

DEVELOPMENT MANAGEMENT COMMITTEE

5 JULY 2017

Present: Councillor P Jeffree (Chair)
Councillor S Johnson (Vice-Chair)
Councillors D Barks, S Bashir, N Bell, S Bolton, I Sharpe,
M Turmaine and M Watkin

Officers: Deputy Managing Director and Director of Place Shaping and
Corporate Performance
Development Management Team Leader (PB)
Principal Planning Officer (CO, SH, AR)
Committee and Scrutiny Support Officer (IM)

6 APOLOGIES FOR ABSENCE/COMMITTEE MEMBERSHIP

There was a change of membership for this committee; Councillor Bolton replaced Councillor Kent and Councillor Watkin replaced Councillor Laird.

7 DISCLOSURE OF INTERESTS (IF ANY)

Councillor Barks advised the meeting that during the public consultation stages of the development of land to the east of Ascot Road (17/00048/FULM) he had received a separate presentation from the developer, having missed the public event. He had also received a number of representations from residents. Councillor Barks had advised the Head of Development Management about these contacts and confirmed to the meeting that he had not expressed or formed any firm opinions on the development.

Councillor Jeffree advised that as a member of Watford Community Housing Trust's Board he had a Disclosable Pecuniary Interest in regard to application 17/00178/FULM Land at Willow Lane. As a consequence, he would leave the meeting during the discussion of this item, which would be chaired instead by the Vice Chair, Councillor Johnson.

8 MINUTES

The minutes of the meeting held on 13 June 2017 were submitted and signed.

17/00048/FULM LAND TO THE EAST OF ASCOT ROAD

The committee received the report of the Head of Development Management, including the relevant planning history of the site and details of the responses to the application.

The Principal Planning Officer (CO) introduced the report explaining that the application was for the redevelopment of the site to provide a mixed use scheme including 485 residential units, of which 170 would be affordable (35%), retail units, community floor space, with associated cycle parking, car parking, play space, landscaping and public realm improvements.

Following the tragic fire at Grenfell Tower, a review of the proposed fire strategy measures for the scheme had been undertaken. Although fire safety and means of escape in tall buildings were dealt with separately under Building Regulations (Approved Document Part B), the enhancements proposed by the applicant's fire safety review had been listed fully in the officer's report and were outlined to the meeting.

The Principal Planning Officer advised the committee to consider the planning balance of the proposed regeneration scheme, which would make a significant contribution towards the Borough's housing needs – including a 35% affordable housing component. The proposal accorded with the policy objectives of the NPPF and would make effective use of previously developed land in a sustainable special policy area. In regenerating the area, the development was expected to act as a catalyst for further schemes in the Western Gateway Special Policy Area.

The Chair invited Mr Barry Grant, Chairman of the Croxley Green Residents Association to speak against the application. Mr Grant outlined the concerns of local residents about the scale of the proposed development, which was considered an overdevelopment of the site, overbearing and out of character with its surroundings. Residents were dismayed at the visual impact the proposed development would make on the skyline, particularly when viewed from Croxley Common Moor, Moor Park and Cassiobury Park.

Residents were also concerned about the impact of the development on the local road network. The number of designated car parking spaces was considered inadequate at 0.38 per residential unit – a more realistic assessment being one car per household. Despite measures to encourage the use of public transport options, the development would place an inevitable and unacceptable strain on the already congested local road network, particularly at peak times.

In view of these impacts and the absence of a major transport infrastructure to support the sustainable development outlined in the report, residents urged the

committee to reject the current application in favour of a smaller scale development.

The Chair invited Richard Olsen from Orion Cassiobridge Ltd to speak for the application. Mr Olsen described the constructive and collaborative discussions which had taken place with council officers and members of the local community to agree an excellent example of place making.

The development would make a major contribution towards meeting the council's housing needs, including a 35% affordable housing allocation. The first in a raft of new developments, the proposed scheme would help to deliver additional benefits to local residents with the planned inclusion of shops, businesses and other facilities.

Mr Olsen underlined the extra fire safety measures which had been proposed to the tall building in the wake of the Grenfell Tower tragedy. However, he noted that the majority of the development would comprise buildings of six to eight storeys.

Thanking the speakers, the Chair made some observations before inviting comments from the committee. He advised committee members that Watford was a small borough surrounded by larger boroughs with more land. There was an urgent and pressing need for housing locally, in part exacerbated by the success of policies to make the town a place where people and businesses wanted to locate. The lack of available land increased the pressure to devise more intense developments, including taller buildings. It was for the committee to decide whether the positive social benefits of the proposed scheme outweighed the impacts.

Members of the committee acknowledged the need for additional housing in Watford and particularly the need for housing which was affordable for local people. As such, the 35% affordable housing proposed in the development was welcomed. This equated to 170 homes, of which the 20% for social rent was particularly positive.

The committee noted the council's current housing allocations did not provide a five year supply of housing land, requiring housing applications to be considered against paragraph 14 of the National Planning Policy Framework (presumption in favour of sustainable development). Whilst the introduction of taller buildings was relatively unusual in Watford, the majority of the committee considered that the proposed scheme was fully compliant with current policies.

The regeneration of the Ascot Road area was also welcomed by committee members. This was a significant area of brownfield land which had the potential to develop an exciting new community.

It was acknowledged that there had been considerable consultation to take into account the comments of planning officers and to respond to the views of the local community. This had resulted in a number of changes to the scheme and enhancements to local facilities, such as the proposed expansion of Rickmansworth School to meet the growing pressure on school places.

Some committee members questioned the need for a 24 storey building. The council's emerging tall buildings policy TB1 stated that buildings up to a height of 50 metres (15 storeys) would be considered. It was suggested that a different design with fewer storeys should have been proposed. This would have impacted less on surrounding communities and on the skyline.

In a clarification, the Principal Planning Officer advised that Policy TB1 was worded positively and did not state that buildings taller than 50 metres were unacceptable. Furthermore, the Residential Design Guide stated that taller buildings might be acceptable in major development sites. The appropriate height was determined by effects on amenity and townscape. In this case, the height of the proposed tall building was justified through its high quality design and its slender and elegant appearance.

There was some discussion about the transport comments in the development proposal. Whilst welcoming encouragement for more sustainable modes of travel, some members of the committee expressed the view that the low number of parking spaces was unrealistic. Moreover, the assumptions about car ownership and usage were predicated in part on the completion of the Metropolitan Line Extension (MLX), which was currently stalled. However, without MLX it was commented that the site was sustainable as there were good public transport, cycle and footpath links.

Committee members were also concerned about the impact on the local road network, which was already heavily congested at peak times. Some committee members considered that this impact would be intolerable. Other comments were made that the flow of traffic from the development would be in reverse to the general flow into the area and would therefore be acceptable.

