



**WATFORD
BOROUGH
COUNCIL**

DEVELOPMENT MANAGEMENT COMMITTEE

13 June 2018

7.00 pm

Town Hall

Contact

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Committee Membership

Councillor P Jeffree (Chair)

Councillor S Johnson (Vice-Chair)

Councillors N Bell, R Laird, M Mills, I Sharpe, R Smith, M Watkin and T Williams

Agenda

Part A – Open to the Public

1. **Apologies for absence/committee membership**
2. **Disclosure of interests**
3. **Minutes**

The [minutes](#) of the meeting held on 16 May 2018 to be submitted and signed.

CONDUCT OF THE MEETING

The Committee will take items in the following order:

1. All items where people wish to speak and have registered with Democratic Services.
2. Any items the Committee agrees can be determined without further debate.
3. Those applications which the Committee wishes to discuss in detail.
4. **18/00542/FULM 147a, 149a, 149b and land to the rear of 149 St Albans Road**
(Pages 4 - 37)

Redevelopment of the site to provide a mixed use scheme comprising of 146 residential units, flexible commercial units and associated cycle parking, car parking, play space etc.

5. **17/01544/FUL Watford Arches Retail Park, Lower High Street** (Pages 38 - 54)

Erection of a new building for coffee shop/cafe use with 'drive thru' lane and associated physical works to site layout.

6. **18/00449/FUL Watford Arches Retail Park, Lower High Street** (Pages 55 - 66)

Proposed minor physical alterations to reconfigure car park creating five additional spaces.

PART A	
Report of: Head of Development Management	
Date of committee:	13th June 2018
Site address:	149a, 149b and land to the rear of 149 St Albans Road
Reference Number:	18/00542/FULM
Description of Development:	Redevelopment of the site to provide a mixed use scheme comprising of 146 residential units (Class C3), flexible commercial units (Classes A1/A2/B1/D1/D2) and associated cycle parking, car parking, play space, landscaping and associated works.
Applicant:	Watford Development Limited
Date Received:	9th May 2018
13 week date (major):	8th August 2018
Ward:	Callowland

1.0 Site and surroundings

- 1.1 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.
- 1.2 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. The application site does not include any of Network Rail's land, which covers approximately half of the triangle: this includes operational land for track access and storage and the site of the former Railway Social Club (now demolished).
- 1.3 Unlike the previous application under ref. 17/01413/FULM, the site does not include the listed former station building at 147a, St Albans Road, which was granted listed building consent under ref. 17/01414/LBC. This building remains within the applicant's ownership and remains part of the overall development

scheme, but is not part of the current application. A separate planning application has been submitted for the change of use of the building (ref. 18/00586/FUL).

- 1.4 The site 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. 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.

2.0 Proposed development

- 2.1 To demolish all of the existing buildings on the site and to redevelop the site for a residential led, mixed-use development comprising 146 dwellings and 346m² of flexible commercial floorspace (Classes A1/A2/B1/D1/D2). The development includes 4 distinct buildings varying in height from 3 to 11 storeys. The residential dwellings include 62 x 1 bed units, 68 x 2 bed units and 16 x 3 bed units with a 22% provision of affordable housing units (25% of habitable rooms).
- 2.2 The application is a revised development scheme for the site following the refusal of planning permission for a previous scheme under ref. 17/01413/FULM (see below). The sole reason for refusal related to the height of Block B fronting St Albans Road, which was proposed at 13 storeys. The current proposal retains the same site layout, access arrangements, building footprints, design and materials as the refused scheme but has incorporated various amendments in order to address the sole reason for refusal.
- 2.3 The main changes that have been incorporated into the current scheme are as follows:
- Reduction in the tower element of Block B facing St Albans Road from 13 storeys to 9 storeys.
 - Addition of 1 storey to lower part of Block A (maximum height unchanged).
 - Addition of 1 storey to lower part of Block D (maximum height unchanged).
 - Removal of basement from Block B.
 - Reduction in number of dwellings from 150 to 146.
 - Reduction in number of parking spaces on site by 12.
 - Change to the affordable housing provision (see Section 6.5).
- 2.4 In summary, the massing of the scheme has been redistributed. The comparison of the main changes to the proposed buildings compared to the previous scheme is

summarised in the table below:

	17/01413/FULM	18/00542/FULM
Block	Storey heights	Storey heights
A (adj. railway line)	7-11	8-11
B (fronting St Albans Rd)	6-13	6-9
C (centre of site)	7	7
D (fronting Bedford St)	2-4	3-4

2.5 The housing mix has changed as follows:

	17/01413/FULM	18/00542/FULM
Unit size		
1 bedroom	57	62
2 bedroom	75	68
3 bedroom	18	16
Total	150	146

2.6 The scheme now includes 16 car parking spaces which includes 10 spaces allocated for car club vehicles only.

3.0 Relevant planning history

3.1 The following planning history is relevant to this application:

17/01413/FULM - Redevelopment of the site to provide a mixed use scheme comprising 150 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. The application was recommended for approval by officers but was refused planning permission at the committee meeting on 31st January 2018 for the following reason:

The height, bulk and design of the tall buildings in the development fail to conserve or enhance the character and appearance of the Nascot 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

17/01414/LBC - Alterations to the Old Station building associated with its conversion to an artisan tap-room and/or community space. Listed building consent granted 31st January 2018.

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, and must be taken into account as a material planning consideration.

Residential Design Guide
Watford Character of Area Study
Nascot Conservation Area Appraisal

5.0 Consultations

5.1 Neighbour consultations

Letters were sent to 124 properties in the surrounding area and all those who commented on the previous application. At the time of preparing this report, 13 representations have been received with 10 in support, 6 objections (1 from the Nascot Residents Association) and 2 neutral comments. The objections raised by local residents are as follows:

Points Raised	Officer’s Response
Because only 22 parking spaces are proposed for 146 dwellings, insufficient off-street parking is proposed, and it is feared that the	The aim of the development is to be essentially car free with car clubs providing vehicles for the use of residents. The site is in a sustainable

other residents will have to park on neighbouring streets, exacerbating problems of parking congestion there.	location with good access to public transport, local facilities and the town centre. Furthermore, consultations will be undertaken in surrounding areas to the north in respect of new controlled parking zones (see Section 6.7 of the report).
Impact of additional traffic on Bedford Street and other roads.	The site will be accessed directly from St Albans road and will not utilise Bedford Street, other than to service the 10 dwellings in Block D. The essentially car free nature of the development will minimize the number of traffic movements generated.
The buildings will not be in keeping with the character of the Nascot Conservation Area because of their height and appearance. Out of place and will tower over existing properties.	The site is also within the Watford Junction Special Policy area which promotes higher density redevelopment of the poor quality, underused site. The proposal has been assessed with regard to its potential impact on the Nascot Conservation Area (see Section 6.3 of the report).
Does Watford have the infrastructure in place to support these new units?	Due to its essentially car free nature, the proposal will have an overall net reduction in peak time traffic generation. Health and school facilities are the responsibility of other providers although in this case the site is exempt from CIL contributions.
Impacts from construction, especially noise. Impacts on shallow foundations of existing properties.	These are not a material planning considerations but are covered under environmental protection legislation and the Building Regulations.
Insufficient affordable housing provision.	See Section 6.5 of the report.
Potential impacts on the railway line – access and land slippage.	Access to the railway lines will be maintained through the site, as existing. The applicant will need to liaise directly with Network Rail regarding works adjoining the railway line.

5.2 The comments from the Nascot Residents Association are as follows:

“The new application (18/00542/FULM) shows very few changes from the previous application refused by the Council in January 2018. These changes do not get to the heart of our objections and, we suggest, are still far short of the Council’s own planning policies and aspirations.

“Our objections, in brief, are:

- The major physical change from the earlier submission is a further reduction of two storeys (to 9 storeys) to the block nearest the St Albans Road. However this has been achieved by increasing the heights of two other blocks (one overlooking Bedford Street which comprises two storey houses) Thus, there are now 11, 9 and 7 storey blocks in an area of two-storey, mainly residential buildings.
- The applicants dishonestly claim that there are fewer units (at 146) - yet the application refused in January had 144 units. Questions therefore arise about the accuracy of other claims in the application.
- The Council’s own adopted “Taller Buildings” policy sets out the very reasonable case that *“clusters of tall buildings primarily focused around Watford Junction station”* should step down *“to create a smooth transition with the surrounding context”*. These multi-storey blocks are not a smooth transition!
- We are very concerned that the proposed development sets a very dangerous precedent for future developments in and around the Nascot Conservation Area.
- The design of the development is still inadequate – displaying, on the St Albans Road frontage, an incongruous tower block alongside a single-storey tyre-fitting dealer. Hardly a good advertisement for the town for those entering by road or rail and certainly inappropriate in a conservation area.
- With 32 “affordable” units proposed, this is still well below the Council’s own policy requirement of 35% affordable units.
- Although the NRA is fully supportive of the redevelopment of Bedford Street triangle, this proposal is clearly a piecemeal development which precludes any chance of the Tyre City site ever being developed, resulting in a most unsatisfactory development.

“The Nascot Residents Association’s recommendation is that this application should also be refused for the reasons cited above. Again, we suggest that the Committee resolve to ask the relevant portfolio holder to investigate the use of CPO powers to avoid the piecemeal redevelopment of the area; and to offer a partnership to the

current applicant to progress this to achieve a high-density but low-rise residential development of which the community, the Council and, yes, the developer can be proud.”

