

<b>PART A</b>	
Report of: <b>HEAD OF DEVELOPMENT MANAGEMENT</b>	
Date of committee	<b>18<sup>th</sup> February 2016</b>
Site address:	<b>1, Hamilton Street and adjoining garage site, Watford</b>
Reference Number :	<b>15/01729/FUL</b>
Description of Development:	<b>Demolition of existing garages and bungalow and erection of 9 dwelling houses, access road and car parking.</b>
Applicant	<b>Mr D Turner and Mrs S J Fox</b>
Date Received:	<b>24<sup>th</sup> December 2015</b>
8 week date (minor):	<b>18<sup>th</sup> February 2016 (extended by agreement to 14<sup>th</sup> March 2016)</b>
Ward:	<b>Central</b>

## **1.0 SITE AND SURROUNDINGS**

- 1.1 The site is located on the southern side of Hamilton Street at the junction with York Road. It has an area of 0.18 hectare and is currently occupied by a detached bungalow (1, Hamilton Street) and a number of garages, several of which are in commercial use. Land within the garage site also appears to be used for car storage purposes.
- 1.2 Hamilton Street is a short road linking York Road and Cannon Road. Although Hamilton Street only comprises a small number of dwellings, these are varied including detached bungalows, a detached house, terraced houses and a block of flats. The surrounding roads are characterised by Victorian terraced housing exhibiting strong building lines behind very small front garden areas. Parking is on-

street within a controlled parking zone.

## **2.0 PROPOSED DEVELOPMENT**

- 2.1 To demolish the existing bungalow and all the garages and erect 9 two storey houses with a new junction and internal access road serving 14 car parking spaces. The houses are arranged as 3 semi-detached pairs sited alongside 55, York Road and a short terrace of 3 houses sited alongside 3, Hamilton Street. Each house will have its own private garden.

## **3.0 RELEVANT PLANNING HISTORY**

- 3.1 It would appear from the limited planning history that some of the garages were built in the 1950s. The existing bungalow at 1, Hamilton Street was built in 1964.

## **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
T2	Location of New Development
T3	Improving Accessibility
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
SE24	Unstable and Contaminated Land
SE27	Flood Prevention
T10	Cycle Parking Standards
T21	Access and Servicing
T22	Car Parking Standards
T24	Residential Development
T26	Car Free Residential 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

Section 11 Conserving and enhancing the natural environment

Section 12 Conserving and enhancing the historic environment

Section 13 Facilitating the sustainable use of minerals

Decision taking

## 5.0 CONSULTATIONS

### 5.1 Neighbour consultations

All properties in Cannon Road, Hamilton Street and York Road were notified of the application, together with properties in Muriel Avenue and Century Retail park that adjoin the site.

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

Number of original notifications:	125
Number of objections:	9
Number in support:	0
Number of representations:	9

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

Representations	Officer's response
<p>Serious parking congestion on these roads already.</p>	<p>The development will include 14 parking spaces for the proposed houses and will also be excluded from the local controlled parking zone. These measures will minimise any likelihood of additional on-street parking occurring.</p>
<p>Inadequate parking provision for the proposed houses. Most households have 2 cars.</p>	<p>The Council's maximum car parking standard for 3 bedroom houses in this location is 1.5 spaces per house. The proposed 14 spaces meet this standard. Average car ownership for Central ward from the 2011 census is 0.79 car per household.</p>
<p>Inadequate infrastructure to support further houses.</p>	<p>The proposed new houses will place some additional demand on various infrastructure and facilities although this will be little due to the small numbers. Community Infrastructure Levy contributions will be paid on the development towards new infrastructure.</p>
<p>Additional traffic generation.</p>	<p>The predicted traffic generation from 9 houses is very low. Aerial photographs of the site from 2010 and 2013 show 14 and 22 vehicles respectively parked on the site. Traffic generation is therefore unlikely to change.</p>

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:

#### 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:

Condition 1. Prior to first occupation of the development hereby approved the site vehicular areas shall be surfaced in a manner to the local planning authority's approval so as to ensure satisfactory arrangements shall be made for surface water from the site to be intercepted and disposed off separately so that it does not discharged onto the highway.

