

<b>PART A</b>	
Report of: <b>HEAD OF DEVELOPMENT MANAGEMENT</b>	
Date of committee:	<b>28<sup>th</sup> January 2016</b>
Site address:	<b>114, Hempstead Road, Watford</b>
Reference Number:	<b>15/01343/FUL</b>
Description of Development:	<b>Demolition of existing detached dwelling and the erection of two blocks of flats comprising 3 no. three bed flats and 6 no. two bed flats, with modified access, car parking and landscaping</b>
Applicant:	<b>Sliabh Construction Limited</b>
Date Received:	<b>21<sup>st</sup> September 2015</b>
13 week date (major):	<b>16<sup>th</sup> November 2015 (extended by agreement to 29<sup>th</sup> January 2016)</b>
Ward:	<b>Nascot</b>

## **1.0 SITE AND SURROUNDINGS**

- 1.1 The site is located on the eastern side of Hempstead Road immediately to the south of Kenilworth Court. It comprises a rectangular plot with an area of 0.23 hectare measuring 20m wide by 124m deep. It currently comprises a detached bungalow sited towards the front of the site with a single cross-over access to Hempstead Road.
  
- 1.2 The site is subject to two Tree Preservation Orders. The trees along the frontage form part of Area A1 of TPO No.3. The copper beech tree (T1) set in from the frontage and sited in front of the existing dwelling is protected by TPO No.258.
  
- 1.3 The surrounding area is varied in character and building typology. Immediately to

the north are 2 and 3 storey blocks of flats at Kenilworth Court. The flats closest to the application site on the southern side of Kenilworth Court are 3 storey with flat roofs. Those on the northern side of Kenilworth Court are 2 and 3 storey with pitched roofs. Along the southern boundary, the western part of the site adjoins 2 storey detached houses fronting Hempstead Road and the eastern part of the site adjoins single storey bungalows in Maple Grove. To the east, the rear boundary adjoins bungalows in Langwood Gardens. On the opposite side of Hempstead Road are 2 storey detached houses.

## **2.0 PROPOSED DEVELOPMENT**

- 2.1 To demolish the existing detached dwelling and erect two new blocks comprising 9 flats. One block is sited towards the front of the site, approximately on the site of the existing dwelling, and includes 3 no. three bed flats. The second block is sited towards the rear of the site and includes 6 no. two bed flats. The existing access from Hempstead Road is to be upgraded from a crossover to a bellmouth junction. The proposal provides 20 car parking spaces with 3 provided to the front of the site and the remaining 17 provided in the centre of the site between the two blocks. This main parking area will also include bin and cycle stores for both blocks.
- 2.2 Both blocks are two storey with a second floor of accommodation within a mansard style roof.

## **3.0 RELEVANT PLANNING HISTORY**

- 3.1 The existing dwelling was granted planning permission in 1952. There is no planning history of relevance to the current application.

## **4.0 PLANNING POLICIES**

### **Development plan**

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

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

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

#### 4.3 **Watford Local Plan Core Strategy 2006-31**

- WBC1 Presumption in favour of sustainable development
- SS1 Spatial Strategy
- SD1 Sustainable Design
- SD2 Water and Wastewater
- SD3 Climate Change
- SD4 Waste
- HS1 Housing Supply and Residential Site Selection
- HS2 Housing Mix
- HS3 Affordable Housing
- INF1 Infrastructure Delivery and Planning Obligations
- UD1 Delivering High Quality Design

#### 4.4 **Watford District Plan 2000**

- SE7 Waste Storage, Recovery and Recycling in New Development
- SE22 Noise
- SE27 Flood Prevention
- SE28 Groundwater Quality

SE36	Replacement Trees and Hedgerows
SE37	Protection of Trees, Woodlands and Hedgerows
SE39	Tree and Hedgerow Provision in New Development
T10	Cycle Parking Standards
T21	Access and Servicing
T22	Car Parking Standards
T24	Residential Development
H9	Back Garden Development
H10	Planning Agreements for Educational and Community Facilities
L8	Open Space Provision in Housing Development
L9	Children's Play Space

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

No relevant policies.

#### 4.6 **Hertfordshire Minerals Local Plan Review 2002-2016**

No relevant policies.

