



**WATFORD
BOROUGH
COUNCIL**

DEVELOPMENT MANAGEMENT COMMITTEE

31 January 2018

7.00 pm

Town Hall

Contact

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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 3 January 2018 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.
4. **17/01686/FUL 4-6, Lower Paddock Road** (Pages 4 - 31)

Erection of 3 dwellings with access, parking, landscaping and associated works
5. **17/01399/FUL Oxhey Park North** (Pages 32 - 54)

The demolition of the club-house and provision of a play, skating and cycling park, including the erection of a café and community facilities together with the improvement of walking and cycling routes through the park
6. **17/01433/FULM 50 Clarendon Road** (Pages 55 - 90)

Redevelopment of the site to provide a mixed use scheme including 100 residential units, circa 5,945sq.m office floor space and ancillary flexible use unit at ground floor level

7. 17/01555/OUTM 1, Neston Road (Pages 91 - 112)

Outline application for the demolition of the existing dwelling and adjacent garages and erection of a block of 10 flats with access, parking and amenity space

8. 17/01516/FULM 765, St Albans Road (Pages 113 - 133)

Demolition of showroom and offices and the erection of a part 3 storey, part 4 storey building comprising 23 flats including provision for 8 affordable housing units with car parking

9. 17/01413/FULM 147a, 149a, 149b and land to the rear of 149 St Albans Road (Pages 134 - 177)

Planning consent for the redevelopment of the site to provide a mixed use scheme comprising 144 residential units, flexible commercial units and use of the Old Station building as an artisan beer tap room and/or community space

Agenda Item 4

PART A	
Report of: Head of Development Management	
Date of committee:	31st January 2018
Site address:	4-6, Lower Paddock Road
Reference Number:	17/01686/FUL
Description of Development:	Erection of 3 dwellings with access, parking, landscaping and associated works.
Applicant:	Hampden Homes Limited
Date Received:	8th December 2017
8 week date (minor):	2nd February 2018
Ward:	Oxhey

1.0 Site and surroundings

- 1.1 The site is located on the northern side of Lower Paddock Road to the east of the junction with Villiers Road. It comprises a pair of semi-detached houses with large rear gardens. The western boundary abuts the rear gardens of properties in Villiers Road, the northern boundary abuts the rear gardens of properties in Warneford Place and the eastern boundary adjoins the Keyser Hall.
- 1.2 The houses are not listed or locally listed but the site is located within the Oxhey Conservation Area.

2.0 Proposed development

- 2.1 This application follows the refusal of application ref. 17/00721/FUL in September 2017 (see Relevant History) and seeks to overcome the single reason for refusal.
- 2.2 As with the previous scheme, the existing pair of houses is to be substantially retained but with the removal of several small, single storey extensions and some changes to the fenestration on the side and rear elevations. All existing outbuildings within the garden areas are to be removed. This element of the scheme remains unchanged.
- 2.3 The existing crossover and access to 6, Lower Paddock Road is to be modified to form an improved access to the site serving an internal driveway. This remains

unchanged from the previous scheme. It will serve the proposed 3 new houses to be erected within the garden area and 10 parking spaces. The proposed new houses are 2 storey with accommodation in the roofspace and incorporate 3 double bedrooms. The design has been amended from the refused scheme, which proposed a very contemporary design with shallow, pitched roofs and large picture windows at first floor, to a more traditional approach incorporating full pitched roofs with gable ends to the front and rear. The design maintains a contemporary feel but is more reflective of the properties in the surrounding area. The proposed materials remain unchanged and include a buff multi brick, natural slate roof tiles, grey aluminium windows and timber entrance doors.

3.0 Relevant planning history

- 3.1 17/00721/FUL – Erection of 3 dwellings with access, parking, landscaping and associated works. Planning permission was refused on 6th September 2017 by the Committee for the following reason:

By reason of the height, bulk and design of the proposed new houses, the development will fail to conserve or enhance the character and appearance of the Oxhey Conservation Area and will have an unacceptably harmful effect on the surrounding area. As such, it is contrary to saved Policies U18 and U19 of the Watford District Plan 2000 and Policies SS1, UD1 and UD2 of the Watford Local Plan Core Strategy 2006-2031 and requirements in the National Planning Policy Framework for good design.

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 Supplementary Planning Documents

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

4.3 National Planning Policy Framework

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

Achieving sustainable development

The presumption in favour of sustainable development

Core planning principles

Section 1 Building a strong, competitive economy

Section 6 Delivering a wide choice of high quality homes

Section 7 Requiring good design

Section 11 Conserving and enhancing the natural environment

Section 12 Conserving and enhancing the historic environment

Decision taking

- 4.4 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 380 properties, including all those who were notified of the previous application and all those who made representations on the previous application.

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

Number of original notifications:	380
Number of objections:	162
Number in support:	1

Of the 162 letters of objection, 53 are standard letters raising the following main objections:

Representations	Officer's response
Size, scale and mass has increased by 90m ² .	The internal floorspace of each house has increased by 30m ² due to the incorporation of the integral garage and rear recess into the ground floor of the new houses. However, the actual size scale and mass are smaller as set out in section 6.3 of the report.
Large, flat gables with oversized, mismatched, fenestration remains incongruous to the character of the local area.	Gable roof forms are common in the conservation area, particularly the flank elevations of corner properties.
Small reduction in ridge height and the small front step in the façade does not reduce the visual impact.	The ridge height has been reduced by 1.37m and the eaves height has been reduced by 2.53m. See Section 6.3 of the report.
Private amenity space has been reduced to 60m ² .	See Section 6.5 of the report.
Policy U19 continues to be neglected.	See Section 6.4 of the report.

The main objections from other letters received are summarised below:

Representations	Officer's response
Not sympathetic to the conservation area. Scale and bulk inappropriate. Loss of green space.	See paragraph 6.4 of this report.
Inappropriate back garden development contrary to NPPF.	See paragraph 6.2 of this report.
Large, 3 storey brick wall facing properties in Warneford Place.	The flank wall of the end unit (Unit 3) facing properties in Warneford Place has been

Visually very dominant and overbearing. Loss of light and outlook to properties.	significantly reduced in height. See paragraph 6.6 of this report.
Loss of wildlife and natural habitat. Bats regularly seen in the gardens.	The garden areas are of no specific ecological value. The 4 most significant trees are to be retained. A bat roost survey has been carried out (see paragraph 6.8 of this report).
Increase in traffic and congestion in Oxhey village.	The proposed 3 new houses will generate a negligible level of additional traffic.
Loss of parking for current residents.	The existing houses are provided will replacement parking spaces within the development.
Will add to parking congestion on the surrounding roads.	The proposal provides 7 parking spaces for the proposed 3 houses.
Difficulty of access for construction vehicles. Disruption to the neighbourhood.	These are not relevant planning considerations. Environmental impacts can be dealt with by Environmental Health under environmental protection legislation.
Visual impact on the streetscene.	See paragraph 6.4 of this report.
Architecture is out of place with the conservation area.	See paragraph 6.3 of this report.
Overdevelopment of the site.	The scheme proposes 3 houses and meets the relevant space requirements for new development.
Proposal will overshadow and overlook the garden areas retained for 4 and 6, Lower Paddock Road.	This garden areas remain as previously proposed. The proposed houses will not overshadow or overlook these gardens. The flank elevation of Unit 1 has been reduced in height and contains no windows. It is sited to the north of the garden areas.
Loss of light to properties in Lower Paddock Road.	See section 6.6 of the report.
Houses will have increased width and depth.	The width and depth of the houses remains unchanged. See table at paragraph 6.3.3.
Remains higher than Keyser Hall.	As Keyser Hall is single storey, all surrounding properties are higher than this building.

5.3 Statutory publicity

The application was publicised by 2 site notices posted on 15th December 2017 and by advertisement in the Watford Observer published also on 22nd December 2017.

The site notice period and newspaper advertisement period both expired on 12th January 2018.

5.4 **Technical consultations**

The following responses have been received from technical consultees:

5.5 Hertfordshire County Council (Highway Authority)

Has raised no objection to the proposal subject to suggested conditions relating to a construction management plan, construction of the new access junction, pedestrian visibility splays and construction and drainage of the parking area.

5.6 Hertfordshire County Council (Ecology)

The comments on the previous application remain relevant to the current application:

Agree with the findings of the Bat Roost Assessment report submitted with the application. Consider the Outline Mitigation Strategy forming part of this report to be acceptable and sufficient to allow the Local Planning Authority to satisfy its obligations under the Conservation of Habitats and Species Regulations 2010 and determine the application.

5.7 Planning Policy

Impact on conservation area

Whilst the use of back garden land for other uses is not common in this area, the original gardens to 4-6 (apparent on the 1871 map) have already been reduced in size to accommodate a bowls club and then the properties at Warneford Place. Policies are in place to protect adjoining properties from amenity issues arising from back garden development, but the policies in the NPPF and in the local plan do not prevent appropriate back garden development.

In terms of the conservation area; the area was on the edge of the town and was developed from farmland during the 19th century. The original pattern of development can still be read and where infill has occurred the change in building style allows that to be identified as infill rather than original development. The character of the area is now essentially urban with terraces interspersed with the occasional pair of semidetached or detached houses. The street scene is dominated by parked cars in many places.

The principle of using the back gardens here for new residential development is acceptable subject to an appropriate design and layout where the level of amenity for neighbours and the future occupiers of the scheme is acceptable.

The street elevation shown suggests that the new buildings are now subservient to the pair of houses on the frontage and will not dominate the street scene. The CGI submitted shows that in perspective the proposed buildings will sit comfortably behind these properties allowing them to retain their prominent position within the street scene. The CGI shows that the new access road will sit comfortably in the street scene. The use of a contemporary architectural style is acceptable in principle and the revised scheme sits much more comfortably alongside the existing building in the conservation area. The applicant has successfully combined a more traditional pitched roof form with a contemporary feel to the elevations. The use of brick in this location is appropriate.

As shown, the layout and massing of the new units will alter the conservation area, but will not cause harm to the significance of the conservation area. This scheme is much improved over the previous refused scheme. Details and material samples would need to be submitted under condition.

On balance; the principle of developing on the rear gardens here is acceptable within the terms of the NPPF and Local Plan policies. It is my view that whilst there will be change to the conservation area this does not cause harm to the significance of the conservation area. The current scheme is considered to preserve the character and appearance of the conservation which is acceptable under the wording “preserve or enhance” as set out in the legislation.

5.8 Arboricultural Officer

The proposals indicate the retention of four trees I have assessed of being worthy of protection. These are a group of three trees (1 Yew, 1 cypress and 1 Norway spruce) located to the rear of units 3 and 4 and a Magnolia located on the site frontage. In addition to these a blue cypress and hedge to the side of Keyser Hall are also retained. Providing these have adequate protection during construction they should be safely retained. None of the other trees on site met the benchmark score for retention.

Details of tree protection and construction of hard surfacing within root protection areas of the retained trees should be submitted and approved as should a detailed landscaping scheme.

6.0 **Appraisal**

6.1 **Main issues**

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

(a) Principle of backland development.

- (b) Scale and design of the dwellings.
- (c) Impact on the conservation area.
- (d) Quality of accommodation.
- (e) Impact on surrounding properties.
- (f) Access, servicing and parking.
- (g) Environmental considerations.

6.2 (a) Principle of backland development

The relevant saved policy of the Watford District Plan 2000 is H9 which states:

'Planning permission for back garden development will only be granted where:

(i) a proper means of access which is convenient and safe for pedestrians, non-motorised and motorised highway users is provided, which keeps to a minimum any visual impact within the street scene; and

(ii) the proposal complies with the criteria listed in Policy H8 (Residential Standards) and Policies U1, U2, U3 and U4.'

Policies H8, U1, U2, U3 and U4 have now been superseded by policies UD1 and UD2 of the Core Strategy which also do not preclude backland development.

6.2.1 In addition, the Residential Design Guide provides the following guidance:

'7.3.4 In existing areas, particularly in the case of infill or backland development, it is important that proposals respect - but not necessarily in all instances replicate – the height and scale of adjoining or nearby buildings. In most locations in Watford the prevalent building heights of two or three-storeys will need to be mirrored in new development. However, where appropriate, on town centre sites, in locations adjacent to transport nodes and within major development sites, denser and taller forms of development may be acceptable. In such instances, the effects of a proposal on amenity and townscape will be the primary issues in determining the appropriate height of development.'

6.2.2 The NPPF removes garden land (along with other categories of land) from the definition of previously developed land but this does not equate to a blanket ban on development of garden land. What it does mean is that garden land cannot be allocated for housing development or included within any allowance for windfall sites in calculating the Council's 5 year housing supply figures. This puts the emphasis on allocating true brownfield land that has been the subject of previous development. Many windfall sites will come forward and many will be garden land, as is the case with this application, and any proposals will need to be considered

carefully on their own merits. The development of garden land can often give rise to inappropriate forms of development that can have adverse impacts on surrounding properties and not be in keeping with the character and appearance of the area.

6.2.3 In a recent appeal decision at 177-187, Gammons Lane (ref. 16/00946/FUL), the Council's refusal of planning permission for the development of the rear garden areas for 5 houses was overturned. In allowing the appeal, the Inspector noted that the proposed dwellings would be of a similar scale, bulk and height to existing properties; would not be seen as incongruous or intrusive from surrounding properties or in limited glimpses from public vantage points; and would not have an overly cramped appearance. She concluded that the proposal would not be harmful to the character and appearance of the area.

6.2.4 The reason for refusal of the previous application was based upon the height, bulk and design of the proposed new houses having a harmful effect on the conservation area and not the principle of backland development. There remains no objection in principle to the development of the garden land of nos. 4-6, subject to the proposal being considered an appropriate form of development. Having regard to the various criteria of saved Policy H9 and policies UD1 and UD2 of the Core Strategy, the proposal is considered to be an appropriate and acceptable form of development, and the principle of backland development is therefore considered acceptable in this case, for several reasons:

- i) A satisfactory access has been achieved that provides appropriate vehicle/pedestrian inter-visibility and is of sufficient width to allow 2 cars to pass safely (see para. 6.7 below);
- ii) The access is a modification of an existing crossover and will not dominate the streetscene;
- iii) Adequate car parking has been achieved without dominating the site;
- iv) The proposed dwellings meet the required guidelines for new dwellings and will not give rise to a cramped form of development (see para. 6.5 below);
- v) The proposed dwellings will not have a harmful impact on the surrounding properties (see para. 6.6 below);
- vi) The proposed dwellings will adjoin the Keyser Hall which extends along the entire eastern boundary of the site;
- vii) The development will be seen in the context of Warneford Place and Rowley Close which are both examples of backland development (dating from the 2000s and 1960s respectively).

6.3 (b) Scale and design of the dwellings

The proposed new dwellings are set over 3 storeys with a traditional, pitched roof.

The overtly contemporary design of the previous scheme, incorporating large picture windows at first floor level and a very shallow roof pitch, was in stark contrast to the distinctive Victorian design and detailing of nos. 4 and 6. In determining the previous application, members expressed their concern that the design was not appropriate for the conservation area and this formed part of the reason for refusal. The design now proposed is more traditional in appearance but retains a contemporary feel, in that it does not seek, for example, to use Victorian style sash windows or incorporate traditional bay windows or brick detailing. The large picture windows at first floor level have been removed and smaller scale windows introduced together with contemporary patterned brickwork. As with the previous scheme, it is proposed to use materials that will reflect the existing houses and the wider conservation area, in particular, a yellow multi stock brick and natural slate roof tiles.

6.3.1 It is a widespread and accepted practice for new development within conservation areas to not seek to mimic traditional styles of development which often give rise to an unsatisfactory pastiche and blur the distinction between the original forms of development and their heritage value and later development. All new development within conservation areas is required to enhance or preserve the character and appearance of the area and this is often most successful with a contemporary design in contrast to the original forms of development. The applicant has accepted that members considered the previous contemporary design to be inappropriate and has therefore sought to adopt a style with a more traditional appearance.

6.3.2 The changes in the design include:

- i) Reducing the houses from 3 storeys at eaves level to 2 storeys with a traditional pitched roof.
- ii) Removing the large picture windows at first floor level and introducing 2 smaller windows separated by patterned brickwork.
- iii) Removing the expanse of blank brickwork and the corner balcony feature at second floor level and replacing these with gable ends containing a small window.

This approach still has a contemporary feel but has moved away from the overtly contemporary design of the previous scheme.

6.3.3 Members also expressed concerns regarding the scale of the previous scheme. It was noted that the eaves level and the ridge level of the proposed houses were both higher than those of nos. 4-6 and of the houses at Warneford Place. This was considered to give the proposed houses an overly dominant appearance that was not appropriate for a backland development of this nature. Whilst the width and

depth of the houses now proposed remains unchanged, their scale has been significantly reduced, with the eaves levels reduced by 2.53m and the ridge level reduced by 1.37m. The eaves and ridge levels of the proposed houses are now at a lower level than the houses at nos. 4-6 and at the same level as the houses at Warneford Place.

	Refused (17/00721/FUL)	Proposed (17/01686/FUL)	Difference
Width of houses	6.66m	6.66m	None
Depth of houses	11.50m	11.50m	None
Footprint of houses	76.6m ²	76.6m ²	None
Floorarea of houses	142m ²	172m ²	+30m ²
Eaves level	+56.60	+54.07	-2.53m
Ridge level	+58.46	+57.09	-1.37m
Area of flank wall of Unit 1 facing nos. 4-6	83.4m ²	54.3m ²	-29.1m ² (-35%)
Area of flank wall of Unit 3 facing Warneford Place	96.2m ²	66.7m ²	-29.5m ² (-31%)

6.3.4 As a result of the reduction in the eaves level, the area of the flank walls of Unit 1 facing nos. 4-6 and Unit 3 facing Warneford Place has been reduced by 35% and 31% respectively. This has significantly reduced the visual impact from these properties and the visual impact of the flank wall of Unit 1 when viewed from Lower Paddock Road.

6.3.5 Although the internal floorspace of the houses has increased from 142m² to 172m², this has not resulted in larger houses. The footprint of the houses remains unchanged. The previous scheme incorporated an integral garage (23.3m²) and an undercroft area to the rear (7.5m²) at ground floor level which have been incorporated into the ground floor in the new houses. The garage is now shown as a kitchen and utility room and the undercroft area has been incorporated into a ground level living/dining room (which was previously at first floor level).

6.3.6 The overall scale of the proposed houses is therefore significantly less than the

previously refused scheme. The design is also now of a more traditional style, albeit still retaining a contemporary feel, complementing the traditional Victorian houses in the conservation area. Furthermore, Units 2 and 3 have been stepped back 300mm each to provide further breaks in the massing of the front elevation when viewed from Lower Paddock Road. The proposed houses will sit comfortably behind the existing houses and will not appear visually dominant when viewed from Lower Paddock Road. For these reasons, it is considered that the basis for the reason for refusal of the previous scheme, relating to the height, bulk and design of the houses, has been overcome.

6.4 (b) Impact on the conservation area

The Oxhey Conservation Area Character Appraisal summarises the conservation area as follows:

The area is distinct from other later Victorian areas of the town for its varied architectural character with terraced housing interspersed with detached and semi-detached villas, as well as being pepper potted with a variety of public houses and shops. The strong small scale streetscapes and roofscapes are an important feature emphasised by the topography, as are the spaces created at the junctions of the roads where a variety of land uses prevail. The semirural character of the Conservation Area at its eastern edge is also a valuable feature in the transition from the built up part of the Borough to the rural hinterland.

6.4.1 This summary highlights the variety within the conservation area which is part of its character. It is not a uniform area in terms of its plot sizes, building typology or appearance, despite its relatively rapid growth during the mid-late half of the 19th century. The appraisal continues:

The majority of the Conservation Area is heavily built up and has a strong sense of enclosure created by the tight formation of terraced properties along the streets. The key historic spaces here are found at road junctions, where feature buildings punctuate the townscape and the most interesting street relationships are found. At the junctions of Villiers Road with both Upper Paddock Road and Lower Paddock Road the space opens out and the character is defined by the commercial buildings, of varying styles and scales, which enclose the space and generate activity.

The south-eastern corner of the Conservation Area is notably different in terms of spatial form, as the urban edge of the Borough meets the rural hinterland. The Paddock Road Recreation Ground marks the transition from urban to rural with what is quite a formal green space, with managed grassland and feature trees on its road boundary. This part of the Conservation Area has a much more open character, which is further accentuated by the lower density of the housing that borders the

open space.

6.4.2 The application site is located within the main part of the conservation area where there is a generally strong sense of enclosure from the high density of development. Although the plots of nos. 4-6 are relatively large and wide in comparison to many other plots within the conservation area, they are not distinctive in the character of the area other than forming part of the wide variety of plots found within the area. The houses themselves are typical of the development of the area and remain good examples of Victorian housing but, like all the dwellings within the conservation area, are of no special merit in their own right. Only 7 properties within the conservation area are locally listed and only one is a dwelling (Belvedere House). It has been stated by local residents and the applicant that Keyser Hall is locally listed but this is not the case. It is, however, identified as an 'unlisted building of significance that contributes positively to the character of the area', although this has no legal definition or status. There are no nationally listed buildings.

6.4.3 The proposed development needs to be considered within this context. The existing houses at nos. 4-6 are to be retained and will continue to make a positive contribution to the streetscene and the appearance of the conservation area. The proposed new dwellings will be visible from Lower Paddock Road, principally along the access road. Whilst concerns were previously expressed that the houses would be visible above the roof of Keyser Hall, which is only single storey, it is not considered that this will be the case with the current proposal. Keyser Hall is sited to the east of the site and Lower Paddock Road falls in level to the west. Furthermore, the site falls in level to the north and the proposed houses now have an eaves level and ridge level lower than that of nos.4-6. In street views towards the site from the east (see below), the top of the chimney on the rear outrigger is just visible behind the 2 chimneys on the main roof. The proposed houses are sited further to the right beyond the outriggers and their ridge level is at the same level as the top of this chimney. As such, the proposed houses would not be visible above the roof of Keyser Hall in views from Lower Paddock Road.





6.4.4 Notwithstanding this, the fact that new development is visible does not mean it is harmful. All new development is visible to a greater or lesser degree from the public realm. The visibility of the proposed houses still needs to be considered in the context of the site and the quality of the development. In the case of this development, it is only going to be visible along the access road.

6.4.5 In respect of saved Policy U18 which relates to design in conservation areas, it is considered that the revised scale and design of the proposed houses addresses the previous reason for refusal. The scale of the houses is significantly reduced, as is their bulk, and the design is now more traditional in appearance, moving away from the overtly contemporary design of the previous scheme. The materials to be used reflect the traditional materials found in the conservation area – buff multi stock bricks and natural slate roof tiles. The proposal is therefore considered to be of an appropriate scale, massing, design and appearance in relation to the context of the site and the conservation area, in accordance with this policy.

6.4.6 Saved Policy U19 relates to small scale development within conservation areas. It seeks to resist small scale development that could lead to a number of similar applications and which in turn could lead to a cumulative detrimental effect on the character and appearance of the conservation area. The supporting text does not exclude new development in conservation areas nor does it exclude modern design. It states that high standards of design are expected as well as the use of appropriate new materials sympathetic to existing surrounding buildings. It continues *“In general, traditional materials and craftsmanship will be needed to harmonise new development with the existing buildings and proposals involving new materials and innovative techniques will especially need to demonstrate a positive contribution to the enhancement of the area.”* It is therefore clear that the Council, in both preparing and adopting this policy, did not consider that modern development was unacceptable in conservation areas. Indeed, it clearly indicates such developments may be acceptable if they are of an appropriate quality. As discussed above, it is considered that the proposal is of a suitably high quality in its scale, design and appearance.

6.4.7 The view that ‘modern’ development is not inappropriate within Conservation Areas is also demonstrated by the recent appeal decision (APP/Y1945/W/16/3151749) on the Red Lion Public House within the Square Conservation Area where the Inspector found that, despite not reflecting the traditional features within the area, a contemporary design was appropriate because the simplicity of the design did not compete with this architecture. This is the same situation with the current proposal. The design is now more traditional in style but simple, avoiding a pastiche replication of detailing seen on the surrounding Victorian houses. The quality of materials is good and complements the materials seen in the conservation area. The proposed houses sit comfortably behind the existing houses at nos.4-6 and do not seek to ‘compete’ with them in the streetscene.

6.4.8 The proposed houses are considered to be of an appropriate scale, design and appearance and of a high quality for this location within the conservation area. They are not, therefore, considered to have any detrimental or harmful impact on the character and appearance of the conservation area. Your officers consider the proposal would have a positive effect on the conservation area but even if this view was not held by local residents and members, the proposal would at worst have a neutral impact. In order to justify an approval of planning permission for a new development in a conservation area, the Listed Buildings and Conservations Areas Act 1990 requires a development to either preserve (have a neutral impact) or enhance (have a positive impact) the character and appearance of a conservation area. Planning permission should only be refused were a development has a negative or harmful impact. It is not considered that the proposal would have such

a negative impact and could not therefore justifiably be refused on this ground.

6.4.9 It is interesting to note that within the conservation area, 3 areas are considered to have a neutral impact and none to have a harmful impact. Two of the areas considered to be neutral are more recent backland developments. One comprises Avenue Terrace and the adjoining Brickfield Mews off Lower Paddock Road and the other is Belvedere Court off Pinner Road. Although these are all of a traditional style albeit of varying quality and appearance, none were considered to be harmful when the conservation area was designated.

6.4.10 In terms of cumulative impacts that could be detrimental to the character and appearance of the conservation area, it is important that each proposal is carefully considered on its own merits and against the high design standards required by saved Policy U18. Each proposal is required to preserve or enhance the character and appearance of the conservation area. Where this is not achieved, an application should rightly be refused. But where each proposal is considered to preserve or enhance the character and appearance of the conservation area, cumulative developments of a similar nature could not have a cumulative detrimental impact.

6.4.11 In this case, your officers consider the proposal satisfies the legal test of preserving or enhancing the character and appearance of the conservation area. As such, it could not set a precedent for future development that would be harmful to the character and appearance of the conservation area. Any future proposal that was considered to be harmful should rightly be refused and the approval of the current application could in no way be used to justify an unacceptable scheme.

6.5 (d) Quality of accommodation

Each of the proposed houses comprises 3 double bedrooms over 3 storeys with an internal floorarea of 172m². This is in excess of the minimum floorarea required under the nationally described space standards of 108m² for this type of dwelling. Each new house will have an approximate east-west orientation and all windows will have good levels of outlook, natural light and privacy.

6.5.1 Each house will have a private garden area of 60-61m² which is below the minimum requirement of 65m² for a 3 bedroom dwelling as set out in the Residential Design Guide. However, a communal amenity area of 210m adjoins Unit 3 and will be available for the use of future residents. This will more than compensate for the minor shortfall in the private garden areas.

6.5.2 A communal bin store is provided for the new dwellings which is acceptable in its location and size. Secure cycle storage can take place within the private garden areas.

6.5.3 Both of the existing dwellings at 4 and 6, Lower Paddock Road will be retained as 3 bedroom dwellings with internal floorareas of 112m² and 119m² respectively. Both will also retain garden areas in excess of 65m².

6.6 (e) Impact on surrounding properties

6.6.1 *i) 2, Lower Paddock Road*

The southernmost new house (Unit 1) will give rise to some overlooking of the rear part of the garden area of this property, however, this is a common situation in urban areas and is not considered particularly harmful. No overlooking of the windows of the property will occur.

6.6.2 *ii) Properties in Villiers Road*

Some overlooking of the rear part of the garden areas of these properties will occur, however, this is a common situation in urban areas and is not considered particularly harmful. No overlooking of the windows of these properties will occur as they are sited 37m from the boundary of the site.

6.6.3 *iii) Properties in Warneford Place*

The properties in Warneford Place comprise 8 houses over 3 storeys (incorporating accommodation within a mansard roof). Their rear garden areas adjoin the rear boundary of the site. The flank elevation of Unit 3 is sited 20.8m from the rear elevation of 11, Warneford Place and 21.8m from the rear elevation of 15, Warneford Place (note, there is no no.13). These distances are unchanged from the previous scheme. The main change is that the eaves level of Unit 3 is now 2.53m lower than previously and the ridge level 1.37m lower. These levels are now the same as the houses in Warneford Place. This has also resulted in the area of the flank wall of Unit 3 facing Warneford Place reducing by 31% from 96.2m² to 66.7m².

6.6.4 The British Research Establishment's guidelines for daylight and sunlight propose a '25 degree rule' for assessing light to existing windows. Where a line taken from the mid-point of a window subtends an angle of 25°, the guidance advises that levels of daylight and sunlight may be adversely affected. In this case, the angle between the mid-point of the ground floor windows and the eaves level of Unit 3 is 15°. As such, the proposal will have no adverse impact on daylight and sunlight to the windows in the rear elevation of nos. 11 and 15. This low angle, a function of the distance between the houses, also indicates that although the flank wall of Unit 3 will still be clearly visible, it will not have an overbearing or dominant impact on these windows. Any visual impact is further reduced compared to the previous scheme by the reduction in the height of the eaves level and the area of the flank wall.

6.6.5 In respect of the garden areas, the angle taken from the rear garden boundary to

the ridge level of Unit 3 is 25°, indicating that there will also be no loss of sunlight to the garden areas.

6.6.6 *iv) Keyser Hall*

This is a single storey building occupied by the Oxhey Conservative Club and contains no residential accommodation. The proposal will have no impact on this property.

6.7 (f) Access, servicing and parking

The existing crossover to no.6 is to be modified to form an improved access to serve the proposed dwellings. This includes the provision of 2m by 2m visibility splays to ensure adequate visibility between vehicles and pedestrians and an access road 4.8m wide, to allow 2 cars to pass safely. This remains unchanged from the previous scheme and is supported by Herts. County Council as the highway authority. Although no turning facilities are provided for servicing vehicles, smaller transit size vehicles will be able to reverse into the site. Larger vehicles will need to service the houses from Lower Paddock Road, which is the situation that exists for all existing properties on the road. This is acceptable.

6.7.1 The proposal incorporates 11 parking spaces for the existing and proposed dwellings. This accords with the maximum number of spaces for the proposed development based upon the Council's adopted standards. The parking spaces will not dominate the site and they will not appear as visually intrusive within the streetscene. Lower Paddock Road already experiences heavy parking congestion and this level of provision will minimise any likelihood of overspill parking taking place on the road.

6.8 (g) Environmental considerations

6.8.1 *i) Trees and hedging*

There are only 4 significant trees within the site considered worthy of retention. These are:

- a magnolia sited within the front garden area of no.6;
- a yew, cypress and Norway spruce located on the western boundary.

6.8.2 All of these trees are to be retained. Also to be retained is a blue cypress located on the northern boundary and a 30m section of the existing laurel hedge along the eastern and northern boundaries. These are the most significant landscape elements and their retention is welcomed.

6.8.3 *ii) Bats*

Following reports from local residents that bats are regularly seen flying around the

site, a Bat Roost Assessment was undertaken. This concluded that 1 outbuilding to be demolished and 2 trees to be removed (a mature apple tree and a mature pear tree) had low potential for roosting bats and recommended a bat emergence survey to be undertaken. One tree, the cypress, was considered to have moderate potential but this is to be retained.

6.8.4 The assessment was accompanied by an Outline Mitigation Strategy which is considered acceptable by Hertfordshire Ecology and can be conditioned.

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. There is no requirement for a planning obligation in this case.

8.0 Conclusion

8.1 The main element of the proposal is for the erection of 3 new houses within the garden areas of 4-6, Lower Paddock Road. National and local policies do not preclude backland or garden development but schemes of this nature do need careful consideration. There is, therefore, no objection in principle to the development of the garden land of nos. 4-6, subject to the proposal being considered an appropriate form of development. Having regard to the various criteria of saved Policy H9 and policies UD1 and UD2 of the Core Strategy, the proposal is considered to be an appropriate and acceptable form of development.

8.2 The character and appearance of the Oxhey Conservation Area is one of varied,

generally high density housing with a strong streetscape and sense of enclosure. The existing houses at nos. 4-6 are to be retained and will continue to make a positive contribution to the streetscene and the appearance of the conservation area. The proposed new dwellings will have limited visibility from Lower Paddock Road, principally from the east over the roof of the single storey Keyser Hall. Following the refusal of the previous application, due to the height, bulk and design of the proposed houses, the scale of the houses has been significantly reduced and the design has also been significantly revised, to give a more traditional appearance to the houses. With these changes, it is considered that the previous reason for refusal has been overcome and that the proposal will have no harmful impact on the character and appearance of the conservation area.

- 8.3 The proposed houses will provide a good quality of accommodation for future occupiers and will have adequate car parking to avoid any overspill onto Lower Paddock Road. The proposal will also have no significant adverse impacts on the existing houses in Warneford Place or other surrounding properties.