Reason: In the interest of highway safety.

Condition 2. Prior to commencement of the approved development the applicant shall submit a construction management plan to the planning authority setting out details of demolition of existing property ,excavation of material. location of storage of construction material, parking of construction vehicles etc.

Reason: in the interest of free and safe flow of traffic and safety of other road users.

The additional vehicular trips associated with this development is unlikely to have a material impact on the local road network. The Highway Authority does not wish to restrict the grant of planning permission subject to the above conditions.

## **6.0 APPRAISAL**

### **6.1 Main issues**

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

- (a) Principle of residential development.
- (b) Character and appearance of the area.
- (c) Quality of accommodation.
- (d) Impact on adjoining properties.
- (e) Traffic and car parking.
- (f) Environmental matters.

### **6.2 (a) Principle of residential development**

This is a windfall housing site that is not currently allocated. Policy HS1 of the Core Strategy sets out criteria for the assessment of sites for housing allocation and of windfall sites as they come forward. This site is considered appropriate for residential development as it is consistent with the spatial strategy, is previously developed land, is close to local facilities (the town centre is within walking distance), is close to good public transport (the site is within walking distance of bus stops on Lower High Street, and High Street and Bushey stations), is not at risk of flooding, and has no ecological or cultural value.

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

Although Hamilton Street contains a mix of dwelling types, the adjoining York Road and Cannon Road are characterised by two storey terraced housing. The housing to the east of the site in Muriel Avenue is two-storey, semi-detached. The proposed scheme comprises two storey houses with accommodation in the roof space. Six of the houses are semi-detached and these are sited alongside 55 York Road and continue the existing alignment of houses on the east side of the road. They back onto the houses in Muriel Avenue. The 3 other houses form a short terrace alongside 3, Hamilton Road, continuing the building line, and reflect the terrace of 3 houses on the opposite side of Hamilton Street.



6.3.1 The adjoining house at 55 York Road has an eaves level 5.2m above pavement level and a ridge line 8.2m above pavement level. The nearest proposed house has an eaves level 5m above pavement level and a ridge line 8.5m above pavement level. In respect of 3 Hamilton Street, the existing chalet style bungalow has a ridge line 7.8m above pavement level with the nearest proposed house having a ridge line at 8.5m. As such, the scale of the proposed houses is consistent with the existing houses.

6.3.2 In terms of appearance, the proposed houses draw upon the typical features seen on the surrounding houses, incorporating small canopies over the main entrance, wider windows at ground floor on the frontage and brick lintel details. Materials are proposed to reflect those found in the immediate area including Yellow London Stock brick, red contrasting brick and grey slate roof tiles.

6.3.3 Having regard to the scale, design, siting and appearance of the proposed houses, the development will complement the character and appearance of the surrounding area and provide a significant enhancement of the application site.

#### 6.4 (c) Quality of accommodation

All of the proposed houses will have an acceptable internal layout with a living room to the front and a kitchen/dining room to the rear, overlooking the garden, at ground floor level. At first floor level, each house comprises 2 bedrooms and a bathroom. At second floor level, within the roofspace, is a third bedroom with ensuite bathroom, served by a rooflight on the front roofslope and a small dormer window on the rear roofslope. All of the rooms will have good levels of outlook, natural light and privacy.

6.4.1 Each house will have an internal floorarea of 96.3m<sup>2</sup> which is only slightly below the minimum area of 99m<sup>2</sup> within the Government's Technical Housing Standards for a 3 bedroom, 5 person house over 3 levels. This small shortfall is considered acceptable. The proposed garden areas vary between 65.7m<sup>2</sup> and 125.4m<sup>2</sup> which all exceed the minimum area of 65m<sup>2</sup> set out in the Residential Design Guide.

