



**WATFORD  
BOROUGH  
COUNCIL**



# **DEVELOPMENT MANAGEMENT COMMITTEE**

**4 April 2023**

**7.00 pm**

**Annexe, Watford**

## **Contact**

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**Publication date: 27 March 2023**

# Committee Membership

Councillor P Jeffree (Chair)

Councillor R Martins (Vice-Chair)

Councillors N Bell, J Pattinson, A Saffery, G Saffery, R Smith, S Trebar and M Watkin

## Agenda

### Part A – Open to the Public

#### 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.

**1. Apologies for absence**

**2. Disclosure of interests**

**3. Minutes**

The [minutes](#) of the meeting held on 7 March 2023 to be submitted and signed.

**4. 23/00037/FUL– 39-43 Kingsfield Road Watford Herts WD19 4TQ (Pages 5 - 38)**

**5. 22/01486/FULM – 3 Rhodes Way, Watford, WD24 4YW (Pages 39 - 64)**

## **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 Watford Local Plan 2021-2038 (adopted 17 October 2022); 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 2021) 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 off-site highways works.

### **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. This may take the form of conditions or planning obligations on any grant of planning permission or, in some cases, a refusal of planning permission. With regard to any infringement of third party human rights, where these are not considered to be of such a nature and degree as to override the human rights of the applicant the refusal of planning permission may not be warranted.

<b>Committee date</b>	Tuesday 4 April 2023
<b>Application reference</b> <b>Site address</b>	23/00037/FUL– 39-43 Kingsfield Road Watford Herts WD19 4TQ
<b>Proposal</b>	Refurbishment and extension of existing care home in order to cater for adult care for those with learning difficulties and autism.
<b>Applicant</b>	Magic Life, Mr S Oliver
<b>Agent</b>	AJM Planning
<b>Type of application</b>	Full planning application
<b>Reason for committee item</b>	5 or more objections submitted
<b>Target decision date</b>	5 April 2023
<b>Statutory publicity</b>	Neighbour Letters
<b>Case officer</b>	Chris Osgathorp <a href="mailto:chris.osgathorp@watford.gov.uk">chris.osgathorp@watford.gov.uk</a>
<b>Ward</b>	Oxhey

### 1. Recommendation

1.1 That planning permission be granted subject to conditions as set out in section 8 of this report.

### 2. Site and surroundings

2.1 The subject property is a large two-storey building on the eastern side of Kingsfield Road, which backs onto a railway line.

2.2 The subject property is a care home within Use Class C2. It has a total of 24no. bedrooms and associated communal living and staff/office rooms. The care home currently appears to be vacant.

2.3 The site does not fall within a Conservation Area and the site is not within proximity to any listed or locally listed buildings.

2.4 The site lies within a Controlled Parking Zone (Zone Y), restricting car parking between the hours of 10am – 12noon Monday-Friday.

### 3. Summary of the proposal

#### 3.1 Proposal

3.2 The application proposes refurbishment and extension of the existing care home in order to cater for adult care for those with learning difficulties and autism.

3.3 Whilst the proposed use would remain within Use Class C2 and therefore not usually require planning permission, Condition 2 of planning permission Ref. 9/58/82 included a restriction that the use shall be for a home providing “for

the boarding, care and maintenance of old people only". As the proposal would accommodate adults not limited to elderly people, planning permission for the proposed use is required.

- 3.4 The building would be split into 2 houses which would be accessed through a shared internal lobby. Each house would provide 7 studios and communal kitchen/dining/living area. There would also be a staff office at ground floor and sensory room at first floor that would be accessible from both houses. Internal lifts would be installed. An office and staff room would be provided at second floor.
- 3.5 The rear garden would be shared and a new outbuilding would provide an activity and exercise space.
- 3.6 The proposal includes the erection of a two storey rear extension (around 4m beyond the existing first floor rear bay windows) and replacement of the existing ground floor extension with a new ground floor extension – which would be wider but not project further into the garden. There would also be new pitched roofs to provide a more coherent and harmonious appearance to the building.
- 3.7 Two on-site parking spaces are proposed in a tandem arrangement. These spaces would be accessed from an existing dropped kerb.

### 3.8 **Conclusion**

- 3.9 Policy HO3.5 of the Local Plan states that proposals for new specialist care and supported living accommodation will be supported. The proposed accommodation for people with learning difficulties and autism is therefore acceptable in principle. The proposal would provide a significant improvement upon the layout and facilities of the existing care home and it therefore accords with Policy HO3.5 of the Local Plan.
- 3.10 The proposed development would provide a high quality living environment for future residents, and it is not considered that significant harm would be caused to the living conditions of the occupiers of neighbouring properties.
- 3.11 The depth of the proposed two storey extension, at around 4m, would be proportionate to the existing building, and the ground floor extension would project no further to the rear than existing. Pitched roofs would cover the existing and proposed upper floor elements, which would appear more coherent and unified than the existing building. Furthermore, there would be greater uniformity to the external materials and window style/alignment. Bay windows and brick detailing would help to break down the massing of the building and provide visual interest. With these considerations in mind, the

alterations would enhance the character and appearance the host building and the surrounding area.

- 3.12 The Highway Authority has raised no objection to the proposal. Taking into account the accessible location of the site, the significant reduction in bedrooms at the premises and the proposed measures to encourage non-car journeys, it is not considered that the proposal would cause a material increase in demand for on-street parking compared to the existing use. The transport impacts of the proposal are therefore acceptable.
- 3.13 Matters relating to trees and ecology are considered to be acceptable and appropriate conditions could be imposed to mitigate the impact of the development.
- 3.14 It is therefore concluded that the proposed development accords with the development plan as a whole and so it is recommended for approval, subject to conditions.

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

- 4.1 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 22/01246/VAR - Variation of Condition 2 of planning permission 9/58/82 to allow for adult care for those with learning difficulties and autism. Withdrawn. December 2022.

22/01223/FUL - Refurbishment and extension of Existing Care Home including erection of outbuilding. Withdrawn. December 2022.

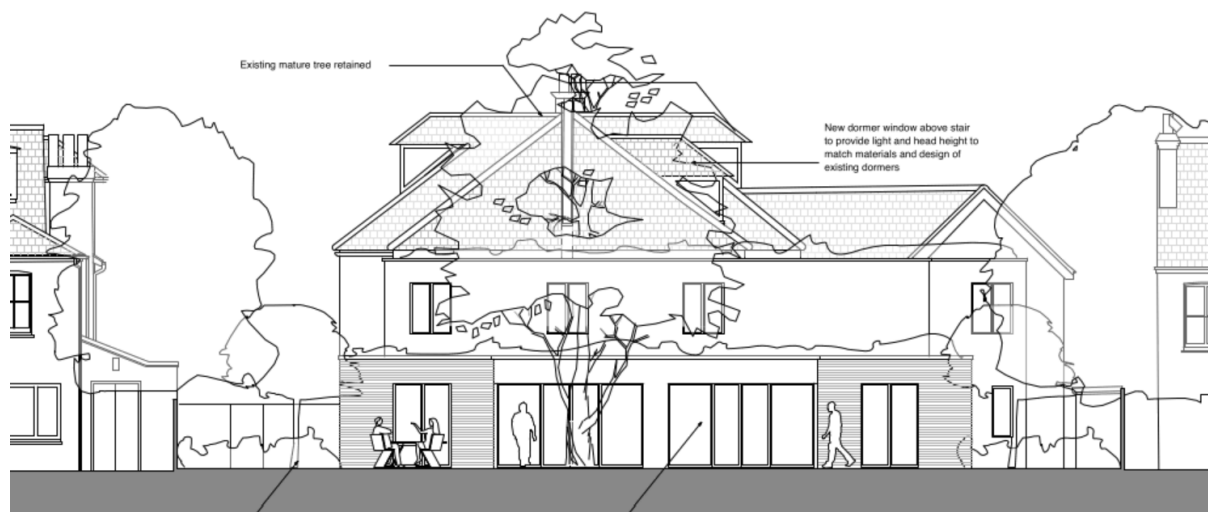


Fig. 1. Proposed rear elevation Ref. 22/01223/FUL. Includes flat roofed part two storey/part single rear extension. Withdrawn following concerns from officers about poor quality design and lack of integration with the building.

22/00440/FUL - Demolition of existing care home and erection of 9 flats with associated landscaping and parking (resubmission of LPA ref 21/01873/FUL). Refused planning permission. May 2022.

21/01873/FUL - Demolition of existing care home and erection of 9 flats comprising 1 x 1-bedroom, 7 x 2-bedroom and 1 x 3-bedroom flats with associated landscaping and parking. Refused planning permission. March 2022.

9/0223/94 – Change of use of no 43 from residential use to a residential home for the elderly in conjunction with no 39-41 and erection of one two-storey front extension, one single storey rear extension and one first floor rear ext. Conditional planning permission July 1994.

9/58/82 – Change of use from dwelling house to residential home for elderly people. Conditional planning permission March 1982.

Condition 2 says *“The change of use hereby permitted shall be for a home providing for the boarding, care and maintenance of old people only as defined in section 1 of the Residential Homes Act 1980 and for no other purposes (including any other purpose within Class XIV of the Town and Country Planning (Use Classes Order 1972)”*.

The reason given for the condition was *“to enable the Local Planning Authority to control future use of the property having regard to its unsuitability for other purposes within Class XIV of the said Order”*. Nevertheless, no specific reason was given as to why another purpose within the same Use Class was considered to be unsuitable.

## **6. Main considerations**

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

- (a) Principle of residential development
- (b) The effect of the proposal on the character and appearance of the area
- (c) The effect on the living conditions of neighbouring properties
- (d) Whether an acceptable standard of amenity for future occupiers would be provided
- (e) Access, parking and highway matters
- (f) The effect of the proposal on trees
- (g) Ecology



## 6.2 (a) Principle of residential development

Policy HO3.5 of the Local Plan states that proposals for new specialist care and supported living accommodation will be supported. The proposed development consists of the refurbishment and extension of the existing care home in order to cater for adult care for those with learning difficulties and autism, which is supported in principle. As discussed elsewhere in this report, the proposal would provide a significant improvement upon the layout and facilities of the existing care home and it therefore accords with Policy HO3.5 of the Local Plan.

## 6.3 (b) Character and appearance of the area

Kingsfield Road predominantly comprises two storey dwellings of varied architectural design that are sited on a consistent building line. There are a mix of hipped and gable roof forms, and two storey front bays are a characteristic feature. The external walls display a variety of finishes, including brick and render.

6.4 The existing property has previously had several side and rear extensions with various pitched, gabled and flat roof forms. There is a complete lack of coherence to the rear elevation due to the different materials, window size/alignment and roof forms. The various add-ons result in a disjointed and poor quality appearance.

6.5 Planning application Ref. 22/01223/FUL was withdrawn following officers' concerns regarding the poor quality appearance of the proposed part two storey/part single storey rear extension. This was due to the bulk and massing of the extension, poorly integrated flat roof form, and substandard materials and fenestration.

6.6 The current application has sought to address these issues through a significantly improved design – particularly in relation to the rear of the building. The depth of the proposed two storey extension, at around 4m, would be proportionate to the existing building, and the ground floor extension would project no further to the rear than existing. Pitched roofs would cover the existing and proposed upper floor elements, which would provide a more coherent and unified appearance compared to the existing situation. Furthermore, there would be greater uniformity to the external materials and window style/alignment. Bay windows and brick detailing would help to break down the massing of the building and provide visual interest.

Consequently, the alterations would enhance the character and appearance the host building and the surrounding area.

