in favour of granting permission for this development.

6.8 (g) Access and servicing

The site is in a highly accessible location with Watford Junction station and its associated bus interchange located just 130m to the east. This gives access to a wide range of rail and bus services. Further bus services are accessible within the town centre located 800m to the south together with a full range of town centre shops, services and facilities. The site is also easily accessible by foot and cycle. In light of this high level of accessibility and the small site area, the development is proposed to be car-free. This is acceptable in this location. A travel plan statement has been submitted as part of the Transport Statement. Whilst no travel plan will be required for the residential element, one should be required for the office element. This should be based on Hertfordshire County Council's Travel Plan Guidance in order to promote sustainable modes of travel to the site. This can be secured by condition.

- 6.8.1 The existing site has one vehicular access point from Bridle Path at its eastern end

leading to the basement car park. This will be closed off as part of the development. At the western end of the site, the public highway currently abuts the site boundary. Servicing of the existing office building currently takes place directly from the public highway in front of the site. This will remain unchanged. As the site is at the end of the western spur, any servicing vehicle parked for a short period of time within this part of the highway will not give rise to any obstruction or inconvenience to other highway users.

- 6.8.2 An integral bin store is incorporated into the building at its western end. Tracking diagrams for a refuse vehicle have been included in the Transport Statement to demonstrate that a vehicle can enter and leave this spur of Bridle Path, enabling refuse collection to take place.

6.9 (h) Flood risk and drainage

The site is within Flood Zone 1 with minimal risk of flooding from all sources. It is also located within a Source Protection Zone 2, indicating that groundwater beneath the site will directly feed a public drinking water abstraction point. Having regard to the potential for land contamination, the existing building has a basement car park underneath it, so any previously contaminated ground would have been removed at the time the building was constructed. However, any further piling should be prohibited without further consent in order to prevent any additional unacceptable risk to the groundwater. This can be secured by condition.

- 6.9.1 In order to minimise the risk of flooding post-development, a surface water drainage strategy has been approved by the County Council as the Lead Local Flood Authority. This can also be secured by condition.

7.0 **Community Infrastructure Levy and Section 106 planning obligation**

7.1 **Community Infrastructure Levy (CIL)**

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

- 7.1.1 The CIL charge applicable to the proposed development is £0 for the office floorspace and £120m² for the residential floorspace. Based upon the proposed gross internal floorspace of 4,857m² and the existing gross internal floorspace to be demolished of 1,062m², the net additional floorspace is 3,795m². This results in a

CIL charge of £308,394. This figure will need to be verified in due course.

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

7.2 S.106 planning obligation

The Council introduced the Community Infrastructure Levy (CIL) with effect from 1 April 2015. On and from this date, s.106 planning obligations can only be used to secure affordable housing provision and other site specific requirements, such as the removal of entitlement to parking permits in Controlled Parking Zones and the provision of fire hydrants.

7.2.1 The proposed development is one where affordable housing should be provided, in accordance with Policy HS3 of the Watford Local Plan Part 1 Core Strategy 2006-31. As detailed in the report, a financial contribution of £368,000 towards the provision of affordable housing in the Borough has been agreed in lieu of on-site provision.

7.2.2 The development proposed in this application is also one where, in accordance with saved Policy T26 of the Watford District Plan 2000 and Policy INF1 of the Watford Local Plan Part 1 Core Strategy 2006-31, the Council will normally require the applicant to enter into a planning obligation which provides for a financial contribution towards the variation of the Borough of Watford (Watford Central Area and West Watford Area) (Controlled Parking Zones) (Consolidation) Order 2010 to exclude future residents of the development from entitlement to resident parking permits for the controlled parking zones in the vicinity of the application site. It is necessary to amend the traffic order so as to exclude the occupiers of the development from any entitlement to claim permits for the local Controlled Parking Zone because otherwise the proposed development would be likely to give rise to additional vehicles parking on local streets, thus worsening traffic congestion which would be a reason to refuse planning permission. In this case, the standard payment of £2,000 is sought for a new residential development.

7.2.3 Under Regulation 122 of the Community Infrastructure Levy Regulations 2010, where a decision is made which results in planning permission being granted for development, a planning obligation may only constitute a reason for granting planning permission for that development if the obligation is:

- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 7.2.4 The financial contribution sought towards affordable housing is directly related to the proposed development, and is fairly and reasonably related in scale and kind to that development. It is also necessary to make the development acceptable in accordance with the Council's planning policies.
- 7.2.5 The contribution sought by the Council for amending the Controlled Parking Zones Traffic Regulation Order varies according to the number of dwellings existing and to be created and according to the existing use of the property. The contribution is thus directly related to the proposed development and is fairly and reasonably related in scale and kind to that development. It is also necessary to make the development acceptable in accordance with the Council's planning policies.
- 7.2.6 Accordingly, the contribution sought towards affordable housing provision and the contribution sought towards the amendment of the Controlled Parking Zones Traffic Regulation Order meet the tests in Regulation 122 of the Community Infrastructure Regulations 2010, and, consequently, these planning obligations can be taken into account as material planning considerations in the determination of the application. Both the Council's approach to seeking affordable housing provision and a financial contribution by means of planning obligations are also fully in accordance with the advice set out in paragraphs 203 to 205 of the National Planning Policy Framework.

8.0 Conclusion

- 8.1 The site is located within a designated employment area where the focus is on the provision of new office floorspace. The proposed office element of the scheme is in accordance with local plan policy and will almost double the amount of office floorspace on the site. This will also provide modern, high quality floorspace to replace the existing, lower quality floorspace. The proposed residential element, however, is not in accordance with the land use designation or policy. In this case, there are a number of factors that support a mixed-use scheme incorporating residential use on this site. On balance, it is considered that the proposed mixed-use scheme comprising office and residential uses is acceptable on this site.
- 8.2 At 14 storeys, the proposed building is taller than the surrounding buildings. However, it lies within an area where taller buildings are considered acceptable in principle and abuts the Watford Junction Special Policy Area where a number of tall buildings are being promoted through the recent masterplan. Given this context,

the proposed height of the building is considered acceptable on this site.

- 8.3 The development is to be car-free and this is acceptable in this highly accessible and sustainable location close to Watford Junction Station. The proposed residential flats will provide a good overall quality of accommodation for future residents, subject to appropriate conditions.
-

9.0 Human Rights implications

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

10.0 Recommendation

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

Section 106 Heads of Terms

- i) To secure a financial contribution of £368,000 towards the provision of affordable housing in the Borough of Watford;
- ii) To secure a financial payment to the Council of £2,000 towards the variation of the Borough of Watford (Watford Central Area and West Watford Area) (Controlled Parking Zones) (Consolidation) Order 2010 to exclude the site from the controlled parking zone, thereby preventing residents' parking permits being allocated to this site.

Conditions

- 1. The development to which this permission relates shall be begun within a period of two 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 and having regard to paragraph 2.41 of Fixing our Broken Housing Market alongside the time sensitivities of the assessment that has been carried out in terms of development viability and affordable housing.

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

2259 (90) 001, 002

2259 (08) 001, 002, 003, 004, 005, 006, 007, 008, 009, 010

2259 (07) 001, 002, 003, 004, 005, 006

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

3. No construction works shall commence until a detailed noise mitigation scheme for the proposed flats (to include acoustic glazing, acoustic trickle vents and mechanical purge ventilation), to protect the future occupiers from noise from rail traffic on the adjacent railway line and the plant and equipment associated with the adjacent Holiday Inn Express and Egale office building, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall achieve the internal noise levels for individual rooms as set out in British Standard 8233: 2014.

Reason: To ensure an acceptable living environment is achieved for the future occupiers of the development.

4. No construction works shall commence until full details and samples of the materials to be used for the external surfaces of the building (including walls, roofs, windows, doors and balconies) have been submitted to and approved in writing by the Local Planning Authority.

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

5. No construction works shall commence until details of the window reveals for the office glazing and the windows to the flats have been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved materials.

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

6. The development hereby permitted shall be carried out in accordance with the approved surface water drainage assessment carried out by JMP (ref. NW91602-FRA-01 dated July 2016) and the following mitigation measures detailed within the FRA:

- i) Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
- ii) Undertake the drainage as indicated on drawing titled 'Conceptual Drainage Plan' reference NW91602-DR-02.
- iii) Implement appropriate drainage strategy based on attenuation and discharge into Thames surface water sewer.

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

Reason: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

7. No development shall take place until a detailed surface water drainage scheme for the site based on the approved Drainage Strategy and sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- i) Detailed engineered drawings of the proposed SuDS features including their size, volume, depth and any inlet and outlet features including any connecting pipe runs.

- ii) Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

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

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

- 9. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to, and obtained written approval from, the Local Planning Authority for a remediation strategy detailing how this unsuspected contamination is to be dealt with. All works shall be carried out in accordance with the approved details.

Reason: In the interests of the health of the future occupiers of the site and to prevent pollution of controlled waters (the site is within Source Protection Zone 2), in accordance with Policies SE24 and SE28 of the Watford District Plan 2000.

- 10. No part of the development shall be occupied until the refuse and recycling store to serve the development, as shown on the approved drawings, has been constructed and made available for use. This facility shall be retained as approved at all times.

Reason: To ensure that adequate facilities exist for residents of the proposed development, in accordance with Policies SE7 and T10 of the Watford District Plan 2000.

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

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

12. No part of the development shall be occupied until a detailed hard landscaping scheme for all the land within the site, including details of all site boundary treatments and external lighting, has been submitted to and approved in writing by the Local Planning Authority, and the works have been carried out in accordance with the approved details.

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

13. No part of the development shall be occupied until details for the secure and weatherproof storage of 58 cycles (41 for residents of the flats and 17 for occupiers of the office floorspace) have been submitted to and approved in writing by the Local Planning Authority, and the facilities have been provided as approved. These facilities shall be retained at all times.

Reason: To encourage residents and occupiers to travel by cycle and provide sustainable travel alternatives, in accordance with saved Policy T10 of the Watford District Plan 2000 and Policy T3 of the Watford Local Plan Core Strategy 2006-31.

14. The office floorspace shall not be occupied until a detailed Travel Plan, based upon the Hertfordshire County Council document 'Hertfordshire Green Travel Plan Guidance', has been submitted to and approved in writing by the Local Planning.

Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment, in accordance with Policy T3 of the Watford Local Plan Core Strategy 2006-31.

15. No dwelling shall be occupied until details of a communal terrestrial television aerial(s) and satellite dish(es) have been submitted to and approved in writing by the Local Planning Authority.

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

16. For the avoidance of doubt, no communications development permitted by Class B or Class C of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 shall be undertaken on the building.

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

17. No plant or equipment shall be sited on the external elevations of the building unless details of the plant or equipment have been submitted to and approved in writing by the Local Planning Authority. The details shall include size, appearance, siting and technical specifications relating to noise.

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

Informatives

1. You are advised of the need to comply with the provisions of The Control of Pollution Act 1974, The Health & 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.

2. 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 (semeta.bloomfield@watford.gov.uk).

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.

3. This planning permission is accompanied by a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to secure a financial payment towards the provision of affordable housing in the Borough and to exclude the development from the local controlled parking zone.
4. All new developments 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 streetnamenumber@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.

5. In dealing with this application, Watford Borough Council has considered the proposal in a positive and proactive manner having regard to the policies of the development plan as well as paragraphs 186 and 187 of the National Planning Policy Framework and other material considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended. The Council also gave advice on the proposal and sought amendments during the application process.

Drawing numbers

2259 (90) 001, 002

2259 (08) 001, 002, 003, 004, 005, 006, 007, 008, 009, 010

2259 (07) 001, 002, 003, 004, 005, 006

Case Officer: Paul Baxter

Email: paul.baxter@watford.gov.uk

Tel: 01923 278284

Summary of viability assessment process

GL Hearn was instructed to undertake a review of Bilfinger GVA's (BGVA) viability assessment in respect of Clarendon House, Watford on behalf of Watford Borough Council. The site comprised surface car parking, a substation and a three storey office building which we were informed comprised 964 sq m of office accommodation. The applicant was seeking to demolish the existing office unit and provide a development of a mixed use tower of part 14, 9 and 4 storeys incorporating 41 residential units and 1,800 sq m of office space. The applicant proposed office accommodation on the ground to 3rd floors with the residential accommodation situated above.