The Chair invited Councillor Bell to move a motion to refuse. Councillor Bell proposed that the application be refused on the grounds that it was contrary to emerging tall buildings policy TB1 and its design, providing inadequate space in the public realm, was not of sufficiently high quality to justify a departure from this policy.

On being put to the vote, the motion was LOST.

The Chair moved the officer's recommendation.

RESOLVED –

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 require the submission and implementation of a phasing plan setting out the phasing of the delivery of the development.
- ii. To secure affordable housing units in Blocks D and E. Tenure mix – at least 20% social rented; at least 65% affordable rented; with remaining units to be intermediate.
- iii. A financial contribution of £20,000 towards off-site mitigation works at Ascot Road/Morrison's roundabout, as shown on drawing No. 16037-01-208.
- iv. Introduction of 3no. lay-bys on Ascot Road for servicing vehicles and 2 car club vehicles. Financial contribution of £2000 towards amendment to the Traffic Regulation Order.
- v. A financial contribution of £22,500 towards the provision of a cycle hire station adjacent to the application site, including 5 cycles and initial annual operation costs for 2 years.
- vi. A financial contribution of £6,000 towards improved directional signage to the Ebury Way National Cycle Network.
- vii. To secure an agreement with a car club operator to provide car club for 3 years from first occupation of the development.
- viii. A financial contribution of £32,000 towards bus stop improvements.
- ix. A financial contribution of £55,000 towards 2 public consultations (one to be held during construction of the development and the other to be held after occupation of the development) and implementation of a new Controlled Parking Zone.
- x. Submission and implementation of an approved Travel Plan
- xi. A financial contribution of £6,000 towards Travel Plan monitoring.

- xii. Submission and implementation of an approved Construction Logistics Plan.
- xiii. A financial contribution of £500,000 towards public realm improvements in Old Ascot Road.
- xiv. A financial contribution of towards the expansion of Rickmansworth School, which is calculated using the amounts and approach set out within the Planning Obligations Guidance – Toolkit for Hertfordshire January 2008.
- xv. The provision of fire hydrants to serve the proposed development.
- xvi. Submission and implementation of an approved Site Wide Management Scheme. The scheme shall include the following details:
 - Details of all on-site parking spaces.
 - Measures to prevent parking outside of marked parking spaces.
 - Details of areas within the site that would be used for the manoeuvring and loading/unloading of delivery and servicing vehicles.
 - Details of access to/from the site for delivery and serving vehicles.
 - Details of concierge facilities and procedures for directing and receiving deliveries to the site.
 - Details of site waste management, which shall include details of the operation and management of the waste and recycling disposal system; details of waste and recycling storage provision; and arrangements for the collection of waste and recycling from the site.
 - Details of a fire safety strategy.

Conditions

1. Time Limit

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

2. Approved plans

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

100-101; 050-001; 050-002 Rev A; 050-010; 050-011 Rev A; 050-012 Rev A; 050-013 Rev A; 050-014 Rev A; 050-015 Rev A; 050-016 Rev A; 050-017 Rev A; 050-018 Rev A; 050-019 Rev A; 050-020 Rev A; 050-021 Rev A; 050-022 Rev A; 050-023 Rev B; 050-301 Rev A; 050-302 Rev A; 050-303; 050-304 Rev A; 050-305 Rev A; 050-306 Rev A; 050-307 Rev A; 050-308 Rev A; 050-309 Rev A; 089680-L-100 Rev D; 089680-L-101 Rev B; 089680-L-102 Rev C; 089680-L-103 Rev B; 089680-L-104 Rev A; 089680-L-105 Rev B; 089680-L-106; 089680-L-200 Rev C; 089680-L-201 Rev B; 089680-L-202 Rev A; and ASCOT_SK-001

3. Materials

No development, other than demolition, shall commence until details of the materials to be used for all the external finishes of the buildings, including walls, roofs, doors, windows and balconies, 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.

4. Detailed plans

No development, other than demolition, shall commence until detailed drawings of the elevations, including details of the reveals, projections, recessed areas, balconies, architectural detailing and the proposed capping for the walls, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved details.

5. Drainage

The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment carried out by Capita reference CS075456-PE-16-193-R V3 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. Implementing appropriate drainage scheme based on infiltration and off-site discharge to public sewer.
3. Limiting the surface water run-off generated by the 1 in 100 year + climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

4. Implementing appropriate SuDS measures as shown on proposed drainage layout drawing reference CS/075456 and to include permeable surfacing and below ground attenuation.

The mitigation measures shall be fully implemented prior to occupation of any part of the development 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.

6. Surface water drainage scheme

No development, other than demolition, shall commence until a detailed surface water drainage scheme for the site based on the approved FRA 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.

The scheme should include;

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.

7. Drainage management and maintenance plan

Upon completion of the drainage works an updated management and maintenance plan for the all the SuDS features and structure, including arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime, shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of any part of the development. The SuDS features and structure shall thereafter be operated in accordance with the management and maintenance plan, unless otherwise agreed in writing by the Local Planning Authority.

8. Contamination remediation strategy

No development shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors; and
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

9. Contaminated land verification report

No part of the development shall be occupied until a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

10. Contamination monitoring and maintenance plan

No development shall commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the Local Planning Authority, has been submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the Local Planning Authority.

11. Discovery of contamination that has not been previously identified

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

12. Details of infiltration surface water drainage

No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

13. Piling method statement

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 groundwater pollution, and the programme for 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.

14. Borehole management scheme

A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall

provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the development.

15. Soft landscaping scheme

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

16. Hard landscaping scheme

No development, other than demolition, shall commence until full details of a hard landscaping scheme, including details of all site boundary treatments and all fencing or enclosures within the site, have been submitted to and approved in writing by the Local Planning Authority. The hard landscaping shall be carried out in accordance with the approved details.

17. Lighting scheme

No part of the development shall be occupied until details of the lighting of all public realm and other external areas within the site have been submitted to and approved in writing by the Local Planning Authority. The details shall include details of the intensity of light emissions (including the surface area to be illuminated), detailed drawings of the proposed lighting columns and fittings and any measures for mitigating the effects of light pollution. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

18. Protection of bats

No removal of trees, works to or demolition of buildings/structures, or development shall take place until follow-up dusk emergence and dawn re-entry bat surveys undertaken during May - September (inclusive) and a mitigation strategy for the construction and operational phases of the

development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the mitigation strategy shall be implemented in accordance with the details approved by this Condition.

19. Lighting design scheme for biodiversity

No part of the development shall be occupied until a lighting design strategy for biodiversity for the northern and eastern boundaries of the site has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:

a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specification) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any external lighting be installed on site without prior written consent from the Local Planning Authority.

20. Protection of nesting birds

No removal of hedgerows, trees or shrubs, or works to or demolition of buildings/structures, or development shall take place between 1st March and 31st August inclusive until a survey for active birds nests carried out by a competent ecologist has been submitted to the Local Planning Authority and, in the case of nesting birds being found, a mitigation strategy has been approved in writing by the Local Planning Authority. Thereafter the mitigation strategy shall be implemented in accordance with the details approved by this Condition.