- 5.3 The letters of support are in favour of the application for the following reasons: support bringing Pope’s Yard Brewery to Watford, sympathetic rejuvenation of the area, well considered plans, need for extra housing and benefit of affordable housing.
- 5.4 Supporting comments from 8 nearby businesses have also been forwarded by the applicant. Five are standard letters stating they support the application. The other 3 are in the form of a short petition stating “The proposal will regenerate this run-down site, deliver much needed housing and improve the vision of St Albans Road, creating an active frontage and improved public realm.”
- 5.5 The previous application under ref. 17/01413/FULM received 86 representations in support, 3 objections and 1 neutral comment.
- 5.6 **Statutory publicity**
Two site notices were placed outside the site on 11th May 2018. A public notice was also published in the Watford Observer on 18th May 2018. The overall expiry date for these notices is 8th June 2018.
- 5.7 **Technical consultations**
The same technical consultees were consulted as for application ref. 17/01413/FULM. As the only material changes are to the heights of the buildings and the mix of units, the previous responses (excluding those specific to the listed building) can be taken as material considerations in this case.
- 5.7.1 Housing Team
“We have compared the affordable housing proposed to what policy requires and have looked at both number of units (table 1) and the habitable room (table 2). Neither meets policy requirements of 35%.

Table 1 Units

Units	Social Rented	Affordable Rented	LCHO	Private Rented	Total
1 bed	0	4	1	56	61
2 bed	3	12	3	51	69
3 bed	3	6	0	7	16
Total proposed	6	22	4	114	146

Units required to be policy compliant	10	33	8
Difference in scheme and policy requirements	-4	-11	-4

Table 2 Habitable Rooms

Habitable rooms	Social Rented	Affordable Rented	LCHO	Private Rented	Total
1 bed	0	8	2	112	122
2 bed	9	36	9	153	207
3 bed	12	24	0	28	64
Total	21	68	11	293	393
Habitable room required to be policy compliant	28.0	89.0	21.0		
Difference in scheme and policy requirements	-7.0	-21.0	-10.0		

“From 146 units, 51 units should be affordable housing, whereas the application has 32, so 19 units below policy and only 22% of the site.

“From 393 habitable rooms, 138 habitable rooms should be affordable housing, whereas the application has 100, so 38 below policy and only 25% of the site.

“We appreciate that there is an ongoing viability appraisal being completed, after which, if the Council are in agreement that there are viability issues preventing the provision of a policy compliant affordable housing mix (33 x Affordable rented, 10 x social rented 8 x LCHO), we would prefer any reduction in units to come from the LCHO units. We need to maintain as many affordable housing rented units as viable, especially the 2 and 3 bedroom units.” *[The viability appraisal has been completed and is discussed in paragraph 6.5.2]*

5.7.2 Environmental Health

Raised no objections subject to appropriate conditions to address issues of potential noise and fumes to the flats from the railway line, proposed beer tap room and Dunnings Bar on St Albans Road.

5.7.3 Contaminated Land Officer

No objection subject to appropriate conditions to deal with land contamination.

5.7.4 Hertfordshire County Council (Highways Authority)

No objection subject to requested conditions and a s.106 planning obligation to secure payments towards the monitoring of a Travel Plan for the development and local highways improvements.

5.7.5 Hertfordshire County Council (Lead Local Flood Authority)

No objection subject to appropriate conditions.

5.7.6 Hertfordshire County Council (Fire and Rescue Service)

Has requested fire hydrants be secured to serve the development.

5.7.7 Thames Water

No objections with regard to surface water or foul water network infrastructure capacity.

6.0 Appraisal

6.1 Main issues

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

- (a) Principle of uses.
- (b) Scale, design and impact on heritage assets.
- (c) Quality of residential accommodation.
- (d) Housing mix and affordable housing provision.
- (e) Impact on surrounding properties.
- (f) Transport and parking.
- (g) Development potential for adjoining land.

- 6.1.1 Application ref. 17/01413/FULM was the subject of 2 very detailed reports to the Committee on 3rd January and 31st January 2018 (The full agenda and minutes are respectively available at <http://watford.moderngov.co.uk/ieListDocuments.aspx?CId=292&MId=1933&Ver=4> and <http://watford.moderngov.co.uk/ieListDocuments.aspx?CId=292&MId=1934&Ver=4>). Given that the application was refused for a single reason and that decision is a significant material consideration, it is not proposed to reiterate the detailed discussion of the application in this case but to focus primarily on the changes made to the application in order to address the reason for refusal.

6.2 (a) Principle of uses

The site is located within Special Policy Area 2: Watford Junction in the Core Strategy where mixed-use redevelopment is promoted. This includes a significant amount of housing (1,500 units or more) at high density comprising tall buildings of various scales. Although the application site is at the western end of the SPA, separated from the main site by St Albans Road, it is nevertheless identified for residential development. The current site comprises various poor quality, low level commercial buildings in vehicle related uses that do not exploit the potential of the site. It is a typical brownfield site suitable for redevelopment with significant regeneration potential.

6.2.1 There is no objection in principle to the loss of the existing commercial uses or to the redevelopment of the site with high density housing. This is in accordance with Policy SPA2 and the merging masterplan for the development of the land surrounding Watford Junction. In considering the previous application under ref. 17/01413/FULM, the Committee raised no objections to the principle of the residential led, mixed-use development proposed or to the overall scale of buildings. The only concern related to the height of Block B on the St Albans Road frontage (see paragraph 6.3 below).

6.2.2 The overall mix of uses and scale of development is very similar to that previously proposed and remains acceptable, subject to the consideration of the amendments made to overcome the previous reason for refusal.

6.3 (b) Scale, design and 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 and extends to Leavesden Road and Copsewood Road to the north. In the main part of the conservation area bricks are the predominant material, and most of the buildings are two, three or four storeys tall. Within the conservation area, the whole site and adjoining land in the ownership of Network Rail is identified as having a neutral impact. This appears to be a somewhat generous assessment given that the recently built terrace of houses at the end of Bedford Street are considered to be harmful, despite their design and materials reflecting the terraced housing in Bedford Street. It would not be unreasonable to consider the condition of the buildings and open land on the application site, and their uses, to be harmful to the overall character and appearance of the conservation area given it is characterised by largely Victorian, suburban housing.

6.3.1 In addition to being within the conservation area, the site and adjoining land also falls within the Watford Junction Special Policy Area and is identified for residential

development (up to 6 storeys) within the Watford Junction draft development brief. Although not adopted, the draft development brief recognises the opportunity the site presents for regeneration and identifies the site for higher density residential development. It is a brownfield site of poor quality buildings and open land in a highly sustainable location. As such, national planning policy encourages the efficient and effective use of such land to meet current housing needs. Furthermore, the site fronts on to St Albans Road, a busy main distributor road leading to the town centre and Watford Junction station.

- 6.3.2 The current scheme (and previous scheme) seeks to address these differing designations and the context of the site in a way that will maximise the use of the land (and the provision of housing) whilst preserving or enhancing the character and appearance of the conservation area. Clearly blocks of flats that are up to 11 storeys high do not resemble Victorian houses that are typical of the conservation area but the aim is not to reproduce or to pastiche historic buildings, but rather to produce new buildings that acknowledge heritage assets, and which do not detract from them.
- 6.3.3 In considering the previous application, notwithstanding the reason for refusal, the committee was supportive of the overall approach to the development of this site, to provide high density housing as part of the wider redevelopment of the land around Watford Junction. The current application retains this approach which involves 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; by creating clear breaks between the buildings and the introduction of soft landscaping within the site; and the use of facing bricks as the main finishing material, proposing subdued tones of brown or grey that respect their Victorian surroundings.
- 6.3.4 In this immediate context, the proposed buildings varying in height from 3 to 11 storeys across the site is considered an appropriate and reasonable response to the constraints and opportunities afforded by the site. Within the wider context, buildings of a similar scale have been granted along St Albans Road to the south of the site. A building up to 14 storeys has been approved on the site of Clarendon House, Bridle Path, opposite the site to the south-east (ref. 16/01245/FULM); a building up to 8 storeys was granted on appeal at Caledonian House, St Albans Road (at the junction with West Street) (ref. 15/01532/FULM), backing on to the Nascot Conservation Area; and opposite this latter site, at 16-18, St Albans Road, two buildings of 8 and 10 storeys have been approved (ref. 17/01367/FULM).
- 6.3.5 The current application has reduced the height of the tallest building, Block B fronting St Albans Road, from 13 to 9 storeys compared to the previous scheme,

with the tallest building at 11 storeys, being Block A to the rear of the site adjoining the railway line. These buildings are now directly comparable in height to those referenced above. The tallest elements of these buildings are set furthest away from individual heritage assets, namely the listed Old Station building and the locally listed buildings on St Albans Road and Bedford Street. Whilst any new development will have some visual impact on the setting of these buildings, overall it is not considered that their setting, within a dense urban environment and adjoining a brownfield site identified for higher density development, would be caused any significant harm.