The applicant demonstrated that based on their assumptions that the scheme was unable to achieve their target profit margin and therefore proposed no on-site affordable housing but offered a financial contribution of £150,000.

We therefore undertook a review of the assumptions in regard to their benchmark land value and the proposed development in order to consider the reasonableness of this position.

Benchmark Land Value (BLV)

This element of the viability review was not agreed upon by the respective consultants. The applicant's consultants argued that purchase price should be used in this situation given that they had recently purchased the site in April 2016 for £2,660,000.

GL Hearn considered this approach to vastly overstate the actual value of the property. The site was previously purchased for £1,520,000 in August 2015 which represented an increase of £1,140,000 in less than 12 months. GL Hearn considered the site value on an Existing Use Value approach which derived its value from the current office use. GL Hearn therefore considered the estimated rental value and yield based on local comparable evidence. Based on the application of a rental value of £18psf and an applied yield of 8% we arrived at a value of £2,080,000 to which we applied a premium of 15%, not uncommon when adopting this approach which is usually to incentivise the landowner to bring forward the development. Therefore in our opinion the site was worth £2,392,000.

We considered that when bidding on land, a purchaser should be aware of the planning policy position in respect of LPA's affordable housing requirements, and should they choose to pay a figure in excess of that, they should certainly not expect to pass this overpayment on to the Council in the form of reduced affordable

housing. If guidance/legislation indeed allows for benchmarking at price paid regardless of planning policy, no landowner would ever agree to dispose of a site at a price which allowed for any affordable housing and no purchaser would have a problem with paying that price as they would automatically get back the 'overpayment' from a concessionary planning consent.

In this case we considered the purchaser had overpaid for the site in April 2016, as can be seen from the 77% increase in value in less than a year, and our position of £2,392,000 remained throughout the negotiation.

This figure was applied in the final appraisal.

Residual Appraisal

Sales Values

BGVA originally applied an average value of £440psf to the total floor area of the proposed residential accommodation based on limited evidence. We highlighted the scheme as Junction Court which was producing values in the region of £500psf plus which we applied in our appraisal.

BGVA responded and refreshed their position to £495psf based on three units for sale within the development. GL Hearn held the position of £500psf which was used as the final figure in the appraisal.

Ground Rents

BGVA had not applied any value in respect of the residential ground rents. We considered that value should be attributed to the ground rents and adopted £250 per annum for the one bedroom units and £350 per annum for the two bedroom units capitalised at 5%.

BGVA accepted this and the value was included in the final appraisal.

Office Values

BGVA applied a rent of £22psf and a yield of 7% which GL Hearn agreed.

Build Costs

BGVA original applied demolition costs of £100k and base construction costs of £143psf and £147psf for the office and residential elements respectively. An

additional allowance of 5% was allowed for in respect of services, utilities and externals. This was then refreshed after time had passed and increased to £162psf and £167psf. BGVA evidenced this using BCIS (Building Cost information Service of the Royal Institute for Chartered Surveyors).

We considered the costs to be reasonable and accepted their refreshed position given that BCIS does tend to understate build costs, which is generally a factor of it being based on limited evidence much of which comes from affordable housing which is often at lower build costs.

Contingency

BGVA applied 3% to which we accepted.

Professional Fees

BGVA applied 10% which we considered reasonable.

Sales & Letting Fees

BGVA applied the following which we considered reasonable;

Sale Agent Fee – 1% (Residential & Office)

Sale Legal Fee – 0.5% (Residential & Office)

Letting Agent Fee – 10% (Office Accommodation)

Letting Legal Fee – 5% (Office Accommodation)

Community Infrastructure Levy (CIL)

BGVA originally adopted a figure of £366,664. The Council's CIL officer calculated the CIL to be £249,525 which we applied in our initial appraisal.

BGVA revised their CIL figure to £308,394 which was applied in the final appraisal with final sign off to come from the Council CIL officer.

Finance

BGVA applied a debit rate of 6% and a credit rate of 0% which we considered to be in line with market levels.

Profit

BGVA argued a 20% on GDV profit margin across both the residential and commercial elements of the scheme. GL Hearn challenged the profit level in respect of the commercial which usually assumes a lower profit margin in most scenarios and therefore applied a blended profit margin of 17.5% in the initial appraisal.

BGVA argued that we had been unreasonable in reducing the profit margin on the offices and took the position that the office market in Watford was in fact weaker than the residential market and if anything should command a higher profit. GL Hearn considered this point reasonable, however, the level of risk could be mitigated if the applicant could secure a pre-let. However with this unknown it is fair to say that there is a higher level of risk involved with the provision of the office accommodation which at current is on a speculative basis.

It is also worth noting that for the offices they had assumed a 6 month rent free but no letting void. It is probably fair to say that if they had included a 6-12 month letting void in their appraisal we would not have found that especially problematic (though we might have argued that letting risk was priced in through inclusion of such a letting void). That being the case, we are probably more sympathetic to their argument on level of profit.

A profit level of 20% was adopted for both residential and commercial elements in the final appraisal.

Assumption	BGVA Assumptions	GLH Figure (Where Different)	Final Position
Sales and Revenue			
Average Private Residential Sales Value	£440	£500	£500psf
Residential Ground Rent	None included	£250pa @ 5% £350pa @ 5%	£250pa @ 5% £350pa @ 5%
Affordable Housing	-	-	-
Office Rent	£22	-	£22
Office Yield	7%	-	7%
Development Costs			
Construction Costs	£8,630,152 (£162psf - Office) (£167psf - Residential)	-	£8,630,152 (£162psf - Office) (£167 - Residential)
Contingency	3%	-	3%
Demolition	£100,000	-	£100,000
Professional Fees	10%	-	10%
Sales Costs (Residential & Office)	1% Agent Fee 0.5% Legal Fee	- -	1% Agent Fee 0.5% Legal Fee
Letting Costs (Office)	10% Agent Fee 5% Legal Fee	- -	10% Agent Fee 5% Legal Fee
Borough CIL	£366,664	£249,525	£308,394
Interest / Finance Costs	6% debit 0% credit	-	6% debit 0% credit
Developers Profit	20% on GDV	17.5% on GDV	20% on GDV
Benchmark Land Value	£2,660,000	£2,392,000	£2,392,000
Financial Contribution	£150,000	£368,000	£368,000

Clarendon House, Watford
4 Floors Office / 10 Floors Residential (41 Apartments)

Development Appraisal
Prepared by Adam Osborne MRICS
GL Hearn
25 January 2017

APPRAISAL SUMMARY

GL HEARN

Clarendon House, Watford 4 Floors Office / 10 Floors Residential (41 Apartments)

Summary Appraisal for Phase 1

Currency in £

REVENUE

Sales Valuation	Units	ft²	Rate ft²	Unit Price	Gross Sales
4th Floor - Residential	1	3,142	500.00	1,571,000	1,571,000
5th Floor - Residential	1	3,142	500.00	1,571,000	1,571,000
6th Floor - Residential	1	3,142	500.00	1,571,000	1,571,000
7th Floor - Residential	1	3,203	500.00	1,601,500	1,601,500
8th Floor - Residential	1	3,203	500.00	1,601,500	1,601,500
9th Floor - Residential	1	2,455	500.00	1,227,500	1,227,500
10th Floor - Residential	1	2,455	500.00	1,227,500	1,227,500
11th Floor - Residential	1	2,455	500.00	1,227,500	1,227,500
12+13th Floor (Duplex) - Residential	1	4,126	500.00	2,063,000	2,063,000
Totals	9	27,323			13,661,500

Rental Area Summary

	Units	ft²	Rate ft²	Initial MRV/Unit	Net Rent at Sale
Ground Floor - Offices	1	3,030	22.00	66,660	66,660
1st Floor - Offices	1	4,293	22.00	94,446	94,446
2nd Floor - Offices	1	4,293	22.00	94,446	94,446
3rd Floor - Offices	1	4,293	22.00	94,446	94,446
One Bedroom Ground Rents	16			250	4,000
Two Bedroom Ground Rents	25			350	8,750
Totals	45	15,909			362,748

Investment Valuation

Ground Floor - Offices

Market Rent	66,660	YP @	7.0000%	14.2857	
		PV 1yr @	7.0000%	0.9346	889,987

1st Floor - Offices

Market Rent	94,446	YP @	7.0000%	14.2857	
		PV 1yr @	7.0000%	0.9346	1,260,961

2nd Floor - Offices

Market Rent	94,446	YP @	7.0000%	14.2857	
		PV 1yr @	7.0000%	0.9346	1,260,961

3rd Floor - Offices

Market Rent	94,446	YP @	7.0000%	14.2857	
		PV 1yr @	7.0000%	0.9346	1,260,961

One Bedroom Ground Rents

Market Rent	4,000	YP @	5.0000%	20.0000	
		PV 6mths @	5.0000%	0.9759	78,072

Two Bedroom Ground Rents

Market Rent	8,750	YP @	5.0000%	20.0000	
		PV 6mths @	5.0000%	0.9759	170,783
					4,921,725

GROSS DEVELOPMENT VALUE

18,583,225

Purchaser's Costs

(285,460)

(285,460)

NET DEVELOPMENT VALUE

18,297,765

NET REALISATION

18,297,765

OUTLAY

ACQUISITION COSTS

Residualised Price	508			
Fixed Price	2,392,000			
Total Acquisition (0.34 Acres 7,036,787.77 pAcre)		2,392,508		2,392,508
Stamp Duty		109,125		
Agent Fee	1.00%	23,925		
Legal Fee	0.50%	11,963		
			145,013	

CONSTRUCTION COSTS

Construction	ft²	Rate ft²	Cost
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Clarendon House, Watford
4 Floors Office / 10 Floors Residential (41 Apartments)

Ground Floor - Offices	4,843 ft ²	162.00 pf ²	784,623	
1st Floor - Offices	4,843 ft ²	162.00 pf ²	784,596	
2nd Floor - Offices	4,843 ft ²	162.00 pf ²	784,596	
3rd Floor - Offices	4,843 ft ²	162.00 pf ²	784,596	
4th Floor - Residential	3,817 ft ²	167.00 pf ²	637,485	
5th Floor - Residential	3,817 ft ²	167.00 pf ²	637,485	
6th Floor - Residential	3,817 ft ²	167.00 pf ²	637,485	
7th Floor - Residential	3,817 ft ²	167.00 pf ²	637,394	
8th Floor - Residential	3,817 ft ²	167.00 pf ²	637,394	
9th Floor - Residential	3,020 ft ²	167.00 pf ²	504,287	
10th Floor - Residential	3,020 ft ²	167.00 pf ²	504,287	
11th Floor - Residential	3,020 ft ²	167.00 pf ²	504,287	
12+13th Floor (Duplex) - Residential	4,740 ft ²	167.00 pf ²	791,638	
Totals	52,258 ft²		8,630,152	8,630,152

Contingency	3.00%	258,905	
Demolition		100,000	
CIL (residential)		308,394	
Financial Contribution		368,000	
			1,035,299

PROFESSIONAL FEES

Professional Fees	10.00%	863,015	
			863,015

MARKETING & LETTING

Letting Agent Fee	10.00%	35,000	
Letting Legal Fee	5.00%	17,500	
			52,500

DISPOSAL FEES

Sales Agent Fee	1.00%	182,978	
Sales Legal Fee	0.50%	91,489	
			274,466

FINANCE

Debit Rate 6.000%, Credit Rate 0.000% (Nominal)			
Land		392,869	
Construction		642,286	
Letting Void		151,178	
Other		1,835	
Total Finance Cost			1,188,167