#### 4.7 **Supplementary Planning Documents**

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

#### 4.8 *Residential Design Guide*

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

#### 4.9 *Watford Character of Area Study*

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

#### 4.10 *SPG10 Open Space Provision*

This guidance sets out the standards of open space provision required per thousand population as part of new developments. The guidance was adopted in October 2001 and is a material consideration in the determination of relevant planning applications.

#### 4.11 **National Planning Policy Framework**

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

Achieving sustainable development

The presumption in favour of sustainable development

Core planning principles

Section 1 Building a strong, competitive economy

Section 4 Promoting sustainable transport

Section 6 Delivering a wide choice of high quality homes

Section 7 Requiring good design

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

Decision taking

## 5.0 **CONSULTATIONS**

### 5.1 **Neighbour consultations**

Letters were sent to 33 properties in Hempstead Road, Kenilworth Court, Maple

Grove and Langwood Gardens.

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

Number of original notifications:	33
Number of objections:	18
Number in support:	0
Number of representations:	18

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

Representations	Officer's response
<b>Hempstead Road properties</b>	
Unacceptably high density/overdevelopment.	The site has an area of 0.23 hectare. The proposed 9 flats give a density of 39 dwellings per hectare, which is significantly below the average for new development in Watford (60-80 dwellings per hectare).
Noise and disturbance from residents.	There is no reason to presume that future residents will be unduly noisy or cause disturbance. This is not a relevant planning matter.
Overlooking and loss of privacy.	Block A is sited alongside 112, Hempstead Road and will not result in any direct overlooking. Block B to the rear is sited 46m away, significantly in excess of the Council's minimum guideline of 27.5m.
Overshadowing.	Block A is sited immediately to the north of 112, Hempstead Road and will therefore not result in any overshadowing of this property.
Visual impact on character of	Hempstead Road is varied in its character

<p>Hempstead Road. This section of Hempstead Road is houses and bungalows.</p>	<p>with various flatted developments on its eastern side. The site adjoins the flatted development at Kenilworth Court and, consequently, is not considered to be detrimental to the character of the road.</p>
<p>Flats will have a detrimental impact on the character of the neighbourhood. Development is overbearing, out of scale and out of character in terms of appearance.</p>	<p>The immediate area surrounding the site is very varied in the scale and design of buildings. Consequently, it is not considered that the proposal is out of scale or character.</p>
<p>Loss of existing views from neighbouring properties.</p>	<p>Loss of views is not a relevant planning consideration. It is normal in an urban area for other properties to be visible from a property.</p>
<p>Adverse impact on highway safety and convenience of road users.</p>	<p>Herts County Council as the Highway Authority has no objections on highway safety grounds subject to a bellmouth junction being formed.</p>
<p>Increased congestion and traffic.</p>	<p>Herts County Council as the Highway Authority has no objections on grounds of traffic generation, which will not be significant from the proposed 9 flats.</p>
<p>Little space for delivery vehicles on the site.</p>	<p>The internal layout of the site has been designed to allow a 10m delivery vehicle to turn on-site.</p>
<p>Visitors likely to park on Hempstead Road and other roads.</p>	<p>Parking is prohibited on Hempstead Road by double yellow lines. The adjoining Kenilworth Court is also subject to a controlled parking zone.</p>
<p>Impact of proposal on roots of copper beech tree.</p>	<p>This tree is protected by a TPO. The siting of Block A will avoid any adverse impact on</p>

	the root protection zone.
Parking area will cause noise and pollution.	The new car park located in the centre of the site may result in some additional noise and disturbance but it is not considered that this would cause any significant adverse harm.
Parking area will result in less area for rainwater to drain.	A sustainable drainage scheme can be secured by condition.
Building not set far enough back.	Block A aligns with the building line of 114, Hempstead Road and is set further back than the adjoining block of flats at Kenilworth Court.
<b>Kenilworth Court properties</b>	
Blocks too close to the boundary.	The proposed blocks are sited an appropriate distance from the site boundaries.
Loss of privacy and light to flats in Kenilworth Court.	This is discussed in detail in the report and is not considered to be significant.
Block B will be visually intrusive due to its length.	The length and height of Block B has been reduced during the application process and is considered to be acceptable in its scale.
Limited garden areas within the development.	The proposed garden areas exceed the minimum areas required by the Residential Design Guide.
Excessive glazing in the front elevations of each block.	The originally proposed design included full height patio doors and balconies dominating the front elevation of each block. These have now been removed and replaced by windows.
Block B is effectively backland development in the existing garden area.	This is true. However, Block B adjoins existing 'backland' development in Maple Close and Kenilworth Court so will not