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

The adjacent property at 55 York Road has no windows in its flank elevation facing the site. As such, the nearest proposed house (Plot 4) will have no adverse impact on this property. With regard to 3 Hamilton Street, this house has an unusual relationship to the application site with a ground floor side extension on the boundary of the site having a window sited on the boundary directly facing the site. Furthermore, it also has 2 dormer windows in the side facing roofslope which also face the application site. All of these additions appear to have been undertaken as permitted development. It is worth noting at this point that the owner of the property is the mother of the 2 applicants.

6.5.1 The nearest proposed house (Plot 1) is sited 1m from the boundary and will block outlook and natural light from the ground floor window and the 2 dormer windows. However, it is relevant to note that these windows all serve rooms that also have windows on the front or rear elevations of the property. Indeed, the house as originally built did not include any of these 3 side facing windows. As such, the obstruction of these windows by the proposed house on Plot 1 will not have a significant adverse impact on the amenity enjoyed by the occupier.

6.5.2 In respect of the properties in Muriel Avenue that back onto the site, the proposed houses on Plots 4-9 all achieve a minimum distance of 27.5m to the rear elevations of the houses in Muriel Avenue, with garden depths of 14m. These distances all accord with the Residential Design Guide and are acceptable. As such, the proposed houses will have no significant adverse impact on the properties in Muriel Avenue.

#### 6.6 (e) Traffic and car parking

The existing site is used for car storage and, it would appear, car repairs. Aerial photographs from 2010 and 2013 show 14 and 22 vehicles respectively parked on the site. The proposed 9 houses will generate very limited traffic flows and these are unlikely to be different from the traffic already generated by the existing use of the site.

6.6.1 In respect of car parking, the maximum parking standard for a 3 bedroom house in this location is 1.5 spaces per house. This gives a maximum provision of 13.5 spaces for the proposed 9 houses. The provision of 14 spaces is therefore considered appropriate. All of the spaces are of adequate size with adequate manoeuvring space. Although a number of objections have been received regarding the adequacy of this provision, the average car ownership per household within Central Ward, derived from the 2011 Census, is only 0.79 car. This level of provision is therefore acceptable.

6.6.2 The site is within a controlled parking zone (CPZ) and the development will, therefore, need to be excluded from the CPZ in order to prevent and minimise any on-street parking, which would be likely to exacerbate existing on-street parking problems. This can be secured through a s.106 unilateral undertaking which the applicants have agreed to enter into.

6.6.3 With regard to servicing the site, the proposed access is 4.8m wide and will allow service and delivery vehicles to reserve into the site from York Road. Given the very limited traffic flows on this road, and the fact that any vehicles servicing the existing houses must park on the road, this is considered acceptable. Each house has rear garden access where bins can be stored and collection can take place from the footpaths serving the houses.

6.6.4 Cycle storage provision can be accommodated within the rear gardens of the houses.

#### 6.7 (f) Environmental matters

It would appear the site has been in low level commercial use for car storage and car repairs for many years. As such, there is some risk of contamination having occurred (from fuel, oils, etc) that would require investigation and potentially remediation. An appropriate investigation can be secured by condition.

6.7.1 Policy SD1 of the Core Strategy requires all new development to incorporate

sustainable design measures and to comply with or exceed the current standards set out in the Code for Sustainable Homes. However, the Code for Sustainable Homes has now been abolished by the Government and the development will now be required to comply only with the current Building Regulations. At the present time, the Council is not able to consider requiring the enhanced Building Regulations standards for energy efficiency and water usage as it does not have an adopted Local Plan Part 2 setting out these requirements.

## **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.

The CIL charge applicable to the proposed development is:

#### **Watford Charging Schedule**

<b>Type of Development</b>	<b>CIL Rate</b>
Residential	£120 per sqm

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

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. On and from this date, s.106 planning obligations can only be used to secure affordable housing provision and other site specific requirements, such as the removal of entitlement to parking permits in Controlled Parking Zones and the provision of fire hydrants.