- 6.3.6 In terms of the wider conservation area, the vast majority of the area lies to the south beyond the railway lines. The Victorian suburban form is largely intact and illustrates the gradual development of the town around the original railway station (now the Old Station building). This is an important part of its significance. The application site does not have this character or appearance despite adjoining the Old Station building. Historically, this land has been more directly associated with the railway and its associated industrial uses. In this respect, the development of the application site will not result in the loss of any features or buildings that contribute to the significance of the conservation area.
- 6.3.7 A visual townscape assessment submitted with the application shows that views of the proposed buildings will be very limited from the conservation area, even from Church Road, the closest road to the west of the site. Whilst it will be clearly visible from the rear of properties in Church Road and from Bedford Street, it is not considered that the proposal would cause any significant harm to the overall character and appearance of the conservation area. Given the degraded nature of the existing site and the high quality of the design and materials proposed, it is considered the proposal will provide an enhancement to this part of the conservation area.
- 6.3.8 The NPPF gives guidance on the assessment of harm to heritage assets. The proposal could not give rise to any substantial harm as there is no loss of buildings or features of heritage value and the area is, at best, of neutral impact. Where a proposal would give rise to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal. Although the scale of the proposed buildings up to 11 storeys is significantly different to the existing buildings and the conservation area as a whole, and may be considered to give rise to less than substantial harm, this harm needs to be weighed against the significant benefits the scheme delivers. In this case, it is considered that any less than substantial harm to the conservation area is outweighed by the benefits of regenerating this degraded site and delivering significant numbers of market and affordable housing in this sustainable location.

6.3.9 The listed former Station building is not part of this application but sits adjacent to Block B. The lower, 6 storey element of Block B remains unchanged from the previous application and the relationship between the two buildings and the impact of Block B on the setting of the listed building also remains unchanged. This is acceptable.

6.4 (c) Quality of residential accommodation

All of the proposed dwellings will meet or exceed the nationally described space standard as before. Many of the flats will be dual aspect and all will have good levels of natural light, outlook and privacy given the high density, urban nature of the development. All upper floor flats will have access to private balconies and all residents will have access to the communal, landscaped areas of open space.

6.4.1 A noise assessment has been submitted with the application which assesses the potential noise impacts on the proposed residential units from both the railway line and St Albans Road (road traffic). This identifies the need for noise mitigation measures, including enhanced double glazing and mechanical ventilation, on the different facades of the proposed buildings to ensure acceptable internal noise levels are achieved to the units. These mitigation measures can be secured by condition.

6.5 (d) Housing mix and affordable housing provision

The housing mix has changed slightly but still comprises a good mix of 1, 2 and 3 bed dwellings with the majority (84 units, 58%) being larger 2 and 3 bed units. This remains an acceptable mix of units for this sustainable location and will make a significant contribution to the housing needs of the borough.

6.5.1 Despite the loss of 4 units from the scheme, the number and percentage of affordable units has increased slightly from the previous scheme. However, the option of an additional commuted payment of £383,000, or the provision of 14 additional units for shared ownership, is no longer proposed. The previously proposed and current provisions are detailed below:

	17/01413/FULM	18/00542/FULM
Tenure	No. of units	No. of units
Social rent		
1 bedroom	0	0
2 bedroom	0	3
3 bedroom	5	3
Total	5	6

Affordable Rent		
1 bedroom	4	4
2 bedroom	11	12
3 bedroom	2	6
Total	17	22
Shared Ownership		
1 bedroom	5	1
2 bedroom	3	3
3 bedroom	0	0
Total	8	4
Overall Total	30	32
Overall %	20%	22%
Commuted sum	£383,000	£0

6.5.2 The current proposed provision of 22% affordable housing by units equates to 25% provision by habitable rooms as the applicant has sought to provide larger units as requested by the Housing team.

6.5.3 As with the previous scheme, this level of affordable provision has been informed by a viability appraisal submitted by the applicant. This appraisal has been reviewed by GL Hearn on behalf of the Council which included a detailed cost analysis. Their conclusions are as follows:

“Adopting the above assumptions for the revised scheme comprising 32 on-site affordable units, DS2 arrive at a scheme profit margin of 16.60% compared to the blended benchmark profit target of 18.55% based on the agreed profit margins above. This demonstrates a scheme deficit of -1.95% but despite the projected deficit, DS2 has stated that the Applicant is willing to proceed on this basis.

“As we have stated above the revised scheme is largely based on a number of previously agreed assumptions and with the exception of the build cost estimate we do not take issue with the revised scheme assumptions.

“As per our original analysis, we have run a new appraisal based on the Johnson Associates build cost estimate which arrives at a blended projected profit margin of 16.95% which compared to the agreed profit benchmark this still demonstrates a scheme deficit of -1.62%.

“Therefore, having considered the revised scheme and improved affordable housing provision we consider the current provision represents the maximum

level which can viably be supported by the scheme.”

6.5.4 This level of affordable housing provision proposed, which is below the 35% sought by Policy HS3 of the Core Strategy, is therefore considered to be justified in this case.

6.5.5 The applicant has also offered an alternative affordable housing option; a policy compliant affordable housing provision of 35% by units (51 units) through an amended tenure mix. This comprises the following:

	Social Rent	Affordable Rent	Shared Ownership
1 bedroom	0	4	17
2 bedroom	2	11	8
3 bedroom	0	6	3
Totals	2	21	28

6.5.6 This alternative provision is not supported by officers as it reduces the number of social and affordable rented units which are the most urgently required tenures to meet housing need.

6.6 (e) Impact on surrounding properties

The relationship of the proposed buildings on the site to surrounding properties remains unchanged. The 2 changes that are relevant relate to the increase in height of Block A (alongside the railway line) and Block D (fronting Bedford Street).

6.6.1 Block A

This block comprises 2 elements, originally of 7 storeys and 11 storeys. The nearest properties are in Church Road, on the opposite side of the railway lines, with Block A sited 45m from the rear windows of these properties. The proposed amended block includes an additional storey on the 7 storey element, increasing this to 8 storeys. Given the distance between this block and the properties in Church Road, and the fact that the 11 storey element also faces these properties, it is not considered that the proposed 8 storey element will have any greater impact on these properties.

6.6.2 Block D

This block faces 3 properties on the opposite side of Bedford Street. This was originally proposed as 2 storey houses (with a flat roof) facing the existing 2 storey houses across the road, with a 4 storey element adjoining the rear of the Tyre City building. The site of Block D has an existing extant permission for a 2 storey block of flats, designed to have the appearance of a terrace of houses, with a pitched roof. The proposed 3 storey block will not be any higher than the approved building and

is not considered to have any significant adverse impact on the existing properties.

6.7 (f) Transport and parking

The site is in a sustainable location, within walking distance of Watford Junction station, North Watford Shopping Centre and the town centre. Reduced parking provision is therefore acceptable in principle. The previous scheme provided 26 car parking spaces, including 10 spaces for car club vehicles. Under the current proposal, this provision has been reduced to 16 spaces with 10 of these still proposed for car club vehicles. Of the remaining spaces, 2 are allocated for people with disabilities and 6 allocated as private parking spaces for the future residents. The development will, therefore, effectively be car-free. The removal of the basement area to Block B and the reduction in parking spaces has been made to maintain the viability of the scheme and maximise the delivery of affordable housing.

6.7.1 This approach is considered acceptable in this sustainable location close to public transport, local facilities and the town centre. The submitted transport assessment has demonstrated that the vehicle trips generated by the proposed development will result in an overall net reduction compared to the existing site.

6.7.2 As with the previous application, the applicant has agreed to a series of transport and parking related measures to minimise travel and parking impacts and to promote sustainable modes of travel:

- To secure an agreement with a car-club operator to provide a car club 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 £2,000 towards the amendment of local Traffic Regulation Order in the streets to the south of the site, and also in Bedford Street, to exclude the residents of the development from entitlement to 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 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.
- A financial contribution of £10,000 towards the installation of modern LED lighting in the nearby pedestrian underpass beneath St Albans Road, linking

to Watford Junction station, to improve public safety and amenity.

- A financial contribution of £6,000 to Hertfordshire County Council's for the monitoring of the proposed Travel Plan.

6.7.3 The proposal will also include 176 secure cycle spaces with 162 secure, long-term spaces for the use of residents and 14 short-term spaces at ground level for the use of visitors.

6.7.4 As with the previous scheme, servicing will take place from within the development with no servicing taking place directly on St Albans Road. This is acceptable and provides a highway benefit.

6.8 (g) Development potential for adjoining land

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. However, they have indicated how further buildings could be added in future if any of that land were to become available, and this is shown in section 6.3 of the Design and Access Statement. As such, the proposals would not prevent these adjoining parcels of land from coming forward for development in the future.

7.0 Conclusion

7.1 The proposed scheme is considered to overcome the previous reason for refusal and deliver the regeneration benefits sought by its designation as part of a Special Policy Area. The significant planning benefits of the scheme are considered to outweigh any harm to the Nascot Conservation Area, which is considered less than substantial, and to offer an overall enhancement to the appearance of the site and the character and appearance of the wider conservation area. For these reasons the application is recommended for approval.