	appear out of character. The proposed access is considered satisfactory to serve Block B.
Both blocks should be reduced in scale.	Both blocks have been reduced in scale compared to the original scheme, although not by as much as the objector suggested.
Overlooking from balconies.	All balconies have now been removed.
<b>Maple Grove properties</b>	
Noise and pollution from central parking area.	The proposal will introduce car parking into the current garden area, however, it is not considered that the likely number of vehicle movements will be significant nor that this will give rise to any significant harm.
Plot too narrow for two blocks of flats and car parking.	The plot is 20m wide and the layout demonstrates how the proposed development can be achieved in a satisfactory manner.
Overlooking from balconies.	All balconies have now been removed.
Visual impact of 3 storey wall on bungalows.	The length and height of Block B has been reduced during the application process and is considered to be acceptable in its scale.
Further details required of tree screen.	This can be secured by condition.
Trees cut down before application submitted.	These garden trees were not protected by a TPO.
Bins adjoining garden areas.	Bin stores are proposed alongside existing garden areas, however, they are shown as brick built stores with solid roofs and details can be secured by condition.
Assuming 2 cars per dwelling, there will be no visitor parking.	The proposal is in excess of the Council's maximum standard of 16 spaces for the proposed development, which includes

	visitor provision.
Cramped development.	The development is not considered to be cramped in its layout or an overdevelopment of the site.
Out of scale and character, particularly with bungalows in Maple Grove and Langwood Gardens.	The immediate area surrounding the site is very varied in the scale and design of buildings. Consequently, it is not considered that the proposal is out of scale or character.
Proposed flats are tiny and unsuitable for families.	The flats are significantly in excess of the guidelines in the Residential Design Guide and the Nationally Described Space Standard.
Loss of privacy.	The only windows in the south facing side elevation are to corridors and halls, and these can be obscure glazed and fixed shut. Windows in the front and rear elevation will allow oblique views across garden areas, which is normal within an urban environment.
Inadequate local facilities especially schools.	The development will be liable for a CIL charge towards local infrastructure.
Loss of outlook and openness.	The proposed blocks will not impact directly on outlook from properties in Maple Grove.
<b>Langwood Gardens properties</b>	
Loss of privacy and light. Overbearing and dominant impact.	Block B is sited 20m from the boundary with Langwood Gardens and 29m from the rear elevation of the nearest property, in excess of the Council's minimum distance of 27.5m. This distance will ensure no adverse impact on privacy or light.
Trees cut down before application submitted.	These garden trees were not protected by a TPO.

Other properties – no new issues raised.

As a result of these objections and following discussions with your officers, amended drawings were submitted by the applicant. All properties previously notified of the application and all objectors were notified of the amended drawings and given 14 days to comment. A further 7 letters have been received, reiterating previous objections, as summarised above.

The Committee will be advised of any additional representations received after the date this report was written.

### 5.3 **Statutory publicity**

No statutory advertisement was required for this application.

### 5.4 **Technical consultations**

The following responses have been received from technical consultees:

#### 5.4.1 Hertfordshire County Council (Highway Authority)

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

Hertfordshire County Council has no objection to the principle of the proposed changes to the approved development, subject to a S278 Agreement. Any works within the highway boundary (including alterations to the footway and the proposed site access) will need to be secured and approved via a S278 Agreement with the HCC. The existing access will need to be made into a junction with associated road markings due to the increase in the number of vehicles that will be using this access/egress. As Hempstead Road is classified as a Principle Road and a main distributor in the road hierarchy a number of things will need to be done under the S278 agreement.

1) Before any development commences, additional plans drawn to an appropriate scale must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which clearly show the detailed design and construction of all works within the public highway as a result of the new access arrangements onto Hempstead Road. All highway works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction, and completed before first occupation of the residential development. Reason: To ensure the provision of a safe access serving the development, in the interests of highway safety.

2) Concurrent with the construction of the accesses onto Hempstead, carriageway visibility splays of 2.4 metres x 43 metres shall be provided in both directions. These splays shall be permanently maintained in each direction within which there shall be no obstruction to visibility between 600mm and 2 m above the carriageway level. Reason: To provide adequate visibility for drivers entering or leaving the site.