- 6.7 Insofar as the front elevation is concerned, there would be minimal changes. The position of the front entrance would be altered with minor changes to window/door openings, which is acceptable. There would also be a positive change through the removal of the existing side dormers.
- 6.8 The proposed outbuilding would be proportionate to the size of the plot and set away from the side and rear boundaries. The single storey height of the building would limit its visual impact, and the timber cladding on the external walls would provide an acceptable appearance.
- 6.9 New landscaping would be provided to the front and rear gardens, which is acceptable. Full details of the proposed landscaping could be secured through the imposition of a planning condition.
- 6.10 For the above reasons, it is considered that the proposal would enhance the character and appearance of the host building and the surrounding area. The proposal therefore accords with Policies QD6.2 and QD6.4 of the Local Plan.
- 6.11 (c) Living conditions of neighbouring properties

The footprint of the ground floor element adjacent to No. 37 Kingsfield Road would be reduced as a result of the proposal. Furthermore, the existing side-facing bedroom windows would be removed and replaced by small secondary windows, which would restrict overlooking into the neighbouring property. At upper floor level, the depth of the building would be increased by around 2.3m adjacent to No. 37 (the deepest part would be much further from the boundary) and the existing flat roof would be replaced by a pitched roof. The closest element of the upper floor extension would extend only slightly beyond the two storey rear outrigger of No. 37. Having regard to the modest depth of the extension, the pitch of the proposed roof away from the boundary, and the spacing maintained to the rear and side windows of No. 37, it is not considered that the proposal would cause a significant loss of daylight, sunlight, outlook or privacy to the neighbouring property.

- 6.12 The proposed outbuilding would be set away from the boundary with No. 37, which, together with its single storey height, would ensure that the outbuilding would not cause a significant loss of light or outlook to the neighbouring property.

- 6.13 A Daylight and Sunlight Assessment<sup>1</sup> prepared in accordance with the recognised Building Research Establishment Methodology<sup>2</sup> has been submitted with the application. This confirms that all neighbouring habitable windows at No. 37 would meet the respective Vertical Sky Component and Daylight Distribution tests for daylight, and Annual Probable Sunlight Hours and Winter Sunlight Hours tests for sunlight with the proposed development in place<sup>3</sup>. Furthermore, in respect the overshadowing of neighbouring gardens, the proposal meets the BRE test.
- 6.14 There would be some increase in bulk at ground and upper floor towards the boundary with No. 45 Kingsfield Road. This is due to the proposed two storey extension – which would extend around 4.5m beyond the rear elevation of No. 45 – and the increased width of the ground floor rear extension which would extend closer to the boundary than the existing extension. Nevertheless, the proposed extensions would be set away from the boundary by about 4.5m. At this degree of separation, the proposed development would not cause a significant loss of daylight, sunlight or outlook to the neighbouring property. The submitted Daylight and Sunlight Assessment confirms that the neighbouring windows and garden would meet the aforementioned BRE Guidance tests for daylight, sunlight and overshadowing with the development in place.
- 6.15 Moreover, the proposal would not cause a significant increase in overlooking compared to the existing situation. The ground floor extension includes windows in the southern elevation, which look towards No. 45. However, having regard to the ground floor position of the windows, along with the distance maintained to the boundary and the existing boundary screening, there would not be a significant loss of privacy to the neighbouring occupiers.
- 6.16 The Planning Statement notes that the applicant specialises in supporting individuals requiring a high level of care during the day (minimum of 1:1 staff member to resident ratio), with the level of care being reduced in the evening to provide residents some independence. The staffing would include an on-site manager, carers, activity co-ordinator and maintenance officer. The Planning Statement comments that all staff will have an enhanced DBS check and have mandatory medication training, challenging behaviour training, care certificate and any other training that is relevant to the home.

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<sup>1</sup> Carried out by Right of Light Consulting Chartered Surveyors dated 21 February 2023

<sup>2</sup> Building Research Establishment 'Site layout planning for daylight and sunlight. A guide to good practice. 2022 Edition.

<sup>3</sup> See Section 3 of the Daylight and Sunlight Assessment for an explanation of the BRE Methodology.

- 6.17 The Planning Statement sets out that prior to a tenancy agreement being signed, each resident would be subject to a comprehensive admissions assessment, which would address presenting problems, identifying needs and their suitability for admission. This is to ensure that the environment caters for the person's particular needs and provides for appropriate management of the home. As discussed in the report, the proposed layout would provide high quality accommodation for future residents and it is considered that any challenges could be appropriately managed by on-site staff. It is acknowledged that during the night-time there would not be an on-site staff presence, however, with appropriate management of the home it is not considered that significant disturbance to neighbouring residents is likely. The applicant states that they operate the service on a 24 hour basis and there will always be a contact for neighbours should there be any occasion where urgent intervention is required. Furthermore, the applicant sets out that they will look to work with the local community to discuss any concerns and seek to resolve problems.
- 6.18 Having regard to the above, it should also be borne in mind that Magic Life provides care services at other locations and has been inspected by the Care Quality Commission (the CQC). The CQC report of 11 March 2020 noted that Magic Life is a domiciliary care service providing personal care to people living in their own home within supported living projects. At the time of the inspection, the service was supporting people with learning difficulties, autism and mental health problems. The service had an overall rating of good and was rated good for all areas including safety, effectiveness, caring, responsive and well-led. Amongst other things, the report stated that *"people's needs were comprehensively assessed prior to any placement and support plan being agreed to confirm the service could effectively meet their needs"*. With this in mind, it is considered likely that the care home will be appropriately managed.
- 6.19 It is entirely appropriate that supported living accommodation for people with learning difficulties and autism is provided in established residential areas so as to ensure that they are socially included as part of the community. In this respect, due regard has been given to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010, which sets out the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic (including people with disabilities) and people who do not share it. There is no substantive evidence that local residents would be subject to significant noise or disturbance, and any issues could be appropriately managed by the service provider.

6.20 For the above reasons, the proposed development would not cause significant harm to the living conditions of the occupiers of neighbouring properties. The proposal therefore accords with Policy CC8.5 of the Local Plan, which states that development should be designed to protect the amenity of adjacent land uses and their occupants.

6.21 (d) Standard of amenity for future occupiers

The studios of each house would comprise a bedroom and en-suite, ranging in size between 23 – 30 sqm. Furthermore, the residents would have access to large communal kitchen/dining/living areas at ground floor measuring around 56sqm for House 1 and 53sqm for House 2. There would also be a 20sqm sensory room at first floor that would be accessible to the residents of both houses. All habitable spaces would benefit from adequate levels of natural lighting and outlook.

6.22 A large entrance lobby and wide corridors would contribute to the spacious feel of the accommodation, and each house would have lifts which would provide an accessible environment for future residents. Further benefits to accessibility would be provided through the re-landscaping of the front garden, which would include a shallower ramped access.

6.23 Future residents would have access to a large rear garden, which would contribute positively to wellbeing. The proposed outbuilding would add to the facilities available to residents through the provision of an activity and exercise space.

6.24 Having regard to the above, the proposed layout would provide high quality and spacious living conditions for future occupiers. In this respect, the proposal is a significant improvement upon the layout and facilities of the existing care home which includes a large number of small bedrooms, limited communal space, narrow corridors/circulation and no lift provision. The proposal therefore accords with Policy HO3.5 of the Local Plan.

6.25 (e) Access, parking and highway matters

The Highway Authority has raised no objection to the proposal and notes that the application site is in an accessible location. In particular, the site is within an easy walking distance of around 400m from Bushey Railway Station, which provides regular services to London Euston, Watford Junction and Tring. There are also bus stops on Eastbury Road about 300m away, which provide routes to Watford, Abbots Langley, Garston and South Oxhey, among other destinations. Furthermore, retail, leisure and employment uses are within walking distance. Due to the passenger transport services and shops/other

destinations available in the immediate vicinity, car use is not essential for day to day living activities in this location.

- 6.26 The existing premises was formerly used as a care home with 24 bedrooms and associated communal living staff/office rooms. The proposal would reduce the number of bedrooms/studios to 14 (1 person per studio) and so there would be a significant reduction in residential occupancy compared to the previous care home. The Planning Statement notes that the applicant's experience of other facilities is that only staff and occasional family members dropping off or visiting residents utilise parking on site. Furthermore, it is stated that the home will provide accommodation for adults who because of their care needs would be unable to hold a driving licence. Officer's see no reason to dispute this.
- 6.27 Consequently, it is likely that any parking generated by the proposal would be from staff/visitors. In this respect, it would be similar to the previous use as a care home for the elderly. The Planning Statement notes that the level of care to be provided is likely to be flexible, however, the applicant specialises in supporting individuals requiring a high level of care during the day (minimum of 1:1 staff member to resident ratio during the day) with the level being reduced in the evening (around 7 staff). Precise details of the staffing of the previous elderly care home use are not known. Nevertheless, due to the marked reduction in residents, the amount of staff/visitor trips associated with the current proposal are not likely to be materially greater and so it is not expected that there would be a significant increase in demand for on-street parking.
- 6.28 Hertfordshire County Council's Travel Plan Guidance March 2020 sets out that a Full Travel Plan is required for residential institutions with more than 50 beds. For between 30-50 beds, a Travel Plan Statement should be submitted. As such, the care home of 14 beds does not meet the threshold for requiring either a Travel Plan Statement or a Full Travel Plan. Nevertheless, the applicant has provided a Travel Plan Statement. Amongst other things, this includes measures to appoint a Sustainable Travel Champion who will continually promote sustainable transport choices, and to provide travel information for staff and visitors. It is also noted that safe and secure cycling parking would be provided to encourage cycle trips.
- 6.29 Taking into consideration the accessible location of the site, the significant reduction in bedrooms at the premises and the measures to encourage non-car journeys, it is not considered that the proposal would not cause a material

increase in demand for on-street parking compared to the existing use. The transport impacts of the proposal are therefore acceptable.

6.30 Policy HO3.5 of the Local Plan says that proposals should be designed to include pick-up and drop-off facilities close to the principal entrance that are able to accommodate specialist transport vehicles. However, because the proposal relates to an existing building, it is not possible to include new pick-up facilities. The Planning Statement notes that whilst in the majority of cases residents might have learning difficulties, they are able bodied and therefore standard transport modes are appropriate. Officers see no reason to disagree. Two parking spaces (including one disabled space) would be provided to the side of the building and served by an existing vehicular crossover, which is acceptable.

6.31 (f) Trees

No trees within or adjacent to the application site are protected by a tree preservation order. An Arboricultural Impact Assessment<sup>4</sup> (the Arboricultural Report) has been submitted with the application, which shows that 5no. trees in the rear garden would be removed (T5 Ash, T7 Plum, T8 & T9 Black Poplar, and T11 Lawson Cypress). These are all low quality Category C or Category U trees due to their limited landscape value and/or poor quality condition and so their removal is acceptable. All other trees would be retained and protected during construction works. It is considered that appropriate replacement tree planting would mitigate the loss of the trees and this could be secured through a landscaping condition.

6.32 The Arboricultural Report shows that there are moderate quality Category B trees outside the application site. This includes T10 Black Poplar and T13 Wild Cherry within the garden of No. 37 Kingsfield Road, and T2 Cider Gum at No. 45. The proposed single storey rear extension would have a very minor encroachment into the root protection area (RPA) of T2 Cider Gum, however, this would not harm the health of the tree. The trees adjacent to the boundary with No. 45 would be protected by tree protection fencing in accordance with BS5837:2012 specifications, as shown on the Tree Protection Plan<sup>5</sup>. There would also be ground protection within the RPA of tree T2 Cider Gum to protect the roots during construction.

6.33 Whilst the proposed extension would be outside the RPAs of all other trees, the proposed outbuilding would be within the RPA of T10 Black Poplar. As set out within the method statement of the Arboricultural Report, it would be

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<sup>4</sup> Prepared by Arboricultural Solutions LLP dated August 2022

<sup>5</sup> Drawing No. TCP\_39\_41KINGSFLDRD\_2 Rev A

necessary for the outbuilding to have piled foundations and for excavations to be undertaken by hand digging to protect the tree roots. Furthermore, tree protection fencing and ground protection is necessary in the positions shown on the Tree Protection Plan. A condition should be imposed to require the proposed protection measures to be implemented for the full duration of construction works. The proposal therefore accords with Policies NE9.1 and NE9.2 of the Local Plan.

