



**WATFORD
BOROUGH
COUNCIL**

DEVELOPMENT MANAGEMENT COMMITTEE

Wednesday, 8th June, 2016

7.30 pm

Town Hall

Publication date: 31 May 2016

Contact

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

Access

Access to the Town Hall after 5.15 pm is via the entrance to the Customer Service Centre from the visitors' car park.

Visitors may park in the staff car park after 4.00 p.m. This is a Pay and Display car park. From 1 April 2016 the flat rate charge is £2.00.

The Council Chamber is on the mezzanine floor of the Town Hall and a lift is available. An induction loop is available in the Council Chamber.

Fire /Emergency instructions

In the event of a fire alarm sounding, vacate the building immediately following the instructions given by the Democratic Services Officer.

- Do not use the lifts
- Do not stop to collect personal belongings
- Go to the assembly point at the Pond and wait for further instructions
- Do not re-enter the building until authorised to do so.

Mobile Phones

Please ensure that mobile phones are switched off or on silent before the start of the meeting.

Filming / Photography / Recording / Reporting

Please note: this meeting might be filmed / photographed / recorded / reported by a party other than Watford Borough Council for subsequent broadcast or publication.

If you do not wish to have your image / voice captured you should let the Chair or Democratic Services Officer know before the start of the meeting.

An audio recording may be taken at this meeting for administrative purposes only.

Speaking at Development Management Committee

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

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

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

Committee Membership

Councillor R Martins (Chair)

Councillor S Johnson (Vice-Chair)

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

Agenda

Part A – Open to the Public

1. **Apologies for absence/Committee membership**
2. **Disclosure of interests (if any)**
3. **Minutes**

The minutes of the Development Management Committee held on 18 May 2016 to be submitted and signed.

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

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

Conduct of the meeting

The Committee to take items in the following order:

1. All items where people wish to speak to the Committee and have registered to do so by telephoning the Democratic Services Team.
2. Any remaining items that the Committee agrees can be determined without further debate.
3. Those applications where the Committee wishes to discuss matters in detail.
4. **15/01759/FULM 1-7 Lord Street and 56-58 Queens Road (Pages 5 - 28)**

Demolition of buildings and erection of 25 no. 1 and 2 bedroom apartments and commercial/retail uses on the ground floor

Agenda Item 4

Part A	
Report of: Development Management Section Head	
Site address:	1-7 Lord Street And 56-58 Queens Road
Reference Number:	15/01759/FULM
Description of Development:	Demolition of buildings and erection of 25 No. 1 and 2 bedroom apartments and commercial/retail uses (A1, A2, D2, B1a) on the ground floor
Applicant:	Lord Street Property Limited
Date received:	18.12.2015
13 week date (major):	30.06.2016 (Extended by agreement)
Ward:	Central

Summary

The provision of new flats on this site is acceptable in principle within this residential area. The development will provide a significant, high quality building on this site that will enhance the street scene and the wider area. The siting and design of the proposed building will ensure that it will have no adverse impact on surrounding residential properties nor on the appearance and character of the Estcourt Conservation Area. All of the proposed flats will have acceptable internal areas and layouts and will provide a good level of amenity for future occupiers.

Overall, the proposal accords with the policies of the local development plan and is considered to be acceptable.

Background



Site and Surroundings

The application site comprises a rectangular shaped piece of land sited in a central location just within the Estcourt Conservation Area to the immediate north of the town centre. The plot occupies an area of approximately 0.06 hectares, and is located at the junction of Loates Lane, Lord Street and Queens Road. The main frontage is to Lord Street, with secondary frontage to Loates Lane and Queens Road the latter of which is designated as Secondary Retail Frontage.

At present, the site is occupied on the Queens Road frontage by two units – an A5 takeaway unit and an A1 off licence. To the Lord Street frontage, the site is occupied by a printing and copying centre and by a charity shop. The buildings cover much of the plot, although the western part of the site to the Loates Lane frontage is occupied by an informal parking area accessed from Loates Lane. This is bordered by a 2m high wooden fence to Lord Street, with the access gates to the parking area leading from Loates Lane.