8.0 Human Rights implications

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

9.0 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:

Section 106 Heads of Terms

- i) To secure the affordable housing units in Building C comprising 6 units for social rent (3 x 2 bed and 3 x 3 bed), 22 units for affordable rent (4 x 1 bed, 12 x 2 bed and 6 x 3 bed) and 4 units for intermediate tenures (1 x 1 bed and 3 x 2 bed).
- ii) 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.
- iii) A financial contribution of £2,000 towards the amendment of the local Traffic Regulation Order in the streets to the south of the site, and also in Bedford Street, to exclude the residents of the development from entitlement to residents' permits to park in those Controlled Parking Zones.
- iv) 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 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.
- v) The provision of such fire hydrants as may be required by Hertfordshire Fire and Rescue Service to serve the proposed development.
- vi) 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 Highway Authority) and subject to the locations not conflicting with immovable subterranean services. The contribution to be £1,000 per tree, up to a maximum of £4,000 in total.

- vii) A financial contribution of £10,000 towards the installation of LED lighting in the neighbouring public pedestrian underpass beneath St Albans Road, to improve public safety and amenity.
- viii) A financial contribution of £6,000 to Hertfordshire County Council for monitoring of the Travel Plan for the site.

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

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-LG-DR-A-1100 by Lynas Smith
Drawing 1624-LS-S-00-DR-A-1100-P2 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
Drawing 1624-LS-S-RP-DR-A-1100 by Lynas Smith
Drawing 1624-LS-S-XX-DR-A-1200 by Lynas Smith
Drawing 1624-LS-S-XX-DR-A-1201 by Lynas Smith
Drawing 1624-LS-S-XX-DR-A-1202 by Lynas Smith
Drawing 1624-LS-S-XX-DR-A-1300 by Lynas Smith
Drawing 1624-LS-S-XX-DR-A-1301 by Lynas Smith
Drawing 1624-LS-S-XX-DR-A-1302 by Lynas Smith
Drawing 1624-LS-A-XX-DR-A-1500-P2 by Lynas Smith
Drawing 1624-LS-A-XX-DR-A-1501-P2 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-P2 by Lynas Smith
Drawing 1624-LS-B-XX-DR-A-1501-P2 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
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-B-XX-DR-A-1800 by Lynas Smith
Drawing 1624-LS-B-XX-DR-A-1801 by Lynas Smith
Drawing 1624-LS-B-XX-DR-A-1802 by Lynas Smith
Drawing 1624-LS-B-XX-DR-A-1803 by Lynas Smith
Drawing 1624-LS-C-XX-DR-A-1800 by Lynas Smith
Drawing 1624-LS-C-XX-DR-A-1801 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

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

3. No development shall commence (unless such other date or stage in development as may be agreed in writing with the Local Planning Authority), until 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.

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

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

5. 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 5, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 5, 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 submitted to and approved in writing by the Local Planning Authority in accordance with Condition 5.
6. 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 P4, dated 27/04/2018) prepared by Elliottwood, and the following mitigation measures detailed within the drainage strategy:
 - i) Providing attenuation to ensure no increase in surface water run off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
 - ii) Implementing appropriate drainage strategy based on attenuation and discharge into Thames Water surface water sewer including SuDS features as indicated on drawing No. 2170485-EW-00-L00-DR-C-1002 Rev.P3 – Proposed Below Ground Drainage Strategy – Northern Site, drawing No. 2170485-EW-00-L00-DR-C-1000 Rev.P5 – Proposed Below Ground Drainage Strategy – Main Site Sheet 1 of 2 and No. 2170485-EW-00-L00-DR-C-1001 Rev.P3 – Proposed Below Ground Drainage Strategy – Main Site Sheet 2 of 2.

- iii) Limiting surface water discharge off the site at a maximum allowable rate of 5.0 l/s for the 1 in 100 year plus 40% for climate change event.

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

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

- 7. No development shall take place above the level of the damp-courses until the final design of the drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
 - i) Detailed engineered drawings of the proposed SuDS features including their, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling.

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

- 8. No construction work shall take place above the level of the damp-course until full details of the bricks and window frames for the new buildings shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that high quality materials are used, which are sympathetic to the character of the Nascot Conservation Area in which the site is located, pursuant to Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

- 9. No construction work shall take place above the level of the damp-course until a noise mitigation scheme for each of the residential dwellings, based upon the recommendations of the Noise Exposure Assessment (Report 12653-NEA-01 RevB dated 20 April 2018) by Clement Acoustics, has been submitted to and approved by the Local Planning Authority. The scheme shall include the details and specifications of the sound reduction performance of all glazed and non-glazed elements of the building facades, acoustic ventilators and mechanical ventilation systems. An updated noise assessment shall be submitted to demonstrate that the proposed measures achieve the required internal noise levels. No dwelling shall be occupied until

the approved mitigation measures have been installed in full, unless otherwise agreed in writing by the Local Planning Authority.

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

10. No occupation of any dwelling or commercial unit forming part of the development shall take place until the existing vehicular access on St Albans Road has been upgraded, and all other pedestrian accesses in to the development site have been provided, as indicated in principle on the approved drawings.

Reason: To ensure safe and convenient access into the site for vehicles, cyclists and pedestrians in the interests of public safety.

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

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

12. 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 of the Watford Local Plan Core Strategy 2006-31, and to ensure that residents of the new dwellings will have the use of suitable space for outdoor recreation.

13. The development shall not be occupied until the proposed car parking spaces (including those which are to serve car club vehicles) and the bicycle storage spaces (sufficient for a minimum of 146 cycles) have been provided as shown on the approved drawings. The 4 surface level parking spaces and at least 6 of the basement car parking spaces shall be reserved specifically for electrically powered car club vehicles, and they shall be equipped with active charging posts. Of the approved car parking spaces, at least 2 shall be reserved for the vehicles of residents or staff of the development who are registered disabled. No parking spaces shall be installed other than those that are shown on the approved plans, unless approved in writing by the Local Planning Authority.

Reason: The development is essentially car-free and to ensure residents have access to environmentally friendly vehicles for personal use and to encourage cycling as a sustainable mode of travel. The provision of additional parking spaces is likely to compromise the quality of the open spaces within the development.

14. The development shall not be occupied until the refuse stores to serve the development have been provided as shown on the approved drawings.

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 of the Watford District Plan 2000 and Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

15. The development shall not be occupied until a dedicated office has been provided on the ground floor of Block B, as shown on the approved plans, or in such other location as has been agreed in writing by the Local Planning Authority, for a concierge service. No dwelling shall be occupied until the concierge service has been provided. The concierge service shall be retained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the orderly management of the development, to deter and prevent antisocial behaviour, crime, noise nuisance, and inappropriate parking; for the proper storage and collection of refuse, receipt of deliveries on behalf of residents, and management of the two car clubs that are to be operated within the site.

16. 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.

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

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

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

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

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

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

20. The ground floor commercial unit shall only be used for purposes within Classes A1, A2, B1(a), D1 and D2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purposes, unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of the functioning and appearance of the site and the amenities of residents within the development.

21. All plant and equipment shall only be sited within the designated plant rooms shown on the approved drawings. No plant or equipment shall be installed externally within the site or on the external facades of the buildings unless details have been submitted to and approved in writing by the Local Planning Authority. Details to be submitted for approval shall include siting, size, appearance and technical specifications relating to noise.

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

Informatives

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

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/393927/Party_Wall_etc__Act_1996_-_Explanatory_Booklet.pdf

4. You are advised of the need to comply with the provisions of The Control of Pollution Act 1974, The Health and Safety at Work Act 1974, The Clean Air Act 1993 and The Environmental Protection Act 1990. In order to minimise impact of noise, any works associated with the development which are audible at the site boundary should be restricted to the following hours: Monday to Friday 8am to 6pm, Saturdays 8am to 1pm. Noisy work is prohibited on Sundays and bank holidays. Instructions should be given to ensure that vehicles and plant entering and leaving the site comply with the stated hours of work. Further details for both the applicant and those potentially affected by construction noise can be found on the Council's website at:
https://www.watford.gov.uk/info/20010/your_environment/188/neighbour_complaints_%E2%80%93_construction_noise
5. 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.
6. 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.
7. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures
<https://developers.thameswater.co.uk/Developing-a-largesite/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB
8. 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

