



**WATFORD  
BOROUGH  
COUNCIL**

# **DEVELOPMENT MANAGEMENT COMMITTEE**

**5 December 2018**

**7.00 pm**

**Town Hall**

## **Contact**

Ishbel Morren

[legalanddemocratic@watford.gov.uk](mailto:legalanddemocratic@watford.gov.uk)

01923 278375

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

**Publication date: 27 November 2018**

# 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 7 November 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 remaining items the committee agrees can be determined without further debate.
  3. Those applications which the committee wishes to discuss in detail.
- 
4. **18/01286/FUL Ellwood Court, Ellwood Gardens (Pages 6 - 21)**  
  
Erection of 2 three-storey infill extensions to provide 9 additional self-contained units
  5. **18/01141/FULH 26, Courtlands Drive (Pages 22 - 31)**  
  
Erection of a single storey detached garden outbuilding (part retrospective) for incidental use to serve a swim spa/pool and sauna
  6. **18/00973/VAR Rembrandt House, Whippendell Road (Pages 32 - 45)**  
  
Variation of Condition 15 of planning permission ref. 14/00992/VAR to amend the landscaping and hardstanding to provide additional car parking on the decked car park

**7. 17/00862/FULM 85 Chalk Hill (Pages 46 - 55)**

Demolition of existing disused bank building and replacement with new residential development which includes 11 new dwellings: 9 x apartments, 1 x duplex apartment, and 1 x 2-storey house – variation of s106 heads of terms

**8. 17/01619/FUL Land Adjacent To 17 - 19 St Johns Road (Pages 56 - 63)**

Erection of 3no, three bedroom townhouses, 1no, one bedroom apartment and 1no, two bedroom apartment

**9. 18/01437/DISCON Land at 64 and 73-77, Clarendon Road (Pages 64 - 70)**

Details pursuant to Condition 4 (bridge design) of planning permission ref. 17/00558/FULM

## **Introduction**

Please note that the officer report is a summary of the issues including representations made and consultation responses. Full details of the applications, plans submitted, supporting information and documents, representations made, consultation responses and correspondence can be found on the council's web based [Public Access system](#) using the application reference or address.

Specific policy considerations for each application are detailed within the individual reports. The background papers and policy framework listed below have been relied upon in the preparation of the reports in this agenda.

## **Background papers**

- The current planning applications under consideration and correspondence related to that application.
- All relevant third party representations and consultation replies received.

## **Policy Framework**

- The Statutory Plans and Supplementary Planning Guidance, together with relevant Government legislation, Circulars, Advice, Orders, Directions and Guidance listed below:

## **Local Planning Documents**

Local Development Documents provide the framework for making planning decisions. These can be found on the Council's [website](#) and include:

- the existing Local Plan which consists of the Core Strategy, saved policies in the Watford District Plan 2000 and Proposals Map); and
- Supplementary Planning Documents.

## **County Planning Documents**

The Hertfordshire Waste Local Plan and Minerals Local Plan prepared by Hertfordshire County Council are material considerations alongside the Watford Local Plan. These documents can be found on the county council's [website](#).

## **National Planning Documents**

Key legislation can be found using this [weblink](#), including:

- Growth and Infrastructure Act (2013)
- Housing and Planning Act (2016)



- Localism Act (2011) and subsequent amendments
- Planning Act (2008) and subsequent amendments
- Planning and Compulsory Planning Act (2004) and subsequent amendments
- Town and Country Planning Act (1990) and subsequent amendments
- Town and Country Planning (Local Planning) (England) Regulations 2012 and subsequent amendments.

National guidance can be found on the government service and information [website](#), including:

- National Planning Policy Framework (revised July 2018) and supporting Technical Guidance
- Planning Practice Guidance (PPG) (web based)
- Planning policy for traveller sites
- Relevant government circulars
- Relevant Ministerial Statements (which will be referred to in the individual reports as necessary)

## **Section 106 Planning obligations and 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 where relevant. Section 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.

## **Human Rights implications**

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

## Agenda Item 4

Committee date	5 <sup>th</sup> December 2018
Application reference	18/01286/FUL
Site address	Ellwood Court, Ellwood Gardens
Proposal	Erection of 2 three-storey infill extensions to provide 9 additional self-contained units. Provision of additional car parking spaces to the rear, together with associated cycle storage, refuse and recycling facilities and hard and soft landscaping
Applicant	Fodbury Properties Limited
Agent	Urban Planning Practice
Type of Application	Full planning application
Reason for Committee Item	Number of objections
Target decision date	4 <sup>th</sup> December 2018
Statutory publicity	None required
Case officer	Paul Baxter <a href="mailto:paul.baxter@watford.gov.uk">paul.baxter@watford.gov.uk</a>
Ward	Stanborough

### 1. Recommendation

**Approve** subject to conditions as set out in section 8 of this report.

### 2. Site and surroundings

- 2.1 The application site is situated at the end of the Ellwood Gardens cul-de-sac and comprises a large, rectangular site of 0.65 hectare. It comprises 18 flats arranged as 3 no. 3 storey blocks (each with 6 flats) arranged in a U-shape facing Ellwood Gardens. Vehicular access either side of the central block gives access to rear garages and parking spaces along the rear boundary of the site. The site is not within a conservation area and contains no listed or locally listed buildings. A belt of trees running across the site to the rear of the central block, a group of trees on the northern boundary and various individual trees within the site are protected by Tree Preservation Order No.66.
- 2.2 Ellwood Gardens is characterised by 2 storey, semi-detached houses. The surrounding area is characterised by detached and semi-detached housing.
- 2.3 Further information, including the site plan and drawings, is available in the appendices to the report and on the Council's [website](#).

### 3. Summary of the proposal

### **3.1 Proposal**

To erect 2 no. three-storey blocks in-between the existing blocks, effectively 'infilling' the corners of the U-shaped arrangement of the existing blocks. Each will include an archway at ground level to allow car access to the rear. The northern of the 2 blocks will also include a ground level services unit including a cycle store and a bin store to serve the existing flats and the proposed flats (27 in total). The proposal will provide 9 additional flats (4 no. 1 bed and 5 no. 2 bed). To the rear, a grassed area will be utilised to provide 36 new car parking spaces for the existing and proposed flats.

### **3.3 Conclusion**

The proposed infill extensions are acceptable in their scale and design and will blend comfortably with the 3 existing blocks. The proposed 9 additional flats will all provide a good level of accommodation for future occupiers. The level of car parking provision for the existing and proposed flats is also acceptable. Although some works to protected trees will be required, principally cutting back of branches, all trees will be retained and appropriate tree protection measures are proposed. The proposal is therefore recommended for approval.

## **4. Relevant policies**

Members should refer to the background papers attached to the agenda. These highlight the policy framework under which this application is determined. Specific policy considerations with regard to this particular application are detailed in section 6 below.

## **5. Relevant site history/background information**

### **5.1 The existing blocks of flats and garages were granted planning permission in 1959 (59/21615/FUL).**

79/00539/OUT - Erection of 16 flats, garages and additional facilities. (Outline Application). Refused 19.12.1979.

86/00270/OUT - Erection of 18 flats and additional car parking provision. Outline Application. Refused 30.07.1986.

89/00624/FUL - Demolition of existing garages and bin stores and erection of 8 semi-detached houses and 2 bin stores with additional and re-arranged parking. Refused 27.07.1990. Dismissed on appeal 30.07.1991.

90/00574/OUT - Outline application for the erection of 2 No. 3-storey extensions between the existing blocks of flats to provide 10 No. 2-bedroom flats. Refused 04.04.1991. Dismissed on appeal 30.07.1991.

The application under ref. 90/00574/OUT was similar to the current application in that it proposed 2 no. infill extensions between the existing blocks, albeit they comprised 10 no. 2 bed flats and projected 3m from the existing rear facades. This proposal was dismissed at appeal for several reasons by the Inspector:

- i) The proposed extensions would transform the existing blocks of flats into one monolithic structure enclosing the courtyard and creating a somewhat oppressive ambience.
- ii) The inward facing windows of the south-westerly extension would often be overshadowed by the southern block of existing flats.
- iii) The diagonal proximity between the inward facing windows of the proposed and existing flats would seriously impinge upon the privacy of all concerned. Bedroom and living room windows in the proposed flats would be close to diner and kitchen windows at existing dwellings. The angle of vision across the corner of adjoining facades would allow an unacceptable level of mutual surveillance.
- iv) It would be necessary to lop or prune trees to accommodate the proposed extensions; in at least one case the removal of a substantial limb of a protected tree would be required. I consider that it would inevitably cause some damage, particularly to the shape and appearance of the tree.

## **6. Main considerations**

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

- (a) Principle of development.
- (b) Scale and design.
- (c) Quality of residential accommodation.
- (d) Impact on existing flats in Ellwood Court.
- (e) Impact on surrounding properties.
- (f) Access, parking and servicing.
- (g) Trees.

6.2 (a) Principle of development

The site comprises existing residential development in a predominantly residential area. There is no objection in principle to the provision of additional residential dwellings on this site.

6.3 (b) Scale and design

The proposed infill extensions have been designed to match the scale, design and materials of the 3 existing blocks. They incorporate pitched roofs that match the pitch and ridge height of the roofs on the existing blocks. Although the existing blocks are finished in a dark red brick, each incorporates a central projecting feature element, incorporating the main entrances, in a buff brick. The proposed infill extensions are to be finished in a similar buff brick. This will allow the 3 original blocks to still be read as such, complemented by the infill extensions. Subject to the approval of final materials, this is an acceptable approach.

6.4 In the 1991 appeal decision, the Inspector considered that the proposed infill extensions would create a “monolithic structure...creating a somewhat oppressive ambience”. It is felt this is a rather harsh assessment as perimeter block courtyard developments are a very common building typology. In this case, the extended building will still be fully open facing Ellwood Gardens and, given the 3 storey scale, is not considered to be unduly oppressive.

6.5 (c) Quality of residential accommodation

All of the proposed flats meet the nationally described space standards for 1 bedroom and 2 bedroom dwellings respectively. All of the flats are dual aspect and all habitable room windows will have good levels of outlook, natural light and privacy. In the 1991 appeal decision, the Inspector was concerned that the inward facing windows of the south-westerly extension would be overshadowed by the existing block. Whilst this is true to an extent, these windows would still receive direct sunlight for part of the day as they face south-east and will receive sunlight in the morning.

6.6 The site is well served with large communal amenity areas. Although the area to the rear of the site is to be lost to provide the new car parking area, the 2 areas to the rear of the northern and southern blocks will remain. These have a combined area in excess of 1600m<sup>2</sup>, well in excess of the 425m minimum requirement for 27 flats in the Residential Design Guide.

6.7 (d) Impact on existing flats in Ellwood Court

The map below shows the location of the existing flats at the site.



All flats are dual aspect. The proposed infill extensions will adjoin nos. 30/32/34 and nos. 31/33/35 respectively to the side only and will have no impact on outlook, light or privacy to these flats.

- 6.8 The proposed infill extensions will also adjoin the side elevations of nos. 25/27/29 and nos. 36/38/40 respectively but will also project beyond the front elevations of these flats by 8.1m, where they adjoin the central block. In the case of these flats, the windows in the rear elevations will be unaffected. In respect of the windows in the front elevations, each flat contains 3 windows. The nearest windows to the proposed extensions in respect of each flat are sited 2.3m (to the edge) and 3.16m (to the centre point) from the extensions. The second windows are sited 5.18m (edge) and 6.0m (centre) from the proposed extensions and the third windows are sited 8.0m (edge) and 8.6m (centre) away.
- 6.9 The proposed extensions will be visible from all of these front windows to a greater or lesser degree, at increasingly oblique angles. Given the distances of the windows from the proposed extensions, only the windows nearest to the proposed extensions are likely to be affected. In respect of outlook and daylight, a 45° line taken from the mid-point of these windows will be clearly breached by the proposed extensions. As such, the outlook from these windows and the daylight received will be significantly different to the existing situation. This impact will be greatest for the ground and first floor windows but less so for the second floor windows as they will be at the same level as the highest storey of the extensions. As such, 4 windows (1 each for the 2 ground floor flats and 1 each for the 2 first floor flats respectively) will be affected in respect of outlook and daylight.

- 6.10 In mitigation of these impacts, all of the flats are dual aspect and the affected windows comprise only 1 of the 6 windows serving each flat (3 on the front and 3 on the rear). Whilst the proposed extensions will result in a significant change in amenity to these 4 specific windows, it is not considered that the change would be so significant as to harm the overall quality of amenity and accommodation of these flats.
- 6.11 In respect of privacy, overlooking of the existing windows from the proposed windows would only be at oblique angles as the proposed windows are sited at right-angles to the existing windows. In the 1991 appeal decision, the Inspector considered “The diagonal proximity between the inward facing windows of the proposed and existing flats would seriously impinge upon the privacy of all concerned. Bedroom and living room windows in the proposed flats would be close to diner and kitchen windows at existing dwellings. The angle of vision across the corner of adjoining facades would allow an unacceptable level of mutual surveillance”. In the current proposal, the proposed flats have been designed to ensure the nearest windows to the existing flats are to bathrooms and the second windows to kitchens, with 600mm deep units in front of the windows. This will effectively prevent any direct overlooking of the windows of the existing flats. As such, any overlooking will be very limited and would not result in any significant loss of privacy.
- 6.12 (e) Impact on surrounding properties  
The proposed infill extensions are sited 22-32m from the site boundaries and 39-45m from the nearest residential properties adjoining the site. As such, the proposal will have no impact on surrounding properties.
- 6.13 (f) Access, parking and servicing  
Access and servicing from Ellwood Gardens will remain unchanged. The proposed archways leading through to the rear parking will be 2.17m high. This will prevent fire engines and ambulances accessing the rear of the site. However, all of the pedestrian entrances to the flats are sited on the front of the blocks and all of the flats are dual aspect. They will, therefore, all be accessible to the emergency services without the need to pass through the archways. In respect of commercial vehicles, the archways are sufficient in height to allow small and medium sized vans to enter (with standard vehicle heights of up to 2.02m).
- 6.14 At present the site contains 2 blocks of 9 lock-up garages, one in the northern corner and one in the western corner of the site, accessed either side of the central block respectively. These appear to be let out privately by the freeholder (notices are attached to the garages giving details on how to rent

them) and do not appear to belong to the existing flats. The residents appear to park informally around the site. The proposal involves the creation of 36 new parking spaces to the rear of the site, utilising a grassed amenity area between the garages. The loss of this area will not have a harmful impact on the existing (or future) residents (see paragraph 6.4 above). The provision of 36 spaces for 27 flats equates to 1.3 spaces per flat, which is within the adopted maximum standards in the Watford District Plan. This will also provide a significant increase in on-site parking for existing and future residents. Several objectors have commented on the lack of parking for existing residents and the need to park in Ellwood Gardens.

