



**WATFORD
BOROUGH
COUNCIL**

DEVELOPMENT MANAGEMENT COMMITTEE

29 November 2017

7.30 pm

Town Hall

Contact

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For further information about attending meetings please visit the council's [website](#).

Publication date: 21 November 2017

Committee Membership

Councillor P Jeffree (Chair)

Councillor S Johnson (Vice-Chair)

Councillors D Barks, S Bashir, N Bell, P Kent, R Laird, I Sharpe and M Turmaine

Agenda

Part A – Open to the Public

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

The [minutes](#) of the meeting held on 1 November 2017 to be submitted and signed.

CONDUCT OF THE MEETING

The Committee to take items in the following order:

1. All items where people wish to speak to the Committee and have registered to do so by telephoning the Democratic Services Team.
 2. Any remaining items that the Committee agrees can be determined without further debate.
 3. Those applications where the Committee wishes to discuss matters in detail.
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4. **17/01218/FUL 29 Tunnel Wood Close** (Pages 4 - 34)

Erection of two new five bedroom detached houses
 5. **17/00654/FULM Land to rear of Ye Corner** (Pages 35 - 86)

Demolition of existing buildings and redevelopment of site to create 15 residential units with associated works
 6. **17/00685/FULM 1a, 9-13 Aldenham Road** (Pages 87 - 114)

Demolition of existing industrial/commercial building and erection of a single building comprising 15 residential units together with amenity space and cycle parking

7. 17/00593/FULM and 17/00594/LBC Former Gas Holder Site and Frogmore House, Lower High Street (Pages 115 - 175)

17/00593/FULM - Redevelopment of the former gas works, involving the renovation and the use of Frogmore House for offices, the construction of a food store and a residential building comprising 92 apartments

17/00594/LBC - Listed Building Consent for demolition of single storey rear extension, internal and external alterations, refurbishment and restoration works to enable the conversion of Frogmore House into offices

8. Land to rear of 2-16 (evens), Southwold Road (Pages 176 - 186)

Variation of Section 52 agreement dated 7th July 1989 pursuant to planning permission ref. 9/851/88 to discharge clause 2(b) requiring the granting of an easement for the use of land by local residents

Agenda Item 4

PART A	
Report of: Head of Development Management	
Date of committee:	29th November 2017
Site address:	29 Tunnel Wood Close, Watford, WD17 4SW
Reference Number:	17/01218/FUL
Description of Development:	Erection of two new five bedroom detached houses.
Applicant:	Mrs Nicki Pinder
Date Received:	31.08.2017
8 week date (minor):	Extension of statutory period agreed to 01.12.2017
Ward:	NASCOT

1.0 SUMMARY

- 1.1 The application proposes the demolition of the existing bungalow and the erection of two detached houses.
- 1.2 The two proposed houses are, very clearly, of a different architecture style and design to the context, however national policy states that variation in design, where it is executed with high quality and successful innovation, does not constitute harm (NPPF sections 58 and 60).
- 1.3 The building and context are not protected by any heritage designation. The development would therefore not harm any particular sensitive area. Whilst the design is contemporary, the scheme does successfully respect crucial and notable character features of the area as identified by the Character of the Area Study including plot and building width, building height, urban grain and density. The variation from the character including the contemporary styling is of exciting high quality and does not create visual harm. Moreover, the design approach allows for innovation of a design solution which responds to the site to successfully deliver a more efficient use of the site to provide additional and much needed family housing.
- 1.4 The buildings would represent a significant visual change for the surrounding properties, however, the relationship of the buildings with the neighbours is fully compliant with the Residential Design Guide and the houses would not create notable loss of light, outlook or privacy. As such, the development does not constitute harm in this respect.

- 1.5 As set out in the report, the proposed development is compliant with local and national policy and guidance and the Head of Development Management recommends that the application be granted conditional planning permission.

2.0 SITE AND SURROUNDINGS

- 2.1 The 'wedged' shape site of 2537sqm (0.25 of a hectare) contains a detached single storey bungalow circa 1958. The bungalow is one of 6 located around a small cul de sac with the 5 properties of Nos.23, 25, 27, 29 and 31 being positioned in a curve around the end of the cul de sac. The 6th property, No21a was added to the cul de sac as development in the rear garden of No21 following Planning Permission reference 90/00525/FUL.
- 2.2 There are notable ground level changes at and around the application site. The site ground level increases substantially from the road up to the property and beyond to the trees at the rear. This pattern is repeated at the adjacent No27 however No31 is on lower ground level relative to No29.
- 2.3 The corner position and wedged shape of the plot creates a substantial rear garden featuring trees at the northern end and mature trees adjacent to the site within the grounds of Cheslyn House to the rear. These trees are not subject to Tree Preservation Order or Conservation Area protection however are owned and managed by Watford Borough Council.
- 2.4 Cheslyn house to the north is Locally Listed however the site is not within a Conservation Area and the site building is not Listed or Locally Listed.

3.0 PROPOSED DEVELOPMENT

- 3.1 This application proposes the demolition of the existing bungalow and the erection of two detached, 5 bedroomed houses on the site. With part excavation of the site, each house will contain accommodation over 3 floors (lower ground, upper ground and first floor). The frontage of each house will contain a driveway leading to a double garage and stepped and ramped accesses from the driveway to the front of the upper ground level.
- 3.2 The houses proposed are of a contemporary design with zinc flat roof, large areas of glazing and timber cladding. Each house would have a 'V' shaped footprint with a front width of 7.7m, increasing in width to the rear with two angled 'wings' to the building.

- 3.3 House A, located on the western section of the site, would be set in from the boundary with No27 to the west by 2m at upper ground floor level and 2.6m at first floor level. House B, on the eastern side, would be set from the boundary with No31 to the west by 1.3m at upper ground floor and 1.8m at first floor. Between the two proposed houses would be a gap of 2.2m at upper ground floor at 3.2m at first floor.
- 3.4 The application is accompanied by a Design and Access statement. Following the receipt and publication of public consultation responses, a letter of response was submitted by the applicant/architect.

4.0 RELEVANT PLANNING HISTORY

4.1 No 29

1958- Building Control approval for Bungalow and house

17/00156/PREAPP Pre-application enquiry for demolition of existing 1950's bungalow to make way for build of two modern detached residential dwellings.

Summary of advice:

- Principle of residential development is acceptable
- A more efficient use of the substantial site is welcomed pursuant to housing objectives
- There is no architectural merit or designation of the local area that would be harmed by the proposed contemporary design approach
- Size and bulk as read on the frontage would be minimal
- Angled boundaries would be acceptable in this instance due to position and contemporary design
- High quality materials would be required
- No notable harm to neighbour identified subject to windows and terraces not creating overlooking
- Suggested improvements-
 - Allocation of garden areas
 - Basement habitable rooms only acceptable with light and outlook
 - Need to soften the extensive front hard standing and include details of garage doors
- Noted that the advice is the opinion of one officer and not binding on the Council.

4.2 No 27 Tunnel Wood Close

05/00154/OUT Demolition of existing dwelling and erection of 2 no.4 bedroom bungalows

Refused Outline Planning Permission 9th May 2005

5.0 PLANNING POLICIES

5.1 Development Plan

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

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

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

5.3 Watford Local Plan Core Strategy 2006-31

WBC1	Presumption in favour of sustainable development
SS1	Spatial Strategy
SD1	Sustainable Design
SD2	Water and Wastewater
SD3	Climate Change
SD4	Waste
HS1	Housing Supply and Residential Site Selection
HS2	Housing Mix
HS3	Affordable Housing
T2	Location of New Development
T3	Improving Accessibility
INF1	Infrastructure Delivery and Planning Obligations
UD1	Delivering High Quality Design
GI1	Green Infrastructure
GI3	Biodiversity
GI4	Sport and Recreation

5.4 Watford District Plan 2000

SE7	Waste Storage, Recovery and Recycling in New Development
SE27	Flood Prevention
SE37	Protection of Trees, Woodlands and Hedgerows

SE39	Tree and Hedgerow Provision in New Development
T10	Cycle Parking Standards
T21	Access and Servicing
T22	Car Parking Standards
T24	Residential Development

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

No relevant policies.

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

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

No relevant policies.

5.7 **Supplementary Planning Documents**

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

5.8 *Residential Design Guide*

The Residential Design Guide was adopted in July 2014 and updated in 2016. It provides a robust set of design principles to assist in the creation and preservation of high quality residential environments in the Borough which will apply to proposals ranging from new individual dwellings to large-scale, mixed-use, town centre redevelopment schemes. The guide is a material consideration in the determination of relevant planning applications.

5.9 *Watford Character of Area Study*

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

5.10 **National Planning Policy Framework**

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

Achieving sustainable development

The presumption in favour of sustainable development

Core planning principles

Section 1 Building a strong, competitive economy

Section 4 Promoting sustainable transport

Section 6 Delivering a wide choice of high quality homes

Section 7 Requiring good design

Section 8 Promoting healthy communities

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

Section 11 Conserving and enhancing the natural environment

Section 13 Facilitating the sustainable use of minerals

Decision taking

6.0 CONSULTATIONS

6.1 Neighbour consultations

Letters were sent to

33 Tunnel Wood Road, Watford, Hertfordshire, WD17 4SN

21 Tunnel Wood Road, Watford, Hertfordshire, WD17 4SN

21A Tunnel Wood Close, Watford, Hertfordshire, WD17 4SW

23 Tunnel Wood Close, Watford, Hertfordshire, WD17 4SW

25 Tunnel Wood Close, Watford, Hertfordshire, WD17 4SW

Cheslyn House, 54 Nascot Wood Road, Watford, WD17 4SL

41 Tunnel Wood Road, Watford, Hertfordshire, WD17 4SN

39 Tunnel Wood Road, Watford, Hertfordshire, WD17 4SN

24A Denewood Close, Watford, Hertfordshire, WD17 4SZ

26 Denewood Close, Watford, Hertfordshire, WD17 4SZ

27 Tunnel Wood Close, Watford, Hertfordshire, WD17 4SW

31 Tunnel Wood Close, Watford, Hertfordshire, WD17 4SW

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

Number of original notifications: 12

Number of objections: 9

Number in support: 0

Number of representations: 9

The representations include an objection prepared by a planning consultant on behalf of 6 households and an objection from The Ridge Residents Association. The points that have been raised in all objections are summarised and considered in the table below.

Points Raised	Officer's Response
Development is out of keeping with the area	The buildings are of a very different architectural style however there are notable consistencies to the character of the area including building width, plot width, ridge height, scale and position. The development is consistent with 10 of the 13 features as recognised in the Character of the Area Study. The architectural differences are balanced with the consistent features to create a successful scheme.
Scaling, siting and design would be obtrusive and overly dominant.	Other than the narrow glass central core feature, the buildings would be no taller in the streetscene than the adjacent properties Nos 27 and 31 and would indeed be lower than the ridge of the adjacent No27. The buildings would be set in from all side boundaries. The deepest elements of the buildings, as dimensioned in the representation, would be almost entirely below ground level. The main building at ground and first floor would be level to the front and rear building lines of the adjacent properties. Although of a different architectural design, the buildings would not be of a scale, height, bulk or position that would be dominant in the streetscene.
Alien design/ bulky box like buildings	This is undoubtedly innovative, contemporary design however planning should not attempt to impose architectural styles or particular tastes (NPPF section 60). This design is of high quality and the site is not within an area of recognised heritage value that would be adversely affected.
Particular relevance of refused outline scheme for two 4 bed detached bungalows at No27 (05/00154/OUT)	This scheme and the reasons for refusal have been reviewed. It is noted that this 2005 scheme was considered against policy and guidance which are now superseded locally and nationally by the presumption in favour of sustainable development. Notwithstanding this, it is noted that the principle of the development at No27 was not found to be unacceptable. Furthermore, there are substantial differences between the scheme refused at No27 and the scheme now under consideration at No29 which has used detailed thought and innovation to create a successfully designed scheme.
Overbearing, overshadowing and loss of light and outlook to	Officer site visits to both neighbouring properties have been undertaken to review the site and mutual

houses and gardens of Nos 27 and 31 Tunnel Wood Close.	relationships. The depths referred to in the consultant's representation refer to the basement level development which would be almost entirely below ground level adjacent to the neighbours. The above ground development would be approximately level with the front and rear building line of the neighbours and would not infringe the 45 degree lines taken on plan or elevation from the main habitable room windows of either neighbour. The buildings would be set in from all side boundaries and, other than the glazed core feature, the buildings would not exceed the heights of either neighbour. The relative orientation of the buildings would not result in notable loss of direct sunlight. Although the proposed buildings would be visible from neighbouring gardens, the relationship of the buildings to the neighbours is fully compliant with the RDG and the development would not create adverse impacts to neighbours.
Overlooking and sense of overlooking of side windows and balconies to neighbouring properties.	Ground floor terraces and side windows are acceptable at ground floor and would not create overlooking subject to typical 1.8m high boundary treatments. All first floor side windows are shown to be obscurely glazed and would be conditioned as such. The front and rear balcony/terrace areas at first floor would all include screens to the side elevations and would not allow for overlooking or the 'sense' of overlooking. The development is fully compliant with the privacy guidance of the RDG.
Increased noise and disturbance from two family dwellings	This is entirely reasonable in a residential area.
Concern regarding the excavation works and damage to neighbouring properties.	This is acknowledged however is not a planning consideration and would be subject to Building regulations and civil law.
Narrow road and restricted access to site. Contrary to Policy T4 of the Watford District Plan 2000.	The existing road width is entirely reasonable in serving the small cul de sac. It is not considered that the net increase of one dwelling in the cul de sac would harm highway safety or convenience of this road. Policy T4 of the WDP2000 has been superseded by Transport policies of the Watford Local Plan Part 1: Core Strategy to which the development is compliant.
Insufficient parking.	The houses would provide 4 car spaces each (2 in

	garage and 2 on drive). This is more than sufficient for family houses and would be consistent with the provision of nearby properties.
No details of tree protection in construction phase	Condition recommended to secure tree protection measures for the trees on and adjacent to the site.
Site is within ground water source zone 3.	Ground water source zone 1 is the most sensitive. This nature of development in zone 3 requires no further ground water source or Environment Agency consideration.
Construction phase will cause noise and disruption. No construction scheme has been submitted.	This is as with any new development and does not warrant refusal of any development. For this minor category scale of development, further details of the construction process are not required for planning purposes and is covered by Building control, highways and Environmental Health control.
Sewer drainage is under neighbouring properties.	This is not a material planning consideration. Drainage is under the responsibility of the water company and land ownership/permission is a civil matter.
Wider consultation should have been undertaken.	Consultation included 12 surrounding and nearby properties and exceeded the statutory consultation of the immediately adjoining neighbours.

6.3 Technical consultations

A summary of the responses from technical consultees is as detailed below. The full consultation responses are available with the application documents.

6.3.1 Conservation and Urban Design Manager, WBC

The scheme has been considered against the features of the Character of the Area study concluding that this is followed in terms of building height, building line, building/plot width and retaining an open frontage. The differences are acceptable as they create a high quality design and innovative approach. This is in accordance with the NPPF which advises that appropriate innovation and originality in design is acceptable.

The equal split of the rear gardens would be preferred and change to the style of the garage door should be made.

Officer response: The dog leg to create one larger rear garden is not ideal however due to the depth of the gardens, this would not undermine quality or privacy of garden areas. Details of garage door to be secured by condition.

6.3.2 Hertfordshire County Council (Highway Authority)

Awaiting formal response at time of report publication however response will be provided in the update sheet for the meeting.

6.3.3 Arboricultural officer

No objection subject to conditions for tree protection during construction and the inclusion of the planting of a Amelanchier Robin Hill in the front garden of the development as shown.

7.0 APPRAISAL

7.1 Main issues

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

- (a) Provision of housing
- (b) The loss of the existing building.
- (c) Design, appearance and the character of the area.
- (d) The quality of the new residential accommodation.
- (e) Highways impacts and car parking provision.
- (f) Impact on amenity of adjoining residential properties.
- (g) Impact on trees and biodiversity
- (h) Previous planning decisions as material planning considerations

7.2. (a) Provision of family housing

7.2.1 National planning policy sets out a need for the delivery of high quality homes. The Watford Local Plan Part 1 clearly sets out the need for the provision of housing with a recognised need for family sized houses as informed by the Strategic Market Housing Assessment (SMHA). The development creating a net increase of one family sized house would be fully in accordance with policies HS1 and HS2 of the Watford Local Plan Part 1 Core Strategy.

7.2.2 Within the built up nature of the town, the provision of brownfield sites suitable for new family houses is limited. There are substantial areas of the town where inter and post war developments have created very generous housing plots with poor efficiency of the use of land. The application site, in a sustainable, residential location, has a particularly low density equating to 4 dwellings per hectare. This therefore provides an opportunity for an innovative and more efficient use of the land to meet the acute need for family housing. The principle of the subdivision of the site to two plots is therefore acceptable subject to the compliance with detailed policy and guidance.

7.3 (b) The loss of the existing building

7.3.1 The detached bungalow is not of any particular visual merit. Although it is comparable to the detached bungalows within the close, the appearance of the building contributes no significant character or quality to the area. The area is not

designated or of any notable character or heritage value. The loss of this building is therefore not considered to be harmful.

- 7.3.2 The site is within a predominantly residential area, as shown in the Proposals Map of the Watford District Plan 2000 and residential development of the site is acceptable in principle.

7.4 (c) Design, appearance and the character of the area.

- 7.4.1 Tunnel Wood Close features a circular arrangement of detached bungalows. These are wide, single storey properties which feature hipped roof designs and many are extended at ground floor and at loft levels to create substantial family sized properties. The proposed development would introduce two houses of a contrasting and distinctive contemporary design.

- 7.4.2 In Delivering High Quality Design, Policy UD1 of the Local Plan Part 1: Core Strategy states:

“Local character: new development should respect and enhance the local character of the area in which it is located; details of the character of the built environment can be found in the Watford Character of the Area Study 2011”

The Character of the Area (COA) study places the site in character area 23 which is defined as a low density residential area with housing generally of 1950s to 1960s with buildings also ranging from late 19th to early 21st century. The development is assessed against each identified character feature of the area as detailed in the COA.

Feature/ character	COA comment	Feature of the development	Consistent?
Period	Generally 1950s – 1960s. Included buildings from late 19 th to early 21 st centuries	The area is not characterised by any sole period and modern development will be consistent with the mixed period character.	YES
Heights	Mixed. Generally intermediate form	Two storeys of accommodation above ground level is compliant with this mixed height form. Within this cul de sac, the height of the main buildings would not exceed the ridges of the two adjacent bungalows. The additional storey of accommodation at lower ground	YES

		floor level would be set below ground level and from the streetscene, the upper ground floor would be rear level with the ground floor of the adjacent properties.	
Urban Grain	Typically 20-30 dwellings per hectare	The proposed development would create a development that increases the density of the site from 4 dwellings per hectare to 8 dwellings per hectare. This remains substantially below the urban grain of the area.	YES
Block size/structure	Estate blocks vary in size in response to existing constraints. Limited primary road network supports series of cul de sac development.	The proposed plots would continue within this block pattern and would not introduce backland development.	YES
Plot sizes	Typically 8m x 40m. Gaps between buildings of 4-5m	The proposed plot sizes with 10.3m width at the building frontage and depths between 53m and 70m would be more generous than the typical plot widths of the area. The houses would have generous gaps between each other and neighbouring properties.	YES
Street scene	Suburban Streetscene	Continuation of suburban streetscene with family housing consistent with the area.	YES
Building lines	Generally consistent building lines behind front gardens.	This cul de sac does have a strong building line of the 5 bungalows curved around the turning head. The two proposed houses would maintain and continue this pattern and this front building line.	YES
Front boundaries	Marked by hedges of varying heights, brick	Unlike the surrounding area, the cul de sac features narrowed,	YES-Consistent

	walls of timber fences. Later housing estates feature street trees in addition to extensive tree specimens in gardens. Limited street furniture.	open front boundaries. The proposed development would be compliant with this.	with this cul de sac.
Roof forms	Generally hipped or pitched tile roofs with brick chimneys	The contemporary flat roof design is not consistent with this.	NO
Windows	Originally metal or timber framed windows. These have generally been replaced with various types of uPVC windows.	The material of the window frames will be consistent with the range of metal, timber and uPVC windows seen in the streetscene however the styling and expanse of glazing will be very different.	NO
Materials	Materials include variety of brick types, render and mock-Tudor style timbering. Tile roofs.	The materials of the contemporary design are not consistent with this.	NO
Car parking	Housing generally have garages integrated or to the side. Parking is also accommodated on front drives. Limited on street parking	Integrated garage with parking on front drive	YES
Landscaping	Front gardens typically 6m deep. Rear gardens typically 15-25m. Individual trees and tree groups are a major feature of this area, giving this area a well treed character. Hedges are relatively common at garden boundaries. No grass verges	The front and rear gardens are more generous than typical for the area. Trees are retained.	YES

	between carriageways and pavements		
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Table 1: Consideration of the character of the area

- 7.4.3 The proposed development is therefore consistent with 10 of the 13 features of the character of the area as set out in the COA demonstrating that it would respect the character of the area compliant with policy UD1. In particular, the houses would not be incongruous in width, scale, height, density, gapping, front building line, position, form or nature relative to the context.
- 7.4.4 As well as respecting many features of the character of the area, these features would ensure that the houses would not appear as cramped within the site or surroundings. Moreover, the level height of the buildings, their use of the ground level changes, their modest width and lightweight materiality will create buildings of minimal bulk, and as identified by the Urban Design and Conservation Manager, by virtue of its bulk and height, the adjacent and central No27 will retain its position as the most dominant building in the streetscene.
- 7.4.5 The three features that are different to the recognised character of the area as set out in Table 1 are materials, windows and roof design. These are features resultant of the contemporary design of the houses. This introduction of a contrasting, contemporary architectural approach is acceptable in accordance with national policy which specifies that particularly architectural style should not be imposed:
“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.” (Para 60 NPPF)
- 7.4.6 In their own right, the buildings are of a notable and exciting high quality of architectural design and would present a notable enhancement to the area, pursuant to UD1 which seeks high quality design. The development would be an innovative, creative and inspiring addition to the town. The use of high quality materials and landscaping will create stunning contemporary homes which would sit elegantly within the spacious site and the sylvan setting.
- 7.4.7 The balance of variation of this contemporary design with consistent character features creates a fully successful scheme. Indeed, this highly innovative approach to balance ‘new’ and ‘old’ has allowed the development to respond to the site constraints. For instance, the ‘V’ shaped footprint to address the site shape and the flat roof design to sit level with neighbours are features only successfully compatible with a contemporary design approach. The development is therefore

welcomed, not only for the individual high quality of the houses, but also for the innovative approach allowing development of the site to create much needed family housing.

7.4.8 National policy states that development should

“respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation”. (NPPF Section 58)

This scheme epitomises this national design objective by creating high quality innovation in a suitably respectful way.

7.5 (d) The quality of the new accommodation provided.

7.5.1 The GIAs of the houses and the areas of the gardens would be well in excess of the minimum standards of the RDG. The houses have been designed to create extensive and well laid out accommodation. The ramped and stepped accesses to the front doors at the upper ground floor would be legible and provide suitable access.

7.5.2 As identified at pre-application stage, habitable rooms within a basement can experience unacceptable light and outlook. The application scheme has included an excavated area at the rear to allow all 4 basement bedrooms to have rear light and aspect. This would be restricted in places by the terrace bridge at ground level above however with the full height glazing and extensive plot, on balance it is considered that these rooms would be of a suitable residential amenity.

7.6 (e) Highways impacts and car parking provision.

7.6.1 It is seen that the existing road into the cul de sac, is narrower than a standard classified road however the existing road width is entirely reasonable in serving the small cul de sac. It is not considered that the net increase of one dwelling in the cul de sac would harm highway safety or convenience of this road.

7.6.2 The cul de sac provides dropped kerbs to all properties and a turning head. As is seen in the existing situation and at neighbouring properties, vehicles will be able to safely and conveniently access the proposed plots.

7.6.3. The parking provision would be in excess of the maximum standards of the Watford District Plan 2000 however high parking provision is a feature of houses in this area and it is not considered that this would result in unacceptable development. It is supported that the houses will be more than adequate parking provision to serve the occupiers and avoid increased on road parking demand, pursuant to ‘saved’ policies T24 and T22 of the Watford District Plan 2000.

7.7 (f) Impact on amenity of adjoining residential properties.

- 7.7.1 It is clear that the development would introduce two buildings of a notably different architectural appearance in the cul de sac as viewed from the road and surrounding properties. This change does not however determine that the development constitutes harm. Site visits have been made to both neighbouring properties and the assessment of the potential harm to neighbours is made in accordance with the Residential Design Guide which sets out tools and guidance to accurately assess potential impacts to the light, outlook and privacy of neighbouring properties.
- 7.7.2 In accordance with the '45 degree rule' of section 7.3.12 of the RDG, the 45 degree lines have been taken on plan and elevation from all the main habitable room windows of both neighbouring properties on their front and rear elevations. The proposed development above ground would not infringe any of these 45 degree lines taken from the main habitable room windows. This is fully compliant with the RDG and clearly indicates that the light and outlook of these properties would not be notably affected.
- 7.7.3 No 31 to the east/south-east is located on ground level below that of the application site. The bungalow has a study on the side adjacent to the application site. A side window of this study faces the site and would have restricted daylight and outlook by virtue of the development. This room is however also served by a front high level window and a rear facing full-size window, neither of which would be unduly affected. Therefore, on balance, it is considered that this impact to the side room would not impact the amenity of the property to an unacceptable degree.
- 7.7.4 The new houses would be set in generously from the boundaries shared with neighbouring properties as set out in section 3.3 of this report. The houses above ground would be no further forward or deeper than the rear building lines of the adjacent properties. The main flat roof elements of the houses would not exceed the ridge height of the existing bungalow at No29 and neither would they exceed the heights of either neighbour. The adjacent neighbours also face away from the application site due to the splay of the plots. Although the houses would be visible from the rear gardens of No27 and 31, it is considered that by virtue of this generous spacing, modest height and modest depth above ground level, the buildings would not undermine the pleasant and open aspect of these rear gardens.
- 7.7.5 The main houses would not include clear glazed side facing windows so would not overlook the neighbouring properties. The front entrance terrace and rear garden terraced and walkway areas are at ground or basement level heights. Provided suitable 1.8m high boundary treatments are maintained these areas would not

allow for overlooking to neighbours. The first floor front and rear balconies/terraces would be bordered by full height screening, which along with the splay of the plots, will prevent overlooking or any notable sense of overlooking to the neighbouring properties and gardens or between the two houses themselves. The glazed core areas to each building would be sited within the plots, away from side boundaries and by virtue of their use and relative position would not allow for notable or unreasonable overlooking to the front aspect. The development would be fully compliant with the privacy arc tool of sections 7.3.17 and 7.3.18 of the RDG.

- 7.7.6 The buildings would represent a significant visual change for the surrounding properties, however, the relationship of the buildings with the neighbours is fully compliant with the RDG and the houses would not create notable loss of light, outlook or privacy. As such, the development does not constitute harm in this respect and is acceptable.

7.8 (g) Impact on trees and biodiversity

- 7.8.1 The trees at the northern end of the garden and the mature trees adjacent to the site within the grounds of Cheslyn House to the rear are set substantially away from the area for the proposed development. A condition is however recommended to ensure the protection of these trees during the construction phase.

- 7.8.2 There is no local list requirement for biodiversity surveys. There is no identified requirement for further consideration of biodiversity issues in respect of the site or proposed development.

7.9 (h) Previous planning decisions as material planning considerations

- 7.9.1 It is noted that there was a refused outline planning application in 2005 for the subdivision of the adjacent No27 to create two dwellings. This has very little weight as a consideration as this application was determined in 2005 under policies which are now superseded. A significant change in local and national policy has occurred since that time under the Development Plan and lead by the presumption in favour of sustainable development of the NPPF.
- 7.9.2 Notwithstanding this, it is noted that the principle of the development at No27 was not found to be unacceptable. Furthermore, there are only superficial similarities between the two with substantial differences existing between the scheme refused at No27 and the scheme now under consideration at No29 which has used detailed thought and innovation to create a successfully designed scheme.

8.0 COMMUNITY INFRASTRUCTURE LEVY AND PLANNING OBLIGATION

8.1 Community Infrastructure Levy (CIL)

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

8.1.2 The CIL charge applicable to the proposed development is £120 per sqm. The charge is based on the net increase of the gross internal floor area of the proposed development. Exemptions can be sought for charities, social housing and self-build housing.

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

8.2 S.106 planning obligation

8.2.1 The Council introduced the Community Infrastructure Levy (CIL) with effect from 1 April 2015. On and from this date, s.106 planning obligations can only be used to secure affordable housing provision and other site specific requirements.

8.2.2 As the proposed development does not include 10 or more units, affordable housing is not required in accordance with saved Policy H16 of the Watford District Plan 2000 and Policy HS3 of the Watford Local Plan Part 1 Core Strategy 2006-31.

8.2.3 There are no other site specific requirements which warrant a planning obligation in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

CONCLUSION

9.1 The two proposed houses are, very clearly, of a different architecture style and design to the context, however national policy states that variation in design, where it is executed with high quality and successful innovation, does not constitute harm (NPPF sections 58 and 60).

- 9.2 The building and context are not protected by any heritage designation. The development would therefore not harm any particular sensitive area. Whilst the design is contemporary, the scheme does successfully respect crucial and notable character features of the area as identified by the Character of the Area Study including plot and building width, building height, urban grain and density. The variation from the character including the contemporary styling is of exciting high quality and does not create visual harm. Moreover, the design approach allows for innovation of a design solution which responds to the site to successfully deliver a more efficient use of the site to provide additional and much needed family housing.
- 9.3 The buildings would represent a significant visual change for the surrounding properties, however, the relationship of the buildings with the neighbours is fully compliant with the Residential Design Guide and the houses would not create notable loss of light, outlook or privacy. As such, the development does not constitute harm in this respect.
- 9.4 As set out in the report, the proposed development is compliant with local and national policy and guidance conditional planning permission is recommended.
-

10.0 HUMAN RIGHTS IMPLICATIONS

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

11.0 RECOMMENDATION

Grant Conditional Planning Permission

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.

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

2. Approved drawings

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

1606_P001 Rev00

1606_P002 Rev00

1606_P003 Rev00

Design and Access Statement

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

3. Details and samples of materials

No construction works shall commence until details and samples of the materials to be used for all the external finishes of the building, including walls, roofs, doors, windows, garage doors and balcony screens, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved materials.

Reason: In the interests of the visual appearance of the site and the character and appearance of the area, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31. This is a pre-commencement condition as the materials need to be approved by the Local Planning Authority before the development is constructed.

4. Soft Landscaping

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

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

5. Hard Landscaping

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

Reason: In the interests of the visual appearance of the site and the local area pursuant to Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

6. Tree Protection

No development on site shall commence until details and a method statement in respect of tree protection measures (including ground protection) relating to trees located within and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority. The tree protection measures approved under this condition shall be implemented prior to the commencement of any works and shall be maintained as such at all times whilst the construction works take place.

Reason: To ensure the existing trees which make a positive contribution to the visual amenity of the area are retained and not harmed by the development in accordance with saved Policy SE37 of the Watford District Plan 2000.

7. Bin Storage

Neither building shall be occupied until the bin storage for the building, as shown on drawing nos.1606_P002 Rev00 and 1606_P003 Rev 00 has been installed in accordance with the approved details. The bin and cycle stores shall be retained as such unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure adequate facilities are provided for the future occupiers and in the interests of the visual appearance of the site, in accordance with saved Policy SE7 of the Watford District Plan 2000 and Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

8. Side windows

The first floor windows in the south-west and north-east side elevations of House A and the west and east side elevations of House B 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.

Reason: To prevent overlooking and consequent loss of privacy to neighbouring premises pursuant to Policy UD1 (Delivering High Quality Design)

of the Watford Local Plan (Core Strategy) 2006-2031 and the Residential Design Guide (Sept 2016).

9. Permitted Development rights removed

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any modification or re-enactment thereof), no development permitted under Schedule 2, Part 1, Classes A, B, C, D and H of the Order shall be carried out to the dwelling(s) hereby approved without the prior written permission of the Local Planning Authority.

Reason: To enable the Local Planning Authority to ensure that any such developments are carried out in a manner which will not be harmful to the character and appearance of the proposed development and will not prove detrimental to the amenities of adjoining occupiers in accordance with Policy Watford Local Plan.

Informatives

1. Positive and Proactive Statement

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 during the application process.

2. Building Control

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. Party Wall

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.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/393927/Party_Wall_etc_Act_1996_-_Explanatory_Booklet.pdf

4. Hours of Work

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

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

Monday to Friday 8am to 6pm

Saturdays 8am to 1pm

Noisy work is prohibited on Sundays and bank holidays

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

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

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

5. Naming and numbering

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.

6. Community Infrastructure Levy (CIL)

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.