TOTAL COSTS
14,581,120
PROFIT
3,716,645
Performance Measures

Profit on Cost%	25.49%
Profit on GDV%	20.00%
Profit on NDV%	20.31%
Development Yield% (on Rent)	2.49%
Equivalent Yield% (Nominal)	6.90%
Equivalent Yield% (True)	7.21%

IRR	20.91%
-----	--------

Rent Cover	10 yrs 3 mths
Profit Erosion (finance rate 6.000%)	3 yrs 10 mths

Clarendon House, Watford**4 Floors Office / 10 Floors Residential (41 Apartments)****Initial****MRV**

66,660

94,446

94,446

94,446

4,000

8,750**362,748**

Clarendon House, Watford

4 Floors Office / 10 Floors Residential (41 Apartments)



Date: 13/02/2017

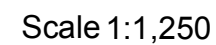


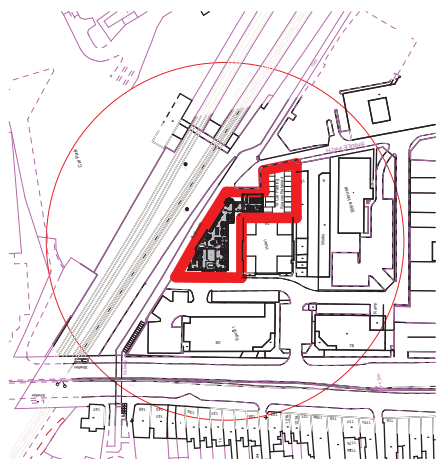


Image from Google Earth (east)



Image from Google Earth (north-west)

PROPOSED SITE PLAN
1:200



*** Secure Cycle Store to Accomodate
28 No. Double Stacked Bicycles**

19 Car Parking Spaces Retained	
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64

Hotel

91

Works

6

117
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codh
 Code Planning
 20-21 Central Place
 Watford, Hertfordshire
 WD17 7JF
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 F +44 (0)1425 275 004

D - design PL - planning VT - pre-tender
 T - tender P - preliminary
 C - construction R - revised

Excel
 Proposed Mixed Use Development
 Watford
 1st, 2nd & 3rd Floor Plans

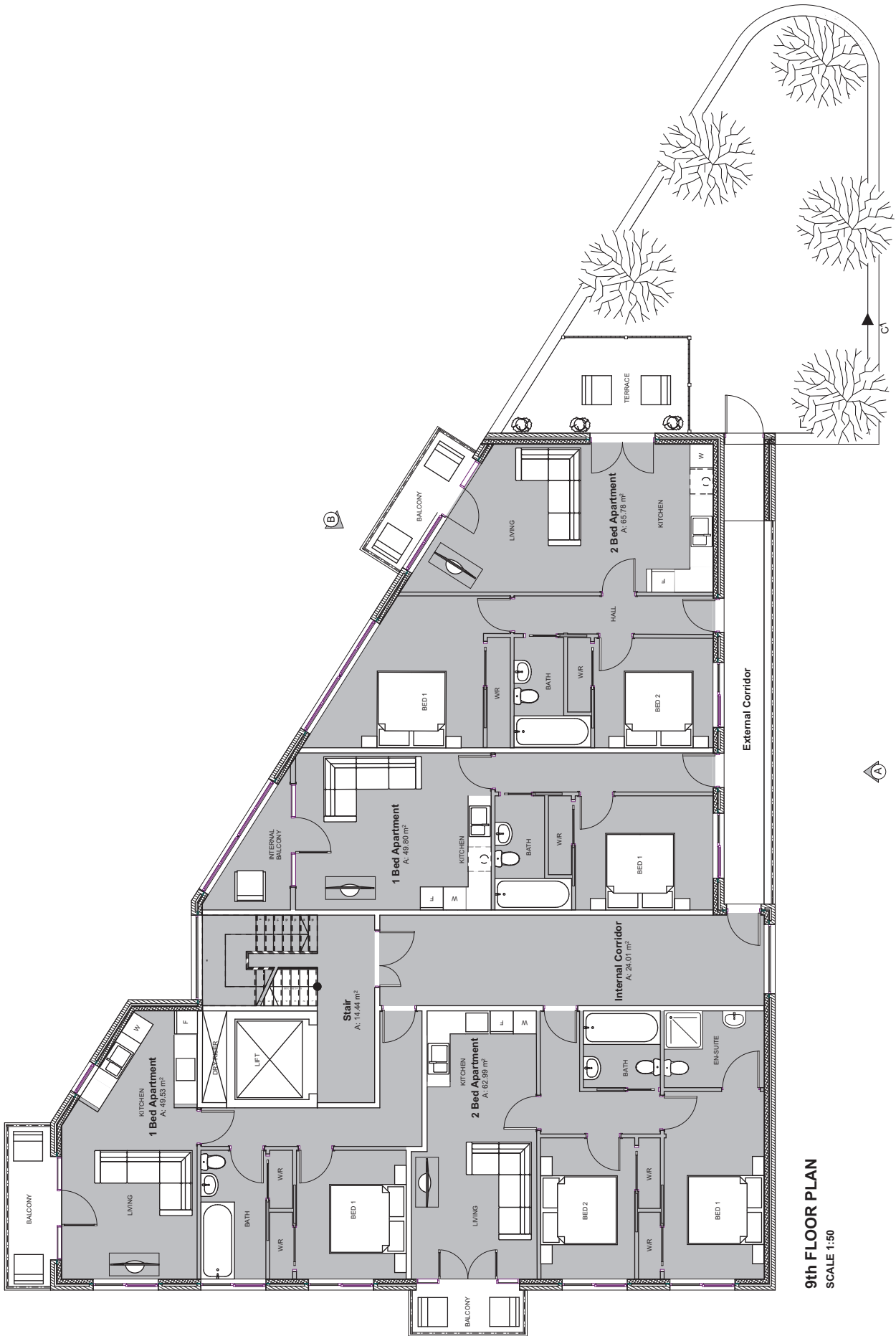
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job no. 2259 category/frag no. (08)002 revision

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4th to 6th Floor Plans
SCALE 1:50



9th FLOOR PLAN
SCALE 1:50

DESIGN
 02/10/2018
 03/10/2018
 04/10/2018
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PART A

Report to: Development Management Committee

Date of meeting: 19 April 2017

Report of: Development Management Section Head

Title: Review of Performance October 2015 to December 2016 (For Information Planning: Development Management)

Summary

1. This report provides information on the performance of Development Management with regard to the number of planning applications determined and appeals decided between October 2015 and September 2016. Performance figures for October 2016 – December 2016 are also provided.
2. The performance figures for Watford are provided in the table below alongside our internal target. All three targets are being exceeded, with the majority of applications being approved, which indicates that planning officers are working with applicants and agents in a positive manner and are performing well.
3. The speed of planning decisions is now being monitored by the DCLG for the purposes of designating poor performing authorities. The Council is currently considered to be highly performing and is substantially exceeding the prescribed standards.

Performance Oct 2015 to Dec 2016

October 2015 – September 2016				
Type	Target % in agreed time	Achieved % in agreed time	No. Approved	% Approved
Majors	60	95	17	77
Minors	65	96	165	71
Others	85	97	406	77

Quarter October – December 2016				
Type	Target % in agreed time	Achieved % in agreed time	No. Approved	% Approved
Majors	60	100	1	100
Minors	65	94	31	67
Others	85	93	102	85

4. The table below provides details of the appeal decisions on planning applications. The majority of applications are dismissed at appeal, which is a good indication that planning officers are applying the relevant policies appropriately. The overall appeal performance of 33% appeals upheld (allowed) is very good as the historical national target was 34% of upheld appeals.
5. On delegated decisions, the Authority's decisions are upheld slightly more often with only 27% of appeals being allowed. No appeals arising from decisions of the Development Management Committee have been upheld, however this must be noted in the context that all such decisions were contrary to the officers' recommendations.
6. The Department for Communities and Local Government sets quality criteria comparing the number of upheld appeals against total decisions in the same period. This is not based on the same period as this report; however it is useful to consider performance across the report period for purposes of on-going monitoring. The criterion for poor performance is 10% for Major and Non-Major applications. For the period considered in this report the figure is 5.5% for Major and 1.8% for Non-Major applications. It should be noted that the quality measure for Major applications is particularly sensitive to appeal decisions due to the low total number of such applications.

Appeal Decisions Received within Oct 2015 to Dec 2016

Oct-Dec 2015		Application	Decision Type	Overtake	Appeal Decision
	1	14/01773/FUL	Delegated	N /A	Allowed
	2	15/00644/ADV	Delegated	N /A	Allowed
	3	15/00649/FUL	Delegated	N /A	Allowed
	4	15/00413/FULM	Committee	Yes	Allowed
	5	15/00350/FULH	Delegated	N /A	Dismissed
	6	15/00759/FULH	Delegated	N /A	Dismissed
	7	15/00066/FUL	Delegated	N /A	Dismissed
	8	14/01197/FUL	Delegated	N /A	Dismissed

Jan–Mar 2016	9	15/00141/FUL	Delegated	N /A	Allowed
	10	15/00917/FULH	Delegated	N /A	Dismissed
	11	15/00808/FUL	Delegated	N /A	Dismissed
	12	14/01833/FUL	Delegated	N /A	Dismissed
	13	15/01290/FULH	Delegated	N /A	Dismissed
	14	15/00815/FULH	Delegated	N /A	Dismissed
	15	15/01358/FULH	Delegated	N /A	Dismissed
Apr–Jun 2016	16	15/01244/FUL	Delegated	N /A	Allowed
	17	15/01447/FUL	Committee	Yes	Allowed
	18	15/01208/FUL	Committee	Yes	Allowed
	19	15/01321/FUL	Delegated	N /A	Dismissed
	20	15/01214/FUL	Delegated	N /A	Dismissed
	21	15/01524/FULH	Delegated	N /A	Dismissed
	22	15/01573/FULH	Delegated	N /A	Dismissed
	23	15/01618/FULH	Delegated	N /A	Dismissed
	24	15/01430/FULH	Delegated	N /A	Dismissed
	25	15/01137/OPD	Delegated	N /A	Dismissed
	26	15/01563/FUL	Delegated	N /A	Dismissed
July-Sep 2016	27	15/01613/FULH	Delegated	N /A	Allowed
	28	16/00080/FULH	Delegated	N /A	Allowed
	29	15/01139/FUL	Delegated	N /A	Allowed
	30	16/00517/FULH	Delegated	N /A	Allowed
	31	16/00002/FULH	Delegated	N /A	Dismissed
	32	16/00022/FULH	Delegated	N /A	Dismissed
	33	16/00082/FULH	Delegated	N /A	Dismissed
	34	15/01340/FUL	Delegated	N /A	Dismissed
Oct-Dec 2016	35	16/00291/FULH	Delegated	N /A	Allowed
	36	16/00018/FUL	Committee	Yes	Allowed
	37	16/00540/FULH	Delegated	N /A	Allowed
	38	16/00086/TPO	Delegated	N /A	Dismissed
	39	16/00753/FULH	Delegated	N /A	Dismissed
	40	16/00573/FUL	Delegated	N /A	Dismissed
	41	16/00796/FULH	Delegated	N /A	Dismissed
	42	15/01785/FUL	Delegated	N /A	Dismissed

Recommendation:

That the Committee note the performance of Development Management planning.

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Development Management Committee – 19 April 2017

Summary Report on Appeal Decisions

Delegated Decisions – Main Learning

Overall, decisions have been in the Authority's favour indicating that generally decisions have been sound and of a high quality. However, it is worth examining decisions which were allowed to see if there were any trends.

The issues are more varied than those arising from applications considered by committee. The main areas, however, in which appeals were allowed were on subjective issues related to design, which is to be expected.

One decision found that parking permits should not be removed as the inspector wanted more evidence to demonstrate this, but overall Inspectors have agreed with the authority when this issue has been raised and this does not appear to be a trend.