The site occupies a prominent position adjacent to the primary vehicular entry points into the Queens Road shopping area and surrounding Conservation Area.

To the north and northwest of the site is Loates Lane, a primarily residential street made up of two storey terrace houses set on a consistent and defined building line to the north side of the street. At the end of Loates Lane and almost directly opposite the application site to the west is Ashleigh Court, which is a modern and contemporarily styled residential building ranging from a height of two storeys adjacent to the houses in Loates Lane to five storeys closest to the ring road.

To the north are the commercial units at 60 to 62 Queens Road which comprise an A1

retail unit on the ground floor with residential above housed within a traditional three storey building. Planning permission was granted for the redevelopment of this site including a new residential block to the rear fronting Loates Lane and Queens Road under application reference 08/01541/FULM. This has been partially completed with the blocks known as Ruby Court and Emerald Court providing and 13 residential units between them.

To the east is Queens Road running between the application site and the three storey commercial properties on the other side of the road.

To the south is Lord Street, where there are five on street parking areas and two loading bays. To the other side of Lord Street adjacent to Beechen Grove is the building known as Queensgate which is similar in form to Ashleigh Court in that it is a contemporary building of four storeys, rising to seven on the frontage to Beechen Grove. The ground floor layout of this building has resulted in an inactive frontage to Lord Street due to the provision of the access point to the basement parking area.

Whilst much of the surrounding area is predominantly residential or commercial in nature, this part of Queens Road and Lord Street is characterised by the number of varying uses and building types that contribute to the character of the area and to the vitality and appeal of this part of Watford.

The land surrounding the site is characterised by the retention of the historical layout which is still identifiable, most notably the road layout and rhythm of the structures. The surrounding built context dates from the 19th century to the 21st century, with a mix of construction styles showing varying degrees of success in terms of their contribution to the built form and character of the area. The prevailing vernacular is one of two to three storey terrace houses/semi detached commercial units, with a mix of hipped and gable end roofs that provide strong frontages and defined building lines. There are a number of higher, modern buildings surrounding the site although these are read as part of the development along Beechen Grove and the Harlequin Centre development rather than Queens Road.

None of the properties within or directly adjacent to the site is either statutorily listed or locally listed, however the site is located within the Estcourt Conservation Area. The site is also within a full Controlled Parking Zone.

Proposed Development

Demolition of buildings and erection of 25 no. 1 and 2 bedroom apartments and a commercial/retail unit (uses A1, A2, D2, B1a) on the ground floor, together with cycle storage and refuse area provision.

The submitted application follows the refusal and appeal dismissal of an earlier application

on the site under reference 09/00378/FULM (10/00007/REF).

Relevant Planning History

10/00007/REF - Demolition of the existing buildings and erection of 12no. 2 bed flats with commercial/retail units to ground floor (amended description) Dismissed on appeal

The Inspector concluded in the dismissal of the subsequent appeal that: "My favourable findings with regard to the bulk and height of the proposal do not negate my concerns regarding the unbalanced roof to the Queens Road elevation and the lack of architectural detail. These concerns are added to by the imminent extension of the Estcourt Conservation Area, the poor quality of the rear elevation and the adverse effect of the crown roof on the roofscape.

Planning Policy Statement 1: Delivering Sustainable Development (PPS1) states that design which fails to take the opportunities available for improving the character and quality of an area should not be accepted. For the reasons that I have given the proposal would fail to do so. I therefore conclude that the proposal would unacceptably harm the character and appearance of the area, contrary to policies U1, U2 and U3 of the District Plan. These policies require the protection of the character and appearance of a locality through high quality design that respects local design features."

09/00378/FULM - Demolition of the existing buildings and erection of 12no. 2 bed flats with commercial/retail units to ground floor (amended description) RPP

08/00535/FULM - 24.06.2008 Demolition of the existing buildings and erection of a 5 storey building comprising 23 flats commercial units and basement parking - Withdrawn

Planning Policies

National Planning Policy Framework

Section 1 Building a strong, competitive economy

Section 4 Promoting sustainable transport

Section 6 Delivering a wide choice of high quality homes

Section 7 Requiring good design

Hertfordshire Waste Core Strategy 20112026

1 Strategy for the Provision of Waste Management Facilities

1A Presumption in Favour of Sustainable Development

2 Waste Prevention and Reduction

12 Sustainable Design, Construction and Demolition

Hertfordshire Minerals Local Plan Review 20022016

No relevant policies.