- 6.15 The existing flats have no cycle parking facilities. As part of the proposal, a secure, internal cycle store is to be provided at ground floor level in the northern extension. This is sufficient to provide cycle parking for the existing and proposed flats.
- 6.16 The existing blocks each have an external bin store, enclosed by timber fencing, at the side of each block. These will be lost to accommodate the proposed extensions. As part of the proposal, a secure, internal bin store is to be provided at ground floor level in the northern extension, adjoining the cycle store. This is sufficient to provide bin storage for the existing and proposed flats. This provision will provide a better solution to the existing, unsightly external bin stores.
- 6.17 (g) Trees  
An arboricultural impact assessment has been submitted with the application. This demonstrates that no protected trees will need to be removed to facilitate the proposal. Some trees will need to have branches cut back to provide clearance to the extensions but this will not affect their long term retention. In the 1991 appeal decision, the Inspector considered the works required to one tree in particular would have an adverse impact on its shape and appearance. However, the belt of trees across the centre of the site is substantial and the works necessary to the protected trees would not impact significantly on the overall visual appearance of the belt of trees or on the sylvan character of the site.
- 6.18 No-dig foundations are also proposed for some of the new car parking spaces where these encroach into the root protection zones of the trees. These tree protection measures can be secured by condition.

## **7. Consultation responses received**

### **7.1 Statutory consultees and other organisations**



None required.

## 7.2 Internal Consultees

### *Waste and recycling*

No objections to the proposed bin storage arrangement.

### *Arboricultural Officer*

No objections subject to the tree protection measures being secured.

## 7.3 Representations received from interested parties

Letters were sent to 70 properties in Ellwood Court, Ellwood Gardens and the surrounding area. Responses have been received from 27 properties, all objecting to the proposal or raising concerns about aspects of the proposal. The main comments are summarised below, the full letters are available to view online:

Representations	Officer's response
<b>From Ellwood Court residents</b>	
Disruption from construction noise.	This is not a planning matter.
Lack of access to parking at rear during construction.	This is not a planning matter.
Proposed archways will restrict access for fire engines, commercial vans, etc.	All flats can be accessed from the front of the site in the event of a fire. All the pedestrian entrances are on the front of the blocks and all the flats are dual aspect. The archways have a height of 2.17m, suitable for small commercial vans.
Single communal bin store will inconvenience Flats 24-29 with a longer walk.	All existing occupiers have to walk outside to access the existing external bin stores to the sides of the existing blocks. This will not change.
Noise, disturbance and smells from bin store.	The bin store is enclosed within one of the extensions and will be less likely to give rise to noise or disturbance than the existing external, uncovered stores. Ventilation can be provided to disperse any potential smells.
12 flats will now have shared party walls.	This is a private matter and is covered by the Party Wall Act.

Overlooking of existing flats from proposed flats. Loss of privacy.	See paragraphs 6.7-6.11 above.
Loss of light to existing flats.	See paragraphs 6.7-6.11 above.
Inadequate parking provision.	The number of proposed spaces has been increased from 23 (as submitted) to 36.
Impact on wildlife within the site.	Whilst some of the trees closest to the proposed extensions will need to have their branches cut back, all the protected trees will be retained. The belt of protected trees will also be protected by tree protection hoardings to prevent access. The proposed works will not therefore give rise to any significant impacts on wildlife using the site.
Impact of lighting in the car parking area.	A lighting scheme can be secured by condition.
<b>From surrounding residents</b>	
Increase in noise pollution from residents and vehicles.	The additional traffic movements arising from the proposed 9 additional flats will not be significant in the context of the surrounding roads.
More traffic, congestion and parking.	The additional traffic movements arising from the proposed 9 additional flats will not be significant in the context of the surrounding roads. Increased parking provision is provided as part of the proposal which will help address existing parking problems on Ellwood Gardens.
Loss of privacy.	The proposed extensions will not give rise to a loss of privacy to surrounding properties (see paragraph 6.12 above).
Noise from additional parking along rear boundary.	The new parking area will abut the rear garden boundaries of houses in Briar Road, with gardens 11-12m deep. Given that the parking is only for the use of residents of Ellwood Court, the low number of vehicle movements would not give rise to any significant noise and disturbance to these occupiers.
Capacity of sewers in Ellwood Gardens.	This is not a planning matter.
Impact on local services and facilities.	It is not considered that 9 additional flats will have any adverse impact on local services and facilities.

Impact of construction traffic on Ellwood Gardens.	This is not a planning matter.
Impact of lighting in the car parking area.	A lighting scheme can be secured by condition.

## 8. Recommendation

That planning permission be granted subject to the following conditions:

### Conditions

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

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

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

U-PP-LP001, LP002, LP003, BP001, BP002  
U-PP-PP001, PP002, PP003, PP004, PP005  
U-PP-PE001, PE002, PE003, PE004  
U-PP-PS001

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

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

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

4. No development on site shall commence until the tree protection measures (including ground protection) relating to the protected trees

located within the site, as detailed in the Arboricultural Impact Assessment and Method Statement by Trevor Heaps, Arboricultural Consultancy dated 18th October 2018 (Ref. TH 1669 B) have been implemented in full. The approved measures shall be maintained as such at all times whilst the construction works take place. The construction works shall only be carried out in accordance with the recommendations of this report.

Reason: To ensure the existing trees which make a positive contribution to the visual amenity of the area are retained and not harmed by the development in accordance with saved Policy SE37 of the Watford District Plan 2000. This is a pre-commencement condition as the tree protection measures must be in place before the development is constructed.

5. No dwelling hereby approved shall be occupied until the refuse, recycling and cycle storage facilities have been provided in full, in accordance with the approved drawings. These facilities shall be retained at all times thereafter and shall be used for no other purpose.

Reason: In the interests of the visual appearance of the site and to ensure adequate facilities are provided for the occupiers of the site.

6. No dwelling hereby approved shall be occupied until a minimum of 27 and a maximum of 36 car parking spaces have been provided in full, in accordance with the approved drawings. These parking spaces shall be retained at all times thereafter and shall only be used for the parking of cars of occupiers and visitors to the site.

Reason: In the interests of the visual appearance of the site and to ensure adequate parking facilities are provided for the occupiers of the site and their visitors.

7. No external lighting shall be installed within the parking areas until a detailed lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be designed to minimise light pollution and glare to the existing and proposed flats. The scheme shall only be installed in accordance with the approved details.

Reason: To prevent light pollution within the site and to existing and proposed occupiers of the flats.

## **Informatives**

1. IN907 Consideration of the proposal in a positive and proactive manner.
2. IN910 Building Regulations.
3. IN911 Party Wall Act.
4. IN912 Hours of construction.
5. IN913 CIL Liability.
6. IN909 Street naming and numbering.