21. Site levels

No development, other than demolition, shall commence until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s), and any other changes proposed in the

level of the site, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

22. Noise mitigation

The development hereby approved shall not progress above podium level until a detailed scheme to achieve satisfactory internal noise levels has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of glazing specifications and ventilation and shall be based on the mitigation measures detailed in the Hodkinson Acoustic Report dated January 2017, unless otherwise agreed in writing by the Local Planning Authority. No part of the development shall be occupied until all the works forming part of the approved scheme have been completed.

23. Noise levels

The calculated rating level of the noise from fixed plant and equipment associated with the development shall not exceed 50dB LAr, T during the hours 07:00 and 23:00 and 35dB LAr, T during the hours 23:00 and 07:00, determined at the nearest noise sensitive premises in accordance with the procedures detailed in BS 4142:2014. Prior to the operation of any fixed plant and equipment associated with the development, the developer shall provide details including calculated rating levels of noise to the Local Planning Authority demonstrating that the detailed design achieves the required criteria.

24. Commercial extraction system

No cooking shall take place in the Class A units until details of extraction systems, including manufacturer's specifications, details of the routing of ducts and discharge points, and an acoustic impact assessment including details of noise and vibration mitigation as necessary, have been submitted to and approved in writing by the Local Planning Authority and the extraction systems have been installed in accordance with the approved details. The plant shall not be operated other than in complete accordance with the approved specifications and mitigation measures. No cooking shall take place on the Class A premises unless satisfactory ventilation is installed and being operated in accordance with the approved details.

25. Class A outdoor seating

Outdoor seating areas associated with the Class A uses shall be cleared of customers between 22:00 and 08:00 hours, 7 days a week.

26. Class A uses

The proposed Class A uses shall operate within use classes A1, A2, and A3 only.

27. Shopfronts

The shopfront windows to the Class A units shall be used for display purposes and the window glass must not be painted or obscured.

28. Class D use

The non-residential premises on the eastern side of the upper ground floor of Block A (labelled '17' on drawing No. 050-011) shall not be first occupied and used without the Local Planning Authority's prior agreement, in writing, of the following details:

- a) notification of any proposed use within Class D1 and D2 of the Town and Country Planning (Use Classes) Order 1987, as amended;
- b) any equipment for the projection of amplified sound to customers and other members of the public inside and (where relevant) outside of the building;
- c) any externally situated plant and/or other machinery;
- d) any externally situated temporary or permanent furniture, means of enclosure and other equipment associated with the extension of commercial activity outside of the building.

The occupation and use of the premises, including any part thereof, shall be carried out in accordance with the notification and details so agreed. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended and the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, the premises shall only be used for a purpose that has been approved in writing by the Local Planning Authority.

29. Residential development sustainability

The residential units hereby permitted shall be constructed to:

- (i) achieve a minimum regulated carbon dioxide reduction of 19% beyond the Building Regulations 2010 (as amended) Approved Document L1A - Conservation of fuel and power in new dwellings (2013 edition);
- (ii) achieve a maximum water use of no more than 110 litres per person per day in accordance with the optional standard 36(2)(b) of the Building Regulations 2010 (as amended) Approved Document G – Sanitation, hot water safety and water efficiency (2015 edition).

30. Non-residential development sustainability

The Class A units hereby permitted shall not be brought into use until a certificate of compliance from an accredited assessor confirming that the development has achieved a BREEAM rating of Excellent has been submitted to and approved in writing by the Local Planning Authority.

31. Wind mitigation

The development hereby permitted shall not progress above podium slab level until details of mitigation measures to address wind microclimate impacts have been submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall be based on the recommendations in Section 7 of the Pedestrian Level Wind Microclimate Assessment RWDI#1700251 PLW REV-B dated December 13th 2016. No part of the development shall be occupied until the works have been completed in accordance with the approved details and thereafter retained.

32. Access, manoeuvring and parking layout

No development, other than demolition, shall commence until full details in the form of scaled plans and written specifications have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority to illustrate the following:

- i. Roads, footways, foul and on-site water drainage.
- ii. Existing and proposed access arrangements including visibility splays.
- iii. Car parking provision.
- iv. Servicing areas, loading areas and turning areas for all vehicles.

No part of the development shall be occupied until the proposed layout has been completed in accordance with the details approved by this Condition.

33. Road Safety Audit

No development, other than demolition, shall commence until a Stage 1 Road Safety Audit for all access arrangements and proposed mitigation measures has been submitted to and approved in writing by the Local Planning Authority and Highway Authority. The mitigation measures are as follows:

- Ascot Road / Old Ascot Road, Morrisons Access roundabout: Drawing reference 16037-01-208.

34. Swept path assessments

No development, other than demolition, shall commence until swept path assessments have been submitted to and approved in writing by the Local Planning Authority. The following swept path assessments are required:

- Delivery vehicles entering and exiting the undercroft car parking area;
- Revised swept path assessments for fire tender manoeuvring within the site;
- Revised swept path assessments for delivery vehicles manoeuvring within the site;
- Large car accessing car parking spaces that are in corners and for one midway in a row.

35. Parking Management Plan

No residential or commercial unit or other part of the development shall be sold or occupied until a Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall: identify the electric vehicle charging point spaces that are to be provided within the basement car park as 'active' spaces and those as 'passive' spaces; detail the allocation of disabled person's parking space within the basement car park; detail the allocation of general parking spaces within the development; detail the management of general vehicle access across the site; detail the storage and allocation of cycle parking for residents/staff/visitors of the development; lighting within the basement. The development shall be carried out in accordance with the approved plan and shall be retained as such thereafter.

36. Access Control System

No dwellings shall be occupied in any building until details of an access control system for that building have been submitted to and approved in writing by the Local Planning Authority and the access control system has

been installed in accordance with the approved details. The access control system(s) shall be retained as such thereafter.

37. Communal aerials and satellites

No dwelling shall be occupied until details of a strategy for the provision of communal facilities for television reception (eg. aerials, dishes and other such equipment) has been submitted to and approved in writing by the Local Planning Authority. Such details shall include the specific size and location of all equipment. The approved details shall be implemented prior to the first occupation of the relevant Block and shall be retained thereafter. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) no other television reception equipment shall be introduced onto the walls or the roof of the building without the prior written approval of the Local Planning Authority.

38. Archaeological Written Scheme of Investigation

No development, other than demolition, shall commence until an Archaeological Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of archaeological significance and research questions; and:

1. The programme and methodology of site investigation and recording;
2. The programme for post investigation assessment;
3. Provision to be made for analysis of the site investigation and recording;
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
5. Provision to be made for archive deposition of the analysis and records of the site investigation;
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

The development shall be carried out in accordance with the programme of archaeological works set out in the Written Scheme of Investigation.