Watford Local Plan Core Strategy 2006-31

- WBC1 Presumption in favour of sustainable development
- SS1 Spatial Strategy
- SD1 Sustainable Design
- SD2 Water and Wastewater
- SD3 Climate Change
- HS1 Housing Supply
- HS2 Housing Mix
- HS3 Affordable Housing
- T2 Location of New Development
- T3 Improving Accessibility
- T5 Providing New Infrastructure
- INF1 Infrastructure Delivery and Planning Obligations
- UD1 Delivering High Quality Design
- UD2 Built Heritage Conservation

Watford District Plan 2000

- SE7 Waste Storage, Recovery and Recycling in New Development
- SE22 Noise
- SE27 Flood Prevention
- T10 Cycle Parking Standards
- T21 Access and Servicing
- T22 Car Parking Standards
- T24 Residential Development
- T26 Car Free Residential Development
- S9 Non-Retail Uses in North Watford Shopping Centre/Local Shopping Frontages
- U18 Design in Conservation Areas

Supplementary Planning Documents

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

Residential Design Guide

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

Watford Character of Area Study

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

is capable of constituting a material consideration in the determination of relevant planning applications.

Conservation Area Management Plan

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

Conservation Area Character Appraisals

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

Estcourt Conservation Area Character Appraisal (adopted June 2010)

Consultations

Neighbour consultations

Letters were sent to 239 residences within the surrounding area. Fourteen objections have been received.

The points raised through the public consultation are summarised and considered in the table below.

Representations	Officer’s response
Loss of light/Overshadowing to Loates Lane	The proposal represents a three story plus roof accommodation structure in a town centre location where overshadowing to a certain extent is acceptable given the nature of the site. Officers have considered the impact on the properties at Loates Lane and consider it (the impact) acceptable and compliant with relevant policy due to the subject plot’s distance from the likely affected dwellings and resultant low magnitude of said impact.
Overdevelopment	This is a town centre location where the Watford Core Strategy and Local Plan allow for and indeed encourage high density development in this highly sustainable location.

Lack of parking	The proposal would be highly sustainable due to its town centre location benefiting from plentiful public transport provision nearby. Consequently, it is presented to the planning authority as a car free development and would be marketed as such.
Loss of privacy and light to Ashleigh Court	Ashleigh Court is a residential development that lies across from the subject plot. It is acceptable and expected to have extra overlooking at upper floor windows between adjacent and opposing residential blocks in a town centre location.
Poor/restricted access for emergency vehicles	The Highway Authority has raised no objections in this regard.
Noise, traffic and general disturbance	To be expected in a town centre location adjacent a developable plot.
Impact on highway safety due to increased traffic	The Highway Authority has raised no objections in this regard.
Negative effect on conservation area	Urban Design and Conservation Team has raised no objections in this regard
Lack of schools, pressure on existing infrastructure	CIL obligations from this development would go toward the provision of additional infrastructure.
Loss of privacy to Loates Lane houses	It is not considered that the development would give rise to a loss of privacy for the houses on Loates Lane
Units are too small and not suitable for families	All but two units meet national standards and given the constraints on site this is considered acceptable
The loss of the existing shop units	Planning Policy has been consulted as to the loss of the units. No policy objection has been raised and one high quality commercial unit would be retained that would address both Queens Road and Lord Street.
Loss of views from apartments at Queensgate	Loss of a view is not a material planning consideration
Queries as to whether everyone in the area has been consulted	Appropriate consultations have been carried out.
The impacts of recent developments have not been accounted	Redevelopment of existing and underutilised sites is inevitable at a town centre location.