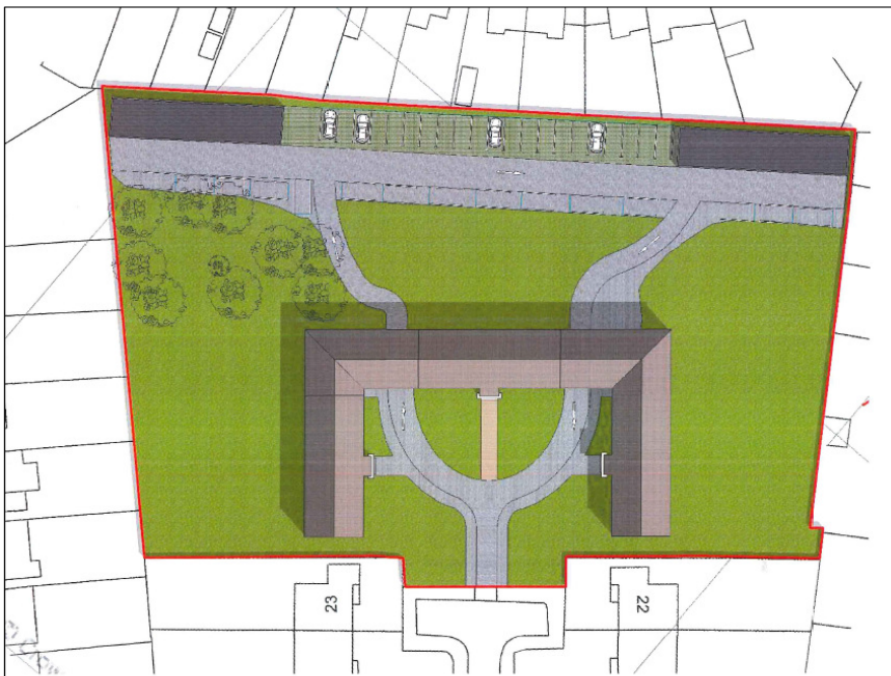
Site Location Plan



Aerial view

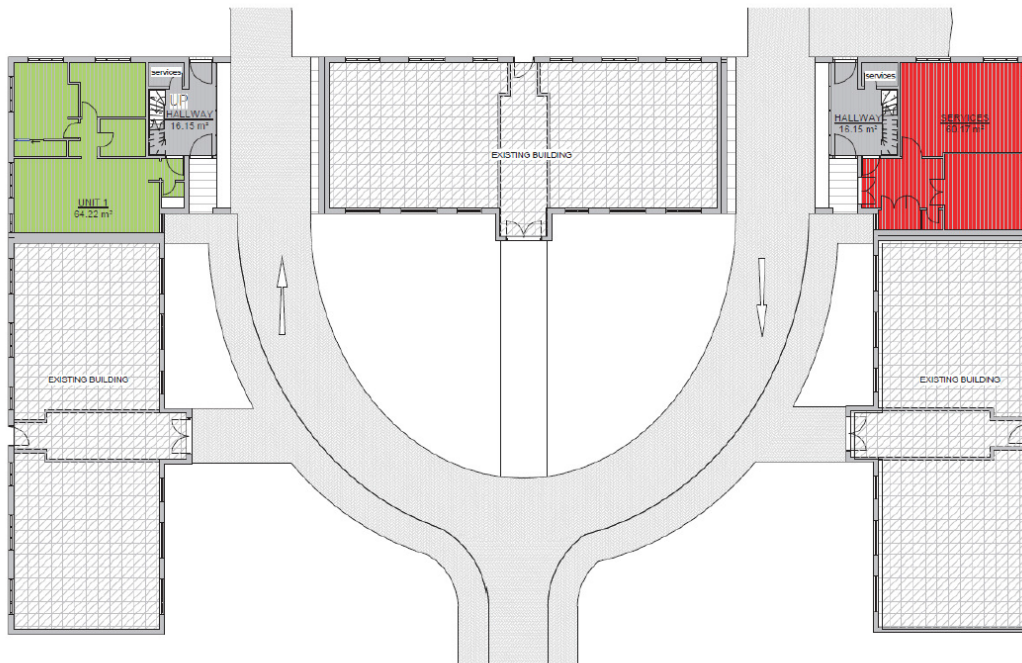


Site layout plan



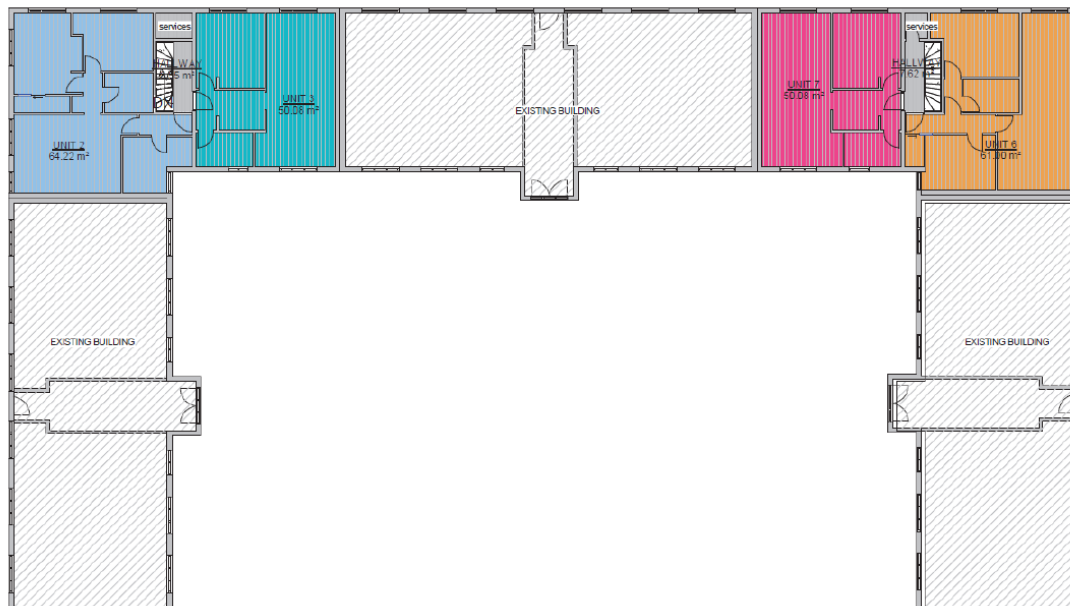


## Ground floor plan



Ground floor plan

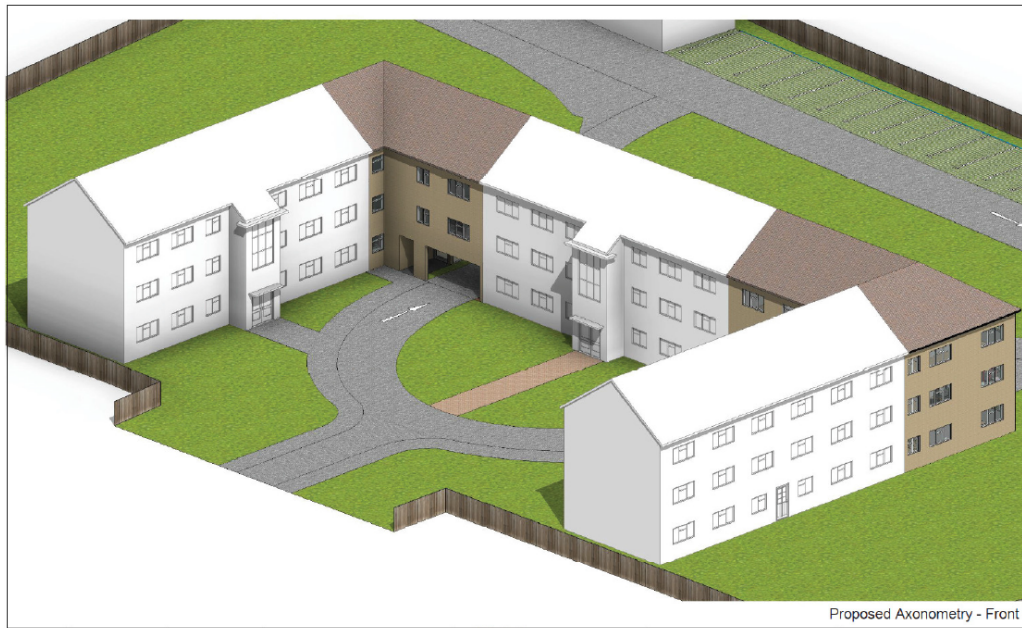
## Upper floor plans



Upper floor plans



Visualisation front



Visualisation rear



## Agenda Item 5

Committee date	5 <sup>th</sup> December 2018
Application reference	18/01141/FULH
Site address	26, Courtlands Drive
Proposal	Erection of a single storey detached garden outbuilding (part retrospective) for incidental use to serve a swim spa/pool and sauna with ancillary WC, shower and changing facilities.
Applicant	Mr Steve Peters
Agent	Mr Mark Olding
Type of Application	Full planning application
Reason for Committee Item	Number of objections
Target decision date	1 <sup>st</sup> November 2018
Statutory publicity	None required
Case officer	Paul Baxter <a href="mailto:paul.baxter@watford.gov.uk">paul.baxter@watford.gov.uk</a>
Ward	Nascot

### 1. Recommendation

**Approve** subject to the completion of a s.106 unilateral undertaking to control the use of the building and conditions as set out in section 8 of this report.

### 2. Site and surroundings

2.1 The application property comprises a two storey, semi-detached property constructed in the 1930's and located on the south-east side of Courtlands Drive a short distance to the north of the junction with The Ridgeway. It is sited within a large plot which has recently been extended through the acquisition of part of a neighbouring garden. The surrounding area is characterised by large detached houses within spacious plots.

2.2 Further information, including the site plan and drawings, is available in the appendices to the report and on the Council's [website](#).

### 3. Summary of the proposal

#### 3.1 Proposal

Full planning permission is sought for the retention of a substantially complete single storey detached out house for incidental use to the main dwelling as a swim spa/pool and sauna with ancillary WC, shower and changing facilities. The building has a rectangular footprint measuring 12m by 6m, with a pitched, tiled roof and an eaves height of 2.5m and a ridge height of 4m. It has an

internal floorarea of 61m<sup>2</sup>. The building is to have a brick finish and tiled roof to match the main house with all windows stated to be obscure glazed.

### **3.2 Conclusion**

The building is sited to the rear of a large garden area and is set in 2m from each boundary. Although large for an outbuilding, it sits comfortably within this large plot and will not have any adverse impact on surrounding properties. Subject to the completion of a s.106 unilateral undertaking to ensure the building is not used for habitable accommodation, the application is recommended for approval.

## **4. Relevant policies**

Members should refer to the background papers attached to the agenda. These highlight the policy framework under which this application is determined. Specific policy considerations with regard to this particular application are detailed in section 6 below.

## **5. Relevant site history/background information**

5.1 06/00799/FUL - Erection of a two storey front extension and a rear conservatory – Conditional planning permission granted 16/08/2006.

07/01186/FUL - Erection of a two storey front extension and a rear conservatory – Conditional planning permission granted 30/10/2017.

08/00299/FUL - Erection of a first floor rear extension and revised conservatory – Conditional planning permission granted 23/04/2008.

16/01554/FULH - Erection of first floor rear extensions to numbers 26 and 28 Courtlands Drive – Conditional planning permission granted 04/01/2017.

18/00369/FULH – Erection of a single storey detached outbuilding – Planning permission refused 11.06.2018.

18/00661/LDC – Lawful development certificate for a single storey detached garden outbuilding for incidental use. Refused 19.07.2018.

## **6. Main considerations**

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

- (a) Principle and use of development.
- (b) Scale and design.

(c) Impact on surrounding properties.

6.2 (a) Principle of development

The principle of a detached outbuilding within the garden area is acceptable in principle. The reason for the previous applications for planning permission and a lawful development certificate being refused related to the size of the building, the facilities proposed and the opportunity for such a large building to be used for habitable accommodation. It is imperative that all outbuildings are used only for purposes incidental to the use of the main dwelling.

6.3 The previous application for planning permission (18/00369/FULH) showed the building to be used as a gym/home office, sauna, relaxation room and shower room, and was refused for the following reason:

*The proposed out house, with its own shower room/WC and relaxation room, would have the layout and facilities of a self-contained dwelling and would not constitute an ancillary outbuilding. The proposed outbuilding cannot therefore be considered to be for the sole use and enjoyment of the dwelling and is not acceptable in accordance with Section 8.16 of the Residential Design Guide 2016. The provision of a building capable of independent use in this location would constitute unsuitable habitable space, it would be detrimental to the amenities of the dwelling and neighbouring properties and would be detrimental to the area contrary to policies UD1 and SS1 of the Watford Local Plan Part 1 - Core Strategy.*

6.4 The subsequent application for a lawful development certificate showed the building to be used as a swim/spa with seating area and storage and a changing room/shower (identical to the current application), and was refused consent for the following reason:

*A building of this size and described use, with WC facilities, does not constitute an ancillary outbuilding or one that is incidental to the use of the dwellinghouse. The proposed outbuilding would be a large, self-contained detached building with its own WC/Shower and large seating and storage area. As such, the proposed outbuilding would be of a design, size and layout capable of being used as a self-contained dwelling in its own right. The proposed development cannot therefore be considered compliant with regulation E(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (Schedule 2, Part 1) which states that it must be 'incidental to the enjoyment of the dwellinghouse'. For these reasons the proposed outbuilding cannot be regarded as Permitted Development.*

- 6.5 The Council has taken enforcement action in recent years against a number of outbuildings being used unlawfully as residential accommodation. It has also refused to grant lawful development certificates for large outbuildings where it has not been satisfied that the proposed out building would be used for ancillary or incidental purposes. In a recent appeal decision at 282 Cassiobury Drive, the Inspector dismissed an appeal against the Council's refusal to grant a lawful development certificate for an outbuilding measuring 12m by 4.6m. The proposed use of the building was described as a gym, garage/garden machine store, store room and w/c. In dismissing the appeal the Inspector stated:

*It is for an appellant to show that a building of a proposed size is reasonably required, and that it would be designed with incidental uses in mind, having regard to all the circumstances. The uses put forward in this case as those for which the building is required would not normally necessitate a building of this considerable size. It is not clear to me therefore why such a large building is required. I conclude, on balance, that the appellant has not demonstrated that the proposed building is genuinely required for purposes incidental to the enjoyment of the dwellinghouse as such.*

- 6.6 The building remains large and is of a floor area that could facilitate the use as habitable accommodation and even a self-contained dwelling in the future. The applicant has specifically stated that the proposed use is for a swim/spa pool and has submitted manufacturer's details, however, this could be changed at any time in the future. The only way of ensuring the outbuilding is not used as a dwelling or for habitable accommodation is by means of a s.106 unilateral undertaking to prohibit such use. This would be directly enforceable in the courts without the need for enforcement action and would also show up on searches should the property be sold in the future. The applicant has agreed to complete such an undertaking and this is considered to be sufficient to overcome the previous reason for refusal.

- 6.7 (b) Scale and design

The scale and design of the outbuilding is large, with a footprint of 72m<sup>2</sup>. However, it is sited to the rear of a large garden, of 640m<sup>2</sup>, and is 30m from the existing house. It is also sited 2.2-2.8m from the respective side and rear garden boundaries at its closest points. Other properties do have substantial garden buildings (the adjoining property has an outbuilding measuring 6m by 6m) and although this will be the largest outbuilding in the surrounding area, it will not appear unduly prominent due to the large garden within which it sits and the spacious nature of the surrounding plots. The surrounding gardens also contain various mature trees and vegetation. As such, the proposed building will have no adverse impacts on the character and

appearance of the area.

**6.8 (d) Impact on surrounding properties**

The nearest adjoining property is 2, The Orchard which backs on to the rear part of the garden where the outbuilding is sited. Whilst the building will be clearly visible from this property, particularly the upper floor windows, it will not give rise to any loss of outlook, light or privacy to this property. The other surrounding houses are sited 23-35m away.

**7. Consultation responses received**

**7.1 Statutory consultees and other organisations**

None required.

**7.2 Internal Consultees**

None required.

**7.3 Representations received from interested parties**

Letters were sent to 19 properties in the surrounding area. Responses have been received from 6 properties, all objecting to the proposal. The comments are summarised below:

Representations	Officer's response
Loss of a tree protected by a Tree Preservation Order.	If there is evidence to demonstrate that there has been a breach of the Tree Preservation Order separate legal proceedings would need to be pursued.
Area is already densely built up and this large scale building will have a negative impact.	Whilst the outbuilding is large, it sits within a large plot. The surrounding properties all comprise spacious plots.
Building still appears to be designed with the purpose of or ability to be used as a dwelling.	This is discussed in paragraphs 6.2-6.6 of the report.
No access for emergency services.	This is not considered relevant providing the building is not used as a dwelling.
Noise disturbance if used for recreational activities.	Any ancillary building has the potential to cause noise nuisance if used inappropriately. This would be a matter for Environmental Health.
The building has largely been	The purpose of this application is to

completed without planning permission.	regularise the current situation and the future use of the building.
No parking provision.	No parking is required providing the building is used for ancillary purposes.

## 8. Recommendations

- A) That planning permission be granted, subject to the completion of a s.106 unilateral undertaking by 14<sup>th</sup> December 2018, to prevent the use of the outbuilding as habitable accommodation or as a single dwelling and the following conditions:

### Conditions

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

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

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

Site location plan  
CD-01A

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

3. The external walls and roof of the building shall be finished in materials to match the colour and appearance of the existing house, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the character and appearance of the area.

### Informatives

1. Consideration of the proposal in a positive and proactive manner.
2. Building Regulations.
3. Hours of construction.

- B) That, in the event a s.106 unilateral undertaking is not completed by 14<sup>th</sup> December 2018, the application shall be refused for the following reason:
1. The proposed building, by reason of its scale and design, would not in itself be incidental to the use of the main dwelling house. The building as proposed, served by domestic utilities, would be capable of use as habitable accommodation or as a self-contained dwelling. Such a use in this location would not provide acceptable living conditions for future occupiers and would be detrimental to the amenities of neighbouring properties, contrary to policies UD1 and SS1 of the Watford Local Plan Core Strategy 2006-31 and paragraph 8.16 of the Residential Design Guide.