39. Implementation of Written Scheme of Investigation

No part of the development shall be occupied until the site investigation and post investigation assessment has been completed in accordance with

the programme set out in the Written Scheme of Investigation approved under Condition 40 and the provision made for analysis and publication where appropriate.

Informatives

1. This planning permission is accompanied by a Planning Obligation under Section 106 of the Town and Country Planning Act 1990.
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. All new units granted planning permission and to be constructed require naming or numbering under the Public Health Act 1925. You must contact Watford Borough Council Street Naming and Numbering department as early as possible prior to commencement on streetnamenumbers@watford.gov.uk or 01923 278458. A numbering notification will be issued by the council, following which Royal Mail will assign a postcode which will make up the official address. It is also the responsibility of the developer to inform Street Naming and Numbering when properties are ready for occupancy.
4. You are advised of the need to comply with the provisions of The Control of Pollution Act 1974, The Health and Safety at Work Act 1974, The Clean Air Act 1993 and The Environmental Protection Act 1990.

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

Monday to Friday 8am to 6pm

Saturdays 8am to 1pm

Noisy work is prohibited on Sundays and bank holidays

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

Further details for both the applicant and those potentially affected by construction noise can be found on the Council's website at:
https://www.watford.gov.uk/info/20010/your_environment/188/neighbor_complaints_%E2%80%93_construction_noise

5. Highway informatives:

AN1) Storage of materials: 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 website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN2) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN4) Construction standards for works within the highway: All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's publication "Roads in Hertfordshire - Highway Design Guide (2011)". Before works commence the applicant will need to apply to the Highway

Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

6. Network Rail informatives:

The developer is to submit directly to Network Rail, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway under Construction (Design and Management) Regulations, and this is in addition to any planning consent. Network Rail would need to be re-assured the works on site follow safe methods of working and have also taken into consideration any potential impact on Network Rail land and the existing operational railway infrastructure. Review and agreement of the RAMS will be undertaken between Network Rail and the applicant/developer. The applicant /developer should submit the RAMs directly to:

AssetProtectionLNWSouth@networkrail.co.uk

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

The applicant / developer should liaise directly with Asset Protection to set up the BAPA. For major works / large scale developments an Asset Protection Agreement will be required with further specific requirements.

AssetProtectionLNWSouth@networkrail.co.uk

7. Transport for London informatives:

An agreement will be required between the developer and Transport for London/London Underground in the form of an Interface Control Document (ICD) which will need to be prepared and agreed to manage the interface and liaison process. This will also need to include provision for any reasonable costs to cover necessary adjustments to the MLX project that are required as a result of the proposed development.

If the MLX is operational before a start is made on the Ascot Road development the applicants will be required to engage with LU Infrastructure Protection and to meet all the requirements for undertaking development adjacent to operational rail infrastructure.

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

9. Environment Agency informatives:
We recommend that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the Environment Agency Guiding principles for land contamination for the type of information that we required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed.
4. Refer to the contaminated land pages on GOV.UK for more information.

We expect the site investigations to be carried out in accordance with best practice guidance for site investigations on land affected by land contamination. E.g. British Standards when investigating potentially contaminated sites and groundwater, and references with these documents:

- BS5930:2015 Code of practice for site investigations;
- BS 10175:2011 A1:2013 Code of practice for investigation of potentially contaminated sites;

- BS ISO 5667-22:2010 Water quality. Sampling. Guidance on the design and installation of groundwater monitoring points;
- BS ISO 5667-11:2009 Water quality. Sampling. Guidance on sampling of groundwaters (A minimum of 3 groundwater monitoring boreholes are required to establish the groundwater levels, flow patterns and groundwater quality.)
- Use MCERTS accredited methods for testing contaminated soils at the site.

A Detailed Quantitative Risk Assessment (DQRA) for controlled waters using the results of the site investigations with consideration of the hydrogeology of the site and the degree of any existing groundwater and surface water pollution should be carried out. This increased provision of information by the applicant reflects the potentially greater risk to the water environment. The DQRA report should be prepared by a “Competent person” E.g. a suitably qualified hydrogeologist. In the absence of any applicable on-site data, a range of values should be used to calculate the sensitivity of the input parameter on the outcome of the risk assessment.

- GP3 version 1.1 August 2013 provided further guidance on setting compliance points in DQRAs.
- Where groundwater has been impacted by contamination on site, the default compliance point for both Principal and Secondary aquifers is 50m.

Where leaching tests are used it is strongly recommended that BS ISO 18772:2008 is followed as a logical process to aid the selection and justification of appropriate tests based on a conceptual understanding of soil and contaminant properties, likely and worst-case exposure conditions, leaching mechanisms, and study objectives. During risk assessment one should characterise the leaching behaviour of contaminated soils using an appropriate suite of tests. As a minimum these tests should be:

- upflow percolation column test, run to LS 2 – to derive kappa values;
- pH dependence test if pH shifts are realistically predicted with regard to soil properties and exposure scenario; and

- LS 2 batch test – to benchmark results of a simple compliance test against the final step of the column test.

Following the DQRA, a Remediation Options Appraisal to determine the Remediation Strategy in accordance with CRL11. The verification plan should include proposals for a groundwater-monitoring programme to encompass regular monitoring for a period before, during and after ground works. E.g. monthly monitoring before, during and for at least the first quarter after completion of ground works, and then quarterly for the remaining 9-month period.)

Where SUDs are proposed; infiltration SUDs should not be located in unsuitable and unstable ground conditions such as land affected by contamination or solution features. Where infiltration SuDS are to be used for surface run-off from roads, car parking and public or amenity areas, they should have a suitable series of treatment steps to prevent the pollution of groundwater. For the immediate drainage catchment areas used for handling and storage of chemicals and fuel, handling and storage of waste and lorry, bus and coach parking or turning areas, infiltration SuDS are not permitted without an environmental permit. Further advice is available in the updated CIRIA SUDs manual http://www.ciria.org/Resources/Free_publications/SuDS_manual_C753.aspx

Vice Chair in the Chair

10

17/00178/FULM LAND AT WILLOW LANE (TO SOUTHEAST OF ROSE GARDENS)

The committee received the report of the Head of Development Management, including the relevant planning history of the site and details of the responses to the application.

The Principal Planning Officer (SH) explained that this application proposed the erection of 95 residential dwellings with associated landscaping, amenity space, access and parking.

The Chair invited Charles Bennett, a local resident, to speak against the application. Mr Bennett argued that the development required both a more strategic view and greater regard for the requirements of local residents.

Raising two major concerns, Mr Bennett argued that the scale of the development was out of keeping with the area and should be reduced in height from six to four storeys. In addition, residents were concerned about the detrimental impact of the development on local roads and parking. It was acknowledged that these could be alleviated with the completion of proposed MLX, but the delivery of this project remained uncertain.