for/established/quantified and it is therefore unreasonable to foist more development onto the residents without accounting for this	
Ignores the advice given re the conservation area	The Urban Design and Conservation Team, also responsible for the implementation of the Conservation Area, support the application as amended.
Four storeys is too high, 2-3 storeys is more appropriate	While the proposal is 4 storeys in height, the fourth storey is setback and reads more like a 3 and a half storey structure. This is appropriate for the rhythm of the streetscene as Queens Gate and Ashleigh Court both exceed four storeys in sections of these much larger developments. The 3 and a half storey form (of this development) thus acts as a transition from Ashleigh Court/Queens Gate to the more traditionally scaled residential over shop units on Queens Road.
Loates Lane only has a path on one side	The Highway Authority raised no objection regarding this point
Concerns that the proposal will interfere with truck/van deliveries that are a daily feature in the area	This is a car free proposal. It is not anticipated that the development would significantly interfere with traffic flows during business hours
Concern over potential loss of motorbike parking outside 56-58 Queens Road	This development does not propose to alter the motorbike parking arrangements

Statutory publicity

The proposal was publicised via site notice, in the Watford Observer and by notifying neighbours.

Technical consultations

Hertfordshire County Council – Lead Local Flood Authority (LLFA)

“Following the review of the information submitted to the LPA; we have no objections to the proposed development. We acknowledge that the site would be 100% covered by the development therefore surface water run-off will be discharged into the Thames Water Sewer and we note that Thames Water have been contacted for maintaining the existing connection.”

Thames Water - Surface Water Drainage

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

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

Standard conditions have been applied. (See recommendation)

Hertfordshire County Council (Highway Authority)

Notice is given under article 16 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to conditions. (See recommendation. The conditions are standard for this type and scale of application)

Crime Prevention Design (CPD) Advisor, Hertfordshire Constabulary

Advises easily implemented voluntary Secure by Design procedures.

Arboricultural Officer

No trees on site or landscaping proposed.

Environmental Health (EH)

No objections as the retail unit does not propose an A3 or an A5 use.

Housing

Housing support the Lord Street site application on the basis of the site providing 25 units of which 8 will be affordable housing.

The 8 units are being met with the provision of 4 affordable rented units and 4 shared ownership units.

We would usually expect the rented units to be the majority (85%). We have accepted the lower number of rented units due to the difficult and restrictive site layout, plus smaller units sizes.

After various negotiations and redesigns we are satisfied that this affordable housing offer is fair and the best achievable. Any further gain in affordable rented units, which require a

larger space standard, would result in a decrease in overall unit numbers, which would then decrease the 35%.

Although we will be accepting a lower than usual proportion of rented units, it has been agreed that 2 of the affordable rented units will be two bedroom, four person flats, rather than all one bedroom units as originally proposed.

Urban Design and Conservation Team

No objections. The design and appearance of the proposal and how it would affect the Conservation Area was considered during the previous refused application and the subsequent pre-application advice.

Appraisal

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

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

Main issues

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

- (a) Principle of the Development and Proposed Uses
- (b) Housing Policy and Affordable Housing Provision
- (c) Scale, Design and impact on the Character and Appearance of the Area/Conservation Area
- (c) Quality of Accommodation and Amenity of Future Residents
- (d) Impacts on neighbouring properties
- (e) Traffic, highways and parking impacts

Principle of Development and Proposed Uses

Lord Street is a town centre location and as such is well served by public transport. The proposal represents the redevelopment of a brownfield site immediately adjacent to a residential and retail area where the proposed land uses are established. The proposed residential and retail uses complement the existing, established mixed uses in the area and would lead to increased diversity and regeneration in this highly sustainable town centre location. The demolition and redevelopment, and the change of use to offer additional residential accommodation accords with policies contained within the National Planning Policy Framework and with the Council's own Core Strategy document and as such is acceptable in principle.

Housing Policy and Affordable Housing Provision

As the proposal is to replace the underutilised, low quality structures currently on site, there is no objection in principle to the provision of flats. The proposal will provide a mix of one and two bedroom flats suitable for 2 and 4 persons which is acceptable.

Policy HS3 of the Core Strategy requires a 35% provision of affordable housing for all new development of 10 units and over. For the proposed scheme of 25 units, this equates to 8.75 units. Following discussions with the Housing team, it has been agreed that 4 units will be provided at ground floor level for affordable rent. The remaining units will be shared ownership. These units are secured by a Section 106 Agreement.