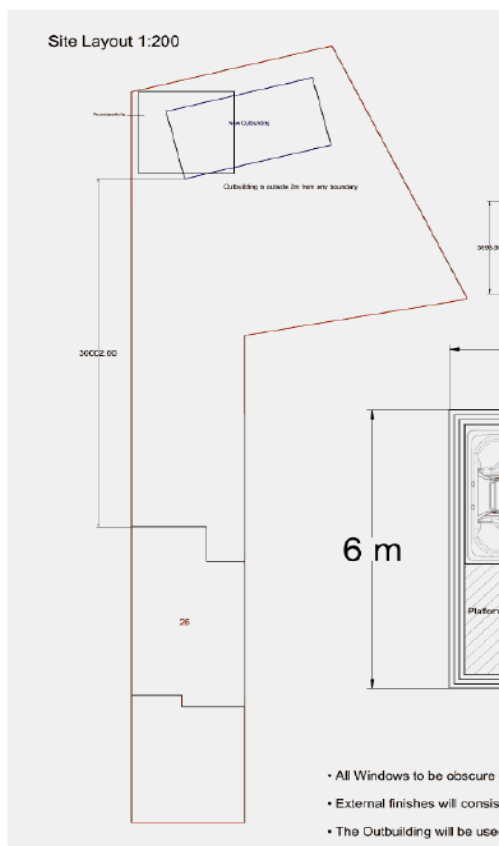
Site Location Plan



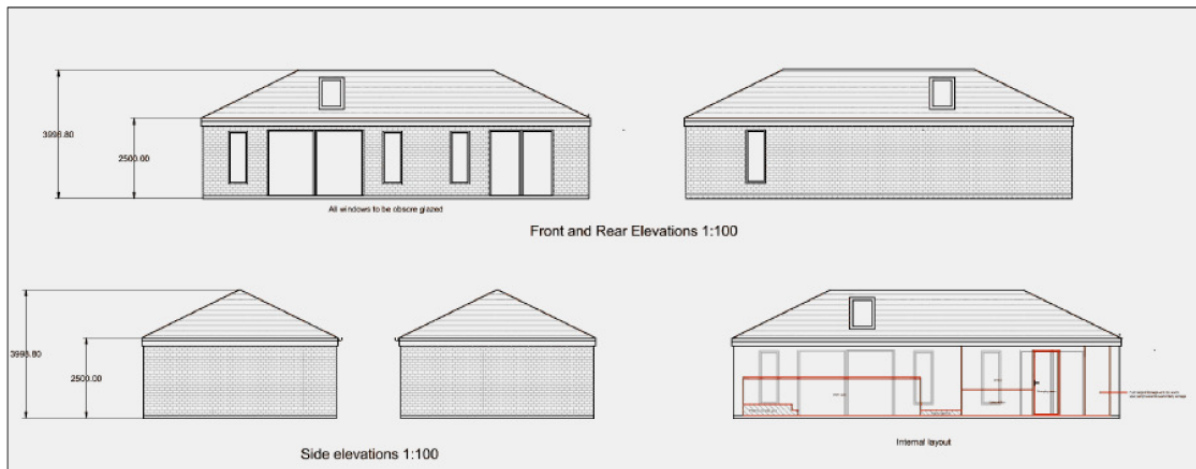
Aerial view



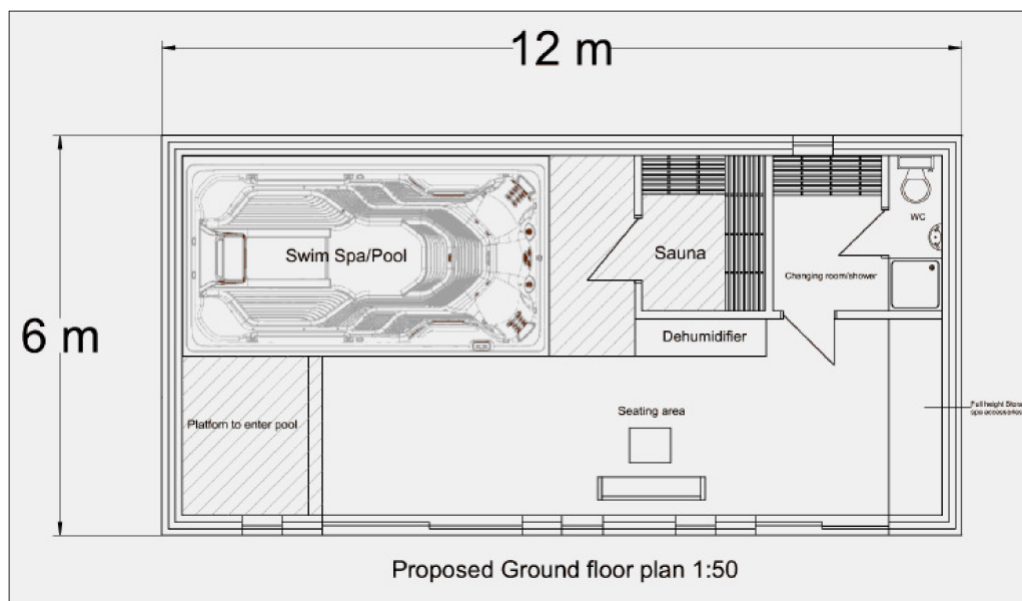
Site layout plan



## Building elevations



## Floor plan



## Agenda Item 6

Committee date	5 <sup>th</sup> December 2018
Application reference	18/00973/VAR
Site address	Rembrandt House, Whippendell Road
Proposal	Variation of Condition 15 of planning permission ref. 14/00992/VAR to amend the landscaping and hardstanding at the above development to provide additional car parking on the decked car park for the use of residents of the development
Applicant	Shanly Homes Limited
Agent	n/a
Type of Application	Variation of Condition (s.73)
Reason for Committee Item	Number of objections
Target decision date	8 <sup>th</sup> November 2018
Statutory publicity	n/a
Case officer	Paul Baxter <a href="mailto:paul.baxter@watford.gov.uk">paul.baxter@watford.gov.uk</a>
Ward	Holywell

### 1. Recommendation

**Approve** subject to conditions as set out in section 8 of this report.

### 2. Site and surroundings

- 2.1 The site is located on the northern side of Whippendell Road between the junctions with Hagden Lane and King George's Avenue. It has recently been developed for 107 residential houses and flats by the applicant. Construction works are now complete.
- 2.2 Further information, including the site plan and drawings, is available in the appendices to the report and on the council's [website](#).

### 3. Summary of the proposal

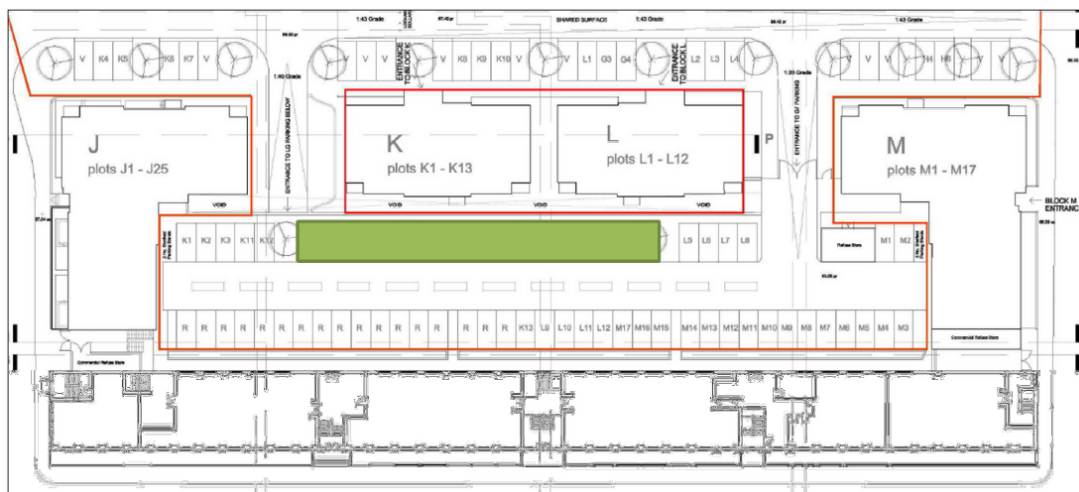
#### 3.1 Proposal

To vary the approved layout for the decked car park by reducing the area of soft landscaping and increasing the number of parking spaces for the use of residents.

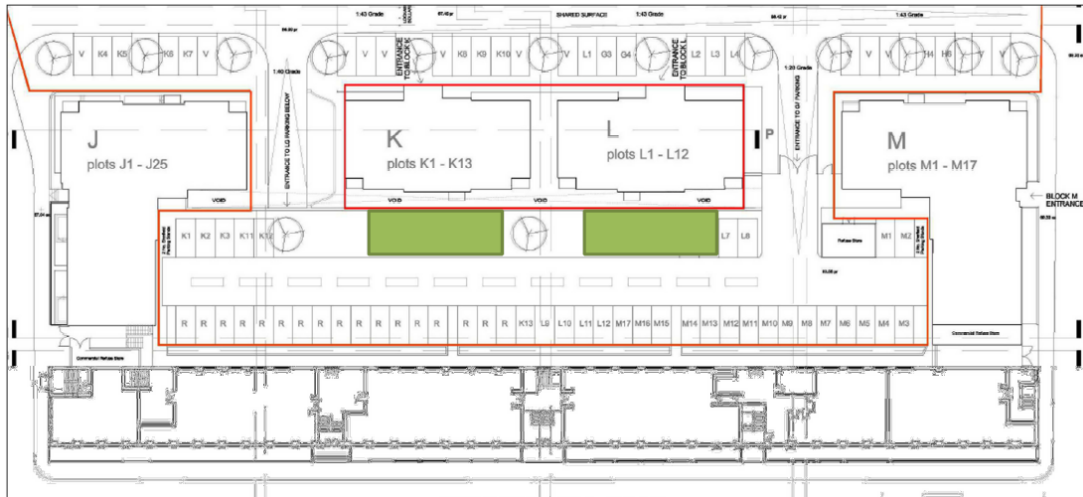
- 3.2 The approved scheme incorporated a decked car park with parking on the lower level for the retained Rembrandt House building and parking on the upper deck for the occupiers of the proposed blocks of flats. However,

although 45 parking spaces were provided, a significant area of soft landscaping was also incorporated along the northern side, immediately to the rear of Blocks K and L. The number of spaces was subsequently increased to 50 under ref. 14/00992/FULM. A soft landscaping scheme was approved in November 2014 under ref. 14/00867/DISCON.

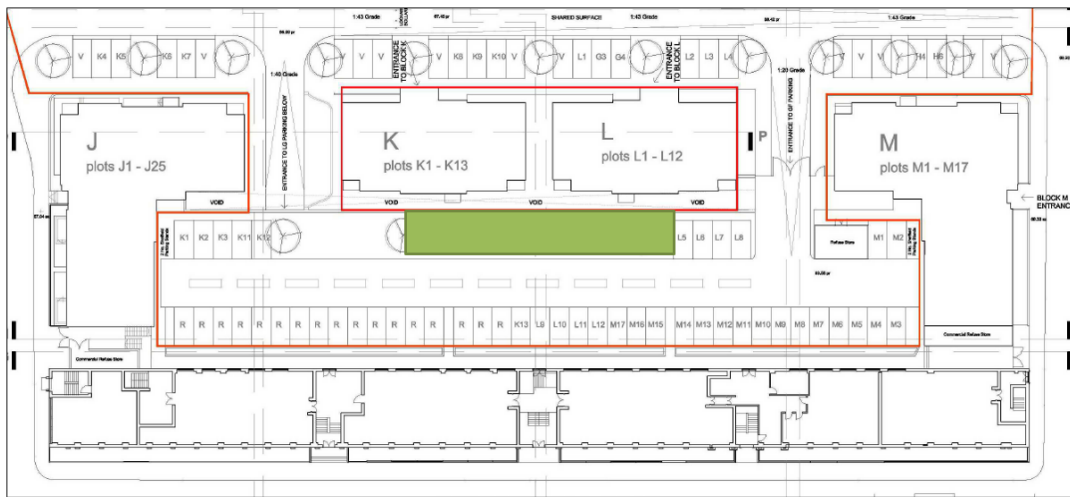
- 3.3 The development was constructed without the approved soft landscaping on the upper deck, with an additional 18 parking spaces provided instead. These have individual bollards to control their use and were originally being rented by the applicant to commuters. In the current application as originally submitted, the number of additional parking spaces provided was to be reduced from 18 to 5 and 2 areas of soft landscaping (each 80m<sup>2</sup>) were to be provided to the rear of Blocks K and L respectively. The applicant stated that these additional spaces were to be retained for use by residents of the development and their visitors. None of the spaces were to be made available to non-residents.
- 3.4 The application was previously considered by the Committee on 3<sup>rd</sup> October when the Committee heard objections on behalf of residents of the development. The application was consequently deferred to allow a revised proposal to be submitted and residents consulted. The revised scheme now for consideration comprises a single area of soft landscaping of 160m<sup>2</sup>, with 5 additional parking spaces.
- 3.5 The approved, previously proposed and revised proposed areas of soft landscaping are shown below:



Approved scheme



Original proposed scheme



Revised proposed scheme

- 3.6 Changes have also been proposed to the soft landscaping itself. As with the previous proposal, natural grass has been replaced by high quality 'Vision' artificial grass for reasons of appearance, all weather use and long term maintenance. In this revised proposal, three of the originally proposed 4 small trees (*Amelanchier lamarckii* 'Autumn Brilliance') within standalone planters have also been reintroduced. The 'Grenadier' style planters, 920mm high and 1000mm wide with attached bench seating, are retained, with the addition of 2 planters at the ends of the landscaped area to provide better separation from the parking spaces, and are to be planted with a variety of shrubs.

### 3.7 Conclusion

The current proposal includes the provision of 1 area of soft landscaping, adjacent to Weldon Court and North Court respectively, with a total area of 160m<sup>2</sup>. The number of additional parking spaces for the use of residents is 5. This is considered to be an acceptable comprise compared to the originally



approved layout which included a single area of soft landscaping totalling 204m<sup>2</sup>.

#### **4. Relevant policies**

Members should refer to the background papers attached to the agenda. These highlight the policy framework under which this application was determined. Specific policy considerations with regard to this particular application are detailed in section 6 below.

#### **5. Relevant site history/background information**

- 5.1 11/00952/FULM - Planning permission granted 26th November 2012 for the demolition of all existing buildings and extensions to the rear of Rembrandt House; refurbishment of Rembrandt House for flexible commercial use (Class B1 and D1) including alterations to entrances; erection of 12 blocks (between 2 and 5 storeys in height) comprising 107 residential dwellings (28 x 1 bed, 46 x 2 bed, 22 x 3 bed and 11 x 4 bed); together with landscaping, ancillary structures and 215 car parking spaces.

13/01175/NONMAT – Non-material amendments to the rear elevation of Rembrandt House, the siting of the commercial bin stores and the retained electricity sub-station (provision of secure compound and parking space). Granted 17th December 2013.

13/01156/NONMAT – Non-material amendments to the elevations of Blocks J-M. Granted 17th December 2013.

14/00263/NONMAT – Non-material amendments to the elevations of Rembrandt House. Granted 28th February 2014.

14/00262/FULM – Planning permission granted on 15th May 2014 for the construction of 40 dwelling houses comprising 12 no. 2 bed houses, 28 no. 3 bed houses and minor amendments to the car parking layout, as an amendment to the house types and car parking layout approved under planning permission ref. 11/00952/FULM.