3) Before any development commences, additional plans drawn to an appropriate scale must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which clearly show that the internal site layout makes safe and convenient provision for pedestrian movements through the site. Reason: To ensure that pedestrians are appropriately catered for within the site, and that the development accords with paragraphs 32 and 35 of the NPPF.

4) Before development commences, additional layout plans, drawn to an appropriate scale, must be submitted and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which clearly demonstrate that all on-site parking spaces can be accessed by a vehicle, and that on-site turning space is sufficient to enable all vehicles to enter and exit the site in forward gear. Reason: To ensure no significant increase to roadside parking levels and to ensure that vehicles entering and exiting the site do not adversely affect the free and safe flow of traffic on the public highway.

5) Before the development hereby approved is first occupied / brought into use, all on site vehicular areas, including (but not limited to) internal access roads, forecourts, garages, carports and external parking spaces, shall be accessible, surfaced, marked out, and fully completed in accordance with submitted plans and carried out in a manner to the Local Planning Authority's approval. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway. Reason: So as to ensure satisfactory parking of vehicles outside highway limits and to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

6) Before occupation of the residential development, the relocation of one and kerbing enhancements to the two closest bus stops along Station Road shall be completed to the satisfaction of the Local Planning Authority and Highway Authority. Reason: To ensure the development complies with paragraphs 32 and 35 of the NPPF, enabling access to the site for all people by modes other than the private motorcar.

7) Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing) efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times during construction of the development, to include cleaning the wheels of all construction vehicles leaving the site. Reason: In order to minimise the amount of mud, soil and other materials originating from the site being deposited on the highway, and in the interests of highway safety and visual amenity.

8) Prior to the commencement of the development, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall identify details of:

- phasing for the development of the site, including all highway works;

- methods for accessing the site, including construction vehicle numbers and routing;
- location and details of wheel washing facilities;
- associated parking areas and storage of materials clear of the public highway;

Highway layout and safety:

An upgrade to the existing vehicular and pedestrian access onto Hempstead Road. The access will be constructed with as a bell mouth access/egress and tactile paving either side. Visibility splays of 2.4 metres X 43 metres are provided in both directions, which meets standards. A Road Safety Audit should be carried out; However, it is considered justified to request by condition the submission of suitably detailed plan of the site's proposed access in order for a simple safety review to be undertaken by our safety team (see condition 1 above).

All works to the highway will need to be secured via a Section 278 Agreement.

Construction:

The TA does not contain any information regarding the potential impacts on the highway network during the construction of the proposed development. Any subsequent application is required to assess the impacts on traffic flow, safety and parking during the construction of the proposed development.

A Construction Traffic Management Plan is therefore included as a condition above.

Conclusion:

The Highway Authority can confirm that subject to the conditions listed above, and a section 278 agreement, the development is acceptable in a highways context.

#### 5.4.2 Arboricultural Officer

The proposals in terms of retention of the protected trees on site are considered acceptable. However to ensure minimal effect upon them the tree protection and method of construction of the new access, paths and car parking within the root

protection area as detailed the tree protection plan (ref 835) and the Arboricultural Method Statement shall need to be adhered to and should be made a condition of any consent granted. Details of the routing of all below ground services including soakaways should also be submitted and approved prior to work commencing on site.

#### 5.4.3 Crime Prevention Design Advisor

Secured by Design part 2 physical security: To alleviate any concerns regarding security for the proposed development, I would look for the development to be built to the physical security of Secured by Design part 2, which is the police approved minimum security standard. Building to the physical security of Secured by Design, which is the police approved minimum security standard, will reduce the potential for burglary by 50% to 75%.

## 6.0 APPRAISAL

### 6.1 Main issues

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

- (a) Principle of development
- (b) Design and character of the area
- (c) Amenity of future occupiers
- (d) Impact on surrounding properties
- (e) Access and highways
- (f) Trees and landscaping

### 6.2 (a) Principle of development

6.2.1 The site is located within a primarily residential area with a varied mix of dwelling types and styles. The front part of the site, where the existing dwelling is sited, can be considered brownfield land although the rear part, due to the depth of the site, is garden land and cannot be considered brownfield. The rear block will constitute backland development, being sited behind the front block. Policy SS1 states that areas such as this, outside the town centre and special policy areas, should be the

focus of low to medium density residential development, with a preference for family housing with gardens.