Scale, Design and Impact on the Character and Appearance of the Area

This section of the Estcourt Conservation Area is characterised by newer residential development in the form of apartments at Queens Gate and Ashleigh Court, to the south and west of the site respectively. As one travels north from Lord Street via Queen's Road and Loates Lane the surroundings become more traditional with 19th and 20th century shopfronts and residential facades evident. In this context the proposal represents a logical progression from new to older more mature structures as the viewer moves northwards.

Pre-application advice was undertaken prior to submission. The Urban Design and Conservation Team were consulted on the shape and form as presented here (*see Figs a, b, c, d*). It should be noted that much of the discussion and process regarding the appearance was agreed upon over the course of the previous refused applications and the pre-application consultation.

The proposed building has a rectangular footprint reflecting the footprint of the existing structures. Although the scale of the building is still significantly greater than the existing units, the siting of the building towards the road frontage achieves a much better relationship with the surrounding developments, and its design, although more contemporary, incorporates variations in the façade that are reminiscent of the existing character of the area.

Examples of this can be seen in the fenestration which continues the linear theme established by the retained windows at No. 60 Queen's Road which includes a traditional shopfront at ground floor, and typical casement windows over the first and second floors. The general height and scale of the windows is continued from existing to the proposed units thereby achieving continuity and rhythm in the streetscene.

Furthermore, the immediate surroundings have been redeveloped in recent years significantly increasing the size and massing of built development at this end of the street. The width of Lord Street allows for this as it faces The Queensgate development across a road that is c. 15m wide at this point. Consequently then, considering the context, the

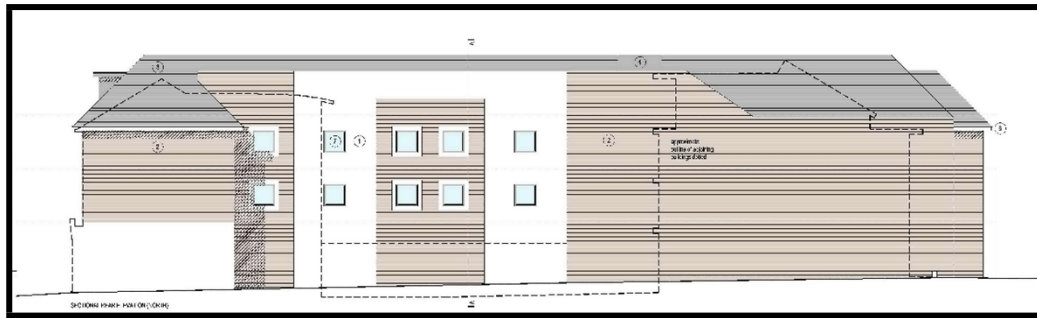
increase in mass and scale over existing is considered appropriate at this end of the street and meets all relevant policies in terms of scale, design and impact on the street scene in this conservation area.



a Main facade as viewed from Lord Street



b Facade as seen from Queens Road



c Rear Elevation (all windows serve lobbies)



d View from Loates Lane

Quality of accommodation and amenity of future residents

All of the proposed flats with the exception of two units on the first and second floors exceed the Department of Community and Local Government's Technical Housing Standards internal space guidelines and have acceptable internal layouts.

The exceptional units are 2 no. two bedroom flats of GIAs of 58.6sqm and 57sqm i.e. 2.4sqm and 4sqm below the required minimum standard (61sqm). Officers consider this failure to meet the required standards on two units out of the 25 total acceptable in the overall context of the development which would also include affordable rent as well as shared ownership units.

National Technical Standards for Residential Developments

Number of bedrooms(b)	Number of bed spaces (p = persons)	GIA (sqm)
1b	1p	39
	2p	50
2b	3p	61
	4p	70

All flats would be single aspect with the exception of the corner units but they are served by large windows to habitable living areas which would improve light reaching the rooms. In all other respects they are well designed and meet existing standards.