14/00991/VAR – Variation of Conditions 2 and 19 of planning permission ref. 14/00262/FULM for the construction of 40 dwelling houses comprising 12 no. 2 bed houses, 28 no. 3 bed houses and minor amendments to the car parking layout, as an amendment to the house types and car parking layout approved under planning permission ref. 11/00952/FULM. Amendments to the car parking layout, amendments to the bin store provision to provide communal stores and amendments to the house designs; and to the time period for the

submission of Code for Sustainable Homes final certificates. Planning permission granted 9th October 2014.

14/00992/VAR - Variation of Conditions 2 and 24 of planning permission ref. 11/00952/FULM for the demolition of all existing buildings and extensions to the rear of Rembrandt House; refurbishment of Rembrandt House for flexible commercial use (Class B1 and D1) including alterations to entrances; erection of 12 blocks (between 2 and 5 storeys in height) comprising 107 residential dwellings (28 no. 1 bed, 46 no. 2 bed, 22 no. 3 bed and 11 no. 4 bed); together with landscaping, ancillary structures and 215 car parking spaces. Amendments to the car parking layout and the elevational design of the blocks of flats; and to the time period for the submission of Code for Sustainable Homes final certificates. Planning permission granted 9<sup>th</sup> October 2014.

17/01114/NONMAT - Non-material amendment to planning permission ref. 11/00952/FULM to amend the soft landscaping on the decked car parking area to allow the provision of 18 additional car parking spaces for rent. Refused 2nd October 2017 as the proposed change was not considered to be non-material.

17/01513/VAR - Variation of Condition 15 of planning permission ref. 14/00992/VAR to amend the landscaping and hardstanding at the above development to retain the additional car parking provided on the decked car park for the use of residents of the development. This application was refused under delegated powers for the following reason:

*“The proposed loss of the approved soft landscaping (204m<sup>2</sup>) and its replacement with 18 tarmaced parking spaces is considered to have a significant harmful impact on the outlook from the adjoining ground and first floor flats in Weldon Court and North Court that overlook this area. As such, the amenities of the occupiers of these flats will be harmed. The proposal is therefore contrary to paragraph 17 of the NPPF which seeks to ensure high quality design and a good standard of amenity for existing and future occupiers.”*

## **6. Main considerations**

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

- (a) Design and appearance.
- (b) Impact on surrounding properties.



6.2 (a) Design and appearance

The amended area of soft landscaping approved under ref. 14/00262/FULM measured 42.6m long by 4.8m deep (204m<sup>2</sup>). It was to comprise grass with 4 planters with seating, each containing 1 tree (*Amelanchier lamarckii*) and understorey planting. This was a significant area of soft landscaping which also provided some outdoor seating for the use of residents. The loss of this soft landscaping and its replacement with tarmac to provide 18 car parking spaces, as currently constructed, is a significant visual change to this part of the development.

6.3 Following the comments of the Committee at its meeting on 3<sup>rd</sup> October, the revised proposal comprises a single area of soft landscaping of 160m<sup>2</sup>, in place of the previously proposed 2 areas of 80m<sup>2</sup> each, sited adjacent to Weldon Court and North Court. This will introduce a significant amount of soft landscaping onto the upper decked car park. The reduction in soft landscaping from the approved scheme will be 44m<sup>2</sup>, with 5 additional parking spaces being provided. The upper deck is not visible from the surrounding roads and has only very limited visibility from the public realm within the site. The additional parking spaces are only visible (other than from the windows of adjoining flats) once you enter the upper deck itself. In this respect, the loss of some of the soft landscaping, and the provision of 5 additional parking spaces, will not have a significant adverse impact on the overall character and appearance of the development.

6.4 (b) Impact on surrounding properties

The proposed landscaping areas and additional parking spaces are most visible from the adjoining blocks of flats and particularly those in Weldon Court and North Court that directly overlook this section of the parking deck. The loss of all the approved soft landscaping and its replacement with 18 additional parking spaces, as currently constructed, was considered to have a significant impact on the outlook from these flats in the consideration of the previous application (ref. 17/01513/VAR), with the whole of the deck, and specifically the area outside these flats, being tarmaced. Several of the objectors have stated that the approved soft landscaping was one of the reasons they purchased their flats.

6.5 The current revised proposal will introduce a single area of soft landscaping on the parking deck adjoining both Weldon Court and North Court. This will introduce a significant amount of soft landscaping to the parking deck directly outside the flats in Weldon Court and North Court. The impact of the constructed scheme on these flats will be significantly mitigated as a result and is considered to be an appropriate and acceptable alternative to the approved scheme.

- 6.6 Although various objectors have raised concerns regarding increased noise and pollution arising from the additional cars, it is not considered that the limited movements during the course of the day from the additional 5 spaces would have any significant adverse impact in respect of noise or pollution.

## **7. Consultation responses received**

### **7.1 Statutory consultees and other organisations**

None required.

### **7.2 Internal Consultees**

None required.

### **7.3 Representations received from interested parties**

For the original submission, letters were sent to 40 properties in North Court and Weldon Court, Rembrandt Way and all those parties who commented on the previous application. Responses were received from 20 properties, all objecting to the proposal. These are detailed below:

Representations	Officer's response
Additional car parking is intended for renting.	The applicant has stated that the additional spaces will only be for the use of residents of the development. This could be on a rented basis. The spaces will not be rented to non-residents.
Additional noise from cars manoeuvring. Loss of landscaping further worsens this.	It is considered unlikely the limited movements arising from the additional cars would give rise to a noise nuisance.
Little space for children to play. Soft landscaping would make some provision for this.	Noted.
Question how safe it would be for children to play in this area.	The landscaped areas are not necessarily intended for children. They will soften the appearance of the parking deck.
The originally approved scheme should be installed. Properties were purchased on this basis.	Noted. If the properties were purchased on the basis of the approved landscaping scheme, this is a civil matter between the purchasers and Shanly Homes.

Loss of outlook from the adjoining flats.	It is considered that the proposed scheme will significantly mitigate the current situation and improve the outlook from the adjoining flats.
Loss of privacy to balconies and bedrooms from this area.	Any potential loss of privacy would be no greater than if this area were landscaped in accordance with the approved scheme.
Additional traffic generated would be hazardous to children.	There is no through traffic in the development. It is not considered the limited movements arising from the additional cars would give rise to any significant additional hazard where vehicle speeds are low.
Additional service charge to residents to pay for the upkeep of the parking spaces.	This is a civil matter. However, the approved and proposed landscaping areas will need to be maintained by the management company in the same way.

Further letters of notification were sent to all parties who objected to the original submission, in respect of the revised scheme now proposed. Only 1 reply has been received. This raises concerns that the location of the 5 additional spaces is not clear.

## 8. Recommendation

That planning permission be granted subject to the conditions listed below. As the development approved under planning permission ref. 14/00992/VAR has now been completed, with the conditions having been discharged and the requirements of accompanying Section 106 agreement having been satisfied, only those conditions specific to the application and any relevant enduring conditions need to be imposed.

### Conditions

1. The development shall be retained in accordance with the following approved drawings, unless otherwise agreed in writing by the Local Planning Authority:

Site location plan

1248\_PLN\_602A, 603A, 604A, 605A, 606A, 607, 608A, 609A, 610A, 611, 612A, 613, 614A.

3173/PL 111C, 114A, 121A, 122A, 123A, 124A, 125A.

1248\_CON600\_D01, J01, J02, K01, K02, L01, L02 and M01.

Reason: For the avoidance of doubt as to what has been permitted.

2. The amended landscaping scheme for the upper parking deck, as shown on drawing nos. SH19186-18B by ACD, shall be implemented in full within 6 months from the date of this decision notice. Any 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 outlook from the adjoining flats in Weldon Court and North Court, pursuant to Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

3. The soft landscaping scheme approved for the whole site under ref. 15/00106/DISCON, as detailed in the following drawings and documents (all by ACD), shall be implemented in full:

Drawing no. SH19186-16A

Soft Landscape Specification (dated April 2014)

Landscape Management and maintenance Plan (dated June 2014)

Drawing no. SH19186-50D

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, pursuant to Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

4. The bin and cycle stores for Blocks D, J, K, L and M, as shown on approved drawing nos. 1248\_CON600\_D01, J01, J02, K01, K02, L01 and M01, shall be retained as approved at all times and shall not be used for any other purpose.

Reason: In the interests of the visual appearance of the site and to ensure that adequate facilities exist for residents of the proposed development, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31 and Policy T10 of the Watford District Plan 2000.

5. The boundary treatments shown on drawing no. SH19186-16A (ACD), as approved under ref. 15/00108/DISCON, shall be retained as approved at all times, unless otherwise agreed in writing by the Local Planning Authority.

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

6. The refuse and recycling stores for Blocks A, B, C, E, F, G and H, as shown on the approved drawings, shall be retained as approved at all times and shall not be used for any other purpose.

Reason: In the interests of the visual appearance of the site and to ensure that adequate facilities exist for residents of the proposed development, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31 and Policy SE7 of the Watford District Plan 2000.

7. The approved bollards (Rhino RS004 Stainless Steel Bollard) to prevent vehicular access between Hagden Lane and King George's Avenue, as shown on drawing no. SH19186-15C (Sheet 2 of 2) by ACD, approved under ref. 16/00930/DISCON, shall be retained at all times.

Reason: To prevent the access road being used as a rat-run to avoid the traffic light controlled junction at Whippendell Road/Hagden Lane, in accordance with Policy T4 of the Watford District Plan 2000.

8. The vehicle parking accommodation for the dwellings, as shown on the approved drawings, shall be permanently retained and shall not be used for any other purpose than the parking of vehicles of occupants of the development or visitors to the site.

Reason: To ensure that the development makes adequate provision for the parking of vehicles of the future occupiers of the development and their visitors in the interests of highway safety and to accord with Policy T22 of the Watford District Plan 2000.

9. The windows in the flank elevation of the buildings on Plots B1, B4, C1, C4, D1, D2, D5, D6 and F1 shall be non-opening and shall be fitted only with obscured glazing at all times.

Reason: To prevent overlooking and a loss of privacy to the adjoining properties and their garden areas, in accordance with Policy U2 of the Watford District Plan 2000.

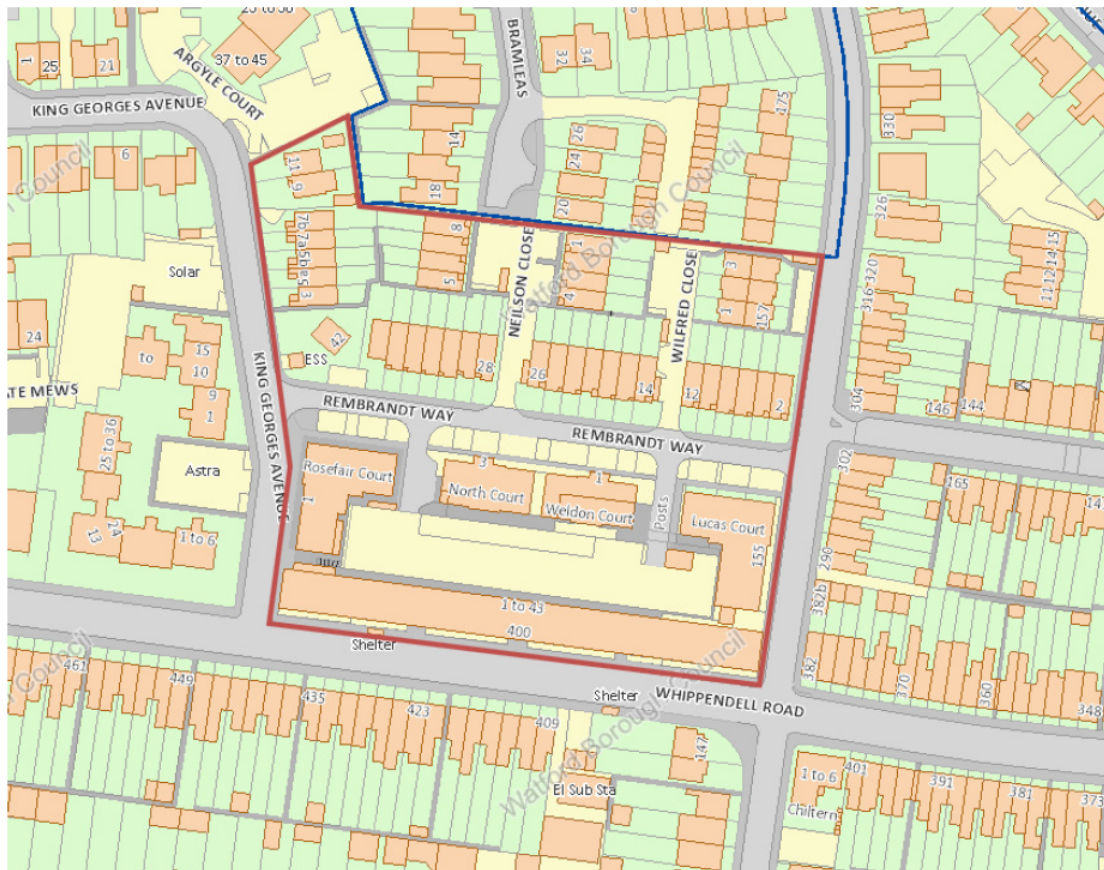
10. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any modification or re-enactment thereof), no development permitted under Schedule 2, Part 1, Classes A, B, C, D and E of the Order shall be carried out to the dwelling(s) hereby approved without the prior written permission of the Local Planning Authority.

Reason: To enable the Local Planning Authority to ensure that any such developments are carried out in a manner which will not be harmful to the character and appearance of the proposed development and will not prove detrimental to the amenities of adjoining occupiers in accordance with Policies U1, U2 and U3 of the Watford District Plan 2000.