#### 6.34 (g) Ecology

A Preliminary Bat Roost Assessment<sup>6</sup> was submitted with previous application Ref. 22/00440/FUL, which found no evidence of protected or notable species. Given that this was carried out as recently as March 2022, it is not considered that additional surveys are necessary. The Preliminary Bat Roost Assessment suggested enhancements to biodiversity at the site, including bat, bird and insect boxes as well as wildlife-friendly planting and hedgehog corridors. A landscaping condition to include a detailed scheme of enhancements to biodiversity at the site should be attached to any grant of permission. The proposal therefore accords with Policy NE9.1 and NE9.8 of the Local Plan

### 7.1 Consultation responses received

Consultee	Comment Summary	Officer response
Highway Authority	No objection.	It is noted that the Highway Authority has requested a condition relating to the submission of a Construction Management Statement. Nevertheless, construction traffic would be low due to the modest scale of the proposed development and so it is not proportionate to require details of the routing of construction vehicles, delivery timings and estimated number of construction vehicles etc. There are controls outside the planning system, including the Highways Act 1980, to deal with matters such as obstruction or mud deposits in the highway etc.

<sup>6</sup> Prepared by Sound Ecology Report: SE2174



Hertfordshire Growth & Infrastructure Unit	No comments.	Noted.
Network Rail	No objection.	Noted.
Waste & Recycling	No comments.	Noted.
Arboricultural Officer	No objection.	Noted.

## 7.2 Interested parties

Letters were sent to 11 properties in the surrounding area and 9 letters of objection have been received. The main comments are summarised below, the full letters are available to view online:

<b>Objection comment</b>	<b>Officer comments</b>
Inadequate parking and more traffic.	This is considered in paragraphs 6.25 – 6.29 of the report.
Concerns about the potential for disturbances.	This is considered in paragraphs 6.16- 6.19 of the report.

<p>It's unclear whether Hertfordshire County Council Adult Social Care Commissioners have been consulted on the proposal and whether they are in support and whether it meets local needs.</p> <p>Is Magic Life an approved provider of supported living services to Hertfordshire County Council Adult Social Care services? What local authorities will be making placements to the service?</p> <p>The registered headquarters for Magic Life is Haringey, how will the organisation's management operate from such a distance? Has the scheme been approved by the CQC?</p>	<p>All consultation with Hertfordshire County Council regarding services they are responsible for goes through the Hertfordshire Growth and Infrastructure Unit (apart from the Highway Authority). The response from H.C.C. is available to view on the Council's website, which sets out that they have no comment to make regarding their services.</p> <p>Policy HO3.5 of the Local Plan states that proposals for new specialist care and supported living accommodation will be supported and so the scheme is acceptable in principle.</p> <p>Planning decisions relate to land-use planning and it is not within the jurisdiction of planning to control where placements are made from.</p> <p>Operational management of the care home is a matter for the applicant and they would need to comply with relevant legislation and guidelines relating to care services.</p> <p>Care providers carrying out regulated activities are required to be registered and are regulated and monitored by the CQC.</p>
<p>Loss of daylight, sunlight and privacy to No. 37 Kingsfield Road.</p>	<p>This is considered in paragraphs 6.11-6.12 of the report.</p>
<p>Loss of light and outlook to No. 45 Kingsfield Road.</p>	<p>This is considered in paragraphs 6.14 – 6.15 of the report.</p>

<p>The proposed extensions would be larger than previously refused applications.</p> <p>The Council's reasons for refusing planning application Ref. 21/01873/FUL were 'The part 2 storey, part single storey rear projection of the proposed building would extend a considerable distance into the garden. Whilst this would be similar in footprint to the existing building, the additional storey would result in a significant increase in built form to the rear. The massing of this element would appear overly bulky, and its design and flat roofed form would appear unrelated to the front part of the proposal and the surrounding properties in the site's context'.</p> <p>This new application increases the size and massing of the building to the rear.</p>	<p>It is a well-established planning principle that each application should be considered on its own merits.</p> <p>The current scheme is materially different to the previous proposals that were refused planning permission. In particular, the development refused under Ref. 21/01873/FUL comprised the complete demolition of the existing building and the erection of a new building. It featured a two storey element that would extend significantly further into the rear garden than the current proposal. It also included an un-sympathetic flat roof that would not relate well to the front part of the proposal (see Appendix 1 for the refused drawings).</p> <p>The current scheme includes a two storey rear extension to the existing building, which would not be as deep, and includes a pitched roof that would relate well to the main building.</p> <p>It is also noted that previous applications have not been refused due to loss of light or outlook to neighbours.</p>
<p>The building line is considerably extended into the rear garden bringing the development much closer to No. 37.</p> <p>The flank elevation and ground floor drawing shows an inaccurate outline of our house – our ground floor is at least 4m smaller than indicated on the plan – we do not line up with the proposed new ground floor central extension.</p>	<p>The ground floor of the proposed extension would not extend beyond the existing ground floor extension.</p> <p>Whilst the first floor would extend further to the rear, this would be by only around 2.3m adjacent to No. 37. The extension would not be closer to the side boundary than the existing building.</p> <p>The proposed ground floor plan shows that No. 37 is around 16m deep, which corresponds with the measurements on the Council's GIS mapping. The plans do</p>

	not indicate that No. 37 lines up with the ground floor central extension (it is accurately shown that the ground floor extension would extend beyond the rear of No. 37). As such, the proposed plans are accurate and there is no substantive evidence to indicate otherwise.
Noise and disturbance caused by proposed activity building.  The activity building will be an eyesore and cause loss of privacy to neighbouring properties.	It is not considered that use of the activity building would cause a significant increase in noise and disturbance.  The design of the building is considered to be acceptable and in keeping with typical garden buildings.
Concerns about impact on trees.	This is considered in paragraphs 6.31 – 6.33 of the report.
Impact on wildlife.	This is considered in paragraph 6.34 of the report.
The application should not be approved until the landscaping plan has been prepared as this may have a detrimental impact on neighbouring properties.	A landscaping scheme could be secured through planning condition. It is not considered that this would be detrimental to neighbouring properties.
The changes to the front of the building will make it look more commercial and will stand out.	The changes to the front of the building would be of a minor nature and it is not considered that they would create a commercial appearance.
Loss of property value.	This is not a material planning consideration.

## 8. Recommendation

That planning permission be granted subject to the following conditions:

### Conditions

#### 1. Time Limit

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

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

2. Approved Drawings and Documents

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

PP-01; PP-02 Rev A; PP-03; PP-04; PP-05; PP-10; PP-11; PP-12; PP-13;  
PP-15 Rev A; PP-16 Rev A; PP-17 Rev A; PP-18 Rev A; PP-19 Rev A;  
PP-20 Rev A; PP-21 Rev A; PP-22 Rev A; PP-23 Rev A; PP-24 Rev A;  
PP-25 Rev A; PP-26 Rev A; PP-27 Rev A; PP-28 Rev A.

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

3. Materials

No development (apart from demolition) above ground level shall be carried out until full details of the materials to be used for all the external finishes of the development hereby approved, including all external walls, all roofs, doors, windows, fascias, rainwater and foul drainage goods, 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.

Reason: To ensure that the proposed development applies high quality materials that makes a positive contribution to the character and appearance of the area, in accordance with Policies QD6.2 and QD6.4 of the Watford Local Plan 2021-2038.

4. Hard and Soft Landscaping

Prior to the first occupation of the development hereby approved, full details of both hard and soft landscaping works, including:

- trees and soft landscaping to be planted (including location, species, density and planting size),
- a scheme of ecological enhancements,
- details of any changes to ground levels,
- materials for all pathways, all hard surfacing and amenity areas/paving, and,
- boundary treatments,

shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme, with the exception of the planting, shall be completed prior to any occupation of the development. The proposed

planting shall be completed not later than the first available planting and seeding season after completion of the development. Any new trees or plants which within a period of five years, 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 to ensure that enhancements to biodiversity are provided in accordance with Policies NE9.1 and NE9.8 of the Watford Local Plan 2021-2038.

5. Vehicular access

The on-site parking area shall only be accessed via the dropped kerb shown on drawing No. PP-16 Rev A. Prior to the first occupation of the development hereby approved, all other existing dropped kerbs serving the property shall be permanently closed and the footway/kerb re-installed.

Reason: In the interests of highway safety.

6. Electric vehicle charging

Prior to the first occupation of the development hereby approved, an electric vehicle charging point to serve each of the 2 on-site parking spaces shall be installed and made available for use. The electric charging infrastructure shall be retained at all times thereafter.

Reason: To ensure that the proposed development achieves high levels of sustainability, in accordance with Policy ST11.5 of the Watford Local Plan 2021-2038.

7. Refuse and recycling storage

Prior to the first occupation of the development hereby approved, refuse and recycling storage facilities shall be provided in accordance with the details shown on the approved plans. The storage facility shall be retained at all times thereafter.

Reason: In the interests of the visual amenity of the site.

8. Tree Works and Protection Measures

The development hereby approved shall be carried out in accordance with the tree works and tree protection measures set out in the Arboricultural Impact Assessment and Arboricultural Method Statement prepared by Arboricultural Solutions LLP Revision 1 January 2023.

Reason: To maintain the health of protected trees, in accordance with Policies NE9.1 and NE9.2 of the Watford Local Plan 2021-2038.

9. Water efficiency

The development hereby approved shall be constructed to meet the water efficiency optional requirement of 110 litres of water per person per day, as set out in The Building Regulations (2010) Approved Document G Requirement G2 and Regulation 36.

Reason: To minimise the environmental impact of the proposed development, in accordance with Policy CC8.3 of the Watford Local Plan 2021-2038.

10. Accessible dwellings

The development hereby approved shall be constructed to M4(2): Accessible and adaptable dwellings or M4(3): Wheelchair user dwellings of The Building Regulations (2010) Access to and Use of Buildings, Approved Document M (2015 as amended), Volume 1: Dwellings.

Reason: To meet the needs of older people and those with mobility issues, in accordance with Policy HO3.10 of the Watford Local Plan 2021-2038.

11. Obscure glass

The new first floor windows in the northern and southern side elevations of the building shall be (i) obscure-glazed, and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Reason: To protect the privacy of the occupiers of neighbouring properties.

**Informatives**

1. IN907 – Positive and proactive statement
2. IN909 – Street naming and numbering
3. IN910 – Building Regulations
4. IN911 – Party Wall Act
5. IN912 – Hours of Construction
6. IN913 – Community Infrastructure Levy Liability