The proposal is therefore considered to meet requirements in terms of resident amenity and would provide occupants with an acceptable level of accommodation in compliance with local and national standards.

(d) Impacts on neighbouring properties

The proposed development is bounded by new residential developments; Ruby and Emerald Courts, to the rear. These were granted permission in 2008: the permission was not implemented until 2015/16. Ruby and Emerald Courts contain some single aspect units that face to the interior of the site.

This proposal represents a three storey plus roof accommodation structure in the shape of a rectangular block. It would represent a significant building that would serve to enclose the rear of Ruby and Emerald Courts and would have some impact on the amenity and outlook of these properties.

In considering this issue it is necessary for the Local Planning Authority to have regard to material planning considerations, which include the decision of the Council and the Planning Inspectorate in relation to application 09/00378/FULM. In determining this application Council Officers reached the view that:

‘The proposal will not have any direct impact on neighbouring properties that would warrant a sufficient reason for refusal. Openings in the rear elevation of the building are limited and whilst they do offer some overlooking of the neighbouring property at 60 to 62 Queens Road, this is minimal in effect.’

Both decisions were made with full knowledge of the approved residential development on the neighbouring site and either the Council nor the Planning Inspectorate objected to the application on the grounds of impacts on neighbouring amenity, and the Inspector considered the principle of a three storey building on the site acceptable.

There is a public interest in consistency in decision making, and like cases should be decided alike. If a decision maker wishes to disagree with a critical aspect of the decision in the previous case it is necessary to weigh the previous decision and give valid reasons for departing from it.

In this case while there have been updates in policy these have not changed the fundamentals of considering impacts of new buildings on neighbouring amenity, nor are there significant differences between the impact of this scheme and the one previously

considered. In effect, the impact on neighbouring properties would be the same as that which was previously judged acceptable.

In these circumstances, officers take the view that the previous decisions establish the acceptability of the relationship of the proposal with the neighbouring properties and that there is no robust reason upon which one would make a different judgement. In these circumstances the relationship is considered to be acceptable.



1 Recently completed Emerald/Ruby Courts to the rear of the subject site

The limited footprint and scale of the proposal ensures that loss of light and outlook for existing established residents on Loates Lane is acceptable in this urban location where façades that face each other across a street results in habitable rooms facing each other at upper floor level. Again, this arrangement is typical for flats in an urban setting and does not result in unacceptable impacts on neighbour amenity or on the ability of longer established neighbours to continue to enjoy their properties.

Transportation, access and parking

The Highway Authority accept that emergency and refuse vehicles can park at the loading bays adjacent the site. Similarly, the parking arrangements on Lord Street would remain unaffected. Five spaces would be maintained as well as the loading bays on either side of the street. The motorcycle bays on Queens Road would be unchanged. This would be a car free development as described in previous sections.

Adequate bin and cycle storage within the site area has been proposed and again, access for refuse lorries would be straightforward given the width and parking/loading bay on Lord Street.

Community Infrastructure Levy and Planning Obligation

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 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. In this case, the charge applicable to the proposed development is:

Watford Charging Schedule

Type of Development	CIL Rate
Residential	£120 per sqm
Retail (Class A1 – A5)	£120 per sqm

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

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

Planning obligations under section 106

With the implementation of the Council's CIL charging schedule on 1st April 2015, section 106 planning obligations can only be used to secure affordable housing provision and other site specific requirements. Tariff style financial payments can no longer be sought. Under Regulation 122 of the Community Infrastructure Levy Regulations 2010, where a decision is made which results in planning permission being granted for development, a

planning obligation may only constitute a reason for granting planning permission for that development if the obligation is:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

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

- i) Securing certain units as affordable housing units, in accordance with Policy HS3 of the Watford Local Plan Core Strategy 2006-31;
- ii) The provision, as necessary, of fire hydrants to serve the development in accordance with Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and saved Policy H10 of the Watford District Plan 2000.
- iii) The exclusion of residents from an entitlement to a parking permit within the Controlled Parking Zone

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

Recommendation

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

Section 106 Heads of Terms

1. To secure 8 units as affordable housing to comprise 4 units for affordable rent at ground floor (2 x 1 bed and 2 x 2 bed) and 4 units for shared ownership on the upper floors.
2. 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.
3. To secure the provision of fire hydrants as required by the County Council to serve the development.