6.2.2 Due to the varied nature of dwellings in the immediate locality and the presence of 8 blocks of flats immediately to the north in Kenilworth Court and Oaklands Court, there is no objection in principle to the proposed flats. Although 9 flats are proposed, due to the size of the site, the density of development is only 39 dwellings per hectare which is relatively low. Furthermore, although no houses are proposed, 8 of the 9 flats have 2 or 3 bedrooms and are suitable for families with children. They are also relatively large, with the 2 bed flats varying from 65-81m<sup>2</sup> and the 3 bed flats from 80-107m<sup>2</sup>. The minimum guidelines in the Residential Design Guide are 61m<sup>2</sup> and 74m<sup>2</sup> respectively. The site has good access to bus stops on Hempstead Road, with one southbound stop located immediately outside the site, and is only 950m from the town centre (a 12-15 minute walk). Overall, it is considered that the proposed development, comprising larger 2 and 3 bed flats, is not unacceptable in this location and will not constitute an overdevelopment of the site.

6.2.3 Block A, sited towards the front of the site, has a width of 11.7m. It is set in 1.8m from the southern boundary and 6.5m from the northern boundary. This leaves adequate space for an internal access road 4.1m wide and a landscaped boundary 1.5m wide along the northern boundary. This is considered acceptable in principle to serve backland development without giving the site a cramped appearance.

6.2.4 Block B is sited 40m to the rear of Block A which is significantly in excess of the minimum guideline of 27.5m and will also prevent the development appearing cramped. Although a block of this nature would not normally be considered appropriate if isolated at the bottom of a large garden area, in this case, the adjoining plots have already been developed in the past. Adjoining the site to the north in Kenilworth Court are two 3 storey blocks sited 37m apart, occupying the full depth of the previous housing plots. To the south, Maple Grove was developed in the rear garden areas of nos. 102-112, Hempstead Road. As such, Block B will be sited between a 3 storey block in Kenilworth Court and bungalows in Maple Grove.



It will not, therefore, appear isolated or out of keeping with the adjoining pattern of development.

### 6.3 (b) Design and character of the area

6.3.1 The surrounding properties are of varied design and typologies ranging from single storey bungalows with steep, pitched roofs to 3 storey, flat roofed blocks of flats.

The 2 storey houses to the south and west generally have pitched, hipped roofs but with some examples of gabled roofs and crown roofs. A number of properties have accommodation in the roofspace served by dormer windows.

6.3.2 The proposed blocks of flats are 2 storey but with accommodation in mansard style roofs served by dormer windows and rooflights. Mansard roofs are not found in the immediate locality although there are several examples of smaller crown roofs in Hempstead Road. The adjoining blocks of flats have flat roofs. The surrounding two storey houses were developed as individual plots and therefore exhibit a variety of designs and materials although do generally complement each other well to give a pleasing streetscene.

6.3.3 Both of the proposed blocks are smaller in scale than the adjoining blocks in Kenilworth Court and Block A respects the building line on this side of Hempstead Road. Within this context, the proposed scale and design of the blocks is considered acceptable and will complement the varied character and appearance of buildings in the surrounding area.

### 6.4 (c) Amenity of future occupiers

6.4.1 The proposed blocks are sited 40m apart (significantly in excess of the minimum guideline of 27.5m in the RDG) and this will ensure all flats will have good levels of outlook and privacy. The blocks are sited on an approximate east-west orientation which will ensure all flats will also have good levels of natural light including direct sunlight. The flats have spacious internal floorareas and good layouts. Overall, the proposed flats will provide good quality accommodation.

6.4.2 Both blocks will have adjoining amenity areas. Block A will have a semi-private

area to the front (174m<sup>2</sup>) and a private area to the rear (64m<sup>2</sup>), giving a total of 238m<sup>2</sup>. The RDG gives a guideline of 65m<sup>2</sup>. Block B has a private amenity area of 340m<sup>2</sup> to the rear, compared to the RDG guideline figure of 110m<sup>2</sup>. The level of amenity space provision is therefore significantly in excess of the minimum guideline.

#### 6.5 (d) Impact on surrounding properties

6.5.1 Block A sits alongside the detached house at 112, Hempstead Road, set in 1.8m from the boundary (no.112 is set in 1m from the boundary, giving a separation of 2.8m). The block does not impinge on 45° lines taken from the nearest front and rear corners of no.112 and will not, therefore, have any adverse impact on outlook or natural light from any of the windows in no.112.