Residents were concerned about noise and disruption during and after the construction phase and Mr Bennett argued the need to monitor the impact on residents' quiet enjoyment. He also suggested the introduction of more local shops and services in the area and raised concerns about the potential for increased anti-social behaviour.

The Chair invited Nick Green from Savills to speak for the application. Mr Green placed the proposed development in the context of the wider Watford Health Campus masterplan, following the completion and opening of Thomas Sawyer Way and Trade City Watford.

The scheme was well-designed and had the support of Design South East. It exceeded all privacy and separation policies. Parking provision complied with Watford Borough Council's standards and was supported by Hertfordshire County Council.

Mr Green advised that the affordable housing provision was a little under the council's target at just over 30%. This reflected the complex viability appraisal agreed with the council's consultants which had taken into account inter alia the need for some clean-up of the site and costs associated with the delivery of Thomas Sawyer Way. Mr Green advised that any savings during construction would be used to increase the affordable accommodation provision.

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The Chair thanked the speakers and sought comments from the committee.

Members broadly welcomed the proposed development, which whilst different to the original masterplan was deemed a preferable solution addressing better the constraints of the site.

Although the affordable housing provision fell short of the council's 35% target, with greater focus on shared ownership rather than affordable housing, committee members accepted that there were plausible site specific explanations in this case. This included the cost of providing the new road (Thomas Sawyer Way) and extensive remedial works on the health campus site (now to be known as Riverwell). It was also commented that although shared ownership formed part the council's current policy, this was something that should be looked at for future developments as it was not necessarily the right produce in the current housing climate.

During discussions, some members of the committee raised concerns about the development, although it was noted that other questions had been resolved as a result of the site visit undertaken with the planning officer prior to the meeting. The outstanding concerns related mainly to the potential impacts on adjacent residential areas, particularly in regard to increased traffic levels and to parking.

The Principal Planning Officer clarified that traffic assessments had been carried out and that Hertfordshire County Council Highways Department had not raised any objections to the proposal on highways grounds. In addition, mitigation measures had been agreed, notably new junction improvement schemes on some local roads and traffic signalling improvements to Junction 5 of the M1 motorway.

The committee noted that it was agreed council policy on major development areas that no Community Infrastructure Levy (CIL) charge would be made on the development. However, it was acknowledged that in this case the developer had faced significant upfront costs in regard to the delivery of Thomas Sawyer Way and in treating contaminated land on the site. The developer had also agreed a section 106 obligation which *inter alia* would provide for a two form entry primary school within another part of the Health Campus site.

Members of the committee queried measures taken to protect local wildlife, specifically to determine the existence of a local badger colony, and ecology on the site. The Principal Planning Officer confirmed that condition 17 of the report set out the requirements for a badger activity survey prior to development.

The Chair moved the officer's recommendation.

RESOLVED –

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) Securing fire hydrants;
- ii) Securing 29 of the units as affordable housing;
- iii) The agreement of Hertfordshire County Council to legally relinquish their option on the School Land (2,617sqm land zone at Willow Lane previously marked for the expansion of Laurance Haines School) and Additional School Land (land comprising no more than 1000sqm on Harwoods Recreation Ground) on completion of the agreement;

- iv) Watford Borough Council to transfer the freehold of 0.9 hectares of developable land for the purposes of a two form entry primary school. The land is to be fully remediated and serviced prior to the transfer and suitable access to the site will be provided prior to the transfer;
- v) The Land identified in (iv) to be transferred by Watford Borough Council to Hertfordshire County Council for the sum of £2,250,000;
- vi) Securing a financial contribution of £274,556 towards the provision of primary education facilities;
- vii) Securing a financial contribution of £36,930 towards the provision of secondary education facilities;
- viii) In the event that the actual Building/Construction Costs are less than the applicant's estimated Building/Construction Costs an overage payment will be made to Watford Borough Council to be used for affordable housing up to a ceiling cap of £386,516.

Conditions

Time Limit

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

Approved Drawings

2. The development hereby permitted shall be carried out in accordance with the following approved drawings: A2-001 Rev 2 – amended plan received 30.06.17; A2-002 Rev 2 – amended plan received 30.06.17; A1-001 Rev 9 – amended plan received 30.06.17; A1-002 Rev 5 – amended plan received 30.06.17; A1-101 A Rev 7 – amended plan received 21.04.17; A1-101 B Rev 1 – additional plan received 21.04.17; A1-102 Rev 5 – amended plan received 21.04.17; A1-103 Rev 7 – amended plan received 12.05.17; A1-151 Rev 2 – amended plan received 03.04.17; A1-152 Rev 01; A1-401 Rev 4; A1-402 Rev 3; A1-403 Rev 1; L-200 Rev N – amended plan received 30.06.17; L-700 Rev H – amended plan received 30.06.17; MBSK170403-1; MBSK170403-2; MBSK170403-3; MBSK170403-4; MBSK170403-5.

External Materials and Finishes

3. Notwithstanding the information already submitted, no construction works above damp proof course level shall commence

until details of the materials to be used for all the external finishes of the buildings, including all walls, roofs, doors, windows, balconies, rainwater and foul drainage goods (including samples where considered necessary by the Local Planning Authority) and details of the reveal treatment to be applied around windows and doors have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved details.

External Lighting

4. None of the units hereby approved shall be occupied until a scheme detailing the external lighting to be installed within the site (including free standing light fixtures and any external lighting attached to the buildings) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:
 - a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specification) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed prior to the first occupation of the development in accordance with the specifications and locations set out in the scheme, and shall be maintained thereafter in accordance with the approved scheme. Under no circumstances should any other external lighting be installed without the prior written approval of the Local Planning Authority.

Surface Water Management

5. The development permitted by this planning permission shall be carried out in accordance with the approved Outline Drainage Strategy carried out by Waterman Infrastructure & Environment Limited (document reference WIE11284-101-R-5-3-1-YN – dated February 2017), and the following mitigation measures;

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. Implementing appropriate drainage scheme based on discharge to public sewer.
3. Limiting the surface water run-off generated by the 1 in 100 year + climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
4. Implementing appropriate Sustainable Drainage System (SuDS) measures as shown on the proposed drainage layout drawing reference 0001 Rev A05 and to include permeable surfacing, filter trench, raingarden/bio retention system and tree pits.

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.

- 6a. No development shall take place until a detailed surface water drainage scheme for the site based on the approved Outline 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 scheme 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.

The scheme shall include;

1. Detailed drawings of the proposed SuDS (Sustainable Drainage Systems) features including their size, volume, depth and any inlet and outlet features including any connecting pipe runs.
2. Routes of exceedance to be identified for rainfall events that exceed the 1 in 100 year + climate change event.

- 6b. Upon completion of the drainage works an updated management and maintenance plan for the all the SuDS features and structure must be submitted to and approved in writing by the Local Planning Authority and shall include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Piling and Foundations

7. No piling or other foundation designs using penetrative methods shall take place until a method statement (detailing the depth and type of piling and/or foundations to be undertaken and the methodology by which such piling/foundations will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, measures to prevent harm to groundwater resources and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved details.