Case Officer: Alice Reade

Email: alice.reade@watford.gov.uk

Tel: 01923 278279



**WATFORD
BOROUGH
COUNCIL**

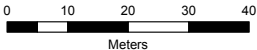
Town Hall, Watford,
Hertfordshire WD17 3EX

29 Tunnel Wood Close

Map Produced by: ryanro
Publication Date: 17/11/2017



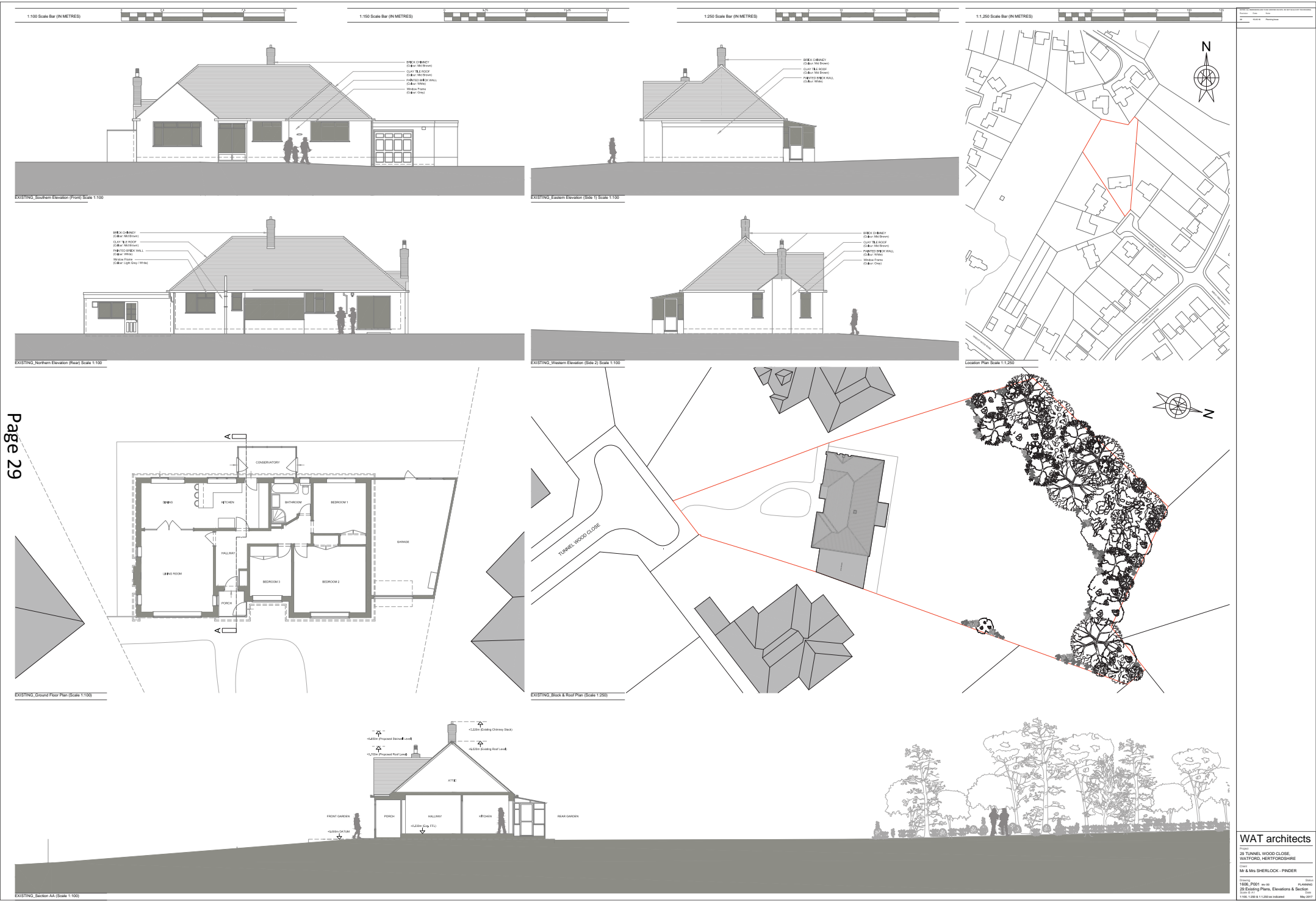
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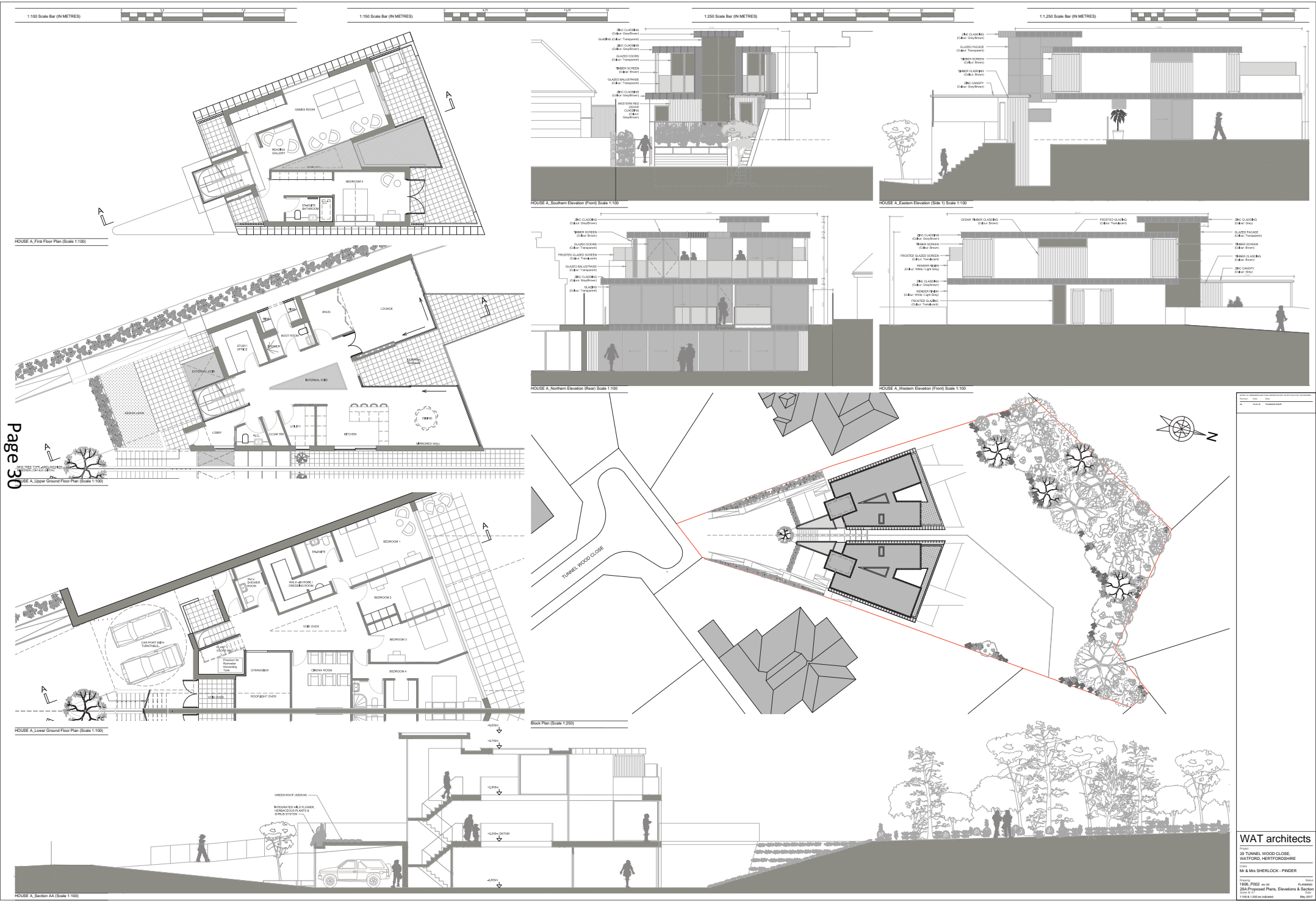


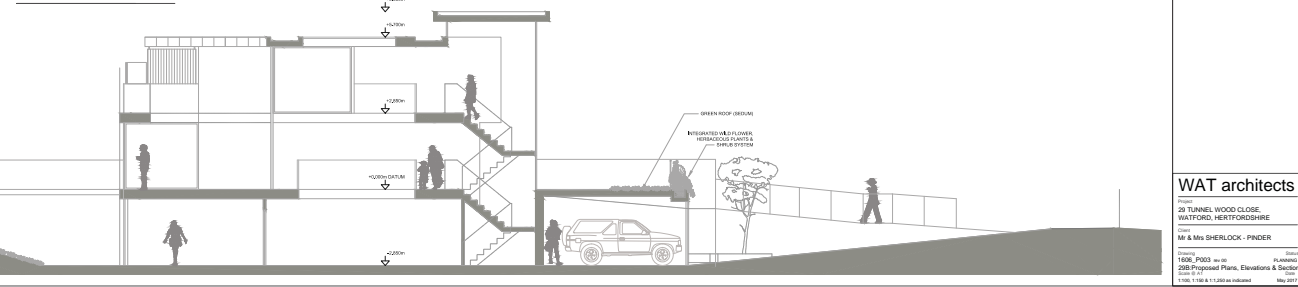
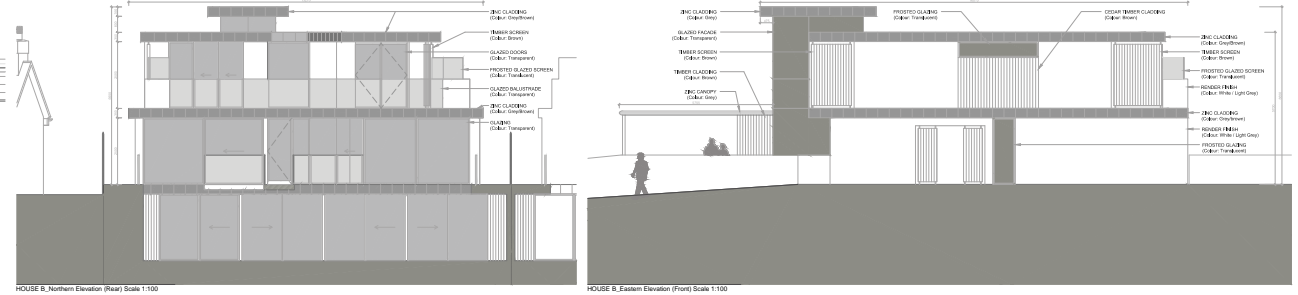
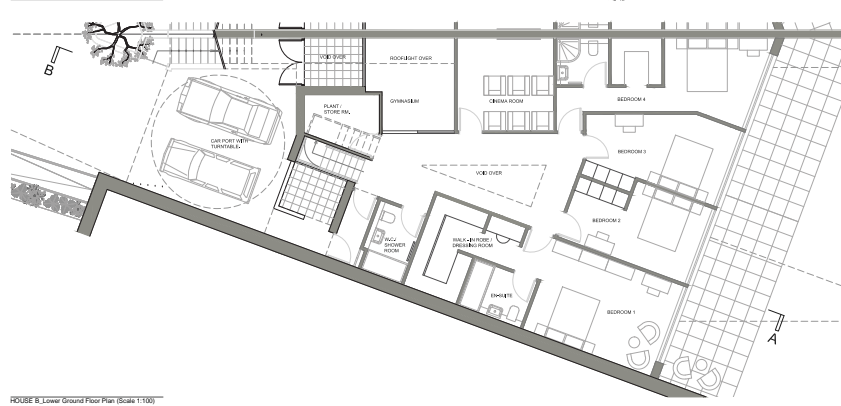
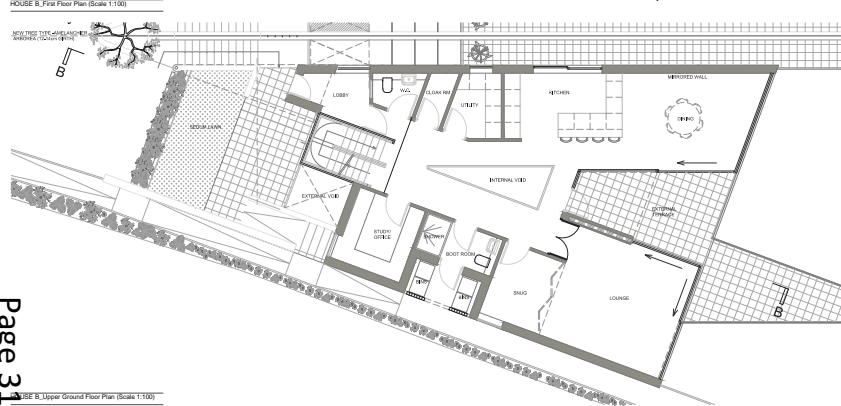
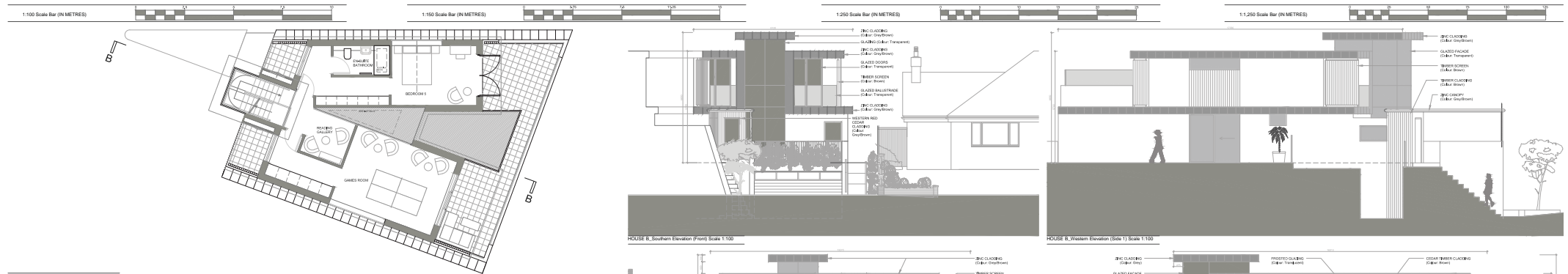
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2017 Ordnance Survey 100018689

Aerial 2010 © Geoperspectives

GI & Aerial 2013 © Watford BC









Computer Generated Image of the proposed dwellings as viewed from Tunnel Wood Close



General Notes



LOCATION PLAN
SCALE 1:2500

REV

STANLEY DRAFTING
26 GLEBE CLOSE
HEMEL HEMPSTEAD
HERTS, HP3 9PA

01442-258055
07761-495194

Proposed :-

Development of 2
4 Bedroom Chalet Bungalows

27 Tunnel Wood Close
Watford
Herts
For Mr A Reynolds

Date 11-02-05

Scale 1:500

DRG No 98/04 SHT 1

TUNNEL WOOD CLOSE

No 27

EXISTING BUNGALOW AT No 27
TO BE DEMOLISHED
2 NEW CHALET BUNGALOWS
TO BE ERE



WATFORD BOROUGH COUNCIL
Town and Country Planning Act 1990

PLAN: REFUSED

DATED 9TH MAY 2005

T.P. REF. NUMBER: 05/00154/OUT

N

PART A	
Report of: Head of Development Management	
Date of committee:	29th November 2017
Site address:	Land to the rear of Ye Corner
Reference Number:	17/00654/FULM
Description of Development:	Demolition of existing buildings and redevelopment of site to create 15 residential units with associated works
Applicant:	Ye Corner Limited
Date Received:	1st June 2017
13 week date (major):	31st August 2017
Agreed extended deadline:	1st December 2017
Ward:	Oxhey

1.0 Site and surroundings

- 1.1 The application site comprises an irregular-shaped parcel of land, covering an area of 0.16 hectares, located to the northwest of the junction where Chalk Hill meets Aldenham Road, and situated behind numbers 1-11 Ye Corner and numbers 44 and 46 Aldenham Road.
- 1.2 Within the site, there is a two storey, brick-built building and single storey workshop buildings constructed using various materials including corrugated metal. All of the existing buildings are occupied by businesses providing different services for motor vehicles such as repairs, servicing and tyre fitting.
- 1.3 The properties immediately to the south and east of the site which front Chalk Hill and Aldenham Road respectively form a parade of shops. This parade consists of a pair of two storey, semi-detached properties known as 44 and 46 Aldenham Road, a terrace of three storey buildings (nos 1-8 Ye Corner), a separate terrace of three storey properties (9-11 Ye Corner) and a two storey building (12 Ye Corner) which is attached to the western side of the aforementioned terrace. All of these neighbouring properties incorporate a commercial unit at street level with residential accommodation on the upper floors, with the exception of the premises at 12 Ye Corner which is wholly occupied by a business use (over two floors). Some of these properties also incorporate residential units that sit behind their commercial units including properties at nos 2 and 9 Ye Corner.

- 1.4 Vehicular access to the site is provided by entrances on both the Chalk Hill and Aldenham Road frontages. The Chalk Hill access passes through a narrow gap in the parade between nos 8 and 9 Ye Corner. This entrance serves those businesses that occupy the workshops within the main part of the site. It also serves the rear entrances of some of the properties that front Chalk Hill and Aldenham Road. The Aldenham Road access serves the businesses occupying those buildings along the northern edge of the site and also a residential dwelling, known as 48 Aldenham Road, which lies to the north of the site.
- 1.5 There is a change in levels across the site with the access road along its northern edge occupying an elevated position when compared to the main part of the site to the south.
- 1.6 The site is located approximately 1.2 kilometres from Watford Town Centre and less than 250 metres from Bushey Railway Station.
- 1.7 The site is located outside of the Oxhey Conservation Area which lies to the east. It also does not encompass any listed buildings. However, 14-16 Chalk Hill – located 30 metres to the west of the site, is a Grade II listed building. The nearby buildings at 18 Chalk Hill – to the west of the site, and 48 Aldenham Road – to the north, are locally listed.

2.0 Proposed development

- 2.1 The application seeks full planning permission for the demolition of the existing buildings and the redevelopment of the site to create 15 residential units with associated works.
- 2.2 The 15 residential units will be provided by way of two buildings – one being part two storey and part three storey and containing 11 flats (those identified on the submitted drawings as being Units 1-4, 7-10 and 13-15) and the other being two storey and containing 4 flats (Units 5-6 and 11-12) – see proposed site layout in Appendix 1.
- 2.3 The new buildings will front a central courtyard area that will be occupied by two loading/delivery bays and a hard-surfaced turning area to allow vehicles using the loading bays to manoeuvre on-site. The courtyard area will also comprise cycle storage, bin storage, communal amenity space and soft landscaping.
- 2.4 An additional bin store will be housed adjacent to Unit 12 (and to the rear of the properties known as 44 and 46 Aldenham Road) and this will be accessed from the

Aldenham Road access. Two car parking spaces will be provided adjacent to Unit 12 (and to the rear of 46 Aldenham Road), also served by the Aldenham Road access, and these will serve existing leaseholders.

- 2.5 The two blocks will be separated by a gap of 1.7 metres. This gap will provide a walkway and steps to allow access through the site – between the main central courtyard area and the elevated service road which runs along the northern edge of the site.
- 2.6 Those ground floor flats labeled as Units 1-3 on the submitted drawings will benefit from having direct access to their own private amenity areas.

3.0 Relevant planning history

- 3.1 A pre-application enquiry was received in September 2016 for the demolition of the existing commercial buildings and the redevelopment of the site to create new residential units (Ref. 16/01367/PREAPP). The Local Planning Authority responded to this enquiry in November 2016 and advised that the principle of a car-free residential development in this location was acceptable. However, it was felt that the pre-application submission did not demonstrate that a suitable living environment would be achieved for the future occupiers of the development without compromising the amenities of the occupiers of neighbouring properties and did not suitably address access constraints. The applicant was encouraged to enter into pre-application discussions with the Local Highway Authority.

4.0 Planning policies

Development plan

- 4.1 In accordance with s.38 of the Planning and Compulsory Purchase Act 2004, the Development Plan for Watford comprises:
 - (a) *Watford Local Plan Core Strategy 2006-31;*
 - (b) the continuing “saved” policies of the *Watford District Plan 2000;*
 - (c) the *Hertfordshire Waste Core Strategy and Development Management Policies Document 2011-2026;* and
 - (d) the *Hertfordshire Minerals Local Plan Review 2002-2016.*
- 4.2 The *Watford Local Plan Part 2: Publication Version* was published in July 2016. This has been subject to 3 rounds of public consultation – Nov-Dec 2013, Dec 2014-Feb 2015 and Dec 2015-Feb 2016. It contains development management policies and site allocations. The emerging policies and site allocations in this document can be given limited weight at this time.

4.3 **Supplementary Planning Documents**

The following Supplementary Planning Documents are relevant to the determination of this application:

Residential Design Guide (RDG)

Watford Character of Area Study

Locally Listed Buildings in Watford

Commuted Sums Supplementary Planning Document

4.4 **National Planning Policy Framework**

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

Achieving sustainable development

The presumption in favour of sustainable development

Core planning principles

Section 1 Building a strong, competitive economy

Section 4 Promoting sustainable transport

Section 6 Delivering a wide choice of high quality homes

Section 7 Requiring good design

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

Section 11 Conserving and enhancing the natural environment

Section 12 Conserving and enhancing the historic environment

Decision taking

4.5 In January 2016 the Council received the South West Hertfordshire Strategic Housing Market Assessment and associated Economic Study 2016 (SHMA) which set out an Objectively Assessed Need (OAN) for housing in the Borough that exceeds the levels in the Core Strategy. The Court of Appeal has recently confirmed that a "realistic prospect" of a site coming forward within the required timeframe will be sufficient to meet the deliverability test set by national planning policy, thereby endorsing an earlier decision of Mr Justice Ouseley (*St Modwen Developments Limited v Secretary of State for Communities and Local Government & Ors. Case Number: C1/2016/2001*). Officers have undertaken a recent review of the housing supply having regard to these judgements and are of the view that the Council is able to demonstrate a 5 year supply based on the OAN. Accordingly, the Council's housing policies can be considered up to date.

5.0 Consultations

5.1 Neighbour consultations

Letters were sent to 156 properties surrounding the application site.

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

Number of original notifications:	156
Number of objections:	17
Number in support:	0
TOTAL REPRESENTATIONS:	17

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

Representations	Officer's response
Loss of privacy to neighbouring properties.	See section 6.7 of the report.
Detrimental impact on locally listed building at 48 Aldenham Road.	See section 6.4 of the report.
Site could not be accessed by a fire appliance and is high risk in event of fire.	See section 5.4.2 of the report.
Loss of light to neighbouring properties.	See section 6.7 of the report.
Impact on outlook of neighbouring properties.	See section 6.7 of the report.
Exacerbate traffic, congestion and on-street parking on surrounding roads.	See section 6.9 of the report.
Inadequate access causing danger to road users.	See section 6.9 of the report.
Inadequate car parking.	See section 6.9 of the report.
Overdevelopment.	All of the proposed units meet the minimum internal space standards for one bedroom and two bedroom units as set out within the RDG. Suitable separation will be provided between the new blocks of flats and the neighbouring properties so as to ensure that the development does not appear cramped.

	As such, it is not considered that the proposal constitutes an overdevelopment of the site.
Roads, schools, doctors' surgeries, hospitals, recreational spaces, trains, local services, amenities and infrastructure cannot cope with these extra dwellings.	The development is liable for the Community Infrastructure Levy (CIL) and the developer will be required to provide a CIL payment towards local infrastructure to help offset the impacts of the development on local services.
Does not offer any aesthetic or social benefits.	It is considered that the proposal will enhance the visual amenity of the area as set out in section 6.3 of the report. The development will have a social benefit in that it will provide new housing in a sustainable location.
Residents moving into these properties do not have any outdoor space and so are spending recreational time in unsuitable areas which causes anti-social behaviour and is not conducive to harmonious neighbourly relations.	Amenity space will be provided as set out in section 6.5 of the report. There is no evidence to suggest that the development will result in anti-social behaviour. Any acts of crime or anti-social behaviour would need to be reported to the relevant authorities. This is not a material planning consideration.
New developments cause mess, dust, debris, disruption, noise, fumes, pollution and disturbance to neighbours causing health risks.	The planning system should not be operated to duplicate controls which are the statutory responsibility of other bodies such as the Local Highway Authority, the Local Authority's Environmental Health Department etc. Informative notes are to be attached to the decision notice (see section 9 of the report) to advise the developer of their obligations under highways and environmental legislation.
Will cause damage to vehicles associated with neighbouring business.	This is not a material planning consideration, nor is there any reason to presume this would be the case.
Flats adjacent to neighbouring workshop will suffer from loss of privacy, loss of quiet enjoyment due to noise.	The workshop and surrounding residential properties have co-existed for many years. It is unlikely that the workshop would be operational during the generally quieter evening or early morning periods. As such,

	<p>the workshop is unlikely to cause any significant disturbance to future occupiers of the development, particularly given the noise attenuation measures proposed – see section 6.5 of the report.</p> <p>In terms of privacy, the ground floor level unit nearest to the retained workshop to the north of the site (Unit 10) will have only two windows on its northeast-facing elevation. These will serve a bathroom and a shower room and could be fitted with obscure glazing to prevent overlooking. Additionally, occupiers of this flat may wish to add blinds or use other means of screening inside the windows to increase privacy levels further within these non-habitable rooms. The workshop will cause no significant privacy issues for other units given its relationship with them and the positions of their windows.</p>
The two car parking spaces associated with the neighbouring business will not be accessible if works are carried out.	See section 6.9 of the report.
Create a high number of changing residents which upsets the local demographics and harmony of existing residents. Short-term residents do not care for their local community and take no responsibility for their local community or neighbours.	This would not form a reason for refusal of the application. It is accepted that one and two bedroom flats may be subject to a higher turnover of occupants when compared to larger, family-sized houses. However, there is a demand for flats of this size and they form an important component of the housing stock.
The Council does not provide adequate facilities to keep current properties or areas in an acceptable clean and tidy state so how would they cope with even more?	The Council provides a street cleaning and refuse collection service and maintains the public parks and open spaces. However, it is the responsibility of individual owners to maintain their own private property.
Character of area will be lost and it will become a less desirable place to live. Detrimental to local	It is considered that the visual amenity of the area will be enhanced as set out in section 6.3 of the report. The current

area and community.	buildings and uses occupying the site do not contribute positively to the character of the area and therefore there is no objection to their loss. It is considered that the proposal will have no detrimental impact on the community as the proposed residential use will remain compatible with the surrounding residential uses.
Disruption to access of neighbouring workshop resulting in loss of income to business.	Any right of way would need to be respected and kept free of obstruction unless agreement is reached between the concerned parties. This would be a civil matter between the parties involved. In any case, the two new parking spaces to be accessed off the northern service road will each measure 5 metres in depth and cars will be able to be parked here without encroaching into the access road – see section 6.9 of the report for further details.
No ownership of the access road along the northern side of the site and there is no right of way to the proposed development site.	This is not a planning consideration.
Reduce security of neighbouring property.	Hertfordshire Constabulary's Crime Prevention Design Service has been consulted and has not raised any objection to the proposal. Furthermore, the new residential units will provide natural surveillance within the area which could help increase the security of neighbouring properties.
Drainage and water pressure is an ongoing issue in the area.	These are matters for the relevant utility companies to resolve. Incidentally, Thames Water has been consulted and has confirmed that they have no objection with regard to sewerage infrastructure capacity.
Broadband connection is slow and the proposal will worsen this.	This matter is for the relevant broadband supplier to resolve. The addition of 15 new units is unlikely to have any detrimental effect on the broadband service to properties within the area.
Concerns with siting and scale of	See section 6.3 of the report.

proposal.	
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5.3 **Statutory publicity**

The application was publicised through the display of site notices at various points around the site and by a notice published in the Watford Observer on 9th June 2017. The site notice period expired on 7th July 2017 and the newspaper notice period expired on 30th June 2017.

5.4 **Technical consultations**

The responses received from technical consultees are set out below. Some of the matters raised by consultees have required an officer response. In such cases, the officer has either provided comments (in brackets) in the section below or the matters are discussed further in the 'Appraisal' section of the report.

5.4.1 Local Highway Authority (Hertfordshire County Council)

The Local Highway Authority had originally objected to the proposal (response dated 23rd June 2017) based on concerns that the access from Chalk Hill appeared to be too narrow and consequently could result in disruption to the A411 or may result in a vehicle striking the adjacent building.

Following the review of additional turning diagrams and other information including photographs provided by the applicant, the Local Highway Authority issued a revised response (dated 24th August 2017) which removed their objection subject to suggested conditions.

5.4.2 Fire & Rescue Service

The Fire & Rescue Service no longer responds to planning application consultations – as per their written advice to Local Planning Authorities dated 31st August 2017. This is because it is the role of the Local Highway Authority (as a statutory consultee) to ask for the involvement of a fire and rescue service regarding access issues as it is recognised that by meeting the need of the fire and rescue service the access requirements for all emergency service are met. Notwithstanding the above, a representative from the Fire & Rescue Service has provided comments on the proposal advising that an appliance would not be able to access the site. However, they have further advised that if the fire crews were able to park on the main roads and access on foot from there, only units 3 and 9 would be beyond the 45m requirement and therefore they are likely to require a rising main in the premises beyond the reach of 45m.

So far as water supply is concerned, the Fire & Rescue Service would require that the development is within 100m of an existing hydrant or that hydrants are provided within 90m of the entry point to any building on site without a rising main.

{Officer comment: The developer will need to satisfy current Building Regulations which include making sure that developments meet the relevant fire protection/safety standards. The planning system cannot be relied upon to deal with matters that are otherwise covered by a separate regime or approval process (in this case Building Regulations) and therefore there are no planning grounds to refuse the application based on the lack of access into the site for fire appliances. In any case, preliminary comments have been obtained from Hertfordshire Fire & Rescue Service which indicate that the proposed layout is likely to be acceptable from a fire-fighting point of view with the installation of a riser(s) within the site. Such measures would be secured under the Building Regulations approval process.

It should also be noted that the existing access points are to remain unaltered and, at present, the site cannot accommodate fire appliances despite there being industrial activities taking place within it. It is reasonable to assume that the established uses on the site (or future occupiers of the units), particularly those associated with the motor trade, could rely on the storage of oil or other flammable substances. The existing buildings also do not appear to have been built to modern standards which poses a risk in itself. The introduction of new residential accommodation here, that incorporates modern fire protection measures including the installation of new riser(s) within the site, has the potential to improve levels of safety for residents.}

5.4.3 Arboricultural Officer

The Arboricultural Officer has confirmed that no trees protected by a Tree Preservation Order will be affected and has no objection to the development subject to suggested conditions to secure a landscaping scheme, a detailed schedule of tree work and details of the no-dig construction method to be used for the works in the southwestern corner of the site near to a neighbouring group of trees.

5.4.4 Hertfordshire Constabulary

The Design Out Crime Officer has recommended that the entrance is gated and well lit to deter offenders having easy access and that the bin store is made secure and positioned away from the side of the building to prevent the bins being used for burglary or arson. It is also recommended that the development be built to the

physical security of Secured by Design part 2, which is the police approved minimum security standard.

{Officer comment: The entrance to the site from Chalk Hill will serve not only the new residential development but also the rear entrances/yard areas associated with those properties fronting Chalk Hill and Aldenham Road. Without the full agreement of all stakeholders, the Local Planning Authority would not wish to insist on a gate being installed across the access. It is felt that natural surveillance of the site will be provided by both the new flats and the existing surrounding flats which will help to deter acts of crime. Furthermore, a gate installation is likely to make an already restricted access even more restricted.

With regard to bin storage, further details of its exact size, siting and type are to be secured by condition. Both bin stores are located within close proximity to buildings and could, potentially, be used to access roofs and upper floor windows/balconies. However, the siting of the bin stores has been chosen to minimise their impact on visual amenity and to ensure that they are in locations that allows them to be conveniently accessed by the refuse collection teams and residents. Amending the siting of the stores is likely to result in them having a greater visual impact and could mean that they are less accessible. As above, it is felt that the surrounding units that overlook the bin storage areas will help to deter acts of crime.

The developer has the opportunity, and is encouraged, to obtain Secured by Design certification but there is no planning policy that requires this. }

5.4.5 Environmental Health

No objection subject to suggested condition requiring a mechanical ventilation system integrating cooling so as to protect residents from poor air quality and noise.

5.4.6 Hertfordshire County Council Minerals & Waste

Has requested a Site Waste Management Plan (SWMP) is secured for the development.

{Officer comment: A SWMP is not considered necessary for a scheme of this scale.}

5.4.7 Lead Local Flood Authority

No objection to the proposed surface water drainage scheme, subject to appropriate conditions being imposed to secure the measures set out within the

submitted Surface Water Drainage Strategy.

5.4.8 Contaminated Land Officer

No objection subject to conditions being imposed to reduce any potential for contamination risks.

5.4.9 Waste Team

Confirmed that the proposed bin storage areas are acceptable in terms of capacity and siting (for collection).

5.4.10 Thames Water

No objection.

5.4.11 Hertfordshire County Council Developer Services

Has outlined the potential financial contributions to be provided towards local services which are to be collected through the Community Infrastructure Levy (CIL).

5.4.12 Environment Agency

The Environment Agency originally objected to the proposal (response dated 19th June 2017) based on concerns that insufficient information had been provided to demonstrate that the risk of pollution to controlled waters would be acceptable.

The applicant subsequently submitted additional information and following a review of this, the Environment Authority issued a revised response (dated 12th July 2017) which removed their objection subject to suggested conditions.

5.4.13 Planning Policy – Design & Conservation

The Urban Design & Conservation Manager considers the scheme to be acceptable in principle and has commented that the development offers a creative approach to design on a difficult site. The Urban Design & Conservation Manager suggested amendments to the landscaping and siting of the cycle parking.

{**Officer comment:** Amendments have been made to the landscaping and cycle parking during the course of the application, in line with the Urban Design & Conservation Manager's recommendations.}

5.4.14 Hertfordshire County Council Fire Hydrants

Has suggested that fire hydrants are provided to serve the proposed buildings by the developer through a Section 106 agreement.

6.0 Appraisal

6.1 Main issues

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

- (a) Principle of development
- (b) Design, scale and impact on visual amenity
- (c) Impacts on heritage assets
- (d) Quality of residential accommodation
- (e) Affordable housing provision and housing mix
- (f) Impacts on surrounding properties
- (g) Impacts on trees
- (h) Car parking, access and transportation
- (i) Section 106 and Community Infrastructure Levy (CIL)

6.2 (a) Principle of development

6.2.1 Policy HS1 of the Watford Local Plan Core Strategy 2006-31 advises that factors that will support residential allocation in the site allocations document, and which will also be considered in determining applications on windfall sites, will include: consistency with the spatial strategy; previously developed land; proximity to neighbourhood centres; close to good public transport, walking and cycle network routes; location within the town centre or at other strategically located sites; water quality protection downstream of a site. The Policy further advises that factors that will go against residential allocation will include: not previously developed land; land at risk of flooding; existing employment land, open space or other community facilities for which there is still an identified need; land with high biodiversity, landscape or cultural heritage significance; no access to reliable integrated public transport links.

6.2.2 The proposal complies with the provisions of Policy HS1 in that the site occupies previously developed land which is close to good public transport routes and links, is not open space or a community facility for which there is a need, is not in an area at risk of flooding and does not have high biodiversity, landscape or cultural heritage significance. The site does, however, provide existing employment use through the commercial premises it contains.

- 6.2.3 The planning history for the site shows that it has been occupied by commercial uses for a number of years. Despite this history of commercial use, due to the relatively small size of the site, its restricted access and its location within a residential area, it is not a designated site for employment use.
- 6.2.4 There is no adopted policy contained within the Development Plan which seeks to protect employment uses that are outside designated employment areas. Policy E6 of the Watford District Plan 2000 had previously set out criteria for protecting employment uses outside identified employment areas but this policy has not been saved and is not, therefore, applicable.
- 6.2.5 Policy EMP4 of the emerging Local Plan Part 2 seeks to protect employment space which exists outside of the designated employment areas unless there is evidence to show there is a surplus of B use class employment space or replacement provision is made within Watford, or the property has been vacant for at least 6 months and there is evidence to show it cannot be reused for employment use. The Policy further advises that where a loss of employment space is proposed in an area which is outside of the designated employment areas, such as this, then the development must remain compatible with adjoining uses.
- 6.2.6 The proposal does not appear to directly meet the criteria in the emerging policy and no evidence has been submitted to demonstrate that there is no demand for the existing employment space. Indeed, at the time of the officer site visit, all of the units appeared to be in occupation. Nevertheless, it must be acknowledged that only a limited amount of weight can be afforded to Policy EMP4 of the Local Plan Part 2, at present, as this policy has not been adopted.
- 6.2.7 In the absence of an up-to-date development plan policy in relation to employment uses outside designated employment areas, it is considered that the advice contained within the NPPF should take precedence. Paragraph 22 of the NPPF states that “Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose”. It further advises that “Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities”. In this case, it is apparent that the existing buildings are relatively low grade and some have been added to in a piecemeal fashion. As such, a redevelopment of the site would be required in order for any new employment use to become long-term. The site is relatively small and is located within a high density residential area. It is distant from any other main employment sites and access to the site is via narrow service roads only. For these

reasons, there is little likelihood of the site being redeveloped for commercial use in the future and a commercial redevelopment of the site would not be considered the preferred solution.

6.2.8 Paragraph 51 of the NPPF advises that local planning authorities should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate. In this regard, the Strategic Housing Market Assessment (SHMA) clearly outlines the need for additional housing on a borough-wide scale and there are not considered to be any strong economic reasons why the residential redevelopment of the site would be inappropriate. The proposal, therefore, complies with the objectives of paragraph 51 of the NPPF in this regard.

6.2.9 Furthermore, it is considered that a residential use in this location would be more compatible with the surrounding residential properties when compared to those commercial uses that exist at present. The development would offer a significant improvement to the visual amenity of the area through the removal of the unsightly industrial buildings and the paraphernalia associated with these and the introduction of a new high quality building with green roofs and soft landscaping. In this respect there is a clear benefit in providing a residential use on this site.

6.2.10 Overall, and having regard to the objectives of the NPPF, it is felt that, on balance, the benefits of the proposed redevelopment of this site would outweigh the loss of the existing commercial uses. The loss of the employment use and the provision of housing would provide significant economic, social and environmental benefits in this case.

6.3 (b) Design, scale and impact on visual amenity

6.3.1 Policy UD1 of the Watford Local Plan Core Strategy 2006-31 seeks to ensure that all new development is based on an understanding of the local characteristics of the surrounding area.

6.3.2 At a national level, the government's planning guidance places a strong emphasis on the creation of high quality environments through good design. Section 7 of the NPPF states that planning decisions should aim to ensure that developments "will function well and add to the overall quality of the area" and "are visually attractive as a result of good architecture and appropriate landscaping".