Conditions

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

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

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

10205/PL001 Location plan
10205/PL002 Rev A Site plan
10205/PL003 Rev A Floor plans: ground, 1st & 2nd
10205/PL004 Floor plans; 3rd & roof
10205/PL005 Rev A Elevations & section

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 new building, including all external walls, roofs, doors, windows, balconies and privacy screens, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved materials.

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

4. 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.

5. No external plant or equipment shall be installed on the building unless details of the type, size, siting and noise levels of the plant or equipment have been submitted to and approved in writing by the Local Planning Authority. The plant or equipment shall only be installed in accordance with the approved details.

Reason: In the interests of the visual appearance of the development and the amenities of the occupiers of the flats.

6. No development shall commence until details of the existing and proposed ground levels and the finished ground floor levels of the buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall only be constructed in accordance with the approved details.

Reason: This is a pre-commencement condition to ensure an acceptable relationship between the proposed building, the adjoining residential development and the adjoining highway is achieved.

Case Officer: Damien McGrath

01923 278552

Human Rights Implications

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

Informatives

1. This planning permission is accompanied by a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to secure the provision of 22 affordable housing units and the necessary fire hydrants and exclusion from parking permit entitlement to serve the development.

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

(Development Management Procedure) (England) Order 2010, as amended. The Council also gave pre-application advice on the proposal prior to the submission of the application and undertook discussions with the applicant's agent during the application process.

3. Before commencing the development the applicant shall contact Hertfordshire County Council Highways (0300 123 4047) to obtain i) their permission/requirements regarding access for vehicles involved in the demolition of the existing building; ii) a condition survey of any adjacent highways which may be affected by construction vehicles together with an agreement with the highway authority that the developer will bear all costs in reinstating any damage to the highway.

4. The proposed development is liable for contributions under the Community Infrastructure Levy (CIL). Please contact the Planning Support Team at Watford Borough Council (telephone number: 01923 278327) if you have any queries about the CIL procedure and how CIL payments are collected.

5. The proposed development is liable for contributions under the Community Infrastructure Levy (CIL). Please contact the Planning Support Team at Watford Borough Council (telephone number: 01923 278327) if you have any queries about the CIL procedure and how CIL payments are collected.