Refuse, Recycling and Cycle Storage

8. No part of the development shall be occupied until the refuse, recycling and cycle storage to serve the development, as shown on the approved drawings, has been constructed and made available for use. These facilities shall be retained as approved at all times.

Hard and Soft Landscaping and Children's Play Space

9. The hard and soft landscaping and children's play area shall be carried out in accordance with the details shown on Drawings: L-200 Revision N (amended plan received 30.06.17) and L-700 Revision H (amended plan received 30.06.17). 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.

Means of Enclosure

10. Notwithstanding the information already submitted, none of the units hereby approved shall be occupied until details of the siting, height, type, materials and finish of all fencing, walls, gates or other means of enclosure around the boundaries of the site and within the site have been submitted to and approved in writing by the Local Planning Authority. All fencing, walls, gates or other means of enclosure shall be provided in accordance with the approved details prior to the first occupation of any part of the development and shall be maintained as such at all times thereafter.
Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) no gates or means of enclosure, other than those approved under this condition, shall be erected or installed on the site without the prior written approval of the Local Planning Authority.

Photovoltaic Panels

11. The photovoltaic (PV) panels shall be provided in accordance with the details shown on Drawing A1-152 Revision 01. In the event of the approved PV panels not being available, details of any alternative PV panels (including their type, size, height, siting and layout) shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and the development shall only be carried out in accordance with any alternative details approved by this condition.

Parking, driveway and manoeuvring layout

12. None of the units shall be occupied until the access road, on-site parking (including those served by electric charging points) and manoeuvring areas have been laid out and constructed in accordance with the approved drawings and made available for use. These facilities shall be retained as approved at all times.

Obscure glazing

13. The following windows shall be permanently fixed closed below 1.7m internal floor level and shall be fitted with obscured glass at

all times unless otherwise agreed in writing by the Local Planning Authority:

- (i) All proposed ground, first, second, third and fourth floor windows on the northeast-facing elevation of the building referred to as Block B on the drawings hereby approved;
- (ii) All proposed windows on the southwest-facing elevation of the building referred to as Block B on the drawings hereby approved with the exception of those serving the communal corridors;

No use of flat roofs

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

Levels

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

Tree Protection Measures

- 16. No works of development comprising site preparation or construction shall commence until the tree protection fencing detailed within the Arboricultural Impact Assessment, prepared by Middlemarch Environmental (Report No. RT-MME-124281-02 Rev A – dated January 2017), has been erected on the site. No works shall take place within the protected areas until a method statement detailing the works to be undertaken and the methods to be used have been submitted to and approved in writing by the Local Planning Authority. Works within the protected areas shall only be undertaken in accordance with the approved method statement.

Badger Protection

17. No development shall commence until a badger activity survey has been carried out within the site by a licensed ecologist. A report of the findings including a suitable mitigation strategy if required, should active badger setts be found, shall be submitted to the Local Planning Authority for approval in writing prior to the commencement of the development. The development shall be carried out in accordance with the approved details including any mitigation strategy where necessary.

Archaeology

18. No development shall commence until an Archaeological Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of archaeological significance and research questions; and:
 1. The programme and methodology of site investigation and recording;
 2. The programme and methodology of site investigation and recording as suggested by the archaeological evaluation;
 3. The programme for post investigation assessment;
 4. Provision to be made for analysis of the site investigation and recording;
 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 6. Provision to be made for archive deposition of the analysis and records of the site investigation;
 7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

The development shall only take place in accordance with the programme of archaeological works set out in the approved Written Scheme of Investigation. No part of the development shall be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation and the provision made for analysis and publication where appropriate.

Contamination

19. No development shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. This strategy shall include the following components:
1. A site investigation scheme, based on the Preliminary Environmental Risk Assessment prepared by Waterman Infrastructure & Environment Limited (document reference: WIE11284-100-R-4-2-3-PERA, Issue: 4-2-3, dated January 2017) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the prior written consent of the Local Planning Authority. The scheme shall be implemented as approved.

20. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.
21. No part of the development shall be occupied until a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of

sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

22. No infiltration of surface water drainage into the ground is permitted other than with the prior written consent of the Local Planning Authority.

Noise Mitigation Measures

23. None of the units hereby approved shall be occupied until the window sound insulation measures, as specified in section 8.1 of the Residential Planning Noise Assessment prepared by Ion Acoustics Limited (document reference A1091 R01a, dated 6th February 2017), have been carried out.
24. No construction works above damp proof course level shall commence until details of a system(s) for mechanical ventilation serving the new buildings have been submitted to and approved in writing by the Local Planning Authority. The approved system(s) shall be installed and shall be fully operational prior to the first occupation of the development and shall be maintained as such at all times thereafter.

Satellite Dishes and Aerials

25. None of the units 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. No aerials or satellite dishes, other than those approved by this condition, shall be installed within the site.

Informatives:

1. In dealing with this application, Watford Borough Council has considered the proposal in a positive and proactive manner having regard to the policies of the development plan as well as paragraphs 186 and 187 of the National Planning Policy Framework and other material considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
2. This planning permission is accompanied by a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 to

secure land for a new school, affordable housing provision, fire hydrant provision and contributions towards primary and secondary education.

3. 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.

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 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.
5. 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 website
<http://www.hertsdirect.org/services/transtreets/highways/> or by
telephoning 0300 1234047.

6. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website
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7. It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website
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8. All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's publication "Roads in Hertfordshire - Highway Design Guide (2011)". Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website
<http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
9. You are advised that appropriate arrangement should be made within the site to provide for:
 - a. Servicing and Delivery associated with the construction
 - b. Parking for workers and contractors associated with the construction

- c. Wheel washing to prevent the spread of debris onto the public highway.

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

- 10. The developer is to submit directly to Network Rail, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway under Construction (Design and Management) Regulations, and this is in addition to any planning consent. Network Rail would need to be re-assured the works on site follow safe methods of working and have also taken into consideration any potential impact on Network Rail land and the existing operational railway infrastructure. Review and agreement of the RAMS will be undertaken between Network Rail and the applicant/developer. The applicant /developer should submit the RAMs directly to:

AssetProtectionLNWSouth@networkrail.co.uk

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

For major works / large scale developments an Asset Protection Agreement will be required with further specific requirements.

AssetProtectionLNWSouth@networkrail.co.uk

- 11. You are advised that The Conservation of Habitats and Species Regulations 2010 (as amended), The Wildlife and Countryside Act 1981 (as amended), The Protection of Badgers Act 1992 and The Natural Environment and Rural Communities (NERC) Act 2006 relate to the protection of habitats and species. It is a criminal offence to disturb or destroy protected species and it is the applicant's responsibility to ensure that this legislation is complied with and that suitable measures are put in place in order to safeguard protected species. Your attention is drawn to the measures outlined in the submitted Ecological Assessment

prepared by Wardell Armstrong (reference LE13449-001 dated January 2017).