- 6.3.3 The area in which the application site is located can be regarded as being mixed in character – being surrounded by varying residential development, the commercial uses fronting Ye Corner and Aldenham Road and the rather piecemeal commercial development that has taken place within the site itself.
- 6.3.4 The proposed development would occupy a fairly secluded position behind the Chalk Hill and Aldenham Road building frontages. The development would have no strong visual presence on the surrounding public realm given that it would be largely screened from view from the surrounding streets by the buildings to the south and east.
- 6.3.5 At present, the site comprises a range of buildings in commercial use and a large expanse of hard surfacing. None of the buildings contained within the site have any historic or architectural significance. There are a number of vehicles parked on site and other unsightly paraphernalia associated with the commercial activities exists. Consequently, a fairly poor level of visual amenity is offered at present. The proposed scheme provides the opportunity for the visual amenity of the site to be considerably improved through a comprehensive redevelopment that will include the introduction of soft landscaping and tree planting.
- 6.3.6 Section 7.1.2 of the RDG advises that “Where positive aspects of local character are more limited, development needs to begin to set a standard for the area by creating a distinctive place in its own right”. In this particular case, the architect has adopted a contemporary design approach that will introduce a new style of architecture to the area to create a development which has the appearance of a modern mews set around a central courtyard. It is felt that the site lends itself to this approach because of its secluded position behind the main building frontages.
- 6.3.7 The submitted elevations show the principal material for the external walls of the building to be brick. The applicant has indicated that timber panelling and metal cladding will be applied to parts of the external elevations. The use of such materials is considered to be acceptable in principle as these could complement the brickwork and add visual interest. The exact type of materials to be used on the external surfaces of the buildings will be secured by condition so as to ensure that a high quality appearance is achieved.
- 6.3.8 The proposed landscaping includes new tree planting. Additionally, green roofs will be incorporated into the development. The new planting and the green roofs will ensure that an attractive environment is created and will provide an enhanced visual amenity for those properties that surround the site.

6.4 (c) Impacts on heritage assets

- 6.4.1 The site is located outside the Oxhey Conservation Area but is located within close proximity to two locally listed buildings; these being 18 Chalk Hill which lies 7 metres to the west of the site, and 48 Aldenham Road which lies 8 metres to the north. A Grade II statutory listed building, known as 14-16 Chalk Hill, is situated 23 metres southwest of the site.
- 6.4.2 It is considered that the setting of the nearby locally listed and statutory listed buildings will not be harmed by the proposed development. Section drawings through the site have been submitted with the application and these illustrate the relationship between the development and the nearest heritage assets – those being the buildings at 18 Chalk Hill and 48 Aldenham Road.
- 6.4.3 The proposed scheme uses the level change along with its flat roof design to minimise its impacts on the locally listed buildings at 18 Chalk Hill and 48 Aldenham Road. It is considered that the greatest impact will be on the setting of 48 Aldenham Road as the new scheme will be viewed as one approaches this property. However, it is considered that the approach to this neighbouring property will be improved when compared to the current situation.
- 6.4.4 The local topography and the presence of trees in the area that lies between the subject site and the listed building at 14-16 and the locally listed building at 18 Chalk Hill mean that the proposed development is unlikely to have any significant impact on the setting of either of these buildings. The submitted drawings indicate that the tree belt (which includes some trees protected by a Tree Preservation Order) will be retained.
- 6.4.5 It is acknowledged that the existing commercial uses that occupy the site do not make a positive contribution to the setting of the nearby heritage assets. The scheme will allow the physical environment within the site and its relationship with its surroundings to be enhanced through the removal of the disorderly commercial development that exists at present and its replacement with a comprehensive form of high quality architecture and landscaping.

6.5 (d) Quality of residential accommodation

Internal space

- 6.5.1 The proposal provides a mix of 1 bedroom and 2 bedroom units. All of the proposed 1 bedroom units will exceed the 50 square metre minimum floorspace standard for a 1 bedroom, 2 person dwelling. Additionally, all of the proposed 2 bedroom units will exceed the 61 square metre minimum floorspace standard for a 2 bedroom, 3

person dwelling. The units will benefit from layouts that will allow a typical arrangement of furniture and adequate circulation space. As such, it is considered that a suitable amount of internal space will be provided.

Lighting and outlook

- 6.5.2 Some of the flats will have a more limited level of amenity than others due to their position within the site and their relationship with the surrounding built form. Nevertheless, it is considered that a reasonable level of outlook will be offered from all of the proposed flats. Additionally, the submitted Daylight Report indicates that all of the units will benefit from daylight levels which are in excess of the Building Research Establishment target values (as set out in the BRE publication entitled 'Site Layout Planning for Daylight and Sunlight; A guide to good practice'). The majority of the flats will benefit from being dual aspect. Those which have only a single aspect will have a southerly orientation. It is felt that all of the proposed units will benefit from reasonable levels of sunlighting particularly given the site's built-up context.

Privacy

- 6.5.3 Some mutual overlooking is to be expected in a high density development within an urban environment such as this. However, notwithstanding this, the scheme has been carefully designed to minimise any potential overlooking between properties and it is considered that future occupiers of the flats will benefit from suitable levels of privacy.

Amenity space

- 6.5.4 Section 7.3.23 of the RDG advises that "For flatted developments, communal open space provided for the exclusive use of occupants of the development may be acceptable as long as its location, size and shape enable it to be enjoyed by the occupants". It further advises that "The minimum area for usable communal space is 50 square metres, plus 15 square metres per additional unit over two units". Using this standard, the scheme would be required to have a minimum area of 245 square metres in communal open amenity space. The amount of communal open space to be provided will be below this standard at approximately 200 square metres but three out of the 15 units proposed will have their own private garden areas and seven of the units will have their own private balconies. It is felt that the level of amenity space is acceptable in this context.

Noise

- 6.5.5 The noise assessment submitted with the application identifies that the site is affected by noise mainly due to traffic on the surrounding roads. The site is also located approximately 100 metres east of the West Coast Mainline railway which also has the potential to result in noise disturbance to future occupiers of the development. In order to ensure that the occupiers of the new flats are protected from noise disturbance certain attenuation measures will need to be implemented including the installation of specified glazing. This can be secured by condition. The Environmental Health Department has also requested that a system for mechanical ventilation be installed, to allow the new flats to be adequately ventilated (both background ventilation and rapid ventilation for cooling and odour removal) without the need for windows to be open in the interests of protecting the future occupants from noise disturbance and potential poor air quality. This can also be secured by condition.

Refuse and recycling storage facilities

- 6.5.6 The Council's Waste & Recycling Team has been consulted and has advised that the proposed refuse and recycling storage arrangement is acceptable. The proposed purpose-built stores will be conveniently located in terms of access for future occupiers of the development and refuse collection teams. It is felt that such provision will ensure that adequate refuse and recycling storage will be accommodated without causing harm to the amenities of future occupiers of the development or neighbours and without compromising the appearance of the site, the streetscene or the character of the area, in accordance with saved Policy SE7 of the Watford District Plan 2000 and Policy SD4 of the Watford Local Plan Core Strategy 2006-31.

6.6 (e) Affordable housing provision and housing mix

Affordable housing

- 6.6.1 Policy HS3 of the Core Strategy requires a 35% provision of affordable housing in all schemes of 10 units or more. In the case of the proposal, for 15 units, this would require the provision of 5 affordable units. This provision should have a tenure mix of 65% affordable rent, 20% social rent and 15% intermediate tenures. Only in exceptional circumstances will a lower level of provision be considered through submission of a development viability assessment.
- 6.6.2 A viability assessment has been submitted and this has been the subject of a detailed review by consultants BNP Paribas on behalf of the Council. The applicant's submitted assessment concluded that it was not viable for the development to provide any affordable housing, either on-site or in the form of a financial

contribution.

- 6.6.3 Following their initial review of the viability assessment, BNP Paribas felt that the applicant's build costs were significantly in excess of those set out by the Building Cost Information Service (BCIS) levels. As such, BNP Paribas recommended that an independent Quantity Surveyor be instructed to review the applicant's build cost plan. The applicant agreed to this and the outcome of the cost review indicates that the applicant's anticipated build costs are reasonable taking into account the scale of the build and the site-specific circumstances. Accordingly, the Council's consultant agrees that the scheme cannot currently provide any affordable housing. The Council's consultant has recommended that a review of the viability of the development be undertaken towards the end of the project when actual build costs and sales values of the flats are known. This will allow payment to be made towards affordable housing provision where the viability of the development can be shown to have improved to provide a financial surplus. The payment would be capped at £600,916 using the formula for calculating commuted sums as set out in the adopted Commuted Sums Supplementary Planning Document.

Housing mix

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

6.7 (f) Impacts on surrounding properties

- 6.7.1 It is considered that the proposed development will cause no significant harm to the amenities of any neighbouring occupiers or uses, in accordance with the provisions of the RDG, Policy SS1 of the Watford Local Plan Core Strategy 2006-31 and paragraph 17 of the NPPF.
- 6.7.2 The development will be visible from many of the surrounding properties but given its size and siting, it is considered that it will not have any overbearing impact on neighbouring properties and will not significantly affect their outlook.
- 6.7.3 The submitted daylight and sunlight assessment demonstrates that the scheme will result in no significant loss of natural light to the nearest residential properties including those that occupy the rear portions of the buildings fronting Aldenham Road and Chalk Hill including units at the rear of numbers 2 and 9 Ye Corner. Adequate levels of natural light and outlook will also be maintained for those units

contained within the buildings on Aldenham Road and Chalk Hill owing to their separation from the new blocks.

- 6.7.4 The proposed development will have an acceptable relationship with the neighbouring properties to the north including 48 Aldenham Road and those within The Larches and will not result in any significant loss of light or outlook to these properties.
- 6.7.5 The proposed buildings will not cause any neighbouring properties to suffer from a significant heightened sense of enclosure or reduced outlook (this is helped somewhat by the fact that the proposed buildings will be sited on lower ground than those nearest properties at 48 Aldenham Road and The Larches).
- 6.7.6 Sections 7.3.16 – 7.3.20 of the RDG outline the privacy standards for new development. The RDG advises that “The separation distance between front elevations will be determined by the street layout and the size of the front gardens”. It further advises that “A minimum separation distance of 27.5 metres should be achieved between rear elevations of new houses and existing houses, when clear glass and directly facing habitable windows are at first floor level”. In this particular case, the development will introduce new residential units in an area where none exist at present. It is apparent that some of the windows and balconies of the new units will be sited less than 27.5 metres from the windows on the nearest residential properties to the south and east of the site. Drawing 106 Rev P3 submitted with the application illustrates, however, that reasonable separation will be provided between the windows contained within the new blocks and those on surrounding properties.
- 6.7.7 While some overlooking between the development and the surrounding properties may take place, this will not be to an extent that will cause any significant harm to the living conditions of neighbouring occupiers. In any case, some mutual overlooking is to be expected in urban environments such as this.
- 6.7.8 The new blocks will feature windows and doors in their northeast-facing elevations. Those at ‘upper ground’ floor level will not offer any significant views into the neighbouring properties at 48 Aldenham Road or within The Larches. These openings will not offer significantly different vantage points to those that can be obtained from the existing windows or from the service road. Similarly, those windows at ‘upper ground’ level on the southeast-facing elevation of Unit 10 will also cause no significant overlooking by virtue of their relationship with the neighbouring properties.
- 6.7.9 The westernmost block within the proposed development will contain two first

floor windows within its northeast-facing elevation. One of these windows will serve a stairwell and this could be fitted with obscure glazing and be fixed shut up to a height of 1.7m above the internal floor level so as to prevent any overlooking towards 48 Aldenham Road. Such measures can be secured by condition. The other window will serve a bedroom (within Unit 15). By reason of its orientation and position, this window will not directly face the property at 48 Aldenham Road or those nearest properties within The Larches and will not, therefore, result in any significant loss of privacy to the occupiers of these neighbouring properties. A distance of more than 27.5m will be maintained between the bedroom window on the northeast-facing elevation of Unit 15 and the nearest neighbouring properties to the north (No.s 12-22 The Larches).

6.7.10 On balance, it is considered that the new development will introduce a residential use which is more compatible with the surrounding residential properties when compared to the existing commercial uses. The new residential development has the potential to result in less disturbance to surrounding properties than current or future industrial uses and their associated activities could cause.

6.8 (g) Impacts on trees

6.8.1 The site does not contain any significant trees. There is a belt of trees to the west of the site which includes a group that is protected by a Tree Preservation Order (Tree Preservation Order No. 33) but none of the protected trees will be affected by the development. Only a small group of trees is indicated for removal, however, these are not significant in the landscape and the new planting will offset their loss.

6.8.2 The Arboricultural Officer has recommended that a detailed schedule of tree works including the cutting back of any off-site trees be submitted and approved by the Local Planning Authority. However, there are no trees to be retained within the site and works to trees which fall outside of the application site could not be controlled by condition as these would be unenforceable.

6.9 (h) Car parking, access and transportation

Car parking

6.9.1 The proposed flats will be 'car-free' with none of them benefitting from any on-site parking. However, the site is well located for access to public transport, being very close to Bushey Station and bus stops. There are local shops in the immediate vicinity of the site, and the Lower High Street retail area and the town centre are both within walking distance. In this context, a higher density, car-free residential development is in accordance with national and local policy to encourage

sustainable development and is considered acceptable in principle. The lack of on-site parking for the new flats will mean that the proposal will not add to existing high traffic flows and congestion on Aldenham Road and the nearby Bushey Arches gyratory.

- 6.9.2 Two parking spaces are to be provided within the site, located adjacent to Unit 12 (and to the rear of 46 Aldenham Road). The spaces will be accessed via the service road within the northern part of the site which draws off Aldenham Road. The information submitted with the application indicates that these spaces will be allocated to an existing leaseholder. Access into and out of these parking spaces will be fairly restricted given the limited amount of space in front of them (between 3.3 and 5 metres) to allow for manoeuvring. Notwithstanding this, it is apparent that this area is currently used to provide parking for up to three cars and it is felt that the proposal will not result in the situation being worsened in terms of highways impacts. It is further acknowledged that the existing parking area provided in this location measures only 3.9 metres deep at its eastern end (measured between the boundary with the access road and the brick wall that runs along the southern edge of the parking area). Incidentally, the proposed spaces will measure 5 metres deep, thereby allowing cars to be parked at a right angle to the service road without overhanging into the access road.

Impacts on surrounding highway network

- 6.9.3 It is acknowledged that the surrounding residential roads experience high levels of parking congestion at all times, from commuters during the daytime and local residents during the evening. However, the site is not within a controlled parking zone so it is not possible to restrict on-street parking by future occupiers of the development. The site is highly accessible and is an appropriate location for car-free development. For this reason, the proposal is considered acceptable.
- 6.9.4 The Local Highway Authority has been consulted and has confirmed that it does not consider that the proposed development is likely to have an impact on the safety of the local highway network. It has raised no objection to the proposal subject to conditions being secured as discussed below.
- 6.9.5 The Local Highway Authority has recommended that conditions be imposed requiring that wheel cleaning facilities be provided for the duration of the construction works and that the applicant submits a Construction Traffic Plan detailing provision for on-site parking for construction workers. Issues arising from construction works are not material planning considerations and are covered by other legislation. As such, it is not considered appropriate to impose planning conditions relating to these matters. Nevertheless, informative notes will added to

the decision notice (see section 9 below) to provide advice to the applicant with regard to wheel washing, contractors' parking and their responsibilities for ensuring that the highway remains unobstructed wherever possible.

- 6.9.6 The Local Highway Authority has also requested a condition requiring the submission of a Service and Delivery Management Plan that shall incorporate the servicing arrangements for the use and adequate provision for the parking and manoeuvring of delivery vehicles within the site. Such detail is considered neither enforceable nor necessary for a scheme of this size, particularly as scaled plans, including turning diagrams, have already been provided as part of the application submission for the Local Highway Authority's consideration at the application stage.

Access

- 6.9.7 Vehicular access to the site will be gained via the existing entrances on the Chalk Hill and Aldenham Road frontages. There is no facility for service and delivery vehicles (that are larger than small vans) to access the site – as is the case at present.
- 6.9.8 Two loading/unloading bays and a turning area will be provided within the site and these will be accessed utilising the existing entrance on Chalk Hill. Swept path assessments have been provided which demonstrate that there is adequate space within the site to allow cars and small vans to be able to enter, manoeuvre and leave the site in a safe and convenient manner without compromising the safety and freeflow of the adjacent highway.
- 6.9.9 Visibility for vehicles entering and leaving the site is not ideal given the close proximity of the adjoining buildings either side of the access points. However, it has to be taken into account that the access points are existing features that will be retained in their current form. Due to the car free nature of the development and its sustainable location, it is felt that the level of trips generated by the proposed use would be low and the use of the access points would not be significantly intensified. Consequently, it is deemed that the proposal will not have a material impact on the operation of the highway network.
- 6.9.10 The proposal seeks to incorporate two separate bin storage areas. One at the lower ground level to the south of the proposed westernmost block of flats and behind 11 Ye Corner (which would be accessed from the entrance on Chalk Hill) and the other on the upper ground level behind 44 & 46 Aldenham Road (which would be accessed from Aldenham Road). Collections from both bin storage areas would involve the refuse collection vehicles having to wait temporarily on the highway. Whilst this is not an ideal situation, it is apparent that this is what happens at

present and the Local Highway Authority has not objected on these grounds. This arrangement has also been discussed with the Council's Waste and Recycling Team who have agreed to this in principle.

Cycle storage

- 6.9.11 The scheme incorporates a cycle storage area which will be large enough to meet the demands of the development. Further details of its exact siting, type, size and finish will be secured by condition and this will allow a suitable appearance to be achieved. There is no reason why such storage cannot be designed in a way to ensure that it is both secure and weatherproof in accordance with the requirements of saved Policy T10 of the Watford District Plan 2000.

6.10 (i) Section 106 planning obligations and Community Infrastructure Levy (CIL)

Community Infrastructure Levy (CIL)

- 6.11 The Council introduced the Community Infrastructure Levy (CIL) with effect from 1 April 2015. The CIL charge covers a wide range of infrastructure as set out in the Council's Regulation 123 list, including highways and transport improvements, education provision, youth facilities, childcare facilities, children's play space, adult care services, open space and sports facilities. CIL is chargeable on the relevant net additional floorspace created by the development. The charge is non-negotiable and is calculated at the time that planning permission is granted. The CIL charge applicable to the proposed development is £120m².

S.106 planning obligation

- 6.12 The Council introduced the Community Infrastructure Levy (CIL) with effect from 1 April 2015. On and from this date, s.106 planning obligations can only be used to secure affordable housing provision and other site specific requirements.
- 6.13 A s.106 agreement will be used to secure a review mechanism to revisit actual build costs and values when the development is approaching completion to establish if a contribution towards affordable housing provision can be made (as set out in paragraph 6.6.3). This requirement meets the tests in Regulation 122 of the Community Infrastructure Regulations 2010, and, consequently, this planning obligation can be taken into account as material planning consideration in the determination of the application.

7.0 Conclusion

- 7.1 This is a challenging site to bring forward for redevelopment due to the constraints from the surrounding uses, the change in levels, the nearby heritage assets and the limited access arrangements. However, the careful design and layout innovatively responds to the constraints of the site and the contemporary mews style approach is to be welcomed as this will create a high quality environment that offers a suitable relationship with its surroundings.
- 7.2 A car free development is considered to be suitable taking into account the site's sustainable location. The proposed residential flats will provide a good overall quality of accommodation for future residents without causing any considerable harm to neighbouring uses or occupiers, subject to appropriate conditions.
-

8.0 Human Rights implications

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

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

Section 106 Heads of Terms

- i) To secure a review mechanism of the viability of the scheme for a contribution up to a maximum total contribution of £600,916 towards the provision of affordable housing in the Borough of Watford, subject to the review demonstrating the improved viability of the development.

Conditions

Time Limit

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

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

Approved Drawings

2. The development hereby permitted shall be carried out in accordance with the following approved drawings: 16668-Topo Rev A – amended plan received 26.07.17; 16668-MBS; 000 Rev P3 – amended plan received 12.10.17; 102 Rev P6 – amended plan received 17.10.17; 105 Rev P6 – amended plan received 17.10.17; 106 Rev P3 – amended plan received 26.07.17; 107 Rev P3 – amended plan received 17.10.17; 108 Rev P3 – amended plan received 17.10.17; 110 Rev P3 – amended plan received 12.10.17; 111 Rev P3 – amended plan received 17.10.17; 112 Rev P4 – amended plan received 12.10.17; 113 Rev S1; 200 Rev P4 – amended plan received 17.10.17; 201 Rev P2 – amended plan received 17.10.17; 300 Rev P3 – amended plan received 12.10.17; 301 Rev P3 – amended plan received 26.07.17; 302 Rev P3 – amended plan received 26.07.17; 303 Rev P2 – amended plan received 26.07.17; 600 Rev P2 – amended plan received 24.10.17; 601 Rev P2 – amended plan received 24.10.17; 1237-001 Rev A – amended plan received 04.08.17; 1237-002 Rev A – amended plan received 04.08.17; 1237-003; 1237-004.

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

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.

Reason: In the interests of the visual appearance of the site and the character and appearance of the area, in accordance with the provisions of the Residential Design Guide (RDG), Policy UD1 of the Watford Local Plan

External Lighting

4. No dwelling 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 buildings) has been submitted to and approved in writing by the Local Planning Authority. 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.

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

Surface Water Management

5. The development permitted by this planning permission shall be carried out in accordance with the approved Surface Water Drainage Strategy prepared by Ambiental Technical Solutions – Reference 3136 SWDS, Version Draft v4.0 (dated April 2017) and the following mitigation measures detailed within the drainage strategy:
 - i). Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event;
 - ii). Implementing appropriate drainage strategy based on attenuation and discharge into Thames surface water sewer including SuDS features as indicated on drawing No. Lower Level, Revision 2 – Preliminary Surface Water Drainage Strategy Layout, dated 05/07/2017 and drawing No. Upper Level, Revision 2 – Preliminary Surface Water Drainage Layout, dated 05/07/2017;
 - iii). Limiting surface water discharge off the site at a maximum allowable rate of 5.0 l/s/ha for the 1 in 100 year plus 40% for climate change event;

- iv). Clarification and indication in the drawing where exactly the filter drain connects with the existing infrastructure;
- v). Incorporation of the upper parking site in the system and provision of updated calculation considering this area;
- vi). Final detailed scheme with updated calculation including all site area.

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

Reason: To reduce the risk of flooding by ensuring the satisfactory disposal and storage of surface water from the site, in accordance with saved Policy SE27 of the Watford District Plan 2000, Policies SD1 and SD2 of the Watford Local Plan Core Strategy 2006-31 and Section 10 of the National Planning Policy Framework (NPPF).

- 6. No development shall take place until the final design of the drainage scheme for the site, based on the approved Surface Water Drainage Strategy, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- i). Provision of a fully detailed drainage plan showing pipe diameters, pipe runs, outlet points and location of SuDS features and supporting calculations;
- ii). Detailed engineered drawings of the proposed SuDS features including their, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling;
- iii). Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To reduce the risk of flooding by ensuring the satisfactory disposal and storage of surface water from the site, in accordance with saved Policy

SE27 of the Watford District Plan 2000, Policies SD1 and SD2 of the Watford Local Plan Core Strategy 2006-31 and Section 10 of the National Planning Policy Framework (NPPF).

Refuse, Recycling and Cycle Storage

7. Notwithstanding the information already submitted, no dwelling shall be occupied until details of the siting, type, size and finish of the refuse, recycling and cycle storage enclosures have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved refuse, recycling and cycle storage enclosures have been constructed and made available for use. These facilities shall be retained as approved at all times thereafter.

Reason: To ensure that adequate facilities exist for residents of the proposed development and in the interests of visual amenity, in accordance with saved Policies SE7 and T10 of the Watford District Plan 2000 and Policies SD4 and UD1 of the Watford Local Plan Core Strategy 2006-31.

Soft Landscaping

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

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

Hard Landscaping

9. No dwelling shall be occupied until a detailed hard landscaping scheme for all the land within the site has been submitted to and approved in writing by

the Local Planning Authority, and the works have been carried out in accordance with the approved details.

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

Extent of Hard Surfacing

10. No hard surfacing, other than that approved under Condition 9, shall be laid/installed within the site.

Reason: To prevent additional car parking taking place within the site which would have the potential to cause harm to the amenities of residents and in the interests of visual amenity, pursuant to saved Policy T21 of the Watford District Plan 2000 and Policies SS1 and UD1 of the Watford Local Plan Core Strategy 2006-31.

Amenity Space

11. No dwelling shall be occupied until the proposed private amenity areas, communal amenity space and soft landscaped areas have been laid out as shown on the approved drawings. These areas shall be retained as such at all times thereafter and shall not be used for car parking, manoeuvring or for any other purpose.

Reason: To ensure that unsatisfactory parking on-site does not occur and in the interests of the visual appearance of the site in accordance with saved Policy T21 of the Watford District Plan 2000 and Policies SS1 and UD1 of the Watford Local Plan Core Strategy 2006-31.

Means of Enclosure

12. Notwithstanding the information already submitted, no dwelling 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, walls 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.

Reason: In the interests of visual amenity, to ensure that suitable levels of privacy are provided for future occupiers of the development and neighbours, and to minimise danger, obstruction and inconvenience to users of the adjacent highway, in accordance with the provisions of the Residential Design Guide (RDG), saved Policies T21 and T24 of the Watford District Plan 2000 and Policies SS1 and UD1 of the Watford Local Plan Core Strategy 2006-31.

Parking, driveway and manoeuvring layout

13. No dwelling shall be occupied until the on-site loading/unloading bays and manoeuvring area have been laid out and constructed in accordance with the approved drawings (and those details approved under conditions 5, 6 and 9) and made available for use. These facilities shall be retained as approved at all times.

Reason: To ensure that adequate facilities are provided for the occupants of the development and to minimise disruption to the surrounding highway network in accordance with saved Policies T21 and T24 of the Watford District Plan 2000.

Levels

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

Reason: To ensure that the proposed buildings and any other changes in level on the site maintain a satisfactory relationship between the development and existing properties so as to safeguard the character and appearance of the area and the privacy and amenities of neighbouring properties in accordance with the objectives of Policies UD1 and SS1 of the Watford Local Plan Core Strategy 2006-31 and paragraph 17 of the National Planning Policy Framework (NPPF).

Obscure glazing

15. The proposed first floor window in the northeast-facing elevation of the westernmost building (serving the stairwell – as detailed on drawing number 112 Rev P4 – amended plan received 12.10.17) shall be permanently fixed closed below 1.7m internal floor level and shall be fitted with obscured glass at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that suitable levels of privacy are achieved for the occupiers of the neighbouring property to the north pursuant to the provisions of the Residential Design Guide (RDG) and paragraph 17 of the National Planning Policy Framework (NPPF).

No use of flat roofs

16. No parts of the flat roofs of the development shall be used as terraces, balconies or other open amenity spaces.

Reason: To ensure that suitable levels of privacy are achieved for the occupiers of the neighbouring properties pursuant to the provisions of the Residential Design Guide (RDG) and paragraph 17 of the National Planning Policy Framework (NPPF).

Tree Protection Measures

17. Details of a ‘no-dig’ method of construction for the proposed bin store and other works within the root protection zone of the group of trees referred to as Group “G1” within the submitted Arboricultural Statement, prepared by RJ Tree Services Ltd (Ref. ARBORSURVEY01_Ye Corner dated 06.02.17), and as detailed on the accompanying Arboricultural Survey & Constraints Plan 01, shall be submitted to and approved in writing by the Local Planning Authority before any excavations are carried out in this root protection zone. The development shall only be carried out in accordance with the details approved under this condition.

Reason: To ensure that the neighbouring trees which make a positive contribution to the visual amenity of the area are protected during construction works, in accordance with saved Policies SE37 and SE39 of the Watford District Plan 2000 and Policies UD1 and GI3 of the Watford Local Plan Core Strategy 2006-31.

18. No works associated with the development shall be carried out to existing trees within and/or surrounding the site until a detailed schedule of such works has been submitted to and approved in writing by the Local Planning Authority. The tree works shall only be carried out in accordance with the approved details.

Reason: To ensure that the neighbouring trees which make a positive contribution to the visual amenity of the area are protected during construction works, in accordance with saved Policies SE37 and SE39 of the Watford District Plan 2000 and Policies UD1 and GI3 of the Watford Local Plan Core Strategy 2006-31.

Satellite Dishes and Aerials

19. No dwelling shall be occupied until details of a communal terrestrial television aerial(s) and satellite dish(es) have been submitted to and approved in writing by the Local Planning Authority. No aerials or satellite dishes, other than those approved by this condition, shall be installed within the site.

Reason: To prevent visual cluttering and to ensure that a high quality environment is achieved, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

Fire Hydrants

20. No dwelling shall be occupied until a detailed scheme showing the provision of fire hydrants serving the development (as incorporated into the provision of the mains water services for the development whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus) has been submitted to and approved in writing by the Local Planning Authority. The approved fire hydrant provision shall be installed and made available for use prior to the first occupation of any dwelling forming part of the development and shall be maintained as such thereafter.

Reason: To ensure that suitable fire-fighting facilities are provided.

Noise and Air Quality Mitigation Measures

21. No construction works above damp proof course level shall commence until a noise mitigation scheme for each of the residential dwellings, based upon the recommendations of the Noise Assessment prepared by MoirHands (Report No. 3249/25/17) dated 24th March 2017, has been submitted to and approved by the Local Planning Authority. The scheme shall include the details and specifications of the sound reduction performance of all glazed and non-glazed elements of the building facades and the performance of acoustic trickle vents for all bedroom windows. An updated noise assessment shall be submitted to demonstrate that the proposed measures achieve the required internal noise levels. No dwelling shall be occupied until the approved mitigation measures have been installed in full, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that suitable living conditions are provided for future occupiers of the development in accordance with BS 8233:2014 and the aims of saved Policy SE22 of the Watford District Plan 2000 and Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

22. No construction works above damp proof course level shall commence until the specification of a mechanical air supply/extract system for each of the residential dwellings has been submitted to and approved in writing by the Local Planning Authority. The system must be capable of providing background and rapid ventilation for cooling with the windows of the respective dwelling remaining closed. The system must not compromise the sound insulation of the façades. Details of the siting of any air intake; extraction units; generators and other mechanical equipment serving this system that are likely to give rise to noise should be submitted, along with details of noise attenuation measures to be incorporated to ensure these units do not give rise to a noise nuisance. Noise from the external plant associated with this system, when combined with any building services plant, must not exceed limit of 39dB(A) during the daytime and 27dB(a) night time, one metre from the nearest residential façades. In addition, when in operation, the sound pressure level within each flat shall not exceed the internal noise levels contained in BS8233:2014 1 metre from any associated inlet or outlet. No dwelling shall be occupied until the approved ventilation system has been installed in full, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure good indoor ambient noise levels are achieved in accordance with BS 8233:2014 and the aims of saved Policy SE22 of the Watford District Plan 2000 and Policy UD1 of the Watford Local Plan Core Strategy 2006-31 and to ensure that an acceptable level of air quality is

achieved for future occupiers of the units in accordance with EU and national air quality limit values and in accordance with saved Policy SE22 of the Watford District Plan 2000.

23. No construction works above damp proof course level shall commence until a specification for the building services plant, to operate in combination to a noise emission limit of 39dB(A) during the daytime and 27dB(a) night time, one metre from the nearest residential façades, has been submitted to and approved in writing by the Local Planning Authority. Any building services plant must not compromise the sound insulation of the façades. The applicant shall submit details of the building services plant, up to date plans and an updated Noise Assessment demonstrating that these noise emissions limits are met by the proposed plant.

Reason: To ensure good indoor ambient noise levels are achieved for the occupiers of adjoining dwellings in accordance with BS 8233:2014 and saved Policy SE22 of the Watford District Plan 2000.

Contamination

24. Notwithstanding the information already submitted, 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:
- i). A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site.
 - ii). A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - iii). The results of the site investigation and the detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

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

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

Reason: This is a pre-commencement condition to ensure any contamination of the ground is identified and remediated in the interests of the health of the future occupiers of the site, in accordance with saved Policy SE24 of the Watford District Plan 2000.

- 25. No construction works shall commence 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.

Reason: This is a pre-commencement condition to verify that all contamination has been successfully removed from site following all remediation works in the interests of the health of the future occupiers of the site, in accordance with saved Policy SE24 of the Watford District Plan 2000.

- 26. No development shall take place until a long-term 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.

Reason: To protect groundwater through ensuring that the site does not pose any further risk to human health or the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with saved Policy SE24 of the

Watford District Plan 2000 and paragraph 109 of the National Planning Policy Framework (NPPF).

27. 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.

Reason: In the interests of the health of the future occupiers of the site, in accordance with saved Policy SE24 of the Watford District Plan 2000.

28. No infiltration of surface water drainage into the ground is permitted other than with the prior written consent of the Local Planning Authority. The development shall be carried out only in accordance with the approved details.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants, in accordance with saved Policy SE24 of the Watford District Plan 2000 and paragraph 109 of the National Planning Policy Framework (NPPF).

29. No piling, deep foundations, investigation boreholes or other deep intrusive groundworks using penetrative methods shall be carried out until a method statement (detailing the depth and type of piling, boreholes, foundations or other groundworks to be undertaken and the methodology by which such works 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.

Reason: To safeguard underground sewerage utility infrastructure and to ensure that the proposed foundation works do not harm groundwater resources in accordance with saved Policy SE28 of the Watford District Plan 2000, Policy SD1 of the Watford Local Plan Core Strategy 2006-31 and Section 11 of the National Planning Policy Framework (NPPF).

30. Prior to any part of the development hereby approved being brought into use, 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 development shall be carried out only in accordance with the approved details.

Reason: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 109 of the National Planning Policy Framework (NPPF).

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. The Council entered into pre-application discussions with the applicant and requested amendments during the consideration of the application.
2. 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.

3. All new developments granted planning permission and to be constructed require naming or numbering under the Public Health Act 1925. You must contact Watford Borough Council Street Naming and Numbering department as early as possible prior to commencement on streetnamenumbers@watford.gov.uk or 01923 278458. A numbering notification will be issued by the council, following which Royal Mail will assign a postcode which will make up the official address. It is also the responsibility of the developer to inform Street Naming and Numbering when properties are ready for occupancy.
4. 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.
5. 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.
6. 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.

7. 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.

8. With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.
9. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921.
10. There are public sewers crossing or close to the area in which the development is proposed. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extension to existing buildings. The applicant is advised to visit thameswater.co.uk/buildover for further details.
11. This development may be considered a chargeable development for the purposes of the Community Infrastructure Regulations 2010 (as amended). The charge is non-negotiable and is calculated at the time planning

permission is granted. The charge is based on the net increase of gross internal floor area of the proposed development.

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

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

12. Information for developers and guidance documents in relation to land contamination can be found online at:
https://www.watford.gov.uk/info/20011/business_and_licensing/349/contaminated_land and the contaminated land pages on gov.uk.
13. This planning permission is accompanied by a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure a review mechanism of the viability of the scheme for a contribution towards the provision of affordable housing in the Borough of Watford, subject to the review demonstrating the improved viability of the development.