Some criticism was raised in two decisions, one a delegated refusal and one a committee refusal, that the rationale behind the amenity space standards in the RDG was not clear, however, this is only in respect of two decisions and does not seem to be an issue overall. The pattern of decisions on both delegated and committee refusals does indicate, however, that refusal of applications solely on the basis of external amenity space is not finding traction with Inspectors.

One decision related to the issue of a second temporary consent on a site rather than a permanent permission. This decision is not surprising as issuing a second temporary planning permission is discouraged by the NPPG and would not normally be done.

Delegated Decisions – Summaries

14/01773/FUL - Prejudicial to future development of neighbouring site. Principally lost because of lack of evidence about any actual proposals for neighbouring site provided.

15/00644/ADV - Very large advertisement hoarding. Inspector felt it would look ok.

15/00141/FUL - Second temporary permission. Unnecessary as it had already been demonstrated that the use caused no harm and permanent permission could be granted.

15/01244/FUL - Design and room sizes and lack of garden space. Inspector had a differing view on design, concluding that the flats would likely be used by only single occupants and felt all areas of garden space were useable.

15/01563/FUL - Standard of accommodation for future occupants (amenity space, privacy and outlook) and highway safety due to lack of parking permit removal. Amenity space below SPD standard, but inspector consider ok as not out of character with nearby and flatted accommodation and lack of weight to SPD because amenity space calculations are not evidenced. Allowed without parking permit removal because of lack of evidence provided as to why this was necessary.

15/01613/FULH - Impact of extension on character and appearance of host dwelling and street scene. Inspector considered design acceptable in context despite not fully complying with SPD guidance.

16/00080/FULH - Impact of extensions (remodelling from chalet bungalow into two storey house) on character and appearance of area. Inspector felt the proposal was not over dominant or out of character as a whole. While criticising aspects of the design as fussy, overall did not feel this alone was sufficient to refuse permission.

15/01139/FUL - New dwelling and amendments to existing hours; character and appearance of the area. The Inspector concluded that the design of the new dwelling was acceptable. The Inspector accepted amended plans removing aspects of the extensions which the Council has considered acceptable, such that the proposal allowed was different to that which was refused.

16/00517/FULH – Extensions; character and appearance. Inspector reached the view that the extensions would have an appropriate appearance.

16/00291/FULH - Extensions; character and appearance. Inspector reached the view that the extensions would have an appropriate appearance.

16/00540/FULH – Extensions; character and appearance and living conditions. Inspector reached the view that the extensions would in effect create a ‘new house’ and therefore put less weight on RDG guidance with regard to impact on the character of the original dwelling and, overall, concluded design acceptable. Did not find harm to living conditions of neighbours due to site specific circumstances.

Committee Decisions - Main Learning

The main theme in the appeals arising from committee decisions was one of design, with the overwhelming trend in the appeals being that the proposals were for more modern and contemporary design approaches which were resisted by the

Development Management Committee. This included decisions within conservation areas and in proximity of listed buildings.

Paragraph 60 of the NPPF states: 'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.'

Paragraph 131 of the NPPF states: '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.

Paragraph 138 of the NPPF clarifies that 'Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance...'

I would advise the Committee to be mindful of paragraph 60 in making decisions. The fact that the design of a building is not to the liking of all, or does not seek to copy or replicate the surrounding built form (even in conservation areas) is not a sufficient reason to refuse planning permission. The Committee should also be mindful that the purpose of the designation of conservation areas (or the listing of buildings) is to protect and enhance those aspects of the area that contribute to their historic significance, not to insist on a particular style for all development within the area. Consideration of proposals in such areas needs to be thorough and careful but the provision of more contemporary buildings in these locations does not necessarily harm their significance. In some circumstances pastiche developments, which seek to copy the existing character, can detract from the significance and more contemporary buildings can be seen to enhance the area as they are visually distinct and can serve to emphasise those features of significance.

The other point that arises from the decisions is that the Residential Design Guide and other supplementary documents are guidance only and it is often the case that a development cannot fully comply with all the conflicting aspects of planning policy. While we should seek adherence to them for consistency they are not unbreakable rules and it is still necessary to have regard to the individual circumstances of the case, the surrounding context, and the wider strategic context (such as housing need) in determining whether the overall planning balance lies in favour of granting permission.

In addition to the decisions addressed in this performance report, a public inquiry has recently been held on another site. While the decision on this is awaited the inquiry has highlighted that some aspects of the Council's current Development Plan relating to housing are out-of-date, and in considering proposals for housing there is a presumption in favour of grant permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- specific policies within the National Planning Policy Framework indicate development should be restricted.

It is also important to always have regard to the planning balance and the positive features which can arise from developments. In the current context, the benefit of providing additional housing is of particular importance and should always be taken into account.

The overall planning balance will remain be a key factor for members of the Committee to take into account on all applications.

Committee Decisions - Summaries

15/00413/FULM – 23-25a St Johns Road.

Main Issue - the effect of the development on the character and appearance of the area. This is principally in relation to the prominent Block 1 frontage onto St John's Road not adequately reflecting the residential context of this location and therefore being out of character and appearing as overdevelopment.

The Inspector concluded on this issue:

"Having heard the evidence given, I have reached the view that this proposal would provide for a high standard of contemporary design that responds well to the context of this site. Block 1 would provide for a successful transition between the tall office buildings on Clarendon Road and the residential development along St John's Road and to the west. The staged reduction in height of the components to Block 1, from five to three storeys, would provide for a well-designed modern frontage that both moderates and screens the present impact of the contrasting scale of the adjacent business properties. It would provide a graduation in height that would respect the scale of the adjacent housing such that the development would not have the appearance of being over-development.

“Block 2 would combine with Block 1 to provide a comprehensive scheme that would make effective use of the site, divided by well-designed and landscaped communal open spaces, with a development of an appropriate scale and design for the space between the housing and office developments.

“This proposal would be of a good quality, contemporary design appropriate to the transitional nature of this site and would make a positive contribution to both the character and appearance of the area. Therefore it would satisfy the requirements of Policies SS1 and UD1 of the Watford Local Plan Core Strategy 2006-31 (WLPCS) and the Residential Design Guide¹ (RDG).”

The Inspector also commented on car parking confirming that car free development was acceptable in this sustainable location, subject to controls over parking permits.

15/01447/FUL – 81 Cecil Street.

Main Issue - garden size. A 3 bedroom house and 1 bedroom house, both with gardens below SPG guidelines, the 3 bedroom house significantly so.

Inspector attached little weight to the SPD as it contains no rationale for how the size recommendations were reached and concluded the garden sizes were acceptable as the garden sizes were not uncharacteristic of nearby properties.

15/01208/FUL – South Lodge, Hempstead Road.

Main Issues – effect of the proposal on the character and appearance of the area and on the setting of a Grade II Listed Building.

Character and Appearance – The Inspector considered that the contemporary design would have a modest size and bulk with clean and unfussy lines. It would have a minimal visual impact on wider surroundings and would be softened by existing trees and sit comfortably when viewed from Hempstead Road. The design of the proposed dwelling, in particular its flat, sedum covered roof and its simple elevational appearance would not result in an unduly alien or incongruous feature in the surroundings.

Setting of Listed Building – The proposal would have a simple form and functional appearance in contrast with the more complex form and detailed elevations of the listed structure. The modest scale, minimal height and siting away from the existing building towards the end of the garden would all have the effect that the new dwelling would be subservient and unassertive in relation to the listed building. It would therefore cause no harmful erosion to the character.

16/00018/FUL – Red Lion Public

Main Issue - the proposal would not preserve or enhance the character and appearance of The Square Conservation Area.

The Inspector concluded on this issue:

“The appeal scheme proposes a contemporary design approach to the redevelopment of the site. Given the varied architecture and streetscape along Vicarage Road this would not be out of context. I recognise that the flat roofed and fronted design of the two blocks proposed would not reflect the traditional, pitched roof, bay window architecture typical of the Victorian buildings within the Conservation Area. However, the simplicity of their design would not compete with this architecture, particularly with the more ornate detailing of the adjacent Red Lion Public House. The two storey height of the blocks would respect that of the terraced housing to the rear and would align with the eaves height of the Red Lion. The spacing between and around the buildings would relate well to the buildings either side and their position at the back edge of the footpath would reflect the characteristic building line of development along this section of Vicarage Road. The use of red brickwork would match that of the adjoining stable block and respect the palette of materials found in the Conservation Area. The retained and replacement trees would also help to soften the development and the glimpsed views of the properties in Oxford Street in the spaces between the new blocks.”

Appeal Decision

Hearing held on 10 May 2016

Site visit made on 10 May 2016

by Jonathan Price BA(Hons) DipTP MRTPI DMS

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20th June 2016

Appeal Ref: APP/Y1945/W/15/3139582

23, 25, 25A St John's Road, Watford, Hertfordshire WD17 1PZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by The Seventh Day Adventist Association Limited against the decision of Watford Borough Council.
 - The application Ref 15/00413/FULM, dated 13 March 2015, was refused by notice dated 8 October 2015.
 - The development proposed is demolition of existing buildings, originally three detached dwellings, now linked and used as offices. Erection of two blocks of flats including affordable housing.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing buildings, originally three detached dwellings, now linked and used as offices. Erection of two blocks of flats including affordable housing at 23, 25, 25A St John's Road, Watford, Hertfordshire WD17 1PZ in accordance with the terms of the application, Ref 15/00413/FULM, dated 13 March 2015, subject to the conditions set out in the Schedule attached to this decision.

Main Issue

2. The main issue in this case is the effect of the development on the character and appearance of the area.

Reasons

3. The appeal site is situated to the west, and at the rear, of two large, multi-storey office buildings, 55-57 and 59 Clarendon Road, which reflect the character of large-scale commercial development along this street. The building at No 59, which houses Watford Housing Trust, occupies a corner position and has a substantial return frontage onto St John's Road, opposite to the Magistrates' Court. The existing buildings on the appeal site front onto St John's Road adjacent and to the west of the Watford Housing Trust building. Although currently in office use these buildings largely retain their former residential character and are of a scale and position similar to the frontage housing that continues to the west along this side of the road.
 4. To the rear of these frontage buildings is undeveloped land, occupied mainly as car parking and situated between the rear of 55-57 Clarendon Road and the backs of terraced housing along Albert Street North, which extends further
-

- behind Nos 25 and 25a to provide an L-shaped site. This land is proposed to be redeveloped with two blocks of flats, one fronting onto St John's Road on the site of the existing buildings and the second, sited perpendicular, occupying the vacant land to the rear.
5. The Council's concern is not with the overall density resulting from the proposed forty flats or with the principle of housing here but with the design of the development. This is principally in relation to the prominent Block 1 frontage onto St John's Road not adequately reflecting the residential context of this location and therefore being out of character and appearing as over-development.
 6. At the hearing the Council, and interested parties, explained their concerns in more detail. These can be summarised as a desire for a design approach which better reflected the adjacent residential development rather than what was considered a continuation of the character and scale of the office buildings. The appellants explained the significant amount of pre-application discussion which had resulted in a design approach which reflected the site's context as the transition between the large scale offices on Clarendon Road and the smaller scale residential development on St John's Road.
 7. Some interested parties expressed a desire for a scheme of a more traditional residential character matching the scale of the existing buildings. The Council and other interested parties had no objection in principle to the contemporary design proposed or to the stepping down in scale of the frontage away from the adjacent office building. The hearing resumed at the site visit at which the nearby Westland Suite development was pointed out as a design approach that some interested parties found more successful.
 8. Interested parties drew my attention to the locally-listed status of the municipal buildings on the opposite side of St John's Road. However, taking account of the requirements in paragraph 135 of the National Planning Policy Framework (the Framework), I am satisfied that this proposal would result in no harm or loss to the significance of these buildings as non-designated heritage assets.
 9. Whilst the existing buildings on the appeal site are of some historical interest, to which interested parties have made reference, they are not listed or within a conservation area. I do not consider them of sufficient merit to justify their retention and conversion as an option preferable to the redevelopment proposed. The scheme would, however, meet the requests that have been made that the plaque relating the origins of the existing buildings be reclaimed and incorporated into the front façade of Block 1.
 10. Reservations were expressed over the materials proposed and in particular the Corten steel panels. Whilst advocating this as a suitable material, the appellants were prepared to accept a condition reserving approval for all external finishes.
 11. Having heard the evidence given, I have reached the view that this proposal would provide for a high standard of contemporary design that responds well to the context of this site. Block 1 would provide for a successful transition between the tall office buildings on Clarendon Road and the residential development along St John's Road and to the west. The staged reduction in height of the components to Block 1, from five to three storeys, would provide

for a well-designed modern frontage that both moderates and screens the present impact of the contrasting scale of the adjacent business properties. It would provide a graduation in height that would respect the scale of the adjacent housing such that the development would not have the appearance of being over-development.