6.5.2 In respect of the adjoining block of flats in Kenilworth Court to the north, Block A is set in 6.6m from the boundary and 10.2m from the nearest front element of the adjoining block. This south facing elevation contains one window on each level, which are not habitable room windows. The main windows are in the west facing front elevation of the block and are unaffected by the proposal. The rear element of the block, containing a further 3 flats, is set in 6.3m from the boundary and 12.9m from the flank elevation of Block A. This south facing elevation contains 3 windows on each level and these are both main habitable room windows and non-habitable room windows. Referring to guidance in the RDG, Block A does not impinge on a 25° line taken in the vertical plane from the ground floor windows in the adjoining block. This ensures Block A will have no significant adverse impact on the natural light received by these windows. In satisfying this rule, it is also an indication that the outlook from these windows will not be significantly harmed although Block A will be clearly visible from these windows.

6.5.3 Two windows, one on each level, are shown in the north facing, side elevation of Block A facing the adjoining block. These windows are to a kitchen area on each level and the windows are proposed to be obscure glazed and fixed shut to prevent any overlooking or loss of privacy to the adjoining block. This is acceptable.

6.5.4 Block B at the rear of the site is sited between the bungalows in Maple Grove (specifically Nos. 6 and 8) and the rear block of flats at Kenilworth Court. The bungalows are single storey with a steep, pitched roof. No.8 backs onto the southern boundary of the site at a distance of 1.2m. It has no windows on the rear elevation with all its habitable windows on the front (south) and side (west) facing elevations. No.6 is a similar design, but with its habitable windows on the front and rear elevations. Block B is set in 3.3m from the boundary and adjoins the rear elevation of No.8 and the side elevation of No.6. It will not result in any loss of light, outlook or privacy to the habitable room windows in these bungalows. The windows in the front and rear elevations of Block B will obliquely overlook the garden areas of Nos. 6 and 8 but this is a normal relationship between properties in an urban area. The balconies on the original design have been removed to prevent more direct overlooking from occurring.

6.5.5 The relationship between Block B and the adjoining block at Kenilworth Court is very similar to that of Block A. In this case the distance between the blocks is slightly less at 11.5m but with an existing landscape screen of small yew trees and deciduous trees along the boundary. This relationship will ensure Block B will have no significant adverse impact on the amenities of the adjoining block.

6.5.6 The south elevation of Block B contains 6 windows, 3 on each level, facing Maple Grove. These windows are all to corridors/hallways and are proposed to be obscure glazed and fixed shut to prevent any overlooking or loss of privacy to the adjoining bungalows. On the north elevation, there are two obscure glazed bathroom windows, and two bedroom windows, one each on each floor. The bedroom window at first floor level overlooks the communal amenity area of the adjoining block with views significantly limited by the existing landscaped screen.

## 6.6 (e) Access and highways

6.6.1 The existing site is accessed via a crossover from Hempstead Road. The proposed development will require this to be upgraded to a bellmouth junction to allow vehicles entering and exiting the site to pass safely and to allow delivery vehicles to enter the site. The internal access road will be 4.1m wide which will be sufficient to

allow 2 cars to pass safely and there is also a passing place close to the site entrance. The internal car parking area has been designed to allow a 10m delivery vehicle to turn on-site and exit the site in forward gear.

6.6.2 Although the proposal will generate additional traffic movements to and from the site compared to the existing dwelling, this increase will not be significant in the context of Hempstead Road. Herts. County Council have raised no objections to the proposal in terms of traffic generation or highway safety matters.

#### 6.7 (f) Trees and landscaping

6.7.1 There are two significant trees on the site frontage that are protected by tree preservation orders, together with two smaller trees. All of these are to be retained and the siting of Block A and the alignment of the access road have been designed accordingly. Conditions can be used to secure appropriate tree protection measures during demolition and construction. Other smaller trees and hedging along the southern and northern boundaries provided varying levels of screening to the site and these are also shown to be retained. Opportunities will exist to secure additional tree planting along these boundaries as part of a detailed landscaping scheme.