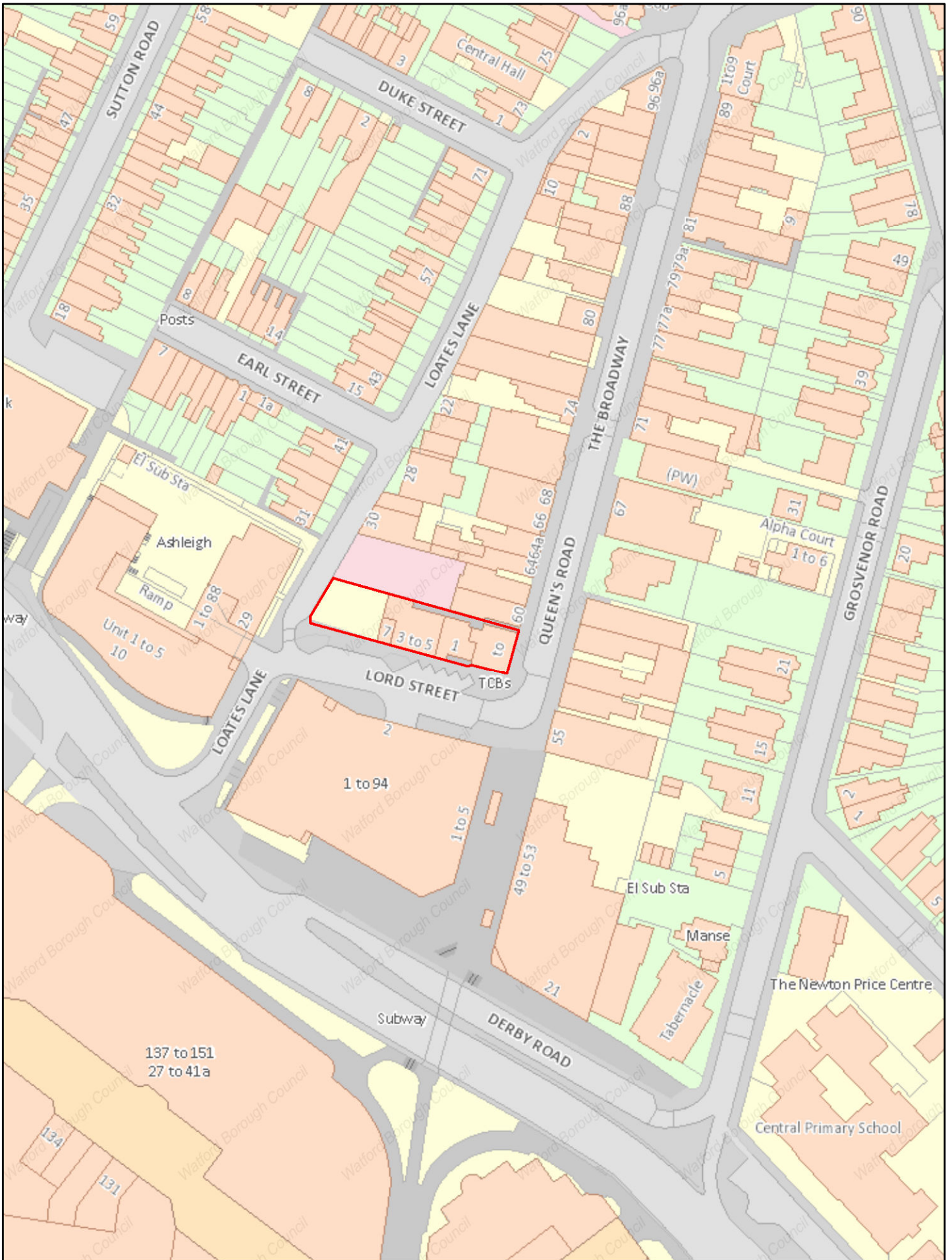
6. Before commencing the development the applicant shall contact Hertfordshire County Council Highways (0300 123 4047) to obtain i) their permission/ requirements regarding access for vehicles involved in the construction of the development; ii) a condition survey of any adjacent highways which may be affected by construction vehicles together with an agreement with the highway authority that the developer will bear all costs in reinstating any damage to the highway.

7. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

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

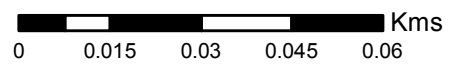
9. In order to minimise impact of noise and general construction work should be restricted to the following hours:
- Monday to Friday 8am to 6pm
 - Saturdays 8am to 1pm
 - Noisy work is prohibited on Sundays and bank holidays
10. In the event that an acceptable planning obligation under Section 106 of the Town and Country Planning Act 1990 has not been completed by 18th August 2016 in respect of the Heads of Terms set out above, the Development Management Section Head be authorised to refuse planning permission for the application for the following reasons:
- 1.The proposal fails to make provision for affordable housing on-site and as such is contrary to Policy HS3 of the Watford Local Plan Core Strategy 2006-31.
 2. The proposal would exacerbate demand for on-street parking in the Controlled Parking Zone, which already experiences parking problems. The proposal is therefore contrary to saved Policy T24 of the Watford District Plan 2000.
 - 3.The proposal fails to make provision for fire hydrants to serve the development and as such is contrary to Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and saved Policy H10 of the Watford District Plan 2000.
11. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the Hertfordshire County Council website at <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
12. Before commencing the development the applicant shall contact Hertfordshire County Council Highways (0300 123 4047) to obtain i) their permission/ requirements regarding access for vehicles involved in the construction of the development; ii) a condition survey of any adjacent highways which may be affected by construction vehicles together with an agreement with the highway authority that the developer will bear all costs in reinstating any damage to the highway.

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



1-7 Lord Street and 56-58 Queens Road

Date: 31/05/2016



Scale 1:1,250