The development proposed in this application is one where, in accordance with saved Policy T26 of the Watford District Plan 2000 and Policy INF1 of the Watford Local Plan Part 1 Core Strategy 2006-31, the Council will normally require the applicant to enter into a planning obligation which provides for a financial contribution towards the variation of the Borough of Watford (Watford Central Area and West Watford Area) (Controlled Parking Zones) (Consolidation) Order 2010 to exclude future residents of the development from entitlement to resident parking permits for the controlled parking zones in the vicinity of the application site. It is necessary to amend the traffic order so as to exclude the occupiers of the development from any entitlement to claim permits for the local Controlled Parking Zone because otherwise the proposed development would be likely to give rise to additional vehicles parking on local streets, thus worsening traffic congestion which would be a reason to refuse planning permission.

The proposed development is also one where Hertfordshire County Council, in pursuance of its duty as the statutory Fire Authority to ensure fire fighting facilities are provided on new developments and that all dwellings are adequately served by fire hydrants in the event of fire, seeks the provision of hydrants required to serve the proposed buildings by means of a planning obligation. The requirements for fire hydrant provision are set out within the County Council's *Planning Obligations*

*Toolkit* document (2008) at paragraphs 12.33 and 12.34 (page 22). In practice, the need for hydrants is determined at the time the water services for the development are planned in detail and the layout of the development is known, which is usually after planning permission is granted. If, at the water scheme design stage, adequate hydrants are already available no extra hydrants will be needed.

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

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

The contribution sought by the Council for amending the Controlled Parking Zones Traffic Regulation Order varies according to the number of dwellings existing and to be created and according to the existing use of the property. The contribution is thus directly related to the proposed development and is fairly and reasonably related in scale and kind to that development. It is also necessary to make the development acceptable in accordance with the Council's planning policies.

As the County Council's requirement for the provision of fire hydrants accords with the provisions of the *Planning Obligations Toolkit*, this obligation is also directly related to the proposed development and is fairly and reasonably related in scale and kind to that development. It is also necessary to make the development acceptable in accordance with the County Council's statutory duty as the Fire Authority.

Accordingly, the contribution sought by the Council towards the amendment of the Controlled Parking Zones Traffic Regulation Order and the County Council's requirement for fire hydrants meet the tests in Regulation 122 of the Community Infrastructure Regulations 2010, and, consequently, these planning obligations can

be taken into account as material planning considerations in the determination of the application. Both the Council's approach to seeking a financial contribution and the County Council's approach to seeking the provision of fire hydrants by means of planning obligations are also fully in accordance with the advice set out in paragraphs 203 to 205 of the National Planning Policy Framework.

The contribution payable to the Council in the case of the development proposed in this application is set out below:

<i>New residential development</i>	The sum of £2000 (two thousand pounds) towards the variation of the Borough of Watford (Watford Central Area and West Watford Area) (Controlled Parking Zones) (Consolidation) Order 2010 to exclude future residents of the development from entitlement to resident parking permits for the controlled parking zones in the vicinity of the site in accordance with saved Policy T24 of the Watford District Plan 2000.
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## **8.0 CONCLUSION**

8.1 The proposed residential development of this site is in accordance with the policies of the Core Strategy and Watford District Plan and is acceptable in principle. The development will be in keeping with the character and appearance of the surrounding area, will provide a significant enhancement of the site, will provide good levels of amenity for future occupiers and will have no significant adverse impacts on surrounding properties. The level of car parking provision accords with the maximum standards and is acceptable. The exclusion of the development from the local CPZ will help to ensure the development does not exacerbate existing on-street parking problems.

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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**

**(A)** That planning permission be granted subject to the completion of a planning obligation under section 106 of the Town and Country Planning Act 1990 to secure the following contributions and subject to the conditions listed below:

### Section 106 Heads of Terms

- i) To secure a payment to the Council of £2,000 towards the variation of the Borough of Watford (Watford Central Area and West Watford Area) (Controlled Parking Zones) (Consolidation) Order 2010 to exclude the site from the controlled parking zone, thereby preventing residents' parking permits being allocated to this site.
- ii) To secure the provision of fire hydrants as required by the County Council in accordance with Policy H10 of the Watford District Plan 2000.