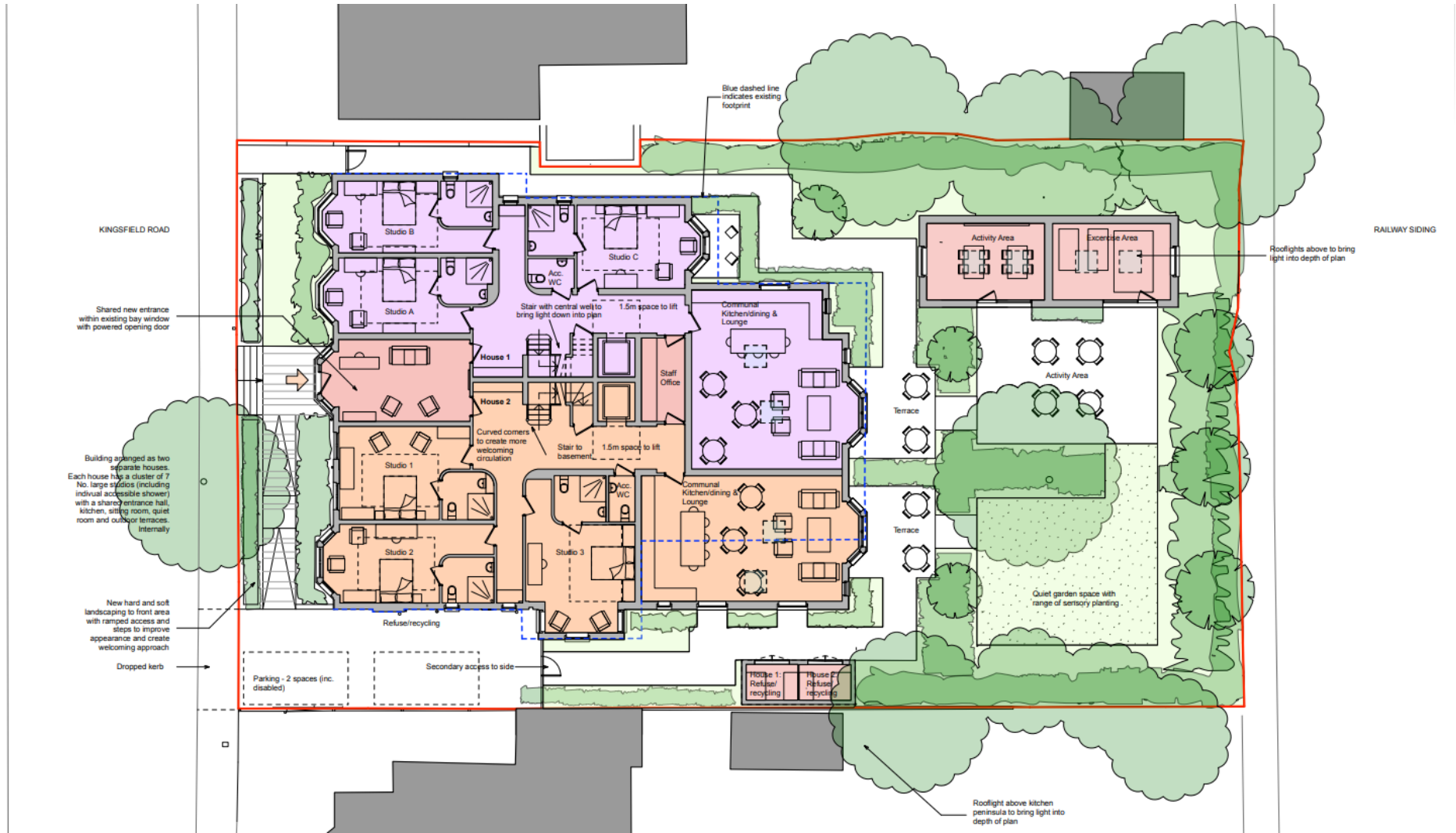




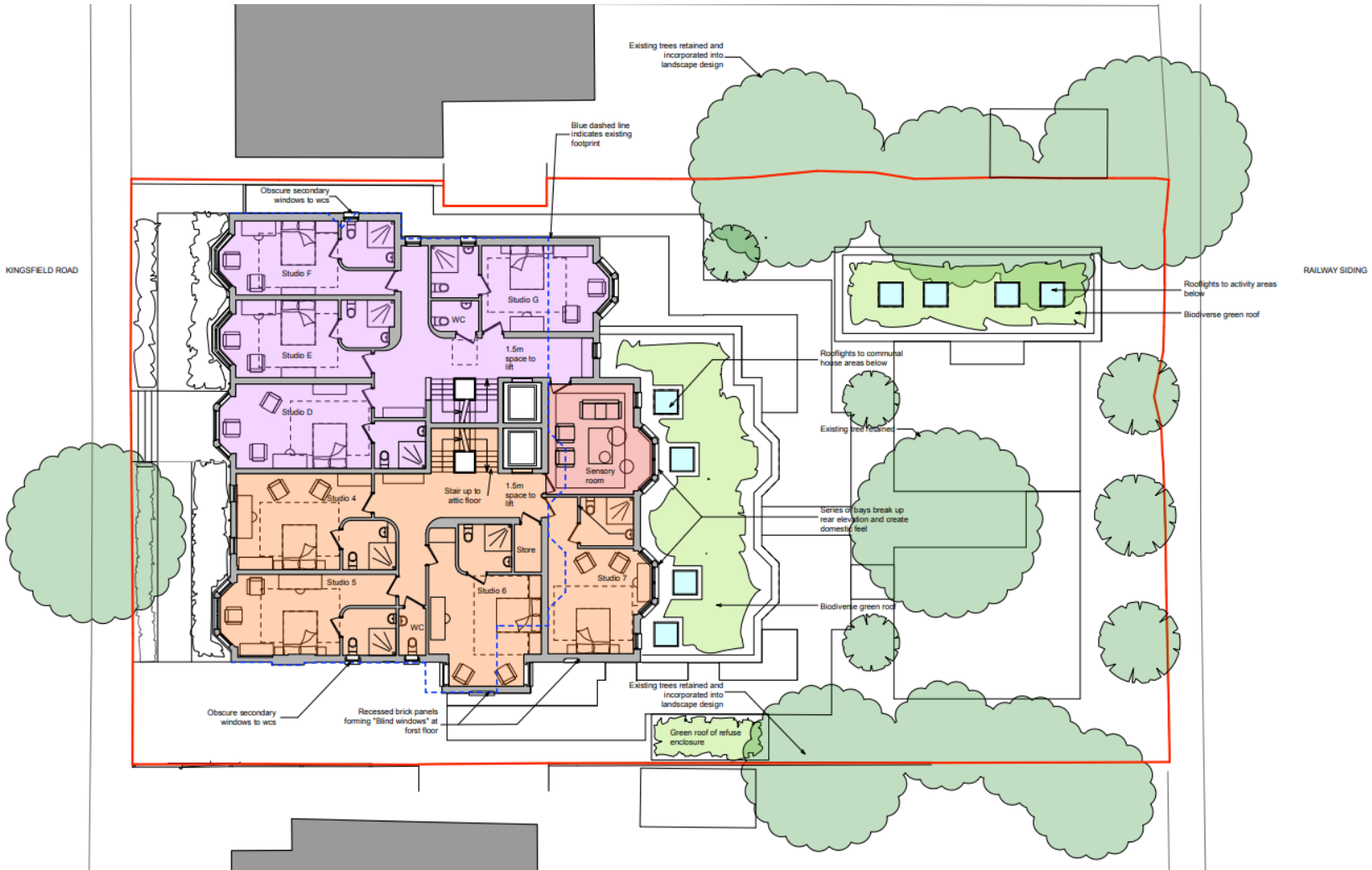
Aerial view of the site



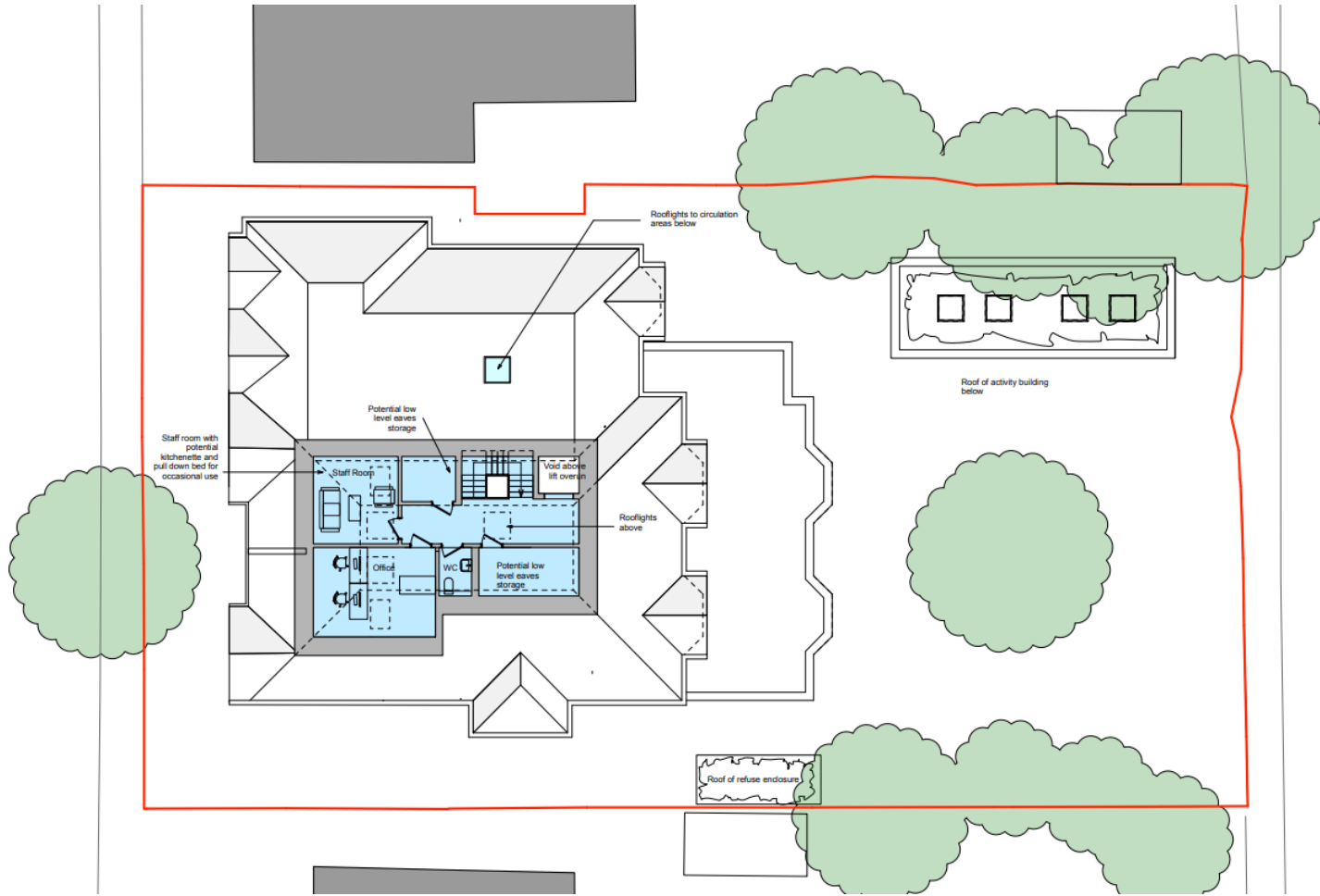
Aerial view of the site.



Proposed ground floor plan



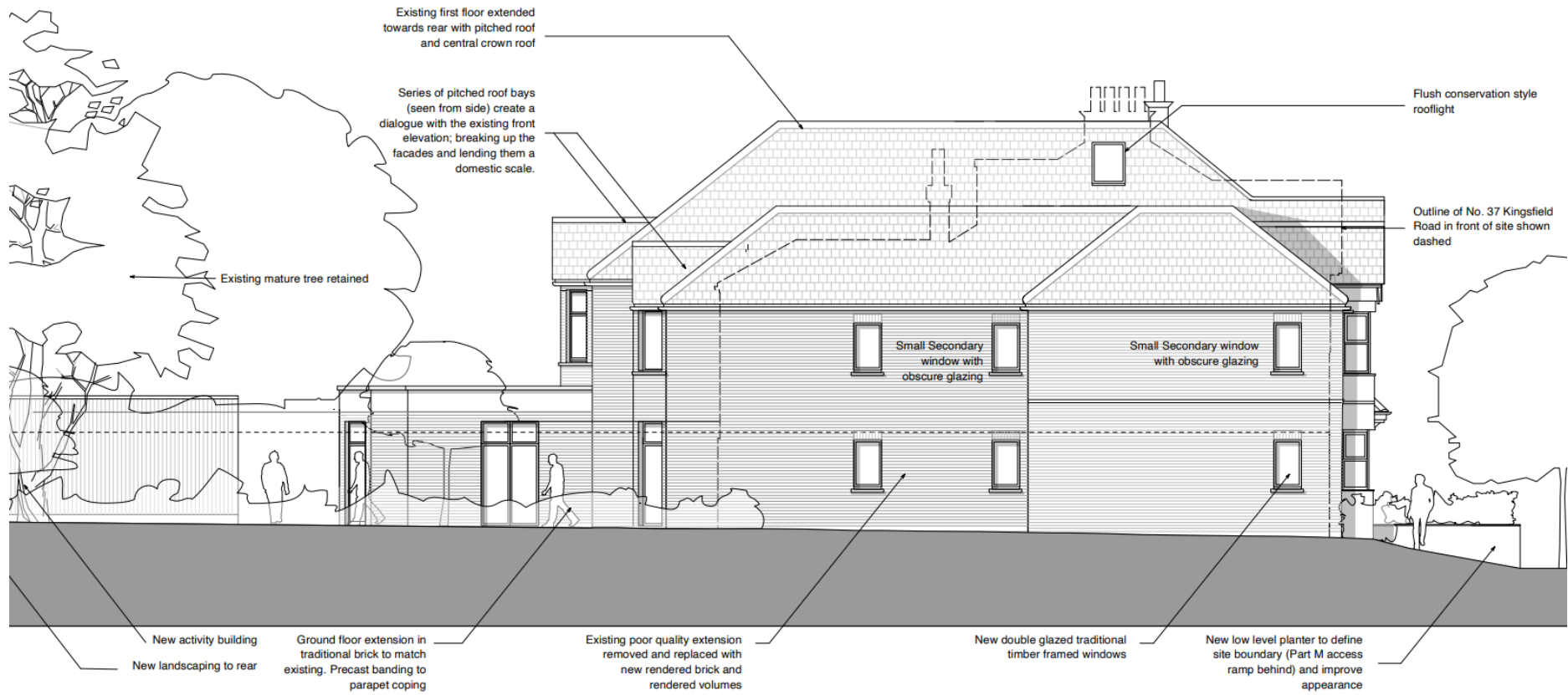
Proposed first floor plan



Proposed second floor plan



Proposed front elevation



Proposed side elevation (facing No. 37 Kingsfield Road)