9.0 Human Rights implications

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

10.0 Recommendation

That planning permission be granted subject to the following conditions:

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:-

1639-A PL-02-003E, 004E, 005E, 006E

1639-A-PL-04-003E, 004E

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

3. Prior to commencement of the development, 1 dusk emergence/dawn re-retry survey of building B1 and trees T1 and T2 (as identified in the 2017 Bat Roost Assessment) should be undertaken between May - August (inclusive), to determine whether bats are roosting and will be affected by the proposals. If bats are found to be roosting, no development shall commence until an amended outline mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with these approved details and within the constraints of any relevant European Protected Species licence.

Reason: This is a pre-commencement condition in order to ensure the development will have no adverse impact on any bats roosting on the site, in accordance with European and National legislation.

4. No removal of trees, scrub or hedges shall be carried out on the site between 1st March and 31st August in any year unless a suitably qualified ecologist has previously searched the trees, scrub or hedges and certified in writing to the Local Planning Authority that such works of removal may proceed.

Reason: In order to avoid harm to nesting birds which are protected.

5. No development shall commence until details of the external materials to be used for the development (both the retained dwellings at nos. 4 and 6, Lower Paddock Road and the new dwellings) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved materials.

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

6. No development shall commence until details of the tree protection measures to be installed to protect the retained trees numbered 1, 6, 7, 8 and 9 on drawing no. SPH/SN/5837-01/10.05 (Tree Surveys) as shown on

approved drawing no. 1639-A-PL-02-003E, have been submitted to and approved in writing by the Local Planning Authority. No materials, vehicles, fuel or any other items shall be stored or buildings erected or works carried out inside this fencing and no changes in ground level shall be made within the spread of any tree without the prior written approval of the Local Planning Authority. These measures shall be retained as approved at all times during the development works.

Reason: To safeguard the health and vitality of the existing trees and hedge which represent an important visual amenity during the period of construction works in accordance with Policies SE37 and SE39 of the Watford District Plan 2000. This is a pre-commencement condition as the tree protection measures need to be agreed with the Local Planning Authority and installed before construction commences.

7. No dwelling (including the retained dwellings at nos. 4 and 6, Lower Paddock Road) shall be occupied until the following works have been carried out in full:
 - i) The construction of the modified access junction to Lower Paddock Road and the internal access road as shown on drawing no. 1639-A-PL-02-003E;
 - ii) The construction of the 10 car parking spaces (numbered 02-11) as shown on drawing no. 1639-A-PL-02-003E;
 - iii) The construction of the communal bin store as shown on drawing no. 1639-A-PL-02-003E;

Reason: To ensure adequate facilities are provided for the future occupiers of the development.

8. No dwelling (including the retained dwellings at nos. 4 and 6, Lower Paddock Road) shall be occupied until a detailed hard landscaping scheme for the site, including details of all site boundary treatments and external lighting, has been submitted to and approved in writing by the Local Planning Authority, and the works have been carried out in accordance with the approved details. The detailed scheme shall be based upon approved drawing no. 1639-A-PL-02-003E.

Reason: In the interests of the visual appearance of the site and the wider conservation area, in accordance with Policies UD1 and UD2 of the Watford Local Plan Core Strategy 2006-31.

9. No dwelling (including the retained dwellings at nos. 4 and 6, Lower Paddock Road) shall be occupied until a detailed soft landscaping scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The detailed scheme shall be based upon approved drawing no. 1639-A-PL-02-003E. 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 conservation area, in accordance with Policies UD1 and UD2 of the Watford Local Plan Core Strategy 2006-31.

10. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015, as amended (or any modifications or re-enactment thereof), no development permitted under Schedule 2, Part 1, Classes A, B, C, D, E and G of the Order shall be carried out to the dwellings 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 site and its surroundings and will not prove detrimental to the amenities of residents in accordance with Policies SS1 and UD1 of the Watford Local Plan Core Strategy 2006-31.

Drawing numbers

1639-A-PP-00-001

1639-A PL-02-003E, 004E, 005E, 006E

1639-A-PL-04-003E, 004E

Case Officer: Paul Baxter

Email: paul.baxter@watford.gov.uk

Tel: 01923 278284

4-6 Lower Paddock Road, Watford, WD19 4DS



Aerial view of site 1



Image from Google Earth

Aerial view of site 2



Image from Google Earth

Ground floor plan



First floor plan



Second floor plan



CGI view of front elevation of dwellings



Agenda Item 5

PART A	
Report of: Head of Development Management	
Date of committee:	31st January 2018
Site address:	Oxhey Park North
Reference Number:	17/01399/FUL
Description of Development:	The demolition of the existing disused club house and provision of a play, skate and cycling park, including the erection of a new café and community facilities together with the improvement of walking and cycling routes through the park
Applicant:	Watford Borough Council
Date Received:	6th October 2017
13 week date (major):	1st December 2017
Ward:	Oxhey

Summary

The proposal relates to Oxhey Park North, which lies to the south of the new link road (Thomas Sawyer Way) and north of the river Colne. The main occupiers of the site were previously the Glen Rovers GAA Club which primarily used the park for Gaelic games and has now been relocated to Radlett Road playing field, with improved facilities.

The proposal is for a major enhancement of Oxhey Park North that would involve the provision of a “Wheeled Sports Park” designed for cycling, skateboarding and play, supported by a community building providing a café and toilet facilities for the wider Oxhey Park.

The proposal provides parking spaces on permeable ground. The proposal will also incorporate significant landscaping with water features which are designed to reduce the risk of flooding.

The sport grounds are located well away from the residential buildings and at a safe distance from the park boundary. Given its distance from the residential dwelling it is considered that the proposal will have no significant impact upon the amenities of the local residents.

Herts Highways considers that the proposal is acceptable in relation to traffic and parking considerations.

The National Planning Policy Framework (NPPF) advises that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. The NPPF further emphasises that “access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.” The proposal will provide such facilities and is therefore in accordance with central government planning policy.

The use of this underused part of the park for recreational activities, meeting the needs of Watford’s growing population, accords with policy objectives at a national and local level. The facilities proposed will provide active uses for young people along with a café and cycle hub for the increasing number of cyclists in Watford. The enhanced routes will connect into national and local cycle and pedestrian routes which meet the Green Infrastructure Plan (GIP) objectives set out in policy GI1 of the Local Plan (Core Strategy).

The proposed café will provide a community hub for the wider use of the public and enhances facilities for the recently improved Oxhey Park.

The scheme has significant public support and is a welcome addition to the public facilities for Watford.

Accordingly, the Development Management Section Head recommends that planning permission be granted, subject to appropriate conditions as set out in the report.

1 Site and Surroundings

- 1.1 The proposal relates to Oxhey Park North, which lies to the south of the new link road (Thomas Sawyer Way) and north of the river Colne. The main occupiers of the site were previously the Glen Rovers GAA Club which primarily used the park for Gaelic games.
- 1.2 As well as the playing field, the park benefited from a single storey club house and changing room facilities. There was also a parking space to the west side of the park.

- 1.3 The single storey club building was demolished to facilitate the construction of the new road for the Watford Health Campus. The club has already been relocated to Radlett Road Playing Fields with improved facilities. The park is no longer marked out for pitches. The southern part of the site is currently used by contractors for car parking purposes.
- 1.4 The site is accessed off Wiggshall Road which is a principle distributor route through Watford. Except for almost a third of the site currently being used for car parking associated with the contractors, the remainder of the site is green grass. There are pedestrian and cycle routes through the park.
- 1.5 The park is connected to the larger Oxhey Park via a footbridge over the river Colne. The area is not within a conservation area and there is no listed structure or building within the park. The site adjoins the Colne Valley Regional Park which is identified as a wildlife corridor and is a designated open space.

2 Proposed Development

- 2.1 The proposal is for a major enhancement of Oxhey Park North that will involve the provision of a “Wheeled Sports Park” designed for cycling, skateboarding and play, supported by a community building providing a café and toilet facilities for the wider Oxhey Park.
- 2.2 The proposed wheeled sports activities will include a pump-track, skate park, skate plaza, jump box, bike and skateboarding skills area, mountain bike and BMX skills track, play area, junior bike, toddler and junior play area. The proposed skate park is designed in such a way that it will cater for all levels of skills, for all ages.
- 2.3 The community building will incorporate: a café and WC facilities and will be located to the north of the site. It will be single storey, incorporating a green roof. The café facility will also provide a river side terrace and will be allowed to be used for education and conference purposes.
- 2.4 The scheme will also seek to improve the existing pedestrian and cycling facilities which run through the site. There will be small car parking area to the west of the site. The scheme has incorporated soft landscaping as well and water features designed to reduce the risk of flooding.

3 Relevant Planning History

- 3.1 On 21.09.1989, conditional planning permission (Ref; 89/00248/FUL) was granted for the erection of a single storey building for use as a community centre.
- 3.2 On 01.09.2014, an application (Ref; 14/01110/DEM) was granted for prior approval for demolition of the Irish Club to enable formation of site compound for construction of new road.

4 Relevant policies

National Planning Policy Framework

- 4.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and seeks to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. The NPPF was published on 27th March 2012 and is a material consideration in planning decisions. It does not change the statutory status of the development plan as the starting point for decision making. Planning Policy Guidance Notes and Statements have been cancelled and replaced by the NPPF. Particularly relevant sections are:

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

The Development Plan

- 4.2 In accordance with s.38 of the Planning and Compulsory Purchase Act 2004, the Development Plan for Watford comprises:
 - (a) Watford Local Plan Part 1: Core Strategy 2006-31 (adopted Jan 2013)
 - (b) the continuing "saved" policies of the Watford District Plan 2000
 - (c) the Hertfordshire Waste Core Strategy And Development Management Policies Document 2011-2026
 - (d) the Hertfordshire Minerals Local Plan Review 2002-2016

Watford Local Plan, Part 1: Core Strategy 2006-2031

- 4.3 This document was adopted on 30th January 2013. The following sections are particularly relevant to this case:
 - SS1 Spatial Strategy;
 - SD1 Sustainable Design;
 - SD2 Water;
 - SD3 Climate Change;

- T2 Location of New Development;
- T3 Improving Accessibility;
- UD1 Delivering High Quality Design;
- GI1 Green Infrastructure;
- GI2 Biodiversity

Watford District Plan Saved policies

- U5 Access
- SE22 Noise
- SE36 Replacement Trees and Hedgerows
- SE37 Protection of Trees, Woodlands and Hedgerows
- SE39 Tree and Hedgerow Protection in New Development
- L4 Open space protection
- L5 Playing fields
- T4 Transport and New Development
- T7 Pedestrian Facilities in Development
- T21 Access and Servicing

Supplementary Planning Guidance

- SPG10 Open Space Provision
 - SPG13 Accessible Environments
 - SPG14 Designing for Community Safety
-

Consultations

5 Neighbour consultations

- 5.1 Letters were sent to the occupiers immediately adjacent to the park, a site notice was displayed on site and the scheme was publicised in the local press.
- 5.2 The Council's system shows 71 comments in support, 41 comments objecting and 4 general representations have been received. Although it is noted that two comments recorded as objections actually state support for the development. At the time of writing this report no petitions have been received.
- 5.3 A summary of the points that were raised can be found below in the section of this report entitled Consideration of Representations Received.

Statutory consultations

Herts Highways;

No objection subject to conditions.

Sport England

Support the scheme

Environment Agency

No objections subject to conditions

Flood Authority

No objection, subject to conditions

Crime and prevention officer

No objection subject to conditions

Internal consultations

Policy and place shaping team

Supports the scheme

Arboriculture officer

No objection, subject to landscaping details to be provided

Appraisal

6 Planning considerations

6.1 The issues to be considered are whether the proposal will:

- detract from the recreational and sport opportunity offered by the existing recreation ground
- have an adverse impact on the amenities of local residents, in terms of noise, other activities associated with the skate park
- have an adverse impact on parking conditions and free and safe highways conditions
- have a detrimental impact on the designated wild life corridor or the trees
- increase the risk of flooding in the area.

Impact on the recreation ground

6.2 The scheme has been progressed by Watford Borough Council in consultation with community and other stakeholders for the last few years. It responds to an action identified in the Council's Sport Facilities Strategy to investigate the potential

provision of extreme sports provision in relation to BMX/skateboarding in a central location linked to a centralized cycle hub facility that encourages greater use of cycling in Watford. The focus of the centre will be around encouraging participation in cycling and skateboarding at an informal level and will be designed for meeting local community needs rather than club or elite level sports' needs.

- 6.3 The facilities will offer the potential to encourage the community, especially young people, to take up cycling or skateboarding and then use the facilities to develop their skills.
- 6.4 Supporting children's play facilities will help encourage families to visit the centre. The proposed community building will provide essential ancillary facilities such as a café and toilets for supporting the sports facilities and the use of the wider Oxhey Park which currently does not benefit from such facilities.
- 6.5 Oxhey Park to the south of the river Colne which is directly accessed by a footbridge to the site has recently been improved. It is considered that the proposed community building in this scheme will improve facilities for the whole park.
- 6.6 The proposal will also improve walking and cycling, as well as providing multi-functional public open space and supporting facilities thereby complying with the national and local strategies, objectives and policies.
- 6.7 Sport England has commented that "while not a formal sports facility, the proposal offers significant potential to grow and sustain participation in cycling and skateboarding by providing a strategic facility suitable for beginners who could then develop their skills and participate in wheeled sports at more formal level. The facilities also offer the potential to encourage physical activity by young people in particular which accords with Sport England's strategy "Towards an Active Nation" which focuses on behaviour change to get people active and participate in sport and physical activity especially those that are currently inactive."
- 6.8 The proposal will not result in the loss of existing sporting facilities, as these have already been relocated to superior facilities at Radlett Road Playing Field. The Gaelic club had to be relocated to make way for the link road to the north of the application site. Since the road has been formed and the sport facilities have been relocated to a much better location with significantly improved facilities, the application site has not been used for formal sporting purposes.
- 6.9 Sport England has further explained "the proposed development would provide a

new outdoor sports facility of strategic importance in the Watford context that would offer potential to make an important contribution towards meeting community wheeled sports needs in the Watford area as well as encouraging more informal physical activity in Oxhey Park". Sport England has confirmed its support for the proposed development as a non-statutory consultee.

- 6.10 Therefore, the proposal in terms of the impact upon public open space, playing field and sporting use is considered acceptable and welcome.

Design and aesthetic considerations

- 6.11 Considerable effort has been made to ensure the proposed facility incorporates sufficient soft landscaping with significant levels of tree planting and bushes to ensure the open and green character of the park is maintained.
- 6.12 The building proposed for the café and cycle hub will provide a good local focal point. Its design is modern and will incorporate a green roof which contributes to the setting of the green park. The proposed design is considered acceptable subject to materials being approved and details relating to the fenestration and roof treatment.
- 6.13 It is therefore considered that the proposed scheme will have an acceptable impact upon the visual amenity of the area.

Impact upon trees and wildlife

- 6.14 The Council's arboricultural officer is satisfied with the scheme. The proposal will result in the loss of only two trees but will include substantial new planting throughout the site. A condition will be imposed to require a detailed soft landscaping scheme to be submitted.
- 6.15 Given the flat and generally previously pitched sport use of the site as well as the extensive use of the parking spaces currently taking place on site, the existing site does not offer significant ecological value. Therefore, given this context, there will be little impact upon the biodiversity of the site.

Highway issues

- 6.16 Currently the site is being used for car parking by contractors working on projects in the vicinity. In its current condition the car parking spaces generate a significant

level of trips to the site.

- 6.17 Prior to the relocation of the Glen Rovers Hurling and Football Club, there was a car park here which accommodated around 30 parking spaces. Because this was not a managed car park, it was normally used by the commuters. The club users normally arrived after the bulk of commuters had left.
- 6.18 Herts Highways have commented on the proposal and conclude that 'In terms of capacity, safety and sustainability the proposed development complies with the policies set out in the NPPF. The highway authority is satisfied that a safe access can be provided, but the details should be agreed prior to commencement of the development. In view of the above the Highway Authority does not wish to restrict the grant of consent subject to the above conditions and advisory notes.'
- 6.19 It is also noted that the project is identified in the Infrastructure Delivery Plan and has funding in place. The proposal will include the remodelling of the northern part of the park with new routes for walking and cycling; it will connect into the wider cycle and pedestrian routes through connections to the health campus scheme, thereby significantly improving its accessibility by cyclists, skate users and pedestrians. Separate to this proposal, it is also noted that County Highways are also seeking to improve the pedestrian access from the petrol station to the park by re-introducing and improving a pavement to the south side of the site and at the junction with Thomas Sawyer Way and Wiggenhall Road. The existing crossing across Wiggenhall Road which links Oxhey Park North to the Riverside Recreation Ground will be retained.
- 6.20 The sole matter of concern raised by the Highway Authority relates to the proposed access arrangements, however these concerns relate to technical matters relating to the precise arrangement and the level of detail provided. The Highway Authority are not raising concerns regarding the level of trips or location of the access, which are acceptable in principle, and have accepted that the outstanding matters can be appropriately addressed by condition. This is the appropriate way forward in such cases and officers agree that this is an appropriate way to proceed.
- 6.21 Overall, it is considered that the proposal will not cause any highways concerns subject to the imposition of a condition relating to the access point.

Impact upon local amenity

- 6.22 It is not envisaged that the proposal, in terms of loss of light or overlooking, will

have any bearing on the amenities of residents around the site. The proposed café structure will be well away from the nearest residential area. Further, given its distance from the residential area, its impact in terms of noise upon nearby residents will be acceptable.

- 6.23 The proposal will have some impact on dog walkers. However, the Oxhey Park across the river, or the Riverside Recreation Ground across the road will maintain ample opportunities for dog walkers to exercise their dogs. In particular the improvement in pedestrian routes will enable ease of access to the wider Oxhey park.

Crime prevention

- 6.24 The major concern raised by the public is in relation to the possibility of anti-social behaviour which might take place. This has been referenced in respect to the BMX Park to the south of the river, where some issues did arise.
- 6.25 The Council has been mindful of the potential problem from the outset. The scheme has been designed with the involvement of Herts Crime Prevention Constabulary from the outset. Unlike the BMX park cited by concerned parties, which was concealed from the public view, the proposed park will be located in such a way that there will be a good level of public surveillance. The variety of facilities also means the site is likely to attract a variety of people from the community with a greater range of users and public surveillance than the BMX park.
- 6.26 The council has prepared a management plan, incorporating crime prevention measures in consultation with the recommendations of the Hertfordshire Constabulary Crime Prevention officer to minimise potential antisocial behaviour.

Flood and Drainage

- 6.27 The scheme has been re-designed to incorporate soft landscaping as well as a storage water feature which will minimise the impact of flooding on site or elsewhere. The Environment Agency, which initially objected to the scheme, has withdrawn its objection and is now satisfied that subject to condition the proposal will both protect the ground water and reduce the risk of flooding.

7. Consideration of representations received

- 7.1 The council's system shows 71 comments in support, 41 comments objecting and 4

general representations have been received. It is noted that two comments recorded as objections actually state support for the development. At the time of writing this report, no petitions have been received.

7.2 The supporting comments generally express a number of views about the scheme. These are noted by officers who generally concur with the potential for the scheme to deliver these benefits. The main themes are as follows:

- The facility will provide a space for families of all ages to enjoy
- Welcome the addition of facilities for children
- Welcome seeing these types of sports being recognised and supported
- The proposals will provide opportunities for healthy recreation and exercise
- Consider the facilities will support larger cultural diversity and community
- Welcome improvements to cycle paths and facilities.

7.3 The comments objecting to the proposals are summarised below and an officer comment is provided on each.

Points Raised	Officer's Response
There will be potential risk of antisocial behaviour	This issue has been the focus of the design team from the start. Appropriate measures have been incorporated to the design of the scheme and there is a management plan adopting measures to reduce the risk of the antisocial behaviour.
The formal sports ground will be lost, there will be loss of green space	Sport England is the national body responsible for the protection of formal sporting facilities and has raised no objection to the proposals. The previous users of the site have been relocated to other facilities and the proposal will significantly enhance the facilities offered for recreational use, albeit relating to a differing type of sport and recreation. The proposal incorporates a well thought out landscaping scheme which will ensure an appropriate landscaped appearance appropriate to the open and recreational use of the park.
The dog walkers will not be able to exercise their dogs.	The wider Oxhey Park as well as the Riverside Recreation Grounds are all within walking distance and the improved pedestrian access will allow easier access to these parks. While

	dog walkers may no longer be able to use parts of this site there are ample facilities for them in the locality.
Parking and traffic Issues	The scheme is designed to discourage the use of private cars to the site, which will be served by a modest managed car park. The site has good accessibility by public transport, cycle and walking. It is also considered there is likely to be a higher propensity for cyclists and walkers given the proposed uses. Having reviewed the transport assessment, it is considered the proposed parking would be adequate for the facility. The facilities are considered likely to result in less traffic than the current use as contractor parking.
There is an increase in the risk of flooding	Appropriate measures have been incorporated to reduce the risk of flooding. The Environment Agency has no objection to the scheme.
Construction of the proposed park will cause further disturbances	Issues of noise and disturbance during the construction period are not material planning considerations and are subject to appropriate control under other legislation.
Impact on wildlife	Ecological surveys of the site have concluded the habitats on site are typical of recently disturbed areas and urban parkland and comprise ephemeral vegetation, amenity grassland, bare ground and hardstanding. As such, they are of low ecological value. Providing mitigation measures are adopted with care, the biodiversity value of the site will be higher post development than the present baseline, the development will also make a significant contribution to green infrastructure in the area.

8 Conclusion

- 8.1 The proposed use of this underused part of the park to provide much sought after activities to meet the needs of Watford's growing populations meets all the policy objectives at a national and local level. The facilities proposed will provide exciting activities for young people along with a café and cycle hub for the increasing

number of cyclists in Watford. The enhanced routes will connect into national and local cycle and pedestrian routes which meet the GIP objectives set out in policy GI1.

- 8.2 The proposal will incorporate significant tree planting, soft landscaping and water features which will enhance the ambiance of the green setting of the park. The proposed café will provide a community hub for the wider use of the public and enhances facilities for the recently improved Oxhey Park.
- 8.3 The scheme has significant public support and is a welcome addition to the public facilities for Watford.

9 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.

Recommendation

That planning permission be granted subject to the following conditions;

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

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 car parking layout shall be completed in accordance with the plans hereby approved prior to the skate park is brought into use.

Reason: To minimise the impact of car parking on the character and amenity of the Green Belt in accordance with policies UD1, GI1 and GI2 of Watford Local Plan Core Strategy 2006-2031 adopted January 2013.

- 3. No development shall commence within the site until full details and samples of the

materials to be used for the external surfaces of the community building including doors, and windows and roof details have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall only be implemented in accordance with the approved details.

Reason: In the interests of the visual appearance of the site and its impact on the character of the surrounding area, in accordance with Policies UD1 and UD2 of the Watford Local Plan: Core Strategy 2006 – 2013 (Adopted January 2013).

4. The development permitted by this planning permission shall be carried out in accordance with the approved flood risk assessment (FRA) 'Watford Borough Council: Oxhey Park North: Proposed cycle Hub/ BMX Track /Sate Park Updated Flood Risk Assessment' produced by Hydro-Logic services Ltd (ref: L0071/1, November 2017) and compensatory flood storage measures detailed within the FRA. 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 on site and elsewhere by ensuring that compensatory storage of flood water is provided. The proposed development will meet the requirements of paragraph 103 of the National Planning Policy Framework (NPPF) policy to ensure flood risk is not increased elsewhere if the following planning condition is included. This is in line with policy SE27 of Watford District Plan 2000.

5. No development shall commence within the site shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority:
 - (1) A preliminary risk assessment which has identified:
 - (i) all previous uses;
 - (ii) potential contaminants associated with those uses;
 - (iii) a conceptual model of the site indicating sources, pathways and receptors;
 - (iv) potentially unacceptable risks arising from contamination at the site.
 - (2) A site investigation scheme, based on (1), to provide information for a detailed assessment of the risk to all receptors that may be affected,

including those off site.

- (3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- (4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason: To protect groundwater in line with Policy SD1 of the Watford Local Plan Core Strategy (2006-2031).

6. The development hereby permitted shall not be brought into use until a verification report demonstrating 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. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect groundwater in line with Policy SD1 of the Watford Local Plan Core Strategy (2006-2031).

7. No development within the site 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. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect groundwater in line with Policy SD1 of the Watford Local Plan Core Strategy (2006-2031).

8. 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 the developer has:
 - (a) submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination is to be dealt with; and,
 - (b) obtained written approval from the Local Planning Authority for that remediation strategy. The remediation strategy shall be implemented as approved.

Reason: To protect groundwater in line with Policy SD1 of the Watford Local Plan Core Strategy (2006-2031).

9. No development shall commence within the site until such time as a scheme to dispose of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall make provision for roof drainage from the building to be sealed at ground level. The scheme shall be implemented as approved.

Reason: To protect groundwater in line with Policy SD1 of the Watford Local Plan Core Strategy (2006-2031).

10. Piling or any other foundation designs using penetrative methods shall not be used on site 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 groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect groundwater in line with Policy SD1 of the Watford Local Plan Core Strategy (2006-2031).

11. No development shall commence on site until a detailed survey of the application site has been undertaken to assess the existing ground conditions and the extent of any land contamination and if necessary appropriate measures shall be incorporated into the development to ensure adequate protection for future occupants of the development and occupiers of existing adjoining premises from

contamination. Such measures shall be agreed in writing with the Local Planning Authority prior to any works commencing on the site and shall be incorporated into the development before any part of the approved development is first brought into use.

Reason: In the interests of the safety of the existing and the future occupiers of the development in accordance with Policy SE24 of the Watford District Plan 2000.

12. No development commence within the site until the detailed design of the vehicular access to the site 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 detailed design.

Reason: In order to ensure that the proposed access will have no impact on the free flow of flood water in the existing swale.

13. No works shall commence on the site until such time detailed plans of access junction shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. All construction works shall be carried out in accordance with the approved plans. The access junction detailed plan should be to scale for a Stage 1 safety audit and the details shall include: a. Access junction with entry/exit radii (not drop kerb) b. Width of the access suitable for two large vehicles to pass one another c. Proposed location of any entrance barriers and the operation details. d. Proposed right turning lane, width, alterations to lane markings and alterations to local road signs. e. Visibility splays.

Reason: In the interest of Highway Safety and free and safe flow of traffic.

14. Prior to the first occupation of the development hereby permitted access shall be constructed in accordance with a detailed scheme to be agreed in writing with the Local Planning Authority, in consultation with the Highway Authority.

Reason: To ensure construction of a satisfactory access and in the interests of highway safety.

15. Before being brought in to use the new parking areas hereby approved shall be surfaced in durable bound material and arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge in to highway.

Reason: To avoid the carriage of extraneous material surface water from the site into the highway so as to safeguard the interest of highway safety.

Informatives

1. For details of how the Local Planning Authority has reached its decision on this application please refer to the report of the Development Management Section Head to the Development Management Committee, which can be obtained from the Council's website www.watford.gov.uk, where it is appended to the agenda of the committee meeting of 3rd January 2018; and please refer also to the minutes of that meeting.
2. In dealing with this application, Watford Borough Council has considered the proposal in a positive and proactive manner having regard to the policies of the development plan as well as paragraphs 186 and 187 of the National Planning Policy Framework and other material considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
3. This permission does not remove the need to obtain any separate consent, which may be required under the Buildings Act 1984 or other building control legislation. Nor does it override any private rights which any person may have relating to the land affected by this decision. To find more information and for advice as to whether a Building Regulations application will be required please visit www.watfordbuildingcontrol.com.
4. You are advised of the need to comply with the provisions of The Control of Pollution Act 1974, The Health and Safety at Work Act 1974, The Clean Air Act 1993 and The Environmental Protection Act 1990. In order to minimise impact of noise, any works associated with the development which are audible at the site boundary should be restricted to the following hours: Monday to Friday 8am to 6pm, Saturdays 8am to 1pm. Noisy work is prohibited on Sundays and bank holidays. Instructions should be given to ensure that vehicles and plant entering and leaving the site comply with the stated hours of work. Further details for both the applicant and those potentially affected by construction noise can be found on the Council's website at:
https://www.watford.gov.uk/info/20010/your_environment/188/neighbour_complaints_%E2%80%93_construction_noise
5. The applicants are reminded that works affecting the public highway, including any

alterations to the existing vehicular access to the site, will require a separate agreement with Hertfordshire County Council (the Highway Authority) under Section 278 of the Highways Act 1980.

6. The applicants are reminded that the storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

Obstruction of the highway

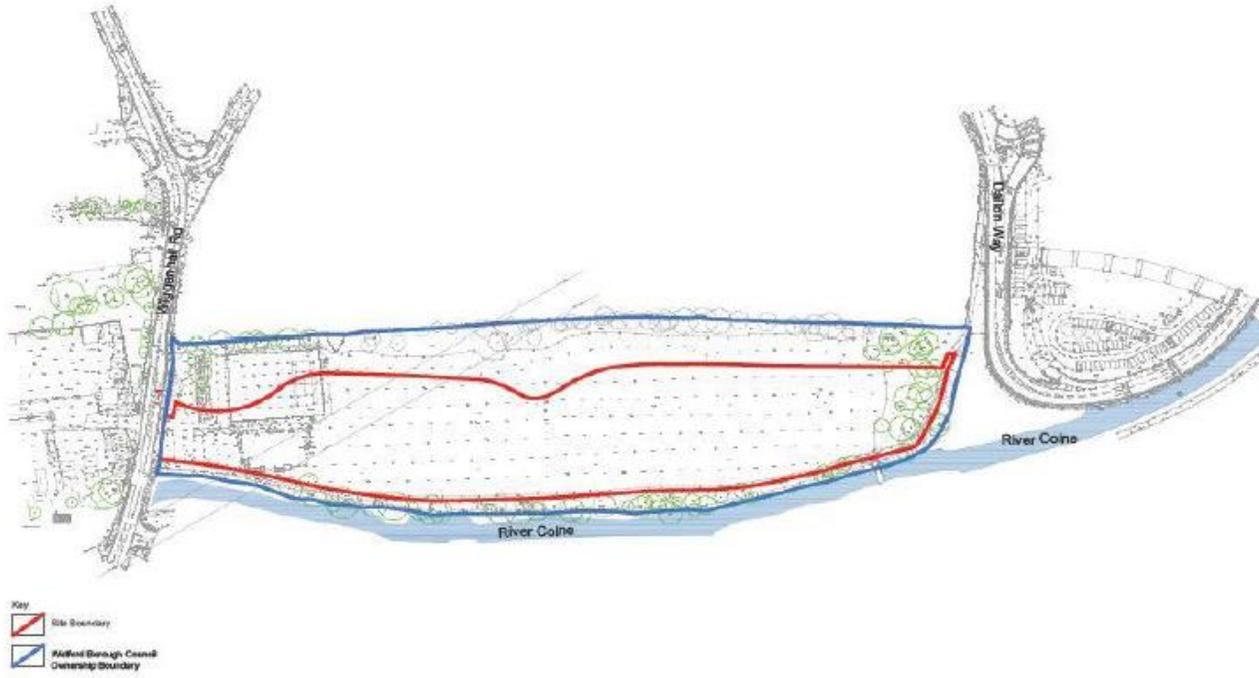
7. The applicants are reminded that the obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

Mud on highway

8. The applicants are reminded that 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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 123 4047.

Case Officer: Habib Neshat
Email: habib.neshat@watford.gov.uk
Tel: 01923 278285

Oxhey Park North, Wiggenhall Road, WD18 0HS.