### 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

Site block plan

2015/302/01A, 2015/302/02

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 of the existing building or construction of the development shall commence until a detailed scheme to deal with the risks associated with the potential contamination of the site has been submitted to and approved in writing by the Local Planning Authority. That scheme shall include all of the following elements:
  - i) a preliminary risk assessment which has identified:
    - all previous uses
    - potential contaminants associated with those uses
    - a conceptual model of the site indicating sources, pathways and receptors
    - potentially unacceptable risks arising from contamination at the site;
  - ii) a site investigation scheme, based on (i) above, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site;
  - iii) the results of the site investigation and risk assessment referred to in (ii) above and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
  - iv) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages,

maintenance and arrangements for contingency action.

No changes to these components shall be undertaken without the written approval of the Local Planning Authority. All works shall be carried out in accordance with the approved details.

Reason: In the interests of the health of the future occupiers of the site and to prevent pollution of controlled waters, in accordance with Policies SE24 and SE28 of the Watford District Plan 2000.

6. No occupation of the development shall take place until a verification report demonstrating completion of the works set out in the approved remediation strategy (see Condition 5 above) and the effectiveness of the remediation has been submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To verify that all contamination has been successfully removed from site following all remediation works in the interests of the health of the future occupiers of the site and to prevent pollution of controlled waters, in accordance with Policies SE24 and SE28 of the Watford District Plan 2000.

7. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to, and obtained written

approval from, the Local Planning Authority for a remediation strategy detailing how this unsuspected contamination is to be dealt with. All works shall be carried out in accordance with the approved details.

Reason: In the interests of the health of the future occupiers of the site and to prevent pollution of controlled waters, in accordance with Policies SE24 and SE28 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 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.

10. 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.

11. No dwelling shall be occupied until the new access junction to Hamilton Street, as shown in principle on approved drawing no. 2015/302/01, has been constructed in full. This shall include measures to ensure surface water run-off does not enter the highway from the application site.

Reason: To ensure the development does not prejudice the safety of highway users on Hamilton Street and York Road, in accordance with saved Policy T21 of the Watford District Plan 2000.

12. 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.

13. 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.

14. No dwelling shall be occupied until the 14 car parking spaces, as shown on approved drawing no. 2015/302/01, 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.

#### Informatives

1. This planning permission is accompanied by a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to exclude the development from the local controlled parking zone, to ensure future residents of the development are not entitled to apply for residents parking permits, and to secure the necessary fire hydrants to serve the development.
2. In dealing with this application, Watford Borough Council has considered the proposal in a positive and proactive manner having regard to the policies of the development plan as well as paragraphs 186 and 187 of the National Planning Policy Framework and other material considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 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.

3. 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.
4. Road Deposits: 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 condition such as not to emit dust or deposit mud, slurry or other debris on the highway. This is to minimise the impact of construction vehicles and to improve the amenity of the local area.
5. The applicant is advised that storage of materials associated with the development should take place within the site and not extend into the public highway without authorisation from the highway authority, Hertfordshire County Council. If necessary further details can be obtained from the County Council Highways via either the website <http://www.hertsdirect.org/services/transtreets/highways/> or telephone 0300 1234047 to arrange this.
6. The developer should be aware that the required standards regarding the maintenance of the public right of way and safety during the construction. The public rights of way along the carriageway and footways should remain

unobstructed by vehicles, machinery, materials and other aspects of construction works.

Drawing numbers

Site location plan

Site block plan

2015/302/01A, 2015/302/02

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**(B)** In the event that no Section 106 planning obligation is completed by 11<sup>th</sup> March 2016 in respect of the Heads of Terms set out above, the Development Management Section Head be authorised to refuse planning permission for this application for the following reasons:

1. The proposal fails to make appropriate provision to restrict on-street parking in the surrounding Controlled Parking Zone and as such is contrary to saved Policy T24 of the Watford District Plan 2000.
  2. The proposal fails to make provision for fire hydrants to serve the development and as such is contrary to Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and saved Policy H10 of the Watford District Plan 2000.
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