Drawing numbers

16668-Topo Rev A – amended plan received 26.07.17

16668-MBS

000 Rev P3 – amended plan received 12.10.17

102 Rev P6 – amended plan received 17.10.17

105 Rev P6 – amended plan received 17.10.17

106 Rev P3 – amended plan received 26.07.17

107 Rev P3 – amended plan received 17.10.17

108 Rev P3 – amended plan received 17.10.17

110 Rev P3 – amended plan received 12.10.17

111 Rev P3 – amended plan received 17.10.17

112 Rev P4 – amended plan received 12.10.17

113 Rev S1

200 Rev P4 – amended plan received 17.10.17

201 Rev P2 – amended plan received 17.10.17

300 Rev P3 – amended plan received 12.10.17

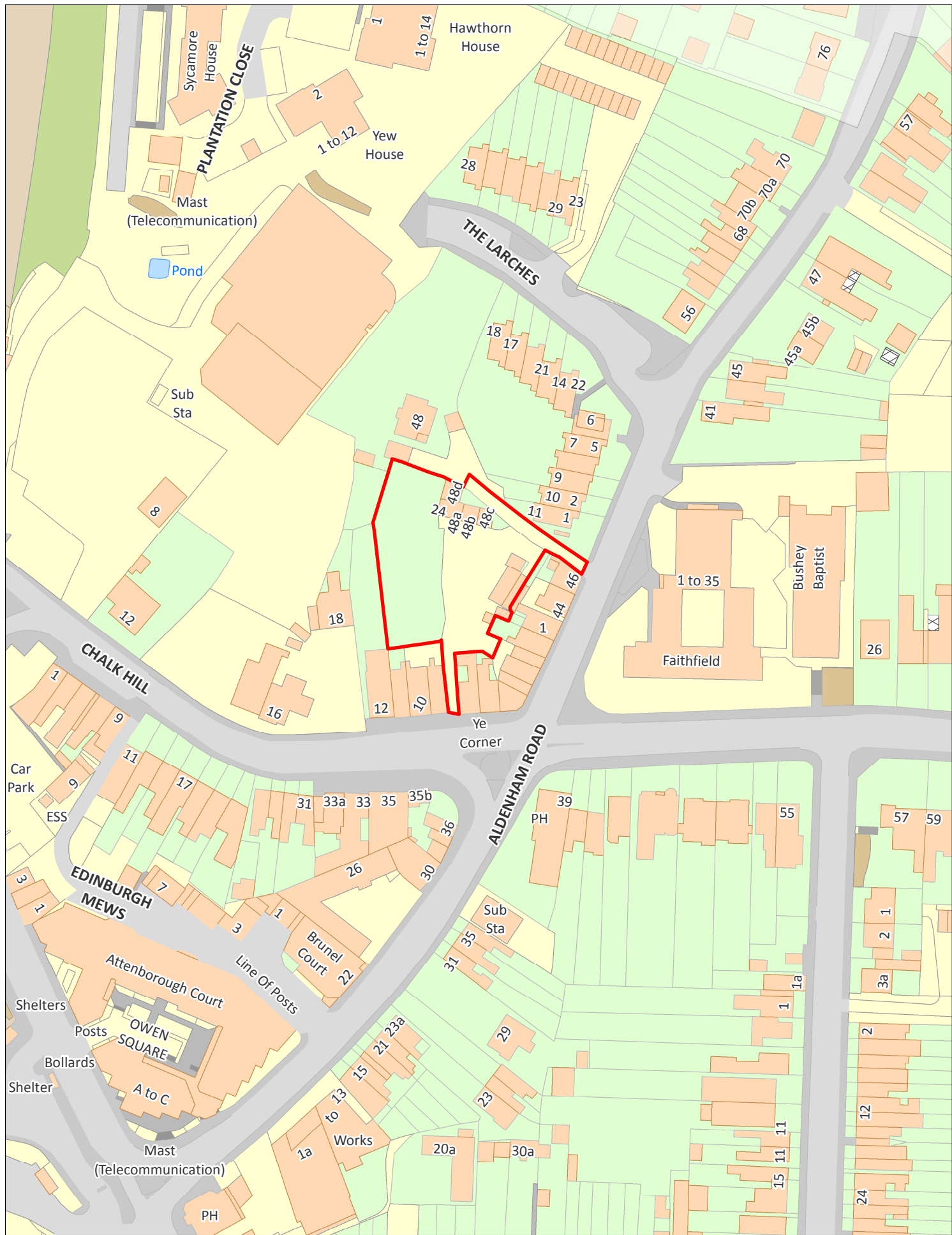
301 Rev P3 – amended plan received 26.07.17

302 Rev P3 – amended plan received 26.07.17
303 Rev P2 – amended plan received 26.07.17
600 Rev P2 – amended plan received 24.10.17
601 Rev P2 – amended plan received 24.10.17
1237-001 Rev A – amended plan received 04.08.17
1237-002 Rev A – amended plan received 04.08.17
1237-003
1237-004

Case Officer: Simon Hoskin

Email: simon.hoskin@watford.gov.uk

Tel: 01923 278598



**WATFORD
BOROUGH
COUNCIL**

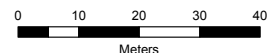
Town Hall, Watford,
Hertfordshire WD17 3EX

Land to the rear of Ye Corner

Map Produced by: ryanro
Publication Date: 17/11/2017



Scale 1:1,250



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Aerial 2010 © Geoperspectives

GI & Aerial 2013 © Watford BC

- A 1, 2 Bed Apartments | Private**
Ground Floor Area 14.52m² | 12.9m² A/R
Units 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15
Private
Ground Floor Area 14.52m² | 12.9m² A/R
Units 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15
Private
C 2 Bed Apartments | Private
Ground Floor Area 14.52m² | 12.9m² A/R
Units 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15
Private
D 2 Bed Apartments | Private
Ground Floor Area 14.52m² | 12.9m² A/R
Units 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15
Private
E 2 Bed Apartments | Private
Ground Floor Area 14.52m² | 12.9m² A/R
Units 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15
Private
F 2 Bed Apartments | Private
Ground Floor Area 14.52m² | 12.9m² A/R
Units 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15
Private

Site Area | 1,625m² (D.O.A. 0.163 ha)
Development (GFA) | 193,100 m²

15m Units

15m Units

15m Units

15m Units

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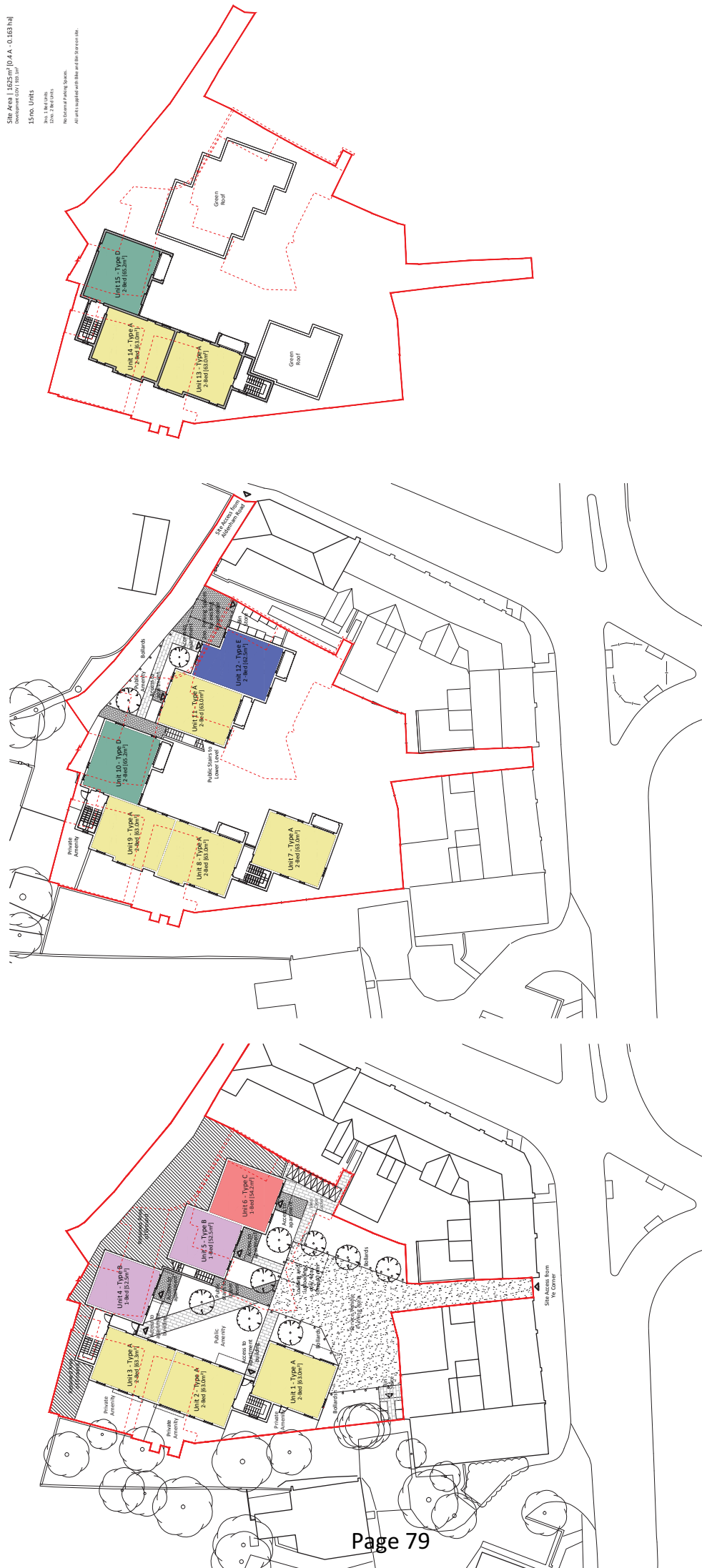
15m Units

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15m Units



FIRST FLOOR

GROUND UPPER LEVEL

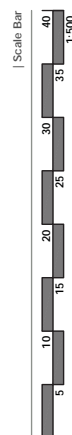
GROUND LOWER LEVEL

northampton
surrey

mba | northampton
Chaff House | Strickon Manor
Northamptonshire | NN29 7PA
northampton@matchboxarchitects.co.uk | 01933 698 001

mba | surrey
Abbey House | Wellington Way
Weybridge | Surrey | KT13 0TT
surrey@matchboxarchitects.co.uk | 01932 300 110

mba*



Date

10/04/2017
17/07/2017
24/07/2017
31/08/2017
05/10/2017
17/10/2017

Rev. | Description

P1 Planning Submission
P2 Planning Submission
P3 Planning Submission
P4 Planning Submission
P5 Planning Submission
P6 Planning Submission

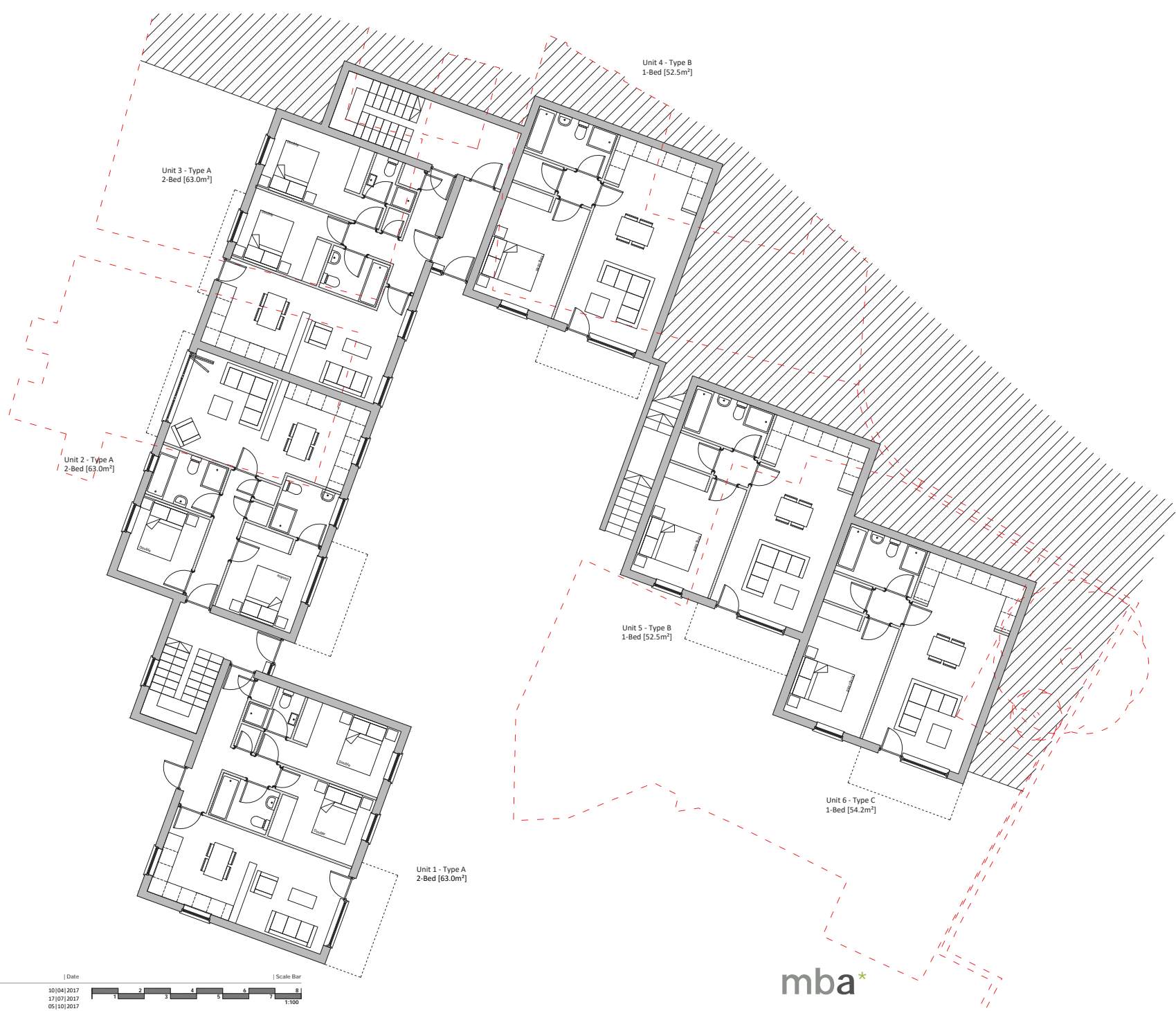
Project | Commercial Residential
Land at Ye Corner | Bushey
Watford | WD19 4BS
Woolbro Homes Ltd

Drawing | Planning

Proposed Lower & High Level Block Plans

Paper | A3 Scale | 1:500 Coordinated | CFG Ref. | 0617 Number | 102 Rev. | P6

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Land at Ye Corner | Bushey
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Woodbro Homes Ltd

Drawing | Planning
Proposed LGF Plan

Paper | A2 Scale | 1:100 Coordinated | CFG Ref. | 0617 Number | 110 Rev. | P3

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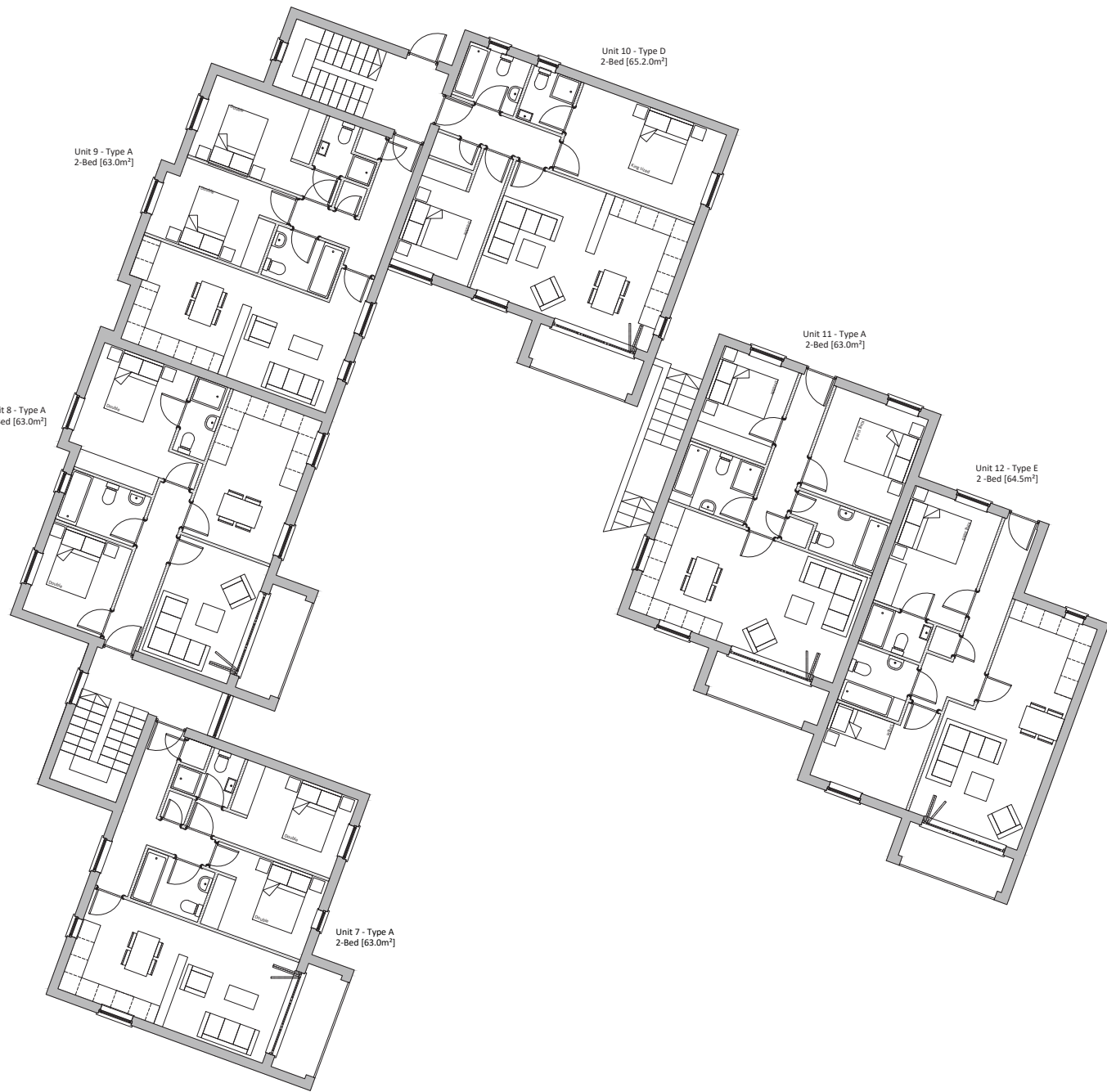
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Weybridge | Surrey | KT13 0TT

surrey@matchboxarchitects.co.uk | 01932 300 110

Rev.	Description	Date	Scale Bar
P1	Planning Submission	10/04/2017	
P2	Planning Submission	17/07/2017	
P3	Planning Submission	05/10/2017	



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Rev.	Description	Date	Scale Bar
P1	Planning Submission	10/04/2017	
P2	Planning Submission	24/07/2017	
P3	Planning Submission	17/10/2017	



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Project | Commercial Residential
Land at Ye Corner | Bushey
Watford | WD19 4BS
Woodbro Homes Ltd

Drawing | Planning
Proposed GF Plan

Paper | A2 Scale | 1:100 Coordinated | CFG Ref. | 0617 Number | 111 Rev. | P3

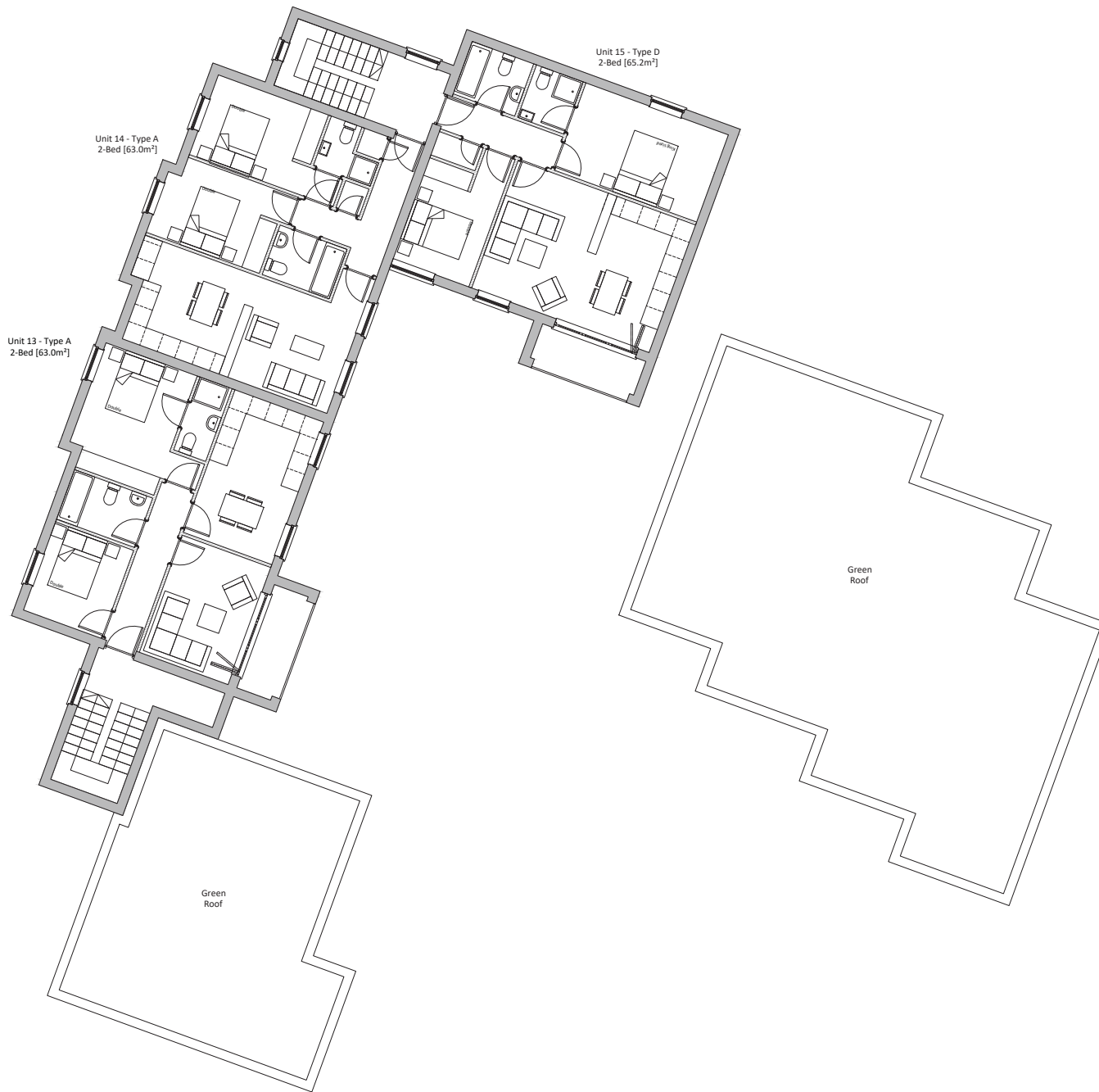
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Rev. Description		Date	Scale Bar	
P1	Planning Submission	10/04/2017	1 2 3 4 5 6 7 8	
P2	Planning Submission	17/07/2017	1:100	
P3	Planning Submission	19/07/2017		
P4	Planning Submission	05/10/2017		



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Project | Commercial Residential
Land at Ye Corner | Bushey
Watford | WD19 4BS
Woodbro Homes Ltd

Drawing | Planning
Proposed FF Plan

Paper | A2 Scale | 1:100 Coordinated | CFG Ref. | 0617 Number | 112 Rev. | P4

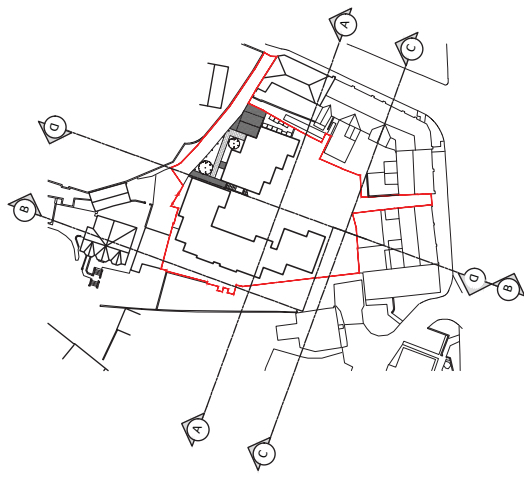
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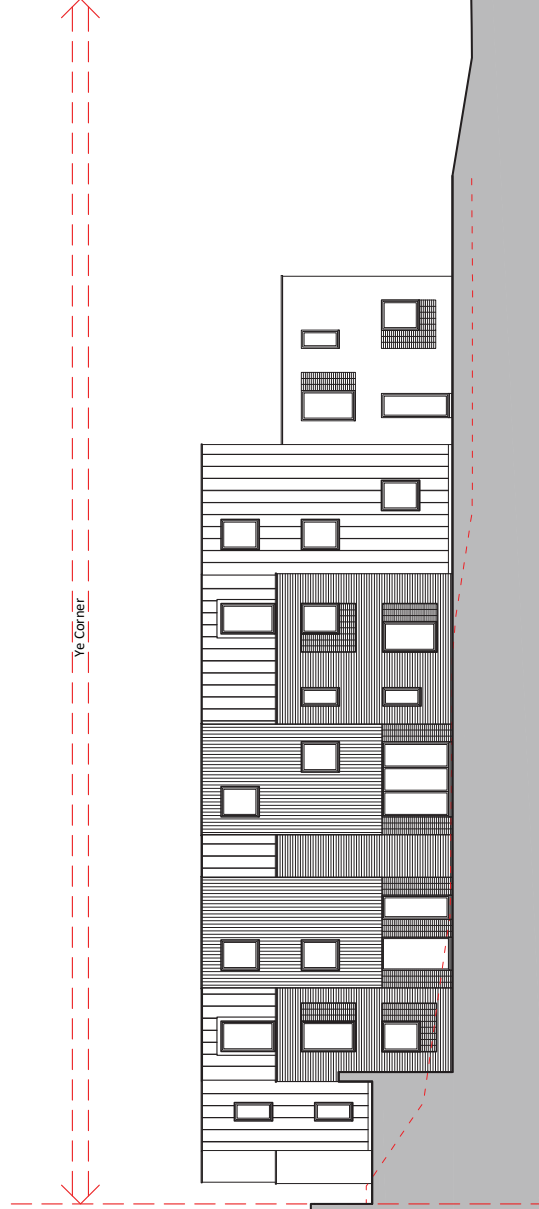
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Site Section A



Site Section B

Rev.	Description	Date	Scale Bar
P1	Planning Submission	10/04/2017	16
P2	Planning Submission	17/07/2017	14
P3	Planning Submission	24/07/2017	12
P4	Planning Submission	10/10/2017	10
			8
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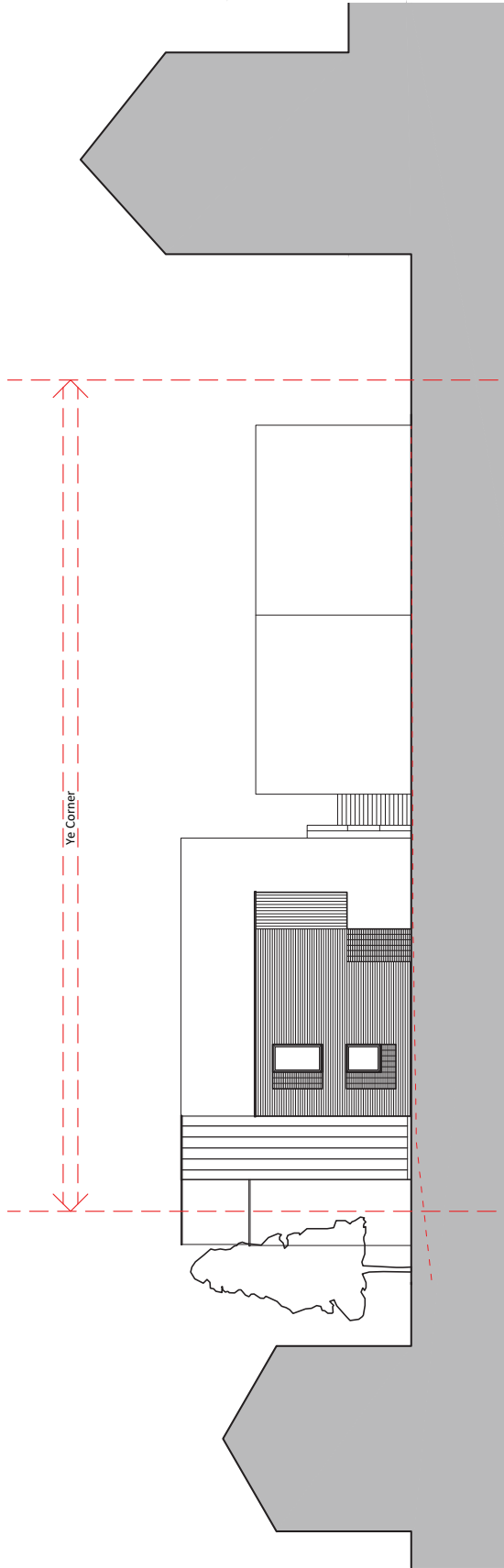
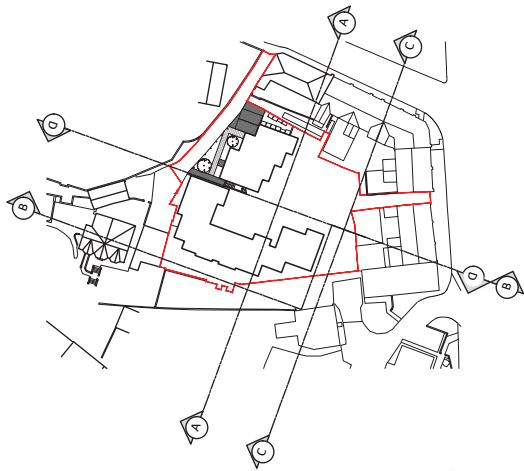
mba | surrey

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surrey@matchboxarchitects.co.uk | (01932) 300 110

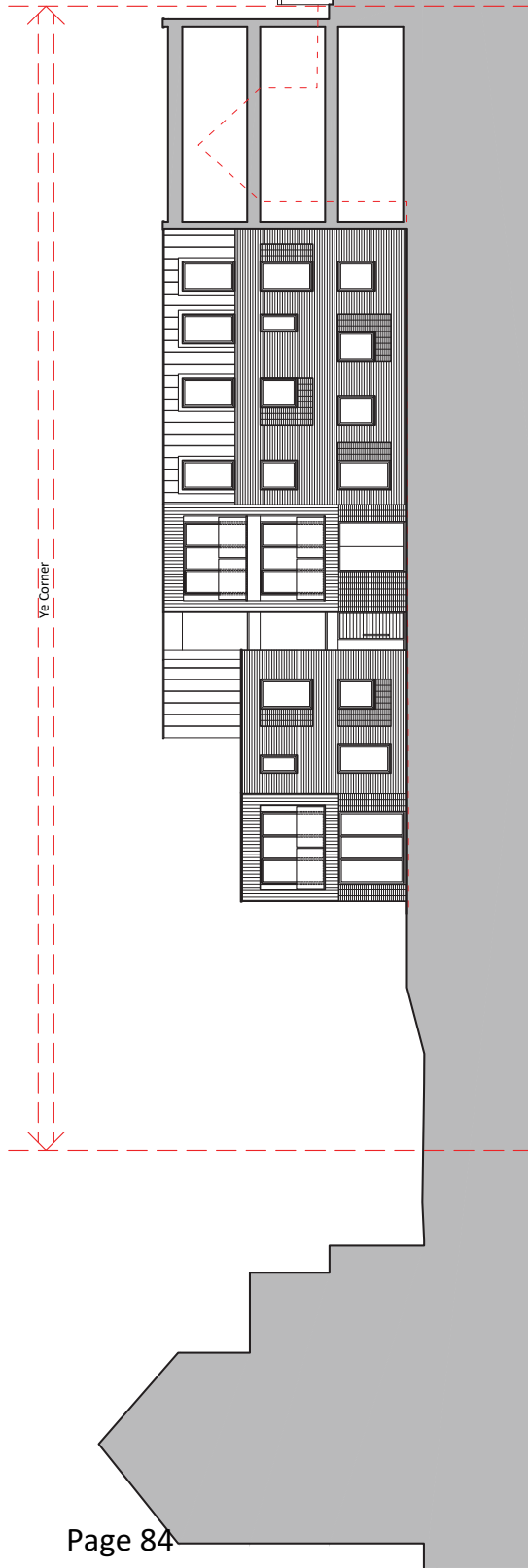
Project | Commercial Residential
Land at Ye Corner | Bushey
Watford | WD19 4BS
Woolbro Homes Ltd

Drawing | Planning
Proposed Site Sections
1 of 2

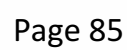
Paper | A3 Scale | 1:200 Coordinated | CFG Ref | 0617 Number | 200 Rev | P4



Site Section C



Site Section D





PART A	
Report of: Head of Development Management	
Date of committee:	29th November 2017
Site address:	1a, 9-13, Aldenham Road
Reference Number:	17/00685/FULM
Description of Development:	Demolition of existing industrial/commercial building and erection of a single building comprising 15 residential units together with amenity space and cycle parking.
Applicant:	Laguna Properties Limited
Date Received:	19th May 2017
13 week date (major):	18th August 2017 (extended by agreement to 8th December 2017)
Ward:	Oxhey

1.0 Site and surroundings

- 1.1 The site is located on the south-eastern side of Aldenham Road, close to the junction with Pinner Road. It comprises a vacant, 2 storey industrial building (Class B2). To the north-east it adjoins a terrace of 2 storey houses (nos. 15-23a, Aldenham Road) and to the south-west the Railway Arms public house. To the rear it adjoins the gardens of properties in Capel Road, which are at a higher level (approximately 4m). Bushey Station is a short distance to the west.
- 1.2 The site is just within the Oxhey Conservation Area which extends to the south and east. Aldenham Road forms the north-west boundary of the conservation area. The Railway Arms public house is a locally listed building. The site is also located within an air quality management area (AQMA) which extends along this section of Aldenham Road. Aldenham Road is a major distributor road (A4008) and carries high volumes of traffic.

2.0 Proposed development

- 2.1 To demolish the existing building and erect a 3 storey building to provide 15 residential flats comprising 4 x 1 bed and 11 x 2 bed units. The building incorporates an integral bin store and cycle store. No car parking is provided. The scheme also

incorporates a communal amenity area to the rear.

3.0 Relevant planning history

- 3.1 The following planning history is relevant to this application:
14/01801/FULM – Conditional planning permission granted in February 2015 for the development of a new 2 storey retail unit, (use class A1) together with external access and parking, to replace an existing engineering works (use class B2).

4.0 Planning policies

Development plan

- 4.1 In accordance with s.38 of the Planning and Compulsory Purchase Act 2004, the Development Plan for Watford comprises:
- (a) *Watford Local Plan Core Strategy 2006-31;*
 - (b) the continuing “saved” policies of the *Watford District Plan 2000;*
 - (c) the *Hertfordshire Waste Core Strategy and Development Management Policies Document 2011-2026;* and
 - (d) the *Hertfordshire Minerals Local Plan Review 2002-2016.*

- 4.2 The *Watford Local Plan Part 2: Publication Version* was published in July 2016. This has been subject to 3 rounds of public consultation – Nov-Dec 2013, Dec 2014-Feb 2015 and Dec 2015-Feb 2016. It contains development management policies and site allocations. The emerging policies and site allocations in this document can be given limited weight at this time.