Proposed side elevation (facing No. 45 Kingsfield Road)





Proposed rear elevation



Tree protection plan



PROPOSED REAR  
ELEVATION

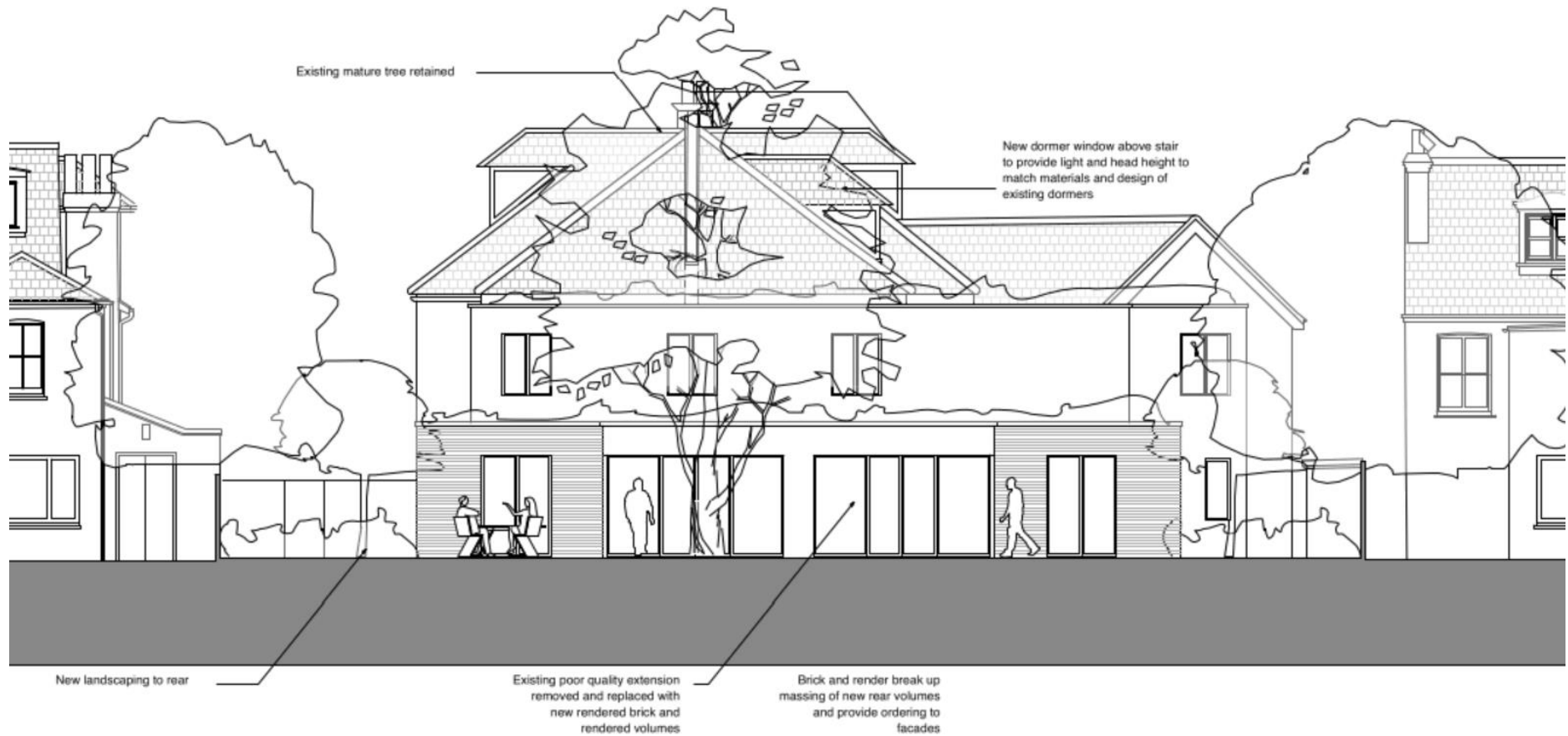


PROPOSED SIDE  
ELEVATION

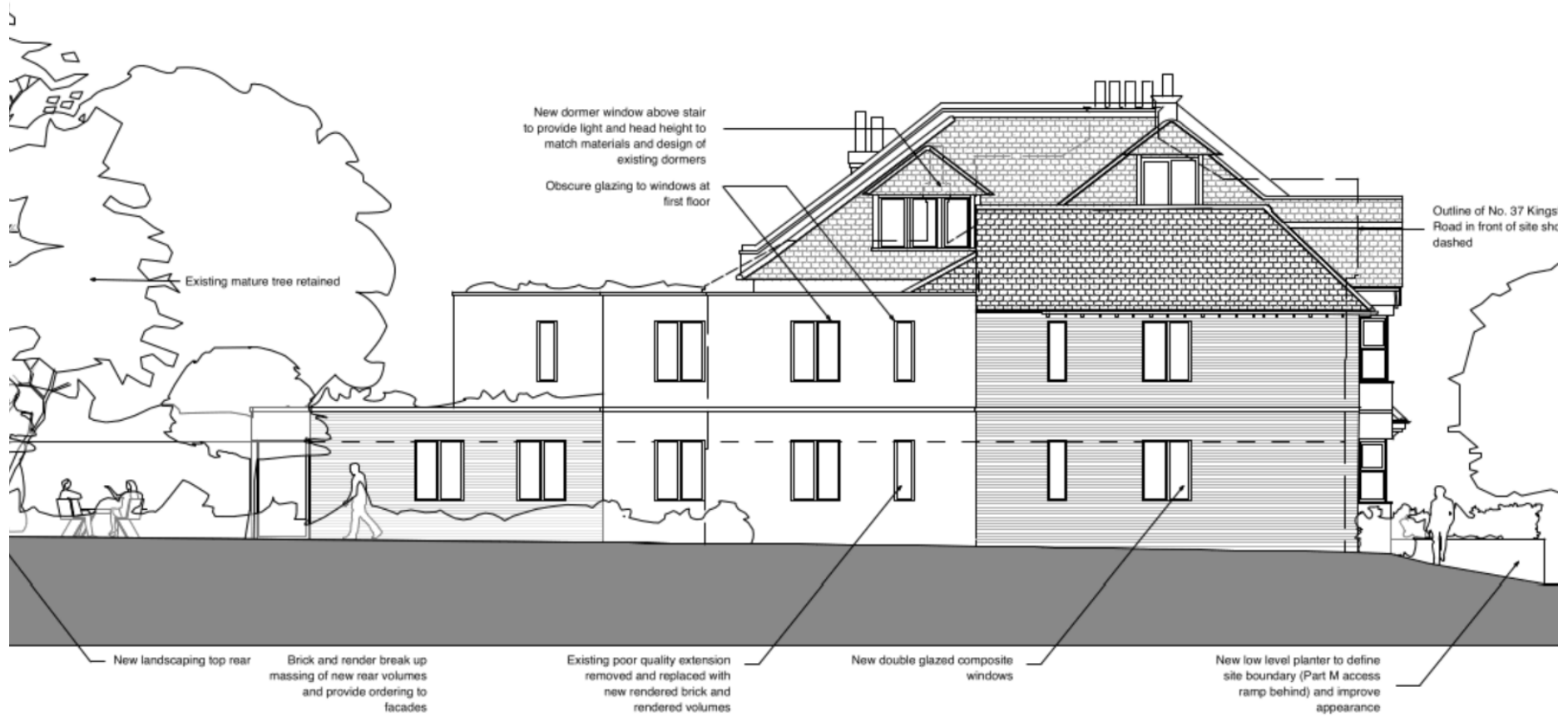
Refused proposed rear and side elevations Ref. 21/01873/FUL



Refused proposed first floor plan Ref. 21/01873/FUL



Proposed rear elevation Ref. 22/01223/FUL (withdrawn). Officer raised concerns about design, as set out in the Committee Report.



Proposed side elevation facing No. 37 Kingsfield Road (withdrawn).

<b>Committee date</b>	Tuesday 4 April 2023
<b>Application reference</b> <b>Site address</b>	22/01486/FULM – 3 Rhodes Way, Watford, WD24 4YW
<b>Proposal</b>	Redevelopment of the site to provide a new self-storage facility (Use Class B8) with associated car and cycle parking, landscaping and other works ancillary to the development.
<b>Applicant</b>	Karbon Self Storage
<b>Agent</b>	ROK Planning
<b>Type of application</b>	Full planning application
<b>Reason for committee item</b>	Major application
<b>Target decision date</b>	11 April 2023
<b>Statutory publicity</b>	Watford Observer, Site Notice and Neighbour Letters
<b>Case officer</b>	Chris Osgathorp <a href="mailto:chris.osgathorp@watford.gov.uk">chris.osgathorp@watford.gov.uk</a>
<b>Ward</b>	Tudor

## 1. Recommendation

- 1.1 That planning permission be granted subject to conditions as set out in section 8 of this report.

## 2. Site and surroundings

- 2.1 The application site formerly contained a commercial laundry building (Use Class E(g)(iii)) with a gross internal area (GIA) of around 2500sqm. This was demolished following a fire in 2018. The site is located in a designated Industrial Area, as identified in the Watford Local Plan 2021-2038.
- 2.2 The site is not within a conservation area and there are no nearby listed buildings.
- 2.3 The land level of the site is around 8m below the residential properties to the south-west and there is an embankment adjacent to the boundary.
- 2.4 The application site is located within Zone 1 (low risk) of the Environment Agency's Flood Map for Planning.
- 2.5 The land is within Source Protection Zone 1 (SPZ1) – Inner Protection Zone.

## 3. Summary of the proposal

### 3.1 Proposal

- 3.2 The application proposes redevelopment of the site to provide a new self-storage facility (Use Class B8) with associated car and cycle parking, landscaping and other works ancillary to the development.