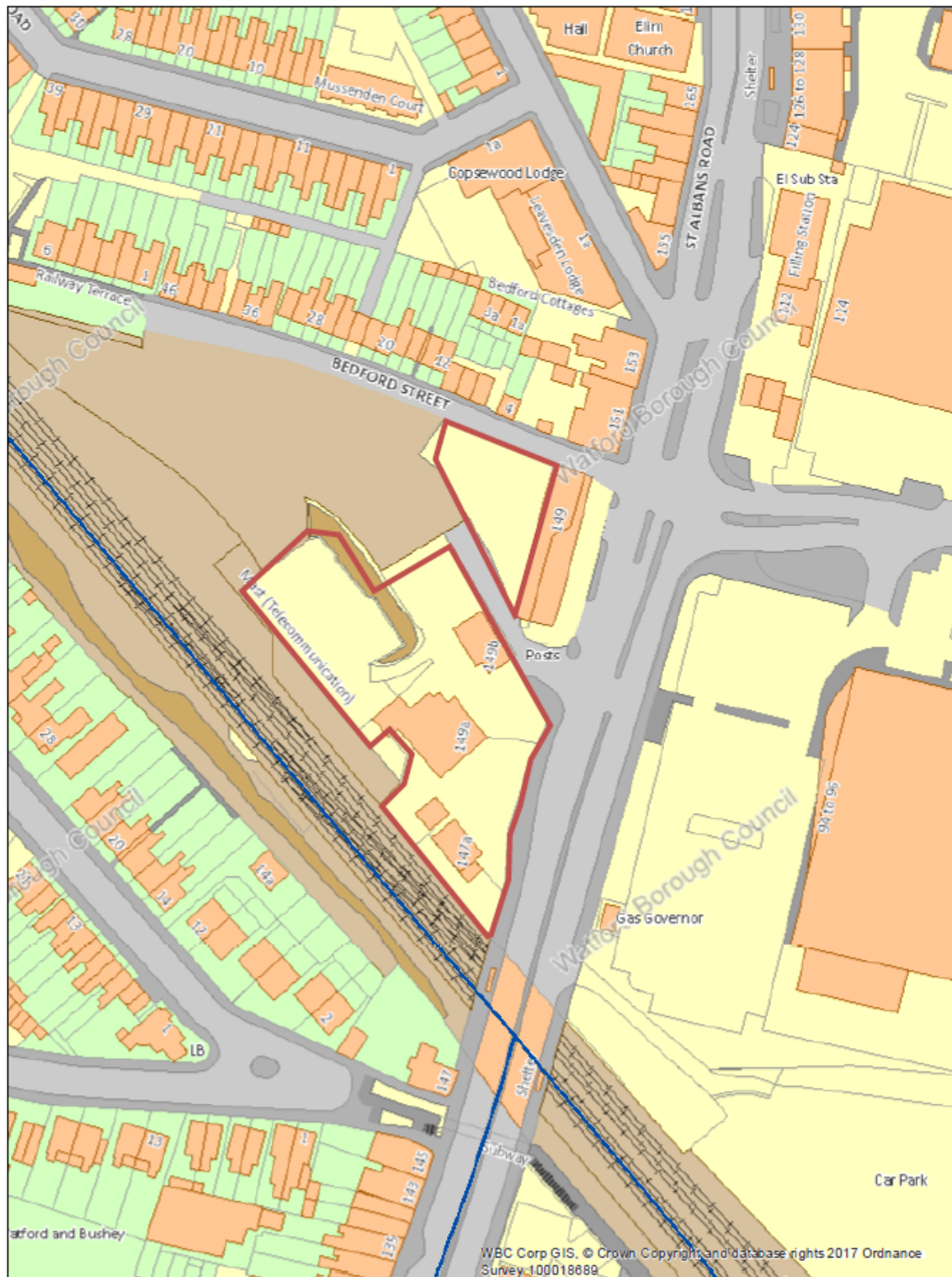
developments. Further information is available from Hertfordshire Constabulary's Crime Prevention Design Service.

Case Officer: Adrien Waite

Email: Adrien.waite@watford.gov.uk

Tel: 01923 278283

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



1 - Site location plan



2 - Ground Floor Plan



2 - Ground Floor Plan



4 - Previous 13 and 11 storey schemes

13 Storey Scheme



11 Storey Scheme



5 - Proposed 9 storey scheme fronting St Albans Road

7.4 St Albans Road View



6 - Aerial view of the scheme



7 - Facade treatments



Façade treatments

8 - Facade treatment



PART A	
Report of: Head of Development Management	
Date of committee:	13th June 2018
Site address:	Watford Arches Retail Park, Lower High Street
Reference Number:	17/01544/FUL
Description of Development:	Erection of a new building measuring 205 sq m for coffee shop/cafe use (Use Classes A1/A3) with 'drive thru' lane and associated physical works to site layout. (Amended plans and description)
Applicant:	Redefine Arches Watford Limited
Date Received:	07.11.2017
Statutory Target Date	15.06.2018 (Extended by agreement)
Ward:	Central

1.0 Site and surroundings

- 1.1 The application site consists of the southern section of the Watford Arches Retail Park on Lower High Street. The retail park contains retail units occupied by B&Q, B&Q Trade and Mothercare. The application site currently contains car parking for the retail park.
- 1.2 The retail park is located within a ring road of Lower High Street and Dalton Way. The site has two accesses, one from Lower High Street to the east and one from Dalton Way from the south and egress onto Dalton Way to the west. The full retail park contains 410 car parking spaces however due to trolley parks etc, 374 of these are currently available for parking.
- 1.3 The site is located in Flood Zone 3 (3a) which has a high risk of fluvial flooding. The site is not located in a designated conservation area. No trees on site are protected by a tree preservation order.

2.0 Proposed development

- 2.1 The application proposes a detached single storey building within the southern section of the retail park. The premises will be occupied as a coffee shop/café under a mix of use classes A1 and A3. A drive thru facility is included. The intended occupant is 'Costa'.

- 2.2 Amended plans were submitted on 26th January 2018 to relocate the building within the site to benefit surface water drainage.
- 2.3 The site results in a loss of 29 of the 374 available car parking spaces at the retail park.
- 2.4 Access and egress to the site are unchanged with the main retail park access remaining from Lower High Street to the east, retention of the access from Dalton Way from the south and egress via the existing exit of the retail park to Dalton Way to the west.

3.0 Relevant planning history

- 3.1 18/00449/FUL Proposed minor physical alterations to reconfigure the car park creating five additional spaces. PENDING

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.

- 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 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

22 addresses in the surrounding area were notified of the application including residential and commercial premises at Lower High Street, the retail park and Bridge Place.

5.2 9 Responses were received, with 7 in objection and 2 in support. The points that have been raised are summarised and considered in the table below.

Representations	Officer's response
Objection	
Increased traffic generation and inconvenience to ambulances trying to access hospital via Thomas Sawyer Way.	As confirmed by the Transport Assessment and the response from the Highways Authority, there is no expected material increased traffic generation on the roads surrounding the site. It is reasonable to expect that the majority of customers will be those already visiting or passing by the retail park.
24 hour use would increase noise and disturbance to neighbours	The nearest neighbours are on the opposite side of the retail park, approximately 120m from the proposed building. It is noted that the west side access is behind residential properties however there is no expected increased use of this access with the main access for the unit being the southern end. It is not considered the proposal will result in any notable harm to the amenities of residential properties.
Increased flood risks to surrounding homes.	The site is within flood zone 3 at risk of fluvial flooding from the nearby river. As set out in section 6.19 of the report, this scale

	and type of use in this area is deemed as compatible and appropriate by the Environmental Agency. The development would not affect the river or increase the risk of river flooding. There is no identified risk of flooding from surface water drainage however an acceptable scheme for surface water drainage has been included and there is no increased flooding risk to the homes that are themselves also already at risk of river flooding.
Expected to be used or converted to a MacDonalds which will create increased noise, disturbance, rubbish and crime.	The application is for a coffee shop/café under use classes A1/A3 and proposed to be occupied by 'Costa'.
Neighbours have not been consulted on the MacDonalds application.	Consultation letters were sent to all surrounding addresses on 13 th November 2017 in relation to this application for the coffee shop/café with drive thru. The same addresses were also sent a consultation letter for 18/00449/FUL on 10 th April 2018 in relation to the five car parking spaces. There is no application in relation to a MacDonalds or other A3/A5 use.
The application has failed to show the 15 homes within the retail park.	The site location plan shows the residential properties at Bridge Place and Lower High street. The presence of these is noted and duly considered.
Increased air pollution, dust on windows, impact to residents health.	The residential properties are located at the top end of the retail park, on a main road at the edge of the town centre. As discussed in the report, it is not foreseen that the development would create any new or increased impact to these properties.
Support	
Good addition to the retail park and better use of the under used car park	Noted and agreed.

5.3 Technical consultations

The following responses have been received from technical consultees:

5.3.1 Hertfordshire County Council (Highway Authority)

No objection to original or amended scheme and one condition and advisory notes included.

5.3.2 Hertfordshire County Council (Lead Local Flood Authority)

At the time of writing this report final comments have not been received approving of the drainage strategy, however given the site is currently largely covered in hardstanding officers consider a technical solution will be possible.

If further comments are received prior to the committee meeting these will be reported via the update sheet.

5.3.3 Hertfordshire County Council (Fire and Rescue Service)

Fire hydrants are required to support the development as set out within HCC's Planning Obligations Toolkit.

Case Officer comment- Fire Hydrants to be secured by condition.

5.3.4 Waste and recycling

No comments

6.0 Appraisal

6.1 Main issues

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

- (a) Principle of use
- (b) Design and layout
- (c) Access, parking and highway impacts
- (d) Impact on neighbouring properties
- (e) Flooding
- (f) Trees and landscaping

6.2 (a) Principle of use

The site is located within an identified out of town retail park and in the Lower High Street Policy Area as identified in the Watford District Plan 2000 and Special Policy Area 4- (SPA4)- Lower High Street of the Local Plan Core Strategy.

6.3 The Core Strategy sets out in SPA4, TLC1, SS1 and the sequential test of chapter 7 that additional retail (A1) uses in this area are acceptable in principle where they complement the town centre and improve linkages, they do not significant adverse

impact on the vitality and viability of the town centre and are in accordance with the sequential test approach set out in SS1.

- 6.4 The proposed development would not be pure A1, being a mixed A1/A3 use however, being of a retail nature, it is assessed and considered fully in accordance with the aforementioned policy. It is noted that the size and nature of the development would not notably compete with town centre function. The premises would be complementary and to some degree incidental to the existing uses at the retail park. The proposed use is therefore acceptable in principle with regard to the retail function and hierarchy of the town.