Oxhey Park North Recreation Facility

Site Map



Landscape proposals

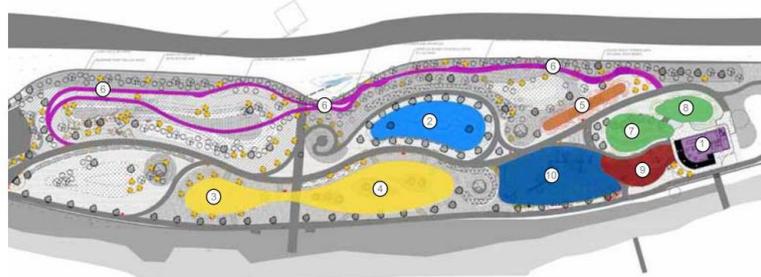
5.0 Landscape Proposals

5.1 Design Principles

5.1.1 Key Design Principles:

The masterplan for the scheme includes:

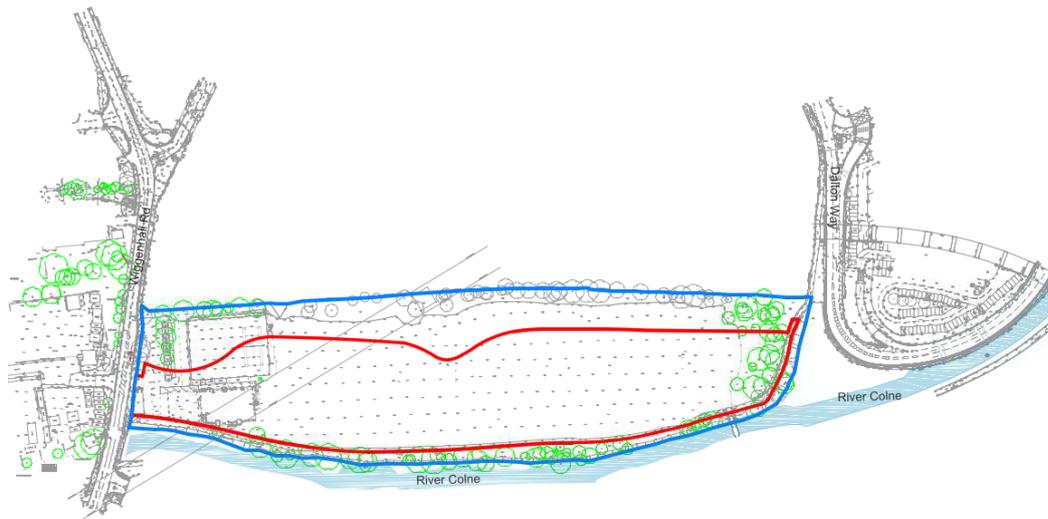
- ① Café facility with Riverside Terrace with Toilets
- ② Pumpscape - Skateboarding, Scooter, Blading & BMX facility
- ③ Flowpark (skatepark) - Skateboarding, Scooter, Blading & BMX facility
- ④ A Skateable Plaza - Skateboarding, Scooter, Blading & BMX facility
- ⑤ A Jumpbox - Skateboarding, Scooter, Blading & BMX facility
- ⑥ Mountain Bike and BMX Skills Track
- ⑦ Junior Bike Skills Area
- ⑧ Junior Skateboarding Skills Area
- ⑨ Toddler & Junior Play Area
- ⑩ Junior & Teen Play Area



The facilities for the site will be carefully designed landscape setting consisting of tree planting blocks, wildflower areas, sculptural mounding, pedestrian circulation routes, Emergency vehicular access and wetlands ponds.

(Please refer to Appendix One - 11.1 Southern Green Ltd Drawings)

Master plan



- Key**
- ▬ Site Boundary
 - ▬ Waford Borough Council Ownership Boundary



EXISTING FEATURES	PROPOSED FACILITIES	PROPOSED SOFTWORKS	PROPOSED ROUTES
1 Wetland Ponds	1 Café park hub building	9 Grass	Primary Routes
2 Pedestrian Footbridge	2 Café Terrace	10 Wildflower	Secondary Routes
3 Oxhey Park Steps	3 Viewing Mound	11 Trees	Site Entrance
4 National Cycle Route	4 Junior Bike Skills	12 Contours	
	5 Junior Skatepark skills		
	6 Toddler Play Area		
	7 Informal Play Area		
	8 Rhythm Section/Jump Box		
	9 Bike Trail		
	10 Flow Park (Skate Park)		
	11 Pumpscape(Transition Bmx / skate facility)		
	12 Plaza with skateable elements		
		13 Drinking Fountain	
		14 Table Tennis Tables	
		15 Proposed Car Park with Disability spaces	

Cafe



PART A	
Report of: Head of Development Management	
Date of committee:	31st January 2018
Site address:	50 Clarendon Road
Reference Number:	17/01433/FULM
Description of Development:	Redevelopment of the site to provide a mixed use scheme including 100 residential units (Class C3), circa 5,945sq.m (GIA) Grade A office floorspace (Class B1a) and ancillary flexible use unit (Class A1/A3/B1(a)) at ground floor level, with associated cycle parking, car parking and landscaping.
Applicant:	Vedose Limited
Date Received:	12th October 2017
13 week date (major):	18th January 2018 (extended by agreement to 7th February 2018)
Ward:	Central

1.0 Site and surroundings

- 1.1 The site is located on the western side of Clarendon Road at the junction with St John's Road. It is approximately square in shape and has an area of 0.56 hectare. The site ground level slopes down from Clarendon Road to the boundary with the rear of Estcourt Road properties with a change of approximately 3m between the boundaries.
- 1.2 The site currently contains a 4/5 storey office block which is currently occupied by TJX. The building has an area of 6600sqm and provides lettable office space of 4659sqm. TJX are expected to be moving to their new headquarters at the approved development of 14,000sqm B1(a) at Meriden House and No64 Clarendon Road.
- 1.3 The site is located in the Town Centre SPA in the Core Strategy and within an allocated employment area (E7a) in the Watford District Plan 2000. There are parking restrictions, including Residential Controlled Parking Zone along the roads within the vicinity of the site. The site is not within a conservation area and there are no listed or locally listed buildings within or adjoining the site. The Estcourt Conservation Area is located immediately to the East of the site.

2.0 Proposed development

2.1 To demolish the existing office buildings on the site and erect a mixed-use, multi-storey development comprising:

- i) Multi storey buildings of 5, 6, 14 and 17 storeys.
- ii) Providing 5945m² (GIA) of Class B1(a) office floorspace over 6 storeys.
- iii) Upper floors to contain 67 open market residential flats (38 x1 bed, 28 x 2 bed and 1 x 3 bed).
- iv) A 5 storey building at rear of site, accessed via St John's Road, comprising 33 flats as affordable housing provision (2x1bed, 16x2 bed and 15x3bed)
- v) Ground level unit along St Johns Road frontage with flexible use A1/A3/B1(a).
- vi) Basement accessed from Clarendon Road to provide 71 car parking spaces (61 for the office use and 10 disabled spaces for residential use), cycle storage for the office use, private storage units for residential units and refuse storage for the development.
- vii) Landscaped communal amenity areas at ground floor areas development and at roof top of the 6 storey building element.

2.2 The scheme was amended during the course of the application to alter the access from St Johns Road.

3.0 Relevant planning history

3.1 The site originally contained 3 Victorian buildings being Nos. 48, 50 and 52 and the site is also recorded under address 48-52 Clarendon Road.

17/00194/PREAPP Pre-application enquiry for the redevelopment of the site to provide 142 residential units and 5,508 sq m GIA of commercial floorspace.

97/0540/9 CPP Redevelopment of site by the erection of a new five storey office building (4842sqm) (Class B1) with 111 car parking spaces, landscaping and vehicular access via Clarendon Road.

81/00427/FUL CPP Detailed application for the erection of an office building with car parking.

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.

Watford Character of Area Study 2011
Skyline – Watford’s Approach to Tall Buildings 2016
Residential Design Guide 2016

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 2 Ensuring the vitality of town centres

Section 4 Promoting sustainable transport

Section 6 Delivering a wide choice of high quality homes

Section 7 Requiring good design

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

Decision taking

5.0 **Consultations**

5.1 Neighbour consultations

Letters were sent to 215 properties in the surrounding area.

38 objections were received. A petition against the development, organised by the ward Councillors was submitted signed by 102 individuals representing 87 households.

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

Representations	Officer's response
Development is too tall and taller than the 10 storey limit of TB1 of the Watford Local Plan Part 2	There is no 10 storey limit for development. Draft policy TB1 of the Draft Watford Local Plan Part 2 stated 10 storey buildings as a guide for Clarendon Road but this was not defined as a maximum. Nonetheless, this policy document was draft and not adopted and following recent new evidence relating to housing supply, this document has been found to be outdated and will not be adopted. As set out in section 6.2 of the report, the scale is consistent with the Skyline Supplementary Planning Document. The tall building element is considered to be suitable for the site, creating a high quality land mark corner building and will be consistent with the height strategy for Clarendon Road.
Set a precedent for tall buildings	High quality tall buildings are supported in Clarendon Road and other sites in the road have achieved planning permission for tall buildings.
Insufficient parking for the development	The development provides parking only for the office uses and for disabled residential occupiers. The location provides excellent access to town centre amenities and public transport and is highly suited for occupants without cars. Indeed car light development is welcomed in this location to reduce car

	<p>journeys in the town centre. The occupiers of the development will be exempt from entitlement to park in the surrounding roads subject to the Controlled Parking Zone.</p>
<p>Insufficient infrastructure and public services to support the development</p>	<p>Infrastructure is dealt with under the Community Infrastructure Levy and the residential aspect of the development will make contributions under the levy.</p>
<p>Harmful to the Conservation Area</p>	<p>The Estcourt Conservation Area is characterised by Victorian, terraced properties. There is a clear visual distinction between the large scale office buildings of Clarendon Road and the Conservation Area. The main, contemporary block of the development will be clearly within the Clarendon Road group and would not undermine or harm the setting of the Conservation Area. The rear residential block does sit immediately adjacent to the Conservation Area however this has a design approach of contemporary brick townhouses, which respects the setting of the Conservation Area. Indeed this rear block will present a significant visual improvement from the current view of the rear of No50 and will be present an enhancement to the setting of the Conservation.</p>
<p>Harmful to the light and outlook of residential properties</p>	<p>It is noted that the outlook from the surrounding properties will change however the technical assessment of the Sunlight and Daylight report demonstrates that the development is in accordance with the BRE guidance and would not create unreasonable harm to neighbours which would warrant refusal of the scheme. The development complies with all minimum distance policies of the Residential Design Guide and would not create overlooking or overbearing impacts to neighbours. This is discussed in full in section 6.6 of the report.</p>
<p>The creation of residential use will reduce privacy of</p>	<p>The creation of residential adjacent to residential properties is entirely suitable. The</p>

neighbouring properties.	proposed residential units will respect all minimum back to back distances with the neighbouring properties and will not create harmful loss of privacy.
The raised amenity area from St Johns Road will encourage anti social behavior.	This area would have been fully overlooked by the development meaning that this was not a concern however to create level access from St Johns Road, this area has been amended.
Noise and Disruption during construction	This is not a material planning consideration.

5.2 Statutory publicity

The application was publicised by 2 site notices posted on 6th November 2017 expiring 27th November 2017 and by advertisement in the Watford Observer published on 3rd November 2017 expiring 24th November 2017.

5.3 Technical consultations

The responses from consultees have been summarised and considered in the following table.

Consultee	Summary of response	Officer consideration
Hertfordshire County Council (Waste and Minerals)	The bin stores are located in the basement, but need to be presented at ground level for collection. We will not manoeuvre bins up and down slopes as suggested in the plans.	Officer can clarify that due to the ground level changes the bin storage would be on ground level as access from St Johns Road.
Planning Policy	No harm to heritage assets. Design improvements suggested. Needs clarification on floor areas proposed and existing.	Some design improvements have been made in amended plans. GIA floor areas clarified and confirm 28% uplift. Agreed that there is no harm to heritage assets.
Environmental Health	Initial response to advise to foreseeable objections.	Noted.
Housing	The 33% unit provision is below 35% however as this provides family sized units, this is supported. Allocation to be	To be secured by s106.

	confirmed.	
Hertfordshire County Council (Highway Authority)	Has no objection to the proposal subject to suggested conditions. Has requested a financial contribution of £6,000 towards the monitoring of a Travel Plan.	The comments have been reviewed and conditions which meet the relevant tests recommended.
Thames Water	Insufficient information re waste water. Pre-commencement condition required.	Condition recommended
EA	No response	Already confirmed that the development did not require an EIA.
Crime Prevention	Pre-application meetings have been held and the scheme has incorporated Secured by Design requirements	Noted
Jaqueline Nixon - Herts S106	Development is CIL Liable	Noted
HCC waste and minerals	Waste is a consideration	Noted
Hertfordshire County Council (Lead Local Flood Authority)	SUDs report not satisfactory but agree with applicant for details to be secured by condition.	Noted
Arboricultural officer	No objection but some inconsistency between plans.	Full details to be secured by condition.

6.0 Appraisal

6.1 Main issues

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

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

- (g) Car and cycle parking.
- (h) Impact on heritage assets.
- (i) Environmental considerations.

6.2 (a) Principle of the proposed uses

6.2.1 The site is within the wider Town Centre SPA in the Core Strategy and within an allocated employment area (E7a) in the Watford District Plan 2000. The development proposes a loss of 4,659sqm of outdated floor space, to be replaced with 5,945sqm of modern, high quality Class B1a office floorspace. This represents an increase in quality but also an uplift of 28% from the existing which is welcomed to meet the identified need for office space, add to the vitality and viability of the office area and increase economic status of town. It is noted further that when combined with the TJX headquarters development opposite the station, the project overall is significantly increasing the quantity and quality of office space.

(NB Uplift Calculation $(5945-4659)/4659 \times 100 = 28\%$)

6.2.2 The proposed residential element of the scheme is not in accordance with the adopted employment area policies however the mixed use approach for the site allows for the most efficient use of the brownfield site to provide much needed homes as well as meet economic development objectives. Providing good quality housing is emphasised within the NPPF and meeting housing needs is also Priority 1 of the Corporate Plan for Watford Borough Council and a priority of the Core Strategy.

6.2.3 Policy HS1 of the Core Strategy lists the criteria that will be taken into account in assessing the suitability of windfall sites for residential use. In this case, the site is brownfield land, is within the town centre, is not at risk of flooding and has excellent access to public transport and a wide range of services. Furthermore, the site has no heritage significance or biodiversity or landscape value. The residential provision would not undermine the use, viability or quality of the office accommodation. It is further noted that the corner site faces residential context to the north on St John's Road and to Estcourt Road to the rear. The development provides a suitable mix of 1, 2 and 3 bed units, compliant with policy HS2 of the Core Strategy. The residential provision is therefore supported within this mixed use development.

6.2.4 The development includes a smaller commercial unit at ground floor level to have flexible permission. This smaller unit would complement the uses on site, it will create active frontage on the St John's Road frontage and it has the potential to increase activity and vitality within the area for residential occupiers. This single unit would be supplementary to the building and it would not undermine the

viability of the town centre.

6.2.5 The mix used development is therefore commended as creating the most efficient use of the site in successfully meeting a range of local needs and objectives within one development. This mixed use approach is seen also in developments approved at Gresham House and Hannay House/37-39 Clarendon Road and is welcomed at the application site.

6.3 (b) Scale and design

6.3.1 Clarendon Road is considered as a central and sustainable location suitable for higher density development and tall buildings. The main development will include a tall building of 14 to 17 storeys which will be a notable addition to the skyline. This height will create a landmark corner building that will successfully mark the key junction of Clarendon Road with St John's Road. The height of the corner element allows for the building to have a slender and elegant appearance. The 17 storey height has been the height determined in pre-application discussions which strikes the right balance of the height considerations for the site and context.

6.3.2 Although there is no adopted policy for tall buildings the envisaged strategy for tall buildings on Clarendon Road (formerly TB1 of the draft Local Plan Part 2) proposed to highlight the areas around the station (Clarendon Road and Watford Junction SPA) with the tallest buildings. The recent approval for Hannay House/37-39 Clarendon Road was supported to allow this notably tall building of 23 stories to mark the southern end of Clarendon Road. The proposed height of 17 storeys at the application site will sit well within the context of consented tall buildings and will be consistent with the envisaged strategy for tall buildings in Clarendon Road.

6.3.3 As well as the tall building element, there are varying elements of the development which successfully address their context. The main building fronting Clarendon Road will be a 6 storey office of a height, design and position of that will integrate comfortably within the Clarendon Road frontage.

6.3.4 There is a notable change in scale and character of buildings to the east of the site on St John's Road and to the Conservation Area to the rear. The eastern element of the development responds to this by stepping down to 5 storey residential at the rear. With a height of 8.1m this eastern building would represent a modest increase of 0.6m to the existing building and would overall be an improved design.

6.3.5 The development provides significant improvements to the active frontage on St John's Road and Clarendon Road. The Clarendon Road frontage, which is currently dominated by surface parking, will be opened up to create landscaped public realm at the frontage. The dead frontage and servicing areas on St John's Road will

be replaced with active uses of the residential units and flexible commercial unit. The open corner entrance of the building will create a very positive relationship between the tall building and the street level further enhancing the positive landmark nature of the building and providing clear legibility.

- 6.3.6 The design detailing of the main building is architecturally bold and will create a high quality landmark building. The office and residential building of 6/14/17 storeys consists of glazing with bold façade detailing of anodised aluminium in colours of dark grey and light, mid and dark bronze. The bold articulation of the building creates a very strong vertical emphasis that will add to the slender appearance of the building and create a successful statement building on the corner. The unification of the façade between the lower office and upper residential floors will ensure the office character of Clarendon Road is preserved.
- 6.3.7 The development style changes notably on the St John's Road frontage and to the rear. This 5 storey element to contain the affordable house uses a more traditional brick materiality with design of a contemporary interpretation of townhouses. This contrasting element of the development will successfully respond to the changing scale and design of built form on St John's Road and to the Victorian Conservation Area.
- 6.3.8 The access, layout and facilities for the various users and occupiers of the building have been successfully designed to create a high quality environment for all. The entrances to the residential units are legible and for the rear block, would be particularly attractive with access via a landscaped podium area. Functionality of the building eg bins, bikes, access is well designed and will create high quality homes and offices.

6.4 (c) Quality of residential accommodation

- 6.4.1 The proposal will provide 100 residential flats comprising 39x 1 bed, 44 x 2 bed and 17 x 3 bed flats. All will comply with the minimum floorspace of the nationally described space standard. All will have good levels of outlook, natural light and privacy.
- 6.4.2 The noise assessment dated 27th September 2017 by Hawkins Associates recommends residential development can achieve the recommended maximum internal noise levels under BS 8233 through the provision of good quality window units with a Rw of at least 33 dB. This can be secured by condition to ensure future occupiers have a suitable internal amenity. Furthermore, in order to maintain an acceptable internal noise environment, the flats will also need to be mechanically ventilated to allow them to be adequately ventilated without the need to open windows.

- 6.4.3 The air quality assessment, dated 27th September 2017 by Hawkins Associates, concludes that the site is suitable for residential development and no mitigation measures are required.
- 6.4.4 Within the main tower the 67 market flats located on the 6th to 17th floors, are arranged around a main lift/stair core. The majority of the flats will be dual aspect with at least 1 elevation facing west, south or east. One flat on each of the floors 7 to 13 would be single aspect to the north. This is not preferred however with the restriction of layout around a core this is difficult to avoid. As this affects only 7 one bed flats, this is, on balance considered to be reasonable for the development overall for which the vast majority of the flats will have good levels of outlook, daylight, sunlight and privacy.
- 6.4.5 The 5 storey affordable housing block has its west elevation facing into the development meaning that these windows would experience some reduced light and outlook from the main block and tower. The flats within affordable housing block have however all been designed as dual aspect with bedrooms positioned on the affected elevation. All these flats would therefore have dual aspect to ensure good levels of outlook, daylight and sunlight.
- 6.4.6 The residential units of development respect all minimum distance requirements of the RDG. There are 27.5m minimum back to back distances with the rear of the Estcourt Road properties and a minimum 22m distance between the flats within the development. All flats would therefore have good levels of privacy.
- 6.4.7 Communal amenity areas of 1,798sqm have been incorporated into the development. To the front (east) of the affordable housing block the podium area serving as access will offer landscaped communal amenity area with good natural surveillance from the flats. The courtyard within the development will provide a further communal landscaped area. With direct access from the offices, this courtyard area will serve all the users of the development. The ground floor units of the affordable housing block will also have private terrace areas on both the east and west elevations providing defensible space to the communal area. The development also includes landscaped roof gardens at 6th floor level roof top of 402m². The area provided exceeds the minimum standards.
- 6.4.8 Small areas of children's play space were including within the central courtyard and on the 7th floor roof top amenity areas however these were removed at the case officer request. It was noted that there is large and recently refurbished play area along St John's Road approximately 100m from the development. By virtue of this it is unlikely that the modest play equipment within the development would be well

used and it would be a more functional space with general landscaping/seating. Furthermore, the children's play space, located in the courtyard immediately to the rear of the offices, may cause some conflict of uses.

6.4.9 The proposal also incorporates a number of facilities to serve the future residents. These include a secure storage cages sited in the basement for bicycles/large item storage with one per residential unit and 80 cycles spaces in the basement for the commercial uses.

6.5 (d) Affordable housing provision

6.5.1 The development includes an excellent and welcomed provision of affordable housing. The rear 5 storey block of the development is proposed as being all affordable housing. Following detailed pre-application discussions with officers all but 2 of these 33 units will be 2 and 3 bed units which are the size of affordable housing most acutely needed in the Borough.

6.5.2 The 33 units of the rear block represent 33% of the development in unit number however this shortfall is welcomed as all units are of a larger nature. Indeed the affordable housing provision represents 45% of the development based on the bedrooms provided and 41% of the development based on the habitable rooms provided. This is considered an acceptable and welcomed provision of affordable housing to meet the borough's urgent housing needs.

6.5.3 It is further noted that the affordable housing is to be contained within one specific block of the development. This will allow for housing providers to appropriately manage the affordable housing provision as independent from the private flats. The affordable housing provision, with family sized units, will also have a high quality, usable and accessible communal amenity area around the eastern block of the development.

6.5.4 The tenure mix of this provision is required by policy HS3 as 65% affordable rent (21 units), 20% social rent (7 units) and 15% intermediate tenures (5 units).

6.6 (e) Impacts on surrounding properties

6.6.1 The nearest residential properties to the site are located at Estcourt Road to the east of the site and St John's Road to the north and north east. The potential impacts to the daylight, sunlight, outlook and privacy of the units has been subject to detailed assessment and concludes no unacceptable harm would be created.

6.6.2 The rear block of the development will have its main elevation facing the rear of the Estcourt Road properties which are typical Victorian terraced houses with rear outriggers. These terraces are on ground level lower to the application site. As

residential properties require a lower internal height to offices, the proposed building with 5 residential floors has a height of only 0.6m more than the existing 4 storey office building. The building is closer to the Estcourt Road properties than the existing office however a minimum 27.5m back to back distance is retained to all properties. This will ensure that the existing properties will maintain suitable privacy levels but will also ensure that the building proximity and modest increase in height would not result in the building appearing as dominant or overbearing to the Estcourt Road properties. It is further noted that the building would be set 12.8m from the shared boundary and the development would include improved landscaping along the eastern boundary. The relationship is compliant with RDG guidance and is considered to be acceptable.

- 6.6.3 The properties the north side of St John's Road front onto the north boundary of the site and would front directly onto the 5 and 6 storey elements of the development. The front to front relationship of these buildings is acceptable and will not create undue overlooking or overbearing impact. The St John's Road properties have an oblique relationship to the 14/17 storey element and, being to the south west, this would cast a shadow to the St John's Road properties. However, this would be at only certain times of day/year and overall the sunlight and daylight to these properties is considered to be suitably maintained.
- 6.6.4 The full potential impact is assessed in the Sunlight and daylight report dated 26th September 2017 prepared by EB7 in accordance with the BRE guidance 'Site layout planning for daylight and sunlight: a guide to good practice' (BRE, 2011) and the British Standard document BS8206 pt2. This report considers the impact caused, by the proposed new development at 50 Clarendon Road upon the daylight and sunlight currently received by the closest neighbouring properties. The assessment has been undertaken using the Vertical Sky Component (VSC), No-Sky Line Contour (NSC), Average Daylight Factor (ADF) and Annual Probable Sunlight Hours (APSH) tests set out within the aforementioned guidance.
- 6.6.5 The results of these tests have shown that, whilst there will be some reductions in daylight to individual windows, the vast majority of the neighbouring residential properties would remain fully compliant with the BRE guidelines for both the daylight and sunlight criteria. In particular, 16d and 16e St John's Road experience reductions in VSC marginally beyond the suggested criteria however the rooms within both properties experience high levels of NSC and so the overall impact to daylight is not considered material and the overall amenity of the homes would be maintained.
- 6.6.6 Overall, it is noted that the outlook from the surrounding properties will change however the technical assessment demonstrates that the development is

inaccordance with the BRE guidance and would not create unreasonable harm to neighbours which would warrant refusal of the scheme.

6.7 (f) Transport, access and servicing

6.7.1 The site is located in a highly accessible and sustainable location within a short walk of Watford Junction Station and the bus interchange. The location is highly suited for new development in accordance with policy T2 of the Location of New Development. The site is therefore ideally situated for commuters travelling to the site to work and for car-free housing.

6.7.2 As set out in the Transport Assessment, the proposed development will result in a reduced number of daily vehicle movements to the site and would have no negative impact on the highway.

6.7.3 Access to the basement carpark is via the access with Clarendon Road and is acceptable in highway terms.

6.7.4 All flats and offices would have convenient, legible and safe access. Following amendments, the eastern block has a suitable level access arrangement.

6.7.5 Proposed waste collection is from St John's Road which is supported and suited to the waste facilities in the building. The use of St John's Road for servicing to the eastern residential block is also acceptable. The front hardstanding on the Clarendon Road frontage is proposed as a 'shared surface' for pedestrians and service vehicles to the office and private flats as shown in the Transport Assessment. There was concern that this would create conflict between users however there is no objection in highway terms. It will be required that bollards are placed to the northern end of this shared surface space to ensure delivery vehicles cannot reverse up to the open corner of the site which would be undermine the building access.

6.8 (g) Car and cycle parking

6.8.1 The existing site includes a surface level car park of 181 spaces serving the existing office building. The proposal incorporates a basement car park of 71 car spaces with 61 spaces allocated to the office use and 10 disabled spaces for the residential use. The high proportion allocated to the office use is supported to ensure the top-end viability of this office space.

6.8.2 Given the highly accessible and sustainable location of the site the car-free residential units are supported. A s106 agreement will restrict future occupiers from entitlement to park in surrounding Controlled Parking Zone.

6.8.3 The proposal also includes provision of 100 large storage lockers for the residential units which would provide secure cycle storage provision. The cycle provision for 80 cycles for the office building will be in excess of the minimum standards and with two suitable access routes and the provision of staff locker and shower facilities, this provision will facilitate cycling options.

6.8.4 The application is accompanied by a draft Travel Plan for the proposed office use, to actively promote sustainable modes of travel to the site for employees and visitors. This is acceptable in principle subject to a detailed Travel Plan based upon the Hertfordshire County Council's document 'Hertfordshire Green Travel Plan Guidance' being submitted for approval. A monitoring fee of £6,000 is also sought to monitor the implementation of the approved Travel Plan.

6.9 (h) Impact on heritage assets

6.9.1 The east (rear) boundary of the site forms the boundary of the Estcourt Conservation Area located to the East of the site. This is characterised by Victorian properties and although there is an adjoining boundary, there is a clear and established distinction between the scale and character of the Victorian streets and the larger scale office buildings of Clarendon Road. The development will remain visually distinct from the Conservation Area and will not create visual harm to its setting. As seen in the line drawings, the tall building element will not appear unduly prominent or harmful in any view from the Conservation Area and will sit well within the Clarendon Road cluster distinct from the Conservation Area. .

6.9.2 Indeed, the development along the St John's Road frontage and the block facing the eastern boundary will serve as improvement to the existing setting of the Conservation area; the poor quality buildings and service areas at the existing site will be replaced with a high quality building and landscaping. Of particular merit is the rear residential block which replicates the scale of the existing office building but with much improved design and materiality to reflect the Conservation Area.

6.9.3 The Council's Urban Design and Conservation Manager has asserted that the development will have some impact to some of the views from the CA but this will not impact on the significance of the area.

6.10 (i) Environmental considerations

6.10.1 i) Environmental Impact Assessment

A request for a Screening Opinion was submitted to WBC in accordance with Regulation 6 of the Regulations and a formal screening opinion was issued on 20 July 2017. This concluded that the development did not constitute a Schedule 2 or Schedule 3 development under the Regulations and an EIA was not required for the proposed development.

6.10.2 ii) Trees and landscaping

The tree protection plan of the Tree Survey Report and Arboricultural Impact Assessment dated 28th September 2017 indicates that some trees are to be retained. These are however shown as to be removed on the landscaping plan and site plan. None of the trees on site are considered to be worthy of long term retention and the loss of the trees on site is acceptable subject to replacement planting. Indeed the re-landscaping of the area will provide visual benefits with the improved public realm at the Clarendon Road frontage and also improved planting to the east boundary with Estcourt Road. Full details of hard and soft landscaping are secured by condition. Particular care will be required in the choice of species and maturity of the trees for the site to ensure short and long term amenity.

6.10.3 iii) Surface water drainage

The Lead Flood Authority (HCC) has raised concerns regarding the provision proposed in the SUDs Strategy. It is envisaged that a suitable scheme is achievable in the development and HCC have however agreed to addressing of this issue by condition.

6.10.4 iv) Clarendon Road improvement project

The Council is promoting an environmental improvement scheme for Clarendon Road, in partnership with Herts. County Council. This will involve a complete re-surfacing and re-landscaping of the entire length of the road with the intended provision of making a more friendly environment for pedestrians and cyclists. The applicant has agreed to make a financial contribution of £300,000 towards this project, to be secured by means of a s.106 planning obligation.

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:

Watford Charging Schedule

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

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

7.2 **S.106 planning obligation**

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

In this case, the development requires planning obligations to secure the provision of affordable housing, to ensure the exclusion of the development from the local controlled parking zone, to secure a monitoring fee for the proposed Travel Plan, to secure any necessary fire hydrants to serve the development and to secure a financial contribution towards the environmental improvement of Clarendon Road. These requirements meet the tests in Regulation 122 of the Community Infrastructure Regulations 2010, and, consequently, these planning obligations can be taken into account as material planning considerations in the determination of the application.

8.0 **Conclusion**

8.1 The mixed used approach for the site allows for the most efficient use of the brownfield site, in a highly sustainable location, to provide much needed homes as well as meet economic development objectives. The development provides the following benefits:

- Creation of a high quality landmark building that is consistent with the envisaged tall building strategy for Clarendon Road and will sit comfortably in Watford’s emerging tall building skyline;
- Increased quality and 28% uplift of B1a office floor space at this key site in the employment area;
- 100 new dwellings in a highly accessible and sustainable brownfield site;
- 33% provision of affordable housing of mainly much needed 2 and 3 bed units.
- Significant enhancements to the public realm with the opening up of the corner creating a landmark corner site on Clarendon Road

- Enhancements to the setting of the Estcourt Conservation Area with improved amenity of the site from the existing office block and servicing at the rear.

It will therefore deliver significant economic, social and environmental benefits in accordance with the development plan and NPPF.

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

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 all 33 units in the eastern block of the development to be Affordable Housing units comprising social rented units, affordable rented units and intermediate with a tenure mix of social rent 20%; affordable rent 65% and intermediate 15%.
- ii) To secure a financial contribution to the Council of £300,000 towards the environmental improvement of Clarendon Road;
- iii) To secure a financial payment to the Council of £2,000 towards the variation of the Borough of Watford (Watford Central Area and West Watford Area) (Controlled Parking Zones) (Consolidation) Order 2010 to exclude the site from the controlled parking zone, thereby preventing residents' parking permits being issued to this site;
- iv) To secure the provision of fire hydrants to serve the site as required by Hertfordshire County Council;

- v) 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.

Conditions

1. Time Limit

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. Approved Drawings

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

Drawing No	Rev	Title
050-000	P02	Site Location Plan
050-002	P02	Block Plan
050-001	P01	Existing block plan
050-011	P02	Proposed car park level
050-012	P02	Proposed ground floor
050-013	P01	Proposed Level 01
050-014	P01	Proposed Level 02
050-015	P01	Proposed Level 03
050-016	P01	Proposed Level 04
050-017	P01	Proposed Level 05
050-018	P01	Proposed Level 06
050-019	P01	Proposed Level 07-13
050-020	P01	Proposed Level 14-16
050-021	P01	Proposed Level 17
050-022	P02	Roof plan
050-301	P02	Proposed north elevation
050-302	P02	Proposed east elevation
050-303	P01	Proposed south elevation
050-304	P01	Proposed west elevation
050-305	P01	Proposed section elevation east
050-306	P02	Proposed section elevation west
050-307	P01	Proposed section A
050-308	P01	Proposed section B
050-309	P02	Proposed section C

050-701	P01	Detail Bay 01
050-702	P01	Detail Bay 02
050-703	P01	Detail Bay 03
050-704	P01	Detail Bay 04
050-E100	P01	Existing basement
050-E101	P01	Existing ground floor
050-E102	P01	Existing first floor plan
050-E103	P01	Existing second floor plan
050-E104	P01	Existing third floor plan
050-E105	P01	Existing fourth floor plan
050-E106	P01	Existing roof plan
050-E107	P01	Existing elevations north and west
050-E108	P01	Existing elevations south and east
050-E109	P01	Existing sections 1 and 2
050-E110	P01	Existing sections 3 and 4
050-V01 E	-	Existing View St Johns Road
050-V01 P	P01	Proposed artist's impression
091178-L-102	A	Landscape General Arrangement Plan Ground floor
091178-L-103	A	Landscape General Arrangement Plan Podium Level
091178-L-104	A	Landscape General Arrangement Plan Roof Level
091178-L-105	A	Hard Landscape General Arrangement Plan Ground floor
091178-L-106	A	Hard Landscape General Arrangement Plan Podium Level
091178-L-107	A	Hard Landscape General Arrangement Plan Roof Level
091178-L-108	A	Illustrative Masterplan
091178-L-200	A	Soft Landscape General Arrangement Plan Ground floor
091178-L-201	A	Soft Landscape General Arrangement Plan Podium Level
091178-L-202	A	Soft Landscape General Arrangement Plan Roof Level
091178-L-300	A	Landscape Typical Sections

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

3. Drainage Strategy

Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

4. Facing Materials

No external facing materials shall be installed on the 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.