### 7.0 **COMMUNITY INFRASTRUCTURE LEVY AND PLANNING OBLIGATION**

#### 7.1 **Community Infrastructure Levy (CIL)**

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

Liability to CIL does not arise in the case of a development where the increase in gross internal area is less than 100sqm, unless the development comprises one or

more dwellings. The CIL charge applicable to the proposed development is £120/sqm. Based upon the demolition of the existing dwelling (168 sqm) and the gross new floorspace created (870 sqm), the CIL charge based on a net additional floorspace of 702 sqm will be £84,240.

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

## **7.2 S.106 planning obligation**

The Council introduced the Community Infrastructure Levy (CIL) with effect from 1 April 2015. From this date, s.106 planning obligations can only be used to secure affordable housing provision and other site specific requirements, such as the removal of entitlement to parking permits in Controlled Parking Zones and the provision of fire hydrants. In this case, the only potential requirement is for fire hydrants to serve the development, as necessary, and these can be secured by condition.

## **8.0 CONCLUSION**

8.1 Due to the varied nature of dwellings in the immediate locality and the presence of 8 blocks of flats immediately to the north in Kenilworth Court and Oaklands Court, there is no objection in principle to the proposed flats. The surrounding properties are of varied design and typologies ranging from single storey bungalows with steep, pitched roofs to 3 storey, flat roofed blocks of flats. Both of the proposed blocks are smaller in scale than the adjoining blocks in Kenilworth Court and Block A respects the building line on this side of Hempstead Road. Within this context, the proposed scale and design of the blocks is considered acceptable and will complement the varied character and appearance of buildings in the surrounding

area.

- 8.2 The layout of the site is acceptable and is not considered to be cramped. The proposal meets the relevant guidelines of the Residential Design Guide and will provide good levels of accommodation for future occupiers. The proposal will also have no significant adverse impact on the amenities of adjoining occupiers.
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## **9.0 HUMAN RIGHTS IMPLICATIONS**

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

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:-

Site location plan

15/109/101B, 102B, 103B, 104B, 201B

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

3. No demolition or construction of the development hereby permitted shall take place before 8am or after 6pm Mondays to Fridays, or at any time on Saturdays, Sundays and Public Holidays.

Reason: To safeguard the amenities and quiet enjoyment of neighbouring properties during the time that the development is being carried out, pursuant to saved Policy SE22 of the Watford District Plan 2000.

4. No demolition or construction works shall commence within the site until an Environmental Management Plan has been submitted to and approved by the Local Planning Authority. This Plan shall include the timing of deliveries and collections by heavy goods vehicles; contractors parking; the delivery and storage of materials; measures to mitigate noise and dust; wheel washing facilities; plant and equipment and a contact procedure for complaints. The Plan as approved shall be implemented throughout the development period.

Reason: This is a pre-commencement condition in order to ensure adequate and appropriate measures are in place for the demolition and construction works to safeguard the amenities and quiet enjoyment of neighbouring properties and prevent obstruction of the adjoining highway during the time that the development is being carried out.

5. No demolition or construction works shall commence until details for the formation of a temporary access for construction vehicles across the root

protection zones of the protected trees at the front of the site have been submitted to and approved in writing by the Local Planning Authority and the approved measures have been installed. These measures shall be retained at all times during demolition and construction works.

Reason: This is a pre-commencement condition in order to ensure adequate and appropriate protection measures are in place to safeguard the health and vitality of the existing trees and hedges, which represent an important visual amenity, during development works, in accordance with Policy SE37 of the Watford District Plan 2000.

6. No demolition or construction works shall commence until a detailed tree protection plan (based upon the submitted Phase II Arboricultural Impact Assessment (Ref.835)) for the protection of all trees and hedges to be retained on the site (including the preserved trees on the Hempstead Road frontage and existing trees and hedges along the southern and northern boundaries of the site) has been submitted to and approved in writing by the Local Planning Authority and the approved measures have been installed. These measures shall be retained at all times during demolition and construction works.

Reason: This is a pre-commencement condition in order to ensure adequate and appropriate protection measures are in place to safeguard the health and vitality of the existing trees and hedges, which represent an important visual amenity, during development works, in accordance with Policy SE37 of the Watford District Plan 2000.

7. No construction works shall commence until details for the no-dig construction of the permanent access road, the 3 parking spaces in front of Block A and the entrance path to Block A, all within the root protection zones of the protected trees at the front of the site (as shown on the Tree Protection Plan in Appendix 2 of the Phase II Arboricultural Impact Assessment) have been submitted to and approved in writing by the Local



Planning Authority. These details shall utilise the InfraWeb Tree Root Protection System (or other similar system agreed by the Local Planning Authority) and shall include site specific installation method statements. No dwelling shall be occupied until the approved measures have been installed in full.