6.5 (b) Design and layout

The size, position and design of the building would be entirely suited to the site, the nature of the use and the context. Indeed, the introduction of the premises in this isolated southern corner of the site would improve and enhance the appearance of the site and natural surveillance of the area.

6.6 (c) Access, parking and highway impacts

i) *Access*

The development does not include any alterations to the layout of the existing access and egress of the site. The northern access to the retail park from Lower High Street and the southern access from Dalton Way would be unchanged however some increased use of the southern access would be expected. The egress from the site via the car park and egress from the west to Dalton Way is also unchanged.

6.7 ii) *Parking*

The development would result in the loss of 29 car parking spaces on the site. This would represent 7.8% of the 374 available on site spaces.

- 6.8 The Watford District Plan 2000 identifies the application site within Zone 3 of the Car and Cycle Parking Zone Map with the northern section of the retail park being within Zone 2. As set by 'saved' Policy T22 and Appendix 2 of the plan, the maximum parking provision for the retail park, based on existing and proposed floor areas, would be 272 car parking spaces. The car parking is already beyond this maximum standard as existing and the reduction would not be contrary to the maximum standards.

- 6.9 The reduction of car parking spaces is fully supported. The Transport Statement indicates the high level of spare capacity of the car parking at the retail park, particularly in the application site area and this includes at peak weekend times. The transport statement clearly demonstrates that the loss of spaces (originally 22

and revised to 29) can be fully accommodated within the retail park.

6.10 It is also noted that the majority of customers are expected to be those already on site visiting the retail units and the use itself will not generate significant increase parking needs.

6.11 The loss of spaces and proposed development would be highly unlikely to increase road parking around the site or create any associated reduction to highway safety.

6.12 *iii) Traffic generation*

As detailed in the Transport Assessment and confirmed by HCC it is considered that there would be a minimal number of additional trips to the site and no material impact on the capacity of the local road network.

6.13 In general terms, it is not considered that the unit would be a destination in its own right that would generate trips. Again, the majority of customers are expected to be those already on site visiting B&Q and Mothercare or those already passing via Dalton Way making use of the drive thru facility via the southern access to the site. It is therefore logical and evidenced that the proposed premises will not create any notable increase in traffic generation to or from the site.

6.14 *iv) On-site queuing*

The premises includes a drive thru facility on the site. The position of this facility is however well within the site and allows for cars to queue without backing up on to the highway and without blocking the exit from the facility. This is not considered to create any harm or inconvenience to highway safety.

6.15 (d) impact on neighbouring properties

The immediate context of the site is the Retail Park which does not contain any residential properties. There are however residential properties located at the Eastern corner of the retail park, adjacent to the existing Eastern access from Lower High Street.

6.16 There are retail units and a distance of 120m between these properties and the proposed coffee shop/café and the use of the building itself is not expected to create any noise or disturbance to residential properties. The car park immediately around the premises and the area for cars to queue for the drive thru is also substantially away from the residential properties. Within the existing context of the residential properties, this will not create increased noise or disturbance.

6.17 The existing Eastern access of the retail park is however immediately adjacent to the residential properties and significant increase of the use of this access could

increase impact to residential properties. The eastern access would not however be the obvious or most convenient access to the premises and it is reasonably expected that vehicles accessing the coffee shop/café in isolation will use the southern access to the site, immediately adjacent to the premises. The increased use of this southern access will not affect residential properties.

- 6.18 As such, by virtue of the relative position of the premises to the residential properties and in the context of the ring road circling the retail park, it is not considered that the development would create any notable adverse impact to neighbours.

6.19 (e) Flooding

The site is within flood zone 3 (3a) demonstrating that it has a high probability of fluvial flooding. In accordance with the EA standing advice, the nature of the use is considered to be 'less vulnerable'. In accordance with the NPPF Sequential Test: Flood Risk Vulnerability and Flood Zone 'Compatibility Table', this 'less vulnerable' use within flood zone 3a is considered to be compatible and appropriate development. No exception test is required.

- 6.20 The River Colne runs to the south of Dalton Way however the development is not within 20m of this main river. The development is within Flood Zone 3 however as this is not a major development, it is not within 20m of the main river and is not a vulnerable use. In accordance with standing advice, consultation with the EA is not required.

- 6.21 In relation to surface water drainage, a response is awaited from the Lead Local Flood Authority, however given the existing condition of the site it is considered that there must be a technical solution to surface water drainage issues and these could be addressed by way of condition.

- 6.22 A Flood risk assessment has been submitted with the application and confirms the acceptability of the scheme in relation to flooding.

6.23 (f) Trees and landscaping

The loss of 5 Lime trees was proposed for the original scheme and was considered in the Arboricultural report. The amended location of the development would require the loss of 8 trees on site. These trees are not preserved and are of limited maturity. This is therefore considered to be acceptable, subject to a detailed scheme of trees works and replacement trees and landscape planting.

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.

7.2 The CIL charge applicable to the proposed development is:

Watford Charging Schedule

Type of Development	CIL Rate
Residential	£120 per sqm
Hotel	£120 per sqm
Specialist accommodations for the elderly and/or disabled including Sheltered and Retirement Housing and Nursing homes, Residential Care Homes and Extra Care Accommodation. (This does not include registered, not for profit care homes')(within Use Class C2 and C3).	£120 per sqm
Retail (Class A1 – A5)	£120 per sqm
Retail – Within the Primary Shopping Area (Class A1 – A5)	£55 per sqm
Office	£0 per sqm
Industrial	£0 per sqm
Other uses	£0 per sqm
Major Developed Areas (MDAs)	£0 per sqm

7.3 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.

7.4 In accordance with s.70 of the Town and Country Planning Act 1990, as amended by s.143 of the Localism Act 2011, a local planning authority, in determining a planning application, must have regard to any local finance consideration, so far as material to the application. A local finance consideration is defined as including a CIL charge

that the relevant authority has received, or will or could receive. Potential CIL liability can therefore be a material consideration and can be taken into account in the determination of the application.

7.5 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 implementation of the proposed Travel Plan, submission and implementation of a Car Parking Management Plan and a financial contribution towards the long term monitoring of the Plans is sought.

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

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

7.7 The contributions sought by the council are directly related to the proposed development as they mitigate impacts that will arise directly from it and are fairly and reasonably related in scale and kind to the development. They are also necessary to make the development acceptable in accordance with the council's planning policies. Accordingly, the contributions sought by council meet the tests in Regulation 122 of the Community Infrastructure Regulations 2010, and, consequently, the planning obligation can be taken into account as a material planning consideration in the determination of the application. The council's approach to seeking a financial contribution by means of a planning obligation is also fully in accordance with the advice set out in paragraphs 203 to 205 of the National Planning Policy Framework.

7.8 It is recommended that fire hydrants are secured by condition and there are no s106 contributions required to support the development,

8.0 Conclusion

8.1 The proposed development is fully in accordance with the retail use of the site and Lower High Street area. The coffee shop/café would complement the existing offer and would not undermine or harm the vitality or viability of the town centre.

- 8.2 The development would be of a nature, scale and design suited to its context and would indeed improve the amenity of the area from the existing situation. The development would not result in notable harm to residential or commercial neighbours.
- 8.3 The development is fully supported by the Flood Risk Assessment and Transport Assessment. The development is not considered to create any notable increase in traffic generation on highways around the site and is no harm to the safety and convenience of the highway is foreseen by the Highway Authority.
-

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 conditional planning permission be **granted** subject to the conditions listed below:

Conditions

1. Time Limit

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

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

2. Drawing numbers

The development shall be carried out in accordance with the following drawings, unless otherwise approved in writing by the Local Planning Authority. The following drawings are hereby approved:
14492-11A - Location Plan

14492-111 – Existing Overall Site Plan
14492-112 – Existing Site Plan
14492-113G – ‘Proposed Overall Site Plan’;
14492-114J – ‘Proposed Site Plan’; and
14492-115B – ‘Proposed GA and Roof Plan’.
14492-116D – ‘Proposed Elevations’.
14492-117A - Proposed Cycle Details
Drive thru barrier details

Reason: For the avoidance of doubt as to what has been permitted and in the interests of proper planning.

3. Fire Hydrants

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

Reason: This is a pre-commencement condition in order to ensure adequate mains water services, and in particular fire hydrants, are provided to serve the development.

4. Road signage/markings

No works shall commence until a scheme of detailed road sign/carriageway markings relating to the entrance of the site has been drawing leading to the entrance to the development has been submitted to and approved in writing by the Local Planning Authority. No occupation of the development shall take place until the approved scheme has been installed in full.

Reason: To assist motorists to get in lane and in the interests of highway safety.

5. Tree and landscaping plan

No work shall commence until a detailed tree and landscaping scheme for the site, including details of trees to be retained, trees to be removed and replacement planting, has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be carried out not later than the first available planting and seeding season after completion of development. Any trees or plants whether new or existing which within a period of five years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with

others of similar size and species, or in accordance with details approved by the Local Planning Authority.

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

6. Approved materials

All the external surfaces of the development shall be finished in the materials detailed in the material specification on drawing 14492-116 Rev D- Proposed Elevations. Details of any alternative or additional materials shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the development shall only be carried out in accordance with details approved by this Condition.

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

7. Cycle storage

Notwithstanding the information already submitted, details of the size, type, siting and finish of a cycle storage enclosure for the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The storage approved under this condition shall be installed and made available for use prior to the use of the development and shall be retained at all times for cycle storage only and shall not be used for any other purpose.