4.3 Supplementary Planning Documents

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

Residential Design Guide

Watford Character of Area Study

Conservation Area Management Plan

Oxhey Conservation Area Character Appraisal (adopted July 2014)

4.4 National Planning Policy Framework

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

Achieving sustainable development

The presumption in favour of sustainable development

Core planning principles

Section 1 Building a strong, competitive economy

Section 4 Promoting sustainable transport

Section 6 Delivering a wide choice of high quality homes

Section 7 Requiring good design

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

Section 12 Conserving and enhancing the historic environment

Decision taking

- 4.5 In January 2016 the Council received the South West Hertfordshire Strategic Housing Market Assessment and associated Economic Study 2016 (SHMA) which set out an Objectively Assessed Need (OAN) for housing in the Borough that exceeds the levels in the Core Strategy. The Court of Appeal has recently confirmed that a “realistic prospect” of a site coming forward within the required timeframe will be sufficient to meet the deliverability test set by national planning policy, thereby endorsing an earlier decision of Mr Justice Ouseley (St Modwen Developments Limited v Secretary of State for Communities and Local Government & Ors. Case Number: C1/2016/2001). Officers have undertaken a recent review of the housing supply having regard to these judgements and are of the view that the Council is able to demonstrate a 5 year supply based on the OAN. Accordingly, the Council’s housing policies can be considered up to date.

5.0 Consultations

5.1 Neighbour consultations

Letters were sent to 100 properties in the surrounding area. Eleven letters of reply have been received, including a representation on behalf of the Railway Arms public house. However, only 2 of the other 10 letters are from the immediate locality (Capel Road) with the others being from further afield. The points that have been raised are summarised and considered in the table below.

Representations	Officer’s response
Large scale and mass of 3 storey building out of character with 2 storey Railway Arms and 2 storey	See section 6.3 of the report.

cottages.	
No flat roofed dwellings in the area. Should be 2 storeys with a pitched roof.	See section 6.3 of the report.
Proposal would lead to substantial harm to the conservation area and setting of the locally listed public house.	See section 6.3 of the report.
Adjoining properties will be overlooked.	See section 6.6 of the report.
Unacceptable to have no car parking. Area is already saturated with no parking capacity for this development.	See section 6.7 of the report.
This is a polluted area, dual aspect windows should be provided.	See section 6.4 of the report.
No affordable housing has been provided.	See section 6.5 of the report.
No provision for delivery and servicing vehicles.	See section 6.7 of the report.
Proposal will add to traffic congestion and delays.	See section 6.7 of the report.

5.2 **Statutory publicity**

The application was publicised by site notice posted on 6th June 2017 and by advertisement in the Watford Observer published on 9th June 2017. The site notice period expired on 27th June 2017 and the newspaper advertisement period expired on 30th June 2017.

5.3 **Technical consultations**

The following responses have been received from technical consultees:

Hertfordshire County Council (Highway Authority)

No objection to the proposed scheme.

Hertfordshire County Council (Lead Local Flood Authority)

An acceptable surface water drainage scheme has been submitted. No objection to the proposal.

Planning Policy

The proposed scheme will result in less than substantial harm and the new building

will provide additional residential units in the area which are needed. The site is well located in terms of public transport and access to local facilities. The social and economic benefits of the scheme are significant and the scheme will result in an overall improvement to the area.

Arboricultural Officer

No objection to the loss of existing trees on the site.

Environmental Health

No objection to the proposed scheme subject to appropriate conditions relating to noise mitigation, air quality mitigation and land remediation.

6.0 Appraisal

6.1 Main issues

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

- (a) Principle of the use
- (b) Scale and design
- (c) Quality of residential accommodation
- (d) Affordable housing provision
- (e) Impacts on surrounding properties
- (f) Transport, servicing and parking

6.2 (a) Principle of the use

The site has a history of employment use although is not allocated as an employment site, as it is an isolated site surrounded by residential uses. The building is currently vacant, in poor condition and is no longer considered suitable for continued employment use.

6.2.1 Emerging Policy EMP4 of the Local Plan Part 2 seeks to protect existing employment uses outside of designated employment areas and sets out criteria to be considered if a site is to be lost. In this case, it is considered that the proposal accords with this policy in that the building is vacant, is out-dated and in poor condition, and is not considered suitable for continued employment use in the medium to long term. Furthermore, it is not considered that the site is suitable for redevelopment for employment use due to its limited access and proximity to residential properties.

6.2.2 Policy HS1 of the Core Strategy sets out criteria for the consideration of windfall sites. The site is considered appropriate for residential use as it is brownfield land and in a highly accessible location close to Bushey Station, which is well served by rail and bus services. Local shops provide day-to-day services and the town centre

and Lower High Street retail areas are within walking distance. The site is not at risk of flooding and has no biodiversity value. The residential use is also compatible with the surrounding residential uses. The principle of the loss of the employment use and redevelopment for residential use is therefore acceptable.

6.3 (b) Scale and design

The existing building (which actually comprises 2 buildings, known as 1A and 9-13, Aldenham Road) is constructed of brick and is 2 storeys high with a flat roof. Due to its commercial nature and the slope in Aldenham Road, the roof parapet aligns with the eaves of the Railway Arms public house (which is on higher land) but is higher than the eaves of nos. 15-23a, being slightly below the ridgeline. The relevant heights are detailed below:

	Eaves	Ridgeline	Parapet
15, Aldenham Road	5.6m	8.5m	-
Existing building	-	-	7.8m
Proposed building	-	-	9.8m

6.3.1 The building incorporates a recessed loading area and large loading bay doors at ground floor level and is typical of post-war commercial buildings. It is considered to detract from the overall streetscene and the wider area generally.

6.3.2 The scale of the proposed building at 3 storeys is considered acceptable and appropriate for this site, having regard to the scale of the existing building on the site and the scale of surrounding buildings, including those opposite at Attenborough Court. It has been designed with a recessed central entrance to break up the massing and give the appearance within the streetscene of 2 buildings. The building will sit comfortably alongside the adjoining terrace of houses and the Railway Arms public house at the junction of Aldenham Road and Pinner Road. The Railway Arms is a locally listed building for being one of the earlier buildings to be constructed (circa. 1858), its landmark role opposite Bushey Station, and its contribution to the history of the conservation area. The proposed development will not detract from its significance as a locally listed building.

6.3.3 The proposed design is contemporary and incorporates a flat roof with parapets. It incorporates a number of simple but effective design elements that reflect the vertical rhythm of the surrounding properties. It does not seek to imitate the Victorian style and appearance of the conservation area and the contemporary design is considered to be an acceptable response for this site. The use of brick is welcomed and a pale buff colour as suggested is acceptable. Overall, the scale, design and appearance of the proposed building is considered acceptable, providing a high quality building on the site.

6.3.4 The Oxhey Conservation Area includes at its core one of the oldest residential areas in Watford. It was developed in the mid-late 19th century around the newly opened railway station. The site lies at the north-western boundary of the conservation area fronting Aldenham Road. Properties on the eastern side of Aldenham Road are typical of the Victorian properties that characterise the conservation area and include the locally listed Railway Arms public house adjoining the site. None of the original buildings on the western side of Aldenham Road survive, with all buildings of a much later date. Most significantly, the development opposite the site is very recent, completed within the past 5 years. The application site therefore sits within the varied context of different building typologies and ages and at the very edge of the conservation area.

6.3.5 The demolition of the existing building is not considered harmful to the character and appearance of the conservation area as it is considered at best to have a neutral impact. Indeed, this can be seen as a positive measure in allowing an opportunity for enhancement. The proposed building uses a similar basic massing to the existing but takes the building line of the terraced properties adjoining the site. The elevations are well articulated with recessed sections and a clear rhythm developed with this articulation and the fenestration pattern. The rhythm responds well to that of the terraced properties and bays are based on a similar width to those of the terraced properties. The elevation drawings show how good and simple detailing can provide richness. The main building material is a buff brick which responds to and complements the use of brick throughout the conservation area; detailing is provided through the use of textured Flemish bond (found commonly in the conservation area) on the ground floor and the restrained introduction of metal cladding in the entrance recess which runs the full height of the building.

6.3.6 In terms of impact, the proposed building is understated and uses a simple palette of materials which will allow the stronger detailing on the Railway Arms to be appreciated better. It does not resort to a pastiche of a Victorian building and will therefore allow the character of the conservation area to be better understood. In this context, the proposed building is considered to be a high quality response to the opportunities of this site and one that will enhance the streetscene in Aldenham Road and the character and appearance of the conservation area.

6.4 (c) Quality of residential accommodation

All of the flats are dual aspect and accord with the internal floorareas of the Residential Design Guide. Each of the 1 bed flats will have an area of 50m² (the minimum for a 1 bed, 2 person unit) and each of the 2 bed flats will have an area of

70-85m² (minimum for a 2 bed, 4 person unit is 70m²). All of the flats have a good internal layout and will have good levels of outlook.

- 6.4.1 A daylight and sunlight study in accordance with the British Research Establishment's publication 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' has been submitted and demonstrates that all habitable rooms will receive good levels of daylight. Levels of sunlight will vary depending on orientation but 12 of the flats will have windows facing east, south or west and will receive direct sunlight. Only 3 of the flats will have windows facing only to the north-east and thereby receive little direct sunlight. Overall, the development will achieve acceptable levels of natural light.
- 6.4.2 In respect of privacy, windows in the rear elevations will face towards adjoining properties at distances of less than 27.5m. However, due to the difference in land levels and the presence of existing boundary fencing and trees, direct overlooking between the windows in the proposed flats and the existing properties will be very limited. Furthermore, in respect of properties at 12-18, Capel Road which directly adjoin the site, the rear windows are principally to non-habitable rooms (kitchens and bathrooms). Windows within the elevation facing towards the car park of the Railway Arms public house have been designed within recesses to minimise direct overlooking, with new screening also being proposed along this boundary. As all the windows at ground floor level are to bedrooms, this is considered acceptable. Those windows facing Aldenham Road are set back 3.8m from the highway behind soft landscaped planters. This is a slightly greater than that of the adjoining houses. This is considered acceptable to ensure reasonable levels of privacy to the windows of the ground floor flats. Overall, it is considered the proposed flats in the development will have acceptable levels of privacy.
- 6.4.3 Aldenham Road is a very busy, A Class route into Watford and carries high levels of traffic throughout the day. Consequently, the site experiences significant levels of road traffic noise and air pollution. A noise impact assessment has been submitted with the application to consider the impact of road traffic noise and also the potential noise from the adjoining public house. Recorded ambient noise levels at the boundary of the site with Aldenham Road were 73LAeq (equivalent A-weighted continuous sound level) during the daytime (07:00-23:00 hours) and 65LAeq during the night-time (23:00-07:00 hours). The recommended maximum levels for internal rooms, as set out in BS8233:2014, are as follows:

Activity	Location	LAeq,T dB (07.00-23.00)	LAeq,T dB (23.00-07.00)
Resting	Living Room	35 dB (A)	-
Dining	Dining Room	40 dB(A)	-

Sleeping	Bedroom	35 dB(A)	30 dB(A)
----------	---------	----------	----------

- 6.4.4 Similar noise levels were recorded from the Railway Arms car park from car manoeuvres and door slamming. At the request of the Environmental Health team, further noise monitoring of the public house was undertaken. The licence for the public house includes live music, the provision of food and the broadcasting of live sporting events. It was established that live music was rarely hosted, with no live music events currently planned and none having been hosted for some time. Furthermore, the public house has no commercial kitchen and does not provide food. The additional noise monitoring was therefore focussed on the use of the outside seating area during live sporting events and on match days for Watford Football Club. In order to represent these events, monitoring was undertaken over a weekend when Watford Football Club were playing at home and other live football matches were being broadcast.
- 6.4.5 During the noise survey, the outdoor area was used by up to 30 people, including football fans on their way to or from the match as well as other customers who watched live matches at the site. The recorded noise levels varied from 57-70LAeq, and were similar to the levels recorded from road traffic noise.
- 6.4.6 Mitigation measures are proposed to achieve the required internal noise levels comprising enhanced acoustic double glazed windows on the front elevation facing Aldenham Road and the side elevation facing the Railway Arms. For the other elevations, standard thermal double glazing is sufficient. These measures are considered acceptable by Environmental Health and can be secured by condition. Environmental Health have also requested mechanical ventilation to the rooms with this enhanced glazing, to allow the rooms to be adequately ventilated (both background ventilation and rapid ventilation for cooling and odour removal) without the need to open the windows. This can also be secured by condition.
- 6.4.7 With regard to air quality and the impact this may have on future occupiers, an air quality assessment has been submitted with the previous application. This assessment was based on current legislation and guidance and the Council's air quality monitoring figures from its two monitoring stations on Chalk Hill (adjoining Bushey Arches) and Aldenham Road (outside The Railway Arms public house). These stations monitor air pollution from road traffic. The methodology was agreed with Environmental Health in advance of the assessment being prepared. The Council's monitoring figures show that the annual mean nitrogen dioxide concentrations of $49\mu\text{g}/\text{m}^3$ on Aldenham Road exceed the national objective threshold concentrations of $40\mu\text{g}/\text{m}^3$. The assessment includes predictive modelling which concludes that the national objective threshold of $40\mu\text{g}/\text{m}^3$ will be exceeded for the ground floor flats facing Aldenham Road. It is therefore proposed that these

flats are mechanically ventilated to allow them to be adequately ventilated (both background ventilation and rapid ventilation for cooling and odour removal) without the need to open windows. These mitigation measures are similar to those required to mitigate noise and have been agreed by Environmental Health. A single system can be used to mitigate both noise and air quality impacts and can be secured by condition.

6.5 (d) Affordable housing provision

Policy HS3 of the Core Strategy requires a 35% provision of affordable housing in all schemes of 10 units or more. In the case of the proposal, for 15 units, this would require the provision of 5 affordable units. This provision should have a tenure mix of 65% affordable rent, 20% social rent and 15% intermediate tenures. Only in exceptional circumstances will a lower level of provision be considered through submission of a development viability assessment.

6.5.1 A viability assessment has been submitted in this case and has been the subject of detailed review by consultants BNP Paribas on behalf of the Council. Negotiations have been undertaken over a period of 4 months. The applicant's submitted assessment concluded that it was not viable for the development to provide any affordable housing, either on-site or in the form of a commuted payment. The final advice from the Council's consultants is that they consider it is viable for the development to make a commuted payment of £322,292. Based upon the Council's emerging Commuted Sums SPD the full commuted payment would be £600,916 for this development. The sum of £322,292 is therefore equivalent of a 19% provision. This sum can be secured by a s.106 planning obligation.

6.5.2 Policy HS3 does not refer to financial payments in lieu of on-site provision, which is the preferred and most appropriate form of provision. However, in this case, it is considered that a financial payment would be the most appropriate option for meeting urgent housing need as it could be used by the Council either through Hart Homes, its joint venture partnership with Watford Community Housing Trust, or to directly deliver its own affordable housing, of the size and tenure required. Although the majority of the units within the scheme are 2 bed, 4 person units being most needed to meet current housing needs, they are not capable of being independently accessed and managed and would likely incur high service charges. This arrangement would not be acceptable to the Council or a registered provider. The scheme is also too small to accommodate 2 separate blocks. For these reasons, a financial contribution is considered acceptable in this case.

6.6 (e) Impacts on surrounding properties

6.6.1 *15, Aldenham Road*

This property adjoins the north-western boundary of the site and is a 2 storey end-

of-terrace house with a small rear garden. The proposed building will sit alongside the flank elevation of this property, projecting only 1.2m beyond the rear elevation and set in 2.8m from the boundary. As such, the proposal will have no adverse impact on this property.

6.6.2 *20a, Capel Road*

This property adjoins the eastern boundary of the site and is sited to the rear of properties fronting Capel Road, accessed via a driveway. It is sited at a higher land level (approximately 4m). The property comprises a single storey house with an L-shaped footprint set away from the boundary. In front of the house, directly adjoining the boundary, is a large hardsurfaced parking area. Windows in the eastern elevation of the proposed building will face windows in this property at a distance of 23.5m at the closest point, increasing to 27.5m. Due to the difference in land levels and the presence of boundary fencing, only the windows at second floor level will have a view towards these windows, across the parking area. In addition, small trees along the eastern boundary provide visual screening. Overall, it is not considered that the proposed development would give rise to any significant level of overlooking to this property.

6.6.3 *10-18, Capel Road*

These properties form part of a terrace fronting Capel Road and their rear gardens adjoin the southern boundary of the site. They are at a higher land level of approximately 4m. The southern elevation of the proposed building is set 4m from the rear garden boundaries with distances of 11.5-13.0m to the rear elevations. These distances are significantly below the minimum of 27.5m for facing windows and 11m to garden boundaries set out in the Residential Design Guide. These rear elevations contain small windows at ground and first floor, most probably serving kitchens and bathrooms given the typical layout of Victorian houses with outriggers. Due to the difference in land levels and existing boundary fencing, only the second floor windows in the new building will give rise to overlooking of these windows and garden areas. In order to mitigate this, some form of screening will need to be incorporated along this boundary. This can be secured by condition.

6.6.4 *Railway Arms public house*

The public house is sited towards the western side of its plot and 16m from the western boundary of the site. It has a landlord's flat at first floor level with 2 small sash windows facing the site. It is not known what rooms these windows serve but there are 3 windows facing Aldenham Road and 2 larger windows facing Pinner Road, suggesting these windows serve the main habitable rooms, sited above the main bar area of the pub. At first and second floor level in the proposed building, only bedroom windows face towards the public house, with the windows set at a distance of 18m away. This is still significantly below the 27.5m guideline in the

Residential Design Guide. In order to prevent overlooking of these windows, the proposed bedroom windows are shown to be obscure glazed. As the bedrooms have second windows facing into the recesses of this elevation (and not towards the public house), this is acceptable.

6.7 (f) Transport, servicing and parking

The site is well located for access to public transport, being very close to Bushey Station and the various bus services that serve the station. There are local shops in the immediate vicinity of the site and the Lower High Street retail area and the town centre are both within walking distance. In this context, a higher density, car-free residential development is in accordance with national and local policy to encourage sustainable development. The proposal is therefore considered acceptable in principle. The lack of on-site parking will mean that the proposal will not add to existing high traffic flows and congestion on Aldenham Road and the nearby Bushey Arches.

6.7.1 It is acknowledged that the surrounding residential roads experience high levels of parking congestion at all times, from commuters during the daytime and local residents during the evening. However, the site is not within a controlled parking zone so it is not possible to restrict on-street parking by future occupiers of the development. The site is highly accessible and is an appropriate location for car-free development. For this reason, the proposal is considered acceptable.

6.7.2 There is no facility for service and delivery vehicles to access the site. The Highway Authority has confirmed that it is acceptable for servicing to take place from Aldenham Road. Parking and waiting on the highway outside the site is controlled by a single yellow line and loading restrictions. Servicing within these restrictions is acceptable.

6.7.3 The scheme incorporates 2 internal cycle stores for 16 cycles. This is acceptable in principle subject to details of the proposed racking system to ensure adequate space is provided.

7.0 Community Infrastructure Levy and Planning Obligations

7.1 Community Infrastructure Levy (CIL)

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

and is calculated at the time that planning permission is granted. The CIL charge applicable to the proposed development is £120m².

7.2 S.106 planning obligation

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

The proposed development is one where affordable housing should be provided, in accordance with Policy HS3 of the Watford Local Plan Part 1 Core Strategy 2006-31. In this case, it has been agreed that a financial payment of £462,272 shall be made in lieu of on-site provision.

8.0 Conclusion

- 8.1 The site comprises an out-dated industrial building that has now reached the end of its useful life and is vacant. It is located in a highly accessible location close to Bushey Station and has local shops nearby. The town centre, Lower High Street retail area and Oxhey Park are all within walking distance. The existing building detracts from the streetscene and from the Oxhey Conservation Area and is not compatible with the surrounding residential uses. The development of the site for residential use is therefore acceptable in principle.
- 8.2 The proposed design is contemporary and 3 storeys in height with brick as the facing material. It is considered that the proposed building is an appropriate response for this site and will enhance both the streetscene and wider conservation area. It will provide good levels of accommodation for future occupiers and will have no significant adverse impacts on adjoining properties. The development is car-free which is acceptable in this highly accessible location.

9.0 Human Rights implications

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

10.0 Recommendation

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

Section 106 Heads of Terms

- i) To secure a financial payment of £322,292 towards the provision of affordable housing in the Borough of Watford.

Conditions

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

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

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

A2801-200 R15, 201 R13, 202 R13, 203 R11, 400 R6, 401 R5, 402 R5

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

3. No development shall commence until a construction management plan, to include dust management and noise management, has been submitted to and approved in writing by the Local Planning Authority. In relation to the dust management include mitigation measures detailed in tables 6 and 7 of the Air Quality Assessment prepared by XCO2, 17 May 2017. In relation to the noise management consideration must be given to the principles in BS5228.

4. No demolition of the existing buildings or construction of the development shall commence until a detailed scheme to deal with the risks associated with the potential contamination of the site has been submitted to and approved in writing by the Local Planning Authority. That scheme shall include

- i) a site investigation scheme, based on the Desk Study report by Geotechnical and Environmental Associates Limited dated 4th May 2017 (ref. J17057), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site;
- ii) the results of the site investigation and risk assessment referred to in (i) above and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
- iii) 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 (ii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reason: This is a pre-commencement condition to ensure any contamination of the ground is identified and remediated in the interests of the health of the future occupiers of the site, in accordance with Policy SE24 of the Watford District Plan 2000.

- 5. No construction works shall commence until a verification report demonstrating completion of the works set out in the approved remediation strategy (see Condition 3 above) and the effectiveness of the remediation has been submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: This is a pre-commencement condition to verify that all contamination has been successfully removed from site following all remediation works in the interests of the health of the future occupiers of the site, in accordance with Policy SE24 of the Watford District Plan 2000.

- 6. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to, and obtained written approval from, the Local Planning Authority for a remediation strategy detailing how this

unsuspected contamination is to be dealt with. All works shall be carried out in accordance with the approved details.

Reason: In the interests of the health of the future occupiers of the site, in accordance with Policy SE24 of the Watford District Plan 2000.

7. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and SuDS Strategy Report (Version 3, dated August 2017) by Graphic Structures and the following mitigation measures detailed within the Flood Risk Assessment:
 - i) Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
 - ii) Implementing appropriate drainage strategy based on discharge into Thames Water sewer.

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

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

8. No development (excluding demolition works) shall take place until the final design of the drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
 - i) Detailed engineered drawings of the proposed SuDS features including their size, volume, depth and any inlet and outlet features including any connecting pipe runs and manholes.
 - ii) Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

9. No development (excluding demolition works) shall commence until the specification of a mechanical air supply/extract system for each of the residential dwellings has been submitted to and approved in writing by

the Local Planning Authority. The system must be capable of providing background and rapid ventilation for cooling with the windows of the respective dwelling remaining closed. The system must not compromise the sound insulation of the façades. The air delivered to the occupiers of the residential dwellings with windows facing Aldenham Road through this system should have an annual mean nitrogen dioxide (NO₂) concentration of 40ug/m³ or less. Details of the siting of any air intake; extraction units; generators and other mechanical equipment serving this system that are likely to give rise to noise should be submitted, along with details of noise attenuation measures to be incorporated to ensure these units do not give rise to a noise nuisance. Noise from the external plant associated with this system, when combined with any building services plant, must not exceed limit of 39dB(A) during the daytime and 27dB(a) night time, one metre from the nearest residential façades. In addition, when in operation, the sound pressure level within each flat shall not exceed the internal noise levels contained in BS8233:2014 1 metre from any associated inlet or outlet. No dwelling shall be occupied until the approved ventilation system has been installed in full, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure good indoor ambient noise levels are achieved in accordance with BS 8233:2014 and an acceptable level of air quality is achieved in accordance with EU and national air quality limit values for the future occupiers of the dwellings.

10. No development (excluding demolition works) shall commence until a noise mitigation scheme for each of the residential dwellings, based upon the recommendations of the Environmental Noise Survey by Hoare Lea dated 5th September 2017 (Revision 04), has been submitted to and approved by the Local Planning Authority. The scheme shall include the details and specifications of the sound reduction performance of all glazed and non-glazed elements of the building facades. An updated noise assessment shall be submitted to demonstrate that the proposed measures achieve the required internal noise levels. No dwelling shall be occupied until the approved mitigation measures have been installed in full, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure good indoor ambient noise levels are achieved in accordance with BS 8233:2014 for the future occupiers of the dwellings.

11. No development (excluding demolition works) shall commence until a specification for the building services plant, to operate in combination to a

noise emission limit of 39dB(A) during the daytime and 27dB(a) night time, one metre from the nearest residential façades, has been submitted to and approved in writing by the Local Planning Authority. Any building services plant must not compromise the sound insulation of the façades. The applicant shall submit details of the building services plant, up to date plans and an updated Noise Assessment demonstrating that these noise emissions limits are met by the proposed plant.

Reason: To ensure good indoor ambient noise levels are achieved in accordance with BS 8233:2014 for the occupiers of adjoining dwellings.

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

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

13. No development (excluding demolition works) shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:
- i) Existing and proposed land levels;
 - ii) Design and appearance of the retaining walls to the boundaries of the site;
 - iii) Cross-sections of the building in relation to the adjoining land, retaining walls and existing boundary treatments on all boundaries of the site;
 - iv) Boundary treatments to prevent overlooking between the proposed building and adjoining land.

Reason: To ensure an acceptable relationship between the proposed building and adjoining land and in order to ensure no unacceptable levels of overlooking occur, either to adjoining properties or the proposed flats within the approved building.

14. No dwelling shall be occupied until a detailed soft landscaping scheme for all the land within the site has been submitted to and approved in writing by the Local Planning Authority. This shall include new tree and shrub planting to replace trees to be lost. The approved landscaping scheme shall be carried

out not later than the first available planting and seeding season after completion of development. Any trees or plants whether new or existing which within a period of five years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, or in accordance with details approved by the Local Planning Authority.

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

15. No dwelling shall be occupied until a detailed hard landscaping scheme for all the land within the site has been submitted to and approved in writing by the Local Planning Authority, and the works have been carried out in accordance with the approved details.

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

16. No dwelling shall be occupied until the refuse and recycling store and the cycle stores to serve the dwellings, as shown on the approved drawings, have been constructed and made available for use. These facilities shall be retained as approved at all times.

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

17. No dwelling shall be occupied until the existing vehicular crossover on Aldenham Road serving the site has been removed and the footpath reinstated.

Reason: In the interests of highway safety and convenience, in accordance with saved Policy T21 of the Watford District Plan 2000.

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

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

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

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

20. The 3 windows at first floor level and the 3 windows at second floor level shown to be obscure glazed on approved drawing nos. A2801-201 R13, 202 R13 and 400 R5 shall be non-opening and fitted with obscured glass at all times.

Reason: To prevent overlooking at a loss of privacy to the first floor flat at the Railway Arms public house.

Informatives

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

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

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

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

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

2. This development may be considered a chargeable development for the purposes of the Community Infrastructure Regulations 2010 (as amended). The charge is non-negotiable and is calculated at the time planning

permission is granted. The charge is based on the net increase of gross internal floor area of the proposed development.

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

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

3. This planning permission is accompanied by a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to secure a financial payment towards the provision of affordable housing in the Borough.
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. 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 entered into extensive pre-application discussions with the applicant and requested amendments during the consideration of the application.
6. All works required to be undertaken on the highway network will require an Agreement with the Highway Authority. Before commencing the development the applicant shall contact HCC Highways Development Management, County Hall, Pegs Lane, Hertford, SG13 8DN to obtain their permission and requirements. This is to ensure any work undertaken in the

highway is constructed in accordance with the Highway Authority's specification and by a contractor who is authorised to work in the public highway.

Drawing numbers

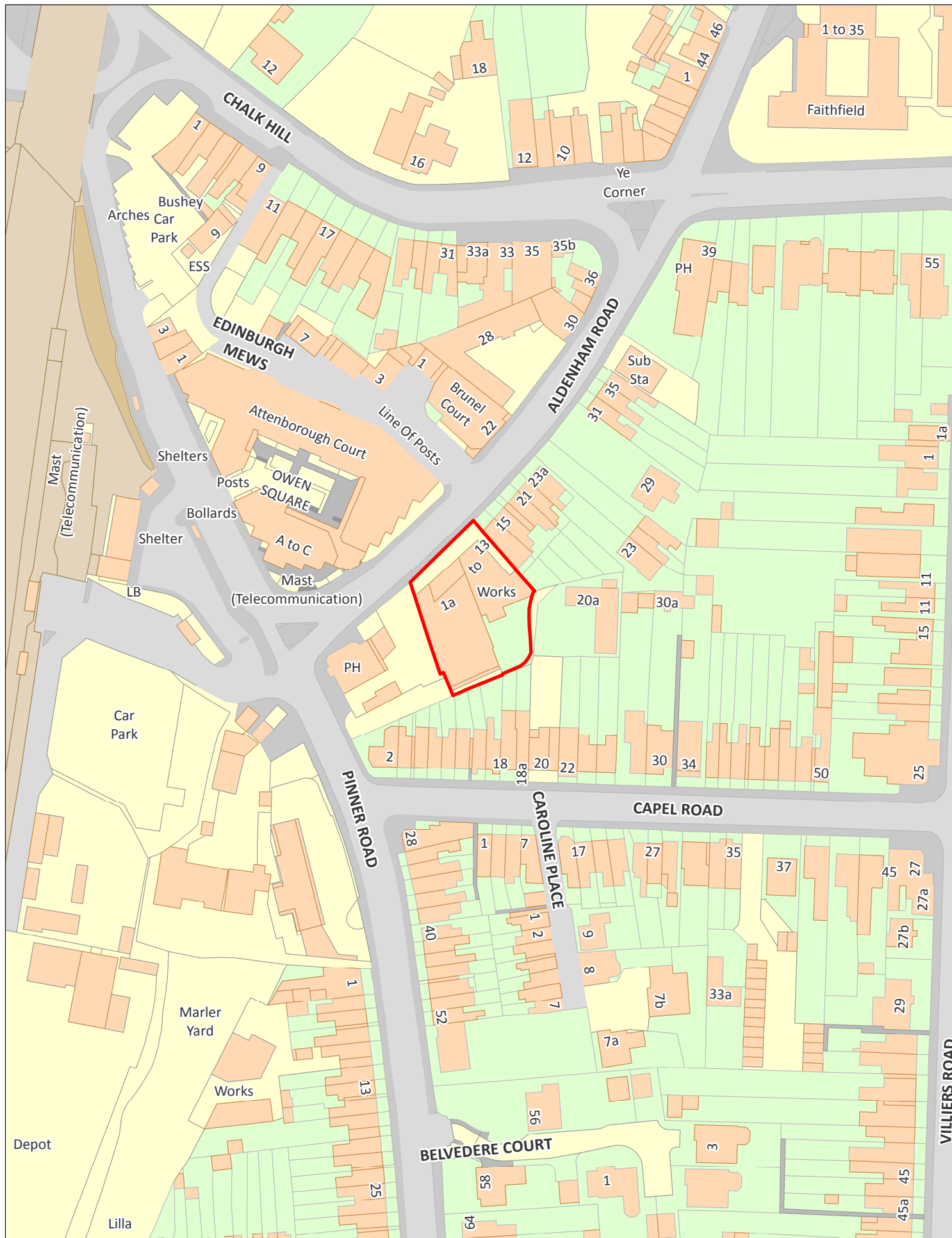
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A2801-200 R15, 201 R13, 202 R13, 203 R11, 400 R6, 401 R5, 402 R5

Case Officer: Paul Baxter

Email: paul.baxter@watford.gov.uk

Tel: 01923 278284



**WATFORD
BOROUGH
COUNCIL**

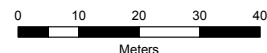
Town Hall, Watford,
Hertfordshire WD17 3EX

1a, 9-13 Aldenham Road

Map Produced by: ryanro
Publication Date: 17/11/2017



Scale 1:1,250



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Aerial 2010 © Geoperspectives

GI & Aerial 2013 © Watford BC



Page 110
Elevation AA



Elevation BB

General notes

All setting out must be checked on site

All levels must be checked on site and refer to Ordnance Datum Newlyn unless alternative Datum given

All bearings and weatherings must be checked on site

All dimensions must be checked on site

This drawing must not be scaled

This drawing must be read in conjunction with all other relevant drawings, specification clauses and current design risk register

This drawing must not be used for land transfer purposes

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Drawing notes

Electronic file reference

A2775 Aldenham Road, Bushey Proposed Plans

Status	R:	Revision	Date	DRN	CHK	CDM
4	For planning	03/05/17	SG	KC		
5	For planning	28/06/17	SG	KC		

Key

Planning Application boundary

Purpose of information

The purpose of the information on this drawing is for:

Information ☒

Comment ☐

Client approval ☐

Construction ☐

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Client

Laguna Properties Limited

Project title

Aldenham Road, Bushey

Drawing title

Proposed Elevations - 1

Scale @ A1 size

1:100

March '17

Drawing N°

A2801 - 400

R5

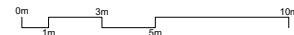
Assael

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Drawing notes

Electronic file reference
A2775 Aldenham Road, Bushey Proposed Plans

Status	R	Revision	Date	DRN	CHK	CDM
12	For planning	28/04/17	SG	KC		
13	For planning	29/06/17	SG	KC		

Key

— Planning Application boundary
— Obscured Window

Purpose of information
The purpose of the information on this drawing is for:

Planning	<input checked="" type="checkbox"/>
Information	<input type="checkbox"/>
Comment	<input type="checkbox"/>
Client approval	<input type="checkbox"/>
Construction	<input type="checkbox"/>

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Client
Laguna Properties Limited

Project title
Aldenham Road, Bushey

Drawing title
First Floor Plan Proposed

Scale @ A1 size	Date
1:100	May '16
Drawing N°	Status & Revision
A2801 - 201	R13

Assael

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General notes

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All dimensions must be checked on site
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This drawing must be read in conjunction with all other relevant drawings, specification clauses and current design risk register
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This drawing must not be used on site unless issued for construction
Subject to survey, consultation and approval from all statutory Authorities

Revision Status:
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Drawing notes

Electronic file reference
A2775 Aldenham Road, Bushey Proposed Plans

Status	R	Revision	Date	DRN	CHK	CDM
14	For planning	12/05/17	SG	KC		
15	For planning	29/06/17	SG	KC		

Key	
	Planning Application boundary
	Obscured Window

Purpose of information	
The purpose of the information on this drawing is for:	Planning <input checked="" type="checkbox"/>
	Information <input type="checkbox"/>
	Comment <input type="checkbox"/>
	Client approval <input type="checkbox"/>
	Construction <input type="checkbox"/>

All information on this drawing is not for construction unless it is marked for construction.



Client
Laguna Properties Limited

Project title
Aldenham Road, Bushey

Drawing title
**Ground Floor Plan
Proposed**

Scale @ A1 size	Date
1:100	May '16
Drawing N°	Status & Revision
A2801 - 200	R15

Assael

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Figure 20 Proposed view looking south-west along Aldenham Road



PART A	
Report of: Head of Development Management	
Date of committee:	29th November 2017
Site address:	Former Gas Holder Site and Frogmore House, Lower High Street
Reference Number:	17/00593/FULM and 17/00594/LBC
Description of Development:	<p>17/00593/FULM - Redevelopment of the former gas works, involving the renovation and the use of Frogmore House for offices (Use Class B1(a)) and associated external alterations, the construction of a food store (Class A1) with 92 car parking spaces, a residential building comprising 92 apartments (Class C3) with car parking and associated external alterations, landscaping and alterations to flood defences and riverbanks.</p> <p>17/00594/LBC - Listed Building Consent for demolition of single storey rear extension, internal and external alterations, refurbishment and restoration works to enable the conversion of Frogmore House into offices, including works to the curtilage boundary wall, removal of external concrete render and replacement with lime render, new windows, associated structural works and construction of disabled access ramp.</p>
Applicant:	St William Homes
Date Received:	22nd May 2017
13 week date (major):	21st August 2017 (extended by agreement to 1st December 2017)
Ward:	Central

1.0 Site and surroundings

- 1.1 The former gas holder site is located in Lower High Street immediately to the south of the junction with Waterfields Way. It occupies the eastern side of the road and is irregular in shape with an area of 1.47 hectares. It incorporates Frogmore House, a

Grade II* listed building. It is bordered on its northern side by Waterfields Way and along its eastern and southern by the River Colne. It has a single access junction from Lower High Street which adjoins Frogmore Cottages.