5. Hard Landscaping

No part of the development shall be occupied until a detailed hard landscaping scheme for the site, including details of the roof gardens, 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 Proposals of the approved drawings.

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.

6. Soft Landscaping

No part of the development shall be occupied until a detailed soft landscaping scheme for the site, including details of the roof gardens and appropriate irrigation systems, 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 Proposals of the approved drawings. 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.

7. Service area bollards

No part of the development shall be occupied until details and siting of bollards at the northern end of the proposed shared servicing area 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 maintaining safe and suitable access to the building by preventing vehicle movements adjacent to the corner access.

8. Access

No part of the development shall be occupied until the modified access and egress arrangements from Clarendon Road, as shown in principle on the approved drawings has 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.

9. Swept Path Assessments

The applicant is required to provide swept path assessments for private cars for the internal layout of the basement car park. The swept path assessments should demonstrate that private vehicles can enter the site in a forward gear, manoeuvre within it and depart in a forward gear. Swept path assessments should also illustrate the movements associated with larger vehicles such as refuse collection vehicles which will serve the site from St John's Road.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way.

10. Residential facilities

No dwelling within the development shall be occupied until the following facilities have been provided for the use of residents, in accordance with the approved drawings:

- i) the bin store for waste and recycling;
- ii) the 100 lockable storage cages within basement
- iii) the roof gardens at 7th floor level

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, Policy UD1 of the Watford Local Plan Core Strategy 2006-31 and the Residential Design Guide 2016.

11. Office facilities

No part of the office floorspace shall be occupied until the following facilities have been provided for the use of occupiers, in accordance with the approved drawings:

- i) the secure cycle storage for at least 80 cycles and shower/locker facilities for employees;
- ii) the bin store for waste and recycling;

These facilities shall be retained at all times.

Reason: To provide sustainable travel alternatives for employees and visitors, in accordance with saved Policy T10 of the Watford District Plan 2000 and Policy T3 of the Watford Local Plan Core Strategy 2006-31, and to ensure adequate waste storage in accordance with saved Policy SE7 of the Watford District Plan 2000.

12. Plant equipment at 7th floor

No plant or equipment shall be installed within the 7th floor plant room until an acoustic assessment has been submitted to and approved in writing by the Local Planning Authority which demonstrates that the sound pressure level from the plant room will be at least 10dB below the lowest LA90 (15 minute) noise level measured at 1m from the adjoining residential flats when all plant and equipment is operational. The assessment shall include appropriate noise mitigation measures. All plant and equipment shall be installed as approved and no plant or equipment shall be brought into operation until the approved mitigation measures have been installed.

Reason: To ensure the operation of the plant and equipment does not give rise to noise nuisance to the residential occupiers.

13. Aerials/Satellite Dishes

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.

14. Travel Plan

No part of the development shall be occupied until the measures of the Travel Plan dated October 2017, prepared by Markides Associates (ref R02A) has been implemented as approved, 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.

15. Internal noise mitigation

All residential units shall achieve the recommended maximum internal noise levels under BS 8233 through the provision of a good quality window units with a Rw of at least 33 dB in accordance with the noise assessment dated 27th September 2017 by Hawkins Associates.

Reason: To ensure residential occupiers do not experience noise and disturbance.

16. Communications Development

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

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

17. Flexible use unit

The ground floor commercial unit adjoining the office entrance (northern unit) shall only be used as a café/restaurant within Class A3 or as offices within Class A2 or Class B1(a) 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 0800 hours or after 2300 hours on any day.

Reason: The site is located within a designated employment area and in the interests of the functioning and appearance of the site and the amenities of residents within and adjacent to the development.

18. Outdoor seating areas

No outdoor seating areas associated with the flexible use unit shall be installed until a detailed plan for the layout of the area has been submitted to and approved in writing by the Local Planning Authority. The areas shall be used only in accordance with the approved details. The areas shall be cleared of customers and furniture between the hours of 2300 hours and 0800 hours on any day.

Reason: To ensure the outdoor seating areas do not impede access and egress to the residential units and in the interests of the amenities of residents within and adjacent to the development.

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 the provision of affordable housing in the Borough, a financial payment to exclude the development from the local controlled parking zone, a financial payment towards the monitoring of a Travel Plan, the provision of necessary fire hydrants to serve the development and a financial contribution towards the environmental improvement of Clarendon Road.
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

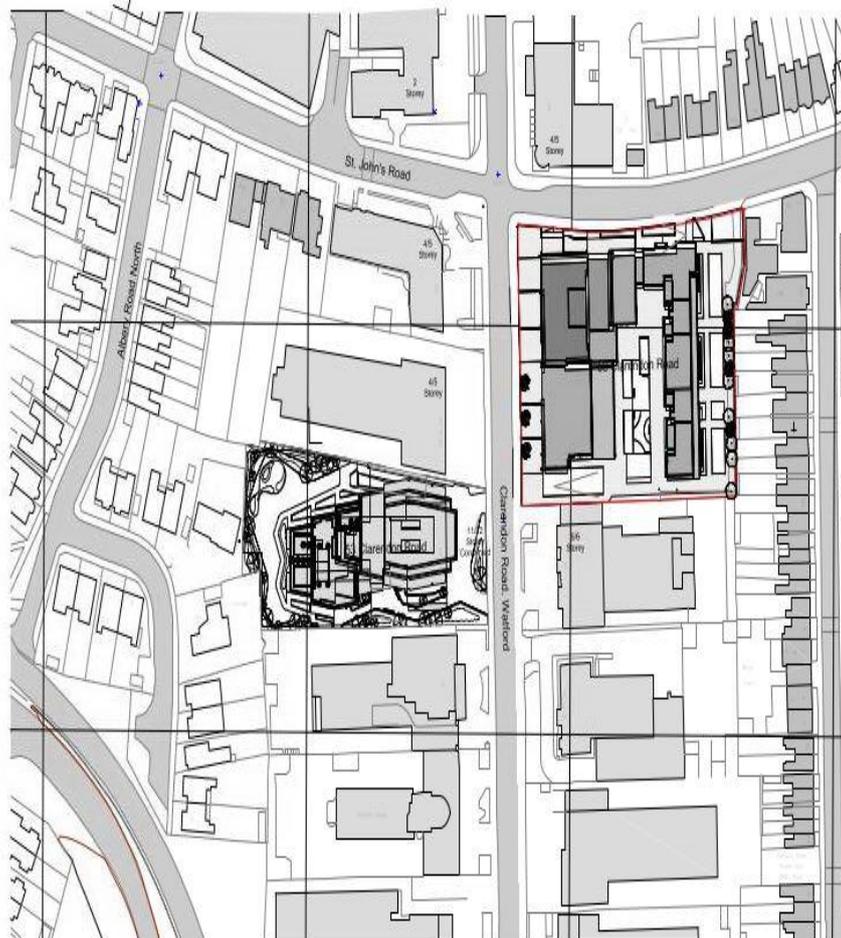
Agreement with the Highway Authority. Before commencing the development the applicant shall contact HCC Highways Development Management, County Hall, Pegs Lane, Hertford, SG13 8DN to obtain their permission and requirements. This is to ensure any work undertaken in the highway is constructed in accordance with the Highway Authority's specification and by a contractor who is authorised to work in the public highway.

Case Officer: Alice Reade

Email: alice.reade@watford.gov.uk

Tel: 01923 278279

50 Clarendon Road, Watford, WD17 1TX



01 ST Site Location Plan
1:1250

3D image of Clarendon Road

5.16 Site Opportunities - Proposed Development

Shown in pink are three further schemes that are consented or currently submitted for approval along clarendon road, with the building to the top of the image at 23 storeys.



3D model image 1

Proposal 15.2 Fully coordinated 3D Model



3D model image 2



48-52 Clarendon Road / Design & Access Statement / September 2017

121

Artist impression - Clarendon Road

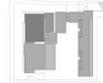


Elevation east



CS/091076
 0m 10m 20m 30m 40m 50m
 SOUTH

Site Legend



Project: 50 Cleveon Road
 Client: Victoria University
 Drawing Number: 000-004
 Drawing Title: Proposed East Elevation
 Scale: As Shown @ A1
 Revision: R02
 Revision Description: Proposed Change
 Date: 10-01-2019

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 70 South Street
 Melbourne VIC 3000
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 Fax: 03 9594 2001
 www.esa.com.au
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 RMA Design Limited, Registered Engineer No. 01120848
 Registered as a Trade Under R 1/10

Elevation north



CS/091076
 0m 10m 20m 30m 40m 50m
 SOUTH

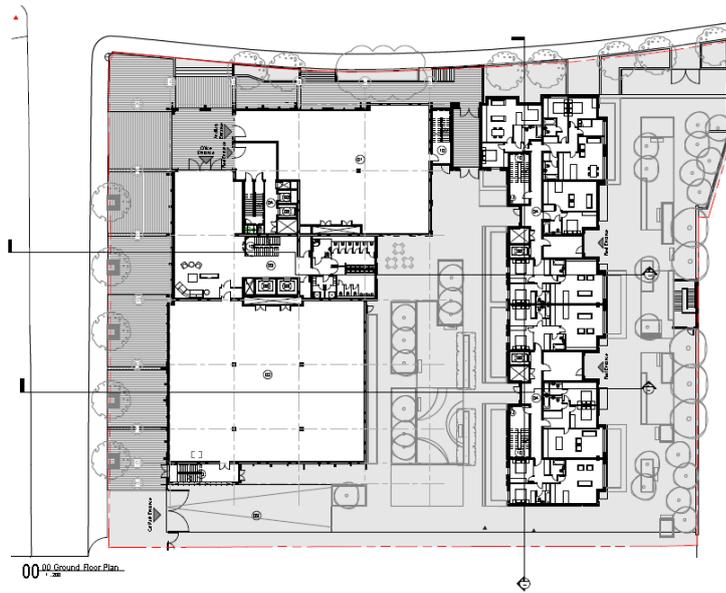
Site Legend



Project: 50 Cleveon Road
 Client: Victoria University
 Drawing Number: 000-004
 Drawing Title: Proposed North Elevation
 Scale: As Shown @ A1
 Revision: R02
 Revision Description: Proposed Change
 Date: 10-01-2019

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Floor plan 00 Ground



00.00 Ground Floor Plan

CS/091076

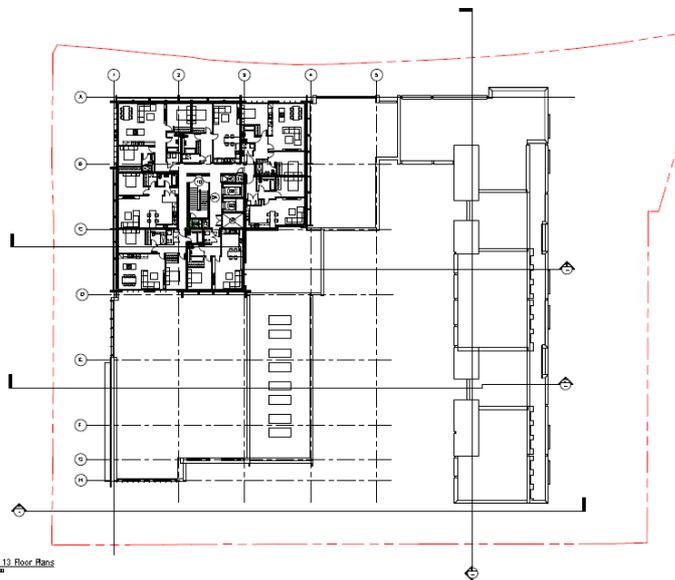
Project: ED Construction Road
 Client: VODAC LE
 Drawing Number: 000001-1
 Drawing Title: Functional Concept Floor Plan
 Date: 11/09/2017
 Author: [Redacted]
 Checked: [Redacted]

- | | | | |
|----|---------------------|----|-------------------|
| 01 | Facade A100 | 08 | Plung in Car Park |
| 02 | Chim | 09 | Chim |
| 03 | Chim Clay Area | 10 | Plunging Lanes |
| 04 | Overhead Clock Area | 11 | Play Area |
| 05 | Staircase | 12 | Children's Room |
| 06 | Staircase | 13 | Play Area |
| 07 | Staircase | 14 | Play Area |
| 08 | Staircase | 15 | Play Area |
| 09 | Staircase | 16 | Play Area |
| 10 | Staircase | 17 | Play Area |
| 11 | Staircase | 18 | Play Area |

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Floor plan 7-13



07.07_13 Floor Plans

CS/091076

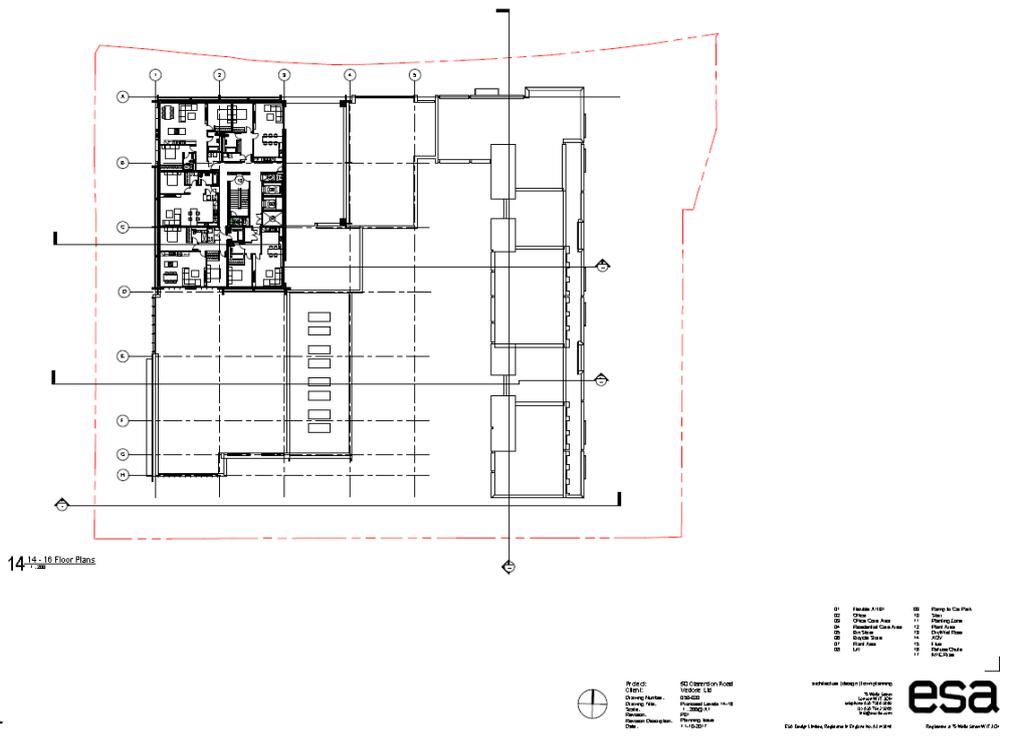
Project: ED Construction Road
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- | | | | |
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| 01 | Facade A100 | 08 | Plung in Car Park |
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| 08 | Staircase | 15 | Play Area |
| 09 | Staircase | 16 | Play Area |
| 10 | Staircase | 17 | Play Area |
| 11 | Staircase | 18 | Play Area |

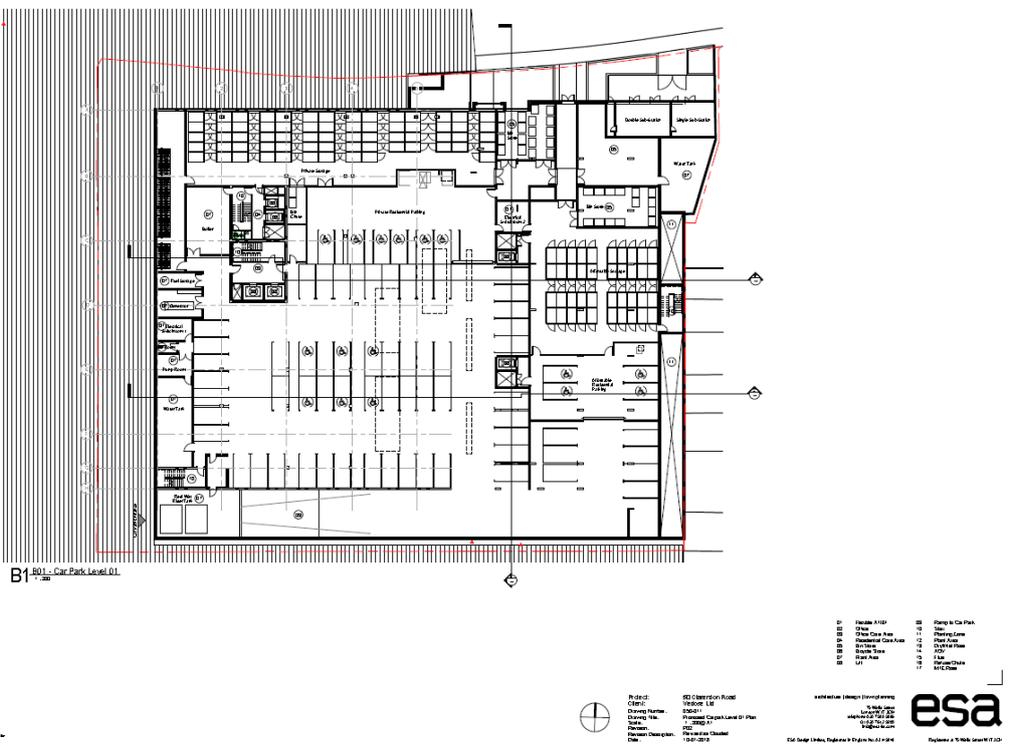
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Floor plan 14-16



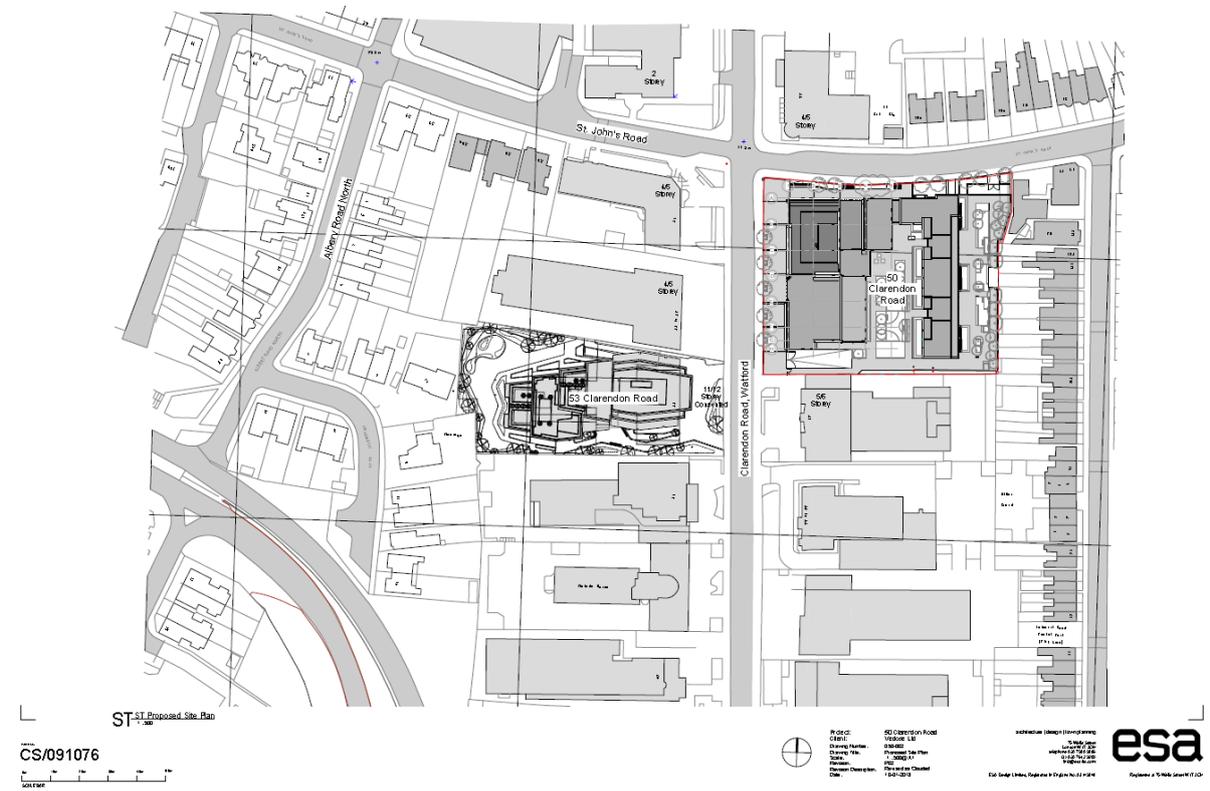
Floor plan Basement



Landscaping plan



Site Plan



PART A	
Report of: Head of Development Management	
Date of committee:	31st January 2018
Site address:	1, Neston Road
Reference Number:	17/01555/OUTM
Description of Development:	Outline application for the demolition of the existing dwelling and adjacent garages and erection of a block of 10 flats with access, parking and amenity space (with only landscaping as a reserved matter).
Applicant:	Mr J Morgan and Mr J Prior
Date Received:	13th November 2017
13 week date (major):	12th February 2018
Ward:	Callowland

1.0 Site and surroundings

1.1 The site is located on the outside of the bend at the western end of Neston Road. It is irregular in shape and includes the detached house at 1, Neston Road and the adjoining plot of land comprising 9 lock-up garages. To the east, north and west it adjoins existing residential properties. The surrounding area is wholly residential and comprises terraced and semi-detached, 2 storey houses developed between 1900 and 1920.

2.0 Proposed development

2.1 To demolish the existing house and the 9 lock-up garages and erect a single, rectangular block of 10 flats. Ten car parking spaces are provided to the front of the block together with a bin store. The application is for outline permission with access, appearance, layout and scale to be determined at this stage. Only landscaping is a reserved matter.

3.0 Relevant planning history

3.1 The following planning history is relevant to this application:

03/00550/FUL – Planning permission refused in September 2004 for the demolition

of the 9 garages and the erection of a pair of semi-detached houses adjoining the existing house. The application was refused for 3 reasons:

1. The proposed development, by reason of the size, height, bulk, design and siting of the proposed houses, and the provision of car parking and pathways on the front of the houses leaving inadequate room for satisfactory landscaping, results in a form of development which appears unnecessarily cramped, over dominant and alien to the established form and pattern of development in the area.
 2. The proposal fails to adequately demonstrate that the garages on site cannot be used for parking of vehicles by residents in the local area. The loss of 9 garages on the site will lead to additional motor vehicles being parked on street in an area which already has on street parking problems and would worsen the existing problems to the detriment of highway and pedestrian safety.
 3. The proposed development by reason of the siting and orientation of the proposed houses does not provide for adequate distances between the proposed houses and the boundaries with existing residential properties which will cause problems of overlooking and loss of privacy and will result in the proposed houses appearing over dominant when viewed from the windows and gardens of surrounding residential properties.
- 3.2 This refusal was the subject of an appeal which was dismissed in May 2005. However, the Inspector only upheld the second reason for refusal.
- 3.3 With regard to reason 1, the Inspector did not consider the siting of the houses back from the highway would give rise to visual dominance. The design was considered to be bulkier than the existing house at no.1 but off-set by the set-back. He noted that the house at no.1 and no.4a opposite were both detached and built after the surrounding houses. Whilst acknowledging the design features of the proposed houses did not reflect the rest of the street, he did not consider they amounted to a cogent reason for rejection. He saw no objection to 2 storey development on the site.
- 3.4 With regard to reason 2, the Inspector noted the high level of on-street parking during the weekday morning of his site visit and was in no doubt that the position would be far worse in the evenings. He considered the loss of the garages would add to local congestion.
- 3.5 With regard to reason 3, the Inspector noted that overlooking of adjoining

properties in Sandringham Road would only be from one bedroom window and at an oblique angle. He considered any loss of privacy would be minimal. In respect of over-dominance, he considered this would only occur from the nearer parts of adjacent gardens. Due to their depth at approximately 15m, he did not consider there would be a significant loss in nearby residents' enjoyment of their rear gardens.

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 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

4.3 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

- 4.4 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 40 properties in Neston Road, Sandringham Road and Bushey Mill Lane. Representations were received from 87 properties, with 83 letters of objection and 4 letters of support. The comments are summarised in the table below:

Representations	Officer’s response
Objections (83)	
Garages are still in use. Many used for parking cars.	Noted.
Claims of anti-social behaviour and drug dealing at the garages are not true.	Noted.
Inadequate parking provision will exacerbate existing parking problems. Already heavily congested area. Lack of parking for residents and visitors will lead to overspill parking on adjoining roads. Loss of 2 on-street parking spaces.	Parking congestion is acknowledged as a significant issue in this area. Two on-street parking spaces will be lost as a result of the proposal.
Overlooking and loss of privacy to surrounding properties.	See Section 6.7 of the report.
Overshadowing of adjoining garden	See Section 6.7 of the report.

areas.	
Increase in noise and light pollution.	It is not considered that the proposed additional units will give rise to any adverse impacts.
Out of scale and proportion with the surrounding area. Architecture doesn't reflect historic value. Not in keeping with the character and appearance of the area.	See Section 6.3 of the report.
Overdevelopment of the site.	See Section 6.4 of the report.
Flats will be out of character with the area.	There is no objection in principle to the provision of flats on this site.
Schools and doctors surgeries are already oversubscribed.	The proposal will be liable for CIL payments towards local infrastructure.
Increased traffic on surrounding roads. Cars already parking dangerously on corners/junctions and reducing visibility. More traffic will increase hazards.	See Section 6.8 of the report.
Parking on bends and junctions will prevent access by service and emergency vehicles. Bins have not been collected on some occasions due to hazardous parking.	Evidence provided from Council's website that bins could not be collected due to inadequate access for refuse vehicle.
Public transport links often infrequent and unreliable. Future residents will rely on cars.	Bus stops are located on St Albans Road to the west.
No affordable housing provision.	See Section 6.5 of the report.
No surface water drainage scheme.	See Section 6.9 of the report.
Support (4)	
Garages have been source of anti-social behaviour over many years.	No evidence has been provided to substantiate this.
Local residents are not parking their cars in the garages.	No evidence has been provided to substantiate this.
Need more homes. Opportunity to provide 9 additional homes.	Noted.
Superior design and aesthetics to existing house.	See Section 6.3 of the report.
Parking provided for the flats.	See Section 6.8 of the report.

5.2 Statutory publicity

The application was publicised by a site notice posted on 23rd November 2017 and by advertisement in the Watford Observer published on 24th November 2017. The site notice period and the newspaper advertisement period expired on 15th December 2017.

5.3 Technical consultations

The following responses have been received from technical consultees:

5.3.1 Hertfordshire County Council (Highway Authority)

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

5.3.2 Hertfordshire County Council (Lead Local Flood Authority)

In the absence of a surface water drainage assessment, object to this application and recommend refusal of planning permission until a satisfactory surface water drainage assessment has been submitted.

5.3.3 Thames Water

No comments received.

5.3.4 Urban Design and Conservation Manager

Government is clear in the provisions of the NPPF that schemes which are of poor quality should be refused. Council policy is clear that good design is a requirement for all new development. The principle of using the land for residential development is not an issue here but the design quality of the scheme proposed is an issue.

Layout:

Corner Plot – creates issues in terms of achieving a suitable layout – it is not possible to simply follow the building line of the northern side of Neston Road. The approach taken in the proposed scheme does not work well on this awkward plot. It is considered that it would be more appropriate in design terms to split the single block up into two or three bays with a staggered building line

Parking – frontage is car dominated and is not easily navigated due to poor design and cramming the spaces in – too many spaces in too small an area. If adequate parking cannot be provided within the site then the number/type of units may have to be reviewed. It is not acceptable to have such a poor quality car dominant entrance and access to the new units.

Amenity area – no real thought has gone into the design of this just area and it appears as space left over after the building and car parking has been put in. A different approach to the scheme using dual aspect units would allow some semi private space to the rear for the ground floor units and then a proper well design shared area. Access to the rear of the building is not controlled and there is little overlooking at the rear so the units could be vulnerable to burglary.

Street scene:

Scale is out of character – single large block which does not respond to the rhythm of the existing streets scene. Various elements of the proposed scheme are out of character with the existing street scene. It is possible to take the framework from the existing street scene and work that up into framework for a new building – whether it is in traditional vernacular style or more contemporary. The applicant has seeks to take what appear to be traditional features but apply them to a large block in such a way that the result does not meet the requirements of paragraph 60 of the NPPF or Policy UD1 in reinforcing local distinctiveness or paragraph 64 to improve the character and quality of an area.

The treatment of the frontage area is not well defined and is basically a car park – the extent of the crossover is not good for pedestrian safety and cars will be backing out of the spaces onto a road with poor visibility.

Dominance of the roof: aside from the general street scene comments the roof form used is very dominant; the proposed roof has a very different proportional relationship in the frontage elevation – the existing buildings on the north side of the street are approximately 33(roof):47(wall) and the proposed approximately 44(roof):56(wall). This results in the roof being overly dominant in the elevation.

Gable features: these are inappropriate in this street scene; this feature is not found in the existing buildings and the size of the gable shown is too big for the building and the location.

The applicant has elected to use a vernacular language using pitched roofs/gables/traditional style windows but this does not work well when applied to a building of this size in the manner proposed. The gables to rear are oversized and result in an unattractive appearance which will be visible from the rear of properties on Bushey Mill Road.

Conclusions:

As it stands the proposed scheme does not meet the requirements for good design set out in the NPPF and the Council’s local plan. It is possible to redevelop this site

with residential units and meet requirements for high quality design. The current scheme should be refused and the applicant advised to review the design approach.

5.3.5 Housing team

The Housing Service does not support this application for planning as all 10 units have been proposed as market housing; there is no provision of affordable housing. On a site of 10 units, in line with Council policy, we would expect 3 units (35%) of affordable housing.

5.3.6 Arboricultural Officer

The proposals will not affect any existing trees although some tree protection measures may be required for trees located on the rear boundary. There should also be some opportunity to plant some new trees to the front of the proposed building although not necessarily in the numbers indicated on the site plan.

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) Character and appearance of the area.
- (c) Affordable housing.
- (d) Quality of accommodation for future occupiers.
- (e) Impacts on adjoining properties.
- (f) Access, servicing and parking provision.
- (g) Surface water drainage.

6.2 (a) Principle of development

The site is not an allocated housing site but is within an established residential area. It is a brownfield site and is in general accordance with the criteria of Policy HS1 of the Core Strategy for windfall sites. The Council has no policy that specifically seeks to retain lock-up garages. As such, there is no objection in principle to the development of this site for residential use.

- 6.2.1 Policy HS2 gives guidance on the mix of housing units sought across the borough in order to provide for the needs of the whole community. Policy SS1 acknowledges that in town centre locations and locations within the designated Special Policy Areas within the Core Strategy the vast majority of units will be 1 and 2 bed. In suburban areas a significant provision should be made for family sized units, whether in the form of flats or houses. Given the location of the site within an established suburban area, the majority of the units should be 2 bed or more. The

proposal achieves this with 8 x 2 bed and 2 x 3 bed flats, which is considered to be an acceptable mix for this site. However, whilst acceptable in principle, all of the 2 bed flats are substandard in size (see Section 6.6 below).

6.3 (b) Character and appearance of the area

Neston Road was developed in 2 phases. The first phase, on the northern side of the road, comprises late Victorian terraced housing with pitched roofs and outriggers. The main facing material is a yellow stock brick with red brick detailing and patterning. The second phase, on the southern side of the road, comprises semi-detached houses from the 1920s with gabled roofs. These generally have a red brick at ground floor and brown pebble dash render above. The application site lies on a bend in the road and was developed in 1907. The surrounding area is generally characterised by late Victorian terraced housing similar to the northern side of Neston Road.

6.3.1 The proposal is to erect a single rectangular building 20m wide by 12.5m deep with a large crown roof and large scale front and rear gable projections. Some of the detailed comments of the Urban Design and Conservation Manager are included in Section 5.3.4 of this report. The siting of the proposed building does not address the bend in the road and the footprint of the building is overly large. The frontage is dominated by car parking and appears very cramped for the number of spaces proposed. The crown roof is considered to be visually dominant and inappropriate in this context as are the large front and rear gable projections. Despite pre-application advice having been given, little attempt has been made to design a building that reflects the context of the site and which will sit comfortably within this Victorian/Edwardian streetscene.