Reason: In the interests of the visual appearance of the site and to ensure that secure and weatherproof cycle storage facilities are provided for staff/visitors in accordance with Policy T10 of the Watford District Plan 2000 and Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

8. Surface Water

Prior to commencement of development a surface water drainage/flood mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be completed and maintained in accordance with the approved strategy.

Reason: To ensure that the development does not have detrimental impact on local flooding or safety.

9. Car Parking

Prior to occupation of the new development, the car parking provision shall be installed in accordance with approved drawing 14492-114 Rev J 'Proposed Site Plan' and retained as such unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that sufficient on site parking is provided for employees and visitors in accordance with Policy T22 of the Watford District Plan 2000 Policies T2 and SS1 of the Watford Local Plan Core Strategy 2006-31.

10. No Permitted Development Change of Use

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and any subsequent legislation that amends or supersedes this Order, the floor space hereby approved shall only be used only as a coffee shop/café with eat in and takeaway facilities and for no other purpose , including any other uses within use Classes A1/A3 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To accord with the retail nature of the site and the details of the submitted application.

Informatives

1. The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
2. You are advised that this permission does not dispense with the necessity of obtaining approval or consent under the Building Regulations, Building Acts and other relevant legislation or regulations. You should contact the Building Control Manager of this Authority if you require information.
3. You are advised of the need to comply with the provisions of The Control of Pollution Act 1974, The Health & Safety at Work Act 1974, The Clean Air Act 1993 and The Environmental Protection Act 1990.

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

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

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

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

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

Drawing numbers

14492-11A Location Plan

14492-111 – Existing Overall Site Plan

14492-112 – Existing Site Plan

14492-113G – 'Proposed Overall Site Plan';

14492-114J – 'Proposed Site Plan'; and

14492-115B – 'Proposed GA and Roof Plan'.

14492-116D – 'Proposed Elevations'.

14492-117A Proposed Cycle Details

Drive thru barrier details

Mitsubishi Electric AC Systems, Specification PLA-RP125BA2

Flood Risk Assessment, ref 2775, dated October 2017, prepared by Ambiantal

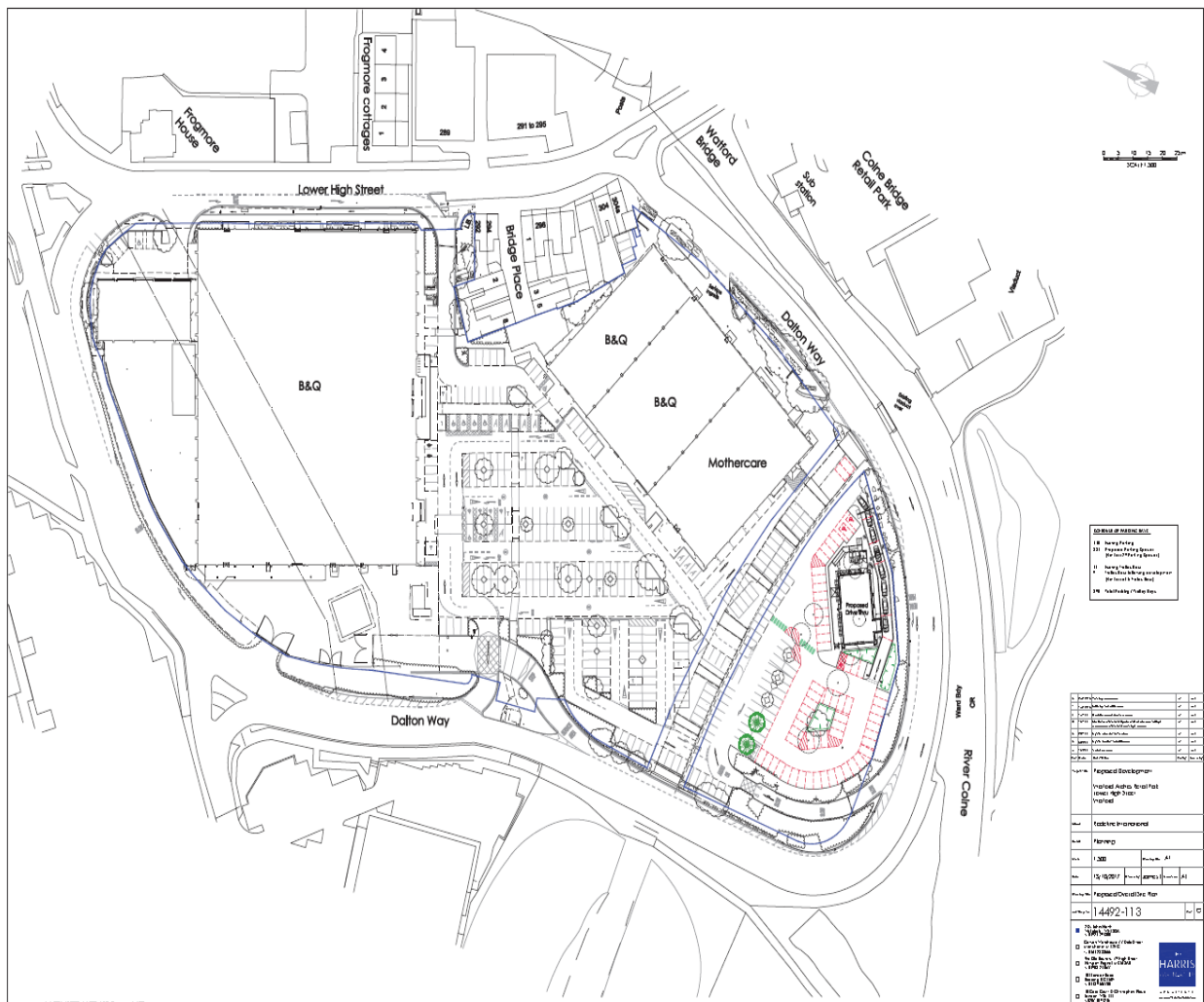
Transport Statement, ref VN70753, dated October 2017, prepared by Vectos

Case Officer: Alice Reade

Email: alice.reade@watford.gov.uk

Tel: 01923 278279

Watford Arches Retail Park 17/01544/FUL



[illegible]

1 - North West Facing Rear Elevation

2 - South West Facing Side Elevation

3 - South East Facing Rear Elevation

4 - North East Facing Side Elevation

Materials and Finishes:

- Roof: 1. Rusted corrugated metal roof profile in one shade gray RFA F04.
- Exterior Wall: 2a. FRC metal facade in a light gray RFA F04. 2b. Aluminum painted metal in one shade gray RFA F04.
- Walls: 3a. Backer white painted brick in RFA F04 white. 3b. Facing section - white. 3c. Natural stone artificial finish cladding.
- Cladding: 4. FRC painted corrugated metal in one shade gray RFA F04.
- Service Door: 5a. FRC metal service door in a medium gray RFA F04 with a white vinyl repair repair in one shade.
- Columns: 6a. Stainless steel round post in RFA F04. 6b. Silver gray.
- Interior Wall: 7. Silver metal plate.
- Roof: 8. 3a. Back zone - subject to exterior application.
- Light fixture: 9. Aluminum metal service door Costa Roof line in a light gray RFA F04.
- Interior Finishes: 10. FRC metal in white and aluminum in RFA F04 in one shade gray RFA F04.
- Vehicle Ramp: 11. Concrete in one shade gray RFA F04.

Site Plan:

Proposed Drive Thru

Key: 1. 100' 200' 300' 400' 500'

North Arrow

Appendix:

Item	Material	Finish	Color
1. Backer	White	Paint	White
2. Facing	White	Paint	White
3. Facing	White	Paint	White
4. Facing	White	Paint	White
5. Facing	White	Paint	White
6. Facing	White	Paint	White
7. Facing	White	Paint	White
8. Facing	White	Paint	White
9. Facing	White	Paint	White
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11. Facing	White	Paint	White

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9. Facing	White	Paint	White
10. Facing	White	Paint	White
11. Facing	White	Paint	White

Agenda Item 6

PART A	
Report of: Head of Development Management	
Date of committee:	13th June 2018
Site address:	Watford Arches Retail Park, Lower High Street
Reference Number:	18/00449/FUL
Description of Development:	Proposed minor physical alterations to reconfigure car park creating five additional spaces.
Applicant:	Redefine Arches Watford Limited
09	09.04.2018
Statutory Target Date	15.06.2018 (Extended by agreement)
Ward:	Central

1.0 Site and surroundings

- 1.1 The application sites are identified as three sections within the Watford Arches Retail Park on Lower High Street.
- 1.2 The retail park contains retail units occupied by B&Q, B&Q Trade and Mothercare. The retail park is located within a ring road of Lower High Street and Dalton Way. The site has two accesses, one from Lower High Street to the east and one from Dalton Way from the south and egress onto Dalton Way to the west.
- 1.3 The sites are located in Flood Zone 3 which has a high risk of fluvial flooding. The site is not located in a designated conservation area. No trees on site are protected by a tree preservation order.
- 1.4 The application states that the retail park currently provides approximately 400 spaces. It is known from application 17/01544/FUL that there are 410 spaces on site however due to trolley parks etc, 374 of these are available for parking.