Reason: This is a pre-commencement condition in order to ensure adequate and appropriate protection measures are in place to safeguard the health and vitality of the existing trees and hedges, which represent an important visual amenity, during development works, in accordance with Policy SE37 of the Watford District Plan 2000.

8. No construction works shall commence until details of a sustainable surface water drainage scheme for the development has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the approved drainage scheme has been implemented in full.

Reason: This is a pre-commencement condition in order to ensure the surface water drainage is designed to minimise the likelihood of flooding downstream, to reduce the risk of flooding by ensuring the satisfactory storage of and disposal of surface water from the site, and to reduce the impact of flooding on the proposed development in accordance with Policy SD2 of the Watford Local Plan Core Strategy 2006-31.

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

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

10. No construction works shall commence until detailed plans showing the existing and proposed ground levels within the site and the ground floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: This is a pre-commencement condition in order 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, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

11. No construction works shall commence within the site until details of the routing of all below ground services and cabling (electricity, gas, telephone, foul water, surface water, etc), including any temporary connections for site huts, showing depth, width and routing of all trenches, have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: This is a pre-commencement condition in order to ensure the routing of services does not prejudice the retention of the existing trees on the site, in accordance with saved Policy SE37 of the Watford District Plan 2000.

12. No dwelling shall be occupied until the new access junction to Hempstead Road, as shown in principle on approved drawing no. 15/109/201B has been constructed in full.

Reason: This is a pre-commencement condition in order to ensure that a safe access junction can be designed and accommodated for the site in order to ensure the development does not prejudice the safety of highway users on Hempstead Road, in accordance with saved Policy T21 of the Watford District Plan 2000.

13. No construction works shall commence until details of the materials to be used for all the external finishes of the buildings, 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: This is a pre-commencement condition as the materials need to be agreed with the Local Planning Authority before construction commences, in the interests of the visual appearance of the site and the character and appearance area, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

14. No construction works shall commence until details of an external lighting scheme for the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be installed as approved before the first occupation of any part of the development.

Reason: This is a pre-commencement condition in order to ensure the needs for safety and security for users of the site are designed into the development, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

15. No dwelling shall be occupied until details of the design and materials of the bin stores and the cycle stores, as shown in principle on drawing no.15/109/201B, have been submitted to and approved in writing by the Local Planning Authority and the bin stores and cycle stores have been

constructed in accordance with the approved details. The bin stores and cycle stores shall be retained as approved at all times.

Reason: To ensure adequate facilities are provided for the future occupiers and in the interests of the visual appearance of the site, in accordance with saved Policies SE7 and T10 of the Watford District Plan 2000 and Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

16. No dwelling 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 character and appearance of the area, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

17. No dwelling shall be occupied until full details of a hard landscaping scheme, including details of boundary treatments, have been submitted to and approved in writing by the Local Planning Authority, and the works have been carried out in accordance with the approved details.

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

18. No dwelling shall be occupied until the 18 car parking spaces, as shown on approved drawing no.15/109/201B, have been constructed in full. These spaces shall be retained for the parking of cars at all times.

Reason: To ensure adequate parking facilities are provided on the site and to minimise any additional on-street car parking, in accordance with saved Policies T22 and T24 of the Watford District Plan 2000.

19. The windows on the north and south facing elevations of Block A and Block B, shown on the approved drawings as being 'fixed obscure glazing' shall have non-opening, fixed lights and be fitted with obscured glazing at all times.

Reason: To prevent overlooking and a loss of privacy to adjoining properties.

#### Informatives

1. In dealing with this application, Watford Borough Council has considered the proposal in a positive and proactive manner having regard to the policies of the development plan as well as paragraphs 186 and 187 of the National Planning Policy Framework and other material considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended. The Council also gave pre-application advice on the proposal prior to the submission of the application and undertook discussions with the applicant's agent during the application process.
2. Construction standards for works within the highway. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to

the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Drawings

Site location plan

15/109/101B, 102B, 103B, 104B, 201B

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**Case Officer:** Paul Baxter  
**Email:** paul.baxter@watford.gov.uk  
**Tel.** 01923 278284