12. With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.
13. A legally binding agreement between Transport for London (TfL)/London Underground (LU) and the applicant is required to:
 - 1) To ensure that there is no conflict with the Croxley Rail Link Order 2013
 - 2) To ensure that there are no negative impacts on the construction programme for the Metropolitan Line Extension (MLX).
 - 3) To ensure that there are no negative impacts on its subsequent operation as a live railway which will form part of the London Underground (LU) network

If the MLX is operational before a start is made on the housing development the applicants will be required to engage with LU Infrastructure Protection and to meet all the requirements for undertaking development adjacent to operational rail infrastructure.

In all cases a legally binding agreement will be required between the developer and TfL/LU in the form of an Interface Control Document (ICD) which will need to be prepared and agreed to manage the interface and liaison process. This will also need to include any reasonable costs to make any adjustments to LU's plans that are required as a result of the proposed development.

In all cases developers will need to build in line with LU's guidance for working on or near the railway. Amongst other matters these will need to cover issues such as visual impact, sightlines, noise and vibration as well as safety and access requirements.

TfL advises that a detailed Construction Management Plan (CMP) should be submitted for approval to include consultation with the MLX project team at TfL. The CMP will need to demonstrate how the interface with the MLX will be managed during the construction process and include measures to ensure that the two construction programmes can proceed simultaneously.

14. Please be advised that no hedgerows, trees, shrubs, brambles, ivy and other climbing plants that may be used by breeding birds shall be lopped, topped, felled or removed between 1st March and the 31st August inclusive in any year, unless a competent and suitably qualified ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

15. Environment Agency Advice to Applicant:

When dealing with contamination on site we recommend that developers:

- Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination.
- Refer to our Guiding Principles for Land Contamination for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
- Refer to our website for more information and, in particular, the Planning and Land Contamination resource pages at <https://www.gov.uk/contaminated-land>
- Refer to Groundwater Protection Principles and Practice (GP3). This can be viewed via our webpage at <https://www.gov.uk/government/publications/groundwater-protection-principles-and-practice-gp3>
- Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed.

We expect the site investigations to be carried out in accordance with best practice guidance for site investigations on land affected by land contamination e.g. British Standards when investigating potentially contaminated sites and groundwater, and references with these documents:

- BS5930:2015 Code of practice for site investigations;
- BS 10175:2011 A1:2013 Code of practice for investigation of potentially contaminated sites;

- BS ISO 5667-22:2010 Water quality. Sampling. Guidance on the design and installation of groundwater monitoring points;
- BS ISO 5667-11:2009 Water quality. Sampling. Guidance on sampling of groundwaters (A minimum of 3 groundwater monitoring boreholes are required to establish the groundwater levels, flow patterns and groundwater quality).
- Use MCERTS accredited methods for testing contaminated soils at the site.

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 '*Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan*' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to:

- The Position statement on the Definition of Waste: Development Industry Code of Practice and;
- The Environmental regulations page on GOV.UK Contaminated soil that is, or must be, disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:
- Duty of Care Regulations 1991

- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to the Hazardous Waste pages on GOV.UK for more information.

Chair in the Chair

11 **17/00542/FUL 1 PRINCE STREET**

The committee received the report of the Head of Development Management, including the relevant planning history of the site and details of the responses to the application.

The Principal Planning Officer (AR) introduced the item explaining that the application was for a change of use from a store/office (B8/B1) to dwelling (C3). It was noted that the application was located within the Estcourt Conservation Area.

The Chair invited Mark Whiddett of the Queens Court Residents Association to speak against the application. Mr Whiddett explained that the residents association had no objection to the development *per se*, but disputed the right of way across Queens Court land assumed in the application.

In addition, Queens Court residents were concerned about the inclusion of proposals to remove a boundary fence on Prince Street. This fence was owned by Queens Court residents and the applicant had no rights to remove it.

Thanking the speaker, the Chair welcomed comments from the committee.

Members of the committee welcomed the proposed changes to the property, which would have a significant positive visual impact on the site and would enhance the character and appearance of the area.

Some concerns were raised about the domestic bin storage to the front of the property and about the desirability of the rear kitchen adjacent to the Queens Court commercial bin store.

Whilst the committee was sympathetic to the concerns of Queens Court residents regarding rights of access, it was noted that property rights, including rights of way, were a civil matter between the interested parties. Informative 7 stated clearly that planning approval would not override any existing property rights.

The Chair moved the officer's recommendation.

RESOLVED –

that planning permission be granted subject to the following 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.
- 2 The development shall be carried out in accordance with the following drawings, unless otherwise approved in writing by the Local Planning Authority. The following drawings are hereby approved: Unnumbered drawing of existing and proposed plans and elevations (amended 15.06.2017) and Site Location Plan 1:1250.
- 3
 - a) No work shall commence until details and samples of the materials to be used for the external doors, windows, window reveals and front boundary gate, 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 and samples.
 - b) The external surfaces of the walls of development shall be finished in the materials as stated below, unless otherwise approved in writing by the planning authority. The materials shall be:
 - The side (east) wall and rear (north) wall of the building shall be finished in white painted render.
 - All development to the front (south) wall elevation shall be constructed of brick to match the size, pattern and texture of the existing front elevation. The facing brick of the full front wall elevation shall be painted white. Render shall not be applied to the front wall elevation.
 - The boundary wall around the front garden area shall be constructed in brick of a size, pattern and texture to match the adjoining wall at No 3 and this wall shall be painted white.

- c) All other materials for the development, other than those specified in parts a) and b), shall be finished in materials to match the colour, texture and style of the existing building. In the event of matching materials not being available, details of any alternative materials shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the development shall only be carried out in accordance with any alternative details approved by this Condition.
- 4 Notwithstanding the information already submitted details of the size, type, siting and finish of refuse and recycling storage enclosures for the house shall be submitted to and approved in writing by the Local Planning Authority. The stores approved under this condition shall be installed and made available for use prior to the occupation of the development and shall be retained at all times for refuse/recycling only and shall not be used for any other purpose.
 - 5 Notwithstanding the information already submitted details of the size, type, siting and finish of a cycle storage enclosure for the proposed flats shall be submitted to and approved in writing by the Local Planning Authority. The storage approved under this condition shall be installed and made available for use prior to the occupation of the development and shall be retained at all times for cycle storage only and shall not be used for any other purpose.
 - 6 The first floor window in the north (rear) elevation and first floor window in the east (side) elevation shall be installed and retained with obscure-glazing, and shall be non-opening other than in parts of the windows which are more than 1.7 metres above the floor of the room in which the window is installed.