2.0 Proposed development

- 2.1 The application proposes alterations to the car park layout to include the formation of new hardstanding for car parking spaces to facilitate the creation of a pedestrian link between the northern and southern ends of the retail park (under the viaduct). The works will result in a net increase of 5 car parking spaces.

3.0 Relevant planning history

- 3.1 17/01544/FUL Erection of a new building measuring 205 sq m for coffee shop/cafe use (Use Classes A1/A3) with 'drive thru' lane and associated physical works to site layout. (Amended plans and description) PENDING

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.

- 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 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

22 addresses in the surrounding area were notified of the application including residential and commercial premises at Lower High Street, the retail park and Bridge Place.

5.2 7 objections were received. The points that have been raised are summarised and considered in the table below.

Representations	Officer's response
The period of consultation is rushed.	The statutory 21 days has been provided for the consultations for both applications.
Increased flooding to homes	The site and nearby homes are within flood zone 3 at risk of fluvial flooding from the nearby river. There is no identified surface water drainage risk and the proposed works will not affect the potential river flooding.
The distance of the site to the river should be checked.	This is confirmed as over 20m and consultation with the EA is not required.
Neighbours have not been consulted on the MacDonalds drive thru application. This is being done deceitfully.	Consultation letters were sent to all surrounding addresses on 13 th November 2017 in relation to the application for the coffee shop/café with drive thru (ref 17/01544/FUL). The same addresses were also sent a consultation letter for this application (ref 18/00449/FUL) on 10 th April 2018 in relation to the five car parking spaces. There is no application in relation to a MacDonalds or an A3/A5 use.
Existing pollution, noise and disturbance from the car park and peak time queues of cars accessing car park.	The position of the houses between the road and the car park is noted as is the position of the Bridge Place houses that back onto the eastern access road to the car park. As discussed in the report, it is not considered that the increase of 5 car spaces within the site would have any notable impact on this existing situation.
Objections in relation to the drive thru use.	Not relevant to this application and considered as part of application 17/01544/FUL.

5.3 **Technical consultations**

The following responses have been received from technical consultees:

5.3.1 Hertfordshire County Council (Highway Authority)

Concern that the increased parking provision is contrary to NPPF aims to encourage other transport measures however the provision of on site cycle parking provision would balance this by encourage cycle use.

6.0 **Appraisal**

6.1 **Main issues**

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

- (a) Design and Layout
- (b) Parking and highway impacts
- (c) Flooding
- (d) Impact on neighbouring properties

6.2 (a) Design and Layout

The site is located within the out of town retail park and in the Lower High Street Policy Area as identified in the Watford District Plan 2000 and Special Policy Area 4- (SPA4)- Lower High Street of the Local Plan Core Strategy.

- 6.3 The provision of parking spaces on the site would be fully in keeping with the nature and existing layout of the site. The works would facilitate improvements to the pedestrian linkages between the north and south sides of the retail park, separated by the viaduct. The improved pedestrian linkages within the site are welcomed pursuant to policies SPA4, TLC1 and SS1 of the Local Plan Core Strategy.

6.4 (b) Parking and highway impacts

As referred to in the application cover letter, there is a tandem application relating to the south of the site which proposes a loss of 29 car parking spaces in relation to the coffee shop/ café (A1/A3) unit proposed. This is however an independent application and, if granted, the two permissions could be implemented together or independently and neither development can rely on the other. This application proposes a net increase of 5 car parking spaces on the site and this must be assessed in its own right.

- 6.5 The Watford District Plan 2000 identifies the application sites in the northern section of the retail park as within Zone 2 of the Car and Cycle Parking Zone Map. As set by 'saved' Policy T22 and Appendix 2 of the plan, the maximum parking provision for the retail park, based on the existing retail floor space, would be 267

car parking spaces. The existing car parking provision is already beyond this maximum standard with 374 available spaces and potentially 410 spaces as originally laid out. The net increase of parking spaces would be further contrary to the maximum standards.

6.6 As such, the Highways Authority have identified that there is potential for the increase in car spaces to result in increased car movements to the site. However, this represents a minimal increase from the existing situation (1.3% increase of those available). It is considered that this increase is proportionally very minor and is unlikely to result in a significant impact to the site or surrounding roads.

6.7 Nonetheless, the increase of parking provision beyond the maximum standards is against the NPPF aims of encouraging sustainable transport methods. There is some general benefit as these works facilitate a better pedestrian line within the site. However the highways authority have requested that this impact could be further balanced with the provision of cycle parking on site. It is agreed that this would address any conflict with the NPPF and is recommended to be secured by condition.

6.8 (c) Flooding

The site is within flood zone 3 (3a) indicating that it has a high probability of fluvial flooding from the nearby river. In accordance with the EA standing advice, car parking for retail use is considered to be a use 'less vulnerable'. In accordance with the NPPF Sequential Test: Flood Risk Vulnerability and Flood Zone 'Compatibility Table', this 'less vulnerable' use within flood zone 3a is considered to be a compatible and appropriate development. No exception test is required.

6.9 The River Colne runs to the south of Dalton Way however the developments proposed are not within 20m of this main river. The development is within Flood Zone 3 however as this is not a major development, it is not within 20m of the main river and is not a vulnerable use. In accordance with standing advice and legislation, consultation with the EA is not required.

6.10 The proposed development does not relate to the river and so would not increase the already high risk of fluvial flooding. The increased hard surfacing has the potential to increase surface water however these areas are minimal and are all to remain bordered by soft landscaping areas meaning that water from these new can drain within the site. There is therefore no requirement for any further details in relation to surface water and no material increased risk of surface water flooding.

6.11 (d) Impact to neighbours

The proposed new car parking spaces would be set away from residential properties within the existing car park. The increase of 5 spaces would facilitate

there being further cars parked on site at any time however as this is an increase of 1.3% from the existing available spaces, this would have no notable impact on neighbours.

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.

7.2 The CIL charge applicable to the proposed development is:

Watford Charging Schedule

Type of Development	CIL Rate
Residential	£120 per sqm
Hotel	£120 per sqm
Specialist accommodations for the elderly and/or disabled including Sheltered and Retirement Housing and Nursing homes, Residential Care Homes and Extra Care Accommodation. (This does not include registered, not for profit care homes')(within Use Class C2 and C3).	£120 per sqm
Retail (Class A1 – A5)	£120 per sqm
Retail – Within the Primary Shopping Area (Class A1 – A5)	£55 per sqm
Office	£0 per sqm
Industrial	£0 per sqm
Other uses	£0 per sqm
Major Developed Areas (MDAs)	£0 per sqm

7.3 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.

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

7.5 **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 implementation of the proposed Travel Plan, submission and implementation of a Car Parking Management Plan and a financial contribution towards the long term monitoring of the Plans is sought.

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

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

7.7 No s106 contributions are required to support the development.

8.0 Conclusion

8.1 The development to create a net increase of 5 car parking spaces would be works of a nature, scale and design suited to its context and would indeed facilitate improvement of the pedestrian links within the site. The development would not result in notable harm to residential or commercial neighbours.

8.2 The increase of car parking provision above the maximum standards has the potential to increase traffic movements to the site however this is a minimal 1.3% increase. This impact is also successfully balanced with the provision of cycle storage secured by condition to facilitate other transport methods to the site.

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 conditional planning permission be **granted** subject to the conditions listed below:

Conditions

1. Time Limit

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

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

2. Drawing numbers

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

14492-120 - Location Plan

14492-121 - Existing Site Plan

14492-122 – Proposed Site Plan

Reason: For the avoidance of doubt as to what has been permitted and in the interests of proper planning.

3. Cycle storage

No development shall commence until the details of the type, design and location of staff and visitors' cycle parking, lighting and access lock(s) to the cycle store(s) have been submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be installed in accordance with the approve details and retained as such unless otherwise approved in

writing by the Local Planning Authority.

Reason : To ensure the provision of adequate cycle parking that meets the needs of staff and visitors to the site and in the interests of encouraging the use of sustainable modes of transport.

Informatives

1. The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
2. You are advised that this permission does not dispense with the necessity of obtaining approval or consent under the Building Regulations, Building Acts and other relevant legislation or regulations. You should contact the Building Control Manager of this Authority if you require information.
3. You are advised of the need to comply with the provisions of The Control of Pollution Act 1974, The Health & Safety at Work Act 1974, The Clean Air Act 1993 and The Environmental Protection Act 1990.

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

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

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

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

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

Drawing numbers

14492-120 - Location Plan

14492-121 - Existing Site Plan

14492-122 – Proposed Site Plan

Case Officer: Alice Reade

Email: alice.reade@watford.gov.uk

Tel: 01923 278279

0 12.5 25 37.5 50 62.5m
SCALE 1:1250

KEY

- Ownership Boundary Line
- Application Works Line
(Total Area = 953 sqm)

Project No.	14492-120	Rev	01
Client	Proposed Development	Drawn by	CH/AR
Site	Wofford Archers Retail Park	Checked by	CH/AR
Phase	Planning	Drawn by	CH/AR
Scale	1:1250	Drawn by	CH/AR
Date	21/05/2018	Drawn by	CH/AR
Drawing Title	Location Plan	Drawn by	CH/AR
Location No.	14492-120	Drawn by	CH/AR

☒ E10: Access to site
☒ E11: Access to site
☒ E12: Access to site
☒ E13: Access to site
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Proposed new parking layout