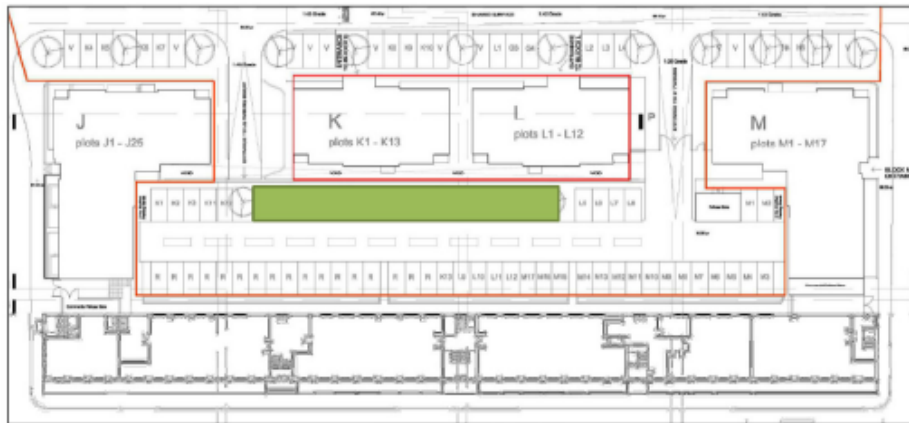
#### **Informative**

1. IN907 Consideration of the proposal in a positive and proactive manner.

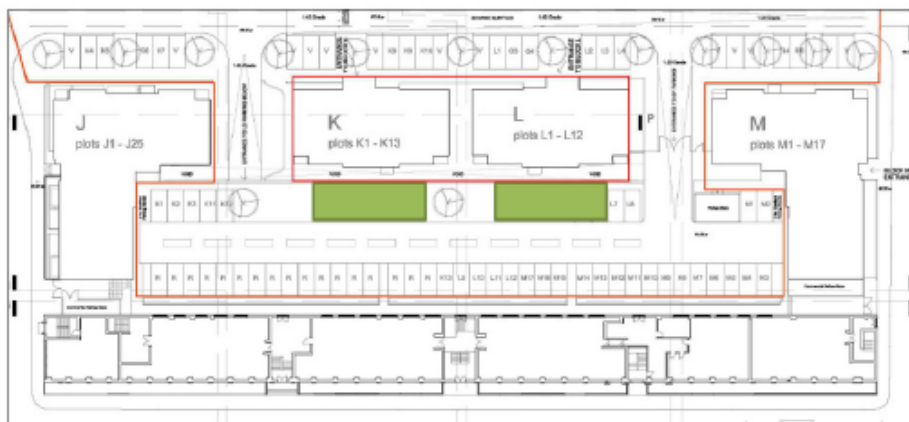
Site Location Plan



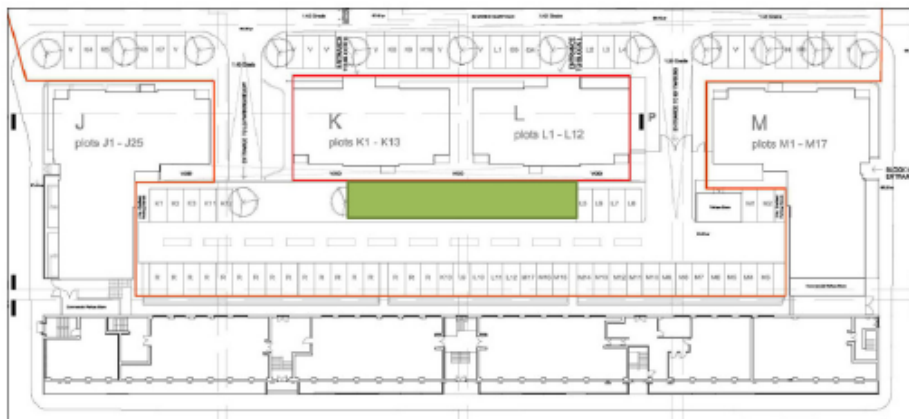
## Landscape proposals



### Approved landscaping



### Original proposal







## Agenda Item 7

Committee date	<b>5<sup>th</sup> December 2018</b>
Application reference	<b>17/00862/FULM</b>
Site address	<b>85 Chalk Hill</b>
Proposal	<b>Demolition of existing disused bank building and replacement with new residential development which includes 11 new dwellings: 9 x apartments, 1 x duplex apartment, and 1 x 2-storey house, with associated gardens and car parking. [VARIATION OF S106 HEADS OF TERMS]</b>
Applicant	<b>Pinnacle UK Investments Ltd</b>
Agent	<b>n/a</b>
Type of application	<b>Full planning permission</b>
Reason for committee item	<b>Variation of s106 Heads of Terms on Major Application</b>
Extended Statutory Target Date	<b>7<sup>th</sup> December 2018</b>
Statutory publicity	<b>n/a</b>
Case officer	<b>Chris Osgathorp</b> <a href="mailto:chris.osgathorp@watford.gov.uk">chris.osgathorp@watford.gov.uk</a>
Ward	<b>Oxhey</b>

### 1. Recommendation

**Amend** the S106 Heads of Terms as set out in section 8 of the report.

### 2. Site and surroundings

- 2.1 The proposed development at 85 Chalk Hill was considered at Development Management Committee on 28<sup>th</sup> February 2018 where it was resolved that pursuant to a planning obligation under s.106 of the Town and Country Planning Act 1990 having been completed to secure the 3no. 3-bed houses proposed in the planning application at land adjacent to 17-19 St Johns Road (ref: 17/01619/FUL) as affordable rented units, conditional planning permission be granted subject to 10 conditions.
- 2.2 Further information, including the site plan and drawings, is available in the appendices to the report and on the council's [website](#).

### 3. Summary of the proposal

#### 3.1 Proposal

To vary the s106 Heads of Terms associated with the application to:

- a. Remove the requirement for 3no. affordable rented units to be provided at 17 – 19 St Johns Road; and
- b. To secure a review mechanism of the viability of the development to be undertaken towards the end of the project when actual build costs and sales values of the flats are known. This shall allow financial payment to be made towards affordable housing provision where the viability of the development can be shown to have improved to provide a financial surplus.

### **3.2 Conclusion**

Since the resolution to grant conditional planning permission at the 28<sup>th</sup> February Development Management Committee, the applicant has stated that it would not be economically viable to provide 3no. 3-bed affordable rented units at 17-19 St Johns Road and therefore the schemes at Chalk Hill and St Johns Road would be undeliverable.

- 3.3 The applicant subsequently submitted a viability appraisal, carried out by Affordable Housing 106, which shows that the Chalk Hill scheme generates a deficit of £466,201 assuming a developer's profit return of 20% of Gross Development Value. The Council has appointed BNP Paribas to independently review the viability appraisal. The report prepared by BNP Paribas shows that the Chalk Hill scheme (with 100% private housing) generates a deficit of £239,164 and therefore the proposed development cannot viably make a financial contribution towards the provision of affordable housing. However, BNP Paribas consider that there is sufficient justification for a review mechanism of the viability of the development to be undertaken towards the end of the project when actual build costs and sales values of the flats are known. This shall allow financial payment to be made towards affordable housing provision where the viability of the development can be shown to have improved to provide a financial surplus. The proposed review mechanism would need to be secured through a Section 106 planning obligation.

## **4. Relevant policies**

Members should refer to the background papers attached to the agenda. These highlight the policy framework under which this application was determined. Specific policy considerations with regard to this particular application are detailed in section 6 below.

## **5. Relevant site history/background information**

- 5.1 The proposed development at 85 Chalk Hill was considered at Development Management Committee on 28<sup>th</sup> February 2018 where it was resolved that

pursuant to a planning obligation under s.106 of the Town and Country Planning Act 1990 having been completed to secure the 3no. 3-bed houses proposed in the planning application at land adjacent to 17-19 St Johns Road (ref: 17/01619/FUL) as affordable rented units, conditional planning permission be granted subject to 10 conditions.

## **6. Main considerations**

- 6.1 Policy HS3 of the Watford Local Plan Core Strategy 2006-31 states that a rate of 35% affordable housing will be sought on major applications of 10 residential units and above and only in exceptional circumstances will the council consider a lower level of affordable housing provision, where the developer can demonstrate exceptional planning, or other constraints on the development of the site through the submission of a development viability appraisal. The scheme at Chalk Hill includes 11 units and therefore Policy HS3 is applicable. The scheme at 17-19 St Johns Road (ref: 17/01619/FUL) is below the relevant policy threshold and therefore does not generate an affordable housing requirement of its own.
- 6.2 As part of the affordable housing negotiations prior to the Development Management Committee of 28<sup>th</sup> February 2018, the applicant put forward a proposal to use 17 – 19 St Johns Road as an affordable housing donor site in terms of ‘decanting’ the requirement from Chalk Hill. The proposal was to provide 3no. 3-bed houses as affordable rented units at St Johns Road, which equates to an affordable housing provision of 45% as a proportion of habitable rooms (33 habitable rooms at Chalk Hill and 15 habitable rooms at St Johns Road).
- 6.3 Since the resolution to grant conditional planning permission at the 28<sup>th</sup> February Development Management Committee, the applicant has stated that it would not be economically viable to provide 3no. 3-bed affordable rented units at 17-19 St Johns Road and therefore the schemes at Chalk Hill and St Johns Road would be undeliverable. The applicant has submitted information showing that following the Development Management Committee meeting they approached eight Registered Providers in relation to the affordable rented units at St Johns Road, however there was a general lack of interest. One offer was submitted by a Registered Provider, however this was below the value expected and required by the applicant to make the schemes viable. The comments from Registered Providers are summarised as follows:
- Site too small and not being a target location.
  - Would expect parking for houses.
  - Properties do not meet RP’s profile.

- 6.4 The applicant has explained factors which make the St Johns Road affordable units unviable, including:
- The St Johns Road site is of a scale which would not, under normal circumstances, generate an affordable housing requirement, and this would have been reflected in the land value (a site of 10 or more dwellings should have a land value that reflects the development plan policy requirement of providing 35% affordable housing).
  - Construction at St Johns Road is difficult because the site is hard to access and the retained corner building would need to be worked around.
  - The St Johns Road scheme was not conceived with affordable housing in mind, nor for only part of the development to become affordable housing.
  - Splitting the site into different tenures results in a notable deflationary effect on the market housing due to the close relationship between the rear gardens of the houses and the adjacent flats, the relationship between the flats and the amenity area (located to the rear of the houses) and the requirement for access to bin and cycle stores to pass adjacent to the houses.
  - Whilst the Chalk Hill scheme might generate a requirement for four affordable units (and only three are proposed at St Johns Road), this masks the accommodation differential of the two schemes. With the exception of two three bedroom units, the Chalk Hill scheme is essentially comprised of flats, primarily two bedroom units. If the affordable housing requirement were to be delivered on-site, it would ultimately reflect this housing mix (i.e., smaller units). Whereas, the St Johns Road affordable housing would comprise three large (house) units. This can be assessed in terms of habitable room equivalent; Chalk Hill provides a total of 33 habitable rooms, whereas the three houses at St Johns Road provide 15 habitable rooms. This equates to 45% affordable housing provision, 10% in excess of the Council's policy requirement in Policy HS3.
- 6.5 It is felt that the applicant offered 3no. affordable rented units at 17-19 St Johns Road in good faith, however for the reasons explained above it was concluded that it would not be viable for the on-site affordable housing to be delivered.
- 6.6 Taking the above into account, officers have since held discussions with the applicant to secure a financial contribution towards the provision of affordable housing, in accordance with the formula in the Commuted Sums SPD (Revised 2<sup>nd</sup> July 2018). The formula in the Commuted Sums SPD generates a financial contribution of £764,626 and the applicant has stated that this contribution would make the Chalk Hill scheme unviable.
- 6.7 The applicant subsequently submitted a viability appraisal, carried out by

Affordable Housing 106 which shows that the Chalk Hill scheme generates a deficit of £466,201 assuming a developer's profit return of 20% of Gross Development Value. The Council has appointed BNP Paribas to independently review the viability appraisal. The report prepared by BNP Paribas shows that the Chalk Hill scheme (with 100% private housing) generates a deficit of £239,164 and therefore the proposed development cannot viably make a financial contribution towards the provision of affordable housing. However, BNP Paribas consider that there is sufficient justification for a review mechanism to be secured through a Section 106 planning obligation.

- 6.8 The proposed development is otherwise unchanged from the proposal that was considered at Development Management Committee on 28<sup>th</sup> February 2018. Given that the applicant has submitted a development viability assessment, in accordance with Policy HS3 of the Watford Local Plan Core Strategy, it is recommended that planning permission should be granted subject to conditions and the completion of a s106 Agreement to include a review mechanism of the viability of the development towards the end of the project when actual build costs and sales values of the flats are known. This shall allow financial payment to be made towards affordable housing provision where the viability of the development can be shown to have improved to provide a financial surplus.

## **7. Consultation responses received**

### **7.1 Statutory consultees and other organisation**

None required

### **7.2 Internal Consultees**

The Council's Housing Team has advised that they would not be interested in purchasing the affordable housing units at St Johns Road because funds could go further in less expensive areas of the town.

## **8.0 Recommendation**

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

Section 106 Heads of Terms

- i) To secure a review mechanism of the viability of the development to be undertaken towards the end of the project when actual build costs and sales values of the flats are known. This shall allow financial payment to be made towards affordable housing provision where the viability of the development can be shown to have improved to provide a financial surplus.

## **Conditions**

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

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

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

MRPP2; 5407/A100 Rev P; 5407/A101 Rev L; 5407/A108 Rev F; TS16-148R\1; TS16-148R\2; TS16-148R\3; TS16-148R\4; TS16-148R\5.