- 3.3 The floor plans show that the proposed building would have a total gross internal floorspace of 5465sqm on 3 levels. However, the applicant sets out that the total GIA could be increased to 10178sqm through the use of demountable mezzanine floors. The self-storage facility would be open 24 hours a day, 7 days a week.
- 3.4 The main entrance to the building would be on the southern side elevation. A staircase and 2 lifts would be provided in the main lobby area, and there would be a separate staircase to the northern side of the building.
- 3.5 The main vehicular access would be to the southern side of the site. This would provide access to 8 car parking spaces (including 2 disabled spaces) and 3 larger spaces for light goods vehicles. There would be a separate vehicular access to the northern side for service vehicles. A cycle store would be provided to the rear of the building, which would provide space for 28 cycles (including 20 long stay and 8 short stay), and 2 cycle cargo spaces.
- 3.6 **Conclusion**
- 3.7 The proposed self-storage facility is compatible with the industrial uses specified in Policy EM4.1 of the Local Plan. It would increase the employment floorspace on the site by 118% from 2500sqm (previous commercial laundry building) to 5465sqm. Furthermore, the Planning Statement notes that in order to accommodate sustainable growth of the business, there is potential to increase the GIA in future to 10178sqm through the use of demountable mezzanine floors. This increase in floorspace would intensify and make more effective use of employment land, which supports the objectives in Policies EM4.1 and EM4.2 of the Local Plan.
- 3.8 The scale and design of the proposed building would be appropriate to its context, which predominantly consists of 2 and 3 storey industrial buildings of varying commercial uses and designs. The proposed external materials and fenestration arrangement would provide an acceptable appearance. Furthermore, the proposal would not cause a significant loss of light, outlook or privacy to neighbouring residential properties in Norbury Avenue due to the siting of the site at a significantly lower land level and the sizeable degree of separation that would be maintained. A revised Noise Impact Assessment has been submitted, which sets out that the proposal would not cause significant noise or disturbance to neighbouring occupiers.
- 3.9 The provision for electric vehicle charging, cycle storage and car parking accords with the standards in the Local Plan. Trip generation associated with the proposal would be modest due to the nature of the use and the restrained



level of on-site parking and so there would not be a significant impact on the local highway network.

- 3.10 Proposed on-site renewable energy technologies will comprise air source heat pumps and solar photovoltaic panels. It is also proposed that passive design features, including high levels of thermal insulation and airtightness to the building fabric (walls, roof, floor and glazing) and high efficiency lighting and controls, would minimise the energy consumption of the building. A BREEAM pre-assessment has been submitted with the application, which indicates that it would be possible to achieve an 'excellent' standard. This could be secured through planning condition.
- 3.11 Biodiversity would be significantly enhanced through additional native planting, including trees. There would also be a large 'living roof' with a wildflower mix for pollinators. Insofar as other environmental matters are concerned, technical reports have been submitted which demonstrate that matters relating to land contamination and sustainable drainage could be adequately addressed through planning conditions.
- 3.12 It is therefore concluded that the proposed development accords with the development plan as a whole and so it is recommended for approval.

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

- 4.1 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 22/01080/PREAP5 - Pre application advice for proposed change of use from commercial laundry to provide a new self-storage facility. An Advice Note was issued in October 2022, which is summarised below:
- The increase in quantum of employment floorspace within the Industrial Area meets the objectives in the Local Plan to intensify and make the most effective use of employment land. The proposal is therefore acceptable in principle.
  - The height, scale and design of the proposed building is acceptable in its context.
  - The proposal would not cause a significant loss of light, outlook or privacy to properties in Norbury Avenue. A Noise Impact Assessment carried out by a competent person is required to demonstrate that the

proposal would maintain acceptable noise levels at the noise sensitive residential properties. Suggestion to design the building in such a way to create a physical barrier between the parking area and the rear boundary, or to move the access to the northern side so it is further away from the neighbouring properties.

- Advised to liaise with the Highway Authority regarding transport impacts. Provision of 11 parking spaces accords with the Local Plan, however provision should be made for light goods vehicles. Electric vehicle charging infrastructure should be provided in accordance with Policy ST11.5 . More weatherproof cycle storage is required to meet the standards in Appendix D of the Local Plan.
- Technical reports required regarding land contamination and surface water drainage. Advised to seek advice from the Environment Agency and Lead Local Flood Authority.
- A high level of sustainability is expected, which should be demonstrated through a Sustainability Statement. A pre-assessment is required to demonstrate that the 'BREEAM Excellent' standard could be achieved.
- A 10% enhancement to biodiversity at the site should be demonstrated. There is opportunity for soft landscaping and tree planting at the site frontage and around the edges. The opportunity for a green roof should also be explored, which would help meet biodiversity and sustainable drainage requirements.

20/00509/FULM - Erection of replacement commercial laundry (Use Class B1C) with associated office and ancillary works. Conditional Planning Permission. September 2020.

20/00262/DEM - Prior approval for the demolition of existing fire damaged warehouse and associated 2 storey office building down to existing slab level. Prior Approval Not Required. March 2020.

## **6. Main considerations**

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

- (a) Principle of the development
- (b) The effect of the proposal on the character and appearance of the area
- (c) The effect on the living conditions of neighbouring properties
- (d) Access, parking and highway matters
- (e) Sustainability

- (f) Biodiversity
- (g) Land contamination
- (h) Surface water drainage

## 6.2 (a) Principle of the development

Policy EM4.1 of the Watford Local Plan states that proposals for new employment floorspace will be supported where they contribute towards meeting the identified employment need in the borough and the Functional Economic Area. The Local Plan makes provision for 25,206sqm net additional industrial floorspace (Use Classes B2, B8, E(g)(ii) and E(g)(iii)). The Policy states that sustainable growth will be supported by, amongst other things, ensuring employment land is intensified to make the most effective use of the land. Policy EM4.2 contains similar objectives to contribute to the identified need for industrial land.

6.3 The proposed self-storage facility (Use Class B8) is compatible with the industrial uses specified in Policy EM4.1. The proposed development would increase the employment floorspace on the site by 118% from 2500sqm (previous commercial laundry building) to 5465sqm. It would also provide an increase upon the replacement commercial laundry building of 4,802sqm which was approved under planning permission Ref. 20/00509/FULM. Furthermore, the Planning Statement notes that in order to accommodate sustainable growth of the business, there is potential to increase the GIA in future to 10178sqm through the use of demountable mezzanine floors.

6.4 As such, the increase in quantum of employment floorspace within the Industrial Area meets the objectives in the Local Plan to intensify and make the most effective use of employment land. The proposal is therefore acceptable in principle.

## 6.5 (b) Character and appearance

The proposed building comprises a roughly square form and the external elevations would be articulated through the use of brickwork at ground floor and black cladding at upper floors. Windows on the Rhodes Way frontage and a shopfront on the corner adjacent to the access road would provide an acceptable degree of activity for a use of this type. It is considered that the proposed materials would provide an acceptable appearance and avoid the sometime garish colour schemes that are often associated with self-storage facilities. Furthermore, the proposed landscaping scheme would include new native planting and trees on the Rhodes Way frontage, which would aid the setting of the building and improve the visual amenity of the street scene.

- 6.6 The Planning Statement notes that the proposed building would be around 13m high – less than the height of 15m of the approved building under planning permission Ref. 20/00509/FULM. Nevertheless, the effective height would be similar because the current proposal is shown to be on a higher land level. In this respect, the height and scale of the proposed building is acceptable and would sit comfortably in the designated Industrial Area, which predominantly comprises 2 and 3 storey buildings of varying commercial uses and designs.
- 6.7 For the above reasons, the proposal would maintain the character and appearance of the surrounding area, in accordance with Policies QD6.2 and QD6.4 of the Local Plan.

6.8 (c) Living conditions of neighbouring properties

The land level of the application site is roughly 8m below the residential properties to the south-west of the site in Norbury Avenue. Taken together with the sizeable separation maintained to neighbouring properties and the siting of the proposed building to the north-east, it is not considered that the proposal would cause a significant loss of daylight, sunlight or outlook to the properties in Norbury Avenue. Furthermore, the visual impact of the proposal would be less than the building approved under planning permission Ref. 20/00509/FULM because it would maintain a greater separation to the rear boundary. In respect of privacy, the proposed building contains no upper floor windows and so there would be no overlooking arising from the proposed building.

- 6.9 The Council's Environmental Health department has raised concerns that comings and goings in the proposed car park and noise associated with the loading, unloading and movement of heavy items may cause noise and disturbance to the occupiers of the neighbouring properties. This concern particularly relates to noise during sensitive times during the night. Nevertheless, the revised Noise Impact Assessment sets out that the attenuation provided by the 8m embankment would ensure that there would not be an unacceptable noise impact. It is also noted that the site is an established industrial area where a degree of noise associated with industrial activities is to be expected. It is considered that the modest size of the car park is unlikely to generate significant activity and disturbance, and unreasonable requirements should not be placed on businesses within established industrial areas.

6.10 For the above reasons, the proposed development would not have a significant adverse effect on the living conditions of the occupiers of adjacent properties.

6.11 (d) Access, parking and highway matters

The parking area would be served by the existing vehicular access on the southern side of the site adjoining Rhodes Way. Having regard to the nature of the proposed use and the restrained amount of on-site parking, the traffic generation arising from the proposal would not cause a significant impact on the local highway network.

6.12 The Highway Authority requested additional information relating to various minor issues – including turning diagrams, on-site pavement widths, cycle store design, whether the light goods vehicle spaces would be multi-purpose to include EV charging, and the provision of dropped kerbs within the site. The applicant submitted additional information on 22 March to address these points, which is considered to be acceptable.

6.13 The provision of 11no. parking spaces accords with the maximum parking standard of 1 space per 150sqm as set out in Appendix E of the Local Plan. This would include provision for 3 light goods vehicles spaces and 2 disabled spaces, which is acceptable. Active electric vehicle charging infrastructure for 4 parking spaces would be provided, with the remainder having passive provision. This meets the requirement of Policy ST11.5 of the Local Plan.

6.14 Appendix D of the Local Plan states that for a Class B8 use, a minimum of 1 cycle space per 500sqm should be provided for employees and 1 cycle space per 1,000sqm for visitors. Based on the maximum GIA of 10178sqm, this equates to a provision of 30 cycle spaces. The proposed storage provision for 28 cycle spaces and 2 cycle cargo spaces meets the minimum standard and is therefore acceptable.

6.15 Having regard to the above considerations, the transport impacts of the proposal are acceptable.

6.16 (e) Sustainability

The Energy and Sustainability Statement sets out that the proposed on-site renewable energy technologies will comprise air source heat pumps and solar photovoltaic panels as these are the most appropriate having regard to the site characteristics. It is also proposed that passive design features, including high levels of thermal insulation and airtightness to the building fabric (walls, roof, floor and glazing) and high efficiency lighting and controls, would minimise the energy consumption of the building. The windows would have

solar control glass to minimise solar heat gain and reduce the energy required for cooling. A BREEAM pre-assessment has been submitted with the application, which indicates that it would be possible to achieve an ‘excellent’ standard. A planning condition to require the submission of a Compliance Certificate for approval should be imposed in accordance with Policy CC8.2 of the Local Plan.

#### 6.17 (f) Biodiversity

The submitted Preliminary Ecological Appraisal<sup>1</sup> (the Ecology Report) sets out that the existing site comprises hard standing, bare ground, ruderal vegetation, 4no. Silver Birch trees adjacent to the Rhodes Way boundary, and a mixed scrub embankment. It is noted that the Silver Birch trees are immature and lack age and structural complexity. The Ecology Report finds that the existing site is of low ecological value and the proposed development would cause no harm to priority or protected species. Nevertheless, the report notes that lighting should be limited on the western (rear) aspect to ensure that commuting routes for bats via the nearby linear treeline is not adversely affected. Officers see no reason to dispute the findings of the Ecology Report and details of a sensitive external lighting scheme could be secured through a planning condition.

6.18 The Ecology Report sets out recommended enhancements to achieve a 10% biodiversity net gain. This includes the provision of bird nest boxes within the fabric of the building and a large ‘living roof’ on the flat roof of the building. It is noted that the living roof would be planted with a wildflower mix for pollinators. Furthermore, the landscape strategy shows that the existing Silver Birch trees would be replaced by new native planting and trees (including Birch, Rowan and Hornbeam) on the Rhodes Way frontage. A new mixed native species hedge would be planted adjacent to the northern boundary, and the existing embankment vegetation would be supplemented by new mixed native hedging, native plants, and new Cherry, Hawthorn and Willow trees.

6.19 With the above in mind, it is considered that the proposal would provide a significant enhancement to biodiversity at the site, in accordance with Policies NE9.1 and NE9.8 of the Local Plan. A condition to require the submission of a detailed landscaping scheme, including a final detailed scheme of ecological enhancements, should be imposed.