12. Block 2 would combine with Block 1 to provide a comprehensive scheme that would make effective use of the site, divided by well-designed and landscaped communal open spaces, with a development of an appropriate scale and design for the space between the housing and office developments.
13. This proposal would be of a good quality, contemporary design appropriate to the transitional nature of this site and would make a positive contribution to both the character and appearance of the area. Therefore it would satisfy the requirements of Policies SS1 and UD1 of the Watford Local Plan Core Strategy 2006-31 (WLPCS) and the Residential Design Guide¹ (RDG).

Other Matters

Loss of employment site

14. Whilst the main part of the appeal site is within a residential area, where the Council accepts the principle of redevelopment for housing, the part occupied by No 23 is within Employment Area E7A as shown in the Watford District Plan 2000 (WDP) Proposals Map. This part of the appeal site is therefore protected for employment use through WLPCS Policy EMP2 and saved WDP Policy E1. Although the Council considers there remains a need for future office space in Watford, it does not consider No 23 offers the kind of modern, open plan office space for which there is a demand. In the context of this larger comprehensive residential scheme, the Council has accepted the departure from its policies over the loss of office space involved and I concur with this.

Living conditions

15. The western part of Block 1 would not be of such a height or depth, compared to the existing No 25A, to have any materially harmful impact upon the outlook from, or availability of light to, the adjacent flats in 27 St John's Road. The west-facing elevation would only have a small second floor side window, which could be obscure-glazed, and the proposal would therefore not result in any over-looking or loss of privacy to these neighbours.
16. The three-storey Block 2 would be situated with its west facing elevation some 13m from the rear boundaries of the dwellings along the adjacent part of Albert Road North and would be around 28m from their rear elevations. Block 2 would be of a similar height to these existing houses. To the rear these dwellings currently view the 25m high office block at 55-57 Clarendon Road.
17. With the large offices already to the east, Block 2 would not cause any further loss of light or over-shadowing to the neighbouring dwellings on Albert Road North or to those to the south on Monmouth Road. Set towards the eastern edge of the site, against the considerably larger office block, Block 2 would not have a significantly over-bearing impact on the rear outlook from these neighbouring dwellings.

¹ Watford Borough Council Residential Design Guide – adopted July 2014.

18. The RDG seeks a minimum 27.5m separation distance between the rear elevations of existing and new houses. Although Block 2 meets this distance it would involve flats, and include windows to main habitable rooms at a first and second floor-level. However, I consider there would be sufficient separation between these and the rear windows of the dwellings to the west not to result in material harm to the living conditions of these occupiers due to over-looking and loss of privacy. To further avoid any loss of privacy no balconies are proposed to Block 2 and the flat-roofed parts to the sides are not intended to be roof gardens.
19. Any impact arising from this proposal would be ameliorated through the landscaping proposed within the site and along the western boundary. The free-standing bin storage building sited to the rear of 5 and 6 Albert Road North, if properly managed, should not harm living conditions by resulting in smell or by attracting vermin. Any potential future problems could be addressed by the Council under its environmental health powers.
20. The separate vehicular and pedestrian accesses into the site would be provided with a controlled entry system and, therefore this proposal would not prejudice the security of neighbouring dwellings. Given the limited provision of on-site car parking proposed, the occupation of this development would not likely give rise to undue noise and disturbance beyond that which might reasonably be expected within an urban residential area. No valuable trees would be lost and the removal of the existing greenery in this site would be compensated for by the landscaping proposed.

Car parking issues

21. Only four car parking spaces are to be provided, adjacent to Block 2, two of which would be reserved for disabled users. The proposal therefore essentially amounts to a car free development. Interested parties referred to the existing heavy traffic in this area and the particular problems caused by the pressure on available on-street parking, including the difficulties this caused in accessing private spaces.
22. The main concern of interested parties was that the lack of on-site car parking provision was impractical for a scheme of forty flats and that the availability public transport was not comparable to central London and residents would likely need a car. The lack of spaces would result in occupiers finding parking further afield adding to problems elsewhere or, outside the restricted Controlled Parking Zone (CPZ) hours, would deprive existing residents, with permits, space to conveniently park. Reference was made to the location of the site close to an area with a thriving night time economy and the parking pressures ensuing as a result.
23. The Council, however, considered the proposal to be in a location, highly accessible to public transport and in close walking distance to a wide range of daily required services and facilities, suitable for car free residential development in accordance with WDP Policy T26. Subject to the future occupiers of the development not being entitled to on-street parking permits, the Council was satisfied that the parking concerns of interested parties could be addressed. However, the situation would be monitored and parking restrictions and enforcement would generally be subject to future review.

24. Whilst appreciating the concerns of interested parties, I consider the location of this proposal suitable for a car free development subject to measures to prevent future occupiers gaining permits for on-street parking within the CPZ.

Local services

25. Interested parties raised concerns over the ability of local services, such as the local medical practice, to support a development of this size. The Council considered that as the development would be chargeable under the Community Infrastructure Levy (CIL) it would contribute towards the services upon which it would depend. I consider there to be insufficient grounds to consider the development would place unacceptable pressure on local supporting services.

Conditions

26. A schedule of conditions was agreed by the main parties at the hearing and consideration has been given to this. In addition to the standard time limit a condition is necessary, in the interests of certainty, that the development be carried out in accordance with the submitted plans, including the Flood Risk Assessment and Drainage Strategy needed to secure sustainable surface water management.
27. To allow the Council to retain control of over certain matters, pre-commencement conditions must be satisfied. In the interests of character and appearance these include agreement to all external finishes and, in the interests of the living conditions of surrounding residents, to a Construction Environmental Management Plan.
28. A condition is necessary for all means of enclosure to be provided to agreed details before first occupation in the interests of the satisfactory appearance of the development and to secure privacy for current and future occupiers.
29. A condition is necessary to secure the implementation of the approved hard and soft landscaping measures and the on-site access and parking spaces prior to occupation. Another condition requires the free-standing bin/cycle store to be installed and maintained to agreed details.
30. In the interests of the living conditions of nearby residential occupiers a condition prevents demolition and construction work taking place on Saturday afternoons, Sundays and Bank Holidays and outside of 0800 – 1800 on other days.
31. To safeguard the privacy of neighbouring occupiers it is necessary that conditions prevent the use of any flat-roofed areas as terraces, balconies or open amenity spaces and that the west facing second floor window in Block 1 and all east facing windows in Block 2 are installed and maintained as non-openable below 1.7m/obscure-glazed.
32. In the interests of highway safety conditions are necessary to prevent further means of enclosure along the site frontage (beyond that agreed under condition 5) and to reinstate the highway where previous access points, not part of this development, are removed.
33. To address any land contamination, conditions require an intrusive site investigation into ground conditions and the implementation of any remediation and protection measures that are identified as a result of this.

Unilateral Undertaking

34. The Council implemented a CIL charging schedule on 1 April 2015 and this development would be liable for CIL charges contributing to defined infrastructure and community facilities within the Borough. The appellant has provided a Unilateral Undertaking (UU) which commits to meeting three site specific requirements which would not otherwise be met through the CIL.
35. The first requirement would secure 14 of the 40 proposed flats as affordable housing units necessary to meet WLPCS Policy HS3. The second concerns fire hydrant provision for the proposed development required under WLPCS Policy INF1 and saved WDP Policy H10. The third requires a payment to the Council to cover the cost of variations made to the relevant traffic regulation order to exclude the development from the local CPZ, such that residents of the 40 flats would not be entitled to residents' parking permits, which would be necessary for the proposal to accord with WDP saved Policy T26.
36. I have considered the UU and conclude that it would be necessary to make the development acceptable in planning terms, be directly related to the proposal and fairly related to it in scale and kind. I conclude therefore the UU meets the three tests in Regulation 122(2) of the CIL Regulations 2010 and Paragraph 204 of the Framework.

Conclusions

37. The proposal would gain strong support through the presumption in favour of sustainable development established in the Framework by making effective use of previously developed land to help boost the general supply of housing in a location accessible to public transport and to services by means other than through private car use. For the reasons set out above, having taken into account all other matters raised, I conclude that this appeal should be allowed.

Jonathan Price

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Ruth Reed BA DipArch MA PGCertEd PPRIBA	Green Planning Studio
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Jane Duncan BSc DipArch PRIBA	Jane Duncan Architects
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FOR THE LOCAL PLANNING AUTHORITY:

Councillor Rabi Martins	Chair of Development Management Committee
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Habib Neshat	Team Leader Development Control
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Simon Hoskin BA(Hons) MA MRPTI	Principal Planning Officer
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INTERESTED PERSONS:

Kim Gault-Clark BSc(Hons) MA MRTPI	Local Resident
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Jide Ogunsanwo	Local Resident
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Reverend Ian Pankhurst BA(Hons) MA	Local Resident
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Jan Crofts	Local Resident
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David Full	Local Resident
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Clive Bennett	Local Resident
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Peter Stephens	Local Resident
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Peter Young BSc IEE	General Secretary Central Town Residents Association
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DOCUMENTS SUBMITTED AT THE HEARING

Extract from Watford Borough Council Monitoring Report 2015 – page 39 Five Year
Housing Land Supply Assessment

Agreed Schedule of suggested conditions

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans/documents: DAT/9.0, DAT/9.1 Rev A, DAT/9.2 Rev B, SJR-412-001, SJR-412-1.00 Rev B, SJR-412-1.01 Rev B, SJR-412-1.02 Rev A, SJR-412-1.03 Rev D, SJR-412-1.04 Rev B, SJR-412-1.10, 080-PL-001 Rev A, 080-PL-002 Rev A, 080-PL-003 Rev A, 080-PL-004, Flood Risk Assessment and Drainage Strategy MT/NWK/JN2063/FRA-Rev A.
- 3) Notwithstanding the information already submitted, no construction of buildings above damp proof course level shall commence until details of the materials to be used for all external finishes of the buildings, including all external walls, doors, roofs, windows, balconies and canopies, rainwater and foul drainage goods, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.
- 4) No demolition or construction work shall commence within the site until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This Plan shall include details temporary access for demolition/construction vehicles, contractors parking, the hours for the delivery and arrangements for storage of materials, measures to mitigate noise and dust, wheel washing facilities, plant and equipment and a contact procedure for complaints. The Plan approved shall be implemented throughout the relevant demolition and construction periods.
- 5) Notwithstanding the information already submitted, details of the means of enclosure (including the siting, height, type, materials and finishing of all fencing, walls, gates or other means of enclosure around the boundaries of the site and within the site) shall be submitted to and approved in writing by the Local Planning Authority prior to either the installation of any means of enclosure or first occupation of any part of the development, whichever is the sooner. All fencing, walls, gates or other means of enclosure shall be provided in accordance with the approved details prior to the first occupation of any part of the development and shall be maintained as such at all times thereafter.
- 6) The hard and soft landscaping shall be carried out in accordance with the details shown on drawings 080-PL-001 Rev A, 080-PL-002 Rev A, 080-PL-003 Rev A and 080-PL-004. With the exception of the proposed planting, all works shall be completed prior to the first occupation of any part of the development. The proposed planting shall be completed not later than the first available planting and seeding season after the first occupation of any part of the development. For the purposes of this condition a planting season is the period from 1 October in any one year to 31 March in the 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.
- 7) No dwelling shall be occupied until the access to St John's Road and the on-site parking, manoeuvring and driveway areas have been laid out and constructed in accordance with the approved drawings and made available for use and these facilities shall thereafter be kept clear of any obstruction and not used for any purpose other than for the access, parking and manoeuvring of vehicles.
 - 8) Notwithstanding the information already submitted, details of the size, type, siting and finish of the free-standing refuse and recycling/cycle storage enclosure shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any part of the development hereby approved. The store approved under this condition shall be installed and made available for use prior to the first occupation of any part of the development and shall be retained at all times for refuse/recycling/cycle storage and shall not be used for any other purpose.
 - 9) Demolition or construction works shall take place only between 0800 – 1800 Monday to Friday, between 0800 – 1300 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
 - 10) The proposed second floor window on the west-facing elevation of the building referred to as Block 1 on the drawings hereby approved and all windows on the east-facing elevation of the building referred to as Block 2 shall be permanently fixed closed below 1.7m internal floor level and shall be fitted with obscured glass at all times.
 - 11) No parts of the flat roofs of the development shall be used as terraces, balconies or other open amenity spaces.
 - 12) With the exception of the means of enclosure approved under condition 5, no gates or other means of enclosure shall be erected along the site frontage across the vehicular access or elsewhere on the site without the prior written approval of the Local Planning Authority.
 - 13) Upon completion of the development and the altered access being brought into use, all other existing access points not incorporated in the development hereby permitted shall be stopped up by raising the existing dropped kerb and reinstating the footway and highway boundary to the same line, level and detail as the adjoining footway, verge and highway boundary.
 - 14) Prior to the commencement of the development hereby permitted a Phase II contamination report shall be submitted to and approved in writing by the Local Planning Authority. If the Phase II report established that remediation or protection measures are necessary a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority. For the purposes of this condition a Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment when required. A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.