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

- 3. No construction works above damp proof course level shall commence until details of the materials to be used for all the external finishes of the buildings, including walls, roofs, doors, windows, fascias and balustrades, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved materials.

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

- 4. No construction works above damp proof course level shall commence until detailed drawings of the window and door reveals, brick detailing and capping to the external walls, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved details.

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

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

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

6. No part of the development shall be occupied until full details of a hard landscaping scheme, including: details of the surfacing of the vehicular access, car park, pathways and amenity areas; details of all site boundary treatments, and all fencing or enclosures within the site, have been submitted to and approved in writing by the Local Planning Authority and the works have been carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

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

7. No part of the development shall be occupied until details of the siting, size and design of refuse and recycling storage facilities have been submitted to and approved in writing by the Local Planning Authority and the storage facilities have been installed in accordance with the approved details. The storage facilities shall be retained at all times thereafter.

Reason: In the interests of the visual appearance of the site and to ensure satisfactory provision for on-site storage facilities.

8. No part of the development shall be occupied until an updated Noise Assessment has been submitted to and approved in writing by the Local Planning Authority. This shall include specification details of the building



envelope and the mechanical ventilation system(s) for each of the dwellings to achieve the internal noise levels contained in BS 8233:2014, along with specification details of the building services plant. Together, the ventilation systems and building services plant shall not exceed 39dB(A) during the day-time and 27dB(A) during the night-time, one metre from the nearest residential façades when assessed in accordance with BS 4142:201. The building services plant shall be mounted on appropriate anti-vibration mountings. The development shall be implemented in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To ensure that an acceptable internal noise level is provided for future occupants of the development.

9. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any modification or re-enactment thereof), no development permitted under Schedule 2, Part 1, Classes A, B, D, E and F of the Order shall be carried out to the dwelling house adjacent to the boundary with No. 4 Haydon Road without the prior written permission of the Local Planning Authority.

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

10. No above ground construction may commence until a detailed surface water drainage scheme for the site, based on the Flood Risk Assessment and SUDS Strategy prepared by XCO2, dated January 2018, has been submitted to and approved in writing by the local planning authority. The scheme shall include:
  1. Final, detailed drainage plan including the location and size of all SUDS features, pipe runs and discharge points with all invert and outlet levels.
  2. Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including and connecting pipe runs.
  3. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall subsequently be implemented in accordance with the approved details prior to occupation of the development.

### **Informatives**

IN907 Consideration of the proposal in a positive and proactive manner

IN909 Street Naming and Numbering

IN910 Building Regulations

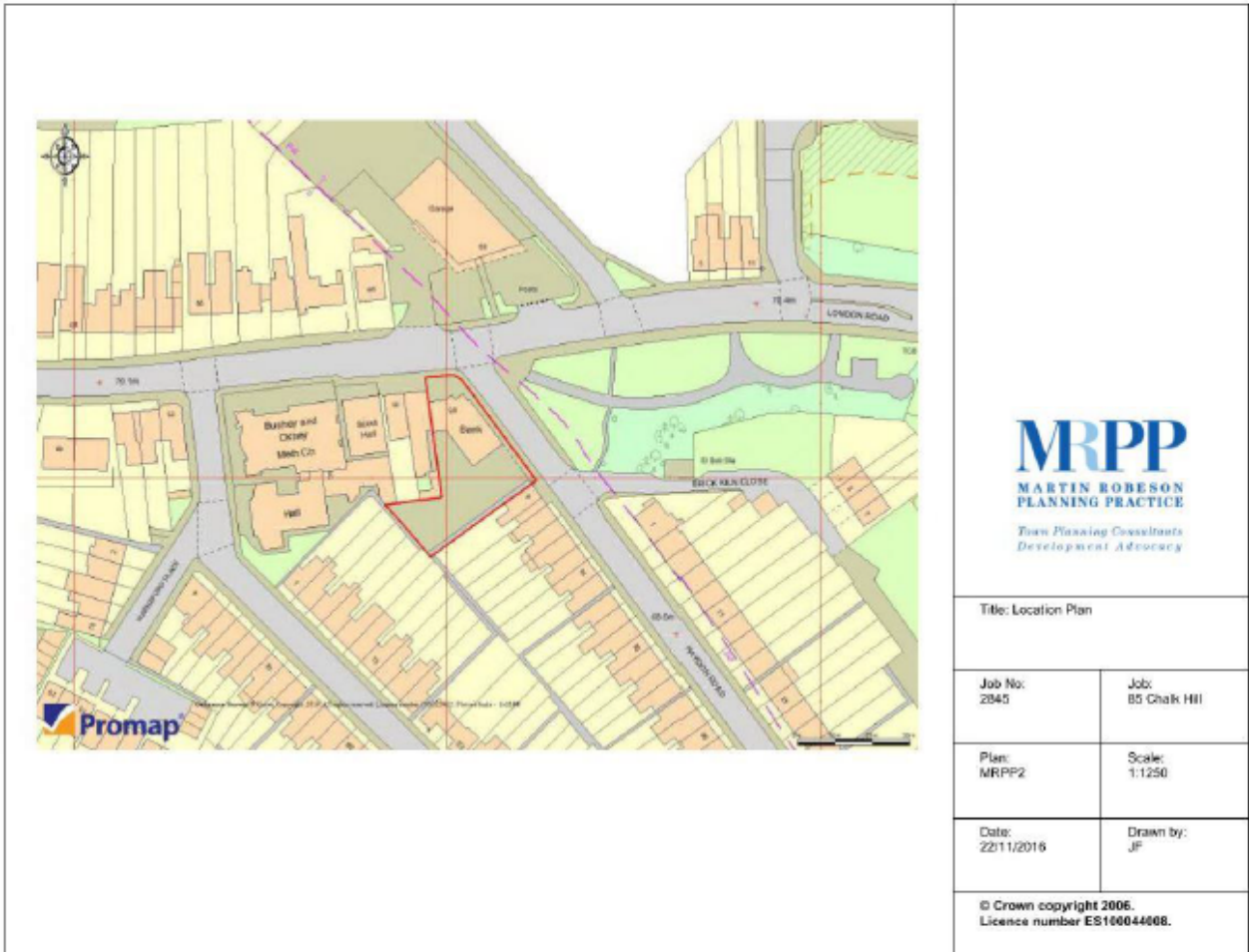
IN911 Party Wall Act

IN912 Hours of Construction

IN913 Community Infrastructure Levy

IN915 Highway Works – HCC agreement required

1 – Location Map



## Agenda Item 8

Committee date	<b>5<sup>th</sup> December 2018</b>
Application reference	<b>17/01619/FUL</b>
Site address	<b>Land Adjacent To 17 - 19 St Johns Road</b>
Proposal	<b>Erection of 3no, three bedroom townhouses, 1no, one bedroom apartment and 1no, two bedroom apartment (amended description)</b>
Applicant	<b>Westfields Homes Limited</b>
Agent	<b>MRPP</b>
Type of application	<b>Full planning permission</b>
Reason for committee item	<b>Variation of s106 Heads of Terms</b>
Extended Statutory Target Date	<b>7<sup>th</sup> December 2018</b>
Statutory publicity	<b>n/a</b>
Case officer	<b>Habib Neshat</b> <a href="mailto:habib.neshat@watford.gov.uk">habib.neshat@watford.gov.uk</a>
Ward	<b>Central</b>

### 1. Recommendation

**Amend** the S106 Heads of Terms as set out in section 8 of the report.

### 2. Site and surroundings

- 2.1 The proposed development at 17-19 St. Johns Road was considered at Development Management Committee on 28<sup>th</sup> February 2018 where it was resolved that pursuant to a planning obligation under s.106 of the Town and Country Planning Act 1990 having been completed to secure the 3no. 3-bed houses proposed in the planning application as affordable housing units and to secure a financial payment to the Council of £2000 towards the variation of the Controlled Parking Zones Order to remove permit entitlement for future occupants of the development, conditional planning permission be granted subject to 12 conditions.
- 2.2 Further information, including the site plan and drawings, is available in the appendices to the report and on the council's [website](#).

### 3. Summary of the proposal

#### 3.1 Proposal

To vary the s106 Heads of Terms associated with the application to:

- a. Remove the requirement for 3no. affordable housing units to be provided.

### **3.2 Conclusion**

As part of the affordable housing negotiations prior to the Development Management Committee of 28<sup>th</sup> February 2018, the applicant put forward a proposal to use 17 – 19 St Johns Road as an affordable housing donor site in terms of ‘decanting’ the requirement from the proposed development at 85 Chalk Hill (ref: 17/00862/FULM). As discussed in the committee report for 85 Chalk Hill, the applicant has demonstrated that it would not be viable to provide on-site affordable housing units at 17 – 19 St Johns Road. The scheme at 17 – 19 St Johns Road (ref: 17/01619/FUL) is below the relevant policy threshold and therefore does not generate an affordable housing requirement of its own. It is therefore recommended that the requirement to provide 3no. affordable housing units at 17 – 19 St Johns Road should be removed from the s106 Heads of Terms.

### **4. Relevant policies**

Members should refer to the background papers attached to the agenda. These highlight the policy framework under which this application was determined. Specific policy considerations with regard to this particular application are detailed in section 6 below.

### **5. Relevant site history/background information**

- 5.1 The proposed development at 17-19 St. Johns Road was considered at Development Management Committee on 28<sup>th</sup> February 2018 where it was resolved that pursuant to a planning obligation under s.106 of the Town and Country Planning Act 1990 having been completed to secure the 3no. 3-bed houses proposed in the planning application as affordable rented units and to secure a financial payment to the Council of £2,000 towards the variation of the Controlled Parking Zones Order to remove permit entitlement for future occupants of the development, conditional planning permission be granted subject to 12 conditions.

### **6. Main considerations**

- 6.1 As part of the affordable housing negotiations prior to the Development Management Committee of 28<sup>th</sup> February 2018, the applicant put forward a proposal to use 17 – 19 St Johns Road as an affordable housing donor site in terms of ‘decanting’ the requirement from the proposed development at 85 Chalk Hill (ref: 17/00862/FULM). As discussed in the committee report for 85 Chalk Hill, the applicant has demonstrated that it would not be viable to provide on-site affordable housing units at 17 – 19 St Johns Road.
- 6.2 The scheme at 17 – 19 St Johns Road (ref: 17/01619/FUL) is below the relevant policy threshold and therefore does not generate an affordable housing

requirement of its own. It is therefore recommended that the requirement to provide 3no. affordable housing units at 17 – 19 St Johns Road should be removed from the s106 Heads of Terms.

## **7. Consultation responses received**

### **7.1 Statutory consultees and other organisation**

None required

### **7.2 Internal Consultees**

None required.

## **8.0 Recommendation**

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

Unilateral Undertaking Planning Obligation

- i) To secure a financial payment to the Council of £2,000 towards the variation of the Borough of Watford (Watford Central Area and West Watford Area)(Controlled Parking Zones)(Consolidation) Order 2010 to exclude the site from the controlled parking zone, thereby preventing residents' parking permits being issued to this site.

### **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. No construction works above damp proof course level shall commence until full details and samples of the materials to be used for the external surfaces of the building, including doors, and windows have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall only be implemented in accordance with the approved details.

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

3. The windows and the doors to be inserted in the external walls of the building shall be recessed a minimum of 6cm from the external walls, unless otherwise agreed in writing by the Local Planning Authority.

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

4. No construction works above damp proof course level shall commence until full details of the provision for bicycle storage facilities, refuse and re-cycling storage have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first occupation of any part of the development and shall be retained thereafter.

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

5. No construction works above damp proof course level shall commence until details of the siting, height and type of fencing or other means of enclosure around the boundaries of the site and within the site have been submitted to and approved in writing by the Local Planning Authority. The fencing or other means of enclosure shall be provided as approved prior to the first occupation of the dwelling hereby approved and shall be maintained as such at all times thereafter.

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

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

Reason: To enable the Local Planning Authority to ensure that any such developments are carried out in a manner which will not be harmful to the character and appearance of the proposed development and will not prove detrimental to the amenities of adjoining occupiers in accordance with Policies UD1 and UD2 of the Watford Local Plan: Core Strategy 2006 – 2013 (Adopted January 2013).

7. No construction works above damp proof course level shall commence until a hard and soft landscaping scheme for the site (including a detailed method statement covering tree planting, tree, shrub and grass specie, planting size and density and all hard surfacing materials) has been submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping shall be carried out prior to the first occupation of any part of the development and shall be retained at all times. The soft landscaping shall be carried out not later than the first available planting and seeding season after completion of the development. Any trees or plants whether new or existing which within a period of five years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, or in accordance with details approved by the Local Planning Authority.

Reason: In the interests of the visual appearance of the site in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006 – 2013.

8. No construction works above damp proof course level shall commence until details of the stopping up of the existing accesses on St. Johns Road and Estcourt Road, by raising the existing dropped kerbs and reinstating the footways, and highway boundary to the same line, level and detail as the adjoining footway, and highway boundary have been submitted to and approved in writing by the Local Planning Authority in conjunction with the



Highway Authority. The development shall not be brought into use until the access has been stopped up in accordance with the approved details.

Reason: To remove the access points along the site boundary for the safety and convenience of highway users.

9. Notwithstanding the drawings hereby approved, no construction works above damp proof course shall commence until details of the front gable features and the rear dormer windows have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall only be implemented in accordance with the approved details.

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

10. All materials and equipment to be used during the construction of the development shall be stored within the curtilage of the site unless otherwise agreed in writing by the Highway Authority prior to commencement of the development.

Reason: In the interest of highway safety and the free and safe flow of traffic.

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

Reason: To ensure that the proposed buildings and any other changes in level on the site maintain a satisfactory relationship between the development and existing properties to safeguard the character and appearance of the area and the privacy and amenities of neighbouring properties in accordance with the objectives of Policies UD1, UD2 and SS1 of the Watford Local Plan Core Strategy 2006-31. This is a pre-commencement condition to ensure that the buildings are constructed using appropriate levels.