Informatives

- 1 In dealing with this application, Watford Borough Council has considered the proposal in a positive and proactive manner having regard to the policies of the development plan as well as paragraphs 186 and 187 of the National Planning Policy Framework and other material considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 2 This permission does not remove the need to obtain any separate consent, which may be required under the Buildings Act 1984 or other building control legislation. Nor does it override any private rights which any person may have relating to the land affected by this decision.

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

- 3 This planning permission does not remove the need to obtain any separate consent of the owner of the adjoining property prior to commencing building works on, under, above or immediately adjacent to their property (e.g. foundations or guttering). The Party Wall Etc Act 1996 contains requirements to serve notice on adjoining owners of property under certain circumstances, and a procedure exists for resolving disputes. This is a matter of civil law between the two parties, and the Local Planning Authority are not involved in such matters. A free guide called "The Party Wall Etc Act 1996: Explanatory Booklet" is available on the website of the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/393927/Party_Wall_etc__Act_1996_-_Explanatory_Booklet.pdf
- 4 You are advised of the need to comply with the provisions of The Control of Pollution Act 1974, The Health and Safety at Work Act 1974, The Clean Air Act 1993 and The Environmental Protection Act 1990.

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

Monday to Friday 8am to 6pm

Saturdays 8am to 1pm

Noisy work is prohibited on Sundays and bank holidays

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

Further details for both the applicant and those potentially affected by construction noise can be found on the Council's website at: https://www.watford.gov.uk/info/20010/your_environment/188/neighbor_complaints_%E2%80%93_construction_noise

- 5 This development may be considered a chargeable development for the purposes of the Community Infrastructure Regulations 2010 (as amended). The charge is non-negotiable and is calculated at the time planning permission is granted. The charge is based on the net increase of gross internal floor area of the proposed development.

A person or party must assume liability to pay the levy using the assumption of liability form 1 which should be sent to the CIL Officer, Regeneration and Development, Watford Borough Council, Town Hall, Watford, WD17 3EX or via email.

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

- 6 All new units granted planning permission and to be constructed require naming or numbering under the Public Health Act 1925. You must contact Watford Borough Council Street Naming and Numbering department as early as possible prior to commencement on streetnamenumbers@watford.gov.uk or 01923 278458. A numbering notification will be issued by the council, following which Royal Mail will assign a postcode which will make up the official address. It is also the responsibility of the developer to inform Street Naming and Numbering when properties are ready for occupancy.
- 7 The drawings approved for planning purposes include detail of a 'Right of Way'. The approval of these drawings does not confirm or otherwise the legal status of this Right of Way. The grant of planning permission does not override any property rights that may exist. Property rights remain a civil matter between interested parties.
- 8 This planning permission is accompanied by a unilateral undertaking, dated 15th June 2017, under Section 106 of the Town and Country Planning Act 1990 to secure financial contributions to Watford Borough Council towards the variation of the Borough of Watford (Watford Central Area and West Watford Area)(Controlled Parking Zones) (Consolidation) Order 2010, to exclude future occupants of the development from entitlement to park in the surrounding roads.

The committee received the report of the Head of Development Management, including the relevant planning history of the site and details of the responses to the application.

The Development Management Team Leader introduced the item, explaining that the application was for the demolition of a showroom and offices and the erection of a part three storey, part four storey building comprising 23 flats with car parking.

The Chair invited Leslie Gili-Ross of the Architects Corporation to speak for the application. Mr Gili-Ross urged the committee to defer the application suggesting that the consideration by the committee was premature following an additional correspondence from his office on 25 June 2017.

Addressing some of the concerns raised by local residents in response to the neighbour consultations carried out by the council, Mr Gili-Ross suggested that parking and public transport options were satisfactory. He noted that no objections had been raised by the technical consultees, particularly Hertfordshire County Council (Highways Authority), Hertfordshire Constabulary and Thames Water.

Responding to concerns about the character and appearance of the proposed development, Mr Gili-Ross advised that it was not the role of the council to impose particular architectural styles.

The Chair thanked the speaker and asked the Development Management Team Leader to comment on Mr Gili-Ross' suggestion that the application be deferred to a later committee.

The Development Management Team Leader advised that the applicant had been encouraged to engage in constructive dialogue with officers at pre-application stage following withdrawal of the previous application (16/01363/FULM) in December 2016. This had not happened. Planning officers continued to have concerns when the new application was submitted, since this broadly replicated the previous submission and lacked a number of important accompanying documents. Partially amended plans were submitted by the applicant shortly before publication of the committee papers, but these provided insufficient grounds to alter the officer's recommendation to refuse planning permission or to initiate meaningful discussions with Mr Gili-Ross.

Members of the committee concurred with the officer's view that the proposed scheme was not of the design, layout and accommodation necessary for this prominent site. They supported the seven grounds for refusal set out in the officer's report.

The Chair moved the officer's recommendation.

RESOLVED –

that planning permission be refused for the following reasons:

1. The proposal is not considered to be of high design quality, lacking appropriate fenestration and detailing, and appears very cramped within the site. As such, the proposal is considered out of keeping with the character and appearance of the area, contrary to paragraph 58 of the NPPF and Policy UD1 of the Watford Local Plan Core Strategy 2006-31.
2. The layout of the site is cramped and poor with a visually dominant parking layout, lacking any soft landscaping, and an amenity area that is significantly inadequate in size and heavily overshadowed. As such, the proposal is out of keeping with the character and appearance of the area, contrary to paragraph 58 of the NPPF and Policy UD1 of the Watford Local Plan Core Strategy 2006-31.
3. The proposed mix of unit sizes, with a predominance of small, 1 and 2 bed flats, is unacceptable in this suburban, out of centre location where family sized units should be provided. As such, the proposal is contrary to paragraph 50 of the NPPF and Policy HS2 of the Watford Local Plan Core Strategy 2006-31.
4. The level of amenity provided for future occupiers is poor, with a significant number of units experiencing inadequate levels of natural light, and the insufficient provision of useable amenity space. As such, the proposal is contrary to paragraph 17 of the NPPF, Policy UD1 of the Watford Local Plan Core Strategy 2006-31 and the Watford Residential Design Guide 2016.
5. The proposal fails to provide affordable housing units to meet urgent housing needs within the Borough, contrary to paragraph 50 of the NPPF and Policy HS3 of the Watford Local Plan Core Strategy 2006-31.
6. The proposal will have an adverse impact on the flank windows of the adjoining property at 4, Sheepcot Lane, by reason of loss of outlook and natural light, due to the scale and siting of the western element of the proposed building. As such, the proposal is contrary

to paragraph 17 of the NPPF and the Watford Residential Design Guide 2016.

7. No sustainable surface water drainage scheme has been incorporated into the proposal to reduce the risk of flooding both in the present and in the future, contrary to paragraphs 99 and 103 of the NPPF and Policy SD2 of the Watford Local Plan Core Strategy 2006-31.

Chair

The Meeting started at 7.30 pm
and finished at 10.25 pm