6.3.2 Overall, the proposal is not considered to be an appropriate or successful response to this site. It will appear as a dominant and jarring feature within the streetscene and fails to meet the requirements of good design that reflects the character and appearance of the local area.

6.4 (d) Affordable housing

As the scheme provides more than 9 units, Policy HS3 requires 35% of the units to be provided for affordable housing. For a scheme of 10 units, this equates to 3 units. The 35% provision should ideally have a tenure breakdown of 20% for social rent, 65% for affordable rent and 15% for intermediate tenures. The size of units should also meet current need. The supporting planning statement states that no affordable housing provision is to be made. The applicant does not rely upon any viability appraisal but instead on the Government's Planning Practice Guidance (PPG) which states that affordable housing contributions should not be sought on schemes of 10 units or less. This is based upon a written ministerial statement

made in the House of Commons on 28th November 2014.

6.4.1 This ministerial statement was challenged in the High Court in 2015 and was ruled to be unlawful. The guidance was subsequently withdrawn. However, in 2016 the Court of Appeal ruled that the ministerial statement was not unlawful and that it did constitute Government policy (*Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council* [2016] EWCA Civ 441). The guidance was subsequently re-instated. However, it is important to note the findings of the Court of Appeal. Whilst it found that the policy issued in the ministerial statement was not unlawful, it confirmed that it did not override any requirements of section 70(2) the Town and Country Planning Act 1990 or section 38(6) of the Planning and Compulsory Purchase Act 2004. Importantly, these sections both require a planning application to be assessed against the policies of the local development plan and any relevant material planning considerations. In this case, the Court of Appeal confirmed that the ministerial statement (WMS) was a material planning consideration to be considered along with all other planning considerations. The key paragraphs from the judgement are as follows (relevant extracts only):

28. *The policy's unqualified terms do not demonstrate that it was intended to countermand or frustrate the effective operation of the statute. The Secretary of State was not obliged to assure the reader that that was not his intention, nor to state that his policy was subject to the development plan.*

30. *In our judgment, then, the policy stated in the WMS is not to be faulted on the ground that it does not use language which indicates that it is not to be applied in a blanket fashion, or that its place in the statutory scheme of things is as a material consideration for the purposes of s.38(6) of the 2004 Act and s.70(2) of the 1990 Act, and no more. It does not countermand or frustrate the effective operation of those provisions.*

6.4.2 The judgement makes clear that the policy expressed in the ministerial statement is a material planning consideration but that it does not override the legal requirements of section 70(2) of the 1990 Act or section 38(6) of the 2004 Act. The adopted local plan policy, which should be the starting point for assessing all planning applications, must take precedence. This has been supported by the Courts.

6.4.3 The Courts have held that the section 38(6) obligation “requires the decision maker not merely to have regard to the plan but to offer it priority” (*R (on the application of Ash Parish Council v Guildford Borough Council* [2014] EWHC 3864 (Admin)). In *South Northamptonshire Council v Secretary of State for Communities and Local*

Government [2013] EWHC 11, the Court held that:

“the section [section 38(6)] requires not a simple weighing-up of the requirement of the plan against the material considerations but an exercise that recognises that while material considerations may outweigh the requirements of a development plan, the starting point is the plan which receives priority. The scales do not start off in an even balance.”

In *Ash Parish Council* the Court also pointed out that:

- 6.4.4 Although the NPPF is a material consideration it is not of equal legal force to the policies in the Development Plan: see *Sea and Land Power Energy Ltd v Secretary of State for Communities and Local Government* [2012] EWHC 1419 and *Bloor Homes East Midlands Ltd v Secretary of State for Communities and Local Government* [2014] EWHC 754 at [46]:

“All of this, one has to remember, sits within the statutory framework for the making of decisions on applications for planning permission, in which those decisions must be made in accordance with the development plan unless material considerations indicate otherwise. Government policy in the NPPF does not, and could not, modify that statutory framework, but operates within it – as paragraph 12 of the NPPF acknowledges.”

- 6.4.5 It is clear, therefore, that priority in the decision making process is to be given to the development plan. Moreover, if the NPPF is not of equal legal force to policies in the development plan then the guidance in the PPG must be even less so.
- 6.4.6 It is also well established law that the weight to be given to a material consideration is a matter for the decision maker not the Court, unless the decision maker has behaved irrationally.
- 6.4.7 In this case, the Council has an identified and significant need for affordable housing in the borough. Policy HS3 is therefore a relevant and up-to-date policy that should be given significant weight. The guidance in the Planning Practice Guidance is not considered to outweigh the known need for affordable housing in the borough or the requirements of Policy HS3.
- 6.5 (e) Quality of accommodation for future occupiers
Each of the 2 bed flats are shown with double bedrooms. However, the bedrooms measure approximately 12m² and 8.5m² respectively in each flat. The nationally described space standard (NDSS), which has been incorporated into the Council’s Residential Design Guide, has a minimum area of 11.5m² for a double bedroom and

7.5m² for a single bedroom. As such, notwithstanding what is shown on the submitted drawings, the flats are only considered suitable for occupation by 3 persons. The NDSS has a minimum floorarea of 61m² for a 2 bed, 3 person unit on 1 level. The proposed flats each have a floorarea of 57-58m² and so are all below the minimum standard. Each flat also has inadequate storage space. Each of the 2 bed flats will therefore provide sub-standard accommodation.

6.5.1 Each of the 3 bed flats are also shown with double bedrooms. Each bedroom has a minimum floorarea of 12.5m² and so the flats are suitable for occupation by 6 persons. The NDSS has a minimum floorarea of 95m² for a 3 bed, 6 person unit on 1 level. The proposed flats each have a floorarea of 103m² and so exceed this minimum standard. Although they are not shown to have adequate built in storage, the additional floorspace allows adequate storage (2.5m²) to be provided.

6.5.2 All of the proposed 2 bed flats are single aspect; with those on the front elevation facing south-west and those on the rear elevation facing north-east. The 3 bed flats are both dual aspect. All of the flats will have good outlook and daylight. The 4 rear facing 2 bed flats (at ground and first floor levels) will however receive very little direct sunlight.

6.5.3 The Residential Design Guide sets out minimum area guidelines for communal amenity space which equates to an area of 185m² for the proposed development. Whilst it is accepted that in town centre locations the level of amenity space provided is often very limited, in suburban locations such as this there is every opportunity to provide sufficient and high quality amenity space for future residents. In this case, the proposed level of provision is 356m² which exceeds the guideline. However, the majority of the amenity space is provided at the rear of the block and is only 6.5-8m deep. This space will not, therefore, be very useable on a communal basis without significantly compromising the privacy of the 2 ground floor flats. Furthermore, this area is sited on the northern side of the block and, due to its limited depth, will also be overshadowed by the block itself. The area of space to the side will be more useable as a communal amenity area and has an area of 190m². Overall, it is considered that this will provide an acceptable area of amenity space for future residents.

6.6 (f) Impacts on adjoining properties

The site is adjoined by residential properties on 3 sides.

6.6.1 *3, Neston Road*

This property is an end of terrace house adjoining the south-eastern boundary of the site. The proposed building is sited 4m from the boundary and projects 5m beyond the rear elevation of the property. Despite the depth of the projection, the

building does not breach a 45° line taken from the mid-point of the nearest ground floor window on the rear elevation so will not impact on the outlook or natural light to this property.

6.6.2 *36-42 (evens), Bushey Mill Lane*

These properties are sited along the north-eastern boundary of the site. They comprise detached houses linked by garages. The proposed building is sited 6.5-8m from the rear boundary with these properties. The distance to the habitable room windows in the rear elevations is 22.5-23m at ground floor and 27.5m at first floor. In order to maintain acceptable levels of privacy between proposed development and existing residential properties the Residential Design Guide requires a minimum distance of 11m to the rear boundary and 27.5m to rear facing habitable room windows. In this case, neither is achieved. As such, the proposed building will give rise to unacceptable overlooking and loss of privacy to these properties and their private garden areas.

6.6.3 In respect of natural light, the British Research Establishment's guidelines 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' have been applied. The proposed building does not breach a 25° line taken from the nearest ground floor windows of these properties. As such, it is not considered that the building will give rise to an unacceptable loss of light to these properties. Based on the application of this guideline, it is also not considered that the building will have an adverse impact on outlook.

6.6.4 *158-184 (evens), Sandringham Road*

These properties adjoin the western and north-western boundary of the site. The proposed building is sited 6-8.5m from the north-eastern boundary and 10.5-12m from the eastern boundary. There are no windows proposed in the north-west facing flank elevation so there will be no overlooking of nos. 168-184 (evens). In respect of nos. 158-162 (evens), the windows in the front elevation of the proposed building will face towards the rear elevations and gardens of these properties. However, the distance from the rear garden boundaries of 10.5-12m generally accords with the RDG guideline of 11m. In respect of the rear habitable room windows, the building achieves a distance of 28-34m, which is in excess of the RDG guideline of 27.5m.

6.6.5 In respect of natural light, the British Research Establishment's guidelines 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' have been applied. The proposed building does not breach a 25° line taken from the nearest ground floor windows of these properties. As such, it is not considered that the building will give rise to an unacceptable loss of light to these properties. Based on the application of this guideline, it is also not considered that the building will have

an adverse impact on outlook.

6.7 (g) Access, servicing and parking provision

The existing site is served by 2 crossovers, one to the lock-up garages and one to the garage of 1, Neston Road. In addition to these, 1 on-street parking space exists along the frontage between the crossovers. The proposal includes 10 parking spaces on the frontage, to be served by 3 double width crossovers. These will result in the loss of the existing on-street space.

6.7.1 It is evident from the representations from local residents and site visits by the case officer that Neston Road and the surrounding roads experience significant on-street parking congestion. This was also noted by the appeal Inspector in 2005. Very few of the houses on Neston Road and the surrounding roads have any on-site parking provision and so all residents rely on parking on-street. The provision of 10 parking spaces for the proposed 10 flats is considered to be acceptable in principle. The Council's car parking standards are expressed as maximums - 1.5 spaces for 2 bed and 2.25 spaces for 3 bed dwellings - which would give a maximum provision of 16.5 spaces for the proposed development. However, the 2011 Census data on car ownership shows that the average car ownership per household in Callowland Ward is 1.05 cars per household. On this basis, the provision of 10 spaces for 10 dwellings accords with the current car ownership levels in Callowland Ward. Whilst it is acknowledged that the proposal may lead to some additional demand for on-street parking from visitors to the development, the increase in demand is likely to be limited and for short periods only.

6.7.2 The applicant has claimed that the existing garages have been vacant for the past 12 years since the appeal in 2005. However, there is significant anecdotal evidence in the representations from local residents that this is not the case. The garages appear to be in good condition and well maintained which would suggest they have continued to be used. As is the case with all privately owned garages, however, the Council has no control over who they are let to or whether they are used for parking cars or for storage purposes. The applicant is entitled not to let them or could even decide to demolish the garages. In any event, and notwithstanding the previous appeal decision, the Council as the local planning authority is not in a position to prevent any loss of parking from these privately owned garages.

6.7.3 Overall, the proposal may give rise to some additional on-street parking demand through the loss of the garages (assuming some of them are used by local residents for parking cars) and the lack of visitor parking provision. However, it is not considered that a reason for refusal on the grounds of inadequate car parking provision or on-street parking congestion could be justified in this case given the level of parking proposed.

6.7.4 Servicing of the site will need to take place from Neston Road, as for all existing properties. Notwithstanding the evident problems that are experienced from time to time through poor parking at junctions, this is acceptable.

6.8 (h) Surface water drainage

As a major development of 10 or more dwellings, the application proposal is required to provide a sustainable surface water drainage scheme to reduce the risk of flooding. No scheme has been provided with the application. The County Council as the Lead Local Flood Authority (LLFA) is a statutory consultee and has objected to the application due to the failure to provide a sustainable surface water drainage scheme.

7.0 Community Infrastructure Levy and planning obligation

7.1 Community Infrastructure Levy (CIL)

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

7.1.1 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. If any of these exemptions is applied for and granted, the CIL liability can be reduced.

7.2 S.106 planning obligation

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

7.2.1 The proposed development is one where affordable housing should be provided, in accordance with Policy HS3 of the Watford Local Plan Part 1 Core Strategy 2006-31.

8.0 Conclusion

- 8.1 There is no objection in principle to the development of this windfall site to provide 2 and 3 bedroom dwellings, subject to a high quality design. The proposed scheme, however, is not considered to be of the quality of design necessary for this prominent site having regard to the context of the site and the character and appearance of the surrounding area. Furthermore, the proposal will provide sub-standard accommodation for future occupiers, will have a harmful impact on the amenities of adjoining occupiers, fails to provide affordable housing and lacks a surface water drainage scheme. For these reasons, the application is recommended for refusal.
-

9.0 Human Rights implications

- 9.1 The refusal of planning permission will have an impact on the human rights of the applicant to develop the land. However, this is considered justified in order to accord with the policies of the development plan and in the wider public interest.
-

10.0 Recommendation

That outline planning permission be refused for the following reasons:

1. The proposal is considered to be of poor design quality, having a poor relationship to the street frontage, a dominant and cramped parking area and incorporating inappropriate design features that fails to respect or enhance the locality. As such, the proposal is out of keeping with the character and appearance of the area, contrary to paragraph 58 of the NPPF and Policy UD1 of the Watford Local Plan Core Strategy 2006-31.
2. The proposed 2 bedroom units all fail to meet the nationally described space standard and will therefore provide an inadequate standard of accommodation. As such, the proposal is contrary to paragraph 17 of the NPPF, Policy UD1 of the Watford Local Plan Core Strategy 2006-31 and the Watford Residential Design Guide 2016.
3. The proposal fails to provide affordable housing units to meet urgent housing needs within the Borough, contrary to paragraph 50 of the NPPF and Policy HS3 of the Watford Local Plan Core Strategy 2006-31.
4. The proposal will result in significant overlooking and a loss of privacy to the properties adjoining the site in Bushey Mill Lane. This will be harmful to the

occupiers of these properties, contrary to paragraph 17 of the NPPF and the Watford Residential Design Guide 2016.

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

Drawing numbers

NR/001A, NR002

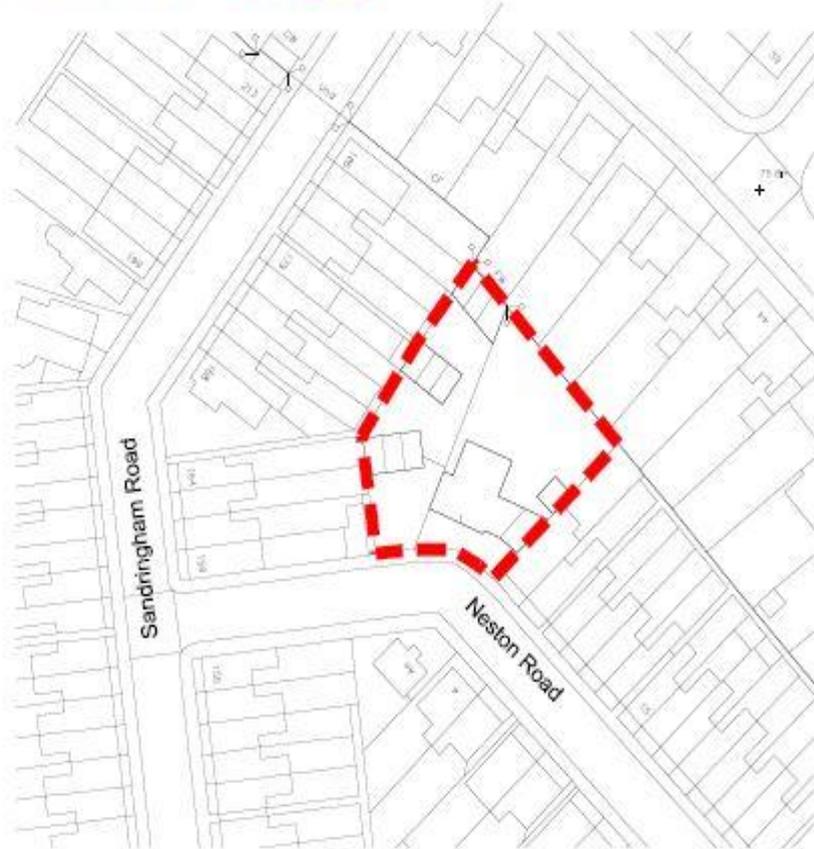
Case Officer: Paul Baxter

Email: paul.baxter@watford.gov.uk

Tel: 01923 278284

1 Neston Road, Watford, WD24 7BN

SCALE 1/1250
1 NESTON ROAD, WATFORD,
WD24 7BN



Aerial view 1



Image from Google Earth

Aerial view 2



Image from Google Earth

Street view from Neston Road



Image from Google Street View

Street view from Junction of Sandringham Road

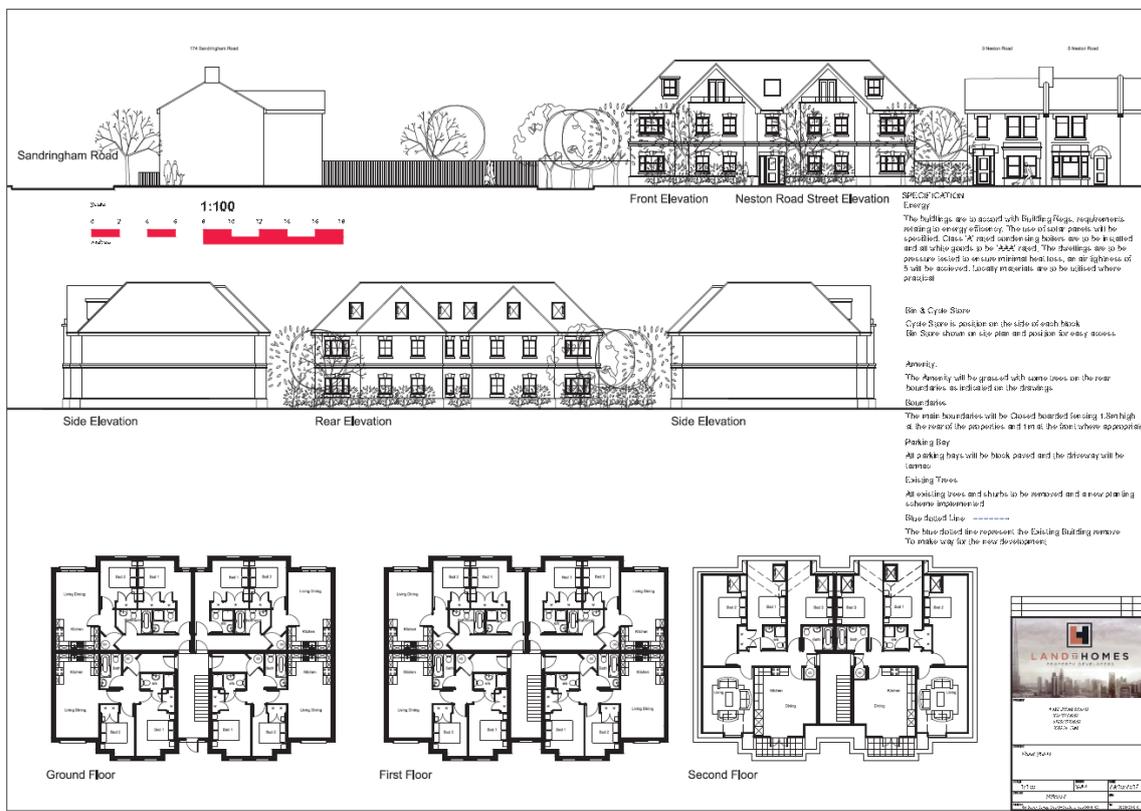


Image from Google Street View

Site plan



Elevations and floor plans



CGI image



PART A	
Report of: Head of Development Management	
Date of committee:	31st January 2018
Site address:	765, St Albans Road
Reference Number:	17/01516/FULM
Description of Development:	Demolition of showroom and offices and the erection of a part 3 storey, part 4 storey building comprising 23 flats including provision for 8 affordable housing units with car parking.
Applicant:	Mr Thornhill, Winreb Finance Limited
Date Received:	3rd November 2017
13 week date (major):	2nd February 2018
Ward:	Stanborough

1.0 Site and surroundings

- 1.1 The site is located at the junction of St Albans Road and Sheepcot Lane and comprises a van sales business (Watford Vans). The site includes single storey ancillary and office buildings and a large canopy which derives from the site's former use as a petrol filling station. A large proportion of the site is given over to the display of vans for sale. Vehicular access is from St Albans Road.
- 1.2 The site adjoins semi-detached bungalows on Sheepcot Lane to the west and a 3 storey block of flats at Rochester Drive to the north. Opposite the site on St Albans Road are 3 storey blocks of flats and 2 storey houses. To the south-west is the open space of Stanborough Park.

2.0 Proposed development

- 2.1 To demolish the existing buildings and erect a part 3 storey, part 4 storey building comprising 23 flats, with a mix of 11 x 1 bed, 11 x 2 bed flats and 1 x 3 bed flat. The proposed building has roughly an L-shaped footprint comprising 2 main elements fronting the respective road frontages joined by a stepped central element addressing the corner. The whole building is of a contemporary design with a flat roof. An amenity area is shown within the 'L' of the building to the rear.

- 2.2 The existing access junction to St Albans Road is to be retained and modified to give access to 23 car parking spaces. A bin and cycle store is also proposed within the parking area.
- 2.3 No supporting documents have been submitted with the application. Despite requests to the agent for more detailed elevation drawings and supporting documents, none have been submitted.

3.0 Relevant planning history

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

04/00108/COU – Conditional planning permission granted in September 2004 for a change of use from a garage/petrol forecourt to vehicle sales.

06/01084/FULM – Application for the demolition of the workshop offices and canopy and erection of 23 flats with 25 underground car parking spaces withdrawn in March 2007.

08/00381/FULM – Planning permission refused in July 2008 for the demolition of the showroom and offices and the erection of 18 flats with car parking. An appeal against this decision was dismissed in May 2009.

08/01136/FULM – Conditional planning permission granted in December 2008 for the demolition of the showroom and offices and erection of 16 flats with car parking.

16/01363/FULM – Application for demolition of showroom and offices and the erection of a part 3 storey, part 4 storey building comprising 23 flats with car parking. Withdrawn in December 2016.

17/00495/FULM – Application for demolition of showroom and offices and the erection of a part 3 storey, part 4 storey building comprising 23 flats with car parking. Application refused for 7 reasons:

- 1. The proposal is not considered to be of high design quality, lacking appropriate fenestration and detailing, and appears very cramped within the site. As such, the proposal is considered out of keeping with the character and appearance of the area, contrary to paragraph 58 of the NPPF and Policy UD1 of the Watford Local Plan Core Strategy 2006-31.*
- 2. The layout of the site is cramped and poor with a visually dominant parking*

layout, lacking any soft landscaping, and an amenity area that is significantly inadequate in size and heavily overshadowed. As such, the proposal is out of keeping with the character and appearance of the area, contrary to paragraph 58 of the NPPF and Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

3. *The proposed mix of unit sizes, with a predominance of small, 1 and 2 bed flats, is unacceptable in this suburban, out of centre location where family sized units should be provided. As such, the proposal is contrary to paragraph 50 of the NPPF and Policy HS2 of the Watford Local Plan Core Strategy 2006-31.*
4. *The level of amenity provided for future occupiers is poor, with a significant number of units experiencing inadequate levels of natural light, and the insufficient provision of useable amenity space. As such, the proposal is contrary to paragraph 17 of the NPPF, Policy UD1 of the Watford Local Plan Core Strategy 2006-31 and the Watford Residential Design Guide 2016.*
5. *The proposal fails to provide affordable housing units to meet urgent housing needs within the Borough, contrary to paragraph 50 of the NPPF and Policy HS3 of the Watford Local Plan Core Strategy 2006-31.*
6. *The proposal will have an adverse impact on the flank windows of the adjoining property at 4, Shepcot Lane, by reason of loss of outlook and natural light, due to the scale and siting of the western element of the proposed building. As such, the proposal is contrary to paragraph 17 of the NPPF and the Watford Residential Design Guide 2016.*
7. *No sustainable surface water drainage scheme has been incorporated into the proposal to reduce the risk of flooding both in the present and in the future, contrary to paragraphs 99 and 103 of the NPPF and Policy SD2 of the Watford Local Plan Core Strategy 2006-31.*

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 **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*

4.3 **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

- 4.4 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 56 properties in St Albans Road, Rochester Drive and Sheepcot Lane. One letter of representation has been received raising the following concerns:

Representations	Officer's response
Access to proposed development is likely to give rise to increased hazards on the highway during peak times when traffic flows are high. Exiting the site will likely be very difficult.	The Highway Authority has raised no objections.

5.2 Statutory publicity

The application was publicised by a site notice posted on 17th November 2017 and by advertisement in the Watford Observer published on 17th November 2017. The site notice and newspaper periods expired on 8th December 2017.

5.3 Technical consultations

The following responses have been received from technical consultees:

5.3.1 Hertfordshire County Council (Highway Authority)

Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the imposition of suggested conditions.

5.3.2 Hertfordshire County Council (Lead Local Flood Authority)

As with the previous application, no surface water drainage scheme has been submitted. The previous comments therefore remain relevant. In the absence of a surface water drainage assessment, they object to this application and recommend refusal of planning permission until a satisfactory surface water drainage assessment has been submitted.

5.3.3 Thames Water

Raise no objections to the proposal.

5.3.4 Environment Agency

Have requested standard conditions to secure an assessment of land contamination and any appropriate mitigation measures.

5.3.5 Urban Design and Conservation Manager

Has raised a number of objections and concerns regarding the proposal. These are referred to in the report.

5.3.6 Environmental Health

Have requested a noise assessment be submitted to assess noise from road traffic and the adjacent electricity sub-station.

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) Character and appearance of the area.
- (c) Layout and design.
- (d) Housing mix and affordable housing.
- (e) Quality of accommodation for future occupiers.
- (f) Impacts on adjoining properties.
- (g) Access, servicing and parking provision.
- (h) Surface water drainage.

6.2 (a) Principle of development

The site is not an allocated housing site but there is no objection in principle to the development of this site for residential use. Although the site has a long history of commercial use, it is a small, undesignated site within a primarily residential area. It meets several of the criteria for windfall housing sites in that it is consistent with the spatial strategy, is previously developed land, is close to local services and close to public transport. Planning permission has also previously been granted for the development of the site for residential use.

6.2.1 Policy HS2 gives guidance on the mix of housing units sought across the borough in order to provide for the needs of the whole community. The Strategic Housing Market Assessment 2010 identified a housing mix requirement for the borough as 25.8% 1 bed, 18.7% 2 bed and 48.2% 3 bed. The scheme provides 11 x 1 bed units (48%), 11 x 2 bed units (48%) and 1 x 3 bed unit (4%). This is slightly worse than the previous scheme which proposed 9 x 1 bed units (39%) and 14 x 2 bed units (61%). Furthermore, 8 of the 2 bed units are smaller units suitable for only 3 persons. Only 4 of the proposed units are suitable for 4 persons. Some of the 1 bed units are also below the nationally described space standard.

6.2.2 Whilst it is accepted that in town centre locations and locations within the designated Special Policy Areas within the Core Strategy the vast majority of units

will be 1 and 2 bed, in suburban areas a significant provision should be made for family sized units, whether in the form of flats or houses. Given the location of the site within an established suburban area, the majority of the units should be 2 bed or larger and suitable for families (i.e. 4 persons). In this respect, the previous reason for refusal (3) has not been overcome.

6.3 (b) Character and appearance of the area

The site lies on a prominent corner at the junction of St Albans Road and Sheepcot Lane. The surrounding area is predominantly residential and is characterised by detached and semi-detached housing constructed in the 1930s. Along St Albans Road, in the vicinity of the site, are several blocks of flats and flatted sheltered accommodation built in the 1980s-2000s. These blocks are typical of their age and generally uninspiring although the block at Melia Close to the south is more successful.

6.3.1 The existing site, comprising a large canopy and dominated by parked vans, makes no positive contribution to the character and appearance of the area. A new residential building of good design and materials would be a significant enhancement to the locality. Although a block of up to 3 storeys was previously approved in 2008, a building up to 4 storeys could be acceptable in principle given the prominence of the site. St Albans Road bends at the junction with Sheepcot Lane and, subsequently, a prominent building on this site would act as a focal point within the streetscene from both the south and the north.

6.3.2 The Urban Design and Conservation Manager has commented as follows:

Form and massing:

Broadly speaking the height of the proposed scheme works in this location and the simple shapes used are acceptable. However, more detailed information is required regarding the articulation of the elevations as was suggested in respect of the previous application. Similarly, the suggestion regarding recessed balconies to provide more usable amenity areas has not been taken forwards. Most balconies are projecting and will not result in good quality amenity areas.

It is considered that the form and massing has not yet of a standard which is acceptable - more information is needed regarding the elevation details and some amendment to accommodate better quality private amenity space.

The current proposal has not addressed the issues of design quality raised with the previous application and has failed to overcome the previous reason for refusal (1).

6.4 (c) Layout and design

The layout of the site follows that of the previously approved scheme, with the proposed building sited on the corner addressing both St Albans Road and Sheepcot Lane. The building has a roughly L-shaped footprint comprising 2 main elements fronting the respective road frontages joined by a stepped central element addressing the corner. An amenity area is shown within the 'L' of the building to the rear. The existing access junction at the northern end of the St Albans Road frontage is used to access the parking area which adjoins the building and the amenity area. Overall, this siting and layout is considered acceptable in principle, however, the increased size of the building footprint and the dominance of the car parking have not changed from the previously refused scheme and are still considered to give rise to a very cramped site.

6.4.1 Although the building is set back from the frontages of Sheepcot Lane and St Albans Road, as with the previous scheme, it remains very close to the western boundary with 4, Sheepcot Lane, directly abuts the car parking area, and provides very little open amenity space (see paragraphs 6.6.2-6.6.3 below). The proposed car parking area of 23 spaces also visually dominates the site. Again, this has not changed from the previous refused scheme. Two parallel rows of 11 and 12 spaces are shown with a 6m separation. Very limited soft landscaping has now been introduced between some of the spaces but these comprise narrow strips only 600mm wide which, when the haunching of the kerbs is taken into account, will allow for no meaningful landscaping. No soft landscaping has been provided along the northern boundary, with the parking spaces hard up against the boundary, the retained sub-station and the cycle store, and no soft landscaping has been provided along the flank elevation of the building, with 6 of the parking spaces hard up against the flank wall. The number of parking spaces and lack of soft landscaping within and around the parking area means the parking area visually dominates the site and results in a poor quality layout.

6.4.2 In terms of design, the building is largely 4 storeys, stepping down to 3 storeys at its western end as it approaches 4, Sheepcot Lane, with a small 2 storey element now introduced. All elements of the building have a flat roof. This is considered to be an acceptable design approach. The external material is brick for all the elevations. However, there are still concerns that the quality of the building is not sufficient for this prominent corner site. The Urban Design and Conservation Manager has commented as follows:

Materials and detailing:

These comments were made in respect of the refuse application and the scheme proposed does not adequately address these issues and still represents poor quality design. In addition, the elevation onto the car park is poor – the lack of fenestration and the indicative rectangles which are not explained do not overcome the

comments made in respect of the refused scheme.

The current scheme has reverted back to brick as the predominant material for the elevations which is welcomed and goes some way to improving the design quality of the proposed building. The applicant's architect had attempted to take on board the suggestions regarding the taking cues from the London Vernacular guide but has failed to really understand how to create a simple yet interesting and high quality scheme. The change to a more simple palette of materials is welcomed and in principle this approach is acceptable subject to details and samples being submitted and agreed.

Where the scheme needs more work is in the design of the elevations and the design of the fenestration:

Windows: The use of larger windows breaks up the elevation, but the French door style windows should be supported by access to a private amenity area. We would expect the windows to either have deep reveals or to project from the main façade and we would expect some details of this at this stage.

Main elevations: Some effort has been made to break up the brick sections by some form of relief panels – but it is not clear what this will be. The shape of these is a little crude and emphasises the horizontal line rather than the vertical which makes the building feel quite blocky. The north and west elevations are particularly poor and need further consideration. The principal elevations would benefit from the addition of recessed balconies which would provide greater interest and some private amenity area which the units currently lack.

Entrance points: where it is possible we would encourage ground floor units to have their own separate front doors as this is better from a safety perspective

Roof: The use of a flat roof is acceptable and we would encourage the addition of solar panels or green roof technology. It is not clear how the top of the elevation will interface with the roof or how the rainwater will be disposed of. We would expect more detail on these issues than has been provided.