- 15) All contamination remediation and protection measures identified in the Remediation Statement referred to in Condition 14 shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any part of the development hereby permitted. For the purposes of this condition a Site Completion Report shall record all the investigation and remedial and protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.

---End of Schedule---

Appeal Decision

Site visit made on 11 April 2016

by Graham Chamberlain BA MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 April 2016

Appeal Ref: APP/Y1945/W/16/3143660

81 Cecil Street, Watford, Hertfordshire WD24 5AS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs M & H Hussain & Bibi against the decision of Watford Borough Council.
 - The application Ref 15/01447/FUL, dated 7 October 2015, was refused by notice dated 10 December 2015.
 - The development proposed is the removal of an existing garage/utility extension and the construction of a new 1 bedroom property.
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Decision

1. The appeal is allowed and planning permission is granted for the removal of an existing garage/utility extension and the construction of a new 1 bedroom property at 81 Cecil Street, Watford, Hertfordshire WD24 5AS, in accordance with the terms of the application, Ref: 15/01447/FUL, dated 7 October 2015, subject to the attached schedule of conditions.

Main Issue

2. The main issue in this appeal is whether the proposed development would provide adequate living conditions for residents with particular reference to the provision of outdoor amenity space.

Reasons

3. The appeal property is a two storey semi-detached dwelling situated on the southern side of Cecil Street. Cecil Street is characterised by a dense character evident in the tight, narrow and terraced form of properties in the street and the prevalence of a high level of on street parking. The appeal property however, benefits from a larger than average plot size. Whilst the depth of the plot is equal to others along Cecil Street the width is approximately two to two and half times the width of many of the other plots in the street. This has provided space to the side of the plot, which is currently occupied by a single garage joined to the house by a flat roofed linking extension.
4. The proposal is to demolish the existing garage and linking extension and erect a single storey one bedroom property. The dwelling would have the appearance of a subservient single storey 'extension' being set back from the front elevation of the host property. The proposed dwelling would also incorporate

- design features which take their point of reference from the existing appeal property including a bay window and matching roof pitch and materials.
5. The existing rear garden would be split to provide private outdoor amenity space for both the existing and the proposed dwellings. There would be a slight 'kink' in the boundary to reflect the alignment of the eastern boundary with 79 Cecil Street, which is not straight. A path would be provided around the eastern and southern boundaries of the new dwelling and its garden. This would provide access to the remaining garden that would serve the host property. Acceptable bin and cycle storage, accessed via the path, would also be provided for both properties.
 6. The resulting gardens would be similar in width and depth to other gardens serving properties nearby. Narrow gardens are a characteristic of the street given the dense urban grain. Therefore, I do not find that the gardens would be uncharacteristically small, which would be an indicator that the site was being over developed.
 7. The garden areas proposed to serve the existing house and proposed dwelling would be south facing. This would afford a reasonable level of light to the occupants. There would be sufficient space to sit out, hang washing and have an area for storage, including bicycles and refuse bins. The garden areas would have a relative outlook and level of privacy that was adequate when considering the site's situation in a dense urban area and when compared to nearby properties.
 8. The garden area that would serve the proposed 1 bedroom dwelling would be commensurate in size to the properties function and the likely expectations of future occupants. However, the smaller garden, which would serve the existing house, is more challenging. This is because the property, as a three bedroom dwelling, could be considered to provide family accommodation. There is little substantive evidence before me to indicate the proposed garden area would provide sufficient space for a child to play. This weighs against the proposal.
 9. However, the garden space that would serve the existing property is not untypical when compared to the size of gardens serving other properties in the street and further afield. Many of these properties are likely to be three bedroom homes as well, given that they are similar in size to the existing appeal property. I have no substantive evidence before me these gardens are substandard.
 10. Furthermore, there is a large recreation ground (Callowland Recreation Ground) within a short walk of the appeal site, which would provide space for outdoor play. However, adults would likely need to accompany smaller children when visiting this space and therefore it would be used in a different way to a private garden. Nevertheless, and on balance, I am satisfied that the area of garden that would be retained to serve the existing property would be sufficient in this instance.
 11. In reaching the above view I note that the proposed gardens would be below the private garden space standards as set out in Paragraph 7.3.22 of the Council's Residential Design Guide Supplementary Planning Document (SPD). This document requires 1 or 2 bedroom properties to have gardens at a minimum size of 50sqm and 3 bedroom properties to have gardens of 65sqm. At approximately 45sqm the garden serving the proposed 1 bedroom property

would be close to the minimum 50sqm, which is reasonable given the prevailing size of gardens in the area. The retained garden to serve the existing property, at around 38sqm, would be significantly below the standard set out in the SPD.

12. However, neither the SPD nor the Council's submissions explain the rationale behind the minimum size figures and how they were calculated. As I have seen no evidence to justify the figures, the weight I can attach to the guidance on garden sizes in the SPD is significantly reduced. Moreover, the SPD does not explain whether the minimum figures are there to secure gardens that function adequately or to what extent the size should be guided by the existing character of the area and the size of other gardens nearby. Nevertheless, I have considered the size of the proposed gardens and their functionality and have found no overall harm.
13. I therefore conclude that the residents of the existing property, as well as the occupants of the proposed 1 bedroom dwelling, would have adequate private amenity space. Consequently, there would be no conflict with Policy SS1 of the Watford Local Plan Part 1 - Core Strategy 2013, which seeks to ensure new development protects residential amenity. An aim consistent with Paragraph 17 of the National Planning Policy Framework.

Other Matters

14. I share the views of the main parties that the living conditions of the occupants of 79 Cecil Street (No 79) would not be adversely affected by the proposed development. The appellants' Daylight and Sunlight Study demonstrates that the Vertical Sky Component, as a measurement of daylight, of the windows in the western elevation of No 79 would not fall below 27% or 0.8 times the former value following the implementation of the scheme. As such, there would be reasonable levels of daylight retained. In addition, the same study indicates there would be no harmful reduction in sunlight. Given the screening that would be afforded by the boundary treatment proposed, and the lack of windows in the eastern elevation of the proposed dwelling, there would be no harmful impact on the privacy of neighbours. Likewise there would be no harmful impact on outlook from No 79 given the distance between properties and the single storey profile of the proposed dwelling.
15. There is no substantive evidence before me to indicate that the sewerage system could not accommodate the additional dwelling proposed or that there would be material harm from building over any sewerage infrastructure. This does not therefore alter my findings on the proposed development. In addition, I am satisfied that the proposal would enhance rather than harm the street scene as it would facilitate the removal of the existing garage. Moreover, the proposal has been designed to read as a subservient side 'extension' with matching details that will assist in harmonising old and new.
16. I observed that there is a high level of on street parking in Cecil Street and the surrounding area. This is supported by photos submitted by third parties. The proposal would place further pressure on this by removing one off road parking space and creating a demand for another if the proposed dwelling is not a 'car free' development. Nevertheless, the Local Highway Authority has raised no objections to the proposal when having regard to highway safety and capacity and I have no substantive evidence before me that would lead me to a contrary

view, especially if highway users parked in accordance with highway regulations.

17. I note the concerns relating to vehicular access into No 79, but the appellants have demonstrated that adequate visibility would be retained with no obstructions above 0.6m in the front garden. Whilst the drop kerb would become shorter as a result of the development, I share the view of the Council that this would not result in the entrance to No 79 becoming inaccessible as sufficient space would be retained. Moreover, there is nothing to indicate that a motorist could not be prevented from parking in front of the driveway by other legislation.
18. Given that the proposal would provide adequate garden space for future residents and would have no other harmful impacts, thereby adhering to local and national policy, the proposal is sustainable development for which the Framework carries a presumption in favour.

Conditions

19. I have had regard to the advice in the Planning Practice Guide and the conditions set out in the Council's Case Officer's committee report. In addition to the 3 year commencement period I consider it necessary in the interests of precision and safeguarding the character and appearance of the area to attach a condition for the development to be implemented in accordance with the submitted drawings. I also consider it is necessary for the finishing materials used in the proposed dwelling to match those of the existing house. This is in the interests of safeguarding the character and appearance of the area.
20. Given the dense urban environment and in the interests of safeguarding the living conditions of nearby residents, I consider it necessary to require boundary treatment to be in situ prior to occupation and to restrict the hours that demolition and construction can occur. It is also necessary for a construction management plan to be submitted and approved before works commence. As the management plan will need to cover all works, it must be submitted prior to commencement of any development. In the interests of highway safety the existing crossover should be stopped up and the kerb increased in height. This would provide space for additional on street parking.
21. Whilst permitted development rights should only be removed exceptionally, I have nonetheless removed them, as suggested by the Council (Part 1, Classes A-G), in this instance given the dense urban environment and the real likelihood there could be harm to the living conditions of the occupants of neighbouring properties, as well as the character and appearance of the area, from works usually undertaken as permitted development. It is also necessary, in the interests of highway safety and the character and appearance of the area for precise details of bin and cycle storage to be submitted and approved.

Conclusion

22. For the reasons given above, and having regard to all other matters raised, I conclude the appeal should be allowed.

Graham Chamberlain
INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall commence before the expiration of three years from the date of this decision.
- 2) The development hereby approved shall only be carried out strictly in accordance with the following approved plans (or any approved non material amendment to these plans or any drawing or amendment required by a condition attached to this permission):
 - SHT. No. 1 and SHT. No. 2 (amended plan received 18.11.15).
- 3) The materials used for the external finishes of the building hereby approved shall match those of the existing property within the site, being as per the details shown on drawing SHT. No. 2 (amended plan received 18.11.15).
- 4) Demolition of the existing buildings and construction of the development hereby approved shall not take place before 8am or after 6pm Mondays to Fridays, before 8am or after 1pm on Saturdays and not at all on Sundays and Public Holidays.
- 5) No development shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This Plan shall include details of contractors' parking, the delivery and storage of materials, wheel washing facilities, measures to mitigate noise and dust and a contact procedure for complaints. The Plan as approved shall be implemented throughout the construction period.
- 6) The new dwelling hereby approved shall not be occupied until the existing crossover point has been stopped up through the raising of the existing dropped kerb and reinstatement of the footway and highway boundary to the same line, level and detail as the adjoining footway, verge and highway boundary.
- 7) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any modifications or re-enactment thereof), no development permitted under Schedule 2, Part 1, Classes A, B, C, D, E, F and G of the Order shall be carried out to the existing dwelling or the dwelling hereby approved without the prior written permission of the Local Planning Authority.
- 8) Notwithstanding the information already submitted, the new dwelling hereby approved shall not be occupied until details of the siting, size, type and finish of refuse, recycling and cycle storage have been submitted to and approved in writing by the Local Planning Authority. The storage shall be installed and made available for use prior to the occupation of the new dwelling and shall be maintained as such at all times thereafter.
- 9) The new dwelling hereby approved shall not be occupied until all the gates, walls, and fencing, as detailed on the drawing numbered SHT. No. 2 (amended plan received 18.11.15), have been provided. The approved means of enclosure shall thereafter be maintained and retained in the approved form.