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<sup>1</sup> Prepared by The Ecology Partnership dated December 2022.

## 6.20 (g) Land contamination

The submitted Supplementary Geo-Environmental Assessment and Outline Remediation Strategy<sup>2</sup> sets out that intrusive ground investigations show there is low risk of contamination within the made ground. It states that necessary remedial works include the removal of asphalt surfacing (which contains contaminative compounds), and the removal of an asbestos cement pipe – which will require disposal to a suitably licensed waste management facility. The report has been reviewed by the Environment Agency who have raised no objection to the proposal subject to the imposition of standard conditions.

## 6.21 (h) Surface water drainage

The Drainage Strategy<sup>3</sup> sets out that the proposed surface water system will discharge into the Thames Water sewer. The drainage scheme would include below ground attenuation tanks to store surface water on site for all flood events up to the 1 in 100 year +40% for climate change. Flow control devices will be utilised to minimise the run-off rate to the public sewer to the equivalent greenfield run off rate of 0.76L/S to a maximum of 1.00L/S. The drainage scheme provides for other attenuation measures, including a large ‘living roof’ and permeable hard-surfacing for the parking spaces – which would reduce the need for storage within the attenuation tank.

6.22 The Lead Local Flood Authority (the LLFA) has been consulted but they have not provided a response within the consultation period. Noting the substantial delays in LLFA response times, along with the familiar attenuation methods proposed, it is considered that a pre-commencement planning condition could be imposed to require the submission of the final detailed design of the drainage scheme for approval.

## 7. Consultation responses received

### 7.1 Internal Consultees

Consultee	Comment Summary	Officer response
Arboricultural Officer	No objection.	Noted.
Waste & Recycling	No comments.	Noted.
Environmental Health	Concerns that comings and goings in the proposed car	This is discussed in the report.

<sup>2</sup> Prepared by Brownfield Solutions Ltd Ref. SMS/C5188/11479 Rev A

<sup>3</sup> Prepared by Will Rudd dated 15/12/2022

	park and noise associated with the loading, un-loading and movement of heavy items would cause noise and disturbance to the occupiers of the neighbouring properties in Norbury Avenue.	
Contaminated Land Officer	No objection subject to conditions.	Noted.

## 7.2 External Consultees

Environment Agency	No objection subject to conditions.	Noted.
Herts C.C. Highways	<p>The trip generation is acceptable.</p> <p>Various minor issues raised as set out in the report.</p> <p>Requested conditions relating to Construction Management Plan (CMP) and the submission of a Travel Plan.</p>	<p>The matters raised are considered in the report.</p> <p>Regarding a CMP, there are controls outside the planning system, including the Highways Act 1980, to deal with matters such as obstruction or deposit of mud in the highway.</p> <p>The site is in an industrial area and is not on a busy through-route. Furthermore, construction vehicles would have minimal impact on residential roads given the proximity to Stephenson Way and the M1. In these circumstances, it is not considered that a planning condition requiring the submission of a CMP is necessary to make the development acceptable. A condition therefore would not meet the tests in</p>



		<p>paragraph 56 of the Framework.</p> <p>In respect of a travel plan, this type of use generates a very low number of employees and so it is not considered that a condition to require the submission of a travel plan is necessary or proportionate.</p>
Herts C.C. Lead Local Flood Authority	No response.	
Herts C.C. Growth & Infrastructure Unit	No comments.	Noted.
Herts C.C. Waste & Minerals	Requests a Site Waste Management Plan to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials.	Noted.
Thames Water	No objection. The scale of the proposal development would not materially affect the sewer network.	
Hertfordshire Constabulary	The application is supported.	Noted.

### 7.3 Interested parties

Letters were sent to 25 properties in the surrounding area. A notice was posted outside the site and a notice published in the Watford Observer on 13 January 2023. No responses were received.

### 8. Recommendation

That planning permission be granted subject to the conditions listed below:

## Conditions

### 1. Time Limit

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

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

### 2. Approved Drawings and Documents

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

22044GA-10-001; 22044GA-10-003; 22044GA-10-004; 22044GA\_D\_001E; 22044GA\_D\_002D; 22044GA\_D\_003B; 22044GA\_D\_004B; 22044GA\_D\_006C; 22044GA\_D\_007C; 22044GA\_D\_008C; 22044GA\_D\_010C; 22044GA-D-022B; EQT W 100.22 SL-01.

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

### 3. Surface Water Drainage

No development shall commence until a final detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the drainage scheme has been implemented in accordance with the approved details.

Reason: To prevent minimise the risk of flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

### 4. Surface Water Management Plan

Upon completion of the drainage works for the site, a management and maintenance plan for the SuDS features and drainage network shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

1. Provision of a complete set of as built drawings for site drainage.
2. Maintenance and operational activities.
3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

The development shall be maintained in accordance with the approved management and maintenance plan.

Reason: To prevent minimise the risk of flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

5. Environment Agency – Remediation

The development hereby approved shall be carried out in accordance with the approved remediation strategy set out in the Supplementary Geo-Environmental Assessment and Outline Remediation Strategy Prepared by Brownfield Solutions Ltd Ref. SMS/C5188/11479 Rev A December 2022.

Reason: To ensure that the site does not pose any further risk to human health or the water environment.

6. Environment Agency – Verification Report

Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete.

7. Environment Agency – Monitoring and Maintenance

The development hereby permitted shall not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the local planning authority.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures.

8. Environment Agency – Unsuspected Contamination

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

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

9. Environment Agency – Piling

Piling, deep foundations or other intrusive groundworks (investigation boreholes/tunnel shafts/ground source heating and cooling systems) using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed Piling, deep foundations, or other intrusive groundworks (investigation boreholes/tunnel shafts/ground source heating and cooling systems) does not harm groundwater resources in line with paragraph 174(E) of the National Planning Policy Framework and your local plan policy SE28 Groundwater Quality.

10. Environment Agency – Boreholes

A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how 4 redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.

Reason: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 174(E) of the National Planning Policy Framework and your local plan policy SE28 Groundwater Quality.

## 11. Hard and Soft Landscaping

Prior to the first occupation of the development hereby approved, full details of both hard and soft landscaping works, including:

- trees and soft landscaping to be planted (including location, species, density and planting size),
- a detailed scheme of ecological enhancements demonstrating a minimum 10% enhancement to biodiversity,
- details of any changes to ground levels around the building,
- materials for all pathways, all hard surfacing and amenity areas/paving, and,
- boundary treatments,

shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme, with the exception of the planting, shall be completed prior to any occupation of the development. The proposed planting shall be completed not later than the first available planting and seeding season after completion of the development. Any new trees or plants which within a period of five years, 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 to ensure that enhancements to biodiversity are provided in accordance with paragraphs 8c), 174d) and 180d) of the National Planning Policy Framework and Policy NE9.1 of the Local Plan.

## 12. External Lighting

Prior to the first occupation of the development hereby approved, full details of an external lighting scheme (including location, design, illuminance levels, and illuminance contour plans) shall be submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall have input from a competent ecologist. No external lighting shall be installed on the site other than that shown on the approved lighting scheme.

Reason: The western aspect of the site may support commuting bats due to the linear tree line. In accordance with Policy NE9.8 of the Local Plan, a sensitive lighting scheme is therefore necessary to ensure that the proposal would not cause harm to bats, which is a protected species.

13. Plant

Prior to the first occupation of the development hereby approved, details of all new external plant or machinery shall be submitted to and approved in writing by the Local Planning Authority. In respect of any plant that emits sound, details shall include appropriate noise assessments carried out in accordance with BS4142 and undertaken by appropriately qualified technical consultants. The noise assessment shall include details of any necessary mitigation, which shall be installed prior to the plant being brought into operation.

Reason: To prevent noise disturbance and in the interests of the amenity of the area, in accordance with Policy CC8.5 of the Local Plan.

14. Access/parking layout

Prior to the first occupation of the development hereby approved, the vehicular access and on-site parking layout shall be implemented in accordance with the approved plans. The vehicular access and parking layout shall be retained at all times thereafter.

Reason: To ensure that satisfactory access and parking arrangements are provided in the interests of highway safety.

15. Electric vehicle charging

Prior to the first occupation of the development hereby approved, active electric vehicle charging points for 4 parking spaces and passive infrastructure for the remaining 7 spaces shall be provided. The electric charging infrastructure shall be retained at all times thereafter.

Reason: To ensure that the proposed development achieves high levels of sustainability, in accordance with Policy ST11.5 of the Local Plan.

16. Cycle parking

Prior to the first occupation of the development hereby approved, cycle storage for 30 cycles shall be provided in accordance with the approved plans. The cycle storage facilities shall be retained at all times thereafter.

Reason: To ensure that the proposed development encourages a modal shift towards sustainable transport patterns, in accordance with Policy ST11.4 of the Local Plan.

17. BREEAM Certificate

Within 6 months of the date of completion of the development hereby approved, a certificate to certify that the BREEAM Excellent standard has been achieved in accordance with the BREEAM pre-assessment set out in the Energy and Sustainability Statement prepared by Atelier Ten Ref. 6986 dated 24 November 2022 shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure high quality and sustainable construction methods, in accordance with Policy CC8.2 of the Watford Local Plan 2021-2038.

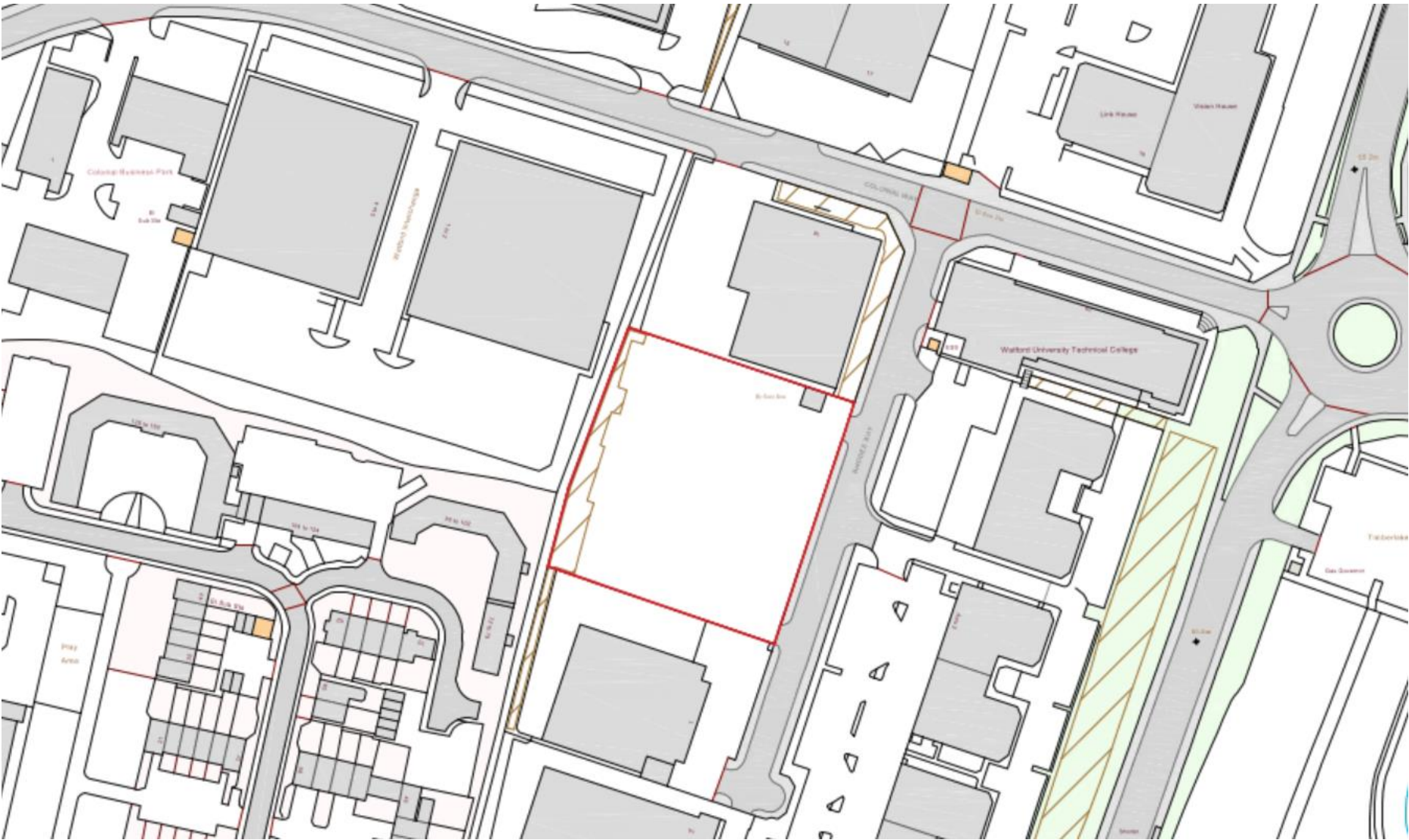
18. Materials

The external surfaces of the development hereby approved shall be finished in the materials specified on the approved drawings, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual appearance of the building and the character and appearance of the area, in accordance with Policies QD6.2 and QD6.4 of the Local Plan.