In conclusion and with regard to the NPPF and local plan policies, the materials proposed are an improvement on previous schemes and dependent on the actual materials chosen would be acceptable in principle. However, the detailing of the building of the building elevations should be revisited along with the internal layout.

- 6.4.3 Finally, the northern flank elevation comprises a 4 storey high elevation 17.4m deep containing only small windows. Previously this included only 8 high level windows.

The fenestration has been amended but now includes a mix of high level, horizontal windows and narrow vertical windows. This elevation still appears very massive and will be clearly visible within the streetscene from the north. The scale of the elevation and the lack of appropriate detailing means the building will still appear as a visually dominant feature within the streetscene. Overall, the design of the building still lacks the quality of design and detailing for this prominent location and the current proposal has failed to address the previous reason for refusal (2).

6.5 (d) Housing mix and affordable housing

As the scheme provides more than 9 units, Policy HS3 requires 35% of the units to be provided for affordable housing. For a scheme of 23 units, this equates to 8 units. The 35% provision should ideally have a tenure breakdown of 20% for social rent, 65% for affordable rent and 15% for intermediate tenures. The size of units should also meet current need. The application form states that all of the units are to be for private sale, however, the submitted drawings show the proposed building has 2 entrances, with one on the Sheepcot Lane frontage serving 8 units and one on the St Albans Road frontage serving the remaining 14 units. The 8 units accessed from Sheepcot Lane are shown to be affordable housing. As such, the scheme has been designed in a way that would allow the 8 units to be affordable, served off a separate entrance, subject to an appropriate Section 106 obligation to secure these.

6.5.1 If these 8 units were to be for affordable housing, their suitability would need careful consideration. Firstly, no tenure breakdown has been given. The greatest need in Watford is for social rented and affordable rented tenures. Due to current high sales values, shared ownership products do not meet urgent housing needs at the present time. At least 7 of the 8 units should be for social and affordable rent. Furthermore, the greatest and most urgent need in the borough is for 2 bedroom units to house families with young children. In this case, the 8 units served off the Sheepcot Lane entrance comprise 3 x 1 bedroom, 1 person units, 3 x 1 bedroom, 2 person units, 1 x 2 bedroom, 3 person unit and 1 x 3 bedroom, 4 person unit. As such, these units would not meet current urgent housing need and would not be acceptable to the Council's Housing team. As such, the previous reason for refusal (5) has not been overcome.

6.6 (e) Quality of accommodation for future occupiers

All of the proposed flats have been designed to meet or exceed the nationally described space standards although the 1 bedroom, 1 person units should ideally be shown as studio units. As with the previous scheme, the proposal incorporates predominantly single aspect units. In terms of outlook and privacy, all of the units are considered to be acceptable. Those single aspect units facing St Albans Road or Sheepcot Lane are now set further forward towards the edge of the highway with

much more limited soft landscaping to provide a buffer. However, acceptable boundary treatments including hedging would be able to provide acceptable privacy to these units.

6.6.1 In respect of natural light, for several of the flats this will be significantly reduced. Although the majority of the flats face south or east, 4 of the flats are single aspect and north facing and will receive no direct sunlight. Four of the other flats are single aspect and west facing, sited immediately to the north of and adjoining the southern 4 storey element of the building. Although the southern element of the building has been moved further south, it is still considered that the main habitable rooms will be heavily overshadowed by the proposed building and suffer reduced daylight as well. No daylight and sunlight study has been submitted to assess the light levels to these flats. Overall, it is not considered that these various flats, 8 in total, will receive acceptable levels of natural light and the previous reason for refusal has not been overcome.

6.6.2 The proposal does include a communal amenity area for the residents to the rear of the building and located between the 2 wings. It adjoins the car park and has a useable area of only 152m² when the need to maintain privacy to the ground floor windows is taken into account. Whilst this is an increase on the previous scheme (which provided 118m² albeit this area would be reduced further by the need to maintain privacy to ground floor windows) it still falls significantly below the minimum area guidelines for communal amenity space set out in the Residential Design Guide which equates to an area of 365m² for the proposed development.

6.6.3 Whilst it is accepted that in town centre locations the level of amenity space provided is often very limited, in suburban locations such as this there is every opportunity to provide sufficient and high quality amenity space for future residents. In this case, the proposed level of provision is 213m² below the guideline. Furthermore, the area is enclosed on its southern and eastern sides by the 4 storey elements of the building meaning the area will also be heavily overshadowed and will receive little direct sunlight for most of the day. Finally, it is also adjoined by the car park with parking spaces sited along its northern boundary. Overall, it is considered that this will provide a substandard, overshadowed area of amenity space of limited value to future residents. The concerns regarding this on the previous refused scheme have not been overcome.

6.7 (f) Impacts on adjoining properties

The site is adjoined by only 2 properties, the bungalow at 4, Sheepcot Lane and the 3 storey block of flats at Rochester Drive.

6.7.1 In respect of 4, Sheepcot Lane, this is sited on slightly higher ground compared to

the application site. The proposed building is still sited 2.2-2.6m from the site boundary and 3.4-3.8m from the flank elevation of this bungalow, although a narrow (2m) element has now been introduced. The flank elevation of the bungalow includes 3 windows which are secondary windows. Nevertheless, they do provide light and outlook to the property. In the appeal decision from 2009 relating to a scheme for 18 flats, the appeal Inspector considered that the close siting of the proposed building to these windows (2.0-2.5m in this case) would have an overbearing impact, reducing outlook compared to the existing situation.

6.7.2 In the scheme approved in December 2008 for 16 flats, prior to the appeal decision, this distance had been increased to 4.5-5.0m and the element of the building closest to the bungalow reduced to a 1.5 storey element with pitched roof. Using the Building Research Establishment's vertical 25° rule from the flank windows of the bungalow, a 25° line taken from these windows was not breached by the proposed building. On this basis, it was considered that the natural light and outlook from these windows would not be significantly harmed.

6.7.3 The current application achieves a distance of only 3.4-3.8m and still increases the height of this element of the building to 3 storeys. This will result in a significant breach of a 25° line taken from the flank windows of the bungalow and a loss of natural light and outlook. As such, the impact on the flank windows of the bungalow is not considered acceptable.

6.7.4 In respect of Rochester Drive, this 3 storey block is sited 18m due north of the proposed building with its flank elevation facing the site and the flank elevation of the proposed building. There are only secondary windows on this elevation and the proposal will have no adverse impacts on these residential flats.

6.8 (g) Access, servicing and parking provision

The existing access junction on St Albans Road is to be retained and modified. The transport statement submitted with the previous application (none was submitted with the current application) demonstrated that this will provide full visibility in both directions (2.4m by 90m) and will allow all vehicles to enter the site in forward gear. A turning head has also been provided within the site which is sufficient to allow a refuse vehicle 9.85m long to turn within the site and exit in forward gear. This will enable the site to be serviced from within clear of the highway.

6.8.1 Parking has been provided within the site for the future occupiers. The previous transport statement demonstrated that the 23 spaces can be accessed satisfactorily with adequate manoeuvring space to allow all cars to enter and exit the site in forward gear. The provision of 23 spaces for 23 flats is acceptable. St Albans Road and the lower part of Sheepcot Lane adjacent to the site are subject to waiting

restrictions. Given that St Albans Road is an A Class road (A412), it would not be acceptable for overspill parking to occur on the highway. The provision of 1 space per flat is therefore acceptable and is within the Council's maximum parking standards.

6.8.2 A bin store is shown adjacent to the site entrance and a cycle store is also located towards the front of the site. Both are acceptable in principle but no details have been provided at this stage.

6.9 (h) Surface water drainage

As a major development of 10 or more dwellings, the application proposal is required to provide a sustainable surface water drainage scheme to reduce the risk of flooding. No scheme has been provided with the application. The County Council as the Lead Local Flood Authority (LLFA) is a statutory consultee and their previous objection to the application due to the failure to provide a sustainable surface water drainage scheme remains.

7.0 Community Infrastructure Levy and planning obligation

7.1 Community Infrastructure Levy (CIL)

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

7.1.1 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. If any of these exemptions is applied for and granted, the CIL liability can be reduced.

7.2 S.106 planning obligation

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

7.2.1 The proposed development is one where affordable housing should be provided, in

accordance with Policy HS3 of the Watford Local Plan Part 1 Core Strategy 2006-31. 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 by means of a planning obligation. In this case, no planning obligation has been completed.

8.0 Conclusion

- 8.1 There is no objection in principle to the development of this windfall site for housing subject to a high quality design. It is a prominent corner site and a building up to 4 storeys is considered acceptable in principle. The existing access junction on St Albans Road is to be retained and modified and this is also acceptable.
- 8.2 The proposed scheme, however, is not considered to address the various reasons for refusal of the previous scheme. The proposal is not considered to be of the quality of design, layout and accommodation necessary for this prominent site. The design of the proposal is considered to be inadequate for this prominent corner site; the layout of the site is poor with a cramped and visually dominant parking layout and an insufficient and heavily overshadowed amenity area; the proposed mix of unit sizes, with a predominance of small, 1 and 2 bed flats, is unacceptable in this location; the level of amenity provided for future occupiers is poor with a significant number of units experiencing inadequate levels of natural light; there is no affordable housing provision; the proposal will have an adverse impact on the adjoining property at 4, Sheepcot Lane; and no sustainable surface water drainage scheme has been incorporated.

9.0 Human Rights implications

- 9.1 The refusal of planning permission will have an impact on the human rights of the applicant to develop the land. However, this is considered justified in order to accord with the policies of the development plan and in the wider public interest.

10.0 Recommendation

That planning permission be refused for the following reasons:

1. The proposal is not considered to be of high design quality, lacking appropriate fenestration and detailing, and appears very cramped within the

site. As such, the proposal is considered out of keeping with the character and appearance of the area, contrary to paragraph 58 of the NPPF and Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

2. The layout of the site is cramped and poor with a visually dominant parking layout, lacking any soft landscaping, and an amenity area that is significantly inadequate in size and heavily overshadowed. As such, the proposal is out of keeping with the character and appearance of the area, contrary to paragraph 58 of the NPPF and Policy UD1 of the Watford Local Plan Core Strategy 2006-31.
3. The proposed mix of unit sizes, with a predominance of small, 1 and 2 bed flats, is unacceptable in this suburban, out of centre location where family sized units should be provided. As such, the proposal is contrary to paragraph 50 of the NPPF and Policy HS2 of the Watford Local Plan Core Strategy 2006-31.
4. The level of amenity provided for future occupiers is poor, with a significant number of units experiencing inadequate levels of natural light, and the insufficient provision of useable amenity space. As such, the proposal is contrary to paragraph 17 of the NPPF, Policy UD1 of the Watford Local Plan Core Strategy 2006-31 and the Watford Residential Design Guide 2016.
5. The proposal fails to provide affordable housing units to meet urgent housing needs within the Borough, contrary to paragraph 50 of the NPPF and Policy HS3 of the Watford Local Plan Core Strategy 2006-31.
6. The proposal will have an adverse impact on the flank windows of the adjoining property at 4, Sheepcot Lane, by reason of loss of outlook and natural light, due to the scale and siting of the western element of the proposed building. As such, the proposal is contrary to paragraph 17 of the NPPF and the Watford Residential Design Guide 2016.
7. No sustainable surface water drainage scheme has been incorporated into the proposal to reduce the risk of flooding both in the present and in the future, contrary to paragraphs 99 and 103 of the NPPF and Policy SD2 of the Watford Local Plan Core Strategy 2006-31.

Drawing numbers

Site location plan

2667/PreA/SP

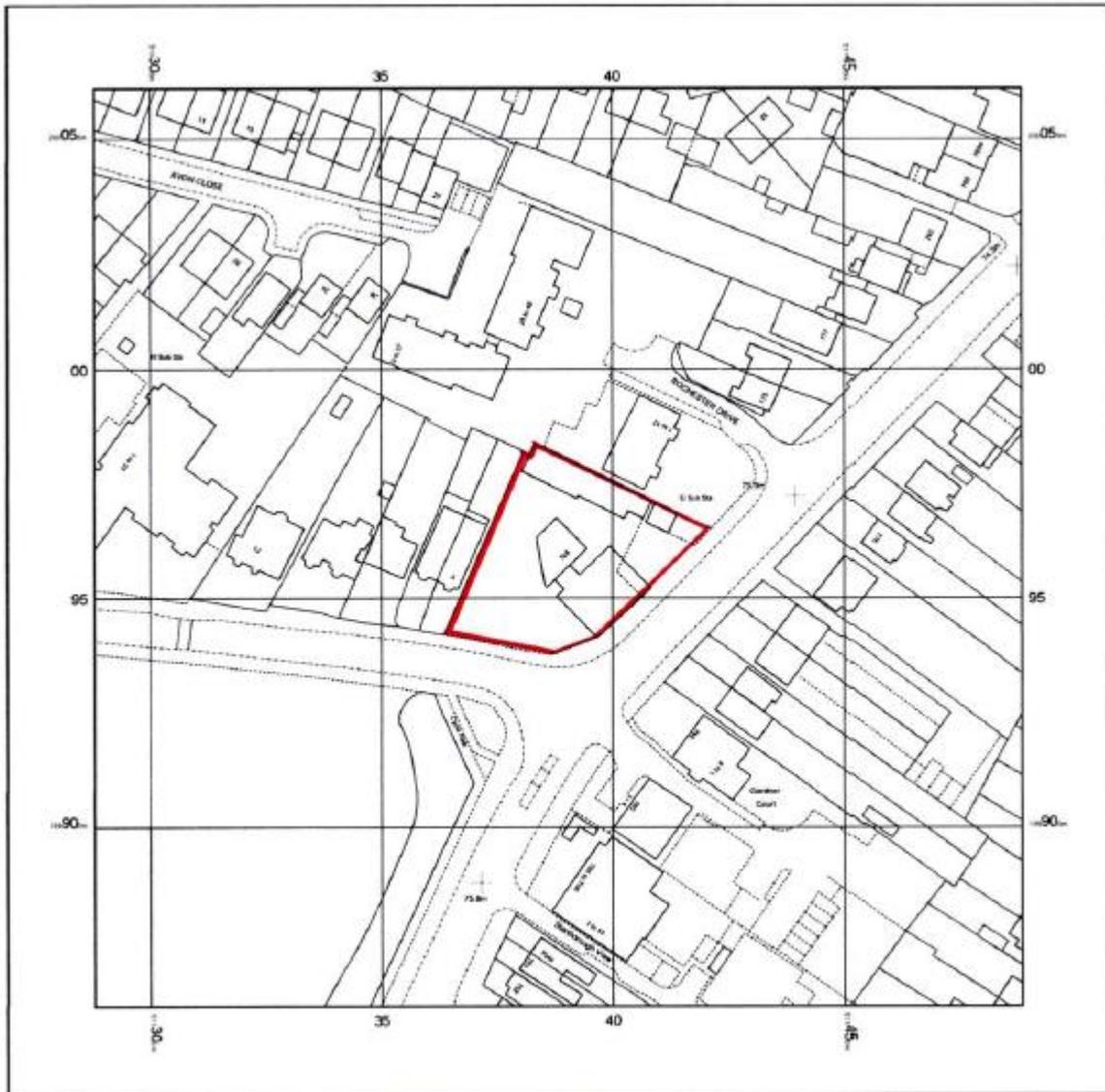
2667/RRP/1, 2667/RRP/2, 2667/RRP/3, 2667/RRP/4, 2667/RRP/5, 2667/RRP/6

Case Officer: Paul Baxter

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765 St Albans Road, Watford, WD25 9LA



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Aerial view of the site



Image from Google Earth

View from the south



Image from Google Streetview

View from the north



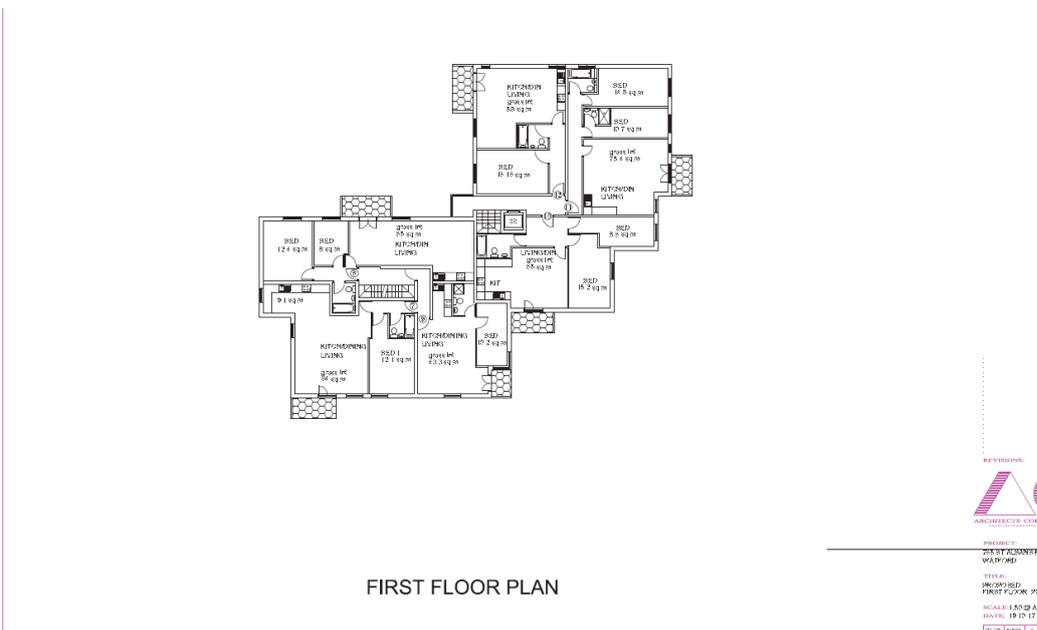
Image from Google Streetview

Ground floor plan



ARCHITECTS CORPORATION : ARCHITECTS & CHARTERED SURVEYORS: 14 UPTON ROAD, WATFORD, HERTS. WD18 0JP. : TEL: 01923 227734, EMAIL: enquiries@architectscorporation.co.uk

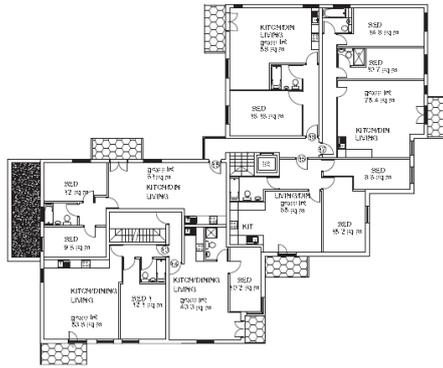
First floor plan



FIRST FLOOR PLAN

ARCHITECTS CORPORATION : ARCHITECTS & CHARTERED SURVEYORS: 14 UPTON ROAD, WATFORD, HERTS. WD18 0JP. : TEL: 01923 227734, EMAIL: enquiries@architectscorporation.co.uk

Second floor plan



SECOND FLOOR PLAN



PROJECT:
255 ST ALBANS ROAD
WATFORD

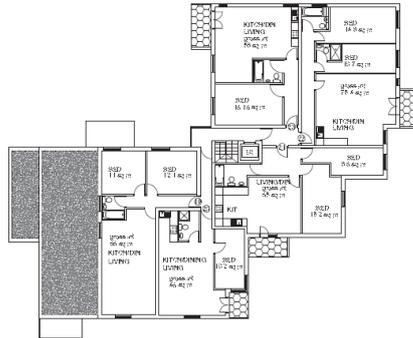
TITLE:
PROPOSED
SECOND FLOOR PLAN

SCALE: 1:50 (E.A.)
DATE: 19.10.17

2557 | 855 | 6

ARCHITECTS CORPORATION : ARCHITECTS & CHARTERED SURVEYORS: 14 UPTON ROAD, WATFORD, HERTS. WD18 0JP. : TEL: 01923 227734, EMAIL: enquiries@architectscorporation.co.uk

Third floor plan



THIRD FLOOR PLAN



PROJECT:
255 ST ALBANS ROAD
WATFORD

TITLE:
PROPOSED
THIRD FLOOR PLAN

SCALE: 1:50 (E.A.)
DATE: 19.10.17

2557 | 855 | 6

ARCHITECTS CORPORATION : ARCHITECTS & CHARTERED SURVEYORS: 14 UPTON ROAD, WATFORD, HERTS. WD18 0JP. : TEL: 01923 227734, EMAIL: enquiries@architectscorporation.co.uk

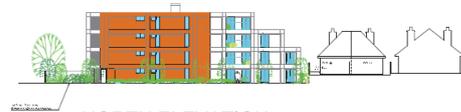
Elevations



SHEEPCOT LANE ELEVATION



ST. ALBANS RD. ELEVATION



NORTH ELEVATION From Rochester Drive

EXTERNAL FINISHES:	
WALLS:	BUFF FACED BRICKS
WINDOWS:	75% COLOURED ALUMINIUM FRAMES

ARCHITECTS CORPORATION



PROJECT:
216 ST ALBANS ROAD
WATFORD

TITLE:
PROPOSED
ELEVATIONS

SCALE: 1:200
DATE: 08.01.17

Agenda Item 9

Report of: Development Management Section Head	
Date of Committee	31 st January 2018
Site address:	147a, 149a, 149b and land to the rear of 149 St Albans Road, Watford, Hertfordshire, WD24 5BB
Reference number:	17/01413/FULM
Description of development:	Planning consent for the redevelopment of the site to provide a mixed use scheme comprising 144 residential units (Class C3), flexible commercial units (Classes A1/A2/A3/B1 and D2) and use of the Old Station building as an artisan beer tap room and/or community space (Classes A4/D1/D2/B2), alterations to the listed building, associated cycle parking, car parking, play-space and landscaping and associated works.
Applicants:	GS8 (also trading as Watford Developments Ltd.)
Date received:	9 th October 2017
Target dates:	11 th January 2018 (13 weeks)
Ward:	Callowland

1 BACKGROUND

1.1 Deferral by the Development Management Committee on 3rd Jan 2018

This application for planning permission was first considered by the Development Management Committee on 3rd January 2018. It was one of a pair of applications, submitted in tandem – this being for Planning Permission (17/01413/FULM) and the other being for Listed Building Consent (17/01414/LBC) for works to the Grade II listed former station building. The Listed Building Consent application was unanimously approved at that meeting, and the Decision Notice was issued on 5th January. Therefore this report now deals only with the application for Planning Permission, and no longer with the application for Listed Building Consent.

The reason for the deferral was that during the debate several Members of the Committee had commented favourably on various aspects of the proposal, but that there was one particular element of the scheme that was felt by most of them to be unacceptable: this was the height of the tallest part of Building B (13 storeys) which was considered potentially harmful to the visual amenity of the street-scene of the St Albans Road. It was agreed that a decision should be deferred to allow the applicants time to redesign that particular element of the scheme – which they have now done (see below).

1.2 Revisions to the proposal since the deferral of 3rd Jan 2018

Since the deferral on 3rd January 2018, the applicants have revised their proposal by reducing the height of the tallest part of Building B from 13 to 11 storeys; making it the same height as Building A, and these will be the tallest parts of the development. Revised drawings and documents illustrating this reduction in the height were received on 10th January 2018. No other physical changes have been made to the proposed development.

An inevitable consequence of this loss of six private market flats is that the level of affordable housing offered has also been reduced. The number of *Social Rented* (5) and *Affordable Rented* (17) homes has not changed, but there will no longer be any *Intermediate* tenure homes, and the commuted sum has been reduced. Please see the table in section 6.5 (Affordable Housing) of this report for details.

1.3 Summary of the main Planning issues

The site occupies land which is part of the Nascot Conservation Area; albeit it is outside Nascot Ward (it is in Callowland Ward) and it is separated from the main part of the Conservation Area by the railway. It also lies within the Watford Junction Special Policy Area (SPA2); although it is separated from the main part of SPA2 by St Albans Road. The former designation requires that respect be paid to the character of the Conservation Area, while the latter requires that the development contribute to the role of SPA2 in providing at least 1,500 new homes as part of a dense new sustainable neighbourhood. Since the initial designs were reviewed at pre-application stage, the scheme has evolved and improved, and since the case was deferred by the Committee on 3rd January its height has been further reduced in response to comments made by Councillors; and it is the opinion of the case officer and of the Development Management Section Head that it now strikes the right balance between those two objectives.

A run-down and unattractive brownfield area will be regenerated, 144 much-needed new homes will be built, including 5 *Social Rented* and 17 *Affordable Rented* tenures, with a mixture of 1, 2 and 3 bedroom homes. A dilapidated Grade II Listed Building will be given a new lease of life and it will become a place that the public can enjoy.

Listed Building Consent has already been granted by the Committee (on 3rd January), and therefore it is no longer necessary to consider that in this report. Some minor external works to the Listed Building also require Planning Permission, but those are considered acceptable.

The Development Management Section Head recommends to the members of the Development Management Committee that this application for Planning Permission be

approved, subject to conditions that are recommended at the end of this report, and subject to the completion of a satisfactory Section 106 agreement to fund some necessary works to improve infrastructure and to provide appropriate affordable housing (heads of terms are listed at the end of this report).

2.1 Site and surroundings

The application site occupies approximately half of a triangular plot of land, the borders of which are the West Coast Mainline railway (which lies in a cutting), Bedford Street and the St Albans Road. Currently this area is dominated by vehicles: being occupied by several businesses that sell used cars, or that repair and service cars, or that hire vans.

The applicants have purchased several plots of land to make up the application site, including the yard behind 149 St Albans Road, but not including the building at 149 itself, which is a tyre fitting garage called Tyre City. A planning permission (17/00018/FUL) was granted earlier this year to the previous owners of the yard behind Tyre City for the erection of 9 flats on that yard, in a style resembling terraced houses. That permission remains extant, being less than three years old; but it has not been commenced. The application site does not include any of Network Rail's land, which covers approximately half of the triangle: those are service yards for track access which are used only occasionally, and which often stand largely empty. The address of the application site includes 147a (a Grade II listed Victorian former station building that has been used since around 1979 as the office for a used car sales business), and 149a (a car mechanic's workshop and MOT testing centre), and 149b (another car mechanic and also the office for a van hire business), as well as the yard behind 149. It should be noted that neither 147 (a building to the south of the railway which has recently been converted to flats) nor 149 (Tyre City) are included in the application site.

This area is part of the *Watford Junction Special Policy Area (SPA2)* although it is separated from the main part of the SPA by the St Albans Road. Policy SPA2 of the Watford Local Plan identifies this as one of the main sites that is to meet the borough's housing need in the years to come, with at least 1,500 new homes envisaged for SPA2, constituting an important new neighbourhood near Watford Junction Station, and being only a short walk from the Town Centre in one direction and from the shops of the North Watford Shopping Centre in the other. SPA2 covers this site plus land that is currently occupied by three retail units and their car parks (Range, T.K. Max and Office World), a petrol station, the Hille House commercial estate, the station's car park, and some further land to the east of the Abbey Line railway. A draft version of a masterplan for SPA2 was published for consultation in 2016, envisaging even more housing (2,777 homes) and a revised version of that masterplan is intended to be adopted as a supplementary planning document; but

currently the draft masterplan carries only limited weight as the final version has yet to be worked up and adopted.

This site is also part of the *Nascot Conservation Area*; albeit it is separated from most of the conservation area by the mainline railway. The Conservation Area's northern edge is the houses and back gardens of Bedford Street, and it also includes The Prince George pub, Dunnings Bar, and the former Leavesden Road bus station which has recently been redeveloped as flats.

2.2 The nationally Listed (Grade II) former station building

The site includes 147a St Albans Road, which is a Grade II nationally listed building. It is the only building that remains of the original Victorian station that stood here before the new Watford Junction station was built in its current location further to the south. This building once housed the booking office, passengers' room, an "elegantly furnished" ladies' waiting room, an inspector's room and a porter's room. Steps once led down to the tracks. The waiting room is said to have been used by royalty, including once by Queen Victoria and Prince Albert, and occasionally by the dowager Queen Adelaide (from whom the applicants intend to take the name for their development: she was the widow of William IV and she lived nearby in Cassiobury House in the 1840s). From the 1930s until the late 1970s this was used as a private house. The Council have photographs of the site taken in 1979, showing that it was serving as the office for a second hand car sales business, much as it is now.

This former station building was granted Grade II listed status in 1979. Because its listing entry (ref 1101109) from that time was rather brief, the applicants have commissioned English Heritage to produce an enhanced list entry (ref 1447676), to which end English Heritage carried out a new inspection of the site in June of this year (2017). This review has not altered the Listed status or the grade of the building (the study concluded that it should be retained on the List) but it has provided more detail on its special interest. Dating as it does from 1837 (the year of Queen Victoria's accession) this is an example of the early pioneering phase of railway buildings, and that is the special point of interest that merited the designation of this rather simple neoclassical structure as a Listed Building. The listing entry notes that the interior is of less interest than the exterior. The building was later extended to the south-east and that extension, along with a boundary wall, are included in the listing, although a lean-to privy addition is excluded.

2.3 Locally listed buildings nearby

There are several locally listed buildings on Church Road, which is to the south of the

railway, but mostly they are on the further side of that street; the only one on the nearer side being a pair of semi-detached houses at 28-30.

Immediately to the north of the site there is a row of terraced houses on Bedford Street which are locally listed at numbers 8-18. Two locally listed public houses stand side by side at 151 and 153 St Albans Road, just north of Bedford Street: they are The Prince George and Dunnings Bar.

3.1 Proposals

Many drawings and supporting documents have been submitted with this application (some of those are revised versions that were received on 10th January 2018) but anyone wanting to look at a single image that gives a clear impression of the development as a whole might find it best to look at an angled aerial 3D artist's impression which is included in the addendum to the architect's Design and Access Statement. That addendum document shows the reduction in height of Building B, and it was received on 10th January 2018.

The proposal is a mixed use but predominantly residential scheme, including 144 new homes (previously it was to have been 150). The homes are to be a mixture of:

- 55 x 1-bedroom homes (i.e. 38%)
- 71 x 2-bedroom homes (i.e. 49%)
- 18 x 3-bedroom homes (i.e. 13%).

Mostly they are to be flats, but four of them are duplex units facing Bedford Street, with their own front doors and small rear gardens, and those could be regarded as terraced houses.

Apart from some internal works to the Listed Building, all of the proposed works require Planning Permission, as do the proposed changes of use.

The Listed Building is to be refurbished, with some internal alterations and a small side extension. The internal alterations require only Listed Building Consent, which has already been granted – application 17/17/01414/LBC was approved with conditions by the Development Management Committee on 3rd January 2018. The external alterations require both Listed Building Consent (which has been granted) and Planning Permission (which is the subject of this report).

The premises would be converted to a new use as a craft beer tap room for Pope's Yard

brewery, which is a small local company that is thought to be the only brewery now operating in Watford, which is a town that was once dominated by the brewing industry. A drinking establishment would be use class A4. One room and a corridor would be an exhibition space that could be used as a small local museum, which would be use class D1. The application is seeking to keep other options open by also applying for use classes D2 (assembly and leisure) and B2 (general industrial – presumably so that beer could be brewed on the premises).

The new development would consist of four buildings, labelled A to D:

Building A:

This would be 11 and 7 storeys tall: it steps down to 7 where it is closer to the Listed Building, although a substantial gap will also remain. It will back onto the railway. It will contain 68 flats (all of them private market units) comprising:

- 35 x 1-bedroom
- 31 x 2-bedrooms
- 2 x 3-bedrooms

A basement beneath Block A will contain parking for 24 cars (two of which would be for disabled users) and a store for bicycles, two other store rooms, a refuse bin store with a hoist, and a pump room.

Building B:

This would be partly 11 storeys (no longer 13 following January's revisions) and partly 6 storeys tall - it steps down to 6 where it is closest to the Listed Building, although there will also be a gap to separate them. It will face onto the St Albans Road. The 6 storey element will be topped by a roof garden.

Much of its ground floor will consist of a commercial unit, which is intended to contain a business that would provide a lively "active frontage" onto the street – possibly a gym, but the application seeks to keep other options open by applying for use classes A1 (retail), A2 (professional and financial services e.g. estate agent, solicitor etc), A3 (eateries), B1 (offices) and D2 (assembly and leisure, which would include a gym). The ground floor will also contain the office of the concierge for the whole development.

Building B will contain 46 flats (before January's revisions, which removed two storeys, it would have contained 52 flats). All of the flats in Building B are to be private market homes.

15 x 1-bedrooms
24 x 2-bedrooms
7 x 3-bedrooms

A basement beneath Blocks B and C will contain stores for bicycles and plant rooms.

Building C:

This will be 6/7 storeys tall; the top floor being stepped in, penthouse style. It will stand some distance into the site. It will contain 22 flats, all of which will be affordable tenures, being either *Affordable Rented* (17) or *Social Rented* (5).