- 1.2 The surrounding area is characterised by large format retail warehouses, car dealerships and the Tesco Extra store. Opposite the site on Lower High Street is the B&Q store. To the east, on the opposite side of the river is the Colne Valley Retail Park and to the south the former Wickes store which is currently being converted to a Jaguar Land Rover car dealership. Part of the western boundary adjoins 2 smaller commercial units occupied by Quality Suites and a Seat car dealership.

2.0 Proposed development

- 2.1 17/00593/FULM – This application comprises 5 main elements:

- i) Construction of a food store for Lidl, comprising 2,986m² floorarea, on the northern part of the site. The store will primarily be at first floor level with an undercroft car park of 92 spaces. A new pedestrian access will be created at the junction with Waterfields Way.
- ii) Construction of a block of 92 flats up to 6 storeys high on the southern part of the site. The building will incorporate an undercroft car park of 69 parking spaces with 19 external parking spaces, giving a total of 88 spaces.
- iii) The refurbishment of Frogmore House and its change of use to offices (Class B1a).
- iv) External works including improvements to existing access junction, significant works and environmental improvements to the channel of the River Colne, improvements to the existing flood defence wall, further land remediation, and hard and soft landscaping.
- v) Alterations to the boundary walls and entrances to Frogmore Cottages and the provision of a car park (6 spaces) for the residents.

- 2.2 17/00594/LBC – Works to Frogmore House to facilitate its refurbishment and change of use to offices comprising demolition of single storey rear extension, internal and external alterations, removal of concrete render and replacement with lime render, new windows and construction of disabled access.

- 2.3 The food store, residential flats, Frogmore House and Frogmore Cottages will all be accessed via the improved access junction from Lower High Street.

3.0 Relevant planning history

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

14/01126/FULM -Demolition of existing structures, removal of below ground structures and foundations and remediation of the site. Planning permission granted November 2014. The former gas holder was removed as part of these works.

4.0 Planning policies

4.1 Development plan

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

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

- 4.2 The *Watford Local Plan Part 2: Publication Version* was published in July 2016. This has been subject to 3 rounds of public consultation – Nov-Dec 2013, Dec 2014-Feb 2015 and Dec 2015-Feb 2016. It contains development management policies and site allocations. The emerging policies and site allocations in this document can be given limited weight at this time.

4.3 Supplementary Planning Documents

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

Residential Design Guide
Watford Character of Area Study

5.0 Consultations

5.1 Neighbour consultations

Letters were sent to 49 properties in the Lower High Street area in the vicinity of the site. Replies were received from 4 properties in relation to the planning application and 3 properties in relation to the listed building application. The points that have been raised are summarised and considered in the table below.

Representations	Officer's response
17/00593/FULM	
Additional traffic will cause gridlock. Traffic on Lower High Street often at a standstill. Delays to emergency vehicles accessing Watford General Hospital.	See Section 6.7 of the report.
Two way traffic will cause loss of privacy and be intrusive to Frogmore Cottages.	The proposals involve creating larger gardens to the cottages with a brick wall and fencing providing privacy to the front elevations.
Opening of store to 11pm will cause noise and disturbance at unreasonable hours to Frogmore Cottages.	See Section 6.6 of the report.
Traffic leaving the site will have difficulty entering Lower High Street when traffic stationary or slow moving.	See Section 6.7 of the report. 'Yellow box' markings will be provided outside the site entrance to facilitate vehicles leaving the site.
History of flooding in this part of Lower High Street.	See Section 6.9 of the report.
Support Lidl store. Will fill a gap in the market.	Noted.
Not convinced suitable location for housing, close to railway line and retail parks.	See Section 6.2 of the report.
17/00594/LBC	
Support restoration of Frogmore House. Concerned over loss of single storey extension which has historic interest.	See Section 6.8 of the report.
More clarity required over scope of internal works.	See Section 6.8 of the report.
Support Frogmore House being put to practical reuse.	Noted.

- 5.2 Representations have also been received from the Temple Trust, an historic building preservation trust, which has been involved in researching the history of the building over several years and has shown a keen interest in its restoration. Whilst the Trust support the application for the restoration of the building, concern has been expressed over the lack of detail within the application for a Grade II*

listed building. These concerns were originally echoed by Historic England and the Council's Urban Design and Conservation Manager and further details requested. It is now considered that adequate information has been submitted to determine the listed building application.

5.3 **Statutory publicity**

The application was publicised by site notice posted on 6th June 2017 and by advertisement in the Watford Observer published on 3rd June 2017. The site notice period expired on 27th June 2017 and the newspaper advertisement period expired on 23rd June 2017.

5.4 **Technical consultations**

The following responses have been received from technical consultees:

No technical consultations were necessary in respect of this application.

Environment Agency

No objection in relation to flood risk. Unable to give final comments on land contamination at the time of preparing this report but have requested standard conditions be imposed.

Historic England

17/00593/FULM – Considers the scale, massing, materials and detailed design of the foodstore would be contextually appropriate and the redevelopment of this major site as proposed would not cause additional harm to the significance of Frogmore House as a result of the impact on its setting. No objections to planning permission being granted.

17/00594/LBC – Considers the proposed works to Frogmore House to be contextually sympathetic. Has considered application information and additional information submitted. Satisfied that the extensive works would achieve an enhancement over the current situation, would bring the building back into use, and would assist in safeguarding the overall building for the future. No objections to listed building consent being granted.

Hertfordshire County Council (Highway Authority)

Does not wish to restrict the grant of planning permission. Recommends 4 conditions be imposed on any grant of permission and also seeks a payment of £6,000 towards the monitoring of a Travel Plan for the retail foodstore. HCC has reviewed the Transport Assessment and other relevant documents to assess the impact of the proposals on the local highway network's operation and safety. The trip generation rates, profile and distributions were reviewed and are considered appropriate for the proposals. Junction capacity assessments were provided by the

applicant and reviewed. The collision data was reviewed and it was found that there were no clusters of collisions, or notable issues with the highway, in the vicinity of the site that would likely be exacerbated by the proposed development. Therefore, it was found that the proposed development would not likely have a severe impact on the local highway network.

Hertfordshire County Council (Lead Local Flood Authority)

Has confirmed no objection on flood risk grounds and satisfied that the site can be adequately drained and can mitigate any potential existing surface water flood risk if the surface water drainage strategy is implemented. Recommends 2 conditions to secure this.

Hertfordshire County Council (Archaeology)

Has reviewed the archaeological desk based assessment submitted with the application. As the proposal is likely to have an impact on heritage assets, has requested conditions to secure the building recording of Frogmore House and an archaeological evaluation of the remainder of the development site.

Thames Water

No objection with regard to sewerage infrastructure capacity.

Environmental Health

Has raised no objections to the proposal but has requested appropriate conditions to mitigate noise and dust during construction; noise mitigation and mechanical ventilation for the proposed flats; and a noise assessment of plant associated with the foodstore.

Arboricultural Officer

The proposed tree removal and retained tree protection is considered acceptable. The indicative landscaping shows significant new planting, however, a detailed landscaping scheme should be submitted and approved together with details of remedial and managed tree work to the retained trees.

6.0 Appraisal

6.1 Main issues

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

- (a) Principle of the proposed uses.
- (b) Affordable housing provision
- (c) Scale and appearance.
- (d) Quality of residential accommodation.

- (e) Impacts on adjoining properties.
- (f) Transport, access and car parking.
- (g) Impact on Frogmore House.
- (h) Flood risk and surface water drainage.
- (i) Environmental improvements.

6.2 (a) Principle of the proposed uses

The principle of a mixed use scheme in this location is set out in Policy SPA4 of the Local Plan Core Strategy and in Policy SPMX2 of the Local Plan Part 2 (Publication Version). MXD3 sets out that the site will include a mix of retail and office uses.

6.2.1 The mix of uses is acceptable in principle. In line with SPA4 the proposals must include measures to secure the restoration and future use of the Grade II* listed building; measures to satisfy the Environment Agency requirements regarding flood defence; measures required for groundwater protection and measures to ensure the safe decontamination of the land. An application for the restoration of Frogmore House has been submitted in parallel with the application for planning permission. Detailed technical reports relating to flood risk, groundwater protection and land contamination have been submitted with the planning application.

6.2.2 *Retail use and impact*

The proposed retail use is as a Lidl store. Lidl is classed as a Limited Assortment Discounter and is considered to provide a different offer to the mainstream convenience retailers such as Tesco, Asda, Sainsbury's and Morrison's. It is considered that the quality of the convenience offer in Watford would be enhanced through the addition of an operator such as Lidl. Many customers use Lidl as a part of their convenience shop and will use other stores in the area as well. It is seen as complementary rather than fully competing with other convenience operators.

6.2.3 The principle of retail use on the site is allowed for in Policies SPA4 and SS1 of the Core Strategy with the requirement that it can be demonstrated that any retail proposal will not have an adverse impact on the vitality and viability of the town centre or the planned Charter Place investment. The Retail Impact Assessment (RIA) submitted looks at the town centre, the Charter Place scheme and the proposed retail at Watford Riverwell (former Health Campus). The town centre is not the focus of the convenience offer which is spread across several out of centre locations, including the Dome Roundabout, Ascot Road and the nearby Tesco Extra store. The current redevelopment of Charter Place will not alter this.

6.2.4 The assessment concludes that the proposed retail in the scheme will not affect the delivery of the redevelopment of Charter Place – the offer is very different. In terms of the wider town centre the two stores which are most likely to suffer loss in

trade are Sainsbury's in the town centre and the nearby Tesco store, which is outside of the town centre (it is classified as edge of centre). Sainsbury's is considered to be less vulnerable than the Tesco store as it significantly overtrades at the moment and is the only store available to those working in the town centre. Tesco is considered to be at greater risk from the proposed Lidl store but currently lies outside the town centre area so is not affected by policy protection in the Core Strategy or the NPPF. The study considers that the Lidl store would claw back some of the expenditure which currently goes outside of the area to discount stores. In terms of the proposals at Watford Riverwell, these are not determined yet other than as global floorspace figures and an indicative maximum trading area for the units. It is considered that most of the trade will be drawn from the new occupiers and users of the residential, employment and hospital uses rather than from existing shoppers. As such, it is considered that the Lidl proposal would not threaten the delivery of the necessary retail in this area to support the new occupiers and users.

6.2.5 Overall, your officers are satisfied that the proposed Lidl foodstore would not threaten the vitality and viability of the town centre, nor the delivery of the Charter Place redevelopment, or the proposed retail within the Watford Riverwell project.

6.2.6 *Office use*

The use of Frogmore House as offices is considered an appropriate use in this location as it accords with Policy SPA4 of the Core Strategy and Policy SPMX2 of the Local Plan Part 2 which identifies the site as suitable for mixed use development including retail and office uses. Furthermore, it is considered to be the most appropriate use in terms of its commercial viability and the use which would minimise the extent of works required to the listed building in order to facilitate the use. An office use enables the building to be occupied as a single unit (as it was originally designed to be) without the need to sub-divide the building into separate units.

6.2.7 *Residential use*

The proposed residential use of the southern part of the site is not in accordance with Policy SPA4 which does not refer to residential use within the Lower High Street Special Policy Area. Furthermore, Policy SPMX2 of the Local Plan Part 2 does not include any housing component for this site (MXD3). The suitability of this site for housing development as a windfall site therefore needs to be considered against the criteria in Policy HS1 of the Core Strategy. These criteria include:

i) consistency with the spatial strategy (Policy SS1) – SPA4 does not include residential development although the spatial strategy does state that most new development will be focussed on the special policy areas.

ii) previously development land – Complies.

iii) proximity to neighbourhood centres – Although not close to a neighbourhood centre, the site is close to the town centre. The site will also include the new Lidl foodstore.

iv) close to good public transport – Complies. High Street and Bushey stations are within walking distance as are numerous bus routes at Bushey station and on High Street.

v) location within the town centre or at other strategically located sites – Complies. The site is within Lower High Street Special Policy Area and within walking distance of the town centre.

vi) water quality protection downstream – The Environment Agency are satisfied the remedial and groundwater protection measures proposed will ensure no impact on water quality.

6.2.8 Factors that will go against residential land use include:

i) not previously developed land – The site is previously developed land.

ii) land at risk of flooding – The residential block is sited on higher land that is not at risk of flooding (Zone 3).

iii) existing employment land, open space or other community facilities for which there is an identified need – The site is former employment land as part of the Watford Gasworks site, but has not been in employment use for many years for safety reasons due to the presence of the gas holder. The site was also previously heavily contaminated. As such, there is, in reality, no loss of existing employment land.

iv) Land with high biodiversity, landscape or cultural heritage significance – The site has no significant biodiversity or landscape value. The cultural heritage value is in Frogmore House, a Grade II* listed building, which is to be retained and refurbished. The setting of Frogmore House will not be adversely affected by the proposed residential block.

v) no access to public transport links – The site has good access to rail and bus services.

6.2.9 Overall, it is considered that the proposed residential use of the southern part of the site meets the criteria for residential use as a windfall site and is therefore acceptable in principle. The site is unusual in that it is within a location close to and characterised by retail parks and car dealerships and this will be taken into account in considering the quality of accommodation provided (see Section 6.3 below).

6.2.10 The spatial strategy states that higher density homes will be delivered in the town centre and in the special policy areas at Watford Junction, Health Campus (now Watford Riverwell) and Ascot Road. The proposed scheme comprises 31 x 1 bed (1 person and 2 person) and 61 x 2 bed (3 person and 4 person) flats. Given the location of the site within the Lower High Street with good access to the town centre and public transport, it is considered that a high density flatted scheme is appropriate for this site. The scheme includes a mix of unit sizes which is welcomed.

6.3 (b) Affordable housing provision

Policy HS3 of the Core Strategy requires a 35% provision of affordable housing in all schemes of 10 units or more. In the case of the proposal, for 92 units, this would require the provision of 32 affordable units. This provision should have a tenure mix of 65% affordable rent, 20% social rent and 15% intermediate tenures. Only in exceptional circumstances will a lower level of provision be considered through submission of a development viability assessment.

6.3.1 A viability assessment has been submitted in this case and has been the subject of detailed review by external consultants on behalf of the Council with negotiations carried out over a period of 4 months. Although the applicant's original position was that it was not viable for the development to provide any affordable housing, either on-site or in the form of a commuted payment, following detailed negotiations they have agreed a commuted payment of £750,000. This reflects the unique nature of this site and in particular the increased risks and costs associated with the restoration of Frogmore House, the extensive remodelling of the river bank and the further decontamination of the southern part of the site. Your officers consider this to be an acceptable position. Under the Council's emerging Commuted Sums SPD, the commuted payment required for this proposal would be £3,677,729. The agreed sum of £750,000 is the equivalent of a 7% affordable housing provision.

6.3.2 Policy HS3 does not refer to financial payments in lieu of on-site provision, which is the preferred and most appropriate form of provision. However, in this case, it is considered that the financial payment offered would be the best option for meeting urgent housing need as it could be used by the Council to directly deliver affordable housing of the size and tenure required. For this reason, the financial contribution is considered the option that should be accepted in this case.

6.4 (c) Scale and appearance

6.4.1 *i) Foodstore*

The foodstore has been designed having regard to its proximity to the listed building of Frogmore House. The scale and appearance of the foodstore is critical in ensuring the foodstore does not have a harmful impact on the setting of the listed building. This was the subject of significant discussion at pre-application stage. The building has been set as far away from the boundary with Frogmore House as possible, having regard to the 8m 'no-build' buffer zone at the rear of the building along the River Colne (a requirement of the Environment Agency). The building is unusual for a Lidl store in that it is located at first floor level due to the flood risk on this part of the site, with the car parking being accommodated at ground floor level underneath the building. This has the unfortunate effect of making the store 2 storeys whereas Lidl's stores would normally be single storey.

6.4.2 In order to minimise the impact on the setting of Frogmore House, the height of the roof has been designed to be below the eaves level of Frogmore House and in a mono-pitch form which slopes down towards the rear elevation. The long flank wall that runs along the length of the garden area and which forms the backdrop to Frogmore House has been simply modelled with piers to break up its massing. At ground floor level the piers frame railings that have been incorporated to provide some screening to the parking area, with windows at first floor level to provide natural light to the store. Unlike Lidl's normal store design, this flank elevation, together with the southern elevation, are finished entirely in facing brick. Facing brick is also used at ground floor on the eastern elevation facing the river. The use of facing brick (in place of Lidl's normal metal cladding system) has been requested in recognition of the significance of Frogmore House as a listed building.

6.4.3 The main entrance to the store will be at the north-western corner of the building facing the junction with Waterfields Way where a new pedestrian plaza will be created. This will be a fully glazed element extending along the northern elevation facing Waterfields Way. This will be set away from Frogmore House and have less of an impact on its setting.

6.4.4 Notwithstanding the considered design of the store to mitigate its visual impact on Frogmore House, the store will still appear as a large structure in close proximity to Frogmore House and will inevitably impact on its visual setting. However, it must be remembered that the historic context of the building for the past 110 years has been the large former gas holder and other commercial buildings adjoining its curtilage. In CGI views submitted within the Design and Access Statement, it is demonstrated that in views from Lower High Street to the north and Dalton Way to the west, Frogmore House will still appear as the dominant building within the

streetscene and will read as a standalone building in its own right. The foodstore will not appear overbearing or unduly distract from its setting.

6.4.5 *ii) Residential building*

The residential building has a T-shaped footprint, reflecting the triangular shape of the site, and is sited on top of an undercroft car parking area. It predominantly comprises 4 storeys of residential accommodation above the podium with a smaller element at fifth floor sited centrally within the footprint. The T-shaped footprint also allows the provision of 2 terraced amenity areas on the podium. The building has a simple form and a simple palette of 2 colours of facing bricks. It follows the 'New London Vernacular' style of contemporary building which has emerged in recent years using the window fenestration and a combination of recessed and projecting balconies to provide a strong vertical emphasis and break up the elevations into different elements. Brick detailing has been added to some of the windows to add further interest.

6.4.6 The building is significantly higher than the surrounding retail warehouse buildings adjacent to the site and the existing buildings fronting Lower High Street. However, the building is set back from Lower High Street and, consequently, will not appear unduly prominent within the streetscene. Within the context of the surrounding commercial buildings its scale is not considered to be inappropriate or harmful to the character of the area. It should also be noted that the building is very similar in height to the former gas holder which was only removed in 2015.

6.4.7 *iii) Frogmore House*

The roof and brick elevations of Frogmore House were repaired and refurbished approximately 15 years ago and remain in good condition. The main external changes will be the replacement of the existing windows with new timber sash windows, the removal of the single storey rear extension, and the reinstatement of the timber door canopy. The grounds of the building will also be re-landscaped. Overall, these changes are considered to enhance the appearance of the building.

6.5 (d) Quality of residential accommodation

All of the proposed flats meet or exceed the minimum floorspace standards set out in the nationally described space standards. All flats will also receive good levels of daylight although a number flats will receive limited sunlight as they face north. This is a function of the T-shaped footprint of the building which reflects the triangular shape of the site. In total, 28 (30%) of the 92 flats will have north facing main living rooms that will receive limited sunlight. This could only be mitigated by a significant reduction in the number of units on the site.

- 6.5.1 In terms of outlook, the flats will look towards the surrounding commercial uses; the Colne Valley Retail Park to the north, the former Wickes site (currently being converted to a Jaguar Land Rover dealership) to the south, and the commercial buildings on Lower High Street to the west (Quality Suites and Seat car dealership). Given the southern part of the site where the residential building is located is on slightly higher ground and the flats are located on a podium above the car parking area, the surrounding commercial buildings will not appear unduly overbearing on the outlook from the flats. Indeed, the majority of the flats will have views over and above the roofs of the surrounding commercial buildings.
- 6.5.2 With regard to privacy, the proposed flats will not be overlooked by any surrounding properties. The commercial buildings have few windows in them above ground floor level, serving only relatively small office areas.
- 6.5.3 Each of the proposed flats will have access to a private balcony or, in the case of those flats at first floor and fifth floor levels, a terrace area. In addition, 2 communal amenity areas are provided at podium level above the undercroft car park, one on the northern side of the building measuring 165m² and one on the southern side measuring 378m². The amenity areas are to be landscaped and will include seating areas for the use of residents. Furthermore, the re-grading and re-landscaping of the western bank of the River Colne which adjoins the site (see Section 6.8 below) will also incorporate a footpath and further seating areas for the use of residents. The residents of the development will, therefore, have various opportunities to enjoy private and communal outdoor space.
- 6.5.4 The residential building is in relatively close proximity to the railway embankment sited 60m to the east. This carries the West Coast Mainline and London Midland and other regional services. This is a potential source of noise to the proposed flats. Other potential noise sources include road traffic on Lower High Street to the west and the surrounding commercial uses. A noise impact assessment has been submitted with the application which confirms that the railway line and some of the surrounding commercial uses are likely to compromise the internal noise levels of the flats when considered against the recommended noise levels set out in the relevant British Standards (BS8233:2014 – transportation noise sources, and BS4142:2014 – commercial noise sources). Mitigation measures are proposed to achieve the recommended internal noise levels which include enhanced double glazing to the windows and mechanical ventilation, to allow the flats to be adequately ventilated without the need to open the windows. This is acceptable and can be secured by condition.
- 6.5.5 The site is not a typical residential site but offers a good opportunity to provide new residential accommodation in an accessible and sustainable location, on previously

developed land. Overall, it is considered that the proposed flats will provide an acceptable level of accommodation and amenity for future occupiers having regard to the relevant planning policies and the Residential Design Guide.

6.6 (e) Impacts on adjoining properties

The only residential properties adjoining the site are nos. 1-4, Frogmore Cottages, which adjoin the entrance to the site. These are owned by National Grid and house former employees of National Grid and their family members. The cottages form a short terrace of 4 two storey dwellings orientated at right-angles to Lower High Street and parallel to the existing and proposed access road. They have small front and rear garden areas with the exception of no.4 which also has a large side garden area.

6.6.1 The proposed development includes external works to these cottages which include a realigned front boundary to the new access road, new boundary walls/fences and gates, and a dedicated car park of 6 spaces exclusively for the use of the residents and their visitors. Currently, residents park within the gas holder site with the consent of National Grid. This car park is located within the existing side garden area of no.4.

6.6.2 The new boundary treatment and gates to the front (northern) boundary will give each of the cottages its own independent access. At present only no.1 has an independent access which is directly from Lower High Street. The other 3 cottages share an access which runs across the side garden area of no.1 and the front garden areas of nos. 2 and 3. This new arrangement will be a benefit to the cottages. The new boundary treatment will ensure privacy to the front gardens and front elevations of the cottages by preventing overlooking from the proposed new access road and footpath.

6.6.3 A further benefit will be the provision of a dedicated car park for the cottages. The occupiers of the cottages currently park within the gas holder site and this provision would otherwise have been lost, however, the applicants have included this provision for the benefit of the cottages. This will result in the side garden area of no.4 being significantly reduced, however, no.4 will still retain a larger overall garden area than the other 3 cottages.

6.6.4 The main impact on the cottages will be from the increased traffic using the access road, both customers to the foodstore and residents of the residential flats. In this respect, the cottages are in a unique position. Originally built for employees of the former Watford and St Albans Gas Company which occupied a large area of land including the adjacent Colne Valley Retail Park, they would have experienced various industrial impacts from this use. In more recent times, there has been very

limited activity on the site, principally the use of part of the site by a coach company. Within the Core Strategy the site is identified for mixed-use redevelopment including retail warehousing. It is therefore accepted that the site would be redeveloped for uses that would likely generate relatively high levels of traffic albeit not the industrial impacts of the former use. The cottages also directly adjoin the Lower High Street which already carries high volumes of traffic. The cottages therefore are located within a commercial area, forming part of a larger industrial site, and already experience road traffic noise from Lower High Street. Some additional impacts are therefore unavoidable unless the site is not to come forward for redevelopment.

6.6.5 The proposed opening hours of the food store are 07.00 hours to 23.00 hours, 7 days a week. These hours are not unreasonable for a foodstore in the current retail market, particularly as many larger food stores open 24 hours, including the nearby Tesco Extra. These hours will limit the times at which additional road traffic noise from the food store will be experienced and will ensure a period of approximately 8 hours at night-time when the use will not be operational.

6.6.6 The cottages are in the ownership of National Grid which is a joint venture partner with Berkeley Homes in St William Homes. In this respect, improvements to the cottages to mitigate any additional impacts are within the control of National Grid as the cottages remain their asset and the occupiers their tenants. Overall, it is considered that the cessation of the industrial use of the site and the improvements to the cottages currently proposed are benefits that help to mitigate any additional impacts arising from increased traffic on the new access road. These additional impacts also have to be weighed against the significant benefits arising from the scheme in the restoration of Frogmore House, the provision of a new retailer in the town, the provision of new housing, the remediation of the land and improvements to the River Colne to help address current flooding issues in Lower High Street.

6.7 (f) Transport, access and car parking

The site is in a highly accessible location with good access to public transport. Bushey Station is located within walking distance to the south with London Midland and London Overground rail services and various bus services calling at the station. To the north is High Street Station with London Overground services and various bus routes on Lower High Street. Further bus routes are accessible in the town centre. The site is also close to National Cycle Route 6 which passes through Oxhey Park to the south and along Dalton Way/Lower High Street to the north.

6.7.1 The application is supported by a detailed Transport Assessment which has been reviewed by Hertfordshire County Council as the Highway Authority. Traffic and junction capacity modelling has been undertaken for the existing traffic situation

with the addition of the proposed development and the consented Watford Riverwell (former Health Campus) development. This modelling has focussed on the weekday peak periods (am and pm) and the Saturday peak period as the worst case scenarios. The assessment confirms that many local junctions are operating at close to capacity at peak times but concludes that the proposed development traffic flows, when added to the traffic flows of the consented Watford Riverwell development, will have only a minimal additional impact. This assessment also takes into account the highway junction improvements at the Lower High Street/Dalton Way junction that form part of the Watford Riverwell development but which have not yet been implemented.

6.7.2 Overall, the County Council as the Highway Authority have concluded that the proposed development will not have a severe impact on the local highway network.

6.7.3 The proposed development includes the enhancement of the existing access to form a new junction meeting current highways standards and able to accommodate articulated HGVs (to serve the foodstore) and all predicted traffic associated with the development. A 'yellow box' junction will be created on Lower high Street to facilitate vehicles leaving the site at times when traffic is queuing on Lower High Street. Tracking diagrams have been submitted to demonstrate all servicing and parking areas within the site can be accessed and egressed safely.

6.7.4 Car and cycle parking within the site is provided for the different uses as follows:

Use	Car parking	Cycle parking
Foodstore	92	28
Residential	88	92
Frogmore House	5	5

This level of provision complies with the maximum car parking standards and minimum cycle parking standards within the Watford District Plan and is acceptable. The site is in a sustainable location with good access to rail and bus services at Bushey Station to the south and on Lower High Street to the north.

6.7.5 Following discussions with the Highway Authority, the applicant has agreed to make financial payments to the County Council of £10,000 towards the improvement of the bus stop and £15,000 towards the improvement of the public footway on Lower High Street adjoining the site.

6.8 (g) Impact on Frogmore House

Frogmore House is a Grade II* listed building and one of only 5 Grade I or II* buildings in the borough. It dates from 1716 and was built as a family house. It was

acquired by the then Watford and St Albans Gas Company in the early 1900s and converted into 3 flats for employees in 1947. It is currently vacant and has been for approx. 20 years. Approximately 15 years ago it suffered significant water ingress and internal damage as a result of lead being removed from the roof. Repairs were made to the roof, the elevations were re-pointed and the building treated for Death Watch Beetle and dry rot at this time. However, due to its vulnerable state, it has been on Historic England's (formerly English Heritage) Register of Buildings at Risk since this time.

- 6.8.1 The proposed works to the property involve the retention of existing internal historic features where possible – timber staircases, timber panelling, lath and plaster partitions, coving, floorboards, etc. All of the existing, timber sash windows (which are not original) are in relatively poor condition and are all proposed to be replaced with timber, slim-line, double glazed sash windows. The cementitious render on the north and east elevations is to be removed and replaced with a tradition lime render. The original main door canopy, which has been located and purchased by the Temple Trust, is to be reinstated. The existing single storey rear extension is to be removed. Other works include repointing of brickwork, repair and replacement of rainwater goods and the formation of a ramped access.
- 6.8.2 The applicant has submitted detailed survey data, a detailed scope of works and a set of method statements for the different areas of work proposed. The proposed works are considered appropriate and acceptable to bring the building back into a viable use as offices whilst retaining and enhancing the historic and architectural importance of the building. The loss of the single storey rear extension is the most significant change but this is considered acceptable as it was not part of the original house. Historic England has not objected to this element of the works.
- 6.8.3 Overall, the proposed works will result in a complete restoration of this important historic building, enable it to be brought back into viable use and allow it to be removed from the Buildings at Risk register.

6.9 (h) Flood risk and surface water drainage

The northern part of the application site has experienced fluvial flooding from the River Colne in the recent past. As a result of this, a flood defence wall was constructed by the Environment Agency approximately 15 years ago along the top of the western river bank adjoining the northern part of the site to help mitigate this. This part of the site has also experienced surface water flooding from Lower High Street in recent years, linked to the outfall of the surface water drains in Lower High Street being directly into the River Colne. At times of high river levels, the outfall valve has closed and the surface water has 'backed up' and resulted in flooding in Lower High Street.

- 6.9.1 As a result of these long-standing issues, the application was supported by a detailed Flood Risk Assessment (FRA) that was informed by pre-application discussions with the Environment Agency. As a result of these discussions, the proposed scheme incorporates extensive remodelling of the river bank around the southern (residential) part of the site. This involves the removal of the existing vertical, concrete wall that forms the western bank of the river channel and a re-grading of the river bank to provide a sloping, landscaped bank. This not only reinstates a more natural river profile and enhances biodiversity but also increases the width and volume of the river channel, enabling it to accommodate larger volumes of flood water, thereby reducing the risk of the river bursting its bank and flooding. The proposed scheme also includes reinforcement works to the existing flood defence wall to extend the long-term life and effectiveness of this wall.
- 6.9.2 The FRA also underwent detailed scrutiny by the Environment Agency who requested further, updated flood modelling to be undertaken. As a result of the proposed improvement works incorporated into the application and the updated flood modelling, the Environment Agency is satisfied the proposal will reduce the risk of flooding and has supported the application.
- 6.9.3 The application was also supported by a detailed surface water drainage scheme. This was assessed by Hertfordshire County Council as the Lead Local Flood Authority who also requested additional information regarding surface water drainage and attenuation. The proposed approved drainage scheme involves 2 systems, draining the northern and southern areas of the site. The northern area incorporates a sustainable drainage train that includes tanked, permeable paving, underground storage tanks, a swale (along the boundary with the river) and a detention basin before an attenuated outfall to the river of 7.3 litres/second. The southern area incorporates tanked permeable paving, storage tanks and an attenuated outfall of 6.1 litres/second.
- 6.9.4 In conclusion, the development creates additional flood storage capacity within the river, reduces flood risk and provides a drainage scheme for the site that is resilient to climate change and reduces the risk of surface water flooding.

6.10 (i) Environmental improvements

6.10.1 *i) River Colne*

The River Colne adjoining the northern part of the site has a natural channel form and is populated by mature trees. In contrast, the river channel adjoining the southern part of the site is 'canalised' within concrete retaining walls. As part of the proposed development, the concrete wall that forms the western bank will be removed and the river bank re-graded to form a more natural slope which can also

be planted. This will not only increase the flood capacity of the river channel but will also provide a significant biodiversity enhancement of the river.

6.10.2 *ii) Land remediation*

In 2015/16 the site was remediated to a level to allow commercial open storage use of the land. As a result of the proposed development, further remediation will need to take place, particularly within the southern part of the site. This will remove any remaining contamination and underground structures and leave the site 'clean', thereby removing any future pollution risks to the River Colne or to groundwater.

6.10.3 *iii) Landscaping*

A detailed landscape strategy has been submitted with the application. This has considered the site as 5 character areas:

- Structured landscaping around the foodstore with a formal pedestrian plaza front of the main entrance.
- Formal landscaping within the curtilage of Frogmore House, focussed on recreating a typical early 17th Century garden.
- Contemporary landscaping to the front of the residential building, including moulded earth forms.
- Retreat landscaping on the podium decks – smaller scale amenity landscaping reflecting the private nature of these spaces.
- Wild landscaping along the western bank of the river channel to create a biodiverse and natural zone to the river.

The strategy includes examples of proposed planting, hard surfacing, fencing, seating and lighting. It is considered to be a well-thought out, holistic approach to the site which will create a high quality public realm, ensure a high quality complementary setting for the buildings and bring a significant enhancement to the site.

7.0 Community Infrastructure Levy and Planning Obligations

7.1 Community Infrastructure Levy (CIL)

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

The CIL charges applicable to the proposed development are:

Watford Charging Schedule

Type of Development	CIL Rate
Residential	£120 per sqm
Retail (Class A1 – A5)	£120 per sqm
Office	£0 per sqm

Based on the proposed uses and floorareas, it is calculated the CIL charge will be £1,851,346 for the proposed development.

7.2 S.106 planning obligation

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

The proposed development is one where affordable housing should be provided, in accordance with Policy HS3 of the Watford Local Plan Part 1 Core Strategy 2006-31. In addition, the proposed development is one where Hertfordshire County Council, in pursuance of its duty as the statutory Fire Authority to ensure fire fighting facilities are provided on new developments and that all dwellings are adequately served by fire hydrants in the event of fire, seeks the provision of hydrants required to serve the proposed buildings. The County Council as the Highway Authority has also requested a payment of £6,000 towards the monitoring of the Travel Plan to serve the development, £10,000 towards the improvement of a bus stop on Lower High Street and £15,000 towards the improvement of the public footpath adjoining the site.

8.0 Conclusion

- 8.1 The main planning application is for a comprehensive, mixed-use redevelopment of this significant brownfield site within the Lower High Street Special Policy Area. The proposed scheme, incorporating a new discount foodstore and 92 flats, is considered to be an appropriate mix and scale of uses for this accessible site. The proposed buildings are considered to be of a high quality in their design and use of materials, to be complemented by a high quality, holistic landscaping scheme. In addition to this, the listed building application will also provide for the refurbishment and restoration of Frogmore House, a Grade II* listed building at risk, and its use for offices.

- 8.2 The main development also includes the substantial re-grading of the River Colne channel around the southern part of the site to create a more natural channel profile which will also help to reduce the risk of flooding. Despite the numerous environmental constraints on this complex site, the proposed applications are well considered, maximise the opportunities of the site, and will provide a high quality development delivering significant economic, social and environmental benefits in accordance with national and local planning policy.
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9.0 Human Rights implications

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

- 10.1 17/00593/FULM** - That, pursuant to a planning obligation under s.106 of the Town and Country Planning Act 1990 having been completed to secure the following Heads of Terms, planning permission be granted subject to the conditions listed below:

Section 106 Heads of Terms

- i) To secure a financial payment to the Council of £750,000 towards the provision of affordable housing in the Borough of Watford;
- iii) To secure a financial payment to Hertfordshire County Council of £6,000 for the long term monitoring of the proposed Travel Plan for the site;
- iii) To secure a financial payment to Hertfordshire County Council of £10,000 for the improvement of the bus stop on Lower High Street adjoining the site;
- iv) To secure a financial payment to Hertfordshire County Council of £15,000 for the improvement of the public footpath on Lower High Street adjoining the site;

- v) To secure a financial payment to the Council of £15,000 for the appointment of a conservation consultant to undertake regular site visits during the works to Frogmore House on behalf of the Council;
- vi) To secure the completion of the works to Frogmore House by a specified time in relation to the completion of the residential building.

Conditions

1. The development to which this permission relates shall be begun within a period of 3 years commencing on the date of this permission.