**Informatives**

1. IN907 – Positive and proactive statement
2. IN910 – Building Regulations
3. IN911 – Party Wall Act



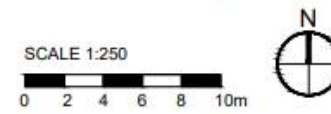
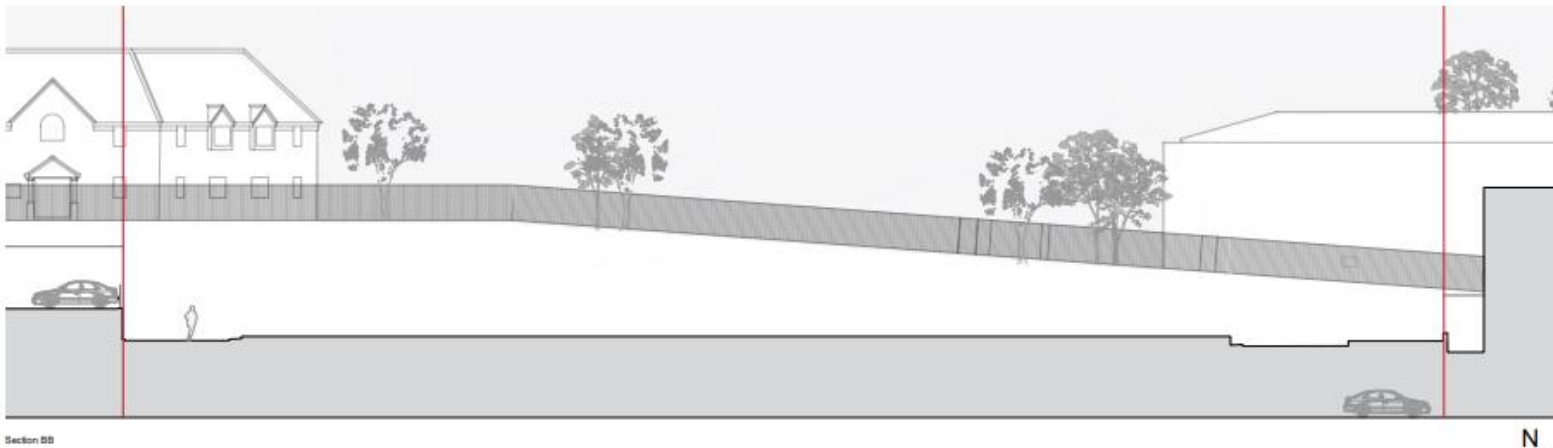
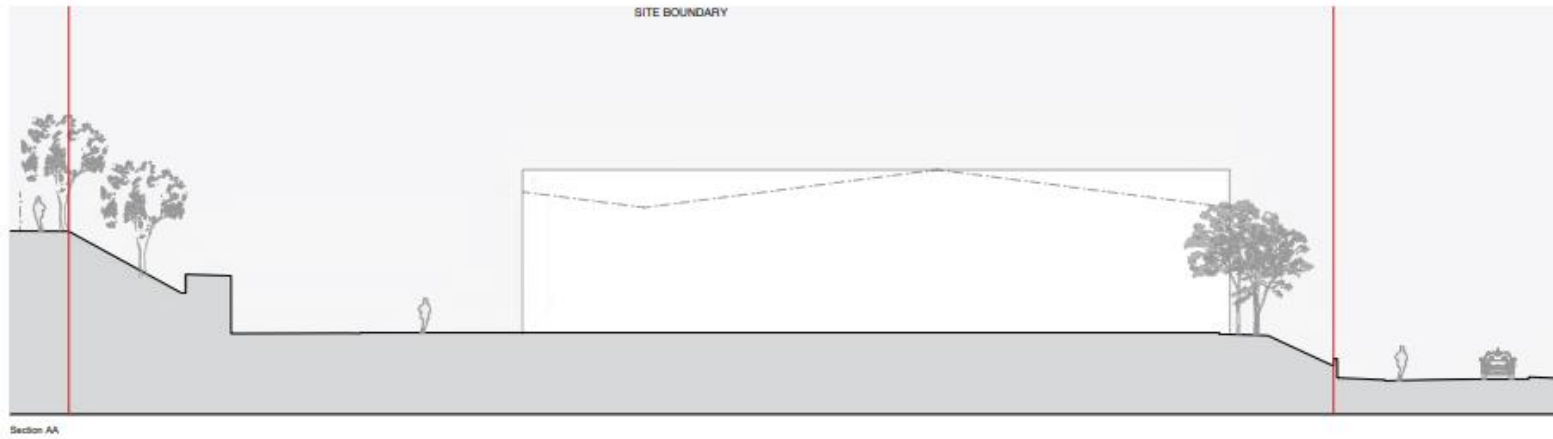




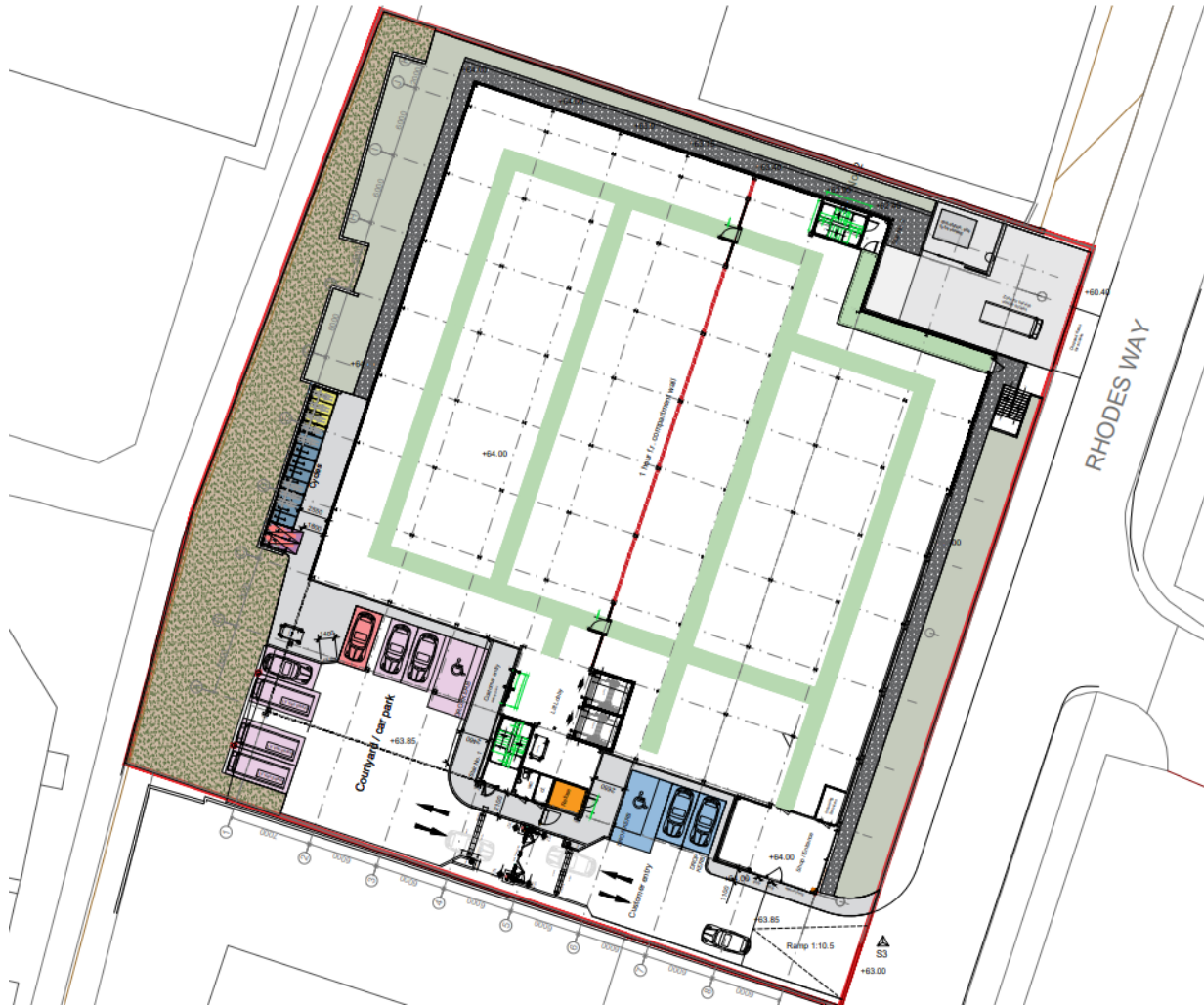
Aerial view of the site



View of site from Rhodes Way. Residential properties in Norbury Avenue visible above the site.



Existing site section



**NOTES** ORIGINAL: A

All sizes and dimensions to be checked on site prior to construction. Indications, report discrepancies immediately. Do not scale dimensions from this drawing. This drawing is copyright protected.

REVISION		
A	05/12/22	Plan amended
B	09/12/22	Shop updated
C	10/12/22	Plan updated
D	09/02/23	Showing concrete picked up
E	07/02/23	Drop walls & drive access

- Visitor Parking: 1 x Car space (Staff)
  - Visitor Parking: 3 x Car space (1 of which is accessible)
  - Customer Parking: 7 x Car space (2 of which are accessible & 3 Luton van) Electrical Charge points, 1 accessible & 3 Luton van)
  - Electrical Car "Twin" charging point
  - Bicycle Parking: 2 short stay Charge Bikes, 8 short stay - standard, 20 long stay - standard
- Refuse Requirement = 0.1 sqm  
 Actual Refuse Store = 8m<sup>2</sup>  
 Calculation: Total back of house/shop area = 57m<sup>2</sup> Storage area Req @ 2 m<sup>2</sup> / 1000m<sup>2</sup> Sum: 57/1000 x 2 = 0.114m<sup>2</sup>

- LEGEND: Surface Finishes**
- Gravel access strip
  - Existing sloped wide shrubbery
  - New Proposed Landscaping

**SELF-STORAGE**

Gross Internal Area	
Ground Floor	2,348sqm
Level 01	469sqm
Level 02	2,549sqm
<b>Total:</b>	<b>5,465sqm</b>

□ SITE BOUNDARY  
 AREA = 4,356 sqm

SCALE 1:100

**PLANNING**

SCALE	DATE	DRAWN	CHECKED
1:100	OCT22	AT	SF

PROJECT  
**PORT EXETER**  
 Rhodes Way, WATFORD

DRAWING  
 Site Plan  
 As proposed

**Threesixty Architecture**  
 10 MONTROSE STREET  
 GLASGOW G1 7SE  
 0141 229 737  
 www.360architecture.co.uk

DRAWING No.  
 22044GA D 001E

Proposed site plan



Proposed landscape strategy



Proposed elevations



Scheme visual



Scheme visual