3 x 1-bedrooms (all to be affordable rented)
11 x 2-bedrooms (all to be affordable rented)
8 x 3-bedrooms (5 social rented and 3 affordable rented)

Building D:

This will be the smallest of the four buildings, being partly 2 storeys and partly 4 storeys tall. It will face Bedford Street. It would contain 8 dwellings in total, all of them being private market homes. The two storey element will contain 4 duplex units with their own front doors and small rear gardens, so they can be regarded as terraced houses: three of them having 2 bedrooms and one having 3 bedrooms. The four storey element adjacent to 149 St Albans Road (Tyre City) will contain 4 flats: 2 x 1-bedrooms and 2 x 2-bedrooms.

4 Planning history

The Listed Building largely dates from 1837, and it was Listed by English Heritage in 1979. The application site has been assembled by the developers who have purchased several adjacent plots of land, and we have various planning history records for those, but mostly they are not directly relevant to this application so there is no need to list them here. A record from 1975 shows that 149b became a recording studio in that year, and another from 1979 shows that it then changed to a light industrial use. Our records show that car sales and mechanics workshops on the site date back to the mid-1970s. Listed Building Consent 14/00968/LBC was granted in 2014 to replace some rear windows with new timber sash sliding windows to match those at the front of the listed former station building.

Of particular note is planning permission 17/00018/FUL which was granted in March 2017 for a development of flats resembling terraced houses on the land to the rear of 149 (Tyre City). The permission is extant, but has not been commenced. That would have been in a pastiche neo-Victorian style, whereas the terraced houses of Block D that are now

proposed are of a similar scale, but in a contemporary style, and that section would be lower because it would have flat roofs rather than pitched roofs.

5 Consultations

The consultations described below were undertaken in October 2017 when the application was received. Because the revisions of January 2018 have been only to reduce the size of the proposed development it has not been necessary to consult again because any potential impacts would be less than those that were previously commented upon by consultees.

5.1 Neighbour consultations

On 18.10.2017 notification letters were sent to 139 neighbours and local residents on the following streets: Copewood Road, Leavesden Road, Brewery Mews, Church Road, St Albans Road, Bedford Street and Railway Terrace. A press notice was published in the Watford Observer local newspaper on 27.10.2017. A few days earlier, on 19.10.2017, site notices had been put up outside the site, and on Bedford Street, and on Church Road.

For the numbers of responses (positive, neutral and negative) and for a summary of the points that were raised, please see below. The Committee will be informed of any further representations that are received up to the date of the committee meeting.

5.2 Consultations with statutory and partner agencies, and with Council colleagues

The following were consulted, and some but not all of them replied. For summaries of their responses please see below.

Watford Borough Council's Conservation Manager
Watford Borough Council's Housing Service
Watford Borough Council's Waste and Recycling Service
Watford Borough Council's Environmental Health Service
Watford Borough Council's Licensing Service
Thames Water Utilities
Network Rail
Historic England
Hertfordshire County Council's Highways Service
Hertfordshire County Council as the Lead Local Flood Authority
Hertfordshire Constabulary's Architectural Liaison and Crime Prevention Adviser

5.3 Representations received from statutory consultees, partner agencies and Council colleagues

The following are summaries of the points that were raised in the letters that were received.

5.3.1 HISTORIC ENGLAND

A short letter, dated 31st October 2017, was received from Historic England (East of England Office). They wrote that they do not wish to offer any comments on the application for planning permission, nor on the application for Listed Building Consent. They recommended instead that the Council should seek the views of our own Conservation Officer.

5.3.2 WATFORD BOROUGH COUNCIL: CONSERVATION MANAGER

The Conservation Manager submitted a representation, dated 7th December 2017, making the following points:

- She supports the principles of the proposal, which is to give the Listed Building a new lease of life.
- Because the submission is insufficiently detailed as regards some of the proposals, it will be necessary to apply pre-commencement conditions to control the works. The Specification of Works document that was submitted should have been illustrated with photographs of the existing features, and it should have been more detailed regarding the works proposed. It should have examined the possible alternatives; and fuller justifications should have been included for the proposed alterations.
- Proposals that would involve partial demolition are: new opening in internal wall, reinstatement of ticket office window, and the changing of a rear window into a door. Further detail and justification is needed regarding the reinstatement of the ticket office window, but otherwise these changes will involve only minor demolition and they will not cause significant harm to the fabric or the character of the Listed Building.
- The proposals include removing a step to level the floors – presumably for improved accessibility, but this is not explained and no alternatives are explored. More information on what the floors are made of and of what is beneath them should be required by a condition.

5.3.3 WATFORD BOROUGH COUNCIL: HOUSING

The Housing Supply Manager submitted a representation on 8th November 2017; and following some revisions to the offer she commented again on 10th November. She was commenting on the original application – please note that subsequently the Committee deferred the case and asked the developers to reduce its height, and the consequence has been a reduction in the total amount of affordable housing offered (albeit the number of Social Rented and Affordable Rented units is unchanged -the loss having been only the Intermediate units).

The following is a summary of the points that the Housing Supply Manager made:

- The Council's policy is that 35% of the dwellings should be affordable tenures, but less than that is offered in this case. Therefore the Housing Service objects to the application.
- Intermediate (shared ownership) tenures, although they are technically a type of "affordable housing" tend not to be affordable to those households that are on the borough's housing register. For this reason the Housing Service would like most or all of the 2 and 3 bedroom units to be either social rented or affordable rented tenures.
- They are pleased to see that seven of the 3-bedroom units are to be social rented (rather than affordable rented).

In her second representation (16th November 2017) she reiterated her Service's objection, and made the following comments:

"As a Housing Service we are commenting on the affordable housing mix, not the design or viability... Planning Officers and Committee may disagree and may still support and approve the scheme despite Housing's comments, as their roles are to look at the application and site as a whole. At present our position remains the same, that... we cannot support it.... The mix of unit sizes offered is a good mix, and I appreciate it has taken into consideration our need for family sized accommodation, however... the total number of units is not sufficient."

5.3.4 WATFORD BOROUGH COUNCIL: ENVIRONMENTAL HEALTH OFFICER

An Environmental Health Officer submitted the following comments on 6th Dec 2017:

- The application is accompanied by an acoustic report, but it lacks detail. It does not consider vibration, nor the potential impacts of noise from the proposed craft beer tap room, the existing tyre fitting garage, or the noise that might arise if the ground floor commercial unit were used as a gym.
- These issues could be dealt with by a condition requiring further details of acoustic mitigation measures.
- A condition is recommended restricting the use of the outdoor drinking area by the craft beer tap room so that it cannot be used between 10pm and 8am, so that residents will not be disturbed if their windows are open at night.
- A condition is recommended that no cooking facilities should be included in the craft beer tap room or in the ground floor commercial space of Block B unless details of a satisfactory fume extraction system that will not harm the amenity of residents has been submitted and approved.

- Block D is within 20 metres of Dunnings Bar, which is soon to have an extractor flue installed for its kitchen. Therefore residents on the second and third floors of Block D should be able to ventilate their homes without opening their windows, and a condition should be applied to require further details of how this will be arranged.
- A demolition and construction management plan should be required by a condition, and it should include an asbestos survey.
- It should be possible to deal with any noise issues that might arise from Network Rail's occasional use of their service yard to the rear of this site by using environmental legislation; therefore the Environmental Health Officer does not object to the proposal as regards its proximity to that Network Rail yard.

5.3.5 WATFORD BOROUGH COUNCIL: CONTAMINATED LAND OFFICER

On 20th October 2017 a representation was received from an Environmental Protection Officer, making the following points:

- The history of this site includes some potentially contaminative uses, including a railway station, goods yard and engine shed, a smithy, a depot, and more recently business uses related to motor vehicles.
- The proposal includes some soft landscaping and some children's play-space.
- Therefore a pre-commencement condition is recommended that would require an asbestos survey, and the removal of any contaminants that could be mobilised by the removal of any hardstanding.
- A second condition is also recommended, requiring that any unexpected contaminants that are found during the works should be reported immediately to the Council in writing, and an agreed method for remediating them should then be implemented.
- An informative note is also recommended, directing developers to on-line advisory documents.

5.3.6 HERTFORDSHIRE COUNTY COUNCIL: HIGHWAYS

A representation was received making the following points:

- Herts Highways do not object to the application, subject to 4 recommended conditions (see section 6.8 of this report for a consideration of those).
- The first of the four conditions that they requested stated that more detailed drawings should be required of the designs for the improvements to the existing vehicular access to the site.
- The second of the four conditions required more detailed plans of the basement parking area, including the dimensions and arrangement of the individual parking spaces and swept path diagrams to show how vehicles would be able to manoeuvre into them.

- The third condition would require a servicing and delivery plan, the stated reason being to maintain the efficiency and safety of the highway.
- The fourth condition would require a Construction Traffic Management Plan.
- A section 278 agreement between the developers and Herts Highways will be necessary for any works to the public highway.
- A section 106 planning obligation should be required. This should include contributions for the monitoring of a Travel Plan, and also for costs relating to securement of a permit-free agreement to exclude the development from the existing nearby Controlled Parking Zone, and to regulate on-street parking on roads that are not in CPZs.
- Herts County Council wrote that payments might be due under the Community Infrastructure Levy (CIL) to contribute to local transport improvements. However they seem to have been unaware that this site falls within a Special Policy Area in which developments are not liable for CIL.
- HCC consider that the proposed development is likely to lead to a decrease in the number of vehicle movements to and from the site during peak times, compared with the existing situation.
- HCC accept that most of the residential person trips generated are likely to be by rail (35%) or by walking (27%). Similar figures (35% and 35%) were arrived at for the ground floor commercial premises, on the assumption that it would be a gym. The artisan tap room that is proposed for the listed building would only generate trips on foot or by bicycle.
- The access proposals would use an existing vehicular access point from the St Albans Road. These access proposals are considered safe and appropriate, but more detail on them will be required.
- The development would not be likely to exacerbate any particular road safety problems.
- A draft Travel Plan has been included in the Transport Assessment, but a Section 106 agreement will be needed to ensure that a more detailed Travel Plan is submitted.

5.3.7 HERTFORDSHIRE COUNTY COUNCIL: SURFACE WATER DRAINAGE TEAM

Three responses have been received from HCC'S Flood and Water Project Officer. In the first and second instances her response was that more detailed documentation was required, but following the submission of a third set of information on drainage her final response (received on 5th Dec 2017) stated that she removed her objection, saying that she was now satisfied, although she recommended two conditions.

5.3.8 THAMES WATER

On 2nd January 2018 comments were received from Thames Water, which can be summarised as follows:

- The developers are advised to install non-return valves or other suitable devices to prevent backflow from sewers during storm conditions.
- There are public sewers which are either crossing or close to the site. To ensure that they can be accessed for maintenance, the approval of Thames Water is required before buildings are erected within 3 metres of a public sewer.
- Thames Water would expect to see a piling method statement before allowing any piling close to public sewers, and they suggest that a planning condition be applied to require this.
- They recommend that an informative note be attached to any planning permission stating that any discharge of groundwater into a public sewer will be deemed unlawful unless a Groundwater Risk Management Permit has first been obtained from Thames Water.

5.3.9 HERTFORDSHIRE CONSTABULARY

Comments were received from the Crime Prevention Officer on 22.12.2017:

- They have no objection.
- Burglary rates in this area are relatively high.
- Therefore they recommend that the scheme comply with the Secured By Design standard (note that this level of detail, which covers issues such as types of door and window locks etc, cannot be mandated by a planning condition, although the Council encourage developers to comply with the standard).

5.4 Representations and objections received from the public

At the time of writing this report (10.01.2018) the number of representations that had been received in from the public was as follows:

One neutral comment was received.

Three objections were received: 2 being from residents of Church Road (although one of those seems to have been thinking of a different site) and one being from the Nascot Residents' Association (whose Chair also spoke to the Committee about this application at its meeting on 3rd January 2018).

86 representations were received in support of the application, but mostly they did not contain full addresses.. This has come about because the applicants have set up their own website www.adelaidewatford.co.uk on which members of the public were invited to tick boxes corresponding to sentences expressing support for certain aspects of the application, all starting: *"I support GS8's plans to redevelop the site at 147 St Albans Road. It will bring many benefits including..."* The boxes they were invited to tick were:

- Regenerating this run-down site
- Improving the St Albans Road area
- Bringing the listed building back into life
- Providing much needed housing
- Creating a tap room and exhibition space for Pope’s Yard Brewery
- Providing a new car club facility for residents to use.

These entries were converted into e-mails that the developers then forwarded to the Council as representations in support of their application. Most of them contained an e-mail address and a postcode, but not a full address.

Additionally, a short petition, with four signatories, was delivered in support of the application. Those signatories were residents or traders on St Albans Road. That petition was produced and submitted by Pope’s Yard Brewery, and it bears their logo. They are partnered with the applicants as they are to be the operators of the craft beer tap room that is proposed. Pope’s Yard have also written a separate letter in support of the application.

One letter of support has been received that was written and submitted by a member of the public in his own right, with full contact details included. He is a resident of Leaford Crescent in North Watford.

It is for the members of the Committee to decide what weight to place on the various public representations in reaching their decision, however all material planning considerations should be taken into account in determining the application.

The following table contains a summary of the points that were raised both for and against the applications:

Points Raised	Officer’s Response
The flats on Church Road have already been completed, and some have been sold.	This lady has misunderstood the application. She has confused 147 St Albans Road (which stands on the junction with Church Road, but which is not part of the application site) with 147a St Albans Road (which is the listed former station building that is part of the application site). It is true that 147, which was previously the premises of a tool hire business, has recently been converted into flats; but that

	is not a part of this application.
<p>Two residents of Church Road have written that their street suffers from parking congestion. One also mentioned that vehicles, including lorries, sometimes drive down it at dangerously high speeds.</p>	<p>Church Road is part of a Controlled Parking Zone in which only permit holders may park during the controlled hours. Streets to the south are also in the CPZ, as is Bedford Street to the north of the site. A s106 planning obligation will ensure that residents of the new homes that are proposed by this application will not be entitled to claim parking permits. This application is not likely to attract any additional traffic to Church Road, as there will be no access to the site from that street. The railway separates them.</p>
<p>Because only 20 of the 150 dwellings will have a parking space, insufficient off-street parking is proposed, and it is feared that the other residents will have to park on neighbouring streets, exacerbating problems of parking congestion there.</p>	<p>A total of 26 parking spaces are proposed comprising: 2 disabled, 4 for a public car club and 6 for a private car club, leaving 14 others; so most of the new homes will not have their own parking space, but they will have the use of shared car club vehicles, and there will be plenty of cycle storage. The main station is almost next door, and the Town Centre is just ten minutes' walk away, so the site is ideal for car-free living. Please refer to the <i>Parking and Transport</i> section of this report.</p>
<p>The buildings will not be in keeping with the character of the Nascot Conservation Area because of their scale and bulk. They will be an unsightly feature that will be visible from neighbouring areas. This is contrary to the proposals in the Council's draft masterplan (2016) for the Watford Junction Area, which suggested that buildings on this site should be mostly 2-3 storeys, with a maximum of 4 storeys.</p>	<p>Please refer to the <i>Design</i> section of this report.</p>

<p>Inadequate provision is being made for green spaces and for children’s play space, which will be needed as families are likely to occupy some of the flats.</p>	<p>The application is accompanied by several drawings by landscape architects showing the communal green space that is proposed in the centre of the development, which all the residents would have the use of. It would include a children’s play area with equipment installed for that purpose. Every upper floor flat is to have a balcony, and the duplex houses in Block D are to have small rear gardens. The 6 storey element of Block B is to have a landscaped roof garden.</p>
<p>The development will cause an increase in traffic levels on the local road network.</p>	<p>The Transport Statement that has been submitted concludes that the development is likely to result in a <i>decrease</i> in the number of vehicle trips to and from the site during peak hours and daily. Hertfordshire County Council’s Highways Service has accepted this, and they have not objected. It will be a car-light development, whereas currently the site is dominated by cars and vans – some for sale, some for hire, and some being repaired or serviced.</p>
<p>Schools nearby are oversubscribed.</p>	<p>Watford Borough Council and Hertfordshire County Council (who are the Local Education Authority) are aware of the need for increased school capacity, and work has been done in recent years to address this. Several new primaries have opened in Watford, two secondary schools in the borough have been rebuilt, and a new secondary is soon to be built just outside the borough in Croxley. Most new developments in Watford make financial contributions towards infrastructure through CIL, but this particular site is CIL exempt as it lies within a Special Policy Area.</p>

<p>This is a piecemeal development that does not comply with the stated aims of the Watford Local Plan. It does not include the tyre-fitting workshop. How can that be redeveloped in future if it is not part of this development?</p>	<p>The Watford Local Plan Part 1 (Core Strategy) contains a section (3.1) entitled <i>Our Vision For Watford</i>. It stresses the need for development that is sustainable, well designed, respectful of the town’s character and heritage, well connected for transport links, with a mix of shops, offices, leisure and cultural facilities, and it should be well located for pedestrians and cyclists. This proposal meets those criteria.</p> <p>The tyre-fitting garage was not included in the site because the applicants were not able to persuade its owner to sell it to them. It would be possible to redevelop it in future – either the same or a different developer could do that. A separate application for planning permission would have to be made, and the Council would expect that its design would be consistent with the scheme that is being considered in the present application.</p>
<p>What overall benefit would this development bring to the area? How does it support the regeneration of the Watford Junction area?</p>	<p>Several benefits to the area would arise from this development. A run down and dirty industrial area near the town centre would be regenerated for much-needed housing to help meet the area’s acute need for new housing, including some affordable tenures. This site is part of the Watford Junction Special Policy Area. A local business (Pope’s Yard) which is the sole remaining brewery in a town that was once dominated by its brewing industry, would be given new premises, and this would provide a new lease of life to a run-down Grade II Listed Building of historical significance. The developers are agreeing to pay for improvements to the pedestrian subway and also to plant new street trees</p>

	<p>on St Albans Road to add greenery to the townscape where there is currently none. The ground floor of Block B could be used as a gym and the listed building as a craft beer tap room – both of which would be open to the public. The number of vehicles coming and going from the site would be reduced, helping to ease congestion on local roads.</p>
<p>A local historian, who is well known to the Council and who often takes an interest in planning applications affecting Listed Buildings, has written to say that she is pleased to see that the finishing material for the new buildings will be brick, and that a new use is being found for the Listed Building.</p> <p>She worries that Building B is too tall and that it would crowd the Listed Building and obscure views of it from the north. She would have preferred the tallest building to be in the position where Building A will be. She notes that references in the application to the height of future buildings on the eastern side of St Albans Road are only hypothetical.</p>	<p>Planning Officers made it clear to the developers at pre-application stage that this site is part of the Nascot Conservation Area, and that its finishing materials should acknowledge that by using brick, which characterises the Victorian streets nearby. Building B is the tallest of the blocks at 13 storeys, but its tallest element is stepped away from the Listed Building – that nearer section is to be only 6 storeys tall, so as to avoid it dominating the Listed Building. There is also to be a gap between Building B and the listed building, and that gap will be occupied by the outdoor drinking area for the craft beer tap room. It is true that views from the north of the Listed Building might be partially obscured.</p>
<p>A resident of North Watford writes that he considers this to be an imaginative development, on a difficult site; and that he is pleased to see that a new role is being found for the original railway station building, which will be restored from its current dilapidated condition. He writes that this development, unlike some others he has seen, has displayed a sensitivity to the history and character of the area.</p>	<p>Noted.</p>

The Committee will be informed of any further representations that are received up to the date of the committee meeting.

6 APPRAISAL

6.1 Uses

Watford has an acute housing shortage, and Priority 1 of the Council's Corporate Plan is to: *"identify ways to meet the borough's housing needs."*

Primarily this will be a housing development – the main use class being C3 (single household dwellings). This will bring about a significant change to the character of the site, which has long been dominated by small-scale businesses relating to selling, renting and repairing vehicles (although it is understood that the listed former station building was used as a home between the 1930s and the 1980s). While it will certainly be a change, this is considered to be a change for the better, given that the site lies in between two long established residential areas: Bedford Street to the north and the main part of the Nascot Conservation Area to the south. The proposal complies with Policy SPA2 of the Watford Local Plan, which envisages this land as part of a major new residential neighbourhood of at least 1,500 homes. This development of 144 homes would be the first contribution towards that target, supplying nearly 10% of it.

The other proposed uses relate to the ground floor of Building B and to the repurposing of the listed former station building. Discussions between planning officers and the applicants have focused on the most likely uses being a gym in Building B and a craft beer tap room for a small local independent brewery called Pope's Yard in the listed building. A drinking establishment is class A4. However the planning permission application is seeking to keep other options open by also applying for use classes D1 (non-residential institutions, for instance an exhibition space), D2 (assembly and leisure, such as a meeting hall) and B2 (general industrial, presumably so that beer could be brewed on the premises). Of these, the only class that might give rise to some concern is B2, since certain types of heavy industrial activity would be undesirable next to a new residential development; but that can be controlled by a specifically worded condition to make it clear that a blanket B2 permission is not being granted (see Condition 4 at the end of this report).

The proposal to convert the listed building to a craft beer tap room (class A4) and exhibition space (D1) is considered acceptable in principle. The Council's Environmental Health service has been consulted, and in his response our Environmental Health Officer

has pointed out that this use might give rise to some noise – both from within the tap-room building and from the proposed outdoor seating area – which could disturb residents in some of the new flats if they have their windows open. He also raised a similar concern about the notion of a gym being included on the ground floor of Building B because such a use can sometimes involve noise and vibration, potentially affecting flats above it. The application was accompanied by a Noise Exposure Assessment which was prepared for the applicants by consultants, but our Environmental Health Officer considers that more detail on these issues is required. For these reasons a condition should be applied to the planning permission requiring the submission of further details on measures to mitigate noise and vibration before the flats that might be affected can be occupied (see Condition 12 at the end of this report).

6.2 Alterations to the Listed Building

The fact that a building is Listed does not necessarily mean that extensions and alterations should never be allowed, but rather that the appropriateness of any such works should be carefully considered. In their recent enhanced listing of the former station building English Heritage noted that the exterior of the building is of more importance than the interior, but we must consider the proposals as a whole.

The proposal will make little difference to the external appearance of the building, other than to tidy it up. A small side extension is proposed to contain a toilet on the left side of the building, which will reinstate a toilet that once stood there; but this will be hidden behind an original boundary wall. Condition 3 at the end of this report would require the submission of brick and slate samples to ensure a good match. A window at the rear, which currently serves a toilet, is to be enlarged below to make it into a back door to the narrow open space behind the building.

Various internal works are proposed, but those require only Listed Building Consent, which has already been approved by the D.M. Committee on 3rd January (please refer to the committee report appended to the agenda of that meeting for details).

The Conservation Manager has reviewed the application and made the points below. Only those comments that are pertinent to this application for planning permission are listed here; other comments relating to the Listed Building Application have already been considered.

- She supports the principles of the proposal, which is to give the Listed Building a new lease of life.

- The proposed changes will involve only minor demolition and they will not cause significant harm to the fabric or the character of the Listed Building.

6.3 Design / visual impact on heritage assets

The site falls within the Nascot Conservation Area, the main part of which lies to the south and is separated from the site by the railway cutting; but the Conservation Area also includes Bedford Street with its single side of terraced two storey Victorian houses – some in their original London stock bricks while others have been rendered and painted white (numbers 8-18 are locally listed). In the main part of the conservation area bricks are the predominant finishing material, and most of the buildings are two, three or four storeys tall.

This being a key site that is allocated for significant amounts of housing as part of Special Policy Area 2 (Watford Junction) clearly it would be wasteful to use this site for two or three storey houses – the number of those that the site could accommodate would not make a significant contribution to solving the borough's acute need for new homes (which was estimated in 2016 as a need for 577 new homes per year, and which is likely to rise if the government's proposed new standardised methodology for calculating housing need is introduced). The sites that are considered most suitable for high density housing and for taller buildings are those that are near major public transport nodes such as stations, and indeed the Watford Junction Special Policy Area is recognised as such a location in the Watford Local Plan.

The architect has been presented with a conundrum: how to design a scheme that is high density, making efficient use of the land to provide the maximum reasonable number of new homes, while also respecting the character of the Nascot Conservation Area. Clearly blocks of flats that are up to 11 storeys tall do not resemble Victorian two storey terraced houses; but the aim is not to reproduce or to pastiche historic buildings, but rather to produce new buildings that acknowledge them, and which do not detract from them. This has been done (successfully in the opinion of the case officer and of the Development Management Section Head) partly by the choice of bricks as the finishing material, using three different shades to distinguish the different blocks and to avoid monotony, but all of them being subdued tones of brown or grey that respect their Victorian surroundings; partly it has been achieved by staggering the heights of the buildings so that they step down where they approach sensitive neighbours such as the listed building or the houses on Bedford Street; and partly it has been achieved by the breaks between the buildings and the introduction of soft landscaping within the site, and by the planting of street trees on the St Albans Road which is currently lacking trees on this side, and which is dominated by hard surfaces and road traffic.

Work is still underway on producing a final version of the Council's masterplan for the redevelopment of the wider Watford Junction Special Policy Area. The draft version that was published for consultation in 2016 set out some ideas for building heights, but those may change in the final adopted version. At any rate it is clear that there will be denser development and taller buildings on the eastern side of St Albans Road than on this western side because that side is outside the Nascot Conservation Area while this side is within it.

The building heights that are proposed here (2/4/6/7/11 storeys) are not considered unreasonable in this context.

For instance at the D.M. Committee meeting of 3rd January 2018 (the same meeting at which this case was deferred) an application (17/01367/FULM) was approved for a 10 storey block of flats on the site of the Fiat car dealership at 16-18 St Albans Road, just a short walk from this site on the same street. That site at 16-18 is not within a Special Policy Area, whereas this site is, so allowing one more storey here seems reasonable.

Another recent precedent to consider is planning permission 16/01245/FULM which was granted in April 2017 for an office and residential building of up to 14 storeys on land that is just 115 metres from this site. That site was Clarendon House at 33 Bridle Path, just off St Albans Road, between the Holiday Inn Express hotel and the railway.

The proposal that is now before us has been reduced by a third since the original pre-application scheme was first shown to officers with an 18 storey tower; and since it was presented to the D.M. Committee on 3rd January it has been reduced again from 13 to 11 storeys. This restraint reflects the sensitivity of this site, where the impact of the development on the setting of a Grade II listed building and on the character of a Conservation Area must be considered. There are also two Locally Listed pubs immediately to the north of the site, and Locally Listed houses at numbers 8-18 Bedford Street, whose setting must be considered. Clearly there will be some impact on the setting of these heritage assets if taller buildings are erected near them; and there will be some obstruction of views of the listed station building from further north up the St Albans Road, but overall it is not considered that the impact will cause significant harm because the tallest buildings will be set away from them. At present the site has a run down and scruffy appearance, dominated by vehicles, which is hardly to the benefit of the setting of the locally listed buildings, the nationally listed building or the conservation area.

These buildings, despite their size, are designed in a simple modern style that will not draw undue attention to themselves or away from historic buildings nearby. Their varied heights, the breaks between them, and the faceted way in which Building B turns the corner beside the vehicular entrance, all help to avoid the development appearing monolithic or overbearing in the street-scene.

6.4 Quality of the homes

The homes would all be large enough to provide a satisfactory standard of accommodation. They would all comply with the nationally described technical housing standards, which are set out by the government for the internal spaces of new homes, and which have been adopted by the Council as part of the Residential Design Guide supplementary planning document.

Most of the flats would be dual aspect, so that they will enjoy natural light and views from two sides. All of the upper floor flats will have balconies, the four duplex terraced houses in Block D will have private rear gardens (albeit those will be small), and all of the residents will have the use of the communal gardens, which will be landscaped with paths designed to be reminiscent of railway tracks, and with a central children's play area.

Storage rooms are proposed in the basements, and a condition should be applied to ensure that those are secure, and managed by the concierge, so that residents will be able to store bulky domestic items, sports equipment etc that they cannot accommodate in their flats (see Condition 10 at the end of this report).

6.5 Affordable housing

The original proposal was that 30 of the 150 dwellings (i.e. 20%) would have been affordable housing (a mix of *social rent*, *affordable rent* and *intermediate ownership*). The 22 social rent and affordable rent units were to be in Block C (making up the whole of that block) while the 8 intermediate units were to have been in Block A (which would also have contained 60 private flats). Following discussions between viability consultants representing the applicants and consultants representing the Council, a commuted sum was later offered (or an alternative offer of a further 14 intermediate units); and subsequently on the date of the committee meeting (3rd January 2018) that sum was increased.

However at the Committee meeting of 3rd January most of the Members made it clear that they felt the height of Building B was excessive and that it should be reduced. The case was deferred to allow time for the applicants to amend their plans, which they have now

done – reducing that building by two floors, which has resulted in the loss of six private market flats.

An inevitable consequence of this is that the level of affordable housing offered has also been reduced. Because two floors have been lost from Building B, six flats have been lost (an overall reduction from 150 flats to 144). That is a loss of 5,285 square metres of floor-space. Because those would have been private market flats this has reduced the likely profits from the scheme. That has affected the number of affordable homes that the applicants are able to offer without rendering the development financially unviable. The number of Social Rented and Affordable Rented homes has not changed, but there will no longer be any Intermediate tenure homes, and the commuted sum has been reduced. Please see the table in section 6.5 (Affordable Housing) of this report for details.

This table shows the changes that have been made to the affordable housing offer:

Previous offer for affordable housing	Revised offer for affordable housing
As presented at the committee meeting on 3 rd Jan 2018 (including a revised commuted sum offer made on the day and thus not mentioned in that committee report, although it was explained on the update sheet for that meeting).	Taking account of the loss of two storeys containing six private flats
<p>Social rented: 5 homes (all with 3 bedrooms) All located in Building C</p> <p>Affordable rented: 17 homes (4x1- beds, 11x2-beds, 2x3-beds) All located in Building C</p> <p>Intermediate: 8 homes (5x1-beds, 3x2-beds) All in block A</p> <p>Total provision on site: 30 affordable homes out of 150 i.e. 20%</p>	<p>Social rented: 5 homes (all with 3 bedrooms) All located in Building C</p> <p>Affordable rented: 17 homes (4x1- beds, 11x2-beds, 2x3-beds) All located in Building C</p> <p>Intermediate: None</p> <p>Total provision on site: 22 affordable homes out of 144 i.e. 15%</p>

Additional offer:

As the Committee Members prefer:

Either

An additional 14 intermediate units on site

Plus a commuted sum of £218,967

Or

A commuted sum of £602,160

Additional offer:

Commuted sums totaling £480,000

Policy HS3 (Affordable Housing) of the Watford Local Plan states that a rate of 35% affordable housing is usually sought for developments of ten or more new homes, except in cases where the developer can demonstrate exceptional constraints on the development through the submission of a viability assessment. In this case their initial proposal, when this application was submitted in October, was that 20% of the homes would be affordable housing of one tenure or another, and the applicants supported their proposal by submitting a viability appraisal that had been prepared for them by specialist consultants (its front cover was marked “confidential” but their planning agent subsequently agreed that we may publish it as our policy on publication had changed during the period in which we had been considering this application – the Council now expect that viability appraisals will normally be published).

The Council commissioned another specialist firm of consultants to examine the viability report to determine whether it is accurate, and agreement was reached on the methodology that was used and the figures that were arrived at.

The Council’s Housing team regard *Intermediate* units (i.e. shared ownership) as being less useful in terms of meeting the needs of people on our housing list than social rented or affordable rented tenures – all three are nationally recognised forms of affordable housing, but in an area where property prices are as high as they are in Watford some are more affordable to people on our Housing List than others. After the D.M. Committee had voted on 3rd January to defer the case so that the height of Building B could be reduced, planning officers, recognising that some of the previously offered affordable housing units would have to be sacrificed, advised the applicants that those should be the Intermediate units, rather than the Social Rented or Affordable Rented units. That is what has been done – the offer now consists entirely of Social Rented and Affordable Rented units (the same numbers and sizes as before) without any Intermediate units.

6.6 Fire safety

While strictly speaking fire safety is a matter that is covered by the Building Regulations rather than being a Planning consideration as such, it is reassuring to note that this proposal has taken account of it. This is set out in section 10.3 of the Design and Access Statement. All the flats are to have sprinklers installed, and dry risers are to be included in all the buildings.

6.7 Amenity of neighbouring residents

This site is separated from the rear gardens of houses on Church Road by the railway. Section 3.4 of the Design and Access Statement shows that the separation distances between the proposed new buildings and the rear windows of those existing houses would be at least 45 metres, and more in some places. This compares favourably with the requirement in our Residential Design Guide that separation gaps of at least 27 metres be retained in such cases, so as to offer reasonable protection to the privacy of neighbours' private rear windows.