12. The scheme hereby approved shall be carried out strictly in accordance with drawing numbers 1962/P2/1, 1962/P2/2, 1962/P2/3 and 1962/P2/4, unless otherwise agreed in writing by the Local Planning Authority.

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

**Informatives**

IN907 Consideration of the proposal in a positive and proactive manner

IN909 Street Naming and Numbering

IN910 Building Regulations

IN911 Party Wall Act

IN912 Hours of Construction

IN913 Community Infrastructure Levy

IN914 Unilateral Undertaking

IN915 Highway Works – HCC agreement required

Site location plan



Ordnance Survey (c) Crown Copyright 2013. All rights reserved. Licence number: 100022432

## Agenda Item 9

Committee date	5 <sup>th</sup> December 2018
Application reference	18/01437/DISCON
Site address	Land at 64 and 73-77, Clarendon Road
Proposal	Details pursuant to Condition 4 (bridge design) of planning permission ref. 17/00558/FULM
Applicant	TJX UK Property Limited
Agent	Savills UK Limited
Type of Application	Discharge of Condition
Reason for Committee Item	At request of Committee
Target decision date	3 <sup>rd</sup> January 2019
Statutory publicity	n/a
Case officer	Paul Baxter <a href="mailto:paul.baxter@watford.gov.uk">paul.baxter@watford.gov.uk</a>
Ward	Central

### 1. Recommendation

**Approve** details as set out in section 8 of this report.

### 2. Site and surroundings

- 2.1 The site is located at the northern end of Clarendon Road opposite Watford Junction station. The applicant has acquired the existing buildings at Meridian House (69-71 Clarendon Road) and 64 Clarendon Road and is currently constructing a new 12 storey office building at 73-77 Clarendon Road. The 3 buildings will form the new European headquarters for TJX Europe. This application specifically relates to the proposed bridge over Clarendon Road that will link the new office building and the existing office building at 64 Clarendon Road.
- 2.2 Further information, including the site plan and drawings, is available in the appendices to the report and on the council's [website](#).

### 3. Summary of the proposal

#### 3.1 Proposal

This application is for the discharge of Condition 4 of planning permission ref. 17/00558/FULM for the proposed design of the pedestrian bridge over Clarendon Road, linking the new office building at 73-77, Clarendon Road with the existing office building at 64 Clarendon Road.

- 3.2 In determining planning permission ref. 17/00558/FULM, the Committee requested that details of the proposed external materials (Condition 3) and the design of the proposed pedestrian bridge (Condition 4) be brought back to the committee for determination in due course.

**3.3 Conclusion**

The design of the proposed bridge, incorporating faceted aluminium panels to the roof and underside (soffit) and faceted glazed panels with a copper mesh to the sides, is a significant improvement over the indicative design that formed part of the main application. The design and materials are considered to be appropriate and acceptable and to constitute a high quality of design for this prominent structure that will be highly visible in this important location.

**4. Relevant policies**

Members should refer to the background papers attached to the agenda. These highlight the policy framework under which this application is to be determined.

**5. Relevant site history/background information**

- 5.1 17/00558/FULM - Planning permission granted 31<sup>st</sup> August 2017 for the redevelopment of site comprising removal of protected trees, construction of new 12 storey office building (Use Class B1) of 24,451sqm (GIA), high level footbridge link, hard and soft landscaping, basement car parking, new access arrangements and highways improvements.

**6. Main considerations**

- 6.1 The main issue to be considered in the determination of this application is:

(a) Design and appearance

- 6.2 (a) Design and appearance

The basic bridge design is a rectangular box with floor and ceiling, as indicated in the original planning application (17/00558/FULM). In order to give the bridge a high quality appearance, it is proposed that the roof and underside (soffit) are to be clad in aluminium panels set at angles to each other to give a multi-faceted appearance. The sides of the bridge are to be of a similar multi-faceted appearance only in glazed triangular panels with a copper mesh to provide solar shading. The internal floor of the bridge is to be in engineered timber and the ceiling in perforated metal panels with acoustic pad.

- 6.3 It is considered that this treatment for the external elevations of the bridge will give an appropriate and acceptable high quality appearance for this prominent structure spanning Clarendon Road.

## **7. Consultation responses received**

### **7.1 Statutory consultees and other organisations**

None required.

### **7.2 Internal Consultees**

None required.

### **7.3 Interested parties**

None required.

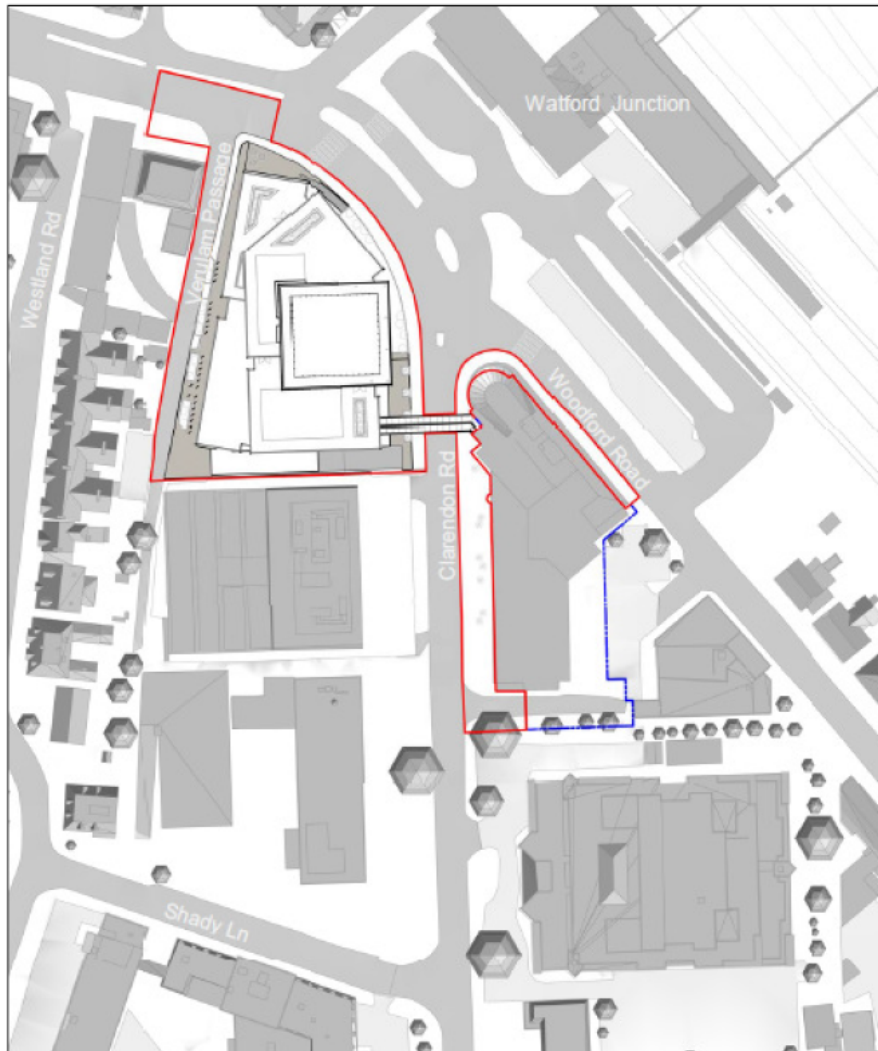
## **8. Recommendation**

That the details of the design of the pedestrian bridge be approved and Condition 4 be discharged accordingly.

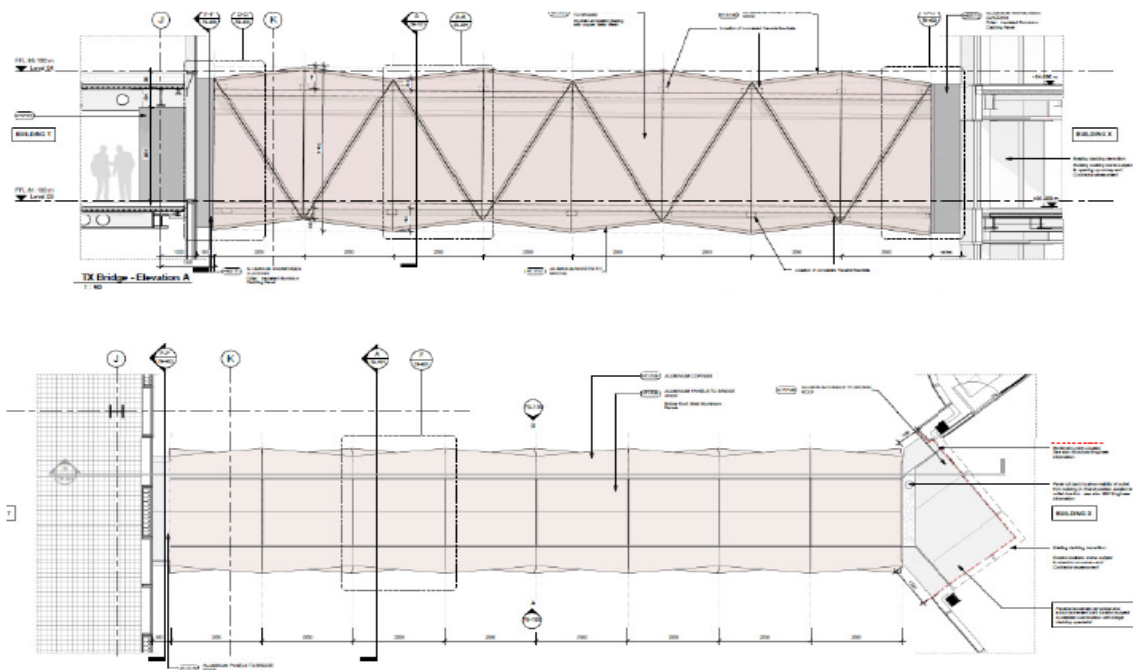
### Informative

1. IN907 Consideration of the proposal in a positive and proactive manner.

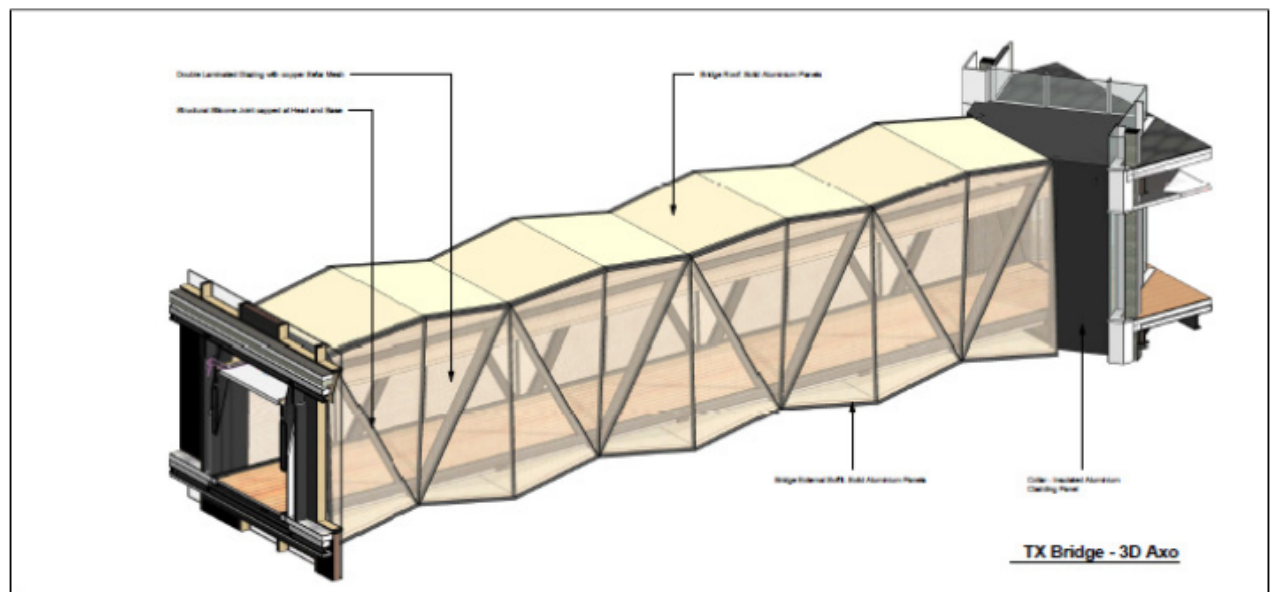
Site Location Plan



## Bridge Elevations



## Bridge 3D view

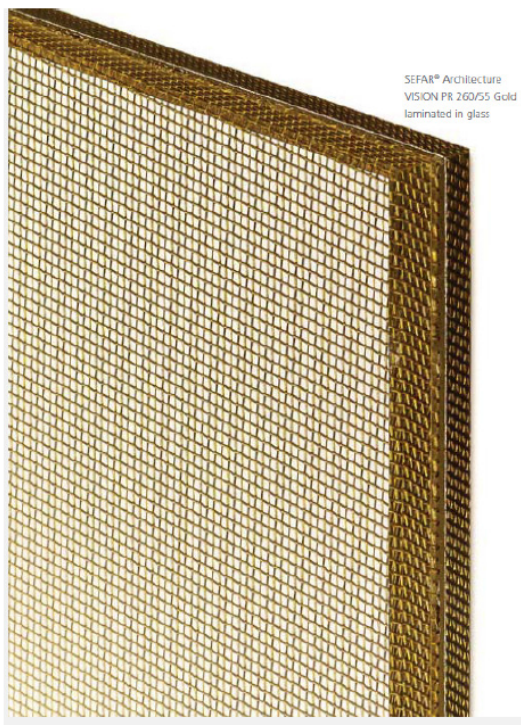




Pohl Duransize Cooper sample



Sefar Vision mesh



Des Moines Library



Bridge CGI