Appeal Decision

Site visit made on 3 May 2016

by **Stephen Hawkins MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2 June 2016

Appeal Ref: APP/Y1945/W/15/3141155

South Lodge, Hempstead Road, Watford, Hertfordshire WD17 4JX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr K Frimley and Ms S Hunt against the decision of Watford Borough Council.
 - The application Ref 15/01208/FUL, dated 25 August 2015, was refused by notice dated 29 October 2015.
 - The development proposed is construction of new single storey dwelling with shared access from Old Hempstead Road.
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Decision

1. The appeal is allowed and planning permission is granted for construction of new single storey dwelling and creation of a shared vehicular access from the eastern residential section of Hempstead Road to replace the existing vehicular access from the A411 Hempstead Road at South Lodge, Hempstead Road, Watford, Hertfordshire WD17 4JX in accordance with the terms of the application, Ref 15/01208/FUL, dated 25 August 2015, subject to the conditions in the schedule at the end of this decision.

Procedural matter

2. During the processing of the planning application the description of development was changed with the appellants' agreement to remove the inaccurate reference to 'Old Hempstead Road.' I have therefore used the revised description in my decision.

Main Issues

3. These are firstly, the effect of the proposal on the character and appearance of the area and secondly its effect on the setting of South Lodge, a Grade II listed building.

Reasons

Character and appearance

4. The appeal site forms part of the garden of South Lodge, a modest sized, single storey dwelling dating from the 19th Century, which is Grade II listed. The dwelling is in a long, rectangular plot between Hempstead Road, which serves local housing, and the busy A411. The strip of land between the two roads is largely undeveloped, being occupied by an extensive belt of trees and bushes, forming a densely wooded natural screen. This visually segregates the
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detached modern housing on the eastern side of Hempstead Road from the A411 and forms part of a wooded corridor, giving the area a pleasant and verdant, semi-rural character. Due to the surrounding mature planting, there are limited close-up views of the existing dwelling, which in consequence has a rather secluded, woodland feel in its immediate surroundings. This contrasts with the more built-up and suburban characteristics of residential development on the eastern side of the road.

5. The proposed dwelling would be sited well away from the existing building, towards the end of the long garden. Due to its flat roof form, the overall height of the new dwelling would be similar to the eaves level of the existing structure and it would therefore have a low profile. The new dwelling would have a modest size and bulk and due to its contemporary design, would have clean, unfussy lines. As a result, the proposed dwelling would have a simple and unassuming appearance in comparison with the height and scale of the existing dwelling and the more substantial building forms on the eastern side of Hempstead Road.
6. Due to its relatively modest scale, the dwelling would have a minimal visual impact on its wider surroundings. Its appearance would be further softened by the existing mature planting adjacent to the site boundaries. As a result, the dwelling would sit comfortably amongst the trees and bushes of the adjacent woodland when viewed from Hempstead Road. From the A411, the dwelling would be open to limited glimpses through the dense tree cover. Consequently, the new dwelling would not have a significant visual presence in either street scene and it would not substantially 'urbanise' its woodland setting.
7. The use of the sedum to 'green' the flat roof would assist in further integrating the proposed dwelling with its natural surroundings and it would complement the existing woodland planting beyond the site boundaries. Whilst a third party has expressed concerns over the maintenance and efficacy of the use of sedum in proximity to trees, I have seen no firm evidence to suggest that it would not cover the roof successfully.
8. Overall therefore, I find that the design of the proposed dwelling, in particular its flat, sedum covered roof and its simple elevational appearance, would not result in an unduly alien or incongruous feature in the surroundings. It follows that the proposal would not cause unacceptable harm to the character and appearance of the area.
9. The proposal would therefore accord with Policy UD1 of the adopted Watford Local Plan Core Strategy (CS), as it would respect and enhance the local character of the area. The proposal would also be consistent with the Council's adopted Residential Design Guide Supplementary Planning Document (SPD); in particular, the proposal demonstrates an understanding of both the site and its wider context and it would respect the height and scale of the existing dwelling.
10. Moreover, the proposal would be consistent with the National Planning Policy Framework (the Framework) at paragraph 17 and Section 7, which underpin the Government's commitment to high quality design. In particular, the proposal would take the opportunity to improve the character and quality of the area and it would therefore not amount to poor design as described at paragraph 64 of the Framework.

Setting of the listed building

11. The listed building has been extensively altered and extended since it was built. Planning permission and listed building consent was recently granted by the Council for further alterations and extensions. The setting of the building has also evolved and changed, since its separation from the Russell Estate. Nevertheless, I am required by legislation to have special regard to the desirability of preserving the setting of the listed building.
12. The proposal would have a simple form and functional appearance in contrast with the more complex form and detailed elevations of the listed structure. The modest scale, minimal height and siting away from the existing building towards the end of the garden would all have the effect that the new dwelling would be subservient and unassertive in relation to the listed structure. Its relationship to the listed building would be not dissimilar to that of a residential outbuilding. The proposed dwelling would not intrude significantly into important views of the listed structure, which would retain a substantial proportion of its existing garden.
13. Consequently, the design and location of the proposal would not cause any harmful erosion of the setting of the listed building. Therefore, the proposal would be in accordance with CS Policy UD1 as it would recognise and respond to features of historic value and it would safeguard, understand and promote the historic environment. The proposal would also accord with CS Policy UD2, as it would conserve the setting of the listed building and would be consistent with Section 12 of the Framework concerning conserving and enhancing the historic environment.

Other matters

14. I have had regard to the comments made by third parties in response to the application and the appeal. These include concerns over a danger to highway safety on Hempstead Road from the proposed access. However, the access and turning arrangements and visibility available would not detract from highway safety conditions. Concern has also been expressed over increased parking, maintenance of the new access, a loss of green space, the effect of boundary fencing, potential damage to trees and bushes and loss of screening, increased noise from the A411, loss of a back garden and a precedent for further development. The Council did not refuse permission for any of these reasons. I have considered these and other matters raised, however none outweigh my findings on the main issues. Whilst the land may have a covenant which prevents it being built upon, that is not a planning matter.

Conditions

15. In addition to the standard commencement condition, I have imposed a condition specifying the approved plans in the interests of certainty. I have imposed a condition to ensure that the trees adjacent to the site boundary, which form part of the setting of the proposed dwelling, are properly protected during construction works. This is a pre-commencement condition, to ensure that the trees are protected as soon as development begins.
16. I have imposed a condition requiring prior approval of the samples of the external materials and their implementation in accordance with the approved details, because such details will be important to ensure that the dwelling

safeguards the character and appearance of the area and the setting of the listed building. I have imposed a condition requiring the prior approval and implementation of a properly designed scheme to stop up the existing access to the A411, in the interests of highway safety and to preserve the setting of South Lodge. A condition has also been imposed to secure removal of existing outbuildings and additional hedge planting, to provide a visually satisfactory setting for both dwellings.

17. I have also imposed a condition removing 'permitted development' rights. I am mindful of the advice in the Planning Practice Guidance (PPG) at paragraph 017¹ that such conditions should only be used in exceptional circumstances. However, due to sensitive location of the appeal site in relation to the character and appearance of the area, adjacent trees and the setting of a listed building, I am persuaded that the unfettered exercise of permitted development rights could cause significant and unacceptable harm. Consequently, the condition meets the test of necessity.
18. Where relevant, I have modified the conditions suggested by the Council in order to ensure that they meet the tests in paragraph 206 of the Framework and the PPG guidance. I have also amended the order of the conditions, so that they comply with the guidance in paragraph 024² of the PPG.
19. However, I have not imposed a condition restricting the hours of construction. The Council has not explained why such a condition is required. There are controls available under other legislation to deal with allegations of noise nuisance. Therefore, I am not persuaded that such a condition meets the test of necessity in this case.

Conclusions

20. The design of the proposed dwelling does not harm the character and appearance of the area or the setting of the listed building and it accords with the Development Plan.
21. There would be an economic benefit arising from the proposal in particular by generating employment in the construction sector during the build period. There would be social benefits arising from the proposal as a result of the securing of an additional dwelling of high quality design in a sustainable location. The proposal would also have environmental benefits as it would contribute to protecting and enhancing the built and historic environment. These benefits are small scale and I have attached a moderate amount of weight to them. Nevertheless, there are no adverse effects that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the Framework taken as a whole. Consequently, the proposal would therefore achieve the objectives of sustainable development at paragraphs 7 and 8 of the Framework.
22. For the reasons given above I conclude that the appeal should be allowed.

Stephen Hawkins

INSPECTOR

¹ Reference ID: 21a-017-20140306

² Reference ID: 21a-024-20140306

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 110 Revision A, 120, 220 Revision E, 230 Revision A.
- 3) No development shall take place on site until a tree protection plan has been submitted to and approved by the Local Planning Authority, showing temporary fencing to be erected to protect the trees that are adjacent to the boundary of the site and showing the location of all subterranean services, including soakaways and any temporary connections. Once approved the protective fencing shall be erected prior to any other work commencing on site and retained for the duration of the development. No materials, vehicles, fuel or any other ancillary items shall be stored or buildings erected inside this fencing. No changes in ground level are to be made and no hardstanding formed within the spread of the protected trees without the prior written permission of the Local Planning Authority. The sheds and the refuse bin storage areas shall stand on surfaces that are laid without any excavation and which are permeable to gases and water.
- 4) No development shall take place above the level of the foundations of the dwelling hereby permitted until samples of the external materials, to include the zinc cornicing, brick plinth, rendering including colour, the sedum roof, external doors and window frames, rainwater goods and the parking area paving, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 5) The dwelling hereby permitted shall not be occupied until the details of the design of the boundary treatment and the pedestrian gate to stop up the existing vehicular access from the A411 have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. The approved boundary and pedestrian gate shall be permanently retained thereafter and there shall be no access, other than pedestrian access, to South Lodge from the A411.
- 6) The dwelling hereby permitted shall not be occupied until the existing sheds shown as being removed on drawing 220 Revision E have been removed. The proposed hedges that are shown on that drawing shall be planted in the first planting season following completion of the development and they shall be retained thereafter.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development within the following Classes-Schedule 2, Part 1 (Development within the Curtilage of Dwellinghouse) Classes A-F inclusive and; Schedule 2 Part 14 (Renewable Energy) A-I inclusive shall be carried out within the site without the prior approval in writing from the Local Planning Authority following the submission of a planning application.

Appeal Decision

Site visit made on 11 October 2016

by Mike Hayden BSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 November 2016

Appeal Ref: APP/Y1945/W/16/3151749

Land adjoining and associated with the Red Lion Public House and associated stables, 105 Vicarage Road, Watford WD18 0EY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Anna Reza against the decision of Watford Borough Council.
 - The application Ref 16/00018/FUL, dated 6 January 2016, was refused by notice dated 7 April 2016.
 - The development proposed is redevelopment of vacant land to provide 8 self-contained flats.
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Decision

1. The appeal is allowed and planning permission is granted for the redevelopment of vacant land to provide 8 self-contained flats on land adjoining and associated with the Red Lion Public House and associated stables, 105 Vicarage Road, Watford WD18 0EY in accordance with the terms of the application, Ref 16/00018/FUL, dated 6 January 2016, subject to the conditions set out in the schedule at the end of this decision.