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

2. No development shall commence on the site until a condition survey of the flood defence wall has been submitted to and approved in writing by the Local Planning Authority. Should the approved survey report determine that repairs to the flood defence wall are required, these must be carried out in accordance with the approved survey report. No building within the approved development shall be occupied until the repair works have been completed in full.

Reason: To prevent flooding on site and elsewhere by ensuring that the fluvial flood defences are in satisfactory condition and the existing Standard of Protection is maintained.

3. No development approved by this planning permission 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:

- i) A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and;
 - potentially unacceptable risks arising from contamination at the site.

- ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- iii) The results of the site investigation and the detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reason: To protect groundwater. The site is located in a source protection zone 1 (SPZ1) the highest vulnerability groundwater area. Any contaminants entering the groundwater could impact on the local public drinking water abstraction within 50 days. The previous use of the site was contaminative and this condition ensures that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution.

- 4. Prior to any part of the permitted development being brought into use a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be 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.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 109 of the National Planning Policy Framework.

- 5. The development hereby permitted shall not commence until a monitoring and maintenance plan with respect to groundwater contamination, including a timetable of monitoring and submission of reports 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 groundwater monitoring, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 109 of the National Planning Policy Framework. It is important that detailed monitoring is in place before any piling works commence to ensure there is no impact on the local abstraction point.

6. 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.

Reason: No investigation can completely characterise a site. The condition may be appropriate where some parts of the site are less well characterised than others, or in areas where contamination was not expected and therefore not included in the original remediation proposals. To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the National Planning Policy Framework.

7. Piling using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed piling, does not harm groundwater resources in line with paragraph 109 of the National Planning Policy Framework and Position Statement G1 – Direct Inputs to Groundwater of the Environment Agency’s Groundwater Protection: Principles and Practice.

8. 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 each phase of development being brought into use.

Reason: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 109 of the National Planning Policy Framework.

9. 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.

Reason: Infiltration through contaminated land and soakaways act as preferential pathways for contaminants to have the potential to impact on groundwater quality.

Conditions relating only to the foodstore (blue hatched land on drawing no. SK 133 D01)

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

5644-BR-V01-XX-DR-A-010110, 010111, 010112, 020110

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

11. No development works shall commence on the foodstore until a construction environmental management plan has been submitted to and approved by the Local Planning Authority. The plan shall include measures recommended within the submitted Air Quality Assessment dated May 2017 by WSP Parsons Brinckerhoff and measures to mitigate the impacts of noise and vibration on the properties adjoining the site.

Reason: To protect the amenities of surrounding occupiers during construction works.

12. No development works shall commence on the foodstore until the tree protection measures detailed on the Tree Protection Plan by Ian Keen Limited (drg. no. 8971-KC-XX-YTREE-TPP02RevA) have been installed in full. These measures shall be retained at all times during development works, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the long term retention of these trees.

13. No development shall commence on the foodstore until an archaeological written scheme of investigation has been submitted to and approved by the Local Planning Authority in writing. 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 be carried out in accordance with the programme of archaeological works set out in the approved Written Scheme of Investigation.

Reason: This is a pre-commencement condition to ensure that any archaeological remains are properly recorded, in accordance with Policy UD2 of the Watford Local Plan Core Strategy 2006-31. This needs to take place before development commences in order to ensure any remains present are not damaged or destroyed before they are recorded.

14. The development of the foodstore shall be carried out in accordance with Flood Risk Assessment prepared by Aecom dated 27 April 2017 and the following mitigation measures as detailed within the surface water drainage strategy for the northern part of the site:
 - The scheme must provide sufficient source control and storage to accommodate the 1:30 year rainfall event in conjunction with the 1:30 year modelled river levels for all the storm water remains within the system without flooding.
 - The piped network and SuDS system should provide as a minimum 450 m³ of storage.

- The runoff from the site will be restricted by flow controlled devices at 7.3 l/s for the northern outfall.
- Adequate management treatment train is to be provided by a combination of below and above ground SuDS to ensure water quality as shown on the drawings 40-02 P4 Preliminary Residential Surface Water Drainage Strategy and 3071-S110A Proposed SW Drainage GA (1)
- Emergency flood plan and any required mitigation measures will be implemented to ensure the safety of the future site users.

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

Reason: To ensure that the proposed development site can be adequately drained and prevent the increased risk of flooding, both on and off site.

15. No development works shall commence on the foodstore shall take place until a final detailed drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full detailed engineering drawings of the design of all the proposed SuDS measures, in line with the latest edition of the SuDS Manual by CIRIA.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To ensure that the proposed development site can be adequately drained and prevent the increased risk of flooding, both on and off site.

16. No development works shall commence on the foodstore until a detailed scheme for the provision of mains water services to serve the development, including, where necessary, fire hydrants, has been submitted to and approved in writing by the Local Planning Authority. No occupation of the development shall take place until the approved mains water scheme has been provided in full.

Reason: In order to ensure adequate mains water services, and in particular fire hydrants, are provided to serve the development.

17. Upon completion of the drainage works in the northern part of the site, an updated management and maintenance strategy for the all the SuDS features and structures must be submitted and shall include arrangements

for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure that the proposed development site can be adequately drained and prevent the increased risk of flooding, both on and off site.

18. No external facing materials shall be installed on the foodstore until full details and samples of all the materials to be used for the external surfaces of the building have been submitted to and approved in writing by the Local Planning Authority.

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

19. No part of the foodstore shall be occupied until a detailed hard landscaping scheme for the northern part of the site, including details of the site boundary treatments and external lighting, has been submitted to and approved in writing by the Local Planning Authority, and the works have been carried out in accordance with the approved details. The detailed scheme shall be based upon the Landscape Statement dated April 2017 by LDA Design.

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

20. No part of the foodstore shall be occupied until a detailed soft landscaping scheme for the northern part of the site and a landscape management and maintenance plan, has been submitted to and approved in writing by the Local Planning Authority. The detailed scheme shall be based upon the Landscape Statement dated April 2017 by LDA Design. The approved soft landscaping scheme shall be carried out not later than the first available planting and seeding season after completion of development. Any trees or plants whether new or existing which within a period of five years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, or in accordance with details approved by the Local Planning Authority.

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

21. No part of the foodstore shall be occupied until the modified access junction on Lower High Street and the internal access road serving the food store, as shown in principle on the approved drawings, have been completed in full.

Reason: In the interests of the safe operation of the site and the surrounding highway, in accordance with saved Policies T21 and SE7 of the Watford District Plan 2000.

22. No part of the foodstore shall be occupied until the following facilities have been provided for the use of employees and customers, in accordance with the approved drawings:

- i) cycle parking for customers for at least 12 cycles;
- ii) secure, covered cycle parking for employees for at least 8 cycles;
- iii) 92 car parking spaces.

These facilities shall be retained at all times for the use of customers and staff.

Reason: To ensure that adequate facilities exist for the proposed use, in accordance with saved Policies T10 and T22 of the Watford District Plan 2000 and Policy T3 of the Watford Local Plan Core Strategy 2006-31.

23. No part of the foodstore shall be occupied until a detailed Travel Plan for the use, based upon the Hertfordshire County Council document 'Hertfordshire Green Travel Plan Guidance', has been submitted to and approved in writing by the Local Planning. The approved plan shall be implemented as approved at all times, unless otherwise agreed in writing by the Local Planning Authority.

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

24. All plant and equipment associated with the foodstore shall only be sited within the designated plant enclosure shown on the approved drawings. No plant or equipment shall be installed outside the approved plant enclosure unless details have been submitted to and approved in writing by the Local Planning Authority. Details to be submitted for approval shall include siting, size, appearance and technical specifications relating to noise.

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

25. No part of the foodstore shall be occupied until a noise impact assessment has been carried out, in accordance with BS4142, of the proposed plant and equipment within the plant enclosure, and any recommended mitigation measures have been installed in full. The purpose of the noise impact assessment is to demonstrate that the operation of the proposed plant at full capacity, with any mitigation measures as appropriate, will not adversely impact on the residential occupiers at Frogmore Cottages and the approved residential building within the development.

Reason: To ensure acceptable internal noise levels are achieved for the occupiers of Frogmore Cottages and the residential building within the development.

26. The foodstore hereby approved shall only be used for purposes within Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose. The use shall not be open to the public before 07.00 hours or after 23.00 hours on any day.

Reason: The site is located within the Lower High Street Special Policy Area where the focus is on retail uses and in the interests of the amenities of residents within the development and adjoining the site.

27. No deliveries or collections relating to the foodstore hereby approved shall take place before 07.00 hours or after 23.00 hours on any day.

Reason: To prevent noise nuisance to the residential occupiers of dwellings adjoining the site.

Conditions relating only to the residential building (pink land on drawing no. SK_133 D01)

28. The residential building hereby permitted shall be carried out in accordance with the following approved drawings:-

S_01 P1

MP_01 P1, 02 P1, 03 P1, 04 P1, 05 P1

BA_00 P1, 01 P1, 02 P1, 03 P1, 04 P1, 05 P1, 06 P1

BE_00 P1, 01 P1

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

29. No development works shall commence on the residential building until a construction environmental management plan has been submitted to and approved by the Local Planning Authority. The plan shall include measures recommended within the submitted Air Quality Assessment dated May 2017 by WSP Parsons Brinckerhoff and measures to mitigate the impacts of noise and vibration on the properties adjoining the site.

Reason: To protect the amenities of surrounding occupiers during construction works.

30. No development shall commence on the residential building until an archaeological written scheme of investigation has been submitted to and approved by the Local Planning Authority in writing. 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 be carried out in accordance with the programme of archaeological works set out in the approved Written Scheme of Investigation.

Reason: This is a pre-commencement condition to ensure that any archaeological remains are properly recorded, in accordance with Policy UD2 of the Watford Local Plan Core Strategy 2006-31. This needs to take place

before development commences in order to ensure any remains present are not damaged or destroyed before they are recorded.

31. The development of the residential building shall be carried out in accordance with Flood Risk Assessment prepared by Aecom dated 27 April 2017 and the following mitigation measures as detailed within the surface water drainage strategy for the southern part of the site:
- The scheme must provide sufficient source control and storage to accommodate the 1:30 year rainfall event in conjunction with the 1:30 year modelled river levels for all the storm water remains within the system without flooding.
 - The piped network and SuDS system should provide as a minimum 305 m³ of storage.
 - The runoff from the site will be restricted by flow controlled devices at 6.1 l/s for the northern outfall.
 - Adequate management treatment train is to be provided by a combination of below and above ground SuDS to ensure water quality as shown on the drawings 40-02 P4 Preliminary Residential Surface Water Drainage Strategy and 3071-S110A Proposed SW Drainage GA (1)
 - Emergency flood plan and any required mitigation measures will be implemented to ensure the safety of the future site users.

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

Reason: To ensure that the proposed development site can be adequately drained and prevent the increased risk of flooding, both on and off site.

32. No development of the residential building shall take place until a final detailed drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full detailed engineering drawings of the design of all the proposed SuDS measures, in line with the latest edition of the SuDS Manual by CIRIA.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To ensure that the proposed development site can be adequately drained and prevent the increased risk of flooding, both on and off site.

33. Upon completion of the drainage works in the southern part of the site, an updated management and maintenance strategy for the all the SuDS features and structures must be submitted and shall include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure that the proposed development site can be adequately drained and prevent the increased risk of flooding, both on and off site.

34. No development works shall commence on the residential building until a detailed scheme for the provision of mains water services to serve the development, including, where necessary, fire hydrants, has been submitted to and approved in writing by the Local Planning Authority. No occupation of the development shall take place until the approved mains water scheme has been provided in full.

Reason: In order to ensure adequate mains water services, and in particular fire hydrants, are provided to serve the development.

35. The development of the residential building shall be carried out in accordance with the approved flood risk assessment (FRA) (Former Gas Works dated April 2017 by Aecom) and the compensatory flood storage measures detailed within the FRA. The mitigation measures shall be fully implemented prior to occupation of the residential building and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To prevent flooding on site and elsewhere by ensuring that compensatory storage of flood water is provided.

36. No external facing materials shall be installed on the residential building until full details and samples of all the materials to be used for the external surfaces of the building have been submitted to and approved in writing by the Local Planning Authority.

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

37. No external facing materials shall be installed on the residential building until a noise mitigation scheme for all the proposed residential dwellings, based upon the recommendations of the Noise Assessment Report by Cole Jarman dated 12th May 2017 (Ref. 17/0238/R1), has been submitted to and approved by the Local Planning Authority. The scheme shall include the details and specifications of the sound reduction performance of all glazed and non-glazed elements of the building facades. No dwelling shall be occupied until the approved mitigation measures have been installed in full, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure good indoor ambient noise levels are achieved in accordance with BS 8233:2014 for the future occupiers of the dwellings.

38. No external facing materials shall be installed on the residential building until the specification of a mechanical air supply/extract system for each of the residential dwellings, based upon the recommendations of the Noise Assessment Report by Cole Jarman dated 12th May 2017 (Ref. 17/0238/R1), has been submitted to and approved in writing by the Local Planning Authority. The system must be capable of providing background and rapid ventilation for cooling with the windows of the dwellings being closed. The system must not compromise the sound insulation of the façades. Details of the siting of any air intake, extraction units, and other mechanical equipment serving this system that are likely to give rise to noise should be submitted, along with details of noise attenuation measures to be incorporated to ensure these units do not give rise to a noise nuisance. No dwelling shall be occupied until the approved mitigation measures have been installed in full, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure good indoor ambient noise levels and adequate ventilation are achieved in accordance with BS 8233:2014 for the future occupiers of the dwellings.

39. No part of the residential building shall be occupied until a detailed hard landscaping scheme for the southern part of the site, including details of the site boundary treatments and external lighting, has been submitted to and approved in writing by the Local Planning Authority, and the works have been carried out in accordance with the approved details. The detailed scheme shall be based upon the Landscape Statement dated April 2017 by LDA Design and shall include the western bank of the River Colne.

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

40. No part of the residential building shall be occupied until a detailed soft landscaping scheme for the southern part of the site and a landscape management and maintenance plan, has been submitted to and approved in writing by the Local Planning Authority. The detailed scheme shall be based upon the Landscape Statement dated April 2017 by LDA Design and shall include the western bank of the River Colne. The approved soft landscaping scheme shall be carried out not later than the first available planting and seeding season after completion of development. Any trees or plants whether new or existing which within a period of five years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, or in accordance with details approved by the Local Planning Authority.

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

41. No part of the residential building shall be occupied until the modified access junction on Lower High Street and the internal access road serving the residential building, as shown in principle on the approved drawings, have been completed in full.

Reason: In the interests of the safe operation of the site and the surrounding highway, in accordance with saved Policies T21 and SE7 of the Watford District Plan 2000.

42. No part of the residential building shall be occupied until the western bank of the River Colne adjoining the southern part of the site (between the National Grid bridge and the Lower High Street road bridge) has been re-profiled in accordance with detailed drawings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the river bank is re-profiled in accordance with the Flood Risk Assessment submitted with the application and in the interests of reducing flood risk.

43. No part of the residential building shall be occupied until the following facilities have been provided for the use of residents, in accordance with the approved drawings:

- i) the secure cycle store for at least 92 cycles;
- ii) the bin store for waste and recycling bins;
- iii) 88 car parking spaces.

These facilities shall be retained at all times for the use of the residential occupiers of the dwellings.

Reason: To ensure that adequate facilities exist for the future occupiers of the dwellings, in accordance with saved Policies T10 and SE7 of the Watford District Plan 2000, Policies T3 and UD1 of the Watford Local Plan Core Strategy 2006-31 and the Residential Design Guide 2016.

44. No part of the residential building shall be occupied until a detailed Travel Plan for the use, based upon the Hertfordshire County Council document 'Hertfordshire Green Travel Plan Guidance', has been submitted to and approved in writing by the Local Planning. The approved plan shall be implemented as approved at all times, unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

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

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

Conditions relating only to Frogmore House (green hatched land on drawing no. SK_133 D01)

47. The development of Frogmore House hereby permitted shall be carried out in accordance with the following approved drawings:-

W106.002, 004, 005, 105 Rev.01, 205 Rev.01, 305 Rev.01

W106.100, 200, 300, 101, 201 Rev.01, 301 Rev.01, 401, 102, 202 Rev.01, 302 Rev.01, 402, 103 Rev.01, 203 Rev.01, 303 Rev.01, 403, 104, 204, 304

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

48. No development works shall commence on Frogmore House or within its curtilage until the tree protection measures detailed on the Tree Protection Plan by Ian Keen Limited (drg. no. 8971-KC-XX-YTREE-TPP02RevA) have been installed in full. These measures shall be retained at all times during development works, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the long term retention of these trees.

49. No development works shall commence on the Frogmore House until a detailed scheme for the provision of mains water services to serve the development, including, where necessary, fire hydrants, has been submitted to and approved in writing by the Local Planning Authority. No occupation of the development shall take place until the approved mains water scheme has been provided in full.

Reason: In order to ensure adequate mains water services, and in particular fire hydrants, are provided to serve the development.

50. No development works shall commence on Frogmore House until a historic building record of the building in its current condition has been submitted to and approved in writing by the Local Planning Authority.

Reason: The building is a Grade II* listed building and to ensure a detailed record of the building in its existing condition is produced.

51. No part of Frogmore House shall be occupied until a detailed hard and soft landscaping scheme for the garden area and land within the curtilage of the building, and a landscape management and maintenance plan, have been submitted to and approved in writing by the Local Planning Authority. The

detailed scheme shall be based upon the Landscape Statement dated April 2017 by LDA Design. The approved landscaping scheme (hard and soft measures) shall be carried out not later than the first available planting and seeding season after completion of development. Any trees or plants whether new or existing which within a period of five years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, or in accordance with details approved by the Local Planning Authority.

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

52. No part of Frogmore House shall be occupied until the modified access junction on Lower High Street and the internal access road serving the car park to Frogmore House, as shown in principle on the approved drawings, have been completed in full.

Reason: In the interests of the safe operation of the site and the surrounding highway, in accordance with saved Policies T21 and SE7 of the Watford District Plan 2000.

53. No part of Frogmore House shall be occupied until details of the following facilities have been submitted to and approved in writing by the Local Planning Authority and provided in full:

- i) a secure and weatherproof cycle store for at least 5 cycles;
- ii) bin store for waste and recycling bins;

These facilities shall be retained at all times for the use of the occupiers of and visitors to Frogmore House.

Reason: To ensure that adequate facilities exist for the future occupiers of and visitors to Frogmore House, in accordance with saved Policies T10 and SE7 of the Watford District Plan 2000 and Policies T3 and UD1 of the Watford Local Plan Core Strategy 2006-31.

54. No part of Frogmore House shall be occupied until the 5 car parking spaces and turning area have been provided in accordance with the approved drawings. These facilities shall be retained at all times for the use of the occupiers of and visitors to Frogmore House.

Reason: To ensure that adequate facilities exist for the future occupiers of and visitors to Frogmore House.

55. Frogmore House shall only be used as offices within Class B1(a) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose.

Reason: The site is located within the Lower High Street Special Policy Area where the focus is on retail uses and in the interests of the historic and architectural character of the building.

Informatives

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

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

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

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

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

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

A person or party must assume liability to pay the levy using the assumption of liability form 1 which should be sent to the CIL Officer, Regeneration

and Development, Watford Borough Council, Town Hall, Watford, WD17 3EX or via email (semeta.bloomfield@watford.gov.uk).

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

3. This planning permission is accompanied by a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to secure financial payments to Watford Council and Hertfordshire County Council, the provision of fire hydrants to serve the development, and works to Frogmore House.
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. 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 entered into extensive pre-application discussions with the applicant and completed a Planning Performance Agreement for the application.
6. All works required to be undertaken on the highway network will require an Agreement with the Highway Authority. Before commencing the development the applicant shall contact HCC Highways Development Management, County Hall, Pegs Lane, Hertford, SG13 8DN to obtain their permission and requirements. This is to ensure any work undertaken in the highway is constructed in accordance with the Highway Authority's specification and by a contractor who is authorised to work in the public highway.

7. Under the terms of the Environmental Permitting Regulations a Flood Risk Activity Permit is required from the Environment Agency for any proposed permanent or enabling works or structures, in, under, over or within 8 metres of the top of the Colne, designated a 'main river'. Details of lower risk activities that may be Excluded or Exempt from the Permitting Regulations can be found at: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. Please contact us at PSO-Thames@environment-agency.gov.uk for further information.

10.2 17/00594/LBC - 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, listed building consent be granted subject to the conditions listed below:

Section 106 Heads of Terms

- i) To secure the completion of the works to Frogmore House by a specified time in relation to the completion of the residential building.

Conditions

1. The works to which this consent relates must be begun not later than the expiration of three years beginning with the date on which this consent is granted.

Reason: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, to prevent the accumulation of unimplemented listed building consents.

2. The works hereby permitted shall be carried out in accordance with the following approved drawings and documents:

W106.002, 004, 005, 105 Rev.01, 205 Rev.01, 305 Rev.01

W106.100, 200, 300, 101, 201 Rev.01, 301 Rev.01, 401, 102, 202 Rev.01, 302 Rev.01, 402, 103 Rev.01, 203 Rev.01, 303 Rev.01, 403, 104, 204, 304

Scope of Works report (Bond Davidson)

Method Statement 1 (July 2017, job no. 145.12): Method statement for the repairs to the timber architectural features (Hutton + Rostron)

Method Statement 2 (July 2017, job no. 145.12): Method statement for the

repairs to the timber panelling (Hutton + Rostron)

Method Statement 3 (July 2017, job no. 145.12): Method statement for repair of historic plasterwork (Hutton + Rostron)

Method Statement 4 (July 2017, job no. 145.12): Method statement for the repairs to the timber staircases (Hutton + Rostron)

Photographic Survey and Repairs (August 2017) (Montague Evans)

Report on proposed structural works for renovation (May 2017, Issue 2, ref. 39906-022R) (Eastwood & Partners)

Scope of Works for Mechanical and Electrical Services (4th August 2017) (Judd Consulting (UK) Limited)

Replacement window details (3 unnumbered drawings, Mumford and Wood)

Reason: For the avoidance of doubt and in the interests of the historic and architectural significance of the building.

3. Before any work commences on site, a site meeting shall be held between the Local Planning Authority (or their nominated representative) and the persons responsible for undertaking the works to ensure that the conditions attached to the Listed Building Consent are understood and can be complied with in full.

Reason: To ensure that special regard is paid to protecting the special architectural and historic and integrity of the building under Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990.

4. Before the relevant work begins, details in respect of the following shall be approved in writing by the Local Planning Authority:

- Detailed drawings (scale 1:5) and sections (scale of 1:2) showing full details of the replacement windows including the relationship with the internal shutters and other features where relevant along with samples of the timber and the finish for the windows.
- Detailed drawings and sections showing full details of any replacement internal or external doors and a justification for their replacement.
- Details and samples of materials and finishes for new and restored sections of all timber features (including panelling, skirting, door and window architraves, picture rails, dado rails, cornices, doors, stair balusters) in the building.
- A method statement and details of materials for all repairs to and levelling of the internal floors along with samples of proposed finishes and coverings including a justification for the coverings where to be laid over the original floor boards.

- Method statement for the reinstatement of the salvaged doorcase to the western entrance.
- Detailed drawings and sections at 1:20 showing the new access ramp to the secondary entrance.
- Samples of all external materials and surface finishes to be used (including the proposed access ramp).
- Details and samples of materials to be used for new chimney pieces and boarding up of the existing fireplaces?
- Detailed drawings and material samples for the external boundary treatments; cycle and refuse stores and any other enclosures required to house external plant shall be submitted to and agreed in writing by the Local Planning Authority.
- Details showing the type, location and sample materials of all rainwater goods and vent pipes

All works shall only be carried out in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic and integrity of the building under Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990.

5. Notwithstanding the consent hereby granted, none of the interior features shall be disturbed or removed temporarily or permanently until a scheme identifying the items to be removed; arrangements for temporary secure storage; the person or body specialising in this procedure appointed by the applicant; and a timetable for their reinstatement has been submitted to and approved in writing by the Local Planning Authority. This should include the clear identification and justification of those sections of existing fabric to be replaced. The works shall only be carried out in accordance with the approved scheme.

Reason: To ensure that special regard is paid to the features relating to the special architectural interest and character so that these are reincorporated into the building.

6. The following loose items shall be retained on site or stored under cover in a secure place until their reinstatement as part of the works hereby approved:

- Timber features – including sections of coving

Reason: To ensure that specific loose architectural features or fixtures are protected in a secure place from theft, vandalism or unauthorised works during the course of works pending their reinstatement.

7. No demolition of the single storey structure which forms a later addition to the north of the listed building shall be commenced until a method statement for the demolition, including details for making good exposed areas revealed following the demolition, has been submitted to and agreed in writing by the Local Planning Authority. The demolition works shall only be carried out in accordance with the approved method statement.
Reason: In the interests of ensuring that no damage is caused to the part of the building which is to be retained.
8. No works to remove and replace the existing render shall commence until a method statement for the removal of the existing render and a specification for the new render to be used has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the mortar mix, number of coats, the finish and backing material and relationship to existing finishes and openings. Sample panels shall be provided on site showing the proposed render mix and the surface texture and materials and methods approved. Approved sample panels shall be retained on site until the work is completed. The works shall only be carried out in accordance with the approved method statement.
Reason: To ensure that special regard is paid to the features relating to the special architectural interest and character of the building.
9. No works of repointing shall commence until a method statement detailing the method and extent of repointing has been submitted to and approved in writing by the Local Planning Authority. and be carried out accordingly. The works shall only be carried out in accordance with the approved method statement. No other repointing of brickwork is authorised by this consent without prior approval of the details.
Reason: To ensure that special regard is paid to the features relating to the special architectural interest and character of the building.
10. No works shall commence until full details of all internal and external lighting has been submitted to and approved in writing by the Local Planning Authority. Details should include design and dimensions, level of illumination, cable routes and method and location for fixing. The works shall only be carried out in accordance with the approved details.
Reason: To ensure that special regard is paid to the features relating to the special architectural interest and character of the building.
11. No works shall commence until full details of the position, type and method of installation of all new and relocated services and related fixtures (for the avoidance of doubt this includes communications and information

technology servicing), wherever these installations are to be visible, or where ducts or other methods of concealment are proposed, has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out only in accordance with the approved details.

Reason: To ensure that special regard is paid to the features relating to the special architectural interest and character of the building.

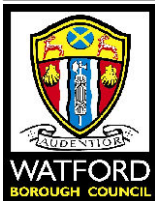
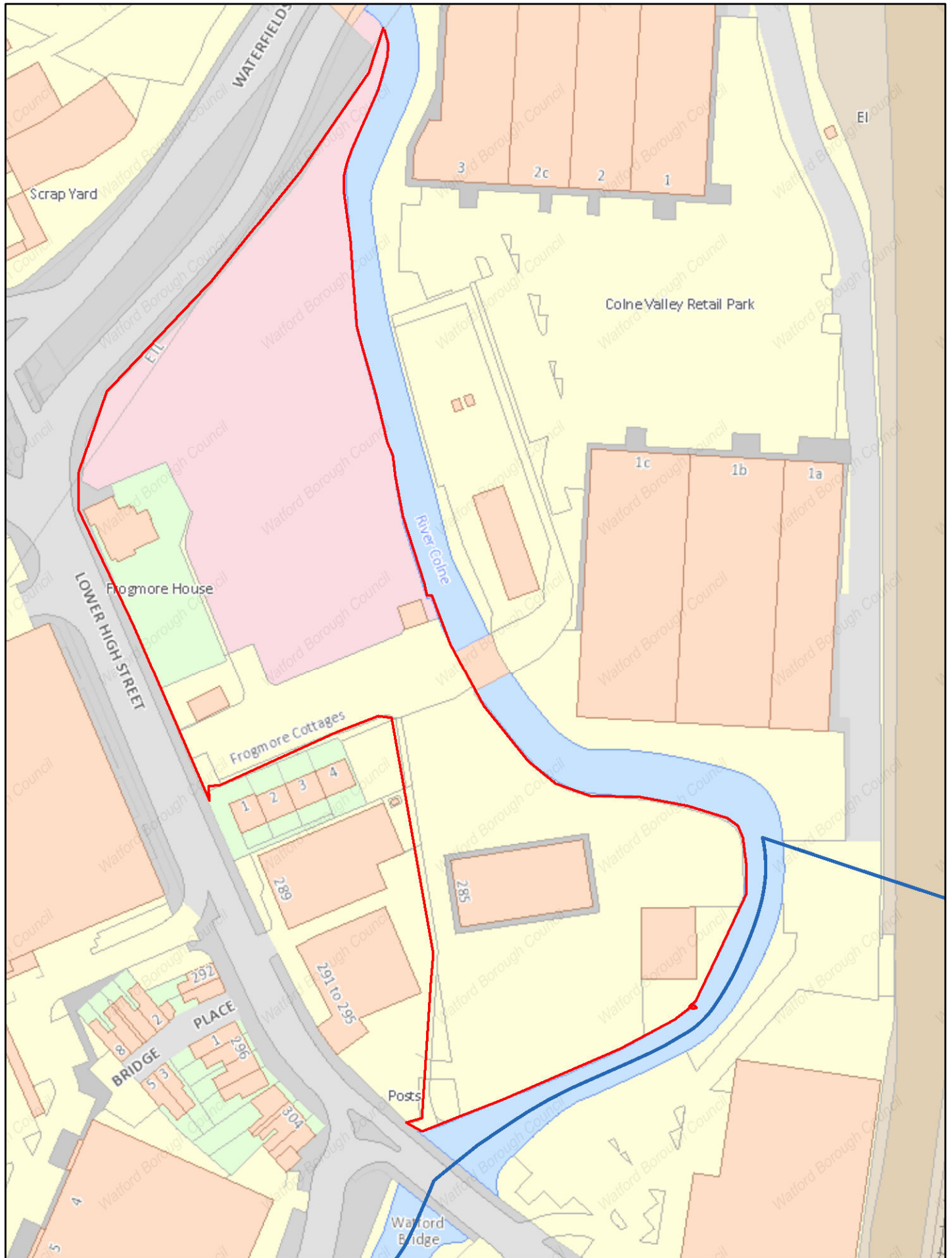
Informatives

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

Case Officer: Paul Baxter

Email: paul.baxter@watford.gov.uk

Tel: 01923 278284



Former Gas Holder site enc.Frogmore Hse

Date: 20/10/2017

0 0.015 0.03 0.045 0.06 Kms

Scale 1:1,250





Image from Google Earth



Notes

Do not scale from this drawing.

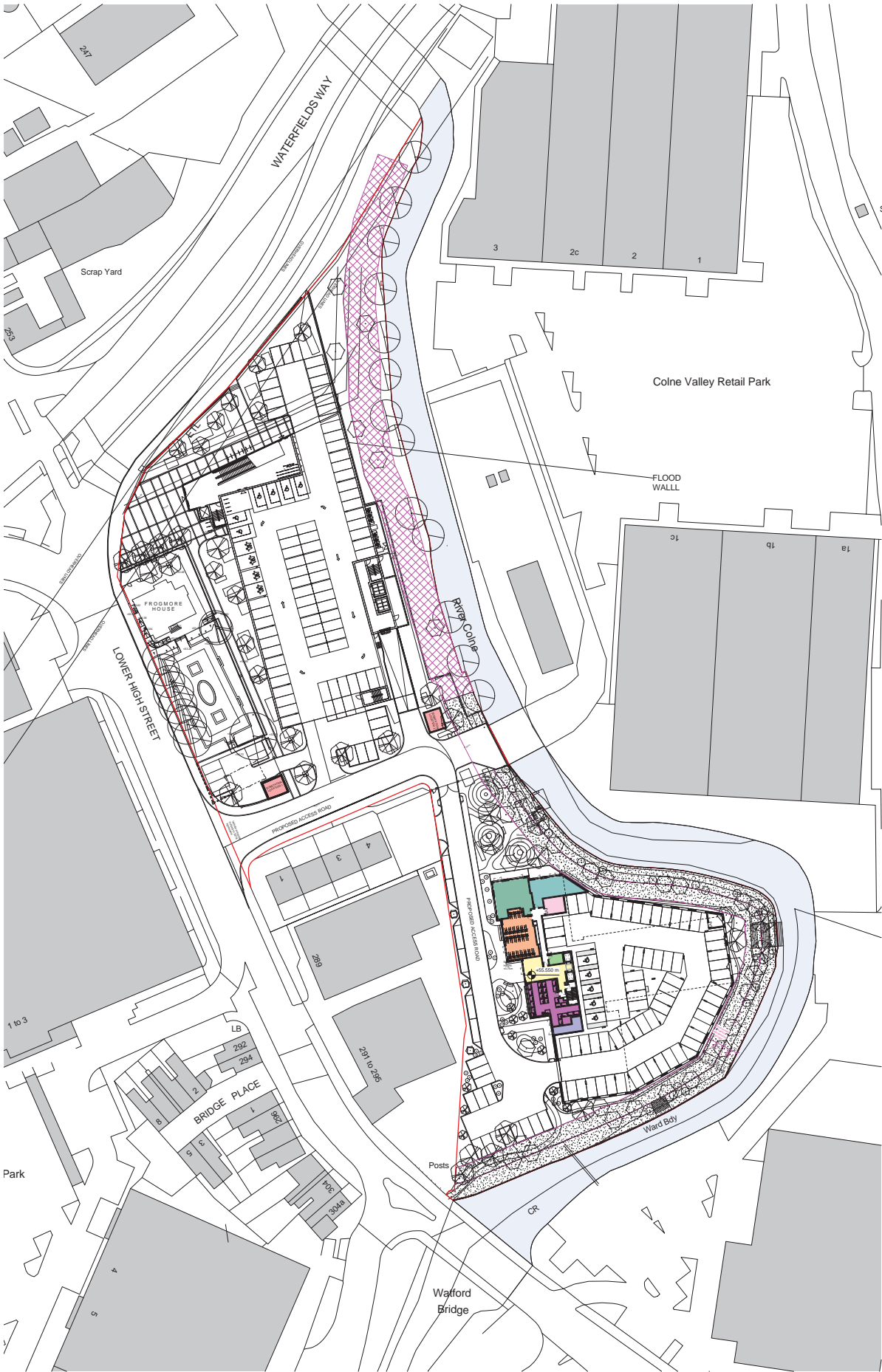
All contractors must visit the site and be responsible for taking and checking dimensions.

All construction information should be taken from figured dimensions only.

Any discrepancies between drawings, specifications and site conditions must be brought to the attention of the supervising officer.

This drawing & the works depicted are the copyright of John Thompson & Partners.

This drawing is prepared for the specific project stage in the Drawing Status section below and it is not intended to be used for any other purpose. Whilst all reasonable efforts are used to ensure drawings are accurate, JTP accept no liability for any reliance placed on, or use made of, this plan by anyone for purposes other than those stated in the Drawing Status below.