To the north of the site the neighbours are the terraced houses on Bedford Street. Once again the positioning is fortuitous because there are no houses backing onto the site – only the other side of Bedford Street has houses, and those are facing the site rather than backing onto it, so their private rear windows and rear gardens will not be overlooked. In any case, the tall buildings that are proposed will be at least 50 metres away from those terraced houses. The part of the development (Building D) that will front onto Bedford Street will be mainly just two storeys tall where it stands opposite those houses, so it will not be overbearing towards them.

One of the supporting documents that the applicants have commissioned from specialist consultants is a Daylight and Sunlight Report, which contains appendices with visual images of the proposal in relation to existing neighbouring houses and their windows. Using two widely recognised methodologies, the study concludes that any overshadowing of neighbouring houses' windows will be so minor as to have only a negligible impact on them. This is because of the way in which the scheme has been designed to keep the tallest elements away from neighbouring residential premises.

6.8 Parking and transport

Policy T2 (Location of New Development) of the Watford Local Plan states that:

New development should be located in close proximity to sustainable transport nodes and local centres or the town centre where facilities can be accessed without the need to travel by private car.

This proposal complies with that policy. Being located barely five minutes' walk from Watford Junction Station, with excellent rail links to London as well as a local bus depot, and being approximately 15 minutes' walk from the Town Centre and from public facilities such as the Central Leisure Centre, the Town Hall, the library and Cassiobury Park, this should be regarded as a sustainable site that is suitable for homes in which the residents do not own cars.

Residents of this development are likely to walk to Watford Junction Station via the neighbouring pedestrian underpass, which is in need of some refurbishment. The applicants have indicated that they would agree to pay for the old lighting of that underpass to be replaced by bright, low maintenance modern LED lighting as part of a Section 106 agreement. This will make it a safer and more agreeable route to the station.

Ample provision will be made for the safe storage of 215 bicycles (for the 144 dwellings) which exceeds the requirement for one space per dwelling that is set out in both our existing policy (Appendix 2 of the Watford District Plan 2000 supporting saved Policy T10) and our most recently published draft policy in Appendix H of the draft Local Plan Part 2 (published in July 2016 but not adopted).

There will be only 26 car parking spaces provided within the site, which is a modest provision when one considers that the scheme will contain 144 households and a commercial business in Building B. Those 26 spaces will be as follows:

- There would be only 4 surface level spaces, and those would be reserved for a car club which the general public would be entitled to join (not only residents of the development).
- In the basement of Building A there would be 2 parking spaces for disabled users plus 20 standard sized spaces – 6 of which would be specifically for car club vehicles that would be only for the use of residents or staff of the development. That would leave 14 standard spaces for privately owned cars, plus the 2 disabled spaces.

Hertfordshire County Council are the local highway authority, and they were consulted on this application. A summary of the points that they raised is provided above, in the section of this report entitled *Representations received from statutory consultees, partner agencies and Council colleagues*. Hertfordshire Highways have not objected to the

application (although they have asked that four conditions be applied – see below) and they have accepted the conclusions of the Transport Assessment document which was prepared for the applicants by consultants Caneparo Associates, which were that there would be a significant reduction in the number of vehicle trips associated with the site. Indeed this is obvious because currently the site is dominated by vehicles – with the several businesses that operate here revolving around used car sales, car repairs, MOT testing and van rentals, whereas the proposal is to replace those uses with a development that would have only 26 parking spaces. Hertfordshire County Council estimate that there would be a decrease of 20 two-way vehicle movements in the peak morning period and of 8 two-way vehicle movements in the peak afternoon period. The result would be an improvement to the flow of traffic on the St Albans Road.

There will be no new access to the highway because the existing access point is to be used. Some alterations will have to be made to that access, and the County Council have asked that a condition be applied to request further details such as kerb radii etc. However it is not considered that such a condition would be justified for two reasons. Firstly because it would be duplicating the process that is already mandatory, by which the developers will have to apply to the County Council for an agreement to carry out works affecting the public highway under Section 278 of the Highways Act 1980. No purpose would be served by duplicating that process through a condition of a planning permission, and such a condition would be unjustified. Secondly because the site location plan shows that the application site is bisected by the access road which does not belong to the applicants – it belongs to Network Rail. A planning condition cannot be applied to land that is outside the red line defining the site.

The second of the four conditions that Hertfordshire Highways requested was for detailed plans of the basement parking area, including the dimensions of parking spaces and a swept path analysis to show how cars would manouvre into them. However we must be mindful of the fact that the car park will be in a private basement, where it will have no impact on the functioning of the public highway, so it is difficult to see how such a condition would be relevant to the role of the local highway authority. Swept path diagrams showing how various types of vehicle would enter and leave the site, to and from the public highway, have already been submitted in appendices G and H of the Transport Assessment document. Conditions should only be applied if they are necessary to prevent harm; but this development would still be acceptable even if it had fewer than 22 parking spaces in the basement; so it would be difficult to justify such a condition.

The third condition that Hertfordshire Highways have suggested would require a Servicing and Delivery Plan, and the reason that is given to justify that requirement is “in the interests of maintaining highway efficiency and safety.” However we must again be

mindful that conditions are only justified if they are necessary to prevent harm, and if without those conditions the scheme would have had to have been refused. In this case the servicing of the site currently involves service vehicles stopping on St Albans Road itself, whereas the proposal is that the servicing of the development would be carried out entirely within the site – which would constitute an improvement to the free flow of traffic on the public highway. It would therefore be difficult to justify such a condition. There will be a concierge on site who can manage deliveries and services such as refuse collection, the basement refuse stores will be equipped with a refuse hoist, and tracking diagrams have been submitted in the appendices of the Transport Assessment to show that large service vehicles can enter and leave the site in forward gear; so it is difficult to see any strong reason that would justify a condition requiring further details.

The fourth condition that Hertfordshire Highways suggested would have required the submission of a Construction Traffic Management Plan, the stated reason being “to protect highway safety and the amenity of other users of the public highway and rights of way.” However we must remember that planning conditions must meet the relevant tests. It is understandable that Hertfordshire Highways are interested in the movement of construction vehicles and contractors’ vehicles on the surrounding roads; but we should consider that any vehicle that is legally taxed is entitled to drive on the public highway at any time (planning conditions cannot restrict this), and issues such as depositing dirt on the highway or causing obstructions to the public highway are already controlled by other regulations, so it is not considered appropriate to attach such a condition to the planning permission.

Even in a sustainable location such as this, with excellent rail and bus connections nearby, residents might need the use of a car from time to time – for instance to visit places that are not well served by public transport, or to move bulky items. In such cases the residents will have the benefit of being able to use one of the 10 vehicles that will be provided by car clubs on the site – six of which will be exclusively for residents or staff, while 4 will be open to anybody who wishes to join the club. The proposal is that residents will be entitled to free membership for the first three years. Car clubs usually use environmentally friendly electric vehicles.

6.9 Opportunities for further development in future

The developers have assembled the application site by purchasing several plots of land, but they have not been able to buy 149 St Albans Road (Tyre City) or any of Network Rail’s land. The access route which bisects the site still belongs to Network Rail. However the applicants have given some thought to how further buildings could be added in future if any of that land were to become available, and these hypothetical buildings are shown as

white blocks in the 3D aerial image in section 6.3 of the Design and Access Statement. Such further works could be carried out by incorporating them into this development, or they could be undertaken separately by other developers; but in either case further planning permissions would be required.

6.10 Surface water drainage

The drainage scheme that is proposed includes green roofs (i.e. with plants to absorb water) and blue roofs (i.e. with holding areas to release water gradually). Apart from some areas of permeable paving, infiltration drainage has not been adopted in this proposal because the site is over chalk, where infiltration is not appropriate on account of the risk of sink holes being formed. The soft landscaping of the garden will absorb a certain amount of rainwater; but otherwise the aim of the proposals is to release rainwater gradually to the sewers, since there is no water course nearby into which it could be discharged.

Hertfordshire County Council are the lead local flood risk authority. Although they initially objected to the proposal, that was on the grounds that insufficient information had been submitted on the subject of sustainable drainage, rather than because they had any particular disagreement with the proposals *per se*. Responding to their request for further detail, the applicants submitted a second and then a third set of documents to demonstrate that the development would not give rise to surface water flooding. Hertfordshire County Council's drainage team have now pronounced themselves satisfied, although they have asked that some conditions be attached to the planning permission.

A pragmatist might have taken the view that it is obvious that the development will not give rise to any increased likelihood of flooding because the proposal includes some soft landscaped gardens, some "green" roofs and some "blue" roofs, whereas the existing site contains no greenery or bare earth at all, being entirely made up of hard surfaces, so if anything the development is likely to bring about an improvement in the amounts of rainwater that would be absorbed within the site.

7 Conclusion

The proposed development strikes a sensitive balance between respecting its context among some historic buildings (including a nationally listed former station building, two locally listed pubs, and the streets of a Victorian conservation area) on the one hand, and on the other providing significant amounts of new housing (144 homes) in a sustainable location that has been allocated as one of the borough's main housing sites: the Watford

Junction Special Policy Area. The new homes will provide a good standard of amenity for their residents, without compromising the amenity of their neighbours.

Some relatively tall buildings are proposed, and it will be possible to see some of them from surrounding areas; but none will exceed 11 storeys and they will not cause any significant harm. In response to concerns that were raised by Members, Building B, which would have been the tallest at 13 storeys, has been reduced to 11 storeys.

Although the reduction in the height of Building B has meant that less affordable housing can be offered on site than was previously offered, and the commuted sum on offer has also been reduced, so as to ensure that the scheme will remain financially viable, this has been done by sacrificing only the Intermediate (shared ownership) units – leaving the on-site provision of Social Rented and Affordable rented units unchanged. A good mixture of 1, 2 and 3 bedroom units is included in that offer.

The impact of the proposals on the Grade II listed former station building is considered acceptable in terms of its setting, and also as regards the works to the building itself – those works having already been granted Listed Building Consent. The change of use of that building will bring about a significant public benefit.

8 Human rights implications

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

9.1 Recommendation

That, pursuant to a planning obligation under section 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:

9.2 Section 106 Heads of Terms

- To require the submission and implementation of a phasing plan setting out the phasing of the delivery of the development.

- To secure affordable housing units in Building C (at least 5 x three bedroom units in social rented tenure and at least 17 units in affordable rented tenure comprising at least 4x one bedrooms, 11 x two bedrooms and 2 x three bedroom units).
- To secure a financial payment of £480,000 as a commuted sum to fund further affordable housing elsewhere in the borough of Watford.
- To secure an agreement with a car-club operator to provide car clubs operating on the site for at least three years from the first occupation of the development. The agreement is to include free car club membership for 3 years for residents of the development and a £50 drive credit for each resident.
- A financial contribution of £2000 towards the amendment of local Traffic Orders in the streets to the South of the site, and also in Bedford Street, to exclude the residents of the development from entitlement to claim residents' permits to park in those Controlled Parking Zones.
- A financial contribution of £45,000 towards 2 public consultations (one to be held during construction of the development and the other to be held after occupation of the development) into a proposal to introduce a new Controlled Parking Zone to the North of the site; and, in the event that the public response is broadly favourable, towards the implementation of such a Controlled Parking Zone. In the event that the public responses are both negative the developer will be entitled to a 10% rebate.
- The provision of such fire hydrants as may be required by Hertfordshire Fire Service to serve the proposed development.
- A financial contribution towards the planting of street trees outside the site on St Albans Road, subject to the agreement of Hertfordshire County Council (the Local Highway Authority) and subject to the locations not conflicting with immovable subterranean services. The contribution to be £1000 (one thousand pounds) per tree, to a maximum of £4000 (four thousand pounds) in total.
- A financial contribution of £10,000 towards the installation of modern LED lighting in the neighbouring public pedestrian underpass beneath St Albans Road, to improve public safety and amenity there.
- A financial contribution of £6000 for Hertfordshire County Council's Highways Service's expenses in monitoring of the Travel Plan (Appendix L of the Transport Assessment).

9.3 Conditions

1. THREE YEAR EXPIRY

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. DRAWINGS APPROVED

The development shall be carried out in accordance with the following drawings and documents, unless otherwise approved in writing by the Local Planning Authority:

Drawing 3388 / PA2.21 by ARP
Drawing 3388 / PA2.22 by ARP
Drawing 3388 / PA2.31 by ARP
Drawing 3388 / PA2.32 by ARP
Drawing 3388 / PA2.33 by ARP
Drawing 3388 / PA2.34 by ARP
Drawing 3388 / PA2.41 by ARP
Drawing 3388 / PA2.42 by ARP
Drawing L/S/001/71757/PGA01 by BBUK
Drawing L/S/002/71757/PGA02 by BBUK
Drawing L/S/003/71757/PH03 by BBUK
Drawing L/S/004/71757/PH04 by BBUK
Drawing L/S/005/71757/PP05 by BBUK
Drawing L/S/006/71757/PP06 by BBUK
Drawing L/S/007/71757/PTR07 by BBUK
Drawing L/DE/401/71757/D01 by BBUK
Landscape Statement L/RPT/71757/LS by BBUK
Drawing 1624-LS-S-XX-DR-A-000 by Lynas Smith
Drawing 1624-LS-S-XX-DR-A-001 by Lynas Smith
Drawing 1624-LS-S-XX-DR-A-701 by Lynas Smith
Drawing 1624-LS-S-XX-DR-A-702 by Lynas Smith
Drawing 1624-LS-S-XX-DR-A-703 by Lynas Smith
Drawing 1624-LS-S-XX-DR-A-704 by Lynas Smith
Drawing 1624-LS-S-XX-DR-A-705 by Lynas Smith
Drawing 1624-LS-S-XX-DR-A-706 by Lynas Smith
Drawing 1624-LS-S-XX-DR-A-707 by Lynas Smith
Drawing 1624-LS-S-LG-DR-A-1100 by Lynas Smith
Drawing 1624-LS-S-LG-DR-A-1100 by Lynas Smith
Drawing 1624-LS-S-00-DR-A-1100 by Lynas Smith
Drawing 1624-LS-S-05-DR-A-1100 by Lynas Smith
Drawing 1624-LS-S-10-DR-A-1100 by Lynas Smith
Drawing 1624-LS-S-20-DR-A-1100 by Lynas Smith
Drawing 1624-LS-S-30-DR-A-1100 by Lynas Smith

Drawing 1624-LS-S-40-DR-A-1100 by Lynas Smith
Drawing 1624-LS-S-50-DR-A-1100 by Lynas Smith
Drawing 1624-LS-S-60-DR-A-1100 by Lynas Smith
Drawing 1624-LS-S-70-DR-A-1100 by Lynas Smith
Drawing 1624-LS-S-80-DR-A-1100 by Lynas Smith
Drawing 1624-LS-S-90-DR-A-1100 by Lynas Smith
Drawing 1624-LS-S-100-DR-A-1100 by Lynas Smith – revision of 10.01.2018
Drawing 1624-LS-S-20-DR-A-1100 by Lynas Smith
Drawing 1624-LS-S-RP-DR-A-1100 by Lynas Smith
Drawing 1624-LS-S-20-DR-A-1100 by Lynas Smith
Drawing 1624-LS-S-XX-DR-A-1200 by Lynas Smith – revision of 10.01.2018
Drawing 1624-LS-S-XX-DR-A-1201 by Lynas Smith – revision of 10.01.2018
Drawing 1624-LS-S-XX-DR-A-1202 by Lynas Smith – revision of 10.01.2018
Drawing 1624-LS-S-XX-DR-A-1300 by Lynas Smith – revision of 10.01.2018
Drawing 1624-LS-S-XX-DR-A-1301 by Lynas Smith – revision of 10.01.2018
Drawing 1624-LS-S-XX-DR-A-1302 by Lynas Smith – revision of 10.01.2018
Drawing 1624-LS-A-XX-DR-A-1500 by Lynas Smith
Drawing 1624-LS-A-XX-DR-A-1501 by Lynas Smith
Drawing 1624-LS-A-XX-DR-A-1502 by Lynas Smith
Drawing 1624-LS-A-XX-DR-A-1503 by Lynas Smith
Drawing 1624-LS-A-XX-DR-A-1504 by Lynas Smith
Drawing 1624-LS-A-XX-DR-A-1505 by Lynas Smith
Drawing 1624-LS-A-XX-DR-A-1506 by Lynas Smith
Drawing 1624-LS-B-XX-DR-A-1500 by Lynas Smith
Drawing 1624-LS-B-XX-DR-A-1501 by Lynas Smith
Drawing 1624-LS-B-XX-DR-A-1502 by Lynas Smith
Drawing 1624-LS-B-XX-DR-A-1503 by Lynas Smith
Drawing 1624-LS-B-XX-DR-A-1504 by Lynas Smith – revision of 10.01.2018
Drawing 1624-LS-C-XX-DR-A-1500 by Lynas Smith
Drawing 1624-LS-C-XX-DR-A-1501 by Lynas Smith
Drawing 1624-LS-C-XX-DR-A-1502 by Lynas Smith
Drawing 1624-LS-D-XX-DR-A-1500 by Lynas Smith
Drawing 1624-LS-D-XX-DR-A-1501 by Lynas Smith
Drawing 1624-LS-A-XX-DR-A-1800 by Lynas Smith
Drawing 1624-LS-A-XX-DR-A-1801 by Lynas Smith
Drawing 1624-LS-A-XX-DR-A-1802 by Lynas Smith
Drawing 1624-LS-A-XX-DR-A-1800 by Lynas Smith
Drawing 1624-LS-B-XX-DR-A-1800 by Lynas Smith – revision of 10.01.2018
Drawing 1624-LS-B-XX-DR-A-1801 by Lynas Smith – revision of 10.01.2018
Drawing 1624-LS-B-XX-DR-A-1802 by Lynas Smith – revision of 10.01.2018

Drawing 1624-LS-B-XX-DR-A-1803 by Lynas Smith – revision of 10.01.2018
Drawing 1624-LS-C-XX-DR-A-1800 by Lynas Smith
Drawing 1624-LS-D-XX-DR-A-1800 by Lynas Smith
Schedule 1624-LS-S-XX-SH-A-501 by Lynas Smith
Schedule 1624-LS-S-XX-SH-A-504 by Lynas Smith
Schedule 1624-LS-S-XX-SH-A-505 by Lynas Smith
Schedule 1624-LS-S-XX-SH-A-506 by Lynas Smith
Schedule 1624-LS-S-XX-SH-A-507 by Lynas Smith
Design and Access Statement by Lynas Smith, dated 10.10.2017
Addendum to Design & Access Statement by Lynas Smith, dated 10.01.2018
Planning Statement by DP9, dated Oct 2017
Addendum to Planning Statement by DP9, dated 10.01.2018 (misprinted as 2017)
Statement of Community Involvement by GS8 / Forty Shillings, dated Oct 2017
Heritage and Townscape Appraisal by KM Heritage, dated Oct 2017
Specification of works, dated Sep 2017
Affordable Housing Note dated 27.11.2017
Noise Exposure Assessment 12653-NEA-01 Rev A
Energy Report 61646/DMW Rev 01, by Malcolm Hollis, dated 27 Sep 2017
Daylight and Sunlight Report by TFT
Air Quality Assessment, dated Oct 2017
Financial Viability Assessment by DS2 ref DS1318, dated Sep 2017
Transport Assessment by Caneparo, dated Oct 2017
Drainage Strategy & SUDS Statement 2170485 rev P2 dated Oct 2017
Technical Drainage Note 2170485 ref EWR001 rev P2 dated 28.11.2017

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

3. MATERIALS TO BE APPROVED

No construction work shall commence above the level of the damp-course until full details of the bricks and of the window frames for the new buildings shall have been submitted to and approved in writing by the Local Planning Authority. Regarding the proposed extension to the Listed Building, the external walls of the proposed side extension shall be finished in bricks, and its roof shall be clad in natural (not synthetic) slates; and no work shall commence on the construction of that extension until the bricks and slates have been submitted to, and approved in writing by the Local Planning Authority.

Reason: To ensure that only appropriate materials are used, which are sympathetic to the character of the Nascot Conservation Area in which the site is located, and which respect the period and style of the Victorian Listed Building, pursuant to Policies UD1 (Delivering High Quality Design) and UD2 (Built Heritage Conservation) of the Watford Local Plan.

4. USE CLASSES

The Old Station building shall not be used for any purpose except those falling within the following use classes: A4 (drinking establishment), D1 (non-residential institutions), D2 (assembly and leisure), and B2 (general industrial) only for the purposes of manufacturing beer or other drinks. The commercial space on the ground floor of Block B shall not be used for any purposes except those falling within the following use classes: A1 (retail), A2 (financial and professional services), B1 (offices) and D2 (assembly and leisure).

Notwithstanding that the application also sought permission for an A3 (restaurants and cafes) use on the ground floor of Block B, that use is not permitted by this planning permission; no cooking facilities shall be installed in the ground floor premises of Building B, nor in the Old Station building, unless with the further specific written permission of the Local Planning Authority (which may be by applying to vary this condition or by seeking a fresh planning permission, accompanied by full details of the kitchen ventilation systems and of their likely impacts on residential units above and nearby).

Reason: To safeguard the amenities and quiet enjoyment of neighbouring residential properties pursuant to saved Policies SE20 (Air Quality) and SE22 (Noise) of the Watford District Plan 2000.

5. CONTAMINATED LAND: PRE-COMMENCEMENT

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

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
- 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. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings and service lines and pipes, adjoining land, ground waters and surface waters, and ecological systems.

iii) The site investigation results and the detailed risk assessment (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 (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 express consent of the local planning authority. The scheme shall be implemented as approved.

The above must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

6. REPORTING UNEXPECTED CONTAMINATION

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 1, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 5.

7. LANDSCAPING & CHILDREN'S PLAYSPACE

The residential units shall not be occupied until the landscaping scheme, including the roof garden on Building B and the children's play-space with its equipment, has been installed, as shown on the plans that are hereby approved; unless otherwise approved in writing by the Local Planning Authority. Thereafter the landscaping and the children's play space shall be retained. 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 such other details as shall have been approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the site, in accordance with Policy UD1 (Delivering High Quality Design) of the Watford Local Plan, and to ensure that residents of the new dwellings will have the use of suitable space for outdoor recreation.

8. PARKING, CYCLE STORES AND CAR CLUBS

The development shall not be occupied until all 26 of the proposed car parking spaces (including those which are to serve car clubs), and all of the bicycle storage spaces (sufficient for 215 cycles) shall have been provided as shown on the plans that are hereby approved. The 4 surface level parking spaces, and at least 6 of the 22 basement car parking spaces shall be reserved specifically for electrically powered car-club vehicles, and they shall be equipped with suitable charging posts. Of the 22 basement car parking spaces, at least 2 shall be reserved for residents or staff of the development who are registered disabled motorists. No parking spaces shall be installed other than those that are shown on the plans that are hereby approved, unless further specific permission has been granted in writing by the Local Planning Authority.

Reason: Because the site is in a sustainable location it is possible for the residents of the 150 proposed new homes to live here without owning their own private cars, and for that reason the provision of only 22 car parking spaces is acceptable; but this is on condition that they have access to shared car-club vehicles for those occasions when they might need them, and also on condition that they can have bicycles, with secure and weatherproof storage facilities for them. To ensure that this will be a sustainable development, pursuant to paragraph 34 of the National Planning Policy Framework, the Council require that shared car club vehicles be electrically powered. The prohibition of additional parking spaces is necessary in the interests of the visual amenity of the site, and to maximise the green space that is available for the enjoyment of residents, and to ensure that this does not become a car-dominated development that might put unacceptable pressure on congested local highways, pursuant to Policy T2 (Location of New Development) of the Watford Local Plan.

9. REFUSE STORES

Unless otherwise approved in writing by the Local Planning Authority, no refuse shall be stored in locations other than those that are proposed in the plans and documents that are hereby approved.

Reason: To ensure that adequate facilities are provided for the hygienic storage of waste, and that no harm will be caused to the visual amenity of the site, pursuant to saved Policy SE7 (Waste Storage, Recovery and Recycling in New Development) of the Watford District Plan 2000 and Policy UD1 (Delivering High Quality Design) of the Watford Local Plan (Part 1: Core Strategy) 2006-31.

10. STORES FOR BULKY ITEMS

The store rooms that are shown as proposed in the basements shall be provided as shown, and no dwellings shall be occupied until those stores are provided. They shall be retained thereafter for the use of the residents, for secure storage of their bulky items, and they shall be managed by the concierge.

Reason: A well planned flatted development needs space in which residents can securely store items that are too large to keep in their flats, such as sports or leisure equipment etc. Management of these stores by the concierge is necessary to prevent theft.

11. CONCIERGE

The development shall be staffed daily by an on-site concierge, for whom a dedicated office shall be provided and retained on the ground floor of Block B, as shown on the plans that are hereby approved, or in such other location as has been agreed in writing by the Local Planning Authority. No dwelling shall be occupied until the concierge service has been provided, and that service shall be retained thereafter.

Reason: A residential development of this size requires on-site supervision to ensure its orderly management, to address and prevent antisocial behaviour, crime, noise nuisance, and inappropriate parking, to proper storage and collection of refuse, secure and orderly storage of bicycles and bulky items, receipt of deliveries on behalf of residents including internet shopping, and management of the two car clubs that are to be operated within the site.

12. NOISE MITIGATION

No dwellings in Building D shall be occupied, and no dwellings on the ground floor, mezzanine or first floor of Building B shall be occupied, until full details have been submitted to and approved in writing by the Local Planning Authority setting out how their amenity is to be protected from nuisances that might arise from noise and vibrations emanating from the Old Station building, from the ground floor commercial unit in Building B, and from the existing tyre fitting establishment at 149 St Albans Road; and also in the case of Building D how those dwellings will be protected from fumes or odours emanating from the neighbouring public house at 151 St Albans Road.

Reason: To safeguard the amenities and quiet enjoyment of neighbouring residential properties pursuant to saved Policies SE20 (Air Quality) and SE22 (Noise) of the Watford District Plan 2000.

13. SUSTAINABLE DRAINAGE 1

The development permitted by this planning permission shall be carried out in accordance with the approved Drainage Strategy and SuDS Statement Job Number 2170485 Revision P2, dated October 2017, updated by the Technical Note, Note Ref. EWR001, Revision P2, dated 28/11/2017, prepared by Elliottwood, and the following mitigation measures detailed within the drainage strategy:

1. Limiting surface water discharge off the site at a maximum allowable rate of 5.0l/s for the 1 in 100 year plus 40% for climate change event.
2. Providing storage 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.
3. Implementing appropriate drainage strategy based on attenuation and discharge into Thames surface water sewer at a discharge rate of 5 l/s.

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.

14. SUSTAINABLE DRAINAGE 2

No development shall take place above the level of the damp-courses until the final design of the drainage scheme is completed and sent to the Local Planning Authority for approval. The scheme shall include;

1. In case blue roofs will be included within the final drainage strategy, updated modelling/calculation and updated drainage layout should be provided.
2. Detailed engineered drawings of the proposed sustainable drainage features including their, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations and modelling.
3. 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 an increased risk of flooding, both on and off the site.

9.4 Informatives

1. For details of how the Local Planning Authority has reached its decision on this application please refer to the report of the Development Management Section Head

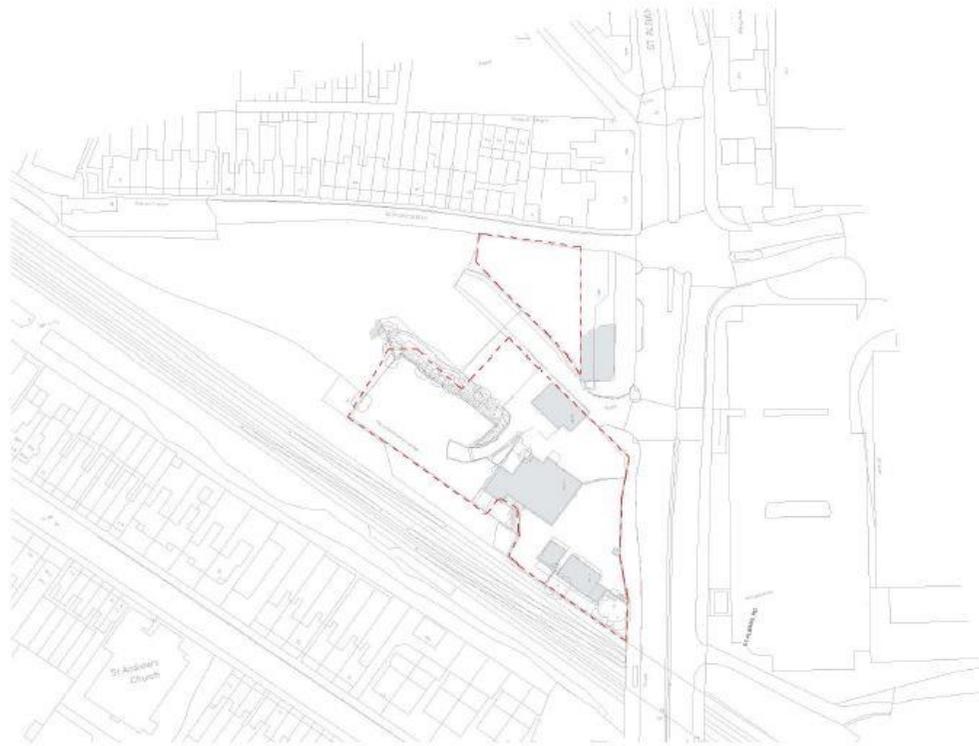
to the Development Management Committee, which can be obtained from the Council's website www.watford.gov.uk, where it is appended to the agenda of the committee meeting of 3rd January 2018; and please refer also to the minutes of that meeting.

2. In dealing with this application, Watford Borough Council has considered the proposal in a positive and proactive manner having regard to the policies of the development plan as well as paragraphs 186 and 187 of the National Planning Policy Framework and other material considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
3. This permission does not remove the need to obtain any separate consent, which may be required under the Buildings Act 1984 or other building control legislation. Nor does it override any private rights which any person may have relating to the land affected by this decision. To find more information and for advice as to whether a Building Regulations application will be required please visit www.watfordbuildingcontrol.com.
4. This planning permission does not remove the need to obtain any separate consent of the owner of the adjoining property prior to commencing building works on, under, above or immediately adjacent to their property (e.g. foundations or guttering). The Party Wall Etc Act 1996 contains requirements to serve notice on adjoining owners of property under certain circumstances, and a procedure exists for resolving disputes. This is a matter of civil law between the two parties, and the Local Planning Authority are not involved in such matters. A free guide called "The Party Wall Etc Act 1996: Explanatory Booklet" is available on the website of the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/393927/Party_Wall_etc__Act_1996_-_Explanatory_Booklet.pdf
5. 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

6. This planning permission is accompanied by a planning obligation in the form of a Section 106 agreement, which is binding upon the owners and their successors in title. It obliges the owners to make certain contributions to local services and infrastructure when work commences on implementing this permission. It includes an obligation to inform the Local Planning Authority when work commences by contacting the Section 106 Co-Ordinator in the Planning department.
7. The Planning Permission that is hereby granted does not include Advertisement Consent. The applicants are reminded that signage to be erected on the site might require separate Advertisement Consent.
8. The applicants are reminded that works affecting the public highway, including any alterations to the existing vehicular access to the site, will require a separate agreement with Hertfordshire County Council (the Highway Authority) under Section 278 of the Highways Act 1980.
9. Development, excavation or piling within 3 metres of a public sewer will require the consent of Thames Water. Information is available on-line at thamewater.co.uk/buildover Likewise any discharge of groundwater to a public sewer will require a permit from Thames Water.
10. The developer is advised to meet the standards of the Secured By Design scheme, which can reduce levels of burglary and other crime in new developments. Further information is available from Hertfordshire Constabulary's Crime Prevention Design Service.

Case Officer: Max Sanders
Tel: 01923 278261
Email: max.sanders@watford.gov.uk

147a, 149a, 149B And Land To The Rear Of 149, St Albans Road, Watford, WD24 5BB



P1	ISSUED FOR PLANNING	04/10/2017	CS
	REVISED ADDRESS	10/10/2017	HE

147a, 149a, 149b and land to the rear of 149, St Albans Road, Watford WD24 5BB
Location Plan

1 : 1250 @A3
1624-LS-S-XX-DR-A-000

LYNAS SMITH

© Lynas Smith 2015
Original drawing is A3. Do not scale from this drawing.

10/10/2017

13 storeys vs 11 storeys comparison images

North View from St. Albans Rd

2.3 PLANNING SUBMISSION SCHEME

Image showing the submitted scheme, represented using the Arup model data. The dotted line shows the suggested level of potential development on the Tyre city site demonstrating our intent to promote future development on adjacent sites, the blank flank wall to that site is also shown. The scheme has been designed to promote development on all adjacent land including the entire triangular area of the proposed masterplan, west of St Albans Road.



.....
dotted line shows potential development
on Tyre City site

North View from St. Albans Rd

2.4 PROPOSED REVISED SCHEME

This image shows Block B lowered to 11 storeys.



.....
dotted line shows potential development
on Tyre City site