Procedural Matters

2. The address of the appeal site was missing from the planning application form and incorrect on the appeal form. I have therefore used the address contained in the decision notice.
3. A completed legal undertaking under S106 of the 1990 Act was submitted by the appellant during the appeal process. This would provide for a financial contribution to enable the Council to vary the controlled parking zone in the surrounding area of Watford, to exclude future residents of the proposed development from obtaining a parking permit in the area. It would also ensure the provision of fire hydrants to serve the proposed development. The undertaking is certified and signed by the land owner. I am satisfied that it meets the necessary legal requirements and policy tests set out in Section 106 of the Act, regulation 122 of the Community Infrastructure Levy Regulations (2010) as amended and paragraph 204 of the National Planning Policy Framework (the Framework). Therefore, I have taken it into account in reaching my decision.

Main Issue

4. The main issue in this appeal is whether or not the proposed development would preserve or enhance the character and appearance of The Square Conservation Area.

Reasons

Character and Appearance

5. The appeal site comprises an area of undeveloped land adjacent to the Red Lion Public House and stables. It is located within The Square Conservation Area, constituting part of the Vicarage Road frontage which forms the south-eastern boundary to the Conservation Area.
6. The special architectural and historic interest of The Square Conservation Area is as an example of Watford's urban expansion in the Victorian period. As such, the principal part of the Conservation Area, which defines its character and appearance, is the rectangular layout of original Victorian terraced housing formed by Aynho Street, Banbury Street, Souldern Street and Oxford Street, which backs onto the appeal site. The Red Lion Public House, which is locally listed along with its former stable block, also provides an attractively detailed example of Victorian architecture at the entrance to the Conservation Area.
7. The Vicarage Road frontage to the Conservation Area, however, is more varied in character. The Red Lion Public House and former stables clearly make a positive contribution to the character and appearance of the area. The properties to the immediate south-west of the appeal site extend the Victorian residential development along Vicarage Road. But due to alterations and the loss of some of their original features, they make a more limited contribution to the architectural and historic interest of the Conservation Area as a whole.
8. The appeal site itself, although formerly open space as part of the curtilage of the Red Lion, is now disused as such and fenced off. Although referred to as a green space within the Conservation Area, I note that it is not marked as such on the Conservation Area Character Appraisal plan. Its principal contribution to the character and appearance of the Conservation Area is derived from the landscaped setting provided by the mature trees on the site, which help to soften views of the backs of the houses in Oxford Street from Vicarage Road. The setting of the Conservation Area along Vicarage Road is also dominated by the presence of the football stadium, which lies directly opposite the appeal site.
9. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering development within a conservation area, special regard shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Paragraph 132 of the Framework expects great weight to be given to a designated heritage asset's conservation. Policies UD1 and UD2 of the Watford Local Plan Core Strategy 2006-31 (2013) (the Core Strategy) and saved Policy UD18 of the Watford District Plan (2003) (the District Plan) also seek development which will respect local character and preserve and enhance the borough's historic environment, including conservation areas.
10. The appeal scheme proposes a contemporary design approach to the redevelopment of the site. Given the varied architecture and streetscape along Vicarage Road this would not be out of context. I recognise that the flat roofed and fronted design of the two blocks proposed would not reflect the traditional, pitched roof, bay window architecture typical of the Victorian buildings within the Conservation Area. However, the simplicity of their design would not compete with this architecture, particularly with the more ornate detailing of

the adjacent Red Lion Public House. The two storey height of the blocks would respect that of the terraced housing to the rear and would align with the eaves height of the Red Lion. The spacing between and around the buildings would relate well to the buildings either side and their position at the back edge of the footpath would reflect the characteristic building line of development along this section of Vicarage Road. The use of red brickwork would match that of the adjoining stable block and respect the palette of materials found in the Conservation Area.

11. The proposal would result in the loss of three of the four mature trees on the site. However, the arboricultural report submitted with the appeal shows these to be of low or poor quality. They would be replaced by trees along the Vicarage Road frontage, which could be secured by condition. Whilst the remaining Sycamore tree would also require crown lifting and reduction to accommodate the proposed scheme, combined with the replacement trees it would continue to provide amenity value within the street scene. The retained and replacement trees would also help to soften the development and the glimpsed views of the properties in Oxford Street in the spaces between the new blocks.
12. On this basis, I conclude that the proposed development would preserve the character and appearance of The Square Conservation Area. Therefore, the proposal would meet with the expectations of the Act and be consistent with paragraph 132 of the Framework. It would also accord with Policies UD1 and UD2 of the Core Strategy and saved Policy UD18 of the District Plan.

Other Matters

13. Particular concerns have been expressed by occupiers of the houses in Oxford Street which back onto the appeal site about the potential effect of the proposed development on their outlook and privacy and the degree of sunlight and daylight penetrating their properties. I acknowledge that the outlook from the rear of the properties in Oxford Street would change from a relatively open aspect and view of the existing trees and stadium beyond to one of the proposed flats. However, the resulting outlook would not be untypical of a normal back to back relationship between dwellings in a residential area. The separation distances would be between 18-24 metres, comparable to the back to back distances between properties in Oxford Street and Souldern Street. The proposed blocks would be two storeys in height and although the gradient of the gardens of the properties in Oxford Street slopes down to the shared boundary, the ground level at the rear of the properties would be comparable to that at the rear of the flats. Therefore, the height and proximity of the flats would not be overbearing.
14. With regard to sunlight and daylight, although the proposed development would be to the south-east of the properties in Oxford Street, applying the 25 degree rule in the Council's Residential Design Guide (2016) (RDG) indicates that daylight and sunlight levels into the ground floor rear facing habitable room windows would not be adversely affected. Applying the same principle to the garden areas of the properties in Oxford Street, whilst the proposed development may cause some overshadowing of the ends of the gardens, the outdoor amenity areas at the backs of dwellings would not be significantly overshadowed.

15. In terms of privacy, to prevent overlooking of the gardens and rear facing habitable rooms of the properties in Oxford Street, the windows in the north-west elevations of the flats are proposed to be glazed with obscured glass, at both ground and first floor. This could be secured by a condition, which would also need to ensure the windows would be non-opening to a height of 1.7 metres above the internal floor level. The main aspect of the habitable rooms of the proposed development would be to the front and side. Although the south-west side elevation of Block B would face 107 Vicarage Road, the separation distance of 16 metres would satisfy the guideline in the RDG.
16. I noted on site the potential for overlooking from the raised side patio areas of the flats into the rear gardens of the properties in Oxford Street, due to the difference in ground levels between the front and back of the appeal site. However, this could be mitigated by the use of appropriately sized boundary screening, which could be controlled by condition.
17. I also note the concerns about the potential effect of the proposal on parking, congestion and infrastructure in the local area. I recognise that Vicarage Road is a busy street, in a controlled parking zone with limited on-street parking and frequent traffic. However, the appeal site is close to local shops, services and employment, including schools and healthcare facilities. It is less than 1 kilometre on foot from Watford town centre and just over 1 km to the nearest railway station and other public transport services. As such it would be possible for future occupiers to avoid the use of a car and use sustainable transport modes, so minimising the generation of additional traffic in the area.
18. The appellant has proposed that the development would be car free and that future occupants could be prevented from entitlement to parking permits. The S106 unilateral undertaking submitted during the appeal provides for a financial contribution to enable the Council to vary the controlled parking zone in the surrounding area of Watford to this effect. It would satisfy the requirements of saved Policy T26 of District Plan in respect of car free residential development and be enforceable by the Council. Whilst 8 new dwellings would give rise to some delivery traffic, this could be managed from the highway or the parking bays opposite the site, without causing undue congestion.
19. In terms of local infrastructure, contributions to meet the increased demands arising from the proposed development, such as on schools, health centres, open space and sports facilities, would be covered by a Community Infrastructure Levy charge for which the development would be liable. The S106 legal undertaking also obliges the landowner to provide for fire hydrants to serve the proposed development as required by the fire service. This would accord with Policy INF1 of the Core strategy in meeting the costs of infrastructure arising from new development and the requirements of the Council's supplementary guidance note on Planning Obligation Contributions for Residential Development (2012).

Conditions and Planning Obligation

20. I have considered which planning conditions are required having regard to the tests contained in the Planning Practice Guidance and the conditions suggested by the Council. I have attached conditions limiting the life of the permission in accordance with the requirements of the Act and specifying the approved plans in the interests of proper planning. Conditions requiring the approval of

samples of the external materials and certain window and brickwork details are necessary to ensure the development respects the character and appearance of the area. Likewise conditions to ensure the protection of the retained Sycamore tree and the planting of replacement trees as part of a landscaping scheme are necessary to preserve and enhance the character and appearance of the area.

21. A construction method statement and limitation on the hours of construction work are necessary and reasonable in the interests of highway safety and the living conditions of nearby residents. Conditions to ensure appropriate boundary fencing, control the height of the finished floor levels and require obscured glass and non-opening windows below 1.7 metres above floor level on the north-west elevation of the buildings are all necessary to safeguard the privacy of the occupiers of adjoining properties in Oxford Street. Finally, I have included a condition to secure appropriate cycle storage, refuse and recycling facilities to support the operation of a car free development and in the interests of the visual appearance of the site.
22. I have not included the suggested condition regarding the routing of below ground services because measures to protect the retained tree are secured by other conditions.
23. The permission is also subject to the legal undertaking under S106 of the Act, dated 13 April 2016 and referred to in paragraphs 3, 18 and 19 above.

Conclusion

24. For the reasons given above and taking all other matters into account, I conclude that the appeal should be allowed, subject to the conditions specified and S106 legal undertaking.

M Hayden

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P001 Rev A; P002 Rev A; P003 Rev D; P004 Rev D; P005 Rev D; P006 Rev D; P007 Rev D; P008 Rev D; P009 Rev D; P010 Rev D.
- 3) No site clearance, preparatory work or development shall take place until details of tree protection measures, including tree protection fencing and ground protection, shall have been submitted to and approved in writing by the local planning authority. The tree protection measures shall be in accordance with the recommendations in the Arboricultural and Planning Impact Assessment Report (Ref: ASH/PEW/AIA/1221:15) dated 5 January 2016 carried out by Ashmore Services Limited and guidance set out in British Standard BS3998. The tree protection measures shall be carried out as approved and implemented for the duration of the construction work, unless otherwise agreed in writing by the local planning authority.
- 4) The works to the Sycamore tree T2 of Tree Preservation Order No. 259 shall be carried out in accordance with the recommendations in Appendix B of the Arboricultural and Planning Impact Assessment Report (Ref:ASH/PEW/AIA/1221:15) dated 5 January 2016 carried out by Ashmore Services Limited and in accordance with the guidance set out in British Standard BS3998.
- 5) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 6) Deliveries, demolition and construction works shall take place only between 08.00 hours and 18.00 hours on Mondays to Fridays and 08.00 hours and 13.00 hours on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 7) No development shall take place until details of a hard and soft landscaping scheme and works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) construction of the new tree planting pits, including details of irrigation and root trainers;
 - ii) boundary treatments and all fencing within the site;

- iii) hard surfacing materials;
- iv) an implementation programme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. Any trees or plants whether new or existing which within a period of five years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, or in accordance with details approved by the local planning authority.

- 8) Notwithstanding condition 2 no development shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 9) Notwithstanding condition 2 no development shall take place until details of the siting, size and design of refuse, recycling and cycle storage have been submitted to and approved in writing by the local planning authority. The development shall not be occupied until the storage facilities have been installed in accordance with the approved details. The storage facilities shall be retained at all times.
- 10) No construction works above damp proof course level shall commence until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.
- 11) No construction works above damp proof course level shall commence until detailed drawings of the window and door reveals, recessed sections, brick detailing and capping to walls of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 12) The development hereby permitted shall not be occupied until the windows in the north-west elevations of the buildings have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