- KEY
- EA BUFFER ZONE
 - EA BUFFER ZONE
 - A - Environment Agency Maintenance Corridor
 - B - 4m Reprofiled river bank

P1	05.05.17	Planning Application Issue	RA/CI	DC
Rev	Date	Description	Drawn	Chkd

Drawing Status

FOR PLANNING

Client

St William LLP



Project

Watford Gas Works

Drawing Title

Proposed Site Plan - Ground Floor

Scale @A1 As indicated Job Ref: 01105

Drawing No. MP_04 Revision: P1

Scale Bar

0 5 10 15 20 25 m



Proposed Site Plan - Ground Floor
1 : 500

KEY

GROUND FLOOR

WAREHOUSE

Direct delivery area:

ANCILLARY AREA

Circulation: 232 m²
Stairs: 51 m²
Lifts: 33 m²
Utilities: 35 m²
Total: 351 m²

Undercroft area*: 1982 m²

Internal walls GIA: 44 m²

Total GF store GIA: 2434 m²

FIRST FLOOR

Sales Area GIA: 1386m²

WAREHOUSE

Warehouse: 339 m²
Bakery freezer: 66 m²
Chillers: 84 m²
Utilities: 35 m²
Total Warehouse GIA: 524 m²

ANCILLARY AREA

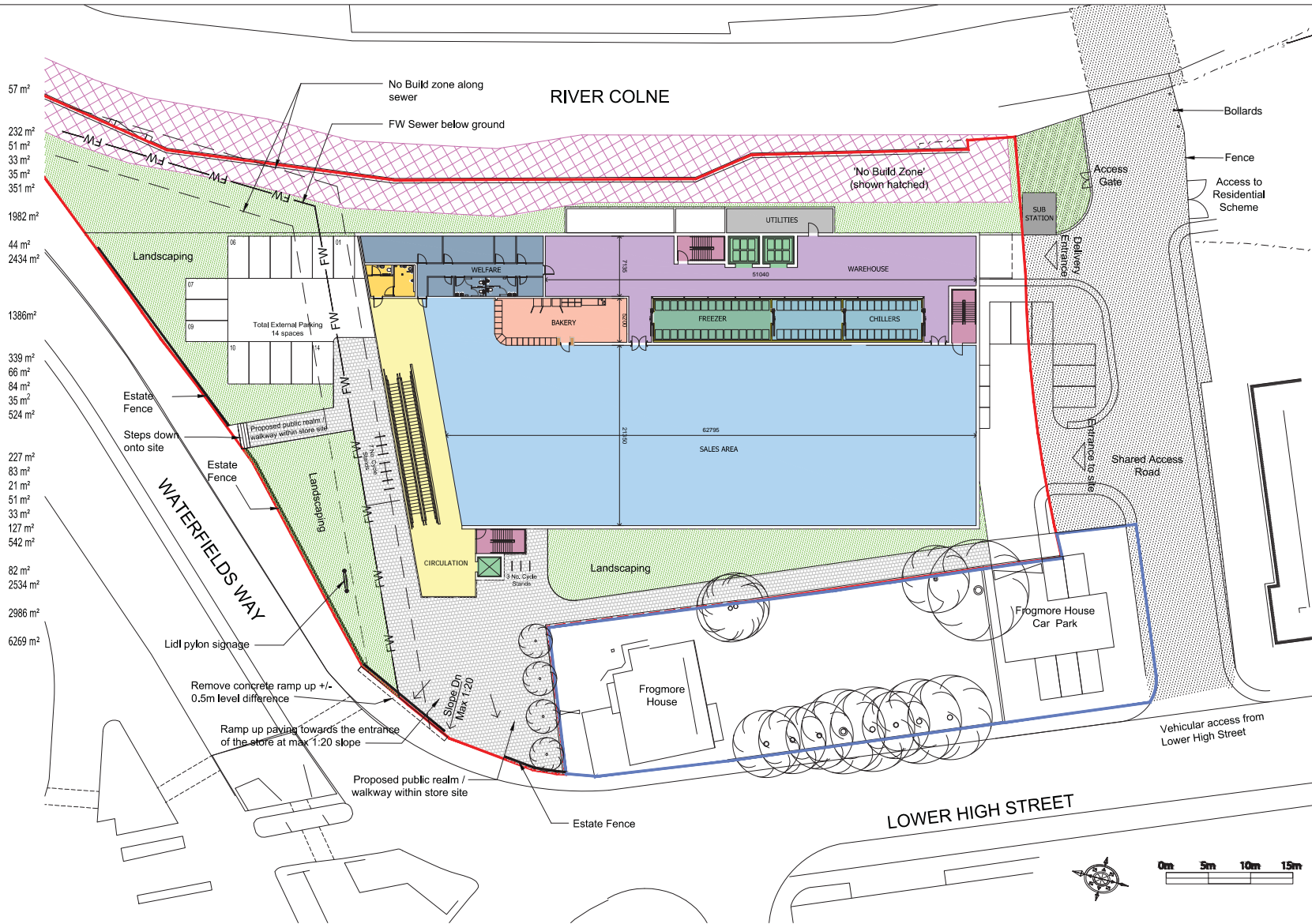
Circulation: 227 m²
Bakery preparation: 83 m²
Customer WC: 21 m²
Stairs: 51 m²
Lifts: 33 m²
Welfare: 127 m²
Total: 542 m²

Internal walls GIA: 82 m²

Total FF store GIA: 2534 m²

Total store GIA ex. undercroft: 2986 m²

Site Area: 6269 m²



FIRST FLOOR PLAN
SCALE 1:500



clients logo

LIDL PARKING

Standard Parking: 82 Spaces
Disabled Parking: 6 Spaces
Parent & Child Parking: 4 Spaces
Total Parking: 92 Spaces
Cycle stands: 22 Spaces

Excludes Frogmore House Parking

- Public Realm and Pedestrian Passage Way
- Shared Access Road
- No Build Zone

REV	DATE	DESCRIPTION	BY
E	28.04.17	Amended to client's comments	AW
D	27.04.17	Amended to client's comments	AW
C	10.04.17	Sub Station added & associated landscaping	SG
B	31.03.17	Building moved 2m east	SG
A	28.03.17	External plant area moved, utilities post added	SG

IN CASE OF DISPUT OR DISCREPANCIES PLEASE REFER TO PROJECT FOR INSTRUCTIONS.
DRAWING AND SUITABILITY NUMBERS IN ACCORDANCE WITH BS11363:2007
THIS DRAWING SHOULD NOT BE REPRODUCED
THIS DRAWING IS COPYRIGHT

SUITABILITY NUMBER KEY:	
WIP	Work in Progress*
SHARED	A - Fit for construction S1 - Fit for co-ordination** S2 - Fit for information S3 - Fit for internal review and comment S4 - Fit for construction approval
DOCUMENTATION - SIGN OFF	B - Fit for construction, with comments C - Comprehensive revisions needed ARCHIVE AB - As Built FC - Final Construction
D1 - Fit for tendering D2 - Fit for tender D3 - Fit for contractor design D4 - Fit for manufacture/procurement	* For internal pre-issue usage only. ** For model file usage only.

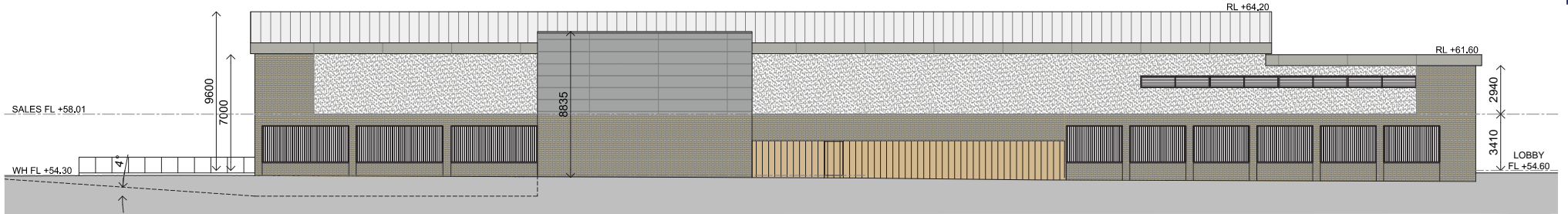
4th Floor, Greyfriars House
Greyfriars Road, Cardiff CF10 3AL
Tel: 029 2055 8900 Fax: 029 2039 9592
www.boyesrees.co.uk
Registered office: As above Reg No. 205 1083 (England & Wales)

PROJECT TITLE:
Proposed Lidl store at
Lower High Street,
Watford,
WD17 2HX

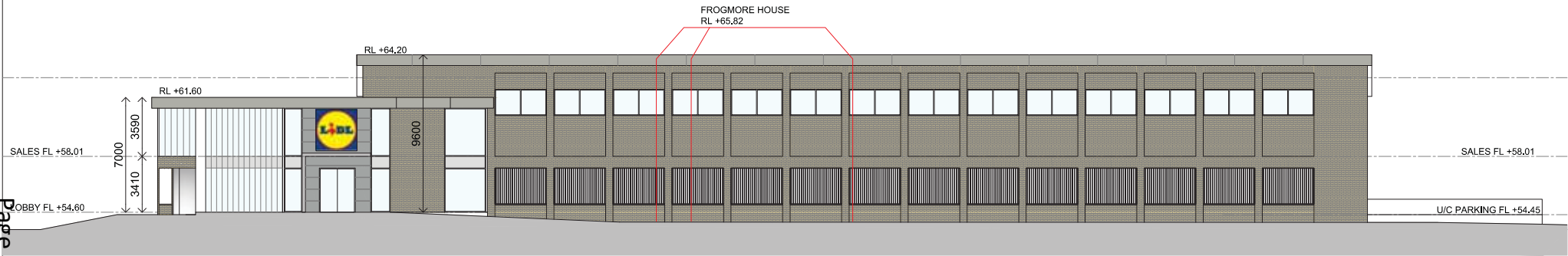
DRAWING TITLE:
Proposed Site Plan - Option 1
First Floor

DRAWN BY: SG SCALE: 1:500 @ A3
JOB NO: 5644 DATE: DEC 2016

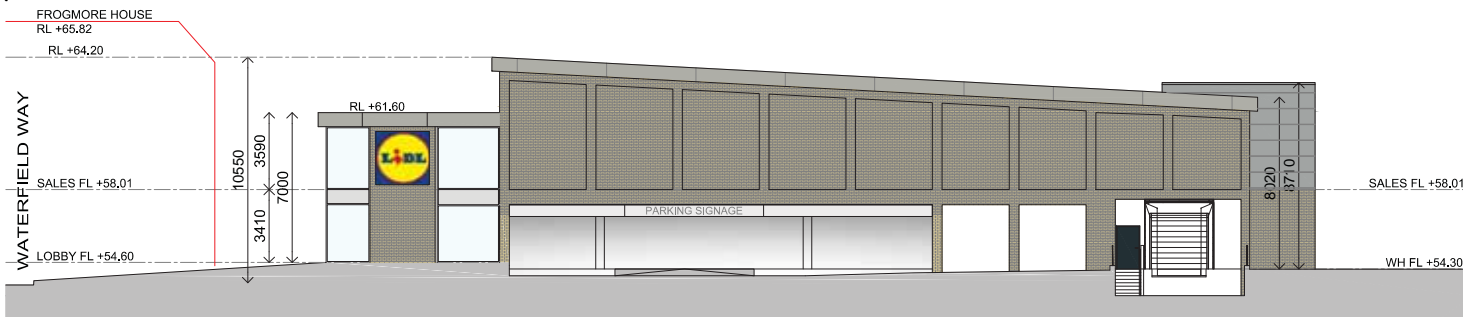
SUITABILITY: S0			REVISION: E			
PROJECT	ORIGIN.	VOLUME	LEVEL	TYPE	DISCIP.	NUMBER
5644	BR	V01	01	DR	A	010101



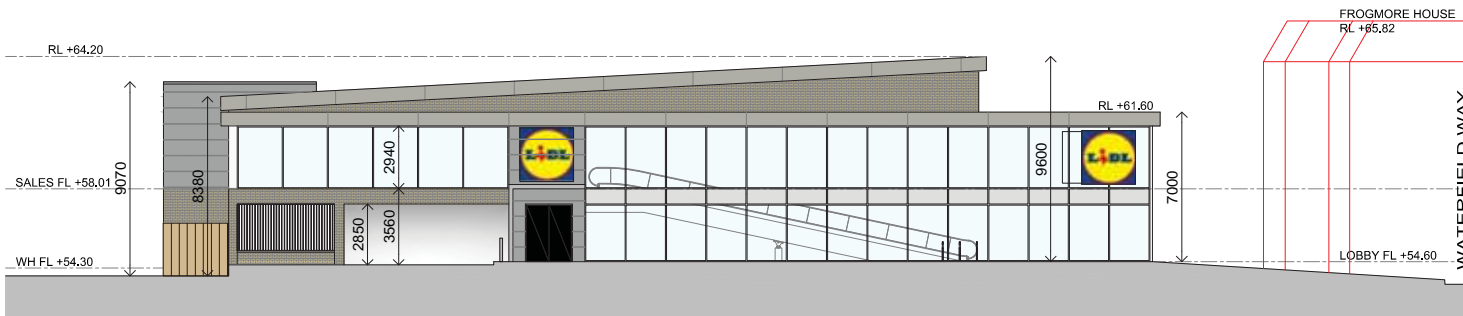
WEST ELEVATION



EAST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION

D	27.04.17	Amended to client's comments	AW
C	05.04.17	West elevation wall finishes revised. Building location updated.	SG
B	23.03.17	External plant area moved. Utilities pod added	SG
A	08.03.17	Ridge height revised.	SG

REV	DATE	DESCRIPTION	BY
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IN CASE OF DISCREPANCY OR DISCREPANCIES PLEASE REFER TO ARCHITECT FOR INSTRUCTIONS.
DRAWING AND SUITABILITY NUMBERS IN ACCORDANCE WITH BS1192:2007.
THIS DRAWING IS UNLESS OTHERWISE STATED.
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SUITABILITY NUMBER KEY:

WIP	SHARED	DOCUMENTATION - SIGN OFF
S0 - Work in Progress*	S1 - Fit for construction**	A - Fit for construction, with comments
S2 - Fit for information	S3 - Fit for internal review and comment	B - Fit for construction, with comments
S4 - Fit for construction approval	S5 - Fit for construction approval	C - Comprehensive revisions needed
DOCUMENTATION	D1 - Fit for costing	ARCHIVE
D2 - Fit for tender	D3 - Fit for contractor design	A0 - As Built
D4 - Fit for manufacture/ procurement		FC - Final Construction

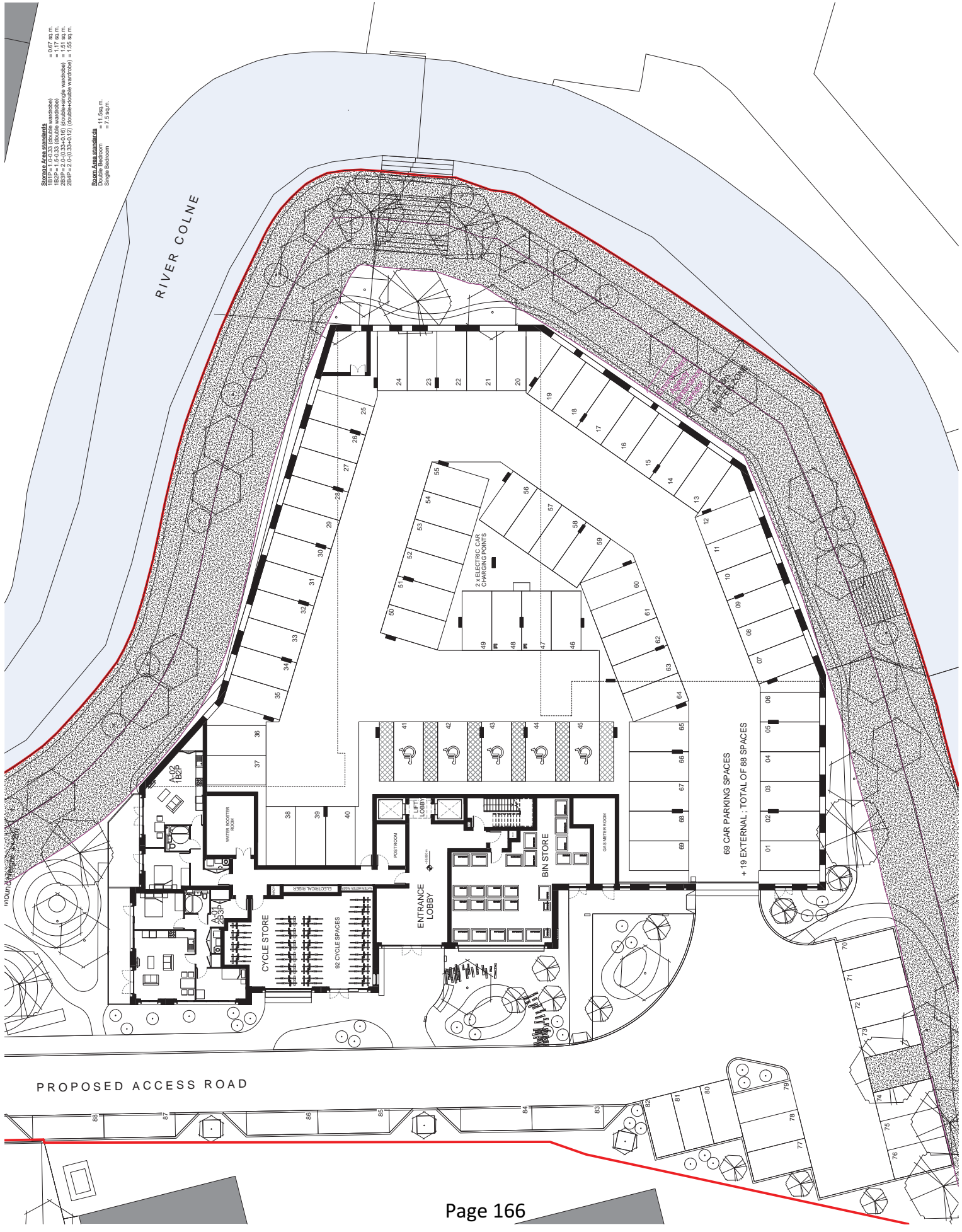
4th Floor, Greyfriars House
Greyfriars Road, Cardiff CF10 3AL
Tel: 029 2055 8900 Fax: 029 2039 9592
www.boyesrees.co.uk
Registered office: 1st floor Reg
No. 305 1083 (England & Wales)

PROJECT TITLE:
Proposed Lidl store at
Lower High Street,
Watford,
WD17 2HX

DRAWING TITLE:
Proposed Elevations - Option 2
Internal Ramp

DRAWN BY: SG SCALE: 1:250 @ A3
JOB NO: 5644 DATE: 13.12.16

SUITABILITY:	S0	REVISION:	D
PROJECT	ORIGIN	VOLUME	LEVEL
5644	BR	V01	00
	TYPE	DISCIP	NUMBER
	DR	A	020100



Notes:
1. All dimensions are in millimetres, unless otherwise stated.
2. All dimensions are to the centre of the wall, unless otherwise stated.
3. All dimensions are to the centre of the wall, unless otherwise stated.
4. All dimensions are to the centre of the wall, unless otherwise stated.
5. All dimensions are to the centre of the wall, unless otherwise stated.
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8. All dimensions are to the centre of the wall, unless otherwise stated.
9. All dimensions are to the centre of the wall, unless otherwise stated.
10. All dimensions are to the centre of the wall, unless otherwise stated.

Room Area standards
Double Bedroom = 11.5sq.m.
Single Bedroom = 7.5sq.m.
Room Area standards
Double Bedroom = 11.5sq.m.
Single Bedroom = 7.5sq.m.
Room Area standards
Double Bedroom = 11.5sq.m.
Single Bedroom = 7.5sq.m.
Room Area standards
Double Bedroom = 11.5sq.m.
Single Bedroom = 7.5sq.m.

Project: 000017 - Planning Application

Drawn: []

Checked: []

For Planning: []

Date: []

Scale: []

Sheet: []

Total: []

Client: St William LLP

Project: Watford Gas Works

Block A - Ground Floor Plan

Scale: 1:100

North Arrow

0 1 2 3 4 5 m

St William LLP

Watford Gas Works

Block A - Ground Floor Plan

Notes:
 1. All dimensions are in millimeters, unless otherwise stated.
 2. All dimensions are to the centerline of the wall, unless otherwise stated.
 3. All dimensions are to the centerline of the door, unless otherwise stated.
 4. All dimensions are to the centerline of the window, unless otherwise stated.
 5. All dimensions are to the centerline of the staircase, unless otherwise stated.
 6. All dimensions are to the centerline of the lift, unless otherwise stated.
 7. All dimensions are to the centerline of the ramp, unless otherwise stated.
 8. All dimensions are to the centerline of the balcony, unless otherwise stated.
 9. All dimensions are to the centerline of the terrace, unless otherwise stated.
 10. All dimensions are to the centerline of the garden, unless otherwise stated.

Room Area standards
 1B1P = 1.0-1.33 (double wardrobe)
 = 0.67 sq. m.
 1B2P = 1.0-1.33 (double wardrobe)
 = 0.67 sq. m.
 2B1P = 2.0-2.33+0.18 (double+single wardrobe)
 = 1.51 sq. m.
 2B2P = 2.0-2.33+0.18 (double+single wardrobe)
 = 1.51 sq. m.
 2B4P = 2.0-2.33+0.12 (double+double wardrobe)
 = 1.55 sq. m.

Room Area standards
 Double Bedroom
 = 1.55 sq. m.
 Single Bedroom
 = 0.67 sq. m.



A key plan of the site showing the North Elevation and West Elevation. The plan is a shaded polygon with a vertical line on the left labeled 'NORTH ELEVATION' and a horizontal line at the bottom labeled 'WEST ELEVATION'. A 'KEY' label is located to the right of the plan.



Block A - North Elevation



Block A - West Elevation
1 : 100

Pr. # 20200107 - Planning Application Fee		NA/0	
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Agenda Item 8

PART A	
Report of: Head of Development Management	
Date of committee:	29th November 2017
Site address:	Land to rear of 2-16 (evens), Southwold Road
Reference Number:	n/a
Description of Development:	Variation of Section 52 agreement dated 7th July 1989 pursuant to planning permission ref. 9/851/88 to discharge clause 2(b) requiring the granting of an easement for the use of land by local residents.
	Southwold Road (Block E) Freehold Limited
Date Received:	22nd December 2016
13 week date (major):	n/a
Ward:	Tudor

1.0 Site and surroundings

- 1.1 The site is located to the rear of nos. 2-16 (evens), Southwold Road. It comprises a rectangular area of land measuring 28m long by 5.4m wide and is tarmaced. It adjoins a block of 6 flats (18-22a (evens), Southwold Road). Nos. 2-16 (evens), Southwold Road form a terrace of 8 Victorian properties. The block of flats forms part of a larger development of flats on the former Home Office Stores Site.

2.0 Proposed development

- 2.1 To vary a Section 52 agreement dated 7th July 1989 forming part of the planning permission granted under ref. 9/851/88 for the development of the former Home Office Stores Site to provide 105 dwellings. The request is to discharge clause 2(b) of the agreement. Clause 2(b) is linked with clause 2(a) and the wording of these clauses states:

2(a) No dwelling to be constructed as part of Block E as shown on Plan A shall first be occupied until such time as that part of the Land shown edged and hatched brown on the plan shall have been made up to the satisfaction of the Director of Technical Services for the time being of the Council to provide a rear access, turning and parking area to the rear of numbers 2 to 16 (inclusive even numbers only) Southwold Road Watford and further shall

erect a lockable swing gate between the points marked A-B on Plan A permitting vehicular access to the said land shown edged and hatched brown on the plan.

2(b) The Owner shall by grant of formal easement or otherwise grant to the owners and occupiers of numbers 2 to 16 (inclusive even numbers only) aforesaid free passage to and over and use of with or without motor vehicles the said land shown edged and hatched brown on Plan A for such purposes as are consistent with the provisions of clause 2(a) hereof.

2.2 The land referred to as 'edged and hatched brown on Plan A' is the rectangular area of land to the rear of nos. 2-16 (evens), Southwold Road. As such, clause 2(a) has been fulfilled. The applicant wishes to discharge clause 2(b) which requires the granting of an easement or otherwise to allow local residents to use this land for access and the parking and turning of vehicles.

3.0 Relevant planning history

3.1 The following planning history is relevant to this application:

9/778/87G – Outline planning permission for demolition of existing buildings and redevelopment for residential purposes granted on 11th July 1988.

9/851/88 – Approval of details for 105 dwellings in 2 and 3 storey blocks of flats, houses, gardens, amenity areas and parking granted on 7th July 1989. This approval was accompanied by a Section 52 agreement of the same date.

4.0 Background information

4.1 Section 106 of the Town and Country Planning Act 1990 allows a planning obligation to be made by agreement or unilaterally to control the development or use of land or to secure financial payments relating to the development of land. Section 106A provides for the modification or discharge of a planning obligation made under Section 106. Where an application to the local planning authority to modify or discharge a planning obligation is refused, Section 106B provides an appeal procedure.

4.2 Section 52 is the equivalent provision to Section 106 under the preceding Town and Country Planning Act 1971. Section 52 does not, however, provide for the modification or discharge of planning agreements made under this section. Furthermore, the provisions of sections 106A and 106B do not apply retrospectively to agreements made under Section 52.

- 4.3 In light of the above, advice from the Council's legal department was that the applicant should seek the discharge of clause 2(b) by application to the Upper Tribunal (Lands Chamber), formerly the Lands Tribunal under Section 84 of the Law of Property Act 1925. An application was subsequently made by the applicant to the Upper Tribunal but this was not able to be considered, as a request to discharge an easement (or an agreement to enter into easements) does not fall within the jurisdiction of the Upper Tribunal.
- 4.4 In light of the above, the applicant has requested the Council consider their request for clause 2(b) to be discharged, notwithstanding that there is no formal procedure for this. In the event of this request being refused, the applicant would have no right of appeal but could seek judicial review of the decision.

5.0 Consultations

5.1 Neighbour consultations

Letters were sent to nos. 2-16 (evens), Southwold Road. Four letters have been received from nos. 2, 4, 6 and 14, Southwold Road, making the following comments:

- We have regularly used the area for car parking over the past 15+ years.
- The rear access, turning and parking was given to nos. 2-16 as part of the planning permission.
- Previous issues with the owner of the land illegally installing bollards and locking out residents.
- Significant parking issues on Southwold Road during the daytime and night-time. Issues have increased dramatically since 1989.
- Deed of covenant was granted for the sole use of residents in nos. 2-16 (evens), Southwold Road when planning permission was granted. Council took on the deed of covenant to enforce it on behalf of the residents.
- No grounds under the Law of Property Act 1925 to change the covenant.
- Current owner purchased the land knowing there was a covenant in place.
- Property was advertised and purchased on the basis it had use of the land for parking.
- Clause is not obsolete.

Although all of the responses refer to a deed of covenant being granted at the time planning permission was granted, there is no legal evidence of this (see Appraisal below). It would appear that the wording of clause 2(b) has been interpreted as having granted an easement. This is not, in fact, the case.

5.2 **Statutory publicity**

No statutory advertisement was required for this request.

5.3 **Technical consultations**

No technical consultation was required for this request.

6.0 **Appraisal**

6.1 Advice from the Council's legal department is as follows:

6.1.1 Enforcement of the covenant

The provision in the planning agreement was an agreement to create an easement and as it was specifically enforceable, gave rise to an equitable easement and consequently was registrable as a Land Charge under S.2 of the Land Charges Act 1972 as a Class D (iii) land charge. There is no evidence that any such registration took place – either under the name of the original owner, Dialect Properties Ltd., or the subsequent owners, Southwold Road (Block E) Freeholder Company Ltd from the date of the Agreement to the current time. The effect of non-registration is that, when the land was sold, the equitable easement was void against the purchaser. The effect of this is that, from the title aspect, we cannot enforce the agreement (for the easement) against the present owner.

As previously mentioned, the wording of the covenant is largely positive in nature ie. to grant easements etc. so this would not generally be enforceable; whilst there might be some argument in saying that the covenant does contain an element of restrictive nature because the grant of the rights restricts building on the land, the Council has no adjoining land having the benefit of this restriction and so on the face of it would not be enforceable.

However, under S52(2) of the TCP Act 1971, a S.52 Agreement may be enforced against the original covenantor in contract and against successors in title to the original covenantor. Contractual enforcement is dependant either upon consideration having flowed from the authority as covenantee to support the promise of the covenantor, (in practice this means the grant of planning permission).

Enforcement against successors in title is secured by subsection (2) which overcomes the limitations of privity of contract, and the limitations of existing restrictive covenant law, referred to above, by placing the local authority in the same position as a landowner entitled to enforce a restrictive covenant against an adjoining landowner. A broad interpretation of the subsection would give the authority the necessary status to enforce all the terms of the agreement against a successor,

without having to import the further rules governing the enforcement of restrictive covenants, such as the requirement that the covenant should actually be capable of benefitting adjoining land.

An agreement may be enforced by way of an action for an injunction. In Avon County Council v. Millard (1985) the Court of Appeal reversed the ruling of the High Court that a local authority must first exhaust the enforcement remedies in s.87 (power to issue enforcement notice in relation to breach of planning control). There was nothing in S.52 to suggest that the ordinary civil remedies for breach of contract should not be available, and since a local authority would not normally suffer financial loss, an injunction rather than damages would normally be the only remedy. A positive covenant is enforceable by specific performance, similar in effect to a mandatory injunction

There are various equitable defences to the grant of an injunction. One of the most common is that there has been too much delay. The court may refuse to exercise its discretion to award specific performance if the claimant has been guilty of unreasonable delay in commencing proceedings after the Defendant refused to perform the contract, or refused to do so. The delay must be such as to be evidence of abandonment of the contract, or otherwise make it unjust to the Defendant to order specific performance.

6.1.2 Application for modification or discharge of s.52 Agreement

Whilst a S.106 Agreement may be modified or discharged by agreement between the authority by whom the obligation is enforceable and the person or persons against whom the obligation is enforceable, an agreement under S.52 of the TCP Act 1971 can only be modified by the Lands Tribunal. The relevant power is under the Law of Property Act 1925 s.84 on the application of any person interested in freehold land affected by any restriction arising under a covenant, to discharge (wholly or partially) or modify any such restriction.

6.1.3 As referred to above, an application has been made to the Upper Tribunal but they have confirmed they have no jurisdiction in this case. However, it is informative to consider the grounds on which an order may be made by the Upper Tribunal under s.84 of the Law of Property Act 1925. An order may be made where the Tribunal is satisfied:

- (a) That by reason of changes in the character of the property of the neighbourhood...the restriction ought to be deemed obsolete; or
- (b) That the continued existence of the restriction would impede (some reasonable user) of the land for public or private purposes..., or;
- (c) That the persons entitled to the benefit of the restriction have agreed,

either expressly or by implication, by their acts or omissions, to the same being discharged or modified; or

- (d) That the proposed discharge or modification will not injure the persons entitled to the benefit of the restriction.

6.1.4 S.(1A) allows the Tribunal to proceed on ground (c) in any case where it is satisfied that the restriction, in impeding some reasonable user of the land, either –

- (a) Does not secure to persons entitled to the benefit of it any practical benefits of substantial value or advantage to them; or
- (b) Is contrary to public interest;

And that money will be an adequate compensation for loss or disadvantage which any such person will suffer from the discharge or modification.

6.1.5 In determining whether the restriction ought to be discharged or modified, the Tribunal is further required to take into account the development plan and any declared or ascertainable pattern for the grant or refusal of planning permission in the relevant areas, as well as the period at which, and the context in which, the restriction was created or imposed, and any other material circumstances.

6.1.6 The relevant issues in considering this request are as follows:

- a) Enforceability of clause 2(b)
- b) Consideration of Tribunal criteria
- c) Planning considerations

6.1.7 a) Enforceability of clause 2(b)

Clause 2(b) provides “ The Owner shall by grant of formal easement or otherwise grant to the owners and occupiers of numbers 2 to 16 (inclusive of even numbers only) aforesaid free passage”. There is no evidence that any such easement was ever granted. Copies of the title deeds for each of the properties have been sourced from the Land Registry and none show any easement relating to this land. Although the land was formed in accordance with the requirements of clause 2(a), and the residents were allowed to use the land, neither the then owners nor the residents pursued the granting of a formal easement.

6.1.8 In terms of enforcing clause 2(b), the Council could seek an injunction against the current owner.

6.1.9 b) Consideration of Tribunal criteria

The 4 grounds which have to be considered by the Tribunal for making an order to

discharge a restriction are informative in this case:

- a) That by reason of changes in the character of the property or the neighbourhood...the restriction ought to be deemed obsolete – The area is still being used for car parking.
- b) The restriction would impede some reasonable use of the land – The only purpose of the land is to provide car parking for the owners/occupiers of nos. 2-16, Southwold Road. No other use is being impeded.
- c) Persons entitled to the benefit have expressly or by implication (through their acts or omissions) agreed to the discharge – It is evident that no owner has sought to get an easement registered to their property, therefore, by implication, it could be argued that they have consented by omission. However, several owners have objected to the request to discharge the clause and clearly do not give their express consent.
- d) Discharge will not injure entitled persons – There is some limited evidence of the parking area being used (site visits by officers) but no formal survey evidence. The land is also very substandard as a parking area. However, the owners of 4 of the properties have confirmed in writing that they have for many years and continue to use the land for car parking.

6.1.10 Under ground (c), the discharge may proceed where the restriction does not secure any benefits of substantial value or advantage – Although cars are undoubtedly parked on-street by residents in front of the properties, 4 of the owners have confirmed in writing that they have for many years and continue to use the land for parking. This is a clear benefit of value to them.

6.1.11 On this basis, using the Upper Tribunal criteria as a guide, there would appear to be no clear justification to discharge clause 2(b). There is no evidence of a formal easement having been granted and this does not appear to have been pursued by any of the former or current owners of nos. 2-16 (evens), Southwold Road. However, several of the owners have objected to the applicant's request to discharge this clause, which they clearly consider to be of benefit to them. Also, no other lawful use of the land is being impeded.

6.1.12 c) Planning considerations

At the time of the original planning application in 1988, the former Home Office Stores occupied the whole of the site. There was no area of land available for or used by local residents for the parking of cars. It is evident that the area of land in question was created as a planning benefit, to provide a parking area for the

residents of nos. 2-16 (evens), Southwold Road, secured through the s.52 Agreement. This was a relevant planning benefit and the s.52 Agreement was the correct mechanism to secure this. However, the dimensions of the land are wholly inadequate as a parking area for cars. The standard length of a parking space is 4.8m. In order to allow cars to enter and exit safely a 6m manoeuvring area in front of the spaces is required. This gives a total of length of 10.8m. The area of land is only 5.4m wide so is inadequate as a parking area. The width of 5.4m is only sufficient to allow cars to enter and parallel park, having then to reverse out. With parallel parking spaces needing to be 6m long, the length of the land at 28m would only be sufficient to park 4 cars.

- 6.1.13 The surrounding roads currently experience high levels of on-street parking congestion, particularly during the evening/night-time period, and this was presumably the case in 1989 when the planning permission was granted. Therefore, the planning justification for the use remains.

7.0 Conclusion

- 7.1 The area of land in question continues to be used by the owners/occupiers of nos. 2-16 (evens), Southwold Road for the parking of cars and this appears to have been taking place for many years, since the original formation of the land pursuant to the s.52 agreement. Several owners/occupiers have objected to the discharge of clause 2(b) of the s.52 agreement. Southwold Road and the surrounding roads experience high levels of parking congestion, particularly during the evening/night-time period, and the loss of this area of land would only exacerbate these problems. For this reason, it is considered that the request to discharge clause 2(b) of the s.52 agreement should be refused.

8.0 Human Rights implications

- 8.1 The refusal of the applicant's request to discharge clause 2(b) of the s.52 agreement will have an impact on the human rights of the applicant to use their land. However, this is considered justified in order to protect the human rights of the owners/occupiers of nos. 2-16 (evens), Southwold Road to use the land in accordance with the original planning permission.

9.0 Recommendation

That the request to discharge clause 2(b) of the Section 52 Agreement dated 7th July 1989 be refused for the following reason:

1. The area of land in question provides off-street parking facilities for the owners/occupiers of nos. 2-16 (evens), Southwold Road. This provision has existed since the area of land was formed pursuant to the s.52 agreement. Southwold Road and the surrounding roads experience high levels of parking congestion, particularly during the evening/night-time period, and the loss of this area of land would exacerbate these problems. This would be detrimental to the amenities currently enjoyed by the owners/occupiers of nos. 2-16 (evens), Southwold Road and to the wider highway network in the locality.

Case Officer: Paul Baxter

Email: paul.baxter@watford.gov.uk

Tel: 01923 278284





Image from Google Earth